

**FARM PRODUCTION AND CONSERVATION  
CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY DIVISION  
RISK MANAGEMENT AGENCY  
FY2021 ANNUAL NO FEAR ACT TRENDS AND ANALYSIS  
(Review Period: October 1, 2020 - September 30, 2021)**

The data for the Risk Management Agency (RMA) Fiscal Year (FY) 2021 No FEAR Act Annual Report follows.

**I. Number of Complaints Filed**

**Trends**

Risk Management Agency (RMA) had the same number of Equal Employment Opportunity (EEO) complaints filed in FY2021 as it did in FY2020, one formal complaint filed. RMA recorded the same number (0) of closed complaints in both FY2020 and FY2021.

**Causal Analysis**

The number of complaints filed stayed the same in FY2020 to FY2021. RMA ability to keep its formal complaints low may have resulted from the general maximum telework/remote workplace status due to Covid-19 restrictions across the nation. Work-life balance, daily work activities and relationships were likely positively affected by distance. Other explanations for the decrease may include RMA leadership emphasis on early intervention practices and the streamlining case management within FPAC's Civil Rights and EEO Division (CREEOD).

The EEO Complaints Processing and Resolution Branch provided well attended "EEO 101" training quarterly during the fiscal year. This fundamental course outlines the definition of an EEO complaint, describing bases and issues while walking the participant through the EEO complaints process. This type of training is instrumental in educating RMA employees and supervisors to understand USDA policy, and when, how or if one should file an EEO complaint.

**Knowledge Gained**

RMA is committed to complying with EEOC guidelines and continues to incorporate a structure for effective management, accountability, and self-analysis which will ensure program success and compliance with Management Directive 715 (i.e. the Model EEO Program). RMA fully recognizes that whether the number of complaints filed with the Civil Rights Division increases or decreases in any year, we must not become complacent. RMA remains committed to ongoing system improvement and implementing best practices for reducing and eventually eliminating EEO complaints.

**II. Number of Filers**

**Trends**

The number of filers in FY2021 was one; the same in FY2020.

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**Causal Analysis**

The continued refreshed implementation and improvements in case management provides consistency in managing administrative case processing. Improved customer service to our external customers played a major role with this diminishing trend.

**Knowledge Gained**

The willingness of supervisors and managers to engage in addressing workplace challenges and issues at the earliest stages, namely via the Alternative Dispute Resolution Program has been instrumental in reducing the number of pre-complaints progressing to the formal complaint phase.

**III. Number of Repeat Filers**

**Trends**

A review of RMA's data for FY2020 through the end of FY2021 shows no repeat filers.

**Causal Analysis**

RMA will continue to take a proactive approach to resolving workplace issues.

**Knowledge Gained**

RMA is committed to raising awareness of practices and policies that contribute to perceptions of bias or unfairness.

**IV. Number of Bases Alleged in Complaints**

**Trends**

During FY2021 and FY2020, of the nine federally protected EEO categories (bases), there were a total of one basis alleged in RMA complaints: Race.

**Causal Analysis**

Race has consecutively been alleged in RMA complaints during FY2020 and FY2021.

**Knowledge Gained**

Periodic reviews of formal EEO complaint monitoring and tracking data during the fiscal year is crucial to identify the bases alleged in EEO complaints, and provide management and

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supervisors with appropriate Civil Rights, EEO, and HR training to address such areas of concern. Providing managers and supervisors with training on how to preclude discrimination and harassment on the most commonly alleged bases, which include Reprisal and Race, may help reduce the number of claims citing such bases.

**V. Number of Issues Alleged Complaints**

**Trends**

The total number of issues alleged in complaints for FY2021 stayed the same as reported in FY2020. Of the one formal complaint filed in FY2021, Promotion/Nonselection was alleged compared to Performance Evaluation/Appraisal cited in FY2020.

**Causal Analysis**

Allegations dealing with HR personnel practices are generally cited in federal EEO complaints. The organizational restructure and combining of workplace cultures of the mission agencies (RMA, FSA, NRCS, and RMA) may pose difficulties in understanding and implementation of policies, processes, and procedures (i.e. work-place communication style as in top down vs group consensus).

**Knowledge Gained**

It is imperative to seek out and reaffirm best practices to prevent misunderstanding that occurs in the workplace and to reaffirm and uphold Federal and USDA principles, policies, and procedures. As employees begin to return to the workplace after working from home/remotely during the Covid-19 pandemic, RMA can expect to receive an increased number of requests for reasonable accommodations. As such, CREEOD will work closely with HR to ensure that supervisors and managers are trained on ADA compliance obligations and the interactive process regarding possible requests for reasonable accommodations for eligible employees.

**VI. Findings of Discrimination**

**Trends**

Over the two-year analysis review period there were no findings of discrimination.

**Causal Analysis**

RMA continues to partner with CREEOD to provide Civil Rights and EEO training that includes guidance on discrimination, retaliation, harassment and how to avoid these actions. When allegations of discrimination, harassment, or reprisal are reported to the Civil Rights Program, a thorough inquiry into the allegations are conducted, and prompt and efficient measure(s) are taken

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if needed. When RMA identifies, unprofessional, inappropriate, or potentially discriminatory behavior, RMA senior leadership works quickly to end this action and suitably discipline responsible parties.

**Knowledge Gained**

RMA remains committed to educating managers, supervisors, and employees on EEO and Civil Rights laws in its efforts to avoid harassment and discriminatory practices.

**VII. Average Length of Time to Complete Each Stage of the Complaint Process**

| <b>Category</b>                        | <b>FY2021</b> | <b>Average No. Days</b> |
|--|---------------|-------------------------|
| Total Complaints Pending               | 1             | 206                     |
| Investigation Completed                | 2             | 141                     |
| Final Agency Decision - Merit          | 2             | 61                      |
| EEOC Hearing                           | 1             | 206                     |
| Complaints Pending Final Agency Action | 0             | 0                       |

USDA, Employment Investigation Division (EID) in the Office of the Assistant Secretary for Civil Rights (OASCR), has oversight for completing CREEOD’s formal EEO investigations. During FY2021, RMA had two investigations completed compared to zero in FY2020. Of the two investigations completed in FY2021, both were completed within the regulatory time frame. CREEOD will continue to work with EID and their contracted investigators to ensure they continue to complete timely and thorough investigations. CREEOD conducts regular meetings with EID to discuss issues concerning the quality and timeliness of investigations, including those that could potentially exceed the 180-day time frame.

USDA, Employment Adjudication Division (EAD) in OASCR, has oversight for processing CREEOD’s Final Agency Decisions (FADs). CREEOD monitors the process to ensure that the FADs are completed within the regulatory requirement mandated by EEOC. There were two FADs processed in FY2021, and zero FADs processed in FY2020. The average processing days for FADs completion was 61 days. Of the two FADs processed, one was processed outside the regulatory timeframe.

**VIII. No FEAR Reporting Requirements**

RMA leadership ensures access availability to agency employees, former employees, and applicants for Federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws (e.g., No FEAR Act). USDA posts individual agency summary statistical EEO complaint data quarterly under Title III, "Equal Employment Opportunity Complaint Data Disclosure," of the No FEAR Act on its public facing

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website. No FEAR Act Refresher training is required of all USDA personnel, partners, and technical service providers during FY2021.

Training of Employees – RMA provides an annual notice to its employees concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.

Process of Providing Annual No FEAR Notice to Employees - Per Title II of the No FEAR Act, each employee is required to complete the initial training and every 2 years thereafter.

Training for RMA employees was implemented accordingly and requires all employees to take comprehensive training via AgLearn.

| <b>FY2021 No FEAR Training</b> | <b>Assigned #</b> | <b># Completed</b> | <b>% Completed</b> |
|--------------------------------|-------------------|--------------------|--------------------|
| Risk Management Agency         | 39                | 33                 | 85%                |