

# District Regular Board Meeting

Monday, August 24, 2020

7:30 PM

Goodhue SWCD Conference Room

104 East 3<sup>rd</sup> Avenue

Goodhue, MN 55027

## Minutes

Join meeting with Zoom @ <https://us02web.zoom.us/j/8599817067?pwd=NVZ3N09PNXNht0k2c2FDNDROO21DZz09>  
Or call in (312)-626-6799, enter Meeting ID: 859 981 7067 and Passcode: 570777 if prompted.

### I. Call Meeting to Order and Pledge of Allegiance

The Meeting was called to order at 7:30 PM by Acting Chair Mark Comstock.

Supervisors Present: Mark Comstock (Vice Chair), Don Schliep (Secretary), Ed McNamara (Treasurer), John Jaeger (Reporter)

Staff: Glen Roberson, Beau Kennedy, Delane Krier

Other: Jeff Matzke (NRCS), Brian DeVetter (NRCS)

### II. AGENDA

Moved by McNamara, seconded by Jaeger to approve the Agenda. Affirmative: Comstock, Jaeger, McNamara, Schliep  
Opposed: None. Motion carried.

### III. CONSENT Agenda

1. Approve Payment on invoices to Barr Engineering - Invoice #23551058-13 for \$4,537.50 and Invoice #23551058-14 for \$3,640.50 Zumbro 1W1P Policy Committee approved @ August 17, 2020 meeting.
2. Approve Payment on invoice to Olmsted County SWCD - Invoice #2225 for \$736.42. Zumbro 1W1P Policy Committee approved @ August 17, 2020 meeting.

Moved by McNamara, seconded by Jaeger to approve the Consent Agenda. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

### IV. SECRETARY'S REPORT

1. Approve July 27 2020 District Regular Board Meeting Minutes.

Moved by Jaeger, seconded by McNamara to approve the Secretary's Report. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

### V. PUBLIC COMMENT PERIOD (10 Minute limit)

### VI. ACTION ITEMS

1. Action on Cover Crop Flat Rate Conservation Practice Assistance Contract LCF2020-02; Zach Knutson, planting multi-species mix of Cover Crops on 40 acres for 3 years, not to exceed \$4,200.

Moved by McNamara, seconded by Jaeger to approve Cover Crop Flat Rate Conservation Practice Assistance Contract LCF2020-02; Zach Knutson, planting multi-species mix of Cover Crops on 40 acres for 3 years, not to exceed \$4,200. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

2. Action on 50% Conservation Practice Assistance Contract #2020-02; Mike Peters, Well Sealing, 50% State Cost Share, not to exceed \$500.00.

Moved by Schliep, seconded by Jaeger to approve 50% Conservation Practice Assistance Contract #2020-02; Mike Peters, Well Sealing, 50% State Cost Share, not to exceed \$500.00. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

3. Action on 75% Based Conservation Practice Assistance Contract #LCF2019-12; Tim Hattemer, Water and Sediment Control Basins \$12,840.00 Local Capacity.

Moved by Jaeger, seconded by McNamara to approve 75% Based Conservation Practice Assistance Contract #LCF2019-12; Tim Hattemer, Water and Sediment Control Basins \$12,840.00 Local Capacity. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

4. Action on 75% Based Conservation Practice Assistance Contract #LCF2019-13; Robert Hinsch, Grassed Waterway \$1,980.00 Local Capacity.

Moved by McNamara, seconded by Schliep to approve 75% Based Conservation Practice Assistance Contract #LCF2019-13; Robert Hinsch, Grassed Waterway \$1,980.00 Local Capacity. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

5. Action on 75% Based Conservation Practice Assistance Contract #LCF2019-14; Keith Carlson, Grassed Waterway \$4,185.00 Local Capacity.

Moved by McNamara, seconded by Schliep to approve 75% Based Conservation Practice Assistance Contract #LCF2019-14; Keith Carlson, Grassed Waterway \$4,185.00 Local Capacity. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

## VII. REPORTS

### 1. NRCS Report

Presented by Jeff Matzke (See Attached)

Reviewed Civil Rights Responsibility Checklist (See Attached)

Concerns were brought up in regards to funding to repair older dams with failing pipes.

### 2. District Manager's Report.

Glen Roberson – CRP Contracts / BWSR Cuts / BWSR Academy – Virtual / MSWCD Meeting – Virtual / JPB Grant Funding / Tree Program / Smith Schafer Audit.

### 3. Supervisor Activity Report:

Jaeger – Cover Crop Field Day on August 15 2020

McNamara – Cover Crop Field Day on August 15 2020

Comstock – Cover Crop Field Day on August 15, Zumbro IWIP on August 13 2020.

### 4. Other:

Beau Kennedy – IWIP / Cost Share Project Funding / LiDAR

Delane Krier – 2020 Budget

## VIII. TREASURER'S REPORT / PAYABLES

### 1. Approve July 2020 Financial Report

Moved by Jaeger, seconded by Schliep to approve the July 2020 Financial Report. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried.

### 2. Approve August 2020 Accounts Payable

Moved by Jaeger, seconded by Schliep to approve the August 2020 Accounts Payable. Affirmative: Comstock, Jaeger, Schliep. Abstained: McNamara. Opposed: None. Motion carried.

## IX. ADJOURNMENT

Moved by McNamara, seconded by Jaeger to adjourn the meeting. Affirmative: Comstock, Jaeger, McNamara, Schliep. Opposed: None. Motion carried. Meeting adjourned 9:15 pm.

Respectfully submitted.

Don Schliep, Secretary



## UPCOMING EVENTS

Labor Day Holiday

Sept. 7 2020

September Goodhue Co. SWCD Regular Meeting, 7:30 PM (Mark Comstock Farm)

Sept. 28, 2020

## NRCS Program Updates: August 24<sup>th</sup>, 2020

### **Contract / Application Status**

- 44 active CSP contracts
- 14 active EQIP contracts
- 3 active RCPP-EQIP contracts
- 31 CSP Classic 2020-1 applications (0 high priority)
- 14 CSP 2021-1-Renewals
- 48 EQIP 2020 applications (1 awaiting obligation)

### **CRP**

#### New and Continuous General

59 applications

#### Re-enrollment

44 applications

### **Upcoming Program Deadlines**

#### EQIP

EQIP (1<sup>st</sup> sign-up)

- Contract Obligation Deadline – 8/14/20 – Past Due

#### CSP

FY21 CSP Renewal (extended 2015-1 and 2016) – 14 applications

- Screening/ Prioritization – TBD
- Preapproval – TBD
- Applicant, Land, Stewardship Eligibility – TBD
- Application Approvals – After October 1<sup>st</sup>, 2020
- Contract Obligation – After October 1<sup>st</sup>, 2020



August 10, 2016

## MINNESOTA INSTRUCTION 230-380 – ANNUAL CIVIL RIGHTS AND EQUAL OPPORTUNITY PARTNER DISCUSSIONS

### 380.1 PURPOSE

This instruction provides guidance for field staff on advising Conservation Partners of Civil Rights and Equal Opportunity responsibilities.

### 380.2 BACKGROUND

The Natural Resources Conservation Service (NRCS) has responsibility to deliver USDA Civil Rights and Equal Opportunity requirements and information with partner(s) who maintain the responsibility to follow USDA Civil Rights regulations in program delivery because they are recipients of Federal assistance. According to General Manual (GM) 230 Part 405.8A, "The NRCS policy is to encourage, support, provide training, and assist all conservation boards, councils, and committees to achieve diverse representation of customer groups on such boards, councils, and committees."

### 380.3 POLICY

Per GM 230-405.22 (10), NRCS must administer "NRCS Plan of Action for Representation on Boards, Councils, and Committees." The local NRCS manager and their supervisors must discuss the civil rights responsibility of the districts and NRCS during the annual review of the supplement Memorandum of Understanding (MOU).

In addition to GM 230-405.22 (8) and (9), NRCS is to encourage, support, provide training, and assist all conservation boards, councils, and committees to achieve representation of customer groups on such boards, councils, and committees and identify persons, including minorities and females, for appointment to the local boards when requested.

### 380.4 RESPONSIBILITIES

#### Local NRCS Manager

- Provide annual training to partner(s) regarding Title VI and VII.
- Ensure completion of "Civil Rights Responsibilities for Partners Checklist."

#### Assistant State Conservationist for Field Operations

- Ensure Local NRCS Manager completes annual training and checklist.
- Ensure annual training and checklist is completed in a timely fashion.

### 380.5 INSTRUCTIONS

Every fiscal year, **prior to the end of the first quarter**, the local NRCS manager must complete the following actions:

1. Provide annual civil rights training to partner(s) and review the following with partner(s):
  - USDA Civil Rights Policy Statement
  - NRCS Anti-Harassment Policy Statement
  - “And Justice for All” Poster
  - AD-2106, Form to Assist in Assessment of USDA Compliance with Civil Rights Laws
  - USDA Non-Discrimination Statement
  - Limited English Proficiency Policy Statement
  - Title VI
    - Program Information
    - Customer Service
    - Soil and Water Conservation District (SWCD) Board Demographic
    - Program Outreach
    - Section 1619 Compliance
  - Title VII
    - Prevention of Harassment
  - GM 230-405.22(9) and (10)
2. Complete “Civil Rights Responsibilities for Partners Checklist.”
3. Ensure completion of “Affirmation of Review.” Maintain original in local field office 230 files. Affirmation must be kept in 230 files for a minimum of three years of date of signatures.
4. Provide a copy to the Area Civil Rights Representative and notify the Assistant State Conservationist for Field Operations of completion.

### 380.6 FILING INSTRUCTIONS

This Minnesota Instruction will be placed on the Minnesota NRCS SharePoint under 120 - Administrative Services (ADS) \ Minnesota Directives \ Minnesota Instructions.

### 380.7 CONTACT

Questions regarding the information within this Minnesota Instruction shall be directed to the Minnesota NRCS Civil Rights Chair.

Approved by:

CATHEE PULLMAN  
State Conservationist

Attachment: Guidance on Initiating Required Annual Civil Rights and Equal Opportunity Discussions with Partners (memo with attachments)

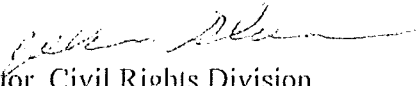
United States Department of Agriculture



Natural Resources Conservation Service  
Civil Rights Division  
5601 Sunnyside Avenue  
Mail Stop 5472, Room 1-2184  
Beltsville, MD 20705

DEC 12 2013

**TO:** State Conservationists / EOP: 230-15

**FROM:** John Glover   
Acting Director, Civil Rights Division

**SUBJECT:** Guidance on Initiating Required Annual Civil Rights and Equal Opportunity Discussions with Partners

A three-year Civil Rights Compliance Review trend analysis indicates field office inconsistency regarding Civil Rights advisory service responsibilities to Soil & Water Conservation District Boards. In an effort to fully comply with Federal, Departmental, and Agency governing Civil Rights regulations, the attached check-list was developed to assist with the discussion of Civil Rights responsibilities and expectations with Natural Resources Conservation Service (NRCS) partners.

I recommend that the aforementioned check-list and attachments be distributed to your respective District Conservationists to hone their knowledge and ability to better advise partners of their Civil Rights and Equal Opportunity responsibilities.

If you have any questions, please contact Elvin J. Gant, Jr., Equal Opportunity Specialist, Civil Rights Division, on (301) 504-2173 or via email at [elvin.gant@wdc.usda.gov](mailto:elvin.gant@wdc.usda.gov).

Attachments:

- Civil Rights Responsibilities for Partners Check List;
- Secretary Vilsack's Civil Rights Policy Statement;
- National Bulletin to announce the NRCS Civil Rights Policy Statement;
- NRCS Civil Rights Policy Statement;
- NRCS Anti-Harassment Policy Statement;
- Department of Agriculture "And Justice for All" poster;
- Instructions for AD-2106 Form to Assist in Assessment of USDA Compliance with Civil Rights Laws;
- OMB Form 0503-0019 to Assist in Assessment of USDA Compliance with Civil Rights Laws;
- Department of Agriculture Non-Discrimination Statement

cc: Regional Conservationists  
Civil Rights Advisory Committee Chairs

*Helping People Help the Land*

An Equal Opportunity Provider and Employer



U.S. Department of Agriculture  
Natural Resources Conservation Service

## Civil Rights Responsibilities for Partners Checklist - Prepared By NRCS Civil Rights Division

Background NRCS has a responsibility to deliver USDA Civil Rights and Equal Opportunity requirements and information with partners who maintain the responsibility to follow USDA civil rights regulations in program delivery because they are recipients of Federal assistance. In accordance with GM 230 Part 405.8A, "The NRCS policy is to encourage, support, provide training, and assist all conservation boards, councils, and committees to achieve diverse representation of customer groups on such boards, councils, and committees. It is the responsibility of NRCS managers and supervisors to provide support, training, and assistance to Agency employees that identify and assist with this diversity effort."

### NRCS Employee and Partner CR and EO Responsibilities

- NRCS employees and Partners who work with USDA programs are required to guarantee fairness and equal treatment to all customers eligible to receive USDA/NRCS programs and services regardless of any prohibited bases.
- **Unlawful/prohibited Discrimination** is unfair or unequal treatment based on: *Protected Bases Enforced by USDA- race, color, national origin, sex (including gender identity and expression), disability, age, political beliefs/affiliation, sexual orientation, religion/religious creed, marital status, familiar/parental status, genetic information, receipt of public assistance, or reprisal (retaliation for prior EEO activity).*

Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color or national origin in programs and activities that receive federal financial assistance.

- Program Information

- ✓ All written handouts describing USDA programs must contain a non-discrimination statement.
- ✓ Internal designed/crafted brochures and pamphlets
- ✓ must be reviewed by the State Office appointed NRCS Public Affairs office/specialist for required civil rights public notification compliance.
- ✓ NRCS production or NRCS shared cost of producing a publication should contain the non-discrimination statement.
- ✓ Handouts are available for Limited English Proficiency customers and participants (for example, written translation in Spanish).
- ✓ Oral translation is available for Limited English Proficiency customers and participants.



U.S. Department of Agriculture  
Natural Resources Conservation Service

Civil Rights Responsibilities for Partners  
Checklist - Prepared By NRCS Civil Rights Division

- ✓ Alternative means for communication of program information are available (Braille, large print, audio tape, interpreter, etc).
- **Customer Service** To have parity means that equal service and program delivery are being provided to all existing groups of people in each county. Data Sources for equal program delivery:
  - ✓ PRS Reports
  - ✓ Protracts
  - ✓ Department of Labor County Profile
  - ✓ Census of Agriculture County Profile
- **SWCD Board Demographic Information**
  - ✓ In the NRCS Plan of Action for Representation on Boards, Councils, and Committees, State Conservationists are tasked to annually review current Board membership data with state conservation agencies and discuss the opportunities and benefits of having minority and female representatives in local boards/councils who are impacted by the board's/council's decisions regarding conservation programs.
- **Program Outreach**
  - ✓ NRCS Outreach - the way of conducting business to ensure that NRCS programs and services are made accessible to all customers, with emphasis on the underserved.
  - ✓ Implies willingness to reach out to others, to reach out farther than others, to exceed your normal communication expectation, or to go beyond your existing limits to communicate with the under-served or under-resourced (women, minorities, persons with disabilities, historically underserved, limited resource, etc.)
- **Section 1619 Compliance**
  - ✓ Compliance prohibits disclosure of certain information by the USDA and its Cooperators. Applicants, participants, location, and any and all privacy information is not to be disclosed without a FOIA request to the State Administrative Officer. It also states that there is an understanding that the Conservation Cooperator (Board Member) continues to protect any information after the membership of the SWCD Board has ended.





U.S. Department of Agriculture  
Natural Resources Conservation Service

Civil Rights Responsibilities for Partners  
Checklist - Prepared By NRCS Civil Rights Division

\_\_\_\_ **Title VII** of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color, religion; national origin, age, sex (including gender identity and expression), sexual orientation, disability, marital or familial status, political beliefs, parental status, receipt of public assistance, or protected genetic information in employment.

- *Prevention of Harassment (Including Sexual Harassment)* - *We talk about Harassment because it does continue to occur.*

Harassment is . . .

- ✓ Defined as conduct and/or verbal action which are sufficiently severe, persistent or pervasive that limits an individual's ability to do their job or creates a hostile or abusive work environment.
- ✓ Objectionable conduct which is unwelcome and may be physical, verbal, psychological, or intimidation (bullying).
- ✓ About power, about intimidation, preserving the status quo, superiority, and control.
- ✓ Exploitation of power, feeling that you can do anything you want to. Not about age or attractiveness.
- ✓ It can happen not only in the office, but out of the office at workshops, conferences, travel, social gatherings; and by contractors, customers, and partners.
- ✓ **Sexual Harassment:** it is harassment of a sexual nature.
- ✓ Hostile work environment – behavior that creates a hostile, intimidating or offensive work environment.

**Governing Documents for Review (See attached):** Required to discuss following documents with conservation partners; Documents must be prominently displayed in all USDA offices and indicate where documents are located in the office.

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\_\_\_\_ **USDA Civil Rights Policy Statement**

- Secretary of Agriculture's annual statement affirming USDA's commitment to equality and civil rights.
- All USDA applicants, customers and constituents will have equal access to programs, opportunities, and services.



U.S. Department of Agriculture  
Natural Resources Conservation Service

Civil Rights Responsibilities for Partners  
Checklist - Prepared By NRCS Civil Rights Division

- Statement emphasizes that USDA has zero tolerance for any form of discrimination or reprisal, and applies to all USDA employees.

\_\_\_\_ **NRCS Civil Rights Policy Statement**

- Issued by Chief of NRCS.
- Reaffirms USDA policy and emphasizes that reprisal of any kind against customers or employees will not be tolerated.
- Provides phone number to report concerns, complaints, and suggestions.

\_\_\_\_ **NRCS Anti-Harassment Policy Statement**

- Issued by Chief of NRCS.
- Policy prohibits harassment of any sort, sexual or non-sexual, or reprisal, in the work environment or in program delivery.
- "All employees, including contractors and others performing official work for the agency, must fully support this zero tolerance harassment policy."

\_\_\_\_ **"And Justice For All" poster**

- Prohibits discrimination in all its forms in all USDA programs, activities and services
- Provides complete contact information to file a program discrimination complaint
- Provides contact information for alternative formats (Braille or hearing impaired) and for additional information.

\_\_\_\_ **Form AD-2106**

- Questionnaire to be used to gather demographic information (i.e race, ethnicity, and gender) of persons who participate in USDA Programs.

\_\_\_\_ **USDA Non-Discrimination Statement**

[http://www.usda.gov/wps/portal/usda/usdahome?navid=NON\\_DISCRIMINATION](http://www.usda.gov/wps/portal/usda/usdahome?navid=NON_DISCRIMINATION)

**Shortened Version - USDA is an Equal Opportunity Provider and Employer**

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Civil Rights Responsibilities for Partners  
Checklist - Prepared By NRCS Civil Rights Division

**Affirmation of Review:**

Field Office (State) \_\_\_\_\_

SWCD Board (County) \_\_\_\_\_

Board Member Printed Name:

Signature and Date:

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

NRCS Rep Printed Name and Title:

1. \_\_\_\_\_

\_\_\_\_\_



United States  
Department of  
Agriculture

Office of the  
Assistant Secretary  
for Civil Rights

1400 Independence  
Avenue SW

Washington, DC  
20250

**TO:** Agency Heads

**FROM:** Joe Leonard, Jr., Ph.D.  
Assistant Secretary for Civil Rights

*Joe Leonard, Jr.* DEC 4

**SUBJECT:** Civil Rights Policy Statement

The Civil Rights Policy Statement was signed on November 12, 2014, by the Secretary of Agriculture, affirming his policy of zero tolerance for discrimination in the U.S. Department of Agriculture (USDA) programs and activities. I expect all Civil Rights Directors, managers and employees to model appropriate behavior and ensure the policy is adhered to within your respective Agencies.

In addition, USDA Agencies and Staff Offices are required to display the Civil Rights Policy Statement in strategic areas so all applicants, employees, customers and stakeholders are able to view the policy. Working together we will make USDA the top model employer in the Federal government.

Attachment

cc: Agency Civil Rights Directors



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

## Civil Rights Policy Statement

As Secretary, I have made it my priority to ensure that the U.S. Department of Agriculture (USDA) has a comprehensive civil rights program, one which not only makes us a model employer, but also a premier service provider to our millions of customers. This year, we have made many strides toward moving USDA in this direction. Our non-discrimination regulation for our conducted programs now adds protection from discrimination with respect to two new protected bases: political beliefs and gender identity. In addition, we have issued a Departmental Regulation that prohibits national origin discrimination affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA. Further, the total number of equal employment opportunity complaints filed by USDA employees has dropped significantly. These accomplishments alone demonstrate our commitment and progress, but we will not stop here.

I challenge all USDA employees to dedicate themselves to improving civil rights in a transparent and ethical manner, and by doing so, we will turn the challenges of the past into opportunities for the future.

Our policy at USDA is zero tolerance for any form of discrimination, and we must ensure that this standard is maintained throughout the Department. This standard is applicable to every employee and manager and to every action taken at USDA. I expect all employees to demonstrate respect for and adherence to USDA civil rights and diversity policies. Moving USDA into the future has required a cultural transformation within the Department. For this reason, I have continually communicated this goal to all USDA employees.

I will continue to hold all employees and managers accountable for doing their part to ensure that all USDA applicants, customers, constituents, and stakeholders are provided equal access to all opportunities, programs, and services available through "The People's Department." Accordingly, I am counting on all senior leaders, managers, and supervisors to model appropriate behavior and to lead by example.

We have corrected past errors and will continue to move forward to maintain equitable service and access for all. Let us continue to cultivate and reap the benefits of a diverse USDA workforce that is rich in talent, ideas, background, and experience. The USDA mission depends on it.

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack  
Secretary

NOV 12 2014



JAN 26 2015

SUBJECT: EOP – Natural Resources Conservation Service (NRCS)  
Civil Rights Policy Statement

TO: NRCS Employees

File Code: 230-15

NRCS employees are its greatest asset for enabling people to be good stewards of the Nation's soil, water, and related natural resources on non-Federal lands – in other words, in "Helping People Help the Land." To fulfill our mission and to better provide service throughout the Nation, NRCS employees, and the public we serve, must always be treated in a fair, nondiscriminatory, and equitable manner.

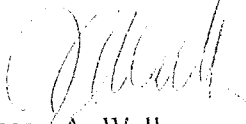
It is important to periodically renew and emphasize our commitment and support to civil rights and equal opportunity. Prohibited discrimination is against the law and violates title VI and title VII of the 1964 Civil Rights Act. It is Department of Agriculture and NRCS policy to treat all customers and employees fairly and equitably, with dignity and respect, regardless of race, color, national origin, sex (including gender identity and expression), religion, age, disability, political beliefs, sexual orientation, marital or familial status, parental status and protected genetic information, or because all or part of an individual's income is derived from public assistance. Retaliation and reprisal against customers or employees for opposition to discrimination of any kind in contravention of this policy will not be tolerated. NRCS will ensure that the appropriate corrective or disciplinary action will be taken against violators who engage in discriminatory behavior.

Accountability is key and must start from the top. As the Chief of NRCS, I continue to hold our senior leaders, managers, and supervisors accountable for their support to civil rights, equal employment opportunity, alternative dispute resolution (ADR), and the Secretary's Cultural Transformation Initiatives. I encourage all managers and employees to explore ways to collaborate with our partners and other recipient organizations to underscore the importance of civil rights laws regarding nondiscrimination and promote best practices in providing equal access and opportunities in programs and employment practices.

Every NRCS employee has a duty to uphold the civil rights of customers and employees. In the course of identifying and eliminating discrimination in the workplace, complainants, representatives, and witnesses involved in complaint related activities must be free from restraint, coercion, or retaliation. Thus, it is not unusual for there to be an occasional dispute, disagreement, or misunderstanding. NRCS promotes the greatest use of the ADR program to address conflict resolution. Managers, when participating in the ADR program, are expected to demonstrate a good-faith effort to address the concerns or resolve the disputes.

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All employees representative of NRCS are to model appropriate behavior and lead by example. We must work to demonstrate an elevated regard by supporting civil rights and ensuring equal opportunity in the workplace. I am confident that as we do our part, we will affect a positive cultural change in NRCS. The responsibility belongs to all of us.

A handwritten signature in black ink, appearing to read "J. Weller", written in a cursive style.

Jason A. Weller  
Chief



United States  
Department of  
Agriculture

Office of the  
Assistant Secretary  
for Civil Rights

1400 Independence  
Avenue SW

Washington, DC  
20250

**TO:** Under Secretaries  
Agency Heads

**FROM:** Joe Leonard, Jr., Ph.D. *Joe Leonard, Jr.* JUL 8 2015  
Assistant Secretary for Civil Rights

**SUBJECT:** Anti-Harassment Policy Statement

The Office of the Assistant Secretary for Civil Rights is pleased to announce the issuance of the U.S. Department of Agriculture's (USDA) Anti-Harassment Policy Statement ("Policy Statement"), effective July 1, 2015.

The Policy Statement reinforces USDA's zero-tolerance for any form of harassment. It also provides a clear explanation as to what is considered harassing conduct. We all must be proactive to ensure employees are aware of, trained on, and abide by the Policy Statement. Each employee and manager is required to review the Policy Statement and certify through AgLearn they have read and understood this very important document. Guidance on implementing the AgLearn requirement will be provided in the near future.

I appreciate your commitment and dedication in accomplishing the Secretary's vision for a work environment that encourages and fosters respect for individual values and appropriate conduct among all employees.

Attachment

cc: Agency Civil Rights Directors





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

## **U.S. Department of Agriculture Anti-Harassment Policy Statement**

The U.S. Department of Agriculture (USDA) strongly supports the rights of all its employees to work in an environment that is free from all forms of harassment, including sexual harassment. As Secretary, I am committed to maintaining an environment that encourages and fosters respect for individual values and appropriate conduct among all employees.

USDA must maintain an environment free from unlawful harassment. Harassing conduct has no place at USDA, and this policy strives to prevent and eliminate such conduct. Harassment prohibited by this policy is any verbal or physical conduct that is unwelcome, humiliating, or demonstrates hostility or aversion towards a person based on race, color, religion, national origin, age (40 and over), sex, sexual orientation, disability, gender identity, political beliefs, marital, familial or parental status, genetic information, or reprisal (retaliation) for prior Equal Employment Opportunity (EEO) activity. It is behavior that creates an intimidating, hostile, or offensive work environment and interferes with work performance or otherwise alters the terms and conditions of employment. Prohibited conduct includes, but is not limited to, bullying, slurs, negative stereotyping, threats, intimidation, written or verbal disrespectful comments, and graphic material that insults an individual or protected group.

One form of prohibited harassment is sexual harassment. It is any unwelcome sexual advance, request for sexual favors, or other verbal or physical harassment of a sexual nature, where submission to such conduct is made a term or condition of one's employment, or submission to or rejection of such conduct is used as a basis for employment-related decisions, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

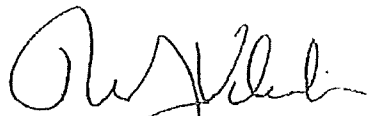
USDA will uphold a zero-tolerance policy for any form of harassment, including sexual harassment. I will apply this policy equally among all USDA employees, and I will hold managers and supervisors accountable for maintaining a work atmosphere free of harassment. All managers and supervisors should monitor the workplace to prevent unlawful harassment. When managers and supervisors become aware of incidents involving any type of harassment, they must take immediate and appropriate corrective action to enforce this policy.

USDA continues to be committed to fostering an environment where employees report any incidents of harassment without reservation. USDA maintains its commitment to fairly and promptly investigate and resolve reports of harassment. All employees who

experience or witness workplace harassment are encouraged to notify their first-line or second-line supervisor, the offending person's supervisor, or any office or official identified in their agency's anti-harassment policy. Reporting sexual harassment is everyone's responsibility, including those who observe such conduct, and reports should be made through these same channels. If an employee believes there is harassment based on one of the protected classes listed above, s/he may file an EEO complaint. Managers and supervisors must ensure that an employee who reports or files a complaint of harassment, or provides information related to harassment complaints, is not retaliated against in any form. Retaliation is strictly prohibited.

Reports of harassment and retaliation will be treated seriously, investigated impartially, and treated confidentially to the extent possible. USDA employees seeking to file an EEO complaint of sexual harassment, or harassment on any of the bases stated above, or retaliation, must contact an EEO counselor within 45 calendar days of the incident of alleged harassment or retaliation. More information on the EEO complaint process is found at [http://www.ascr.usda.gov/complaint\\_filing\\_emp.html](http://www.ascr.usda.gov/complaint_filing_emp.html). Any employee who is found to have harassed or retaliated against another will be subject to disciplinary or adverse personnel action, up to and including termination.

I strongly affirm my commitment to cultivating a work environment free of harassment, where every USDA employee can be fully engaged, respected, and valued.



Thomas J. Vilsack

Secretary

JUL 1 2015



United States Department of Agriculture

JUN 30 2014

SUBJECT: EOP – Natural Resource Conservation Service (NRCS)  
Limited English Proficiency Policy Statement

TO: All NRCS Employees

File Code: 230-15

It is NRCS' policy to provide equal opportunity in all programs, services, and activities to persons with Limited English Proficiency (LEP). The purpose of the NRCS LEP policy statement is to reaffirm and highlight the agency's commitment and support to the provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin that covers program access for LEP persons. These protections are pursuant to Executive Order 13166, entitled, "Improving Access to Services by Persons with Limited English Proficiency," and further affirmed in the Department of Agriculture (USDA) Departmental Regulation 4330-005, "Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA," and the NRCS LEP Plan. LEP statutes and authorities prohibit exclusion from participation in denial of benefits and discrimination under federally assisted and conducted programs on the grounds of race, color, or national origin.

LEP persons are individuals who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English. NRCS personnel should make reasonable attempts to provide language assistance services to LEP individuals whom they encounter, or whenever an LEP person requests language assistance service, will inform members of the public that language assistance services are available to LEP persons and ensure provisions for such services.

NRCS will not encourage the use of family members or friends as interpreters because this may violate an individual's privacy and disclose sensitive and confidential information. It is NRCS' policy to inform LEP customers of the right to the free language assistance and interpreter services at no cost to the LEP customer. LEP customers who decline such services and request the use of a family member or friend will be asked to sign a release acknowledging that this practice could result in a breach of confidentiality and they will not hold NRCS responsible for any inaccurate translation or miscommunication. NRCS prohibits the use of minor children (16 years of age or younger) as an official interpreter and will not allow minor children to interpret under any circumstances.

Following the guidelines established in the NRCS fiscal year (FY) 2014 LEP Plan is essential to the success of our mission to work with our partners and landowners to improve the health of our Nation's private lands while sustaining and enhancing the productivity of American agriculture.

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All NRCS employees are held accountable for reviewing and implementing provisions of the NRCS FY 2014 LEP Plan, and adhering to the spirit and intent of our duty to provide timely and meaningful access for LEP persons. Stressing the importance of our commitment to this issue, this policy statement will be reviewed and reissued annually.

Jason A. Weller  
Chief



**“AND  
JUSTICE  
FOR ALL”**



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, marital status, family status, status as a veteran (in education, training programs and activities), because all or part of a person's financial income is derived from any public assistance program, or retaliation. (See all prohibited bases apply to all programs or activities.)

If you require the information on this poster in alternative format (Braille, large print, audiotape, etc.), contact the USDA's TARGET Center at (202) 720-2600 (voice or TDD).

If you require information about this program, activity, or facility in a language other than English, contact the USDA agency responsible for the program or activity, or any USDA office.

To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call, toll free, (866) 632-9992 (voice). TDD users can contact USDA through local relay or the federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

El Departamento de Agricultura de los Estados Unidos (USDA por sus siglas en inglés) prohíbe la discriminación en sus programas y actividades ya sea por la raza, color, nacionalidad, sexo, religión, edad, incapacidad, orientación sexual, estado civil, estado familiar, su estado como padre o madre (en programas de educación y adiestramiento) ya sea que todo o parte de los ingresos provengan de cualquier programa de asistencia pública de las personas, o por represalias. (No todas las prohibiciones se aplican a todos los programas o actividades.)

Si usted necesita la información de este anuncio en un formato diferente (Braille, letras grandes, o por medio de sonido, etc.), llame al Centro TARGET del Departamento de Agricultura al teléfono 202-720-2600 (voz o TDD).

Si usted necesita información sobre este programa, actividad o instalaciones en un idioma diferente del inglés, llame a la agencia del Departamento que maneja este programa o actividad, o a cualquier oficina del Departamento de Agricultura.

Para someter una queja de discriminación, escriba al USDA, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, o llame gratis al 1-866-632-9992 (voz). Para llamadas TDD, llame al USDA al número 1-800-877-8339 o al número 1-866-377-8642. El Departamento de Agricultura ofrece oportunidades de programas y de empleo libres de discriminación.





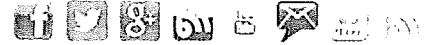
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## Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

Last Date Modified: 10/26/2015

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Instructions for AD-2106

**Form to Assist in Assessment of USDA Compliance  
with Civil Rights Laws**

This form is used by USDA agencies, including FSA, NRCS, RBS, RHS, and RUS to gather race, ethnicity, and gender information from program participants. For participants that are entities, complete a separate form for each member.

*Participants should complete all items.*

Fld Name /	Instruction
1. What is Your Name	Enter your full legal name.
2. Legal Residence	Enter your current address.
3. Gender	Check your appropriate gender.
4. Ethnicity	Check your appropriate ethnicity.
5. Race	Check your appropriate race(s). Multiple races may be checked.
<p style="text-align: center;"><b>PRIVACY ACT STATEMENT</b></p> <p>The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to compile program application and participation rate data regarding socially disadvantaged farmers or ranchers and to conduct oversight and evaluation of civil rights compliance. The information collected on the form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in customer declared data not being entered into the database.</p> <p>The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. <b>RETURN THIS COMPLETED FORM TO THE APPROPRIATE USDA SERVICING OFFICE.</b></p>	
<p style="text-align: center;"><b>NONDISCRIMINATION STATEMENT</b></p> <p>The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).</p> <p>To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.</p>	



U.S. Department of Agriculture

**Form to Assist in Assessment  
of USDA Compliance With Civil Rights Laws**

**QUESTIONNAIRE**

The purpose of this questionnaire is to gather race, ethnicity, and gender information about persons who apply and participate in this USDA program. The information you provide will not be used when reviewing your application or when determining whether you are eligible to participate in this program. This is a voluntary questionnaire. You are not required to give this information, but we hope you will because the information you give will be used to improve the operation of this program, to help USDA design additional opportunities for program participation, and to monitor enforcement of laws that require equal access to this program for eligible persons. If you have previously provided this information to USDA please DO NOT fill out this form. Your information will be kept private to the extent permitted by law. Thank you for your response.

1. What is your name? \_\_\_\_\_
2. Legal Residence: \_\_\_\_\_
3. What is your gender?       Male       Female

Please answer BOTH question 4 and question 5 below about ethnicity and race. For this questionnaire, Hispanic or Latino origins are not races.

4. Ethnicity:       Hispanic or Latino  
                          Not Hispanic or Latino

5. What is your race? Mark all that apply.

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

According to the Paperwork Reduction Act of 1995, an agency may not conduct, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0503-0019. The time required to complete this information collection is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

May 22, 2020

## USDA Civil Rights Policy Statement

The hallmark of my tenure as Secretary of the U.S. Department of Agriculture (USDA) is to do right and feed everyone and I don't intend for that to be just a hollow creed. This pledge is at the heart of our work, which includes our commitment to protecting the civil rights of all USDA employees and customers.

Doing right means treating all people equally, regardless of an individual's race, color, national origin, religion, sex (including pregnancy, gender identity and sexual orientation), disability, age, genetic information, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). We are part of the same human family, imbued with dignity and worthy of respect. I expect every USDA employee to foster a workplace free from discrimination, harassment, and retaliation so everyone can reach his or her full potential. Workplace harassment will not be tolerated, and managers and supervisors will correct the harassing conduct before it becomes severe or pervasive. Our workplace will be a model for proper enforcement of civil rights protections, not only because it's the law, but also because it's the right thing to do.

Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including, but not limited to, recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation.

Feeding everyone means it doesn't matter what you look like or where you come from, USDA programs are for you. Hunger knows no color or creed. Whether we are responding to disasters with food aid, cultivating sustainable agriculture programs overseas, or improving school meals here at home, at USDA we know food has the power to unite.

When you start with a simple expression of integrity and equality, upholding civil rights and all the freedoms enshrined in our laws is not just compulsory, it becomes intrinsic. For that reason and working together, we will continue to return to our touchstone: Do right ... by everyone ... and feed everyone.

A handwritten signature in black ink that reads "Sonny Perdue". The signature is written in a cursive, flowing style.

Sonny Perdue  
Secretary



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

May 22, 2020

## USDA ANTI-HARASSMENT POLICY

The U.S. Department of Agriculture (USDA) is committed to creating and maintaining a talented, diverse, and inclusive workforce. USDA provides employment opportunities, programs, and services to the American public in a manner that demonstrates our commitment to fairness, integrity, and equality. In accordance with requirements established by the U.S. Supreme Court<sup>1</sup>, this policy applies to USDA employees in their working relationship with Federal employees, non-Federal employees, and the public. It also applies to contractors and individuals employed under other formal agreements with USDA.

My expectation for all employees and contractors is simple: “Do right and feed everyone.” In order to do right, we must prevent workplace harassment and take immediate and appropriate corrective action when it occurs.

Equal Employment Opportunity (EEO) based harassment is unwelcome conduct based on race, color, national origin, religion, sex, disability, age, genetic information, sexual orientation, marital status, familial and/or parental status, income derived from a public assistance program, political beliefs, or gender identity.

EEO based harassment becomes unlawful when tolerating the offensive conduct becomes a condition of continued employment, or the conduct is sufficiently severe or pervasive to create a work environment a reasonable person would consider intimidating, hostile, or abusive. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a client or customer.

Non-EEO harassment (including bullying) is any form of unwelcome conduct, pervasive, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is objectively offensive and could alter the affected employee's terms and conditions of employment.

Harassing conduct, whether directed at an employee or non-employee, may include, but is not limited to, the following actions:

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<sup>1</sup> In Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998), and Faragher v. City of Boca Raton, 524 U.S. 775 (1998),

- Engaging in sexual harassment, an egregious form of prohibited harassment and a form of sex discrimination. Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, remarks about an individual's appearance, discussions, remarks, or jokes of a sexual nature, and other verbal or physical harassment of a sexual nature.
- Using derogatory words, phrases, epithets, gestures, pictures, drawings, slurs, or cartoons not otherwise protected by the First Amendment's guarantee of the right to freedom of speech and the right to religious free exercise.
- Using electronic devices or forms of communication (computers, cellular telephones, tablets, internet, email, and/or other technological equipment) to intimidate, harass, demean, or degrade another (i.e., cyberbullying).
- Retaliation against any individual for reporting matters under this policy, or for an individual's involvement in an inquiry related to such a report.

USDA considers allegations of harassment to be very serious. Employees who witness harassment should immediately report it to their manager, supervisor, any management official in your office or agency, or your Civil Rights Office before the harassment becomes severe or pervasive in the workplace. Individuals who believe they have been subjected to or witnessed harassment in the workplace are encouraged to inform the alleged harasser directly the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation. Reports of harassment need not be in writing or conform to a format. Allegations of EEO and non-EEO harassment will be addressed by a management inquiry. Allegations of EEO harassment may also be addressed as an EEO complaint.

#### 1. A Management Inquiry

The management official receiving the allegation will:

- Immediately contact Human Resources and their Mission Area or Agency Civil Rights Director regarding all allegations of harassment. Reports of harassment must be investigated and addressed in a prompt, impartial, and, to the extent allowed by law, confidential manner.
- Promptly and impartially initiate a management inquiry of the allegation of harassment within 10 business days of the initial report. If the management official receiving the allegation is not in the alleged perpetrator's chain of command, the management official will refer the allegation to the official within the chain of command. The management official may need to undertake immediate measures before completing the inquiry to ensure that further harassment does not occur.
- Report allegations of sexual assault or sexual violence to law enforcement as required by Departmental Regulation 4200-001, Workplace Violence Prevention and Response Program.

## 2. An Equal Employment Opportunity (EEO) Complaint

Individuals who believe they have been subjected to EEO-based harassment, including sexual harassment, discrimination, or retaliation, may also file an EEO complaint by contacting their Mission Area, Agency or Staff Office EEO Counselor within 45 calendar days of the alleged incident. Failure to do so may result in dismissal of the EEO complaint for untimeliness. The expiration of the 45 calendar-day period does not preclude the individual from reporting the incident to a management official for a management inquiry.

Any individual who reports harassment, initiates a harassment complaint, or provides information related to a harassment complaint or inquiry, will not be subjected to retaliation before, during, or after the inquiry or complaint process. Moreover, any individual who fails to follow the procedures outlined in this policy will be subject to appropriate corrective and/or disciplinary actions.

For direction on filing a grievance related to harassment under the administrative grievance system, see Departmental Regulation, 4070-771, Administrative Grievance System. Additionally, bargaining unit employees may file grievances related to harassment under applicable negotiated procedures for their represented Mission Area or Staff Office.

Every effort will be made to provide all USDA employees with a copy of this policy and complaint procedure and redistribute it annually. USDA is dedicated to ensuring a workplace free of all forms of harassment and discrimination, a workplace where we all can personally and professionally thrive while serving the American public.

A handwritten signature in black ink that reads "Sonny Perdue". The signature is written in a cursive, flowing style.

Sonny Perdue  
Secretary