USDA NRCS

United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Division
Informational Handbook

December 2012

United States Department of Agriculture
Natural Resources Conservation Service

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United States Department of Agriculture
Office of the Secretary
Civil Rights Policy Statement (February 25, 2009)

As Secretary of Agriculture, I fully support the U.S. Department of Agriculture's (USDA) civil rights, equal employment opportunity, and diversity policies and programs. Improving civil rights throughout USDA is one of my top priorities, and by pursuing this goal together in a transparent and ethical manner we can lead the way in making USDA a model organization.

The success of today's "People's Department" requires the steadfast support and commitment of every USDA employee. We will have zero tolerance for any form of discrimination or reprisal. There exists *no reason to discriminate* based on race, color, religion, national origin, age, sex, sexual orientation, disability, marital or familial status, political beliefs, parental status, receipt of public assistance, or protected genetic information. Our policy at USDA is simply to understand that there will be zero tolerance for any form of discrimination. This standard is *applicable to every employee* at USDA and to every action taken at USDA.

To realize our vision of a modern workforce working in a modern workplace, USDA must become a model department of tolerance and inclusion. Only then will we live up to President Lincoln's description of USDA as "The People's Department." This is my commitment to you, and I expect every employee to demonstrate respect for and adherence to USDA civil rights, equal employment opportunity, and diversity policies.

To this end, accountability is key. USDA employees will be held accountable for doing their part to ensure that all USDA applicants, customers, constituents, and stakeholders as well as other USDA employees are provided equal access to the opportunities, programs, and services available through "The People's Department." Accordingly, I am counting on all senior leaders, managers, and supervisors to model appropriate behavior and to lead by example.

We must all strive to create an inclusive environment in which every employee is respected, trusted, and valued. Let us continue to cultivate and reap the benefits of a diverse USDA workforce that is rich in talent, ideas, background, and experience.
The USDA mission depends on it.

/S/

Thomas J. Vilsack
Secretary

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
P.O. Box 2890
Washington, DC 20013

JAN 14 2010

SUBJECT: EOP – Civil Rights Policy Statement

TO: All NRCS Employees File Code: 230-11

As Chief of the Natural Resources Conservation Service (NRCS), I am fully dedicated to ensuring that all persons associated with NRCS comply with every aspect of our Nation's Civil Rights laws and policies. Accountability is the key. NRCS employees will be held accountable for doing their part to ensure that all customers and employees are provided equal access to the opportunities, programs, and services available through NRCS. Accordingly, I am counting on all managers, supervisors, and employees to model appropriate behavior and to lead by example.

NRCS is committed to ensuring the Civil Rights of every individual who requests access to the programs administered by the agency. Furthermore, employees and applicants for employment will be provided employment opportunities without regard to race, color, national origin, religion, gender, age, disabilities, marital and familial status, sexual orientation, genetic information, political beliefs, or retaliation for prior equal employment opportunity (EEO) activity.

Recognizing that our employees are our greatest asset, it is imperative that we embrace diversity within the agency. NRCS must continue to strive to create and maintain an inclusive work environment wherein every employee and customer is respected and valued regardless of differences. I am committed to creating and supporting a growing diverse workforce within NRCS that reflects the diversity of the Nation we serve.

Also, NRCS supports Secretary Vilsack's memorandum dated April 21, 2009, on "A New Civil Rights Era for USDA." All USDA employees must be committed to making USDA a model in the Federal Government for respecting the civil rights of its employees and constituents.

NRCS as a whole shares the responsibility for enforcing Civil Rights by preserving a zero tolerance of unlawful discrimination, harassment, or reprisal. I expect all NRCS employees to adhere to this policy and to demonstrate their support and commitment of Civil Rights, EEO, and diversity. This must be our vision, mission, goal, and commitment.

Dave White

Dave White
Chief

NRCS
Natural Resources Conservation Service

Civil Rights Division

VISION:

To be an inclusive diverse and equitable Agency that delivers programs in a manner based on and consistent with fairness availability and accountability.

MISSION:

To be an inclusive, diverse and equitable Agency that delivers programs in a manner based on and consistent with fairness, equality, availability and accountability while ensuring that applicants and employees are treated with respect, dignity and free from discrimination.

Civil Rights Division
Office of the Director

√Provides overall leadership, coordination, and direction for the Agency's programs of civil rights, including program delivery compliance and equal employment opportunity.

√Monitors and evaluates and updates policies, procedures, and programs related to civil rights, equal employment opportunity, and special emphasis.

√Ensures that Civil Rights policy for the Agency is developed, implemented, and reviewed centrally.

√Develops and monitors internal Agency training and provides leadership to ensure that appropriate training is delivered to Agency personnel in the area of Civil Rights.

√Acts as the liaison with the Department, other Federal departments, agencies, divisions, and commissions both external and internal to NRCS - to exchange information and assure coordinated actions on civil rights matters.

√Performs staff work for the Chief of NRCS and the Assistant Secretary for Civil Rights on equal employment opportunity and civil rights matters, including affirmative employment program, equal employment opportunity evaluations, and development of EE/CR policies and procedures.

√Coordinates support for the Agency's Civil Rights Advisory Committee.

√Acts as the Agency's subject matter expert on the Cultural Transformation Committee.

√Serves as an advisor to Onboarding Committee.

United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Division
Program Compliance Branch

Responsibilities:

The Program Compliance Team (PCT) is responsible for compliance and enforcement activities related to the nondiscrimination and equal opportunity laws, statutes, and regulations applicable to: programs and activities receiving federal financial assistance; and federal sector employment.

PCT provides: program guidance and compliance enforcement of Civil Rights for Title VI (Federally assisted and conducted programs) and Title VII (Equal Employment Opportunity); technical assistance to the Agency on Program Complaints of Discrimination processing; Civil Rights Impact Analysis (determination of disparate treatment of program and employment organizational changes); interpretation of Civil Rights laws; and Civil Rights Training (including, but not limited to, Outreach, Diversity, Civil Rights Compliance Review procedures; Program Complaint discrimination process).

PCT is also responsible for leading the collaboration of assessing the Agency's annual Civil Rights activities and accomplishments that are outlined by the Department's goals and objectives critical to achieving a model Civil Rights organization. The Team facilitates the preparation of, manages, and conducts comprehensive equal opportunity compliance reviews to measure program effectiveness such as compliance practices, outreach and recruitment methods, contracting procedures, accessibility of the program (Section 504 and 508), complaint processing (program and employment), staff composition, monitoring systems, and identifies and defines systemic barriers to program participation and employment and recommends program changes where appropriate.

PCT Functions:

Title VI - Program Discrimination Complaint Process
Civil Rights/EEO Compliance Reviews
Limited English Proficiency (LEP)
Civil Rights Impact Analysis (CRIAs)

United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Division
Employment Compliance Branch

Responsibilities:

The Employment Compliance Team (ECT) is responsible for administering the Agency's Equal Employment Opportunity (EEO) Complaints to ensure compliance with Federal statutes that prohibit discrimination in hiring, employment, and program delivery for applicants, customers and employees. The ECT implements the Equal Employment Opportunity Commission and the Department of Agriculture's EEO policies in processing allegations of employment discrimination. The ECT monitors and tracks applicants for employment and provides guidance to states preparing their Affirmative Employment Plans. This information is used to complete the Agency's MD-715 report. We are comprised of several teams that address the Civil Rights Divisions' goals and initiatives.

Initiatives:

EEO Counseling
Complaint Prevention
Complaint Processing
EEO Investigations
Trend Analysis
EEO Training

Functions:

Employment Complaints (Pre-Complaint and Formal Complaint Processing)
Management Directive 715
EEO Training
NO FEAR Act

United States Department of Agriculture
Natural Resources Conservation Service

CR/EEO Legal Authorities

•***Equal Pay Act of 1963*** **– Prohibits discrimination in pay and compensation based on an individual's gender.**

•***Title VI of the Civil Rights Act of 1964,*** **as amended – Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance (federally conducted and assisted programs).**

•***Title VII of the Civil Rights Act of 1964*****, as amended – Prohibits employment discrimination based on race, sex, national origin, religion, or color.**

•***Age Discrimination in Employment Act of 1967*****, as amended – Prohibits employment discrimination based on age (40 or over); Civil Rights Act of 1991 provided complainants the opportunity to go directly to Federal District Court and bypass the administrative process in age discrimination cases.**

•***Rehabilitation Act of 1973*****, as amended – Prohibits employment discrimination for persons with disabilities.**

•***Equal Credit Opportunity Act of 1974*** **– Makes it unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to contract); to the fact that all or part of the applicant's income derives from a public assistance program; or to the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act.**

•***American with Disabilities Act (ADA) of 1990*** **– Prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.**

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CR/EEO Legal Authorities (cont.)

•***Civil Rights Act of 1991*** **– Under the Act's provisions, parties can obtain jury trials, and recover compensatory and punitive damages (combined cap $300,000) in Title VII and ADA lawsuits involving intentional discrimination. In addition, the Act codified the disparate impact theory of discrimination – when a complainant shows that discrimination was a motivating factor for an employment decision, the employer is liable for injunctive relief, attorney's fees, and costs.**

•***ADA Amendments Act (ADAAA) of 2009*** **– changed the definition of the term "disability", making it easier for a person seeking protection under the ADA to establish that he/she has a disability as defined by the ADA. (ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage to the maximum extent permitted by the ADA.)**

•***Executive Order 13087 dated May 1998*** **– Prohibits discrimination based on an individual's sexual orientation. USDA recognizes this basis – not under EEOC's jurisdiction.**

•***Executive Order 13145 dated February 2000*** **– Prohibits discrimination based on genetic information. USDA recognizes this basis – not under EEOC's jurisdiction.**

•***Executive Order 13152 dated May 2000*** **– Prohibits discrimination based on an individual's parental status. USDA recognizes this basis – not under EEOC's jurisdiction.**

•For more information on CR and EEO legal statues, laws, regulations, and policies, visit EEOC's website at www.eeoc.gov and the Department's OCIO regulation website at http://www.ocio.usda.gov/directives/index.html.

United States Department of Agriculture
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Nondiscrimination Statement

The nondiscrimination statement set out below shall be posted in all USDA offices and included, in full, on all materials produced by USDA and its agencies for public information, public education, or public distribution, except when the appropriate nondiscrimination statement applicable to recipients is distributed by USDA agencies or posted by recipients. The statement below specifically lists all the prohibited bases for discrimination contained in the USDA Civil Rights Policy Statement. The statement shall be in English and in languages appropriate to the local population, and in alternative means of communication (Braille, large print, audiotape, etc.)

"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 (including gender identity and expression), 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.)

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers. If you believe you experienced discrimination when obtaining services from USDA, participating in a USDA program, or participating in a program that receives financial assistance from USDA, you may file a complaint with USDA. Information about how to file a discrimination complaint is available from the Office of the Assistant Secretary for Civil Rights. To file a complaint of discrimination, complete, sign and mail a program discrimination complaint form, available at any USDA office location or online at www.ascr.usda.gov, or write to:

USDA
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410

Or call toll free at (866) 632-9992 (voice) to obtain additional information, the appropriate office or to request documents. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay service at (800) 877-8339 or (800) 845-6136 (in Spanish). USDA is an equal opportunity provider, employer and lender.

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, that ***"The USDA is an equal opportunity provider and employer."***

United States Department of Agriculture
Natural Resources Conservation Service

Required Policy Statements and Posters

Required Civil Rights policy statements and posters are listed below with instructions on where to display them and how they can be obtained.

The CR/EEO posters below are to be prominently displayed in all offices where there is an NRCS presence. The posters are to be placed where they can be viewed by employees and customers.

USDA Secretary's Civil Rights Policy Statement - access http://www.usda.gov/da/CRPolicy.htm to view or download.

NRCS Civil Rights Policy and Anti-Harassment Statements – access http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights to view or download.

And Justice For All Poster - This poster is for Federally-Conducted Programs; access http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights to view or download.

NRCS Equal Employment Opportunity Counseling Program - access http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights to view or download.

USDA Sexual Harassment is Illegal - access http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights to view or download.

USDA Equal Employment Opportunity is the Law - access http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights to view or download.

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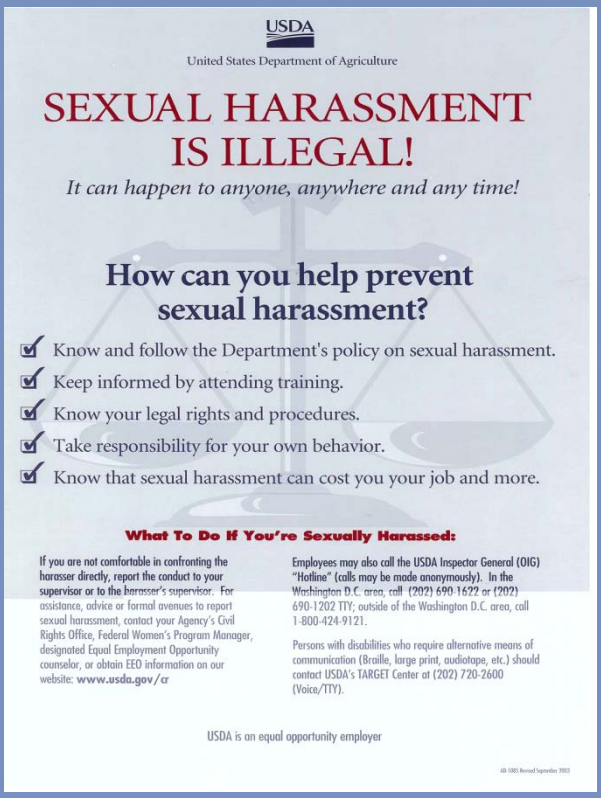
Natural Resources Conservation Service

Required Posters



United States Department of Agriculture
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How To File a Program Discrimination Complaint

In USDA programs, discrimination is prohibited on the bases of race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or part of an individual's income is derived from a public assistance program.

In programs that receive **Federal financial assistance** from USDA, discrimination is prohibited on the bases of race, color, religious creed, sex, political beliefs, age, disability, national origin, or limited English proficiency. (Not all bases apply to all programs.)

Reprisal is prohibited based on prior civil rights activity. The USDA, Office of Assistant Secretary for Civil Rights (ASCR), Office of Adjudication and Compliance (OAC) investigates and resolves program complaints of discrimination operated and assisted by USDA.

To file a program discrimination complaint, write a letter to:

USDA, Office of the Assistant Secretary for CR
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410

Or call toll free at (866) 632-9992 (voice) to obtain additional information, the appropriate office or to request documents. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay service at (800) 877-8339 or (800) 845-6136 (in Spanish). USDA is an equal opportunity provider, employer and lender.

What to include in your complaint letter:

>Your name, address, and telephone number

>The name, address, and telephone number of your attorney or authorized representative, if you are represented

>The basis of your complaint. The basis is what you believe was the motivating factor for the discrimination

EEO Complainant's Rights and Responsibilities

EEOC Regulations require counselors to advise individuals in writing of their rights and responsibilities at the initial counseling session. This memorandum summarizes these rights and responsibilities.

You have the right to:

- remain anonymous in the counseling phase, unless you waive this right.
- be represented throughout the complaint process, including during the counseling stage and in any alternative dispute resolution (ADR) procedure. (Your EEO counselor is strictly neutral in the EEO process, neither an advocate for you nor an advocate for the agency against which you brought your complaint.)
- be advised of the time frames in the complaint process.
- choose between the agency's alternative dispute resolution (ADR) process (where the agency agrees to offer ADR in the particular case) and EEO counseling and receive information about each procedure. (The ADR process used at USDA/NRCS is mediation. The mediator, like an EEO counselor, is strictly neutral in the EEO process, not an advocate either for you or for the agency.)
- file a lawsuit when you allege age (under the Age Discrimination in Employment Act, or ADEA) as a basis for discrimination, instead of filing an administrative complaint of age discrimination. Before you can file such a lawsuit, you must file a notice of intent to sue with EEOC. 29 CFR 1614.201(a)
- go directly to a court of competent jurisdiction on claims of sex-based wage discrimination under the Equal Pay Act, instead of pursuing your claim under the administrative system. 29 CFR 1614.408
- be advised of class complaint procedures and the responsibilities of a class agent if you inform the counselor that you wish to file a class complaint.
- agree in writing to an extension of no more than 60 calendar days beyond the initial 30-day counseling period.
- receive in writing within 30 calendar days of the first counseling contact (unless you elect the ADR process or agree in writing to an extension of counseling) a notice terminating counseling and informing you of:
  - the right to file a formal individual or class complaint within 15 calendar days of receiving the notice,
  - the appropriate official with whom to file a formal complaint, and
  - your duty to immediately inform the agency if you retain counsel or a representative.

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EEO Complainant's Rights and Responsibilities (cont.)

- receive in writing at the conclusion of the ADR process, where you have agreed to participate in that process, or within 90 days of your first contact with the EEO counselor, if the ADR process has not been completed, written notice terminating the counseling period and providing your rights to file a formal complaint (see #9).

- file a formal complaint only on those claims raised in—or like or related to those claims raised in—counseling, and amend a formal complaint after it has been filed with claims like or related to those in the original complaint.

- receive notice when the agency consolidates two or more of your complaints, including notice that:
  - the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint, but that
  - you may still request an EEOC hearing (see #13) at any time after 180 days from filing the first complaint.

- receive a copy of the investigative file at the close of the investigation and notice of the option of mediation as well as your right to request either a hearing or an immediate final decision by the agency.

- request a hearing before an EEOC administrative judge (except in a mixed case) after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first. (The agency's letter acknowledging your complaint will have provided you with: the address of the EEOC field office to which you must send the hearing request and the address of the agency official to whom you must send a copy of your hearing request.) 1614.108(g)

- request an immediate final decision by the agency after an investigation. 1614.108(f)

- go to U.S. District Court 180 calendar days after filing a formal complaint or 180 days after filing an appeal. 1614.407

- interim relief (see 1614.502 and 1614.505 for details) should the agency appeal an EEOC decision or award.

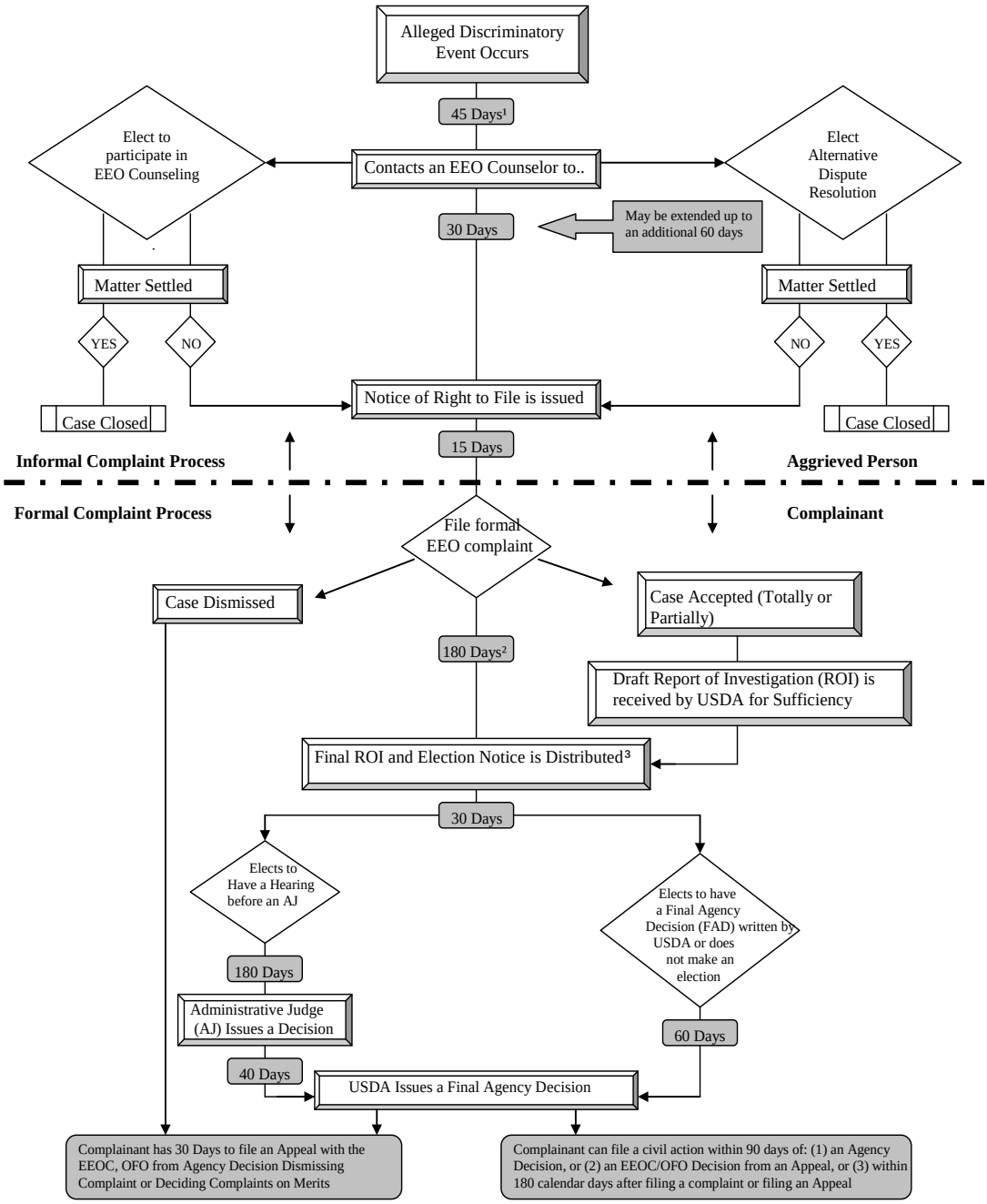
EEO Complainant's Rights and Responsibilities (cont.)

You have the responsibility to:

- choose either to use your union's negotiated grievance procedure (where the collective bargaining agreement permits raising claims of discrimination) or to pursue your complaint through the EEO complaint procedures at 29 CFR 1614.
- choose either to take your claim to the Merit Systems Protection Board (MSPB) if your claim is appealable to MSPB (that is, is a "mixed case") or to pursue your mixed-case complaint through the EEO complaint procedures at 29 CFR 1614. (Actions appealable to the MSPB are listed on the back of this letter.)
- send your hearing request directly to EEOC, where you elect a hearing by an EEOC administrative judge, and provide a copy of the request to the USDA, Office of Civil Rights.
- meet timeframes in the complaint process, including:
  - contacting an EEO counselor within 45 days of learning of the matter that causes you to be aggrieved;
  - filing a formal complaint within 15 days of receiving notice of right to file a formal complaint or on the 30th day in counseling if you have not agreed to extend the process;
  - appealing to EEOC (see 1614.402 for details): within 30 days of receiving a dismissal or agency final decision or final action or 35 days after serving the EEO director with notice of agency noncompliance with a settlement agreement entered into in your case, but no later than 30 days after receiving the agency determination
  - filing a civil action in U.S. District Court—
    - within 180 days of filing a complaint, if no action has been taken (1614.407)
    - within 90 days of receiving an agency final action, if no appeal has been filed (1614.407)
    - within 180 days of filing an appeal, if EEOC has not made a decision (1614.407)
    - within specified time limits at various points in the process, where a case is a mixed-case complaint or a mixed-case appeal to MSPB (see 1614.310 for details)
- keep the agency and EEOC informed of your current mailing address and serve copies of hearing requests and appeal papers on the agency.
- mitigate damages. If you are terminated, for example, you have a duty to pursue employment to minimize your losses, since interim earnings or amounts that could be earned with reasonable diligence are generally deducted from any award of back pay.
- examine an agency's offer of resolution (you have 30 days to accept or reject) with the understanding that rejecting an agency's offer of resolution made pursuant to 1614.109(c) may result in the limitation of the agency's payment of those attorney's fees or costs incurred after the 30-day acceptance period has expired.

United States Department of Agriculture
Natural Resources Conservation Service

Overview of Federal Sector Complaint Process Under 29. C.F.R. 1614



¹ All days refer to calendar days
² After 180 days from the date the formal complaint's filed, the complainant my request a Hearing before an EEOC Administrative Judge, or file a Civil action but not both.
³ If the case is designated a mixed case, no election notice will be issued.

No Fear Act

What is the **No FEAR Act**?

The No FEAR Act is the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law No. 107-174. Congress passed this law on May 15, 2002.

The No FEAR Act requires Federal agencies to:

- Be accountable for violations of antidiscrimination and whistleblower protection laws
- Post quarterly, on their public website, certain statistical data relating to Federal sector equal employment opportunity complaints filed with the respective agency
- Train and notify employees of their rights and protections under the antidiscrimination and whistleblower laws
- Submit an annual report to Congress on the number of discrimination and whistleblower cases brought against the agency
- Each Federal agency must comply with the requirements of this Act

Disciplinary Actions Against Violating Employees:

Under existing laws, each agency retains the right, where applicable, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal.

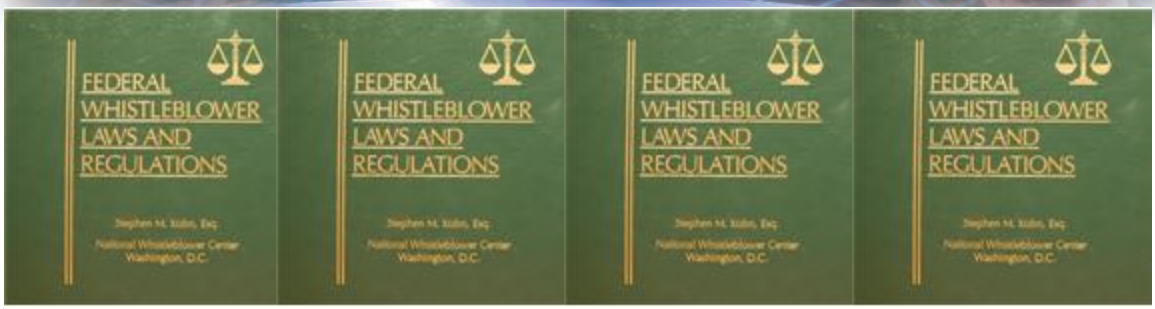
No FEAR Act limitations

The No FEAR Act does not create any individual rights or remedies and does not prevent the exercise of any rights otherwise available under Federal law

The No FEAR Act does not authorize disciplinary action against a Federal Employee, other than in conformance with existing law and regulation.

For more details, visit the following sites:
EEO Complaint Process @
http://www.usda.gov/nofear/nrcs/
USDA Office of Adjudication and Compliance @
www.ascr.usda.gov
Office of Special Counsel @
www.osc.gov
Merit Systems Protection Board @
www.mspb.gov
Equal Employment Commission @
www.eeoc.gov

No Fear Act



What does the term "whistleblower" mean?
A whistleblower is a federal employee or former employee who reports misconduct to people or entities that have the power to take corrective action.
A whistleblower discloses information he or she reasonably believes evidences:

- A violation of any law, rule or regulation
- An abuse of authority or regulation
- A substantial and specific danger
- Gross mismanagement to public health
- A gross waste of funds
- A substantial and specific danger to public safety

What is Whistleblower Protection?
A federal employee authorized to take, direct others to take, recommend or approve any personnel action may NOT take, fail to take, or threaten to take any prohibited personnel action against an employee because of protected whistle-blowing.

What should you do if you have been subjected to whistleblower retaliation?
If you believe that you have been subjected to retaliation for protected whistle-blowing, you can file a complaint with the Office of Special Counsel.
For more details, visit www.osc.gov.

United States Department of Agriculture
Natural Resources Conservation Service

CRD Annual Reporting Requirements

- ***462 Report*** – Submission to EEOC summarizing the Agency's EEO complaints processing activity with details of each EEO Complaint processed by the agency between October 1st of one year and September 30th of the next year. The report also contains summary information about the Agency's staff resources, staff training, EEO Director Reporting line(s), and contact information.

- ***Age Discrimination Act of 1975 –*** The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Natural Resources Conservation Service (NRCS), Civil Rights Division (CRD) is required by Section 308(a) of the Act to submit an annual report on the steps taken to enforce the Age Act. The Department of Health and Human Services (HHS) is required to forward an annual composite Federal report to Congress, along with an evaluation of progress in enforcing the Age Act. The information provided by NRCS, CRD assists in completing the composite and progress evaluation.

- ***NoFEAR Act*** – Report submitted to Congress on the number of discrimination and whistleblower cases brought against the Agency.

- ***Agency Head's Civil Rights Performance Plan and Accomplishments Report*** – The annual Agency Head's Civil Rights Performance Plan and Accomplishment Report is a tool used by the Department to evaluate and assess the Chief's performance toward achieving the Agency's Civil Rights and Equal Employment Opportunity (EEO) goals and objectives with respect to accountability, program delivery, employment, procurement activities, diversity, and adherence to the Department's Civil Rights regulations and policies.

CRD Annual Reporting Requirements (cont.)

- ***Civil Rights Compliance Review Summary Report*** – The Compliance Review Summary Report is provided on a quarterly basis to the Chief. The report provides: an in-depth summary of the most common findings (non-compliance factors) and recommendations for the most recently conducted Civil Rights Compliance Reviews during the respective quarter; and a Corrective Action update for those States that have complied with their non-compliant findings.

- ***Executive Order 12250 >Pre and Post Awards*** – Legally mandated award review data is a Department of Justice reporting requirement for agencies that administer federally assisted programs. Although most federal agencies provide assistance in the form of grants, there are other types of federal financial assistance such as loans of federal funds, donation of federal property and interests in property, detail of federal personnel, any federal agreement, arrangement or other contract which has as one of its purposes the provision of federal financial assistance.

- ***Management Directive (MD) 715*** – Submission to EEOC on the status of activities undertaken pursuant to agency's EEO program and its affirmative action obligations under the Rehabilitation Act. Agency report must also include a plan that sets forth steps to take in the future to correct deficiencies or further improve efforts undertaken pursuant to MD-715.

- ***Section 10708 (Farm Bill)*** – Report requires an annual compilation and public disclosure of data relating to the participation of socially disadvantaged farmers and ranchers in USDA programs (outreach) – mandating both transparency and accountability . The final USDA report is submitted annually to Congress.

United States Department of Agriculture
Natural Resources Conservation Service

NRCS Civil Rights Division Training

The Civil Rights Division (CRD) is pleased to present a variety of training sessions for all NRCS employees, customers and partners. The training will assist you in understanding, preventing and correcting discrimination in employment and program administration. The training offered through the CRD can also be uniquely designed and delivered to meet YOUR needs!

Training Subjects:

If you are interested in requesting the training given by the CRD, for your staff or in conjunction with your future all employees meeting, please contact the NRCS, CRD at (301) 504-2181. For additional information, please refer to the CRD Website at: http://www.nrcs.usda.gov/about/civilrights/

Preventing a Hostile Work Environment:

- The hostile work environment is one of the most litigious EEO issue in the judicial system. In addition, this often undetected, unaddressed, and misunderstood issue often results in high absenteeism and personnel turnover, a reduction in productivity, and a general decline in employee morale. This workshop is designed to more clearly define the term “Hostile Work Environment (HWE)”. The participant will understand how harassment, speech or conduct can create a “hostile or abusive work environment” based on race, religion, sex, national origin, age, disability, color, and reprisal.

Prevention of Sexual Harassment:

- This workshop is designed to make employees aware of what Harassment is, and whether or not they are engaging in a harassing behavior or being harassed themselves, and what their limits and their rights are. You will learn how to prevent harassment in the workplace, and understand employer liability, according to EEOC guidelines. This training explains the ways a victim of sexual harassment or non-sexual harassment can report the harassment to a manager, and document the harassing incidents by keeping a journal, identifying a witness, and confiding in a co-worker.

Religious Discrimination in the Workplace:

- The law prohibits employers from discriminating against individuals because of their religion in all aspects of their employment. This workshop will guide the participant in learning about what treatment or behaviors are acceptable and what are not. The participants will also learn about the requirements pertaining to religious accommodation.

Civil Rights Compliance and Program Delivery:

- This workshop will provide general information on how various Civil Rights laws, rules, and regulations interface to form the foundation for equal access in compliance and program delivery. It will cite civil rights laws and regulations to identify responsible employees regarding program delivery; diversity and cross-cultural communication; program outreach; use of management tools; representation on boards; accessibility; and the program assessment process. It will facilitate discussion on how to interact, and communicate effectively with partners, program recipients, and stakeholders. It also will provide opportunities for participants to understand what it means to have accessibility in the workplace.

- Additional subject topics are available, please visit the CRD website.

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Workplace Bullying

WHAT IS WORKPLACE BULLYING AND WHO IS AFFECTED?

Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s).

Workplace bullying often involves an abuse or misuse of power. Bullying behavior creates feelings of defenselessness and injustice in the target and undermines an individual's right to dignity at work.

Bullying is different from aggression. Whereas aggression may involve a single act, bullying involves repeated attacks against the target, creating an *on-going pattern* of behavior. "Tough" or "demanding" bosses are not necessarily bullies as long as they are respectful and fair and their primary motivation is to obtain the best performance by setting high yet reasonable expectations for working safely.

Some bullying situations involve employees bullying their peers, rather than a supervisor bullying an employee.

Victims of bullying experience significant physical and mental health problems.

Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

EXAMPLES OF WORKPLACE BULLYING:

- Unwarranted or invalid criticism
- Blame without factual justification
- Being sworn at
- Exclusion or social isolation
- Being shouted at or being humiliated
- Excessive monitoring or micro-managing

BULLYING IS DIFFERENT FROM HARASSMENT

Harassment is one type of illegal discrimination and is defined as offensive and unwelcome conduct. While harassment is illegal; bullying in the workplace is not.

BULLYING IS DIFFERENT FROM RETALIATION

Bullying also differs from retaliation, which occurs after a person makes a complaint of illegal discrimination, and is then the subject of an adverse employment action or subjected to harassment because he or she made the complaint.

WHAT CAN BE DONE ABOUT BULLYING?

Employees can regain control by:

Realizing that you are NOT the source of the problem.

Recognizing that bullying is about control, and has nothing to do with your performance, take action by: detailing the nature of the bullying (e.g., dates, times, places, what was said or done and who was present).

Hold onto copies of documents that contradict the bully's accusations against you (e.g., time sheets, audit reports, etc.).

Request to have a witness with you during any meetings with the bully.

Report the behavior to an appropriate person.

Employers:

Maintain a zero tolerance anti-bullying policy.

Address bullying behavior IMMEDIATELY.

Structure the work environment to incorporate a sense of autonomy, individual challenge/mastery, and clarity of task expectations for employees .

Improve management's ability and sensitivity towards dealing with and responding to conflicts.

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CR/EEO GLOSSARY - DEFINITIONS

- **Administrative Process** – The EEO complaint process at a Federal agency is distinct from the pursuit of an EEO matter through the legal system.
- **Allegation** – An assertion, declaration, or statement made in a complaint that sets out or identifies what the alleging party expects to be proved.
- **Affirmative Action** – Positive steps taken by an employer to ensure equal employment opportunities for minorities, women, and persons with disabilities. In federal employment, extra effort must be made to include qualified women, minorities, and persons with disabilities at grade levels and in job categories where they are underrepresented.
- **Age Discrimination** – Age discrimination is present if an individual is treated unfavorably in the terms and/or conditions of his/her employment because of his or her age. The Age Discrimination in Employment Act (ADEA) forbids discrimination based on age for those individuals who are 40 years of age or older. An individual is covered when an employer discriminates in hiring, firing, wage benefits, hours worked, and availability of overtime based on age.
- **Alternative Dispute Resolution** – A process aimed at reaching a consensus agreement in order to end a dispute or reduce conflict among interest groups that have some stake in and can influence the outcome of decisions or actions related to the issue. Resolution of a dispute is through negotiation, mediation, arbitration, or similar means, as opposed to litigation.
- **Basis** – The reason(s) the complainant believes that he or she has been subjected to prohibited discriminatory behaviors. The bases on which discrimination is prohibited in NRCS are race, color, national origin, sex, religion, age (40+), physical or mental disability, retaliation (for prior participation in the equal employment opportunity complaint process), sexual orientation, marital or family status, political beliefs, parental status, and/or protected genetic information.
- **Civil Rights Advisory Committee** – The CRAC is designed to provide management officials and employees with a vehicle that enhances and fulfills their equal employment opportunity and program delivery responsibilities. Members of the CRAC will carry out their responsibilities consistent with USDA policies, procedures, and practices regarding employment and program delivery, which are nondiscriminatory 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 direction and administration.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Civil Rights Impact Analysis** – A CRIA advises managers and administrators on whether an action or decision may have an adverse effect on employees and customers based on race, color, national origin, gender, disability, and where applicable, religion, age, marital or familial status in any employment practice, federally conducted program, or federally assisted program.
- **Civilian Labor Force** (CLF) - Data derived from the decennial census reflecting persons, 16 years of age or older who were employed or seeking employment, excluding those in the Armed Services. CLF data used in this report is based on the 2000 Census.
- **Class Complaint/Class Action** – A complaint articulated or filed by a group of people who feel that personnel or management policies or practices discriminate against them as a group. Members of the group believe that a characteristic they share -- race, color, religion, sex, national origin, age, or disability is the basis for the discrimination. For example, a class may be made up of women who believe they have been consistently discriminated against because of their sex. In such a case, all female employees, past and present, and all female applicants would be included in the complaint. When a class complaint goes to court, it becomes a class action. As with complaints by individuals, illegal discrimination may or may not have occurred.
- **Color Discrimination** – Discrimination based on color occurs when individuals are treated less favorably than others who are similarly situated because of the color of their skin. This is a separately identifiable basis of discrimination, which can also occur in conjunction with race discrimination.
- **Community Outreach Program** – Community Outreach Program is a continuous public relations approach to the achievement of the agency's civil rights policies and objectives.
- **Complainant** – Individuals, either employees or applicants, who filed a formal complaint against a federal agency during the fiscal year.
- **Complaint** – A complaint is a claim of illegal discrimination that is handled through an administrative procedure. A complaint may result when an employee believes he or she has been unfairly treated because of race, color, etc. The claim itself is not proof that illegal discrimination has taken place. The investigation that follows the filing of a complaint will determine if illegal discrimination has, in fact, occurred. A person who files a complaint is called a complainant.
- **Compliance Review (CR/EEO)** – A mechanism to evaluate employment and program delivery processes, policies, and functions; and to determine civil rights compliance.

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CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Conflict** – Any disagreement, discord, argument, complaint, or legal action, as well as the circumstances leading up to it.
- **Counselor** – An individual designated to discuss and attempt to resolve informal complaints within the Department of Agriculture. The Department expects all EO Counselors to function as mediators on the issues raised if any initial explanation does not satisfy the complainant.
- **CRD** – Civil Rights Division, the designated organizational unit responsible for the Equal Employment Opportunity Program within NRCS.
- **Customer** – Individuals, organizations, or business external to USDA/NRCS that provides services to, or receives services from, USDA/NRCS, or that has contact with any USDA office or employee.
- **Disability** - A person with a disability is defined as one who has a physical or mental impairment that substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment. Has a record of such an impairment, has a history of, or has been classified (or misclassified) as having a mental or physical impairment that substantially limits major life activities. Major life activities include (but are not limited to) functions such as caring for oneself, performing manual tasks, walking, seeing, standing, hearing, speaking, breathing, learning and working.
- **Discrimination** – Discrimination is defined in civil rights law as unfavorable or unfair treatment of a person or class of persons in comparison with others who are not members of the protected class because of race, sex, color, religion, national origin, age, physical/mental disability, and/or reprisal for opposition to discriminatory practices or participation in the EEO process.
- **Discrimination against Persons with Disabilities** – Discrimination against a person with a disability occurs when an employee or applicant is treated less favorably on the basis of a disabling condition. It can also happen when an organization fails to make reasonable accommodation for a qualified disabled employee or applicant able to meet the requirements of the position through reasonable accommodation or job modification.
- **Disparate Impact** – Under EEO law, less favorable effect for one group than for another. Disparate or adverse impact results when policies and practices applied to all employees or applicants have a different and more inhibiting effect on one group than they do on another. For example, nonessential educational requirements for certain jobs can have a disparate impact on minority groups looking for work, as they are often limited in their access to educational opportunities.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Disparate Treatment** – Inconsistent application of rules and policies to an individual or one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and Afro-American employees for tardiness, while ignoring tardiness among other employees, is an example of disparate treatment. Such inconsistent application of rules often leads to complaints.
- **Diversity** – The condition of differing from one another. It is the goal to achieve understanding, respect, inclusion, and continuous learning to create a stimulant of innovation, creativity, problem-solving and quality productivity. The Civil Rights Division utilizes Special Emphasis Programs to promote Diversity (variety; multiculturalism) within the Federal workforce.
- **Equal Employment Opportunity** – The goal of laws which make types of discrimination in employment illegal. Under EEO law, only job related factors can be used to determine if an individual is qualified for a particular job. Providing equal opportunity in employment on the basis of merit and fitness without regard to race, color, religion, sex, national origin, age, disability condition, marital status, sexual orientation, and political affiliation.
- **EEO Complaint** – A complaint filed for relief from a discriminatory employment practice believed to be based on race, color, national origin, sex, religion, age (40+), physical or mental disability, retaliation (for prior participation in the equal employment opportunity complaint process), sexual orientation, marital or family status, political beliefs, parental status, and/or protected genetic information.
- **EEO Investigator** – An EEO Investigator is a person officially designated and authorized to conduct inquiries into claims raised in EEO complaints. The authorization includes the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without promise of confidentiality. The EEO Investigator does not make or recommend a finding of discrimination.
- **EEO Laws** – Five laws which prohibit discrimination on the basis of race, color, religion, sex, age, national origin, physical and mental disability in any terms, conditions, or privileges of employment. The five EEO laws are:
  - The Equal Pay Act of 1963, as amended.
  - Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Pregnancy Disability Act of 1978.
  - The Rehabilitation Act of 1973, as amended.
  - The Age Discrimination in Employment Act of 1967, as amended.
  - The Civil Rights Act of 1991.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **EEO versus Preferential Treatment** – Federal EEO laws do not require an employer to extend preferential treatment to any person or group because of race, color, religion, sex, national origin, age, or disability condition. EEO merely demands that all persons receive the same opportunities for hiring, training, promotion, etc. Where those opportunities were not available to all groups in the past because of discrimination, affirmative employment is intended to overcome the effects of such bias.
- **Equal Employment Opportunity Commission (EEOC)** – The Federal agency having overall responsibility for implementing Title VII (Employment) of the Civil Rights Act of 1964 and other laws prohibiting discrimination in Federal employment.
- **EEOC Form 462 Report** – The document in which federal agencies report their discrimination complaint process statistics by October 31st of each year.
- **Ethnic Group** – A group of peoples who share a common religion, color, or national origin. Irish-Americans, Mexican-Americans, German-Americans, Italian-Americans, Hindus, Muslims, and Jews are examples of ethnic groups. Some members of ethnic groups participate in the customs and practices of their groups, while others do not. Discrimination based on these customs and practices is illegal under EEO law. Also see Minority.
- **Final Agency Actions** – An agency's final action on a complaint of discrimination, which includes a final agency decision, a final order implementing an EEOC Administrative Judge's decision or a final determination on a breach of settlement agreement claim.
- **Final Decision** – A determination of whether or not discrimination has occurred based on an analysis of the facts gathered in a thorough and impartial investigation of a formal EEO complaint. A complainant may request a final decision (issued by the USDA, Office of Civil Rights (OCR)) on the 180th day after filing an informal complaint or on receipt of the complete report of investigation (ROI), whichever comes first. A complainant may request an EEOC hearing, following which an EEOC Administrative Judge will submit findings and conclusions to USDA.
- **Formal Complaint** – The second stage of the EEO discrimination complaint process in which a formal EEO complaint is filed with the USDA, Office of Civil Rights (OCR), after the 30th calendar day from the filing of an informal complaint or after completion of EEO counseling, whichever comes first. If the complaint is accepted, CR has 180 days to complete an investigation and provide a copy of the report of investigation to the complainant.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Genetic Information Discrimination** – Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), prohibits genetic information discrimination in employment. It is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.
- **Harassment** – Harassment is defined as any unwelcome verbal or physical conduct which has the effect of creating an intimidating, hostile, or offensive work environment, based on any characteristic protected by law when: (i) The behavior can reasonably be considered to adversely affect the work environment, which includes employees' performance; (ii) An employment decision which is based on the employee's acceptance or rejection of such conduct; (iii) The conduct culminates in a tangible employment action (i.e., a supervisor's harassment results in a significant change in employment status or benefits, such as demotion, termination, failure to promote.)
- **Informal Complaint** – The first stage of the EEO discrimination complaint process. Before filing a formal EEO complaint of discrimination, a complainant must contact an EO Counselor within 45 calendar days of the alleged discriminatory event for counseling at the informal stage. The EO Counselor has 30 calendar days in which to complete a fact-finding and investigation to resolve the issues raised in the complaint before the complainant can file a formal EO complaint.
- **Issue** – The action of a decision (including a failure to act or decide), policy, or practice that has affected an employee who allege to have been discriminated against.
- **MD-110** - EEO Management Directive 110 provides policies, procedures and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 CFR Part 1614.
- **MD-715** – EEO Management Directive 715 describes program responsibilities and reporting requirements relating to agencies' EEO programs.
- **MD-715 Report** – The document which agencies use to annually report the status of its activities undertaken pursuant to its EEO program under Title VII of the Civil Rights Act of 1964 and its activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Mediation** – An ADR technique that involves a confidential discussion among two or more parties in conflict, with one or more mediators present to facilitate the discussion in an attempt to reach a resolution that is acceptable to all parties.
- **Merit Decisions** – Decisions that determine whether or not discrimination was proven.
- (issued by either a federal agency or an EEOC administrative judge).
- **Merit Principles** – Rules established by the Office of Personnel Management for the federal government to follow in hiring, promoting, and all terms and conditions of employment. One of those rules states that selection and advancement shall be made on the basis of an applicant's or employee's ability, knowledge, and skills in fair and open competition.
- **Merit Systems Protection Board (MSPB)** – A forum for resolving certain employee complaints and appeals, to safeguard the merit system, and to protect individual employees against abuses and unfair personnel practices such as removals, suspensions for more than 14 days, and reduction in grade or pay.
- **Minority** – The smaller part of a group. A group within a country or state that differs in race, religion or national origin from the dominant group. According to EEOC guidelines, minority is used to mean four particular groups who share a race, color or national origin. These groups are:
  - **American Indian/Alaskan Native** - All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural identification through tribal affiliation or community recognition.
  - **Asian Americans** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - **Black** (Not of Hispanic Origin) - All persons having origins in any of the Black racial groups of Africa.
  - **Hispanic or Latino** - All persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - **Native Hawaiian/Other Pacific Islander** – All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
  - **White** (Not of Hispanic Origin) - All persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Mixed Case Complaint** – An allegation of discrimination in a matter that combines with another action, e.g., an adverse action, reduction in force, denial of a within-grade increase, alleged coerced separation, performance-based actions. Mixed cases can either be mixed complaints (processed within USDA), or a mixed case appeal (processed at the Merit Systems Protection Board.)
- **National Origin Discrimination** – National origin discrimination has been broadly defined as including, but not limited to, the denial of equal employment opportunity because of an individual's or his/her ancestor's country of origin or because an individual has the physical, cultural, or linguistic characteristics of a particular national origin group.
- **Neutral** – An individual who conducts, leads, or facilitates an ADR session. The neutral has no personal interest in the outcome of the conflict, and performs the neutral duties impartially and without bias. Neutrals include mediators, facilitators, and arbitrators.
- **Outreach** – Presentations and participation in meetings, conferences and seminars with
- employee and employer groups, professional associations, students, non-profit entities,
- community organizations and other members of the general public to provide general
- information about the Agency and its mission.
- **Overt Discrimination** – A specific, observable action taken against a person or class of persons because of protected status, e.g., national origin. This treatment also is referred to as "intentional discrimination." Example: Failing to interview job applicants based solely on their race (race discrimination).
- **Parties** - The agencies, employees, managers, or customers who are in conflict.
- **Persons of Two or More Races** – All persons who identify with two or more of the above race categories.
- **Prima Facie** – At first sight; on the first appearance; on the face of it, so far as can be judged from the first disclosure; presumably. A litigating party is said to have a prima facie case when the evidence in his or her favor is sufficiently strong for his or her opponent to be called on to answer it. A prima facie case is one, which is established by evidence, and can be rebutted only by evidence addressed on the other side.
- **Protected Class –** The groups protected from employment discrimination by law. These groups include men and women on the basis of sex; any group, which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental disability. Every U.S. citizen is a member of some protected class (includes white males), and is entitled to the benefits of EEO law. However, EEO laws were passed to correct a history of unfavorable treatment of women and minorities and person with disabilities.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Racial Discrimination** – Racial discrimination is present when people are treated differently than others who are similarly situated because they are members of a specific race. It can occur when individuals are treated differently because of unalterable characteristics, such as physical feature, indigenous to their race. The courts have also found that racial discrimination in employment can occur when employees are treated differently than other employees similarly situated because of their interracial dating or marriages, racially oriented expression of attitudes and beliefs, and/or membership in racially oriented groups.
- **Reasonable Accommodation** – Adjustments and changes an employer must make in the work schedule or work environment to meet the needs of his employees. These changes could be made to allow a person with a disability to perform his or her job. Widening doorways, installing access ramps, and lowering worktables are all considered reasonable accommodations for a person with a disability. Schedule changes that allow employees time off for religious observances are also reasonable accommodations. Adjustments or changes are considered reasonable, if they do not have a bad effect on workflow or production.
- **Religious Discrimination** – Religious discrimination occurs when an employment rule or policy requires a person to either violate a fundamental precept of his or her religion or lose an employment opportunity. The definition of "religion" is not restricted to the major religions. Since the provisions under religion include a lack of belief, atheists are also covered. The coverage under religion includes all aspects of religious observances and practices as well as belief.
- **Reprisal/Retaliation** – A complaint may be filed by an individual who alleges restraint, interference, coercion, discrimination or retaliation for raising a claim of discrimination; or for representing one who has alleged discrimination; or for advocating equal opportunity for others; or for acting as an EEO official in processing such complaints.
- **Reportable Disability** – Any self-identified disability reported by an employee to the employing agency.
- **Resolution** – The terms, to which parties in conflict agree, that result in the total or partial end or closure of a conflict, complaint, grievance, appeal, or litigation.
- **Responding Management Official** – The person named by the complainant or indicated by the records as responsible, in whole or in part, for taking or recommending the action or decision that is the issue of the complaint.
- **Settlements** – Where an agency agrees to award monetary or non-monetary benefits to an individual who agreed either to not file a formal complaint or to withdraw a formal complaint.

CR/EEO GLOSSARY - DEFINITIONS (cont.)

- **Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - Submission to such conduct is made either explicitly or implicitly a term condition of employment;
  - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - Such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- **Strict Liability** – A provision of Federal laws and regulations that imposes legal responsibility on managers or supervisors regardless of whether an act or conduct was authorized or forbidden; a situation where neither care, negligence, good faith, bad faith, knowledge, nor ignorance will absolve one from responsibility for an unlawful discriminatory act.
- **Targeted Disabilities** – Those disabilities that the federal government, as a matter of policy has identified for special emphasis. The targeted disabilities (and the codes that represent them on the Office of Personnel Management's Standard Form 256) are: deafness (16 and 17); blindness (23 and 25); missing extremities (28 and 32 through 38); partial paralysis (64 through 68); complete paralysis (71 through 78); convulsive disorders (82); mental retardation (90); mental illness (91); and distortion of limb and/or spine (92)."
- **Term or Condition of Employment** – A prerequisite to an employment agreement that qualifies, restricts, or makes employment contingent upon some other occurrence that may or may not be expressly mentioned; a stated, implied, or presumed stipulation that suspends, rescinds, modifies, or destroys an employment agreement.
- **Training (CR/EEO)** – The process of educating managers and employees on the laws enforced by EEOC and how to prevent and correct discrimination in the workplace and educating EEO professionals in carrying out the agency's EO responsibilities.
- **Unfair Treatment versus Unlawful Discrimination** – Unfair treatment is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to others may violate EEO laws only when that person's protected status is a factor in the treatment. For example, giving one white female better assignment than another white female similarly qualified may be unfair, but not discriminatory. Giving a white female a better assignment than a similarly qualified minority female may be discriminatory. Employment decisions should be based only on job-related merit factors. All employees should avoid conduct that undermines fair and equal treatment. Although all unfair treatment may not be discriminatory, it is poor personnel management and should be avoided.
- **Withdrawals** – An election to end the EEO process during the formal complaint stage.

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Division Directory

Name	Position	Phone	Room
DIRECTOR'S OFFICE			
Jon F. Hall	Acting Director	301-504-2180	1-2184
Taledia Washington	Administrative Assistant	301-504-2182	1-2182C
Employment Compliance Branch			
Sandra McWhirter	Branch Chief	301-504-2198	1-2186
Vacant	EEO Assistant		
Anita Holland-Spears	Management Analyst	301-504-2283	1-2176C
Elton Loud	EEO Specialist	301-504-2279	1-2174
Nettie Moment	EEO Specialist	301-504-2188	1-2172
Mike Griffin	EEO Specialist	817-509-3406	1-2174
Barbara Taylor	EEO Specialist	301-504-2170	1-2172
Julio Cortez	EEO Specialist	951-684-3722 Ext. 110	
Program Compliance Branch			
Samora Bennerman - Johnson	Branch Chief	301-504-2286	1-2188
Kimberly Rodgers	EO Assistant	301-504-0304	1-2180A
Elvin Gant	EO Specialist	301-504-2173	1-2182C
Wytonya Jackson	EO Specialist	301-504-2166	1-2180C
Sheila Shepperd	EO Specialist	301-504-2457	1-2180B
Vacant	EO Specialist		

United States Department of Agriculture
Natural Resources Conservation Service

USDA NRCS Civil Rights Division

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Fax (301) 504-2336
http://www.nrcs.usda.gov/about/civilrights/

United States Department of Agriculture
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Resource Links

U.S. Department of Agriculture
www.usda.gov

Office of Personnel Management (OPM)
www.opm.gov

U.S. Commission on Civil Rights
http://www.usccr.gov/

U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/

U.S. Merit Systems Protection Board (MSPB)
http://www.mspb.gov/sites/mspb/default.aspx/

Office of Disability Employment Policy (ODEP)
http://www.dol.gov/odep/index.htm

U.S. Office of Special Counsel (OGC)
http://www.osc.gov/

U.S. Department of Justice (DOJ)
(Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency)
http://www.usdoj.gov/crt/cor/13166.php