

ASSISTANT SECRETARY FOR CIVIL RIGHTS

Statement of Honorable Margo M. McKay
Assistant Secretary for Civil Rights
United States Department of Agriculture

Before the
Subcommittee on Government Management, Organization, and Procurement
Committee on Oversight and Government Reform
United States House of Representatives

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify on the management of the United States Department of Agriculture's (USDA) civil rights programs.

In my observation, USDA has accomplished much in recent years, and is well on its way to addressing longstanding civil rights concerns. We still have barriers to overcome, but we are aware of them and working diligently to resolve them.

The 2002 Farm Bill authorized the position of the Assistant Secretary for Civil Rights (ASCR) which was created in March 2003. As a result, the Office of the Assistant Secretary for Civil Rights (OASCR) was established. The mission of OASCR is to provide leadership and guidance to promote equal opportunity, diversity, equal access, outreach and fair treatment for all USDA customers, employees, and applicants. OASCR provides policy guidance, leadership, and coordination for USDA on all matters related to civil rights, equal opportunity, and diversity, including: outreach, training, compliance, conflict management, and complaint prevention and processing. The office is comprised of three major program areas: the Office of Adjudication and Compliance (OAC), (formerly the Office of Civil Rights); the Office of Outreach and Diversity (OOD); and, the Conflict Prevention and Resolution Center (CPRC). [See attached organization chart.]

The first Assistant Secretary for Civil Rights developed a five year strategic plan focused on five immediate challenges facing the Department with regard to civil rights. These challenges were structure, systems, procedure, operations, and accountability. There were 13 initiatives associated with the five challenges: 1-consolidating functions with a civil rights focus, 2-realigning personnel and functions in civil rights, 3-developing and implementing a civil rights enterprise system, 4-improving intradepartmental relations, 5-improving customer service, 6-reducing complaint inventory (programs and employment), 7-increasing informal equal employment opportunity (EEO) complaint resolution rates, 8-establishing a public awareness campaign, 9-implementing a program complaint prevention strategy, 10-initiating an EEO complaint prevention strategy, 11-implementing the No FEAR Act requirements, 12-developing accountability policy for civil rights violations, and 13-convening an annual civil rights forum.

Much has been accomplished to date regarding the initiatives and some key successes include: 1-Public Awareness Campaigns that entailed over one hundred 2-3 day trips nationwide to listening sessions, conferences, briefings and meetings with farmers and ranchers and community based organizations. These travels provided an opportunity for farmers, ranchers and community representatives to express their concerns about participation in and knowledge of USDA programs and services. 2-Civil Rights Enterprise System – a Department-wide Web-based system designed to provide tracking, monitoring and reporting of equal employment opportunity (EEO) and program civil rights complaints and alternative dispute resolutions. This system has enabled OASCR to provide better case management, better customer service, more accurate reporting, and greater accountability, transparency, timeliness and consistency in the processing of complaints. The employment complaints module, iComplaints, went live May 2005; the program complaints management system went live May 2007; and the Alternative

Dispute Resolution module went live July 2007. 3-Complaint Inventory – systems were implemented, including an alternative dispute resolution program, with the purpose of reaching a manageable complaint inventory level and the ability to process future complaints in a timely manner. 4-Establishment of Partnerships (internal and external) – By expanding partnerships with community-based and other organizations, USDA has strengthened its capacity to meet the needs of those we serve. Internal partnerships were strengthened with USDA agencies to benefit USDA's underserved customer base. External and non-traditional partnerships were established with organizations outside of USDA. 5-Annual Partners Meeting – USDA conducts Annual Partners Meetings for community and faith-based organizations representing under-served farmers and ranchers and farmers and ranchers themselves for the purpose of engaging in dialogue with senior USDA officials about critical issues that affect the minority, small farm and rural communities. These meetings provide a forum to discuss concerns and suggest solutions. We also use this forum to provide training and technical assistance. Since the first meetings in April and August 2004, attendance has grown from approximately 40 to 500 participants. 6-USDA Civil Rights Training Conference – The first USDA Civil Rights Conference was held in May 2006. The second USDA Civil Rights and Diversity Conference was held in April 2008. Attendees included USDA executives and managers, and professionals in civil rights, human resources, and alternative dispute resolution. 7-Reporting Requirements – USDA is reporting requirements of the No FEAR Act in a timely manner. 8-Policy Development - USDA has issued two important regulations: 1) Accountability Regulation (January 2006), which ensures that appropriate actions are taken when discrimination, retaliation, civil rights violations or related misconduct occurs; and 2) Alternative Dispute Resolution (ADR) Regulation (April 2006), promotes the use of ADR to resolve complaints and conflicts.

As the second confirmed ASCR, I spent the first 90 days observing, meeting and listening to employees and internal and external stakeholders in order to get a sense of what leadership direction to pursue for the office. In January 2007, we established our vision and proposed plan of action for the OASCR. We set five priorities or areas of focus for enhancing civil rights at USDA through January of 2009 and beyond. These five priorities include: 1-diversity, 2-outreach, 3-conflict prevention and resolution, 4-improving the quality, efficiency and timeliness of complaint processing, and 5-communications and public awareness.

Diversity - One of the top priorities is to incorporate workplace diversity and inclusion as a core value in USDA's organizational culture. So far, OASCR has achieved the following key accomplishments: 1) issued a workplace diversity and inclusion statement to all USDA employees; 2) established a new Office of Diversity; hired a Departmental Diversity Program Manager; and transferred the Special Emphasis programs from the Office of Adjudication and Compliance to the new Office of Diversity; 3) conducted diversity briefings for the Secretary, Sub-cabinet, Management Council, Agency Civil Rights Directors, employee organizations, and employees; 4) conducted mandatory civil rights training for all USDA employees in FY 2007 on two topics: "Retaliation" and "Reasonable Accommodation of Disabilities;" 5) developed mandatory diversity awareness training for all USDA employees in FY 2008; 6) developed diversity questions to be included in the Department-wide cultural assessment (employee survey) sponsored by the Office of Human Capital Management; 7) worked with the Office of Human Capital Management to establish Civil Rights and Diversity Performance Standards for USDA employees at all levels; 8) conducted regular meetings with USDA-recognized employee organizations to discuss diversity-related issues; 9) held monthly diversity lunch series for USDA employees with internal and external speakers; 10) held the 2nd Civil Rights and Diversity

Training Conference; 11) presented the first USDA Diversity Award to an agency and an employee organization for demonstrated commitment in promoting diversity and inclusion; 12) co-sponsored a Disability Awareness Conference for Managers and Supervisors; and, continued Special Emphasis events and Cultural Heritage observances; 13) developed and submitted for clearance a draft long-term USDA Diversity Strategic Plan; and, 14) established the Diversity and Inclusion Forum, a regular meeting of senior USDA officials and employee representatives to communicate concerns and suggestions involving issues of diversity.

Outreach - OASCR's Office of Outreach and Diversity has a broad mandate to expand the Department's outreach efforts to ensure equal access and opportunity to participate in USDA programs and services, with special focus on the underserved. Key accomplishments so far are: 1) developed the USDA-wide Outreach Strategic Plan presently in Departmental clearance; 2) developed the Departmental Regulation on Outreach presently in Departmental clearance; 3) conducted the 4th Annual Partners Meeting in August 2007, with a record 450+ persons in attendance, where representatives from community-based organizations (CBOs) and USDA agencies discussed issues affecting small, minority and limited resource farmers and ranchers. Of note was the presentation of the first annual Partners Awards for excellence in outreach efforts to a community-based organization (CBO) and a USDA agency; 4) partnered with the National Agricultural Statistics Service and CBOs to reach, educate and obtain a more accurate count of socially disadvantaged farmers and ranchers in the 2007 Census of Agriculture; 5) revived the Center for Minority Farmers and provided technical assistance to socially disadvantaged farmers and ranchers, e.g., partnered with Rural Development and the Agricultural Marketing Service to train farmers and ranchers in how to obtain USDA certifications in Good Handling Practices and Good Agricultural Practices so that they can better compete in mainstream agribusiness; 6)

updated MOUs with the 1890 and 1994 Land Grant Institutions to provide scholarships, internships, training and offers of permanent employment to students of agriculture from diverse backgrounds in order to provide a pipeline to future USDA leaders; and, 7) continue to manage MOUs with the Thurgood Marshall Scholarship Fund, League of United Latin American Council, the Department of Health and Human Services (re: new immigrants) and other partners.

Conflict Prevention and Resolution - OASCR convened a USDA-wide ADR Training Conference in September 2007. The conference was attended by over 200 ADR practitioners, managers, and employees.

Case Processing - Another one of my top priorities is to achieve quality, efficient and timely complaint processing. In addition to completing all three modules (Employment and Program Complaints and ADR Resolutions) of the Civil Rights Enterprise System, our Web-based automated tracking and reporting tool, we are also taking steps to improve internal case processing standards and procedures. However, one of the barriers to achieving success is an extensive backlog in both program and employment complaints. To address this, we developed a backlog elimination plan: 1) We set a goal to eliminate the backlog of Final Agency Decisions (FADs) in program complaints by December 31, 2007, and we met the goal; 2) We also set a goal to eliminate the backlog of Final Agency Decisions in employment complaints. OASCR entered into an Inter-Agency Agreement with the United States Postal Service to assist in writing employment FADs. Our goal is to eliminate this backlog by the end of FY 2008; 3) I personally conduct weekly case reviews of FADs before they are issued in order to ensure quality decisions; 4) OAC is required to produce weekly and monthly complaint inventory and productivity reports; 5) OASCR plans to conduct an organizational assessment of OAC to look at internal processes, performance and productivity standards, workflow, workload, morale and staffing in

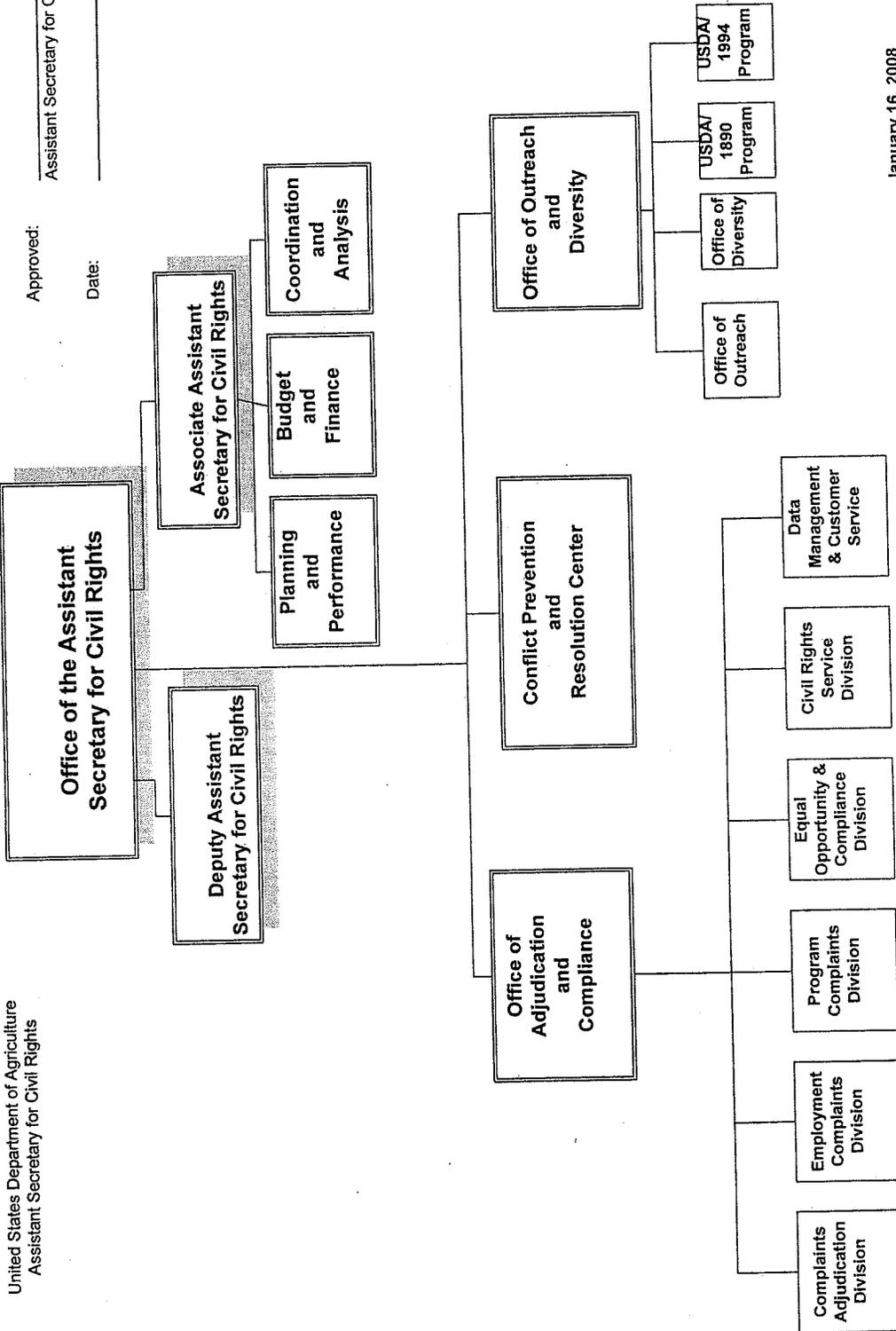
order to determine how we can work more efficiently and timely; 6) we have also made critical improvements in staffing critical positions and business re-engineering that positively affect our human capital and work flow; 7) We hold regular “all hands” meetings with OASCR employees to promote communication and transparency; 8) in order to address morale and promote productivity, we established a telework policy and program for eligible OASCR employees and established a Work/Life Coordinator position to facilitate this and other work/life programs; 9) We also convened a Professional Development Task Force to develop and coordinate professional development programs for OASCR employees. We are working with other agencies and the Office of Human Capital Management to expand this program across the Department; 10) we conducted training for all OASCR employees on communication, conflict management, and generational differences.

I believe that, since the creation of the OASCR, and during my tenure, we have made significant progress towards ensuring that agencies adhere to civil rights laws and policies; hold managers accountable; provide better customer service to employees and customers; bring closure to overdue complaints; and process all complaints in accordance with established time standards. Our public image is slowly catching up to the reality of USDA’s new civil rights record. That is why I am so appreciative of the Committee’s invitation to speak today. Hearings such as this provide us with an invaluable forum to let the world know about all that we have done, and all that we continue to do to advance civil rights for USDA employees and program participants.

Again, thank you for the opportunity to share an overview of USDA’s management of its civil rights programs.

Approved: _____
Assistant Secretary for Civil Rights

Date: _____



January 16, 2008

United States Department of Agriculture
Assistant Secretary for Civil Rights

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Assistant Secretary for Civil Rights

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