



United States Department of Agriculture

Departmental  
Management

Office of the  
Assistant Secretary  
for Administration

Office of Human  
Resources  
Management

1400 Independence  
Avenue, SW  
Washington, DC  
20250

JUN 20 2013

**TO:** Deputy Administrators for Management  
Mission Area Human Resources Directors  
Civil Rights Directors

**FROM:** William P. Milton, Jr.   
Chief Human Capital Officer

**SUBJECT:** Equal Opportunity Accountability in Settlement Agreements and Decisions  
in Program, Individual, and Employee Complaints of Discrimination

In May 2010, the Equal Opportunity Accountability initiative under the Office of Human Resources Management (OHRM) was established for review of all settlement agreements and decisions in program, individual, and employee complaints of discrimination. The purpose of this initiative remains to ensure that the Department of Agriculture (USDA) personnel are held accountable and responsible for their actions, to implement program improvements to ensure that all services are available in a non-discriminatory manner, and to raise awareness of individuals in decision-making positions.

The operational details of this initiative include:

- Review of all settlement agreements and decisions finding liability against the Agency in program, individual, and employee complaints of discrimination.
- Review of all personnel misconduct investigation reports touching on or concerning any allegation of discriminatory conduct.
- Investigations or inquiries will be initiated, as appropriate, to determine responsibility for the actions or inactions leading to Agency liability.
- Appropriate administrative actions will be taken to correct future conduct.

Under the initiative, agencies and staff offices are required to forward to the OHRM copies of all settlement agreements, final agency decisions, administrative judge decisions, and any other third party decisions in program, individual, and employee complaints of discrimination in which there is a finding of liability against the USDA, as well as copies of all Reports of Investigation, or Fact Finding Reports drafted as a result of personnel misconduct investigations, which touch on or concern allegations of discriminatory conduct.

It is expected that, within seven (7) calendar days of a fully executed document meeting the above definition, the document(s) along with all supporting materials including copies of the case file, transcripts, motions, briefs, etc., must be forwarded to:

Office of Human Resources Management  
Attention: Director, Equal Opportunity Accountability  
Employee and Labor Relations Division  
Jamie L. Whitten Federal Building  
Room 318-W, Mail Stop 9611  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

In addition, in cases involving a settlement agreement, all documents developed to support the decision to enter into the settlement agreement, including any and all analysis, is to be forwarded with the decision document

An analysis will be conducted to identify what actions or inactions led to the determination of Agency liability resulting in the executed decision document. Agency personnel at all levels including employees, supervisors, managers, and executives whose actions or inactions are determined to have resulted in the finding of liability against the Agency will be held responsible and accountable for their actions or inactions.

At the conclusion of the analysis, a report will be drafted to include recommendations of administrative actions. The recommendations will cover the full range of discipline or adverse action, as well as other types of appropriate remedial actions, such as training for appropriate individuals.

cc: Subcabinet Officials  
Agency Heads