

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

13-17

2/22/17

FISCAL YEAR 2017 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENTS

This notice provides, as attachments, the Equal Employment Opportunity (EEO) policy statements for Fiscal Year 2017, which are:

1. Anti-Retaliation/Reprisal;
2. Alternative Dispute Resolution;
3. Anti-Harassment;
4. Prevention of Sexual Harassment;
5. Diversity and Inclusion;
6. Equal Employment Opportunity;
7. Limited English Proficiency; and
8. Civil Rights Program.

Supervisors are to display these attachments on the Government bulletin board. Refer questions to the Civil Rights Staff at 1 (800) 269-6912 or by e-mail at: AskCRD@fsis.usda.gov.



Assistant Administrator
Office of Policy and Program Development

DISTRIBUTION: Electronic; All
Field Employees

NOTICE EXPIRES: 3/1/18

OPI: OPPD



ANTI-RETALIATION/REPRISAL POLICY STATEMENT

It is the policy of the Food Safety and Inspection Service (FSIS) that no person shall be subjected to retaliation/reprisal for participation in Equal Employment Opportunity (EEO) process, whistleblowing, or speaking out against practices he or she believes may constitute unlawful discrimination. Retaliation/Reprisal is unlawful and will not be condoned or tolerated in the FSIS workplace.

Retaliation/Reprisal is defined as any negative treatment or adverse action imposed on an individual for engaging in protected activity. Protected activity includes filing a charge of discrimination, participation in an employment discrimination proceeding, or otherwise opposing unlawful discrimination. Managers and supervisors bear a special responsibility and obligation to ensure that they do not engage in or tolerate retaliation/reprisal in the workplace.

An employee, former employee, or applicant for employment, who believes that he or she has been subjected to employment discrimination based on retaliation/reprisal, should contact the Civil Rights Staff (CRS) to initiate a complaint of discrimination based on retaliation/reprisal. An aggrieved person must initiate contact with an EEO Counselor within 45-calendar days of the date of the matter he/she believes is reprisal/retaliation.

Any FSIS supervisor or manager who is found to have engaged in retaliation/reprisal will be subjected to appropriate disciplinary action, up to and including reprimand, demotion, suspension, or removal.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

Alfred V. Almanza
Administrator



ALTERNATIVE DISPUTE RESOLUTION POLICY STATEMENT

The Food Safety and Inspection Service (FSIS) is committed to using alternative methods for resolving disputes in all of its activities, where appropriate and feasible. The Administrative Dispute Resolution Act of 1996 authorizes and encourages agencies to use alternative dispute resolution as a preferred option to traditional forms of dispute resolution. Alternative Dispute Resolution (ADR) encompasses a variety of problem-solving processes designed to assist employees resolve their disputes collaboratively and in a more timely manner, and can be used to resolve a wide range of workplace disputes, including Equal Employment Opportunity complaints, grievances, workplace employee conflicts, and team conflicts. ADR techniques utilized by the Agency include: mediation (which is the most frequently used), facilitation, coaching, conciliation, and training. These techniques work to resolve existing disputes and provide employees with tools for managing workplace conflict.

I am dedicated to providing employees with a work environment that enables them to ensure that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged. To this end, employees must have access to effective and efficient methods for resolving workplace disputes. This notice affirms my commitment to the use of ADR in the resolution of workplace disputes.

As workplace conflicts may detract from our ability to successfully complete our food safety mission, all executives, managers, and supervisors are expected to take appropriate action as early as possible, in an effort to resolve or prevent workplace conflicts. Executives, managers, and supervisors are expected to advocate the use of ADR, whenever appropriate, as the initial mechanism used for conflict resolution and prevention. Additionally, when an employee requests ADR, executives, managers, and supervisors are required to participate in good faith.

Used properly in appropriate circumstances, ADR can provide faster, less expensive, less contentious, and more productive results in eliminating workplace disputes. ADR also helps to preserve and strengthen working relationships through the understanding and clarity gained during open and honest dialogue. Involved parties are generally more satisfied with their mutually agreed upon resolution than one imposed by a third-party decision-maker.

I encourage you to utilize the Agency's ADR Program to resolve and prevent conflict, thereby allowing us to focus on our food safety mission.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at MCRG@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

Alfred V. Almanza
Administrator



ANTI-HARASSMENT POLICY STATEMENT

The Food Safety and Inspection Service (FSIS) is committed to maintaining a workplace free from all forms of harassment, including sexual harassment. FSIS maintains a zero tolerance policy for any form of workplace harassment or discrimination. All employees, including contractors, FSIS-regulated industry personnel, and others performing official work for the Agency must fully support this policy and refrain from engaging in harassing conduct.

Workplace harassment is defined as unwelcome and offensive treatment or conduct (verbal, physical, psychological, or visual) that a reasonable person would find intimidating, hostile, or abusive and that unreasonably interferes with work performance. Harassment on the basis of race, color, religion, national origin, age (40 and over), sex (including pregnancy, gender identity, and sexual orientation), disability, political beliefs, marital, familial or parental status, genetic information, or reprisal is prohibited under Title VII of the Civil Rights Act of 1964 and other Equal Employment Opportunity (EEO) law, regulations, and policies. Harassing conduct includes, but is not limited to: bullying, ridicule, physical assaults or threats, offensive jokes, slurs, epithets, name calling, displaying objects, graphic materials, or verbal or written comments that are offensive to, or show hostility toward, an individual or group.

One form of harassment is sexual harassment. Sexual harassment is any unwelcome sexual advance, request for sexual favor, or verbal or physical conduct of a sexual nature, where: (1) the conduct is made explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of the conduct is used as the basis for decisions about an individual's employment (promotions, work assignments, etc.); or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment occurs under various circumstances in which the victim or the harasser may be a woman or man, of the same or opposite sex, and a federal employee, contractor, or an employee of a FSIS-regulated establishment.

Managers and supervisors bear the responsibility for taking immediate appropriate action to enforce this policy when they become aware of incidents involving sexual harassment. Preventing sexual harassment is everyone's responsibility, and all reports of sexual harassment will be taken seriously and handled appropriately. Employees experiencing or witnessing harassment in the FSIS workplace should immediately report it to their supervisor, manager, or the Workplace Violence Prevention and Response Hotline at 1-877-987-3747 or via email at: workplaceviolenceprevention@fsis.usda.gov.

Current or former employees may also initiate an EEO complaint of harassment based on one or more of the protected bases identified above by contacting the FSIS Civil Rights Staff (CRS) at 1-800-269-6912 within 45-calendar days of the alleged harassment. Any employee who initiates

an EEO complaint or provides information related to an EEO complaint is protected from reprisal for doing so.

Managers and supervisors should take prompt action to address all complaints of harassment and ensure that the individual who initiates a complaint of harassment or provides information related to the complaint is not subjected to retaliation. Employees, managers, or supervisors found to have engaged in harassing conduct will be subjected to appropriate disciplinary or adverse action, up to and including reprimand, suspension, demotion, or removal.

This policy does not limit a management official's right to manage effectively. Personnel actions taken by a management official for valid and supportable reasons do not constitute workplace harassment.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at:

<http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.



Alfred V. Almanza
Administrator



PREVENTION OF SEXUAL HARASSMENT POLICY STATEMENT

The Food Safety Inspection Service (FSIS) is committed to maintaining a high standard of conduct in the workplace and providing a work environment free from sexual harassment. Sexual harassment is not condoned or tolerated in the FSIS workplace. Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended. It involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- the conduct is made explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of the conduct is used as the basis for decisions about an individual's employment (promotions, work assignments, etc.); or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment occurs under various circumstances in which the victim or the harasser may be a woman or man, of the same or opposite sex, and a federal employee, contractor, or FSIS regulated employee. Each FSIS employee has the responsibility to refrain from unacceptable conduct in the workplace. Managers and supervisors bear the responsibility for taking immediate appropriate action to enforce this policy when they become aware of incidents involving sexual harassment.

Any FSIS employee who is found to have engaged in sexual harassment is subject to disciplinary action, up to and including removal from federal service. Managers and supervisors who fail to appropriately respond to reports of sexual harassment may be disciplined for failure to take swift and appropriate action.

Preventing sexual harassment is everyone's responsibility, and all reports of sexual harassment will be taken seriously and handled appropriately. Employees who believe they have been subjected to sexual harassment should immediately notify their supervisor. If the immediate supervisor is the harasser, the employee should notify his or her second-line supervisor. Employees may also contact FSIS' Civil Rights Staff (CRS) at: 1 (800) 269-6912 (toll free) or (301) 504-7755 (Voice and TDD) if they wish to initiate an Equal Employment Opportunity complaint.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at:

<http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

A handwritten signature in blue ink, appearing to read 'Alfred V. Almanza', written in a cursive style.

Alfred V. Almanza
Administrator



DIVERSITY AND INCLUSION POLICY STATEMENT

Executive Order 13583 establishes a coordinated government-wide initiative to promote diversity and inclusion in the Federal workforce. The Food Safety and Inspection Service (FSIS) is fully committed to this initiative, recognizing that its most valuable asset is its employees. In order to fully utilize the talents and strengths of all employees, we must work aggressively to promote inclusion in the workplace. This initiative involves providing all employees with the opportunities, tools, training, and support systems they need to develop to their fullest potential. USDA's commitment to employee engagement supports these efforts and demonstrates how diversity and inclusion leads to high performance and productivity.

As the mission of FSIS evolves, employees must continue to demonstrate commitment to attaining and maintaining a diverse workforce. Workforce diversity enhances the Agency's ability to successfully develop effective solutions to today's challenges. Therefore, it is FSIS' policy that diversity be considered in Agency practices, including but not limited to: recruitment activities; professional development and training opportunities; social and recreational programs; and the establishment of workgroups and committees. Considering diversity as part of these various efforts assists the Agency in becoming stronger and more inclusive of all genders, nationalities, races, cultures, and so on.

In order to ensure inclusion within the FSIS workplace, all employees play an integral role in maintaining a discrimination and harassment-free work environment and must treat colleagues and customers with dignity, respect, and professionalism. Executives, managers, and supervisors bear a unique responsibility in leading the way to ensure that the Agency's diversity and inclusion efforts are widely integrated into the culture of the workforce. However, it is essential for every employee to get involved and participate by understanding and valuing differences, cultures, and backgrounds. The ability to deliver high-quality services to customers is undeniably linked to sustaining an organizational culture that protects and empowers the voices of all employees and leverages the diverse talent of all of our human resources.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

Alfred V. Almanza
Administrator



EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

“Ensure Equal Opportunity and a Diverse and Inclusive Environment,” is one of FSIS’ strategic objectives with the Agency’s FY17-FY21 Strategic Plan. Equal Employment Opportunity (EEO) and civil rights are integral to the success of this objective. EEO is a basic right of current and former employees and applicants for positions in FSIS and is required in order to empower the workforce and strengthen the organization. The Food Safety and Inspection Service (FSIS) is committed to the Federal goal of EEO for all current and former employees and applicants, regardless of person’s race; color; religion; national origin; age (40 and over); sex (including pregnancy, gender identity, and sexual orientation); disability; political beliefs; marital, familial or parental status; genetic information; or reprisal for prior EEO participation. Unlawful discrimination against any employee, former employee, or applicant for employment with FSIS under one or more of the protected bases cited above is unacceptable and will not be tolerated.

I encourage each of you to help promote and sustain a culture where all employees are valued and respected for who they are and their contributions to our mission. Together as a team, it is our responsibility to ensure that employees are selected, promoted, trained, and awarded solely on the bases of their experience, knowledge, skills, and abilities. We must diligently promote EEO and prohibit behaviors or practices that discriminate or create barriers for our employees.

Managers and supervisors must fully support this policy and ensure that all employment decisions, actions, and recommendations are based on equal employment principles. Any manager or supervisor who fosters an environment that allows discriminatory practices or harassment to exist will be subjected to appropriate disciplinary action.

Adherence to the principles of EEO ensures all employees a positive work environment and is essential to maintaining a model workplace where each employee is valued and has an opportunity to contribute fully to the accomplishment of our mission. Although managers and supervisors are directly responsible for leading the way in ensuring complete support of EEO, every employee plays an integral role in maintaining a discrimination-free work environment that treats all coworkers, colleagues, and customers with dignity, respect, and professionalism.

Our Nation is depending on us to protect public health and ensure food safety, and in order to ensure these basic needs, we must maintain a professional and productive work environment. Therefore, I ask each employee for your personal support and commitment to upholding a positive and impartial work environment where all employees are free to perform at their highest capacity for the betterment of our mission.

Individuals who believe they have been subjected to employment discrimination and would like to initiate an EEO complaint must contact an EEO counselor within 45 calendar days from the day the discrimination occurred. They may do so by contacting FSIS' Civil Rights Staff at: USDA, FSIS, Office of the Administrator, Civil Rights Staff, 5601 Sunnyside Avenue, Building 1, Room 2260, Mail Stop 5261, Beltsville, Maryland 20705, 1 (800) 269-6912 (toll free) or (301) 504-7755 (Voice and TDD). You can find additional information about the FSIS EEO and Civil Rights Program at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

A handwritten signature in blue ink, appearing to read 'Alfred V. Almanza', is written over the printed name below.

Alfred V. Almanza
Administrator



LIMITED ENGLISH PROFICIENCY POLICY STATEMENT

Food Safety and Inspection Service (FSIS) is responsible for ensuring that equal access to services, programs, and activities is provided to persons with Limited English Proficiency (LEP). LEP persons are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. This policy pertains to the language needs of FSIS' LEP customers. It does not apply to FSIS employees who, in order to perform their duties, must be fluent in the English language.

FSIS will take reasonable steps to ensure that LEP persons have meaningful access and an equal opportunity to participate in its services, activities, programs, and other benefits. FSIS utilizes a four-factor analysis in determining the steps that are needed to communicate effectively with LEP persons. Using the four-factor analysis, the Agency considers:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the program/recipient and costs.

The responsibility to reduce language barriers encompasses the Agency's obligation to both translate vital documents and provide oral interpretation of critical information. FSIS will provide written translation services for vital documents used in order to carry out its meat, poultry and processed egg products inspection programs. Vital documents are defined as written material that contains information that is critical for accessing a program or activity or that is required by law, such as consent forms, applications, and notices of rights. FSIS will also provide oral interpretation services to convey information necessary to carry out its inspection programs.

FSIS will utilize various resources to translate and interpret critical information. These resources include employees who are fluent in a particular language, other Federal agencies, or contractual providers of language services. The Agency will provide these services at no cost to the customer, in an accurate and timely manner.

To ensure that the FSIS workforce fully understands the Agency's LEP policy, the Agency has developed a LEP plan. In addition, training is available and other guidance is available at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

It is important that FSIS employees are aware of the program discrimination complaint process available to customers. Customers or prospective customers who believe that they have been subjected to discrimination can initiate a program discrimination complaint by completing the [United States Department of Agriculture's \(USDA\) Program Discrimination Complaint Form](#). They may also file a program discrimination complaint by writing a letter to the USDA, Office of the Assistant Secretary for Civil Rights (OASCR), at the following address:

U.S. Department of Agriculture, OASCR
1400 Independence Avenue, SW
Washington, DC 20250-9410

For additional information about what to include in a Program Discrimination Complaint, see *How to File a Program Discrimination Complaint*, on the USDA's website at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>. For information on the discrimination complaint process, contact OASCR, Information Research Service, on (202) 260-1026 or 1 (866) 632-9992 (toll free) or send an email to OASCR at: CR-INFO@ascr.usda.gov. Individuals who are deaf, hard of hearing, or have speech disabilities, may contact OASCR through the Federal Relay Service on 1 (800) 877-8339 or 1 (800) 845-6136 (Spanish).

If you have a question or need assistance, please contact the FSIS Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at: <http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.



Alfred V. Almanza
Administrator



CIVIL RIGHTS PROGRAM POLICY STATEMENT

The Food Safety and Inspection Service (FSIS) is committed to ensuring the fair and equitable treatment of all employees and customers. FSIS also ensures that the civil rights of every individual who requests access to Agency programs are protected. Individuals will be provided with information and services without regard to race, color, national origin (including a limited proficiency in the English language), religion, sex (including pregnancy, gender identity, and sexual orientation), disability, age (40 and over), marital status, familial/parental status, political beliefs, or retaliation for prior complaint activity. Discrimination or harassment toward any person or entity in the delivery of federally-conducted and/or federally-assisted meat, poultry, egg products, and processed production inspection, import inspection, and associated activities will not be tolerated.

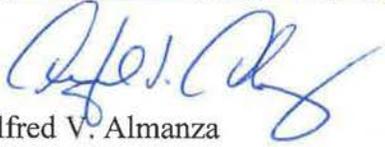
FSIS officials must inform its customers, including applicants for inspection, the regulated industry, and the general public, of their right to receive agency information and services in a non-discriminatory manner. Agency officials must also ensure that these entities are aware of their right to file a discrimination complaint with the U.S. Department of Agriculture (USDA) and the applicable complaint filing procedures. These responsibilities include prominently displaying the USDA "*And Justice for All*" poster in all FSIS controlled spaces that applicants and recipients visit and including "Equal Opportunity in Employment and Services" as a footer on Agency correspondence letterhead, inspection services applications, and other brochures and publications intended for public distribution.

FSIS officials who interact with regulated industry should periodically remind them of the rights and procedures contained in the "*And Justice for All*" poster. When an FSIS official receives a verbal or written allegation of discrimination from an applicant or recipient, the official should immediately notify the individual of their right to file a program complaint with the USDA, Office of the Assistant Secretary for Civil Rights; advise the individual of the 180-calendar day time frame for filing a program complaint; and provide a copy of USDA's Program Discrimination Complaint form, which is found at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>.

As Federal employees, each of us has a responsibility to ensure fair and equal treatment and opportunities to others. Your commitment to these goals is critical to the Agency's mission. FSIS will not tolerate retaliation against those who seek to file a complaint arising from an allegation that a violation of their civil rights has occurred. All FSIS employees must do their part to ensure the protection of civil rights for all.

If you have a question or need assistance, please contact the Civil Rights Staff at 1 (800) 269-6912 or by email at: AskCRD@fsis.usda.gov. You can find additional information about the FSIS EEO and Civil Rights Program at:

<http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/civil-rights>.

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Alfred V. Almanza
Administrator