

DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250

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SUBJECT: SPECIAL EMPHASIS PROGRAMS	DATE: October 24, 1995	
	OPI: OFFICE OF CIVIL RIGHTS ENFORCEMENT	

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COLLATERAL-DUTY SPECIAL EMPHASIS PROGRAM MANAGER

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1 PURPOSE

The purpose of this regulation is to provide guidance and direction on the establishment and administration of Special Emphasis Programs throughout the Department of Agriculture. Special Emphasis Programs address the unique concerns of women, minorities and persons with disabilities in achieving equal opportunity in all employment and program delivery activities.

The measure of an effective Special Emphasis Program is the results achieved toward civil rights program objectives.

Examples of key indicators include:

a Progress towards achieving a diverse work force at all grade levels and in all occupations:

b A decrease in employment/ program complaints and findings of discrimination:

c An increase in early complaint resolution rates: and

d Outreach efforts to under-utilized and under-served communities;

2 AUTHORITY

In order to carry out Special Emphasis Program objectives, a wide range of civil rights laws, rules, executive orders and regulations are utilized (refer to Appendix A).

3 ABBREVIATIONS

SEP - Special Emphasis Program(s)

ED - Equal Employment Opportunity

OCRE - Office of Civil Rights Enforcement

4 DEFINITIONS

a Civil Rights. Encompasses all aspects of equal opportunity and nondiscrimination in Department programs and employment including but not limited to affirmative employment programs, enforcement, and nondiscrimination in federally assisted and federally conducted programs.

b Collateral-duty SEP Manager Assignment. An assignment that provides management and support of an SEP with the following characteristics: a collateral duty assignment is not the primary purpose for establishing or continuing the employee's official position-of-record; the SEP does not constitute a grade controlling duty or responsibility; and a collateral duty assignment may be terminated at management's discretion without following adverse action procedures.

To maximize the SEP Manager's effectiveness the duration of a collateral duty assignment should be a minimum of two years.

c Customer. Any individual, organization, or entity working for, serviced by, or doing business with the Department of Agriculture, e.g. employees or applicants for employment, program recipients, beneficiaries or applicants for program services, benefits or financial assistance, other Federal agencies, State and local governments, the general public, or any individual or entity affected

by Department of Agriculture programs or services.

d Employment activities. Recruitment hiring, promotions, separations, awards, training, or any other employment action which impacts on the inclusion of and equal opportunity for women, minorities, and people with disabilities.

e Full-time SEP Manager Position. A position which includes, as its primary responsibility, management of an SEP (or SEPs) as a regular and grade-controlling work assignment and for which the management of the SEP is a critical performance element.

f Program delivery activities. These activities include outreach, training, public notification, program accessibility or any system, practice or procedure or other activity which increases the knowledge of and participation by women, minorities, and people with disabilities.

g Special emphasis Programs (SEPs). SEPs are an integral part of the overall civil rights, human resource and program delivery functions. The purpose of SEPs is to provide oversight, guidance, direction, enforcement and assistance to enhance opportunities for women, minorities, and people with disabilities in all employment and program delivery activities. Refer to paragraph 8 for a list of SEPs currently authorized within the Department of Agriculture.

h Under-utilization. The absence of minorities, women or people with disabilities from an organization's work force or program, or representation of a particular group which does not reflect the availability of that group in the applicable population, e.g., labor market, applicant pool, small and minority group contractors, program population served.

5 POLICY

The Department of Agriculture policy is to:

a Provide equal opportunity in all employment and program delivery activities:

b Prohibit discrimination based on race, color, age, religion, sex, national origin, disability, familial status, marital status, or sexual orientation: and

c Hold managers and supervisors accountable for results-oriented civil rights activities.

6 OBJECTIVES

The following objectives apply to all SEPs relative to human resource management and program delivery;

a To identify and assist in removing discriminatory practices and procedures and other barriers to equal opportunity in all employment and program delivery activities;

b To initiate and conduct programs and other activities to increase the representation of women, minorities and persons with disabilities where these groups are under-utilized. Examples of programs and other activities include but are not limited to outreach activities, a comprehensive public notification system, effective monitoring and evaluation systems, special observance activities, and other educational and awareness activities.

c To continually improve hiring, training, retention and promotion opportunities for all qualified individuals to ensure a diverse work force.

d To improve the program composition or work force profile to reflect the population served;

e To utilize the knowledge and skills of all qualified individuals to include participation on boards, committees and task groups, upward mobility programs, special projects, details,

temporary promotions, and other career enhancing opportunities;

f To provide an effective channel of communication to management regarding, women, minorities and people with disabilities to express particular concerns and issues of the group; and

g To focus on customer-service and expand the customer base to include all qualified individuals and entities.

7 RESPONSIBLE OFFICIALS

Managers and supervisors are responsible for achieving results-oriented SEPs as an integral part of human resource and program management. Specifically,

a Under and Assistanj Secretaries and Agency Heads are responsible for:

- (1) Overall direction. implementation and administration of the organization's SEPs;
- (2) Ensuring that human and financial resources are provided for the successful and results-oriented SEPs;
- (3) Ensuring that clear performance requirements establish the role, responsibilities and participation required of managers and supervisors in support of SEP efforts; and
- (4) Commitment to and visible support of SEPs.

b Director, OCRE has overall responsibility for policy development, direction, administration and enforcement of the Department's SEPs.

c Departmental SEP Managers, under the guidance and direction of the Director of OCRE, are

responsible for providing leadership, guidance and oversight for SEPs.

d Line managers and supervisors are responsible for ensuring that actions are taken to achieve the objectives of SEPs which include the removal of barriers to equal opportunity; ensuring adequate resources are available to carry out results-oriented SEPs; and visible support and commitment to the goals and objectives of SEPs.

e Civil Rights Program Directors (or other officials with civil rights program responsibility) are responsible for the administration, guidance, and direction of SEPs. This includes designing results-oriented SEP's, appraising the effectiveness of the SEPs in meeting the agency's overall civil rights program goals and objectives, and ensuring that SEP Managers are qualified and trained to carry out their duties and responsibilities.

f Agency and field level SEP Managers, under the guidance and direction of a Civil Rights Director (or other official with civil rights program responsibility) are responsible for managing the organization's SEP. For a list of typical SEP Manager duties and responsibilities, refer to Appendix B of this regulation.

g Human resource and program officials at the departmental, agency and field levels are responsible for developing systems, practices and/or procedures in cooperation with their respective civil rights officials which ensure achievement of the organization's SEP objectives.

h Civil rights/SEP committees, councils and boards address the concerns of women, minorities and people with disabilities and assist in the delivery of SEP activities.

8 ESTABLISHMENT OF SEP MANAGER POSITIONS

a Establishment of SEP Manager positions may be based on a number of factors including any or all of the following:

- (1) Under-utilization of a protected group within the total work force, occupation(s), grade level(s) or program(s);
- (2) Work force or program size, composition, and complexity;
- (3) Number or type of complaints and resolution rates: or
- (4) Any factor related to lack of progress in achieving SEP/civil rights goals and objectives.

b The following SEPs are authorized within the Department and have been established at the Departmental level:

African American Emphasis Program

Asian/Pacific American Program

Disability Compliance Program

Federal Women's Program

Hispanic Emphasis Program

Native American Program

c In addition to the above programs, the Small or Limited Resource Farmer/Rancher Program has been established at the Department level to monitor agency actions, enforce program requirements, provide coordination and, in general, to provide overall leadership and direction. USDA agencies responsible for providing benefits or assistance to farmers and ranchers should provide adequate resources to carry out the requirements of this program.

d Agencies may also establish Disability Employment and Disabled Veterans Affirmative Action Programs. These programs focus on employment activities to include recruiting, hiring, placement, advancement and training.

Disability Compliance/Special Emphasis Programs are broader in scope to include oversight of iii civil rights activities related to customers with disabilities to include human resource issues.

e Agency headquarters levels and subordinate organizations (e.g., regions, areas) with 3,000 or more full-time equivalent employees are encouraged to establish SEPs. The decision to establish SEP Manager positions (full-time or collateral duty) is a management decision (refer to paragraph 8 a above).

f Agency heads shall provide the names of all newly appointed headquarters level SEP Managers to the Director, OCRE.

g OPM qualification requirements are to be applied when filling SEP Manager positions. When and where appropriate and critical to successful performance, it is recommended that applicants for SEP Manager positions possess bilingual and/or bicultural ability.

h Refer to Appendix B for a list of typical SEP Manager duties.

i Agencies should allocate sufficient resources to achieve effective and results-oriented SEPs.

9 DOCUMENTING COLLATERAL-DUTY ASSIGNMENTS

a Collateral-duty assignments are to be documented in an addendum to the employee's official position description and include:

(1) size and scope of the organization, e.g., employee population, organization, geographical coverage.

(2) percentage of employee's official duty time to be spent performing SEP duties;

(3) scope of responsibilities;

(4) by whom the employee will be assigned SEP duties; and

(5) by whom the employee's SEP performance will be appraised.

b SEP responsibilities will also be addressed in performance standards as a non-critical element but do not replace the EEO requirements of the employee's official position of record.

10 MEMORANDUM OF UNDERSTANDING

It is recommended that a Memorandum of Understanding be prepared for all collateral duty SEP Managers to include the items listed in 9 above. A sample "Memorandum of Understanding" is at Appendix C.

11 ESTABLISHMENT OF COUNCILS

The establishment of SEP Councils at the Departmental, agency and lower levels is encouraged, where necessary, to address the concerns of women, minorities and persons with disabilities. SEP councils serve as a valuable consultative and resource body and assist in the implementation and delivery of SEP activities.

12 TRAINING

SEP Managers (full-time and collateral duty) should be provided comprehensive civil rights training as soon as possible after appointment.

13 ANNUAL PLANS

SEP Managers are encouraged to prepare an annual SEP work plan to include objectives, action items, expected results, completion, dates and evaluation mechanism to ascertain effectiveness. These plans should be incorporated, as appropriate, into the agency's Affirmative Employment Program Plan for minorities and women.

14 OBSERVANCES, EVENTS AND ACTIVITIES

The Department of Agriculture strongly supports the conduct of and participation in programs, special events, observances and other activities that support the goals and objectives of the Department's SEPs.

SEP observances throughout the Department are to be limited to one day during the applicable SEP observance month. The OCRE will assure that USDA Department-wide activities are appropriately coordinated within the Washington, D.C. headquarters complex. Field offices co-located or in close proximity to each other will coordinate their SEP observances, where practical, sharing celebrations on the same day as headquarters.

In sponsoring SEP observances, ceremonies and activities are to be conducted in the most cost-efficient manner possible. Agencies are to avoid separate and costly observance programs. By combining efforts and resources wherever possible, SEP observances greatly enhance the Department's efforts to promote cooperation across agency lines.

In support of SEP objectives, the Department recognizes observances listed in Appendix D.

-END-

Appendix A

STATUTORY AND REGULATORY AUTHORITY

Title VI of the Civil Rights Act of 1964 -
Nondiscrimination in Federally Assisted Programs

Title VII of the Civil Rights Act of 1964, as amended, and
Civil Rights Act of 1991 - Equal Employment Opportunity

Americans with Disability Act of 1990 and Rehabilitation Act Amendments of 1992

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

Title VIII of the Civil Rights Act of 1968

The Equal Employment Opportunity Act of 1972

29 C.F.R. Part 1614 - Federal Sector Equal Employment Opportunity

Fair Labor Standards Act (The Equal Pay Act of 1963), and 1974 amendments

Age Discrimination in Employment Act of 1967, as amended

Age Discrimination Act of 1975

Equal Credit Opportunity Act of 1974, as amended

Civil Rights Restoration Act of 1987

Fair Housing Amendments Act of 1988

Executive Order 11478 of August 12, 1969 (EEO in Federal Government) (superseded Executive Orders 11246 and parts of 11375 applicable to the Federal Government)

Executive Order 11701 of January 24, 1973 (Employment of Veterans by Federal Agencies and Government Contractors and Subcontractors)

Executive Order 11625 of October 13, 1971 (National program for minority business enterprise)

Executive Order 12950 of November 2, 1980 (Leadership and coordination of implementation and enforcement of nondiscrimination laws)

Executive Order 12320 of September 15, 1981 (Historically Black Colleges and Universities)

Executive Order 12900 of February 22, 1994 (Educational Excellence for Hispanic Americans)

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

Agricultural Credit Act of 1987

Farm Bill of 1990

Appendix B

SEP MANAGER DUTIES

Typical SEP Manager duties include:

Advising management on the unique concerns of and barriers to equal opportunity for a particular under-utilized group (i.e.. women, minorities, persons with disabilities): and analyzing employment/program data and recommending actions to increase representation of these groups within a given organization (e.g.. Departmental SEP Manager for the Department, Agency SEP Manager for an Agency, regional SEP Manager for a region).

Monitoring and evaluating program delivery and human resource policies, practices, and procedures to determine the existence of barriers to full participation; and reporting findings to the appropriate officials with recommendations for corrective action. This includes participation in the development and monitoring of the organization's various civil rights program plans and reports.

Participating in studies and compliance reviews to identify systemic forms of discrimination and barriers to equal opportunity in employment and program delivery activities.

Educating supervisors, managers and employees on the goals and objectives of SEPs through development of articles for organizational newsletters related to SEP issues, programs and activities.

Coordinating or sponsoring educational programs (seminars, workshops or other types of programs such as SEP observances) on a variety of subjects, e.g., career planning, interviewing techniques, supervisory development, team building skills.

Assisting in identification of training needs and recruitment sources for minorities, women and persons with disabilities.

Coordinating or conducting forums on issues and concerns to a particular SEP group both internal and external to the Department.

Coordinating various activities with the appropriate offices which enhance opportunities for women, minorities and persons with disabilities, e.g., targeted recruitment, training.

Serving as the representative with various organizations with common goals, e.g., Federally Employed Women, IMAGE, Federal Executive Boards.

Evaluating effectiveness of activities and programs toward achieving SEP objectives.

Appendix C

SAMPLE MEMORANDUM OF UNDERSTANDING

FOR COLLATERAL-DUTY SPECIAL EMPHASIS PROGRAM MANAGER

_____ has been selected for the collateral-duty assignment of and will report to the (Civil Rights official) on SEP matters. A copy of the SEP Manager's duties is attached. (see Appendix B for a list of duties typically performed by SEP Managers.)

Acceptance of the responsibilities of this position offers no promotion potential and this collateral-duty assignment is not grade controlling.

The assignment has been discussed with and agreed to by the employee and the employee's supervisor.

The employee will be allowed up to 20 percent of official work time to perform the assignment in order to accomplish the objectives of the SEP.

The employee will develop a work plan of activities designed to promote the overall objectives of the SEP.

If necessary, adjustments to the employee's primary position will be made to accommodate the SEP responsibilities as follows: (provide details)

The SEP duties are not a critical element of the official Position of record and do not replace the EEO critical performance element.

The employee's immediate supervisor shall consult with the (Civil Rights Official) and (Agency Administrator/line official) for the appropriate performance rating on the SEP element before assigning a final rating.

Signed by:

Civil Rights Program Director Date

(or official responsible for civil rights program)

Immediate Supervisor Date

SEP Manager Date

Appendix D

SPECIAL OBSERVANCES

Currently, the following National observances fall within the scope and support the objectives of the Department's current SEPs:

Black History Month (February)

Women's History Month (March)

Asian/Pacific American Heritage Month (May)

Hispanic Heritage Month (September 15-October 15)

Disability Employment Awareness Month (October)

Native American Heritage Month (November)