



United States Department of Agriculture

Food, Conservation, and Energy Act of 2008
Section 14010

Report of Civil Rights Complaints, Resolutions, and Actions
for Fiscal Year 2019

Office of the Secretary
United States Department of Agriculture
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Table of Contents

Annual Reporting Requirements	i
Executive Summary	ii
PART I: Fiscal Years 2018 and 2019 USDA Formal Program Complaint Data	1
Section A – Number of Program Complaints Filed at USDA	2
Section B – Inventory of Program Complaints Processed at USDA	4
Section C – Top Three Most Frequently Alleged Bases in Formal Program Complaints Filed with USDA	6
Section D – Program Complaint Inventory by Agencies with the Highest Total Inventory	8
Section E – Program Complaint Inventory by Agencies with Highest Average Processing Time	10
Section F – Program Complaints Resolved with a Finding of Discrimination	12
Section G – Program Complaints Resolved with a Settlement Agreement	13
PART II: Fiscal Years 2018 and 2019 USDA Pre-Complaint and Formal Employment Complaint Data	14
Section A – Number of Pre-Complaint resolutions and Formal Employment Complaints Filed at USDA	15
Section B – Inventory of Formal Employment Complaints Processed at USDA	17
Section C – Top Three Most Frequently Alleged Bases in Formal Employment Complaints Filed with USDA	19
Section D – Formal Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory	21
Section D.1 – Formal Employment Complaints Filed Per Capita in Top Three Agencies with Highest Inventories	23
Section E – Formal Employment Complaint Inventory by Agencies with Highest Average Processing Time	24
Section F – Formal Employment Complaints Resolved with a Finding of Discrimination	26
Section G – Personnel Actions Taken Following Resolution of Employment Complaints by Either a Settlement Agreement or Finding of Discrimination	27
Section H – Administrative Disciplinary Actions	28
PART III: Fiscal Year 2019 Complaint Data Tables by USDA Agency	29
Section A – Program Complaint Data by USDA Agency	30
Section B – Employment Complaint Data by USDA Agency	32
EXHIBITS:	34
Exhibit 1 – Fiscal Year 2019 USDA Program Complaint Inventory	
Exhibit 2 – Fiscal Year 2019 USDA Employment Complaint Inventory	
Exhibit 2-1 – Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints	

Annual Reporting Requirements

Section 14010 (1) of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), mandates USDA to prepare an annual report on each of its agency's civil rights complaints, resolutions and actions. In accordance with that section, this report provides the:

- number of civil rights complaints filed that relate to USDA, including whether a complaint is a program complaint or an employment complaint;
- length of time USDA took to process each civil rights complaint;
- number of proceedings brought against USDA, including the number of complaints (as described in Section 14010 (1)) that were resolved with a finding of discrimination; and
- number and types of personnel actions taken by USDA following the resolution of civil rights employment complaints.

The 2008 Farm Bill requires USDA submit a copy of this report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry, as well as make the report available to the public on USDA's website.

USDA agencies included in the report are: Agricultural Marketing Service (AMS); Agricultural Research Service (ARS); Animal and Plant Health Inspection Service (APHIS); Economic Research Service (ERS); Farm Service Agency (FSA); Food and Nutrition Service (FNS); Food Safety and Inspection Service (FSIS); Foreign Agricultural Service (FAS); Forest Service (FS); Grain Inspection, Packers and Stockyards Administration (GIPSA)¹; National Agricultural Statistics Service (NASS); National Appeals Division (NAD)²; National Institute of Food and Agriculture (NIFA), Natural Resources Conservation Service (NRCS); Office of the Chief Financial Officer (OCFO); Office of Inspector General (OIG); Rural Development (RD); Risk Management Agency (RMA); Departmental Administration (DA);³ and Office of the Assistant Secretary for Civil Rights (OASCR).

On May 11, 2017, the Secretary of Agriculture (the Secretary) announced to Congress his intention to create an Under Secretary for Farm Production and Conservation (FPAC) and realign three USDA agencies (FSA, NRCS, and RMA) under that Mission Area. The realignment occurred in 2018 and the FPAC Business Center was established in November 2018. FPAC Business Center Equal Employment Opportunity (EEO) complaints, as well as current and prior EEO complaints filed against FSA, NRCS and RMA are now reported under the FPAC designation. Program complaints against FSA, NRCS and RMA currently remain under their individual agency designation.

¹ On November 29, 2018, GIPSA was eliminated as a stand-alone agency and transferred to AMS. However, several complaints processed during Fiscal Year (FY) 2018 were reported under GIPSA. As a result, the employment exhibits in this report reflect GIPSA complaints separate from AMS complaints.

² In FY 2019, USDA did not process any NAD cases.

³ DA complaints received prior to FY 2018 are reflected in this report under the previous name, Departmental Management (DM). Employment complaints initiated or filed against DA and other staff offices were processed by the OASCR's Conflict Complaints Division (CCD).

Executive Summary

The Fiscal Year (FY) 2019 Farm Bill Report is an annual report on USDA's program and employment civil rights complaints, resolutions and actions. The Farm Bill Report covers key OASCR accomplishments during FY 2019, including the number of civil rights complaints filed, the length of time to process complaints, the number of complaints resolved with a finding of discrimination or settlement agreement, and the number and types of personnel actions taken by USDA following the resolution of complaints. Program discrimination complaints are those filed by participants in USDA's federally funded programs and activities and against recipients of USDA Federal financial assistance programs. Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment.

Key OASCR Accomplishments:

Program Complaints

- USDA processed 100 percent (28) of FY 2019 Equal Credit Opportunity Act (ECOA) final determinations in compliance with the Statute of Limitations (SOL) period.⁴
- At the beginning of FY 2019, the open program complaint inventory totaled 412 cases. During FY 2019, 277 program complaints were received, which brought the total open complaints inventory to 689 cases. By the end of FY 2019, 297 program complaints were closed, leaving an open program complaint inventory of 392 cases.
- The average processing time for the total program complaint inventory (689) was 989 days for FY 2019. The FY 2018 average processing time for the total program complaint inventory (754) was 1,030 days. The FY 2019 total program complaint inventory decreased approximately 9 percent compared to FY 2018, and the average processing time decreased by 4 percent in comparison with the prior fiscal year.
- In FY 2019, 83 program complaint cases were SOL status, which are beyond the control of OASCR. Removal of these complaints reduced the average processing time to 448 days. This represents a decrease of approximately 54 percent from the 989-day average processing time in FY 2019.
- The number of program complaint findings of discrimination totaled four in FY 2019, which is an increase of two findings from FY 2018. Data illustrating the increase can be found in Part I, Section F.

⁴ The OASCR manages ECOA cases. These cases are program complaints accepted for investigation. ECOA cases become SOL cases when an investigation is not completed prior to the statute of limitation expiration. In FY 2019, 83 cases or 21 percent of the 392 ending cases inventory of program complaints are in SOL status.

- During FY 2019, USDA realized a 15 percent increase in the resolution of program complaints resulting in settlement agreements, from the previous year.
- A total of 35,396 pieces of mail (correspondence, Program Complaints Management System inquiries, CR-MAILBOX and Help Desk calls) were processed. This represents a decline from last year's activity (41,134 in FY 2018 to 35,396 in FY 2019) and is attributed to the introduction of eFax as an alternative means of communication.

EEO Complaints

- USDA experienced a decrease of 86 EEO complaints filed in FY 2019 as compared to FY 2018. Data illustrating the decrease can be found in Part II, Section A.
- There was a decrease of 67 EEO complaints closed in FY 2019 as compared to FY 2018. Data illustrating the decrease can be found in Part II, Section B.
- At the beginning of FY 2019, the open employment complaint inventory totaled 835 cases. During FY 2019, 436 employment complaints were received, which brought the total of open complaints inventory to 1,271 cases. By the end of FY 2019, 476 employment complaints were closed, leaving an open employment complaint inventory of 795 cases.
- The average processing time for the total employment complaint inventory (1,271) was 683 days for FY 2019. The FY 2018 average processing time for the total employment complaint inventory (1,371) was 633 days. There was a 7 percent decrease in the total employment complaint inventory in FY 2019 as compared to FY 2018 and an 8 percent increase in the average processing time.
- A total of 608 complaints were at the Equal Employment Opportunity Commission (EEOC) for a hearing⁵ and 8⁶ complaints held in abeyance due to being subsumed by a class complaint in FY 2019 and are beyond the control of OASCR. Removal of these complaints reduced the average processing time to 407 days. This represents a decrease of approximately 40 percent from the 683-day average processing time in FY 2019.
- The number of employment complaint findings of discrimination totaled three in FY 2019, which is an increase of two findings from FY 2018. Data illustrating the increase can be found in Part II, Section F.

⁵ The FY 2019 hearings inventory consists of 105 complaints closed due to an Administrative Judge decision and 503 complaints at the EEOC for a hearing action.

⁶ Six of the subsumed complaints are also in hearing status.

- A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes show that in FY 2019, there were 3 disciplinary actions (See Part II, Section H) taken against employees, as compared to 14 in FY 2018. The decrease in disciplinary actions between FY 2018 and FY 2019 resulted from the continuation of USDA's Equal Opportunity Accountability initiative, which has strengthened procedures that measure and evaluate both organizational and individual accountability in providing fair and equitable treatment for all USDA employees.

USDA Accomplishments

On May 22, 2020, the Secretary signed USDA's Civil Rights Policy Statement emphasizing his commitment to protect the civil rights of all USDA employees and customers. The Secretary stressed his expectation of every USDA employee to foster a workplace free from discrimination, harassment, and retaliation so everyone can reach his or her full potential. In addition, he indicated our workplace would be a model for proper enforcement of civil rights protections, not only because it is the law, but also because it is the right thing to do. Civil Rights is a key element of USDA's motto, "Do Right and Feed Everyone."

For the FY 2019 Farm Bill Report, OASCR accomplished the Secretary's goals for employment and program complaints by achieving the following:

- Processed 393 investigations in FY 2019, a 9 percent increase, as compared to 360 in FY 2018.
- Monitored the sufficiency of one settlement agreement, as well as the compliance efforts across the Department by providing oversight and guidance to 16 USDA agencies.
- Processed 394 formal complaints of discrimination in FY 2019 at the intake stage with an average processing time of 18 days for acceptance or dismissal determinations.
- Continued managing the Civil Rights Enterprise System to meet the annual assessment and authorization requirements established by USDA's Office of Chief Information Officer.
- Collaborated with the Office of Human Resources Management and drafted revised USDA's Reasonable Accommodation Procedures in accordance with EEOC's regulation, 29 CFR § 16.14.203(d)(3). The procedures included USDA's Personal Assistance Services and will be posted on the website in accordance with EEOC's revised Section 501 of the Rehabilitation Act of 1973, once the document receives final clearance which is expected by September 30, 2020.
- In alignment with the Secretary's goal of OneUSDA, OASCR partnered with the Mission Areas, agencies and staff offices to revise the Agency's Anti-harassment (AH) policy to incorporate EEOC's requirements. In addition, a work group was

established to develop the Departmental Regulation (DR) which establishes USDA's AH Program. The DR is projected to clear the Department in FY 2020.

- OASCR established a Farm Bill Committee to review civil rights related Farm Bill provisions and undertook actions to enhance OneUSDA Civil Rights business operations and program management. Specifically,
 - a comprehensive Civil Rights guidebook was developed to educate internal and external stakeholders;
 - a workgroup was formulated to implement the 2018 Farm Bill mandate regarding utilizing Civil Rights Impact Analysis (CRIAs). The group began developing a CRIA guidebook which provides formulas for calculating adverse and disproportionate impacts;
 - barrier analysis and elimination training was conducted for Mission Area/agency employees; and
 - an inaugural American Diversity Month program was sponsored to showcase the diverse fabric of American society and contributions to the American diaspora.
- Conducted two workshops, to address a OneUSDA approach to conducting barrier analysis, disproportionate and adverse impact analysis, as well as a CRIA to enhance technical competencies and increase the quality of quantitative analyses.
- Established the OneUSDA Compliance DR Workgroup, to revise USDA's Compliance DR and implement a OneUSDA process and review system for compliance reviews.
- Established a OneUSDA EEO workgroup that identified and made recommendations to improve the efficiency and effectiveness of the EEO process.

PART I:

**Fiscal Years 2018 and 2019
USDA Formal Program Complaint Data**

Section A — Number of Program Complaints Filed at USDA

Introduction

Program discrimination complaints are filed by participants of USDA’s federally funded programs and activities conducted by USDA and administered through local USDA offices, (e.g. FSA’s Farm Loan and RD’s Single Family Housing Loan programs). Additionally, USDA receives program complaints filed against recipients of USDA’s Federal financial assistance programs (primarily State and local agencies and multi-family housing authorities), such as FNS’ Supplemental Nutrition Assistance Program and RD’s Multi-Family Housing Program.

This section contains comparative information regarding the number of formal Program complaints filed.

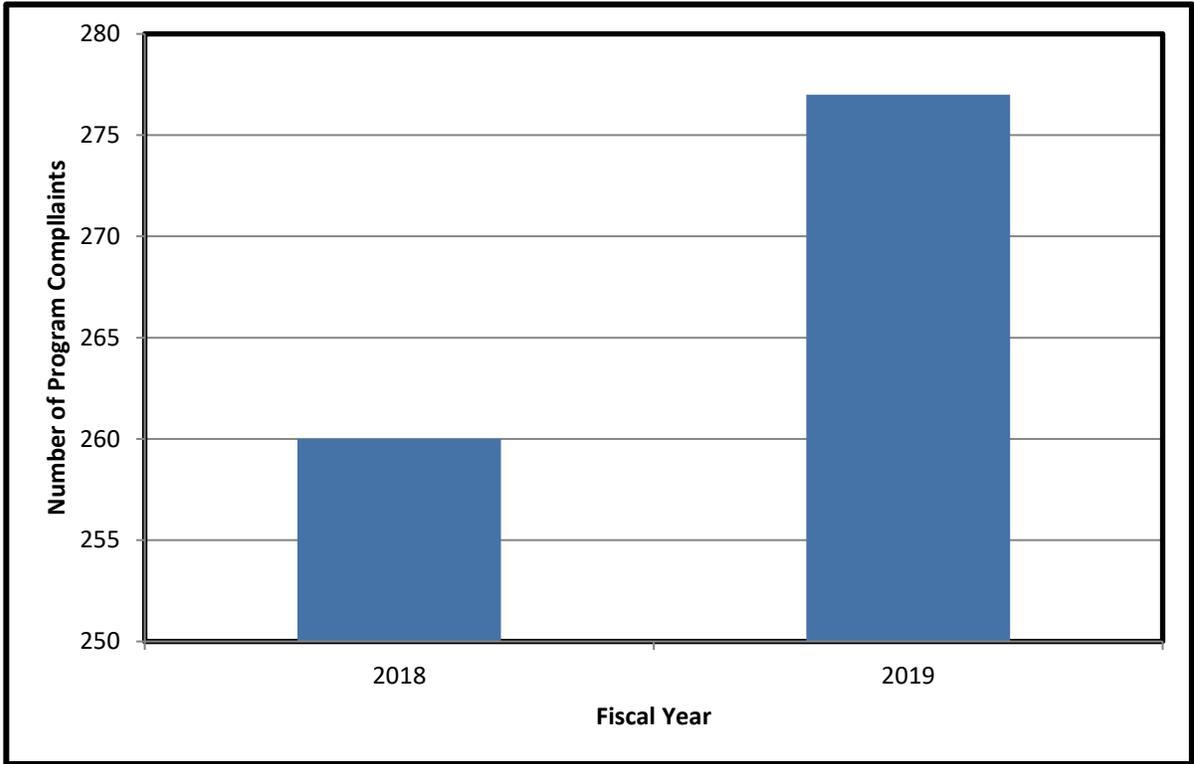
Summary of Data

Table 1 below indicates the number of Program Complaints filed with USDA for two fiscal years. The data shows the number of complaints filed in comparison to the previous year (See Graph 1). In FY 2019, 277 complaints were filed as compared to 260 in FY 2018. This represents an approximate 7 percent increase in complaints filed from the previous year.

Table 1
Number of Program Complaints Filed at USDA

Fiscal Year	Number
2018	260
2019	277

Graph 1
Number of Program Complaints Filed at USDA



Source: Civil Rights Enterprise System

Section B — Inventory of Program Complaints Processed at USDA

Introduction

This section contains data regarding significant stages of the complaint inventory for program complaints processed during FYs 2018 and 2019. These stages are: (1) Beginning Inventory; (2) Complaints Filed; (3) Total USDA Inventory; (4) Complaints Closed, and (5) Ending Inventory.

Summary of Data

At the beginning of FY 2019, USDA had an open inventory of 412 program complaints. During the fiscal year, USDA received an additional 277 complaints which resulted in a total inventory of 689 program complaints. USDA closed a total of 297 complaints. At the end of the fiscal year, USDA had an inventory of 392 open program complaints.

In comparison, at the beginning of FY 2018, USDA had an open inventory of 494 program complaints. During the fiscal year, USDA received 260 complaints which resulted in a total inventory of 754 program complaints. USDA closed a total of 329 complaints. At the end of the fiscal year, USDA had an inventory of 425⁷ open program complaints.

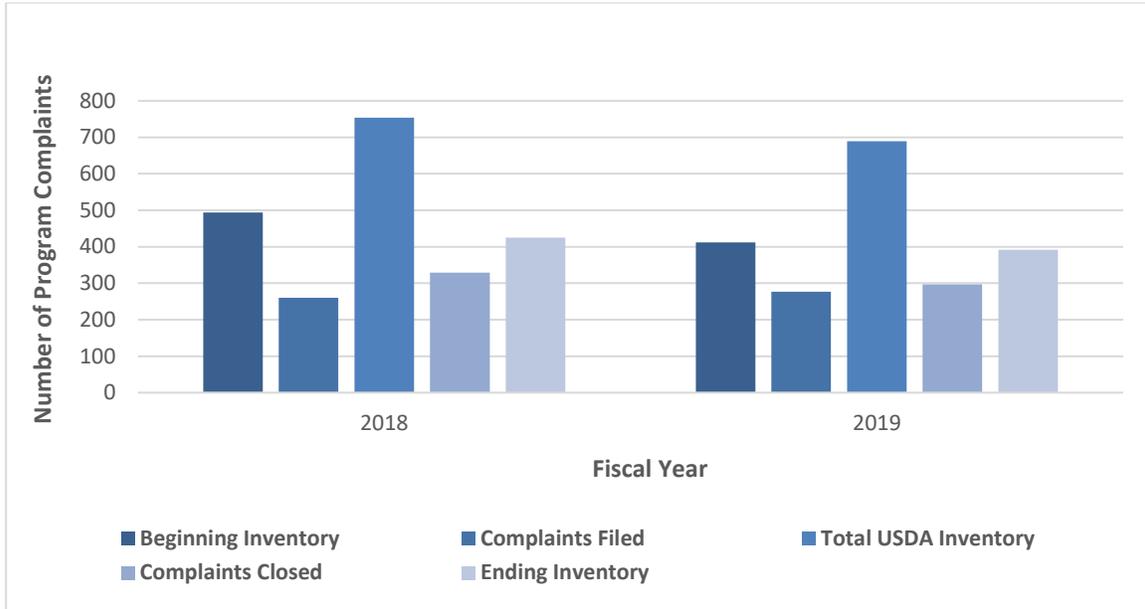
Table 2 below provides the number of complaints at each of the significant stages of the complaint inventory for FY 2019 in comparison to the previous fiscal year. The data shows an increase in complaints filed and a decrease in the beginning, total and ending inventories (See Graph 2).

Table 2
Inventory of Program Complaints Processed at USDA

Fiscal Year	Beginning Inventory	Complaints Filed	Total Inventory	Complaints Closed	Ending Inventory
2018	494	260	754	329	425
2019	412	277	689	297	392

⁷As a result of ongoing data reconciliation and the review and validation process, the beginning and ending inventories may not be the same.

Graph 2
Inventory of Program Complaints Processed at USDA



Source: Civil Rights Enterprise System

Section C — Top Three Most Frequently Alleged Bases in Formal Program Complaints Filed with USDA

Introduction

USDA prohibits discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the basis of race, color, religion, sex, political beliefs, age, disability, or national origin (Not all bases apply to all programs). Reprisal is prohibited based on prior civil rights activity. Any person who believes they have experienced discrimination when obtaining services from USDA may file a program complaint with USDA.⁸

Summary of Data

Table 3 provides data on the top three most frequently alleged bases in program complaints filed with USDA. The three most frequently cited bases in program complaints filed in FY 2019 are: (1) disability, (2) age, and (3) race. In FY 2018, the three most frequently alleged cited bases were: (1) disability, (2) race, and (3) age. These three bases are also illustrated in Graph 3, which shows a two-year trend.

Complaints Alleging Disability

Disability was the most frequently alleged basis in program complaints filed against the Department. In FY 2019, 32 percent of program complaints cited disability as a basis compared to 47 percent in FY 2018.

Complaints Alleging Age

Age was the second most frequently alleged basis in program complaints at USDA in FY 2019. In FY 2019, 27 percent of program complaints cited age as a basis compared to 24 percent in FY 2018.

Complaints Alleging Race

Race was the third most frequently alleged basis in program complaints at USDA in FY 2019. In FY 2019, 16 percent of program complaints cited race as a basis compared to 29 percent in FY 2018.

⁸ Complainants may allege multiple bases in a single complaint.

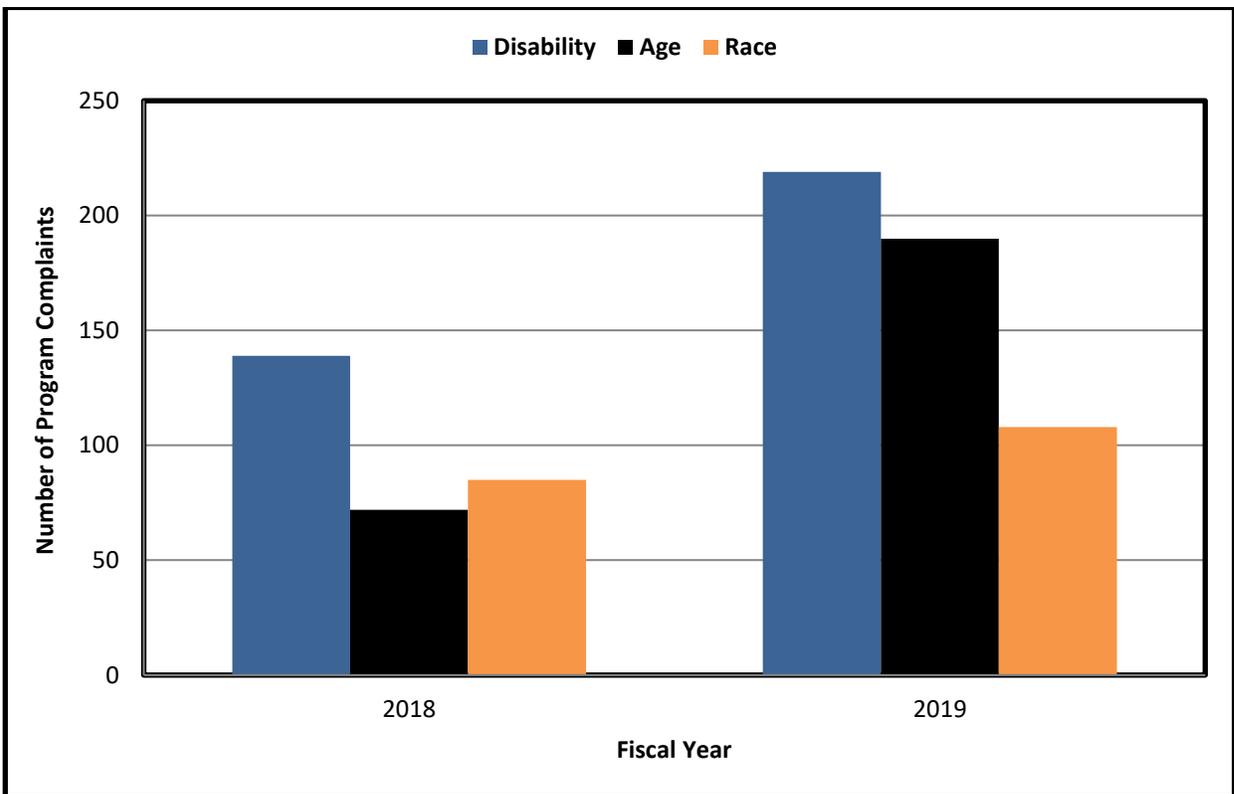
Table 3

Top Three Most Frequently Alleged Bases in Formal Program Complaints Filed with USDA

Fiscal Year	Disability	Age	Race
2018	139	72	85
2019	219	190	108

Graph 3

Top Three Most Frequently Alleged Bases in Formal Program Complaints Filed with USDA



Source: Civil Rights Enterprise System

Section D — Program Complaint Inventory by Agencies with Highest Total Inventory

Introduction

This section contains data regarding the top three USDA agencies with the highest total inventory and the number of complaints filed against them.

Summary of Data

In FY 2019, the program complaint inventory of FNS, FSA and RD accounted for approximately 91 percent (629 complaints) of the total USDA complaint inventory (689). Out of the 277 program complaints filed with USDA during FY 2019, the respective top three agencies had the following totals: FNS accounted for 129 complaints; FSA accounted for 24; and RD accounted for 110 complaints filed.

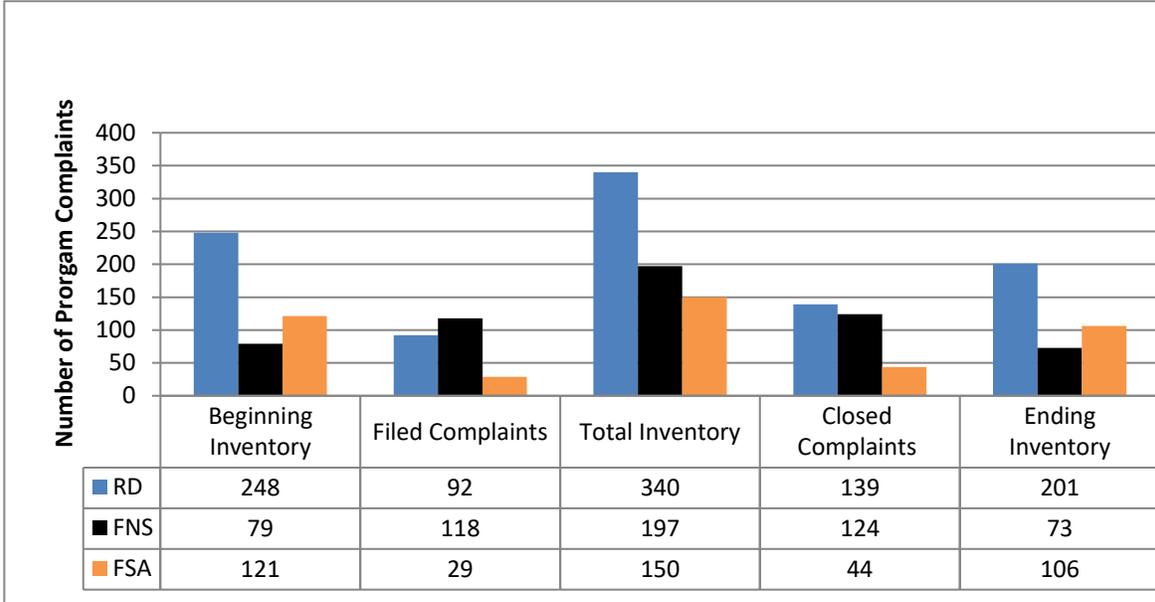
In comparison, the FY 2018 program complaint inventory of RD, FNS, and FSA accounted for approximately 91 percent (687 complaints) of the total USDA complaint inventory (754). Out of the 260 program complaints filed with USDA during FY 2018, the respective top three agencies had the following totals: RD accounted for 92 complaints; FNS accounted for 118 complaints; and FSA accounted for 29 complaints.

Table 4 below provides data on the top three agencies with the highest total program complaint inventory. The data shows that FNS, FSA and RD were consistently the top three agencies with the highest inventories for the two-year period (See Graphs 4A and 4B).

**Table 4
Program Complaint Inventory by Agencies with Highest Total Inventory**

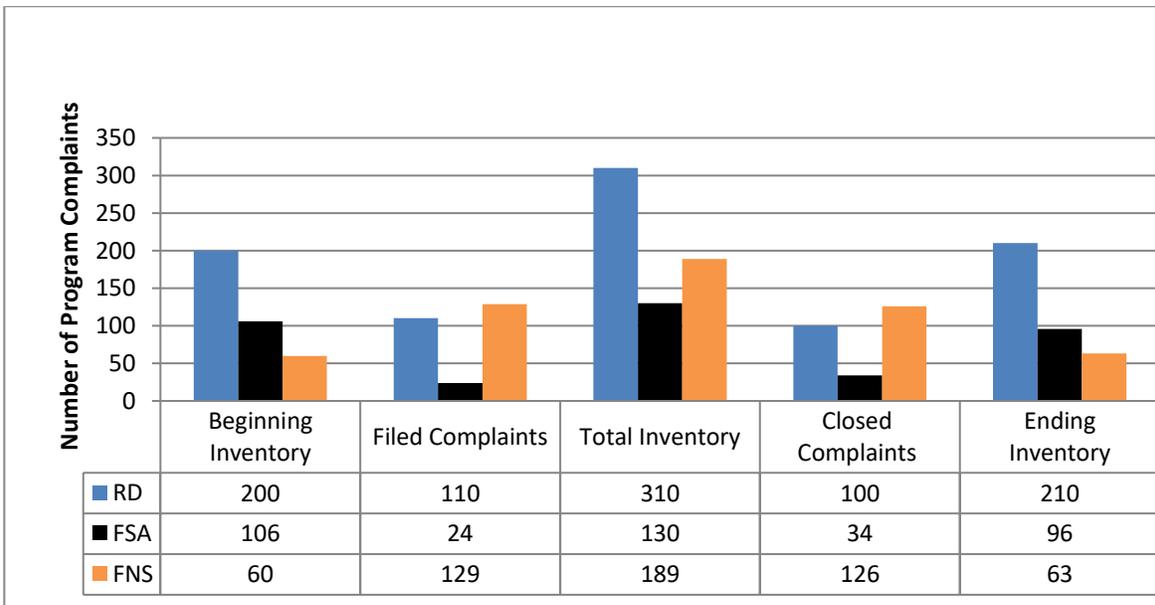
Fiscal Year	Agency	Beginning Inventory	Complaints Filed	Total Inventory	Closed Inventory	Ending Inventory
2018	RD	248	92	340	139	201
	FNS	79	118	197	124	73
	FSA	121	29	150	44	106
Fiscal Year	Agency	Beginning Inventory	Complaints Filed	Total Inventory	Closed Inventory	Ending Inventory
2019	RD	200	110	310	100	210
	FSA	106	24	130	34	96
	FNS	60	129	189	126	63

Graph 4A
FY 2018 Program Complaint Inventory by Agencies with Highest Total Inventory



Source: Civil Rights Enterprise System

Graph 4B
FY 2019 Program Complaint Inventory by Agencies with Highest Total Inventory



Source: Civil Rights Enterprise System

Section E — Program Complaint Inventory by Agencies with Highest Average Processing Time

Introduction

This section contains data regarding the top three USDA agencies with the highest average processing time for their respective total complaint inventory (See Part III, Section I, Program Complaint Data by USDA Agency for a complete listing). For complaints closed during the fiscal year, the average processing time was calculated based on the time between the formal filing date (regardless of the fiscal year) and the date of closure. Of the complaints that remained in open status by the end of the fiscal year, the average processing time was calculated based on the time between the formal filing date (regardless of the fiscal year) and the end of the fiscal year (September 30, 2019).

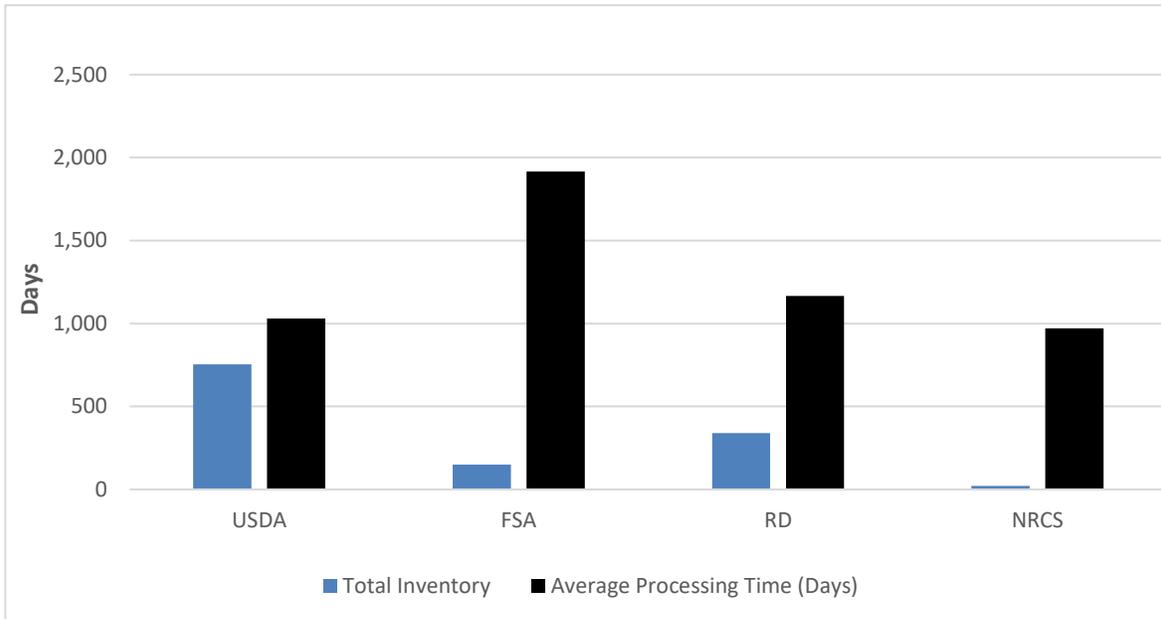
Summary of Data

Table 5 below provides data on the top three agencies with the highest average processing time based on their total inventory, in contrast with the average processing time of the total USDA complaint inventory for FY 2018 and FY 2019. The data shows that FSA, NRCS and RD were consistently the top three agencies with the highest average processing time for the two-year period (See Graphs 5A and 5B).

**Table 5
Program Complaint Inventory by Agencies with
Highest Average Processing Time**

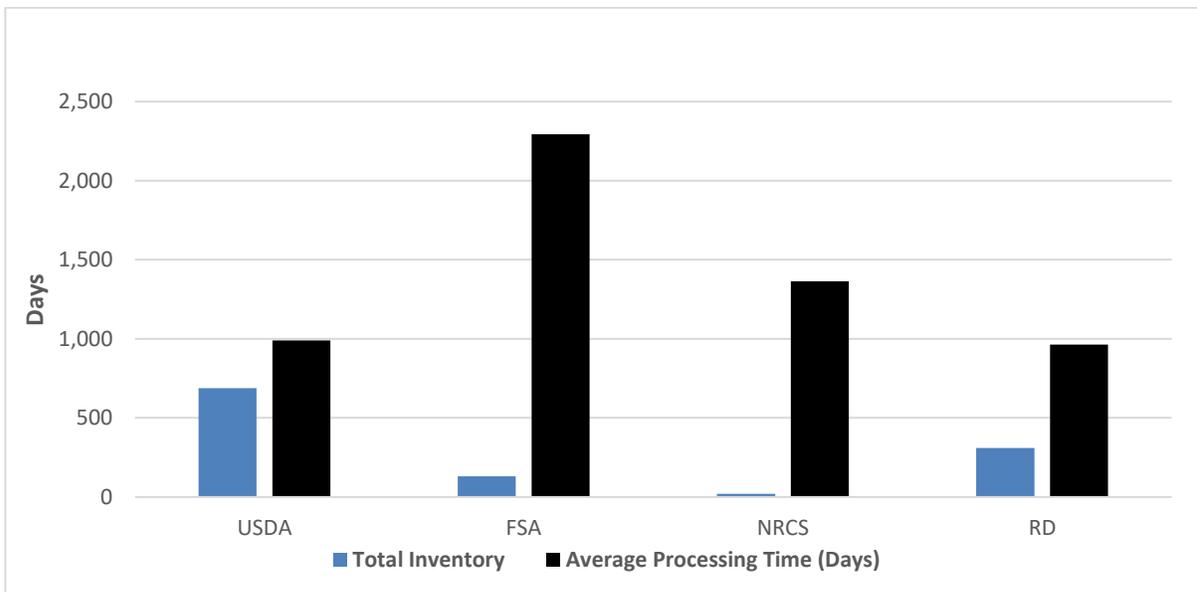
Fiscal Year	Agency	Total Inventory	Average Processing Time (Days)
2018	USDA	754	1,030
	FSA	150	1,915
	RD	340	1,167
	NRCS	21	970
Fiscal Year	Agency	Total Inventory	Average Processing Time (Days)
2019	USDA	689	989
	FSA	130	2,293
	NRCS	21	1,363
	RD	310	964

Graph 5A
FY 2018 Program Complaint Inventory by Agencies with
Highest Average Processing Time



Source: Civil Rights Enterprise System

Graph 5B
FY 2018 Program Complaint Inventory by Agencies with
Highest Average Processing Times



Source: Civil Rights Enterprise System

Section F — Program Complaints Resolved with a Finding of Discrimination

Introduction

Final Agency Actions involving a finding of discrimination are issued on the record. The final actions involving a finding of discrimination may include complaints with a variety of bases and issues.

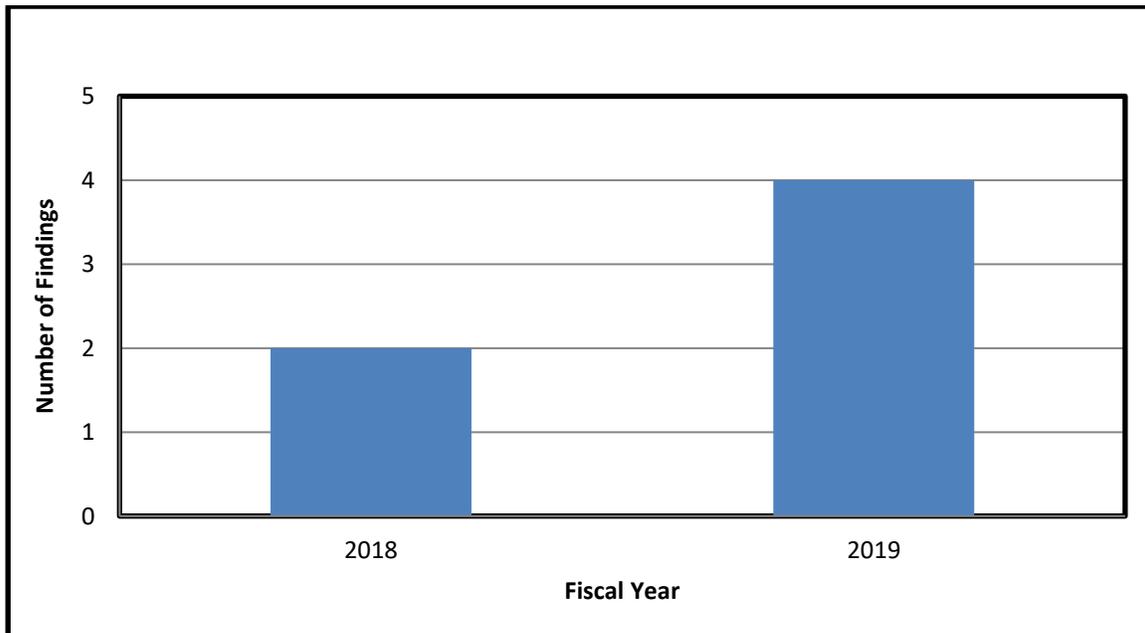
Summary of Data

Table 6 and Graph 6 show that from FY 2018 to FY 2019, the number of findings of discrimination issued increased by two.

Table 6
Program Complaints Resolved with a Finding of Discrimination

Fiscal Year	Number
2018	2
2019	4

Graph 6
Program Complaints Resolved with a Finding of Discrimination



Source: Civil Rights Enterprise System

Section G — Program Complaints Resolved with a Settlement Agreement

Introduction

This section contains data regarding the number of program complaints resolved with a settlement agreement for FY 2018 and 2019.

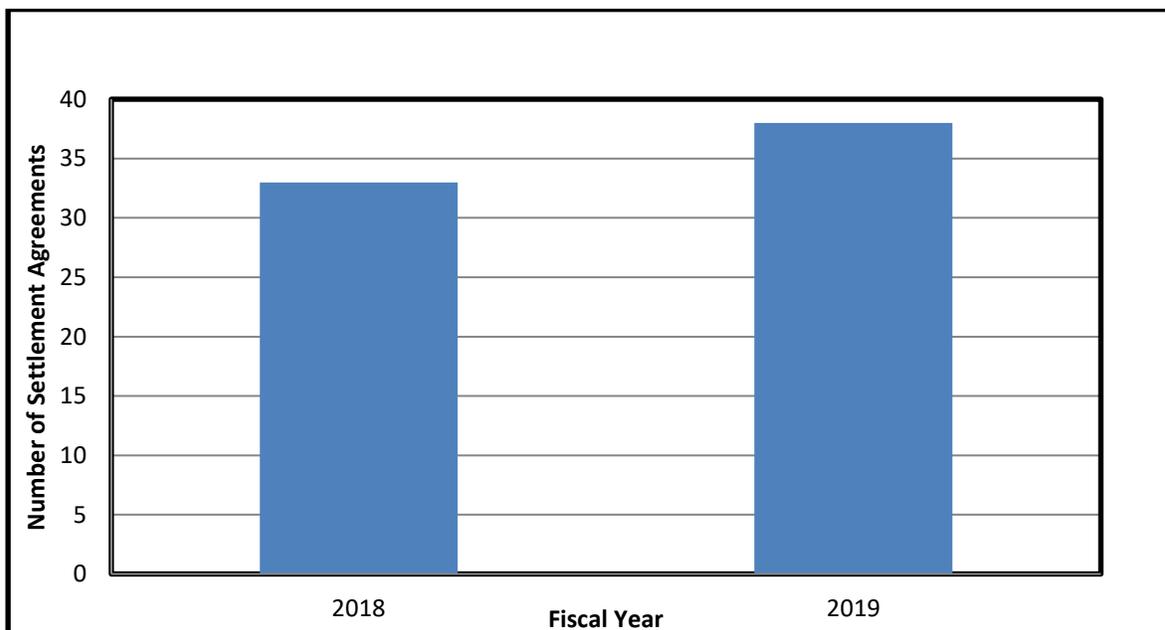
Summary of Data

Table 7 and Graph 7 show that from FY 2018 to FY 2019, the number of complaints resolved with a settlement agreement increased by five.

Table 7
Program Complaints Resolved with a Settlement Agreement

Fiscal Year	Number
2018	33
2019	38

Graph 7
Program Complaints Resolved with a Settlement Agreement



Source: Civil Rights Enterprise System

PART II:

Fiscal Years 2018 and 2019
USDA Pre-Complaint and Formal
Employment Complaint Data

Section A — Number of Pre-Complaint Resolutions and Formal Employment Complaints Filed at USDA

Introduction

Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment. USDA encourages the use of Alternative Dispute Resolution (ADR) to resolve all discrimination complaints as early as possible.

This section contains comparative information regarding Pre-complaint data on ADR and the number of formal EEO complaints filed.

Summary of Data

Table 1 shows FY 2018 and FY 2019 Pre-complaint EEO ADR data. In FY 2019, 606 aggrieved persons were offered ADR and 260 (43%) agreed to participate, resulting in 5 settlement agreements. In FY 2018, 801 aggrieved persons were offered ADR and 326 (41%) agreed to participate, resulting in six settlement agreements. In FY 2021, USDA will embark upon a robust early resolution initiative to improve resolution rates.

**Table 1
Number of Employment Pre-Complaint Resolutions at USDA**

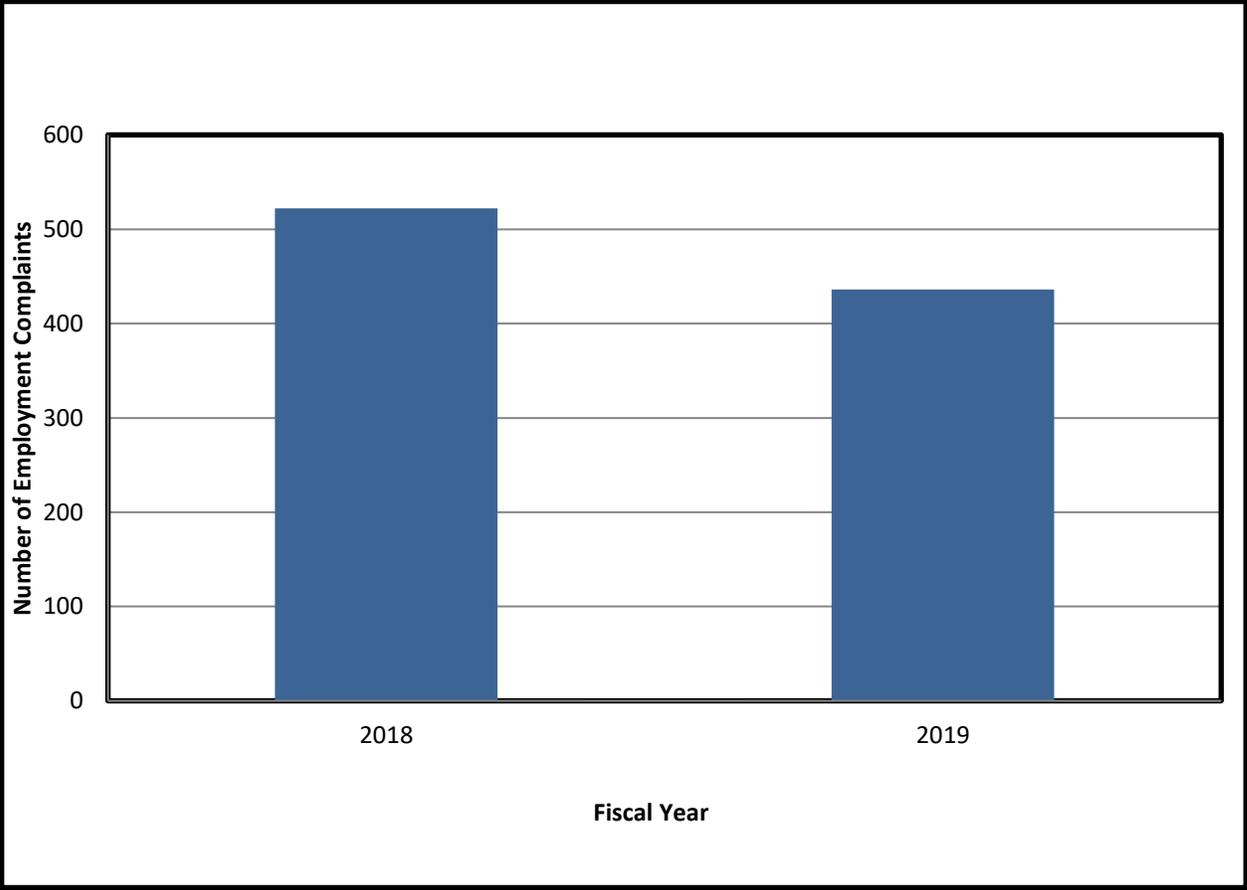
Fiscal Year	Offered ADR	Accepted ADR	Resolved by Settlement Agreement	Resolution Rate
2018	801	326	6	0.007
2019	606	260	5	0.008

Table 2 indicates the number of formal EEO complaints filed with USDA for two fiscal years. The data show the number of complaints filed in comparison to the previous year. In FY 2019, 436 complaints were filed as compared to 522 in FY 2018. This represents an approximate 16 percent decrease in complaints filed (See Graph 1).

**Table 2
Number of Formal Employment Complaints Filed at USDA**

Fiscal Year	Number
2018	522
2019	436

Graph 1
Number of Formal Employment Complaints Filed at USDA



Source: Civil Rights Enterprise System

Section B — Inventory of Formal Employment Complaints Processed at USDA

Introduction

This section contains data regarding significant stages of the complaint inventory for formal EEO complaints processed during FY 2018 and 2019. These stages are: (1) Beginning Inventory; (2) Complaints Filed; (3) Total USDA Inventory; (4) Complaints Closed; and (5) Ending Inventory.

Summary of Data

At the beginning of FY 2019, USDA had an open employment complaint inventory of 835 cases. During the fiscal year, USDA received an additional 436 employment complaints which gave USDA a total inventory of 1,271 complaints. USDA closed a total of 476 employment complaints. At the end of the fiscal year, USDA had an inventory of 795 open employment complaints.

In comparison, at the beginning of FY 2018, USDA had an open inventory of 849 employment complaints. During the fiscal year, USDA received an additional 522 complaints which gave USDA a total inventory of 1,371 employment complaints. USDA closed a total of 543 employment complaints. At the end of the fiscal year, USDA had an inventory of 828 open employment complaints.

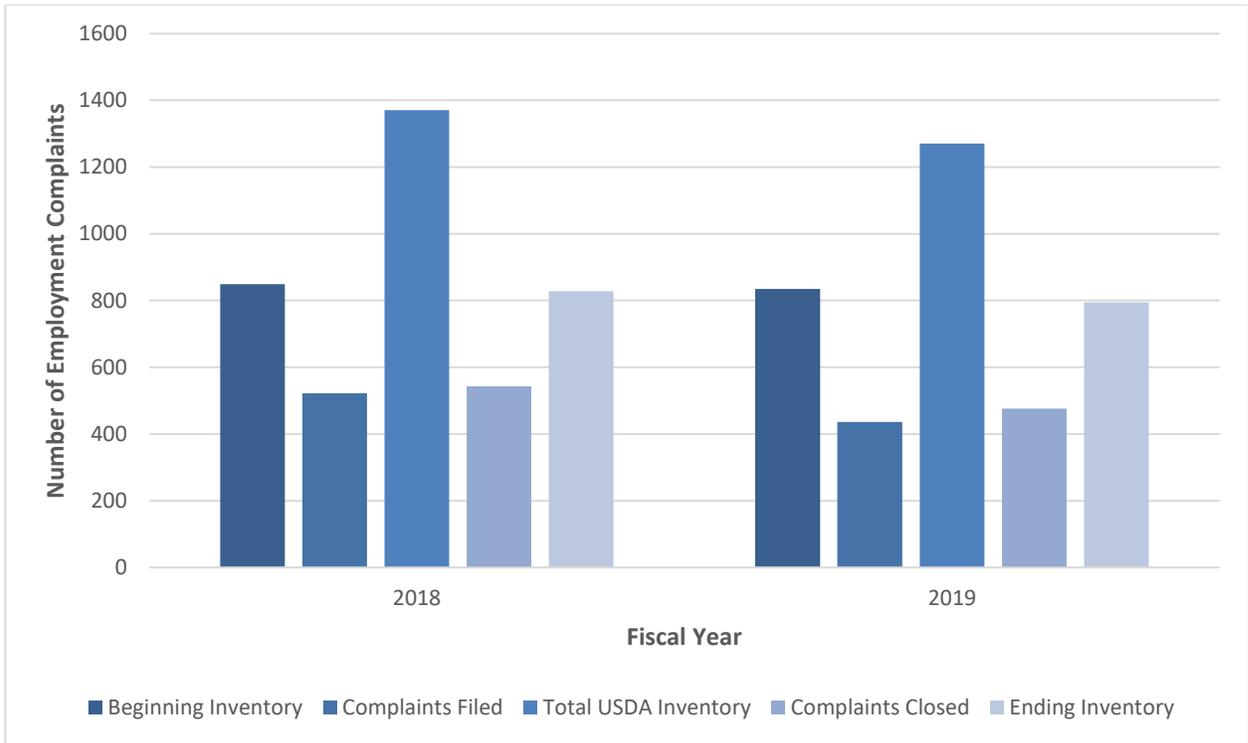
Table 3 below provides the number of complaints in the inventory for FY 2019 in comparison to the previous fiscal year. The data shows a decline in inventory at each of the significant stages of the employment complaint inventory (See Graph 2).

Table 3
Inventory of Formal Employment Complaints Processed at USDA

Fiscal Year	Beginning Inventory	Complaints Filed	Total Inventory	Complaints Closed	Ending Inventory
2018	849	522	1,371	543	828 ⁹
2019	835	436	1,271	476	795

⁹As a result of ongoing data reconciliation and the review and validation process, the beginning and ending inventories may not be the same.

Graph 2
Inventory of Formal Employment Complaints Processed at USDA



Source: Civil Rights Enterprise System

Section C — Top Three Most Frequently Alleged Bases in Formal Employment Complaints Filed with USDA

Introduction

USDA prohibits discrimination on the basis of race, color, national origin, age (40 or older), mental and/or physical disability, sex (including pregnancy, sexual orientation or gender identity), genetic information, religion, reprisal/retaliation, marital status, parental status, or political beliefs.¹⁰ It is also USDA's policy to process complaints of employment discrimination in a fair, equitable, and timely manner.

Summary of Data

Table 4 provides data on the top three most frequently alleged bases in formal EEO complaints filed with USDA. The three most frequently cited bases in formal EEO complaints filed in FY 2019 are: (1) retaliation; (2) race; and (3) sex. In FY 2018, the three most frequently cited bases were: (1) retaliation; (2) sex; and (3) race. These three bases are also illustrated in Graph 3, which shows a two-year trend.

Complaints Alleging Retaliation

Retaliation was the most frequently alleged basis in formal EEO complaints at USDA for both FYs 2019 and 2018. In FY 2019, 59 percent of complaints cited retaliation as a basis as compared to 60 percent in FY 2018.

Complaints Alleging Race Discrimination

Race was the second most frequently alleged basis in formal EEO complaints at USDA in FY 2019. In FY 2019, 45 percent of complaints cited race as a basis as compared to 41 percent in FY 2018.

Complaints Alleging Sex Discrimination

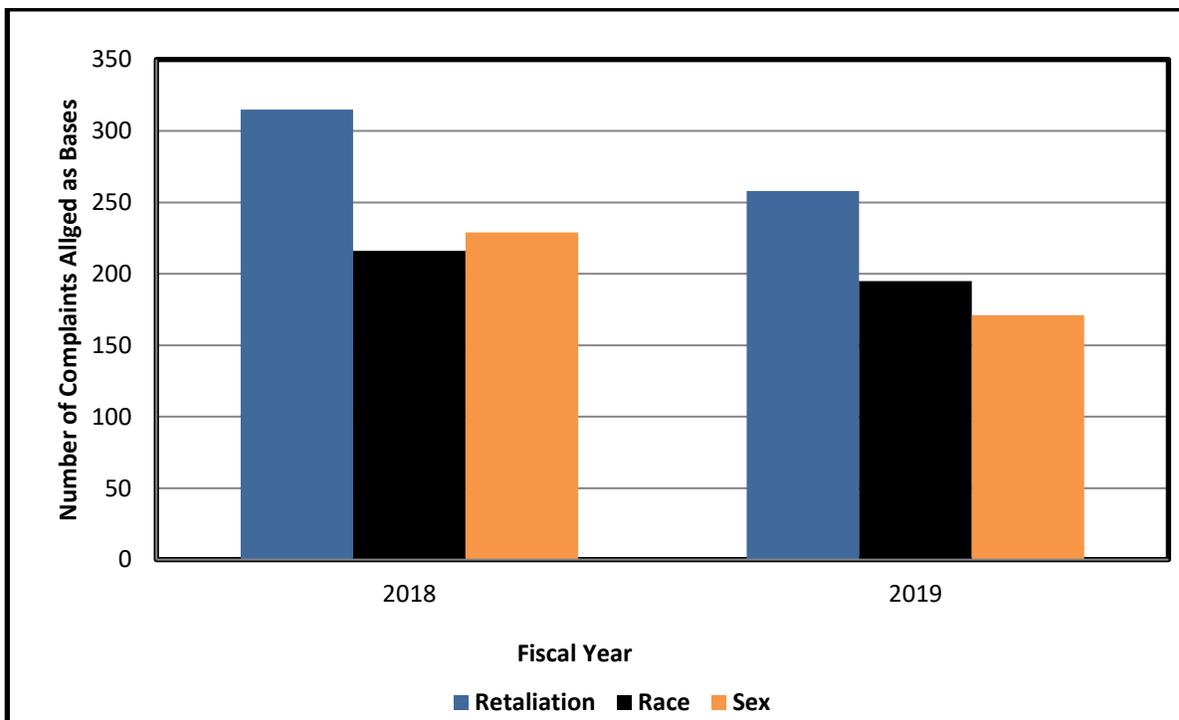
Sex was the third most frequently alleged basis in formal EEO complaints at USDA in FY 2019. In FY 2019, 39 percent of complaints cited sex as a basis compared to 44 percent in FY 2018.

¹⁰ Complainants may allege multiple bases in a single complaint.

Table 4
Top Three Most Frequently Alleged Bases in Formal Complaints Filed with USDA¹¹

Fiscal Year	Retaliation	Race	Sex
2018	315	216	229
2019	258	195	171

Graph 3
Top Three Most Frequently Alleged Bases in Formal Employment Complaints Filed with USDA



Source: Civil Rights Enterprise System

¹¹ Source: FY 2019 No FEAR report.

Section D — Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory

Introduction

This section contains data regarding the top three USDA agencies and/or Mission Areas with the highest total inventory and the number of complaints filed against them.

Summary of Data

In FY 2019, the employment complaint inventory of FS, FPAC and FSIS accounted for approximately 54 percent (689 complaints) of the total USDA complaint inventory (1,271). Out of the 436 employment complaints filed with USDA during FY 2019, the respective top three agencies had the following totals: FS accounted for 100 complaints; FPAC accounted for 62 complaints; and FSIS accounted for 59 complaints.

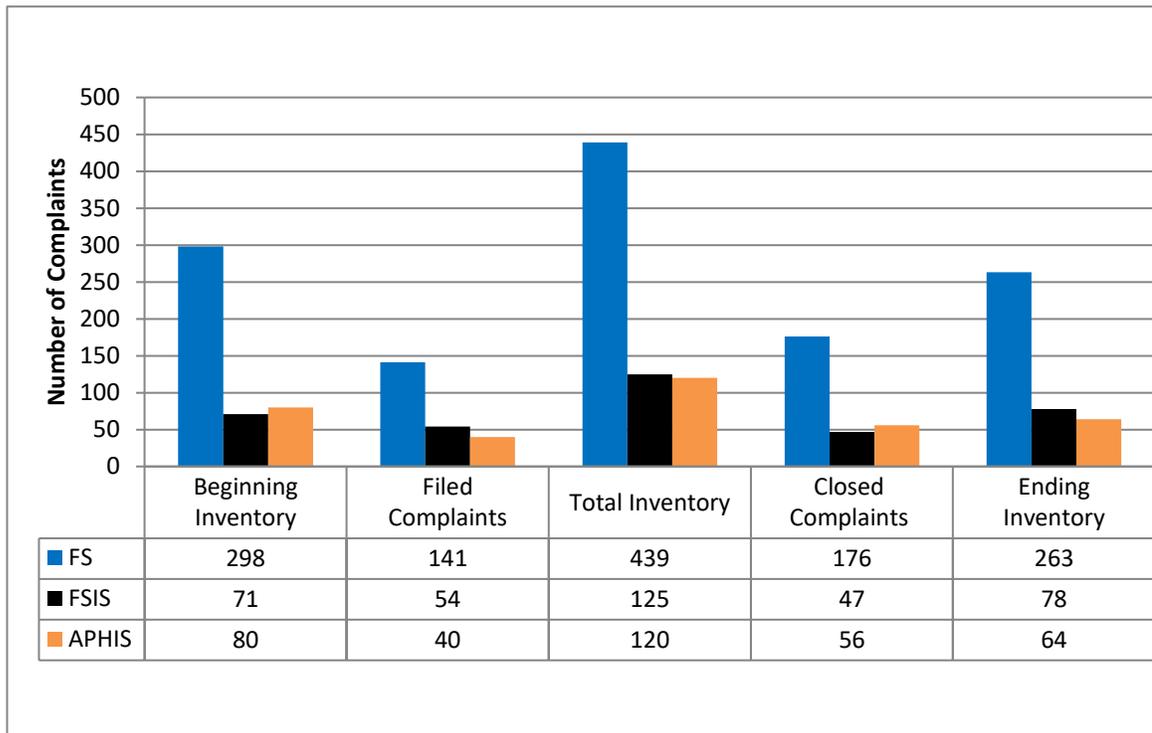
In comparison, the FY 2018 employment complaint inventory of FS, FSIS and APHIS accounted for approximately 50 percent (684 complaints) of the total USDA complaint inventory (1,371). Out of the 522 employment complaints filed with USDA during FY 2018, the respective top three agencies had the following totals: FS accounted for 141 complaints; FSIS accounted for 54 complaints; and APHIS accounted for 40 complaints.

Table 5 below provides data on the top three agencies and/or Mission Areas with the highest total employment complaint inventory. The data shows FS and FSIS were each consistently one of the three agencies with the highest total inventory for the two-year period (See Graphs 4A and 4B).

Table 5
Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory

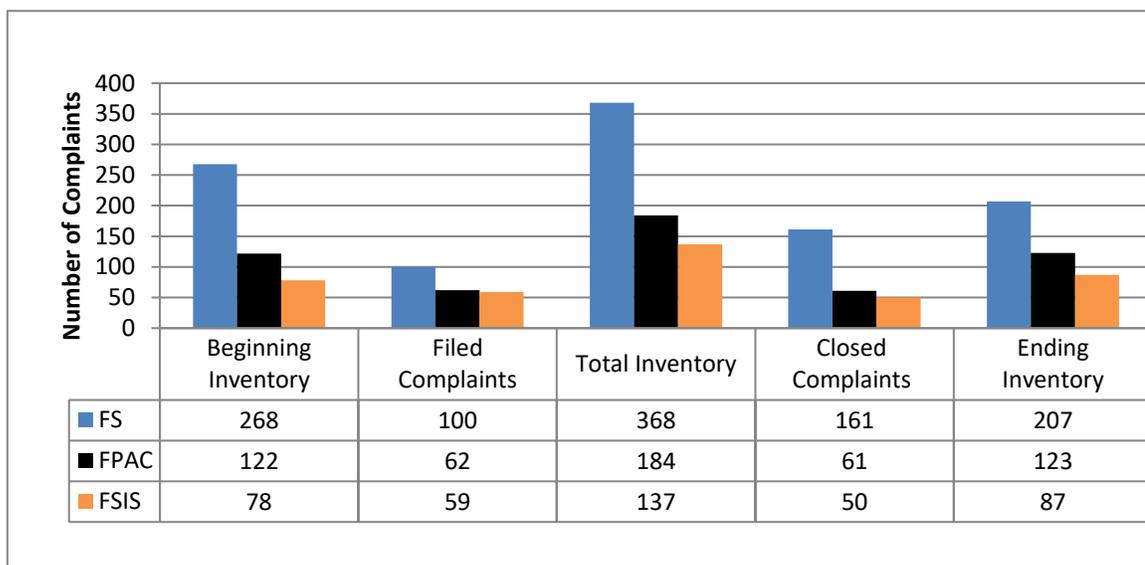
Fiscal Year	Agency	Beginning Inventory	Complaints Filed	Total Inventory	Closed Inventory	Ending Inventory
2018	FS	298	141	439	176	263
	FSIS	71	54	125	47	78
	APHIS	80	40	120	56	64
Fiscal Year	Agency	Beginning Inventory	Complaints Filed	Total Inventory	Closed Inventory	Ending Inventory
2019	FS	268	100	368	161	207
	FPAC	122	62	184	61	123
	FSIS	78	59	137	50	87

Graph 4A
FY 2018 Formal Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory



Source: Civil Rights Enterprise System

Graph 4B
FY 2019 Formal Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory



Source: Civil Rights Enterprise System

Section D.1 — Formal Employment Complaints Filed Per Capita in Top Three Agencies with Highest Inventories

Introduction

This section contains data and information for the top three USDA agencies and/or Mission Areas with the highest total inventory and the number of formal employment complaints filed per capita.

Summary of Data

In FY 2019, the USDA agencies with the highest employment complaint inventories were FS, FPAC, and FSIS, respectively. The number of complaints filed as a percent of their individual agency's total work force (per capita 1,000 employees) indicates FS at 2.9, FPAC at 4.9 and FSIS 6.5.

In comparison, the FY 2018 agencies with the highest employment complaint inventories were APHIS, FS, and FSIS, respectively. The number of complaints filed as a percentage of their respective agency's total workforce (per capita 1,000 employees) indicates APHIS at 4.9, FS at 4.0 and FSIS 5.9.

Table 5.1 below displays data observation of those agencies with the highest inventories and their respective complaints filed per capita (per 1,000 employees).

**Table 5.1
Formal Employment Complaints Filed Per Capita in Top Three Agencies with Highest Inventories**

USDA Agency	Agency Total Workforce ¹	Number Complaints Filed ²	Number of Complaints Filed as % of Total Work Force	Complaints Per Capita (per 1,000)
FY 2018				
APHIS	8,129	40	0.49%	4.9
FS	34,971	141	0.40%	4.0
FSIS	9,108	54	0.59%	5.9
FY 2018 Department-wide ⁴	93,717	526	0.54%	5.4
FY 2018 Government-wide ⁴	3,003,009	16,565	0.55%	5.5
FY 2019				
FS	34,863	100	0.29%	2.9
FPAC ³	12,625	62	0.49%	4.9
FSIS	9,052	59	0.65%	6.5

Source:

¹ MD-715 Workforce Tables

² FY 2019 Farm Bill Report Data Tables

³ Does not include FPAC Business Center Employees

⁴ FY 2018 EEOC Federal Sector Report Data--Table B-1, FY 2019 EEOC Federal Sector Report Data not available

Section E — Formal Employment Complaint Inventory by Agencies with Highest Average Processing Times

Introduction

This section contains data regarding the top three USDA agencies with the highest average processing times for their respective total complaint inventory. (See Part III, Section II, Employment Complaint Data by USDA Agency for a complete listing). For complaints closed during the fiscal year, the average processing time was calculated based on the time between the formal filing date (regardless of the fiscal year) and the date of closure. Of the complaints that remained in open status by the end of the fiscal year, the average processing time was calculated based on the time between the formal filing date (regardless of the fiscal year) and the end of the fiscal year (September 30, 2019).¹²

Summary of Data

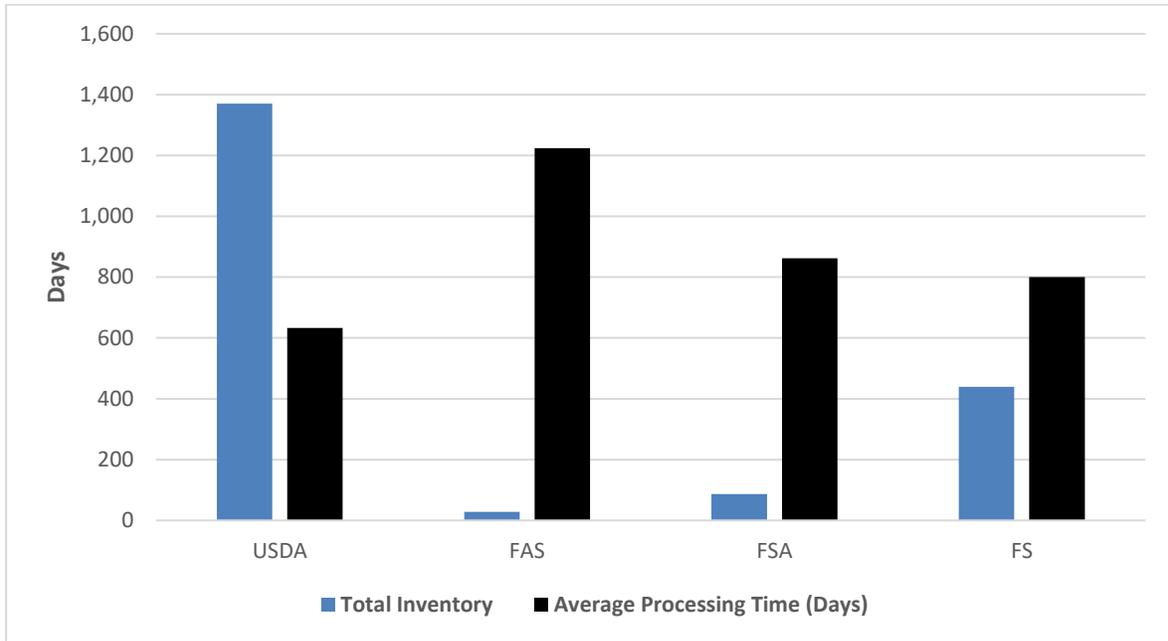
Table 6 below provides data on the top three agencies with the highest average processing time based on their total inventory, in contrast with the average processing time of the total USDA complaint inventory for FY 2018 and FY 2019. The data shows FAS and FS were each consistently one of the three agencies with the highest average processing time for the two-year period (See Graphs 5A and 5B).

Table 6
Employment Complaint Inventory by Agencies with Highest Average Processing Time

Fiscal Year	Agency	Total Inventory	Average Processing Time (Days)
2018	USDA	1,371	633
	FAS	28	1,224
	FSA	87	862
	FS	439	800
Fiscal Year	Agency	Total Inventory	Average Processing Time (Days)
2019	USDA	1,271	683
	FAS	31	1,309
	GIPSA	14	1,180
	FS	368	868

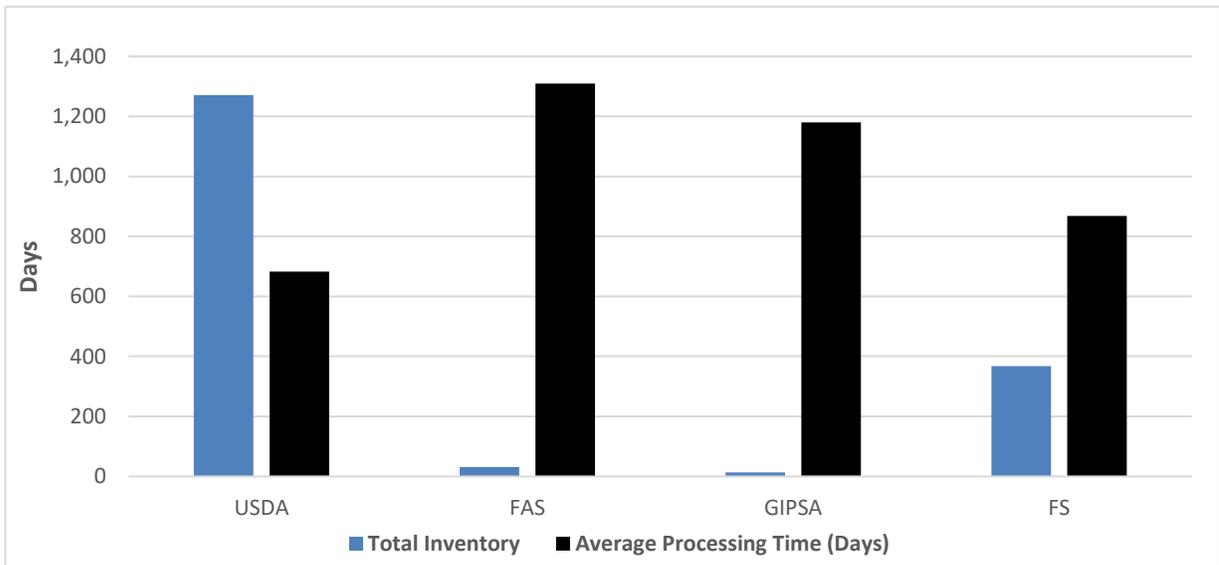
¹² The complaint inventory also includes remand complaints. A remand is an employment complaint that is returned to the agency by the EEOC for further action based on an appeal decision. Time in the process for these complaints was calculated based on the time between the remand date (regardless of the fiscal year) and the date of the remand closure. For remanded complaints that remained in open status by the end of FY 2019, time in the process was calculated based on the time between the remand date (regardless of the fiscal year) and the end of FY 2019 (September 30, 2019).

Graph 5A
FY 2018 Formal Employment Complaint Inventory by Agencies with Highest Average Processing Time



Source: Civil Rights Enterprise System

Graph 5B
FY 2019 Formal Employment Complaint Inventory by Agencies with Highest Average Processing Time



Source: Civil Rights Enterprise System

Section F – Employment Complaints Resolved with a Finding of Discrimination

Introduction

Final Agency Actions involving a finding of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions involving a finding of discrimination may include complaints with a variety of bases and issues.

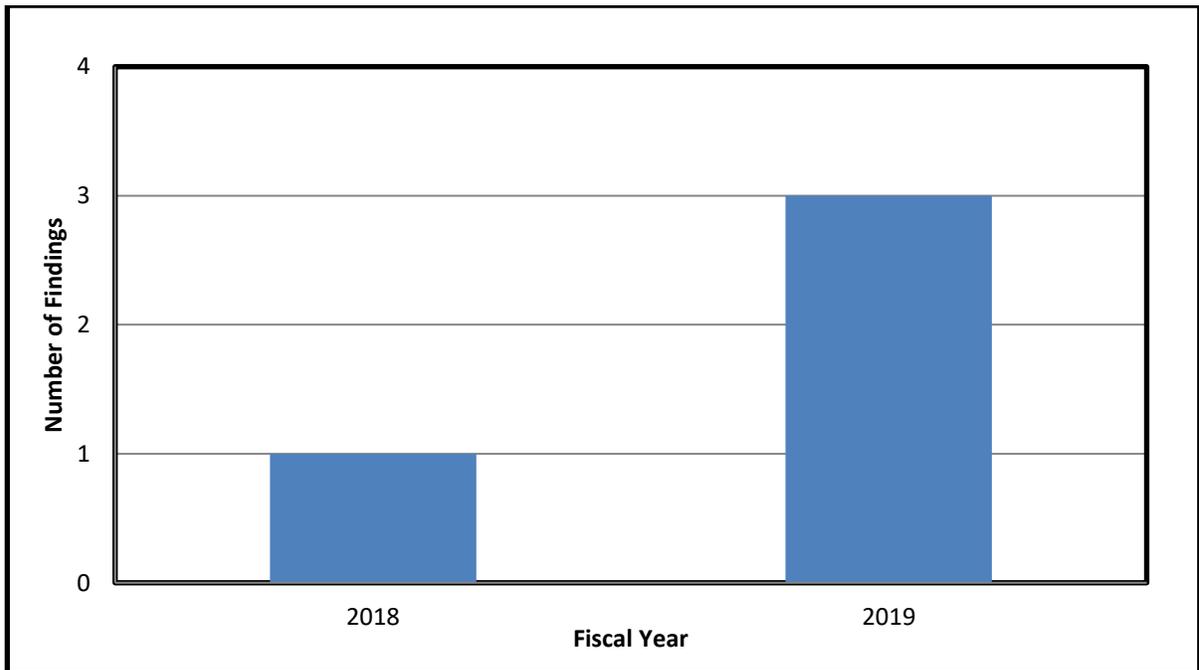
Summary of Data

Table 7 and Graph 6 show from FY 2018 to FY 2019, the number of findings of discrimination issued increased by two.

Table 7
Employment Complaints Resolved with a Finding of Discrimination

Fiscal Year	Number
2018	1
2019	3

Graph 6
Employment Complaints Resolved with a Finding of Discrimination



Source: Civil Rights Enterprise System

Section G – Personnel Actions Taken Following Resolution of Employment Complaints by Either a Settlement Agreement or Finding of Discrimination

In FY 2019, 81 complaints were voluntarily resolved by a settlement agreement and there were 3 findings of discrimination. The total number of personnel actions taken by USDA agencies following the resolution of employment complaints was 145 (See Table 8). In comparison, in FY 2018 there were 122 complaints voluntarily resolved by a settlement agreement and 1 finding of discrimination. The total number of personnel actions taken was 259. The types of personnel actions taken included monetary and non-monetary. Detailed information regarding the number and types of personnel actions taken following the resolution of each complaint in FY 2019 is provided in Part III, Exhibit 2-1: Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints.

**Table 8
Personnel Actions Taken Following Resolution of Employment Complaint by Either a Settlement Agreement or Finding of Discrimination**

FY 2019	
Agency	Number of Personnel Actions
AMS	5
APHIS	13
ARS	2
CCD	3
ERS	1
FNS	1
FPAC	22
FS	52
FSIS	21
GIPSA	4
NIFA	2
OCFO	5
OIG	3
RD	11
Total USDA	145

Section H – Administrative Disciplinary Actions

Summary of Data¹³

Table 9 below contains the number of disciplinary actions taken against employees who were found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints).

Table 9
USDA Disciplinary Actions for
Fiscal Years 2018–2019

TYPE OF ACTION	FY 2018						FY 2019					
	DISC	RET	HAR	PPP	WBP	TOTAL	DISC	RET	HAR	PPP	WBP	TOTAL
REMOVAL	0	0	3	0	0	3	0	0	1	0	0	1
15 DAY OR MORE	0	0	0	0	0	0	0	0	0	0	0	0
14 DAY OR LESS	1	0	5	5	0	11	1	0	1	0	0	2
REDUCTION IN GRADE	0	0	0	0	0	0	0	0	0	0	0	0
REDUCTION IN PAY	0	0	0	0	0	0	0	0	0	0	0	0
LOR	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL DISCIPLINE	1	0	8	5	0	14	1	0	2	0	0	3

Table Abbreviations:

DISC = Discrimination;

RET = Retaliation;

HAR = Harassment;

PPP = Prohibited Personnel Practice;

WBP = Whistleblower Protection Act; and

LOR = Letter of Reprimand.

¹³ Source: FY 2019 No FEAR report

PART III

Fiscal Year 2019 Complaint Data Tables by USDA Agency

Section A – Program Complaint Data by USDA Agency

Summary of Data

This section provides summary data for program complaints in FY 2019 for each USDA agency. References are made to the exhibits section of this report regarding detailed program complaint data for each USDA agency.

**Table 1-1
Program Complaints Inventory During FY 2019**

Agency	Beginning Complaint Inventory	Complaints Filed	Total Complaint Inventory During FY 2019	Complaint Average Time (Days) In the Process	Exhibit 1 Page(s)
AMS	5	2	7	624	1
APHIS	1*	1	2	209	1
DM	1	0	1	525	1
FNS	60*	129	189	181	1-10
FS	13	5	18	560	10-11
FSA	106	24	130	2,293	11-17
NIFA	7*	2	9	583	17
NRCS	18*	3	21	1,363	17-18
Other Government Agency ¹⁴	1	1	2	581	18-19
RD	200*	110	310	964	19-33
Total USDA	412*	277	689	989	1-33

*This number is different from the FY 2018 Farm Bill Report ending inventory due to database reconciliation.

¹⁴ Other Government Agency refers to those complaints of which both USDA and another Federal Agency have jurisdiction.

**Table 1-2
Number of Program Complaints Closed in FY 2019**

Agency	Total Complaint Inventory During FY 2019	Total Number of Complaints Closed	Ending Complaint Inventory	Exhibit 1 Page(s)
AMS	7	5	2	1
APHIS	2	2	0	1
DM	1	1	0	1
FNS	189	126	63	1-10
FS	18	9	9	10-11
FSA	130	34	96	11-17
NIFA	9	6	3	17
NRCS	21	14	7	17-18
Other Government Agency	2	0	2	18-19
RD	310	100	210	19-33
Total USDA	689	297	392	1-33

Section B – Employment Complaint Data by USDA Agency

Summary of Data

This section provides summary data for employment complaints in FY 2019 for each USDA agency. References are made to the exhibits section of this report regarding detailed employment complaint data for each USDA agency.

**Table 2-1
Employment Complaints Inventory for FY 2019**

Agency	Beginning Complaint Inventory	Complaints Filed	Total Complaint Inventory During FY 2019	Complaint Average Time (Days) In the Process	Exhibit 2 Page(s)
AMS	23	22	45	443	1-2
APHIS	63*	34	97	599	2-4
ARS	19*	15	34	594	4-5
CCD	91*	50	141	650	5-8
ERS	4	2	6	587	8-9
FAS	21	10	31	1,309	9
FNS	23*	11	34	538	9-10
FPAC	122*	62	184	644	10-15
FS	268	100	368	868	15-24
FSIS	78	59	137	516	24-27
GIPSA	14*	0	14	1,180	27-28
NASS	2	4	6	463	28
NIFA	4	3	7	332	28
OCFO	32	36	68	314	28-30
OIG	11	0	11	815	30
RD	59*	28	87	588	30-32
USDA	1	0	1	3,571	32
Total USDA	835*	436	1,271	683	1-32

*This number is different from the FY 2018 Farm Bill Report ending inventory due to database reconciliation.

**Table 2-2
Number of Employment Complaints Closed in FY 2019**

Agency	Total Complaint Inventory	Total Number of Complaints Closed	Ending Complaint Inventory	Exhibit 2 Page(s)
AMS	45	9	36	1-2
APHIS	97	39	58	2-4
ARS	34	13	21	4-5
CCD	141	35	106	5-8
ERS	6	3	3	8-9
FAS	31	7	24	9
FNS	34	8	26	9-10
FPAC	184	61	123	10-15
FS	368	161	207	15-24
FSIS	137	50	87	24-27
GIPSA	14	6	8	27-28
NASS	6	2	4	28
NIFA	7	6	1	28
OCFO	68	33	35	28-30
OIG	11	6	5	30
RD	87	37	50	30-32
USDA	1	0	1	32
Total USDA	1,271	476	795	1-32

EXHIBITS

Exhibit 1: FY 2019 USDA Program Complaint Inventory

Exhibit 2: FY 2019 USDA Employment Complaint Inventory

Exhibit 2-1: Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints

The exhibits listed above will be made available on our website. In the interim, you may obtain a copy of the exhibits by contacting the Office of the Assistant Secretary for Civil Rights, Information Research Service, at (202) 401-0005 or (800) 795-3272 (toll free) or by sending an email request to SM.OASCR.Info@ascr.usda.gov.