



CIVIL RIGHTS DIVISION CIVIL RIGHTS DIVISION

CIVIL RIGHTS COMPLIANCE REVIEW GUIDE

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This guide will be updated to conform to new legislation. Please send comments and/or suggested revisions to: USDA, NRCS, Civil Rights Division, Attn: Program Compliance Team, 5601 Sunnyside Avenue, Room 1-2188, Mailstop 5472, Beltsville, MD 20705.

I. INTRODUCTION

1. PURPOSE AND SCOPE

The NRCS Civil Rights Compliance Reviews are conducted to: ensure that policy and procedures are being followed for all USDA Federally conducted and assisted programs and activities; evaluate employment and program delivery processes, policies, and functions; determine Civil Rights and Equal Opportunity compliance; and to provide direction, guidance, and technical assistance to NRCS managers and supervisors to correct any Civil Rights and/or Equal Opportunity compliance deficiencies.

2. POLICY

It is NRCS policy to ensure that all persons participating in USDA Federally conducted and assisted programs, employees, applicants for employment, or former employees are not subjected to prohibited discrimination, based on race, color, national origin, sex, religion, age, disability, marital status, familial status, parental status, sexual orientation, or because all or a part of an individual's income is derived from any public assistance program.

- Measuring the effectiveness of compliance in Program Delivery (Title VI) and Equal Employment Opportunity (Title VII) in State Offices and selected Field Offices, NRCS Divisions, and National Technology Centers.
- Recognizing commitment, leadership, creative and innovative management of the Civil Rights program.
- Ensuring that programs are administered in a fair and equitable manner to all NRCS customers.
- Determining the extent that NRCS employees understand their program delivery and equal employment opportunity responsibilities.
- Identifying program delivery and equal opportunity deficiencies.
- Providing assistance and guidance to fulfilling NRCS program delivery and equal opportunity goals and objectives.
- Systematically evaluating whether and the extent to which USDA conducts its programs and activities in a manner consistent with applicable Federal and USDA Civil Rights requirements.

No person shall be subjected to reprisal or harassment because he or she filed a discrimination complaint, participated in or contributed to the identification, investigation, prosecution or resolution of a Civil Rights violation in or by any USDA conducted program or activity; or otherwise aided or supported the enforcement of Federal or USDA Civil Rights laws, rules, regulations or policies. Any person, who believes that he, she, or any specific class of individuals has been subjected to discrimination by any USDA agency, may file a complaint personally or through a designated representative.

3. AUTHORITIES

A. STATUTORY

- Title VI of the Civil Rights Act of 1964, as amended, ‘Nondiscrimination in Federally Assisted programs’.
- Title VII of the Civil Rights Act of 1964, as amended, ‘Equal Employment Opportunity’.
- Title IX of the Civil Rights Act of 1964, as amended, ‘Intervention and Procedure after Removal in Civil Rights cases’; 1972 addition to Title IX “No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal aid.”
- Rehabilitation Act of 1973, as amended; Section 504 and Section 508.
- 5 USC 301, Authority to Prescribe Departmental Regulations.
- Equal Credit Opportunity Act of 1974, Title VII of the Consumer Protection Act of 1974, as amended, Section 701 of the Equal Credit Opportunity Act of 1974, Public Law 93-49, 15 USC 1691.
- Age Discrimination in Employment Act of 1967, as amended.
- Equal Pay Act of 1963.
- Americans with Disabilities Act of 1990, as amended; Americans with Disabilities Act of 2008.
- Architectural Barriers Act of 1968.
- Civil Rights Restoration Act of 1987.

B. REGULATORY AND EXECUTIVE ORDERS

- 7 CFR Part 2, Subpart P, Delegation of Authority by the Assistant Secretary of Agriculture.
- 7 CFR Part 15d, Non-discrimination in Programs or Activities Conducted by the Department of Agriculture.
- 7 CFR Part 15e, Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Agriculture.
- 12 CFR Part 202, Equal Credit Opportunity Regulation B.
- 28 CFR Parts 42.401 – 42.415, Department of Justice Regulation, Subpart F, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs.
- 29 CFR Part 1614, Federal Sector EEO.
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP).

- Executive Order 13160, Non-discrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Parental Status in Federally Conducted Education and Training Programs.
- Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- Executive Order 13087, Provides that, as a matter of Federal policy, an individual's sexual orientation should not be the basis for the denial of an employment or promotional opportunity.
- Executive Order 13145, Prohibits discrimination in Federal employment based on genetic information.
- Executive Order 13152, Provides for a uniform policy within the Federal Government to prohibit discrimination based on an individual's status as a parent.

C. DEPARTMENTAL REGULATIONS/MANUALS

- DR 1010-001, Organization, dated July 20, 2006.
- DR 4030-001, Section 508 Implementation – Final Guidance, dated July 23, 2003.
- DR 4300-003, Equal Opportunity Public Policy, dated January 8, 2001.
- DR 4300-005, Agency Civil Rights Programs, dated January 14, 1998.
- DR 4300-006, Civil Rights Policy for USDA, dated June 30, 2000.
- DR 4300-007, Processing EEO Complaints of Discrimination, dated March 3, 1999.
- DR 4300-009, EEO Complaints, dated January 9, 2001.
- DR 4330-001, Procedures for Processing Discriminations Complaints and Conducting Civil Rights Compliance Reviews in USDA Conducted Programs and Activities, dated October 18, 2001.
- DR 4330-003, Non-discrimination in Programs and Activities, dated March 3, 1999.
- DR 4120-001, Annual Civil Rights Training.
- DR 4230-002, Special Emphasis Programs.
- DR 4360-001, Communicating with Underserved Communities.
- DR 4360-002, Coordination of Request for USDA Support for Outreach Activities.
- DR 5600-002, Environmental Justice, dated December 15, 1997.
- DM-4300-001, EEO Complaint Processing Procedure.
- DM-4300-002, Reasonable Accommodations Procedures.

D. NRCS POLICY

- (1) eDirectives - General Manual, Title 230
- (2) Civil Rights Compliance Review Guide

4. NOTICE – (USDA NONDISCRIMINATION STATEMENT)

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD)."

To file a complaint of discrimination, write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."

Alternative version of statement – "USDA is an equal opportunity provider and employer."

5. NRCS CIVIL RIGHTS COMPLIANCE PROCEDURES

a) OUTLINE ANNUAL COMPLIANCE REVIEW SCHEDULE

The annual Compliance Review schedule is predetermined on a five (5) year rotational basis wherein each NRCS State is reviewed at least once during the five (5) year period. Between August and September of each year, the CRD contacts the upcoming States to solicit their preferred dates. Upon confirmation of the agreed dates, but no later than October 1st of each year, the schedule is finalized.

In unforeseen circumstances when a scheduled review is not conducted, the review will be postponed for the following year (i.e., Natural Disaster, extreme conflict with schedule, etc.). Although a state's Compliance Review may be postponed to the following year, future Compliance Reviews for that state will be based upon the State's original 5-year rotational schedule.

b) PRE ON-SITE REVIEW PREPARATIONS and RESPONSIBILITIES

- CRD selects the field offices to be reviewed 75 to 90 days prior to the review. The following criteria are considered in selecting the field offices: previously visited offices; offices found significantly non-compliant during previous review; predetermined records that were requested in advance that reflect race, sex, national origin, and persons with disability (RSNOD) data on employees; accessibility reviews; Civil Rights and EEO complaint inventory; and/or program application processing and servicing.

- The final Initial Contact Letter is transmitted to the respective STC at least 60 days prior to the scheduled review. A detailed Document Request for supporting information is included in the Initial Contact Letter. The deadline for return of the requested materials is 30 days prior to the team's on-site arrival. The Initial Contact Letter also identifies the field offices and locations to be visited.
- The Civil Rights Compliance Review Team will evaluate Employee Awareness by means of an online questionnaire that should take each employee approximately 20 minutes to complete. Within one (1) week after the date of the Initial Contact Letter, the Team Leader transmits an e-mail message to all state employees with a hyperlink to access the questionnaire. Employee participation in this activity is strictly voluntary and confidential. Employees that choose to complete the aforementioned questionnaire must do so within the prescribed 30 day timeframe.
- Approximately one (1) week after sending the Initial Contact Letter, the Team Leader distributes interview questions via email to all of the State's CRAC members and SEPMS. The interview questions should be completed and returned to the Team Leader within two (2) weeks of receipt of the email.
- NLT two (2) weeks prior to the review, the Team Leader provides the State's Compliance Review POC a copy of the final itinerary. As a courtesy, the itinerary may be forwarded earlier if it is anticipated that the State POC may have any problems making lodging arrangements consistent with the teams' planned itinerary.

c) ON-SITE REVIEW RESPONSIBILITIES

- The on-site Compliance Review is based on a three (3) to five (5) day work week. The day of departure depends on the location of the State and the number of field offices to be reviewed.
- The AM of the first day of the review is dedicated to the State Office for the Entrance Conference and review of the State Office. The goal of the Entrance Conference is to set the State officials at ease and to promote an atmosphere of cooperation. Upon arrival, the Team Leader and, if scheduled, the Team Members meet first with the STC. During this meeting, the Team Leader introduces the team; discusses the purpose, authorization, and scope of the review; reviews the significant employee survey findings and the State's Section 508 Report; explains the various onsite activities; and confirms any last minute scheduling or logistical changes.
- The Team Leader provides the STC with the Compliance Review Team Evaluation Form (attached for reference) for completion. This form is to be completed by the STC post the review and faxed to the PCT Supervisor at the number listed at the bottom of the evaluation form.
- After meeting with the STC, the Review Team meets with the State's staff for introductions and to set the tone for the onsite review process. The Team Leader reviews the goals and objectives of the review, explains how it will be

conducted, and answers any questions about the review process. If not done prior to arrival, the Exit Conference will be scheduled at this time. The Team Leader ensures that an attendance sheet is routed and completed.

- Second and third days (Tuesday and Wednesday) are dedicated to reviewing field offices located throughout the State.
- The fourth day (Thursday) may include the review of a field office in the AM. If so, the afternoon of the fourth day may be reserved for return travel or for the team to meet to discuss their on-site findings.
- The last day is for the Team Leader and any remaining team members to conduct the Exit Conference by 9:00 AM; and travel return. The Exit Conference is usually scheduled between 8:00AM and 9:00 AM on the last day of the review. The Team Leader ensures that an attendance sheet is routed and completed. The STC decides on the attendees for the Exit Conference (The STC may reserve the right not to share certain findings with his/her management team). The Team Leader leads the Exit Conference to discuss the following items with the STC and management team:
 - Major review findings (If the STC objects to any of the preliminary findings, the team teleconferences with the PCT Supervisor to discuss those concerns).
 - That the Final Report will be received within 45 days of the Exit Conference date.
 - The Corrective Action Plan requirements for non-compliance findings (required actions) and that the State has 30 days to provide its Corrective Action Plan.
 - Reminder to complete the evaluation form and return it via fax to the PCT Supervisor.

d) ON-SITE REVIEW OF OFFICES

- The Team Leader: conducts the State Office's accessibility analysis/checklist (**Form AD-256**); performs the public notification/poster review; 230 file review; and State Office personnel interviews. State Office personnel interviewed include:
 - Outreach Specialist, State Administrative Officer, Human Resource Specialist, Contract Officer, Public Affairs Specialist, Assistant STC for Operations, and Assistant STC for Programs.
- During each field office review, each team member:
 - Conducts a streamlined entrance conference (i.e. introductions, purpose and scope of review, and outline of review actions).
 - Performs the public notification/poster and 230 file review.
 - Conducts the accessibility checklist.
 - Interviews the landowners, Board members, the District Conservationist, and field office personnel. All interviews, state and field office, are allotted 30 minutes.

e) POST REVIEW RESPONSIBILITIES

- The State has 30 days from receipt of the Compliance Review Report to submit their proposed Corrective Action Plan which displays the details of how the non-compliance required item(s) will be reconciled.
- CRD acknowledges receipt of the proposed Corrective Action Plan, reviews the proposed Action Plan, and notifies the STC of any suggestions and/or comments within 10 days of receipt.
- Upon acceptance of the Corrective Action Plan, the NRCS CRD Corrective Action POC notifies the State with a Corrective Action Plan acceptance notice and notifies the state that it has one year to comply with all required actions. The CRD Corrective Action POC and the State coordinate to identify the timeframe in which it will take to complete the proposed Corrective Action(s).
- Within 90 days, the STC notifies the PCT with the State’s quarterly progress report of their Corrective Action Plan and provides quarterly updates thereafter until completion. The State is required to submit supporting documentation of its compliance of the required actions.
- The CRD Corrective Action POC ensures receipt of the Corrective Action Plan and establishes a quarterly schedule for the State to report progress on the non-compliance findings.
- Upon completion of all Corrective Action items, the CRD Corrective Action POC initiates the State’s final Close-out letter.

The following sections, II and III, provide the Program Delivery and Employment components of a NRCS Civil Rights Compliance Review. The ‘Requirements’ explain the statues, regulations, and policies; the ‘Document Request’ describe the information and data that the CRD request in advance of the review; ‘On-Site Verification’ describes the information, data, and materials that the Review team inspects on-site; and ‘Documented Verification (Interview Questionnaires)’ describe documentation that CRD reviews/analyzes relative to State employee interviews.

II. CIVIL RIGHTS MANAGEMENT- PROGRAM DELIVERY **(TITLE VI)**

1. CIVIL RIGHTS RESPONSIBILITIES AND RECORDS

Requirements:

USDA Regulation 7 CFR Part 15, Non-discrimination in Federally Assisted Programs, requires agencies to develop plans, procedures, and directives necessary to manage their Civil Rights programs. NRCS offices are required to manage their Civil Rights activities through Handbooks, Reports, Notices and Correspondence.

Document Request:

- A copy of the State's Strategic or Business Plan.
- A copy of the State's Outreach Plan.

On-Site Verification:

The team will examine the status on whether Civil Rights files have been established and updated to include NRCS Civil Rights management directives, policies, bulletins, memos, complaints, etc:

- ✓ Handbooks
- ✓ Reports
- ✓ Notices
- ✓ Correspondence
- ✓ National and In-State Bulletins

2. TRAINING

Requirements:

Departmental Regulation 4330-3, Non-discrimination in Programs and Activities, and the NRCS GM 230 Part 405, Civil Rights in Program Delivery, provide instructions on the responsibilities for providing training on Civil Rights laws and Regulations to all staff members. To ensure that persons that are responsible for Civil Rights Compliance know their responsibilities.

Document Request:

- A copy of each employee's career training for the last three (3) years.

On-Site Verification:

- Employees hired in the past 12 months received training in:
 - a) Civil Rights in Program Delivery (NEDC course if employee has program delivery responsibilities)
- Documented staff and district employee training (random sampling of IDPs).
- Civil Rights training included in State-wide training plan.

3. PUBLIC NOTIFICATION

Requirements:

Rehabilitation Act of 1973, as amended, Section 504; USDA Regulation 7 CFR Part 15d, Non-discrimination in Programs or Activities Conducted by the Department of Agriculture; Departmental Regulation 4300-3, Equal Opportunity Public Policy, Departmental Regulation 4300-5, Agency Civil Rights Programs; and the NRCS GM 230 Part 405, Civil Rights Compliance in Program Delivery, require NRCS offices to establish programs to ensure that all persons know about the availability and use of NRCS program services and are encouraged to participate. The purpose is to inform participants and applicants of their program rights and responsibilities, the policy of nondiscrimination, and the procedures for filing a complaint. The data collection determines how the Agency is reaching concerned groups.

On-Site Verification:

- Methods used to inform potential and non-traditional program beneficiaries (*particularly minorities, females, and persons with disabilities*) about NRCS programs and activities. Notification is provided through newsletters, publications, news releases, meetings, posters, personal contacts, electronic media, fact sheets, videos, and through contacts with Grassroots Organizations representing minorities, women, and persons with disabilities.
- Public meeting materials available in alternative means of communication (Braille, large prints, audiotape - captioning, etc.).
- Public meeting notices include State POC information including name, telephone number, and a respond by date for persons to request accommodations (interpreter, translator, etc.) or materials in an alternative format.
- Sign-in sheets document public meetings or workshops held by NRCS discussing USDA programs and services.
- Appropriate non-discrimination statement is placed or appear on all materials available for public distribution including, but not limited to: program information, district newsletter, fact sheets, publications, etc.

- Mandatory Civil Rights Policy Statements are prominently posted (clearly visible to program participants or persons seeking NRCS assistance and posted in languages appropriate for the local population: USDA Secretary’s CR Policy Statement; NRCS Civil Rights Policy Statement; and NRCS Anti-Harassment Policy.
- Required posters are prominently displayed in the USDA Service Centers and field offices: “And Justice for All”; USDA EEO is the Law; USDA Sexual Harassment is Illegal; and NRCS EEO Counseling Program posters.

4. PROGRAM OUTREACH

Requirements:

USDA Regulations: 7 CFR 15.5a Non-discrimination in Federally Assisted Programs; 4360-001, Communicating with Underserved Communities, ; 4360-002, Coordination of Request for USDA Support for Outreach Activities; and the NRCS GM 230 Part 406 National Outreach Policy require the establishment of outreach programs at the local level to ensure that all persons know about the availability of NRCS program services effectively and are encouraged to participate.

Executive Order 13166 requires federal agencies to provide Limited English Proficiency (LEP) persons with meaningful opportunity to participate in programs and activities conducted by USDA.

On-Site Verification:

- Methods used by NRCS with grassroots organizations in reaching non-traditional and under-served customers within the State.
- Examples of the State’s outreach activities for minorities, women, and persons with disabilities.
- Materials developed by the State to assist producers with disabilities or those with Limited English Proficiency (LEP).
- Ascertain whether the CRAC has a business plan that includes program outreach action items.
- Examples of how notification is provided include:
 - ✓ Newsletters
 - ✓ Publications
 - ✓ News releases
 - ✓ Meetings
 - ✓ Posters
 - ✓ Personal contacts
 - ✓ Electronic media
 - ✓ Fact sheets
 - ✓ Videos
 - ✓ Through Grassroots Organizations representing minorities, women, and persons with disabilities.

5. PROGRAM COMPLAINTS OF DISCRIMINATION

Requirements:

Department of Justice Regulation 28 CFR 42.408, Complaint Procedures; USDA Regulation 7 CFR 15.6, Complaints; the NRCS GM 230 Part 405, Civil Rights Compliance in Program Delivery; and the “And Justice for All” poster provide instructions for customers filing complaints of discrimination in program and/or service delivery. These regulations should be on file along with the poster displayed in a prominent location.

On-Site Verification:

- Supervisors and managers discuss the program complaint procedures with staff (Review staff meeting minutes).

6. EVALUATION OF PROGRAM DELIVERY

Requirements:

Department of Justice Regulations:

28 CFR Part 42.406, Data and Information Collection, requires federal agencies to collect data from applicants of recipients of federal assist to enforce Title VI;

28 CFR Part 42.407, Procedures to Determine Compliance, are determined by Civil Rights office - 1st determine if applicant is Civil Rights Compliant (Pre-Award); and only if compliant, 2nd determine if applicant continues to get assistance (Post Award); and

28 CFR Part 42.408, Complaint Procedures.

USDA Regulations: 7 CFR Part 15.5, Non-discrimination in Federally Assisted Programs; Departmental Regulation 4330-2, Activities Receiving USDA Financial Assistance; and the NRCS GM 230 Part 405, Civil Rights in Program Delivery, require: the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner; and the collection and evaluation of race, sex, national origin, and disability (RSNOD) participation and eligibility data for programs. Data is necessary to determine both quantitatively and qualitatively how effectively agency programs are reaching all potential beneficiaries and to provide input for management analysis.

Executive Order 13166 requires federal agencies to provide Limited English Proficiency (LEP) persons with meaningful opportunity to participate in programs and activities conducted by USDA.

Document Request:

- Program participation reports, PROTRACTS, SCIMs, and ToolKit, for each scheduled field office inspection for the last three (3) fiscal years with RSNOD status. Data collected should reflect parity in program participation.
- A copy of the State’s schedule of conducting Compliance Reviews in field offices.
- A copy of the last Civil Rights Compliance Review Report for each field office to be inspected.
- Current list of Soil and Water Conservation District (SWCD) Board, and State Technical Committee by RSNOD.
- Provide the number of land-users receiving USDA program payments prior fiscal year for installing conservation practices and participating in any of the following programs from prior fiscal year:
 - ✓ AMA – Agricultural Management Assistance
 - ✓ AWEP – Agricultural Water Enhancement Program
 - ✓ CFO – Conservation Farm Option
 - ✓ CPI – Conservation Partnership Initiative
 - ✓ CPMC – Conservation Plant Material Center
 - ✓ CRBSC – Colorado River Basin Salinity Control Program
 - ✓ CSP – Conservation Security Program
 - ✓ CTA – Conservation Technical Assistance
 - ✓ EQIP – Environmental Quality Incentives Program
 - ✓ EWP – Emergency Watershed Protection Program
 - ✓ FRLPP – Farm and Ranch Land Protection Program
 - ✓ GRP – Grassland Reserve Program
 - ✓ CPGL – Conservation of Private Grazing Land
 - ✓ HFRP – Healthy Forest Reserve Program
 - ✓ NCSS – National Cooperative Soil Survey Program
 - ✓ SSWSF – Snow Survey & Water Supply Forecasting
 - ✓ SSP – Soil Survey Programs
 - ✓ WHIP – Wildlife Habitat Incentives Program
 - ✓ WFPF – Watershed Protection and Flood Prevention Operations Program
 - ✓ WRP – Wetland Reserve Program

On-Site Verification:

- File inspection for pre-post award contract compliance.
- Utilization of program participant data to determine potential eligible program beneficiaries (i.e., Ag Census, Decennial Census, PROTRACTS, SCIMS).
- Note the retention of program data after the end of a program year.
- In findings of disparities, note actions taken to correct findings.

7. PARTNERSHIP RESPONSIBILITY

Requirements:

USDA Regulations: 7 CFR Part 15.5, Compliance; and DR 4330-2, Activities Receiving USDA Financial Assistance; and the NRCS GM 230 Part 405, Civil Rights in Program Delivery, set forth the recipients responsibility in program delivery.

Document Request:

- A copy of all Memorandums of Understandings established with Conservation Districts and American Indian Tribes, as applicable.

Documented Verification (District Board Members Interview Questionnaires):

- Methods used to encourage eligible females and minorities to serve as Board members.
- Qualifications for membership on the Board.
- Methods used to inform the public about Board membership.
- Does the current Board's makeup reflect the community's makeup?
- Methods used by the Board members to recruit and/or appoint minorities, females, or persons with disabilities to serve on the Board.
- Methods used to encourage minority and female participation in the electoral process and; as Directors or Officers on the Board.
- Assurance of annual Memorandum of Understanding between NRCS and the Board.
- Determine whether the following are discussed with District Board members:
 - a) Prevention of Sexual Harassment;
 - b) Civil Rights policy and training;
 - c) "And Justice For All" poster.

8. ACCESS TO ALL NRCS FACILITIES BY PERSONS WITH DISABILITIES

Requirements:

The Architectural Barriers Act of 1968 (P.L. 90-480) requires that all buildings and facilities be accessible to people with disabilities if, since 1968, they were designed, built, or altered with certain Federal funds, or if they are leased for occupancy by Federal agencies. The Uniform Federal Accessibility Standards (UFAS) provide the guidelines for architectural compliance with the Act. If a lease is renewed after May 2008, buildings must comply with The Architectural Barriers Act Accessibility Standards (ABAAS).

Section 504 and 508 of the Rehabilitation Act of 1973, as amended; USDA Regulation 7 CFR Part 15(e), Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities conducted by the United States Department of Agriculture,; and the NRCS GM-230 Part 405, Civil Rights in Program Delivery, require that all offices and electronic communications are accessible to persons with disabilities.

Document Request:

- Provide names of staff that have received 508 Compliance Training and the status of the required 508 website compliance tasks.

On-Site Verification:

- Workspace accommodates persons with disabilities such as: a person using a wheel chair, someone who is hearing impaired or someone who is visually impaired.
- Perform accessibility evaluation – Form AD 2056 (Checklist available at: http://www.nrcs.usda.gov/about/civilrights/disability_resources.html)

III. EEO MANAGEMENT– (TITLE VII)

1. WORKFORCE ANALYSIS

Requirements:

Executive Order 11478 Equal Employment Opportunity in the Federal Government; and the Equal Employment Opportunity Commission 29 CFR 1614, Federal Sector Equal Employment Opportunity, requires that the head of each agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees. NRCS offices are required to manage their EEO activities through the following:

- ✓ **Handbooks**
- ✓ **Directives**
- ✓ **Reports**
- ✓ **Notices**
- ✓ **Correspondence**

Document Request:

- Workforce analysis reports for the last three (3) fiscal years (basic employee list) which display race, sex, national origin, and disability (RSNOD) status.

On-Site Verification:

- Random review of vacancy announcements to ascertain how and where they are posted, and how long they are maintained on file.
- Review of actions taken to increase the employment of persons with disabilities at NRCS.

2. PROMOTIONS

Requirements:

Equal Employment Opportunity Commission Regulation 29 CFR Part 1614.101(b)(4), General Policy, requires the head of each agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program. This program is designed to promote equal opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

Document Request:

- Reports for the last three (3) fiscal years for employee promotions and time in grade. Reports must show race, sex, national origin, and disability (RSNOD) status.

3. RECRUITMENT

Requirements:

Equal Employment Opportunity Commission Regulation 29 CFR 1614.102(a)(4), Agency Program; and the NRCS GM 230 Part 401.5, Equal Employment Opportunity, require agencies to communicate their EEO policies, program, and employment needs to all sources of job candidates without regard to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital and familial status.

Executive Orders: 11246, 13163, and 13171 require agencies to solicit assistance in the recruitment of minorities, women, and persons with disabilities.

Document Request:

- Reports for the last three (3) fiscal years for all recruitment sources.
- State's Recruitment Plan.

On-Site Verification:

- Random review of Job Vacancy Announcements to ascertain whether they contain the Equal Opportunity non-discrimination statement.
- Ascertain whether hiring procedures take into account if EEO barriers exist.
- Determine if recruitment efforts are being coordinated between Human Resources and Special Emphasis Program Managers to obtain optimum effectiveness.
- Ascertain whether recruitment literature has pictures of women and minorities, and if they are indicative of a desire for a diversified workforce.
- Determine if organizations with minorities, women, and individuals with disabilities are informed about vacancy announcements.
- Determine if recruitment efforts are being employed at the following institutions:
 - a) 1862 Colleges and Universities (Tribal Colleges)
 - b) 1890 Colleges and Universities
 - c) 1994 Colleges and Universities
 - d) Hispanic Serving Institutions (HSI)
 - e) Asian American/Pacific Islander Colleges and Universities.

4. EMPLOYEE AWARENESS

Requirements:

Equal Employment Opportunity Commission Regulation 29 CFR 1614.102, Agency Program, holds Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees.

On-Site Verification:

- Determine if the following posters, notices, or statements are prominently displayed in locations where applicants, employees, and customers can easily see them:
 - a) Secretary of Agriculture’s Civil Rights Policy Statement;
 - b) NRCS Civil Rights Policy Statement;
 - c) NRCS Anti-Harassment Policy Statement
 - d) “And Justice For All” poster;
 - e) USDA “Prevention of Sexual Harassment” poster;
 - f) NRCS EEO Counseling and Mediation poster.

- Determine whether managers and supervisors discuss the following with their respective staff members:
 - a) EEO policy;
 - b) Prevention of Sexual Harassment;
 - c) Civil Rights policy.

Documented Verification:

To gain insight on employee perceptions and knowledge of Civil Rights and EEO policies and programs, NRCS measures this effectiveness through the Agency’s Civil Rights Compliance Review Employee Questionnaire which captures: 1. Civil Rights Policy and Oversight; 2. Observations About Civil Rights Programs; 3. EEO Counseling, Mediation, and Complaints; and 4. Employee Background Information.

5. AWARDS AND RECOGNITION

Requirements:

Equal Employment Opportunity Commission Regulation 29 CFR 1614.102(a) (5)(10)(13), Agency Program requires agencies to:

- ✓ **Review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity,**
- ✓ **Provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs,**
- ✓ **Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO, and**
- ✓ **Inform its employees, recognized employee organizations of the Affirmative EEO policy and program, and enlist their cooperation.**

Document request:

- Reports for the last three (3) fiscal years for awards (monetary and non-monetary) including amounts and recipients' race, sex, national origin, and disability (RSNOD) status.

Documented Verification (Interview Questionnaires – ASTCs and DCs):

- Determine if any manager, supervisor, or employee has received an award or recognition for outstanding achievement in EEO or CR activities.
- Ascertain whether a respective manager or supervisor has recognized an employee, or nominated anyone for outstanding achievements in EEO or CR activities.

6. CIVIL RIGHTS ADVISORY COMMITTEE/SPECIAL EMPHASIS PROGRAMS

Requirements:

NRCS GM 230 Parts: 403 Special Emphasis Programs and 404 Civil Rights Advisory Committee require the establishment of Special Emphasis Program Managers and Civil Rights Advisory Committees to assist and enhance opportunities for designated groups that may be under represented.

Documented Verification (Interview Questionnaires – CRAC and SEPMs):

- Ascertain whether the CRAC has a business plan that includes MD-715 action items.
- Determine if CRAC members and SEPMs have a MOU regarding their collateral duty assignment.
- Determine if CRAC members and SEPMs have received training pertaining to their respective role and responsibilities.
- Determine if CRAC members and SEPMs have a stand-alone performance element which addresses their respective collateral duty assignment.

- Ascertain who evaluates CRAC members and SEPMs performance regarding their collateral duty assignment.
- Determine what methods are used to inform employees of CRAC/SEPM activities.
- Ascertain whether CRAC members and SEPMs participate in the development of the State's Recruitment Plan.

7. TRAINING

Requirements:

Departmental Regulation 4120-001, Annual Departmental Civil Rights Training; and the NRCS GM 230 Part 405.

Document Request:

- A copy of each employee's career training for the last three (3) years.

On-Site Verification:

- Employees hired in the past 12 months received training in:
 - a) EEO
 - b) Prevention of Sexual Harassment
 - c) EEO Counseling, Mediation, and Complaints
 - d) Special Emphasis Programs
- Documented staff and district employee training (random sampling of IDPs).
- EEO training included in State-wide training plan.

8. EMPLOYMENT COMPLAINTS OF DISCRIMINATION

Requirements:

Equal Employment Opportunity Commission Regulation 29 CFR 1614, Federal Sector Equal Employment Opportunity

On-Site Verification:

- Supervisors and managers discuss the EEO complaint procedures with staff (Review staff meeting minutes).
- Review State notices and bulletins regarding EEO complaint procedures.

ONLINE EMPLOYEE QUESTIONNAIRE

In an effort to perform a more effective analysis of employee awareness and to evaluate whether the Agency is meeting its responsibility for communicating CR and EEO policies and programs, an online employee questionnaire will be emailed to each State employee. The online employee questionnaire is attached for reference.

IV. PERSONNEL INTERVIEWS

On-site interviews are conducted of State and Field office personnel to: verify information received in the document request; gather additional information regarding program participation, outreach efforts, recruitment, etc.; and to verify and encourage the State to maintain information required in customary quarterly and annual reports.

A. Pre-Onsite Office Interviews

CRAC and SEPMs:

- 1. Civil Rights Advisory Committee Chair Person**
- 2. Civil Rights Advisory Committee Members**
- 3. Special Emphasis Program Managers**
- 4. CRAC Advisor**

The CRAC and SEPs are designed to provide management officials and employees with a vehicle that enhances and fulfills their CR and EEO responsibilities. CRAC members and SEPMs carry out their responsibilities consistent with USDA policies, procedures, and practices regarding employment and program delivery, which are non-discriminatory with regard to race, color, national origin, sex, religion, age, disability, sexual orientation, marital or familial status, political beliefs, parental status, protected genetic information, or because all or a part of an individual's income is derived from any public assistance program. The CRAC provides assistance in the areas of policy formulation, program outreach, and employment administration. SEPMs are responsible for employment outreach and workforce analysis determinations for barriers for under-represented minority groups.

Other State Office Personnel:

5. Human Resource Specialist

Once the document request has been mailed, it is beneficial to e-mail or fax the HR specialist a copy of the HR Specialist interview questionnaire. Depending on the size of the State's staff, these questions may be answered by the HR specialist or the HR Assistant/Technician.

- 6. Public Affairs Specialist**
- 7. Assistant State Conservationist for Operations**
- 8. Assistant State Conservationist for Programs**

The interview questionnaires for the Public Affairs Specialist, Assistant State Conservationist for Operations, and Assistant State Conservationist for Programs are to verify and support the Title VI document request. Like the HR Specialist questions, the questionnaire for the Assistant State Conservationists can be e-mailed or faxed in advance as they also include information from the document request.

However, the on-site interview with the Public Affairs Specialist, in by far one of the most important as it gives the interviewer an opportunity to see the media list, the published materials in final format, to verify that it contains the non-discrimination statement, and that it meets requirements under Section 504 and 508 of the Rehabilitation Act. It is also an opportunity to look at what type of, or if any, program information is being distributed as outreach to Limited English Proficiency (LEP) eligible participants.

B. Onsite Interviews

9. State Administrative Officer

10. Contract Officer

11. District Conservationist

12. Landowners

13. Soil and Water Conservation District Board Members

The State Administrative Officer (SAO) is interviewed on a one on one basis with a Compliance review team member to ensure they are maintaining the required Civil Rights records and reports and that guidance is being given in accordance with agency directives.

The purpose of the District Conservationist interview is to assess how the District Conservationist is conducting outreach to promote NRCS programs to a wider, potentially eligible, non-traditional program participant. It is also an opportunity to verify if the same procedures and process are being used in other states. As well as, whether new approaches might work better than more traditional outreach. It is from these interviews that the Compliance team can also identify potential success stories.

In addition to interviewing NRCS personnel in the field, the team will also interview landowners and partners to verify that the agency is meeting its Civil Rights Partnership objectives. It is through our landowner and partner interviews that deficiencies and potential solutions can also be identified.

A copy of each interview questionnaire is attached for reference.

V. CLOSE OUT PROCESS

The NRCS GM 230 Part 405 specifies the process to complete the Civil Rights Compliance Review process. It may be summarized as follow:

- If required actions are identified, the State Conservationist submits a proposed Corrective Action Plan to the Civil Rights Division for review and approval **within 30 calendar days from the receipt of the report.**
- The Civil Rights Division reviews the Corrective Action Plan for approval within 30 calendar days of receipt.
- Upon approval, the State Conservationist submits to the Civil Rights Division a quarterly progress report on the status of full implementation of the Corrective Action Plan. The first quarterly report is 90 days from the notice of approval.
- The Corrective Action Plan shall be completed within one year of date of conclusion of the Civil Rights Compliance Review (corrective action approval notice).

1. Required Action Non-Compliance Action Items

The Civil Rights Corrective Action Plan should include the following; and be completed on the Corrective Action Plan template:

- List the Required Action Non-Compliance item(s) that have been identified in the Civil Rights Compliance Review Report.
- The Required Action Non-Compliance item(s) should be listed succinctly according to the Civil Rights Compliance Review Report.

2. Proposed Implemented Corrective Actions

- The implemented action plan must provide detailed information on the dates, locations, programs, and activities covered in the Civil Rights Compliance Review.
- The proposed implemented actions should cover and correct the identified non-compliance action item(s).
- The Corrective Action Plan should negotiate a solution to the non-compliance action item(s).

3. Responsible Person

- Identify the individual that will have direct responsibility for this action item.
- The identified individual should be able to implement the Corrective Action Plan within a reasonable timeframe.

4. Targeted Completion Dates

- Identify the timeframe in which it will take to complete the proposed corrective action.
- The monitoring and evaluation on the progress of the Corrective Action Plan will be conducted periodically by the Civil Rights Division.
- The Civil Rights Compliance Review will not be officially closed until the entire plan has been formally addressed and implemented.
- The Corrective Action Plan should be completed within one year of date of conclusion of the Civil Rights Compliance Review.

5. Status and Comments

- Provide comments on the progress of any actions taken.

9. Corrective Action Plan Template

- (See attached)

Attachment (Sample Initial Contact Letter)

SUBJECT: EOP – Civil Rights Compliance Review – **(Month, Dates, Year)**

TO: **STC Name** File Code: 230-15
State Conservationist
City, State

This is to confirm that the (State) Civil Rights Compliance Review is scheduled for **(Month, Dates, Year)**. **(Name of Specialist)**, Equal Opportunity Specialist, of the Civil Rights Division (CRD) will lead the review and three (3) additional staff members will provide assistance with the review. Attached is a listing of offices that will be reviewed. An itinerary showing the date and time of each office to be visited will be forthcoming.

The Civil Rights Compliance Review Team will evaluate Employee Awareness by means of an online questionnaire that should take each employee approximately 20 minutes to complete. Within one (1) week after the date of this letter, an e-mail message with a hyperlink to access the questionnaire will be sent to all NRCS (State) employees. Employee participation in this activity is strictly voluntary and confidential. Employees that choose to complete the aforementioned questionnaire must do so within the prescribed 30 day timeframe; and from the original link sent by CRD. For your reference, a copy of the questionnaire is attached.

Approximately, one (1) week after the date of this letter, CRD will distribute via email interview questions to all Civil Rights Advisory Committee (CRAC) members and Special Emphasis Program Managers (SEPMs). The interview questions should be completed and returned to **(Team Leader)** within two (2) weeks of receipt of the email.

The team members will arrive in the state office **(Day, Month, Date, Year)**, at 8:00 a.m. There will be an entrance conference with you and your principal staff to explain the scope and methodology of the review process. Following the entrance conference, selected staff members at the State Office will be interviewed for operation program delivery purposes.

The following information is requested prior to the review:

1. A copy of the State's Business or Strategic Plan.
2. A copy of the State's Outreach Plan.
3. Reports from Fiscal Years 2008, 2009, and 2010 on: (a) recruitment sources, (b) employee promotions and time in grade, (c) awards – amounts and recipients, (d) career training, and (e) disciplinary actions. Reports on item (b) through (e) must show race, sex, national origin, and disability (RSNOD) status. The report of

Attachment (Sample Initial Contact Letter)

reprimands should only include race, sex, reason, and number of reprimands. We do not need letters or names of individuals.

4. Program participation reports, Performance Results System/Performance & Results Measurement System (PRS/PRMS) reports for the state for Fiscal Years 2008, 2009, and 2010 with RSNOD status. (Charts attached and will be sent via email to contact person.)
5. A copy of your schedule for conducting Compliance Reviews in field offices.
6. A copy of the last Civil Rights Compliance Review Report for each field office that will be visited.
7. Current lists of Soil and Water Conservation District (SWCD) and State Technical Committee members by RSNOD.
8. Statewide project reports or proposals for urban and minority initiatives.
9. Business plans for all RC&D Offices in the State.
10. A copy of all Memorandums of Understandings established with Conservation Districts and American Indian Tribes, as applicable.
11. Please provide the names of staff that have received 508 Compliance Training and the status of the required 508 website compliance tasks.
12. As a courtesy, we would like to request that the review team is provided a vehicle and/or drivers to use during the tenure of the compliance review.

Please send all requested information to **(Team Leader)** on or before **(Day, Month, Date, Year)**, at the following address:

USDA-NRCS, Civil Rights Division
5601 Sunnyside Avenue, Room 1-2168C
Mailstop 5472
Beltsville, Maryland 20705

Also attached is a copy of the Civil Rights Compliance Review Requirements. District Conservationists and SWCD Boards should be afforded an opportunity to invite members of their staff to be available during the scheduled visit to their respective offices. Interviews with SWCD Board members and staff should last approximately 30 minutes each.

Attachment (Sample Initial Contact Letter)

We are requesting that each District Conservationist: arrange to have at least two (2) landowners/cooperators available for interviews (either at the field office or by telephone); and to provide a current listing with telephone numbers of all active landowners/cooperators identified by RSNOD, in order for us to contact additional individuals to interview, if necessary.

The Team will conduct the exit conference and discuss the preliminary review findings at the State Office on **(Day, Month, Date, Year)**. We encourage the participation of the CRAC Chairperson in the exit conference. If there are any areas that you would like the Team to give special consideration to or if you have any special needs or assistance, please discuss them with the Compliance Review Team during their visit.

A Civil Rights Compliance Review Evaluation form will be given to you at the entrance conference. Please complete the evaluation and return it via fax within 10 days of the exit conference to **(Name)**, Supervisor, Program Compliance Team, at **(###) ###-####**.

If you have questions, please contact **(Team Leader)** at **(###) ###-####** or via e-mail at Team Leader@wdc.usda.gov.

(NAME)
Director
Civil Rights Division

Attachments

cc: **(Name)**, Regional Conservationist-(Area), NRCS, Washington, DC

Attachment (Sample Initial Contact Letter)

Selected On-site Offices

(State) State Office, City, State

Team 1 (Team Member) – Area 3

ABC Field Office, City, State
DEF Field Office, City, State
GHI Field Office, City, State
JKL Field Office, City, State
MNO Field Office, City, State

Team 2 (Team Member) – Area 5

PQR Field Office, City, State
STU Field Office, City, State
VWY Field Office, City, State
ZZZ Field Office, City, State
123 Field Office, City, State

Team 3 (Team Member) – Area 2

456 Field Office, City, State
789 Field Office, City, State
AAA Field Office, City, State
BBB Field Office, City, State
CCC Field Office, City, State

Team 4 (Team Member) – Area 1

DDD Field Office, City, State
EEE Field Office, City, State
FFF Field Office, City, State
GGG Field Office, City, State
HHH Field Office, City, State

| 1. Civil Rights Policy and Oversight - All responses are CONFIDENTIAL | | | | | | | | | |
|---|-----------------------|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|----------|-----------------------|-------------------|
| This questionnaire will take 12 to 18 minutes to complete. | | | | | | | | | |
| 1. Select the extent of your agreement/disagreement with the statement: "Management officials demonstrate OVERALL support for the Civil Rights Program." | | | | | | | | | |
| <input type="radio"/> | Strongly Agree | <input type="radio"/> | Agree | <input type="radio"/> | Neither Agree nor Disagree | <input type="radio"/> | Disagree | <input type="radio"/> | Strongly Disagree |
| 2. Select the extent of your agreement/disagreement with management's support for Civil Rights in the following areas: | | | | | | | | | |
| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | | | | |
| Training | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Program Development | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Outreach Activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| 3. Select the extent of your agreement/disagreement with the following statement. My immediate supervisor treats subordinate employees: | | | | | | | | | |
| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | | | | |
| Fairly | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Equally | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| With dignity and respect | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| 4. Select the extent of your agreement/disagreement with the following statement. Management's decisions on the following are based on merit: | | | | | | | | | |
| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | | | | |
| Assignments | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Projects | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Details | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| Promotions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |

Attachment (Employee Questionnaire)

| 2. Observations About Civil Rights Programs - All responses are CONFIDENTIAL | | | | | |
|---|-----------------------|-----------------------|---------------------------------|-----------------------|-----------------------|
| 5. How often are the following topics discussed at staff meetings: | | | | | |
| | Always | Frequently | Regularly | Occasionally | Never |
| Civil Rights | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Equal Employment Opportunity | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. Have you seen the following posters, notices, or statements at your worksite? | | | | | |
| | Yes | No | Don't Know | | |
| Secretary of Agriculture Civil Rights Policy Statement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| NRCS Civil Rights Policy Statement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| "And Justice For All" Poster | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| USDA "Prevention of Sexual Harassment" Poster | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| NRCS Anti-Harassment Policy Statement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| NRCS EEO Counseling and Mediation Poster | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | |
| 7. How familiar are you with the following: | | | | | |
| | Totally Familiar | Familiar | Neither familiar nor unfamiliar | Unfamiliar | Totally Unfamiliar |
| Management Directive - 715 (formerly Affirmative Employment Plan) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Special Emphasis Programs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| NRCS Reasonable Accommodation Policy and Procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8. How often does Management promote or encourage the following: | | | | | |
| | Always | Frequently | Regularly | Occasionally | Never |
| Special Emphasis Program Observances | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Special Emphasis Program Participation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Attachment (Employee Questionnaire)

| 3. EEO Counseling, Mediation, and Complaints - All responses are CONFIDENTIAL | | | |
|---|-----------------------|-----------------------|-----------------------|
| 9. Please select your response to the following statements: | | | |
| | Yes | No | Don't Know |
| I have open communication with my supervisor | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If my supervisor was not treating me in a fair manner, I would discuss the issue(s) with him/her | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I have experienced discrimination in the workplace in the last three years | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I have experienced harassment in the workplace in the last three years | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If I was discriminated against, I would file an EEO complaint | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Fear of "reprisal" would be a factor in my decision | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I would consider using Alternative Dispute Resolution to address a workplace discrimination allegation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 10. Please select your response to the following statements: | | | |
| | Yes | No | |
| I know the difference between a Program Delivery complaint (Title VI) and an Equal Employment Opportunity complaint (Title VII) | <input type="radio"/> | <input type="radio"/> | |
| I know how to file an EEO complaint | <input type="radio"/> | <input type="radio"/> | |
| I know how to contact an EEO Counselor | <input type="radio"/> | <input type="radio"/> | |
| I am aware of the Alternative Dispute Resolution process | <input type="radio"/> | <input type="radio"/> | |

4. Background Information - All responses are CONFIDENTIAL

The information in this section is OPTIONAL and CANNOT be used to identify you. The information will be used for statistical analysis only. Again, all your responses are CONFIDENTIAL.

11. I am:

- Female
- Male

12. I am:

- American Indian/Alaska Native
- Asian
- Black
- Hispanic
- Native Hawaiian or other Pacific Islander
- White
- Two or more

13. My age is:

14. My pay schedule is:

- GS
- GM
- WG/WLWS/WB
- SES

15. My pay grade is:

16. I am a:

- Manager/Supervisor
- Non-Supervisor

17. I declare a disability:

- No
- Yes

CIVIL RIGHTS ADVISORY COMMITTEE CHAIRPERSON

Note: Obtain a copy of Position Description, Performance Work Plan, IDP, and MOU

1. How long have you been a CRAC member; and how long is your term as Chairperson?

2. What are your responsibilities as CRAC Chairperson?

3. What percentage of your time is allotted to your collateral duty?; What is your working title?

4. Do you have a stand-alone Civil Rights performance element for your collateral duty?

5. To whom do you report in matters relating to your CRAC functions?

6. What kind of support do you get from the STC? Do you have a budget for meetings and training?

7. Does the CRAC have a current: 1) MOU? 2) Business Plan? 3) By-Laws?

8. What is the composition of the CRAC?

FEMALES _____ MALES _____ MINORITIES _____ GRADE LEVELS _____

9. Please explain how the CRAC members are selected?

Attachment (Interview Questionnaire)

10. How often and where does the CRAC meet? Are the CRAC meetings open to all employees? If yes, how are employees informed of the CRAC meetings?

11. Are the CRAC meeting minutes shared with State employees? How?

12. Is the CRAC provided a copy of the State's Recruitment Plan?

13. Does the CRAC assist in the development of the State's Recruitment Plan? If yes, please explain assistance.

14. Is the CRAC involved in selection panels for vacancies?

15. Describe your knowledge of the MD-715 (formerly AEP)?

16. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.

17. Has the CRAC identified program and employment barriers to under-representation? If so, please list some of those barriers.

18. How does the CRAC convey program and employment concerns and areas of under-representation to leadership (managers and supervisors)?

Attachment (Interview Questionnaire)

19. Has the CRAC provided assistance in the following:
- a. Policy Formation? If so, how and when?
 - b. Program Direction? If so, how and when?
 - c. Administration? If so, how and when?
20. Please give examples of the CRAC's program outreach and employment diversity activities and accomplishments within the last two years.
21. Do you think the Civil Rights program and CRAC is effective in your State? Please explain.

CIVIL RIGHTS ADVISORY COMMITTEE MEMBERS

Note: Obtain a copy of Position Description, Performance Work Plan, IDP, and MOU.

1. How long have you been a member of the CRAC; and how long is your term?

2. What percent of your time is allotted to CRAC activities? What is your working title?

3. Do you have a stand-alone Civil Rights performance element for you collateral duty? Who performs the appraisal for your collateral duty CRAC responsibilities?

4. How often does the Committee meet? What is the date of the last CRAC meeting?

5. Does the CRAC have a current: 1) MOU? 2) Business Plan? 3) By-Laws?

6. What does the CRAC plan to accomplish this year? (Give examples)

7. Do you get feedback from employees? What kind?

8. Describe your knowledge of the MD-715 (formerly AEP)?

9. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.

Attachment (Interview Questionnaire)

10. Has the CRAC identified program and employment barriers to under-representation?
If so, please list some of those barriers.

11. How does the CRAC convey program and employment concerns and areas of under-representation to leadership (managers and supervisors)?

12. As a CRAC member, do you participate in the development of the State's Recruitment Plan?

13. Does the CRAC participate in recruitment activities? If yes, how?

14. Do you participate in the State's Civil Rights Compliance Reviews? If so, how?

15. Do you feel that the SEPMs and CRAC are effective in the State? Please explain.

16. Do you think sufficient resources are allocated to Civil Rights and EEO?

SPECIAL EMPHASIS PROGRAM MANAGERS

Note: Obtain a copy of Position Description, Performance Work Plan, IDP and MOU

1. What Special Emphasis Program do you manage? How long have you been a SEPM? (If more than 3 years, please explain.)

2. What percentage of your time is allotted to your collateral duty? What is your working title?

3. Do you have a stand-alone Civil Rights performance element for your collateral duty? Who performs the appraisal for your collateral duty SEPM responsibilities?

4. Who do you report to when it comes to your collateral duty?

5. What kind of support do you get from your STC? Does he/she support your program financially?

6. Have you received training pertaining to your collateral duty assignment as SEPM? Please describe.

7. Describe your knowledge of the: General Manual Title 230?; and MD-715?

8. Does your SEP have a current: 1) MOU? 2) By-Laws? Have you prepared a business plan or work plan activities to promote the program you are responsible for?

Attachment (Interview Questionnaire)

9. What are the objectives of the State's SEP that you manage?

10. How do you send out information to employees regarding your program? What kind of response do you get from them? If negative response, how do you deal with the negative responses?

11. Do you assist in the development of the State's Recruitment Plan? If yes, to what extent?

12. Are you involved with employment outreach and recruitment in your State? To what extent?

13. Are you aware of the special employment needs and concerns of the group you serve in the State? Please provide examples.

14. Do you collect employment data? If yes, how do you apply your analysis/findings?

15. If you were a SEPM last year, did you compare last year's data to current year's data?

16. Are you a voting member of the CRAC? Do you feel that the SEPMs and CRAC are effective in the State? Please explain.

Attachment (Interview Questionnaire)

17. Do you think sufficient resources are allocated to Civil Rights and EEO?

18. Do you assist in the State's Civil Rights Compliance Reviews? If so, how?

CIVIL RIGHTS ADVISORY COMMITTEE ADVISOR

1. How long have you been an advisor to the CRAC? What is your working title?
2. In your role as advisor, to whom do you report?
3. Do you attend all CRAC meetings? What are your employment and program delivery responsibilities as the CRAC advisor?
4. How effective is the Civil Rights and EEO program in your state?
5. Are work plans prepared detailing activities to promote Civil Rights and EEO in the state? What is your role in developing the work plans for the CRAC?
6. Describe your knowledge of the MD-715 (formerly AEP)?
7. Has the CRAC identified any areas of underrepresentation in your workforce? Please describe application of findings.
8. Has the CRAC identified program and employment barriers to under-representation? If so, please list some of those barriers.
9. How does the CRAC convey program and employment concerns and areas of under-representation to leadership (managers and supervisors)?

Attachment (Interview Questionnaire)

10. How would you encourage employees to join the CRAC when there is a vacancy?

Attachment (Interview Questionnaire)

HUMAN RESOURCE SPECIALIST

a. Have you utilized any of the following programs during the past two years?

| Program | Number of Hires | Number converted to Perm | Number of Male | Number of Female |
|--|-----------------|--------------------------|----------------|------------------|
| Career Experience | | | | |
| Career Interns | | | | |
| HACU | | | | |
| Presidential Mgmt. Intern | | | | |
| Scholarship for Service | | | | |
| Student Temporary Employment | | | | |
| Summer Intern | | | | |
| Student Volunteer | | | | |
| USDA 1890 Scholars Program | | | | |
| Workforce Recruitment program for College Students with Disabilities | | | | |
| Other persons with Disabilities | | | | |

b. What is the diversity of Student hires for the past two years?

| Male | Female | Black Male | Black Female | AI Male | AI Female | AAPI Male | AAPI Female | Hispanic Male | Hispanic Female | White Male | White Female |
|------|--------|------------|--------------|---------|-----------|-----------|-------------|---------------|-----------------|------------|--------------|
| | | | | | | | | | | | |
| | | | | | | | | | | | |

c. What is the diversity of Student Conversions for the past two years?

| Male | Female | Black Male | Black Female | AI Male | AI Female | AAPI Male | AAPI Female | Hispanic Male | Hispanic Female | White Male | White Female |
|------|--------|------------|--------------|---------|-----------|-----------|-------------|---------------|-----------------|------------|--------------|
| | | | | | | | | | | | |
| | | | | | | | | | | | |

d. How many new hires for the State in the past year?

| Male | Female | Black Male | Black Female | AI Male | AI Female | AAPI Male | AAPI Female | Hispanic Male | Hispanic Female | White Male | White Female |
|------|--------|------------|--------------|---------|-----------|-----------|-------------|---------------|-----------------|------------|--------------|
| | | | | | | | | | | | |
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Attachment (Interview Questionnaire)

1. How do applicants learn of the vacancies?
2. What mechanism do you use to fill vacant positions?
3. How long do you maintain employment applications on file?
4. Is the non-discrimination statement on all vacancy announcements?
5. What mechanisms do you use to increase the number of women, minorities, and persons with disabilities in the applicant pool?
6. How many disabled employees are currently on the staff? How many disabled employees were hired in the past 12 months?
5. Is there a formal written Career Enhancement plan? If so, please provide. If not, when do you anticipate developing and implementing a plan?
6. Is there a formal Recruitment plan? If so, please provide.
7. List the colleges, universities, or institutions the State recruited from within past two years?

Attachment (Interview Questionnaire)

8. Did any recruitment visits result in actual hires? If so, please list employees by RSNOD.

9. Describe your knowledge of the MD-715 (formerly AEP)?

10. Have you identified any areas of underrepresentation in your workforce? Have you identified barriers to under-representation? If so, please list some of those barriers and plans to eliminate.

11. To obtain optimum effectiveness, are SEPMs involved in recruitment efforts? Do SEPMs interface with the HR staff? Is there a joint or cooperative effort?

12. Is there a formal Mentor Program? If so, please provide.

13. Have qualifications requirements and procedures for hiring been examined to determine whether EEO barriers exist? Please explain.

14. Do position descriptions contain the EEO performance element? (Please furnish copies of position descriptions for two non-supervisory and two supervisory employees.)

15. How do you communicate with employees about job vacancies?

16. How are employees informed about vacancy announcements? Where do you post vacancy announcements? (If by e-mail, please provide samples)

Attachment (Interview Questionnaire)

17. Are you an advisor to the CRAC? How often do you attend CRAC meetings?

18. Is the CRAC providing assistance in the analysis of personnel actions i.e.; awards, recruitment, etc.?

PUBLIC AFFAIRS SPECIALIST

1. How does the State’s partnership with grassroots organizations assist NRCS in reaching non-traditional and underserved customers?

2. What groups have the State identified as the non-traditional and underserved potentially eligible program participants?

3. How does the State inform potential and non-traditional program beneficiaries (particularly minorities, females, and persons with disabilities) about NRCS programs and activities?

4. Does your staff work with communities through grassroots organizations? If so, please provide a list of those organizations.

5. Does the State prepare news articles? Over the past 12 months, how many NRCS Civil Rights success stories have been published in the local news outlets? Please provide samples of your most recent articles.

6. Does the State ensure that the Soil and Water Conservation Districts published newsletters contain the “non-discrimination disclaimer.”

7. Does the State apply/include the non-discrimination statement on employment and program information that is disseminated to the public (State’s newsletters, fact sheets, publications, etc.)?

8. Do you ensure that employee and public meeting announcements or notices include availability of accommodation(s)? Provide examples.

Attachment (Interview Questionnaire)

9. What materials have been developed for meeting the needs of employees and producers with disabilities or who are bilingual?

10. Describe guidance provided to field office staff on how/where to display the CR/EEO required posters and policy statements?

11. Does recruitment literature have pictures of women, minorities, and persons with disabilities and indications of the desire for a diversified workforce?

12. Do you attend CRAC meetings? Explain your working relationship with the State's CRAC, SEPMs, and Tribal Liaisons (if applicable).

Attachment (Interview Questionnaire)

ASSISTANT STATE CONSERVATIONIST FOR OPERATIONS

1. Describe the guidance that is being given to field office staff from the State Office on program delivery (outreach).
2. How has the State incorporated the outreach process into program delivery? How does the State measure success? (Describe the outcome of efforts).
3. What type of guidance is given to field office staff on how to determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
4. What type of guidance is given to field office staff on maintenance of a list of potentially eligible program participants by Race, Sex, National Origin and Disability status?
5. Is the program participation data collected by the field offices reviewed by the ASTCs for Operations and Programs to identify new goals? If yes, how are the goals incorporated into the State's Business Plan and Outreach Plan?
6. Does the data collected reflect parity in program participation?
7. Describe the types of outreach training being provided to staff on how to incorporate the outreach process into daily operations.
8. How long are you retaining program data after the end of a program year?

Attachment (Interview Questionnaire)

9. In findings of disparities, what actions have you taken to correct them?

10. How often is Civil Rights discussed with the SWCD leadership?

11. How often do you discuss Civil Rights with your staff? Please provide documentation of meetings where Civil Rights related topics were discussed.

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Attachment (Interview Questionnaire)

STATE ADMINISTRATIVE OFFICER

1. What are the procedures for employees to file an EEO discrimination complaint in your State?

2. What are the procedures for customers to file a Civil Rights discrimination complaint in your State?

3. Where do you keep instructions on these processes and how are they distributed to employees?

4. How many complaints of discrimination have been filed in the past two years?

Employment _____ Program_____

5. Are you an advisor to the CRAC?

6. Do you attend CRAC meetings?

7. Is there a State Recruitment Plan? Describe your knowledge of the MD-715.

8. Do SEPMs interface with the HR Resources staff? Do SEPMs and HR staff attend recruitment events together or is there some other joint or cooperative effort recruitment?

Attachment (Interview Questionnaire)

9. Is there a statewide training plan? Is Civil Rights/EEO training included?

10. Are all Civil Rights/EEO mandatory training completed? How is this information tracked?

11. Has training (including refresher training) been provided on how to file and process CR and EEO complaints (Title VI and Title VII)? If so, provide method of training and the list of employees that have completed the training.

12. Have employees with responsibility of administering NRCS programs completed the National Employee Development Center (NEDC) Course “Civil Rights Compliance in Program Delivery” training?

13. Who maintains the 230 files and where are they located?

CONTRACT OFFICER

1. How does your office advertise contracting opportunities for NRCS?

2. How many federally assisted program contracts were awarded in each of the past three fiscal years?

3. Does the State conduct pre and post award reviews for each federally assisted program contract to ensure compliance with Federal non-discrimination policy? What types of pre and post award review was conducted (i.e. desk audit, assurances only or on-site review)?

4. During the pre-award review phase how many contractors were found to be non-compliant? Post-award review phase?

5. How many post awards were conducted? Of those reviewed, were any found to be non-compliant?

6. How many contracts were for services related to Farm Bill Programs (i.e. construction)?

7. How many contracts were for Operational Services (i.e. office supplies, printing services, lease of meeting facilities, etc.)?

8. If any of the above contracts (#6 and #7) were found non-compliant in the post-award review, under what bases were they non-compliant (i.e. Section 504, ADA, Title VII – Labor/employment posters, LEP)?

Attachment (Interview Questionnaire)

DISTRICT CONSERVATIONIST

NAME _____

FIELD OFFICE: _____

1. What are the demographics of the area you serve?

2. Where did you obtain the demographics statistics/data? (AG Census or Decennial Census - Census Bureau every 10 years)

3. Can you describe how you apply the information from the different census data reports?

4. Upon review of the demographic data reports what actions if any, have you taken to correct disparities?

5. Describe your outreach efforts?

6. Are your outreach contacts identified by Race, Sex, National Origin and Disability status?

7. Do you utilize Protracts/Scims? Does the Protracts and/or Scims data collected reflect the community's demographics?

Attachment (Interview Questionnaire)

8. What actions have you taken to improve outreach efforts?

9. Have you recognized an employee or nominated anyone for outstanding achievements in Civil Rights activities?

10. How often do you discuss Civil Rights with your District Board members?

11. How often do you discuss Civil Rights with your staff?

12. Do you document meetings where Civil Rights-related topics are discussed?

LANDOWNER

*Answers from this questionnaire can be used as findings for Title VI –
Program Delivery Civil Rights Management*

NAME: _____

FIELD OFFICE: _____

OPTIONAL Gender: Male _____ Female _____ Race/National Origin _____

1. How long have you been a Landowner?

2. Identify type of farming operation:

3. Are you familiar with USDA programs? Yes No

4. Are you participating in USDA programs or have participated in USDA programs?

 List Programs:

5. Have you been denied participation in any USDA programs?

6. Do you feel that you have been treated fair by NRCS field staff?

7. How often do you visit the NRCS field office?

8. Have you received any newsletters or literature from NRCS regarding USDA Programs?

Attachment (Interview Questionnaire)

9. Would you file a complaint if you believe that you were discriminated by NRCS staff?

10. Do you know how and where to file a complaint? Are you familiar with the “And Justice for All” poster?

11. Are you satisfied with the field office staff work ethics, performance, services and helpfulness?

SOIL AND WATER CONSERVATION DISTRICT BOARD MEMBER

*Answers from this questionnaire can be used as findings for Title VI –
Program Delivery Civil Rights Management*

NAME _____

CONSERVATION DISTRICT (COUNTY) _____

FIELD OFFICE _____

OPTIONAL Gender: Male Female Race/National Origin: _____

1. How long have you been a conservation District Board member?

2. How did you learn about the conservation District Board?

3. How did you become a member?

4. What is the make-up of the conservation District Board? Does the current Board makeup reflect the community's makeup?

5. How do you develop outreach activities to encourage women, minorities, and persons with disabilities to serve as Board members?

6. Have you encouraged the Board members to recruit and/or appoint minorities, women, or persons with disabilities to serve on the Board? How are prospective members recruited?

Attachment (Interview Questionnaire)

7. What are the qualifications for membership?
8. How do you inform the public about the vacancies on your Board?
9. How have you encouraged minorities and women participation: in the electoral process; and as Directors or Officers on the Board?
10. Does the Board participate in locally-led conservation initiatives?
11. What do you think of the Board's partnership and working relationship with NRCS?
12. Are you satisfied with the helpfulness and work ethics of the staff?
13. Are you kept aware of NRCS program changes and availability by NRCS staff?
How?
14. Are you invited to NRCS civil rights training or any other NRCS-sponsored training?
15. Does the District have a MOU with NRCS? Is the MOU reviewed annually at a Board meeting?
16. Does the Conservation District publish a newsletter? Does it contain the non-discrimination statement?
17. Are you familiar with the "And Justice for All" poster?



United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Compliance Review Evaluation Form

STC: _____

Date: _____

Please use the following criteria to answer the questions below:

4-Excellent

3-Good

2-Fair

1-Poor

- 1. Did the Team fulfill the objectives of the Civil Rights Compliance Review? 4 3 2 1
2. How would you rate the quality of customer service provided by the Team? 4 3 2 1
3. Was the Team courteous to employees and customers during the compliance review? 4 3 2 1
4. How would you rate the effectiveness of the Team to provide and assist the staff in explaining the findings of non-compliance in their office? 4 3 2 1
5. Did the Team Leader thoroughly cover and explain all of the commendables, recommendations and required actions found during the review? 4 3 2 1
6. What was the most effective part of the Compliance Review for you? Why?

- 7. What was the least effective part of the Compliance Review for you? Why?

- 8. Additional Comments

Fax to: Supervisor, Program Compliance at (301) 504-2176

Attachment (Corrective Action Plan)

**CIVIL RIGHTS COMPLIANCE REVIEW CORRECTIVE ACTION PLAN
TEMPLATE (next page)**

**CIVIL RIGHTS COMPLIANCE REVIEW CORRECTIVE ACTION PLAN
TEMPLATE**

| REPORT SECTION | RECOMMENDATIONS OR NON-COMPLIANCE ACTION ITEM | PROPOSED CORRECTIVE ACTIONS | RESPONSIBLE OFFICIAL | TARGETED COMPLETION DATE | STATUS AND COMMENTS |
|-----------------------|--|------------------------------------|-----------------------------|---------------------------------|----------------------------|
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*Print this page in Landscape format for full view

Acronyms

| | |
|--|--------|
| Agency Position Statement | APS |
| Assistant Secretary for Civil Rights | ASCR |
| Civil Rights | CR |
| Civil Rights Division | CRD |
| Civil Rights Advisory Committee | CRAC |
| Civil Rights Impact Analysis | CRIA |
| Code of Federal Regulations | CFR |
| Department of Justice | DOJ |
| Departmental Manual | DM |
| Departmental Regulation | DR |
| Equal Employment Opportunity | EEO |
| Employment Opportunity | EO |
| Executive Order | E.O. |
| Final Agency Decision | FAD |
| Limited English Proficiency | LEP |
| Management Directive-715 | MD-715 |
| Natural Resources Conservation Service | NRCS |
| Office of Adjudication and Compliance | OAC |
| Performance Result System | PRS |
| Point of Contact | POC |
| Program Compliant Management System | PCMS |
| Program Compliance Team | PCT |
| Regional Conservationist | RC |
| Race, Sex, National Origin, and Disability | RSNOD |
| Standard Operating Procedures | SOP |
| State Conservationist | STC |
| United States Department of Agriculture | USDA |
| United Postal Service | UPS |