

REPLY TO:

☐ 135 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1501  
(202) 224-3744  
e-mail: grassley.senate.gov/contact.cfm

☐ 721 FEDERAL BUILDING  
210 WALNUT STREET  
DES MOINES, IA 50309-2140  
(515) 288-1145

☐ 150 1ST AVENUE NE  
SUITE 325  
CEDAR RAPIDS, IA 52401  
(319) 363-6832

## United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

May 22, 2012

REPLY TO:

☐ 103 FEDERAL COURTHOUSE BUILDING  
320 6TH STREET  
SIOUX CITY, IA 51101-1244  
(712) 233-1860

☐ 210 WATERLOO BUILDING  
531 COMMERCIAL STREET  
WATERLOO, IA 50701-5497  
(319) 232-6657

☐ 131 WEST 3RD STREET  
SUITE 180  
DAVENPORT, IA 52801-1419  
(563) 322-4331

☐ 307 FEDERAL BUILDING  
8 SOUTH 6TH STREET  
COUNCIL BLUFFS, IA 51501-4204  
(712) 322-7103

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Vilsack:

As you are aware, for a number of years I have been asking U.S. Department of Agriculture ("USDA") officials to improve the handling of USDA employee discrimination and retaliation claims. USDA's difficulties in handling such claims is well documented in both the 2008 GAO report and the report from March 2011 by Jackson Lewis which found, among other issues, that USDA's process for handling employee complaints takes too long. The Jackson Lewis report noted how delays in processing claims can undermine the effectiveness of an internal claims system.

There simply is no excuse for the long delays some USDA employees have endured in having their complaints investigated or resolved. Moreover, it is inexcusable that over the years some USDA employees have reported discrimination or retaliation complaints which USDA failed to ever investigate.

My most recent inquiry into these issues came after the Senate Agriculture Committee hearing on June 23, 2011 – titled "Farm Bill Accountability: The Importance of Measuring Performance, While Eliminating Duplication and Waste," when I submitted the following question for the record to Assistant Secretary Joe Leonard:

1) There was a GAO report conducted in 2008 that found USDA has major issues with how it handles employee discrimination and other workplace complaints. Then, in the Jackson Lewis "Civil Rights Assessment" report issued in March of 2011, it was still found that USDA still takes entirely too long to process employee complaint cases. Why is there such a lack of progress on speeding up the processing of employee complaint cases?

There are plenty of other agencies who deal with discrimination and workplace claims made by employees. And many of those agencies have no trouble processing claims. What is it at USDA that makes it so difficult to process employee complaints in a timely manner? Who is responsible for the delays in processing employee discrimination and other

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workplace complaints? Is there anyone who has been held responsible for slow processing, or failure to process claims? Can USDA provide me with the steps it is taking to fix the problems with how it processes employees' discrimination and other work place complaints?

Despite these straight forward questions, it took approximately six months for USDA to respond, as the Senate Agriculture Committee did not receive responses until December of 2011. The response received to my questions was as follows:

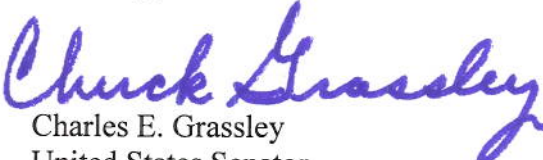
USDA has made significant progress processing employment complaints during this administration. All EEO processing in USDA is undergoing a Lean Six Sigma (LSS) process improvement review. The LSS process has identified complaint processing redundancies and delays. The LSS review will be completed shortly on the EEO process resulting in a subsequent reduction in processing time.

I can appreciate that USDA's problems with handling of employee complaints pre-date when you assumed your role as Secretary. But the fact remains that despite the Jackson Lewis report recommendations and USDA's commitment to do this LSS review, I still hear complaints from USDA employees on the handling of discrimination and retaliation claims.

Therefore, I would like you to update me on what USDA is doing to properly follow up on the recommendations contained in the GAO and Jackson Lewis reports. Furthermore, I request that you provide me with an update on the Lean Six Sigma review conducted by USDA and specifically lay out how it is going to aid in improving the complaint process. Please also provide who conducted the LSS review, how much it cost, and whether there are additional steps in the LSS review process that are yet to be completed; and if there are additional steps to complete, tell me what they are and when they will be complete. Finally, I request that you direct your staff to re-examine my questions submitted to Dr. Leonard last June, and provide any additional information available to supplement the official response provided to the Senate Agriculture Committee in December; specifically, whether anyone at USDA has ever been held directly responsible for handling claims in an excessively slow manner or for ignoring employee discrimination claims altogether?

In addition to any written response you wish to provide to this letter, I request your staff handling these issues meet with my staff in person to provide an update and dialogue on these issues. Please have your staff contact my Agriculture Counsel Jared Hill at (202) 224-3744 to arrange such a meeting. Thank you for your attention to this important matter.

Sincerely,

  
Charles E. Grassley  
United States Senator