

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

**FY 2021 MD-715
Parts A Through E**

Part A - Department or Agency Identifying Information

Agency	Second Level Component	Address	City	State	Zip Code (xxxxx)	Agency Code (xxxx)	FIPS Code (xxxx)
USDA	Food, Nutrition Service	1320 Braddock Pl.	Alexandria	VA	22314	AG30	4986

Part B - Total Employment

Total Employment	Permanent Workforce	Temporary Workforce	Total Workforce
Number of Employees	1409	36	1445

Part C.1 - Head of Agency and Head of Agency Designee

Agency Leadership	Name	Title
Head of Agency	Thomas J. Vilsack	Secretary of Agriculture
Head of Agency Designee	Cindy Long	Administrator

Part C.2 - Agency Official(s) Responsible for Oversight of EEO Program(s)

EEO Program Staff	Name	Title	Occupational Series (xxxx)	Pay Plan and Grade (xx-xx)	Phone Number (xxx-xxx-xxxx)	Email Address
Principal EEO Director/Official	Roberto Contreras	Director, Civil Rights Division				
Affirmative Employment Program Manager	Paul Neubelt	Branch Chief, EEO/ADR Branch				
Complaint Processing Program Manager	Paul Neubelt	Branch Chief, EEO/ADR Branch				
Diversity & Inclusion Officer	Frederick Cheng	Diversity and Inclusion Program Manager				

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

EEO Program Staff	Name	Title	Occupational Series (xxxx)	Pay Plan and Grade (xx-xx)	Phone Number (xxx-xxx-xxxx)	Email Address
Hispanic Program Manager (SEPM)	Ara celis Lopez	Lead Program Special list				
Women's Program Manager (SEPM)	Jody Overturf	HR Special list				
Disability Program Manager (SEPM)	Frederick Cheng	Diversity and Inclusion Program Manager				
Special Placement Program Coordinator (Individuals with Disabilities)	Joanie Dilone	Agency Recruiter				
Reasonable Accommodation Coordinator	Sheila Kopczynski	HR Special list (ER/LR)				
Anti-Harassment Program Manager	Allen Hatcher	Human Resources Director				
ADR Program Manager	Paul Neubelt	Branch Chief, EEO/ADR Branch				
Compliance Manager	Paul Neubelt	Branch Chief, EEO/ADR Branch				
Principal MD-715 Preparer	Sheila McKie	EEO Special list				
Other EEO Staff	Jennifer O'Quinn	EEO Special list				
Other EEO Staff	Edna Gomez Velez	EO Special list				
Other EEO Staff	Keishla Acevedo-Nazario	EO Special list				

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Part D.1 – List of Subordinate Components Covered in this Report

Please identify the subordinate components within the agency (e.g., bureaus, regions, etc.).

☐ If the agency does not have any subordinate components, please check the box.

Subordinate Component	City	State	Country (Optional)	Agency Code (xxxx)	FIPS Codes (xxxxx)
USDA Food and Nutrition Service, National Office	Alexandria	VA	USA	AG30	
USDA Food and Nutrition Service, Midwest Regional Office	Chicago	IL	USA	AG30	
USDA Food and Nutrition Service, Northeast Regional Office	Boston	MA	USA	AG30	
USDA Food and Nutrition Service, Mid Atlantic Regional Office	Robbinsville	NJ	USA	AG30	
USDA Food and Nutrition Service, Mountain Plains Regional Office	Denver	CO	USA	AG30	
USDA Food and Nutrition Service, Southeast Regional Office	Atlanta	GA	USA	AG30	
USDA Food and Nutrition Service, Western Regional Office	San Francisco	CA	USA	AG30	
USDA Food and Nutrition Service, Southwest Regional Office	Dallas	TX	USA	AG30	

Part D.2 – Mandatory and Optional Documents for this Report

In the table below, the agency must submit these documents with its MD-715 report.

Did the agency submit the following mandatory documents?	Please respond Yes or No	Comments
Organizational Chart	Yes	
EEO Policy Statement	Yes	
Strategic Plan	Yes	
Anti-Harassment Policy and Procedures	Yes	
Reasonable Accommodation Procedures	Yes	
Personal Assistance Services Procedures	Yes	
Alternative Dispute Resolution Procedures	Yes	

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

In the table below, the agency may decide whether to submit these documents with its MD-715 report.

Did the agency submit the following optional documents?	Please respond Yes or No	Comments
Federal Equal Opportunity Recruitment Program (FEORP) Report	No	
Disabled Veterans Affirmative Action Program (DVAAP) Report	No	
Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548	No	
Diversity and Inclusion Plan under Executive Order 13583	No	
Diversity Policy Statement	No	
Human Capital Strategic Plan	No	
EEO Strategic Plan	No	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	No	

Part E – Executive Summary

All agencies must complete Part E.1; however, only agencies with 199 or fewer employees in permanent FT/PT appointments are required to complete Part E.2 to E.5. Agencies with 200 or more employees in permanent FT/PT appointments have the option to complete Part E.2 to E.5.

Part E.1 - Executive Summary: Mission

Food and Nutrition Service Period Covering October 1, 2020 – September 30, 2021 The Food and Nutrition Service (FNS) mission is to reduce hunger and food insecurity in partnership with cooperating organizations by providing children and needy people access to food, a healthful diet, and nutrition education in a manner that supports American agriculture and inspires public confidence. The Civil Rights Division (CRD) mission is to ensure compliance with applicable laws, regulations, and policies for FNS customers and employees regardless of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all prohibited bases will apply to all programs and/or employment activities). CRD also facilitates equal and timely access to FNS programs and services for all customers. Our vision is to provide superior customer service while ensuring equity for all. The Equal Employment Opportunity (EEO)/Alternative Dispute Resolution (ADR) Branch of the CRD is the designated office responsible for implementing the Agency's overall continuing affirmative employment program, which promotes equal employment opportunity and identifies and eliminates discriminatory practices and policies. The EEO/ADR Branch fosters workplace equity and equality by ensuring FNS follows EEO principles throughout the Agency and is committed to furthering the Agency's efforts to fulfill its obligations to operate a model EEO program.

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Part E.2 - Executive Summary: Essential Element A - F

- A. Demonstrated Commitment from Agency Leadership: Agency leadership continues to support equal employment opportunity. In keeping with the OneUSDA policy initiative, FNS adopted a unified USDA policy on Civil Rights, including practices for EEO and Anti-Harassment. The Civil Rights policy and Anti-Harassment policy statements were issued on May 13, 2021.
- B. Integration of EEO into the Agency's Strategic Mission: FNS' Civil Rights Director continues to report directly to the Administrator and attends leadership meetings to ensure that EEO is a strategic part of the Agency's mission and priorities. The Civil Rights Director is responsible for all aspects of the EEO program, from personnel and budget, workforce changes, training, and EEO reporting. FNS monitors and implements EEO strategies in the Agency Priority Plan (APP).
- C. Management and Program Accountability: FNS saw positive results from having its delegated hiring authority restored. The delegated authority allowed FNS to consider under-represented areas and strategically plan its recruitment efforts. In FY 2020, 18.3% of the FNS workforce self-identified as having a disability, of which 3.7% self-identified as having a targeted disability. In FY 2021, 22% of the FNS overall workforce identified as having a disability, including 3.8% that identified as having a targeted disability. In 2021, the percentage of employees that identified as having a disability exceeded the FY 2019 and FY 2020 annual percentage for persons with disabilities (PWD) who were employed.

The Human Resources Division (HRD) trained managers on recruitment and retention strategies via new supervisor training, while also providing guidance to numerous organizational management teams via regular and recurring monthly meetings. HRD also created and provided a comprehensive guide that outlines hiring flexibilities and authorities which are available for managers as part of the recruitment process. HRD is continually committed to equipping supervisors and growing a awareness of the resources to enhance every employee's experience within FNS in meaningful and sustainable ways and utilizes a Supervisors and Managers Teams site as the communication conduit for its efforts.

The HRD also increased its use of hiring authorities through student intern programs, such as the USDA Pathways Program, Hispanic Association of Colleges and Universities (HACU) National Internship Program, USDA 1890 National Scholars Program, and the USDA 1994 Tribal Scholars Program.

HRD and the CRD continue to collaborate on joint issues. This has become a more supportive relationship and the fruits are beginning to show. Through FNS' Anti-Harassment policy and program, the Agency has implemented formal procedures to prevent and eliminate harassing conduct in the workplace that includes the responsibilities of the entire FNS workforce in ensuring a safe work environment.

- D. Proactive Prevention of Unlawful Discrimination: The exit survey is in full use. Supervisor's request and encourage employees who are leaving to complete the exit survey to help FNS become the best workplace. Results are issued to managers on a quarterly basis. In FY 2021, 68% (42 out of 62) of the employees that received the Exit Survey completed it. Results of the Exit Survey demonstrate that: 57% of respondents transferred to another Agency; 31% retired from federal service; 50% cited multiple work environment factors that contributed to their decision to depart including job duties/responsibilities and relationship with supervisor; and 24% of respondents cited senior leadership and organizational culture as contributing factors to their decision to depart FNS. A quarterly summary of the Exit Survey findings throughout the fiscal year is provided to senior executives which positions them to actively understand and evaluate the factors impacting employee's decision to transition from its workforce in support of other opportunities. Based on the results of the exit survey, the Agency has plans to explore opportunities for advancement, mentoring, and other options to retain a skilled workforce and to explore compensation and benefits flexibilities.
- E. Efficiency: ADR is offered as the more desired means of EEO conflict resolution. There has been an increase in its usage. In FY 2021, 7 of the 12 informal complaints accepted ADR (58.3% acceptance). All EEO staff have been trained to be mediators with the intent of making ADR an in-house program.

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

The Barrier Analysis Dashboard Suite has been developed to provide a visual and statistical representation of the applicant flow data that is voluntarily submitted by every applicant. All EEO investigations were completed timely for FY 2021.

F. Responsiveness and Legal Compliance: FNS continues to respond proactively and timely to requests from Equal Employment Opportunity Commission (EEOC), Office of Personnel Management (OPM), and USDA.

Part E.3 - Executive Summary: Workforce Analyses

	CLF 2010	FY 21 Total	FY 21 %	FY 20 Total	FY 20 %	FY 19 Total	FY 19 %
Total Males	53.20%	456	32.00%	483	33.45%	464	33.10%
Total Females	46.80%	969	68.00%	961	66.55%	938	66.90%
Hispanic Males	6.20%	44	3.09%	38	2.63%	37	2.64%
Hispanic Females	4.50%	70	4.91%	55	3.81%	56	3.99%
White Males	39.00%	278	19.51%	294	20.36%	277	19.76%
White Females	33.70%	535	37.54%	536	37.12%	516	36.80%
Black Males	4.80%	98	6.88%	106	7.34%	107	7.63%
Black Females	5.70%	286	20.07%	280	19.39%	283	20.19%
Asian Males	1.90%	33	2.32%	37	2.56%	35	2.50%
Asian Females	1.70%	60	4.21%	60	4.16%	56	3.99%
American Indian/Alaska Native Males	0.10%	1	0.07%	1	0.07%	2	0.14%
American Indian/Alaska Native Females	0.10%	7	0.49%	8	0.55%	6	0.43%
Native Hawaiian or Other Pacific Islander Males	0.30%	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0.03%	2	0.14%	2	0.14%	1	0.07%
Two or More Races Males	0.80%	2	0.14%	7	0.48%	6	0.43%
Two or More Races Females	0.80%	9	0.63%	20	1.39%	20	1.43%
Disability	12.00%	188	13.19%	176	12.19%	167	11.91%
Targeted Disability	2.00%	52	3.65%	53	3.67%	53	3.78%

According to the EEOC, the Civilian Labor Force (CLF) is the general benchmark used in many of the tables to identify triggers or irregularities in the total workforce, occupational categories, etc.

Participation rates for the following categories exceeded the Civilian Labor Force (CLF): Total Females, Hispanic Females, White Females, Black/African American Males, Black/African American Females, Asian Males, Asian Females, Native Hawaiian or Other Pacific Islander Females, American Indian/Alaska Native Females, and Two or

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

More Races Females. The Persons with Disabilities (PWD) and Persons with Targeted Disabilities (PWTD) categories once again exceeded the Federal goals of 12% (PWD) and 2% (PWTD).

These categories have less than expected participation rates: Total Males, Hispanic Males, White Males, Native Hawaiian or Other Pacific Islander Males, American Indian/Alaska Native Males, and Two or More Races Males.

Comparison of Total and Permanent Workforce Participation Rates to the CLF					
Category	Participation Rate in Total Workforce		CLF	Participation Rate in Permanent Workforce	
	FY 2021	FY 2020		FY 2021	FY 2020
Males	32.00%	33.45%	53.20%	31.97%	33.38%
Females	68.00%	66.45%	46.80%	68.03%	66.62%
Hispanic Males	3.09%	2.63%	6.20%	3.08%	2.70%
Hispanic Females	4.91%	3.81%	4.50%	4.95%	3.76%
White Males	19.51%	20.29%	39.00%	19.35%	20.10%
White Females	37.54%	37.12%	33.70%	37.06%	36.79%
Black or African American Males	6.88%	7.41%	4.80%	7.03%	7.53%
Black or African American Females	20.07%	19.39%	5.70%	20.43%	19.74%
Asian Males	2.32%	2.56%	1.90%	2.29%	2.56%
Asian Females	4.21%	4.16%	1.70%	4.30%	4.26%
Native Hawaiian or Other Pacific Islander Males	0.00%	0.00%	0.10%	0.00%	0.00%
Native Hawaiian or Other Pacific Islander Females	0.14%	0.14%	0.10%	0.14%	0.14%
American Indian or Alaska Native Males	0.07%	0.07%	0.30%	0.07%	0.07%
American Indian or Alaska Native Females	0.49%	0.55%	0.30%	0.50%	0.57%
Two or More Races Males	0.14%	0.48%	0.80%	0.14%	0.43%
Two or More Races Females	0.63%	1.39%	0.80%	0.65%	1.35%
Disabilities	13.19%	12.19%	12.00%	13.41%	12.44%
Targeted Disabilities	3.65%	3.67%	2.00%	3.73%	3.77%

The chart above is a snapshot of the current and past fiscal years' participation rates in relation to the CLF. It identifies the increases and decreases in the different categories.

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U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Net Change in FNS Workforce								
	Total Workforce	Permanent Workforce	Temporary Workforce	Total Disabilities	Total Targeted Disabilities	Total Disabilities - Permanent Workforce	Total Targeted Disabilities – Permanent Workforce	Temporary Workforce Disabilities
FY 2021	1,425	1,395	30	188	52	187	52	1
FY 2021 Difference	-20	-14	-6	8	-1	8	-1	0
FY 2021 Net Change	-1.38%	-0.99%	-16.67%	4.44%	-1.89%	4.47%	-1.89%	0.00%
FY 2020	1,445	1,409	37	180	53	179	53	1
FY 2020 Difference	48	49	-1	9	0	10	1	0
FY 2020 Net Change	3.44%	3.61%	-2.63%	5.39%	0.00%	6.00%	0.00%	0.00%
FY 2019	1,396	1,358	38	167	53	165	52	
FY 2018	1,454	1,445	9	183	59	180	58	

In FY 2021, FNS's total (-20) and permanent (-14) workforce decreased creating a negative net change (-1.38% and -0.99% respectively). Total Targeted Disabilities (-1) decreased also causing a negative net change; however, Total Disabilities increased. In the Permanent Workforce, there was an increase in the Total Disability and a decrease in Total Targeted Disability categories. The Disabilities category in the Total and Permanent Workforce saw a positive net change of 4.44%. The Total Targeted Disabilities category in the Total and Permanent Workforce saw a negative net change of -1.89%.

FNS Temporary Workforce Participation Rates					
Categories	FY 2021		FY 2020		Benchmark
					CLF
Males	10	33.33%	13	36.11%	53.20%
Females	20	66.67%	23	63.89%	46.80%
Hispanic Males	1	3.33%	0	0.00%	6.20%
Hispanic Females	1	3.33%	2	5.56%	4.50%
White Males	8	26.67%	10	27.78%	39.00%
White Females	18	60.00%	18	50.00%	33.70%
Black or African American Males	0	0.00%	1	2.78%	4.80%
Black or African American Females	1	3.33%	2	5.56%	5.70%
Asian Males	1	3.33%	1	2.78%	1.90%
Asian Females	0	0.00%	0	0.00%	1.70%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0.10%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0.10%

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

American Indian or Alaska Native Males	0	0.00%	0	0.00%	0.30%
American Indian or Alaska Native Females	0	0.00%	0	0.00%	0.30%
Two or More Races Males	0	0.00%	1	2.78%	0.80%
Two or More Races Females	0	0.00%	1	2.78%	0.80%
Disabilities	1	3.33%	1	2.70%	12.00%
Targeted Disabilities	0	0.00%	0	0.00%	2.00%

The participation rates for the Temporary Workforce are less than the CLF for the following categories: Total Males, Hispanic Females, White Males, Black and/or African American Males and Females and Two or Races Males and Females. Asian Females, Disabilities, and Targeted Disabilities.

The participation rates for the Temporary Workforce increased for these categories: Total Females and White Females. All other categories remained the same.

Occupational Categories

The Occupational Categories consist of Executives, Managers, Supervisors, Professionals, Technicians, Sales Works, Administrative Support Works, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. The benchmark used to determine triggers is the Permanent Workforce.

Several of the groups that are generally under-represented at the Agency saw increases in FY 2021. Total Males saw an increase from 32.22% to 34.44%. Hispanic Males saw an increase from 5.56% to 6.67% in the Executive category. White Males also saw an increase in the Executive category from 15.56% to 20.00%. In the Manager categories, Hispanic Males were 1.48% in FY 2020 and increased to 2.78% in FY 2021. Hispanic Females were 4.44% in FY 2020 and increased to 6.25% in FY 2021. There was a 1.39% increase in both Hispanic Males (4.27%) and Females (4.27%) in the Total Management category. Asian Males (1.71%) and Females (4.74%) categories also saw an increase in the Total Management category.

In the Professionals Category, Hispanic Males increased from 2.83% in FY 2020 to 2.86%. Hispanic Females increased from 5.03% in FY 2020 to 5.19% in FY 2021.

There was an 11.40% increase in the number of Male Administrative Support Workers, and an 11.95% decrease of White Female Administrative Support Workers. There was a 2.94% increase in Asian Male Administrative Support Workers.

Grades

General Schedule (GS) Grade 13s represent the largest pay group at FNS with 513 employees. Of those individuals, the following are under-represented: Males, Hispanic Males, White Males, Black or African American Males, Asian Males and Females, Native Hawaiian Males and Females, American Indian or Alaska Native Males and Females, and Persons with Disabilities. The benchmark used to determine a trigger is the Permanent Workforce.

Part E.4 - Executive Summary: Accomplishments

-FNS leaders are proactively engaged in weekly equity discussions from a programmatic and management perspective with senior executives responsible for organizing and facilitating these discussions. These activities provide promising practices that are developed or suggested by staff at all levels across the Agency and often serve as the foundation for broader discussions, collaboration, and training sessions.

-The Agency has awarded a contract to a small, minority-owned business to conduct a barrier analysis based on objective outcomes performance ratings, promotions, rewards and recognition, diversity, and work-life balance. The barrier analysis will identify five critical phases of the employment life cycle for analysis: 1) Recruitment; 2)

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Hiring; 3) Training and Development; 4) Promotions; and 5) Separations and will be guided by the EEOC's guiding questions and approach. The barrier analyses will also be informed by prior data analysis of FEVS responses, as well as a thorough review of FNS's policies and procedures, a literature review of organizational barrier analyses at Federal compared with private sector organizations, and conversations with FNS leadership. The findings of this report will be used by the Agency to inform and improve the development of its annual barrier analysis process.

-As the Agency is increasing the appointment of individuals within underrepresented diversity groups, our merit promotion plan has proved beneficial. The plan requires selecting officials/hiring managers to prioritize conducting a workforce analysis for all promotion opportunities prior to extending the area of consideration outside of the Agency.

-The Agency is maximizing a variety of strategic workplace flexibilities to implement effective hiring practices which will allow us to recruit and retain the best talent that reflects the diversity of our country, improve employee morale, and make FNS an employer of choice.

-FNS has implemented formal procedures to prevent and eliminate harassing conduct in the workplace that includes the responsibilities of the entire FNS workforce in ensuring a safe work environment. The FNS instruction has been distributed to all employees for awareness.

-Diversity and Inclusion and the Special Emphasis Program continued to grow. The Diversity and Inclusion Program Manager continues to convene monthly meeting with the Special Emphasis Program Managers (SEPM) and hosts two Lunch and Learn Sessions a month. Diversity and Inclusion developed an Intranet site in FY 2020 and continues to update it with the Agency-wide Special Observances and Lunch and Learn Sessions.

-The Agency developed a comprehensive MD-715 Dashboard to provide insight into key elements of the MD-715. This dashboard will be officially launched in FY 2022 and will be accessible to supervisors to assist in all their planning and talent acquisition efforts. The Dashboard will also provide visual and statistical representation of the applicant flow data that is voluntarily submitted by every applicant.

-The HRD and the CRD initiated a monthly leadership meeting to discuss joint issues and the MD-715.

-The EEO/ADR Branch of the CRD hosted 17 EEO trainings, surpassing the Departmental goal of one annual training. This year the EEO/ADR Branch collaborated with the Department of Veterans Affairs (VA), and the USDA Agricultural Marketing Service to provide training to all staff. The EEO/ADR Branch also held 2 MD-715 Barrier Analysis overview trainings with the Office of the Assistant Secretary for Civil Rights (OASCR) and HRD.

-There were no findings of discrimination.

Part E.5 - Executive Summary: Planned Activities

1. HRD will train CRD and the MD-715 Working Group on non-competitive hiring of qualified Persons with Disabilities and Targeted Disabilities.
2. Learn more about Applicant Flow Data and how to use it to decrease under-representation in Hispanic Male and Female categories.
3. Continue to build the HRD/CRD relationship by hosting several trainings and events.
4. Invite SEPMs to participate in workforce analysis and career fairs as ambassadors for FNS.
5. Begin to hold discussions on Career Development as it relates to the upward mobility benchmark.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 - PART G
Agency Self-Assessment Checklist

The Part G Self-Assessment Checklist is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment required in Part F of MD-715. This self-assessment permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715's requirements. Nothing in Part G prevents agencies from establishing additional practices that exceed the requirements set forth in this checklist.

All agencies will be required to submit Part G to EEOC. Although agencies need not submit documentation to support their Part G responses, they must maintain such documentation on file and make it available to EEOC upon request.

The Part G checklist is organized to track the MD-715 essential elements. As a result, a single substantive matter may appear in several different sections, but in different contexts. For example, questions about establishing an anti-harassment policy fall within Element C (Management and Program Accountability), while questions about providing training under the anti-harassment policy are found in Element A (Demonstrated Commitment from Agency Leadership).

For each MD-715 essential element, the Part G checklist provides a series of "compliance indicators." Each compliance indicator, in turn, contains a series of "yes/no" questions, called "measures." To the right of the measures, there are two columns, one for the agency to answer the measure with "Yes", "No", or "NA;" and the second column for the agency to provide "comments", if necessary. Agencies should briefly explain any "N/A" answer in the comments. For example, many of the sub-component agencies are not responsible for issuing final agency decisions (FADs) in the EEO complaint process, so it may answer questions about FAD timeliness with "NA" and explain in the comments column that the parent agency drafts all FADs.

A "No" response to any measure in Part G is a program deficiency. For each such "No" response, an agency will be required in Part H to identify a plan for correcting the identified deficiency. If one or more sub-components answer "No" to a particular question, the agency-wide/parent agency's report should also include that "No" response.

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 - PART G

Agency Self-Assessment Checklist

Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP				
This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.				
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments	Current Part G Questions
A.1.a	A.1 – The agency issues an effective, up to date EEO policy statement. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	N/A	FNS adopted the USDA CR/EEO Policy Statement dated April 9, 2021. Food and Nutrition Service (FNS) did not issue a separate policy from USDA. USDA's policy statement was issued April 18, 2021.	A.1.a.2
A.1.b	Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes	FNS adopted the USDA CR/EEO Policy Statement dated April 9, 2021. Food and Nutrition Service (FNS) did not issue a separate policy from USDA. USDA's policy statement was issued April 18, 2021.	New
 Compliance Indicator  Measures	A.2 – The agency has communicated EEO policies and procedures to all employees.	Measure Met? (Yes/No/NA)	Comments	

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

A.2.a	Does the agency disseminate the following policies and procedures to all employees:			
A.2.a.1	Anti-harassment policy? [see MD 715, II(A)]	Yes		New
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	No	This deficiency has been remedied. See Part H	New
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website:			
A.2.b.1	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	Yes		New
A.2.b.2	Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]	Yes		A.2.c
A.2.b.3	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	Yes	Reasonable Accommodation on USDA	A.3.c
A.2.c	Does the agency inform its employees about the following topics:			
A.2.c.1	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often.	Yes	Annually	A.2.a
A.2.c.2	ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.	Yes	Annually	New
A.2.c.3	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.	Yes	Annually	New
A.2.c.4	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often.	Yes	Annually	New
A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often.	Yes	Annually	A.3.b
 Compliance Indicator  Measures	A.3 – The agency assesses and ensures EEO principles are part of its culture.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
A.3.a	Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If “yes”, provide one or two examples in the comments section.	Yes	Each employee’s Performance Work Plan includes an EEO and Diversity and Inclusion Element. Employees	New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

			receive awards in recognition of outstanding efforts throughout any given year as a part of their Performance Work Plan which include EEO and Diversity and Inclusion.	
A.3.b	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes		New
Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission.				
 Compliance Indicator  Measures	B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.1.a	Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes		B.1.a
B.1.a.1	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.	N/A	The EEO Director reports to the Administrator.	New
B.1.a.2	Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes		B.1.d
B.1.b	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes		B.2.a
B.1.c	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	Yes	July 20, 2021	B.2.b
B.1.d	Does the EEO Director regularly participate in senior-level staff meetings concerning personnel,	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	budget, technology, and other workforce issues? [see MD-715, II(B)]			
 Compliance Indicator  Measures	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
B.2.a	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes		B.3.a
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes		New
B.2.c	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes		New
B.2.d	Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	N/A	The Office of the Assistant Secretary for Civil Rights (OASCR) is responsible for issuance of final agency decisions. This is not an FNS function, however, there is collaboration with OASCR regarding the decisions.	New
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes		F.3.b
B.2.f	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes		New
B.2.g	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

 Compliance Indicator  Measures	B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Measure Met? (Yes/No/NA)	Comments	
B.3.a	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes		B.2.c & B.2.d
B.3.b	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	Yes	Goal 4.2: Maintain Excellence in Equal Employment Opportunity, Diversity and Inclusion, and the Processing of Discrimination Complaints.	New
 Compliance Indicator  Measures	B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.4.a	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:			
B.4.a.1	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes		B.3.b
B.4.a.2	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes		B.4.a
B.4.a.3	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes		E.5.b
B.4.a.4	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	Yes		B.4.f & B.4.g

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

B.4.a.5	to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	Yes		E.1.c
B.4.a.6	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes		B.4.c
B.4.a.7	to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section.	Yes		New
B.4.a.8	to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	Yes		B.3.c, B.3.c.1, B.3.c.2, & B.3.c.3
B.4.a.9	to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes		New
B.4.a.10	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes		B.4.d
B.4.a.11	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes		New
B.4.b	Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	Yes		New
B.4.c	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes		B.1.b
B.4.d	Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?	Yes		E.2.d
B.4.e	Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	Yes		E.2.e
 Compliance Indicator  Measures	B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.	Measure Met? (Yes/No/NA)	Comments New Indicator	
B.5.a	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:			
B.5.a.1	EEO Complaint Process? [see MD-715(II)(B)]	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

B.5.a.2	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes		A.3.d
B.5.a.3	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes		New
B.5.a.4	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	Yes		New
B.5.a.5	ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	Yes		E.4.b
 Compliance Indicator  Measures	B.6 – The agency involves managers in the implementation of its EEO program.	Measure Met? (Yes/No/NA)	Comments New Indicator	
B.6.a	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes		New
B.6.b	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes		D.1.a
B.6.c	When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	Yes		D.1.b
B.6.d	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]	Yes		D.1.c
Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY				
This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.				
 Compliance Indicator  Measures	C.1 – The agency conducts regular internal audits of its component and field offices.	Measure Met? (Yes/No/NA)	Comments	
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	Yes	Northeast Regional Office (NERO) 3/3/2021 Western Regional Office (WRO) 5/4/2021 National Office (NO) 7/14/2021 to 7/15/2021	New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

C.1.b	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	Yes	NERO 3/3/2021 WRO 5/4/2021 NO 7/14/2021 to 7/15/2021	New
C.1.c	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	Yes		New
 Compliance Indicator  Measures	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.2.a	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes		New
C.2.a.1	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes		New
C.2.a.2	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes		New
C.2.a.3	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes		New
C.2.a.4	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes		New
C.2.a.5	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	the percentage of timely-processed inquiries in the comments column.			
C.2.a.6	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes		New
C.2.b	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes		New
C.2.b.1	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]	Yes		E.1.d
C.2.b.2	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes		New
C.2.b.3	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes		New
C.2.b.4	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes		New
C.2.b.5	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests in the comments column.	Yes	See Part H	E.1.e
C.2.c	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes		New
C.2.c.1	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	Yes	Reasonable Accommodation USDA	New
 Compliance Indicator  Measures	C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.3.a	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:			
C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes		A.3.a.1
C.3.b.2	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes		A.3.a.4
C.3.b.3	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes		A.3.a.5
C.3.b.4	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	Yes		A.3.a.6
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes		A.3.a.7
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	Yes		A.3.a.8
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes		New
C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes		A.3.a.2
C.3.b.9	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	Yes		New
C.3.c	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	Yes		New
C.3.d	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	Yes		New
 Compliance Indicator	C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.	Measure Met? (Yes/No/NA)	Comments	
 Measures				
C.4.a	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

C.4.b	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	Yes		C.2.a, C.2.b, & C.2.c
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	No	This deficiency has been remedied. See H.	New
C.4.d	Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	Yes		New
C.4.e	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:			
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	No	This deficiency has been corrected. See H.	New
C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes		New
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes		New
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	No	See H	New
C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes		New
 Compliance Indicator  Measures	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments	
C.5.a	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)]	Yes		C.3.a.
C.5.b	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	Yes	Since there were no findings during the fiscal year, zero managers and/or employees have been disciplined for this period.	C.3.c
C.5.c	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]			
 Compliance Indicator  Measures	C.6 – The EEO office advises managers/supervisors on EEO matters.	Measure Met? (Yes/No/NA)	Comments	
C.6.a	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	Yes	EEO updates are provided monthly.	C.1.a
C.6.b	Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	Yes		New
Essential Element D: PROACTIVE PREVENTION This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.				
 Compliance Indicator  Measures	D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.	Measure Met? (Yes/No/NA)	Comments	
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.b	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.c	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	No	This deficiency has been resolved. See H.	New

EEOC FORM
U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

 Compliance Indicator  Measures	D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, II(B)]	Yes		New
D.2.b	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes		B.2.c.2
D.2.c	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	Yes		B.2.c.1
D.2.d	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column.	Yes	Exit surveys, Federal Employee Viewpoint Survey (FEVS), complaints/grievance data	New
 Compliance Indicator  Measures	D.3 – The agency establishes appropriate action plans to remove identified barriers.	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.3.a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	No	See H	New
D.3.b	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	No	See H	New
D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	No	See H	New
 Compliance Indicator  Measures	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.4.a	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)]	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	Please provide the internet address in the comments.			
D.4.b	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes		New
D.4.c	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes		New
D.4.d	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]	Yes		New
Essential Element E: EFFICIENCY This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.				
 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments	
 Measures				
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes		E.3.a.1
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes		E.3.a.2
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?	N/A	This is an Office of the Assistant Secretary for Civil Rights (OASCR) function. This is not an FNS function.	New
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.	N/A	This is an OASCR function. FNS provides the counselor's report to OASCR within the established timeframes.	New
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?			
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	N/A	This is an OASCR function. This is not an FNS function, however, FNS collaborates with OASCR to ensure that investigations are done timely. In FY 2021, all investigations were completed on time. See H.	E.3.a.3
E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	N/A	This is an OASCR function. FNS monitors its cases to ensure timeliness.	New
E.1.h	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	N/A	This is an OASCR function. FNS monitors its cases to ensure timeliness.	E.3.a.4
E.1.i	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	N/A	This is an OASCR function. FNS monitors its cases to ensure timeliness.	E.3.a.7
E.1.j	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	N/A	This is an OASCR function. FNS communicates challenges with contractors to OASCR.	E.2.c
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes		New
E.1.l	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	Yes		New

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

 Compliance Indicator  Measures	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments Revised Indicator	
E.2.a	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes		New
E.2.b	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If “yes”, please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	N/A	This is an OASCR function. This is not an FNS function.	E.6.a
E.2.c	If the EEO office relies on the agency’s defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	N/A	This is an OASCR function. This is not an FNS function.	New
E.2.d	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	N/A	This is an OASCR function. This is not an FNS function.	E.6.b
E.2.e	If applicable, are processing time frames incorporated for the legal counsel’s sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)]	N/A	This is a function of OASCR. This is not an FNS function.	E.6.c
 Compliance Indicator  Measures	E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Met? (Yes/No/NA)	Comments	
E.3.a	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes		E.4.a
E.3.b	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes		E.4.c
E.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes		D.2.a
E.3.d	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes		New
E.3.e	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes		E.4.d

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

E.3.f	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes		New
 Compliance Indicator  Measures	E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.	Measure Met? (Yes/No/NA)	Comments	
E.4.a	Does the agency have systems in place to accurately collect, monitor, and analyze the following data:			
E.4.a.1	Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	Yes		E.5.a
E.4.a.2	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes		E.5.c
E.4.a.3	Recruitment activities? [see MD-715, II(E)]	Yes		E.5.f
E.4.a.4	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	No	This deficiency has been remedied. See H	New
E.4.a.5	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes		New
E.4.a.6	The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	Yes		New
E.4.b	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes		New
 Compliance Indicator  Measures	E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.	Measure Met? (Yes/No/NA)	Comments	
E.5.a	Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.	Yes	On a monthly basis, the EEO office develops a report capturing the status of all complaints. This includes a report tracking all bases which allows us to view trends.	E.5.e
E.5.b	Does the agency review other agencies' best practices and adopt them, where appropriate, to	Yes	In FY 2021, FNS reached	E.5.g

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.		out to other agencies for reporting mechanisms for hiring managers.	
E.5.c	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes		E.3.a
Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.				
 Compliance Indicator  Measures	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.	Measure Met? (Yes/No/NA)	Comments	
F.1.a	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes		F.1.a
F.1.b	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes		E.3.a.6
F.1.c	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes		F.2.a.1
F.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes		F.2.a.2
F.1.e	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	Yes		F.3.a.
 Compliance Indicator  Measures	F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Measure Met? (Yes/No/NA)	Comments Indicator moved from E-III Revised	
F.2.a	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes		C.3.d
F.2.a.1	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	Yes		E.3.a.5
F.2.a.2	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	Yes		E.3.a.7

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

F.2.a.3	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	Yes		New
F.2.a.4	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes		F.3.d (1 to 9)
 Compliance Indicator  Measures	F.3 - The agency reports to EEOC its program efforts and accomplishments.	Measure Met? (Yes/No/NA)	Comments	
F.3.a	Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	N/A	This is a function of OASCR. FNS provides its report to OASCR within the established timelines.	New
F.3.b	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	FNS provides quarterly reports to OASCR and links to the quarterly report are posted on the FNS public website.	New

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

PART Hs

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-1

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR § 1614.203(d); MD-715, II(C)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2019	The Agency CRD and HRD will work together to implement the Affirmative Action Plan for Individuals with Disabilities.	09/30/2020	09/30/2022	

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes
Civil Rights Director	Roberto Contreras	Yes

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U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Meet to discuss authorities for non-competitive hiring of qualified Persons with Disabilities and targeted disabilities.	Yes	07/31/2022	
09/30/2020	Coordinate Barrier Analysis training.	Yes		03/2020
09/30/2020	Explore strategies to increase the rate by which applicants provide demographic data for hiring and advancement opportunities within FNS.	Yes	09/30/2022	
09/30/2020	Conduct Barrier Analysis utilizing Applicant Flow Data.	Yes	09/30/2022	

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2020	The CRD coordinated Barrier Analysis training facilitated by the USDA Office of the Assistant Secretary for Civil Rights.
FY 2020	The CRD and HRD began to meet monthly to discuss strategies to implement the Affirmative Action Plan for Individuals with Disabilities and to plan out the results of the FY 2020 MD-715.
FY 2021	As part of the Agency's talent acquisition efforts all merit promotion job opportunity announcements identify and provide access to employment opportunity through 11 non-competitive eligibilities which continues to define an effective strategy to increase recruitment of individuals with disabilities.

EEOC FORM
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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-2

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
D.3. a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2019	The Agency does not currently analyze employment data, identify barriers, or tailor action plans to particular policies, procedures, or practices.	09/30/2020	09/30/2022	

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes
Civil Rights Division	Roberto Contreras	Yes

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Report analysis on an annual basis to the Agency Administrator.	Yes	07/31/2022	
09/30/2020	Establish a workgroup to include Human Resources, Civil Rights and the Special Emphasis Program, to conduct a barrier analysis.	Yes		09/01/2020
09/30/2020	Coordinate barrier analysis training for the workgroup.	Yes		03/2020

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2020	Convened and conducted a Barrier Analysis training in March 2020. Fifteen people were in attendance.
FY 2020	Convened and conducted a MD-715 overview September 2020 for FNS MD-715 Working Group.
FY 2021	The Agency has awarded a contract to a small, minority-owned business to conduct a barrier analysis based on objective outcomes performance ratings, promotions, rewards and recognition, diversity, and work-life balance. The barrier analysis will identify five critical phases of the employment life cycle for analysis: 1) Recruitment; 2) Hiring; 3) Training and Development; 4) Promotions; and 5) Separations and will be guided by the EEOC's guiding questions and approach. The barrier analyses will also be informed by prior data analysis of FEVS responses, as well as a thorough review of FNS's policies and procedures, a literature review of organizational barrier analyses at Federal compared with private sector organizations, and conversations with FNS leadership. The findings of this report will be used by the Agency to inform and improve the development of its annual barrier analysis process.

EEOC FORM
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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-3

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
D.3.c.	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2019	The Agency did not identify barriers during the reporting period and therefore did not implement a plan in Part I. The Agency has not established a process of periodically reviewing the effectiveness of the plans.	09/30/2020	09/30/2022	

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Civil Rights Director	Roberto Contreras	Yes
Human Resources Director	Allen Hatcher	Yes

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U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Establish a workgroup to include Human Resources, Civil Rights and the Special Emphasis Program, to conduct a barrier analysis.	Yes		09/01/2020
09/30/2020	Report analysis on an annual basis to the Agency Administrator.	Yes	07/31/2022	
09/30/2020	Coordinate a barrier analysis training to the workgroup.	Yes		03/2020
09/30/2020	Work group will review and revise action plan as necessary on a bi-annual basis.	Yes	09/30/2022	

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2020	The FNS MD-715 Working Group was convened in FY 2020 and have participated in 2 trainings and 2 meetings. Representatives include Human Resources, Management, Technology, and Finance, Civil Rights, and Special Emphasis Program Managers.
FY 2021	In July 2021, the present state of the Agency as it relates to the MD-715 was reported to the Senior Leadership. The Agency has awarded a contract to a small, minority-owned business to conduct a barrier analysis based on objective outcomes performance ratings, promotions, rewards and recognition, diversity, and work-life balance. The barrier analysis will identify five critical phases of the employment life cycle for analysis: 1) Recruitment; 2) Hiring; 3) Training and Development; 4) Promotions; and 5) Separations and will be guided by the EEOC's guiding questions and approach. The barrier

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U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

	analyses will also be informed by prior data analysis of FEVS responses, as well as a thorough review of FNS's policies and procedures, a literature review of organizational barrier analyses at Federal compared with private sector organizations, and conversations with FNS leadership. The findings of this report will be used by the Agency to inform and improve the development of its annual barrier analysis process. .
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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-4

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
D.3. b.	If the Agency identified one or more barriers during the reporting period, did the Agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)] The Agency did not identify barriers during the reporting period and therefore did not implement a plan in Part I.

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2019	The Agency will analyze employment data, identify barriers, and implement corrective action plans.	09/30/2020	09/30/2022	

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Civil Rights Director	Roberto Contreras	Yes
Human Resources Director	Allen Hatcher	Yes

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U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	The workgroup will review and revise the action plan as necessary on a bi-annual basis.	Yes	09/01/2022	
09/30/2020	Coordinate a barrier analysis training to the workgroup.	Yes		03/2020
09/30/2020	Establish a work group to include Human Resources, Civil Rights, and the Special Emphasis Program, to conduct a barrier analysis.	Yes		09/01/2020
09/30/2020	Report analysis on an annual basis to the Agency Administrator.	Yes		07/20/2020

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2020	The FNS MD-715 Working Group was convened in FY 2020 and have participated in 2 trainings and 2 meetings. Representatives include Human Resources, Management, Technology, and Finance, Civil Rights, and Special Emphasis Program Managers.
FY 2021	As part of a larger Agency-wide race and equity initiative, the Agency has awarded a contract to a small, minority-owned business to, among other items, conduct a thorough analysis of the Agency and provide a plan to address barriers and improve the Agency overall.

EEOC FORM
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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-5

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
D.1. c.	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities? [see 29 CFR § 1614.203(d)(1)(iii)(C)] The Agency does not collect demographic information from respondents and does not allow for responses to specify how the agency can improve the recruitment, hiring inclusion and retention, and advancement for individuals with disabilities.

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2019	The Agency will update the existing survey that allows for respondent feedback on the recruitment, hiring, inclusion and retention, and advancement of individuals with disabilities.	09/30/2020	01/30/2021	02/28/2021

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Revise the current exit survey to incorporate demographic information and allow respondents the ability to self-identify if they are an individual with a disability.	Yes	01/30/2021	02/09/2021
09/30/2020	Begin distributing the updated exit survey as a common practice to all employees leaving the Agency.	Yes	01/30/2021	02/15/2021
09/30/2020	Discuss the importance of the exit survey process with supervisors during new supervisor and supervisor refresher trainings.	Yes	01/30/2021	01/30/2021

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	The Agency implemented a detailed Exit Survey which had a 68 percent participation rate for employees who departed the Agency in FY 2021. The Exit Survey collects key demographic data points which include race, grade, age, disability status, and tenure within the Agency. This deficiency is remedied.

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-6 Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
C.4. e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2020	Identify and remove barriers.	09/30/2021	09/30/2022	

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes
Civil Rights Director	Roberto Contreras	Yes

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2021	Conduct a barrier analysis	Yes	09/30/2022	

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	-The Agency has awarded a contract to a small, minority-owned business to conduct a barrier analysis based on objective outcomes performance ratings, promotions, rewards and recognition, diversity, and work-life balance. The barrier analysis will identify five critical phases of the employment life cycle for analysis: 1) Recruitment; 2) Hiring; 3) Training and Development; 4) Promotions; and 5) Separations and will be guided by the EEOC's guiding questions and approach. The barrier analyses will also be informed by prior data analysis of FEVS responses, as well as a thorough review of FNS's policies and procedures, a literature review of organizational barrier analyses at Federal compared with private sector organizations, and conversations with FNS leadership. The findings of this report will be used by the Agency to inform and improve the development of its annual barrier analysis process. . -Sustained adherence to the USDA Merit Promotion Plan by all selecting officials/hiring managers has proven beneficial. The Plan requires selecting officials/hiring managers to conduct a workforce analysis to determine if opportunities are available for employees within the Agency, prior to extending the area of consideration externally.

EEOC FORM
U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-7

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR § 1614.601(a)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
07/31/2021	To collect complete and accurate applicant flow data for use in responding to the MD-715 and to use during the Barrier Analysis process.	09/30/2021		09/30/2021

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes

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Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2021	Identify the current data to be captured (new hires and promotions to mission-critical occupations, senior grade levels, and management positions, participation in career development programs for senior grade levels and management positions)	Yes		09/30/2021
09/30/2021	Meet to determine how current data is captured (to include who oversees data placed in NFC Insight and USA Staffing).	Yes		08/15/2021
12/15/2021	Meet with FNS Central Data Analytics to discuss possible efforts to get more accurate information.	Yes		09/30/2021

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	Per HRD, CRD, HRD, and Senior Leadership have timely access to accurate applicant flow data for use in responding to the MD-715 and to use during the Barrier Analysis process. The access to this data was enhanced during the fiscal year through the collaboration with the National Finance Center to build MD-715 tables that align with all reporting and analysis requirements. The information within the tables is updated and provided to the CRD, HRD, and Senior Leadership on a quarterly basis and facilitates continual monitoring of the Agency's progress towards addressing gaps and triggers in a timely manner. The quarterly table updates also position the Agency to implement timely adjustments to its talent acquisition efforts if analysis reveals any trends that do not support the Agency's target goals within its workforce. Therefore, the deficiency has been remedied.
FY 2021	Through discussions with the FNS Central Data Analytics team, a dashboard has been designed that will capture data to also support the Barrier Analysis, Equity, and MD-715 processes.

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MD-715 – Part H-8

Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
E.4. a.4	Does the agency have systems in place to accurately collect, monitor, and analyze the following data: External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
10/01/2020	Accurately collect, monitor, and analyze external and internal applicant flow data	09/30/2021	09/30/2021	09/30/2021

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
12/15/2021	Meet with FNS Central Data Analytics to discuss possible efforts to get more accurate information.	Yes		09/30/2021

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	The Agency developed a comprehensive MD-715 Dashboard to provide insight into key elements of the MD-715 that will be accessible to supervisors and Senior Leadership to assist in all their planning and talent acquisition efforts. The Dashboard will provide a visual and statistical representation of the applicant flow data that is voluntarily submitted by every applicant. The Agency's access to applicant flow data is limited to the voluntary information submitted by all applicants based on the system design and data collection models within USA Staffing. USA Staffing functions as a data repository and provides the capability to collect ethnicity, race, or national origin information in a centralized point that is accessible only to the Human Resources Specialist, however, the submission of this information is a voluntary option available to every applicant. The MD-715 Dashboard is the outcome of joint program collaboration between CRD and HRD. This deficiency is remedied.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

MD-715 – Part H-9
Agency EEO Plan to Attain the Essential Elements of a Model EEO Program

Please describe the status of each plan that the agency has implemented to correct deficiencies in the EEO program.

☐ If the agency did not address any deficiencies during the reporting period, please check the box.

Statement of Model Program Essential Element Deficiency

Type of Program Deficiency	Brief Description of Program Deficiency
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §? Lack of collaboration with Departmental EEO divisions to ensure effective EEO process.

Objective(s) and Dates for EEO Plan

Date Initiated (mm/dd/yyyy)	Objective	Target Date (mm/dd/yyyy)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
01/31/2021	Partner with the Office of the Assistant Secretary for Civil Rights (OASCR) to address potential or identified deficiencies in the EEO Complaint Process.	09/30/2021		09/27/2021

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Director, Civil Rights Division	Roberto Contreras	Yes

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
	Meet quarterly with representatives from OASCR Employment Complaints.	Yes		09/27/2021

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	All investigations timely completed.
FY 2021	FNS CRD works collaboratively and in partnership with OASCR in various capacities ensuring that we support the OneUSDA Civil Rights initiative. CRD provides analysis on new directives and regulations as requested, assistance in ensuring EEO timeliness are met (attend quarterly meeting to discuss investigations and any concerns) and support OASCR with staff shortages. Specifically, CRD volunteered two staff employees to assist OASCR's Employment Complaints Initiative to reduce the inventory of complaints pending adjudication and lower processing times. CRD is a productive team member to OASCR in addition to OGC, OHRM, and all partners at USDA. This deficiency has been resolved.

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PART I

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MD-715 – Part I

Agency EEO Plan to Eliminate Identified Barrier

Please describe the status of each plan that the agency implemented to identify possible barriers in policies, procedures, or practices for employees and applicants by race, ethnicity, and gender.

☐ If the agency did not conduct barrier analysis during the reporting period, please check the box.

Statement of Condition That Was a Trigger for a Potential Barrier:

Source of the Trigger	Specific Workforce Data Table	Narrative Description of Trigger
Workforce Data Tables	A-1 A-4 A-6	-Participation rates of Hispanic Males are lower than Civilian Labor Force. -Participation rates of Hispanic Males are lower than the Permanent Workforce in GS-11, 13, and GS-15, with GS-15 having 0.00% representation for both Hispanic Male and Female. -In most of the Mission Critical Occupations identified, Hispanic Female participation rates are lower than the Occupational Civilian Labor Force (OCLF). For those that are not lower than the OCLF, Hispanic Female participation in the GS-14 and/or GS-15 levels are lower than the OCLF.

EEO Group(s) Affected by Trigger

EEO Group
All Men
All Women
Hispanic or Latino Males X (A4)
Hispanic or Latino Females
White Males
White Females X (A4)
Black or African American Males
Black or African American Females
Asian Males
Asian Females

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

EEO Group
Native Hawaiian or Other Pacific Islander Males X (A4)
Native Hawaiian or Other Pacific Islander Females
American Indian or Alaska Native Males
American Indian or Alaska Native Females
Two or More Races Males
Two or More Races Females

Barrier Analysis Process

Sources of Data	Source Reviewed? (Yes or No)	Identify Information Collected
Workforce Data Tables	Yes	Less representation than the CLF, Permanent Workforce and/or OCLF
Complaint Data (Trends)	No	
Grievance Data (Trends)	No	
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)	No	No EEO findings in FY 2021.
Climate Assessment Survey (e.g., FEVS)	No	
Exit Interview Data	Yes	
Focus Groups	No	
Interviews	No	
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)	No	
Other (Please Describe)		

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Status of Barrier Analysis Process

Barrier Analysis Process Completed? (Yes or No)	Barrier(s) Identified? (Yes or No)
No	Yes

Statement of Identified Barrier(s)

Description of Policy, Procedure, or Practice
The geographical locations of our national office and regional offices pose challenges as the local area diversity profile for the offices may be significantly different from the representation identified in the national CLF profile.
Recruitment practices may need to be more targeted to achieve the desired workforce.
Interests of the under-represented EEO group are not identified and/or acknowledged.
Vacancy announcements are not shared in specific colleges and universities, specific professional societies, and associations to expand the Agency's applicant pool.

Objective(s) and Dates for EEO Plan

Objective	Date Initiated (mm/dd/yyyy)	Target Date (mm/dd/yyyy)	Sufficient Funding & Staffing? (Yes or No)	Modified Date (mm/dd/yyyy)	Date Completed (mm/dd/yyyy)
Increase Hispanic representation in the FNS workforce particularly in the GS 11- SES levels	08/30/2020	09/30/2021	Yes	09/30/2022	
Complete a Barrier Analysis to identify the root cause of the low participation rate.	08/30/2020	12/31/2020	Yes	09/30/2022	

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Responsible Official(s)

Title	Name	Performance Standards Address the Plan? (Yes or No)
Human Resources Director	Allen Hatcher	Yes
Civil Rights Director	Roberto Contreras	Yes

Planned Activities Toward Completion of Objective

Target Date (mm/dd/yyyy)	Planned Activities	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Establish a work group to include Human Resources, Civil Rights Division, and the Special Emphasis Program to conduct a barrier analysis.		12/31/2020
09/30/2020	Partner with organizations that represent under-represented groups (ex. HACU, etc.) to learn about the barriers faced and to develop strategies to address underrepresentation.	09/30/2022	
0			

Report of Accomplishments

Fiscal Year	Accomplishments
FY 2021	The Agency has awarded a contract to a small, minority-owned business to conduct a barrier analysis based on objective outcomes performance ratings, promotions, rewards and recognition, diversity, and work-life balance. The barrier analysis will identify five critical phases of the employment life cycle for analysis: 1) Recruitment; 2) Hiring; 3) Training and Development; 4) Promotions; and 5) Separations and will be guided by the EEOC's guiding questions and approach. The barrier analyses will also be informed by prior data analysis of FEVS responses, as well as a thorough review of FNS's policies and procedures, a literature review of organizational barrier analyses at Federal compared with private sector organizations, and conversations with FNS leadership. The findings of this report will be used by the Agency to inform and improve the development of its annual barrier analysis process.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

PART J

MD-715 – Part J

Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities. All agencies, regardless of size, must complete this Part of the MD-715 report.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and targeted disabilities in the federal government.

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.
 - a. Cluster GS-1 to GS-10 (PWD) Answer No
 - b. Cluster GS-11 to SES (PWD) Answer No

No triggers were identified.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.
 - a. Cluster GS-1 to GS-10 (PWTD) Answer No
 - b. Cluster GS-11 to SES (PWTD) Answer No

No triggers were identified.

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

FNS actively manages an internal workforce demographics dashboard and a recruitment actions tracker, which is updated each Pay Period and is uploaded to an internal SharePoint site during the hiring process. Senior leadership is briefed on recruitment efforts, the status of vacancies, and other pertinent talent acquisition information on a bi-weekly basis. HRD engages in regular interactions with and releases regular communications to human resources liaisons within the program and regional offices. The human resources liaisons are responsible for updating and communicating talent acquisition requirements to their senior leadership and all selecting/hiring managers who are responsible for working with HRD. Selecting/hiring managers are responsible for developing appropriate recruitment strategies, based on the results of a workforce analysis, to reach and appoint talent from under-represented and/or targeted populations.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. Plan to Provide Sufficient & Competent Staffing for the Disability Program

- Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency’s plan to improve the staffing for the upcoming year.

Answer Yes

FNS has a full-time dedicated Reasonable Accommodation Program Manager. This position works closely with the HRD staffing team to administer the reasonable accommodation program, partnering on the hiring of PWD and overseeing the advancement program currently in place at FNS.

- Identify all staff responsible for implementing the agency’s disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff by Employment Status			Responsible Official (Name, Title, Office, Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	1	0	0	Allen Hatcher Director, Human Resources Division Allen.Hatcher@usda.gov
Answering questions from the public about hiring authorities that take disability into account	3	0	0	Allen Hatcher Director, Human Resources Division Allen.Hatcher@usda.gov
Processing reasonable accommodation requests from applicants and employees	1	0	2	Allen Hatcher Director, Human Resources Division Allen.Hatcher@usda.gov
Section 508 Compliance	1	0	0	Allen Hatcher Director, Human Resources Division Allen.Hatcher@usda.gov
Architectural Barriers Act Compliance	1	0	0	Jose Avila Director, Operations and Facilities Division Jose.Avila@usda.gov
Special Emphasis Program for PWD and PWTD	3	0	0	Roberto Contreras Director, Civil Rights Division Roberto.Contreras@usda.gov

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

Staff working in these programs attend classroom and webinar training, as well as attend conferences related to recruitment, hiring, and reasonable accommodation. Staff utilize information and knowledge gained from these experiences to further educate the FNS workforce.

B. Plan to Ensure Sufficient Funding for the Disability Program

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources.

Answer Yes

FNS has partnered with the USDA Technology & Accessible Resources Give Employment Today (TARGET) Center for material and software programs. In addition, FNS has funds available for Personal Assistance Services and interpreters.

Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. § 1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency’s recruitment program plan for PWD and PWTD.

A. Plan to Identify Job Applicants with Disabilities

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

FNS has a multifaceted recruitment program. HR Liaisons and Recruitment Liaisons functionally report to program owners at the National level and are responsible for managing the plan to recruit and hire individuals with disabilities in accordance with 29 CFR 1614.203(d)(1)(i) and (ii). In FY 2021, FNS passed an OPM- audit of its administration and execution of its delegated authority for multiple HR disciplines, to include hiring. FNS consistently maintains Delegated Examining and Merit Promotion procedures and has developed resources for selecting official/hiring managers to utilize targeted recruitment strategies. FNS developed a Hiring Authorities Resource Guide that was provided to all supervisors and details various competitive, non-competitive, and other special hiring authorities. As part of the talent acquisition process, HRD and the hiring manager conduct a strategic recruitment conversation which provides an opportunity for HRD to educate managers on special hiring authorities, including those for PWD and PWTD. HRD personnel are responsible for operating procedures and assisting management in focusing on program deficiencies to ensure the Agency maintains required benchmarks.

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U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

2. Pursuant to 29 C.F.R. § 1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce.

FNS utilizes multiple pathways to recruit for PWD and PWTD, including Schedule A and 30 Percent or More Disabled Veterans. These allow the Agency to fill critical vacancies with quality candidates, in a timely manner. HRD provides resources and education to hiring managers on the benefits of utilizing these flexibilities to hire diverse candidates to include PWD and PWTD.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for an appointment under such authority and (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

In order to be eligible for employment through noncompetitive appointment for PWD, job seekers must provide documentation of their disability. Such documentation is used to verify that the individual being hired is indeed a person with a disability. This documentation must be attached with the applicant's resume. Documentation of eligibility for employment under Schedule A can be obtained from a licensed medical professional (e.g., a physician or other medical professional certified to practice medicine by a state, the District of Columbia, or a U.S. territory; a licensed vocational rehabilitation specialist; or any Federal, State or agency of the District of Columbia or a U.S. territory that issues or provides disability benefits). Once the applicant is found eligible, the HRD staffing team will share the application with the hiring manager who submitted a vacancy for posting. Below is a snapshot of the steps taken when reviewing and placing the applicant: Hiring Manager/AO/HRD Liaison will provide HRD with the hiring package. A complete hiring package must include: 1) Recruit 52 Form 2) Schedule A candidate's application and 3) Position Description (PD) and cover sheet for each grade. HRD will determine the candidate's qualifications, and if the candidate qualifies for the position, proceed with the hiring action.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

The Agency has provided several sessions in FY 2021 for hiring managers about the recruitment and hiring process, including competitive and non-competitive hiring authorities. This was also provided twice in FY 2020 to new FNS supervisors as part of their training requirements. Additionally, an FNS Hiring Authorities resource guide was developed.

B. Plan to Establish Contacts with Disability Employment Organizations

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The Agency has established a partnership with various networks to assist in identifying and hiring PWD and PWTD over the past several years. The effectiveness of these relationships is improving within the shared service Relationship. Since FNS retained its delegated hiring authority in FY 2019, FNS has built an internal staffing and recruiting team. The Agency plans to do more focused and targeted outreach to organizations and networks for PWD and PWTD.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If “yes”, please describe the triggers below.

- | | |
|---|-----------|
| a. New Hires for Permanent Workforce (PWD) | Answer No |
| b. New Hires for Permanent Workforce (PWTD) | Answer No |

No triggers were identified.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

- | | |
|-----------------------------|------------|
| a. New Hires for MCO (PWD) | Answer N/A |
| b. New Hires for MCO (PWTD) | Answer N/A |

FNS pulls and reviews a available applicant flow data from USA Staffing. Applicants are not required to complete applicant flow data to apply for Federal positions. FNS has observed an extremely low applicant response rate for demographic and disability data. While the small subset of data can provide some insights, the sample size does not appear to be sufficiently statistically significant to draw conclusive conclusions from the analysis requisite to identifying barriers.

Of the 2,788 applicants for FNS positions in FY 2021, 203 voluntarily chose to identify as a person with a disability, of which 81 were found to be qualified and 66 were referred to hiring managers for consideration. We have no data on the 92.72% of the applicants who chose not to submit their applicant flow data.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

- | | |
|--|------------|
| a. Qualified Applicants for MCO (PWD) | Answer No |
| b. Qualified Applicants for MCO (PWTD) | Answer Yes |

Qualified internal applicants with targeted disabilities (2.65%) were under the benchmark for the relevant applicant pool (5.02%).

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

- | | |
|------------------------------|------------|
| a. Promotions for MCO (PWD) | Answer No |
| b. Promotions for MCO (PWTD) | Answer Yes |

Employees with targeted disabilities (2.70%) were under the benchmark for the relevant applicant pool (5.02%).

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R § 1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

A. Advancement Program Plan

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

All employees, regardless of disability status may participate in the Employee Development Program/National Training Program, which is designed to satisfy the occupationally specific, task-oriented training required of an employee to be successful in their job and be competitive for advancement to the higher grades.

B. Career Development Opportunities

1. Please describe the career development opportunities that the agency provides to its employees.

FNS provides employees in grades GS-5 through GS-15 with leadership development training, professional skills development, and rotational/detail opportunities on an ongoing basis. SES personnel development is managed by the USDA Office of Human Resources Management.

Applicants for any of the FNS career development programs are not requested to disclose if they have a disability.

Federal Executive Institute (FEI) programs are designed to help executives perform effectively as the top leaders of the American Civil Service. As leaders with responsibility for running the agencies that defend, protect, regulate, and support our nation and its citizens, and for working effectively with each Presidential Administration and its political appointees, Federal executives are unique among managers. Performance is not measured by "bottom line" numbers or market indicators. Stewardship of the public trust requires a clear understanding of the basic values that support the democratic process and literacy in the fundamental documents that express those belief systems.

The Managerial Excellence Program (MEP), is a unique learning experience for professional and personal growth, serves to develop FNS leadership by providing high-quality training to current managers who want to lead the organization in meeting its future challenges.

The Leadership Institute (LI) curriculum is designed to gain knowledge and skill in applying Leadership of Self, Leadership of Others and Leadership of Systems.

Finally, the Career Coaching Program (CCP) is aligned with the FNS Career Pathing Guides (CPG's), which provide competency/skill requirements by occupational series and grade within the Agency. The career coaching program is designed to foster an appreciation of the requirements for each grade level, and for the employees to self-evaluate their strengths and weaknesses against these established metrics.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Other Career Development Programs	86	61	0	0	0	0

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

- | | |
|---------------------|-----------|
| a. Applicants (PWD) | Answer No |
| b. Selections (PWD) | Answer No |

Data available to FNS was insufficient to identify triggers for PWD among the applicants and/or selectees of our career development programs.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

- | | |
|----------------------|-----------|
| a. Applicants (PWTD) | Answer No |
| b. Selections (PWTD) | Answer No |

Data available to FNS was insufficient to identify triggers for PWTD among the applicants and/or selectees of our career development programs.

C. Awards

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

- | | |
|---|------------|
| a. Awards, Bonuses, & Incentives (PWD) | Answer Yes |
| b. Awards, Bonuses, & Incentives (PWTD) | Answer Yes |

The inclusion rate of individuals with targeted disabilities (10%) that received a Time Off Award of 11-20 hours was lower than the inclusion rate of permanent employees (12.28%) with no disabilities who received a Time Off Award of 11-20 hours.

The inclusion rate of individuals with targeted disabilities (0%) that received a Time Off Award of 21-30 hours was lower than the inclusion rate of permanent employees (2.88%) with no disabilities who received a Time Off Award of 21-30 hours.

The inclusion rates of individuals with disabilities (1.07%) and targeted disabilities (0%) that received a Time Off Award of 31-40 hours are lower than the inclusion rate of permanent employees (1.67%) with no disabilities who received a Time Off Award of 31-40 hours.

The inclusion rate of individuals with targeted disabilities (19%) that received a Cash Award of between \$1,000-1,999 was lower than the inclusion rate of permanent employees (23.97%) with no disabilities who received a Cash Award between \$1,000-1,999.

The inclusion rate of individuals with disabilities (14.82%) that received a Cash Award of between \$2,000-2,999 was lower than the inclusion rate of permanent employees (20.78%) with no disabilities who received a Cash Award of between \$2,000-2,999.

The inclusion rates of individuals with disabilities (1.07%) and targeted disabilities (1%) are lower than the inclusion rate of permanent employees (2.19%) with no disabilities who received a Cash Award of between \$3,000-3,999.

The inclusion rates of individuals with disabilities (0%) and targeted disabilities (0%) are lower than the inclusion rate of permanent employees (.60%) with no disabilities who received a Cash Award of between \$4,000-4,999.

The inclusion rates of individuals with disabilities (0%) and targeted disabilities (0%) are lower than the inclusion rate of permanent employees (.30%) with no disabilities who received a Cash Award of \$5,000 or more.

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U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- | | |
|------------------------|------------|
| a. Pay Increases(PWD) | Answer Yes |
| b. Pay Increases(PWTD) | Answer No |

The inclusion rate of individuals with disabilities (.26%) is lower than the inclusion rate of permanent employees (.51%) that received a QSI.

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- | | |
|-------------------------------------|------------|
| a. Other Types of Recognition(PWD) | Answer N/A |
| b. Other Types of Recognition(PWTD) | Answer N/A |

The Agency does not have any other types of employee recognition programs.

D. Promotions

1. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

- | | |
|--|------------|
| a. SES | |
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections(PWD) | Answer N/A |
| b. Grade GS-15 | |
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections(PWD) | Answer N/A |
| c. Grade GS-14 | |
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections(PWD) | Answer N/A |
| d. Grade GS-13 | |
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections(PWD) | Answer N/A |

Data available to FNS was insufficient to identify triggers involving PWD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels.

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2. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

e. SES

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

f. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

g. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

h. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

Data available to FNS was insufficient to identify triggers involving <u>PWTD</u> among the qualified <i>internal</i> applicants and/or selectees for promotions to the senior grade levels.
--

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

i. New Hires to SES (PWD) Answer N/A

j. New Hires to GS-15 (PWD) Answer N/A

k. New Hires to GS-14 (PWD) Answer N/A

l. New Hires to GS-13 (PWD) Answer N/A

Data available to FNS was insufficient to identify triggers involving <u>PWD</u> among the qualified <i>internal</i> applicants and/or selectees for promotions to the senior grade levels.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

m. New Hires to SES (PWTD) Answer N/A

n. New Hires to GS-15 (PWTD) Answer N/A

o. New Hires to GS-14 (PWTD) Answer N/A

p. New Hires to GS-13 (PWTD) Answer N/A

Data available to FNS was insufficient to identify triggers involving <u>PWTD</u> among the new hires to the senior grade levels.

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

a. Executives

- | | |
|--|------------|
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections (PWD) | Answer N/A |

b. Managers

- | | |
|--|------------|
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections (PWD) | Answer N/A |

c. Supervisors

- | | |
|--|------------|
| i. Qualified Internal Applicants (PWD) | Answer N/A |
| ii. Internal Selections (PWD) | Answer N/A |

Data available to FNS was insufficient to identify triggers involving PWD among qualified internal applicants and/or selectees for promotions to supervisory positions.

6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.). If “yes”, describe the trigger(s) in the text box.

a. Executives

- | | |
|---|------------|
| i. Qualified Internal Applicants (PWTD) | Answer N/A |
| ii. Internal Selections (PWTD) | Answer N/A |

b. Managers

- | | |
|---|------------|
| i. Qualified Internal Applicants (PWTD) | Answer N/A |
| ii. Internal Selections (PWTD) | Answer N/A |

c. Supervisors

- | | |
|---|------------|
| i. Qualified Internal Applicants (PWTD) | Answer N/A |
| ii. Internal Selections (PWTD) | Answer N/A |

Data available to FNS was insufficient to identify triggers involving PWTD among the qualified <i>internal</i> applicants and/or selectees for promotions to supervisory positions.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box.

- | | |
|------------------------------------|------------|
| a. New Hires for Executives (PWD) | Answer N/A |
| b. New Hires for Managers (PWD) | Answer N/A |
| c. New Hires for Supervisors (PWD) | Answer N/A |

Data available to FNS was insufficient to identify triggers involving PWD among the selectees for new hires to supervisory positions.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box.

- | | |
|-------------------------------------|------------|
| q. New Hires for Executives (PWTD) | Answer N/A |
| r. New Hires for Managers (PWTD) | Answer N/A |
| s. New Hires for Supervisors (PWTD) | Answer N/A |

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Data available to FNS was insufficient to identify triggers involving PWTD among the selectees for new hires to supervisory positions.

Section V: Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace personal assistance services.

A. Voluntary and Involuntary Separations

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

Eligible Schedule A employees with disabilities were converted.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.

a. Voluntary Separations (PWD)

Answer No

b. Involuntary Separations (PWD)

Answer No

The inclusion rate of voluntary separations in the FNS workforce for FY 2021 for individuals with disabilities (6.95%) was lower than the inclusion rate of persons with no disabilities (7.35%). There were no involuntary separations for PWD.

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If “yes”, describe the trigger below.

a. Voluntary Separations (PWTD)

Answer Yes

b. Involuntary Separations (PWTD)

Answer No

The inclusion rate of voluntary separations in the FNS workforce for FY 2021 for individuals with targeted disabilities (11.53%) was higher than the inclusion rate of persons with no disabilities (7.35%). There were no involuntary separations for PWTD.

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

The Exit Survey identifies that 10 percent of the respondents were persons with disabilities. The responses to the Survey cannot be further delineated to only identify the responses from employees with PWD and/or PWTD who departed from the Agency.

B. Accessibility of Technology and Facilities

Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of a agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of a agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

[Notice of Rights - Section 508 of the Rehabilitation Act of 1973 | Food and Nutrition Service\(usda.gov\)](#)

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

[Notice of Rights - Section 508 of the Rehabilitation Act of 1973 | Food and Nutrition Service\(usda.gov\)](#)

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

Electronic – Office of Chief Information Officer has a team that explores how to make the websites, the meeting platforms, etc., accessible to employees working from home.

FNS continues to maximize workplace and work schedule flexibilities due to COVID-19 in all locations. For those who do require access to FNS facilities, we provide employees with masks, anti-bacterial lotion, social distancing, etc.

C. Reasonable Accommodation Program

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

In FY 2021, the average time frame for processing initial requests for reasonable accommodations was 40 days. The reason processing time exceeds the 30-day requirement is due to the following:

1. Employees are unable to get the necessary medical documentation due to COVID-19 medical access restrictions. FNS offered them 30 days to gain the necessary medical documentation in light of the limited access to their medical professionals.
2. Employees working from home on extended telework did not pursue the initiated RA until directed to return to work.

The RA office and the supervisor receive and begin information gathering, which includes the interactive session with the employee within 5 working days.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

FNS timely processes RA requests upon receipt and provides training for supervisors, managers, and employees. FNS collaborates with the USDA Target Center to obtain assistance with technology and

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ergonomic needs and provides timely notifications to the staff of their approval status or denial of the request. All reasonable accommodations requests are tracked via the internal tracker. Each week the Reasonable Accommodations Coordinator provides updates to the Branch Chief regarding the statistics for new requests, ongoing cases and cases that are closed. RAC conducts an annual training for new supervisors and employees. Additional trainings are developed and provided regarding religious accommodations, accessibility, inclusion, and etiquette.

D. Personal Assistance Services Allowing Employees to Participate in the Workplace

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In FY 2021, FNS did not have a PAS request from its employees, and the effectiveness of the USDA policy for PAS is not measurable. However, PAS requests are processed through the HRD-RA office using the established RA USDA and FNS internal process. Additional supervisory and employee trainings are scheduled for FY 2021 that will expand the availability and understanding of PAS.

Section VI: EEO Complaint and Findings Data

A. EEO Complaint data involving Harassment

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer Yes

Out of 9 formal complaints filed at FNS in FY 2021, 33.3%(3) cited harassment with the basis of disability. This percent is higher than the government-wide average (22.10%).

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer No

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination, so no corrective measures were taken by the agency.

B. EEO Complaint Data involving Reasonable Accommodation

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer No

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U.S. Equal Employment Opportunity Commission

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer No

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination, so no corrective measures were taken by the agency.

Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer NO

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer NO

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments.

Trigger 1	No factors have been identified.	
Barrier(s)		
Objective(s)		
Responsible Official(s)		Performance Standards Address the Plan? (Yes or No)
Barrier Analysis Process Completed? (Yes or No)		Barrier(s) Identified? (Yes or No)
Sources of Data	Sources Reviewed? (Yes or No)	Identify Information Collected
Workforce Data Tables		
Complaint Data (Trends)		
Grievance Data (Trends)		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		
Climate Assessment Survey (e.g., FEVS)		
Exit Interview Data		
Focus Groups		

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FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Interviews				
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)				
Other (Please Describe)				
Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Fiscal Year	Accomplishments			

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

No factors exist at present.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

N/A

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A

MANDATORY POLICIES



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

April 9, 2021

USDA Civil Rights Policy Statement

At USDA, we are recommitting ourselves to the values of equity, inclusion, and equal opportunity for each other and those we serve. As Secretary, I will work with our dedicated team to actively advance racial justice and equity for one another. We will do so by rooting out systemic racism and strengthening civil rights programs while building trust within and outside the Department, ensuring transparency and the equitable delivery of quality programs and services, and holding ourselves accountable toward meeting those goals.

As a Department that operates with excellence in leadership, we must affirm and ensure USDA provides equal employment opportunity for all employees and applicants for employment, regardless of race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, age, genetic information, or disability. All employees have the freedom to compete on a fair and level playing field with equal opportunity for available employment and advancement opportunities. Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. These civil rights principles are more than employees' rights by law—they are core values at the USDA.

USDA strives to become a leader in EEO and a model employer. All USDA applicants and employees have the right not only to be free from harassment and discrimination but also to raise an allegation of harassment of discrimination and not fear reprisal. I will continue to enforce zero tolerance toward any form of workplace harassment. Agencies are required to respond to, address, and correct any harassing conduct before it becomes severe or pervasive. USDA will continue to quickly process complaints of harassment, discrimination, and reprisal and provide robust EEO training to all employees.

I will hold all employees and managers accountable for doing their part to ensure all USDA applicants, customers, constituents, and stakeholders are provided equal access to all opportunities, programs, and services available through USDA. Accordingly, all senior leaders, managers, and supervisors must model values-based leadership and appropriate behavior, leading always by example, treating everyone with dignity and respect, and promoting an ethical, equitable, and inclusive culture. All employees must comply with EEO principles as we perform the Department's mission.

A blue ink signature of Thomas J. Vilsack is centered on the page. Below the signature, the name "Thomas J. Vilsack" and the title "Secretary" are printed in a black, sans-serif font.

Thomas J. Vilsack
Secretary



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

April 29, 2021

USDA ANTI-HARASSMENT POLICY STATEMENT

The U.S. Department of Agriculture (USDA) is committed to creating and maintaining a diverse, and inclusive workforce free of discriminatory harassment. In accordance with requirements established by the U.S. Supreme Court¹, this policy applies to USDA employees in their working relationship with Federal employees, non-Federal employees, and the public. It also applies to contractors and individuals employed under other formal agreements with USDA.

All employees and contractors must help to prevent workplace harassment and take immediate and appropriate action when it occurs. I am committed to addressing harassing behavior at the earliest possible stage to avoid or limit potential harm to any employee before it rises to the level of unlawful harassment.

Equal Employment Opportunity (EEO) based harassment is unwelcome conduct based on race, color, national origin, religion, sex, disability, age (40 years of age or older), genetic information, sexual orientation, gender identity, pregnancy, or retaliation for previous EEO activity. Marital status, familial and/or parental status, income derived from a public assistance program, and/or political beliefs are additional protected classifications covered by other Federal laws and authorities.

Harassment based on a protected classification becomes unlawful when tolerating the offensive conduct (verbal or physical) becomes a condition of continued employment, or the conduct is severe or pervasive and creates a work environment a person would consider intimidating, hostile, or abusive. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a client or customer.

Other forms of harassment (including bullying) include any form of unwelcome conduct, pervasive, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is offensive and could alter the affected employee's terms and conditions of employment.

Harassing conduct, whether directed at an employee or non-employee, includes but is not limited to:

- Engaging in sexual harassment, an egregious form of prohibited harassment and a form of sex discrimination. Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, unwelcome remarks about an individual's appearance, discussions, remarks, or jokes of a sexual nature, and other verbal or physical harassment of a sexual nature.

¹ In Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998), and Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

- Using derogatory words, phrases, epithets, gestures, pictures, drawings, slurs, or cartoons not otherwise protected by the First Amendment's guarantee of the right to freedom of speech and the right to religious free exercise.
- Using electronic devices or forms of communication (computers, cellular telephones, tablets, internet, email, and/or other technological equipment) to intimidate, harass, demean, or degrade another (i.e., cyberbullying).
- Retaliation against any individual for reporting matters under this policy, or for an individual's involvement in an inquiry related to such a report.
- Using negative comments regarding employees age 40 and over.

USDA considers allegations of harassment to be very serious. Employees who witness harassment should immediately report it to their manager, supervisor, any management official in their office or agency, or their Anti-harassment Coordinator, if applicable, before the harassment becomes severe or pervasive in the workplace. Individuals who believe they have been subjected to or witnessed harassment in the workplace are encouraged to inform the alleged harasser directly the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation. Reports of harassment need not be in writing or conform to a format. Allegations of EEO and non-EEO based harassment will be addressed by a management inquiry or investigation. Allegations of EEO based harassment may also be addressed concurrently as an EEO complaint.

Managers and supervisors must maintain confidentiality, to the extent possible, regarding the identity of those individuals reporting allegations of harassing conduct, witnesses who provide information about allegations of harassing conduct, and individuals against whom allegations are made, consistent with the need to investigate alleged incidents of harassing conduct, as required under applicable laws, regulations, and policies. Management officials will take immediate and appropriate corrective action upon receiving notice of a harassment allegation.

Management Inquiry

The management official receiving the allegation will:

- Immediately contact Human Resources, the Agency's Anti-harassment Coordinator, if applicable, or Mission Area and Agency Civil Rights Director regarding all allegations of harassment. Reports of harassment must be investigated and addressed in a prompt, thorough and impartial manner. Confidentiality will be maintained to the extent possible and allowed by law.
- Promptly, thoroughly, and impartially initiate a management inquiry of the allegation of harassment within 10 calendar days of the initial report. If the management official receiving the allegation is not in the alleged perpetrator's chain of command, the management official will refer the allegation to the official within the chain of command. Management may need to undertake immediate measures before completing the inquiry to ensure that further harassment does not occur.
- Report allegations of sexual assault or sexual violence to law enforcement as required by Departmental Regulation 4200-001, *Workplace Violence Prevention and Response Program*.

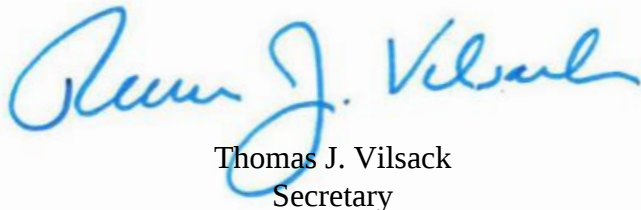
Equal Employment Opportunity (EEO) Complaint

In addition to the process summarized above, individuals who believe they have been subjected to EEO based harassment, including sexual harassment, or retaliation, or any other form of discrimination on the basis of a protected classification, may also file an EEO complaint by contacting their Mission Area, Agency, or Staff Office EEO Counselor within 45 calendar days of the alleged incident. Failure to do so may result in dismissal of the EEO complaint for untimeliness. The expiration of the 45 calendar-day period does not preclude the individual from reporting the incident to a management official for a management inquiry.

Any individual who reports harassment, initiates a harassment complaint, or provides information related to a harassment complaint or inquiry will not be subjected to retaliation before, during, or after the inquiry or complaint process. Moreover, any individual who fails to follow the procedures outlined in this policy will be subject to appropriate corrective and/or disciplinary actions.

Directions on filing a grievance related to harassment under the administrative grievance system, may be found in Departmental Regulation, 4070-771, *Administrative Grievance System*. Additionally, bargaining unit employees may file grievances related to harassment under applicable negotiated procedures for their represented Mission Area or Staff Office.

Every effort will be made to provide all USDA employees with a copy of this policy statement and complaint procedure and redistributed annually. USDA is dedicated to ensuring a workplace free of all forms of harassment and discrimination, a workplace where we all can personally and professionally thrive while serving the American public.



Thomas J. Vilsack
Secretary

F ood & N utrition S ervice	F N S N O T I C E	NUMBER
	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	399

REASONABLE ACCOMMODATION PROCESS GUIDANCE

PURPOSE

This standard operating procedure (SOP) establishes the reasonable accommodation (RA) procedure for FNS employees as well as applicants for such positions. The RA SOP is focused on, but not limited to, establishing a procedure that will support the prompt, fair, and efficient processing of RA requests; increase awareness of the roles and responsibilities in providing a RA for employees and applicants with qualified disabilities; and promote compliance of the applicable laws, USDA, and FNS policies.

REFERENCES and AUTHORITIES

- 29 C.F.R. §1614.203, *Rehabilitation Act* plus amendments.
- 42 U.S.C. §12101, *Americans with Disabilities Act* (ADA) of 1990.
- Public Law 110-325, Sept. 25, 2008, *ADA Amendments Act* of 2008 (ADAAA).
- 29 C.F.R. §1630, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*, as amended.
- Departmental Regulation 4300-008, *Reasonable Accommodation and Personal Assistance Services*
- Departmental Manual 4300-002, *Reasonable Accommodation Procedures*

SPECIAL INSTRUCTIONS

- This guidance is effective upon publication and remains in effect until superseded.

DATE:	EXPIRATION:	RESPONSIBLE FOR PREPARATION AND MAINTENANCE:	Page 1

- Requests for Personal Assistance Services are part of the reasonable accommodation process however the steps in providing this service once the reasonable accommodation is approved is addressed in PASSOP version 1.1.
- This guidance is applicable to all FNS organizations and is in compliance with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other applicable guidance from the United States Department of Agriculture (USDA), Equal Employment Opportunity Commission (EEOC), and Office of Personnel Management (OPM).
- This guidance does not limit, supplant, or delay any equal employment opportunity or civil rights policies or process.
- The term “employee” within this guide refers to applicants for employment as well as current employees.
- The reasonable accommodation procedures shall be available to all employees during new hire orientation and on the FNS intranet site. The Reasonable Accommodation Coordinator (RAC) will provide copies upon request.

CONTACT PERSON

Questions and comments pertaining to this SOP should be directed to FNS Reasonable Accommodation Coordinator (RAC).

Roles and Responsibilities

Employee: Any employee may be considered for a reasonable accommodation under this guidance by bringing the request to the attention of their first line supervisor, manager, and/or Reasonable Accommodation Coordinator (RAC). The request may be oral or written. Once the process is initiated by the employee, they must participate in the interactive process and are responsible for providing the documentation as outlined in this guidance.

Supervisor/Manager: Responsible for receiving, documenting, and communicating all considerations and decisions regarding accommodation to the RAC within the time frames outlined in this guidance. The supervisor/manager will participate in the interactive process and will routinely monitor and evaluate the reasonable accommodation for effectiveness once it is in place. The supervisor/manager will maintain confidentiality of an employee’s request and the accommodation authorized. The supervisor/manager will not maintain medical records received during the RA process.

Reasonable Accommodation Coordinator (RAC): RAC will initiate the interactive process with the employee requesting the reasonable accommodation and ensure only those people or resources needed to evaluate or process a RA request are involved. The RAC will monitor the appropriate steps of the process for compliance with the timelines. Once a RA is approved the RAC will assist the supervisor in monitoring the RA for continued effectiveness. Only the RAC may determine whether medical documentation is needed to assess the RA, and if so may request the information from the employee, and with the employee's permission, the appropriate health professional. Only the RAC will maintain medical records provided to FNS as part of the RA process.

Reasonable Accommodation Process Information

GENERAL

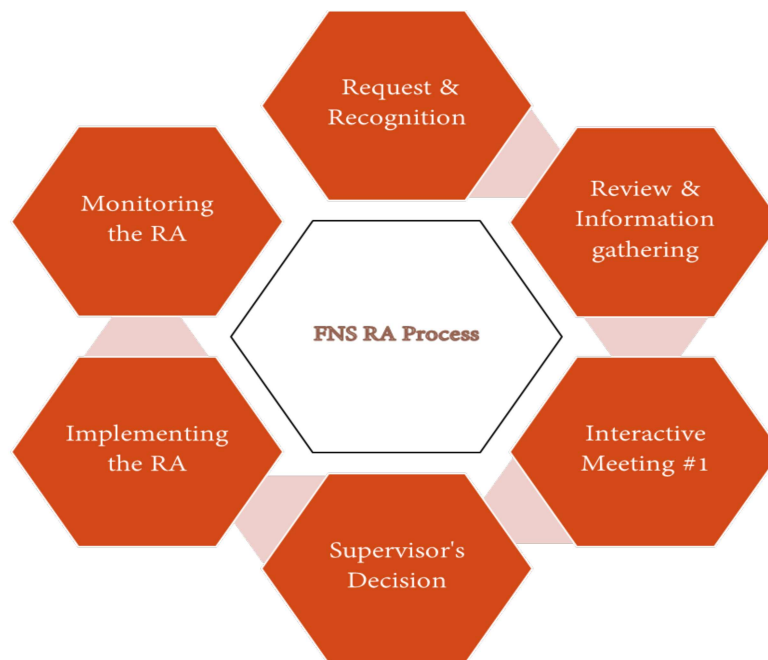
- Most reasonable accommodation requests are initiated by the employee. However, it is important that supervisors, management officials, and the RAC do not assume that because an individual appears to have a physical or mental disability that he or she will necessarily require or request an accommodation. An individual may have a disability that does not limit the employee's ability to perform the essential functions of their job or require a workplace modification. Because each individual's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.
- In *rare* instances, when a disability and associated need for an accommodation is obvious (e.g. an applicant is blind and cannot access an applicant tracking system, an employee who uses a wheelchair cannot access a restroom) a hiring manager or supervisor may initiate the reasonable accommodation process and begin the interactive discussion with the employee, but are required to reach out to the RAC to ensure the process is completed.
- Reasonable accommodations are monitored for continued effectiveness. Certain employees require only one reasonable accommodation, while others may need more than one. Still others may need one reasonable accommodation for a period of time, and then at a later date, require a different type of reasonable accommodation. If an individual requests multiple reasonable accommodations, she/he is entitled only to those accommodations that are necessitated by a disability and that will provide an equal employment opportunity or the ability to enjoy one (1) or more a benefit(s) of employment.
- Reasonable Accommodations which involves hardware/software or equipment (office chairs, desks, etc.) for the office location are the property of FNS. The employee is required to return that equipment should they leave FNS.

- An approved reasonable accommodation (RA) follows the employee and not the supervisor. This means that if an employee has an approved RA and a change in supervision occurs due to the employee taking a new FNS position or in their current position a new supervisor is assigned, the Reasonable Accommodation Coordinator (RAC) will assist the current supervisor and the employee in determining, based on the working environment and assigned duties, if the approved RA will continue to be effective or a modification is needed. If a modification is needed, the RAC will initiate the appropriate steps of the FNS RA process.

CONFIDENTIALITY

- Federal law requires the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as all associated communications during the interactive process. Medical information includes the employee's request, that an employee has an accommodation, or has a qualified disability. It also includes information concerning an employee's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question. Accordingly, every FNS employee who is involved in any capacity in processing a request for reasonable accommodation must maintain confidentiality regarding the request and may share information connected with such a request only as follows:
 - Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s).
 - First aid and safety personnel may be told if the disability might require specialized emergency treatment.
 - Government officials (for example, from the Equal Employment Opportunity Commission) may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act.
 - The RAC may utilize information to prepare the annual reports required by this instruction.
 - The employee or applicant may voluntarily choose to disclose their own otherwise-confidential information. An employee or applicant may provide written permission to a FNS employee.

Reasonable Accommodation Steps



Step 1: Request and Recognition

When an employee decides to request accommodation, the employee or her/his representative must let the employer know that she/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation."

When an employee makes a request to someone not in her/his supervisory chain or to the RAC, the person who received the request will notify the supervisor and/or the RAC. To assist FNS in accurate recordkeeping for accommodation, employees will follow up an oral request by providing an AD-1163 to her/his immediate supervisor and the RAC. If an employee with a disability requires assistance with preparing the request, the RAC will provide that assistance. The AD-1163 may be found at [Documents - Reasonable Accommodations Information \(usda.net\)](https://www.usda.net/documents-reasonable-accommodations-information).

Methods the RA is requested.

- A family member, friend, health professional, or other authorized representative may request a reasonable accommodation on behalf of an employee or applicant with a disability.

- An employee or applicant with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. The ADA does not preclude an employee with a disability from requesting a reasonable accommodation because she/he did not ask for one when applying for a job or after receiving a job offer. Rather, an employee with a disability should request a reasonable accommodation when she/he knows that there is a workplace barrier that is preventing her/him, due to a qualified disability, from effectively competing for a position, performing the essential duties of his/her position, or gaining equal access to one (1) or more benefit(s) of employment.
- While the written confirmation should be made as soon as possible, it is not a requirement for the request itself. Employees and applicants may request an accommodation in conversation or may use any other mode of communication.

Step 2: Review and Information Gathering

FNS will begin processing the request as soon as it is made, whether or not the written confirmation (AD-1163) has been provided by the employee.

- After an initial request is confirmed in writing, written confirmation is not required for subsequent requests when the employee needs a reasonable accommodation on a recurring basis -- for example, assistance of a sign language interpreter or reader.
- The RAC, in response to a request for reasonable accommodation, will only request documentation that is necessary to determine the existence of a disability and the necessity for the requested accommodation. If an employee has more than one qualified disability, the RAC can request information pertaining only to the disability that the employee has asked for a reasonable accommodation.
- When the disability and/or the need for accommodation is not obvious, the RAC may ask the employee for reasonable medical documentation about her/his disability and functional limitations. FNS is entitled to sufficient documentation to determine that the employee has a covered disability for which she/he needs a reasonable accommodation. The RAC will provide the employee with a medical documentation package. This package contains a memorandum with information about the employee's assigned duties and a list of questions related to functional limitations based on the medical condition or treatment for the said condition, the need for a reasonable accommodation, and recommendations that may assist the employee in performing his/her assigned duties.
- The RAC may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation

professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, licensed doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Step 3: Interactive Meeting #1

The initial interactive meeting is particularly critical when a type of accommodation cannot be immediately determined, it is important for the individual and the decision maker to talk to each other about the request, including exploring options or alternatives for meeting the employee's accommodation needs. The employee requesting the accommodation may have a personal representative, (i.e. family member, friend) with them.

The supervisor has the primary responsibility for identifying possible accommodations, the employee requesting the accommodation will also participate, to the extent possible, in helping to identify an effective accommodation. When engaging in an interactive process, consideration should be given to:

- The essential functions and purpose of the employee's position;
- The functional limitations imposed by the employee's disability or medical condition;
- The factors in the work environment or essential duties that pose barriers to the individual when performing their essential duties;
- Possible accommodations that have the potential to remove the difficulties, either in the work environment or job tasks, and which would allow the individual to perform the essential functions of the job; and
- The effectiveness of possible accommodations and whether the various accommodations would pose an undue hardship on the agency.

Communication between the employee requesting the accommodation and the supervisor, as well as with the RAC, is critical throughout the process. This may require several follow on interactive meetings.

Other resources of information that may aid the supervisor or RAC in determining a potential accommodation:

- Office of the Chief Information Officer (OCIO) may need to be consulted in connection with specific requests for adaptive equipment or technology. It is important to note, however, that OCIO does not need to know any information about the medical condition of the person seeking the accommodation. OCIO will only need to know the employee's functional limitations insofar as these limitations affect technology needs.

- The Human Resource Division (HRD) Employee/Labor Relations Specialist may need to be consulted about leave options such as Family Medical Leave Act (FMLA) or leave donation program. These specialists may also assist if an employee with a reasonable accommodation is or begins to experience performance or conduct issues during the term of the accommodation.
- USDA Target Center is a resource center that can assist in determining the types of assistive services to implement under a reasonable accommodation process. Prior to reaching out to the Target Center contact with the RAC is required.
- Human Resource Division-Staffing and Classification are consulted when determining a redistribution of duties for RA to ensure these duties are not grade controlling duties or essential duties for the position. They are also the main contact for accommodations that may lead to reassignment actions.

Step 4: Supervisor's Decision

The supervisor is the deciding official and will make all reasonable accommodation decisions on a case by case basis. A reasonable accommodation is designed to address the employee's individualized need and limitations. A supervisor's decision is based on several factors, including the employee's accommodation of choice, however an accommodation of choice is not automatic. Prior to issuing a decision the deciding official will consult with the RAC. As soon as possible, but no later than thirty (30) business days, a supervisor's decision is provided in writing and in plain language to the employee requesting the accommodation. This decision is also provided to the RAC who will retain it in the FNS system of records.

- **Approval:** The supervisor provides the employee and the RAC with a copy of the AD-1164 and the memorandum outlining the approved accommodation. If the accommodation cannot be provided immediately, i.e. awaiting the delivery of equipment, the supervisor will inform the individual and the RAC of the projected frame for providing the accommodation.
- **Denial:** A denial of a reasonable accommodation is promptly communicated to the employee in writing with the AD-1165 "Denial of Reasonable Accommodation Request Form" attached. This written decision will be provided to the RAC and will include the following information.
 - The specific reason in plain language for the denial;
 - Include that a denial does not preclude the individual from making another request at a later time if their medical circumstances change.

- The employee's option to file, within ten (10) business days, a request for reconsideration from the second line supervisor and that the second line supervisor has fourteen (14) business days to provide a response to the employee, first line supervisor, and RAC.
- **Appeal:** The written notice of denial will inform the employee that she/he has the right to file an equal employment opportunity (EEO) complaint and may have rights to pursue an administrative grievance, union grievance, or Merit Systems Protection Board complaint. The notice will include the timelines and instruction for filing in each process. It will also include the option for alternative dispute resolution (ADR) and the notice that election of ADR does not extend or suspend the timelines associated with the applicable appeal processes.

Step 5: Implementing the Reasonable Accommodation

Implementation of a reasonable accommodation decision is as based on the supervisor's decision. The implementation may include phases or a specific end date. The supervisor ensures all steps of the reasonable accommodation decision are implemented when identified in the decision memorandum. If there are any delays in the implementation of a reasonable accommodation the supervisor will communicate the delays to the RAC and the employee.

Examples of items to implement:

- Work schedules changed in WebTA,
- Equipment ordered and delivered,
- SF-52 initiated as needed for changes to the employee's personnel record.

Step 6: Monitoring the Reasonable Accommodation

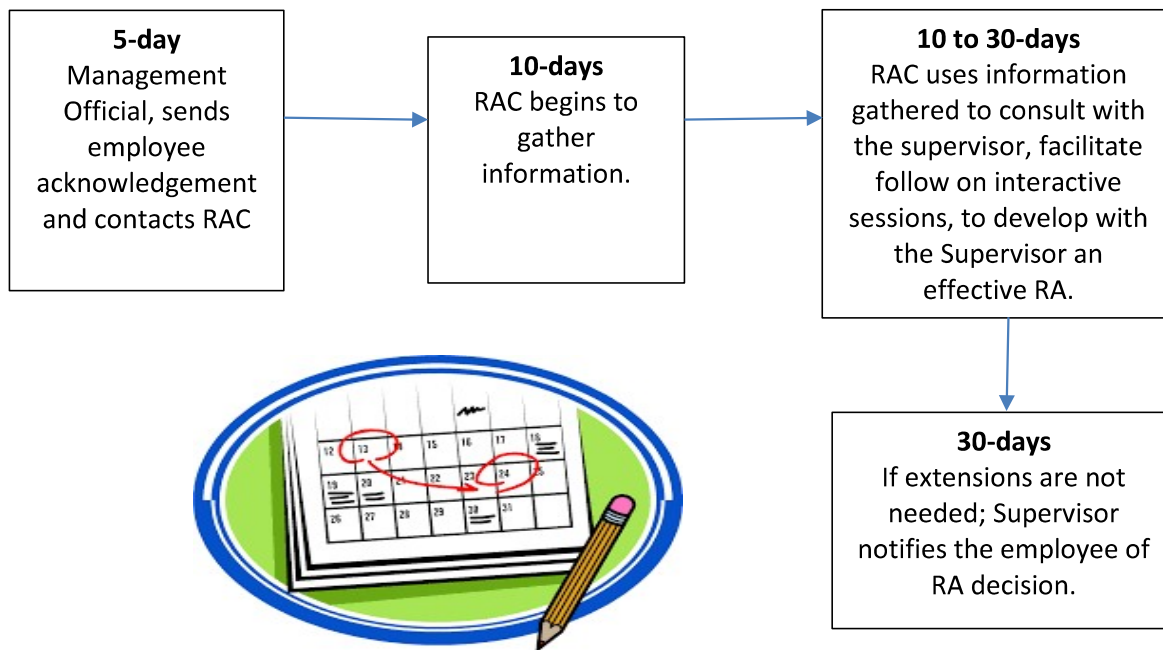
Once the supervisor has successfully determined and implemented the type(s) of reasonable accommodations, these accommodations will be monitored and periodically reviewed. A reasonable accommodation is a "living" document and is modified as needed to continue providing an employee with the accommodation he or she needs to continue to successfully perform the essential duties of his/her assigned position. If needed the accommodation may be modified to reflect the current status of the medical condition and/or treatment plan. Either the employee and/or supervisors may revisit an accommodation if either determines the current accommodation is no longer effective. For example, if the accommodation involved equipment, the equipment may need periodic maintenance. If the accommodation involved software that interfaces with an existing network, the software may need to be updated as the overall network is updated. If the accommodation involved a new or changed work process or duty location, the accommodation may need to be modified to reflect the workplace changes.

One of the best ways to monitor accommodations is to keep the lines of communication open with employees. The interactive process is an expected action throughout the accommodation process.

Supervisors will document the monitoring sessions and modification to existing accommodation decisions.

Reasonable Accommodation Time Frames

RA Time Frame: *Total process is thirty (30) working days.*



Time Frame Considerations:

- The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the RAC. The goal is to process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame for processing a request including providing the accommodation notice if approved, is as soon as possible but no later than thirty working days from the date the request was made.
- If the RAC must request that an employee obtain medical information or documentation from the treating physician, the time frame may result in an extension of the thirty day time frame. It is recommended that the employee work closely with their health care provider to expedite their response to the RAC's inquiry.

- If the process takes longer than thirty (30) days, such as when equipment must be back-ordered or still pending medical documentation, etc., the supervisor will inform the employee and the RAC of the reason for the delay and the anticipated completion date or new date of accommodation. When a delay occurs, the supervisor, in consultation with the RAC, will consider the ability to provide an interim accommodation absent an undue hardship (unnecessary delays to customers, work schedule changes to the entire staff, etc.).

Expedited Processing of a Request: Certain circumstances may require a request for reasonable accommodation to be expedited for review and decision. This includes the following:

- To enable an applicant to apply for a vacancy. Depending on the timetable for receiving applications, conducting interview, conducting evaluations, and making hiring decision, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a vacancy.
- To enable an employee to attend a meeting scheduled with little or no notice. For example an employee may need a sign language interpreter for a meeting scheduled to take place in five days.
- To address a safety related concern in the workplace. For example office renovations resulting in an increase in dust and a degradation in air quality which results in an asthmatic employee developing breathing difficulties.

Appendix A: Definitions

Bargaining Unit Employee: An employee included in an exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition.

Confidentiality: All information regarding a medical condition gathered on an applicant or an employee requesting a reasonable accommodation must be collected and maintained on a separate forms and in separate medical files.

Days: Business days.

Deciding Official: A supervisor or manager who is authorized to make determinations regarding reasonable accommodation requests.

Direct Threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by RA.

Disability: A person has a disability if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning, or operation of a major bodily function); has a history of a disability (such as cancer that is in remission); and/or has a disability if he or she is subject to an adverse employment action and is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

Emotional Support Animal: Also called comfort animals and therapy dogs. They do not meet the standard for service animals under the ADA because they do not undergo formal training to perform a service for the employee. Though they do help their owners with conditions such as depression, anxiety, stress or mood disorders, they are not medically certified.

Essential Functions: Are the fundamental job duties as identified by the deciding official for the employment position, the individual employee performing the functions, other employees performing similar functions, the position description, and the time spent on the function. The functions are also evaluated by how highly specialized the function is and if the person in the position is hired for special expertise or ability to perform it.

Major Life Activity: As defined under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 to 12213 and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), include, but are not limited to; caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing,

reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running, and working.

Medical Documentation: Describes the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and substantiates why the requested reasonable accommodation is needed.

Personal Assistance Service (PAS): Assistance provided by humans to perform activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a RA, including for example, assistance with removing and donning clothing, eating, and using the restroom. Does not include performing the individual's assigned duties or providing medical services.

Physical or Mental Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems (i.e. respirator, musculoskeletal, etc.) and/or any mental or psychological disorder (i.e. intellectual disability, emotional or mental illness, learning disabilities, etc.).

Qualified: An individual with a disability who satisfies the requisite skill, experience, education, and other job related requirements of the employment position with or without a reasonable accommodation who can perform the essential functions of this position.

Reasonable Accommodation: Any change in the work environment or in the customary way work is performed which enables a disabled individual to enjoy equal employment opportunities. There are three general categories; 1) changes in the job application process, 2) changes for an employee with a disability to perform the essential functions of their job or gain access to the workplace, and 3) changes to provide equal access to the benefits and privileges of employment. Determined by the deciding official on a case by case basis.

Reasonable Accommodation Coordinator: An agency employee with overall responsibility for FNS reasonable accommodation processes. Provides guidance, assistance, and oversight of the disability employment and reasonable accommodation programs. Serves as a consultant, when appropriate, regarding any aspect of these procedures.

Reasonable Accommodations Reporting Form: AD-1164, outlines the accommodation granted and is signed by the deciding official and the RAC.

Request Denial Form: AD-1165, outlines the denial of a reasonable accommodation request and is signed by the deciding official.

Request Form: AD-1163, submitted by the employee to the RAC and the supervisor.

Service Animal: Any dog (sometimes miniature pony) that is individually trained to do work or perform task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are not pets.

Substantial Limitations: An employee or applicant who is unable to perform a major life activity that the average person in the general population can perform; or who is significantly restricted as to the condition, manner, or duration under which the individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.

System of Records: A group of records from which information is retrieved by the name of an individual, or by any number, symbol, or other unique identifier assigned to that individual. It may be electronic or physical file containers.

Time Limits: Barring extenuating circumstances, 30 calendar days from the date the RA is received by the supervisor, RAC, or other management official. However, an agency may waive filing time limits for good cause.

Undue Hardship: A specific accommodation that the agency determines will result in a significant difficulty or expense for an agency to accommodate a qualified individual with a disability.

Vacant Position: A position that is available when the employee asks for reasonable accommodation, or that FNS knows it will become available within a reasonable amount of time. A "reasonable amount of time" should be determined by the supervisor and HRD. All relevant facts are taken into consideration on a case-by-case basis.

Appendix B: Examples of Appropriate RAs

The types of RA provided are determined on a case by case basis and when approved do not establish a precedent for other RA requests. Consideration includes the employee's request, the specific disability and resulting limitations, the essential duties of the employee's position, the work environment, and the feasibility of the proposed accommodation. Types of reasonable accommodations may include but are not limited to:

(1) Modification of the Worksite

Facilities should be made readily accessible. Modifications include arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to provide comfortable working heights; installing special holding devices on seats, desks, or equipment; using Braille labels, or other tactile cues for identification purposes; and/or installing special equipment like ergonomic chairs or raised/standing desks.

(2) Assistive Devices

Equipment or assistive devices are purchased if they are necessary and will enable the employee to accomplish the official business of FNS. Equipment or assistive devices may not be provided if they are primarily of a personal nature, such as eye glasses or hearing aids. When determining the purchase of equipment and assistive devices the supervisor should do so ONLY if it assists the employee in continuing to successfully perform her/his assigned tasks.

(3) Readers, Interpreters, Personal Assistance Services, and Service Animals

Under 5 U.S.C. § 3102 FNS has the authority to obtain the services of readers, interpreters, and personal assistants and to assign such assistance as necessary to enable the employee with a disability to perform his or her job, either at the regular duty station or while traveling on official business.

- **Reader:** A reader is a trained person who reads written or printed materials to a person who is blind or has low-vision. It may be a reasonable accommodation to provide a reader for a qualified individual with a disability if this would not impose an undue hardship. In some job situations a reader may be the most effective and efficient accommodations but in other situations an assistive device or software may enable a visually impaired individual to read independently.
- **Qualified Sign Language Interpreter:** A trained specialist who is fluent in American Sign Language and English (or other languages as applicable) and is able to facilitate communications between deaf and hearing by using sign language.

- **Captioning:** The process of converting the audio portion of a video production or live event into text that is displayed on a television, film screen, and/or computer monitor.
- **Computer Aided Real Time Translation:** A form of captioning that provides a word for word transcription of what is being said by the presenters. It may be read on a laptop computer or projected onto a screen television or for a large audience on a full size screen.
- **Personal Assistance Service (PAS):** These services are provided by humans. The purpose is to help employees who, because of their targeted disabilities, require assistance to perform basic activities of daily living such as assistance with putting on or removing clothing, eating, and using the restroom. Functional assistance include general administrative tasks, carrying items, lifting and moving equipment and files, as well as other tasks needed to perform the job functions. Provided they do not pose an undue hardship to the agency, these services may be provided during work hours to include work related travel, if the employee has a targeted disability and they are needed for the employee to perform the essential functions of her/his position.
- **Service Animals:** A service animal is specifically trained to assist a person with a disability. Some of the services provided by service animals include guiding people who are blind, alerting deaf people, pulling a wheelchair, alerting and protecting a person who is having a seizure, and reminding an employee with a mental impairment to take their medication.
 - When an employee with a disability requests to use a service animal at work, the supervisor has the right to request documentation or demonstration of the need for the service animal (when the need is not obvious) and that the service animal is appropriately trained and will not disrupt the workplace. However, while awaiting medical documentation that an employee has a covered disability, the supervisor may need to consider documentation from other sources that explains the need for the service animal and that shows the animal is appropriately trained. The supervisor must request and the employee is required to show evidence that the animal has the proper licenses and immunizations required by the geographical area where the employee performs her/his assigned duties.
 - The employee is responsible for ensuring the animal is properly trained, behaves appropriately in the workplace and is not disruptive. Service animals must be harnessed, leashed, and tethered, unless these devices interfere with the service animal's work or the employee's disability. If an animal behaves inappropriately, such as barking, growling, or threatening other employees,

the supervisor may ask the employee not to bring it to work until it is trained properly.

(4) Adjusting Work Schedules: Supervisors have the option to consider flexible or alternative work schedules for employees, based upon the nature of the position, who cannot meet the requirements of the regularly scheduled tour of duty for their position for reasons associated with their disability. Considerations regarding work schedules and telework are done in accordance with applicable FNS and USDA instructions and regulations.

(5) Telework: Allowing an employee to telework may be a reasonable accommodation where the person's disability prevents the successful performance of the essential functions of the position or parts of the essential functions of the position at the duty location. There are multiple considerations the deciding official will examine when determining if a telework arrangement is a reasonable accommodation and is not an undue hardship.

(6) Leave: The ADA requires that employers consider exceptions to their policies, including leave policies, when required and appropriate to provide a reasonable accommodation. Employers are allowed to have leave policies that establish the maximum amount of leave an employer will provide or permit, they may be required to grant leave beyond this amount as a reasonable accommodation to employees who require it because of a disability, unless the employer can show that doing so will cause an undue hardship. Medical documentation may be requested by the RAC to support leave as a reasonable accommodation request. An employee requesting leave as a reasonable accommodation should respond to questions from her/his supervisor and/or RAC as part of the interactive process and work with her/his health care provider to obtain the requested medical documentation.

- **Paid Leave:** If an employer receives a request for leave for reasons related to a disability and the leave falls within the employer's existing paid leave policy, it should treat the employee requesting the leave the same as an employee who requests leave for reasons unrelated to a disability. Reasonable accommodation does not require an employer to provide *paid* leave beyond what it provides as part of its paid leave policy.
- **Unpaid leave:** Where an employee's paid leave has run out, the supervisor will consider providing unpaid leave to an employee with a disability as a reasonable accommodation if: 1) the employee requires it; and 2) it does not create an undue hardship for FNS. Leave as a reasonable accommodation is consistent with the purpose of reasonable accommodation when it enables an employee to return to work following the period of leave. If unpaid leave is requested, the supervisor will coordinate with the applicable Employee/Labor Relations Specialist.

(7) Travel: When an employee with a qualified disability is traveling on official government business, FNS must provide reasonable accommodations for the duration of the travel. Reasonable accommodations may be required in connection with transportation, lodging, and conference/meeting sites. All travel requests must comply with DM 2300-001 "Agriculture Travel Regulation". If an employee with a qualified disability requests not to travel or to modify travel requirements as a reasonable accommodation, the request is processed using the guidance in this directive.

(8) Reassignment: Reassignment is commonly known as the accommodation of last resort. This is because accommodations that will enable an employee to remain in their current position should, under ordinary circumstances, be considered first. However, this accommodation strategy should not be misinterpreted to mean that it's only possible to consider reassignment when the search for accommodations in the original position is exhausted. The employer does not have to remove an employee from a position or create a position to provide a reassignment accommodation. Supervisors and RACs who are discussing a reassignment as a RA option must coordinate with the FNS Human Resources Division.

- a. Reassignment can be considered when it does not impose an undue hardship to the agency and in the following situations:
 - There is not a reasonable accommodation available that will enable an employee with a disability to perform the essential functions of their current position;
 - The employee and supervisor agree that an alternative position is a more appropriate accommodation solution due to the employee's limitations and ability to perform essential functions of their position without an accommodation.
 - The location where work is performed causes a work related barrier due to limitations affecting an employee's commute and need to access specialized healthcare and a vacant position at a different location will allow the employee to perform the essential functions of his/her position.
- b. An employee with a qualified disability may be reassigned at any time, consistent with merit promotion guidelines. However, she/he may not be reassigned to a position where they are unable to perform the essential job functions of the targeted position with or without a reasonable accommodation.

c. Requirements for a proposed vacant position:

- Will generally be commensurate to the employee's current position at the same grade and base pay.
- Must not be at a higher grade or pay than the employee's current position or have a non-competitive promotion potential beyond that which existed in the employee's assigned position.
- If there isn't a commensurate vacant position available within a reasonable amount of time, the employee may be accommodated through reassignment to a lower-graded position, provided the reassignment is consistent with the merit promotion and pay regulations.

Appendix C: Frequently Asked Questions

Reasonable Accommodation Process

1. What is a reasonable accommodation?

A: In relation to the Rehabilitation Act/ADA, a reasonable accommodation is a modification or adjustment to the job, the work environment, or the way things are usually done. Reasonable accommodations are provided to ensure a qualified applicant or employee with a disability can participate in the application process, perform essential functions of the job, and enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. The Agency is required to provide an effective reasonable accommodation to qualified individuals with disabilities, unless doing so would impose an undue hardship to the agency.

2. Who is a qualified individual with a disability?

A: A qualified individual with a disability is an individual who has the skills, experience, education, and other requirements of the job the individual holds or desires and can perform the essential functions of the position with or without reasonable accommodations.

3. How do I request a reasonable accommodation?

A: Requests for a reasonable accommodation may be made either in writing or orally at any time during the application process or while employed. Requests for a reasonable accommodation can be made to the employee's supervisor, manager, Reasonable Accommodation Coordinator (RAC), Human Resources Office, sending an email to SM.FNS.HRD.ReasonableAccommodations@usda.gov or the agency contact identified in a vacancy announcement.

4. Who is responsible for granting an RA?

A: The supervisor or hiring official is responsible for granting a RA.

5. Who can ask for medical documentation and when is it appropriate?

A: The RA Coordinator may request medical documentation when needed during the RA process to support the RA request.

6. Who can request a RA?

A: A reasonable accommodation can be requested by an employee, applicant, or a family member, health care professional or other representative on behalf of the employee or applicant.

7. What steps should a supervisor and the Reasonable Accommodation Coordinator take after receiving a request for RA?

A: The following are the steps a Supervisor and Reasonable Accommodations Coordinator should take in response to an accommodation request:

- a. The Reasonable Accommodation Coordinator will verify the employee's disability, when the disability is not obvious.*
- b. The Supervisor will identify the essential job functions.*
- c. The Supervisor will consult with the individual during the interactive process to identify what accommodations would be effective to reduce or remove barriers.*
- d. The Supervisor may implement an effective accommodation, absent undue hardship, taking into account the preferences of the individual with disabilities.*

8. Do I give my medical documentation to my supervisor or Reasonable Accommodation Coordinator (RAC)?

A: All medical documentation(s) related to your RA request should only be given directly to the Reasonable Accommodations Coordinator. A request for RA and medical documentation related to the RA request are strictly confidential.

9. May I have a representative with me as I go through the reasonable accommodation process?

A: Yes, but you must provide the RAC with the name of your representative and if you are giving permission for the RAC to discuss your medical condition and reasonable accommodation options with you with the representative present.

Personal Assistance Service (PAS)

1. What is a Personal Assistance Service (PAS)?

A: PAS means assistance for individuals with targeted disabilities with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and is not otherwise required as a reasonable accommodation. Examples include, but are not limited to:

- *assistance with removing and putting on clothing;*
- *eating; and*
- *using the restroom.*

2. What is a targeted disability?

A: A disability designated as a “targeted disability or health condition” on OPM SF-256 or a disability falling under one of the first 12 categories of disability listed in Part A of question 5 of the EEOC’s Demographic Information on Applicants Form. [SF-256 \(opm.gov\)](#) Examples: Traumatic Brain Injury, Blindness, Epilepsy, mobility challenges (wheelchair, scooter), bi-polar, etc.

3. What type of situations is PAS required?

A: Agencies are required to provide PAS to employees with targeted disabilities who require PAS because of their targeted disabilities unless to do so would cause an undue hardship. PAS may be required:

- *During the workday, including during telework.*
- *During employer-sponsored events, such as a holiday party.*
- *During work-related travel, both work and off-work hours (as an RA).*

4. How do I request a PAS?

A: Requests for PAS may be made either in writing or orally at any time during employment. Requests for a PAS may be made to the employee’s supervisor, manager, Mission Area/Agency or Staff Office Reasonable Accommodation Coordinator, or HR servicing office, or SM.FNS.HRD.ReasonableAccommodations@usda.gov

If you have any questions not answered in this list please reach out to the FNS-Reasonable Accommodations Coordinator (RAC).



FNS Annual Review

Planning & Performance 2021: A Year in Review

This report highlights accomplishments of USDA's Food and Nutrition Service (FNS) in support of the fiscal year 2021 Agency Priorities. These accomplishments were critical in ensuring FNS achieved its mission in a way that inspired public confidence and supported American agriculture.

FNS Vision:

To End Hunger and Improve Nutrition in America.

FNS Mission:

We work with partners to provide food and nutrition education to people in need in a way that inspires public confidence and supports American agriculture.

FNS Core Values:

Respect for All
Integrity First
Service to America
Excellence in All We Do

Programs and Organization

FNS accomplishes its mission through the programs:

- ✓ Supplemental Nutrition Assistance Program (SNAP)
- ✓ Supplemental Nutrition and Safety Programs (SNAS)
 - Special Supplemental Nutrition Program for Women, Infants and Children (WIC)
 - Farmers' Market Nutrition Program (FMNP)
 - Senior Farmers' Market Nutrition Program (SFMNP)
 - Commodity Supplemental Food Program (CSFP)
 - Food Distribution Program on Indian Reservations (FDPIR)
 - The Emergency Food Assistance Program (TEFAP)
 - Schools/Child Nutrition USDA Foods Program
- ✓ Child Nutrition Programs (CN)
 - National School Lunch Program (NSLP)
 - School Breakfast Program (SBP)
 - Child and Adult Care Food Program (CACFP)
 - Summer Food Service Program (SFSP)
 - Special Milk Program (SMP)
 - Fresh Fruit and Vegetable Program (FFVP)
- ✓ Disaster Assistance (Office of Emergency Management)
- ✓ Center for Nutrition Policy and Promotion (CNPP)

In addition to a National Office located in Alexandria, Virginia, FNS has seven Regional Offices:

- ✓ Mid-Atlantic (MARO) in Robbinsville, NJ
- ✓ Mountain Plains (MPRO) in Denver, CO
- ✓ Mid-West (MWRO) in Chicago, IL
- ✓ Northeast (NERO) in Boston, MA
- ✓ Southeast (SERO) in Atlanta, GA
- ✓ Southwest (SWRO) in Dallas, TX
- ✓ Western (WRO) in San Francisco, CA

Contents

Programs and Organization	3
Executive Summary.....	5
FY21 Administration Strategic Initiative (SI)	7
FY21 Priorities at a Glance	10
Background	11
Strategic Planning	11
Annual Planning	12
Agency Priority 1: Ensure FNS Programs Move People Forward.....	13
Goal 1.1: Implement FNS Program Strategies that are Person-Centered and Promote Human Connection.	13
Goal 1.3: Utilize Creative Approaches to Increasing Skills and Employer Connections for Stable Employment.	13
Agency Priority 2: Provide Americans with Access to Nutritious Food.	14
Goal 2.1: Support and Increase the Use of American Agriculture Products.....	14
Goal 2.2: Facilitate an Increase in Nutritious Diets Grounded in Food-Based Scientific Evidence.....	15
Agency Priority 3: Utilize Data Driven Strategies to Improve Program Operations for Customers and Program Integrity on Behalf of Taxpayers.....	16
Goal 3.1: Strengthen Controls Over Improper Payments and Financial Management Within All FNS Programs.....	16
Goal 3.2: Reduce the SNAP Trafficking Rate Through Retailer and Client-Focused Activities.	17
Goal 3.3: Strengthen Programs, Policy, and Operations Through Data-Driven Analysis.....	18
Agency Priority 4: Increase Organizational Effectiveness and Efficiency by Improving Performance, Customer Service, and Accountability.	19
Goal 4.1: Implement Human Capital Management and Information Technology Modernization Strategies in Accordance with Departmental Guidance.....	19
Goal 4.2: Maintain Excellence in Equal Employment Opportunity, Diversity and Inclusion, and the Processing of Discrimination Complaints	19
Goal 4.3: Improve the Effectiveness, Efficiency, and Customer Experience of Mission Support Activities.	19
Goal 4.4: Improve the Administration and Operation of FNS Programs And Projects By Implementing the Program Management Improvement and Accountability Act, Federal Data Strategy, and the Evidence Act.....	20
Agency Priority 5: Deliver FNS Programs in a Manner that Maximizes Customer Service and Ensures Equal Access and Opportunity.....	21
Goal 5.1: Increase the Effective and Innovative Use of Technology in Nutrition Program Operations.	21
Goal 5.2: Implement flexible, customer-focused initiatives supporting State, Tribal and local program administration.	22
Goal 5.3: Improve and Promote Consistency in Civil Rights-Related Program Oversight.	24
Next Steps: A Glimpse of the FY22 Plan.....	25

Executive Summary

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) fiscal year 2021 (FY21) Agency Priorities Plan (APP) goals and objectives were achieved as a result of strength and resilience during the ongoing COVID-19 response. The Office of Strategic Initiatives (OSI) coordinated reporting and monitored the execution of the APP. With the mid-year change in Administration, OSI led the Agency coordination to ensure Agency Priorities were in appropriate alignment. In addition to continued execution of the Agency Priorities, an Agency-wide Administration Strategic Initiative was developed to capture priorities that were not previously captured in the existing FY21 APP.

The FY21 APP included 83 objectives, **an increase of approximately 8 percent** from the previous fiscal year. **FNS met or exceeded 73 of the 83 objective targets**, demonstrating its commitment to the White House's **Build Back Better plan**. Highlighted outcomes by priority include:

AP1: Ensure FNS Programs Move People Forward.

- ★ FNS and Health Resources and Services Administration (HRSA) **signed and issued a joint WIC** Maternal, Infant, and Early Childhood Home Visiting (MIECHV) **letter to encourage the program staff to collaborate, share resources, and use referrals to enhance participant-centered services** as part of our ongoing commitment to support cross-program collaboration at the State and local levels.
- ★ SNAP developed and implemented a national strategic plan to expand and enhance SNAP Employment and Training (E&T) by ensuring programs are compliant while also providing more participants with quality services.

AP2: Provide Americans with Access to Nutritious Food.

- ★ FNS **identified the Program Evaluation and Reporting System (PEARS)** operated by Kansas State University, as the electronic reporting system capable of supporting SNAP-Ed data reporting needs, and established a cooperative agreement with the University.
- ★ **More than \$15M in SNAP redemptions** were completed using the SNAP Mobile Transaction Processing Application, which **over 1,200 new farmers and markets began using in FY21.**
- ★ **The Farm to School Program (F2S) awarded \$12 million for 176 new Farm to School grants**, the most projects funded since the program began in 2013, while exceeding a grantee customer satisfaction level over 90%. The program also increased participation in the grant program among various under-represented stakeholders, including agricultural producers and tribal entities, through targeted outreach and technical assistance.
- ★ Child Nutrition (CN) supported CN operators with nutrition policy implementation via the **release of 16 tools and training resources grounded in food-based scientific evidence**, including Spanish language recipes for CACFP family childcare homes and centers, and **interactive training modules** on the Food Buying Guide.
- ★ **CNPP launched a newly designed website** featuring a new consumer quiz, tips pages and content, updated Start Simple with MyPlate consumer app that now synchronizes with the consumer quiz results, new consumer brochure, updated MyPlate Plan, new tool kits for a range of professional audiences, and more.
- ★ Office of Emergency Management (OEM) worked with the feeding organizations on the Disaster Feeding Nutrition Committee to **develop stronger nutritional standards for Federal Emergency Management Agency (FEMA)** to improve the nutritional quality of their shelf-stable and short shelf life box meals.
- ★ SNAS worked with the Council of State Governments (CSG) to award sub-grants to **6 projects totaling \$5.2 million** focused on improving the WIC certification process.

AP3: Utilize Data Driven Strategies to Improve Program Operations for Customers and Program Integrity on Behalf of Taxpayers.

- ★ The FNS FOIA team **far exceeded expectations and the Department of Justice (DOJ) requirement of a 10% reduction**, and **completed a 100% appeals backlog reduction; reducing the backlog from 664 at the start of FY21 to 0 open appeals** at the end of FY21.
- ★ Financial Management conducted OMB Circular A-123 internal controls testing for FNS and achieved a **Corrective Action Plan (CAP) closure rate of 40%, exceeding the target by 15 percentage points**. This high rate of CAP closures strengthens agency controls over financial management for all FNS programs and agency operations.
- ★ FNS increased focus on the SNAP Fraud Framework (SFF) by **providing \$2.5 million in grants to State Agencies (SAs)** to implement fraud framework guiding principles and components.
- ★ SNAP, in collaboration with the Office of Policy Support (OPS) and the State Systems Office (SSO), **awarded more than \$18 million in grant funds to 11 State agencies** to support efforts to participate in the SNAP Longitudinal Data Project (LDP).
- ★ FNS's 7 regions each **developed and implemented at least 3 strategies leading to improvements in payment accuracy** in SNAP, successfully **executing over 21 strategies nationwide**.

AP4: Increase Organizational Effectiveness and Efficiency By Improving Performance, Customer Service, and Accountability.

- ★ The Assistant Chief Data Officer (ACDO) and Central Analytics Team collaborated with programs and administrative offices on FNS's data strategy, and **exceeded expectations by implementing eight actions**, including two broad actions related to data governance and stewardship, two broad actions related to data collection, one broad action related to open data, and three broad actions related to workforce enablement.
- ★ The Civil Rights Divisions (CRD) **exceeded its target** of providing 9 Equal Employment Opportunity (EEO) trainings **by conducting 16 EEO related trainings** for supervisors and employees.

AP5: Deliver FNS Programs in a Manner that Maximizes Customer Service and Ensures Equal Access and Opportunity.

- ★ SNAP Implemented **online purchasing options in 47 States, totaling 56 online internet retailers**, increasing safe access to benefits during the pandemic, with more than **5% of all SNAP redemptions occurring online**.
- ★ CNP-Team Nutrition **released a total of 38 electronic communications**, which included 12 newsletters that communicated the availability of resources for CN program operators and administrators and 6 School Meals Grab n' Go Quick Tips e-newsletters, with **each newsletter reaching over 135,000 Team Nutrition GovDelivery subscribers**.
- ★ Regional Operations and Support (ROS) **developed the Remote Oversight Workgroup** composed of 30 staff from all 7 Regions and the National Office. The workgroup **produced 7 resources to share best practices and strategies** when conducting Management Evaluations and Financial Management Reviews (MEs/FMRs), technical assistance, and other oversight activities in a virtual environment.

FY21 Administration Strategic Initiative (SI)

Midway through the execution of FY21 APP, OSI worked across the Agency to revise the FY21 APP to align with the priorities of the current administration, and developed the FY21 Administration Strategic Initiative to capture additional areas of focus. The Strategic Initiative represented all program areas and offices across the Agency, outlined initiatives in support of the new Administration's priorities, identified tasks required to implement FNS provisions in the American Rescue Plan Act of 2021 (ARPA) and supported the development of the FY22 Agency Priorities Plan.

The FY21 Strategic Initiative included five goals. Highlighted outcomes by goal include:

Goal 1: Implementation of Nutrition Assistance Provisions Included in the American Rescue Plan Act.

- ★ Supplemental Nutrition Assistance Program:
 - **\$2 Billion per month in emergency SNAP supplements issued** to provide all households with the maximum SNAP benefit.
 - **Over 97% of SNAP recipients** live in states with SNAP Online Purchasing available.
 - **\$300 Million was provided to supplement block grants** for Puerto Rico, the Commonwealth of the Northern Mariana Islands, and American Samoa.
- ★ Child Nutrition:
 - CN fully implemented the ARPA provision **extending eligibility for CACFP meals** to certain persons under age 25 in CACFP emergency shelters.
- ★ Special Nutrition and Safety Programs:
 - **Prioritized use of ARPA funds totaling \$880M**, to include: **\$490 million for the temporary WIC Cash Value Benefit (CVB) increase** for fruit and vegetable purchases and **\$390 million for WIC/FMNP** outreach, innovation, and modernization.
- ★ Pandemic Electronic Benefit Transfer (P-EBT):
 - Completed all of the P-EBT related provisions in the American Rescue Plan. The agency released guidance for the ARP's extension of P-EBT through the summer of 2021 and into school year 2021-2022. The agency also worked with Puerto Rico, American Samoa, and CNMI on P-EBT plans for children in childcare. USDA approved two of those plans; American Samoa ultimately decided not to pursue a P-EBT plan for childcare given the nature of its NAP program.
 - **Over 99% of eligible children were covered by Pandemic-Electronic Benefits Transfer (EBT);**

Goal 2: Strengthen Our Response to the Food Hardship Crisis Caused by COVID-19 through Administrative Actions to Leverage Federal Nutrition Assistance Programs and Increase State Capacity.

- ★ CN provided a **broad suite of flexibilities to schools and States for the 2021-2022 school year** to include:
 - Utilizing a wide variety of meal service options;
 - Allowing targeted flexibilities for select meal pattern requirements;
 - Leveraging the National School Lunch Program (NSLP) Seamless Summer Option (SSO) to serve all children nutritious meals at no cost while still receiving the higher Summer Food Service Program (SFSP) reimbursement rate;
 - Ensuring schools are not financially penalized for any meal pattern shortcomings that occur due to supply chain issues; and
 - Reducing monitoring and reporting burdens for schools and States.
- ★ CN and FM worked to **distribute nearly \$1.5 billion to schools and CACFP providers financially impacted by COVID** through the newly enacted Child Nutrition Emergency Operation Costs Reimbursement Programs.

- ★ USDA increased the P-EBT benefit by approximately 15%, providing more money for low-income families and millions of children missing meals due to school closures. As of October 1, 2021, **FNS approved 56 State school plans and 50 State childcare plans to provide \$30.7 billion in P-EBT benefits to 33.9 million children for SY 20-21.** In addition, FNS approved 51 summer 2021 plans to provide \$13.8 billion in P-EBT benefits to 36.5 million children.
- ★ CN **provided webinars, Q&As, memos, and other resources as technical assistance** to states, schools, and partners pertaining to the implementation and operations of Federal Nutrition Assistance Programs.
- ★ CNPP **reevaluated the Thrifty Food Plan (TFP) and published the *Thrifty Food Plan, 2021*.** In this effort, CNPP collaborated with staff from FNS, USDA's Economic Research Service (ERS) and Agricultural Research Service (ARS) to refine the optimization model, acquire and prepare data inputs and constraints, run the analyses, and write and publish the report. The Thrifty Food Plan is the basis for SNAP allotments, ensuring the SNAP benefits reflect the cost of a practical, cost-effective diet that meets dietary guidelines.
- ★ Provided an extension to the **15 percent increase in SNAP benefits** for all participants through September 30, or about \$27 per month per person.
- ★ SNAS provided WIC State agencies with **\$500 million to remain available through September 30, 2021.** The SNAS Supplemental Food Programs Division (SFPD) allocation of the Families First Coronavirus Act (FFCRA) WIC supplemental funds provided State agencies with about **\$330 million in additional food funds and about \$170 million in additional administrative funds.**

Goal 3: Incorporate a Racial Equity Lens into Internal Agency Operations and the Design and Administration of Federal Nutrition Assistance Programs.

- ★ CRD led the way at USDA by **coordinating formal approval to process complaints of discrimination based on sexual orientation and gender identity under Title IX and other authorities** that prohibit sex discrimination in our programs, and preparing a memo notifying state agencies of these obligations. The memorandum obtained approval by USDA, is undergoing DOJ review and approval.
- ★ As part of the Management Evaluation (ME) Collaboration workgroup, ROS convened a cross-Agency workgroup to map out the action plan for **integrating a racial equity lens into FNS oversight reviews.** The workgroup identified and is pursuing a two-pronged strategy to **assess FNS practices in oversight in the context of racial equity, as well as looking at racial equity in State agency administration of FNS programs.** The continuation of this work is incorporated into the FY22 APP.
- ★ **CNPP reviewed evidence used to inform the Dietary Guidelines to ensure it reflects the diversity of Americans,** including different racial and ethnic backgrounds.
- ★ **CNPP included a guideline in the Dietary Guidelines to reflect cultural traditions.**
- ★ In developing the Thrifty Food Plan, CNPP **identified ways to integrate cultural foods into analyses,** and developed four, 30-day menus reflecting diverse cultural foods.
- ★ CNPP **promoted cultural diversity as 1 of 5 pillars for communication** through MyPlate.
- ★ CRD collaborated with program staff to **add racial equity language in the Request for Applications** for the Process and Technology Improvement Grants and the SNAP E&T Toolkit.
- ★ CN developed and implemented a **Racial and Cultural Awareness (RACA) initiative** providing **22 training sessions on racial and cultural awareness; inclusivity and equity in the workplace; recruitment and hiring practices; and best practices for facilitating DEI conversations at work,** as well as a comprehensive resource library to support individual learning.

Goal 4: Provide Status Update of Activities Happening, Not Reported on in the APP, of Additional Identified Administration Priorities.

- ★ CNPP provided approximately **30 tailored presentations** to FNS national and state agency staff **to provide information on the Dietary Guidelines, MyPlate, and supporting nutrition science**. Through these presentations, CNPP supported implementation of the Dietary Guidelines and communication of MyPlate to our FNS partners and programs.
- ★ CNP-Team Nutrition **expanded the Team Nutrition Back-to-School Support Kit**. Since its release on June 28, 2021, it **received over 13,500 page views, and @TeamNutrition issued 103 tweets with #StrongerwithSchoolMeals and/or #BacktoSchool hashtag to drive user engagement yielding 235,960 impressions**. Team Nutrition also **issued 11 GovDelivery messages** focused on back to school meal planning tips and resources, with each newsletter **reaching over 135,000 Team Nutrition GovDelivery Subscribers**.
- ★ SNAS initiated work on the ARPA WIC Farmer's Market Nutrition Program (FMNP) \$390M Outreach, Innovation, and Modernization Fund, which is available through FY 2024 and applies to both WIC and the WIC FMNP, setting the groundwork for Agency success.
 - **Convened over 30 listening sessions with over 200 participants to gather input and perspectives from a diverse set of program stakeholders** to inform next steps, and finalized work planning for use of the funds.
 - Successfully **created a new partnership with the U.S. Digital Service (USDS) to conduct research** on how to improve the WIC enrollment process and modernize the Farmers Market programs.
- ★ Obtained **approval from the White House ARPA team on the WIC 390 framework and spending plan**.

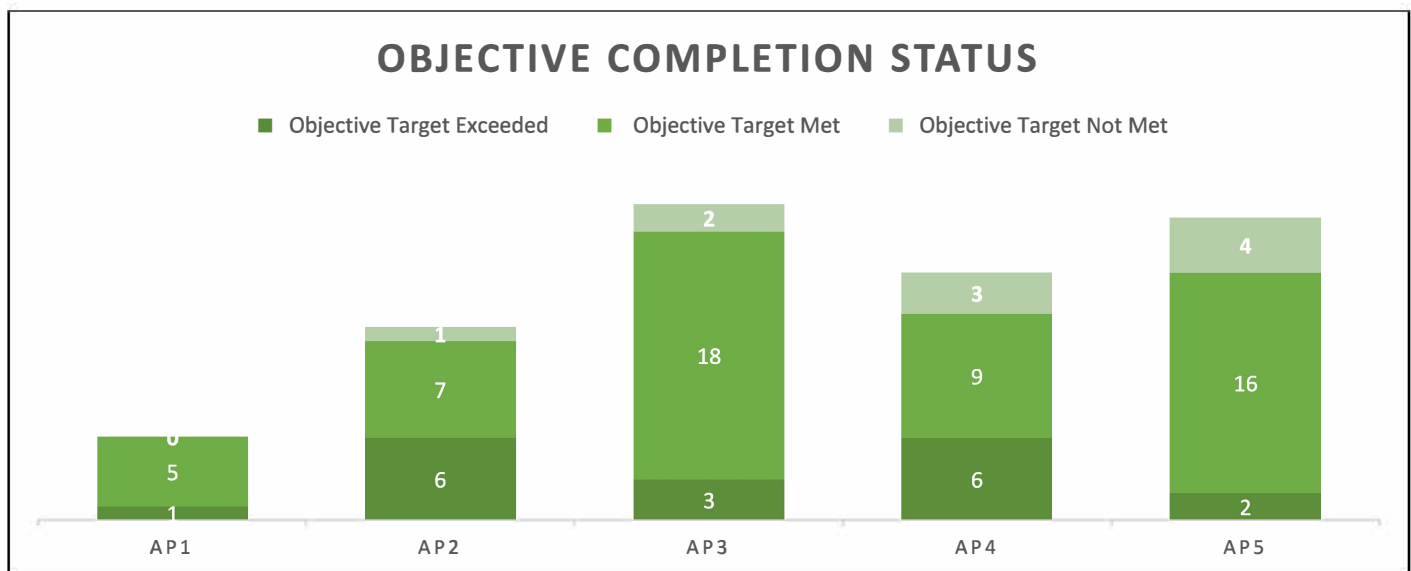
Goal 5: Idea Generation, Planning, Collaboration and Development of FY22 Agency Priorities Plan, Incorporating Provided Administration Priorities and Activities.

The Agency Portfolio Managers (PfMs) representing all programs and offices across FNS, **collaborated to develop the FY22 Agency Priorities Plan (APP) consistent with Administration Priorities**. With Agency-wide support and Office of Strategic Initiatives (OSI) management, **the FY22 APP was developed, approved and launched by the target timeline at the start of FY22**. The FY22 APP consists of **7 Agency Priorities, 29 goals, and 137 objectives**, all in alignment with Administration priorities and supporting the USDA Strategic Plan and Goals.

FY21 Priorities at a Glance

Agency Priority	Objective Target Exceeded	Objective Target Met	Objective Target Not Met	Total Objectives	Task Completion Rate
Agency Priority 1: Ensure FNS Programs move people forward.	1	5	0	6	100%
Agency Priority 2: Provide Americans with access to nutritious food.	6	7	1	14	98%
Agency Priority 3: Utilize data driven strategies to improve program operations for customers and program integrity on behalf of taxpayers.	3	18	2	23	97%
Agency Priority 4: Increase organizational effectiveness and efficiency by improving performance, customer service, and accountability.	6	9	3	18	99%
Agency Priority 5: Deliver FNS programs in a manner that maximizes customer service and ensures equal access and opportunity.	2	16	4	22	98%
PRIORITY OBJECTIVE TOTALS	18	55	10	83	98%

The task completion rate is the overall percentage of tasks completed for the priority. For more details on the project plans and outcomes for each priority, please visit the [Agency Priorities Planning System intranet site](#).



Background

FNS strives to harness the Nation's agricultural abundance to end hunger and improve health in the United States. FNS collaborates with partners to provide food and nutrition education to people in need in a way that inspires public confidence and supports American agriculture. In partnership with State and Tribal governments, FNS programs serve one in four Americans during the course of a year.

FNS is committed to ensuring access to healthy and safe food for program participants, including expectant mothers, infants and children in childcare and school, and low-income families. These investments support education, health care, and a competitive workforce.

Strategic Planning

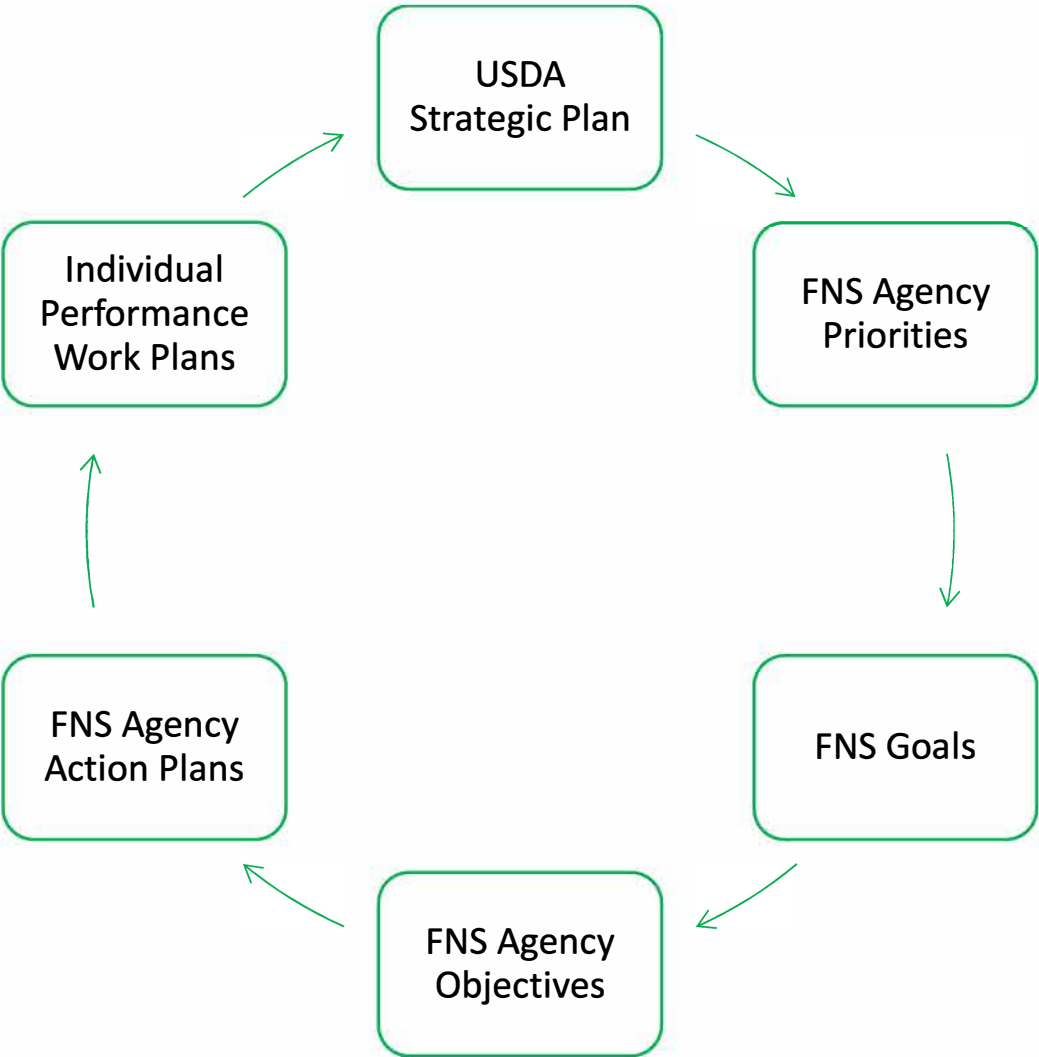
FNS' ongoing responsibilities and performance objectives are derived from USDA's Strategic Plan 2018-2022. FNS leverages USDA's Strategic Goals 1 and 7 as an organizing structure for its annual planning effort. USDA's 2018-2022 Strategic Goal 1, "Ensure USDA programs are Delivered Efficiently, Effectively, and with Integrity," establishes the Agency's focus on improving program integrity, effectively managing resources, and maintaining a high- performing workforce. USDA Strategic Goal 7, "Provide all Americans Access to a Safe, Nutritious and Secure Food Supply" sets out the major objectives of the Federal nutrition assistance programs administered by FNS. The operational foundation for the FY21 FNS APP consists of 5 priorities:

- ✓ **Agency Priority 1:** Ensure FNS Programs move people forward.
- ✓ **Agency Priority 2:** Provide Americans with access to nutritious food.
- ✓ **Agency Priority 3:** Utilize data driven strategies to improve program operations for customers and program integrity on behalf of taxpayers.
- ✓ **Agency Priority 4:** Increase organizational effectiveness and efficiency by improving performance, customer service, and accountability.
- ✓ **Agency Priority 5:** Deliver FNS programs in a manner that maximizes customer service and ensures equal access and opportunity.

Annual Planning

FNS executes an annual APP consisting of multi-year goals and current year objectives that align to our Agency Priorities. FNS uses these objectives as the basis for a corporate priority-setting process that promotes focused and effective management of administrative resources. The priorities exemplify the major areas of focus for the agency and serve as an umbrella for 14 goals and 83 objectives. APP elements cascade into the corresponding performance standards of agency staff.

Progress is monitored throughout the year through monthly updates and reporting provided to, and reviewed by, Agency Senior Leadership and the Administrator. In addition, quarterly reviews are conducted with the FNS Chief Operating Officer and representatives from all Agency programs and offices. At the close of the fiscal year, FNS provides this report summarizing the agency’s performance in meeting the objectives.

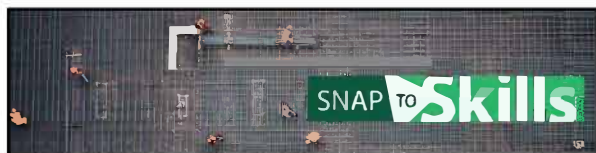


Agency Priority 1: Ensure FNS Programs Move People Forward.

After the Administration change, the number of goals in AP1 were consolidated down to two. AP1 contained six objectives. One objective exceeded the target, and five objectives met the target. Highlighted accomplishments by goals include:

Goal 1.1: Implement FNS Program Strategies that are Person-Centered and Promote Human Connection.

- ★ SNAP used multi-model strategies to support, expand, and improve SNAP E&T programs. In FY21, SNAP **released a technical assistance toolkit to increase E&T participation, provided virtual trainings on new policies and guidance**, worked directly with national providers, and set plans in motion to host a 2022 SNAP E&T National Forum.
- ★ Office of Employment and Training (OET) worked with MDRC and Seattle Job Initiative (SJI) to draft and **finalize *The Road to Engagement: A Tool for SNAP E&T Programs***. This toolkit presents a systematic approach for utilizing human-centered design and behavioral science to develop solutions to problems tied to participant engagement and participation at state SNAP Employment and Training (SNAP E&T) programs.



- ★ FNS staff presented at the Association of SNAP Nutrition Education Administrators (ASNNA) conference on **opportunities for collaboration between local farm to school initiatives and SNAP-Ed**, particularly as grantees pivot to virtual learning experiences.
- ★ **Implemented strategies that support parent and community engagement** in reinforcing farm to school lessons at home. For example, WRO **developed a Farm to Home Best Practices Catalog**, and MPRO **collected grantee best**

practices and shared widely with regional grantees.



- ★ The **revised SNAP E&T State plan handbook was released for FY22**. SNAP provided training and technical assistance on successful completion of the template to comply with State plan requirements.



Goal 1.3: Utilize Creative Approaches to Increasing Skills and Employer Connections for Stable Employment.

- ★ SNAP **developed and implemented a national strategic plan** to expand and enhance E&T by ensuring programs are compliant while also working toward serving more participants with quality services.
- ★ CRD conducted **seven trainings, one per region, on civil rights requirements** in the SNAP Employment and Training program for State Agencies for approximately 180 regional program and State agency staffs.

Agency Priority 2: Provide Americans with Access to Nutritious Food.

After the Administration change, the number of goals in AP2 were consolidated down to two. AP2 contained fourteen objectives. Six objectives exceeded the target, and seven objectives met the target. Highlighted accomplishments by goals include:

Goal 2.1: Support and Increase the Use of American Agriculture Products.

- ★ The FY21 SNAP initiatives were critical to assisting farmers and farmers markets in providing SNAP households with better access to healthy foods, most notably; **more than \$15M in SNAP redemptions were completed using the SNAP Mobile Transaction Processing Application**, which over 1,200 new farmers and markets began using in FY21.
- ★ The Healthy Fluid Milk Incentive grant was awarded to Baylor University Collaborative on Hunger and Poverty to **implement incentive projects at 4 grocery store locations, with the expansion to 5 additional locations.**



- ★ Increased participation in the Farm to School grant program among various **under-represented stakeholders**, including agricultural producers and tribal entities, through targeted outreach and technical assistance.
- ★ **Released the 2019 Farm to School Census Report.** Key findings include:
 - About two-thirds of all School Food Authority's (SFAs) participated in 1 or more farm to school activities in SY 2018-2019.
 - Approximately half **of SFAs engaged in farm to school participated in 7 or more distinct farm to school activities.**

- Over half of SFAs participating in farm to school activities had done so for fewer than 3 years.
- Local foods accounted for an estimated 20% of overall food purchases by F2S SFAs, excluding entitlement spending.

- ★ FNS made **\$3.764 million available for Farm to Food Bank Projects in FY 2021.** These funds were allocated to state agencies that submitted an approved state plan amendment describing a plan of operation for a Farm to Food Bank Project.

Farmers to Families Food Box

USDA is partnering with farmers, ranchers, specialty crop producers, food processors and distributors, and non-profit organizations to ensure that all Americans have access to the fresh and wholesome food they need during the COVID-19 national emergency.



- ★ All 7 Regional Offices **met or exceeded the target of developing and implementing 2 strategies to support Farm to School, Farm to Home or Farmers Markets.** This included public affair initiatives to highlight promising State farmer markets, partnerships with Tribal nations on webinars to support traditional food systems with F2S grants, technical assistance to partners for Farm to School Grants, and the establishment of region led local food system advisory councils.



Goal 2.2: Facilitate an Increase in Nutritious Diets Grounded in Food-Based Scientific Evidence.

- ★ FNS identified the **Program Evaluation and Reporting System (PEARS) operated by Kansas State University**, as the electronic reporting system capable of supporting SNAP-Ed data reporting needs, **and established a cooperative agreement with the University**. Concurrently, FNS conducted stakeholders' sessions to develop and define data collection and outcome reporting requirements. FNS also completed the development of the new State plan and annual report forms. These initiatives are the initial **steps that will lead to more efficient collection and reporting of SNAP-Ed outcomes as required by the 2018 Farm Bill**.
- ★ FNS partnered with HHS to **release the 2020-2025 Dietary Guidelines for Americans (DGAs)**, culminating a multi-year process that involved a multi-year period of robust scientific review by the independent, external 2020 Dietary Guidelines Advisory Committee.
- ★ Concurrent with the release of the 2020-2025 Dietary Guidelines, FNS **launched a newly designed MyPlate.gov website, featuring a new consumer quiz, tips pages and content, updated Start Simple with MyPlate consumer app** that now synchronizes with the consumer quiz results, **developed a new consumer brochure, updated MyPlate Plan, developed new tool kits** for a range of professional audiences, and more.



- ★ CNPP successfully **amplified the key nutrition information** from the latest edition of the Dietary Guidelines through MyPlate.gov and other communication vehicles. The MyPlate.gov website continues to gain traffic, with **more than 41 million views** since the launch of the DGAs.
- ★ The Office of Emergency Management (OEM) worked with the Disaster Feeding Nutrition Committee to **develop stronger nutritional standards for FEMA** to use to improve the nutritional quality of their shelf-stable and short shelf-life box meals. The committee also helped **develop standardized food service ordering guides** to offer more nutritious options to the Voluntary Organizations Assisting in Disasters (VOADs).
- ★ CRD provided **105 program-specific Civil Rights training sessions to program staff and State Agencies**, exceeding the target of 42. Overall, the trainings conducted for FY 21 **reached over 4,000 state agency and 300 program staffs ensuring awareness of Civil Rights requirements and revised guidelines**.
- ★ SNAS **developed a WIC food package proposed rule** based on the latest science from the National Academies of Science, Engineering and Medicine and the recently released 2020-2025 Dietary Guidelines for Americans.



Agency Priority 3: Utilize Data Driven Strategies to Improve Program Operations for Customers and Program Integrity on Behalf of Taxpayers.

After the Administration change, the number of goals in AP3 were consolidated down to three. AP3 contained twenty-three objectives. Three objectives exceeded the target, and 18 objectives met the target. Highlighted accomplishments by goals include:

Goal 3.1: Strengthen Controls Over Improper Payments and Financial Management Within All FNS Programs.

- ★ SNAP successfully **conducted 5 virtual Quality Control (QC) training sessions, exceeding the goal of 2 trainings.**
- ★ SNAP successfully **launched a new quality assurance process for QC reviews.** This process ensures more national office oversight to improve the quality and consistency of QC reviews across states and regions.
- ★ FNS **implemented three strategies to increase payment accuracy** in the Child Nutrition Programs. These included developing legislative options for direct certification in CACFP, developing a plan to increase use of online applications in CACFP and completing the early steps of data needs for an in-house study of improper payments in the SFSP.
- ★ Each of FNS's 7 regions **developed and implemented at least 3 strategies leading to improvements in payment accuracy.** For example, 1 regional statistician did a detailed analysis of errors to identify the top causes of payment errors for each State and developed an Error Prone Profile for each State's use. Data analysis demonstrations, such as with the State Error Profiles, allowed state staff to 'see' how certain case types should be focused on to ensure large errors are caught before benefits are issued to the household.
- ★ All 7 regions supported the national Payment Accuracy Workgroup to work on payment accuracy improvement efforts in a coordinated way across the country and **provided targeted**

technical assistance to States experiencing high SNAP QC error rates.

- ★ FM **updated the approach and guidelines for conducting Management Evaluation/Financial Management Review (ME/FMR) Quality Assurance Reviews (QARs) to accommodate the impact of COVID-19.** The QAR Team reviewed all 128 MEs/FMRs conducted by FNS across the programs in the prior fiscal year instead of a sample, including for the first time MEs for smaller programs (FMNP, SFMNP and the Food Distribution Programs). Expanding the reach of QAR to all programs further improves the quality of future FNS MEs/FMRs, thereby strengthening program integrity.
- ★ The State Systems Office (SSO), in collaboration with Regional Office SNAP payment accuracy (PA) efforts, identified and supported implementation of technology-based solutions to help improve payment accuracy.



Goal 3.2: Reduce the SNAP Trafficking Rate Through Retailer and Client-Focused Activities.

- ★ To reduce the SNAP trafficking rate and strengthen Federal oversight and monitoring, **SNAP completed 4 Anti-Fraud Locator Using Electronic Benefit Transfer (EBT) Retailer Transactions (ALERT) enhancements**. These enhancements further enable FNS's ability to identify fraudulent activity based on analysis of existing patterns, reports, and algorithms.
- ★ FNS increased focus on the SNAP Fraud Framework by:
 - **Providing \$2.5 million in grants to State agencies** to implement fraud framework guiding principles and components;
 - **Implementing bi-monthly meetings** with ROs focused on the **fraud framework to increase their expertise and improve TA** to States; and
 - **Developing a comprehensive long-term plan** to make the fraud framework a living document with enhancements to keep it current and a clearinghouse to more efficiently provide information, including sharing best practices between State agencies.

These efforts provided State agencies with information, ideas, and specific support to implement practices that take a holistic approach to preventing, detecting, and investigating fraud, including SNAP benefit trafficking.

- ★ Retailer Operations & Compliance (ROC), partnered with data analytics vendor SAS, through a pilot to **explore advanced data mining capabilities** within their Viya platform. During the period of the pilot, ROC & SAS **performed requirements gathering** to identify how their tool would be used to integrate with the ALERT and STARS applications. In September 2021, ROC & SAS entered Year 1 of a contract commencing implementation and development of functionality specific to ROC.
- ★ ROC partnered with data analytics vendor SAS through a pilot to **explore the Text Analysis solution** within their Viya platform. In response to the expedited growth of the Online Retailer Pilot, ROC developed an Internet Retailer Team

tasked with the interpretation of SNAP Internet Retailer transactions and the development of related monitoring techniques and resources. Major FY21 accomplishments by the team include:

- **Introduction of a new fraud detection report within ALERT** specialized to monitor online SNAP transactions and an associated standard operation procedure documenting the utilization of the report findings; and
 - ROC began **exploring a Retailer Integrity Pilot Proposal with Lexis-Nexus**, a private contractor and data provider that would potentially afford access to additional data points to enhance ROC's ability to investigate business integrity issues and SNAP fraud.
- ★ **Seven press releases** involving investigations in each of the regions were completed in FY21. These releases indicated that we were taking appropriate action against retailers abusing the vital SNAP program to help deter other retailers from committing similar violations and continue to promote nutrition security.
 - ★ ROC, in collaboration with the Office of Policy Support (OPS) and Regional Operations and Support (ROS), **deterred national SNAP fraud by issuing a joint FNS-OIG press release** highlighting FNS assistance with program integrity and the success of the interagency coordination between OIG and ROC.



Goal 3.3: Strengthen Programs, Policy, and Operations Through Data-Driven Analysis.

- ★ FNS issued State guidance outlining the requirements for building longitudinal databases for research. SNAP hosted 2 webinars for the SNAP Longitudinal Data Project (LDP). FNS presented information describing the project and guidance, upcoming grants, and encouraged State participation. Over the course of the webinars, there were 105 participants representing 20 States.
- ★ All Regional offices implemented vetted Data Analytics Collaborative Initiative (DACI) protocols and standard operating procedures for financial management reviews (FMRs). Resources developed include:
 - The Quarterly Cash Reconciliation Analysis tool;
 - A Data Sampling protocol for FMRs;
 - Data Acquisition Procedures for FMRs; and
 - Preliminary Ledger analysis.
- ★ DACI Training Component developed a comprehensive training catalog implementing a multi-faceted training approach consolidating training opportunities from AgLearn, LinkedIn Learning, the Employee Development Program, and external opportunities. To support more effective records of training completion, a DACI training App was created with Microsoft PowerApps to serve as a centralized training registration center in the future.
- ★ SNAS developed risk criteria to identify which State agencies' Disaster Household Distribution

(DHD) operations will be included in the desk audit. SNAS provided continued support for DHD, including approving a request for Louisiana to serve up to 800,000 individuals in response to Hurricane Ida.

- ★ OEM updated and renamed the calculator to the USDA Infant Formula and Food (IFF) Ordering Guide. The Guide includes:
 - Streamlined directions on providing a report on the proper use and distribution of USDA IFF;
 - Q and A section on when and how to order USDA IFF;
 - Updated safety recommendations for FEMA and consumers; and
 - A new email address to send a completed request to USDA.
- ★ CRD conducted 21 State-level Civil Rights compliance reviews in Fiscal Year 2021. Voluntary Resolution Agreements were offered to 20 State agencies as an alternative for resolving findings identified during the review.
- ★ CN completed 5 initiatives to strengthen the administrative data foundation of CN programs to inform research and process improvements. These included drafting a Direct Certification Report to Congress; developing Continual Improvement Plans for low performing direct certification States; providing training and technical assistance on direct certification; research on administrative data and verification; and evaluations of the Emergency Meals to You demonstration project.



Agency Priority 4: Increase Organizational Effectiveness and Efficiency by Improving Performance, Customer Service, and Accountability.

After the Administration change, the number of goals in AP4 were consolidated down to four. AP4 contained eighteen objectives. Six objectives exceeded the target, and nine objectives met the target. Highlighted accomplishments by goals include:

Goal 4.1: Implement Human Capital Management and Information Technology Modernization Strategies in Accordance with Departmental Guidance.

- ★ FNS continues to strive to meet OPM's 80-day hiring model as the time-to-hire metric continues to improve and the proportion of actions completed in 80 days or less continues to increase, with **nearly 45% of actions completed in 80 days or less.**
- ★ OIT and business stakeholders **reviewed and implemented three technical solutions** provided by the Enterprise Architect group as part of a modernization strategy for FNS information technology systems.
- ★ **All FNCS systems** that are in full production mode of their system life cycle activities **have a current accreditation to operate and meet the Federal Information Security Modernization Act requirement.** Systems that are still processing through development initiatives comply with the risk management framework for FISMA.
- ★ FNCS **deployed 5 applications to Cloud platforms** in efforts to modernize the FNS Systems Portfolio utilizing current industry technology solutions.
- ★ FNCS **modernized and implemented 6 new automated applications** and **retired 1 legacy application.**

Goal 4.2: Maintain Excellence in Equal Employment Opportunity, Diversity and Inclusion, and the Processing of Discrimination Complaints.

- ★ CRD **maintained a processing time 39 days below the departmental requirement of 180 days throughout Fiscal Year 2021.** The processing time for program discrimination complaints was 141 days.
- ★ **CRD exceeded the expectation of conducting 12 Lunch and Learn sessions for the fiscal year by conducting 14 Lunch and Learn sessions.** Additionally, CRD **offered 11 Micro-aggression training opportunities to management** in line with the Agency's Race and Equity initiative.

Goal 4.3: Improve the Effectiveness, Efficiency, and Customer Experience of Mission Support Activities.

- ★ CMD **completed and closed out 57% of overdue Contractor Performance Assessment Reporting System (CPARS) action items** in the baseline metric. The completion of those CPARS actions contributes to FNS' compliance with the Federal Acquisition Regulations (FAR) Part 42 requirements relating to CPARS.
- ★ **OSI Learning Series sessions received an overall score of 4.7 out of 5.** All attendees reported positive feedback in all assessed areas with 93% selecting "strongly agree" or "agree". The repeat participant's rate was 73% and each session averaged five first time attendees.
- ★ FNS **launched and completed the first ever Agency-wide pulse survey generating more than 450 responses,** and each organization

received their 2020 FEVS scores in the ART heat map tool format and the Office of the Chief Operations Officer (COO) facilitated 5 SES briefings to review the results from both surveys and collectively discuss engagement strategies, and a summary of best practices was prepared and disseminated to executives.

- ★ **Completed thirteen Employee Development Program (EDP) Train the Trainer sessions with 149 staff.** Attendees received information to build familiarity with the EDP tools and modules and explore how to use the EDP to support and enhance training efforts and presentation skills, while also using the EDP as a vehicle to continue building familiarity while practicing those skills.
- ★ **OPS developed and is implementing an overarching Agency Strategic Communications Plan that identifies broad communications goals.** The communications team led activities with program offices and Agency leaders to proactively identify and respond to new and changing priorities. **Communications strategies in FY 21 were developed and issued for ARPA, the new Thrifty Food Plan model, the new Farm to School website, and 20 report publications.**
- ★ The Office of Financial Management (FM) in collaboration with the Chief Financial Officer (CFO), Funds Management Planning Division, Budget Division and Business Managers, successfully **developed an initial draft of the standardized spending plan for the FY 2022 Allocation process**, improving the accuracy and timeliness of data reporting.
- ★ The Operations and Facilities Division (OFD) **successfully completed 327 customer service requests, achieving a 96% on time completion rate.**

Goal 4.4: Improve the Administration and Operation of FNS Programs And Projects By Implementing the Program Management Improvement and Accountability Act, Federal Data Strategy, and the Evidence Act.

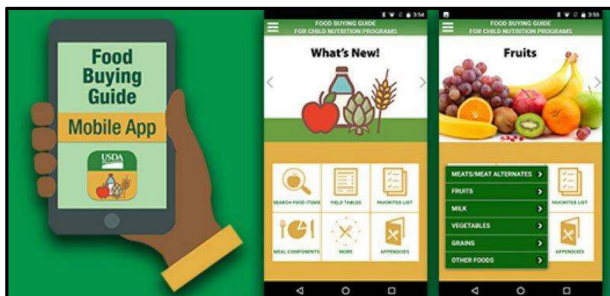
- ★ The FNS Assistant Chief Data Officer (ACDO) and Central Analytics **Team exceeded expectations** by collaborating with programs and administrative offices to **implement 8 agency approved actions that were articulated in FNS's data strategy** including 2 actions related to data governance and stewardship, 2 actions related to data collection, 1 action related to open data, and 3 actions related to workforce enablement.
- ★ Mission Area Senior Program Manager (MASPM) collaborated and worked with various FNS program areas to increase and strengthen FNS project and program managers' workforce capacity, capabilities, and skillsets **by training 26 FNS staff members** at various Federal Acquisition Certification (FAC) project and program management (P/PM) levels. This **increased the total number of certified FNS project and program managers by over 150% exceeding the established target.**
- ★ MASPM in collaboration with the Department and other USDA MASPM(s) **finalized and launched the Insight Acquisition Planning Module within the Integrated Acquisition System.** This was implemented and used to facilitate USDA-wide procurement forecast, Requirements Plans and Formal Acquisition Plans completion.

Agency Priority 5: Deliver FNS Programs in a Manner that Maximizes Customer Service and Ensures Equal Access and Opportunity.

After the Administration change, the number of goals in AP5 were consolidated down to three. AP5 contained twenty-two objectives. Two objectives exceeded the target, and sixteen objectives met the target. Highlighted accomplishments by goals include:

Goal 5.1: Increase the Effective and Innovative Use of Technology in Nutrition Program Operations.

- ★ SNAP worked to **expand access to nutritious foods through the use of technology, including the expansion of SNAP online purchasing, which resulted in more than 97 percent of all households receiving SNAP** live in States that have access to online purchasing through over 50 retailer banners representing thousands of store locations. Additionally, **SNAP held 4 American Rescue Plan Act (ARPA) Electronic Benefit Transfer (EBT) Modernization listening sessions with States**, retailer associations, advocates, and industry to gain input from affected parties on the FNS plan for spending ARPA funding designated for EBT modernization.



- ★ CN **completed 5 initiatives enhancing the use of technology** to support program operations in CNPs. This included:
 - **Providing \$37 million in Technology Improvement Grant funding to State agencies** to support projects at the State and local levels across all CNPs;
 - Technical assistance for ongoing grant projects;

- Efforts to increase use of the data validation system; and
- Continued development and testing of a Serious Deficiency Navigator tool.

- ★ SNAS provided the technical assistance necessary to **help 77 State agencies**, including Indian Tribal Organizations (ITOs), **reach statewide EBT**. As of September 2021, **93% of WIC participants are receiving benefits via EBT**; and **over 90 percent of the authorized vendors are processing WIC EBT**.
- ★ FNS oversaw the development of WIC online ordering resources with a grantee, the Gretchen Swanson Center for Nutrition (GSCN), to support WIC State agencies, technology partners, and WIC authorized vendors work to provide this service to WIC participants.

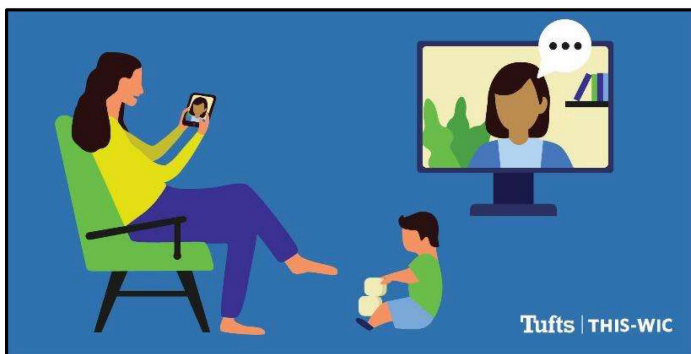


- ★ SNAS **established a WIC Online Ordering Task Force**:
 - To study ways to streamline how WIC benefits are redeemed to **promote convenience, safety, and equitable access**;

- **Developed a regulatory work plan** to remove regulatory barriers to online ordering and transactions; and
- **Initiated proposed rule drafting.**

★ FNS began to transition ITOs to a new web-based inventory management system, Integrated Food Management System (IFMS). SNAS staff and contractors provided hands-on training prior to each transition and dedicated customer support after the transition for participating ITOs. Over the course of the fiscal year, **70 ITOs successfully transitioned to the IFMS platform**, with support from FNS staff and contractors.

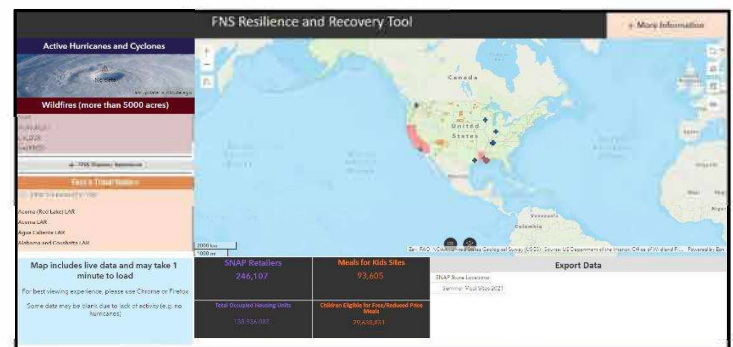
★ SNAS collaborated with OPS and Tufts University to **award 7 projects totaling \$5 million to implement and evaluate telehealth solutions to supplement nutrition education and breastfeeding support for WIC participants.**



- ★ SNAS **successfully transitioned from The Integrity Profile (TIP) to the Food Delivery Portal (FDP) as the system WIC state agencies use to report vendor management activities.** FDP is designed to streamline the reporting process, improve program integrity and oversight in all areas of WIC vendor management, and provide new features to help state agencies meet key regulatory requirements.
- ★ ROS **developed the Remote Oversight workgroup** composed of 30 staff from all 7 Regions and the National Office. The workgroup **produced 7 resources to share best practices and strategies** when conducting MEs/FMRs, technical assistance, and other oversight activities in a virtual environment. **Resources**

were presented via webinar to the Agency with over 150 FNS staff.

★ OEM **trained the Regional Disaster Coordinators and program staff on geospatial tools**, such as the Storm and Wildfire Tool and the Resilience and Recovery Tool. These tools visualize hazards, infrastructure, and demographics to enable staff and leadership to better identify areas that may need disaster nutrition assistance and evaluate requests for assistance. **Three trainings were conducted across all FNS regional and program offices.,**



Goal 5.2: Implement flexible, customer-focused initiatives supporting State, Tribal and local program administration.

- ★ SNAP successfully **completed 6 initiatives to enhance and support State agency customer experience** to include:
- Launched the Waiver Information Management System (WIMS);
 - Issued the Recertification PAR ME Guide;
 - Provided TA to three States improving their notices;
 - Completed 2 trainings on SNAP State eligibility systems, and
 - Provided TA to States that employ non-merit staff expanding access for vulnerable populations.

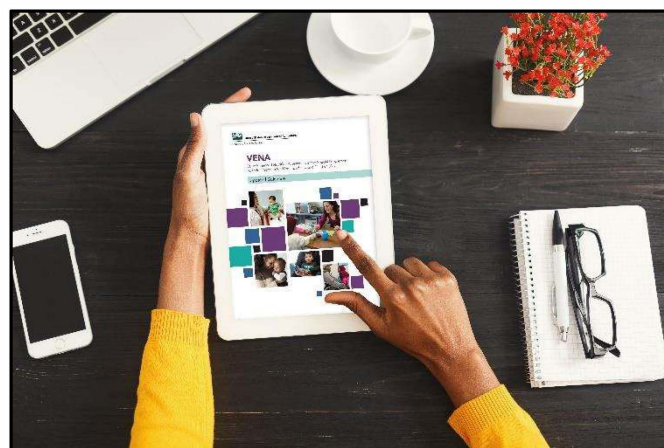
- ★ Team Nutrition **released 52 electronic communications**, including promotional announcements and newsletters reaching over 135,000 Team Nutrition GovDelivery subscribers, as well as 653 Tweets to promote Team Nutrition resources, webinars, meal planning tips, and more.



- ★ Team Nutrition **released 50 total Spanish-language resources**, supporting the Agency's priorities to increase access to nutrition information among food assistance programs.

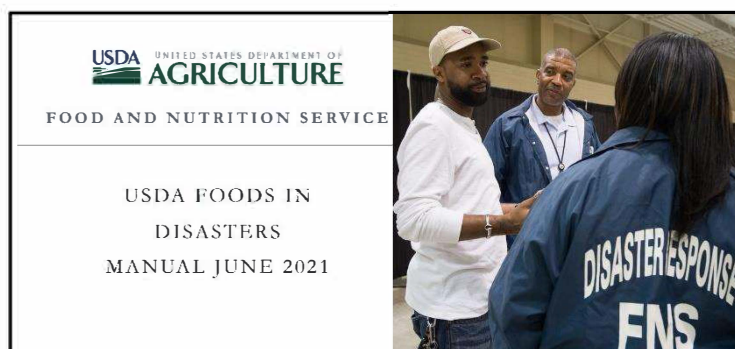


- ★ FNS **published the final rule, "Child Nutrition Programs: Rescission of Milk, Whole Grains, and Sodium Flexibilities: Notice of Vacatur"**. This rule was required prior to FNS publishing any additional school meal pattern rules that would have eased administrative burden or increased operational flexibility.
- ★ SNAS **released the updated Value Enhanced Nutrition Assessment (VENA) Guidance**. The updated web-based Guidance is participant-centered and uses a health-outcome based approach. SFPD **hosted webinar trainings on the revised guidance for ROs and State agencies**.



- ★ SNAS OFS **launched the CACFP Family Child Care Food Kit and distributed 16,392 kits in 53 states and territories within the first three months**. SNAS OFS also developed a series of evidence-based Adult Day Care Center Food Allergy Fact Sheets for CACFP providers.
- ★ FNS **announced the Families First Coronavirus Response Act (FFCRA) opt-in waiver**. The opt-in waiver allowed States to use School Year 2018-2019 lunch counts to calculate entitlement for School Year 2021-2022. All States and territories opted in to the waiver to provide consistent USDA Foods funding, despite fluctuating meal counts. To support efficient use of USDA Foods entitlement, Food Distribution Division (FDD) provided additional flexibilities in USDA DoD Fresh, leading to a significant increase in spending across many States.

- ★ SNAS **updated and published the USDA Foods Disaster Manual** to clarify the process based on information learned during the COVID-19 response and other recent disasters. The update was led by FDD subject matter experts and reviewed by FNS Regional Offices and the Office of Emergency Management prior to publication.



- ★ FNS **published a Federal register notice announcing the 638 Self-Determination Demonstration Project** and soliciting proposals from eligible Tribal Organizations that administer FDPIR to participate. FDD staff **hosted a technical webinar to review the criteria** included in the Federal notice, and **developed a Q/A document to respond to questions received during and post-webinar.**
- ★ Strategically **modified the Produce Safety University Travel Services contract**, impacted by COVID-19, requiring cancellations or adjustments to procurement actions that were in process. In addition, effectively managed the Produce Safety University Training Services

contract, also impacted by COVID-19, to provide exceptional customer service to FNS program operators.

- ★ Nearly 21,000 **Child Nutrition Program stakeholders participated in Institute of Child Nutrition (ICN)-led trainings in FY21.** In addition, Team Nutrition staff **directly provided 32 professional development opportunities, reaching approximately 27,000 CN Program operators.**

Goal 5.3: Improve and Promote Consistency in Civil Rights-Related Program Oversight.

- ★ CRD **analyzed and compiled a report reviewing the accuracy and data integrity of the Department's program complaint management system**, as it pertains to FNS complaints. There were no major areas of concern, and corrective actions were implemented for the minor areas identified.
- ★ CRD provided **3 Civil Rights Impact Analysis (CRIA) training sessions.** These sessions **provided 234 attendees the necessary guidance** to ensure CRIAs for regulations, reorganizations, and Advisory Committees are promulgated in accordance with civil rights requirements and Departmental guidance.
- ★ FNS **successfully concluded MOU negotiations** with the Office of the Assistant Secretary for Civil Rights (OASCR) and obtained a new, signed MOU ahead of schedule. The MOU was signed by Deputy Under Secretary Stacy Dean and the Deputy Assistant Secretary for Civil Rights and became effective on June 6, 2021.

Next Steps: A Glimpse of the FY22 Plan

The FNS FY22 Agency Priorities Plan was developed around the White House’s “Building Back Better” plan and directly supporting and in alignment with USDA Strategic Goals. Through Administration priorities, lessons learned, and known best practices, FNS will focus on delivering programs through a human-centered approach, providing not only access to adequate nutrition, but pathways to sustainable independence and positive health outcomes. For the FY22 APP, all program areas and offices worked together with OSI to develop measurable objectives that:

- Provide COVID relief;
- Advance racial justice, equity, and opportunity;
- Increase access to nutritious and affordable food;
- Maintain food safety & food and nutrition security;
- Enhance open and competitive markets; and
- Enhance employee morale.

Building Back Better is about strengthening and transforming critical parts of the U.S. food system; preview a glimpse below.

Agency Priority 1: Strengthen Our Response to the Food Hardship Crisis Caused by COVID-19 and Support Transition to Post-Pandemic Nutrition Program

- ✓ Citing lessons learned from the COVID-19 pandemic, FNS will strengthen the food system, create new market opportunities, and enhance Post-Pandemic nutrition programs.

Agency Priority 2: Incorporate a Racial Equity Lens into Internal Agency Operations and the Design and Administration of Federal Nutrition Assistance Programs.

- ✓ Goals focus on increasing internal understanding of racial equity considerations, working to build an understanding and capacity to redress inequities, and integrating race equity assessment as a component of all program management evaluations.

Agency Priority 3: Reflect the Latest Nutrition Science in Federal Nutrition Assistance Programs and Support Adherence by Program Participants.

- ✓ Efforts center on reevaluating dietary guidance and current data to ensure program adherence.

Agency Priority 4: Increase Access and Participation in Federal Nutrition Assistance Programs.

- ✓ Focus is placed on expanding cross-enrollment between benefits programs, making program participation more efficient and effective, and increasing awareness, support, participation, and equity for underserved populations.

Agency Priority 5: Improve the Consumer Experience.

- ✓ Organizational commitments include expanding the ability to use nutrition benefits for online purchasing, and supporting and promoting innovation to modernize program delivery and improve the customer experience.

Agency Priority 6: Strengthen Federal Oversight and Management of Federal Nutrition Assistance Programs to Further Improve Integrity, Accountability, and Customer Service.

- ✓ FNS will continue to strengthen oversight and management within all programs, use data driven analysis to strengthen program, policy, and operations, and increase retailer compliance.

Agency Priority 7: Enhance FNS Capacity To Advance Our Mission and Support All Employees in Reaching Their Full Potential.

- ✓ FNS will strive to cultivate sustained Diversity, Equity, Inclusion and Accessibility awareness and accountability, while working to attract, inspire and retain a motivated workforce, and strengthen FNS staff.

These priorities highlight the work FNS will accomplish in FY22. For the complete FY22 Agency Priorities Plan, please visit the Agency Priorities Planning System (APPS) site, or visit the OSI Intranet homepage.

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Civil Rights EEO and ADR Review Toolkit

for
Alternative Dispute Resolution (ADR)



TABLE OF CONTENTS

Chapter 1. EEO/ADR Program Overview and Process for Title VII

Appendix A	Initial Contact Letter
Appendix B	ADR Fact Sheet
Appendix C	ADR Offer/Selection Form
Appendix D	Designation of Representative
Appendix E	EEO Complaints Process Brochure
Appendix F	Agree to Mediate Form
Appendix G	Settlement Agreement and Approving Official Levels
Appendix H	Transmission of Executed Agreement to ADR Program Manager
Appendix I	Final ADR status, update Entellitrak system and Closure
Appendix J	Unsuccessful Mediation and Right to file formal
Appendix K	Submit ADR Quarterly Reports to Early Resolution and Conciliation (ERCD)

CHAPTER 2 Alternative Dispute Resolution Process for Program Complaints (Title VI)

Appendix A	Benefits of ADR through Mediation
Appendix B	Assignment of Complaint for Mediation
Appendix C	Review case information and determine bases
Appendix D	Contact Complainant to clarify allegations
Appendix E	Notify Regional Civil Rights Office of receipt of complaint
Appendix G	Resolution with signed agreement and Compliance
Appendix H	Unable to reach resolution
Appendix I	Case Closure Processes
Appendix J	Methods of ADR discussions

NOTE:

This toolkit was designed to bolster and standardize the FNS Civil Rights Division's approach to processing Alternative Dispute Resolution (ADR) requests to resolve disputes at the lowest possible level. It is anticipated that this tool will be used by FNS CRD staff to provide efficient and effective ADR services to FNS employees. The index of items outlined above notes the most common and frequent items needed when conducting ADR. All days expressed or referenced in the toolkit are calendar days.

This toolkit is a living document and will be updated at the appropriate intervals to capture new requirements or approaches to conducting ADR services. Any comments can be directed to Roberto Contreras, Director, Civil Rights Division (CRD, at Roberto.contreras@usda.gov or Anita Cunningham at Anita.cunningham@usda.gov.

EEO and ADR Mediation Overview

It is the intent of FNS that every good faith effort will be made to resolve all allegations relating to discrimination through the informal process. If after consultation with the FNS EEO counselor during the informal process, the employee elects to participate in ADR, this option is available to them. The mediation process is strictly voluntary and it is understood the complainant may withdraw from or suspend the mediation process at any time, for any reason or no reason. ADR offers the parties the opportunity to resolve issues at the earliest and informal stage for resolution of disputes. Utilizing ADR avoids undue costs and uses fewer resources. The use of ADR can enhance morale and promote open dialogue and communication.

The ADR program must be designed to meet the timeframes of the EEO regulations (29 CFR 1614.105(b)(2)). If an individual agrees to participate in the ADR process, the pre-complaint process will take place within 90 days. If the dispute is not resolved, the individual must be advised of their right to file a formal complaint and provided a Notice of Right to File.

There are several frequently used ADR techniques available for use by agencies in their programs. These techniques are defined as follows:

1. **Alternative Dispute Resolution:** A term used to describe a variety of approaches resolving conflict rather than the traditional adjudicatory methods or adversarial methods (i.e. litigation, hearings, and agency administrative processing and appeals).
2. **Mediation:** The most popular form of ADR in use by agencies in employment related disputes. Mediation is the intervention in a dispute or negotiation by an acceptable, impartial and neutral third party, who has no decision-making authority. The objective of this intervention is to assist the parties to reach an acceptable resolution of the issues in dispute voluntarily. The mediator makes primarily procedural suggestions regarding how parties can reach agreement. The mediator may suggest some substantive options as a means of encouraging the parties to expand the range of possible resolutions. A mediator often works with the parties individually, in caucuses, to explore acceptable resolution options or to develop proposals that might move the parties closer to resolution.
3. **Facilitation:** The use of techniques designed to improve the flow of information in a meeting between parties to a dispute. The term “facilitator” is often used interchangeably with the term “mediator,” but a facilitator does not typically become as involved in the substantive issues as does a mediator. The facilitator focuses more on the process involved in resolving a matter, works with all parties at once, and provides direction to move the parties through problem-solving steps of the meeting to agree upon the goal.
4. **Fact-Finding:** The use of an impartial expert (group) selected by the parties, by the agency, or by an individual with the authority to appoint a fact finder, in order to determine what “facts” are in dispute. The fact finder may be authorized only to investigate or evaluate the matter presented and file a report establishing the facts in the matter.
5. **Combination of techniques:** Techniques may be combined to provide advantageous aspects of more than one method. Agencies are not limited to using only one method or technique in their ADR programs. They may find that using various methods in combination may also yield fruitful results and be very effective in reaching a resolution.

The ADR processes give both parties an opportunity to play a more active role in crafting a resolution to their dispute. A successful mediation is getting the parties to the table, agreeing to participate in the session, and making a good faith effort to address the issues. The following list identifies some of the benefits of ADR:

- EEO and ADR is a complainant driven process;
- Parties have control of the outcome;
- Time savings compared to traditional bureaucratic venues;
- Saves money vs. spending resources on legal fees;
- Focuses on issues through a structured process;

- Solutions are reached through flexibility and creativity;
- Opportunity to preserve relationships;
- Fairness; and
- Confidential.

**STANDARD OPERATING PROCEDURES FOR EEO ALTERNATIVE DISPUTE
RESOLUTION REQUESTS**

STEP	ACTION
1. EEO COUNSELOR'S RECEIPT & REFERRAL OF ADR REQUEST	This procedure delineates the process for a counselee to request ADR from the EEO Counselor during the EEO process and the EEO Counselor's responsibilities for referring the case for ADR
	To initiate the process, the counselee must contact an EEO Counselor within 45 days of the alleged discriminatory act (Extensions up to 60 days can be approved with written consent, if complainant agrees to the extension request).
2. INITIAL INTERVIEW	Within five (5) calendar days of the counselee's contact with the EEO Counselor, the EEO Counselor will contact the counselee via telephone to conduct the Initial Interview. The EEO Counselor will explain the following to the counselee: • EEO complaint procedure; • his or her rights and responsibilities; • that s/he may choose between participation in the ADR program and receiving traditional EEO Counseling; • if ADR is elected and the dispute is resolved, the terms of the settlement agreement must be in writing, clearly identify the claims resolved, and be signed by both parties; and • if ADR is elected and the dispute is not resolved, or if the matter is not resolved in 90 days, the counselee will receive a final interview and Notice of Right to File a Formal Complaint. The EEO Counselor will update iComplaints to indicate that the Initial Interview was conducted and that ADR has been offered to the counselee. If the counselee verbally agrees to participate in ADR, the EEO Counselor will also update iComplaints to indicate counselee's agreement.

	The EEO Counselor will request the counselee to provide the issues and basis(es) of his or her dispute and his or her desired resolution of the dispute.
3. INITIAL CONTACT LETTER	The EEO Counselor prepares and sends an Initial Contact Letter, (Appendix A), to the counselee within five (5) calendar days of the Initial Interview. If the counselee cannot be reached for the Initial Interview, the EEO Counselor will send an Initial Contact Letter to the counselee within 10 calendar days of the initial contact. The Letter may be transmitted via email or sent certified mail to the counselee at his or her home address. This Initial Contact Letter will include an ADR Fact Sheet explaining the ADR process and the option to participate in ADR to resolve the dispute. The ADR Fact Sheet is at Appendix B; and includes explaining the counselee's rights and responsibilities in the process.
4. COUNSELEE'S FORMAL ELECTION OF ADR	The EEO Counselor will also include an ADR Selection form, (Appendix C) with the Initial Contact Letter to enable the counselee to elect in writing whether s/he will engage in ADR or receive EEO Counseling. If the complainant requests a representative to participate in the ADR process, a Designation of Representative form is provided. (Appendix D). The EEO Counselor will include the assigned FNCS case number on the selection form. The counselee will be given five (5) calendar days to complete and return the form to the Counselor. If the form is not returned within five (5) calendar days, the EEO Counselor will make attempt(s) to contact the counselee to obtain the signed ADR selection form. If these attempts are unsuccessful, the EEO Counselor will attempt to conduct the Final Interview and will issue a Notice of Right to File a Formal Complaint. The EEO Counselor also provides the complainant a copy of the EEO Complaints

	Process Brochure outlining the steps of the EEO process. (Appendix E)
5. REFERRAL TO ADR PROGRAM MANAGER	Once the signed ADR selection form is returned, the EEO Counselor will make the appropriate referral to the ADR Program Manager and identify the reasons for the referral within five (5) calendar days of receipt. The EEO Counselor will email the ADR Program Manager and will include an electronic (PDF) copy of the case counseling records from iComplaints as well as relevant information from the counselee identifying the issue(s) and base(s) of the potential complaint. The ADR Program Manager will review the referral. If any information or record(s) is missing or incomplete, the ADR Program Manager will contact the EEO Counselor to request the information. The EEO Counselor will supplement the ADR referral with the requested information within five (5) calendar days.
6. ADDITIONAL ISSUES AND/OR CLAIMS	If the counselee contacts the EEO Counselor to add like or related issues or claims, the EEO Counselor will forward the information to the ADR Program Manager within five (5) calendar days for possible inclusion in the mediation.
7. RECORDS RETENTION	The EEO Counselor will maintain original counselor records in accordance with the applicable system of records maintenance (iComplaints)

8. ADR PROGRAM MANAGER'S ASSIGNMENT OF A MEDIATOR	This procedure delineates the process for the assignment of a Mediator for ADR.
9. ASSIGNMENT OF THE MEDIATOR	A case may be assigned to one of the following for mediation: 1. the ADR Program Manager or designee; 2. Federal Executive Board (FEB) mediation: If the counselee requests a Federal Executive Board (FEB) Mediator to conduct the mediation, the ADR Program Manager will contact a Mediator from the FEB in the appropriate Region; or 3. FNS CRD mediations: If a large inventory of ADR requests are received, the ADR Program Manager will solicit assistance from Mediators within FNS CRD with mediation skills and/or ADR experience. A list of Mediators utilized by CRD and their contact information is attached as Appendix E.
10. WRITTEN AGREEMENT TO MEDIATE	The ADR Program Manager will send an Agreement to Mediate (Appendix F) to the counselee and the Management or Resolving Official for signature. The Agreement to Mediate should be returned to the ADR Program Manager within five (5) calendar days.
11. CASE ASSIGNMENT TO AN FEB OR FNS CRD MEDIATOR	After the ADR Program Manager receives the signed Agreement to Mediate, s/he will transmit the following to the FEB Mediator or assigned FNS CRD Mediator, if either is assigned the case: • the signed Agreement to Mediate • contact information for the counselee and the Resolving Official; and • relevant information from the counselee identifying the issue(s) and base(s) of the potential complaint. If an FEB Mediator is responsible for the mediation, the ADR Program Manager will contact all parties and arrange the date and time of the mediation session. Once confirmed, the FEB Mediator will provide all relevant information to all parties. The FNS Regional

	Civil Rights Director will confirm the date and time of the mediation. The ADR Program Manager will update iComplaints with the following events as they occur or when informed by the FEB or FNS CRD Mediator informs the ADR Program Manager: • the date(s) the mediation is scheduled; • the length of time mediation session was conducted; • the technique used to facilitate resolution of the dispute; • whether an extension of the time for ADR is needed and if so, the length of extension granted; and • whether mediation was successful
12. MEDIATION	This procedure delineates how the Mediator will conduct mediation.
13. MEDIATOR ROLES & RESPONSIBILITIES	The Mediator is responsible for: • maintaining open lines of communication and exercising good faith effort to resolve the issues identified by the counselee • maintaining confidentiality and acting fairly and impartial throughout and/or after the mediation process • advising the counselee and Management Officials of the roles, rights and responsibilities of the ADR process; • ensuring that all parties understand that the mediator has an obligation to work on behalf of all parties and cannot render legal advice to either party; and • ensuring the parties understand that the mediator's objective is to facilitate the parties themselves reaching their best possible agreement, if possible
14. SELECTION OF ADR TECHNIQUE(s)	The Mediator will review the case file transmitted by the ADR Program Manager to familiarize him or herself with the issue(s) and base(s) of the potential complaint. After his or her review, s/he will determine which of the following ADR techniques will be used to attempt to resolve the dispute: • Mediation • Facilitation

	• Fact Finding • Combination of techniques
15. COUNSELEE CONTACT	Within five (5) calendar days of the assignment, the Mediator will contact the counselee and provide an overview of the ADR process. The Mediator will secure dates the counselee is available for mediation.
16. RESOLVING OFFICIAL CONTACT	Within seven (7) calendar days of the case's assignment, the Mediator contacts the Resolving Official, who will participate in the mediation. The Mediator will provide an overview of the ADR process and their role and responsibilities. • RO will be provided a summary of the allegations and issues for review • Consults with the RMO or supervisor to obtain additional information • Represents FNS, USDA and the Secretary • Has the delegated authority to resolve a matter for the Secretary and USDA • Recommends alternative remedies to reach settlement, if necessary • Takes the necessary steps to negotiate settlement, if possible • Takes the necessary steps to ensure that settlement agreements above the thresholds are reviewed by OGC, and meet legal sufficiency and concurrence
17. SCHEDULE MEDIATION	The Mediator will schedule a date and time for the mediation. S/he will send an e-mail notification to the counselee and the Management or Resolving Official specifying the time, date, and location of the mediation along with any other pertinent information.
18. MEDIATION SESSION	The mediation will take place on the date and at the time scheduled. The Mediator will note the beginning and ending time of the mediation session.
NON-EEO REQUESTS FOR ADR	Requests for ADR, which are not part of the EEO process, will be forwarded to the HR Conflict Resolution Manager for processing
19. SUCCESSFUL MEDIATION	If a settlement is reached during the course of the mediation session, all participating parties must

	agree to the terms and conditions and memorialize their agreement in writing.
20. DEVELOP THE EEO SETTLEMENT AGREEMENT	The Mediator will develop a Settlement Agreement by using (Appendix G) setting forth the terms and conditions of the parties' agreement. FEB and FNS CRD Mediators will provide a draft settlement agreement to the ADR Program Manager within five (5) days of the parties reaching resolution. If the ADR Program Manager is unsure of the appropriateness of specific recommended provisions, s/he will confer with the Civil Right Director and submit the draft agreement for his or her review.
21. EXECUTION OF THE EEO SETTLEMENT AGREEMENT AND APPROVING OFFICIAL LEVELS	USDA policy states that prior to entering into a non-personnel settlement agreement in the amount of \$500,000 or more, the agreement must be submitted to OGC for legal sufficiency review and concurrence. • All agreements also require concurrence by OGC prior to execution • The mediator takes the necessary steps to ensure that the settlement agreements are approved by individuals with sufficient authority within the organization • Non-personnel settlement agreements of less than \$100,000, inclusive of attorneys' fees, shall be approved by the Deputy Administrator for Management (or equivalent or higher) • Non-personnel settlement agreements of \$100,000 to \$499,999, inclusive of attorneys' fees shall be approved by an Agency Head, Staff Office Director or higher • Non-personnel settlement agreements of \$500,000 or more, inclusive of attorneys' fees shall be approved by the Under Secretary, Assistant Secretary of Higher
22. TRANSMISSION OF EXECUTED AGREEMENT TO ADR PROGRAM MANAGER	Upon receipt of the approved settlement agreement with the appropriate signatures, the Mediator will provide a copy of the original executed Settlement Agreement to the parties within 5 calendar days of its execution.

23. MAINTENANCE OF EXECUTED AGREEMENT	The ADR Program Manager will email a scanned copy of the executed Settlement Agreement and mail the original executed Settlement Agreement to the FNS Civil Rights Director and EEO Counselor for their records. A copy of the signed settlement agreement is maintained at FNS HQ for one year or until the FNS Civil Rights Director is certain that the agreement has been fully implemented. The ADR Program Manager will provide a copy of the Agreement to the Office of Assistant Secretary of Civil Rights (OASCR) and the FNS EEO Counselor.
24. FINAL ADR STATUS AND CLOSURE	After receipt of the signed settlement agreement, _____ will update the case in iComplaints (TBD) The ADR Program Manager will update the USDA Entellitrak system to reflect the case status
25. UNSUCCESSFUL MEDIATION	If the parties are unable to resolve the dispute, the FEB Mediator or an FNS CRD Mediator will notify the ADR Program Manager and the EEO counselor via e-mail notification.
26. NOTICE OF RIGHT TO FILE	The EEO counselor will advise the counselee of their right to file a formal EEO complaint process.
27. EEO COUNSELOR'S REPORT	The EEO counselor's report must reflect that ADR was unsuccessful.
28. ADR REPORTING TO THE DEPARTMENT	The ADR Program Manager will catalogue all FNS requests for ADR and submit an FNS quarterly report to the Early Resolution and Conciliation Division of the OASCR. (Appendix H)

CHAPTER 2 STANDARD OPERATING PROCEDURES FOR ALTERNATIVE DISPUTE RESOLUTION FOR PROGRAM COMPLAINTS (TITLE VI)

STEP	Action
OVERVIEW	This procedure delineates the process for conducting an Alternative Dispute Resolution through Mediation Alternative dispute resolution (ADR) consists of a variety of approaches to early intervention and dispute resolution. ADR increases the parties' opportunities to resolve disputes prior to or during the use of formal administrative procedures and litigation (which can be very costly and time-consuming). It can provide long-term solutions to program participant's conflicts through stakeholders' participation and buy-in. In contrast, investigations often result in a "decision/determination" where neither party walks away satisfied. The disputing parties' conflict continues and/or increases. Benefits: There are many benefits to Alternative Dispute Resolution (ADR), including: • Complaints are processed more quickly and resolved earlier • Saving the time of Complainants, program staff, and attorneys • Quicker resolution than an investigation or hearing would offer • Creative resolutions acceptable to the parties • A durable and voluntary agreement. • Moreover, even in the cases which do not result in resolution, other distinct advantages to the ADR process include laying the groundwork for a subsequent settlement increasing clarification of the issues.
1. ASSIGNMENT OF COMPLAINT	The ADR Specialist is assigned a complaint. Generally, this will be accomplished by an email from the Program Complaints Management System (PCMS) Coordinator or EEO ADR Branch Chief stating that the complaint has been assigned for possible early resolution.
2. REVIEW CASE INFORMATION	The ADR Specialist will thoroughly review the entire electronic case file in the PCMS (including all aspects of jurisdiction) within 5 days of receiving the assigned case. The ADR Specialist will indicate that this process was completed by utilizing the Running Record template (Appendix M1) and entering a

	“New Event Note” in PCMS. All cases must have a Running Record (Appendix M1). If the ADR Specialist believes jurisdiction is questionable or incorrect, the ADR Specialist will contact the EEO ADR Branch Chief for clarification and possible alternate resolution. If critical information appears to be missing (i.e. jurisdiction), the ADR Specialist will communicate by email with the Intake staff and copy the EEO ADR Branch Chief requesting the missing information. Critical information includes information that makes it virtually impossible for the negotiations to begin. The omission of the complaint being uploaded for review would be a prime example. The ADR Specialist will be responsible for clarifying unknown information, such as when an individual claims discrimination based on race, but does not provide their race, etc. Basis(es): The basis of a complaint is usually the reason “why” a person believes he or she is being subjected to discrimination (Appendix M2). Although it is the policy of the USDA and FNS to provide fair and equitable treatment to every employee and customer, there are specific laws and regulations that provide for the protected bases for each nutritional assistance program. For this reason, sexual orientation, marital or family status, parental status, and protected genetic information are not protected bases in FNS federally assisted program. The following is the list of FNS programs and their applicable protected bases: Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program on Indian Reservations 1. Race, 2. Color, 3. National Origin, 4. Age, 5. Sex, 6. Handicap (disability) 7. Religious Creed, and 8. Political Beliefs. All other FNS Nutritional Assistance Programs
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	1. Race, 2. Color, 3. National Origin, 4. Age, 5. Sex, and 6. Disability. Issue(s): The issue is the matter in dispute between the Complainant and the Respondent. Note: The ADR Specialist should not review the list of possible bases and issues with the Complainant. Simply record the reason why the Complainant believes the adverse action in question was taken against him/her. The electronic case file will be initiated at the intake stage and will continue through completion of the Mediation. The ADR Specialist will update the case file when any new information is provided. The ADR Specialist accesses the electronic file, opens the complaint information and reviews all relevant documentation and information including information entered in the “comments” section. Additionally, the ADR Specialist will review, update and complete the “Address,” “Contact” and “Issue” tabs. Contact (Must be completed twice if the Complainant has a representative. Once for the Complainant, once for the Representative):
3. RUNNING RECORD	The ADR Specialist will ensure all actions and contacts made with the Complainant, Agency and any witnesses are documented in a chronological order (Appendix M1). These notes will include the time, form of communication, and a short summary of what transpired. Notes shall include, but are not limited to: • Each contact with the Complainant and/or his/her representative • Each contact with any relevant information • Each contact with the State Agency (or relevant entity) • Each contact with Program Staff and other relevant offices (i.e. OGC, OIG, DOJ, USDA) • Details of what was requested/offered as resolution and responses to these offers
4. CONTACT COMPLAINANT	The ADR Specialist will first contact the Complainant to gather, clarify and confirm information, as well as explain the ADR process within 5 days of assignment (Complete “New Event Note”). During this stage, the ADR Specialist should confirm that the Complainant still wants to

	continue with the complaint. If they do not want to continue, this would trigger sending out the withdrawal letter (Appendix M3 and M3a). Once the ADR Specialist has clarified the allegations, the ADR Specialist will describe the potential for resolution of the case. The description of resolution potential should include: • A statement regarding the ADR Specialist’s neutrality concerning resolution efforts. • A statement indicating that resolution discussions are voluntary, not mandatory, for all parties involved. • A statement concerning the duty to communicate any and all resolution offers to both parties. • A statement that the merits of the case are not normally involved in the Early Resolution process. This allows for more creativity in resolving the complaint prior to investigating. If the case goes to investigations, the merits of the case may be considered during the negotiations. • A statement to the effect that resolution of the issue can occur prior to, during or after the investigation is complete, and that solicitation of resolution offers may be ongoing depending on the situation or relevant facts. • A statement outlining the potential for resolution discussions to result in a written and binding agreement, or voluntary withdrawal of the complaint. • Specific details of any offer from the Complainant at the time of the initial interview (The ADR Specialist asks if there is anything the respondent could do to resolve the complaint during the initial contact). When speaking with the Complainant, the ADR Specialist is simply offering the Complainant an opportunity to voice how they would like to resolve the complaint. The ADR Specialist should not try to convince the Complainant to participate but rather explain the realities of both options; a full investigation vs. a Resolution Agreement. The ADR Specialist can provide examples of possible resolutions for the Complainant’s consideration. The ADR Specialist should explain the difference between what is considered to be a reasonable request and what is considered to be unreasonable in an effort to ensure that the Complainant’s expectations of the outcome of a submitted request are reasonable (One million dollars, for example, is generally not reasonable). If a Complainant refuses to participate, the ADR Specialist does not need to present the option to the Agency, but should move forward to Step 10
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	of this SOP (The ADR Specialist can solicit possible resolution offers from the respondent to present to the Complainant if warranted in special circumstances.
5. CONTACT REGIONAL CIVIL RIGHTS OFFICER	The ADR Specialist will contact the appropriate Regional Civil Rights Officer within 5 days of contact with Complainant to inform him/her that a complaint of discrimination has been received (Complete “New Event Note”). Though this is primarily a courtesy call/email, the ADR Specialist may use this opportunity to explore issues such as early resolution and/or appropriate program contacts. Although the Regional Civil Rights Officer is expected to offer assistance to facilitate the flow of information and/or resolution of the complaint, the ADR Specialist retains responsibility and authority over the resolution process.
6. CONTACT AGENCY (RESOLUTION APPEARS LIKELY)	The Respondent must be contacted within 10 days of case assignment and should be provided a copy of the complaint. If after the ADR Specialist has contacted the Complainant and the Complainant has indicated a willingness or desire to resolve the complaint, the ADR Specialist will contact the Respondent (State agency, etc.) to inform them that the Complainant has expressed an interest in participating in resolution discussions. The ADR Specialist will determine through consultation with the Responding Agency’s Representative, the most appropriate point-of-contact to respond to the allegations, as well as appropriate interested parties to keep abreast of the resolution efforts (i.e. appropriate persons to CC on correspondence). The ADR Specialist will confirm the appropriate contact person has authority to engage in resolution discussions. Whether or not the Respondent indicates a willingness or desire to engage in settlement discussions during the initial discussion the ADR Specialist must describe the potential for resolution of the case (See Step 7). Once the ADR Specialist has clarified the allegations, the ADR Specialist will describe the potential for resolution of the case. The description of resolution potential should include: • A statement regarding the ADR Specialist’s neutrality with regards to resolution efforts. • A statement indicating that resolution discussions are voluntary, not mandatory, for all parties involved.

	• A statement concerning the duty to communicate any and all resolution offers to both parties. • A statement to the effect that resolution of the issue can occur prior to, during or after the investigation is complete, and that solicitation of resolution offers may be ongoing depending on the situation or relevant facts. • A statement to the effect that early resolution may allow the Respondent to avoid the burden of a full data request. • A statement outlining the potential for resolution discussions to result in a written and binding agreement, or voluntary withdrawal of the complaint. • Specific details of any possible offer from the Respondent at the time of the initial interview (The ADR Specialist asks if there is anything the respondent could do to resolve the complaint during the initial contact). When speaking with the Respondent, the ADR Specialist is simply offering the Respondent an opportunity to voice how they would like to resolve the complaint. The ADR Specialist should not try to convince the Respondent to participate but rather explain the realities of both options; a full investigation vs. a Resolution Agreement. The ADR Specialist can provide examples of possible resolutions for the Respondent's consideration. If a Respondent refuses to participate, the ADR Specialist should move forward to Step 10 of this SOP.
7. FORMAL RESOLUTION REACHED	If the resolution discussions prove to be successful, the ADR Specialist will develop a Resolution Agreement by using (Appendix M4) and provide a draft to the Branch Chief, or their designee, within 5 days. The specific terms and conditions of the Resolution Agreement must have been shared with both parties and tentatively agreed to prior to providing the draft agreement to the EEO ADR Branch Chief, or designee. The Branch Chief should be consulted during the development of the specific terms, when the ADR Specialist is unsure of the appropriateness of specific recommended provisions. Upon notification that the EEO ADR Branch Chief has approved the draft agreement, both the Complainant and the official authorized to make decisions from the Responding Agency must sign the agreement. A transmittal letter should be utilized by the ADR Specialist to communicate the Resolution Agreement to all parties, detailing expectations and identifying a 10-Day window from receipt to return the executed agreement (Appendix M4a and M4b). Signatures may be

	obtained via any reasonable method (email, fax etc.), and multiple signature pages may be utilized and combined to constitute one fully executed agreement. After the terms of the agreement have been executed, the ADR Specialist will draft a closure letter (Appendix M5) for the Complainant and one for the Responding Agency within 5 days from receipt of the fully executed Agreement and forward it to the ADR Branch Chief, or designee, for review and signature. Each closure letter will include a copy of the fully executed Resolution Agreement signed by all parties. CRD has set a time limit of 60 days for the early resolution process. The Complainant and the Respondent must be made aware that if it is perceived that settlement efforts are not progressing in a reasonably efficient manner, an investigation will commence and the early resolution discussions will be terminated. The ADR Specialist must discuss such issues with the EEO ADR Branch Chief, especially as it pertains to complaints potentially exceeding the 60-day closure standard.
8. COMPLIANCE	Once all parties have signed the Agreement, the ADR Specialist will maintain the Agreement and all relevant documents, until proof is provided showing that the terms and actions have been completed by each respective party. Generally, the ADR Specialist will ensure that short term items (i.e. those requiring less than 60-days to complete) are completed. The ADR Specialist will upload into PCMS as “Proof of Compliance” (i.e. a letter from the Respondent or screen shot print out showing the complainant’s account has been updated). As a general rule, only settlement agreements containing terms that are expected to take longer than 60-days are appropriate to refer to the Compliance Branch. The ADR Specialist will develop a transfer memo (Appendix M10) for the Branch Chief, or their designee, within 5 days of receipt of the fully executed Agreement.
9. RESOLUTION AGREEMENT NOT RETURNED WITHIN ALLOTTED TIMEFRAME	If any or all parties to the Resolution Agreement do not sign and return the document within the allotted timeframe (10 Days), the ADR Specialist will follow up via telephone call and/or email and will log the contact in the Running Record (Appendix M1). If the issue of non-response cannot be resolved within five (5) additional days, the ADR Specialist will elevate the issue to the EEO ADR Branch Chief. At this time, a decision will be made on how to proceed with further follow up (10 Day Letters etc.) If the Resolution Agreement is not returned within the appropriate timeframe by the Respondent, the ADR Specialist must contact the EEO ADR Branch Chief for further instructions. The Branch Chief will contact the Respondent to attempt to push the process forward. If the attempts are

	unsuccessful, mediation will be terminated and the investigation process will commence. The Branch Chief will assign an investigator and the ADR Specialist will prepare the ADR Termination and Request for Position Statement Letters (Appendix M6a and M6b).
10. RESOLUTION APPEARS UNLIKELY	After speaking to both the Complainant and Respondent, if either party is not interested in participating, the ADR Specialist will add a “New Note Event” stating that a resolution was not reached and will include the date. The ADR Specialist will contact the EEO ADR Branch Chief or designee to obtain the name of the assigned Investigator and will utilize the “ADR Termination” Request for Agency Position Statement” letter using (Appendix M6 and M6a), within 5 days of termination. The ADR Termination letter will be sent to the Complainant (Appendix M6b). The Investigator will develop the APS request prior to submitting it to the Branch Chief. The ADR Specialist will email the ADR Termination/Request for Agency Position Statement to the Responding Agency. A complete case file (Appendix M7 and M7a) will be uploaded into PCMS within 5 days of the Closure letter being mailed and the ADR Specialist will notify the PCMS Coordinator once this is complete. Once the PMCS Coordinator reviews the case file, the case will then be officially terminated from the ADR process and assigned to an Investigator.
11. INFORMAL RESOLUTION REACHED	Included but not limited to: If a resolution is reached but for different reasons a Resolution Agreement is not utilized (i.e. a letter of apology or letter acknowledging that the Respondent’s processing of the program application was in error and corrective action was taken), the ADR Specialist obtains a letter from the Respondent resolving the issue (i.e. an apology and case reassignment). The ADR Specialist will prepare a Letter of Closure with Resolution and prepare the case file for closure in accordance with Step 13. In some cases, a resolution may be reached without the use of a resolution agreement (i.e. the issues have been resolved and the ADR Specialist has facilitated a resolution with the parties and the Complainant prefers/decides not to enter into a Resolution Agreement). In these instances a withdrawal with resolution is appropriate and the ADR Specialist obtains a signed Voluntary Withdrawal Form from the complainant) (Appendix M9 and M9a). A summary of the reason for withdrawal or a summary of the resolution must be articulated on the withdrawal form.

	If the Complainant does not return the form within 10 days of receipt, the ADR Specialist will develop a closure letter due to the Complainant's failure to pursue. In such circumstances, the two 10-Day letters discussed in Step 13 are unnecessary, but the Failure to Pursue letter used for a non-response to a withdrawal request should denote the date of the previous withdrawal letter, as well as the date the Complainant requested the withdrawal. Articulation of the circumstances precipitating the withdrawal request may be stated as appropriate.
12. OTHER CLOSURES	There are instances when a complaint needs to be closed prior to commencing the ADR process or during the course of conducting the ADR. For these complaints, the ADR Specialist should utilize a Closure Letter, which will include justification why ADR will not be conducted and the case will be closed. There are at least three (3) common situations when a Closure Letter should be utilized (Appendix M5) during ADR. They are: Failure to Pursue The "Failure to Pursue" Closure Letter should be utilized when a Complainant fails to respond to the ADR Specialist's attempts to contact them. The ADR Specialist should send two separate 10-Day Letters, in addition to trying to contact the Complainant via telephone, prior to utilizing a Closure Letter for Failure to Pursue. If the ADR Specialist does not receive a response from the Complainant within 7 days, they should send the first letter no later than 10 days from the initial contact attempt. ADR Specialists will not send a second 10-Day letter until 10 days have elapsed from the date of receipt (or non-acceptance) of the first 10-Day letter. ADR Specialists will not wait longer than 15 days from receipt of the first 10-Day letter in order to send the second 10-Day letter. The ADR Specialist must articulate the dates and methods of the attempted contacts in the Failure to Pursue closure letter. Failure to pursue closure letters will not be processed until at least 10 days, but no later than 15 days, after non-receipt of a response to the second 10-Day letter (Appendix M8). Failure to Cooperate • Failure to Cooperate justification is established when a Complainant refuses to adhere to the following: Unwillingness to complete the interview process with the ADR Specialist.

	• Unwillingness to provide a response to requested information that is necessary to begin the Mediation process • Continued use of abusive and disrespectful language (Instances of abusive and disrespectful language will be brought to the attention of the EEO ADR Branch Chief and documented in the Running Record). Though ADR Specialists should not be unduly sensitive to profane language or argumentative Complainants, personal attacks directed to the investigator combined with unwillingness to provide necessary information pertinent to the investigation, will result in a Failure to Cooperate closure letter that will detail the lack of cooperation identified by the investigator. Withdrawal When a Complainant decides they do not want to pursue their complaint, the ADR Specialist should obtain a signed Voluntary Withdrawal Form from the Complainant (Appendix M3 and M3a). If the Complainant does not return the form within 10 days of receipt, the ADR Specialist will develop a closure letter due to the Complainant's failure to pursue. In such circumstances, the two 10-Day letters discussed in the above Failure to Pursue section are unnecessary, but the Failure to Pursue letter used for a non-response to a withdrawal request should denote the date of the previous withdrawal letter, as well as the date the Complainant requested the withdrawal. Articulation of the circumstances precipitating the withdrawal request may be stated as appropriate. <u>Responsibilities</u> The ADR Specialist develops the Closure Letter using the appropriate template and forwards the letter along with supporting documentation (if any) to the EEO ADR Branch Chief or their designee. The EEO ADR Branch Chief or designee will review the letter and documents and will either sign the letter or send back to the ADR Specialist for clarification. All changes must be completed and sent to the EEO ADR Branch Chief within 5 days. Once the letter is signed, the letter will be mailed to the Complainant and other relevant parties (i.e. representative, program staff). A scanned copy of the letter will be emailed to the ADR Specialist.
13. CASE FILE ASSEMBLY AND	The ADR Specialist will complete an electronic case file using (Appendix M7 and M7a) and will upload the case file in PCMS under the "Document" tab within 5 days of receipt of the Signed Resolution

CLOSURE	Agreement, Withdrawal with Resolution, or other closure document and email the PCMS Coordinator to indicate the case file has been uploaded. It is the ADR Specialist's responsibility to scan and upload all complaint case records. No drafts of any type will be uploaded into PCMS. The PCMS Coordinator will review the case file and all other relevant PCMS required entries. If anything is missing, an email will be sent to the ADR Specialist, with a cc: to the EEO ADR Branch Chief, indicating the missing fields. This will continue until the case file is deemed complete. Once this occurs, the case will be closed by the PCMS Coordinator.
METHODS FOR ADR DISCUSSIONS	These are the methods the ADR Specialist may consider before commencing ADR discussions. This is not an all inclusive list. Methods may includes but not limited to: 1. Individual telephone discussions with each party: Offer the opportunity to resolve the issue(s) through telephone discussions with each party. 2. Telephone conference including all parties: Schedule a telephone conference with all parties to discuss the issues and options of resolving the complaint. 3. Electronic communications between individual parties: Email communications between parties exchanging proposals for resolving the complaint. 4. In person/onsite discussions with all parties: On-site settlement conference with the parties and representatives.

B. Smith AUG 09 2019
Signature & Date

USDA, FNS Organization Chart

