

2021 NASCOE Negotiation Items

Item 1:

Issue:

The Salesforce software does not interface with SCIMS- instead it uses Business Partner from MIDAS. Therefore, the SCIMS search function has been removed in several applications- primarily Salesforce applications. The lack of SCIMS as the primary customer search function has made finding the correct producer in Salesforce applications time consuming and cumbersome, if not impossible in some cases.

If an employee wants to search for a specific customer, that employee must first open MIDAS to query for the producers BP number/ID. Then the employee must copy this over information to the search function in salesforce. In some instances, if the employee does not take the long route to look up a producer, the producer may never pull up using the search function in Salesforce or multiple versions of the same name, from all over the nation, may pull up, creating a high potential for erroneous applications and data entry.

County office employees waste time waiting on MIDAS to load to verify the customer by the BP number and also waste time having to double check everything through the “old” way of doing things- verifying the producer data in SCIMS to make sure they picked the correct person/entity.

Not having the SCIMS search function is a time waster and is frustrating for employees.

Employees need the ability to tailor what items to search by in order to efficiently and accurately search for producers in Salesforce applications.

Position:

Reintroduce the SCIMS search function or create a similar search function for Farmers.gov and other Salesforce applications

FSA Response:

FSA and DAFP will no longer be adding employee facing applications to the farmers.gov platform and are working to remove existing employee facing applications (with the exception of a few programs). Additional changes to functionality in Salesforce will not be implemented because of this effort.

Resolution:

NASCOE accepts this response.

Item 2:

Issue:

Current criteria in handbook 27-PM for determining CED Grade using 1099's to measure program participation is poorly reflective of office workload.

Policy (27-PM (Rev 1) Par. 31C & Exhibit 4.5) sets a benchmark of 340 1099's issued when evaluating the definition for the Program Participation element. 1099's are not issued for payments that are calculated below \$600.00 so therefore many customers do not receive a 1099 even though they have received a payment. Additionally, other programs, such as ARCPLC, are market driven programs which may not annually issue a payment despite work performed by a County Office to approve the application. In these years this could drastically reduce the number of 1099's issued while still being a significant amount of workload. The concern is given current policy for CED grade determinations, many COFs are put in jeopardy of being downgraded even though workload has not decreased, and many times increased.

While some flexibility on these criteria may have been communicated to the SEDs, the handbook has not been updated and policy is not being applied uniformly.

Position:

There are many other factors besides 1099's that can be used to determine a County Office's program participation level. These might include payments issued of all dollar amounts, number of applications for a program processed, supporting payment documentation such as payment eligibility (CCC-902, CCC-941, AD-1026 etc.) filed/ processed and acreage reports processed. Uniform policy needs to be established and 27-PM needs to be updated.

FSA's Response:

DAFO agrees there could be other factors besides 1099's that can be used to determine a County Office's program participation level, which may include payments issued of all dollar amounts, number of applications for a program processed, supporting payment documentation such as payment eligibility (CCC-902, CCC-941, AD-1026 etc.) filed/ processed and acreage reports processed. And that a uniform policy needs to be established and 27-PM needs to be updated.

DAFO looks forward to initiating a CED Grade Review/ Evaluation taskforce with NASCOE participation to discuss other grade determining factors and necessary 27-PM updates.

Resolution:

NASCOE asked for a method of capturing contracts other than the 1099 and the 27-PM revision will be updating the item to include unique payer ID to track data regardless of dollar amount. National Office will continue to engage NASCOE in discussion on this topic.

Item 3:

Issue:

The ARC/PLC contract deadline of March 15th is too soon in the program year as several operations are still deciding what to do for the upcoming year.

Numerous FSA employees are finding that this is simply too early in the year for a lot of producers to have a firm grip on what their shares will be for the current year. Many counties have producers who change shares or plant different commodities with varying base shares on specific crops. Farming practices around the country are quite diverse especially when weather is factored in. Many producers are calving during this time and not working on land leases/shares for the current year. In many cases landlords and tenants are still determining current year operator and shares during the beginning months of each calendar year. It is not uncommon in some parts of the nation for producers to not have a definite decision on what their final shares will be since these decisions have not been worked out by March 15th with their landowners.

Producers are then required to initially enroll without complete data and then revise their ARC/PLC contracts. Often this is forgotten and caught by the county office after producers certify their crops with FSA and the share changes are discovered when comparison reports are reviewed. This has created a large workload on FSA employees when revised contracts must be completed. This is doubling the work for producers as well as our county offices.

Alternatively, producers who are not changing their election and want to ensure they have all the required information before enrolling can late file through September 30th. However, this also creates a workload challenge when these involve additional COC and DD review.

Position:

NASCOE proposes returning the ARC/PLC deadline to August 1st. This would provide the time needed for producers farming on shares to have the adequate information to initially enroll correctly. This will save the producer from extra revisions and reduce unnecessary workload in the county offices.

FSA Response:

Participation in RMA's Supplemental Coverage Option (SCO) states that producers who have elected ARC may not have the SCO insurance plan. If the election date for ARC is extended until August, producers will have a distinct advantage in terminating their SCO coverage and electing ARC.

The same general principle applies to STAX and participation in seed cotton ARC/PLC. If producers are provided the extended August deadline, then those producers have a distinct advantage on terminating their STAX insurance and enrolling in ARC/PLC.

The administration made the decision that March 15 would be the deadline for producers to elect and enroll in ARCPLC to closely align with RMA's sales closing date, which was clarified to field staff during 2018 Farm Bill training held in the summer of 2019.

Resolution:

It is not feasible to change the deadline for this farm bill, but National Office will look at options for the next farm bill. NASCOE and National Office will share and discuss the data related to the efficiency and customer service from the additional workload.

Item 4:

Issue:

County Office employees have been given permission to telework due to COVID-19 but previously were only given the option of Ad-Hoc or told that they were in-eligible for telework all together. During this period of safety related maximum telework, County Office employees have proven they are able to continue to carry out their jobs while teleworking and have done it well. NASCOE would like to see continued telework options remain available after maximum telework procedures related to COVID-19 have concluded.

34-PM Part 5 Telework Program states that telework is of particular interest for its benefits in the following areas:

- Recruiting and retaining the best possible employees
- Helping employees manage long commutes
- Saving taxpayer dollars by decreasing Government real estate costs
- Reducing traffic congestion, emissions, and infrastructure impact in urban areas, thereby improving the environment

Secretary Vilsack stated in his town hall meeting for all USDA employees on March 5, 2021 that he would like to see telework continue and utilized more. Telework works for the reasons stated above as well as with employees with certain medical conditions and those carrying for family members with serious health conditions. In an email issued on March 18, 2021, Secretary Vilsack, reiterated his plan for implementing permanent telework options for all employees.

Position:

NASCOE would like to see 34-PM paragraph 102 changed to include all FSA Federal and Non-Federal employees located in County Offices to be eligible employees for situational telework to be approved by the first-line supervisor. NASCOE is eager to work with leadership in the strategy and development of telework opportunities post COVID-19.

FSA's Response:

Absent performance or conduct concerns, FSA employees have been eligible for ad hoc telework per Departmental Regulation and FSA Notice PM-3030. As noted by Secretary Vilsack, FSA is looking to expand telework options for all employees. Handbook 34-PM will be updated accordingly.

Resolution:

NASCOE accepts this response.

Item 5:

Issue:

The Exit Interview process for retired or separated employees is not a well-known process and there is confusion regarding who has access to the results.

While a recent FPAC Notice regarding the off-boarding checklist references the exit interview application and form, these do not appear as part of the off-boarding checklist in 27-PM. Many supervisors have been unaware of the survey and they have not been consistently offered.

Additionally, it is unclear who has access to the results of the survey and what follow up is being enacted. To implement beneficial change, it is important that feedback from separated or retired employees is communicated to those who can act on any suggestions or concerns.

Position:

NASCOE's position is that the exit interview is a valuable business process that allows the agency to collect important feedback from employees who are departing the agency. FPAC already has the system in place, so the handbook should be updated to reflect the availability of the exit interview and it should also be included in the checklist.

Additionally, the use of the information obtained from the exit interview survey needs to be clarified for employees who complete it to feel confident that the agency is following up with suggestions or concerns. NASCOE would like a process that allows for local managers to have the opportunity to receive and take appropriate action on relevant feedback.

FSA's Response:

FSA will include the requested update in an upcoming Handbook 27-PM revision.

Resolution:

National Office will include the exit interview link and FPAC checklist in the upcoming 27-PM handbook. National Office will check into making sure the summaries are shared down to state office leadership. Additionally, NASCOE can request to see these summaries from DAFO.

Item 6:

Issue:

It has been NASCOE's position for some time that the CO maximum grade levels for Farm Program Technicians (PTs) should be higher than CO-07. Since the last classification review, PT's are expected to be independent subject matter experts over increasingly complex programs, requiring knowledge over diverse software and policy. Often, they are accountable for

implementing and informing producers of these policies without the benefit of approved directives. Additionally, many PTs have full responsibility for more than 2 or 3 programs, particularly when ad hoc programs are implemented.

In 2016, both HRD and DAFO agreed that it was time for a classification review of the CO positions. A work group was established to update position descriptions to ensure these were up to date for such a review. These were issued in 2018 in Notice PM-3001.

As an example, Geospatial Information Systems are included in the new positions descriptions. Payscale.com lists the average salary for a GIS specialist at \$54,089 per year. Meanwhile our FSA GIS PT's, who typically have many other additional responsibilities as well, have a maximum base salary of \$48,978 (Grade 7, Step 10).

This increased technical responsibility and/or the responsibility of many more programs without commensurate grade levels has a negative impact on employee morale, particularly long-term employees who no longer see any increases through WGI's. Additionally, the lower compensation influences the agency's ability to recruit and retain highly qualified individuals.

Position:

NASCOE requests a classification review of CO positions to determine if they should be graded at higher levels based on increased workload and complexity.

FSA's Response:

It recognized that government employees, while having good benefits and pride of public service, often have base salary levels less than nationwide private sector salaries. The Administration has made pay analysis a priority across government. While FSA has control of CO classification, we must ensure consistency across GS and CO systems, positions, and salary levels and also remain cognizant current budget constraints. As efforts are undertaken to analyze GS salaries, FSA will ensure that CO salaries are comparably evaluated.

Resolution:

DAFO is further evaluating pay concerns related to all positions within FSA. DAFO will gather field office input as the complexities of all FSA positions are compared to complexities of other positions at similar grades in government.

Item 7:

Issue:

There are several situations when allowing permanent part-time employees is beneficial to the agency and the employee. Paragraph 330 of handbook 27-PM (Rev. 1) authorizes permanent part-time employees whose tour of duty is at least 16 hours, but not more than 32 hours per week for regular part-time or at least 32 hours but not more than 63 hours per pay period for part time compressed work schedules. It also states in paragraph 491 G that States will stay within allotted FTE as provided by DAFO.

There are two ways in which States stay within the allotted FTE. The targeted method looks at bodies on board. The funded method looks at the cost.

The targeted method considers the permanent part-time employee as 1 body on board regardless of the employee's tour of duty. If the employee is ½ time, then the employee still takes up an entire FTE. If there are two ½ time permanent part-time employees, they are considered as 2 FTE.

The funded method looks at the cost whereas the employee contribution to the allotted FTE is dependent upon the tour of duty. If the employee is ½ time, then the employee only counts as ½ FTE. If there are two ½ time permanent part-time employees, they are considered as 1 FTE.

Position:

NASCOE is requesting that SEDs be allowed to utilize the funded method to maintain the allotted FTE versus the targeted method. This would allow the applicable States to maximize the funded ceiling while utilizing the advantages of permanent part-time employees.

The use of the targeted method limits the opportunities for permanent part-time employees when it is advantageous for the agency and employee. The funded method could be a tool that allows SEDs to take advantage of permanent part-time employees without having an adverse effect on the FTE allotment.

FSA's Response:

FSA issues States a Staff Year Ceiling, not a body ceiling. FSA already uses the funded method. SED's have the flexibility to hire full time or part time employees, as long as they stay within their funded ceiling.

Resolution:

DAFO issues State Executive Director's (SEDs) both Federal (GS) and County (CO) Staff Year/FTE (Full-time Equivalent) Ceilings each Fiscal Year. SEDs are responsible for managing these resources to maximize the hiring and use of the available FTEs to implement FSA programs and responsibilities. While DAFO direction and terminology does not include the use of 'targeted method' and 'funded method' included in NASCOEs Item 7, Issue, we believe the Item 7 Position of NASCOE and the existing direction to SEDs, from DAFO, regarding the management and efficient use of available Staff Year/FTE ceilings have the same intent and direction. States should not use their Staff Year/FTE ceiling level as an 'on-board' employment or hiring target level, rather they should monitor staff year usage verses available funded ceiling to make hiring decisions.

DAFO will continue to communicate to SEDs the need to maximize available ceiling resources through monitoring of staff year usage (hours worked) verses employment levels. DAFO provides States with methodologies to monitor both current and projected staff year usage. Most recently DAFO developed a dashboard with up-to-date usage information to assist States. When the available budget and planning permits, DAFO provides States with not only 'funded' ceiling

levels, but also ‘targeted’ ceiling levels to encourage higher on-board employment levels, staff year ceiling usage and succession planning.

Item 8:

Issue:

Part 6, Section 2 of handbook 27-PM (Rev. 1) provides guidance to the STC and SED on the County Operations Trainee (COT) program. COTs are required to sign form FSA-227, County Operations Agreement, according to Exhibit 51 of handbook 27-PM (Rev. 1) that states the trainee can only decline one interview or job offer. Although 27-PM (Rev. 1), does not specify the area of consideration, the long-standing policy is COTs must accept a CED position anywhere within the applicable state.

FSA Leadership created the Administrator’s Task Force to provide recommendations on recruiting and retaining future CEDs. One of the improvements that came out of the task force was the ability to hire trainees for a specific location in County Offices that are considered “hard to fill”. This has been a great tool as there are potential candidates who want to begin a CED career in a “hard to fill” location, but for various reasons cannot agree to the traditional COT position that requires the candidate to accept any CED position within the respective state.

The traditional COT program is still a vital recruitment tool for potential CED vacancies for those offices that are not considered hard to fill as it provides a CED succession plan as the COT program can provide a pool of candidates to be trained prior to the actual CED vacancy. However, one of the recruitment disadvantages of the traditional COT program is the requirement to accept a CED position anywhere in the state upon successfully completing the COT program. The inability to go “anywhere in the state” limits the recruitment pool.

Position:

State Committees should be allowed to modify the COT agreement contained in Exhibit 51 of handbook 27-PM (Rev. 1) to a specific geographical area versus the entire state. This would increase the recruitment pool of potential candidates who would readily agree to be placed within a geographical area versus an entire state.

There are states that are geographically large with different agricultural practices and other economic factors from one area of the state versus another area of the state. There are potential candidates who do not apply for the COT program based upon the requirement to accept a CED position anywhere in the state.

The ability for the STC to define the area of consideration for accepting a CED position to a geographic area based upon agricultural practices, economic factors, or social factors will increase the potential pool of COT candidates. There are potential candidates who would readily agree to accept a CED position within a geographical area versus an entire state.

FSA Response:

As a result of the Task Force recommendations, 27-PM will be updated to allow for additional flexibility in proceeding with CED Hard-to-Fill positions (renamed CEDs with an Expanded

Area of Consideration). DAFO has been running a pilot since February 2020 and has drafted provisions for a 27-PM revision. Part of the intention with the pilot was that COTs could apply to a specific “Hard to Fill” location and that there would be increased movement from COT to Hard-to-Fill positions (eliminating some of the stress for COTs in not knowing where they might land).

As a result of the pilot, issues have been identified with the different qualification requirements for COTs (which will be renamed County Executive Directors in Training (CEDTs)) and Hard-to-Fill CEDs. For example, Grade 7/Lead/Key PTs with a year time-qualify for a Grade 9 Hard-to-Fill position, but only a Grade 7 COT. DAFO is considering potential qualification changes and would welcome NASCOE feedback on those possible changes and whether they might accomplish the goal of the proposed solution.

Resolution:

DAFO cannot grant this request at this time. This proposal was considered in the previous Administrator’s Task force but had potential issues. However, DAFO has new flexibilities such as expanded area of consideration coming in the new 27-PM handbook.

Item 9:

Issue:

When hiring new employees, managers are limited by the lack of flexibility in determining what outside experience could potentially rate the new employee at a higher grade. See tables in 27-PM (Rev. 1) Amend. 12, Para. 458 referenced below.

Policy currently allows only potential hires with “experience equal to operations of a farm or ranch” or “CO, GS, or experience directly related to the position to be filled”.

Increasingly, the grade assigned to the new hire results in less pay than a private sector position. CO positions need to become more consistent with GS positions that allow private sector experience to be used for specialized experience.

For example: a recent CO hire had previous experience as a GIS specialist, among other things, in a courthouse/county position before that person was hired on as a CO FSA employee. The officials in charge of rating the grades for new hires did not consider the new hire’s extensive experience with GIS software and applications when determining the employee’s grade.

Hiring managers need the flexibility to recruit employees based on experience to attract the best employees possible. Farm Service needs to be competitive with the private sector.

Highly qualified CO candidates with several years of private sector experience in the agricultural industry, are not able to utilize the full array of prior experience to start their career at a higher grade as it is not specific to farm or agricultural programs. The inability of FSA to compete with the private sector results in the loss of diversity and talent in our workforce.

Table identifying requirements for each grade:

458 Qualification Standards for County Office Employees

Par. 458

A General Standards

In addition to qualification standards in Part 5, Section 5, selected candidates for positions subordinate to CED must meet the specific qualification standards, described in this paragraph, for the position at the applicable grade level.

Exception: The high school graduation requirement, in Part 5, does not apply to:

- office positions filled by temporary appointment
- positions for which the duties are primarily performed in the field.

*--B Hard-to-Fill General Standards

The specialized CED qualification standards required in paragraph 453 are waived to facilitate recruitment for hard-to-fill counties. Candidates for CED hard-to-fill positions must meet the basic experience requirements, described in this paragraph, for the position at the applicable grade level.--"

C Experience Requirements

All candidates for subordinate County Office positions must meet the experience requirements listed in this table to be appointed at the indicated grade level.

Grade Level	Experience Requirements
CO-1	No experience required
CO-2	3 months of Type A
CO-3	6 months of Type A
CO-4	1 year of Type A
CO-5	1 year of Type B, equivalent to CO-4 or GS-4
CO-6	1 year of Type B, equivalent to CO-5 or GS-5
CO-7	1 year of Type B, equivalent to CO-6 or GS-6
CO-8	1 year of Type B, equivalent to CO-7 or GS-7
CO-9	1 year of Type B, equivalent to CO-7, CO-8, GS-7, or GS-8

Table identifying Type A experience:

458 Qualification Standards for County Office Employees (Continued)

Par. 458

*--D Type A and B Experience Requirements--"

Type A experience is general experience relating to office work or equal background in the operations of a farm or ranch.

Type B experience is CO, GS, or other experience directly related to the functions of the position to be filled or the following:

- for field positions only, experience in operating or managing a representative operating farm or ranch
- experience in FSA as a COC or CMC member.

Note: Excess Type B experience may be substituted for Type A experience.

E Examples of Type A Qualifying Experience

This table contains examples of Type A experience.

Type of Work or Employment	Type of Agency or Business	Knowledge Acquired in Position
Farm or ranch of at least representative size and scope		<ul style="list-style-type: none"> • Practical farm experience • Knowledge of agricultural crops and livestock and related marketing problems
County-, district-, or State-level positions	<ul style="list-style-type: none"> • USDA agencies • State departments of agriculture • State or local extension services • Vocational agriculture schools 	Operational phases of farm or agricultural credit programs carried out by the respective agencies or institutions
Manager of local business	<ul style="list-style-type: none"> • Feed • Fertilizer • Farm Machinery • Elevators or warehouses for farm products • Other businesses working with farmers and farm-related activities 	Farm operations and problems

Table identifying Type B experience:

F Examples of Type B Qualifying Experience

This table contains examples of Type B experience.

Type of Work or Employment	Previous Duties and Responsibilities	Type of Agencies	Knowledge Acquired
County-, district-, or State-level positions	Equivalent to or no less than 1 grade lower than the County Office job applied for Note: Employees with 1 year of CO-7 or GS-7 Type B experience or equivalent qualify for CO-9 level positions.	<ul style="list-style-type: none"> • USDA agencies • State departments of agriculture • State or local extension services • Vocational agriculture schools 	Operational phases of farm or agricultural credit programs carried out by the respective agencies or institutions
<ul style="list-style-type: none"> • STC member • COC member • State employee • County Office employee 	Equivalent to or no less than 1 grade lower than the County Office job applied for Note: Employees with 1 year of CO-7 or GS-7 Type B experience or equivalent qualify for CO-9 level positions.	FSA or predecessor Agencies	Operational phases of farm or agricultural credit programs carried out by the respective agencies

G Substituting Education for Experience

To substitute education for Type A or Type B experience, or both, academic study must have been at an accredited college or university.

H Qualifying Grade Based on Education

Education above high school may be substituted according to the following.

Grade Level	Amount of Education Required
CO-3	1 year above high school
CO-4	2 years above high school
CO-5	4 years above high school

Position:

27-PM (Rev. 1) Amend. 12, Para. 458 indicate the tables are “examples” which implies there could be other scenarios when HR might rate a new hirer at a higher grade. However, it has been the experience of the CO managers in the field that HR does not allow a higher grade for any other prior work experience other than those listed in the table. To remedy this lack of flexibility, the handbook should be updated to clarify current language/limitations as well as grant greater latitude in determining what outside experience qualifies a new hire for a higher grade. The handbook should identify flexibility is allowed when considering outside experience on behalf of new hires.

FSA Response:

Qualification standards must be strictly adhered to in order to ensure that we are treating all applicants consistently and fairly. If NASCOE has specific suggestions to modifications to the qualification standards, DAFO will take those suggestions under consideration and advisement.

Resolution:

NASCOE will provide additional examples of positions with related qualifying experience for potential inclusion in 27-PM. Concerns about qualification determinations can be forwarded up through State Offices. National Office will be covering qualifications with State Offices when training on the updated 27-PM.

Item 10:

Issue:

The performance year begins on October 1 and performance plans are to be provided to the respective employee, according to 5-PM Handbook, Par. 228, performance plans are to be in place at the beginning of the performance period, October 1. Par. 3G states a final written copy of each plan should be provided to the respective employee as soon as practicable but no later than 30 calendar days after the beginning of each performance year. Subordinate employees are being rated and held accountable for plan performance during time periods when current year FY performance plans have not been developed due to State Office and County Office not receiving directives timely to establish employee performance plans by the required time period in 5-Pm par 3g.

Performance Plan establishment deadline has been extended the last four years. Employees have been held accountable for plan performance and rated for performance during time periods with no current performance plan in place as required. Below are the extended deadlines for each of the last four years:

FY21: January 15, 2021

FY20: November 20, 2019

FY19: February 11, 2019

FY18: January 31, 2018

Position:

According to Notice PM-3039, Par. 2I, "A supervisor's failure to meet the performance management requirements and compliance deadlines established by OHRM and FSA must, at a minimum, preclude an element rating of "Exceeds Fully Successful". Failure to meet the requirements in the performance management category altogether must result in an element rating of "Does Not Meet Fully Successful". Likewise, the second-level supervisor's supervision element rating should reflect the degree to which the first-line supervisor was held accountable for their performance management responsibilities."

NASCOE feels it is difficult to hold field level supervisors accountable for timely performance management when the deadline is inconsistent. Likewise, how can we hold subordinate employees accountable for plan performance when they are not receiving established plans timely. Pushing the deadline back makes it difficult to include employee's ideas and opinions in the development of the performance plans as provided in 5-PM, Par 20B. The handbook should be updated to allow permanent guidance and notices containing year to year changes should be issued before the beginning of the new fiscal year.

FSA Response:

5-PM will be updated to reflect the new pass/fail performance management system. DAFO agrees with the concern expressed regarding the lack of timeliness of annual performance plan

guidance and has expressed similar concerns to FPAC BC-HRD. DAFO will continue to work with HRD to try to get performance plan guidance finalized earlier in the FY.

Resolution:

DAFO concurred with the concern and will continue to share these challenges with the FPAC BC-HRD. 5-PM will be updated to include the pass/fail performance management system.

Item 11:

Issue:

FSA has developed many reports and other resources that allow employees to verify accuracy of program documents and delivery. These tools and reports are beneficial; however, a common concern is that employees do not know they exist or where to find them. This is particularly true with the increased number of retirements and new hires. Some handbooks do include this information, but it is not consistent.

Recommendation:

NASCOE is proposing a new handbook or a standardized exhibit in each handbook (similar to delegations in Exhibit 1) be implemented which will serve the purpose of assisting employees by referencing reports, dashboards, and other resources that are available to assist with program delivery. This would include a monthly report checklist of which reports would be helpful along with instructions on where to access these reports.

FSA Response:

DAFP will explore expanding exhibits in each handbook for reports, dashboards and other resources.

Resolution:

National Office will begin adding available reports, dashboards, and tools to the exhibits in relevant handbooks. They will work with NASCOE to explore a task force for potential checklists.

Item 12:

Issue:

The new two-tier performance management system has unreasonable demands regarding the standards and measures required for employee to meet the fully successful summary rating. The effectiveness of the performance plan tool is undermined by the unobtainable or unclear standards placed upon employees.

Some of the standards seem to be a "prove up" rather than a fully successful.

For example: the plan states for each element “Standards and Measures for Fully Successful: all of the following must be met to achieve the ‘Meets Fully Successful’ rating for this element”.

- In the Developmental and Advanced Stage of Customer Experience it states:
 - Proactively supports and represents a “OneUSDA” mindset by developing and proposing at least one (1) “OneUSDA” collaboration activity throughout the rating period.
 - Question from the field: what is a “OneUSDA’ collaboration activity” and how would a PT meet this?
- In Program Delivery it states:
 - Ensures that applications for benefits are complete, supporting documentation is updated and on file, and payments are processed accurately and within required timeframes with no more than 3 exceptions.
 - Comment from the field: Program Delivery error rate is listed as 3 exceptions, maximum. This is an unobtainable error rate- for example, 3 out of 1900 ARCPLC contracts, represents an error rate of .15%.....which is an expectation for a machine.....not a person. In Counties that have only 100 contracts, their error rate for fully successful would be 3%. Basing the error rate on a number instead of a percent/factor creates inconsistencies across the nation.

FSA County Office Employees pride themselves on program efficiency and integrity. However, constantly changing policy and quick program roll outs combined with fractured training (the field seldom has all the info to run a program at the start of the signup - the information and Q & A’s come out piecemeal causing staff to have to “do over” many applications- many times). These factors create an environment ideal for errors; ideal for failure according to the standards set in the performance plan. PT’s are presented with subpar training and preparation for programs, and at the end of it all, they are held to unreasonable standards for a fully successful performance.

Additionally, paper copies of the signed quarterly reviews are required to be uploaded to verify completion in EPMA software as opposed to an electronic confirmation of the quarterly review as was the process with EmpowHR. This feels like a step backwards regarding technology.

On the plus side, the EPMA software for performance plans is relatively straightforward and user friendly.

Position:

The performance plans should reflect more realistic standards for employees. Standards should be attainable. They should be more specific and less vague. Standards should not be written with “proving up” in mind, rather what actions constitute “fully successful”.

A training program for employees should be implemented to review the expectations and requirements of the performance plan and give employees advance notice of what is expected of them as well as an opportunity to provide input on what goes into the plan.

CED's should be held accountable to review performance plans and implementation for the county office staff with their COC to provide COC the opportunity for input.

NASCOE previously helped National Office create a "standards library". Supervisors should have access to these standards and should be able to utilize them.

EPMA software should be adapted to allow employees to electronically acknowledge "receipt, review and concurrence" with the plan as well as allow the supervisor to upload comments electronically.

FSA Response:

An update to the EPMA system to allow employees to electronically acknowledge plans, discussions, and reviews is planned. It is DAFO's hope this will be in place by the beginning of FY22. DAFO follows FPAC-wide performance plan guidance, some of which was developed from the standards library. DAFO has been working to improve some of the FPAC-wide standards and has been in discussion with FPAC-BC HRD on timing of FY22 plans. We understand that plans will still be written to the "fully successful" or "passing" level. Supervisors can add to the performance plan templates to incorporate applicable standards from the previous library. DAFO will review standards for DDs/CEDs to determine if language needs to be added to make clear the COC role in performance management.

Resolution:

DAFO will look into providing some flexibility on the exceptions based on NASCOE input, though some standards are required by FPAC. DAFO will also provide some examples and explanations for standards in performance notices and the upcoming 5-PM amendment.

Item 13:

Issue:

Handbook 16-AO (Rev. 3) provides guidance on COC Minutes. In addition, Module 5 of the County Committee Training dated September 2020 provides information about County Committee meetings and minutes.

The September 2020 County Committee training material provides better guidance on COC minutes than section 3 and 4 of part 3 of Handbook 16-AO (Rev. 3). Exhibit 8 of 16-AO (Rev. 3) is the only procedural example of COC Minutes.

Taking complete and accurate COC meeting minutes provides needed integrity for future reference. It is an important source of information about what transpired during the meeting, especially for those that did not attend. The CO, COC, STO, WDC, and even NAD reference these minutes, so it is critical that they be complete and consistent.

Current handbook examples are outdated and provide limited guidance on preparing minutes in a uniformed format. This has the potential to cause confusion when referenced or potentially adverse actions when reviewed by the STO and COR. In addition, there needs to be better

examples for personnel action portions and “action between meetings” of Executive COC minutes.

Position:

NASCOE is recommending that Handbook 16-AO (Rev. 3) be updated to include current best practices for composing minutes, such as those in the September 2020 County Committee Training. In addition, there needs to be more guidance and examples for personnel actions. NASCOE would look forward to working with DAFO to help compile these.

FSA Response:

Thank you for the suggestions. We understand that this along with other updates would be beneficial for 16-AO. The COC training guide is updated and posted yearly and we continue to update with details that would provide more guidance on handbook policy. States, Counties and COCs should be familiar with and use the COC training guides along with handbook policy as an additional resource to completely and accurately compile minutes.

Resolution:

DAFO agrees and will be adding some of the examples from the COC training to 16-AO. NASCOE will provide examples for potential inclusion as well.

Item 14:

Issue:

There have been several issues with recent mass mailings sent to producers on various programs including lack of accuracy, poor timeliness, and confusing or misleading information.

Mass mailings have been sent out from KCMO to producers regarding several programs. On October 1, 2020 CRP participants were notified that they had contracts that had expired on September 30, 2020. In many instances, these participants had already re-offered their expiring acreage to be re-enrolled in CRP and those contracts had been accepted and approved. The verbiage in the letter led participants to believe their acreage had expired and was not re-enrolled. This caused panic for participants and subsequently COs were inundated with phone calls.

ARCPLC post cards were mailed out to participants in March reminding them to enroll timely. Most of the post cards went to producers that had already enrolled and in fact their contracts were approved. DMC postcards were also sent to producers reminding them of program deadlines when in fact their contracts were also enrolled.

It is understood that these letters and postcards are generic to encompass all producers. However, the lack of specific information such as contract numbers, farm numbers, and applicable county creates a time-consuming task for COF employees when fielding phone calls. Sending mailings prior to providing COF employees with sample letters and postcards along

with excel sheets identifying recipients is causing confusion not only for participants but for their field offices.

Position:

Provide a 2-day notice to the field offices that a mailing is going to be sent out. Provide a copy of what is being mailed out and a spreadsheet of participants that will be receiving the mailing to the CO directly, or through STO specialists to be disseminated to the field. If possible, NASCOE would like to be involved in developing future mailings.

FSA Response:

DAFP will explore standardizing the mailing method and possibly a mailing application if time and budget allow.

Resolution:

DAFP will work with the program delivery branches to standardize notification of mailings and provide the requested information in a notice similar to DMC-58. When necessary, National Office will streamline information through DAFO to expedite information to the field.

Item 15:

Issue:

COT and new CED's are being hired at grades lower than the PTs they supervise. Depending on how a position is advertised, some employees may be taking a grade demotion to begin the COT program. In some situations, a State Office has started a COT or newly hired CED at one grade only to have HR come back and say the employee must be bumped back to a lower grade.

When the COT program is complete, and employees have accepted a CED position they are not seeing a pay increase until the 1-year mark is reached. If a COT was hired at a grade 5 and is bumped to a grade 7 when hired as a new CED, they may be supervising grade 8 PT's.

Current procedure allows us to promote PTs at the entry level more than once per year if the employee is below a grade 5. However, time-in grade requirements for an entry level CED do not allow for similar promotions until 1 year at the grade level is reached.

Excellent candidates for the COT program are discouraged from applying when they are asked to accept the COT/New CED position at a lower grade than they earn as a PT.

Position:

Employees taking on increased responsibilities, including supervision, should see commensurate compensations. NASCOE suggests that policy should be updated to ensure that entry CEDs consistently begin at a grade level higher than the PTs that are supervised. This could be accomplished by starting all new CEDs at grade 9.

FSA Response:

While there are situations where Grades 5 and 7 are appropriate entry-levels for CEDs, please see response to Item 8 above.

Resolution:

27-PM has been updated to ensure that any grade 7 or 8 PT with minimum time in grade would be hired as a grade 9 CEDT. While there will still be situations where a CED will be hired in as a grade 5, they will be eligible for promotion after 6 months.

Item 16:

Issue:

Handbook 1-AS (Rev 8), Directives Management provides instructions for writing, preparing, clearing, processing, controlling, distributing, filing, and maintaining directives. Directives are to be clear, concise, consistent and complete instructions that comply with governing laws and regulations, departmental policies and procedures and provide FSA employees with instructions and information necessary to do the work required and expected of them to implement Agency programs to the public. There are 2 types of directives; permanent which are handbooks and temporary which are notices.

As we are progressing in an electronic world of communication, we are straying further and further away from directives that are consistent with established standards and instructions in 1-AS (Rev 8) handbook.

Receiving directives in forms other than handbook amendments and notices creates confusion for employees searching for program policy and regulations.

Position:

Based upon the clear and concise policy in handbook 1-AS (Rev 8), communication used by field offices to implement Agency programs to the public must be issued as directives in the form of handbook amendments and notices. No directive is binding unless it is in the appropriate format, the proper final approving official has formally cleared and signed the directive and it is properly numbered, dated, and controlled by the Directives Section. All provisions of both permanent and temporary directives are binding on all affected employees until superseded or obsolete.

NASCOE would like to see policy and procedure changes communicated to FSA personnel using fewer methods, preferably in the forms of handbook amendments and notices to ensure program integrity. Using a uniform system for policy and procedure, such as handbooks and notices, will reduce the number of errors made by the county office because policy for the program will be contained in a uniform system for reference.

FSA's Response:

DAFO-PRMD will work with FSA's Office of Management and Strategy to remind all NHQ offices issuing guidance to utilize the directives process as outlined in 1-AS (Rev 8).

Resolution:

NASCOE would like to see communication to be issued in a directive in the form of a handbook or notice. This will be emphasized with State Offices as well. FSA will do their best to comply but limited resources or timeframes may affect this delivery.

Item 17:

Issue:

The LFP deadline is a concern when a qualifying event happens near the end of the calendar year. 1-LFP Paragraph 22 B states that “2019 and subsequent year calendar year losses, to apply for payment, eligible livestock owners and contract growers who are forage crop producers must submit a completed CCC-853 and required supporting documentation within 30 calendar days after the end of the calendar year in which the grazing loss occurred.”

If a county triggers LFP in December, the short deadline makes it difficult for county offices to deliver the program efficiently. In addition, there is an undue hardship on our producers who must get the proper paperwork filed in a short time.

Position:

NASCOE recommends allowing the COC the authority to request a waiver to extend the sign-up period when LFP triggers late in the calendar year. This authority to request would only be in unique and rare situations. These requests would be reviewed and approved by either the state committee or the state office.

We understand there are provisions in 1-CM to utilize a register. However, the use of a register over an extended sign-up period limits the timeframe that producers must become aware of the program and comply with sign-up provisions. Extension of the deadline allows for a more equitable process for all producers.

FSA Response:

LFP deadline is established in §1416.206 (below) based on several considerations. We understand your concerns and appreciate your suggestion; however, the use of register according to 1-CM has met the needs. As a reminder, in 2018, the acreage reporting date was moved to July 15 and this change was driven to assist with LFP implementation (specifically related to the regulatory prohibition for accepting late-filed acreage reports more than a year after the ARD) and it is the expectation that producers should have their grazed forage certified by July 15th. For those areas that have 365 day grazing periods or fall/winter grazing periods, there have been many situations where counties have triggered late in the grazing period or year and we recognize the limited timeframe to apply for LFP; however, acreage should have been reported months earlier without consideration of whether it triggers for LFP. We will maintain and consider your recommendation when there is an opportunity to review/update regulatory language.

(a) To apply for LFP, the participant that suffered eligible grazing losses for the 2019 and subsequent program years must submit a completed application and required supporting documentation, including some supporting documentation such as an acreage report that may have been required at an earlier date, to the administrative FSA county office no later than 30 calendar days after the end of the calendar year in which the grazing loss occurred.

Resolution:

This is a valid concern, however the deadline cannot be changed due to regulations. National Office will look into options in the future. Additionally, clarification regarding register policy will be coming.