



External Civil Rights Compliance Office Strategic Plan

Fiscal Year 2015 – 2020



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Forward

In December, 2016, EPA took steps to strengthen the agency's ability to carry out its external civil rights enforcement responsibilities by reorganizing the functions of the formerly Office of Civil Rights with respect to its External Compliance and Complaints Program. This external civil rights enforcement function now resides organizationally within the External Civil Rights Compliance Office (ECRCO), which is located in EPA's Office of General Counsel. ECRCO will continue to carry out the same federally mandated responsibilities to enforce several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; and age by applicants for and recipients of federal financial assistance from EPA. (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively), as well as the responsibility for enforcing Section 13 of the Federal Water Pollution Control Act Amendments of 1972 which prohibits discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act.

Director's Message

Together with the entire External Civil Rights Compliance Office 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 Office 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 Office 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 OGC 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 our work. Our task is ambitious, but through careful, inclusive, and creative planning we can meet these challenges.

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 developed and finalized 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 empowers Office 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 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 OGC’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 Civil Rights Compliance Office is but one part of an overall, newly energized approach to all four of ECRCO’s mission-critical programs. This Plan is consistent with what we are doing throughout the office, in each of our programs, to ensure that OGC 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 OGC’s External Civil Rights Compliance Office, 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 Civil Rights Compliance Office into an integral part of the model civil rights organization that we envision for the EPA.

Sincerely yours,

Lilian Sotolongo Dorka

Executive Summary



The External Civil Rights Compliance Office's 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 General Counsel's (OGC) External Civil Rights Compliance Office (ECRCO) 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 ECRCO's workforce through strategic human capital planning, organizational development and technology resources and training to promote a high-performing organization. On September 10, 2015, ECRCO issued the Strategic Plan in draft for public comment. ECRCO reviewed the public comments and incorporated those comments as appropriate into this final version of the Strategic Plan.

Enhance Strategic Docket Management

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

- Utilize a Case Resolution Manual, consistent with federal best practices. The Case Resolution Manual, which ECRCO finalized in December 2016, is available on ECRCO's public website to promote transparency, and includes the following information:
 - Procedures for addressing all phases of the case resolution process;
 - A Strategic Case Management Plan designed 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.
- Provide civil rights compliance policy guidance through the issuance of a Civil Rights Compliance Toolkit to assist them in meeting their civil rights obligations and to provide members of the public with information about their rights under the civil rights laws and implementing regulation that EPA enforces.
- Fully utilize all resolution options available to ECRCO, 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 ECRCO staff.

Develop a Proactive Compliance Program

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

- 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 ECRCO's website final case decisional documents, this Strategic Plan, the Case Resolution Manual, policy guidance (including the Civil Rights Compliance Toolkit) 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 Civil Rights Compliance Office.

Strengthen ECRCO'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 Civil Rights Compliance Office staff are engaged, motivated and empowered with the knowledge, skills, and tools they need to carry out the Office's mission is critical. ECRCO 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 Civil Rights Compliance Office, ECRCO 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 ECRCO'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 ECRCO staff with the tools that they need to complete work.

External Civil Rights Compliance Office

Mission

The External Civil Rights Compliance Office (ECRCO) advances the U.S. Environmental Protection Agency's (EPA) 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 ECRCO'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

Relationship of EJ 2020 to Title VI of the Civil Rights Act of 1964

The Presidential Memorandum Accompanying Executive Order 12898 acknowledged that both environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. In the context of environmental justice, EPA seeks the fair treatment and meaningful involvement of all people with respect to the implementation of environmental programs, regardless of their race, income, or other factors; the [EJ 2020 Action Agenda](#) is designed to strengthen EPA's efforts to address challenges faced by overburdened communities, in coordination with local, state, tribal and federal partners. EPA is also responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d, which provides that no person in the United

States shall, on the ground of race, color, or national origin (including limited proficiency in English), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from EPA.

The Office of General Counsel's (OGC) External Civil Rights Compliance Office's (ECRCO) is specifically charged with overseeing the implementation of its important civil rights legal obligations, and has laid out its plan to execute those responsibilities in this External Civil Rights Compliance Office's Strategic Plan for FY 2015-2020. This Plan promotes mission-critical program accountability through measurable goals that will: (1) ensure prompt, effective, and efficient complaint docket management; (2) enhance ECRCO's 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 ECRCO's workforce through strategic human capital planning, organizational development and technology and training to promote a high-performing organization.

Where possible, EPA program offices and regions assist in, and share approaches and tools for, addressing underlying issues of concern in communities, thereby resolving many issues outside of the civil rights enforcement process; this is an important component of the Agency's efforts to make a prompt and visible difference in communities. However, where potential Title VI claims exist, OGC's External Civil Rights Compliance Office will promptly, effectively and efficiently address those claims and will coordinate with relevant programs and regions, including the Office of Environmental Justice (OEJ), whenever appropriate. (See [ECRCO Case Resolution Manual, Chapter I.](#))

The Agency-wide sharing of knowledge and experience in identifying and responding to community concerns serves to strengthen both EPA's civil rights and environmental justice efforts. EPA is committed to ensuring that a comprehensive set of tools are available to affected communities. Best practices and lessons learned by the External Civil Rights Compliance Office and by the Agency's environmental justice program can complement one another and inform discussion of how programs and regions can better address community issues. EPA will provide progress reports on these collaborative efforts in EJ 2020's annual reports.

Introduction

The External Civil Rights Compliance Office (ECRCO) of the Office of General Counsel has developed this strategic plan for FY 2015-2020 to serve as a roadmap to chart the course for our Office'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 Civil Rights Compliance Office's Strategic Plan was developed over a six-month period. The process began with a review of prior planning documents. These included the Executive Committee Report,¹ the FY 2011-FY 2014 Progress Report,² and the Office's most recent Annual Work Plan. The process continued with interviews of all Office staff and management, as well as several of ECRCO'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 ECRCO'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.

ECRCO 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. ECRCO placed primary emphasis on the *people* who make up the External Civil Rights Compliance Office staff, and identified ways to ensure a well-trained and empowered workforce to carry out the ECRCO mission. Next, we closely examined the *systems* ECRCO 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 several decades of federal civil rights experience to the OGC's External Civil Rights Compliance Office.

ECRCO 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 ECRCO Strategic Plan, and leaves room for ECRCO to adjust as changes arise, but it will not be placed on a shelf and forgotten. Annually, ECRCO will review our benchmarks, and revisit our goals.



Strategic Goals

Goal 1: Enhance Strategic Docket Management

Ensure prompt, effective, and efficient complaint resolution



Implementation Steps

- Finalize a Case Resolution Manual which provides procedural guidance to ECRCO case managers for processing external compliance complaints and compliance reviews
- 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 Civil Rights Compliance Office

(ECRCO) ensures that applicants for, and recipients (including subrecipients) of 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 Amendments of 1972
- Age Discrimination Act of 1975

The goal of the civil rights laws enforced by the ECRCO is to address and prevent discrimination based on race, color, national origin³ (including limited English proficiency), disability⁴, sex⁵, or age⁶ 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.⁷ In such cases, federal regulations grant the ECRCO 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.⁸

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

Goal 1 Benchmark 1: ECRCO will finalize and post a Case Resolution Manual consistent with federal best practices on its website in January 2017. This CRM includes:

- Standardized operating procedures (SOPs) to address all phases of the case resolution process.

- A Strategic Case Management Plan (SCMP) designed to result in timely and effective case processing especially within the first ninety days after acceptance of a complaint. The SCMP outlines steps to facilitate an emphasis on fully utilizing all resolution options available to ECRCO in a timely manner. The SCMP empowers ECRCO case managers to develop innovative approaches to informal resolution. ECRCO 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 ECRCO'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 Office will engage in more frequent and earlier negotiations during the investigative process.

Goal 1 Benchmark 2: ECRCO will complete development and roll out of an electronic case tracking and management system known as EXCATS. EXCATS will allow ECRCO 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 ECRCO's ability to analyze complaint and issue trend data that is critical for accountability as well as planning purposes.

Goal 1 Benchmark 3: In FY 2016, ECRCO began developing 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 ECRCO policy guidance. ECRCO will make use of existing training resources from throughout the federal family including the Department of Justice and EPA's own Office of General Counsel. ECRCO will also explore the use of a contract training professional to help build a robust curriculum that includes ECRCO-EPA specific modules on process, policy and skills with guidance from revised performance descriptions and close communication with the ECRCO team lead and Assistant Director. ECRCO will, when appropriate, empower its staff to use informed discretion to resolve cases as effectively and expeditiously as possible.

Goal 1 Benchmark 4: Over the next five years, ECRCO will increase and enhance its engagement with EPA Deputy Civil Rights Officials⁹ to integrate civil rights case resolution throughout the Agency. ECRCO has already begun this enhanced engagement with DCROs and the regional and HQ program offices.

Goal 1 Benchmark 5: ECRCO will increase transparency and accountability by posting its Case Resolution Manual, settlement agreements, and final decisions on its public website. ECRCO anticipates that such postings will reduce the need for interested parties to file Freedom of Information Act (FOIA) requests.¹⁰

Goal 2: Develop a Proactive Compliance Program



Establish ECRCO's proactive compliance program through technical assistance, 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

- 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 Civil Rights Compliance Office

During the next five years, ECRCO 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:

- 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 ECRCO's Form 4700-4.
- ECRCO will provide proactive technical assistance to states on issues such as ensuring access to limited English proficient (LEP) individuals and individuals with disabilities, and by ensuring states have in place foundational civil rights program requirements.
- ECRCO 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 ECRCO to identify approaches to best serve communities. Beginning in FY 2017, ECRCO will look to increase the number of compliance reviews conducted. By FY 2019, ECRCO has a goal of completing six reviews annually.

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

- In FY 2017, ECRCO will begin rolling out its a Civil Rights Compliance Toolkit for recipients of EPA financial assistance. Each chapter will assist recipients in identifying how to comply with specific federal civil rights obligations, including through clear examples in the context of different environmental programs and the application of foundational civil rights legal standards (*i.e.*, different treatment and disparate impact.) ECRCO will post specific Toolkit chapters on its website as soon as they are issued. ECRCO anticipates that such postings will reduce the need for interested parties to file Freedom of Information Act (FOIA) requests.
- As part of its proactive compliance program, ECRCO will periodically provide informal guidance and policy memoranda for recipients, communities, and other stakeholders to consult with in their efforts to comply with federal nondiscrimination laws. The External Civil Rights Compliance Office will periodically publish guidance on cross-cutting issues, as appropriate.

Goal 2 Benchmark 3: The External Civil Rights Compliance Office recognizes that today’s complex environmental problems require cross-agency approaches to problem solving. Therefore, over the next five years, ECRCO 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. ECRCO will implement the following steps:

- ECRCO will continue to partner and engage with the Deputy Civil Rights Officials to assist ECRCO 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 2014 through FY 2015, the Title VI Case Management Protocol was successfully implemented to assist in investigating one of the cases pending on the ECRCO docket. ECRCO will continue to refine roles and responsibilities among ECRCO 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 ECRCO 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, ECRCO will coordinate with DCROs to bring technical assistance, training, and community outreach and engagement to stakeholders.
- In FY 2016, ECRCO partnered with other federal agencies on training activities, including co-hosting a National Civil Rights Conference in November 2015 and September 2016 to train federal civil rights professionals. ECRCO anticipates that it will continue this partnership in FY 2017 and subsequent years.
- In FY 2017, ECRCO will conduct training of all internal EPA partners on the External Civil Rights Compliance Office’s Strategic Plan and other important policy and programmatic issues.
- In FY 2017, ECRCO will provide technical assistance to recipients and outreach to communities. ECRCO 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, ECRCO will continue its regular participation in the federal Interagency Working Group on Environmental Justice (IWG)¹¹ and the federal Interagency Working Group on Title VI of the Civil Rights Act.¹²

- In FY 2017 through FY 2020, ECRCO 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:

- ECRCO will develop an outreach and communication plan that will strategically outline engagement with critical external partnerships and stakeholders.
- Beginning in FY 2016, ECRCO 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, ECRCO will provide information on frequently asked questions about the External Compliance and Complaints program. ECRCO will ensure that all English-language marketing materials are translated into the most prominent languages spoken by persons with limited-English proficiency.
- In FY 2017, ECRCO will enhance the External Civil Rights Compliance Office’s website to ensure transparency and be a resource to all stakeholders.
- In FY 2017, ECRCO will develop technical assistance and training materials relating to the Civil Rights Compliance Toolkit and other policy guidance for recipients and communities. This will allow DCROs and other regional staff to assist ECRCO in outreach to maximize the number of recipients and communities reached. ECRCO 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. ECRCO will improve its training and outreach with all stakeholder communities by making more strategic use of our website, training videos, webinars, and social media. ECRCO will also create closer relationships with recipients to preventatively address potential civil rights issues in their communities.
- ECRCO 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. ECRCO will also create closer relationships with recipients to preventatively address potential civil rights issues in their communities.
- ECRCO 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. ECRCO will seek to develop innovative, joint agreements with recipients and other federal agencies to address discrimination issues in communities holistically.

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



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 ECRCO staff
- Complete development and roll-out of EXCATS case and document management system
- Establish electronic shared calendar capacity for Office staff
- Redevelop website to provide comprehensive information
- Explore methods to appropriately employ social media and other

Increase staff development, empowerment, and leadership opportunities

The External Civil Rights Compliance Office 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 are the Agency's most valuable resource. ECRCO must ensure that the External Civil Rights Compliance Office staff are engaged, motivated and empowered with the knowledge, skills, and tools they need to carry out the Office's mission.

Goal 3 Benchmark 1: ECRCO 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 Civil Rights Compliance Office, implementation steps beginning in FY 2016 and continuing into FY 2017 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 ECRCO's mission-critical needs;
- Comprehensive evaluation of current Position Descriptions (PDs) 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, ECRCO will look to improve and expand the use of technology and training to

empower ECRCO staff with the tools that they need. The program will equip staff to meet the demands of a model civil rights program.

- ECRCO will provide training, travel, and technology resources, within applicable budget constraints, to meet the demands and goals of the Office. 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 Office 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, ECRCO 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, ECRCO will work to bring its technological resources into alignment with the goals and objectives set forth in this Plan.
- In FY 2016, ECRCO installed 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 Civil Rights Compliance Office will also update its website in FY 2017 to provide more comprehensive information to stakeholders. For example, copies of our Case Resolution Manual, Civil Rights Compliance Toolkit, case resolution performance metric, 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 ECRCO'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, ECRCO 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."¹³
- Once ECRCO completes the training on EXCATS case and document management system, ECRCO will begin using EXCATS to report, review and respond to complaint docket and compliance management data in 2017.
- ECRCO will redevelop its External Civil Rights Compliance Office's Website page to include an online complaint filing system in FY 2017.
- ECRCO communications plan will include guidance for announcing ECRCO accomplishments regularly via newsletters, printed press, interviews, and other outlets, including social media, where feasible (FY 2017).

Goal 3 Benchmark 3: Through all of the measures outlined in this Goal, will strive to 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.
- ECRCO will use surveys to measure whether employees feel engaged and satisfied in their work environment.
- ECRCO will use surveys to measure whether employees feel that they have a clear career development path within ECRCO.
- ECRCO will use surveys to measure whether employees believe that their performance is rated fairly.

Conclusion

The three goals outlined in the External Civil Rights Compliance Office's Strategic Plan strive to continuously increase the ability of the Office to perform at a high level. 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 ECRCO is a high-performing organization. ECRCO'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

¹ Civil Rights Executive Committee, *Developing a Model Civil Rights Program for the Environmental Protection Agency* (2012).

² *FY 2011-FY 2014 Title VI of the Civil Rights Act Progress Report* (May 4, 2015).

³ Title VI, 1964 Civil Rights Act, Pub. L. No. 88-352.

⁴ Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112.

⁵ Title IX, Education Amendments of 1972, Pub. L. No. 92-318.

⁶ Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202.

⁷ See 40 CFR § 7.120.

⁸ See *Alexander v. Sandoval*, 532 U.S. 275, 288-89 (2001) (discussing agency authority to effectuate rights under Title VI).

⁹ See EPA Order No. 4700 (2013).

¹⁰ Freedom of Information Act, 5 U.S.C. § 552.

¹¹ Executive Order 12,898, Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (Feb. 11, 1994).

¹² Daria E. Neal, *Recent Developments in Federal Implementation of Executive Order 12,898 and Title VI of the Civil Rights Act of 1964*, 57 How. L.J. 941 (Spring, 2014).

¹³ Executive Order 13,693, Planning for Federal Sustainability in the Next Decade, 80 Fed. Reg. 15869 (Mar. 19, 2015).