



## CIVIL RIGHTS DIVISION

### **PROVISIONAL ALABAMA FIELD OFFICE CIVIL RIGHTS COMPLIANCE REVIEW GUIDE**

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## **INTRODUCTION**

### **1. PURPOSE AND SCOPE**

This guide provides direction and conveys policy and procedures to be followed by NRCS personnel when conducting Civil Rights compliance reviews of all United States Department of Agriculture (USDA) Federally conducted and assisted programs and activities.

### **2. POLICY**

It is USDA policy to ensure that no person is subjected to prohibited discrimination in USDA programs and activities based on race, color, national origin, sex, religion, age, disability, marital status, family status, parental status, sexual orientation or because all or a part of an individual's income is derived from any public assistance program. The policy, in part, is enforced by:

- Measuring the effectiveness of compliance in Program Delivery (Title VI) and NRCS Equal Opportunity (Title VII) in State Offices and selected Field Offices, Resource Conservation and Development (RC&D) Offices, NRCS Divisions, and National Technology Centers,
- Recognizing commitment, leadership, creative and innovative management of the Civil Rights program,
- Ensuring that programs are administered in a fair and equitable manner to all NRCS customers,
- Determining the extent that NRCS employees understand their program delivery and equal opportunity responsibilities,
- Identifying program delivery and equal opportunity deficiencies,
- Providing assistance and guidance to fulfilling NRCS program delivery and equal opportunity goals and objectives, and
- Systematically evaluating whether and the extent to which USDA conducts its programs and activities in a manner consistent with applicable Federal and USDA Civil Rights requirements.

No person shall be subjected to reprisal or harassment because he or she filed a discrimination complaint, participated in or contributed to the identification, investigation, prosecution or resolution of a Civil Rights violation in or by any USDA conducted program or activity; or otherwise aided or supported the enforcement of Federal or USDA Civil Rights laws, rules, regulations or policies.

Any person, who believes that he, she, or any specific class of individuals has been subjected to discrimination by any USDA agency, may file a complaint personally or through a designated representative.

### **3. AUTHORITIES**

**A. Statutory**

- (1) Title VI of the Civil Rights Act of 1964, as amended, 42 USC 200d to 200d-7
- (2) Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794.
- (3) Title VIII, Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and 42 USC 3601 et seq.
- (4) 5 USC 301, Authority to Prescribe Departmental Regulations.
- (5) Equal Credit Opportunity Act of 1974, Title VII of the Consumer Protection Act of 1974 (as amended), Section 701 of the Equal Credit Opportunity Act of 1974, Public Law 93-49, tit. V, 88 Stat. 1500, 15 USC 1691 -1691f.
- (6) Title VII of the Civil Rights Act of 1964, as amended.
- (7) EEOC Regulation 29 CFR 1614
- (8) Age Discrimination in Employment Act of 1967, as amended.
- (9) Rehabilitation Act of 1973, as amended.
- (10) Equal Pay Act of 1963.

**B. Regulatory and Executive Orders**

- (1) 7 CFR Part 2, Subpart P, Delegation of Authority by the Assistant Secretary of Agriculture.
- (2) 7 CFR Part 15d, Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture.
- (3) 7 CFR Part 15e, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the United States of Department of Agriculture.
- (4) 12 CFR Part 202, Equal Credit Opportunity Regulation B.
- (5) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

- (6) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
- (7) Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Parental Status in Federally Conducted Education and Training Programs.
- (8) Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- (9) Executive 13087, Provides that, as a matter of Federal policy, an individual's sexual orientation should not be the basis for the denial of an employment or promotional opportunity.
- (10) Executive Order 13145, Prohibits discrimination in Federal employment based on genetic information.
- (11) Executive Order 13152, Provides for a uniform policy within the Federal Government to prohibit discrimination based on an individual's status as a parent.

### **C. Departmental Regulations/Policy**

- (1) DR 4330-3, Nondiscrimination in USDA Conducted Programs and Activities, dated March 3, 1999.
- (2) DR 4300-5, Agency Civil Rights Programs, dated January 14, 1998.
- (3) DR 4300-3, Equal Opportunity Public Notification Policy, dated February 25, 1998.
- (4) DR 4300-6, Civil Rights Policy for USDA, dated March 16, 1998.
- (5) DR 5600-2, Environmental Justice, dated December 15, 1997.
- (6) DR 4030-001, Section 508 Implementation – Final Guidance, July 23, 2003.
- (7) DR 4300-007, Processing EEO Complaints of Discrimination.
- (8) DR 4300-009, EEO Complaints, January 9, 2001.

#### **4. NOTICE**

This guide will be updated periodically. Please send comments and/or suggested revisions to: USDA, NRCS, Civil Rights Division, Attn: Policy Branch, 5601 Sunnyside Avenue, Room 1-2144, Mailstop 5472, Beltsville, MD 20705.

The United States Department of Agriculture (USDA) prohibits discrimination in its programs on the bases of race, color, national origin, sex, religion, age, disability, marital status, family status, parental status, sexual orientation, and/or political beliefs. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA Office of Communications at (202) 720-2791.

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C., 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an Equal Employment Opportunity employer.

## **TITLE VI - PROGRAM DELIVERY CIVIL RIGHTS MANAGEMENT**

### **1. CIVIL RIGHTS RESPONSIBILITIES AND RECORDS**

#### **Requirements**

**Executive Order 12250 and the Department of Agriculture regulation 7 CFR Part 15 require agencies to develop plans, procedures, and directives necessary to manage its Civil Rights program. Departmental Regulation DR 4330-2 requires that program delivery and equal opportunity files be maintained. NRCS offices are required to manage their Civil Rights activities through the following:**

- **Handbooks**
- **Reports**
- **Notices**
- **Correspondence**

**NOTE:** Examine the status on whether Civil Rights files have been established and updated to include NRCS Civil Rights Management directives, policies, bulletins, memos, complaints, etc.

#### **Sample Questions:**

- What Civil Rights responsibilities are in your job description/ Performance Plan, AD-435A-B?
- Have you reviewed the civil rights objectives, goals, and action items in the Alabama Business Plan?
- How do you measure civil rights objectives, goals, and action items in your annual field office business plan?
- Do you comply with the USDA policy of not assisting and/or attending meetings of organizations or groups that exclude minorities, women, and persons with disabilities from membership or participation?
- Where do you file copies of the civil rights management directives, policies, bulletins, complaints, etc?

### **2. TRAINING**

#### **Requirements**

**The Departmental Regulation 4120-1 and NRCS GM 230 Part 405 provides directions on the responsibilities for providing training on Civil Rights laws and regulations to all staff members.**

#### **Sample Questions:**

- • Do you have an Individual Development Plan (IDP), Form AD-881 and/or Employee

Development Plan (EDP)?

- • Are IDPs used in the design of training?
- • Has the EEO training provided in AgLearn been sufficient for your needs?
- • Have new employees hired in the past 12 months received training in:
  - a) Equal Employment Opportunity
  - b) Prevention of Sexual Harassment
  - c) EEO Counseling, Mediation, and Complaints
  - d) Special Emphasis/Disability Employment Program
  - e) Civil Rights Advisory Committee Responsibilities
  
- Have managers and supervisors received the NEDC course “Civil Rights Compliance in Program Delivery?”
- Have managers and supervisors received adequate EEO/CR training? If not, what additional training do you require?
- How do you document staff and district employee training?
- Have district employees received civil rights training in the last three years?
- Are your employees aware of the Employee Assistance Program (EAP)? Where do you file copies of the civil rights management directives, policies, bulletins, complaints, etc?
- Have you received training in the prevention of sexual harassment within the past three years?
- Have all employees in your office had EEO “It’s Place in the Federal Government”?
- Who provides the District Employees their Civil Rights training?
- What other civil rights training have you received in the last 3 years?

### 3. PUBLIC NOTIFICATION

#### Requirements

**The Department of Justice Regulation 28 CFR 42.405, the Department of Agriculture Regulation 7 CFR 15.5, Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 require offices to inform and provide guidance about changes in the EO policy and NRCS programs and activities. Examples of how notification is provided include:**

- |                     |                 |               |
|---------------------|-----------------|---------------|
| * publications      | * news releases | * posters     |
| * personal contacts | * meetings      | * newsletters |
| * electronic media  | * fact sheets   | * videos      |

#### Sample Questions:

- How do you inform potential and non-traditional program beneficiaries (*particularly minorities, females, and persons with disabilities*) about NRCS programs and activities?
- Do you prepare news articles?
- Does the district publish a district newsletter and/or Annual Report?
- Do you and your staff hold and participate in public meetings discussing USDA programs?
- Does your staff work with communities through grassroots organizations?
- Are you using the nondiscrimination statement when you disseminate program information?

- Where can your customers find the nondiscrimination statement in your district newsletter, fact sheets, and publications
- Over the past 12 months, how many NRCS civil rights success stories have you published in your local news outlets?
- Where is the “*And Justice for All*” poster displayed? **Must be prominently posted in office.**
- Is it visible to customers that receive service from your field office?
- Do you work with any of the following?
  1. 1890 Land Grant Colleges & Universities (HBCU)
  2. 1994 Land Grant Tribal Colleges and Universities (TCU)
  3. Hispanic Serving Institutions (HSI)
  4. Workforce Recruitment Program for College Students with Disabilities (WRP)
  5. Colleges and Universities with a high enrollment of Asian Americans and Native Hawaiians and other Pacific Inlanders
  6. Media outlets catering to females, minorities, or persons with disabilities
- Has anyone ever requested alternative means of communication?
- Do you have a copy of the County Demographics?
- What other languages are prominently spoken in your county?

#### 4. OUTREACH

##### Requirements

**The Department of Agriculture Regulation 7 CFR 15.5, Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 require the establishment of outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully and may not know about the availability of, or may not know how to use NRCS program services effectively are encouraged to participate.**

Examples of how notification is provided include:

Newsletters

Publications

News releases

Meetings

Posters

Personal contacts

Electronic media

Fact sheets

Videos

Through Grassroots Organizations representing minorities, women, and persons with disabilities.

**NOTE:** Ask to see a copy of the outreach strategic plan?

##### Sample Questions:

- How does your partnership with grassroots organizations in your county/RC&D Area, assist NRCS in reaching nontraditional and under-served customers?
- Please give me examples of your outreach activities for minorities, women, and persons with disabilities?
- Is there a need for bilingual staffing assistance for your office?
- What materials have been developed for you to meet the needs of producers with disabilities or who are bilingual in your county/RC&D area?
- Who are the nontraditional and underserved in your geographic area of service?
- Does your office have an outreach strategic plan?
- Does your outreach strategic plan outline how nontraditional and underserved communities are reached?
- How do you serve individuals that are unable to speak or understand English proficiently?

## **5. COMPLAINTS OF DISCRIMINATION**

### **Requirements**

**The Department of Justice Regulations 28 CFR 42.408, the Department of Agriculture Regulations 7 CFR 15.6 and 7 CFR 15d, the NRCS GM 230 Part 405, and the “And Justice for All” poster provide the instructions for customers filing complaints of discrimination in program and/or service delivery when the customers feel they have been denied program benefits or service based on any one of the prohibited factors. These regulations and handbooks should be on file along with the poster displayed in a prominent location.**

### **Sample Questions:**

- Can you and your staff explain how civil rights discrimination complaints (Program or EEO complaints) are processed? **(Ask them to explain)**
- Where do you keep instructions to file a civil rights complaint?
- Do you and other employees know the difference between a Program Delivery complaint and an Equal Employment Opportunity complaint (Title VII)? **(Ask them to explain)**
- Have you discussed the complaint procedures with your staff? **(Ask for staff conference minutes)**

## **6. EVALUATION OF PROGRAM DELIVERY**

### **Requirements**

**The Department of Justice Regulations 28 CFR Parts 42.406, 42.407, and 42.408, the Department of Agriculture Regulation 7 CFR Part 15.5, Departmental Regulation 4330-2, and the NRCS GM 230 Part 405 require the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner. Executive Order 13166 establishes an affirmative responsibility to provide Limited English Proficiency (LEP) persons with meaningful opportunity to participate in programs and activities conducted by USDA.**

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

**Sample Questions:**

- How do you determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
- Are there services in a program, provided by your office, which will deny eligibility based on a prohibited discrimination?
- How does your field office determine potential eligible program beneficiaries?
- Has the field office established a potential eligible data file?
- Does the program participation data reflect participation by women, minorities and persons with disabilities?
- Does the data collected reflect parity in program participation?
- Are there any other types of data you collect from customers?
- How long are you retaining program data after the end of a program year?
- In findings of disparities, what actions have you taken to correct them?

**Please provide the following information for the last three years by Race, Sex, National Origin and Disability (RSNOD):**

- a) Program participation reports and parity reports from the Performance and Results Measurement System/Performance Results System (PRMS/PRS).
- b) A copy of the State's civil right compliance review schedule and a copy of the last civil rights compliance review report for each office scheduled to be visited.
- c) Current list of Conservation District Board members, and RC&D Council members.
- d) The make-up of other decision-making bodies relative to conservation work.

**Please provide the number of landusers receiving USDA program payments last fiscal year for installing conservation practices and participating in any of the following programs.**

- CPI – Conservation Partnership Initiative
- CSP – Conservation Security Program
- CTA – Conservation Technical Assistance
- EQIP – Environmental Quality Incentives Program
- EWP – Emergency Watershed Protection Program
- GRP – Grassland Reserve Program
- RC&D – Resource Conservation & Development Program
- NCSS – National Cooperative Soil Survey Program
- SSP – Soil Survey Programs
- WHIP – Wildlife Habitat Incentives Program
- WFPF – Watershed Protection and Flood Prevention Operations Program

- WRP – Wetland Reserve Program

## **7. PARTNERSHIP RESPONSIBILITY**

### **Requirements**

**The Department of Agriculture Regulation 7 CFR 15.5, Departmental Regulation 4330-2 and the NRCS GM 230 Part 405 set forth the recipients responsibility in program delivery.**

### **Sample Questions (District Board Members and/or RC&D Council Members):**

- How do you develop your outreach activities to encourage the SWCD and RC&D council members to consider eligible females and minorities to serve as board/council members?
- What are the qualifications for membership on the board/council?
- Is the public informed about the board/council membership?
- Does the current board/council makeup reflect the community's makeup?
- Have you encouraged the board/council members to recruit and or appoint minorities, females, or persons with disabilities to serve on the board/council?
- How have you encouraged minorities and female participation as Directors or Officers on the board/council?
- How often do you review the civil rights objectives in the Memorandum of Agreement with Board members?

## 8. ACCESS TO ALL NRCS FACILITIES BY PERSONS WITH DISABILITIES

### Requirements

**Sections 504 and 508 of the Rehabilitation Act of 1973 (Amended in 1998), 7 CFR 15b (4) require all offices and electronic communications to be accessible to persons with disabilities.**

### Sample Questions:

- Do you believe your workspace accommodates persons with disabilities such as wheel chair bound, hearing impaired, visually impaired?
- How confident are you that NRCS would make reasonable accommodations for you if you developed a disability?
- Can everyone in your office explain what “reasonable accommodation” is?
- Do you know how to access communication devices for persons with impaired vision and hearing?

### Handicapped Accessibility Survey For NRCS Facilities

Office Location (town): \_\_\_\_\_

Date: \_\_\_\_\_

		YES	NO	N/A
	<b>PARKING LOTS</b>			
1	At least 1 handicapped space for every 25 standard parking spaces. (UFAS 4.1.1(5))			
2	Disabled space at least 96" wide with access aisle of 60" w/smooth access to building entrance. (UFAS 4.6.3)			
3	<b>Curb cuts</b> - desired slope is 1:20, (UFAS 4.7.2) maximum slope of 1:8. (UFAS 4.1.6, table 2) Curb cuts do NOT require handrails. (UFAS 4.8.5)			
4	Located closest to the nearest accessible entrance to the building. (UFAS 4.6.1)			
5	Firm, slip-resistant surfaces (asphalt or cement) (UFAS 4.5.1)			
6	Identified with sign showing the International symbol of accessibility, visible from the driver's seat of the vehicle parked in the space. (UFAS 4.6.4)			
	<b>RAMPS</b> for elevations from 1/2" - 30".			
7	Ramps at least 36" wide and not obstructed by vehicles or foliage. (UFAS 4.8.2-3)			
8	Ramps in new construction shall have a slope of 1:12. (UFAS 4.8.2) (See 4.1.6 Table 2) for exceptions for existing ramps.			
9	Landings will be 60" length, and 36" width with straight access. Landings will be 60" length and 60" width if changing direction. (UFAS 4.8.2)			
10	Gripable hand rails required on a rise greater than 6". Clearance from wall of 1 1/2". Height 30" to 34" above ramp surface (UFAS 4.8.5)			
	<b>ENTRANCES</b>			
11	Clear openings at least 32" wide. (UFAS 4.2.1)			
12	Thresholds- vertical rise no greater than 1/4". Beveled rise no greater than 1/2" (UFAS 4.5.2)			
13	Door hardware no higher than 48". (UFAS 4.13.9)			
14	Door hardware should be lever-operated, push-type or U-shaped handles. (UFAS 4.13.9)			
15	Interior doors shall have a minimum opening force of 5 lb. (UFAS 4.13.11)			
16	International symbol of accessibility shall identify the accessible entrance, and shall be visible at or near the entrance door handle. (UFAS 4.30.5)			

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<b>ACCESSIBLE ROUTES THROUGH THE OFFICE</b>				
17	At least 1 accessible route must link the entrance to all accessible elements in the office. This includes customer service areas, and access to restrooms and water. (UFAS 4.3)			
18	Continuous route 36" wide except through doorways 32". (UFAS 4.2.1 & 4.3.3)			
19	Slip resistant floor surfaces. (UFAS 4.5.1)			
<b>REACH LIMITS</b>				
20	Essential lighting controls must be within reach limits. Parallel access side reach max. 54" high and min 9" low. (UFAS 4.2.6 and Figure 5)			
21	Forward reach Max 48" and Low of 15". (UFAS 4.2.5)			
22	Side reach over obstructions. 24" depth and 34-46" high (UFAS 4.2.6)			
<b>TOILET FACILITIES</b>				
23	If no stalls, then room must have a 5' circular clearance measured at 20" above the floor. (UFAS 4.2.3) Men's			
	Women's			
24	EXCEPTION: In toilet rooms with only one water closet and one sink, a clear floor space of 30" x 60" may be used in lieu of the unobstructed turning space. (UFAS 4.22.3) See UFAS for other exceptions. Men's			
	Women's			
25	Floor clearance of 60" wide by 56" deep with wall mounted water closets or 59" deep with floor mounted water closets. An acceptable alternate is 36" wide by 66" deep w/wall mount or 69" deep w/floor mount. (UFAS 4.17.3 & Fig. 30). Men's			
	If stall dimensions differ, please reference the fig 30 diagram that applies. Women			
26	If stalls provided, one stall door at least 32" wide, (UFAS 4.13.5), opening out. (UFAS 4.22.2) Men			
	Women			
27	Toilet seat height between 17 and 19" high, one stool in each restroom. (UFAS 4.16.3) Men			
	Women			
28	Measurement from the closest wall to the center of the stool minimum. of 18" (fig. 28) Men			
	Women			
29	Urinals shall be mounted so that the lip is a maximum height of 17" (UFAS 4.18.2) Men			
30	Toilet paper dispenser shall have a minimum height of 19" and shall provide for free flow of paper. (UFAS Fig 29B) Men			
	Women			
31	Two grab bars mounted 33-36" high. One behind stool min. length 36", one on the side wall, min length 42". (UFAS 4.16.4 & Fig.29). Men			
	Women			
32	Sink no higher than 34" to the counter surface or sink rim, and with adequate knee clearance 29" high by 30" wide. (UFAS 4.19.2) Men			
	Women			
33	Hot water and drain pipes under lavatories shall be insulated or otherwise covered. No sharp or abrasive surfaces under lavatories. (UFAS 4.19.4) Men			
	Women			
34	Mirror with bottom edge no higher than 40". (UFAS 4.19.6) Men			
	Women			
35	Lever-operated push-type or electronically controlled faucet. (UFAS 4.19.4) Men			
	Women			
36	Towel, paper and cup dispensers mounted within reach limits and have no flow restrictions. (UFAS 4.2.5) Women			
37	International sign of accessibility shall be displayed on each rest room door that is accessible. (UFAS 4.30.5) Men			
	Women			
<b>DRINKING FOUNTAINS</b>				
38	Spout no higher than 36". (UFAS 4.15.2), and shall be at the front of the unit, (UFAS 4.15.3)			
39	Controls are front or front of side mounted and force required is less than 5 pounds. (UFAS 4.15.4)			

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40	Clear floor space of 30" x 48" in front of a floor standing model to allow a parallel approach, or cantilevered units shall have a clear knee space between the bottom of the apron and the floor of at least 27" and be 30" wide. (UFAS 4.15.5)			
		YES	NO	N/A
<b>PARKING LOTS</b>				
	At least 1 handicapped space for every 25 standard parking spaces. (UFAS 4.1.1(5))			
	Disabled space at least 96" wide with access aisle of 60" w/smooth access to building entrance. (UFAS 4.6.3)			
	<b>Curb cuts</b> - desired slope is 1:20, (UFAS 4.7.2) maximum slope of 1:8. (UFAS 4.1.6, table 2) Curb cuts do NOT require handrails. (UFAS 4.8.5)			
	Located closest to the nearest accessible entrance to the building. (UFAS 4.6.1)			
	Firm, slip-resistant surfaces (asphalt or cement) (UFAS 4.5.1)			
	Identified with sign showing the International symbol of accessibility, visible from the driver's seat of the vehicle parked in the space. (UFAS 4.6.4)			
	<b>RAMPS</b> for elevations from 1/2" - 30".			
	Ramps at least 36" wide and not obstructed by vehicles or foliage. (UFAS 4.8.2-3)			
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	Gripable handrails required on a rise greater than 6". Clearance from wall of 1 1/2". Height 30" to 34" above ramp surface (UFAS 4.8.5)			
<b>ENTRANCES</b>				
	Clear openings at least 32" wide. (UFAS 4.2.1)			
	Thresholds- vertical rise no greater than 1/4". Beveled rise no greater than 1/2" (UFAS 4.5.2)			
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	At least 1 accessible route must link the entrance to all accessible elements in the office. This includes customer service areas, and access to restrooms and water. (UFAS 4.3)			
	Continuous route 36" wide except through doorways 32". (UFAS 4.2.1 & 4.3.3)			
	Slip resistant floor surfaces. (UFAS 4.5.1)			
<b>REACH LIMITS</b>				
	Essential lighting controls must be within reach limits. Parallel access side reaches max. 54" high and min 9" low. (UFAS 4.2.6 and Figure 5)			
	Forward reach Max 48" and Low of 15". (UFAS 4.2.5)			
	Side reaches over obstructions. 24" depth and 34-46" high (UFAS 4.2.6)			

UFAS refers to the 'Uniform Federal Accessibility Standards', number in your reference book.

All of these considerations should be structural in nature. If furnishings in the office are placed so as to prohibit access, then the Service Center employees are responsible for making changes in the arrangement. No aisles should be restricted with furnishings; no access to necessities should be blocked. No storage cabinets should impede the measurements of a restroom.

## TITLE VII – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

### EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT

#### 1. WORKFORCE ANALYSIS

##### Requirements

Executive Order 11478, EEOC Regulation 29 CFR 1614 and EEOC MD 715 require that the head of each agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees. NRCS offices are required to manage their EEO activities through the following:

Handbooks  
Directives  
Reports  
Notices  
Correspondence

##### Sample Questions:

- What kind of EEO discussions do you have with your staff members?
- Does Special Emphasis Program Managers interface with the Human Resources staff? Is there a joint or cooperative effort? (ASK if SEPM)
- How are employees informed about vacancy announcements?
- Where do you post vacancy announcements?
- Have you observed efforts to increase the employment of persons with disabilities at NRCS?
- Do you believe management provides adequate career development and opportunities?

#### 2. PROMOTIONS

##### Requirements

Equal Employment Opportunity Commission Regulation 29 CFR Part 1614.101(a) and MD 715 require the head of each Agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program. This program is designed to promote equal opportunity in every aspect of Agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

##### Sample Questions:

- Do you believe management exhibits equal opportunity in employment and promotions?
- Are you aware your state's Affirmative Employment Plan? (Ask if CRAC member)

### **3. RECRUITMENT**

#### **Requirements**

**The Equal Employment Opportunity Commission regulation (29 CFR 1614.102(a)(4)), and the NRCS GM 230 Part 402 require the agency to communicate its EEO policies, programs, and employment needs to all sources of job candidates without regard to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital and family status. These regulations also require the Agencies to solicit assistance in the recruitment of minorities, women, and persons with disabilities.**

#### **Sample Questions:**

- Is the Equal Employment Opportunity nondiscrimination statement in all vacancy announcements?
- Are you aware of your state recruitment plan?
- Are recruitment efforts coordinated between Human Resources and Special Emphasis Program Managers to obtain optimum effectiveness? (Ask if a SEPM)
- Does recruitment literature have pictures of women and minorities and indications of the desire for a diversified workforce?
- Have you or your staff participated in recruiting at any of the following:
  - a) 1862 Colleges and Universities
  - b) 1890 Colleges and Universities
  - c) 1994 Colleges and Universities
  - d) Hispanic Serving Institutions (HSI)
  - e) Asian American/Pacific Islander Colleges and Universities
  - f) Local High Schools

### **4. EMPLOYEE AWARENESS**

#### **Requirements**

**The Equal Employment Opportunity Commission Regulation 29 CFR 1614.102(a)(13) and (b)(3) holds Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees.**

USDA Civil Rights Policy Statement  
USDA Prevention of Sexual Harassment Poster  
USDA EEO Poster  
NRCS Chief's Civil Rights Policy Statement  
NRCS EEO Poster

#### **Sample Questions:**

- Is the USDA sexual harassment poster displayed so that staff members and customers may easily see it?

- Is the EEO Counselor information posted in the office where it is easily accessible by employees?
- Are the following NRCS Policy Statements prominently displayed in the offices where applicants, employees, and producers can easily see them?
  - a) EEO
  - b) Prevention of Sexual Harassment
- How often do you discuss the following with your staff members?
  - a) EEO policy
  - b) Prevention of Sexual Harassment
  - c) Civil Rights policy relative to employment
- How often do you discuss the following with your district board members?
  - a) EEO policy
  - b) Prevention of Sexual Harassment
  - c) Civil Rights policy relative to employment
- Do employees know the difference between a Title VI and Title VII?
- Do employees know how to file an EEO discrimination complaint?

## **5. AWARDS AND RECOGNITION**

### **Requirements**

**Equal Employment Opportunity Commission regulations, 29 CFR 1614.102(a)(5)(10)(13), requires Agencies to:**

**Review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity,**

**Provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs,**

**Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO, and**

**Inform its employees, recognized employee organizations of the Affirmative EEO policy and program, and enlist their cooperation.**

### **Sample Questions:**

- Have you or anyone on your staff received an award or recognition for outstanding achievements in EEO or CR activities?
- Have you recognized an employee or nominated any one for outstanding achievements in EEO or CR activities?
- Is supervisory or managerial performance in EEO considered when an award is given for achievement other than an EEO accomplishment?

## **6. CIVIL RIGHTS ADVISORY COMMITTEE/SPECIAL EMPHASIS PROGRAMS**

## **Requirements**

**The NRCS GM 230 Part 403 and 404 requires the establishment of Equal Opportunity Advisory Committees and Special Emphasis Program Managers to assist and enhance opportunities for designated groups that may include but not limited to under representation in:**

- a) Recruitment**
- b) Employment**
- c) Personal development advancement**

## **Sample Questions:**

- Do you know what special emphasis programs are administered in your state?
- Are you a member of the Civil Rights Advisory Committee (CRAC)
- Are you aware of the CRAC business plan?
  - IF NOT A MEMBER OF CRAC, skip all the following questions**
- Do you (CRAC/SEPM) have a MOU regarding your collateral duty?
- Have you received training pertaining to your role as member of the CRAC? As an SEPM?
- Do you have a stand alone performance element, which addresses your collateral duty?
- Who evaluates your performance regarding your collateral duty?
- What methods are used to inform employees of CRAC/SEPM activities?
- Do you have access to the DN 714 report? Do you know how to interpret the DN 714 report?
- Do you participate in the development of the Affirmative Employment Plan/Recruitment Plan for the state?