

Department of the Interior Departmental Manual

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Part 112: Policy, Management and Budget

Chapter 19: Office of Civil Rights

Originating Office: Office of Civil Rights

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19.1 Office of Civil Rights. The Office of Civil Rights is the focal point for all civil rights, the equal opportunity program, and affirmative employment functions in the Department of the Interior.

19.2 Authorities. The Office of Civil Rights is responsible for the development and enforcement of civil rights and equal opportunity policies and programs under the following legal authorities:

A. Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. Sections 2000d-1 to 2000d-4; Sections 2002-16), as amended; (Pub. L. 92-261; 42 U.S.C. 2000e *et seq.*);

B. The Civil Rights Act of 1991 (Pub. L. 102-166), as amended, (42 U.S.C. 2000e *et seq.*); Pub. L. 92-261);

C. Executive Order 11478, as amended;

D. The Rehabilitation Act of 1973 (Pub. L. 93-112, 29 U.S.C. 621 *et seq.*), as amended, (Pub. L. 93-516, Pub. L. 95-602, and 29 U.S.C. 794);

E. Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-335 42 U.S.C. Sections 12131-12134);

F. The Age Discrimination in Employment Act, as amended, (Pub. L. 93-259, 29 U.S.C. Section 633(a)); Section 2 of Reorganization Plan No. 1 of 1978, and Section 1-101 of Executive Order 12106);

G. Age Discrimination Act of 1975 (Pub. L. 94-135, 42 U.S.C. Sections 6101-6107);

H. Equal Pay Act of 1963 (Pub. L. 88-38, 29 U.S.C. 206(d)); Reorganization Plan No. 1 of 1978;

I. Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000d *et seq.*);

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- J. Title IX of the Education Amendments of 1972;
- K. Executive Order 13160; Executive Order 13166; 43 CFR 27; 43 CFR 34;
- L. The Notification and Federal Employee Anti-discrimination and Retaliation Act (No FEAR Act) of 2002 (Pub. L. 107-174);
- M. Genetic Information Nondiscrimination Act of 2008 (Pub. L. 110-233);
- N. Americans with Disabilities Act Amendments Act of 2008 (Pub. L. 110-325);
- O. Lilly Ledbetter Fair Pay Act of 2009 (Pub. L. 111-2); and
- P. Other Federal statutes and regulations that prohibit discrimination on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, and genetic information, and that promote equal employment opportunity through a continuing affirmative program.

19.3 Functions. In carrying out its responsibility, the Office of Civil Rights performs the following:

- A. Develops policy, programs, and guidelines to assure proper implementation of laws, Executive Orders, regulations and Departmental initiatives relating to affirmative employment, equal opportunity, civil rights and educational partnerships;
- B. Reviews, evaluates, and monitors the performance of the Department's bureaus and offices in carrying out their responsibilities under the laws, Executive Orders, regulations, and Departmental directives pertaining to affirmative employment, civil rights, equal opportunity and equal access;
- C. Makes findings of fact on, and adjudicates all discrimination complaints filed against the Department which are based on race, color, age, national origin, religion, sex, disability, sexual orientation, genetic information, and reprisal;
- D. Represents the Department in dealings with state, local, and tribal governments, lead programmatic agencies, and advocacy groups concerned with affirmative employment, civil rights, equal opportunity and equal access;
- E. Provides advice and consent with respect to the appointment, retention, and release of Equal Opportunity Officers for the Department's bureaus and offices;
- F. Advises the Secretary and Departmental officials on all matters pertaining to affirmative employment, civil rights, equal opportunity and equal access;

G. Coordinates EEO policy development and implementation with other Federal agencies such as the Equal Employment Opportunity Commission, the Department of Labor, the Office of Personnel Management, the Department of Justice, and the Department of Health and Human Services;

H. Develops policy for the collection and distribution of data on DOI employees and applicants for employment; and oversees the design, implementation, and use of all demographic information technology systems containing race, national origin, gender, and disability data; and

I. Develops policy and manages programs and initiatives that are responsive to or required by Executive Orders on Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, Asian-Americans, and Pacific Islanders.

19.4 Organization. The Office of Civil Rights is administered by a Director who reports to the Secretary and receives operational guidance and support from the Assistant Secretary – Policy, Management, and Budget and the Deputy Assistant Secretary – Human Capital and Diversity. The Director provides overall direction, guidance, and supervision over all affirmative employment, civil rights, equal opportunity and equal access functions, and administrative support staff. The Director functions as Chief Executive Officer and is assisted by a Deputy Director, and Senior Equal Opportunity Managers, who serve as Division Chiefs (see attached organization chart). In addition, the Director serves as the Civil Rights Advisor to the Assistant Secretary – Policy, Management and Budget and the Secretary of the Interior. The Director supervises the Office of the Secretary Equal Employment Opportunity Office and the Deputy Director supervises the Division Chiefs. The Office of Civil Rights includes the following:

A. Public Civil Rights Division (PCR) is responsible for designing, managing and implementing civil rights protection and evaluation programs whose purpose is the elimination of all forms of systemic discrimination in employment within the Department and in programs, activities and services receiving Federal financial assistance. Such programs facilitate expedient processing and resolution of complaints of discrimination, prevention of discriminatory practices, and equal access to Federal financial assistance and federally conducted programs and equal employment opportunities for all persons regardless of race, color, age, religion, sex, national origin, disability, and sexual orientation.

(1) The PCR program encompasses five major thrusts - education, prevention, investigation, compliance, and enforcement. Program responsibilities include: coordination with lead programmatic agencies such as the Department of Justice, Equal Employment Opportunity Commission, Civil Rights Commission, and the Department of Education; development and publication of Departmental nondiscrimination policy guidance and technical direction to bureaus and offices; adjudication of complaints; and elimination of discrimination, and promulgation of nondiscrimination policies.

(2) The PCR is also responsible for the enforcement of Federal statutes that prohibit discrimination on the basis of race, color, national origin, disability, sex, age, and sexual orientation in programs or activities conducted by or receiving financial assistance from the Department; and on the basis of sex in education and programs or activities receiving Federal

financial assistance from the Department; and training programs conducted by the Department. The PCR Division staff provides policy direction and technical assistance to the Department's bureaus and offices, and to recipients of Departmental financial assistance.

(3) The PCR also enforces Title II of the Americans with Disabilities Act (ADA). Title II of the ADA provides for nondiscrimination on the basis of disability in any program or activity conducted by a public entity, whether or not the public entity receives Federal financial assistance. Section 504 of the Rehabilitation Act of 1973, as amended, provides for non-discrimination against qualified disabled persons in federally conducted programs and activities or any program or activity receiving Federal financial assistance.

B. Employment Complaints and Adjudication Division (ECA) is responsible for the development of Final Agency Decisions (FADs) on all complaints of discrimination filed against the Department on the basis of race, color, sex, national origin, religion, age, disability, sexual orientation, genetic information, and retaliation. Final Agency Decisions include dismissing complaints in total or in part; accepting, or rejecting, decisions from EEOC Administrative Judges; issuing decisions on the merits of cases without a hearing by an EEOC Administrative Judge; settlements prior to entry of appearance by Agency Representatives (SOL); and issuing decisions on breach of settlement claims. Decisions may involve awards on the amount of attorney's fees, awards on the amount of compensatory damages, or other Departmental decisions related to the corrective actions associated with findings of discrimination.

(1) The ECA also processes complaints of employment discrimination filed against the Office of the Secretary, Bureau Heads, Assistant Secretaries and cases that are deemed "conflict of interest cases." This process consists of identifying allegations for investigation, conducting complaint investigations, and processing cases for hearing or FAD issuance.

(2) The ECA collects, monitors, and analyzes discrimination complaints data to prepare reports required by laws, regulations, and Congress and to determine patterns, practices, and trends associated with the complaints;

(3) The ECA is the custodian of all official complaint records filed against the Department and is responsible for ensuring that files are maintained and disposed of consistent with Federal regulations for records retention and the Privacy Act.

C. Compliance and Programs Division (CPD) is responsible for developing policy and designing, managing, and directing equal access and non-discrimination programs that promote affirmative employment within the Department, including analysis and identification of employment barriers. Such programs facilitate the recruitment, hiring, and retention of a diverse workforce; address the special emphasis concerns of women, African-Americans, Hispanics, Asian-Americans, Native Hawaiians or other Pacific Islanders, American Indians and Alaska Natives, and persons with disabilities; and ensure that the contributions of the workforce are fully valued and respected. The CPD conducts evaluations designed for the identification and assessment of systemic barriers to equal employment opportunity within the Department and

provides recommendations to improve the Department's efforts to recruit, hire, and retain a highly skilled and diverse workforce.

(1) The CPD Program encompasses four major thrusts - the promulgation of equal access and nondiscrimination policy, analysis and identification of employment barriers, education and outreach to the community, educational institutions, and advocacy organizations. Program responsibilities include coordination with lead programmatic agencies such as the EEOC, Office of Personnel Management, Department of Education, Department of Defense, and Department of Labor.

(2) The CPD develops Departmental policy and initiatives relevant to the administration and implementation of the Annual EEO Program Plan (EEOC Management Directive 715), the Special Emphasis Program, the Minority Serving Institutions Program, and the Disability Program; provides guidance and technical direction to bureaus and offices in all program areas designed to improve affirmative employment; participates in cooperative endeavors to improve equal access to employment opportunities and community relations that affect employability; collects and analyzes workforce demographics; monitors, reviews and evaluates employment programs, practices and procedures for compliance with laws, regulations, directives and policy; and conducts special studies and surveys.

D. Office of the Secretary, Equal Opportunity Office provides the full range of EEO Services, including EEO Counseling, complaints processing, training, and outreach for employees of the Office of the Secretary, to include the Assistant Secretaries, Office of Inspector General, Office of the Solicitor, Office of the Special Trustee for American Indians, National Business Center, and Office of Natural Resources Revenue (ONRR).

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