

Technical Service Providers Civil Rights Responsibilities

Purpose

This section informs Technical Service Providers of their civil rights responsibilities if they are awarded an NRCS contract to provide services to NRCS customers.

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Technical Service Providers (TSP) receiving Federal financial assistance must comply with Title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color or national origin; Section 504 of the Rehabilitation Act of 1973, that prohibits discrimination against qualified individuals with disabilities; and the Age Discrimination Act, that prohibits discrimination on the basis of age; and, Title IX of the Education Amendments of 1972, that prohibits discrimination on the basis of sex. A TSP contractor's compliance with civil rights laws and statutes is evaluated by the Natural Resources Conservation Service's (NRCS) Civil Rights Staff (CRS).

The civil rights responsibilities of TSP contractors include:

Civil Rights Records

USDA Regulation in 7 CFR, Part 15 requires that recipients develop plans, procedures, and directives necessary to manage Civil Rights programs and also to provide access to agency personnel. DR 4330-3 requires that program delivery and Equal Opportunity files be maintained. NRCS requires recipients to establish, maintain, and update CR files with directives, handbooks, reports, policies, bulletins, memos, correspondence, and complaint records pertinent to their activities with NRCS.

Public Notification

The Department of Justice's Regulation 28 CFR 42.405, the Department of Agriculture's Regulation 7 CFR 15.5, the USDA Departmental Regulation 4300-3, and the NRCS GM 230, Part 405 requires that appropriate public notification be provided through newsletters, publications, meetings, contacts, electronic media, news releases, correspondence, or community based organizations relevant to applicable NRCS and USDA programs and activities.

Evaluation of Program Delivery

The Department of Justice's Regulation 28 CFR 42.408, the Department of Agriculture's Regulation 7 CFR, Part 15.5, Departmental Regulation 4330-2, and the NRCS GM 230 Part 405 requires the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner.

The Department of Agriculture's Regulation 7 CFR, Part 15.5, Departmental Regulation 4330-2 and the NRCS GM 230 Part 405 also require the collection and evaluation of RSNOD participation and eligibility data for programs. This data is necessary to determine both quantitatively and qualitatively how effectively Agency programs are reaching all potential beneficiaries and to provide input for management analysis.

Technical Service Providers Civil Rights Responsibilities

Technical Service Providers, their activities, and records will be evaluated by NRCS personnel on a periodic basis stated in the cooperative agreement or in contracts awarded to successful bidders. Landowners participating in the TSP Program through the use of Long-Term Contracts are subject to annual reviews by field office staff members.

NRCS program managers are responsible for ensuring that all NRCS activities (including Technical Service Providers) have equity in program participation, and also for determining what participation barriers may exist. If barriers are present, a plan must be developed to deal with such barriers.

Accessibility Requirements

Section 504 of the Rehabilitation Act of 1973, 7 CFR, Part 15(e), and NRCS GM 230, Parts 403(e) and 405, require that all offices be accessible to persons with disabilities. The Uniform Federal Accessibility Standards provide guidelines for architectural compliance with the Architectural Barriers Act of 1968.

The Architectural Barriers Act of 1968 (P.L. 90-480) requires that all buildings and facilities be accessible if, since 1968, they were designed, built, or altered with certain Federal funds, or if they are leased for occupancy by Federal agencies. The Uniform Federal Accessibility Standards (UFAS) provide the guidelines for architectural compliance with the act.

Data Collection

28 CFR Part 42.406 authorizes agencies to collect information on race, sex, national origin, and disability (RSNOD), as appropriate, to determine compliance in program delivery. The Department of Agriculture Regulation 7 CFR, Part 15.5, and DR 4330-2, requires the collection and evaluation of race, sex, national origin, and disabilities data for participants in USDA programs. This information is utilized in the evaluation of program effectiveness and to provide input for management to analyze. Periodic contacts with prospective and current customers provide input about the success or failure of notification and outreach efforts. NRCS program managers are responsible for utilizing this data to help guide decisions on program implementation.

The data will be analyzed each year to measure delivery of program benefits in order that the benefits and services delivered to protected groups can be documented, evaluated, and compared to benefits and services delivered to non-minority groups and vice versa. The analysis shall be used to determine any disparities in delivery or program benefits by RSNOD categories and to identify areas of outreach efforts, provide status reports at the field office level, and measure progress made regarding program delivery on a nondiscriminatory basis.

Technical Service Providers Civil Rights Responsibilities

Employment Coverage

An NRCS program recipient must establish, maintain, and carry out an effective equal employment program. This program may include an ongoing workforce analysis, a recruitment plan, an Affirmative Employment Plan, and a communications program that provides Equal Opportunity information to employees.

Partnership Responsibility

Recipients that assist NRCS in administering its programs and services are recognized as Partners. The Department of Agriculture Regulation 7 CFR, Part 15.5, DR 4330-2, and the NRCS GM 230, Part 405 set forth recipient's responsibilities in program delivery. Increasing the diversity on partnership boards, councils and other resource allocation decision making committees is important in eliminating under representation with respect to program participation. It is also imperative that recipients make their sub recipients aware of their responsibilities toward employees, and that the recipients and sub recipients adhere to Agency rules and regulations with respect to Equal Opportunity.

In Summary

Civil Rights laws, statutes, and regulations require that all Federal programs and services be delivered in a nondiscriminatory manner. They provide guidance and direction to Technical Service Providers in fulfilling their contractual obligations as recipients of Federal financial assistance.

For more information, you may contact the NRCS State Administrative Officer.

Technical Service Providers Civil Rights Responsibilities

7 CFR Part 15 - Nondiscrimination

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the applicant or recipient to which these regulations apply. These regulations apply, but are not restricted, to unequal treatment in priority, quality, quantity, methods or charges for service, use, occupancy or benefit, participation in the service or benefit available, or in the use, occupancy or benefit of any structure, facility, or improvement.

http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr15_05.html

29 CFR 1614 – Federal Sector Equal Employment Opportunity

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or disability and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

(b) No person shall be subject to retaliation for opposing any practice made unlawful by title VII of the Civil Rights Act (title VII) (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 et seq.), the Equal Pay Act (29 U.S.C. 206(d)) or the Rehabilitation Act (29 U.S.C. 791 et seq.) or for participating in any stage of administrative or judicial proceedings under those statutes.

http://www.access.gpo.gov/nara/cfr/waisidx_07/29cfr1614_07.html

28 CFR 41 – IMPLEMENTATION OF EXECUTIVE ORDER 12250, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Requires the U.S. Department of Justice to implement Executive Order 12250, and coordinate the implementation of Section 504 of the Rehabilitation Act of 1973.

http://www.access.gpo.gov/nara/cfr/waisidx_07/28cfr41_07.html

41 CFR 60 – Public Contracts and Property Management, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor

The purpose of this regulation is to achieve the aims of parts II, III, and IV of Executive Order 11246 for the promotion and ensuring of equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts.

This regulation applies to all contracting agencies of the Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs.

http://www.access.gpo.gov/nara/cfr/waisidx_07/41cfr60-1_07.html

Technical Service Providers Civil Rights Responsibilities

Uniform Federal Accessibility Standards (UFAS) - Accessibility Standards

This document presents uniform standards for the design, construction and alteration of buildings so that physically handicapped persons will have ready access to and use of them in accordance with the Architectural Barriers Act, 42 U.S.C. 4151-4157. The document embodies an agreement to minimize the differences between the standards previously used by four agencies (the General Services Administration, the departments of Housing and Urban Development and Defense, and the United States Postal Service) that are authorized to issue standards under the Architectural Barriers Act, and between those standards and the access standards recommended for facilities that are not federally funded or constructed.

<http://www.access-board.gov/ufas/ufas-html/ufas.htm#1>

Departmental Regulation 4300-003 - Equal Opportunity Public Notification Policy

Departmental Regulation 4300 003 establishes policy for ensuring positive and continuing notification of USDA equal opportunity policy to the public. For recipients, the nondiscrimination statement posted will contain only those bases referred to in applicable Federal law.

The nondiscrimination statement shall be posted in all Food Stamp program recipient offices and included, in full, on all materials regarding such recipients programs that are produced by the recipients for public information, public education, or public distribution. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

<http://www.ocio.usda.gov/directives/doc/DR4300-003.pdf>

Departmental Regulation 4330-002 - Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from USDA

Departmental Regulation (DR) 4330-002 establishes and conveys policy and provides guidance and direction to Department of Agriculture (the Department or USDA) agencies and employees to ensure compliance with and enforcement of the prohibition against discrimination in programs and activities funded in whole or in part by the Department. This DR is limited to and specifically addresses a) Conducting civil rights compliance reviews of programs and activities receiving financial assistance from USDA; and b) Processing administrative complaints of discrimination filed with the Department in any program or activity receiving financial assistance from USDA.

<http://www.ocio.usda.gov/directives/doc/DR4330-002.pdf>