

For: State Offices and Service Centers

Findings for FY 2003 EEO/CR State Management Reviews (SMR's)

Approved by: Administrator



1 FY 2003 SMR's

A Background

FSA Office of Civil Rights (OCR) completed SMR's for FY 2003 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:

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

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.

Disposal Date January 1, 2005	Distribution All FSA Offices, State Offices relay to Service Centers
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Notice AO-1299

3 SMR Information

A Findings

Findings in FY 2003 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 2003 Findings Grouped by Similar Area/Program/Subject

Finding		No. of States	Percent
EEO and CR Combined Areas			
1.	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, and/or the reports were missing. This could be interpreted to mean inaccurate collection of data on elections and committee persons or voters, a lack of overall outreach, no public meetings being held, etc.	10	100
2.	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.	10	100
3.	EEO and/or CR training was not completed by new employees and/or all employees and/or it was not being tracked, manually or on I*CAMS.	9	90
4.	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.	9	90
5.	The list of organizations representing minorities, women, and persons with disabilities to use for outreach for programs and/or for recruitment was missing, outdated, and/or incomplete.	9	90
6.	EEO and/or CR files were not properly maintained (not established, contained very little or no material, or misfiled material).	7	70
7.	18-AO and/or 19-PM were not available to all employees and/or were not current.	3	30
8.	The nondiscrimination statement on public information, advertisements, vacancy announcements, etc. was not included, or was inaccurate, or was used inconsistently.	1	10

USDA/FSA EEO and CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
CR - Management			
9.	COC Minutes - bilingual staffing was not addressed.	9	90
10.	COC and/or STC Minutes - (Executive) were not signed by CED and Chairperson.	8	80
11.	COC and/or STC Minutes - (Executive) were not kept in a locked file cabinet and/or were combined with Regular Minutes.	7	70
12.	COC and/or STC Minutes - did not contain documentation on disaster programs outreach.	7	70
13.	COC and/or STC Minutes - contained sensitive data that should have been included in Executive Minutes.	5	50
14.	Employees did not know the name of the State Civil Rights Coordinator.	2	20
15.	COC Minutes - (Regular and Executive) were not consistently sent to the State Office for review.	2	20
CR - Disability Accessibility			
16.	FSA-830, Checklist for the Review of Accessibility Requirements for Disabled Persons, was not completed as required and/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.	10	100
17.	Disabled parking spaces - did not have at least 1 space (for disabled parking) for every 25 parking spaces and/or had none designated.	2	20
18.	Disabled parking spaces - were not at least 96" wide with an access aisle 60" wide.	4	40
19.	Disabled parking spaces - the slope was more than 2 percent and/or spaces were not level.	3	30
20.	Disabled parking spaces - were not closest to the nearest accessible entrance.	8	80
21.	Disabled parking spaces - needed re-stripping and/or passenger loading zones and/or access aisles needed to be designated.	6	60
22.	Disabled parking spaces - needed the International Symbol of Accessibility painted on the pavement.	6	60

USDA/FSA EEO & CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
CR - Disability Accessibility (Continued)			
23.	Disabled parking spaces and/or loading zones did not have firm slip resistant surfaces and/or had uneven surfaces.	4	40
24.	Ramps did not have 60" of level landings at bottom and top of each run and 48" wide at U-turns.	1	10
25.	Ramps did not have grippable handrails 34-38" above ramp surfaces with 1-1/2" clear space between handrails and walls.	3	30
26.	The entrance to the office was not accessible.	2	20
27.	Doors had thresholds greater than 1/2" in height.	4	40
28.	Doors needed 5 pounds or more of force to open.	6	60
29.	Accessible routes - there was not at least one accessible route linking the accessible entrance to all accessible elements/spaces.	1	10
30.	Accessible routes - did not have slip resistant surfaces.	1	10
31.	Toilet facilities - did not have floor clearance of 60" wide by 56" deep or 36" wide by 66" deep.	3	30
32.	Toilet facilities - stall door was less than 32" wide and/or swings out.	3	30
33.	Toilet facilities - toilet was not between 17" and 19" high.	4	40
34.	Toilet facilities - there were not 2 grab bars mounted 33" to 36" high.	3	30
35.	Toilet facilities - sink was higher than 34" from floor and/or had no adequate knee space.	5	50
36.	Toilet facilities - mirror's bottom edge was higher than 40" and/or there was no mirror at all.	9	90
37.	Toilet facilities - did not have lever-operated, push-type, or electronically controlled faucet(s).	2	20
38.	Toilet facilities - was not designated for persons with disabilities.	1	10

USDA/FSA EEO & CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
CR - Disability Accessibility (Continued)			
39.	Drinking fountain - spouts were higher than 36" and/or did not provide a flow of water at least 4" high.	6	60
40.	Drinking fountain - controls were not front or side-mounted and/or required more than 5 pounds of force to operate.	5	50
41.	Drinking fountain - did not have clear floor space of 30" by 48" with adequate knee space.	7	70
42.	Door hardware - was not lever-operated or push-type mechanism.	6	60
43.	Elevators - emergency controls were higher than 48" from the floor.	2	20
44.	International Symbol of Accessibility signs - were missing for passenger loading zones.	7	70
45.	International Symbol of Accessibility signs - were missing for accessible entrances.	9	90
46.	International Symbol of Accessibility signs - were missing for accessible toilet facilities.	8	80
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).	4	40
CR - Public Notification and Outreach			
48.	Press releases regarding the FLP SDA Program were not being issued semiannually.	10	100
49.	There was a general lack of documentation for outreach and/or documentation reflects lack of outreach to SDA groups.	5	50
50.	FSA exterior/interior signs were in error or were missing.	5	50
51.	The reasonable accommodation statement was missing from all training notices and/or at a minimum in newsletters twice a year.	4	40
52.	Election Outreach Plans were not submitted to the State Office.	3	30
53.	Service Center newsletters are not being maintained in the State Office and/or are not being submitted to the State Office for review.	2	20

USDA/FSA EEO & CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
CR - Public Notification and Outreach (Continued)			
54.	There was no State Outreach Plan on file (State Office and/or Service Centers).	1	10
55.	The Equal Credit Opportunity Act and/or nondiscrimination statement was missing and/or inaccurate in sales advertisements for Farm Loan Program inventory property.	1	10
CR - Complaints of Discrimination			
56.	Obsolete AD-1126's had not been destroyed.	2	20
57.	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.	2	20
CR - Farm Program (FP) and Farm Loan Program (FLP) Delivery			
58.	FP - inconsistent handling, no notification, incomplete, or no appeal rights were given to producers regarding adverse decisions, and/or there was no action taken on applications.	9	90
59.	FP - Denials and/or approvals were not documented in COC minutes and/or were not consistently addressed.	3	30
60.	FLP - FmHA Instruction 1910-A-1, A-2, and/or A-3 guide letters were not being sent timely, or consistently, or were incomplete, or timeframes were inaccurate.	10	100
61.	FLP - MAC application data/documentation was inaccurate or missing.	6	60
62.	FLP - Equal Credit Opportunity Act paragraph was not included in adverse decision letters.	2	20
63.	FLP - SDA applications were not being monitored.	1	10
64.	FLP - Loan funds were not provided within 15 days of approval and/or no documentation indicating applicants agreed to a longer period of time.	1	10
65.	FLP - lack of documentation on purpose and need to use Supervised Bank Account (SBA) and/or excessive use of SBA.	1	10
66.	FLP - FmHA Instruction 1951-S servicing was not handled timely and/or consistently.	1	10
67.	FLP - FmHA Instruction 1951-S tracking was not current.	1	10

USDA/FSA EEO & CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
EEO - Management			
68.	Position descriptions did not contain collateral duties of the Outreach Coordinator, the SEP Manager, and/or the State Civil Rights Coordinator.	5	50
69.	Position descriptions were missing the EEO/CR responsibilities, were not current, or not completed properly.	1	10
70.	Position descriptions were missing from OPF's.	1	10
EEO - AEP and Workforce Diversity/Data Collection			
71.	Employees did not understand the concept of workforce diversity.	1	10
72.	COC Minutes - did not include documentation of contact with minority leaders to discuss need for an advisor.	7	70
73.	There was an imbalance of male/female employees in certain grades/positions.	5	50
74.	There was a conspicuous absence of African American, American Indian, Hispanic, Asian, etc. employees as compared with Caucasian employees (permanent and temporary).	4	40
75.	There was an absence of minorities serving as advisors and/or as COC members.	3	30
EEO - Recruitment			
76.	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
77.	Employees did not feel that hiring and promotions were done fairly and equally.	3	30
78.	There was a lack of documentation regarding the use of Hispanic Servicing Institutions in recruiting minorities.	1	10
EEO - Training			
79.	All required employees (GS, COT, and FLOT) did not have Individual Development Plans (IDP's).	7	70

USDA/FSA EEO & CR State Management Reviews, FY 2003 Findings Grouped by Similar Area/Program/Subject (Continued)

Finding		No. of States	Percent
EEO - Special Emphasis Program (SEP)			
80.	There was a lack of scheduling and/or participation in activities/recognition for SEP in the State Office and/or Service Centers.	10	100
81.	There was no current SEP Accomplishments Report on file.	5	50
82.	The SEP Manager had not received training.	5	50
83.	Employees were unfamiliar with SEP and/or the SEP Manager.	5	50
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.	5	50
85.	Employees felt uncomfortable filing an EEO complaint for fear of retaliation.	2	20
EEO - Awards and Recognition			
86.	There were very few or no awards given to employees for EEO or CR activities.	10	100
87.	Employees were not being recommended for awards.	2	20
88.	There was some disparity in awards (QSI's) based on grade of the current workforce.	1	10