

Statement of

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U.S. Department of Agriculture before the
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Chairman Chaffetz, Ranking Member Cummings, and members of the Committee: Thank you for the opportunity to discuss the U.S. Department of Agriculture's improvements in the processing of equal employment opportunity complaints and efforts to improve the civil rights culture in the Forest Service.

As a 6th generation Texan and a lifelong student of civil rights, I am incredibly proud of the personal and professional commitment to civil rights that I made over 35 years ago. Every day I approach my role and responsibility as the Assistant Secretary for Civil Rights at the Department of Agriculture with a steadfast appreciation for the impact my office has on the lives of the American people. As the longest serving Senate-confirmed African-American appointee in the Obama Administration and the longest serving Assistant Secretary for Civil Rights, I have had the privilege of seeing firsthand the positive and transformative accomplishments of the Department of Agriculture's programs and employees while also witnessing our collective interest and effort in continuously improving and expanding our work for all involved. When I assumed the position of Assistant Secretary in the Office of the Assistant Secretary for Civil Rights nearly eight years ago, USDA had a long and complex history of discrimination claims brought against the Department. The Office of the Assistant Secretary for Civil Rights (OASCR) has worked diligently for nearly 8 years to protect the rights and privileges of our nearly 100,000 employees spread among 2,200 counties, parishes, and boroughs throughout the United States, as well as those receiving services from USDA.

Program Complaints

At the beginning of this Administration, we started by examining our history and bringing to light the most challenging aspects of the Department's past. We made it our mission to change the culture of USDA –to root out exclusivity and build a culture of accessibility. As part of this effort, we created new policies, corrected past mistakes, and chartered a stronger, more inclusive path for our employees and the communities we serve. While there's still much to do, we've made significant progress by accomplishing goals such as:

- Reducing approximate processing time for new civil rights program complaints from 4 years to 18 months; and
- Creating a universal form for program participants to report cases of discrimination at USDA. This has helped simplify the reporting process and reduced processing time for complaints.

Conflict Complaints Division

We have made profound strides in processing the Department's EEO complaints, especially in addressing conflict of interest cases filed against senior managers between November 2009 and 2015. After significant review of the complaint process, we took reasonable actions to ensure that by 2014 we were processing 100 percent of complaints within the regulatory time frames. These changes included but were not limited to: changing management and staff within the Division, and increasing the training of management and supervisory employees.

Additionally, in accordance with the Office of Special Counsel Report, we reviewed all 120 cases that had exceeded the regulatory time frames to identify whether any harm had resulted from the prior delays in processing. As a result, we determined that of the 120 complaints that had exceeded 180 days, 102 cases were subsequently closed, 9 cases are with the EEOC at hearings, 6 cases were incorrectly identified, and only 3 cases remain open and are pending decision.

EEO Complaints

We have also made significant strides with the Department's EEO complaint process. Prior to 2011, our office handled several facets of the formal EEO complaint process, which included the acceptance of formal complaints across the Department and the drafting and issuance of final agency actions while the agencies maintained responsibility for EEO investigations. After significant review of the overall complaint process, we found that consolidation of the investigative process would likely reduce costs across the Department and increase the number of complaints processed in a timely way. Consequently, in September 2013 the Employment Investigations Division (EID) was established within the Office of the Assistant Secretary for Civil Rights to handle the investigation of all accepted formal complaints throughout the Department. I am pleased to report that this effort has been overwhelmingly successful with regard to the timeliness, efficiency, and quality of EEO investigations. For example:

- In 2011, there were 55 employees across our Agencies that were performing the investigative function with a 31% timely completion rate. The average investigation lasted 252 days and cost \$5,138.
- With the creation of the EID, investigative staff was reduced to 18 employees who were transferred from their respective agencies to our office.
- Investigative costs were significantly decreased since the consolidation of this function. By 2015, the average cost of an investigation was \$3,285, representing savings of \$1,833 per complaint and a 37% decrease in price since 2011.
- The timeliness of investigation completion has steadily improved since the establishment of EID. By FY2015, 74% of the investigations were completed within the prescribed regulatory timeframe.

Forest Service

Early in my tenure, I met with Forest Service leadership in four regions to emphasize the importance of preventing sexual harassment in the agency.

The Office of the Assistant Secretary for Civil Rights, in its oversight capacity, worked to support the Forest Service in the following civil rights initiatives:

- Reorganizing its civil rights organizational structure to have its National Civil Rights Director report directly to the Chief of the Forest Service and all Regional civil rights directors and staff reporting to the National Civil Rights Director. The organizational changes were completed in September 2016;
- Conducted an independent climate assessment of how female employees in Region 5 are treated, including a report with findings and recommendations to the Forest Service in November 2015;
- Strengthening and enhancing its compliance with sexual harassment policies, including issuing a new and stronger Region 5 anti-harassment policy, and having the Forest Service be the first USDA agency that required all its employees to certify that they read and agreed to comply with the Secretary's new Anti-Harassment Policy Statement;
- Strengthening Forest Service's standard operating procedures for reporting and responding to allegations of sexual harassment and misconduct, including related retaliation; and
- Engaging OASCR in the review and enhancement of the Forest Service's informal EEO complaint processing in Region 5, civil rights training, and in meaningful and ongoing discussions on civil rights issues.

The continued progress of the Forest Service's commitment to civil rights will be evidenced by this Committee's continued oversight. Thank you for this opportunity to present our progress. I would be happy to answer any questions you may have.