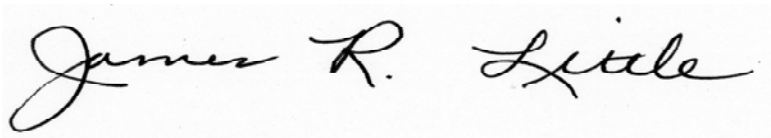
UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Notice AO-1298

For: State Offices and Service Centers

Findings for FY 2002 EEO/CR State Management Reviews (SMR's)

Approved by: Administrator



1 FY 2002 SMRS

A Background

FSA Office of Civil Rights (OCR) completed SMR's for FY 2002 to determine compliance with regulations and requirements for EEO/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 SMR's issued by FSA OCR.

2 General Information

A Scope of Review

Reviews included:

- 6 State Offices
- 31 Service Centers
- 303 interviews of GS and CO employees, STC, and COC members and advisors.

Normally at least 10 reviews are conducted each year; but, in FY 2002, the remaining SMR's were replaced with other special reviews.

B Definition of Finding

A <u>finding</u> for the purpose of this report is a discovery that:

- does **not** conform to Department Regulations and FSA handbooks
- must be corrected.

Disposal Date	Distribution
January 1, 2005	All FSA Offices, State Offices relay to Service Centers

3 SMR Information

A Findings

Findings in FY 2002 are in Exhibit 1, grouped by similar subjects, areas, or programs. 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.

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.

C Contact

If there are any questions, contact either of the following.

Contact	Method
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USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject

	Finding	No. of States	Percent
	EEO and CR Combined Areas		
1.	EEO and/or CR files were not properly maintained (not established, contained very little or no material, or misfiled material).	6	100
2.	Posters and/or 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.	6	100
3.	The list of organizations representing minorities, women, and persons with disabilities to use for outreach for programs and for recruitment was missing.	5	83
4.	EEO and/or CR training was not completed by new employees and/or all employees.	4	67
5.	The nondiscrimination statement on public information, advertisements, vacancy announcements, etc. was not included, or was inaccurate, or was used inconsistently.	4	67
6.	There was incorrect RSNO data on employees, producers, and/or eligible voters through NFC and/or Report AO-157R, Election Information, Media Outreach, and Appeals Report.	3	50
7.	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.	3	50
8.	EEO and/or CR training was not being tracked, manually or on I*CAMS.	3	50
9.	Report AO-157R was missing or completed only partially and/or incorrectly completed.	2	33
10.	EEO and/or CR were seldom discussed at staff meetings.	1	17

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	CR - Management		
11.	COC Minutes - bilingual staffing was not addressed.	5	83
12.	COC Minutes - did not include documentation of contact with minority leaders to discuss need for an advisor.	4	67
13.	COC and/or STC Minutes - contained sensitive data that should have been included in Executive Minutes.	3	50
14.	COC and/or STC Minutes - approval for the advisor(s) was not reflected.	2	33
15.	COC and/or STC Minutes - were not properly transcribed and/or maintained.	2	33
16.	COC Minutes - (Executive) were not signed by CED and Chairperson.	2	33
17.	COC Minutes - were not consistently sent to the State Office for review.	1	17
18.	COC Minutes - (Executive) were not kept in locked file cabinet.	1	17
	CR - Disability Accessibility		
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.	4	67
20.	Parking spaces - did not have at least 1 space (for disabled parking) for every 25 parking spaces.	2	33
21.	Parking spaces - were not at least 96” wide with an access aisle 60” wide.	1	17
22.	Parking spaces - the slope was more than 2 percent.	1	17
23.	Parking spaces - were not closest to the nearest accessible entrance.	2	33
24.	Parking spaces - needed re-striping.	3	50
25.	Parking spaces - needed the International Symbol of Accessibility painted on the pavement.	3	50

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	CR - Disability Accessibility (Continued)		
26.	Ramps were not at changes in level greater than ½” high.	1	17
27.	Ramps did not have 60” of level landings at bottom and top of each run and 48” wide at U-turns.	1	17
28.	Ramps did not have grippable handrails 34-38” above ramp surfaces with 1-1/2” clear space between handrails and walls.	2	33
29.	Doors had thresholds greater than ½” in height.	2	33
30.	Doors needed 5 pounds or more of force to open.	2	33
31.	Accessible routes - there was not at least one accessible route linking the accessible entrance to all accessible elements/spaces.	3	50
32.	Accessible routes - were not continuously 36” wide except for 32” at points such as doors.	1	17
33.	Accessible routes - did not have slip resistant surfaces.	1	17
34.	Toilet facilities - stall door was less than 32” wide and/or swings out.	4	67
35.	Toilet facilities - toilet was not between 17” and 19” high.	3	50
36.	Toilet facilities - there were not 2 grab bars mounted 33” to 36” high.	3	50
37.	Toilet facilities - sink was higher than 34” from floor and/or had no adequate knee space.	1	17
38.	Toilet facilities - mirror’s bottom edge was higher than 40”.	6	100
39.	Toilet facilities - did not have lever-operated, push-type, or electronically controlled faucet(s).	4	67
40.	Drinking fountain - spouts were higher than 36” and did not provide a flow of water at least 4” high.	2	33

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	CR - Disability Accessibility (Continued)		
41.	Drinking fountain - controls were not front or side-mounted and/or required more than 5 pounds of force to operate.	2	33
42.	Drinking fountain - did not have clear floor space of 30” by 48” with adequate knee space.	4	67
43.	Public telephones did not have clear floor space of at least 30” x 48”.	2	33
44.	International Symbol of Accessibility signs - were missing for passenger loading zones.	2	33
45.	International Symbol of Accessibility signs - were missing for accessible entrances.	4	67
46.	International Symbol of Accessibility signs - were missing for accessible toilet facilities.	3	50
47.	International Symbol of Accessibility signs - were missing for parking spaces (identified with sign visible from the driver’s seat of the vehicle parked in the space).	3	50
	CR - Public Notification and Outreach		
48.	Press releases regarding the FLP SDA Program were not being issued semiannually.	5	83
49.	There was a general lack of documentation for outreach.	2	33
50.	The reasonable accommodation statement was missing from all training notices and/or at a minimum in newsletters twice a year.	2	33
51.	The Equal Credit Opportunity Act statement was missing and/or inaccurate in sales advertisements for Farm Loan Program inventory property.	1	17
52.	There was no State Outreach Plan on file (State Office and/or Service Centers).	1	17
53.	FSA exterior/interior signs were in error or were missing.	1	17
54.	The Outreach Coordinator had not received training.	1	17

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	CR - Complaints of Discrimination		
55.	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.	3	50
	CR - Farm Program (FP) and Farm Loan Program (FLP) Delivery		
56.	FP and FLP - lack of documentation in the file.	1	17
57.	FP - inconsistent handling, no notification, incomplete, or no appeal rights were given to producers regarding adverse decisions.	5	83
58.	FLP - FmHA Instruction 1910-A-1, A-2, and/or A-3 guide letters were not being sent timely, or consistently, or were incomplete.	5	83
59.	FLP - MAC application data was inaccurate or missing.	2	33
60.	FLP - SDA applications were not being monitored.	2	33
61.	FLP - FmHA Instruction 1951-S tracking was not current.	2	33
62.	FLP - withdrawn applications were handled inconsistently, or there was a lack of documentation.	1	17
63.	FLP - FmHA Instruction 1951-S servicing was not handled timely.	1	17
64.	FLP - offset letters on delinquent borrowers were not handled timely.	1	17

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	EEO - Management		
65.	Position descriptions did not contain collateral duties of the Outreach Coordinator, the SEP Manager, and/or the State Civil Rights Coordinator.	5	83
66.	Position descriptions and/or performance plans were missing the EEO/CR responsibilities, were not current, or were not properly completed.	2	33
67.	19-PM was not current.	1	17
68.	Position descriptions were missing from OPF's.	1	17
69.	OPF files for GS employees contained SF-181, Race and National Origin Identification.	1	17
	EEO - AEP and Workforce Diversity/Data Collection		
70.	Employees felt workforce diversity could be improved.	3	50
71.	Employees do not understand the concept of workforce diversity.	2	33
72.	There was a conspicuous absence of African American, American Indian, Hispanic, Asian, etc. employees as compared with Caucasian employees.	2	33
73.	There was an imbalance of male/female employees in certain grades/positions.	2	33
74.	There was an absence of minorities serving as advisors.	1	17
	EEO - Recruitment		
75.	The certifying memo on vacancy announcements stating every effort was made to contact minorities, women, and persons with disabilities was not on file.	5	83
76.	There was no evidence of attempts to recruit COTS in locations where there were a significant number of applications to fulfill FSA EEO goals.	1	17
77.	Employees did not feel that hiring and promotions were done fairly and equally.	1	17

USDA/FSA EEO and CR State Management Reviews, FY 2002 Findings Grouped by Similar Area/Program/Subject (Continued)

	Finding	No. of States	Percent
	EEO - Training		
78.	All required employees (GS, COT, and FLOT) did not have Individual Development Plans (IDP's).	4	67
	EEO - Special Emphasis Program (SEP)		
79.	There was no current SEP Accomplishments Report on file.	5	83
80.	There was a lack of scheduling or participation in activities/recognition for SEP.	5	83
81.	Employees were unfamiliar with SEP and/or the SEP Manager.	3	50
82.	The SEP Manager had not received training.	1	17
83.	SEP Manager duties were still assigned to the Administrative Officer.	1	17
	EEO - Counseling, Mediation, and Complaints		
84.	Some employees did not know who the counselor was and/or were not familiar with how to file an EEO complaint.	2	33
85.	Employees felt uncomfortable filing an EEO complaint for fear of retaliation.	1	17
	EEO - Awards and Recognition		
86.	There were very few or no awards given to employees for EEO or CR activities.	5	83
87.	Awards received by employees were not being published.	2	33
88.	Employees felt awards were not being distributed equitably and fairly.	2	33
89.	There was some disparity in awards based on race and gender of the current workforce.	1	17