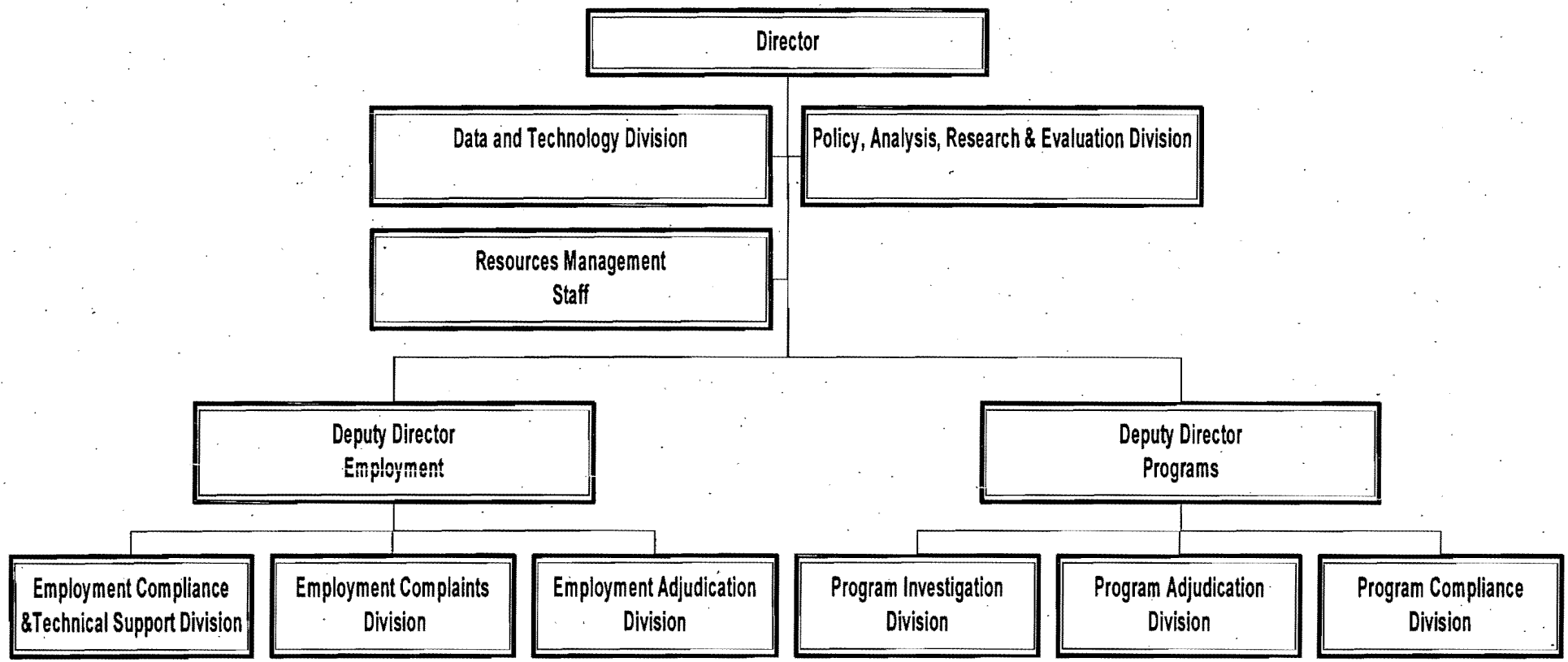
Office of Civil Rights

Recommended: Rosalind D. Gray
Director, Office of Civil Rights

Approved: _____
Assistant Secretary for Administration

Date: _____



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF CIVIL RIGHTS

FUNCTIONAL STATEMENTS

OFFICE OF THE DIRECTOR

A. **Assignment of Functions:**

1. Provides overall leadership, coordination, and direction for the Department's programs of civil rights, including program delivery compliance and equal employment opportunity.

2. Monitors and evaluates policies, procedures, and programs related to civil rights, equal employment opportunity, and special emphasis.

3. Ensures that civil rights policy for the Department is developed, implemented, and reviewed centrally. Develops regulations, plans, and procedures necessary to carry out the Department's civil rights programs, including the development, implementation, and coordination of Action Plans.

4. Provides leadership and coordination of USDA agency and Department systems for targeting, collecting, analyzing, and evaluating program participation data and equal employment opportunity data.

5. Provides leadership and coordination of Department-wide programs of public notification regarding the availability of USDA programs on a nondiscriminatory basis.

6. Maintains liaison with other Federal departments, agencies, and commissions both external and internal to the Department - to exchange information and assure coordinated actions on civil rights matters.

7. Coordinates the Department's special emphasis activities, affirmative employment program, equal employment opportunity evaluations, and development of Equal Employment Opportunity (EEO)/civil rights policies and procedures.

8. Prepares reports necessary to accomplish the mission of the agency.

9. Coordinates support for the Department's Citizen's Advisory Committee on Equal Opportunity.

B. **Availability of Information.**

Information concerning the Office of Civil Rights may be obtained from the Director, Office of Civil Rights, Department of Agriculture, Washington, DC 20250.

C. **Regulations.**

Regulations governing Federally- assisted and Federally- conducted programs may be found in 7 CFR 15 and DOJ guidelines. Regulations governing equal employment opportunity matters may be found in 29 CFR 1614 and EEOC guidelines.

D. **Historical Documents.**

For information concerning civil rights and equal opportunity legal authorities, refer to:

1. Title VI of the Civil Rights Act of 1964, as amended - "Nondiscrimination in Federally Assisted Programs.

2. Title VII of the Civil Rights Act of 1964, as amended by the EEO Act of 1972, and the Civil Rights Act of 1991 - Equal Employment Opportunity.

3. Title II of the Americans with Disabilities Act of 1990, as amended, and Rehabilitations Act Amendments of 1992.

4. Title IX of the Education Amendments of 1972.

5. Civil Rights Restoration Act of 1987 (Title VI, Title IX, Section 504 and the Age Discrimination Act).

6. Sections 501 and 504 of the Rehabilitation Act of 1973, as amended.

7. Equal Pay Act of 1963.

8. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

9. Age Discrimination in Employment Act of 1967, as amended.

10. Title VII of the Equal Credit Opportunity Act, as amended.

11. Food Stamp Act of 1977.

Assignment of Functions (Continued)

12. Pub L. 92-261 of 1972.

13. Executive Order 11375 of October 13, 1967.

14. Executive Order 11478 of August 8, 1969.

15. Executive Order 11598 of June 16, 1971.

16. Executive Order 1625 of October 13, 1971.

17. Executive Order 11764 of January 21, 1974.

18. Executive Order 12320 of September 15, 1981.

19. Executive Order 11246 of September 24, 1965.

20. Department of Justice Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964, 28 CFR 50.3.

21. Agricultural Credit Act of 1987.

22. Secretary's Memorandum 1020-47, dated February 8, 1996.

23. Secretary's Memorandum 1010-4, dated May 16, 1997.

Office of the Director, CR

Policy, Analysis, Research, and Evaluation Division

Assignment of Functions:

1. Develops strategic plans and annual performance standards for implementing civil rights and policies, and environmental justice requirements as they relate to civil rights laws and policies in the Department. Establishes a shared mission, vision, goals, objectives and work plans for CR that are linked with other Departmental strategic plans on budget, performance, and results as prescribed in the Government Performance and Results Act

2. Monitors and evaluates policies, procedures, and programs concerning USDA's civil rights strategic plan and annual program performance report.

3. Analyzes customer service planning with strategic and performance planning initiatives.

4. Develops Department-wide regulations, Secretary's memoranda, and other forms of policy guidance for implementing civil rights law and policies in the Department.

5. Develops policy on program and employment civil rights impact analyses.

6. Coordinates and monitors civil rights training. Develops Department-wide civil rights training policy.

7. As designated by the Director, maintains liaison with the Department of Justice (DOJ), the Federal Trade Commission (FTC), the United States Commission on Civil Rights, and other Congressionally or Presidentially designated civil rights lead Federal agencies as necessary.

8. Develops policies and procedures for agency Affirmative Employment and Civil Rights Implementations Plans.

9. Coordinates with other CR divisions in monitoring and evaluating agency programs and activities to foster the effective and efficient use of civil rights resources, thereby, enhancing program support and increasing productivity within USDA.

10. Establishes standards for USDA civil rights policies and procedures. Conducts research to advance civil rights practices internal and external to USDA.

Policy, Analysis, Research, and Evaluation Division

Assignment of Functions (Continued):

11. Provides reports to the Director, CR, and the Assistant Secretary for Administration (ASA) for use in evaluating agency heads and their civil rights staff office Director, and for targeting compliance reviews.

12. In consultation with USDA and other government agencies, manages and develops strategies for utilization of the USDA civil rights enforcement workforce in order to improve the professionalism of the work force and to meet challenges posed by major change initiatives such as reorganization, streamlining, reinvention, and modernization.

13. Identifies, through studies, organizational reviews, and workforce analysis, systemic discriminatory practices in USDA employment and program delivery activities. Conducts special studies and related assessments of USDA-wide and agency-specific activities.

14. Manages the USDA Civil Rights Accountability Process. Maintains information to assess and institute accountability for civil rights at USDA.

15. Develops annual civil rights performance plans of agency heads and civil rights staff office directors. Provides technical assistance to agency civil rights liaisons and advises the Director, CR, to accurately rate the EEO/CR performance element for agency heads and civil rights staff office directors.

16. Gathers information from USDA sources including agencies, Departmental Administration (DA), and Office of the Secretary.

17. Consults with DA offices to ensure accuracy and validity of the civil rights performance data and use data for quarterly and mid-year assessments and year-end evaluations.

18. Prepares Policy related correspondence for the Director, CR.

Office of the Director

Data and Technology Division (DTD)

Assignment of Functions:

1. Oversees the management of information technology (IT), automated applications, and statistical and economic functions in CR. These responsibilities include planning, representation, acquisition, development, integration, analysis, presentation, implementation, maintenance, training, and support.

2. Develops, recommends, and implements policies, strategies, plans, standards and procedures related to IT, automated applications, and analytical activities on all equal employment opportunity, civil rights, and administrative activities in CR.

3. Represents CR on task forces, committees, and work groups, and in meetings, conferences, and workshops regarding policies, regulations, current events, and emerging issues related to IT, statistics; identifies needs, sets direction, and implements good business practices for IT and statistical matters.

4. Tracks employment and program complaints, compliance with settlement agreements, and counseling contacts and closures.

5. Plans and directs the adaptation of IT, design and development of applications, security measures, and system administration; protects privacy.

6. Conducts training and educational programs on IT, automated applications, and statistical and economic analysis.

7. Coordinates and integrates the CR plans with the Departmental strategic plan for IT.

8. Serves as the source of official data and statistics for CR and expert witness in court and similar proceedings; serves as a source for acquisition of hardware, software, electronic research and reference sources, and telecommunications for CR.

9. Identifies problems and monitors emerging issues; directs major studies of workforce, workflow, and equipment requirements.

10. Provides continuous support including routine programming fixes, trouble-shooting, and enhancement of IT applications.

Data and Technology Division (DTD)

Assignment of Functions (Continued):

11. Provides continuous development and postings of Internet/Intranet applications as a central source of electronic information and a communications medium with the public, employees, USDA agencies, and other stakeholders.

12. Develops small to medium scale automated applications in support of daily CR operations consistent with existing architecture and computing platform; provides continuous automation, connectivity and support of all CR administrative applications, including telephone directories, travel authorization and vouchers, procurement, personnel action, work schedules, and time and attendance.

13. Manages office-wide inventory of properties; tracks IT supplies; administers software licenses and IT contracts; maintains electronic records; supports telecommunications including local and wide area networks and telephone lines.

14. Manages Help Desk and maintenance operations to respond to user problems; arranges for movement of IT equipment; tests and installs new hardware and software; and maintains continuous operation of servers.

15. Provides continuous acquisition and support of a data warehouse that includes data on USDA employment profiles, U.S. and local civilian labor forces, U.S. population and agriculture censuses, borrower and applicant profiles from USDA agencies, and other sources related to equal employment opportunity and civil rights issues.

16. Performs statistical and economic studies of equal employment opportunity and civil rights issues, including overall design, planning, data collection, analysis, interpretation and presentation of analytical results meeting top professional and ethical standards.

17. Assesses economic losses in settlement negotiations; conducts post-award economic evaluation of civil rights impact analyses on program and regulation changes; develops econometric models to study the complex relationship and impact of socio-economic conditions and agency policies and operations on civil rights; examines established linear and computer programs used by USDA agencies for potential biases; and provides leadership on economic and econometric issues.

18. Explains technical concepts in a manner that can be understood by persons not trained in computer science, statistics, and economics.

Office of the Director, CR

Resources Management Staff

Assignment of Functions:

1. Oversees a full range of integrated administrative functions to ensure effective and efficient management and operation of CR, with the general exception of identified technology-related functions under DTD.

2. Develops, recommends, and implements policies, strategies, plans, standards and procedures related to administrative activities in CR. Tracks administrative transactions; establishes internal administrative policies, procedures, and controls; creates audit trails; plans for emergency situations and disaster recovery; analyzes workflow and business process; performs analysis of management practices; monitors and tracks results and performance; implements good business practices in all administrative matters.

3. Arranges for office-wide planning and assessment sessions; monitors and provides regular reports on performance and results; analyzes management practices.

4. Ensures adequate financial resources for office-wide operation; maintains detailed and accurate accounting information; establishes effective and efficient management controls; issues, monitors, and retrieves procurement cards, phone cards, travel cards, and similar cards; confirms financial data integrity; verifies and makes prompt payment; and provides timely status of funds reports.

5. Ensures adequate human resources for office-wide operation and proper position classification; maintains detailed count and accurate records of employees including job descriptions, work schedules, performance standards, and performance evaluations; administers awards and recognition program; facilitates completion of all personnel actions, new employee orientation, mandatory training, and exit interviews; informs employees on the latest status and development of human resource management policies and procedures.

6. Ensures budgeting, approval, and processing of procurement and contracting requests; identifies contract sources; assists in the acquisition and selection of vendors; monitors and modifies terms of contract and agreements; tracks contract status, results, and performance; and authorizes payment.

Resources Management Staff

Assignment of Functions (Continued):

7. Oversees a system of records management within CR that is in accord with Departmental requirements, the Privacy Act, and the Freedom of Information Act. Coordinates with the Program and Employment Divisions on the maintenance of the official copy of the record for program and employment discrimination complaint cases to include but not limited to reports of investigations, adjudication records, final agency decisions, letters of finding, compliance agreements for recipients and for compliance investigation and review reports, supporting documentation, and related compliance enforcement documents.

8. Ensures processing of office-wide travel authorizations and vouchers; establishes and implements internal policies and procedures on travel and related issues; administers and executes inter-agency travel agreements; facilitates travel arrangements including cash advance and reservations; recovers travel benefits in accordance to applicable rules and regulations; anticipates and monitors emerging issues; fully informs managers and employees on latest changes; provides training as needed.

9. Ensures space and physical resources for office-wide operation; coordinates and facilitates office moves, conferences, meeting rooms, and presentation equipment; manages telephone service requests, telephone equipment and voice mailboxes; coordinates security measures, physical access, and disaster recovery; ensures power supply, paint, window treatments, and emergency access; assists in the acquisition and disposal of furniture and properties; maintains and verifies records of space plans and use; evaluates and addresses security, health, and safety concerns in office environment; recommends and implements corrective actions.

10. Provides CR management with requirements on the knowledge, skills, and ability for each job series; establishes automated talent bank of employee knowledge, skills, and ability; serves as liaison with the Office of Human Resources Management; monitors and tracks individual development plans and training progress; evaluates results.

Deputy Director, CR, - Programs

Assignment of Functions:

1. Administers the Department's program for processing complaints alleging discrimination in USDA federally-assisted and federally-conducted programs and activities in accordance with 7 CFR 15 and applicable Departmental regulations, including preparation of letters of finding, compliance agreements and final agency decisions for the signature of the Director, CR. Receives and initiates the processing of all program discrimination complaints.

2. Implements USDA civil rights policies, including non-reprisal and non-harassment policies, in carrying out the program discrimination complaint processes. Promotes agency awareness, understanding, and support of Departmental civil rights policies regarding nondiscrimination in the development and delivery of federally-conducted and federally-assisted programs, activities, and related services.

3. Monitors and evaluates USDA agency policies, procedures, programs, and operations related to civil rights, including equal opportunity and compliance with applicable civil rights statutes and regulations in all aspects of federally-conducted and federally-assisted programs and activities. Findings and results are shared with the Director, CR, in assessing the civil rights performance of agency heads and their civil rights staff office Director.

4. Participates with the Policy, Analysis, Research and Evaluation Division (PARED) in the formulation and revision of USDA civil rights regulations for internal and external application; and ensures that such regulations are consistent with each other and that operational civil rights procedures within agencies are consistent with USDA civil rights regulations.

5. Develops Departmental civil rights programs and guidelines in order to assure proper implementation of applicable laws, Executive Orders, rules, and regulations relating to civil rights in accordance with Administration policies.

6. Oversees the statistical evaluation and reporting of civil rights and related program data which reflect the levels and degree of diversity in groups served by the Department through its federally-conducted and federally-assisted programs and activities as well as in the USDA workforce developing, administering, delivering and monitoring these programs and activities.

Deputy Director, CR, - Programs

Assignment of Functions (Continued):

7. Represents the Department with the Department of Justice (DOJ), Department of Housing and Urban Development (HUD), and the Department of Labor (DOL) to keep abreast of precedent setting civil rights complaints and compliance cases and to ensure coordination of USDA implementation and monitoring of civil rights in its federally-conducted and federally-assisted programs and activities. Effectively presents and represents the Department's implementation and monitoring of civil rights in its federally-conducted and federally-assisted programs and activities.

8. Ensures development of factual records sufficient to fairly adjudicate program discrimination complaints through various means such as delegating authority to USDA agencies, gathering documentary records, convening fact-finding conferences, and taking interrogatories, as well as conducting on-site investigations, compliance investigations, and reviews.

9. Coordinates with the Resource Management Staff, the system of records management within Programs that is in accord with Departmental requirements, the Privacy Act and the Freedom of Information Act.

10. Coordinates program complaints adjudication and resolution/settlement, and program compliance review findings and agreements in federally-assisted programs with the Office of General Counsel (OGC).

11. Monitors USDA agency civil rights related training and provides leadership to ensure that appropriate training is delivered to Departmental personnel in the area of civil rights.

12. Provides technical assistance and guidance to agency civil rights offices on program complaints prevention, processing and resolution; the conduct of compliance reviews, implementation of compliance agreements/corrective action plans and attaining voluntary compliance internally and by recipients; the development of civil rights guidelines and guidance for application in federally-conducted and federally-assisted programs.

13. Directs the preparation and finalizing of Programs related correspondence, including responses to Congressional inquiries and the Office of the Executive Secretariat correspondence.

Deputy Director, CR, - Programs

Assignment of Functions (Continued):

14. In consultation with PARED, identifies for the Director, CR, USDA agency programs, activities, and functions which are, or should, be subject to environmental justice requirements based on analysis of investigations, compliance reviews, and evaluation findings. Coordinates efforts in this subject area with the Departmental Environmental Justice Coordinator designated by the Under Secretary for Natural Resources and Environment.

Deputy Director, CR, - Programs

Program Investigations Division (PID)

Assignment of Functions:

1. Directs and conducts program discrimination investigations including coverage of claims of compensatory damages resulting from alleged discriminatory policies, practices, and activities in USDA federally-conducted and federally-assisted programs.

2 Receives and initiates the processing and adjudication of program discrimination complaints under P. L.105-277, Section 741, the Statute of Limitations (SOL).

3. Develops and approves plans of investigation for investigating individual and group or class program discrimination complaints. Investigations apply the civil rights laws applicable to the federally-conducted or federally-assisted program, theories of discrimination and fact finding methods which address the issues and allegations raised. Investigations collect all available pertinent evidence and materials necessary to arrive at a finding on the issues of discrimination alleged in the case.

4. Reviews reports of investigations (ROIs) against established standards for completeness and adequacy for use in the adjudication process.

5. Analyzes cases and, when appropriate, provides feedback to agencies on Position Statements prepared by and received from them for individual program discrimination complaints.

6. Provides technical assistance and guidance to agency civil rights offices on the processing of program complaints and on effective ways of preventing and resolving program complaints based on analysis and assessment of past investigations of like charges in same or similar programs.

7. Provides technical assistance and guidance to agencies in conducting field level inquiries to facilitate the production of high quality Position Statements in response to individual program discrimination complaints.

8. Maintains liaison with the DOJ to keep abreast of related precedent setting cases and administrative actions and to effectively coordinate USDA 's activities in this functional area.

Program Investigations Division (PID)

Assignment of Functions (Continued):

9. Evaluates systemic problems of discrimination in USDA program services in the Department.

10. Prepares reports and recommendations for submission to the Secretary based on broad analysis of investigative and evaluation findings, as directed by the Director, CR, and/or, the Deputy Director, CR, for Programs.

11. Works to eliminate systemic discriminatory practices in program delivery that relate to USDA policies, procedures, and regulations.

12. Participates in the development and delivery of CR program related training services to CR employees, agency managers and civil rights staffs, and when appropriate, agency employees, and other program participants.

13. Assists the Deputy Director, CR, Programs in identifying USDA agency programs, activities, functions which are, or should be, subject to environmental justice requirements based on broad analyses of investigation and evaluation findings.

14. Prepares responses to correspondence, including Congressional inquiries, and Office of the Executive Secretariat correspondence as directed by the Deputy Director, CR, Programs.

15. Utilizes all resources, management and technical, which will help assure program fulfillment and efficiency, including effective utilization of the automated data and computerized equipment provided each specialist for the purpose of enhancing case management and communication output.

Deputy Director, CR, - Programs

Program Adjudications Division (PAD)

Assignment of Functions:

1. Reviews and analyzes ROIs and the entire administrative complaint file, applying appropriate standards and legal theories of discrimination in making consistent findings of fact and conclusions of law in the preparation of: (1) final agency decisions on program discrimination complaints arising out of USDA federally-conducted programs; and (2) letters of finding, settlement agreements and compliance agreements on program complaint cases arising out of USDA federally-assisted programs.

2. Directs and oversees the preparation and completion of final agency decisions, letters of finding, settlement agreements and compliance agreements on program discrimination complaints for review and acceptance by the Deputy Director, CR, of Programs and approval by the Director, CR.

3. Prepares requests for the Director, CR, for directives to comply for issuance to agencies who fail to comply with or correct violations cited in final agency decisions.

4. Requests supplemental investigations when necessary to adjudicate adequately a complaint or make a compensatory damage assessment. Secures input and recommendations from CR economists in preparing compensatory damage assessments.

5. Provides expertise to the Deputy Director, CR, Programs and the Director, CR, on interpreting guidelines, regulations and laws concerned with civil rights generally and with program discrimination complaint processing in particular.

6. When consulted by the PID and when requesting supplemental investigations, provides technical advice and guidance on investigative plans and reports of investigation to ensure adequate pursuit and exhaustion of sources of information and application of appropriate fact finding methods. Takes appropriate actions to facilitate the collection of all pertinent facts and materials necessary to arrive at a finding on the issues of discrimination alleged in a case.

7. Reviews and drafts final agency decisions.

Program Adjudications Division (PAD)

Assignment of Functions (Continued):

8. Monitors and advises Mission Area and Agency Directors, CR, of civil rights and their program discrimination complaints staff on the application and interpretation of civil rights policies, laws, and regulations in the processing and resolution of program discrimination complaints.

9. Utilizes all resources, management and technical, which will help assure program fulfillment and efficiency, including effective utilization of the automated data and computerized equipment provided each specialist for the purpose of enhancing case management and communication output.

10. As directed, conducts studies and reviews and makes recommendations for program and policy changes which will enhance the Department's program discrimination complaints processing program.

11. Maintains liaison with the OGC to assure compliance with applicable policies, laws, regulations and procedures in adjudicating program complaints of discrimination.

12. Works to eliminate systemic discriminatory practices in program delivery that relate to USDA policies, procedures, and regulations.

13. Participates in the development and delivery of CR program related training services to CR employees, agency managers and civil rights staffs, and when appropriate, agency employees and program participants and recipients.

14. Prepares responses to correspondence, including Congressional inquiries, and OES correspondence as directed by the Deputy Director, CR, Programs.

Deputy Director, CR, - Programs

Program Compliance Division (PCD)

Assignment of Functions:

1. Develops and implements compliance investigation and evaluation systems which measure organizational performance in meeting civil rights policies, laws, and regulations in the development and delivery of USDA federally-conducted and federally-assisted programs and services. Provides that systems ensure organizational and staff accountability for provision of equal opportunity and access in programs in accord with applicable civil rights laws.

2. Conducts an efficient, cost effective CR compliance program for federally-conducted and federally-assisted programs and services.

3. Develops and approves compliance investigation and review plans which identify issues, theories of discrimination, and data gathering methods and techniques appropriate for assessing and reviewing agencies application of and adherence to civil rights laws.

4. Recommends and develops Departmental plans for the conduct of regular and special CR compliance reviews and investigations of agency civil rights offices and staffs as well as federally-conducted and federally-assisted programs and activities.

5. Provides guidance, advice and technical assistance to agency civil rights offices and staffs on their responsibilities and strategies for evaluating and monitoring their federally-conducted and federally-assisted programs and activities.

6. Plans and implements a compliance review program which is responsive to internal and external stimuli and encompasses the use of a variety of strategies for evaluating and reporting on agency and recipient compliance with applicable civil rights policies, laws, and regulations.

7. Works with the PARED to plan and implement programs for monitoring, tracking, and reporting on: (1) agency and recipient compliance with letters of finding, conciliation, settlement agreements, and compliance agreements reached in the resolution of program discrimination complaints; and (2) agency and recipient compliance with corrective action plans and noncompliance letters of finding resulting from compliance investigations and reviews.

Program Compliance Division (PCD)

Assignment of Functions (Continued):

8. Works with the PARED to coordinate revisions to agency civil rights compliance regulations, guidance and instructions and ensures that such are consistent with each other, operational procedures within agency programs and activities, and Departmental regulations, directives, and CR procedures.

9. As requested by PARED, provides input into the review and approval process for civil rights implementation plans.

10. Maintains liaison with the DOJ to keep abreast of related precedent setting cases and administrative actions and to effectively coordinate USDA's activities in this functional area.

11. Maintains liaison with other Departments involved in assessing compliance with civil rights policies, laws, and regulations in federally-conducted and federally-assisted programs.

12. Assists the Deputy Director, CR, in consultation with PARED, in identifying for the Director, CR, USDA agency programs, activities, and functions which are, or should be, subject to environmental justice requirements based on analysis of compliance investigations and reviews and evaluation findings. Efforts in this subject area are coordinated with the Departmental Environmental Justice Coordinator designated by the Under Secretary for Natural Resources and Environment.

13. Utilizes all resources, management and technical, which will help assure program fulfillment and efficiency, including effective utilization of the automated data and computerized equipment provided each specialist for the purpose of enhancing case management and communication output.

14. Works to eliminate systemic discriminatory practices in program delivery that relate to USDA policies, procedures, and regulations.

15. Participates in the development and delivery of CR program related training services to CR employees, agency managers and civil rights staffs, and when appropriate, agency employees, and other program participants and recipients.

16. Prepares responses to correspondence, including Congressional inquiries, and OES correspondence as directed by the Deputy Director, CR, Programs.

Deputy Director, CR, - Employment

Assignment of Functions:

1. Administers the Department's informal and formal EEO complaint program in accordance with 29 CFR 1614, including oversight for the EEO counseling function performed by the agencies and preparation of final agency decisions for the signature of the Director, CR.

2. Implements civil rights policy in carrying out employment complaint processes. Promotes agency awareness, understanding, and support of the civil rights policies regarding nondiscrimination and conflict resolution.

3. Monitors and evaluates internal agency training and ensures that appropriate civil rights training is delivered to Department employees.

4. Develops and implements the Department's Special Emphasis Programs.

5. Promotes diversity within USDA, including monitoring and facilitating the hiring, promotion, training and retention of women, minorities, and persons with disabilities within all USDA agencies as well as addressing other workforce diversity issues, through development, monitoring and evaluation of Agency civil rights programs.

6. Develops and conducts programs and activities to assist Agencies in increasing the representation of women, minorities, and persons with disabilities, particularly in areas where these groups are under-represented and under-utilized.

7. Provides effective communication channels, including listening sessions, surveys and forums through which women, minorities and persons with disabilities may express particular issues and concerns; serves as the USDA liaison with external customers, groups, organizations, and labor unions on EEO and workforce diversity issues.

8. Develops the Department-wide Affirmative Employment Program (AEP) Plan, updates and accomplishments reports.

9. Monitors and evaluates the agency progress in meeting EEO and affirmative employment objectives.

10. Directs and administers the Employment Compliance Program, including the conduct of agency compliance reviews, and the approval of specific plans and programs developed by agencies to address the inequities.

Deputy Director, CR, - Employment

Assignment of Functions (Continued):

11. Maintains liaison with other Federal agencies to effectively administer the proceeding responsibilities. Key entities include the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the DOJ, and the Office of Personnel Management.

12. Coordinates with the OGC as appropriate.

Deputy Director, CR, - Employment

Employment Compliance & Technical Assistance Division (EC&TAD)

Assignment of Functions

1. Develops and implements the Department's Employment Compliance Programs, including conduct of agency compliance reviews, the development of specific plans and programs to address inequities, and the provision of technical assistance to support the enforcement of civil rights. Plans, monitors, and evaluates the agency progress in meeting EEO and affirmative employment objectives; serves as the focal point for EEO-related activities concerning women, minorities, and individuals with disabilities; monitors compliance with civil rights requirements; and maintains liaison with other components concerned with civil rights issues.

2. Evaluates, through surveys, interviews and other techniques, the employment activities of USDA agencies to identify systemic discrimination and assist Agency managers in carrying out the Secretary's EEO and civil rights program and policies.

3. Acts on all EEO complaints that involve issues relating to noncompliance with the terms or conditions set forth in settlement agreements. Monitors the agency's execution and compliance of settlement agreements, as well as the issuance of closure correspondence relating to the final disposition of the complaint file at issue.

4. Provides advice and guidance to USDA Mission Areas to assist in the development and implementation of Affirmative Employment Program (AEP) Plans, updates and accomplishment reports. Prepares AEP Plan and AEP administration.

5. Responds to correspondence or phone calls referred or addressed to CR, including congressional inquiries and OES correspondence, on general questions of workforce diversity, the AEP, and other Affirmative Employment issues.

6. Provides advice, guidance and technical assistance to staff offices within Departmental Administration regarding civil rights laws, policies, procedures, and programs. This includes preparing all necessary reports, plans, briefings, and training for DA staff offices.

Deputy Director, CR, - Employment

Employment Complaints Division

Assignment of Functions

1. Provides Department-wide leadership, direction, coordination, and management for the USDA Civil Rights and EEO Complaint Voluntary Resolution Program. Provides services relating to Alternative Resolution Dispute (ADR) on individual and class employment discrimination complaints in accordance with all applicable civil rights laws, rules, policies, and regulations pursuant to the Title VII of the Civil Rights Act of 1964 (Title VII), as amended; Section 501, 504, and 505 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended; Executive Order 11478, as amended by Executive Order 12106; the Equal Pay Act of 1963 (EPA); the Age Discrimination in Employment Act of 1967 (ADEA), as amended; and, the Americans with Disabilities Act (ADA), as amended.

2. Monitors complaint file management and assignment of cases during the pre-investigative stage. Conducts an individual assessment of formal complaints filed by agency employees and applicants for employment and renders a determination regarding its acceptance or rejection of the allegations raised therein.

3. Provides technical assistance, advice, and guidance to USDA Civil Rights offices, regarding the quality of the agency EEO Counseling reports. Provides assistance with ADR during the informal and formal stage of the complaint process. Establishes, plans designs, executes and monitors the EEO complaint program by providing educational and technical assistance to the agency CR staffs, charging parties, and other entities concerning statutory and regulatory mandates needed to meet the requirements covered by Title VII, ADEA, EPA, and ADA.

4. Develops and conducts agency training and educational programs relating to ADR efforts in the EEO complaint process. Tests and promotes innovative techniques in mediation and related EEO complaint ADR efforts.

5. Reviews performance of USDA EEO Counselors and ADR Specialists on EEO complaints to ensure uniformity and compliance with the mandate set forth in EEOC Management Directive 110.

6. Develops presentations and discussions on the operation and procedures relating to the informal and formal complaint process and procedures, when requested.

Employment Complaints Division

Assignment of Functions (Continued):

7. Provides individual assessments of formal EEO complaints and initiates the processing of complaints. After individual assessments of formal complaints, identifies those which should proceed to the investigative stage, as well as identification of the issues which should be accepted for processing and investigation.

8. Completes and/or reviews and accepts, reports of investigation, and investigation of claims for compensatory damages resulting from Title VII and Rehabilitation Act complaints.

9. Develops internal controls, analyze policies, and maintains a database of information relating to the ADR Program, prepares periodic progress reports, and evaluates the overall operation and effectiveness of the ADR Program.

10. Maintains current knowledge and awareness of major developments in the areas of EEO law and ADR, with particular emphasis on those cases which have an immediate or potential impact upon the Employment Adjudication Division.

11. Maintains the Complaint File Management system, which includes the periodic review of the complaint files, data entry into the EEOMAS system, utilization of an up-to-date filing system within the Control Unit, and the maintenance of the complaint files to ensure security and integrity of our Control File System at all times.

12. Drafts reports, prepares legal opinions, and identifies and implements innovative initiatives and recommendations to improve the EEO complaint processing procedures and ADR program used by the Department in pursuing its commitment to eradicate discrimination in the workplace.

13. Drafts reports and prepares correspondence related to congressional inquiries and OES on the employment complaint functions and status of formal complaints within its division.

Deputy Director, CR, - Employment

Employment Adjudication Division

Assignment of Functions:

1. Provides Department-wide leadership, direction, coordination, and management for the USDA Civil Rights and EEO formal complaint adjudication programs. Conducts an individual assessment of formal complaints filed by agency employees and applicants for employment to ensure equal opportunity for women, minorities, and persons with disabilities in the work force, and other protected bases in the terms and condition of employment.

2. Provides full responsibility for adjudicating employment discrimination complaints to ensure enforcement of all applicable civil rights laws, rules, policies, and regulations pursuant to the Title VII of the Civil Rights Act of 1964 (Title VII), as amended; Section 501, 504, and 505 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended; Executive Order 11478, as amended by Executive Order 12106; the Equal Pay Act of 1963 (EPA); the Age Discrimination in Employment Act of 1967 (ADEA), as amended ; and, the Americans with Disabilities Act (ADA), as amended.

3. Adjudicates formal complaints which encompasses the issuance of final agency decisions relating to the final disposition of individual formal complaints, class action complaints, petitions for attorney's fees and cost, as well as compensatory damage claims.

4. Provides technical assistance, advice, and guidance to USDA Civil Rights offices, in the form of training, facilitating a settlement of a complex or sensitive case, processing of employment complaints, provides legal interpretations and advice on issues impacting on the Department's adjudication process.

5. Provides an analytical assessment of EEO formal complaints filed and communicates information to the Director, CR, regarding any trends noted in the EEO complaint process.

6. Prepares final drafts of agency decisions on EEO complaints, attorney's fees and costs, compensatory damage claims, appellate appeals to the Office of Federal Operations, and requests for reconsideration to the Office of Federal Operations for review and approval by the Director, CR, and/or the ASA or other designee.

Employment Adjudication Division

Assignment of Functions (Continued):

7. In coordination with the OGC, provides final drafts of decisions on compensatory damage claims for review and approval. Works closely with the OGC on EEO complaints involving class action complaints, complex and/or precedent setting issues of employment discrimination.

8. Establishes, develops, and maintains liaison relationships with the OPM, EEOC, DOJ, and other EEO related entities or programs in an effort to stay abreast of precedent setting court decision and EEOC cases. Analyzes new and recent court decisions, public laws, and federal regulations for their impact on the Department's Employment Adjudication Program. Collects information, conducts research and analysis, and report generation and collaboration on EEO initiatives.

9. Maintains current knowledge and awareness of major developments in the area of EEO law, with particular emphasis on those cases which have an immediate or potential impact upon the Department's Employment Adjudication Division.

10. Establishes plans, designs, executes and monitors a comprehensive EEO adjudication program by providing educational and technical assistance to the Department's Civil Rights staff, charging parties, and other entities concerning statutory and regulatory mandates needed to meet the requirements covered by Title VII, ADEA, EPA, and ADA. When requested, develops presentations and discussions on the operation and procedures relating to the formal complaint adjudication process and procedures.

11. Serves as USDA liaison to the EEOC on all formal complaints of employment discrimination.

12. Drafts reports, prepares legal opinions, and makes innovative initiatives and recommendations to improve the EEO complaint processing and adjudication procedures used by the Department in pursuing its commitment to eradicate discrimination in the workplace.

13. Drafts reports and prepares correspondence related to congressional inquiries and office of Executive Secretariat on the employment adjudication functions and status of formal complaints within its division.

14. Serves as USDA liaison to the EEOC on all informal and formal complaints of employment discrimination.