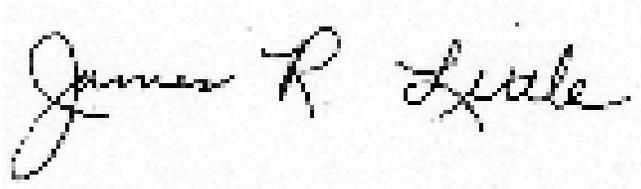


For: State and County Offices

**EEO/CR On-Site State Management Reviews (OSMR), Findings for FY 2001**

Approved by: Administrator



**1 FY 2001 OSMR**

**A**

**Background**

CR&SBUS completed OSMR's for FY 2001 to determine compliance with regulations and requirements for EEO/Civil Rights (CR). Some findings in the program areas may not mean disparate treatment, but could lead to the appearance of this treatment.

**B**

**Purpose**

This notice provides the findings in OSMR's issued by CR&SBUS.

**2 General Information**

**A**

**Scope of Review**

Reviews included:

- 10 State Offices
- 55 Service Centers
- 608 interviews of GS and CO employees, STC and COC members and advisors.

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<p><b>Disposal Date</b></p> <p>December 1, 2002</p>	<p><b>Distribution</b></p> <p>All FSA Offices, State Offices relay to Service Centers</p>
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## Notice AO-1264

### 1 General Information (Continued)

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#### B

#### Definition of Finding

A finding for the purpose of this report is a discovery that:

- does **not** conform to Department Regulations and FSA handbooks
  - must be corrected.
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### 2 OSMR Information

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#### A

#### Findings

Findings in FY 2001 are in Exhibit 1, grouped by similar subjects, areas, or programs.

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#### B

#### SED Action

SED's shall:

- review subparagraph A and determine whether the findings are applicable to their State Office and Service Centers
  - correct any deficiencies found. Compliance is a requirement at all times.
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#### C

#### Contact

If there are any questions, contact Carlton O'Neal, Chief, Program Complaints Inquiry Branch, CR&SBUS at 334-279-3606.

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject**

Each finding may have occurred more than once within a State, but for the purposes of this report, it is counted only once per State.

Finding		No. of States	Percent
<b>EEO &amp; CR COMBINED AREAS</b>			
1.	EEO & CR files were not properly maintained (not established, contained very little or no material, or misfiled material).	9	90
2.	EEO & CR training was not completed by new employees and/or all employees.	9	90
3.	EEO & CR training was not being tracked, manually or on CAMS.	2	20
4.	Posters and policy statements were not current or not properly posted, such as Secretary's and Administrator's CR Policy Statements, EEO Policy Statement, Reprisal Policy Statement, Prevention of Sexual Harassment Policy Statement, And Justice for All Poster, Sexual Harassment Poster, and USDA Hotline Poster.	9	90
5.	The nondiscrimination statement on public information, communications to nonemployees, advertisements, vacancy announcements, etc. was not included or was inaccurate.	5	50
6.	EEO & CR was seldom discussed at staff meetings.	2	20
7.	There was incorrect RSNO data on employees, producers or eligible voters through NFC and/or Report AO-157R, Election Information and Media Outreach Report.	7	70
8.	Report AO-157R was missing or completed only partially and/or incorrectly completed.	3	30
9.	The list of organizations representing minorities, women, and persons with disabilities to use for outreach for programs and for recruitment was missing.	6	60
10.	FSA-831, Checklist for Equal Employment Opportunity and Civil Rights, was not completed, or not completed properly, and/or subsequent FSA-112, Plan of Improvement Actions for Equal Employment Opportunity and Civil Rights, and/or FSA 829, Report of Findings of Non-Compliance, were not submitted as required and/or not tracked.	5	50

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>CR – MANAGEMENT</b>			
11.	COC and/or STC Minutes - contained sensitive data that should have been included in Executive Minutes.	4	40
12.	COC Minutes - bilingual staffing was not addressed.	8	80
13.	COC Minutes were not sent consistently to State Office for review.	3	30
14.	COC Minutes - (Executive) were not signed by CED and Chairperson.	1	10
15.	COC Minutes - (Executive) were not kept in locked file cabinet.	2	20
16.	COC and/or STC Minutes - approval for the advisor(s) was not reflected.	2	20
17.	COC Minutes did not include documentation of contact with minority leaders to discuss need for an advisor.	5	50
18.	FSA 18-AO was not current.	1	10

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>CR - DISABILITY ACCESSIBILITY</b>			
19.	FSA-830, Checklist for the Review of Accessibility Requirements for Disabled Persons, was not completed as required or subsequent FSA-112, Plan of Improvement Actions for Equal Employment Opportunity and Civil Rights, or FSA 829, Report of Findings of Non-Compliance, were not submitted as required and/or not tracked.	7	70
20.	Parking spaces did not have at least 1 handicapped for every 25.	2	20
21.	Parking spaces were not at least 96" wide w/access aisle 60" wide.	4	40
22.	Parking spaces - the slope was more than 2 percent.	4	40
23.	Parking spaces were not closest to the nearest accessible entrance.	4	40
24.	Parking spaces were not firm, slip-resistant like asphalt or cement.	1	10
25.	Parking spaces needed re-striping.	1	10
26.	Parking spaces needed the accessibility symbol painted on pavement.	2	20
27.	Ramps (curb) were not at least 36" wide and not obstructed.	3	30
28.	Ramps for buildings with steps at entrances, did not have at least 1 accessible entrance.	1	10
29.	Ramps were not at changes in level greater than 1/2" high.	1	10
30.	Ramps did not have 60" of level landings at bottom and top of each run, and 48" wide at U-turns.	1	10
31.	Ramps did not have grippable handrails 34-38" above ramp surfaces with 1-1/2" clear space between handrails and walls.	4	40

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

Finding		No. of States	Percent
<b>CR – DISABILITY ACCESSIBILITY (Continued)</b>			
32.	Doors did not have clear openings at least 32” wide.	1	10
33.	Doors had thresholds greater than ½” in height.	3	30
34.	Doors needed 5 pounds or more of force to open them.	3	30
35.	Doors - hardware was higher than 48” from the ground.	2	20
36.	Elevators - interior car space was less than 51” deep and 68” wide.	1	10
37.	Elevator controls were not designated by raised characters/symbols/Braille.	1	10
38.	Elevator emergency controls/communications were higher than 48” from floor and usable without voice communication.	2	20
39.	Accessible routes - there was not at least 1 accessible route linking the accessible entrance to all accessible elements/spaces.	3	30
40.	Accessible routes were not continuously 36” wide except for 32” at points such as doorways.	2	20
41.	Accessible routes did not have slip resistant surfaces.	4	40
42.	Toilet facilities - stall door was less than 32” wide and/or swings out.	2	20
43.	Toilet facilities - toilet was not between 17” and 19” high.	2	20
44.	Toilet facilities - there were not 2 grab bars mounted 33” to 36” high.	2	20
45.	Toilet facilities - floor clearance was not 60” wide by 56” deep or 36” wide by 66” deep.	2	20
46.	Toilet facilities – sink was higher than 34” from floor and/or no adequate knee space.	1	10

Continued on the next page

**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>CR – DISABILITY ACCESSIBILITY (Continued)</b>			
47.	Toilet facilities - mirror with bottom edge higher than 40”.	5	50
48.	Toilet facilities - did not have lever operated, push-type or electronically controlled faucet.	2	20
49.	Toilet facilities - Miscellaneous (soap and paper towel dispenser were too high.	1	10
50.	Drinking fountain spouts were higher than 36” and did not provide a flow of water at least 4” high.	6	60
51.	Drinking fountain controls were not front or side-mounted and/or required more than 5 pounds of force.	3	30
52.	Drinking fountain did not have clear floor space of 30” by 48” w/adequate knee space.	6	60
53.	Public phones did not have volume control.	1	10
54.	Public phones - cord was less than 29” long.	1	10
55.	Public phones - highest operable part was higher than 54”.	1	10
56.	Alarms did not have audible alarms with duration of 60 seconds and visual alarm with flashing frequency of less than 5 times per second (only if in basement or above first floor).	1	10
57.	Signs were missing for passenger loading zones.	4	40
58.	Signs were missing for accessible entrances.	4	40
59.	Signs were missing for accessible toilet facilities.	1	10
60.	Signs were missing for parking spaces (identified w/sign visible from driver’s seat of the vehicle parked in the space.	8	80

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>CR - PUBLIC NOTIFICATION AND OUTREACH</b>			
61.	Report AO-157R - reflects lack of newsletters being issued, lack of public meetings, and/or lack of group contacts.	2	20
62.	Reasonable accommodation statement was missing from training notices and/or newsletters twice a year.	4	40
63.	Press releases regarding the FLP SDA Program were not being issued semi-annually.	6	60
64.	There was no State Outreach Plan on file (State Office and/or Service Centers).	1	10
65.	FSA exterior/interior signs were in error or were missing.	1	10
66.	Employees did not understand the meaning of Outreach.	1	10
67.	Insufficient time was allotted to the collateral duties of the Outreach Coordinator.	1	10
<b>CR - COMPLAINTS OF DISCRIMINATION</b>			
68.	Employees were not aware of how to file a CR complaint or where to look to find the answer should a producer request the information.	6	60
69.	AD-1126, USDA Program Discrimination Complaint, and brochure were not accessible to the public.	5	50

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>CR - FARM PROGRAM AND FARM LOAN PROGRAM DELIVERY</b>			
70.	FP and FLP - lack of documentation in file.	2	20
71.	FP - inconsistent handling, no notification, incomplete or no appeal rights regarding adverse decisions to producers.	3	30
72.	FLP - MAC data was inaccurate or missing.	1	10
73.	FLP - applicants were required to submit repetitive applications.	1	10
74.	FLP - 1910-A-1, A-2, A-3 letters were not being sent timely, or consistently, or were incomplete.	5	50
75.	FLP - adverse decision letters were inaccurate or missing ECOA paragraph and/or non-discrimination statement.	2	20
76.	FLP - SDA applications were not being monitored.	2	20
77.	FLP - there was a lack of closed SDA loans as compared to SDA applications.	1	10
78.	FLP - Withdrawn applications were handled inconsistently.	1	10
79.	FLP - 1951-S servicing was not handled timely.	3	30
80.	FLP - 1951-S tracking was not current.	2	20
81.	FLP - there was an appearance of possible disparate treatment.	1	10

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>EEO - MANAGEMENT</b>			
82.	19-PM was not current.	3	30
83.	The AEP Plan and/or Updates were not completed or not posted in office.	6	60
84.	Position descriptions and/or performance plans were missing the EEO/CR responsibilities or they were not current.	4	40
85.	Position descriptions did not contain collateral duties of the Outreach Coordinator, the SEP Manager, and/or the State Civil Rights Coordinator.	9	90
86.	Position descriptions were missing from OPF's.	1	10
<b>EEO - AEP &amp; WORKFORCE DIVERSITY/DATA COLLECTION</b>			
87.	Employees do not understand the concept of workforce diversity.	4	40
88.	There was a conspicuous absence of African American, American Indian, Hispanic, Asian, etc. employees as compared with Caucasian employees.	5	50
89.	There was an imbalance of male/female employees in certain grades/positions.	6	60
<b>EEO - RECRUITMENT</b>			
90.	The certifying memo on vacancy announcements stating every effort was made to contact minorities, women, and persons with disabilities was not on file.	4	40
91.	Vacancy announcements were not distributed and/or not posted.	2	20
<b>EEO - TRAINING</b>			
92.	All required employees did not have Individual Development Plans (IDP's) (GS, COT, and FLOT).	6	60

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**USDA/FSA EEO & CR State Management Reviews, FY 2001 Findings Grouped by Similar Area/Program/Subject (Continued)**

<b>Finding</b>		<b>No. of States</b>	<b>Percent</b>
<b>EEO - SPECIAL EMPHASIS PROGRAM (SEP)</b>			
93.	There was no current SEP Accomplishments Report on file.	5	50
94.	There was a lack of scheduling of or participation in activities/recognition for SEP.	8	80
95.	Employees were unfamiliar with SEP and/or the SEP Manager.	8	80
<b>EEO - COUNSELING, MEDIATION, AND COMPLAINTS</b>			
96.	The Counselors Listing was not posted correctly or was not current.	4	40
97.	Some employees did not know who the counselor is and/or were not familiar with how to file an EEO complaint.	5	50
98.	Employees felt uncomfortable filing an EEO complaint for fear of retaliation.	1	10
<b>EEO - AWARDS AND RECOGNITION</b>			
99.	Awards received by employees were not being published .	3	30
100.	There were very few or no awards given to employees for EEO or CR activities.	5	50
101.	Employees felt awards were not being distributed equitably and fairly.	5	50