



# External Compliance and Complaints Program Strategic Plan

Fiscal Year 2015 – 2020



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# Director's Message

On behalf of the U.S Environmental Protection Agency's (EPA's) Office of Civil Rights (OCR), I am pleased to present EPA OCR's *External Compliance and Complaints Strategic Plan* for fiscal year (FY) 2015-2020 (Strategic Plan). Consistent with EPA's ongoing efforts to strengthen its external civil rights compliance program, OCR's Strategic Plan charts our course over the next five years and invigorates EPA's civil rights mission by emphasizing proactive compliance with federal civil rights laws.



OCR has a broad mission to carry out EPA mission-critical programs, including resolving discrimination complaints filed by EPA employees and applicants for employment; overseeing and coordinating EPA's Reasonable Accommodations Program for employees with disabilities; and identifying and eliminating barriers to equal employment. In addition, OCR's External Compliance and Complaints Program is charged with enforcing and ensuring compliance with federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex and age, in programs or activities that receive EPA assistance.

I took the helm of the Office of Civil Rights on February 24, 2014 with a strategically-focused vision of OCR becoming a model civil rights program worthy of replication. We are steadily moving towards that goal, and much positive change has already occurred due to the immense efforts that OCR has made, assisted by internal partners too numerous to name. While recognizing that there is still work to do, we are proud of our accomplishments.

As noted in the May 4, 2015 Title VI progress report, OCR's External Compliance and Complaints Program has made significant strides. However, there remains much more to do under both Title VI and the laws that prohibit disability, age, and sex discrimination. To that end, the Strategic Plan establishes progressive program accountability measures and ensures prompt, effective and efficient complaint docket management. Furthermore, OCR remains committed to the enhancement of its external civil rights compliance program via proactive compliance reviews, strategic policy and regulatory development, roll-out of the Civil Rights Compliance Toolkit, and active engagement with our critical external partners and stakeholders as well as our internal EPA and federal partners. Also, OCR's Strategic Plan implements measured, yet creative, steps to improve OCR's valued workforce through stricter organizational efficiencies, more advanced technology, staff training and professional development.

As OCR's Director, I feel privileged to work for EPA – an organization that values our federal civil rights promise and is committed to ensuring compliance and enforcement under the federal civil rights laws that OCR enforces. As we implement this Strategic Plan, I look forward to working with all of our essential stakeholders, partners, and workforce members to create healthier communities for all Americans.

Respectfully,

Velveta Golightly-Howell

# Deputy Director's Message

Together with the entire External Compliance and Complaints Program staff, I am pleased to share our vision and goals for the next five years. We have written this strategic plan as a team, and we will accomplish the vision it sets forth as a team. Indeed, the strength of this Program is its dedicated and committed people. The depth of our vision - to a person - is huge. And now, more than ever, I believe that the potential and promise of our Program is huge as well.

In this Strategic Plan, we set forth an overall strategy that will allow us to leverage the resources that we have in house at OCR and maximize them by thinking more globally as "One EPA." This plan replaces past approaches with a more strategic approach to program enhancement and management. We will be able to measure and identify precisely where we need to improve. We will enhance our communication with one another and with our stakeholders. We will nimbly adjust where needed, and we plan to adopt a proactive approach to our work. Our task is ambitious, but through careful, inclusive, and creative planning we can avoid being overwhelmed. We have set our sights high, taken steps to ensure accountability, and set a clear path forward to 2020.

Here are some of the goals you will see in this plan: To ensure that complaints are processed promptly, effectively, and efficiently, we are developing a comprehensive Case Resolution Manual that will transform management of our complaint resolution docket. It will include standardized processes and templates. The Case Resolution Manual will empower Program staff and management to exercise EPA's regulatory discretion and develop innovative approaches to collaborative case resolution. We are creating a Civil Rights Compliance Toolkit for Recipients of the EPA assistance to provide guidance to stakeholders and clarify obligations so that they can prevent violations and complaints before they arise. Our focus must also be to enhance our proactive compliance program. We must initiate well-planned and targeted compliance reviews and we must proactively engage with communities and recipients through outreach and technical assistance to make a visible difference in communities. We cannot accomplish these goals alone. We plan to build upon relationships with OCR's critical internal and external partners, and we plan to invest heavily in our staff through leadership, career development and the critical skills needed to implement our Program.

It should be noted that this Strategic Plan for the External Compliance and Complaints Program is one part of an overall, newly energized approach to all four of OCR's mission-critical programs. This Plan is consistent with what we are doing throughout the office, in each of our programs, to ensure that OCR is a model civil rights office in every aspect of work. Our commitment to ensuring nondiscrimination in our recipients, including states and local communities, is critical but so is our work to ensure EPA's workforce is free of discrimination and is fulfilling the promise of diversity and inclusion at all levels.

We are extremely excited about the future of OCR's External Compliance and Complaint Program, and that excitement is contagious. Throughout the EPA, we are sensing the support of our colleagues in the program and regional offices. Our future is bright, and we invite you to join us as we execute this Strategic Plan to develop the External Compliance and Complaints Program into an integral part of the model civil rights organization that we envision for the EPA Office of Civil Rights.

Sincerely yours,

Lilian Sotolongo Dorka

# Executive Summary



The External Compliance and Complaints Program Strategic Plan for FY 2015-2020 promotes mission-critical program accountability through measurable goals that will: 1) ensure prompt, effective and efficient complaint docket management; 2) enhance the Office of Civil Rights' (OCR) external compliance program through proactive compliance reviews, strategic policy development, and engagement of critical EPA, federal and external partners and stakeholders (e.g., recipients and communities); and 3) strengthen OCR's workforce through strategic human capital planning, organizational development and technology resources and training to promote a high-performing organization.

## Enhance Strategic Docket Management

To ensure that all civil rights complaints are processed promptly, effectively and efficiently, the Office of Civil Rights will take the following steps:

- Develop and utilize a Case Resolution Manual, consistent with federal best practices. The Case Resolution Manual, which OCR anticipates completing by October 2015, will be posted on OCR's public website to promote transparency, and it will include the following information:
  - Procedures for addressing all phases of the case resolution process, including complaints and compliance reviews;
  - A Strategic Case Assessment Plan that includes specific targeted goals to promote timely and effective processing of complaints, particularly within the first ninety days after their receipt; and
  - Model letters, plans, and other standard operating procedures for staff use in processing complaints.
- Align EPA's nondiscrimination regulations with those of over twenty federal agencies by amending the current regulations to increase flexibility for strategic case management.
- Create a Civil Rights Compliance Toolkit for recipients of EPA assistance to provide guidance regarding their civil rights obligations and examples of promising practices for complying with the civil rights laws enforced by EPA. EPA financial recipients have expressed their commitment to going beyond mere compliance with civil rights laws, and OCR will support these efforts enthusiastically.
- Fully utilize all resolution options available to OCR, including informal resolution and Alternative Dispute Resolution.
- Manage all civil rights cases through the use of a newly-established comprehensive electronic case and document management system, External Compliance Case Tracking System (EXCATS).
- Develop a Comprehensive Investigative, Policy and Legal Training Curriculum for OCR External Compliance Program staff.

## Develop a Proactive Compliance Program

OCR will enhance its proactive compliance program by implementing the following steps:

- Amend EPA's nondiscrimination regulations to align them with other federal agencies to ensure recipients' compliance by collecting compliance report data and conducting proactive compliance reviews;
- Initiate well-planned and targeted compliance reviews on critical civil rights issues;
- Develop strategic policy guidance on cross-cutting issues, as appropriate;
- Increase proactive engagement with critical internal EPA and federal partners to leverage expertise and resources;
- Increase proactive engagement with critical external partners and stakeholders, such as recipients and communities, through proactive technical assistance and outreach;
- Heighten transparency and accountability by posting on its website final case decisional documents, the Case Resolution Manual, the Civil Rights Compliance Toolkit, other recipient guidance, and other important documents, as appropriate; and
- Strengthen transparency and accountability by developing an annual report that highlights the accomplishments and programmatic goals of the External Compliance and Complaints Program.

## Strengthen OCR's Workforce to Promote a High-Performing Organization

Employees are key to ensuring that our Agency's mission is met, and they are the Agency's most valuable resource. Ensuring that External Compliance and Complaint Program staff are engaged, motivated and empowered with the knowledge, skills, and tools they need to carry out the Program's mission is critical. OCR will strengthen its workforce by developing a Strategic Human Capital and Organizational Development Plan to build a highly effective, performance-based organization. The Plan will serve as a roadmap to promote continuous improvement. With respect to the External Compliance and Complaints Program, OCR will implement the following steps:

- Conduct a comprehensive evaluation of mission-critical skill sets necessary to accomplish the programmatic goals;
- Complete a comprehensive evaluation of current occupational competencies and their alignment with OCR's mission-critical needs;
- Conduct a comprehensive evaluation of current Position Descriptions (PDs) to determine whether revisions are needed to ensure the inclusion of requisite skill sets;
- Complete a comprehensive evaluation of gaps in skill sets and functions that are not addressed through current PDs;
- Conduct a comprehensive evaluation of individual training and developmental needs to address any skill and knowledge gaps;
- Align staff members' PDs and individual performance plans; and
- Look to improve and expand the use of technology resources and training to empower OCR staff with the tools that they need to complete work.

# External Compliance and Complaints Program

## Mission

The External Compliance and Complaints Program advances the Environmental Protection Agency's mission to protect human health and the environment by ensuring compliance with federal civil rights laws that prohibit discrimination by recipients of federal assistance through complaint investigations, compliance reviews, technical assistance, community engagement, and policy formulation.

## Core Values

- Strive to achieve timely and responsive services to stakeholders, including complainants and recipients
- Reflect the highest standards of service, motivation, dedication, and accountability
- Encourage teamwork through open communication and a positive atmosphere
- Encourage the continuous development of skills and abilities
- Conduct oneself with conviction, honesty and integrity
- Promote fairness and respect of individual backgrounds, ideas, and culture
- Foster initiative and innovation with flexibility and creativity

## Strategic Goals

- Goal 1: Enhance strategic docket management
- Goal 2: Develop a proactive compliance program
- Goal 3: Strengthen OCR's workforce to promote a high-performing organization

## Cross Agency Strategies

- Working Toward a Sustainable Future
- Working to Make a Visible Difference in Communities
- Launching a New Era of State, Tribal, Local and International Partnerships
- Embracing EPA as a High-Performing Organization

# Introduction

The External Compliance and Complaints Program of the EPA Office of Civil Rights has developed this strategic plan for FY 2015-2020 to serve as a roadmap to chart the course for our Program's contribution to advancing the EPA's mission to protect human health and the environment by ensuring compliance with federal nondiscrimination laws, which are enforced by EPA.

The External Compliance and Complaints Program Strategic Plan was developed over a six-month period. It begins with eight "aiming points" outlined by the OCR Director to guide planning for the External Compliance and Complaints Program (the "Program"): collaborative, service-oriented, accountable, well-trained, empowered, timely, effective, and innovative. The process began with a review of prior planning documents. These included the Executive Committee Report,<sup>1</sup> the FY 2011-FY 2014 Progress Report,<sup>2</sup> and the Program's most recent Annual Work Plan. The process continued with interviews of all Program staff and management, as well as several of OCR's key EPA stakeholders, such as members, speaking in their individual capacities, from the Environmental Council of States (ECOS), individual Title VI advocates, and the Business Network for Environmental Justice (BNEJ), who are also dedicated to addressing environmental discrimination. Interviews were followed by listening sessions with our key internal partners who provide executive support in furthering OCR's ability to operate. These listening sessions helped us to fashion a plan that is mindful of our commitment to be **collaborative** and **service-oriented**. We examined prior plans, guidance, reports, and data to develop quantifiable metrics to measure our progress under this Plan and hold ourselves **accountable** to the goals we have set.

OCR staff and management distilled the information and recommendations we received and used it to engage in internal visioning and goal-setting sessions held throughout the spring and summer of 2015. OCR placed primary emphasis on the *people* who make up the External Compliance and Complaints Program staff, identifying ways to ensure a **well-trained** and **empowered** workforce to carry out the Program mission. Next, we closely examined the *systems* OCR employs to execute its work in order to design methods to make our work **timely** and **effective**. And most importantly, we looked for **innovative** approaches to our civil rights mission, now made possible by the Agency's commitment to hire permanent leadership with considerable civil rights experience, who together bring nearly eight decades of federal civil rights experience to the EPA's Office of Civil Rights.

OCR engaged in a collaborative and inclusive process to develop a clearly articulable mission, vision and statement of our core values. The office has identified and prioritized three primary goals for the next five years. Each goal is associated with implementation steps to describe the activities needed to achieve success.

This Strategic Plan is designed to remain a living, breathing document that we consult regularly to help guide our allocation of resources, policy development, and interaction with all our partners and stakeholders. It will be executed as part of the overall OCR Strategic Plan, and leaves room for OCR to make adjustments as changes arise, but it will not be placed on a shelf and forgotten. Annually, OCR will review our benchmarks, and revisit our goals. The result will be an External Compliance and Complaints Program that is a foundational part of a model civil rights organization.



# Strategic Goals

## Goal 1: Enhance Strategic Docket Management

*Ensure prompt, effective and efficient complaint resolution*



### Implementation Steps

- Modify nondiscrimination regulations to explicitly reaffirm OCR's enforcement discretion consistent with more than twenty other agencies
- Develop a Case Resolution Manual containing procedures and strategies to ensure compliance with Federal civil rights obligations
- Manage all cases through External Compliance Case Tracking System (EXCATS) electronic case and document management system
- Place early emphasis on informal resolution
- Fully utilize all resolution options, including Alternative Dispute Resolution (ADR)
- Implement comprehensive investigative, resolution, and policy training for all staff
- Maximize investigative and training resources for case managers
- Improve case assignment and staffing process
- Encourage use of innovative investigation techniques
- Enhance engagement with Deputy Civil Rights Officers (DCROs) and employ their assistance to resolve cases

The External Compliance and Complaints Program (the "Program") is

designed to ensure that applicants for, and recipients of (including sub-recipients) EPA assistance, comply with the nondiscrimination requirements of five federal statutes:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Section 13 of the federal Water Pollution Control Act Amendments of 1972
- Title IX of the Education Act Amendments of 1972
- Age Discrimination Act of 1975

The goal of the civil rights laws enforced by the Program is to address and prevent discrimination based on race, color, national origin<sup>3</sup> (including limited English proficiency), disability<sup>4</sup>, sex<sup>5</sup>, or age<sup>6</sup> by recipients of EPA assistance.

Members of the public may file a complaint alleging discrimination in violation of these statutes by a recipient of EPA assistance.<sup>7</sup> In such cases, federal regulations grant the OCR External Compliance and Complaints Program the authority to investigate and resolve these complaints, as a part of its responsibility to develop and administer a means of ensuring compliance with nondiscrimination laws.<sup>8</sup>

OCR is dedicated to consistently and appropriately managing its administrative complaint docket. Over the next five years, OCR will undertake several steps to

streamline its complaint resolution process.

**Goal 1 Benchmark 1:** OCR will develop and post a Case Resolution Manual consistent with federal best practices on its website. The CRM is anticipated to be in place by October 2015. This CRM will include:

- Standardize operating procedures (SOPs) to address all phases of the case resolution process. These SOPs will be developed by October 2015.
- A Strategic Case Assessment Plan (SCAP) containing specific goals designed to result in timely and effective case processing especially within the first ninety days after acceptance of a complaint. The SCAP outlines steps and suggested target time goals to facilitate an emphasis on fully utilizing all resolution options available to OCR in a timely manner. The SCAP will, when appropriate, empower OCR case managers to develop innovative approaches to informal resolution. OCR will seek to implement and monitor effective solutions.
- Templates will be developed and used to standardize notices of acknowledgement, acceptance, rejection; referral letters; investigation plans and requests for information; and compliance documents. These templates will streamline communication for the complaint process.

The CRM supports OCR's emphasis on early informal resolution of complaints. Case managers will receive training to develop the skills needed to use their discretion to take innovative approaches to leading investigations. Case managers will be encouraged to design new methods of informal resolution and utilize all resolution options. The Program will engage in more frequent and earlier negotiations during the investigative process.

**Goal 1 Benchmark 2:** In FY 2016, OCR will publish a Notice of Proposed Rulemaking for public comment that will reaffirm EPA's discretion to determine how to ensure the prompt, effective, and efficient resolution of its cases and reaffirm EPA's enforcement discretion to tailor its approach to complaints to match their complexity, scope and nature. The EPA has found that processing and investigating nondiscrimination complaints within existing self-imposed, inflexible deadlines is impracticable given both the inherent scientific complexity associated with determining how populations are impacted by environmental pollutants and the number of discrimination allegations and theories that may be asserted in any one complaint under Title VI or the other nondiscrimination statutes.

**Goal 1 Benchmark 3:** OCR will complete development and roll out of an electronic case tracking and management system known as EXCATS. EXCATS will allow OCR management and case managers to monitor how investigations progress at critical phases and allow management and retention of case-related documents. The new system will also enhance OCR's ability to analyze complaint and issue trend data that is critical for accountability as well as planning purposes. The initial roll out of the EXCATS will be done in September 2015.

**Goal 1 Benchmark 4:** OCR will develop a comprehensive investigative, policy and legal training curriculum for External Compliance staff to equip them with fundamental investigative and resolution skills, legal standards of proof training, and OCR policy guidance. OCR will make use of existing training resources from throughout the federal family including the Department of Justice and EPA's own General Counsel. OCR will also explore the use of a contract training professional to help build a robust curriculum that includes OCR-EPA specific modules on process, policy and skills with

guidance from revised performance descriptions and close communication with the Program team lead and Assistant Director. OCR will, when appropriate, empower its staff to use informed discretion to resolve cases as effectively and expeditiously as possible.

**Goal 1 Benchmark 5:** Over the next five years OCR will increase and enhance its engagement with EPA Deputy Civil Rights Officials<sup>9</sup> to integrate civil rights case resolution throughout the Agency. OCR has already begun this enhanced engagement with DCROs and the regional and HQ program offices.

**Goal 1 Benchmark 6:** OCR will increase transparency and accountability by posting its Case Resolution Manual, settlement agreements, and final decisions on its public website.

# Goal 2: Develop a Proactive Compliance Program



*Establish OCR's proactive compliance program through compliance reviews, strategic policy development, and the engagement of critical internal EPA and federal partners and external partners and stakeholders such as recipients and communities*

## Implementation Steps

- Amend EPA's nondiscrimination regulation to ensure recipients' compliance
- Initiate well-planned and targeted compliance reviews on critical civil rights issues
- Publish the Civil Rights Compliance Toolkit to provide guidance to recipients
- Develop policy guidance on cross-cutting issues, as appropriate
- Increase engagement of critical internal EPA and federal partners to leverage expertise and resources;
- Increase engagement with external partners and stakeholders including communities and EPA assistance recipients, through proactive technical assistance and outreach
- Post important documents online such as the Case Resolution Manual, the Civil Rights Compliance Toolkit, final case decisional documents, and other important documents.
- Develop an annual report that highlights the accomplishments and programmatic goals of the External Compliance Program

During the next five years, OCR will invigorate its proactive compliance program through the implementation of the following actions:

**Goal 2 Benchmark 1:** Strengthen pre and post-award compliance reviews by implementing the following:

- In FY 2016 OCR's first important step toward a proactive compliance program will be to begin the process to amend its regulations to reaffirm OCR's authority to ensure compliance through compliance reviews, and allow OCR the same authority as other federal agencies to routinely gain access to recipients' data through compliance reports.
- We will collect, report, and act upon compliance report data in an effort to address potential issues early. We will initiate well-planned post-award compliance reviews that will include review of compliance information and assurances provided by applicants on OCR's Form 4700-4.
- OCR will proactively conduct post-award on-site reviews based on several criteria, including statistical data, prior complaints, reports by other EPA offices, and information shared by other federal agencies and stakeholders. Early and regular engagement with recipients of federal assistance will allow OCR to identify approaches to best serve communities. Beginning in FY 2016, OCR will look to increase the number of compliance reviews conducted. By FY 2018, OCR has a goal of completing six reviews annually. By FY 2021, eleven reviews annually and by FY 2024, twenty-two reviews annually.

**Goal 2 Benchmark 2:** Develop strategic policy guidance on cross-cutting issues as appropriate by implementing the following:

- In FY 2016 OCR will publish a Civil Rights Compliance Toolkit that will provide recipients guidance regarding their civil rights obligations and examples of promising practices for complying with the civil rights laws it enforces. The Toolkit will provide an overview of each of these nondiscrimination laws and will contain specific, practical examples of steps states have taken to prevent discrimination and comply with their nondiscrimination obligations. It will feature a chapter on pre-award compliance as well as a chapter on the procedural safeguards recipients must have in place as a bare minimum, to demonstrate that they have an effective nondiscrimination program. OCR will post this Toolkit on its website, along with final decisional documents and settlement agreements. OCR anticipates that such postings will reduce the need for interested parties to file Freedom of Information Act (FOIA)<sup>10</sup> requests.
- As a part of a proactive compliance program, OCR will periodically provide informal guidance and policy memoranda for recipients, communities, and other stakeholders to rely upon in their efforts to comply with federal nondiscrimination law. The External Compliance and Complaints Program will periodically publish guidance on cross-cutting issues, as appropriate.

**Goal 2 Benchmark 3:** The External Compliance and Complaints Program, recognizes that today's complex environmental problems require cross-Agency approaches to problem solving. Therefore, over the next five years, OCR will work to enhance existing partnerships and establish new relationships with internal and external partners throughout EPA and the federal government to leverage existing resources and expertise. OCR will implement the following steps:

- In FY 2016, OCR will continue to partner and engage with the Deputy Civil Rights Officials to assist OCR in integrating the civil rights mission throughout the Agency. In 2013, the EPA approved two Orders to establish the Title VI Case Management Protocol and name DCROs throughout the Agency. These orders were designed to bring offices and regions throughout the Agency into a consensus-oriented process for coordinating and committing analytical resources, expertise, and technical support at the highest levels to reach decisions on Title VI complaints. In FY 14 through FY 15, the Title VI Case Management Protocol has been successfully implemented to assist in investigating one of the cases pending on the OCR docket. OCR will continue to refine roles and responsibilities among OCR staff and DCROs in order to avail itself of these collaborative partnerships, for appropriate cases in the future. This will include establishing a clear protocol to determine OCR staff's responsibility for case oversight, continued DCRO training in civil rights procedures and policies, and regular follow-up and communication with DCROs that is efficient and timely. Also, recognizing the critical relationships that the DCROs and regional offices have with communities and recipients, OCR will coordinate with DCROs to bring technical assistance, training, and community outreach and engagement to stakeholders.
- In FY 2016, OCR will partner with other federal agencies on training activities, including co-hosting a National Civil Rights Conference in November 2015 to train federal civil rights professionals.

- In FY 2016 and FY 2017, OCR will conduct training of all internal EPA partners on the External Compliance and Complaints Program’s Strategic Plan and other important policy and programmatic issues.
- In FY 2016 and 2017, OCR will provide technical assistance to recipients and outreach to communities. OCR will also develop “Brown-bag Lunch” series with DOJ and other federal civil rights offices to discuss case management approaches, compliance docket management, and how to apply current best practices being used throughout the federal family. In addition, OCR will continue its regular participation in the federal Interagency Working Group on Environmental Justice (IWG)<sup>11</sup> and the federal Interagency Working Group on Title VI of the Civil Rights Act.<sup>12</sup>
- In FY 2016 through FY 2020, OCR will strengthen Title VI in the EPA’s National Program Manager Guidance, performance partnership agreements and performance partnership grants. We will coordinate with EPA offices to determine how these documents can incorporate Title VI to the extent to which they establish priorities for the EPA regional offices, for each national program, and in the case of the Performance Partnership Agreements and partnership grants, for recipients.

**Goal 2 Benchmark 4:** Conduct engagement with external partners and stakeholders, such as recipients and communities through technical assistance and outreach by implementing the following:

- OCR will develop an outreach and communication plan that will strategically outline engagement with critical external partnerships and stakeholders.
- Beginning in FY 2016, OCR will develop marketing materials such as pamphlets and tri-folds. Examples of these will include *How to File a Complaint* and *Ensuring Nondiscrimination in Environmental Programs and Activities*. Also, OCR will provide information on frequently asked questions about the External Compliance and Complaints program. OCR will ensure that all English-language marketing materials are translated into the most prominent languages spoken by persons with limited-English proficiency.
- In FY 2016, OCR will enhance the External Compliance and Complaints Program’s website to ensure transparency and be a resource to all stakeholders.
- In FY 2017, OCR will develop technical assistance and training materials such as a standard, pre-approved slide presentation on the Civil Rights Compliance Toolkit and other policy guidance for recipients and communities. This will allow DCROs and other regional staff to assist OCR in outreach to maximize the number of recipients and communities reached. . OCR will create programming to train communities in project development and permitting. This training will encourage collaborative interaction between communities and recipients directly in an effort to potentially avoid violations and reduce the concerns that give rise to the need to file complaints. OCR will improve its training and outreach with all stakeholder communities by making more strategic use of our website, training videos, webinars, and social media. OCR will also create closer relationships with recipients to preventatively address potential civil rights issues in their communities.

- OCR will continue to meet regularly with stakeholders, including environmental advocates, representatives from business and industry, the Environmental Council of the States, as well as federal, state and local agencies to ensure meaningful engagement. OCR will also create closer relationships with recipients to preventatively address potential civil rights issues in their communities.
- OCR will continue to collaborate with other federal civil rights offices outside EPA, making a specific effort to learn from the strategies and tools employed by other members of the federal family. OCR will seek to develop innovative, joint agreements with recipients and other federal agencies to address discrimination issues in communities holistically.

# Goal 3: Strengthen OCR's Workforce to Promote a High-Performing Organization



*Increase Staff Development, Empowerment, and Leadership Opportunities*

## Implementation Steps

- Conduct comprehensive evaluation of skill sets needed to accomplish program goals
- Revise position descriptions to fill gaps and align with goals
- Develop an authorized team lead and attorney advisor positions
- Coordinate consistent case management among Assistant Director, team lead, and case managers
- Improve case assignment and staffing process
- Improve coordination between case management staff and appropriate points of contact in regions and programs
- Refine organized approach to efficiently deliver responses to FOIA requests
- Develop an investigation resolution and policy training program
- Improve and expand the use of technology and training to empower OCR staff
- Complete development and roll-out of EXCATS case and document management system
- Establish electronic shared calendar capacity for Program staff
- Redevelop website to provide comprehensive information
- Explore methods to appropriately employ social media and other methods to publicize OCR successes

The External Compliance and Complaints Program consists of a closely knit, mutually supportive, and mission dedicated group of professionals. EPA employees are key to ensuring the Agency's mission is met, and they are the Agency's most valuable resource. OCR must ensure that the External Compliance and Complaints Program staff are engaged, motivated and empowered with the knowledge, skills, and tools they need to carry out the Program's mission.

**Goal 3 Benchmark 1:** OCR will strengthen its workforce by developing a Strategic Human Capital and Organizational Development Plan to build a highly effective, performance-based organization. The Plan will serve as a roadmap to promote continuous improvement. With respect to the External Compliance and Complaint Program, implementation steps in FY 2016 include:

- Comprehensive evaluation of mission-critical skill sets necessary to accomplish the delineated program goals;
- Comprehensive evaluation of current occupational competencies and their alignment with OCR's mission-critical needs;
- Comprehensive evaluation of current Position Descriptions to determine whether revisions are needed to ensure the inclusion of requisite skill sets;
- Comprehensive evaluation of gaps in skill sets and functions that are not addressed through current PDs;
- Comprehensive evaluation of individual training and development needs to address any skill and knowledge gaps; and
- Alignment of PDs and individual performance plans.

**Goal 3 Benchmark 2:** In addition, OCR will look to improve and expand the use of technology and training to empower OCR staff with the tools that they need. The program will equip staff to meet the demands of a model civil rights program.

- OCR will provide training, travel, and technology resources, within applicable budget constraints, to meet the demands and goals of the Program. For example, staff will participate in an Investigation Resolution and Policy Training Program to further enhance investigative skillsets. As a result, it is anticipated that Program staff will experience increased career satisfaction and career progression opportunities.
- To ensure prompt, efficient and effective complaint resolution, and to implement a proactive compliance docket system, OCR must attract, retain, and support the highest caliber of talent. A cutting-edge work environment is essential to this goal. Over the next five years, OCR will work to bring its technological resources into alignment with the goals and objectives set forth in this Plan.
- In FY 2016, OCR will install Wi-Fi in all its conference rooms to enhance collaborative work engagement. By FY 2017, conference rooms will be equipped with reliable projection equipment to facilitate group conversation and decision-making. Where possible, we will replace old desktop and laptop computers with state-of-the-art equipment that have the hard drive capacity to store, organize, and retrieve the volume of data needed. In coordination with the Office of Environmental Information (OEI), we will seek to improve bandwidth to increase speed, allowing full utilization of better computers.
- The External Compliance and Complaints Program will also update its website in FY 2016 to provide more comprehensive information to stakeholders. For example, copies of our Case Resolution Manual, Civil Rights Compliance Toolkit, Policy Papers and the Strategic Plan will be readily accessible on our website. Moreover, we will regularly post settlement agreements and final decisions to increase transparency and reduce the need for Freedom of Information Act (FOIA) requests to enhance OCR's current online FOIA information.
- Our office will increase the total utilization of electronic files in accordance with Executive Order No. 13589 to reduce printing paper use.
- In addition, OCR will work with Office of Public Affairs to explore social media tools when appropriate. Likewise, we will investigate partnering with other departments to do tag-alongs with their messages, in alignment with the concept of "One EPA."<sup>13</sup>
- Once OCR completes the training on EXCATS case and document management system in December 2015, OCR will annually use EXCATS to report, review and respond to complaint docket and compliance management data.
- OCR will redevelop its External Compliance and Complaints Website page to include an online complaint filing system in FY 2016.
- In FY 2016, OCR will begin to develop an online complaint filing system.

- OCR communications plan will include guidance for announcing OCR accomplishments regularly via newsletters, printed press, interviews, and other outlets, including social media, where feasible (FY 2016).

**Goal 3 Benchmark 3:** Through all of the measures outlined in this Goal, OCR's External Compliance Program will drastically increase employee engagement, empowerment and satisfaction and be well on its way to becoming a high performing organization. Performance measures for this Benchmark will include:

- Each year, in coordination with the Employee Engagement Advisory Committee (EEAC), we will survey our staff to conduct an internal assessment of our progress and make adjustments where needed.
- OCR will use surveys to measure whether employee feel engaged and satisfied in their work environment.
- OCR will use surveys to measure whether employees feel that they have a clear career development path within OCR
- OCR will use surveys to measure whether employees believe that their performance is rated fairly

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## Conclusion

The three goals outlined in the External Compliance and Complaint Program strategic plan strive to continuously increase the ability of the Program to perform at a high level. With EPA's support, we believe that over the next five years these goals, operationalized by concrete, practical implementation steps and regularly measured by quantifiable benchmarks, will ensure that OCR is a high-performing organization. OCR's work to administratively enforce federal nondiscrimination law will support the Agency-wide mission of fostering meaningful involvement of all people in environmental policy.

# Endnotes

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- <sup>1</sup> Civil Rights Executive Committee, *Developing a Model Civil Rights Program for the Environmental Protection Agency* (2012)
- <sup>2</sup> FY 2011-FY 2014 *Title VI of the Civil Rights Act Progress Report* (May 4, 2015)
- <sup>3</sup> Title VI, 1964 Civil Rights Act, Pub. L. No. 88-352
- <sup>4</sup> Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112
- <sup>5</sup> Title IX, Education Amendments of 1972, Pub. L. No. 92-318
- <sup>6</sup> Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202
- <sup>7</sup> 40 CFR Parts 7.120
- <sup>8</sup> *Alexander v. Sandoval*, 532 U.S. 275 (2001)
- <sup>9</sup> See EPA Order No. 4700 (2013).
- <sup>10</sup> Freedom of Information Act, 5 U.S.C. Sect. 552
- <sup>11</sup> Executive Order 12,898, Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)
- <sup>12</sup> *Howard Law Journal*, Recent Developments in Federal Implementation of Executive Order 12898 and Title VI of the Civil Rights Act of 1964 (2014)
- <sup>13</sup> Executive Order 13,693, Planning for Federal Sustainability in the Next Decade (2015)