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A Message from Gregory Singleton, Director

October, What a Month!

I'm an avid sports fan and October is by far my favorite month. It's the only month that all four major sports are in full swing. I get to watch hockey, football, basketball and baseball with the anticipation of great drama, great challenges and of course great endings. It's the one month of the year that my television is tuned to sports 24/7.



As an NRCSer, October is my favorite month for those same reasons. It's a time for new beginnings, that will bring new challenges, new opportunities and new endings. It's a time to

reflect on the last Fiscal Year (FY) but usher in the new FY with great expectations. It's a time to introduce a new agenda and be able to ask ourselves one year from today:

- What did we accomplish in 2013;
- Did we increase our diversity;
- Did we serve our customers to the best of our ability;
- Did we have less EEO Complaints then the prior FY;
- Did we become a model EEO Program;
- Did we ensure that our buildings were accessible to persons with disabilities;
- Did we ensure equal access to our programs;
- Did we fairly and equitable promote and award all employees;
- Did we treat each other with respect and dignity, and if we didn't do these things; Why Not?

So I don't know how many of you are sports fans, but I'm sure you can appreciate the excitement that comes with the game, the emotional peaks and valleys, and maybe even the last second heroics that we've seen so many times by people like: Wayne Gretzky, Ray Lewis, Lisa Leslie; Roberto Clemente, Mia Hamm and so many others.

As we embark on this new FY, in what is arguably the best month of the year. I ask that you seize the day, seize the beginning, and seize the challenges this new FY brings and help NRCS create a heroic ending that will ensure equality, fairness, respect, dignity, superior customer service, diversity, and equitable promotions and awards. I ask that you do this not because like my television someone is always watching, but because whether you like good books, good TV dramas/movies or like me, good sports..... we all like great endings.



National Run@Work Day held Friday, September 21st!

The Civil Rights Division participates in the Run@Work Day.



**NRCS Civil Rights Division
Civil Rights Compliance Review Success Stories**

Haxtun CD Hosts its Sixth Annual

Conservation Camp

By Joe Crowder, Soil Conservationist, Area 2—Colorado

Twenty-three students in fourth through eighth grades attended the free two-day Conservation Camp at the Holyoke Event Center, Holyoke, CO, on June 4th and 5th 2012, according to Denise Swanson, Haxtun Conservation District (CD) Manager. Paleontology, archeology, and soil health were the main themes at this event.

Jerry Miller, Farm Bill Biologist, opened the camp with the legacy and principles of conservationist Aldo Leopold. Each student received a journal and a Sand County Almanac. Camp activities and observations were recorded by the students throughout the camp.

Dr. Richard Stucky, Curator of Paleoecology and Evolution at the Denver Museum of Nature and Science in Denver, showed a slide show of the excavation of a 1.2 million year old Mastodon discovered last year at a gravel pit in Phillips County. This set the stage for a field trip to the site. In 2011, a team of paleontologists recovered, casted, and moved the specimens to the Denver museum. At the site, the group was shown where the specimens were located and discussed how they may have lived, died, and were eventually discovered.

Camper Drew Stewart of Holyoke located a large bone-like specimen partially exposed by the recent rain. Dr. Stucky became very interested and excited about the discovery saying that a team would return for a closer look and possible excavation. He said Drew would be listed in the log book giving him credit for the discovery.

At the end of the tour, Renee Weis, Haxtun CD board member, gave each person a “bagged and tagged” fossil specimen collected from the site during the excavation. Earth Team Volunteer Mary Cave presented a fabulous display of Indian artifacts that she had collected over many years. She presented each student with a piece of local history to take home that included its purpose, when, and where it was found.

Holyoke’s NRCS Soil Technician, Tim Becker, and Soil Conservationist, Joe Crowder, gave a presentation on soil health and the benefits of no-till farming. The demonstration compared improved water infiltration and less water runoff of no-till soil to conventional tilled fields from the improved soil structure. NRCS Rangeland Management Specialist, Josh Saunders, discussed the water cycle, soil types, and showed examples of sheet and rill erosion caused by water runoff. Since its beginning in 2007 over 135 youths have attended the camp, which is held the first full week of June.

12 Earth Day Celebration at the Kirk Park People’s Pollinator Garden in Syracuse, NY



NRCS Acting State Conservationist Carrie Mosley welcomes Elmwood Elementary School Students

The People’s Garden Initiative is flourishing in Syracuse! With the most recent addition of the Kirk Park Onondaga Creek Pollinator Garden, the city now has two successful pollinator gardens in the downtown area. To celebrate the City’s newest people’s garden, the USDA State Office in Syracuse, New York recently partnered with the Kirk

Park Association (a neighborhood-based community service organization), the Syracuse City Public Schools, Syracuse City Bureau of Planning, and the Onondaga Creek Conservation Council (OCCC) for an outdoor planting and educational field day to celebrate Earth Day 2012.

On a sunny Friday afternoon in April, over 100 fourth and fifth grade students and their teachers from the nearby Elmwood elementary school descended on Kirk Park for a day of earth-friendly activities that included plantings in a new rain garden, nature walks, and educational games. Employees from NRCS, FSA, RD and a dedicated corps of Earth Team volun-

teers were on hand to direct the day’s events and chaperone the participants among the event’s numerous activities. The day began with a walk from the elementary school to Kirk Park. After a short welcoming ceremony that included remarks from leaders of each participating agency, the children were divided into three groups in order to keep everyone fully engaged in each individual event. At the rain garden, enthusiastic boys and girls prepared the ground and planted a wide variety of flowering herbs and fruiting shrubs provided by the NRCS Plant Materials Center in nearby Big Flats, NY. Nearby, groups of children moved through the park on a nature walk to learn about urban wildlife habitats and to identify invasive species. On the other side of the park, earth team volunteers led a third group of earth day celebrants in ecology-themed games. The day’s events were even captured by the local print and broadcast



Earth Day participants plant perennial herbs in the People’s Pollinator Garden during Earth Day celebration in Kirk Park

news media and many participants saw themselves on the evening news or featured in the next day’s newspaper. At day’s end, each child received a packet of herb and pollinator seeds to take home and hopefully begin their own pollinator garden. Overall, the day was a complete success from the beautiful weather to the obvious enjoyment exhibited by everyone involved.

**NRCS Civil Rights Division
Civil Rights Compliance Review Success Stories**

The New American Sustainable Agriculture Project (NASAP)

On February 22, 2012, in Concord, NH, Representatives from Natural Resources Conservation Service, Farm Service Agency, and Rural Development met with refugee farmers from Bhutan, Somalia, and the Congo to give them information about USDA programs and answer their questions.

The farmers participate in a program facilitated by The New American Sustainable Agriculture Project (NASAP) to support recent refugees, immigrants, and other new Americans as they establish agricultural businesses here in NH. The NASAP growers are primarily Somali, Sudanese, and Bhutanese farmers and gardeners who have resettled in Manchester, NH. They are experienced growers who are excited about the opportunity to farm in the U.S. and, for the last few years, have been producing vegetables for local markets on land located in Dunbarton and Bedford, NH. Each farmer and/or family has their own plot and is responsible for production and marketing. The farmers keep and reinvest the profits of their farm business.

In addition to providing information about USDA programs, outreach events, and workshops, the group discussed barriers to program access and how to better reach out to beginner and refugee farmers to help them understand and feel comfortable asking for USDA assistance.



Civil Rights Impact Analysis (CRIA)

The Civil Rights Impact Analysis (CRIA) is a document that provides advice to managers and administrators on whether a proposed policy, action, or decision may have an adverse or negative impact on employees, customers, or beneficiaries in any federally conducted program, federally assisted program, or employment practice. CRIAs are required for proposal changes to both Title VI (program) and Title VII (employment). By conducting CRIA, CRD is identifying any potential discriminatory impact of the proposed action.

CRIAs assists in the identification of the effects of eligibility criteria, methods of administration, or other agency imposed requirements that may adversely affect and disproportionately impact employees or program beneficiaries based on their membership in a protected group. Consistent with various civil rights Federal laws and regulations, USDA Departmental Regulations (DR) 4300-4, "Civil Rights Impact Analysis" and DR 1010-001 "Organization", requires each agency to utilize the CRIA process to ensure that regulations, decisions, reorganizations and other actions do not have an adverse impact on protected groups.

For proposed employment actions, requesting States or functional areas will provide CRD with a demographic breakdown of the workforce (state wide or functional area) depending on the type of action being proposed. They will also supply the current and proposed staffing plan to include organizational charts.

This upcoming FY will see a lot of CRIA activity due to the Farm Bill and States' review of their Efficiency Plans which may result in office closures, reorganizations, and realignments.

CRD should have a copy of the final 1010 Package prior to preparing a CRIA. In accordance with DR 1010-1, the following is the CRD recommended outline for 1010 packages:

Cover Letter/Decision Memo

TAB 1 - Narrative of Reorganization Proposal

TAB 2 - Summary of Changes

TAB 3 - Current Staffing Plan

TAB 4 - Proposed Staffing Plan

TAB 5 - CIVIL RIGHTS IMPACT ANALYSIS

TAB 6 - Current Organizational Chart

TAB 7 - Proposed Organizational Chart

TAB 8 - Functional Statements

TAB 9 - Certification of Internal Control Requirements

IN THE NEWS

PRESIDENT OBAMA ISSUES EXECUTIVE ORDER TO IMPROVE WORKPLACE DIVERSITY
Posting from MyUSDA Newsletter

President Obama has issued an Executive-Order that requires all Federal agencies to develop plans for improving diversity in the workplace. The Washington Post calls it the "highest-profile response to a problem that has been on the Administration's radar." A council made up of deputy agency chiefs will work with the Office of Personnel Management, the Office of Management and Budget, and the U.S. Equal Employment Opportunity Commission to create a government-wide plan within 90 days. Then, agencies will present their own specific diversity plans demonstrating initiatives on recruitment, training, and promotion. To read the Executive Order, go to http://www.whitehouse.gov/the-press-office/2011/08/18/executive-order-establishing-coordinated-government-wide-initiative-prom

EEOC FINAL RULES WILL CHANGE FEDERAL SECTOR COMPLAINT PROCESSING

2012 LRP PUBLICATION

After a review that was extended for several months, the Office of Management and Budget (OMB) and other stakeholders have signed off on proposed changes by the Equal Employment Opportunity Commission (EEOC) to its federal sector complaint processing guidelines. The final rules should address:

- The timeliness of complaint processing
• The quality of agency investigations
• The proper role the EEOC and federal agencies should play in the complaint process
• The hearing and appellate review process

Final rules could also include authorization for pilot projects that would allow the EEOC to give agencies the authority to test innovative ways to process discrimination complaints. They also may address whether an employee charging retaliation must show that an agency action is likely to dissuade a reasonable employee from complaining or assisting in complaints about discrimination as proposed by the EEOC, or must meet a higher standard and show the action was either pervasive enough or severe enough to create a hostile working environment. Earlier draft rules solicited comments on both options. There are expected to be at least some changes in the rules compared to proposed regulations issued on Dec. 21, 2009. The timetable for release of the final rules has not been set, but usually once OMB's review is finished, the agency is able to take action relatively quickly.



HOTLAW

Nurse's inability to perform essential functions unravels claims

Melendez-Miranda v. Department of Veteran Affairs 112 LRP 17726 (EEOC OFO 03/22/12)

Ruling: The Department of Veteran Affairs did not subject a nurse to discrimination based on disability, age, or reprisal when she was terminated.

What it means: An agency is not required to transform a temporary light-duty or limited duty job into a permanent position to accommodate an employee's disability.

Summary: A registered nurse for the Department of Veteran Affairs alleged that the agency subjected her to discrimination based on disability (knee osteoarthritis), age (55), and in reprisal when she was terminated. The EEOC found that the agency did not subject her to discrimination. The EEOC assumed that the nurse was an individual with a disability.

The EEOC found she was not a qualified individual with a disability. Upon her return to work, she had difficulty walking and standing, and she had lifting restrictions. She was unable to perform essential functions. This posed a risk to the agency in emergency situations. The agency provided her with light-duty work for several months. It sought to provide her with a reassignment that accommodated her physical restrictions and had the same pay grade, but no such position was available.

The EEOC pointed out that the agency was not required to create a job for her or transform her light duty job into a permanent position to accommodate her disability.

The EEOC assumed that the nurse established a prima facie case of age discrimination and reprisal. The EEOC found that the agency articulated a legitimate nondiscriminatory reason for her termination when it cited her inability to perform the essential functions of her position.

DID YOU KNOW?

CRD is on the Web!

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights>



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. 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, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.)

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 (e.g., Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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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.