

Subpart B - Disability Emphasis Program

403.10 Purpose

This subpart provides guidance and direction to NRCS organizational units on the development and implementation of the Disability Emphasis Program (DEP). The purpose of the program is to provide focus on issues such as employment, retention, promotion, training, career development, and advancement opportunities affecting disabled applicants and employees in NRCS.

403.11 Policy

It is NRCS policy to conduct a positive and continuing DEP that provides equal employment opportunity for persons with disabilities in all personnel management policies and practices and in NRCS-sponsored programs and activities.

403.12 Authorities

- A. Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 791), prohibits discrimination on the basis of disability in Federal employment and requires the Federal Government to engage in affirmative action for people with disabilities.
- B. Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794d).
- C. Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. Section 4212).
- D. Civil Service Reform Act of 1978 requires "fair and equitable" treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disabling condition.
- E. Americans with Disabilities Act (ADA) of 1990 covers employers in the private sector and State and local governments. The substantive employment standards of the ADA, which are applicable to the Federal Government through the Rehabilitation Act, can be found at 42 U.S.C. Section 1211, et seq., and 42 U.S.C. Sections 12201 to 12204 and 12210.
- F. Veterans Education and Employment Program Amendments of 1991, requires expanded job opportunities for veterans and disabled veterans through the (VRA), 38 U.S.C. Section 4314.
- G. Architectural Barriers Act.
- H. Pregnancy Discrimination Act amended title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy, childbirth, or related medical conditions.
- I. Executive Order 13078, Increasing Employment of Adults with Disabilities, established the National Task Force on Employment of Adults with Disabilities (now referred to as the Presidential Task Force).
- J. Executive Order 13145 (February 8, 2000) prohibits discrimination in Federal employment based on genetic information.
- K. Executive Order 13163, Increasing the Opportunity for Individuals with Disabilities to be employed in the Federal Government, promotes an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government.
- L. Title VII of the Civil Rights Act of 1964, as amended and Civil Rights Act of 1991, Equal Employment Opportunity.
- M. 29 CFR Part 1614, "Federal Sector Equal Employment Opportunity."
- N. Executive Order 11478, Equal Employment Opportunity in Federal Government (August 12, 1969) (superseded Executive Order 11246 and parts of Executive Order 11375 applicable to the Federal Government), as amended by Executive Orders 13087 (May 28, 1998) and 13152 (May 2, 2000).
- O. U.S. Equal Employment Opportunity Commission Management Directive 110.
- P. U.S. Equal Employment Opportunity Commission Management Directive 715.
- Q. USDA Departmental Regulation 4230-002, Special Emphasis Programs (June 4, 2009).

403.13 Policy Objectives

The Disability Emphasis Program is an integral part of the overall equal employment opportunity (EEO) program and is designed to—

- (1) Ensure that persons with disabilities receive equal treatment in all aspects of employment.
- (2) Increase the number of persons with disabilities employed in all professional, administrative, technical, clerical, and other categories, series, and grade levels.
- (3) Provide opportunities to persons with disabilities to participate in training, career development, and leadership programs.
- (4) Encourage the participation of persons with disabilities in all NRCS-sponsored programs and activities.
- (5) Provide a network of professional support for persons with disabilities.
- (6) Provide mentoring support to persons with disabilities in the workforce.

- (7) Educate all NRCS employees by raising the level of awareness of persons with disabilities workplace issues and concerns.

403.14 Organization Structure

The DEP is an integral part of the overall equal opportunity program in NRCS. It is coordinated through the National Disability Emphasis Program manager, who is assigned to the Outreach and Advocacy (O&A) Division and serves as the principal staff advisor to the director of the O&A Division on legislation, policies, employment, and program issues impacting persons with disabilities.

403.15 Appointment of the National DEPM

The national DEPM position is filled through competitive appointment on a permanent full-time basis.

403.16 Duties and Responsibilities of National DEPM

The national DEPM provides program leadership and direction for agencywide activities related to the DEP. Specifically, the national DEPM—

- (1) Formulates and implements the general direction of the overall NRCS Disability Emphasis Program and evaluates the effectiveness of activities and programs toward achieving DEP objectives.
- (2) Provides training, guidance, information, and assistance to National Headquarters, regions, State managers, supervisors, and collateral duty DEPMs concerning their DEP responsibilities. In addition, the national DEPM serves as the principal resource person and staff advisor on legislation, affirmative employment programs, and unique concerns and problems related to equal opportunities for employees with disabilities.
- (3) Analyzes and evaluates employment policies, practices, procedures, and workforce profile data to determine if barriers or potential barriers to full participation exist and reports findings to the appropriate officials with recommendations for corrective action. This includes participation in the development and monitoring of the agency's civil rights program, plans, and reports (e.g., EEOC's MD-715, EEO Program Status Report, and reports relating to employees with disabilities in the Federal Government).
- (4) Establishes and strengthens relationships with organizations and groups representing persons with disabilities.
- (5) Maintains relationships with DEPMs from other agencies and organizations that represent people with disabilities for the mutual exchange of ideas, advice, best practices, and information.
- (6) Serves as the NRCS representative on the Department's DEP committee.
- (7) Participates in studies and reviews to identify possible forms of discrimination and barriers to equal opportunity in employment activities (e.g., recruitment, hiring, development, promotion, development, recognition and awards, and retention).
- (8) Serves as the principal resource for the director of the O&A Division by providing assistance on national reporting requirements and tasks related to special emphasis programs and provides training, guidance, and assistance to collateral duty national special emphasis program managers.

403.17 Appointment of Collateral Duty DEPMs

- A. Deputy equal opportunity officers (DEOOs) appoint collateral duty DEPMs within their jurisdictional areas. The collateral duty DEPMs report directly to the DEOOs on issues impacting employees or applicants with disabilities.
- B. A collateral duty DEPM should devote 20 percent of his or her time to the program. It is recommended that the DEPM serve on a collateral duty basis for a 3-year term. At the end of the 3-year term, the incumbent may reapply and if selected may be renewed for an additional 3-year term.
- C. Criteria for selection should include sensitivity to disability issues, ability to function effectively under pressure, and commitment to EEO and the DEP.

403.18 Duties and responsibilities of Collateral Duty DEPMs

Collateral duty DEPMs provide program leadership and support the national DEPM in implementing a viable DEP agencywide. The national DEPM provides technical guidance and the collateral duty DEPM and ensures that DEP activities are integrated into the overall equal opportunity program in the organizational unit. In their organizational units, the collateral duty DEPMs—

- (1) Advise the directors and State Conservationists on matters affecting the employment and advancement of persons with disabilities.
- (2) Serve as members to the civil rights committee in their organizational units to ensure that all NRCS activities are free from discrimination and that barriers to the recruitment, employment, and advancement of persons with disabilities are addressed. DEPMs assist in evaluating the effectiveness of the overall equal opportunity program in their organizational units and assist in identifying new and changing program needs.

- (3) Coordinate or conduct educational programs (e.g., workshops, seminars, or other types of programs, such as DEP observances).
- (4) Maintain close contact with community organizations for possible job referrals of applicants with disabilities and stay attuned to concerns of persons with disabilities in the community.
- (5) Attend job fairs or other functions at local high schools, colleges, and universities to obtain names of applicants and provide information on job opportunities; send recruitment literature to schools and community groups; sponsor workshops and speakers, information booths at conferences, career days, and other training programs.
- (6) Keep the national DEPM informed of field activities affecting persons with disabilities.
- (7) Serve as local representative at national, regional, and State meetings concerning persons with disabilities.
- (8) Serve as communication link between employees and the national DEPM, keeping State employees aware of DEP activities and developmental opportunities through electronic messages, memos, bulletins, newsletters, and other appropriate means.
- (9) Perform other duties related to the DEP as identified by the DEOO, national DEPM, and DEP committees, as appropriate.

403.19 Documenting DEPM Collateral Assignments

A. The DEPM's collateral duty will be described in writing as part of his or her position description and show—

- (1) Scope of responsibility.
- (2) Supervisory roles of DEOO, equal opportunity liaison officer and the immediate supervisor.
- (3) Percentage of official time to be spent on the DEP.
- (4) Specific duties and responsibilities of the collateral assignment.

B. In addition, the DEOO, equal opportunity liaison officer, and the immediate supervisor will prepare a memorandum of understanding (see subpart J) that responds to the following questions regarding working conditions:

- (1) How and when will the appointee receive DEP assignments?
- (2) What percentage of official time will be spent on the DEP, and how will adjustments be made to meet DEP objectives?
- (3) Who will appraise the appointee's performance and how will the appraisals be completed?
- (4) Who will provide clerical support and office facilities, if needed?

403.20 Annual Business Plan of Operation

A. Annual business plans of operation are important management tools that are effective in gauging progress in meeting short- and long-term goals and in scheduling annual program activities. They also provide the basis for determining the performance of managers in specific areas of responsibility.

B. Collateral duty DEPMs will develop results-oriented annual business plan of operations. The annual plan should contain realistic and achievable action items in accordance with this subpart.

403.21 Reports

A. Collateral duty State DEPMs will submit quarterly activity reports to the national DEPM.

B. Collateral duty State DEPMs will submit an annual report to the national DEPM highlighting major accomplishments during the fiscal year.