

## Completed 2020 NASCOE Negotiation Items

<b>Item 1</b>
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### **Issue:**

The AD-2047 form does not match the entries required for MIDAS and this creates inefficiencies in the County Office.

County Office Staff are required to load the LAA for any new producer added to MIDAS. However, there is no entry in MIDAS for this designation nor is there an item on the AD-2047 form to remind staff to enter this into the COC Election Software. Many times the entry is missed and when offices print their Producers Not Associated with a COC/LAA Report there are many producers listed that the COF must research and load COC LAA.

Additionally, there are additional entries which could be added to the form to make it more efficient for the CO.

### **Resolution:**

As the license for the AD-2047 expires in 2020, we are requesting the form be revised to add a block for the LAA to be entered. This revision would serve as a reminder for the County Office and potentially increase accuracy while reducing the time needed to clean up reports.

Some additional entries that we recommend for the form include:

- US Citizen
- Veteran status
- Birthdate
- Race
- Ethnicity
- Gender

### **FSA's Response:**

FSA has submitted an Information Collection Request (ICR) to OMB to revise Form AD-2047. FSA is proposing to revise the AD-2047 to include collection of information from customers to include:

- Customer business type
- Citizenship status
- Birthdate for minor children
- Race, Ethnicity and Gender data
- COC LAA

OMB approval is required before FSA is able to use a revised version of the AD-2047. A CM notice will be issued to announce the availability of the revised AD-2047.

Note: Form CCC-860 is used for collecting SDA, LR, Beginning Farmer/Rancher, and Veteran farmer/rancher information.

**Final Resolution:**

NASCOE accepts this response.

<b>Item 2</b>
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**Issue:**

In order to participate in FSA programs, producers are required to provide county offices with written verification of land that they are leasing. It is common practice for producers to have leased acreages on nothing but a handshake thus no formal written agreement exists.

Once written leases are on file, FSA currently uses the CCC-855 to verify leases for programs such as the LDAP, LFP and ARC/PLC programs. However this form is not considered acceptable to verify leased acreages for all programs such as NAP. Therefore, when a producer participates in one of these programs that a CCC-855 is acceptable and also takes out NAP coverage, they are having to duplicate the lease verification and obtain signatures from their landlord multiple times.

**Resolution:**

NASCOE would like to suggest that we adopt the CCC-855 as a universal lease agreement verification form to be used on all FSA Programs. If this form cannot be adapted to be used for all programs, we suggest that a universal lease agreement verification form be created.

NASCOE also suggests that this form be adequate documentation of the lease agreement between the operator and the landlord thus alleviating the requirement that the producer enter into a written lease agreement.

**FSA's Response:**

A written lease is not required to establish an Operator or Other Producer on a farm record. 10-CM requires verification from the Owner for an OP or verification from Owner or Operator for an OT. This can be verbal or written verification. Once producers are added/removed from a farm, producer notification to owners/operators (current and prior if applicable) is required giving 30-day appeal rights to the changes. Programs may have additional requirements to prove interest in the land or crop and policy would need to agree or determine if a common verification meets the requirements for each program area.

With NAP we have sometimes had issues with more than one person claiming entitlement to the share of a crop or commodity. Persons claiming program benefits based on land should not have difficulty providing proof of domiciliary interest in the land. This is not an onerous requirement.

That said, we do not have any objection to the CCC-855 being used to verify tenancy for all programs. Keep in mind, we have had disputes as to shares on combination leases and especially with regard to forage crop producers and livestock owners who are merely buyers of forage and producers entitled to a share of the forage crop acreage. We may visit with various program areas to examine the possibility for expansion; however, this issue has tentacles.

### **Final Resolution:**

DAFP is open to the proposal and will look into how this will affect other program areas besides NAP and provide an update to NASCOE by September 1, 2021. In addition, the CCC 855 is an approved form for NAP.

<b>Item 3</b>
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### **Issue:**

118-FI, in regard to travel authorizations, is outdated and causing inconsistencies in the field. Notice BU-794 provides instructions for preparing and processing a local travel expense reimbursement including the discontinued use of forms AD-202, AD-616, and SF-1164. The Notice states that the guidance should be followed until 118-FI is revised. This Notice became obsolete as of September 1, 2018, however, 118-FI has not been updated to reflect travel authorization revisions. There is an inconsistency among supervisors on the correct method of authorization with some still using the above referenced obsolete forms. This, combined with the outdated handbook, has created confusion and concerns among county offices.

### **Resolution:**

Handbook 118-FI needs updated to reflect current policy.

### **FSA's Response:**

There are no plans to update the 118-FI, especially now that FSA is a part FPAC. Field offices should continue to follow BU-794 for processing local travel.

Other than that, the SF-1164 is now the OF-1164 and the form may be used for pre-approval and record-keeping purposes. And, even though the AD-202 and AD-616 are no longer available, they can be used as internal documents if a manager so chooses. As per the notice:

“Each office will decide their method of authorization. Preauthorization can be verbal, E-mail, or other method as acceptable at the discretion of the office head”

### **Final Resolution:**

We agree that there is a problem with the directives process and that there needs to be a change to be more consistent in policy. DAFO welcomes NASCOE suggestions and DAFO will advocate for those changes with the FPAC Business Center. DAFO will work with NASCOE on a routine bases to communicate outdated administrative Policy and DAFO will follow up on the use of obsolete forms.

<b>Item 4</b>
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### **Issue:**

Completing manual CCC-576's is a time consuming, tedious process that often occurs during heavy workload in the county office. Information needed to complete the form is currently available within our software systems but must be manually transferred onto a hard copy of the form. Requiring office staff and the applicant to fill in dozens of information blocks not only takes an inordinate amount of time, but also lends itself to unintended errors

### **Resolution:**

Current NAP software has the capability to load CCC-576's in "Not for NAP" situations. As noted in 3-NAP Amend. 1 Par. 151 A, "Application for coverage is **not** required to add a Notice of Loss". It is unclear whether this is a warning about a deficiency in the software or policy to allow use of the software in "Not for NAP" applications. Clarification of or change in procedure to allow "Not for NAP" use of the NAP software would save staff time and reduce errors, streamlining completion of CCC-576's for those programs that require a notice of loss; the software imports SCIMS and CARS information for each producer directly onto the CCC-576. Adding a selection button in the software for "NOT for NAP" purposes to differentiate between NAP and "Not for NAP" purposes would allow for easy tracking of each. Allow staff to fully use the capabilities of available software to increase efficiency and accuracy.

### **FSA's Response:**

FSA is technically running a risk in allowing the CCC-576 to be used for purposes other than NAP or when NAP coverage for a crop for which NAP coverage was not obtained by the filer. Years ago, we examined developing a separate non-NAP form for common programs (prevented planting of crops not subject to NAP coverage agreement for example and failed acreage). That effort failed and nothing came of it.

### **Final Resolution:**

There is agreement that the automated software can be used for the loading CCC-576s for "Not for NAP" situations. Policy will be updated pending consultation with DAFP.

## **Item 5**

### **Issue:**

Lack of ability to publicize candidates for the COC Elections

### **Resolution:**

On a national level over the last several years, there has been a low percentage of GovDelivery newsletters being opened. With this in mind, and because of low voter turnout, NASCOE is requesting, on a local level, to be allowed to send a letter or postcard to each household within the current election LAA describing a short bio 30-45 days before elections. This would provide an increased number of voters with a background of the nominees and increase participation.

### **FSA's Response:**

Paragraph 42 of Handbook 15-AO, provides numerous examples of effective means to communicate COC Elections and Candidates to eligible voters. The use of direct mailings are not prohibited however, there is an additional cost associated with these mailings that will have to be considered at the local level. There is also no guarantee that mass mailings to eligible voters will be any more effective than gov delivery.

### **Final Resolution:**

NASCOE accepts this response.

## **Item 6**

### **Issue:**

There are inconsistencies in the implementation of FSA's filing system found in 32- AS. County and State Offices need additional resources, guidance and training for utilizing the system, particularly regarding annual labels for program purposes.

For example, there some offices are creating files whether there is a corresponding record for the folder or not. The field also need more refined instructions as to what labels are required on each individual program file and specifics examples on what forms are to be filed in each folder.

### **Resolution:**

Since FSA has several new employees, NASCOE suggests a national training program be developed on Labeling System Guidance, including what specifically to file in each folder,

which labels are required, where to find these labels, what records are required to be in a locked cabinet, etc.

NASCOE also recommends additional information be added to the FSA File Maintenance & Disposition Manual to ensure consistency. In particular, we suggest adding columns indicating if the file is required as well as common forms contained in that file. This last column would allow for employees to search for a form number and know what file it can be found in.

**FSA's Response:**

DAFO-PRMD is collaboratively approaching Records Management with FPAC-MSD-Directives, Forms and Records Management Branch (DFRMB). There are ongoing efforts to streamline records management processes across the Mission Area and PRMD welcomes insight into improving the FSA-specific actions.

**Final Resolution:**

We acknowledge that the records management systems across the nation is a concern and that the filing system needs to be simplified. NASCOE will submit 2 names to the pilot project being done by the FPAC Business Center that is currently working on streamlining the records management process to address common pain point and add suggestions through this project.

<b>Item 7</b>
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**Issue:**

State Offices and District Directors continue to have their own interpretations of policy which is resulting in inconsistencies in performance ratings. For example, employees in Illinois are being told by their immediate supervisor that in order to be rated anything other than fully successful, they must perform work outside of their normal duty station.

**Resolution:**

Performance rating standards have been an ongoing issue. Continued efforts to resolve this issue should be made through more training and communication from DAFO to STO on the expectations of following policy.

**FSA's Response:**

With the move to pass/fail plans in EPMA, this should no longer be an issue.

**Final Resolution:**

NASCOE accepts this response.

<b>Item 8</b>
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**Issue:**

With the increasing incidents of active shooters, many county office employees have concerns about their safety and that of their colleagues and customers. County office layouts often limit employee's options if an incident should arise; a singular entrance makes escape difficult, there are few places to hide, leaving the employees to defend themselves with whatever objects are at hand (2-CRP handbook would be a good choice). Employees are rightly concerned that despite security training, an action plan has little value when offices are insecure.

**Resolution:**

1-SEM Amend. 3 Par 17A Page 2-3 states that MSD will be responsible for determining the baseline level of protection for all State and County Offices and Service Centers. Furthermore, MSD will assess and assign security levels, and complete assessments for approximately 250 sites per year.

This task was to have been started in 2011, and at that rate, a significant number of office locations should have been assessed by now. Those assessments should be used to upgrade security in all office locations to at least meet the minimal baseline for protection of personnel and their customers.

NASCOE requests an update on the progress made on these assessments, and what steps are being implemented to meet any recommendations.

**FSA's Response:**

DAFO consulted with the Physical Security Operations Branch of the FPAC Homeland Security Division. Work continues to complete physical security assessments at service centers. The results of these assessments are shared with Management Service Division. When a new lease solicitation is requested the physical security assessment are reviewed and corrections incorporated into the new lease. In addition, Management Service Division has a new office design standard that includes physical barriers to customers (counter and locked door). Employees will control who enters employee workspace in a new office.

The Physical Security Operations Branch reported that approximately 550 service center locations remain on the list to receive a physical security assessment. It was reported that this remains a priority however, it is not likely that all will be able to be completed in FY21 due to staffing and resource limitations.

If a specific security concern is identified and there is a need to do an immediate correction, offices should work with their State Office to consult with the FPAC BC to make a plan for

the correction. Employee safety remains a top priority and any threats should always be reported to management.

NASCOE accepts this response, however we would like to ask that county offices get access to the results of the assessments and NASCOE get more information on the referenced new office design standards.

**Final Resolution:**

NASCOE accepts this response. DAFO communicated that new office design standards are being developed and they will follow up with MSD regarding county offices receiving access to the assessments.

<b>Item 9</b>
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**Issue:**

Shared management is being utilized now more than ever throughout the Farm Service Agency. This has posed many challenges for CED's and PT's. Offices are not properly staffed nor is there any incentive for managers to sacrifice by working a shared arrangement. This leads to burn out, resentment and low morale. Offices are not fully staffed due to retirements and turnover which is overwhelming the remaining PT's, especially new hires unfamiliar with the yearly office cycle. This creates an environment in which CED's are forced not only to maintain their management responsibilities but also to act as a PT in order to properly serve our producers while the PT is trained in order to properly serve the producers.

This pressure on the CED increases exponentially when they are then put into shared management situations and there is no added compensation or incentive for this.

Offices not only need a good foundation of program technicians in order to serve our producers effectively, but also a manager that can effectively use their time to "manage". There is no way to track management efficiency and workload but knowing the basic duties of a CED will help in understanding any added workload for a shared management CED. Some of these added duties include spending adequate time with each new employee at both offices and double the time for County Committee meetings along with all the preparation and post-meeting work.

**Resolution:**

There are many challenges that are still surfacing as we transition to more shared management situations across the country. We understand efforts are underway to set up a "Shared Management Task Force. Are there any added updates to this? Suggested items for the task force to consider would be looking at offices lacking in staffing, management training specific to shared management, and possible incentives for shared management CED's.

The task force could look at those offices where turnover and retirements are high and make



recommendations based upon what is going on rather than relying on the staffing model to dictate what is and isn't needed.

They could also explore updated mandatory management training that would be helpful for those CED's whom have never had to manage multiple offices. This can teach them management styles that are proven to work in these unique situations.

Another element to consider are incentives for those CED's that now have increased workload with no added pay, especially for those situations that combine two grade 12 offices. These incentives would need to be consistent across the nation as some states do not take shared arrangement situation into consideration for performance or spot awards. Investigate options such as performance or percentage bonuses, differential pay, or spot awards specifically for shared management CED's with NOF guidance to ensure fairness nationwide.

**FSA's Response:**

The decision to implement shared management operations is one left to the states, consistent with guidance in FSA handbook policy. Differential pay would not be warranted in all cases of shared management, but spot and extra effort awards are available to recognize shared management CEDs, and other employees, for their contributions and accomplishments.

National Leadership training addresses the challenges of shared management and hopefully has led to some improved preparation in managing multiple offices. In addition, shared management is required to be covered as part of COT training.

**Final Resolution:**

DAFO will form the shared management taskforce within 1 month and will reach out to NASCOE to provide participants from their membership. This task force will review the suggestions on training and incentives as part of their mission.

<b>Item 10</b>
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**Issue:**

It has been a challenge for county office employees to provide a Receipt for Service (RFS) as federally mandated for customer interactions as we work through the day. It is ultimately best to enter information immediately following a customer interaction to more accurately record information pertaining to that customer visit. However, with the heavy workload employees are facing, we are having to prioritize the need to meet the customer service demands thus causing the employee to have to rely on memory to record the interaction at a later time.

NASCOE has also received several submissions identifying glitches in the software. One example would be that when a county office employee selects the program involved in the interaction, the software continually jumps to the top of the screen causing the user to have to scroll back down to the area of interest repeatedly. This creates frustration and is time consuming.

Along with members identifying software issues, NASCOE has also received many suggestions on how to make the software more workable thus creating a more efficient way to accomplish our goal of providing top notch customer service and documenting the interactions.

### **Resolution:**

Farmers.gov has given county office employees the ability to complete MFP and WHIP applications while automatically recording the customer service interaction. This is definitely an added benefit in which we appreciate. NASCOE would like to see this ability expanded to other programs. It would be ideal to be able to go into something such as CARS to record a producers acreage report and have an option to create a customer interaction that would automatically record the transaction.

NASCOE feels that by streamlining the process and making the software functionality more user friendly we could reduce the frustration being experienced by county office employees and reduce the need to manually record routine customer interactions allowing more time for employees to focus on providing quality customer service.

NASCOE recognizes the ongoing budgetary constraints for software updates but feels that the mandated RFS is a high priority. Therefore, NASCOE would like to see a “Receipt for Service Taskforce” established. This Taskforce would be highly effective as we envision it being made up of shareholders from all levels of FSA bringing a broad scope of knowledge and we are confident that a workable and viable solution can be made.

### **FSA’s Response:**

Receipt For Service is currently being looked at for enhancements and redesign. This will be looked at as part of that process.

### **Final Agreement:**

Receipt for Service moving back to WebRFS as an interim process. Updates are being made to functionality for June 20 release. NASCOE will be allowed to provide input on the development of the long-term product that will subsequently be developed.

## Item 11

### **Issue:**

County Offices routinely utilize the Non-Payment report to identify and resolve payment reduction issues. Currently this report will only display one error at a time. A user must correct one issue and refresh the report before the next issue will appear. Occasionally, even after a refresh of the report, the next error will not appear on the report until the following day.

Many times, correcting these issues requires contact with the producer. The lack of a complete list of issues at the outset can result in multiple follow-up calls and potentially extra trips to the office. This issue has previously been identified by the field as particularly burdensome. Recently there was some apparent movement on this enhancement, however it appears to have stalled.

### **Resolution:**

In the interest of efficiency and time, the Non-Payment report should display all errors at one time for each producer. The report could be similar in fashion to a Subsidiary report.

### **FSA's Response:**

The answer to this issue remains the same as provided previously. The reductions listed on the Nonpayment Report were applied during the payment process. If the producer has a \$1,000 payment due and the producer has a bad AGI value, then the payment is reduced to zero. The payment process stops at that point since the software can't reduce the payment any further since it's a zero payment after the first reduction so no other reductions can be identified at that time.

### **Final Resolution:**

The payment process does not allow software to check for subsequent errors after the first, as the payment is effectively reduced to zero. DAFP will explore ways to develop a report to better assist county offices to know when an eligibility issue is present that could affect payments. NASCOE will review new ARC/PLC prepayment report and provide feedback.

## Item 12

### **Issue:**

The current observation in the Farm Service Agency is that people are retiring faster than we can get new people hired and trained. This is causing significant stress and low morale in the county offices where they not only have newer PT's, but also are short staffed and put into newly formed shared management situations. The workload is becoming overwhelming to the veteran PT's.

Farm Service Agency has no official training program in place for our newly hired employees.

Perhaps we can say that as the bulk of our PT hires are grade 4 or 5, that it often takes several years to become fully independent and experts in our programs. Some new hires we have invested in have quit within a few months due to the pressure of the job at only grade 5 pay. This is causing even more money to be invested into hiring yet another person without any money invested in solving the problem of keeping employees. The cycling of new employees through an office puts a lot of workload on the PT's that have been consistent in the agency and this is causing them to get "burnout" and become frustrated, even driving some toward resignation or early retirement. CED's can only help the PT's so much without neglecting their own managing duties, especially those in shared management positions.

NOF has made efforts to be transparent regarding the staffing numbers and how actual workload is used, which has been very helpful, but still not encompassing the whole picture.

### **Resolution:**

NOF should be transparent with the number of staff the staffing model indicates each county office needs independent and separate from budget restraints-the unrestricted number of staff needed by FSA. Uncompleted workload is not currently considered in the workload model and adding this would give NOF a better understanding of the actual workload and may be the key to proper staffing. Allow county offices to hire employees in a timely manner to avoid overwhelming workload to them and the existing PT's in the office. Create a task force that focuses on creating official "New Hire Training" so we can give our new employees the tools they need to be successful in servicing the producers adequately and as quickly as they can after they are hired. Make this training mandatory for all newly hired employees and any PT that would find value in it.

### **FSA's Response:**

NOF has prioritized the measurement of incomplete workload and is in the process of implementing a new methodology in order to capture the best data possible. The new methodology was developed by DAFO BAMSD in consultation with the BAMSD Workload Working Group in order to capture incomplete workload items that encapsulate the major workstreams. Data identified by the Working Group that can be captured in FSA systems will be obtained accordingly however since much of the data cannot be captured in FSA systems the working group determined that a quarterly survey should be used to collect the additional data.

BAMSD is currently working through the development of the survey to collect the data with the goal of collecting FY2020 Q4 data which will be used in conjunction with FY2021 Staffing Recommendations.

### **Final Agreement:**

Agreed that DAFO is working on clarifying staffing needs and that the current unmet demands survey process will better help everyone understand an office's staffing needs. Agreed that hiring has improved since this item was first presented. Agreed that there is a need for resources

for new hires and that a task force will be created to identify these and how best to make them available.

### **Item 13**

#### **Issue:**

The 2018 Farm Bill has increased opportunities for CRP participants to utilize their CRP acreage on a more frequent basis. However, participants having CRP acreage located in the Lesser Prairie Chicken (LPC) Action Area are being held to more restrictive regulations even though the LPC was officially removed from the Federal List of Endangered and Threatened Wildlife on July 19, 2016.

The new CRP Haying and Grazing regulations allow participants outside of the LPC Action Area to utilize their acreage on an-every-other-year basis while adding intriguing incentives for beginning farmers. While this is much appreciated and will be well received by CRP participants outside the LPC Action Area, the people within the area can only utilize their acreage on a restrictive three-year rotation.

Additionally, the new policy of having a beginning farmer on a CRP contract for more than a zero percent share is unclear as to how it applies to the LPC Action Area. The beginning farmer outside the LPC area is allowed to graze on a yearly basis excluding the primary nesting season provided that the grass stand is adequate and not affected by the practice. Does this same standard apply within the LPC Action Area for beginning farmers with a share on the CRP contract?

#### **Resolution:**

NASCOE would like to see regulations being implemented for participants within the LPC Action Area brought into alignment with what all other CRP participants are being held to. NASCOE acknowledges the policy is influence by US Fish and Wildlife but NASCOE would like FSA to take a proactive, producer friendly approach to the use of CRP in the LPC Action Area for beginning farmers and ranchers. It is our understanding that although the LPC has been removed from the Federal List of Endangered and Threatened Wildlife, the biological opinion that has been in place has not been updated to reflect this change thus requiring the restrictive regulations to be upheld.

#### **FSA's Response:**

FSA has granted waivers of the Lesser Prairie Chicken Biological Opinion to all states that have requested for CRP emergency haying and grazing. To expand this waiver to non-emergency haying and grazing in the 5 applicable states will require a review at a higher level.

#### **Final Resolution:**

The potential to expand the LPC waivers to non-emergency haying and grazing was elevated to DAFP (5/27) for review and consideration to elevate the request. DAFP's decision was to delay any elevation of the issue until we have further information on the proposed listing. CD will stay updated on the actions and reinitiate the consideration when warranted.

<b>Item 14</b>	<b>Category: Conservation Suggestion</b>
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**Issue:**

Some policy deadlines/timelines established for CRP appear arbitrary and do not enhance the integrity of the program, while causing undue stress, heavy workload, and invasion of privacy during a grieving period:

2-CRP (Rev. 6) Amend. 1 Par. 554D requires County Offices, in the case of the death of a participant, to send a letter to the last known address of the deceased participant within 10 days.

This immediate notification and request for action by the survivors during a period of grieving is an unnecessary intrusion that accomplishes nothing but hard feelings and uncomfortable interactions between staff and our customers.

2-CRP (Rev. 6) Amend. 1 Par. 500A requires County Offices to process initial FSA-848As for all practices, C/S, Non-C/S, and management activities within 5 days of approving the CRP-1. In practice, most CRP-1 contracts are approved at the end of the fiscal year during a period of intense office activity and heavy workload. Offices with high CRP activity are stretched beyond the max to meet the 5-day deadline.

**Resolution:**

Revise 2-CRP (Rev. 6) Amend. 1 Par. 554D to allow 30 days from County Office knowledge of a participant's passing to issue notification letters to the survivors. This provides a more respectful window during a difficult time and does not compromise the integrity of the CRP. Revise 2-CRP (Rev. 6) Para. 500A and add a place in COLS for the total obligations of the contract to be entered prior to approving the CRP-1. This would satisfy the requirement that total obligations be assigned to the appropriate fiscal year (for OMB obligation purposes). With the reporting requirement met, the timeline for creation of the FSA-848As can be relaxed to more easily fit within the flow of the County Office workload. Additionally, with CCMS and CSS software often unavailable following the change of the fiscal year, the accessibility crisis is moot. As long as the FSA-848As are created timely for the scheduled practice, the CRP's integrity is maintained.

**FSA's Response:**

Regarding the procedure in subparagraph 554D, the procedure in 2-CRP, subparagraph 554F, only requires a letter to be sent when the county offices becomes aware of the death of a CRP participant and the county office does not know of an heir or estate of the deceased. The letter is not required every time there is a deceased CRP participant, only when the county office does not know of an heir or estate.

Requesting county office to complete CRP contracts in revision status and addressing the reasons why so many CRP contracts remain in a revision status for such a long time, sometimes years, has been an issue for several years. When researching why some CRP contracts remain in revision status for extended periods, one of the more common reasons provided was that a participant had died and the county office did not know who to contact, so the CRP contract just remained in revision status with no further action. The national office contacted State and county offices that were addressing such revisions timely to determine what actions they were taking. Many indicated they were sending letters to the last known address in order to obtain a point of contact when the county office did not know of an heir or estate.

FSA has the responsibility to administer the program, ensure program integrity, and ensure payments are issued timely and accurately to the eligible participants. While it can be a sensitive topic, identifying potential successors is part of FSAs responsibilities. Therefore, it is essential to identify potential successors quickly to ensure program integrity, payments are accurate and timely, and contract revisions are addressed accurately and timely.

As of November 17, there is about 8,600 contracts that are linked to a deceased producer, representing about \$26.5 million in annual rental payments.

Regarding the procedure in subparagraph 500A, this is being considered as part of the overall discussion on C/S and software application.

### **Final Resolution:**

DAFP discussed extending the deadline for the issuing of the deceased notification letter from 10 days to 30 days and decided to accept the request and make the change. They will consult with FMD to see if the fiscal obligation requirements can be met by the software. DAFP followed up with the request to allow 30 days to do the FSA-848 after CRP-1 approval and it cannot be done.

<b>Item 15</b>
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### **Issue:**

Implementing shared management operations is a significant decision that should be made only after consulting with all stakeholder including COC's and county office staff. COF's are reporting to the NASCOE Executive Committee (EC) that policy in 27-PM Par. 52 is not always being followed by SED' regarding the consultation of County Committees for concurrence of shared management operations. The NASCOE EC is being told that District

Directors are informing CED's or COF staff (if the CED position is vacant), that a request is being initiated by the SED to implement shared management operations with county offices, but not officially seeking to obtain COC concurrence. It is also being reported to the NASCOE EC that COC's are being told by SED's/DD's that there is no option but to concur with the shared management request.

27-PM (Rev. 1) Amend. 16, page 3-33, paragraph 52C states "After STC receives or initiates a request or the implementation of shared management, STC or its representative shall meet and work with the affected COC's to obtain their concurrence. The STC's and SED's shall document the reasons for the shared management in their minutes". It also states that "before STC approval of the establishment of a shared management operation, SED shall consult with the NASCOE State affiliate".

**Resolution:**

This has been an issue since it was first brought before DAFO in 2015 (see Exhibit 1). This is obviously not being resolved. We are asking for the SED's to include the NASCOE State affiliate when making the decision to create a shared management situation and document this action in STC minutes.

Both the COC and NASCOE State Affiliate should receive a copy of the appropriate minutes documenting the consultations.

**FSA's Response:**

DAFO will continue to emphasize to SEDs/STCs the requirements in 27-PM regarding consultations with COCs and NASCOE State affiliates. In reviewing requests from States in DAFO, this information must be submitted prior to DAFO approval.

**Final Resolution:**

Agreed to clarify the rules in Para 52C to apply to both shared management and part-time offices. DAFO will look at the requirements and exploring ways to share the information to the county office and will collaborate with NASCOE to work on the language in the next month.

<b>Item 16</b>
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**Issue:**

It has become clear that both COC's and STC's many times do not understand their critical authorities and too often they are uneducated on their roles at FSA. There have been some attempts to educate COC's and STC's but we continue to hear about deficiencies and lack of uniformity in these training efforts such as some states having zero training, some using printed or online materials, and some holding face-to-face trainings but not including CED's or



NASCOE State affiliates. NASCOE and NAFEC have made requests to have formal and engaged COC training but the requests have not yet been properly addressed. In addition, the curriculum developed for FSA's managers, supervisors, and subordinate employees recently have not included the proper elements identifying the state and county committee's authorities, roles, and responsibilities.

**Resolution:**

NASCOE is in full support of having well trained and educated COC and STC members that protect the integrity of FSA mission results. NASCOE understands that efforts are underway to develop a COC training work group. Is there a status update on this?

There are many methods this work group can research and implement to better educate all involved. They can develop a formal training curriculum based off of 15-AO, 16-AO, 5-PM, 22-PM, 27-PM, SFAC/LFAC handbook policies, 7 CFR Part 7, Soil Conservation and Domestic Allotment Act (16 U.S.C. 590), Federal Crop Insurance Reform Act and Department of Agriculture Reorganizations Act of 1994. We should then mandate face to face training, for instance, every three years for COC members, STC members, CED's, District Directors, State Executive Directors, and Administrative/Executive Officers, along with NASCOE and NAFEC state affiliate representatives. The goal is to engage all stakeholders so that everyone has the same understanding and accountability while promoting integrity.

**FSA's Response:**

In April 2020, a working group was formed representing NADD, NASCOE and the National Office, to review the existing 2010 COC Training material, and identify missing information, and outdated policy and practices. The working group completely revised and updated the outdated material and issued a new COC Training Guide and PowerPoint. The updated/revised material was announced in Notice AO-1763, issued October 16, 2020. The Notice states the mandatory use of the revised material by all States, and is now located on the DAFO, Personal Policy and Operations (PPOD) SharePoint site with a tile labeled COC Training. This material is available to all FSA employees.

**Final Resolution:**

NASCOE accepts this response.

<b>Item 17</b>	<b>Category: Conservation Suggestion</b>
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**Issue:**

2-CRP (Rev 5) Amendment 1 removed COC approval authority giving CED's sole approval authority.

Committee members are a critical component of the day-to-day operations of FSA. They help deliver FSA farm programs at the local level. Farmers who serve on committees help decide the

kind of programs their counties will offer. They work to make FSA agricultural programs serve the needs of local producers.

CRP has been a very successful program addressing conservation resource concerns in large part due to COC members providing valuable input into the administration of CRP. CRP can be very different from county to county and having approval authority at the COC level provides integrity and firsthand knowledge of local conditions.

**Resolution:**

NASCOE would like to recommend a handbook amendment be made to include giving approval authority back to the COC. NASCOE has prepared a draft handbook amendment for your review.

This amendment would bring CRP approval authority in line with most other programs that are administered by FSA.

**FSA's Response:**

COC's previously had authority to delegate the approval of the CRP contracts and certain other documents and decisions to CED's.

2-CRP (Rev. 5) did not remove the COC approval authority it removed the delegation authority and directly provided that CED's could also have the authority to approve CRP contracts and certain other documents and decisions. It was becoming more and more difficult to meet deadlines for approving CRP contracts and other documents when only the COC had the authority to approve and some COC's would not delegate that authority. CED's are required to review the approvals with the COC and document the review in the COC minutes so the COC is aware of the CED approvals. Again, COC's still have the authority to approve but now CED's also have that authority. Removing the CED authority will further jeopardize meeting deadlines for certain approvals.

**Final Resolution:**

No agreement was reached. DAFP believes the CEDs need to maintain approval authority to meet deadlines and the COC reviews all approvals in the minutes. NASCOE believes that COC should be allowed to determine if the delegation will be made to the CED.

<b>Item 18</b>
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**Issue:**

The inability to report multiple intended use crops.

Many of the producers we service harvest crops that have multiple intended uses. Due to the

current software restrictions allowing only Grazing and Grain multiple intended uses, we are unable to accurately reflect these crops on producers FSA-578 Acreage Report.

This could cause the ineligibility for multiple programs like Farm Storage Facility Loans (FSFL), Livestock Forage program (LFP) and the Non-insured Crop Disaster Assistance program (NAP). This also does not accurately reflect what is occurring in the field.

**Resolution:**

We recommend adaptation of the software and policy for allowing multiple intended uses of crops beyond the grazing and grain stated in 2-CP. Because many of the crops that are affected are grazing crops, it is recommended to add a days in use category to CARS to reflect the number of grazing days use in the grazing period for LFP and NAP purposes. Or, at the very least, allow an additional intended use listed as hay.

Therefore, the multiple intended use choices would be Grazing, Grain, and Hay along with the number of grazing days during the grazing period.

**FSA's Response:**

We will work with the program areas to determine potential impacts of implementing your request and will update policy and prioritize software development as needed. However, this is a policy issue and not an employee issue. A farmer reporting crop acreage can already divide the intended use for each fraction of an acre being reported or revise the intended use up until the ARD. By that date, the producer should have a good indication of what use is applicable on appropriate acres. The current method asks the farmer to identify the predominant intended use of the crop in order to tailor program assistance. Intended use does not lock the farmer into only marketing for that one predominant intention or in not later having a different actual use. This suggestion may actually complicate programs and acreage reporting unnecessarily.

**Final Resolution:**

Compliance is open to this suggestion but will need to consult with the program divisions to see how this will affect other area's policy and DAFP will follow up with NASCOE by September 1, 2021. Automation could implement this with the change to point and click acreage reporting if adopted.

<b>Item 19</b>
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**Issue:**

There are several quality of life issues related to software that are creating significant pain

points for the field and which result in inefficiencies and loss of time.

First, when trying to print documents, County Offices are dealing with noticeable delays waiting for software to open, waiting on print jobs to load, and waiting for the document to actually print from the application. These add up, particularly when CO's are literally printing thousands of letters, such as for ARCPLC elections, Farm Record updates, and PLC yield changes. These delays are a real concern when employees are waiting on a producer, as failure to provide them in person results in more time and money spent in mailing the letters.

Next, many of our web-based applications seem to require specific web browsers (Internet Explorer, Chrome, Edge, etc.) in order to function correctly. This is causing confusion and often results in employees having to keep trying different browsers until the software works.

Finally, there is a concern over the availability of software. Specifically, that employees cannot load CRP Cost Shares, especially MCM, while CRP Annual payments are being made, nor at the beginning of each fiscal year.

### **Resolution:**

The delays in printing are relatively new. NASCOE would like whatever change that resulted in these delays to be identified and resolved. Additionally, documents that are generated by the system should be identified as trusted, which would eliminate the need to "enable all features" and speed up the process.

While we expect that efforts are already underway to update our web-based software to accommodate all browsers, NASCOE would like to reiterate the need for a common browser to facilitate all our needs.

Finally, NASCOE requests that the decision to lock users out of certain software be reviewed for a solution in order to increase customer service and create a more efficient COF.

### **FSA's Response:**

ISD issued an information bulletin listing what applications are best utilized with Internet Explorer (IE). ISD is also working to upgrade all applications that require IE to utilize another supported browser with an expected completion date of the end of FY 2021.

FSA is awaiting updates from CEC about printing & spooling, and it is noted that this may be isolated instances.

### **Final Resolution:**

NASCOE accepts this response.

**Issue:**

With the recent increases in administrative fees and premium costs under NAP, my county has seen a dramatic reduction in participation by our vegetable growers. The current premium structure based on \$300,000 payment limitation under buy-up, disproportionately impacts on our small to medium sized producers to the point they can no longer afford anything but catastrophic levels of coverage. While the premium calculation is equal across all operation sizes (disregarding reductions for qualified producers), the cost is much harder to absorb for someone with \$300,000 in gross sales (NAP value) versus someone with \$1,000,000 in gross sales (NAP value). While each has the same value of coverage, the larger producer is much more apt to realize maximum benefits versus the smaller producer. In reality, the producer at the \$300,000 gross value level will never get what they pay for; complete loss of production would activate unharvested factoring, reducing benefits.

**Resolution:**

Develop a premium structure that would allow producers the opportunity to acquire buy-up coverage while avoiding the onerous costs generated by the new \$300,000 payment limitation. Allow producers the ability to choose their payment limitation under NAP buy-up, based on the premiums they can easily afford. The producer could then choose all crops for buy-up, providing better coverage and improved risk management. For example, the payment limitation could be available in \$100,000 increments

**FSA's Response:**

Thank you for your suggestion. FSA has no authority to alter NAP service fees or premiums as both are explicitly written into the Farm Bill. The 2014 Farm Bill provided for how premiums would be calculated, and the 2018 Farm Bill increased the service fee as well as the payment limitation. The direct impact of increasing the payment limitation increased the maximum premium. In short, FSA has no authority to develop a premium structure and producers must make business decisions for which levels of coverage to obtain.

**Final Resolution:**

DAFP does not believe they have the authority to change the payment limitation, but they will consult with OGC to confirm. Otherwise they will bring this issue up during the next farm bill discussion.

<b>Item 21</b>
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**Issue:**

The coordination or required reports and the ability to insert the reports into the appropriate software in a reasonable amount of time.

In 2019, CP-754, National Compliance Review, the action was required to be completed before the crops were harvested (summer/fall). The NASS software didn't allow the results to be loaded until late December. Then in January 2020 the notice CP-756 extended the deadline to March 31 because the NASS software was still not available in December. County office staff needs to be able to load the compliance data as it is collected so they can move on to the next program or deadline. This is taking approximately 5-7 months to complete.

**Resolution:**

As this is an annual occurrence, NASCOE is requesting the software be made concurrent with the data collection to make sure we have the resources to complete the job in a timely manner

**FSA's Response:**

For the National Compliance Review process and deadlines, FSA collaborates with NASS to try to ensure the software is released timely. FSA is currently reviewing the NCR process to streamline areas that will contribute to efficient compliance processes and software.

**Final Resolution:**

DAFP understands the concern. NASS is not under FSA's control, but they are developing an alternative software that will be piloted next year. This year should be timelier.

<b>Item 22</b>
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**Issue:**

The current procedure for loading CCC-36 assignments and CCC-37 joint payments is time consuming and cumbersome. They are currently loaded by year and by program. The automated system only allows for a few years out at one time, so we must remember to go back into the software and update the assignment or joint payment years down the road. For example, loading a lender that requests joint payment on all programs throughout the current farm bill would require loading an assignment for each current program available for each year, thus taking a long time to complete. We also risk missing the update to the assignment years after we've received the request since we can only load a few years at a time

**Resolution:**

Add an option in the FSAFS software to allow for the selection of "all current programs" and an option to specify the span of years, for example, the year span of the current farm bill. This would save the office an enormous amount of time and it would eliminate the possibility of mistakes made by forgetting to update the assignment years from when it was received. 63-FI par. 64C allows an exception for CCC-36's that are accepted for the life of the CRP-1; potentially 10-15 years. This policy could be adapted to all programs and years of the current farm bill.

**FSA's Response:**

FPAC-BC FMD has created a Change Order Request to provide the capability to enter a single assignment or joint payment with multiple effective program years for officially announced programs. Because of other mandated priorities for development in Financial Services (FSA-FS), we do not have a targeted development timeframe.

**Final Resolution:**

NASCOE accepts the response and DAFO will communicate with NASCOE when DAFO has a timeframe of implementation.

**Prior Years Items**

<b>Item 18</b>
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**Issue:**

ECP Frequent damage provisions. Regulations found in 7-CFR Part 701.105 3 (b) (6) does not specifically state any limitations on land eligibility as it relates to frequent damage. With frequent natural disasters occurring across the country our producers are taking extreme financial and physical losses. Producers are struggling to recover from these disasters and will be further hindered should they use up their eligibility for cost share assistance.

**Recommendation:**

NASCOE would like to recommend the policy put in to place in 1-ECP (Rev 5) Amend 1 Par 112 B be amended to lessen the restriction on our producers. The change should more accurately reflect the increased frequency and severity of natural disasters affecting our producers today.

**FSA's Response:**

The ECP “frequency of damage” provision applies to farmland that, based on its landscape position, makes the land subject to frequent damage or particularly susceptible to severe damage. ECP handbook policy provides that land is considered as being subject to frequent damage when damaged to the extent rehabilitation is required 3 or more times in the last 10 years by the same type of disaster.

A common misunderstanding is that if a particular county has already implemented ECP twice in the last 10 years, then it may be ineligible to implement the program for a third time; this is not the case. The consideration is made on the distinct acreage that has been damaged. When the COC considers frequency of land damage for which an ECP request is filed, factors such as soil type and its natural erosivity, the land’s position within a flood plain or its flood susceptibility, or the especially severe nature of the current disaster event can be considered. On a case-by-case basis, CD will revisit the issue and determine what individuals or areas may

need DAFP consideration, by submission of a waiver request.

**FSA Updated Resolution:**

The regulation does not state 3 and 10 however it does state frequency, so the agency had to define. Frequency of damage is related to a point on the earth not a county and that has been clarified to the State Office. The Conservation Division will evaluate the possibility of adding the option to request a waiver for those instances when the request to evaluate certain frequencies is legitimate. If policy is developed, the National Office will provide guidance in the handbook for requesting the waiver and adding STC to the flow of recommendation process.

**Final Resolution:**

DAFP will issue guidance regarding the waiver process in the next ECP handbook revision.

<b>Item 19</b>
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**Issue:**

Marking attributes on FSA-578 maps. It is repetitive and cumbersome to fit all the required information onto each field. For all crops, sometimes the fields are so small, it is difficult to do so.

**Recommendation:**

Allowing county offices, through their COC, at the first COC meeting of the new fiscal year, to establish the normal routine of crops for their specific counties so that only the exceptions are listed on the map.

The variety type, status, irrigated practice, can be put into the COC minutes with the note of “unless otherwise noted” for usual crops in each county.

Another option could be to add a key at the bottom of the map, covering all attributes, which would correspond to a symbol or code placed in each field.

**FSA’s Response:**

If state and county offices are using Python Map Series to create maps for acreage reporting purposes, the state GIS specialist can update the Map Series template (either mapseries\_portrait.mxd or mapseries\_landscape.mxd) to include text that meets this need. Templates used in CLU Maintenance Tool can also be modified by the user to meet this need. However, because the “unless otherwise noted” is a COC decision, maps generated from CARS cannot be adapted to have a different statement for each county.



**FSA Updated Resolution:**

The Point and Click functionality is being looked at which will allow the user to click on a field and it will label the field for the user. The National Office will educate GIS Specialist and their Supervisors on the fact that the Python Map Series and other GIS techniques should be used to assist County Offices for acreage reporting purposes.

**Final Resolution:**

NASCOE accepts this response, however NASCOE would like the template option issued as procedure so that all CO's know it is an option.