



*United States Department of Agriculture*



*Animal and Plant Health Inspection Service*

***Civil Rights Performance Report***

***Fiscal Year 2009***

*(Period Covering July 1, 2008 – July 30, 2009)*

for/ Kevin Shea 8/7/09  
Cindy J. Smith, Administrator Date

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## EXECUTIVE SUMMARY

The APHIS Civil Rights Performance Report illustrates progress in the implementation of the USDA Civil Rights Performance Plan. It is consistent with the EEOC Management Directive 715, the Department of Justice Executive Order 12250, and Departmental Regulation 4300-010, Civil Rights Accountability Policies and Procedures.

The due date for this report is August 14, 2009 and covers the period July 1, 2008 through July 30, 2009. The following is the summary of Fiscal Year 2009 actions and results in support of the USDA Civil Rights Goals and Objectives, and the action plan 2010. To ensure accuracy, Computations for Civil Rights Performance for EEO Complaints was based on Fiscal Year 2009 data (*October 1, 2008 – June 30, 2009*), the source for this data is the USDA Enterprise System “iComplaints”.

### **GOAL 1. Commitment of Agency Leadership/Strategic Plan Integration**

Organizational priority one in the APHIS Strategic Plan (*2007-2011*) requires that APHIS become a model civil rights organization. In so doing, the goal is to value and invest in employees, to have a diverse workforce free of discriminatory practices; and to deliver our programs and services in a fair and equitable manner to all customers. APHIS continues to successfully implement its **3 Civil Rights Strategic Plan Goals** which are aligned with the APHIS Strategic Plan and with the broader direction provided by the Department’s Civil Rights Strategic Plan.

**Goal 1:** To implement a Civil Rights Program that is fully compliant with all Civil Rights Laws, rules and regulations including EEOC’s MD-715 and USDA and APHIS regulations, policies, and guidelines.

**Goal 2:** Strengthen and expand educational programs and continue to ensure that the APHIS workforce reflects the Nation’s diversity.

**Goal 3:** Develop and implement programs, strategies, and initiatives designed to close, settle or mediate active complaints and prevent new complaints.

Managers and supervisors are evaluated annually on their support of USDA’s commitment to civil rights and equal employment opportunity, and adherence to APHIS civil rights policies and procedures. The APHIS performance plans outline the requirements to accomplish the agencies civil rights program objectives, integrate civil rights policies, and ensure a discrimination free work environment at all levels. (*See Appendix 8 - Samples of Performance Plans with EEO Element GS-15, GS-14, GS-13, GS-12, GS-9-11, GS-1-8.*)

The Civil Rights Policy Statement and the Anti-Harassment Policy Statement is electronically distributed to employees annually, with its most current issuance date of November 18, 2008 (*see Appendices 2 & 3*). The policy statements demonstrate and reaffirm the agency’s commitment to Civil Rights and Equal Employment Opportunity as mandated by Management Directive 715. The policy statements are also posted on the CREC website at [www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights)

## **GOAL 2. Program Delivery: Proactive Management and Legal Compliance**

The following primary statutory authorities for APHIS regulatory programs and enforcement activities do not contain language authorizing APHIS to collect RESNOD data from persons who are subject to inspections, licensing and regulatory enforcement

- Animal Welfare Act and Horse Protection Act
- Plant Protection Act
- Animal Health Protection Act
- Public Health and Bio Terrorism Act

The Department is committed to developing a corporate proposal for Data Collection. APHIS is prepared to participate in the development of that proposal and will implement its provisions accordingly.

APHIS continued to utilize its Civil Rights Information Academy to provide guidance to employees on the importance of equal opportunity in program delivery. Nineteen Civil rights webinars were provided throughout the country and three Fundamentals of APHIS Human Resources Management (FAHRM) classes were held during this fiscal year. The FAHRM courses are also open to potential and newly appointed supervisors.

APHIS conducted five National Animal Identification System (NAIS) outreach listening session specifically targeting minority, small socially disadvantaged farmers and ranchers. The meetings gathered producer comments, concerns and potential solutions in an effort to create a NAIS program that producers can feel comfortable supporting.

During FY 2009, APHIS committed approximately \$3.49 million for Native American program-delivery initiatives relating to wildlife management, pest and disease surveillance and control, Homeland Security emergency-response work, National Animal Identification System cooperative agreements, and other programs and activities.

In FY2009, as has been the case for the past 17 years, APHIS collaborated with American University through its Washington Internships for Native Students (WINS) program. WINS offers Native American college students 8 weeks of paid work experience at Federal agencies in the Washington, DC, area. The students also attend two night-school classes at the university, where they earn 6 hours of credit that transfers back to their home institution. This year, APHIS sponsored six WINS interns at a total cost of \$63,000.

APHIS funded seven Ag-Discovery programs, via cooperative agreements with the universities, at an approximate cost of \$250,000.00. Ag-Discovery is a two week summer outreach program that teaches youth about agricultural science, including plants and animals, wildlife management, veterinary medicine, and agricultural biotechnology. Students reside on the college campus during this period. The Ag-Discovery program reaches groups and persons who have not traditionally participated in programs or mission related activities.

The APHIS Civil Rights Enforcement and Compliance staff in conjunction with the APHIS Outreach Coordinators work with managers and supervisors to ensure full accounting and reporting of outreach activities in the annual report developed for the APHIS Management Team and the Department's Office of Outreach.

### **GOAL 3. EEO Program: Proactive Management and Legal Compliance**

The Annual EEO Program Status Report includes effective strategies for improving diversity, eliminating barriers to equal employment opportunity; and the APHIS Federal Equal Opportunity Recruitment Program (FEORP) includes recruitment, hiring and community outreach strategies. Reports include specific action items, realistic goals, and target dates to demonstrate efforts to improve and ensure diversity in the workforce. Both reports are posted on the CREC website at [www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights).

**Workforce Profile** – Currently in FY 2009, APHIS has a total population of **9,053** employees. This is a net increased of (+**269**) compared to the total population of **8,784** in FY 2008. Under-representation remains in the following Races/Genders: Black Males, Black Females, Hispanic Females, White Females and Persons with Targeted Disabilities.

Also, there has been a total of **940** New Hires. Of that total, **377**(40.1%) were Women. Although APHIS is below the Federal High (2.65%) for Persons with Targeted Disabilities, currently the Agency has hired **8**(.85%) are Persons with Targeted Disabilities (APHIS has succeeded its annual goal of hiring 5 individuals with targeted disabilities) which brings the Agency's total population of Persons with a Targeted Disability to **67** (.74%). In addition, APHIS actively promotes the Workforce Recruitment Program and has hired **2** individuals from the program with a disability.

*See the APHIS Federal Equal Opportunity Program Plan for FY 2008 Recruitment, Hiring and Community Outreach Strategies. The plan is posted on the CREC website: [www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights) . Also posted on the CREC website is the APHIS FY 2008 EEO Program Status Report.*

APHIS' mandatory Civil Rights Training for FY 2009 has tentatively been identified as the **Americans with Disabilities Act Amendments Act of 2008** and will be implemented prior to the end of the fiscal year. However, as of July 30, 2009, 91% of APHIS employees have completed the No FEAR refresher training.

Civil Rights information was regularly distributed to all employees via email messages. As of July 30, 2009, the Agency published 3 Civil Rights Updates, 1 Special Bulletin, and e-mail blasts as needed. The Agency also posted a wealth of information on the intranet and internet.

There were a total of 49 discrimination complaints filed from October 1, 2008 to June 30, 2009. For the same period, 98 employees contacted the APHIS Alternative Dispute Resolution (ADR) Center and 66% of these contacts were closed. All EEO Specialists managing the formal and informal complaint processes are Certified Mediators and received training in FY 2009. ADR was offered in writing to all 98 employees/applicants contacting the ADR Center; and again to several complainants at the formal stage resulting in 15 ADR sessions. In addition to the Civil Rights Director serving as a full member of the APHIS Management Team and having weekly one on one meetings with the Associate Administrator, we will continue to utilize several factors to assist in the reduction of EEO Complaints, including consultation with supervisors via the EEO Helpline; discussions and briefings with Deputy Administrators,

Managers and Resolving officials when trends that could cause complaints are identified; and a close working relationship with all Human Resources Officials.

#### **GOAL 4. Procurement**

The third quarter's total Small Business awards compared to all Small Business Categories reveals there has been an increase in Large Business Awards. Additionally, the Agency is currently **Exceeding** in five of the mandatory small business categories; *Small Business (SB)*, *Small Disadvantaged (SDB)*, *Women-Owned (WO)*, *8 (a)*, and *the Service Disabled Veteran-Owned Small Business (SDVOSB)*. The only category still under served is the HubZone (HUB). See agency response for performance indicator 4.1 (a) on page 52 for a detailed listing and status.

APHIS continues to attain small disadvantaged business program goals by providing maximum opportunities for small businesses to participate in contracting activities. APHIS managers have continued to support minority and women owned businesses from which they procure services and supplies.

**Animal and Plant Health Inspection Service  
Civil Rights Performance Plan and Accomplishment Report  
July 1, 2008 – June 30, 2009**

**GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:**

Incorporated the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

**PERFORMANCE OBJECTIVE: 1.1  
Leadership:**

Held managers, supervisors and other employees accountable for ensuring that USDA's customers and employees were treated in accordance with USDA civil rights policy and applicable legal requirements.

**GOAL INDICATOR: 1.1 (a)  
Inclusion in Strategic Plan:**

Documented commitment to USDA's civil rights goals and obligations in the Agency's Strategic Plan.

Agencies must have incorporated the requirements of the Departmental Regulation (DR) 4300-010 "Civil Rights Accountability Policy and Procedures," issued January 18, 2006.

Additionally, Agencies were required to notify all employees of the requirements of this policy, and managers and supervisors were responsible and accountable for maintaining a civil rights program that accomplishes the strategic civil rights goals.

Agencies are required to submit portions of the Strategic Plan that reflect civil rights goals and to provide a succinct narrative rationale with evidence as to how the Agency determined its self-assessed point value.

**AGENCY RESPONSE**

Organizational priority one in the APHIS Strategic Plan (2007-2011) requires that APHIS become a model civil rights organization. In so doing, the goal is to value and invest in employees, to have a diverse workforce free of discriminatory practices; and to deliver our programs and services in a fair and equitable manner to all customers. APHIS continues to successfully implement its **3 Civil Rights Strategic Plan Goals** which are aligned with the APHIS Strategic Plan and with the broader direction provided by the Department's Civil Rights Strategic Plan.



## APHIS Civil Rights Strategic Plan Goals

- Goal 1:** To implement a Civil Rights Program that is fully compliant with all Civil Rights Laws, rules and regulations including EEOC's MD-715 and USDA and APHIS regulations, policies, and guidelines.
- Goal 2:** Strengthen and expand educational programs and continue to ensure that the APHIS workforce reflects the Nation's diversity.
- Goal 3:** Develop and implement programs, strategies, and initiatives designed to close, settle or mediate active complaints and prevent new complaints.

The Departmental Regulation 4300-010, Civil Rights Accountability Policy and Procedures, effective January 18, 2006, was distributed to all APHIS employees electronically and is available to all employees and customers under the on-line USDA Directives System. This system is the on-line repository of all USDA Departmental Regulations, Notices, Manuals, and Secretary Memoranda. This regulation can also be obtained on line at [www.aphis.usda.gov/civil\\_rights/downloads/dr4300-010.pdf](http://www.aphis.usda.gov/civil_rights/downloads/dr4300-010.pdf)

Managers and supervisors are evaluated annually on their support of USDA's commitment to civil rights and equal employment opportunity, and adherence to APHIS civil rights policies and procedures. The APHIS performance plans outline the requirements to accomplish the agencies civil rights program objectives, integrate civil rights policies, and ensure a discrimination free work environment at all levels. (*See Appendix 8 - Samples of Performance Plans with EEO Element SES, GS-15, GS-14, GS-13, GS-12, GS-9-11, GS-1-8.*)

The Civil Rights Policy Statement and the Anti-Harassment Policy Statement are electronically distributed to employees annually, with the most current issuance date of November 18, 2008 (see Appendices 2 & 3). The policy statements demonstrate and reaffirm the agency's commitment to Civil Rights and Equal Employment Opportunity as mandated by Management Directive 715. These policy statements can also be obtained through the CREC website located at [www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights)

**Action Plan:** APHIS management officials will continue to ensure that the civil rights goals and obligations in the strategic plan are fully implemented. This will include the annual issuance of the CR Policy Statement and the Anti-Harassment Policy Statement, holding managers and supervisors accountable through their performance plans and adherence to all Civil Rights Laws, rules and regulations including EEOC's MD-715.

**GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:**

Incorporated the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

<p><b>PERFORMANCE OBJECTIVE:</b> <b>1.1 Leadership:</b></p> <p>Held managers, supervisors and other employees accountable for ensuring that USDA’s customers and employees were treated in accordance with USDA civil rights policy and applicable legal requirements.</p>	<p><b>GOAL INDICATOR: 1.1 (b)</b> <b>Employee’s Performance Plan:</b></p> <p>Incorporated the requirements of the DR 4300-010, “Civil Rights Accountability Policy and Procedures,” issued January 18, 2006.</p> <p>DR-4300-010 requires that annual performance appraisals for managers and supervisors shall include an evaluation of their contributions to USDA’s commitment to civil rights and equal opportunity, and adherence to its civil rights policy.</p> <p>In addition, agencies are required to send a copy of a representative sampling of performance plans showing evidence of EEO elements for SES, GS-15, GS-14, GS-13, GS-12, GS-9-11, and GS-1-8.</p> <p>Agencies must provide a succinct narrative rationale with evidence as to how the Agency determined its self-assessed point value.</p>
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**AGENCY RESPONSE**

All APHIS managers and supervisors are responsible for ensuring that the Agency meets its civil rights goals and objectives. The implementation of the APHIS performance plans ensures a discrimination free work environment at all levels. The APHIS rating system as provided in the current performance appraisal packages is aligned with the organizations goals and provides sufficient and credible measures for assessing employee performance. Ongoing monitoring mechanisms are in place to ensure that plans for new employees are also aligned with the standards for each Fiscal Year.

Our web-based training continues to provide executives, managers, and supervisors with the necessary training and resources to develop credible measures to accurately assess employee performance and align performance plans with organizational goals. EEO Civil Rights Performance Elements for Managers, Supervisor and Non-Supervisory Employees are attached (*See Appendix #4*).

***Action Plan:*** APHIS will continue to ensure managers and supervisors are held accountable for implementing the Agency civil rights goals through their performance plans by annually evaluating their contributions to the Agency’s civil rights and EEO program, and ensuring compliance with DR 4300-010, “Civil Rights Accountability Policy and Procedures .

**GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:**

Incorporated the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

<p><b>PERFORMANCE OBJECTIVE: 1.1</b> <b><u>Leadership:</u></b></p> <p>Held managers, supervisors and other employees accountable for ensuring that USDA’s customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.</p>	<p><b>GOAL INDICATOR: 1.1 (c)</b> <b><u>Disciplinary Actions</u></b></p> <p>To ensure accountability, disciplinary or corrective actions were taken when discriminatory conduct relating to civil rights violations or retaliation occurred.</p> <p>Agencies are required to provide a list and identify actual finding of each employee case where disciplinary or corrective action was taken relating to civil rights or retaliation and indicate the timeframe in which the disciplinary or corrective action was taken.</p> <p>Agencies incorporated the requirements of the DR-4300-010, “Civil Rights Accountability Policy and Procedures” issued January 18, 2006.</p> <p>Agencies must provide a succinct narrative rationale with evidence as to how Agency determined its self-assessment point value.</p>
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**AGENCY RESPONSE**

There was (1) Finding of Discrimination at an EEOC hearing:

Complaint: APHIS 2007-01017

Finding: Discrimination in the selection process based on gender (Female).

Corrective action was initiated within 30 days. The complaint file (Report of Investigation), hearing transcripts and EEOC decision were provided to the agency’s Human Resources - Employee Relations Branch Chief for determination of disciplinary action against the responding manager. APHIS Civil Rights Enforcement and Compliance (CREC) also notified the Department’s Office of Human Capital Management and provided a copy of the EEOC decision. APHIS CREC worked closely with the respective agency program to implement the corrective actions ordered in the EEOC decision - lump sum payment, attorneys fees payment, required training, and posting of the Notice of Discrimination.

The responsible agency official involved in the finding of discrimination retired before the agency could propose or take any personnel action.

APHIS Civil Rights Enforcement and Compliance continues to monitor compliance of the EEOC Decision. A compliance report was submitted to the Department before the 60-day time frame for reporting agency compliance. APHIS Civil Rights Enforcement and Compliance will submit a second 60-day follow up compliance report to the Department.

***Action Plan:*** APHIS CREC will continue to work closely with managers, supervisors, and other employees to ensure accountability and compliance with respect to USDA Civil Rights policy, legal requirements, EEO settlement agreements, and EEO decisions. Information will be provided to the authorized agency Human Resources office to determine if disciplinary action is appropriate whenever there is a finding of discrimination.

**GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:**

Incorporated the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

<p><b>PERFORMANCE OBJECTIVE: 1.1</b> <b><u>Leadership:</u></b></p> <p>Held managers, supervisors and other employees accountable for ensuring that USDA’s customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.</p>	<p><b>GOAL INDICATOR: 1.1 (d)</b> <b><u>Civil Rights Impact Analyses:</u></b></p> <p>Conducted effective Civil Rights Impact Analyses (CRIA).</p> <p>Agencies are required to provide a list by title of all CRIAs submitted to the Office of the Assistant Secretary for Civil Rights (OASCR).</p> <p>Agencies must provide a succinct narrative rationale with evidence of how the Agency determined self-assessed point value.</p>
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**AGENCY RESPONSE**

APHIS Civil Rights Enforcement and Compliance works closely with APHIS’ Regulatory Analysis and Development (RAD) to provide a civil rights impact analysis for rules, regulations and notices developed to implement APHIS programs and activities. The process begins with RAD sending a written request to CREC to conduct a CRIA to submit with the rule (proposed or final) or notice. The completed CRIA is returned to RAD and becomes part of the docket clearance package sent thru APHIS and USDA approval levels. CRIAs were conducted for each of the 6 rules and 2 notices for committee renewals and determined that there was no evidence to establish or infer an adverse civil rights impact. All CRIAs were timely submitted with the clearance packages and no additional information has been requested by the ASCR. The titles of the CRIAs are as follows (each title is taken from the title of the rule for which the analysis was conducted):

- Standards for Permanent, Privately Owned Horse Quarantine Facilities-Final Rule
- Citrus Canker; Movement of Fruit From Quarantined Areas-Proposed Rule
- Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity-Final Rule
- Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations-Interim Rule and Request for Comments
- Agricultural Inspection and AQI User Fees Along the U.S./Canadian Border-Final Rule
- Synthetic Genomics and Impacts on Regulatory Programs-Advance Notice of Proposed Rulemaking and Request for Comments
- Renewal of Secretary’s Advisory Committee on Foreign Animal and Poultry Diseases-Notice of Intent
- Renewal of Secretary’s Advisory Committee on Foreign Animal and Poultry Diseases-Notice of Solicitation for Membership

APHIS also conducted CRIAs on internal actions to include 7 organizational changes, 8 directives, 3 notices, 1 lab location, 2 closures and 1 RIF. APHIS provided updated information to OASCR regarding the closure of an office located in Asheville, NC.

***Action Plan:*** APHIS Civil Rights Enforcement and Compliance (CREC) staff will continue to work closely with RAD to conduct thorough civil rights impact analysis for rules and regulations, and the Human Resources (HR) Operations and Policy Branch to identify as early as possible any upcoming reorganizations, office closures and other personnel actions subject to a CRIA. HR personnel advise field locations of the need for a CRIA whenever those locations initiate actions that involve personnel. Managers and supervisors in field locations then contact CREC directly for information about CRIAs.

**GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services delivered or funded by USDA.

<p><b><u>PERFORMANCE OBJECTIVE: 2.1 Program Delivery/Legal Compliance:</u></b></p> <p>Delivered Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.</p>	<p><b><u>GOAL INDICATOR: 2.1 (a) Collection and Analysis of Program Applicant/Participant Data:</u></b></p> <p>Reviewed and incorporated civil rights program analysis by collecting and analyzing data on applicants and participants by race, ethnicity, sex, national origin, disability, and (RESNODA)* status.</p> <p>Agencies are required to provide evidence for each program that it collects and provides analyses of applicant and participant data by RESNODA.</p> <p>RESNODA is required by the Farm Security and Rural Investment Act of 2002. <i>“Transparency and Accountability for Socially Disadvantaged Farmers and Ranchers: Public Disclosure Requirements for County Committee Elections, Section 10708, Public Law 107-171 (7USC 7901).”</i> In this law Congress requires an annual report of the participation rate of socially disadvantaged farmers and ranchers – as a percentage of all farmers and ranchers – for each program of the Department of Agriculture established for farmers and ranchers, according to race, ethnicity and gender, by county and state.</p> <p>For agencies that currently collect data, please indicate the total number of programs administered and the number of programs where data are collected.</p> <p>For agencies that currently do not collect applicant/and or participant data by RESNODA, please state the reasons why.</p> <p>Agencies are required to provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p>
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## **AGENCY RESPONSE**

The following primary statutory authorities for APHIS regulatory programs and enforcement activities do not contain language authorizing APHIS to collect RESNODA data from persons who are subject to inspections, licensing and regulatory enforcement.

- Animal Welfare Act and Horse Protection Act
- Plant Protection Act
- Animal Health Protection Act
- Public Health and Bio Terrorism Act

APHIS initiated the process for Office of Management and Budget (OMB) approval to allow for the collection of RESNOD data for applicants to the APHIS Ag-Discovery program. The request has already been posted on the Federal Register for comment and is at the department awaiting signature, after which it will be forwarded to OMB for final approval. APHIS will implement the process for collection of RESNOD data for the Ag-Discovery program once that process is completed.

***Action Plan:*** Secretary Vilsack stated in his April 21, 2009, memo [A New Civil Rights Era for USDA](#) Action # 6 that a corporate proposal for data collection across USDA will be developed after October 1, 2009. APHIS is prepared to participate in the development of that proposal and will implement its provisions accordingly.

**GOAL: 2. Program Delivery: Proactive Management and legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

**PERFORMANCE OBJECTIVES: 2.1  
Program Delivery/Legal Compliance:**

Delivered Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.

**GOAL INDICATOR: 2.1 (b)  
Increased Service Delivery Goals, Removed Barriers, and Increased Program Delivery:**

Created or enhanced program service delivery by (a) Taking affirmative steps to remove barriers to ensure equal opportunity in participation, (b) Increasing service delivery goals, and (c) Increasing diversity on program committees and boards.

Agencies are required to provide evidence of how they met each of these requirements.

Agencies must provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.

**N.B.:** Effective FY 2008, Agencies will be responsible for submitting a copy of their Compliance Review Plan/Schedule to ASCR compliance staff at the beginning of the FY or as soon as it is finalized.

**AGENCY RESPONSE**

For FY 2009, APHIS committed approximately \$3.49 million for Native American program-delivery initiatives relating to wildlife management, pest and disease surveillance and control, Homeland Security emergency-response work, National Animal Identification System cooperative agreements, and other programs and activities. Although NAIS-related funding may be decreased by Congress in FY 2010, APHIS plans to fund next year's non-NAIS-related commitments in Indian Country at levels similar to those described above.

Two full-time APHIS tribal liaisons, one part-time tribal liaison, and the Native American Program-Delivery Manager, along with members of the APHIS Native American Working Group (ANAWG), continued their active work with federally recognized Native American tribes to ensure they receive their fair share of APHIS programs and resources. Seventy field-based employees volunteered to act as points of contact for tribal officials in their States in a collateral-duty capacity. We expect the number of personnel devoted to program-delivery work for the tribes to remain constant in FY 2010.

In FY2009, as has been the case for the past 17 years, APHIS collaborated with American University through its Washington Internships for Native Students (WINS) program. WINS offers Native American college students 8 weeks of paid work experience at Federal agencies in the Washington, DC, area. The students also attend two night-school classes at the university, where they earn 6 hours of credit that transfers back to their home institution. This year, APHIS sponsored six WINS interns at a total cost of \$63,000. APHIS published an article about the WINS program in *USDA News* and a feature in the “APHIS Native American Notebook,” our agency newsletter on tribal issues. (See [www.aphis.usda.gov/anawg](http://www.aphis.usda.gov/anawg) and click on the newsletter bullet at the right-hand margin.) APHIS extended the employment period for one WINS intern for 2 months to help her find full-time Federal employment in the Washington, DC, area. The sponsoring supervisor of a second WINS intern is trying to convert her to a stay-in-school work-study participant for the 2010–2010 academic year. This is possible because the intern is a student at William and Mary University, as opposed to a far-away school. We anticipate that the agency’s support for the WINS program will be similar next summer to this year’s levels, with roughly 6 interns onboard.

APHIS continued to utilize its Civil Rights Information Academy to provide guidance to employees on the importance of equal opportunity in program delivery. Civil rights webinars were provided throughout the country and included briefing modules for Program Delivery, Outreach, and Compliance. The briefings included review of civil rights statutes, regulations, directives, and other guidance pertaining to equal opportunity in program delivery. Other subjects covered included limited English proficiency, program complaint processing, and accessibility to program and activities by disabled persons. The briefings are a standard component of the Fundamentals of APHIS Human Resources Management (FAHRM) courses open to potential and newly appointed supervisors. Three FAHRM classes were held in Riverdale, MD; Frederick, MD; and Raleigh, NC., and one is scheduled for September 2009 in Fort Collins, CO. APHIS will continue to offer briefings about Program Delivery, Outreach and Compliance; as well as address these subjects in the APHIS Civil Rights Update (e-newsletter).

The annual Dr. Martin Luther King, Jr., Education Contest continues to inspire students to reflect on the life and dream of Dr. King and share their thoughts in either essays or pictorial presentations on a preselected theme. Of the first-, second-, and third-place winners, those who are high school seniors are offered summer employment with APHIS. In FY 2009, four students were hired for summer employment: three from Montgomery Blair High School, and one from Northwestern High School. Other schools participating in the contest were Hyattsville Elementary and Hyattsville Middle School. In the 10 years since the contest has offered summer employment to the winners, approximately 40 students have accepted employment (including the 2009 winners). Students are usually hired at the GS-01 grade level, at \$10.35 per hour, or approximately \$3,500 for each student for the summer.

Ag-Discovery is a 2 week summer outreach program that teaches youth about agricultural science, including plants and animals, wildlife management, veterinary medicine, and agricultural biotechnology. Students reside on a college campus during this period. The program is designed to reach persons who have not traditionally participated in APHIS programs and activities. The Ag-Discovery programs are conducted via cooperative

agreements with universities and include APHIS employees' providing classroom and lab work for the students. In preparation for the FY2009 Ag-Discovery programs APHIS distributed 8000 informational leaflets nationwide. To reach a wider geographic audience, APHIS also makes these leaflets and Ag-Discovery application packages available on the APHIS and USDA Web sites and the Web sites of the participating universities. During FY 2009, APHIS funded seven Ag-Discovery programs (one more than last year) at a cost of approximately \$250,000 at the following locations:

<i>Florida A&amp;M University</i>	<i>June 7-19, Tallahassee, FL</i>
<i>Alcorn State University</i>	<i>June 14-26, Alcorn State, MS</i>
<i>Kentucky State University</i>	<i>June 14-27, Frankfort, KY</i>
<i>University of Arkansas</i>	<i>June 14-26, Pine Bluff, AR</i>
<i>Delaware State University</i>	<i>July 5-18, 2009, Wilmington, DE</i>
<i>University of Maryland</i>	<i>July 12-24, College Park, MD</i>
<i>North Carolina State University</i>	<i>July 13-24, Raleigh, NC</i>

In 2007, the Plant Protection and Quarantine (PPQ) unit of APHIS established a 2-week summer internship similar to the Ag-DISCOVERY programs but based at the Tohono O'odham Nation in Arizona and focused on familiarizing Indian youth with agricultural science and encouraging them to attend college. Two land-grant institutions cooperate in this program: the Tohono O'odham Community College in Sells, AZ, and the University of Arizona, in Tucson. In FY 2009, PPQ turned that internship program over to the APHIS Native American Program-Delivery Manager, who secured funding from five APHIS line programs to cover the \$38,000 cooperative agreement that pays for the course. Twelve students and two "peer educators" (former participants) attended. For the first time, the 2009 class included two non-Indians and one tribal student from outside Arizona. The availability of this educational experience was publicized with a color leaflet and Web version (see [www.aphis.usda.gov/anawg](http://www.aphis.usda.gov/anawg) and click on the course information in the white box at the right-hand margin).

- BRS translated its brochure, Ensuring Safety in the Development of Genetically Engineered Organisms, into the Chinese language. The brochure was originally printed in 2005 in both English and Spanish. The brochure shares the mission and vision of BRS and the functional program areas of BRS.
- PPQ Eastern Region provided employment brochures to the L'Epee Deaf Center in Mississippi and employees in Florida took sign language classes to better communicate with hearing impaired stakeholders.
- Animal Care employees reached out to the public in FY 2008 through the publication of scientific and animal welfare specific information. Article and book titles include: Handling Rearing Birds; Thermoregulation in California Sea Lions; The Cost of Locomotion in Indian Elephants; Petting Zoos; and Regulation of Animals in Veterinary Schools.

- BRS sponsored a stakeholder meeting in Riverdale, Maryland on October 15-16, 2008 to provide stakeholders with updates on changes made to their risk assessment and compliance processes over the past couple of years, including: the ePermits system; review of notifications and permits including revised NEPA analysis; reassessment of isolation distances; and respective roles of risk assessment and compliance groups.
- BRS also sponsored Public Meetings for 340 Proposed Rule October/November 2008, at various locations throughout the country. A Public Meeting on the 340 Proposed Rule was held in April 2009 in Riverdale, Maryland.
- VS partnered with United South and Eastern Tribes, Inc. (USET) to assist in providing National Animal Identification System (NAIS) training and outreach to tribal nations from Maine, Florida and Texas. Twenty-five tribes belonging to the USET organization participated along with other invited representatives from all the tribes in the respective states..
- VS also provided NAIS Grants in the amount of \$1,097,000.
  - The partnership with Langston University - \$300,000 will focus on minority and limited resources producers all across the state of Oklahoma. The project anticipates registering approximately 600 premises over the 12 month agreement period.
  - Operation Spring Plant - \$168,000 will partner with North Carolina A&T State University and two other CBO to deliver education and outreach to 19 counties in the State focusing on limited resource commodity producers with small livestock operations.
  - Salis and Kootenia Tribes, Flathead Nation - \$140,334. This effort will train existing staff on NAIS so that they can provide “reservation-wide” education/outreach and assist in completing premises registration on 500 tribally-owned agriculture lands with the consent of the tribal council.
  - The Indian Nations Conservation alliance - \$200,000. This effort will focus on outreach to tribes in WA, Northern ID, Ok, and SD.
  - Inter Tribal Agriculture Council - \$138,418. This effort will focus on outreach to tribes in WA, OR, ID and CA that have not had little participation with NAIS.
  - Inter-Tribal Council of Nevada Inc. - \$150,000. Focus will be on outreach/education events for northern and southern Nevada.
- PPQ- Emerald Ash borer state and national outreach initiatives are designed to establish partnerships with internal and external stakeholders to increase compliance and slow artificial movement of pest.
- PPQ - Asian Longhorned Beetle state and national outreach initiatives are designed to gain citizen support to identify and report new infestations, permit PPQ access to private property, and discourage artificial movement.

- LPA helps to communicate APHIS Program Information to the Public/Stakeholders through public awareness/outreach campaigns on Citrus, Health, Emerald Ash borer and Invasive Pests/Light Brown Apple Moth. They also provide publications for non-English speakers.

APHIS conducted five National Animal Identification System (NAIS) outreach listening session specifically targeting minority, small socially disadvantaged farmers and ranchers. The meetings were conducted: June 16, 2009 Albuquerque, NM; June 18, 2009 Riverside, CA; June 25, Raleigh, NC; June 27, 2009 Jasper, FL and Omaha, NE. The meetings gathered producer comments, concerns and potential solutions in an effort to create a NAIS program that producers can feel comfortable supporting. The sessions included information about the current program, as well as an opportunity for the public to give testimony or ask a program-related question. Specific Discussion sessions focused on NAIS: cost; impact on small farmers, privacy and confidentiality; liability; premises registration; animal identification; and animal tracing.

APHIS entered into a Memorandum of Understanding with the Federal Asian Pacific American Council (FAPAC) a 501(c) (3) to increase outreach to the Asian, Native Hawaiian, and Other Pacific Islander communities (APA) in an effort to increase APA representation in APHIS' workforce and participated along with other USDA agencies in the sponsorship (\$10,000) of FAPAC's annual conference.

APHIS entered into a Memorandum of Understanding with the Patriots Technology Training Center a 501(c) (3) to pursue a mutual interest of increasing the representation of minorities in agriculture related careers and the APHIS' workforce. This MOU establishes a general working agreement between the Patriots Technology Training Center and APHIS.

APHIS continued its' capacity building support (\$439,000) of Florida A&M University (an 1890 Land Grant University) to establish a Veterinary Technology. This program will help fill the void by increasing the pool of veterinary technologist available to APHIS and the animal healthy industry.

APHIS provided support/sponsorship (\$5,000) to the annual Federation of Southern Cooperatives Land Assistance Fund Meeting. The Federation is a 501(c) (3) and was organized to: develop cooperatives and credit unions as a means for people to enhance the quality of their lives and improve their communities; save, protect and expand the landholdings of Black family farmers in the South; and develop, advocate and support public policies to benefit our membership of Black and other family farmers and low income rural communities.

APHIS continued its' capacity building support (\$312,500) of Fort Valley State University (an 1890 Land Grant University). Under the terms of this continuation agreement, Fort Valley State University provides public awareness of animal diseases that relate to USDA's National Animal Health System (NAHMS). Activities include: identification and classification of diseases; taking tissue samples; disposing of animal carcasses; and cleaning and disinfecting contaminated premises.

APHIS convenes monthly meetings for the APHIS outreach coordinators from each program area and office. Topics include a review of outreach activities or initiatives conducted by the Department to help identify increased service delivery. Each year, all APHIS program areas are required to submit detailed reports. These reports are based on the following APHIS Outreach Categories: 1) Educational (initiatives with HBCU, HACU, 1994 Native American Colleges); 2) Delivery of Programs and Initiatives to Native American Tribes/Tribal Organizations (via technical assistance, meetings, projects and other activities utilizing the APHIS Native American Working Group with designated liaison in each state) and 3) Communicating APHIS Program Information to the Public/Stakeholders (via meetings, listening sessions, workshops).

APHIS is an active participant with the Department's Agency Outreach Coordinators group and conducted a briefing for that group on July 21, 2009.

*Action Plan:* APHIS continues to expand its outreach commitment each year by providing funding and technical assistance for projects and initiatives. This level of commitment is carried out at all levels of the APHIS organization and aided by the ANAWG and Outreach Coordinators group.

**GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<p><b><u>PERFORMANCE OBJECTIVE: 2.1</u></b> <b><u>Program Delivery/Legal Compliance:</u></b></p> <p>Delivered Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.</p>	<p><b><u>GOAL INDICATOR: 2.1 (c)</u></b> <b><u>Compliance Reviews/Corrective Actions:</u></b></p> <p>Agencies conducted regular and systematic civil rights compliance reviews of Federally assisted and conducted programs in accordance with Departmental Regulations and other guidance, including: (a) Analyzed trends in complaints to target compliance reviews, (b) Conducted appropriate compliance review(s) vis-à-vis, the types of programs and activities conducted by the Agency (e.g., Federally assisted and/or conducted); (c) Identified basis(es) upon which compliance review(s) was/were conducted (e.g., race); (d) Identified issue(s) to be reviewed during the compliance review(s) (e.g., access to services, methods of administration); (e) Conducted appropriate number of compliance review(s) to ascertain that Federally assisted and conducted programs/activities are delivered in compliance with regulatory and other requirements; and (f) For Federally assisted compliance reviews, Agency documented compliance with review guidance from Department of Justice (DOJ) (i.e., choosing recipients for reviews).</p>
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**AGENCY RESPONSE**

APHIS Civil Rights Compliance Reviews of selected programs and locations include tools to measure both employment and program delivery. The review process gathers information to assess both employment and program delivery compliance on each review. For program delivery compliance reviews, APHIS utilizes a web-based automated survey system in conjunction with direct interviews that allows employee input into the compliance review process. APHIS believes that surveying employees is a valuable and broad-based resource because it allows employees to offer confidential observations and comments on civil rights compliance. Each survey contains questions specifically designed to obtain information on program delivery compliance and employee awareness of critical aspects of civil rights for programs delivery, including but not limited to public notification and outreach, program complaint processing, Limited English Proficiency, civil rights requirements for Federally



conducted and Federally assisted programs and accessibility. Compliance review reports and briefings are provided to the appropriate manager and/or member of the APHIS management team.

During the period July 1, 2008 thru July 30, 2009, APHIS completed on-site civil rights compliance reviews for the following programs. *Date of report completion is noted.*

- Veterinary Services Eastern Regional Office Raleigh, North Carolina completed September 2008
- Veterinary Services North Carolina State Office Raleigh, North Carolina completed September 2008
- Plant Protection and Quarantine State Office Carlisle, Pennsylvania completed June 2009
- Wildlife Services State Office Harrisburg, Pennsylvania, completed June 2009
- Veterinary Services State Office Harrisburg, Pennsylvania completed June 2009
- Veterinary Services Animal Import Center and JFK International Airport completed June 2009

APHIS will be conducting a follow-up review of the Veterinary Services Eastern Regional offices in Raleigh, NC in the 1<sup>st</sup> quarter of FY2010. Those offices provided information on their actions to implement the recommendations in the September 2008 reports. The follow-up review will check those actions and any other issues identified.

APHIS completed the following civil rights desk audits for the period July 1, 2008 thru July 30, 2009. Two or more states listed together indicate one state office serving those states. These reports were completed June/July 2009:

- Plant Protection and Quarantine State Offices/Operations
  - Massachusetts
  - Maine
  - Vermont, New Hampshire
  - Connecticut/Rhode
  - Delaware
  - Maryland
  - New Jersey
  - New York
  - Ohio
  - Pennsylvania
  - West Virginia
  
- Veterinary Services State Offices/Operations
  - Maryland, Delaware
  - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
  - New Jersey
  - New York
  - Ohio, West Virginia

- Pennsylvania
- Virginia
- New York Animal Import Center/JFK Int. Airport
  
- Wildlife Services State Offices/Operations
  - Massachusetts, Connecticut, Rhode Island
  - Maryland, Delaware
  - Maine
  - New York
  - New Hampshire/Vermont
  - West Virginia
  - Pennsylvania
  - New Jersey
  - Ohio
  - Virginia
  
- Animal Care State Eastern Region Offices/Operations, (all employees report to the Eastern Regional Office in Raleigh, North Carolina)
  - Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Maine, New York, New Hampshire, Vermont, West Virginia, Pennsylvania, New Jersey, Ohio, Virginia, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida

Completed compliance review reports represent over 70% completion of reviews/desk audits scheduled so far in Fiscal Year 2009. A compliance review schedule was developed for FY09 based on the regional concept (*See Appendix 5*). The Compliance Review Schedule can also be accessed through the CREC website at:

[www.aphis.usda.gov/civil\\_rights/compliance\\_reviews\\_schedule.shtml](http://www.aphis.usda.gov/civil_rights/compliance_reviews_schedule.shtml)

**Action Plan:** During FY09, APHIS implemented a new strategy for conducting compliance reviews. In past years, the reviews had primarily focused on the larger programs and offices, such as Headquarters in Riverdale, MD and the Regional Offices in Raleigh, NC, Fort Collins, CO, and states with large numbers of employees. The new strategy called for the audit/review of state offices. Each of the major APHIS program areas: Plant Protection and Quarantine, Veterinary Services, and Wildlife Services has an office and operations in most states (in some cases multiple states are served by one office). To ensure compliance in these offices, a plan was implemented to review state offices by region that designated four regions for the US. The plan called for the use of APHIS' automated web-based survey system to give each employee working in those states the opportunity to provide input and observations on a variety of aspects of the APHIS overall civil rights program. Individual state offices were then identified for on-site reviews. This method of review will provide APHIS management and each State Director with a report on compliance for state operations.

**GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

**PERFORMANCE OBJECTIVE: 2.2**  
**Efficient Program Complaint Process:**

Delivered Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.

**GOAL INDICATOR: 2.1 (d)**  
**Compliance with Notification**  
**Requirements:**

Complied with civil rights laws, regulations, and policies, to ensure that all notification requirements were posted on appropriate documents and publications, including the Internet; and compliance with Section 508.

Notification requirements:

- (a) Posted and published up-to-date nondiscrimination statements,
- (b) Posted and published complaint filing information,
- (c) Posted and published information for individuals with disabilities as to how to obtain information in alternative format,
- (d) Posted and published information for individuals with limited English as to how to obtain information in alternative languages,
- (e) Policy, training, and information dissemination as to the provisions of auxiliary aids and services, and
- (f) Compliance with Section 508 while meeting these obligations.

These statements must be posted on all forms and publications, as well as other materials deemed necessary that are for or used by recipients, beneficiaries, and the public.

Agencies are required to provide evidence of compliance with the notification requirements, including information. Agencies must provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.

## **AGENCY RESPONSE**

The Civil Rights policy statement signed by the APHIS Administrator on November 18, 2008 included language referring to providing equal opportunity for delivery of programs and activities to the public. The policies are posted on the APHIS CREC website ([www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights)) and at locations throughout APHIS offices.

APHIS Legislative and Public Affairs provides the standard USDA non-discrimination statement on all appropriate public documents.

APHIS main page web site includes a link to the USDA web page with the USDA non-discrimination statement. In addition, the USDA Accessibility Statement includes several resources for individuals to enable individuals to obtain information in alternative formats.

The APHIS Civil Rights Enforcement and Compliance webpage includes the following ([www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights)):

- Links to USDA's Non-Discrimination Statement and USDA's Information on How to File an Employment and Program Discrimination Complaint
- APHIS Administrator's Civil Rights Policy Statement which includes language reference equal opportunity for delivery of programs and activities
- Modified APHIS agency version of the Department of Justice's "Limited English Proficiency-Know Your Rights" brochure.

The following information is communicated to APHIS managers and supervisors on an annual basis:

- Administrator's Civil Rights Policy Statement and Secretary's Policy Statement along with information on how to file a complaint of discrimination. This information is to be posted on employee bulletin boards.
- "And Justice For All" Posters (for federally assisted and federally conducted programs) are continuously sent out to newly appointed managers and as requested from current managers. Instructions are included on where to post in APHIS offices and to provide to recipients of Federal financial assistance from APHIS.
- APHIS Civil Rights Information Academy briefings include information on accessibility, Limited English Proficiency and additional notifications/information on program delivery.
- The USDA Non-discrimination statement is included on all appropriate documents by APHIS' Legislative and Public Affairs.
- The APHIS Civil Rights compliance review process includes questions of employees as to the knowledge and use of the Federal Relay Service and Limited English Proficiency.
- Links are included in the APHIS CREC website for persons to access complaint filing information for both employment and programs.

- APHIS has developed informational brochures for both program complaint filing and LEP. These brochures are provided to managers and supervisors in training sessions and upon request.
- APHIS Legislative and Public Affairs maintains the capacity to provide information to the public in 12 different languages.
- APHIS provided a series of briefings and webinars to APHIS managers, supervisors and employees to provide information on the requirements in the Americans with Disabilities Act Amendments Act. Approximately 240 personnel participated.
- The Emergency Domestic Noxious Weeds Program manager provided an article in English and Spanish abstract for the proceedings of the Weeds Across Borders trilateral international (Canada/Mexico/USA) meeting. The Program also coordinated production of pest alerts and ID cards related to the Red Palm Mite and the Pink Hibiscus Mealybug in both English and Spanish.
- LPA managed several specially funded outreach campaigns on critical APHIS initiatives, including:
  - Outreach/education campaign supporting wild bird sampling for AI. The campaign targeted hunters and bird-watchers. Efforts included a hunter-focused advertisement that ran 21 times in five publications with a circulation of more than 700,000 subscribers. The campaign also included an advertisement focused on bird watchers that ran nine times in three publications with a circulation of 174,000, as well as the distribution of more than 100,000 wallet cards to hunters that discussed the wild bird sampling program.
  - Outreach/education campaign to educate backyard poultry producers on highly contagious and deadly poultry diseases. PA revamped the Biosecurity for Birds web site in April 2008 to enhance its usability and material ordering capabilities. LPA also developed a mirror site in Spanish. The sites are being promoted through the Biosecurity for Birds advertising campaign in newspapers, newsletters and magazines, as well as with a public service announcement and distributed approximately 100,000 Backyard Biosecurity calendars to stakeholders across the country. LPA is continuing its advertising through the March 2009, concentrating on hobby farm and rural electrical cooperative publications, which are proven methods for reaching the backyard poultry owner. Working with the Future Farmers of America and 4-H clubs across the country, LPA continued its county and State fair program. The chapters and clubs receive a complete fair kit to use as they exhibit and distribute information at their local fairs. LPA distributed more than 150 “fair packages.”
  - Emerald ash borer (EAB) campaign to increase awareness about this invasive beetle, support regulatory initiatives and encourage the public not to move firewood. As part of this effort, Lowe’s Motor Speedway and Bristol Raceway included a “Don’t Move Firewood” icon on their website that links to EAB information. LPA also developed a website and outreach materials specifically

to support the EAB National Survey and also conducted advertising targeted at campers and others who would move firewood.

- Asian Longhorned Beetle (ALB) campaign aimed at building grass roots support for the ALB program in Chicago, New York City, and New Jersey including advertising on New York and New Jersey area transit vehicles and in transit stations. Approximated 1,400 interior car cards were placed in buses operating out of bus hubs in areas where ALB quarantines exist in New York and New Jersey. Approximately 90 station posters were placed (Long Island Railroad had 45 and Metro North 45). One thousand interior subway car cards were placed on subway cars, and 120 posters were placed in subway stations. The ads ran from June until August 2008 and generated more calls to the ALB hot lines. The Beetle Busters ALB curriculum, which started in 2005 in Chicago and was updated to be useful to fourth and fifth grade teachers in 2007, continued to be used in 2008.
- Campaign to promote and increase participation in the National Animal Identification System (NAIS). This campaign focused on the NAIS partners and increasing cooperation, but also included up-to-date and accurate information for veterinarians and the public. The efforts for the Community Outreach Partners included the development and launch of a partner collaboration website, a highly successful Community Outreach Event in March 2008, and support for partnership development and maintenance. Other accomplishments include the development of Step Up to 840 materials, research/focus groups with veterinarians, and the development of a Veterinarian's toolkit.

***Action Plan:*** APHIS will continue to provide funding and technical assistance to the most diverse range of the public, stakeholders and other interested parties.

**GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<p><b><u>PERFORMANCE OBJECTIVE : 2.2</u></b> <b><u>Efficient Program Complaint Process:</u></b></p> <p>Maintained an effective process for handling civil rights program complaints.</p>	<p><b><u>GOAL INDICATOR: 2.2 (a)</u></b> <b><u>Agency Position Statements Received Timely for Program Complaints:</u></b></p> <p>Provided Agency Position Statements for program complaints of discrimination within 24 calendar days from receipt of request from OASCR.</p> <p>Agencies are required to provide the number of Agency Position Statements given to the OASCR and indicate what percentage was submitted timely.</p> <p>Agencies must provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p>
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**AGENCY RESPONSE**

One program complaint was filed against APHIS in FY2009. That complaint was closed for failure to pursue, therefore, no Agency Position Statements were requested by the ASCR in FY2009.

***Action Plan:*** APHIS maintains an automated program discrimination complaint tracking system to enable prompt preparation of Agency Positions Statements. APHIS Managers and Supervisors are reminded in training sessions and briefings of the importance of responding to program discrimination complaints.

**GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:**

Ensured all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<p><b><u>PERFORMANCE OBJECTIVE 2.2</u></b> <b><u>Efficient Program Complaint Process:</u></b></p> <p>Maintained an effective process for handling civil rights program complaints.</p>	<p><b><u>GOAL INDICATOR: 2.2 (b)</u></b> <b><u>Complaint Non-Compliance/Corrective Actions:</u></b></p> <p>Provided the number of program complaints investigated during the FY where corrective actions were identified, including conciliation agreements.</p> <p>Provided a copy to OASCR of each Corrective Action Plan/Conciliation Agreement.</p> <p>Promptly implemented the terms of each Corrective Action Plan/Conciliation Agreement, and</p> <p>Responded timely to requests for non-compliance/corrective action-related information (e.g., data, analyses, reports, recommendations, and status reports) from OASCR.</p> <p>Agencies must provide succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p>
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**AGENCY RESPONSE**

Three program complaints against APHIS were closed in FY2009 with no findings of discrimination, therefore, no corrective actions were identified or required of APHIS in FY2009.

**Action Plan:** APHIS maintains an automated program discrimination complaint tracking system to track all aspects of complaint processing. APHIS will continue to participate with the OASCR Program Complaints Division in using the Program Complaint Management System and any changes to that system. Civil Rights training sessions for APHIS managers, supervisors and employees include a section on the importance of the public's right to file such complaints and the need to process them according to Department guidelines for agencies.



**GOAL: 3. EEO Program : Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b>PERFORMANCE OBJECTIVE :</b> <b>3.1 <u>Model EEO Program:</u></b></p>	<p><b>GOAL INDICATOR: 3.1 (a)</b> <b><u>Analysis of Workforce and Elimination of Barriers:</u></b></p>
<p>Took affirmative steps to ensure that the Agency addressed EEO Plan Objectives to Eliminate Barriers and provide civil rights training to employees.</p>	<p>Used various tools, including, but not limited to, the EEO objectives of MD-715; the recruitment initiative of the Federal Equal Opportunity Recruitment Plan (FEORP), Disabled Veterans Affirmative Action Plan (DVAAP), and the hiring, promotion and retention requirements for persons with targeted disabilities in Part J of MD-715. Specifically, the Agency:</p> <ul style="list-style-type: none"><li>a) Took affirmative steps to ensure that the Agency addressed EEOC’s “EEO Plan Objectives to Eliminate Barriers: through: i) Increased representation, ii) Advancement opportunities, and iii) Retention of groups with low participation rates by race, sex, and national origin</li><li>b) Established and met hiring, advancement, and retention objectives for employees with targeted disabilities, as required by EEOC MD-715, Part J, “Special Program Plan for the Recruitment, Hiring, Advancement of Individuals with Targeted Disabilities”</li><li>c) Provided annual civil rights and diversity training; and</li><li>d) Promoted a workplace free of reprisal or harassment</li></ul> <p><b>This process should be achieved through:</b></p> <ul style="list-style-type: none"><li>(1) Assessment of workforce to determine low participation of groups by race, sex, national origin, and disability to improve recruitment, advancement, and retention of those identified with low participation rates (i.e., below civilian labor force or Federal-high rate for persons with targeted disabilities)</li><li>(2) Conducted barrier analyses to determine policy, practices, or procedures that may limit or tend to impede employment opportunities for members of a particular race, sex, national origin, or based on an individual’s disability status</li></ul>

**GOAL: 3. EEO Program : Proactive Management and Legal Compliance (continued):**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b>PERFORMANCE OBJECTIVE :</b> <b><u>3.1 Model EEO Program:</u></b></p>	<p><b>GOAL INDICATOR: 3.1 (a)</b> <b><u>Analysis of Workforce and Elimination of Barriers (continued):</u></b></p>
<p>Took affirmative steps to ensure that the Agency addressed EEO Plan Objectives to Eliminate Barriers and provide civil rights training to employees.</p>	<p>(3) Determination of objectives for targeted improvement to ensure equal employment for all groups</p> <p>(4) Comparison of workforce statistics by race, sex, national origin, and targeted disability status in FY 07 to FY 08 to demonstrate measurable improvement in groups with low participation rates</p> <p>(5) Providing annual civil rights and diversity training; and</p> <p>(6) Promoted a workplace free of reprisal or harassment</p> <p>Agencies are required to provide a summary analysis as to how they determined low participation rate of groups by race, sex, national origin, and disability (RSNOD), identified planned objectives, and the status of the implementation of objectives to improve employment profiles for identified low participation groups. Agencies are required to provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p>

**AGENCY RESPONSE**

1. APHIS published the following reports to serve as effective tools in the overall representation of the Agency and to assisted in formulating strategies to overcome any under-representation:

FY 2009 FEORP Report – October 17, 2008  
FY 2009 DVAAP Report – November 14, 2008  
MD-715 EEO Status Report – December 2, 2008

Currently in FY 2009, APHIS has a total population of **9,053** employees. This is a net increased of **(+269)** compared to the total population of **8,784** in FY 2008. Under-representation remains in the following Races/Genders: Black Males, Black Females, Hispanic Females, White Females and Persons with Targeted Disabilities. The following career fairs were attended by the APHIS Recruitment Division to outreach to the under-represented groups:

MANNRS	Indianapolis, IN	03/25-29/09
Wounded Warrior	Quantico, VA	03/31/09
Recruit Military	Baltimore, MD	04/23/09
National Career Fairs	Columbus, OH	04/29/09
Coalition of Asian Pacific Americans	New York, NY	05/03/09
Federal Pacific Asian American Council	Houston, TX	05/11-15/09
Florida Career Centers	Orlando, FL	05/14/09
National Career Fairs	Overland Park, KS	06/03/09
Hiring Hero's Career Fair	Washington, DC	06/03/09
Women's Business Enterprise Council	San Francisco, CA	06/9-11/09
DC Dept. of Employee Services	Washington, DC	06/17/09
Civilian Jobs	Charleston, SC	06/25/09
NAACP 100 <sup>th</sup> Annual Conference	New York, NY	07/11-16/09
Partnership for Public Service Career and Internship Fair	Washington, DC	07/16/09
80 <sup>th</sup> LULAC National Convention and Exposition	San Juan, PR	07/13-18/09
NCLR Annual Conference	Chicago, IL	07/24-28/09

**Upcoming Events:**

Recruit Military	Atlanta, GA	08/27/09
Society for Advancement of Chicanos and Native Americans in Science	Dallas, TX	10/15-18/09
Thurgood Marshall Scholarship Fund	New York, NY	10/23-26/09
American Indian Science and Engineering Society	Portland, OR	10/29-30/09
Hispanic Association of Colleges and Universities	Orlando, FL	10/31-11/02/09
Annual Biomedical Research Conference for Minority Students	Phoenix, AZ	11/05-07/09

2. Currently in FY 2009, APHIS has had a total of **940** New Hires. Of that total, **377**(40.1%) were Women. Although APHIS is below the Federal High (2.65%) for Persons with Targeted Disabilities, currently the Agency has hired **8**(.85%) are Persons with Targeted Disabilities (APHIS has succeeded its annual goal of hiring 5 individuals with targeted disabilities) which brings the Agency's total population of Persons with a Targeted Disability to **67** (.74%). In addition, APHIS actively promotes the Workforce Recruitment Program and has hired **2** individuals from the program with a disability. The Agency also hired **9** individuals under the Career Intern Program and **11** individuals under the Student Career Employment Program (SCEP). The breakdown of the SCEP Program is as follows:

Associate's Degree – 1; Bachelor's Degree – 9; Grad/Professional Degree – 1

*The following chart shows the Agency's 3-Year Hiring Goal for Persons with Targeted Disabilities.*

<b>FY 2006 APHIS Employees With Targeted Disabilities 67 or .78%</b>	<b>3 -Year Hiring Goal 2007 - 2010</b>	<b>Fiscal Year Increase</b>
Fiscal Year 2007	72 or .84%	+5
Fiscal Year 2008	77 or .90%	+5
Fiscal Year 2009	82 or .96%	+5

3. APHIS' mandatory Civil Rights Training for FY 2009 has tentatively been identified as the **Americans with Disabilities Act Amendments Act of 2008** and will be implemented prior to the end of the fiscal year.
4. APHIS has conducted the following diversity training in FY 2009:
  - Thus far in FY 2009 (July 30, 2009), 7,890 of 8,610 APHIS employees, or 91%, have taken the No FEAR refresher course.
  - The APHIS Training and Development Branch collaborated with the USDA Office of Civil Rights to develop the online course *Re-inventing Diversity for Today's USDA* for FY 2008. It was available on AgLearn as well as on CD for those with slow connections. There was also a self-study version for those APHIS employees without access to a computer and those with special needs. The AgLearn report shows that 7,974 APHIS employees have completed the on-line Disability Rights course between 1/1/08 and 7/23/09.
  - For FY-2008, APHIS developed a plan to ensure that the total permanent workforce completes the civil rights training. The plan includes the following:
    - Monitor the Agency's AgLearn System to ensure that Mandatory Civil Rights Training is available to all permanent employees
    - Improve reporting capability to ensure accurate and comprehensive results
    - Enter the module with a due date in all permanent employees' learning plan as soon as it is available
    - Provide status reports of those employees who have not taken the training at APHIS top management meetings
    - Require that managers' civil rights elements include ensuring that all permanent employees on their staffs have taken the mandatory civil rights training
  - This plan was closely followed and is credited for increasing the number of mandatory civil rights training completions from 4,317 to 7,974 for FY 2008. Mandatory civil rights training for FY 2009, will be an online module regarding the Americans with Disability Act Amendments Act of 2008. Development on an AgLearn distance learning course for APHIS is currently in the beginning stages.
  - In addition to the mandatory training, APHIS provided frequent briefings and learning opportunities to employees and managers. The briefings were provided in face-to-face classroom style sessions, presentations at meetings, and webinars. APHIS conducted 19 Webinars for various programs and locations throughout the Agency.

- The Webinars were scheduled from February 2009 through August 2009, for managers, supervisors, employees and EEO Advisory Committees. We had participation from the following program units:
  - 18 participants in Animal Care (AC)
  - 144 participants in Veterinary Services (VS)
  - 178 participants in the Plant Protection and Quarantine (PPQ)
  - 30 participants in Marketing and Regulatory Program Business Services (MRPBS)
  - 1 participant in International Services (IS)
- Thus, APHIS provided webinars to a total of 371 employees. APHIS offered 14 Modules including one new module and several that had been combined in FY 2008.

**Prerequisite: Civil Rights Laws, Rules, Regulations, and USDA Directives,** — Information from the EEOC website is provided prior to the session.

**Topic A: The Federal Equal Employment Opportunity (EEO) Discrimination Complaint Process**

- **Module 1 - Alternative Disputes Resolution (ADR)** —Forms of ADR, advantages and disadvantages, and how and when ADR may be used.
- **Module 2 – EEO Counseling**—Types of discrimination, Class Action complaints, EEO Counseling, Alternative Dispute Resolution (ADR), and the role and responsibilities of managers.
- **Module 3 – Formal Complaint Processing** — Discusses 29 CFR 1614, the rights and responsibilities of managers and complainants, and steps of the process.
- **Module 4 – The Prevention of Reprisal & Retaliation Complaints** — The definition of reprisal and strategies for preventing and responding to allegations of reprisal.
- **\*Module 15 – Mixed Case** -- The definition of a “Mixed Case”, roles of the Merits Systems Protection Board (MSPB) vs. the Equal Employment Opportunity Commission (EEOC), the laws that govern the MSPB, and the process that is utilized in filing an appeal to the MSPB.

**Topic B: Federal EEO Programs**

- **Module 5 - Equal Employment Opportunity (MD-715)** — Requirements of Management Directive 715 and how to have a Model EEO Program.
- **\*\*Module 6 – Special Emphasis Programs (SEP)** — Goals of the SEP and Special Observances that are mandated and recognized by the Agency
- **\*\*Module 7 - EEO Advisory Committees (EEOAC)** – Goals of the EEOAC and roles & responsibilities of collateral duty managers.
- **\*\*Module 8 – Student Programs** -\_Special Programs and Initiatives including Student internships and scholarships.

**Topic C: Reasonable Accommodation for People with Disabilities**

- **Module 9 – Preventing EEO Complaints based on Denial of a Reasonable Accommodation** —Definition of Reasonable Accommodation, the USDA regulated process, and the manager’s role in the process.

#### **Topic D: Compliance Reviews**

- **\*\*Module 10- Employment Compliance** — Agency policy and practices evaluated in Title VII civil rights employment compliance reviews.
- **\*\*Module 11 - Program Compliance** - Agency policy and practices evaluated in Title VI civil rights program compliance reviews.

#### **Topic E: Special Programs**

- **Module 12 – The APHIS Ag-Discovery** — The APHIS Ag-Discovery Program including the history, objectives, and recruitment process.

#### **Topic F: Program Delivery and Outreach**

- **\*\*Module 13 - Federally Conducted and Federally Assisted Programs** – Covers APHIS” and its cooperators/grantee civil rights responsibilities with respect to programs and services offered to the public.
- **\*\*Module 14 – Outreach Customers/Beneficiaries** - Ensure that the delivery of all programs and services are provided to our customers and beneficiaries.

\*New Module      \*\*New Separated Modules

- APHIS has developed a new module: Accountability which will be launched during the next registration period; and will be developing a new module during the fourth quarter of FY 2009.
- APHIS offered a series of briefings by an attorney from the USDA Office of General Counsel, on the Americans with Disability Act Amendments Act (ADAAA). This briefing was specifically designed to prepare supervisors and managers to be able to effectively prevent EEO complaints that may arise as a result of the new Act. CREC offered this briefing both in classroom style, video conference and webinars.
- The first ADAAA briefing was held on March 12. Participants included 32 in the classroom in MD, and 101 employees located throughout the Eastern Region.
- The second ADAAA briefing was held on April 24. Participants included 36 employees.
- The third ADAAA briefing was held on May 28 and included 8 participants.
- Six more ADAAA briefings were held during the week of June 16 – June 18, for employees in the Western Region. Participants included 104 employees.
- Thus, we have provided managers and supervisors with nine opportunities to learn about this important new civil rights law. Non-supervisory employees in Hawaii were encouraged to attend the briefings also. A total of 281 employees took advantage of this opportunity.

- APHIS also included civil rights presentations as part of other Agency training: 3 sessions of the “Fundamentals of APHIS Human Resource Management” for supervisors (Riverdale, MD, Frederick MD and Raleigh, NC).
  - Civil Rights information was regularly distributed to all employees via email messages. As of July 30, 2009, the Agency published 3 Civil Rights Updates, 1 Special Bulletin, and e-mail blasts as needed. Simultaneously, APHIS provided civil rights information to employees through the Civil Right Conversations database which is a central location on the Agency e-mail system where employees can read information and immediately post questions or comments and civil rights experts may post responses. The Agency also posted a wealth of information on the intranet and internet.
5. APHIS continues to promote a workplace free of reprisal and harassment. The following Policy Statements are distributed throughout the Agency:

Secretary Vilsack’s Civil Rights Policy Statement  
 APHIS Administrator’s Civil Rights Policy Statement and Anti Harassment Policy Statement –  
 Signed November 18, 2008.

**Disabled Veterans**

APHIS continues its outreach efforts to recruit disabled Veterans into the Federal workforce. Currently in FY 2009, APHIS has participated in the following Military Outreach Events:

December 4, 2008	Civilianjobs.com	San Antonio, TX
April 23, 2009	Recruit Military	Baltimore, MD
March 31, 2009	Wounded Warrior	Quantico, VA
June 3, 2009	Hiring Hero’s Walter Reed Hospital	Washington, DC
June 25, 2009	Civilianjobs.com	Charleston, SC
<b>(Upcoming Event)</b>		
August 27, 2009	Recruit Military	Atlanta, GA

Also in FY 2009, APHIS is working to form a partnership with the Veterans Administration with their **Non-Paid Work Experience Program**:

The Department of Veterans Affairs Non-Paid Work Experience Program (NPWE) provides eligible veterans with the opportunity to obtain training and practical job experience concurrently. Veterans who are entitled to training under Chapter 31, VA Vocational Rehabilitation Program are eligible to participate in the NPWE program, when determined appropriate by a VA Case Manager. This program is ideal for eligible veterans who have a

clearly established career goal, and who learn easily in a hands-on environment. This program is also well suited to veterans who are having difficulties obtaining employment due to lack of work experience. NPWE programs may be established in federal, state, or local government agencies only. After placement in a NPWE program, a Case Manager/Employment Specialist will closely monitor the veteran's progress to ensure that all training goals are being met. Veterans' participation in the NPWE program is not paid by the participating employer, and permanent placement is not required. There is a limit of 12 months for the program and the agency providing the training is asked to provide a certificate of completion for the candidate at the end of the training program.

Of the **940** new hires to date in FY 2009, there were a total of **93** new hires who identified their veterans preference code. The breakdown and explanation of the veterans code system is as follows:

**Fiscal Year 2009  
Animal and Health Inspection Service  
# of Veteran New Hires**

<b>PROGRAM</b>	<b>VET PREF CODE 1</b>	<b>VET PREF CODE 2</b>	<b>VET PREF CODE 3</b>	<b>VET PREF CODE 4</b>	<b>VET PREF CODE 5</b>	<b>VET PREF CODE 6</b>	<b>TOTAL</b>
OA	2	0	0	0	0	0	<b>2</b>
PPD	10	0	0	0	0	0	<b>10</b>
LPA	3	1	0	0	0	0	<b>4</b>
MRPBS	57	13	0	0	0	3	<b>73</b>
IS	5	0	0	0	0	0	<b>5</b>
PPQ	417	26	1	3	1	4	<b>452</b>
VS	121	13	1	8	1	6	<b>150</b>
AC	14	0	0	1	0	0	<b>15</b>
WS	213	8	0	1	1	1	<b>224</b>
BRS	5	0	0	0	0	0	<b>5</b>
<b>TOTAL</b>	<b>847</b>	<b>61</b>	<b>2</b>	<b>13</b>	<b>3</b>	<b>14</b>	<b>940</b>

**VET PREF CODES:**

1=None

2=5 Point

3=10 Point (Disability)

4=10 Point (Compensable Disability)

5=10 Point (Other)

6=10 Point (30% Compensable Disability)

**Action Plan:** APHIS will continue to implement strategies to improve the workforce's under-representation. Monthly meetings will continue with Civil Rights staff members and Human Resources/Recruitment staff members to provide collective input to ensure that the Agency continues to implement sufficient measures to recruit and retain persons with disabilities. EEO program implementation including barrier analysis is a critical performance element for the EEO Specialist.



**GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b>PERFORMANCE OBJECTIVE: 3.2</b> <b><u>Comprehensive EEO Evaluation Program:</u></b></p> <p>Assess employment policies and practices.</p>	<p><b>GOAL INDICATOR: 3.2 (a)</b> <b><u>Compliance Reviews/Corrective Actions:</u></b></p> <p>Agencies conducted regular and systematic civil rights compliance reviews in accordance with Departmental Regulations and other guidance.</p> <p>Agencies are required to provide to ASCR: (1) A copy of their original FY 2008 Compliance Review Plan/Schedule, (2) Number of compliance reviews that were completed, (3) Number and explanation as to why any compliance reviews were not conducted/completed, and (4) Status of all corrective actions identified, implemented, and completed for each compliance review.</p> <p>Agencies must provide a succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p> <p><b><u>N.B.:</u></b> Effective FY 2008, Agencies will be responsible for submitting a copy of their Compliance Review Plan/schedule to ASCR compliance staff at the beginning of the FY or as soon as it is finalized.</p>
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**AGENCY RESPONSE**

APHIS Civil Rights Compliance Reviews included components to evaluate employment compliance based on analysis of workforce profile to include total and by grade group representation in the workforce, reported and targeted disability, promotions, cash awards, quality step increases, new hires and separations, complaints of discrimination, and training.

For FY2009, APHIS CREC modified its compliance process to review APHIS programs and activities operations. Prior compliance efforts were focused on national, headquarters and regional offices and operations. It was determined that reviews should focus more on state offices and operations. The four major APHIS program areas: Animal Care, Plant Protection and Quarantine, Veterinary Services and Wildlife Services have a state office in almost all states and have employees operating in each state.

APHIS utilizes a web-based automated survey system to obtain employee input into the compliance process. This system allows each employee in the program/office under review to offer confidential observations and comments on equal opportunity. The compliance review team reviews the results of the surveys prior to going on-site to help identify issues for closer review. Compliance review reports and briefings are provided to the manager and/or member of the APHIS Management Team.

APHIS will be conducting a follow-up review of the Veterinary Services Eastern Regional offices in Raleigh, NC in the 1<sup>st</sup> quarter of FY2010. Those offices provided information on their actions to implement the recommendations in the September 2008 reports. The follow-up review will check those actions and any other issues identified.

During the period July 1, 2008 thru July 30, 2009, APHIS completed on-site civil rights compliance reviews for the following programs/number of employees covered by review and date of report completion:

- Veterinary Services Eastern Regional Office Raleigh, North Carolina (70 employees) completed September 2008
- Veterinary Services North Carolina State Office Raleigh, North Carolina (15 employees) completed September 2008
- Plant Protection and Quarantine State Office Carlisle, Pennsylvania (60 employees) completed June 2009
- Wildlife Services State Office Harrisburg, Pennsylvania, (27 Employees) completed June 2009
- Veterinary Services State Office Harrisburg, Pennsylvania (21 employees) completed June 2009
- Veterinary Services Animal Import Center and JFK International Airport (22 Employees) completed June 2009

APHIS completed the following civil rights desk audits for the period July 1, 2008 thru July 30, 2009. Two or more states listed together indicate one state office serving those states. These reports were completed June 2009:

- Plant Protection and Quarantine State Offices/Operations
  - Massachusetts (52 employees)
  - Maine (9 employees)
  - Vermont, New Hampshire (6 employees)
  - Connecticut/Rhode (11 employees)
  - Delaware (5)
  - Maryland (58)
  - New Jersey (54)
  - New York (168)
  - Ohio (30)
  - Pennsylvania (60)
  - West Virginia (17)

- Veterinary Services State Offices/Operations
  - Maryland, Delaware (13 employees)
  - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont (30 employees)
  - New Jersey (15 employees)
  - New York (85 employees)
  - Ohio, West Virginia (37 employees)
  - Pennsylvania (21 employees)
  - Virginia (14 employees)
  - New York Animal Import Center/JFK Int. Airport (22)
  
- Wildlife Services State Offices/Operations
  - Massachusetts, Connecticut, Rhode Island (17 employees)
  - New York (37 employees)
  - West Virginia (18 employees)
  - Ohio (35 employees)
  - Virginia (26 employees)
  - Maryland, Delaware (31)
  - Maine (17)
  - New Hampshire/Vermont (34)
  - Pennsylvania (27)
  - New Jersey (10)
  
- Animal Care State Eastern Region Offices/Operations, 45 employees who report to the Eastern Regional Office in Raleigh, North Carolina)
  - Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Maine, New York, New Hampshire, Vermont, West Virginia, Pennsylvania, New Jersey, Ohio, Virginia, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida

Completed compliance review reports represent over 70% completion of reviews/desk audits scheduled so far in Fiscal Year 2009. A compliance review schedule was developed for FY09 based on the regional concept (*See Appendix 5*).

**Action Plan:** During FY09, APHIS implemented a new strategy for conducting compliance reviews. In past years, the reviews had focused on the larger programs and offices, such as Headquarters in Riverdale, MD and the Regional Offices in Raleigh, NC, Fort Collins, CO, and states with large numbers of employees. The new strategy called for the audit/review of state offices. Each of the major APHIS program areas: Plant Protection and Quarantine, Veterinary Services, and Wildlife Services has an office and operations in most states (in some cases multiple states are served by one office). To ensure compliance in these offices, a plan was implemented to review state offices by region that designated four regions for the US. The plan called for the use of APHIS' automated web-based survey system to give each employee working in those states the opportunity to provide input and observations on a variety of aspects

of the APHIS overall civil rights program. Individual state offices were then identified for on-site reviews. This method of review will provide APHIS management and each State Director with report on compliance for state operations.

**GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b><u>PERFORMANCE OBJECTIVE: 3.2</u></b> <b><u>Comprehensive EEO Evaluation Program:</u></b></p>	<p><b><u>GOAL INDICATOR: 3.2 (b)</u></b> <b><u>NoFEAR Act:</u></b></p>
<p>Assessed employment policies and practices.</p>	<p>Provided timely Agency submissions to be used in the Department’s Annual Report, and other items as requested by the OASCR.</p>
	<p>Agencies must provide a succinct written rationale along with documentation as to how the Agency determined its self-assessed point value.</p>

**AGENCY RESPONSE**

APHIS CREC performed daily entries iComplaints data base which is the source for the EEO complaint data for the USDA “No FEAR” Act Report. Since the iComplaints data base generates the reports required by the No FEAR Act, APHIS CREC updates the data base on a daily basis to provide OAC with accurate data for its Annual Report. CREC works closely with OAC to reconcile any discrepancies with the complaint data.

As required, APHIS CREC completed and submitted the Annual “No FEAR” Report for FY 2008 to the Department on March 4, 2009, within the instructed timeframe. The annual report included a detailed analysis of noted trends based on comparison of the data for FY 2007 and 2008.

APHIS CREC updated the “Formal Complaint Processing” briefing (“webinar module”) used in webinar presentations throughout the agency for employees, to include the “No FEAR” Act. The information presented details such the “cornerstones” and the purpose of the “No FEAR” Act.

Additionally, a ‘Special Edition’ newsletter publication, devoted entirely to the “No FEAR” Act was developed and distributed electronically to all agency employees. This publication not only re-emphasized the purpose and requirements of the “No FEAR” Act, but also served to reinforce the agency’s commitment to civil rights education through information.

Agency training records show that to date, 91% (7890/8610) of APHIS employees completed the “NoFEAR” Refresher Training on AgLearn during FY 2009.

***Action Plan:*** APHIS CREC will maintain its practice of providing the Department with timely submissions of documents, reports, or information as requested for complaint processing, NoFEAR reporting, and compliance reports.

**GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b><u>PRFORMANCE OBJECTIVE: 3.3</u></b> <b><u>Efficient EEO Complaint Process:</u></b></p> <p>Managed an effective complaint processing program.</p>	<p><b><u>GOAL INDICATOR: 3.3 (a)</u></b> <b><u>Timely submitted EEO Counselor's Reports:</u></b></p> <p>Submitted timely EEO Counselor's Reports within 15 calendar days from giving complainant a Notice of Right to File.</p> <p>Agencies are required to provide the number of EEO Counselors' Reports and the percentage completed in a timely manner.</p> <p>Agencies must provide a succinct written rationale with evidence on how the agency determined its self-assessed point value.</p>
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**AGENCY RESPONSE**

Standard Operating Procedures for EEO Counselor/Mediators require the development of an EEO Counselor's report or Mediation Summary within 5 work days after the issuance of the Notice of Right to file. During FY 2009 EEO Counselor's processed 100 contacts, to date 62 NORFs have been issued and EEO Counselor's reports were uploaded for 51 formal complaints. Only one (1) case was identified as being beyond the ECD request date. Thus, a respectful rating of 98%, allowing for a margin of system error, is the agency's assessed rating.

During the Informal Complaint Stage, 100 contacts were received and processed. Of the 100 contacts 95% were processed within the 90 days time frame, 51% of these contacts were closed. Three cases were engaged in settlement negotiations; 2 resolved with signed settlement agreements and (1) case pending a signed agreement (in clearance process).

***Action Plan:*** Report Writing is a Critical Performance Element for the Counselor/Mediators. CREC will continue to monitor to ensure submissions are in compliance with MD 110. CREC will continue to require the development of EEO Counselor's Reports and Mediation Summaries within 5 work days of the issuance of the NORF.

**GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<b>PERFORMANCE OBJECTIVE: 3.3</b> <b><u>Efficient EEO Complaint Process:</u></b>	<b>GOAL INDICATOR: 3.3 (b)</b> <b><u>Completed EEO Investigations within 90-days:</u></b>
Managed an effective complaint-processing program.	Completed investigations and distributed Reports of Investigation (ROI) within the 90 calendar day timeframe (beginning the date OASCR notified the Agency of the complaint).  Agencies are required to provide the number of investigations and the percentage completed in a timely manner.  Agencies must provide a succinct written rationale as to how the Agency determined its self-assessed value.

**AGENCY RESPONSE**

CREC received, certified, and distributed (27) Reports of Investigation (ROIs); 59% (16/27) of the Reports of Investigation were distributed within 90 calendar days. Since 29 CFR 1614.108(f) requires that ROIs be distributed within 180 calendar days, 93% (25/27) of the ROIs met this regulatory requirement. For the (2) ROIs that were distributed after the 180-day timeframe, the respective complaints were pending acceptance in the Office of Adjudication and Compliance for 2 to 4 months from the complaint file date resulting in a 10 and a 46 - day distribution delay beyond the required 180 days. In FY 2009, there were (3) complaints that were amended during the investigative process which extended the ROI completion and distribution time. The data in iComplaints does not reflect complaint amendments made by OAC during the investigative process and therefore, the 90-day timeframe was not adjusted accordingly in the tracking process.

There is a time span of 7 to 21 days between the date APHIS CREC is notified of a complaint acceptance and when the “Task Order” is issued by the agency’s contracting officer to permit the start of the investigation. Extensions were requested by contractors and granted by the Director CREC whenever circumstances beyond the contractor’s control caused a delay in the investigation - an essential witness being on extended annual leave or sick leave during the course of the investigation

Information on the remaining ROIs received and distributed between July 29<sup>th</sup> and September 30<sup>th</sup> for this fiscal year will be reported in the EEOC 462 Report covering EEO complaint activity for FY 2009.

**Action Plan:** Investigations will be completed and reports of Investigation will be produced and distributed in accordance with USDA policy and federal regulation.

**GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p><b>PERFORMANCE OBJECTIVE: 3.3</b> <b><u>Efficient EEO Complaint Process:</u></b></p>	<p><b>GOAL INDICATOR: 3.3 (c)</b> <b><u>Efficient Use of ADR for EEO and Disputes:</u></b></p>
<p>Managed an effective complaint processing program.</p>	<p>Demonstrated good faith efforts to resolve EEO complaints, and workplace disputes, especially early in the process or before an EEO complaint was initiated.</p> <p>(a) Assured good faith resolution attempts were a high priority for all, (b) Provided opportunity to resolve workplace conflicts at any stage, and (c) Assured compliance with the provisions of the ADR regulation, including offers of ADR to all informal complainants, and documentation of non-offers of ADR at the formal complaint stage.</p> <p>Assured participation in Department-wide ADR initiatives aimed at training ADR practitioners, ADR awareness, and other efforts to increase conflict management competence at USDA.</p> <p>(a) Educated, trained, and informed employees of conflict management practices and the availability of ADR assistance, (b) Assured that managers received training to constructively address workplace conflict and discrimination complaints, and (c) Assured a core group of managers and supervisors were trained and available to serve as Resolving Officials for discrimination complaint mediations,</p> <p>Provided thorough and timely reports of ADR activities to the ASCR Conflict Prevention and Resolution Center (CPRC).</p> <p>Agencies are required, as a minimum, to provide the number of (a) informal and (b) formal cases.</p> <p>Agencies must also provide succinct written rationale with evidence as to how the Agency determined its self-assessed point value.</p>



## **AGENCY RESPONSE**

CREC has supported the Training and Development Branch by presenting training modules on ADR, The Federal Discrimination Complaint Process (Informal and Formal), MD-715, Special Emphasis Programs and Special Programs during the agency's presentation of Fundamentals of APHIS Human Resources Management (FAHRM) training. Four events have been scheduled - 3 of which have already occurred during FY 2009....Frederick, MD (December 2008); Raleigh, NC (February 2009); Riverdale, MD (April 2009) and a fourth session scheduled for September 2009.

A sampling of activities include....4 specific agency-wide Webinar sessions on the topic of Alternative Dispute Resolution (ADR); a Mini-Briefing Session, Navigating the EEO Complaint Process included a segment on ADR and was held on June 25, 2009 for Headquarters staff in Riverdale, MD; a "Guide to the Informal EEO Counseling and ADR Process" ( an 18 page publication explaining the Informal Complaint Process) and a "Guide to the Formal Employment Discrimination Complaint Process" (a 61 page publication explaining the formal complaint process). Both guides were provided to all participants and are sent to all parties involved in the complaint.

These guides were provided to the Employment Complaints Division, Office of Adjudication and Compliance, ASCR.

Staff participated in ADR Leadership Group (ADRLG) meetings when they were held during this Fiscal Year 2009; the ADRLG Retreat held in Southern Maryland, November 2008 as well as the End Users Forum Meetings for the "iComplaints" database management system. Also, the Agency participated in the Department's Conflict Resolution Day, October 2008.

The Collaborative Resolution and Team Development Branch conducted several training sessions for managers and employees this fiscal year to include: Conflict Management Training with an ADR component (11 groups); Leadership Transition Training (15 groups) and Team Building Training (18 groups).

Unfortunately, the Conflict Prevention and Resolution Center (CPRC) "Entellitrak" Database Management System has experienced several technical difficulties and has not been on-line during this fiscal year. CPRC is continuing their efforts to resolve these data management issues. However, statistical data for ADR is being tracked through the "iComplaints" data system for the Annual 462 Report to the Equal Employment Opportunity Commission (EEOC).

APHIS has a cadre of Resolving Officials (RSO) designated by Program Areas. Because of their continual involvement at the earliest stages of the complaint process, these appointed individuals have Senior Management support, understands the organization's mission and receive training on an as needed basis or annually by CREC and/or vendors experienced in Negotiations, Conflict Prevention and Federal Discrimination Complaint Processes and other training deemed appropriate to their role as RSO.

During Fiscal Year 2009, Resolving Officials received training in the new American with Disabilities Act Amendment Act (ADAAA). Additional sessions were held for managers, supervisors and employees. CREC is working with the Training and Development Branch to create a training module in AgLearn on this subject.

**Action Plan:** APHIS will continue to support its increase use of ADR by developing new ADR-related and EEO specific briefing modules as needed; implement its new agency initiative: “CREC Theater Series”, a DVD lending library established in support ADR/EEO/CR program changes. Managers, supervisors and employees will have access to training resources that will equip them to handle important sensitive workplace issues.

The ADR Center Open House, Navigating the EEO Complaints Process, held June 25, 2009 in Riverdale, MD was a huge success. Employee feedback was very positive and evaluation results found the session useful and informative. Similar programs will be held during FY-2010 and possibly FY-2011.

While the FY 10 training schedule is not complete, CREC will continue to support and provide ADR/CR/EEO briefings during MRPBS Human Resources training session for “Fundamentals of APHIS Human Resources Management (FARHM)”.

Resolving Officials will continue to receive a published guide which provides instructions and tips to assist them in for preparing for EEO-related ADR sessions, as well as relevant information on their role, rights and responsibilities as Resolving Officials plus settlement guidelines. These guides were provided to ASCR/OAC/ECD.

Managers have access to a 1-800 Hot Line for EEO/CR assistance.

**GOAL: 3. EEO Program: Proactive Management and Legal Compliance:**

Provided a workplace free of unlawful discrimination and enhanced the diversity of the workforce.

**PERFORMANCE OBJECTIVE: 3.3**  
**Efficient EEO Complaint Process:**

Managed an effective complaint processing program.

**GOAL INDICATOR: 3.3 (d)**  
**Complaint Non-Compliance/Corrective**  
**Actions:**

Provided the average number of days to respond to requests for information from EEO Counselors, Investigators, and Adjudicators by type of request.

Provided the average number of days to fully implement the terms of settlement agreements, including terms of the Basu settlement agreement, where applicable.

Provided the number of requests for non-compliance/corrective action-related information (e.g., data, analyses, reports, recommendations, and status reports) from OASCR, and the average number of days to respond to each type of request.

Agencies must provide succinct written rationale and evidence as to how the Agency determined its self-assessed point value.

**N.B.:** Effective FY 2008, the data requested in this indicator relative to EEO will also be required for program civil rights compliance.

**AGENCY RESPONSE**

APHIS CREC acknowledges receipt of a request for information from EEO Counselors, Investigators, and Adjudicators within 24 hours or the next working day. APHIS CREC negotiates with the requestor of information if the requested information cannot be provided by the requestor's due date. CREC closely adheres to all timeframes provided by requestors of information from the OAC, Adjudicators, Investigators, and the Office of General Counsel/Civil Rights Division. During FY 2009, there were no complaints of record from the OAC, Investigators, or the Office of General Counsel that CREC was late in providing requested information, data, or reports.

The agency completed all Basu settlement requirements in FY 2008 and reported those accomplishments in the FY 2008 Agency Civil Rights Performance Plan and Accomplishment Report.

In FY 2009 to date, there were (21) settlement agreements which represented 28% (21/73) of the complaints closed. Payments and other terms of the settlement agreements are processed or implemented within the timeframe stipulated within each settlement agreement. On the average, it takes about (60) calendar days to fully implement the terms of a settlement agreement.

To date, there were no allegations of non-compliance for FY 2009, since the agency implemented all settlement terms within the respective timeframes. Therefore, in FY 2009 there were no requests for non-compliance/corrective action-related information from the Department.

The percent of agency formal complaints closed to date in FY 2009 is 50% since (73) formal complaints were closed and (73) complaints are currently in the formal complaints inventory.

The Director CREC meets on a weekly basis with the Acting Administrator to discuss and report on agency complaint closures under the USDA Resolution Initiative.

**Action Plan:** APHIS CREC will maintain an effective complaint processing program providing timely responses to requests for information from EEO Counselors, Investigators, the Department, EEOC and the Office of General Counsel. Implementation of settlement agreements will be in accordance with the terms set forth in the agreement.

**GOAL: 4. Procurement:**

Ensured equal opportunity for minorities, women-owned, small and disadvantaged, service disabled veterans, American Indians/Alaska Natives, and persons with disabilities (*AbilityOne*, also known as the *Javits-Wagner-O’Day Act* or “*JWOD*”) in all USDA contracting activities.

<p><b>PERFORMANCE OBJECTIVE: 4.1</b> <b><u>Procurement Goals:</u></b></p> <p>Took affirmative steps to increase procurement with businesses owned and operated by women, minorities, service disabled veterans, small and disadvantaged businesses, American Indians/Alaska Natives, and persons with disabilities (AbilityOne (JWOD) non-profit service providers).</p>	<p><b>GOAL INDICATOR: 4.1 (a)</b> <b><u>Accomplishment of Goals:</u></b></p> <p>Developed and implemented effective strategies for improving participation by women, minorities, service disabled veterans, small and disadvantaged businesses, American Indians/Alaska Natives, persons with disabilities (AbilityOne (JWOD) service providers) and for accomplishing all goals.</p> <p>Agencies are required to provide procurement goal targets for each major category and the associated percentage achieved for each goal.</p> <p>Agencies must provide succinct written rationale and evidence as to how the Agency determined its self-assessed point value.</p>
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**AGENCY RESPONSE**

1. The AbilityOne and the six small business categories reported on are: Small Business (SB), 8a, Small Disadvantaged Business (SDB), Women-Owned (WO), Hubzone (HUB) and Service Disabled Veteran-Owned (SDVO). This report will continue to be issued quarterly with the accumulative representation of the Agency’s status.

**8(a) Business Developmental Program of the** Small Business Act authorizes a Minority Small Business and Capital Ownership Development program designated the 8(a) Business Development or “8(a) BD” program to assist eligible small disadvantaged business concerns compete in the American economy through business development.

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. The social disadvantage must stem from circumstances beyond their control. *Members of designated groups are* presumed as: Black Americans; Hispanic Americans; Native Americans (American Indians, Eskimos, Aleuts, or Native Hawaiians); Asian Pacific Americans (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China (including Hong Kong), Taiwan, Laos, Cambodia (Kampuchea), Vietnam,

Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, or Nauru); Subcontinent Asian Americans (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands or Nepal); and members of other groups designated from time to time by SBA.

**Indian tribes and Alaska Native Corporations** owned and controlled by American Native Corporations (ANC) are eligible for participation in the 8(a) program and must meet the eligibility criteria.

2. APHIS is currently exceeding in AbilityOne and five of its small business preference categories with the exception of Hubzone (1.7% below the goal).

*3rd Qtr FY09 - AbilityOne and Small Business accomplishments: 09/01/08 thru 06/30/09*

Business	** FY 2009 Goals	QTR 1- Awards 10/01/08 – 12/31/08	Agency Status	QTR 2- Awards 10/01/08 – 03/31/09	Agency Status	QTR 3- Awards 10/01/08 – 06/30/09	Agency Status
<i>Total Dollars</i>		24,431,676.87		58,766,555.40		88,245,400.84	
<i>Total Small Business Dollars</i>		17,555,498.54		34,460,978.72		50,480,962.05	
<i>ABILITYOne</i>	.30	.70	Exceeding goal by .40	.49	Exceeding goal by .19	.48	Exceeding goal by .18
<i>Small Business</i>	49.00	64% >	Exceeding goal by 15%	58%	Exceeding by 9%	57.2	Exceeding by 8.2%
<i>8(a)</i>	5.00	4.8 <	Increasing	9.8%	Exceeding by 4.8	8.2	Exceeding by 3.2
<i>SDB</i>	8.00	9.3 >	Exceeding goal by 1.3%	14.9%	Exceeding by 6.9	12.4	Exceeding by 4.4
<i>WOB</i>	7.00	19.6 >	Exceeding goal by 12.6%	14.6%	Exceeding by 7.6	10.9	Exceeding by 3.9
<i>Hubzone</i>	3.00	2.9 <	Increasing	1.7%	Below by 1.3%	1.6	Below by 1.7%
<i>SDVO</i>	3.00	2.8 <	Increasing	6.9%	Exceeding by 3.9%	4.9	Exceeding by 1.9% (has decreased)

**Note:** All data was available from the USDA, OSDDBU Office and/or reports pulled from the Federal Procurement Data System – New Generation (FPDS-NG System). The "Funding" and "Goaling" reports utilized represent % of dollars obligated under each category.

**Findings/Recommendations:**

1. Third Quarter's total Small Business awards compared to all Small Business Categories reveals there has been an increase in Large Business Awards. The large business contract awards draw from the mandatory small business goals and will impact maintaining the already-exceeded percentages. Acquisition Community can continue to do market research and set-a-side requirements under the small business program.

2. The Agency is currently **\*Exceeding** in five of the mandatory small business categories; *Small Business (SB)*, *Small Disadvantaged (SDB)*, *Women-Owned (WO)*, *8 (a)*, and the *Service Disabled Veteran-Owned Small Business (SDVOSB)*. The only category still under served is the HubZone (HUB).

3. The SDVOSB category has declined in contract awards significantly since Qtr 2. The Acquisition Community will need to continue to address this mandatory category in procurements to maintain and increase contract awards in this category.

4. The Hubzone category has not increased since the Qtr 3 report. The Acquisition community can make set-a-side determinations under HubZone category and therefore, guarantee Agency credit for awards in this category. The FAR Sources of Supplies addresses this category as priorities over the 8(a) program therefore, please consider making set-a-sides in this category.

5. As award data continues to be reported in the FPDS-NG system by servicing Agencies, new data may alter previously reported results either upward or downward and, in all or some small business categories.

6. All small business categories seem to have an average distribution of awards; data reflects proper use of rotation of vendors in all categories.

**NOTE: The next report will be provided by mid- September to further educate the acquisition community in meeting mandatory Small Business Goals.**

This report will support FY 2009 Civil Rights Contract Award Accomplishments on an accumulative basis for the Animal and Plant Health Inspection Service (APHIS). Data reflects APHIS as the funding Agency for procurement services awarded to multiple **external customers** during October 1, 2008, thru June 30, 2009.

<b>Business Category</b>	<b>Qtr 1 10/01/08 thru 12/31/08</b>	<b>% of Total</b>	<b>Qtr 2 01/01/09 thru 03/31/09</b>	<b>% of Total</b>	<b>Qtr 3 04/01/09 thru 06/30/09</b>	<b>% of Total</b>
<b>Total Accumulative Dollars</b>	<b>31,803,125.74</b>	<b>100%</b>	<b>57,418,776.36</b>	<b>100%</b>	<b>90,887,568.66</b>	<b>100%</b>
Small Business Concern (SB)	21,282,450.22	66.9	33,536,941.21	58.4	52,324,650.15	57.5
Small Disadvantaged Business (SDB)	4,743,498.13	14.9	8,120,123.21	14.1	10,342,120.73	11.3
Women-Owned (WO)	6,897,636.55	21.6	8,580,341.83	14.9	10,039,528.34	11.0
Hubzone (HUB)	598,218.99	1.88	694,023.50	1.2	923,904.56	1.0
Veteran-Owned (VO)	3,518,495.37	11.06	5,268,987.59	9.1	5,814,084.41	6.3
Service	2,660,735.88	8.36	3,980,575.69	6.9	4,397,373.19	4.8

Disabled Veteran Owned (SDVO)						
8(a)	4,492,281.87	14.1	7,537,994.26	13.1	<b>9,608,950.56</b>	<b>10.5</b>
JWOD/Ability One	228,440.27	.70	272,402.23	.47	<b>406,633.59</b>	<b>.44</b>
Historically Black Colleges & Univ. (HBCU)	- 480.00	-0.15	-\$480.00	-0.00	<b>4,020.00</b>	<b>.0044</b>
Educational Inst.	1,271,142.75	3.9	2,146,333.93	3.7	<b>2,846,115.34</b>	<b>3.13</b>
Asian Pacific	100,242.81	0.31	915,851.06	1.5	<b>1,812,306.05</b>	<b>1.99</b>
Minority Institutions	0.0	.0	46,440.00	.06	<b>118,070.00</b>	<b>.12</b>
Local Government	15,520.15	.04	75,689.52	.7	<b>101,999.63</b>	<b>.68</b>
State Government	1,660,946.61	5.22	2,658,125.42	4.6	<b>3,317,969.63</b>	<b>3.6</b>
Tribal Owned	0.0	0.0	0.0	0.0	<b>17,550.00</b>	<b>.034</b>
American Indian	18,000.00	.10	200,767.39	.34	<b>314,279.39</b>	<b>0.34</b>
Native American Indian	36,436.34	.11	327,778.73	.57	<b>508,450.03</b>	<b>0.55</b>
Indian Tribe (Federally recognized)	0.0	.0	0.0	0.0	<b>0.0</b>	<b>0.0</b>
Asian Indian	664,617.32	2.0	1,792,017.82	3.12	<b>1,963,989.30</b>	<b>2.16</b>
Alaska Native	8,480.39	.02	8,480.39	.10	<b>32,430.39</b>	<b>0.036</b>
Native Hawaiian	0.0	.0	0.0	0.0	<b>0.0</b>	<b>0.0</b>
Minority Owned	7,300,311.97	22.9	10,021,710.30	3.12	<b>12,404,554.42</b>	<b>13.9</b>
Black Owned	3,170,862.52	9.9	3,892,287.00	6.7	<b>4,524,977.26</b>	<b>4.9</b>
Hispanic-Owned	3,016,432.34	9.4	2,631,003.81	4.5	<b>2,945,725.27</b>	<b>3.2</b>
Non-Profit Organization	888,324.39	2.7	1,484,986.01	2.5	<b>2,196,704.80</b>	<b>2.4</b>
Emerging Small Business	794,967.77	2.4	2,198,784.82	3.8	<b>2,973,504.66</b>	<b>3.2</b>
<b>Hospitals</b>	<b>0.0,679.79</b>	<b>.0</b>	<b>38,185.90</b>	<b>.06</b>	<b>51,185.90</b>	<b>.05</b>

**NOTE: Obligations can apply to one or more categories listed above. All data was available from the Federal Procurement Data System – New Generation (FPDS-NG System). Query was under “Funding Report”.**



**Servicing Federal Agencies Reporting Obligations:** The following Service Centers have reported obligation activity for the Funding Agency:

Animal and Plant Health Inspection Service (APHIS) – 12K3  
Defense Information Systems (DISA) – 97AK  
Office of Policy and Budget (OPPD) – 1406  
Dept of Navy – 1700  
Minerals Management Services – 1435  
Public Building Service - 4740  
Consumer Product Safety Commission – 6100  
Dept of Army – 2100  
Federal Acquisition Service - 4735  
Bureau of Public Debt - 2036

**APHIS Procurement Accomplishments FY 2009:**

**Office of Small and Disadvantaged Business Utilization**

PPSB attended the OSDBU's Vendor Outreach Session (VOS) on October 7, 2008. The VOS allows small business vendors the opportunity to highlight their services for future agency contract awards.

**First Annual Federal Hispanic Career Advancement Summit**

A member of the PPSP attended the First Annual Federal Hispanic Career Advancement Summit on October 1, 2008. The Event took place in Crystal City, Virginia. The unique event was endorsed by President Bush on September 5, 2008, supporting the commitment to enhance career development initiatives to increase Hispanics in senior executive and management positions in the Federal Government.

**USDA Small Business Coordinator Quarterly Meeting**

The MRP SBC attended the USDA Office of Small Disadvantaged Business Utilization (OSDBU) meeting on Wednesday, October 15, 2008.

**ISSM Council**

The MRP SBC attended the APHIS Information Security System Management (ISSM) Council on Wednesday, October 15, 2008.

**USDA SDVOSB Event**

The MRP SBC forwarded on October 21, 2008, to Procurement Branch Chiefs the USDA notification of the "Connecting VETS to USDA Training Conference" to be held on November 19, 2008, in the South Building. The event is a major USDA outreach event to increase the SDVOSB vendor base for the USDA. The APHIS OCIO, Marilyn Holland, will be a guest speaker for a panel at this event.

**USDA Training for SDVOSBs**

The MRP Small Business Coordinator attended and assisted the USDA Office of Small Business Utilization (OSDBU) in delivering the "Connecting VETS to USDA Training Conference" on November 19, 2008. The event was held at the USDA

Auditorium with a confirmed attendance of 300 Service Disabled Veteran-Owned Small Businesses (SDVOSB) from all over the Domestic United States. The Welcoming Remarks were delivered by Gilbert Smith, Deputy Assistant Secretary for Administration. The Conference was primarily structured with five Panel Discussions which covered specific topics such as: Doing Business Successfully with USDA; Making Connections at USDA and Other Federal Agencies; Successful Blanket Purchase Agreement (BPA) Strategies; USDA Information Technology Strategies and Opportunities; and, USDA Prime Contractors and Teaming Arrangements. The Animal and Plant Health Inspection Service (APHIS) was represented by participation of the Agency Deputy Chief Information Officer (OCIO) which spoke on Information Technology Strategies.

### **Vendor Meetings**

The MRP SBC met with six Small Business Vendors during the week of October 20 – 24, 2008, to provide them with guidance on how to do business with the Agency. Additional information was provided on the Agency's procurement forecast information.

### **Vendor Capability Meetings**

The MRP SBC met with eight individual small businesses this week and provided them with guidance on how to do business with the APHIS.

### **Agency First Tuesday Presentation**

The APHIS, Administrative Services Division (ASD) Director, Howard G. Price, presented at the USDA First Tuesday Association Breakfast Briefing on Tuesday, December 2, 2008. The event is sponsored by the USDA Office of Small Disadvantaged Business Utilization (OSDBU) and APHIS hosted the December briefing. There were approximately 120 participants which consisted of small and large vendors seeking business opportunities with the APHIS. Mr. Price presented the Agency's commitment to the small business community and shared with vendors the challenges and cultural needs facing sub-programs. The Director of the USDA OSDBU, Mr. James House, forwarded the same day to Mr. Price their thanks for the Agency's presentation and commended APHIS officials as highly ranked among USDA's most outstanding leadership.

**Host Agency for Project Management Professional (PMP) Class 29** – The ASD hosted and coordinated the roll-out of the USDA Office of Chief Information Officer (OCIO) sponsored PMP course at the Rivertech facility. Class 29 consisted of USDA employees who participated in five week courses which prompted graduation ceremonies on January 16, 2009.

Guest Speaker was Howard G. Price, Director of ASD and John Rehberger, Acting Associate Chief Information Officer for Information & Technology Management. Also, in attendance was Marilyn Holland, APHIS OCIO and Matt McLean, Associate OCIO.

**Small Business Outreach** – The MRP Small Business Coordinator met with seven small businesses who are seeking business opportunities. Guidance on how to do business and identify technical contacts with the Agency was exchanged.

**Agency 4<sup>th</sup> Annual AbilityOne Awareness Event**

The ASD conducted the Agency's 4th Annual Marketing and Regulatory Program (MRP) AbilityOne Awareness Event on January 29, 2008. The event was conducted to promote awareness of the federally mandated program to purchase goods and services from small businesses which employ people who are disabled and have severe disabilities. Federal funds obligated to vendors in this category are directly measured against the Agency Scorecard issued by the USDA Office of Small Disadvantaged Business Utilization (OSDBU).

*Action Plan:* APHIS will continue to increase procurement goals by continuing to do outreach and formulate strategies to meet goals for contract awards under the areas of AbilityOne and the six mandatory Small Business Goals.

# **APPENDICES**

## APPENDIX 1

### APHIS Civil Rights Strategic Plan Goals and Objectives FY 2007 - FY 2011

**Goal 1:** To implement a Civil Rights Program that is fully compliant with all Civil Rights Laws, rules and regulations including EEOC's MD-715 and USDA and APHIS regulations, policies, and guidelines.

- **Objective 1:** Meet the EEO Standards for a Model Federal Agency Equal Opportunity Program.
- **Objective 2:** Ensure that employees and managers have access to current and accurate information about key civil rights issues.
- **Objective 3:** Strengthen Program Delivery and Outreach
- **Objective 4:** Implement a comprehensive compliance review program to assess adherence to and compliance with USDA and EEOC Civil Rights program requirements.
- **Objective 5:** Establish long-term hiring goals to reach the "Federal High" for persons with "targeted disabilities"

**Goal 2:** Strengthen and expand educational programs and continue to ensure that the APHIS workforce reflects the Nation's diversity.

- **Objective 1:** Strengthen and assist 1890 land Grant Colleges and Universities, Historically Black Colleges and Universities, and Hispanic Serving Institutions in building the capacity that will enable them to support the APHIS mission.
- **Objective 2:** Implement programs designed to provide training, internships, authorized scholarships and full employment to all college and university students with a focus on institutions with significant populations of minorities, women, and students with disabilities.
- **Objective 3:** Monitor APHIS diversity at all levels of the organization including the full employment of persons with disabilities.
- **Objective 4:** Implement and maintain special programs and initiatives that are in compliance with regulations and guidelines.
- **Objective 5:** Facilitate the workforce planning process by providing a cadre of students who, upon graduation, are qualified and eligible for future employment.
- **Objective 6:** Monitor recruitment and hiring to ensure the workforce reflects the Nation's Diversity.

**Goal 3:** Develop and implement programs, strategies, and initiatives designed to close, settle or mediate active complaints and prevent new complaints.

- **Objective 1:** Provide training and information resources to managers that will reduce EEO Complaints.
- **Objective 2:** Utilize various ADR techniques to resolve EEO Complaints.
- **Objective 3:** Promote essential & appropriate training and education on ADR to agency personnel.

**APPENDIX 2**

**Animal and Plant Health Inspection Service Civil Rights Policy Statement**

**November 18, 2008**

**APPENDIX 3**

**APHIS Anti-Harassment Policy Statement**

**November 18, 2008**

## **APPENDIX 4**

### **APHIS Civil Rights Enforcement and Compliance**

Recommended Language for Required EEO Element for Managers and Supervisors  
ELEMENT WEIGHT WILL BE 10%

Performs all duties consistent with civil rights and equal opportunity laws and regulations prohibiting discrimination. Demonstrates equal employment opportunity for all employees and applicants for employment. Is held accountable for results in the prevention and resolution of EEO and Program complaints; participation in the EEO complaint process; actively supports diversity in hiring, selection, recruitment and outreach programs. Provides for appropriate disability and religious based accommodations. Communicates promptly with employees to address problems and disagreements in the workplace. Ensures that APHIS external programs and activities are implemented in a non discriminatory manner to reach all eligible beneficiaries.

Recommended civil rights/equal opportunity language to incorporate in Non-supervisory employees' EEO element (stand-alone element for EEO not required, language may be incorporated into customer service, teamwork, or similar element.

Treat all employees, stakeholders, program beneficiaries and the general public with fairness, dignity and respect consistent with agency goals for civil rights and equal opportunity.

This information can also be obtained from the CREC website at:

[http://www.aphis.usda.gov/civil\\_rights/element\\_for\\_managers\\_and\\_supervisors.shtml](http://www.aphis.usda.gov/civil_rights/element_for_managers_and_supervisors.shtml)



## APPENDIX 5

### APHIS Compliance Review Schedule Fiscal Year 2009

The following compliance reviews are scheduled for the 4<sup>th</sup> quarter of FY 2009:

<b>Program</b>	<b>Location</b>
Plant Protection & Quarantine State Offices	Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Connecticut, New Mexico, Utah, Arizona, Nevada, California
Veterinary Services State Office/Operations	Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado, New Mexico, Utah, Arizona, California/Nevada
Wildlife Services State Offices/Operations	Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado, New Mexico, Utah, Arizona, California/Nevada
Animal Care Eastern Regional Office	All states in the western region

During the period of July 1, 2008 through July 30, 2009, APHIS completed on-site civil rights compliance reviews for the following programs:

<b>Program</b>	<b>Location</b>	<b>Report Completion Date</b>
Veterinary Services	Eastern Regional Office Raleigh, NC	September 2008
Veterinary Services	North Carolina State Office, Raleigh, NC	September 2008
Plant Protection & Quarantine	State Office Carlisle, PA	June 2009
Wildlife Services	State Office Harrisburg, PA	June 2009
Veterinary Services	State Office Harrisburg, PA	June 2009
Veterinary Services	Animal Import Center JFK Int'l Airport	June 2009

The Compliance Review Schedule can be accessed through the CREC website at:  
[www.aphis.usda.gov/civil\\_rights/compliance\\_reviews\\_schedule.shtml](http://www.aphis.usda.gov/civil_rights/compliance_reviews_schedule.shtml)

## APPENDIX 6

### APHIS Workforce Profile Analysis

#### As of this report - Analysis of Workforce Profiles

**Workforce Profile** – Currently in FY 2009, APHIS has a total population of **9,053** employees. This is a net increased of (+269) compared to the total population of **8,784** in FY 2008. Underrepresentation remains in the following Races/Genders: Black Males, Black Females, Hispanic Females, White Females and Persons with Targeted Disabilities.

See the APHIS Federal Equal Opportunity Program Plan for FY 2008 Recruitment, Hiring and Community Outreach Strategies. The plan is posted on the CREC website: [www.aphis.usda.gov/civil\\_rights](http://www.aphis.usda.gov/civil_rights) . Also posted on the CREC website is the APHIS FY 2008 EEO Program Status Report.

**Occupational Categories** - APHIS is recognized by the Department as having **10** major occupation job series. At the beginning of the 4th Quarter of FY 2009, the total number of APHIS employees (*males/females*) in each major job category is as follows:

Occupational Job Series	Total Employees	Male	Female
0201 Personnel Management	103	29	74
0301 Misc. Admn. and Program Analysis	220	61	159
0343 Management and Program Analysis	185	56	129
0401 Gen Biolcl Sci	1375	963	412
0404 Biolcl Techncn	1398	1136	262
0421 Plt Protection Techncn	1243	811	432
0486 Wildlife Biology	399	353	46
0701 Veterinary Medical Science	680	412	268
0704 Animal Health Techncn	474	336	138
2210 Information Tech Specialist	291	192	99

**Distribution by Grade** – The majority of APHIS employees 2,857 are at the GS-9 through GS-12 grade level, followed by 2,602 employees at the GS-5 through GS-8 grade level. At the GS-01 through GS-04 grade level there are 1,428 employees, and 1,492 at the GS-13 through GS-15 grade level. In Executive/Senior Level positions there are 36 employees (*24 men and 12 women*). White men and White women represent 83.3% and minorities represent 16.7% of this category.

**Data Source: NFC On-Line Reporting Center**



## APHIS Promotes the FY 2009 WRP Program

### What Is the Workforce Recruitment Program?

Attention Employers! The Workforce Recruitment Program for College Students with Disabilities (WRP) is a recruitment and referral program ready to help you fill your summer or permanent hiring needs with talented college students with disabilities. The WRP database contains profiles of student job candidates from more than 200 colleges and universities nationwide, representing all majors, and ranging from college freshmen to graduate students and law students.

### What Does the Program Offer Employers?

- Job candidates pre-screened through face-to-face, onsite interviews
- One-page summary about each applicant's qualifications and career interest
- Referral pools tailored to specific job requirements and critical mission occupations
- Easy access to candidates across the Nation, by state or job category
- Flexibility in hiring for summer internships, co-op, or permanent positions
- Opportunity to evaluate summer interns for permanent staffing needs

### What Can Summer Interns Do for You?

- Undertake special projects postponed for lack of time or resources
- Assist permanent staff with key projects
- Share specialized knowledge and innovative current technical skills
- Assume responsibilities of staff on vacation or leave of absence
- Prove that qualified people with disabilities make excellent employees
- Contribute in a wide variety of areas, including business, communications, engineering, science, computer science and administrative support

### How Does the Program Work?

Annually, trained recruiters from Federal agencies conduct personal, onsite interviews with interested students at college and university campuses. From these interviews, a database is compiled containing more than **1,500 diverse college students** and recent graduates seeking employment. The recruiter's interview comments are included in each student's profile. The searchable database is categorized by job interest, degree program, geographic location, and many other factors. The hiring agencies are responsible for paying the student's salary. Agencies may add other benefits, such as housing and transportation stipends, to the intern's job offer. WRP students' required assistive technology will be provided free of charge to employers.

**To Access the Database:**

- The WRP database, [www.wrp.gov](http://www.wrp.gov), is available to Federal Human Resource Specialists, Equal Opportunity Employment Specialists, and other interested hiring officials. Log on to request an ID and password to access the database.

**For More Information about the Program:**

- Contact your Agency Disability Employment Program Manager, Sophia Kirby on (301) 734-5366.
- USDA WRP Coordinator: Ms. Terry S. Thir, USDA Diversity and Disability Employment Program Manager, Office of Workplace Diversity and Inclusion, OASCR, at (202) 720-1146 voice, or (800) 877-8339 Federal Relay, or by Email: [terry.thir@usda.gov](mailto:terry.thir@usda.gov)

**APPENDIX 8**

**SAMPLES OF PERFORMANCE PLANS WITH EEO ELEMENT**