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U.S. Department
of Transportation

Office of the Secretary
of Transportation (OST)

1200 New Jersey Ave., S.E.
Washington, DC 20590

OST FOIA Contact Information

FOIA Requester Service Center
202-366-4542; ost.foia@dot.gov

Michael C. Bell, FOIA Officer
202-366-5546; michael.bell1@dot.gov

Fern Kaufman, FOIA Public Liaison
202-366-8067; fern.kaufman@dot.gov

September 27, 2022

File No.: OST-2019-0136

This is in response to your Freedom of Information Act (FOIA) request received February 11, 2019. You requested copy of the Organizational Assessment of the OST Civil Rights Office produced in 2014-2015 for the Immediate Office of the Secretary of DOT by contractor Linkvisum Consulting Group, Inc. under contract DTOS59-14-P-00062. We apologize for how long it has taken us to reply to your request.

Please find that record enclosed with this reply.

I am the person responsible for this determination. If you are dissatisfied with this response, you may appeal to Judith S. Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W94-122, Washington, D.C. 20590. Should you choose to appeal this determination, we recommend sending your appeal electronically via email to ost.foia.appeals@dot.gov. An appeal must be received within 90 days of the date of this determination and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.

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Sincerely,

MICHAEL CHARLES BELL

Digitally signed by MICHAEL CHARLES BELL
Date: 2022.09.27 15:06:52 -04'00'

Michael C. Bell
FOIA Officer

Executive Coaching

Department of Transportation,
Office of the Secretary of Transportation,
Departmental Office of Civil Rights
Assessment Report – Executive Briefing

October 31, 2014

LinkVisum Consulting Group | 8260 Greensboro Drive Suite 120 | Mclean Virginia 22102 | (703) 442-4576

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I. EXECUTIVE SUMMARY

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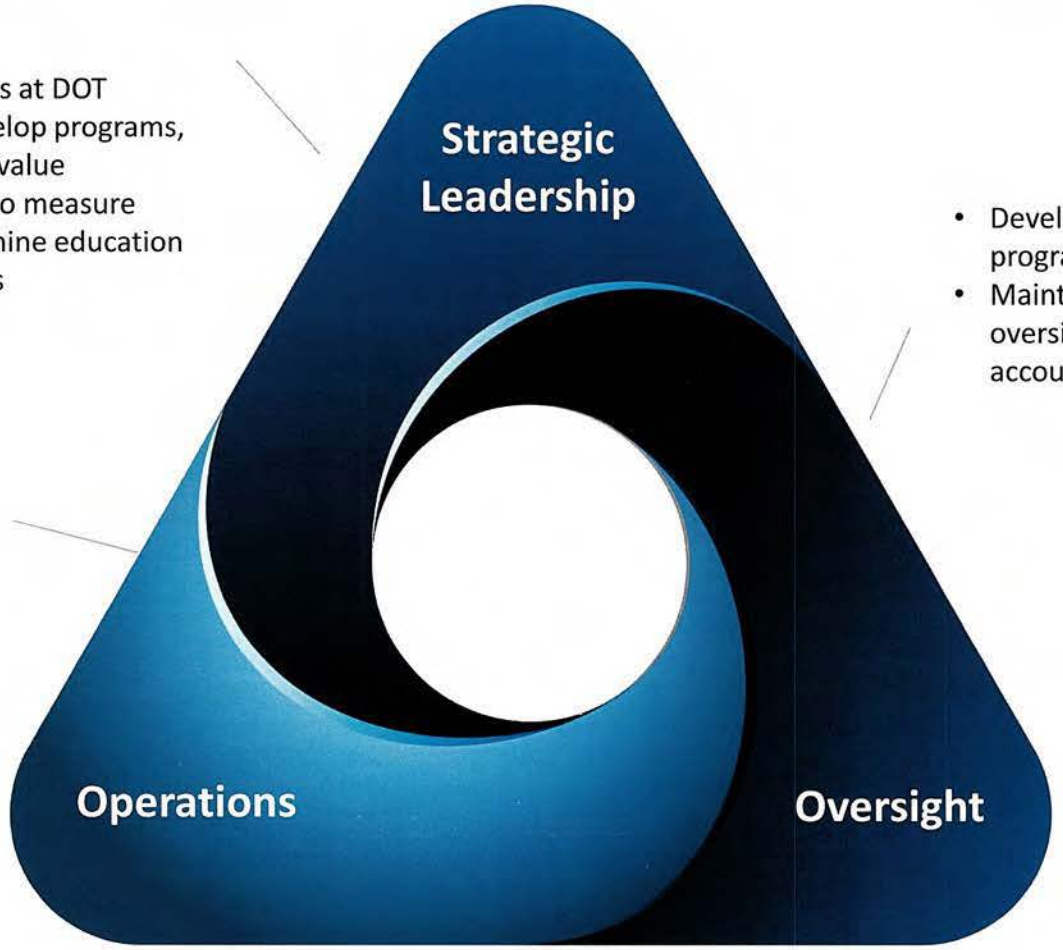
Analytical Framework

- Lead civil rights initiatives at DOT
- Partner with OAs to develop programs, solve problems and add value
- Leverage data analytics to measure performance and determine education and programmatic needs



- Develop educational programs and materials
- Maintain regulatory oversight and hold OAs accountable

- Develop and implement efficient and effective processes
- Engage employees
- Manage effectively

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Strategic Leadership

Element	Present in DOCR?	Assessment Findings
Lead Civil rights initiatives at DOT	Limited	• Lack of strategic plan and vision • Has not fully embraced the role of civil rights leader in the department • More reactive than proactive
Partner with OAs to develop programs, solve problems and add value	Limited	• Not viewed as solution-oriented • Some circumvent DOCR on Civil Rights conversations
Leverage data analytics to measure performance and determine education and programmatic needs	No	• Multiple data requests of OAs indicate lack of data management strategy • Measure outputs and processing times; however analysis does not appear to drive programmatic decisions

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Operations

Element	Present in DOCR?	Assessment Findings
Develop and implement efficient and effective processes	Limited	• Effective with Compliance Operations and in processing Title VII complaints • Communication within some divisions is effective, however concerns about the flow of information • Lack of understanding about roles and responsibilities • Some concerns about a lack of collaboration across divisions • Last minute data requests of OAs • Field staff seek more relevant communications and challenges with (non-DOT) networks
Engage employees	Limited	• Employees are proud of their work but unsure leadership appreciates the scope of what they do • Some perceive divisions and a lack of inclusion • Strained relationships between staff and upper management
Manage effectively	Limited	• Concerns with lack of/poor leadership and a non-cohesive leadership team

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Oversight

Element	Present in DOCR?	Assessment Findings
Develop educational programs and materials	Yes	• Training and training staff recognized as effective and responsive • Limited expertise hinders credibility
Maintain regulatory oversight and hold OAs accountable	Limited	• Scorecard intended to provide accountability but perceived as burdensome • Perception of watchdog versus strategic partner

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Benchmarking: Summary

	DOT DOCR	DOC OCR	HHS OCR	Treasury OCRD
Organizational Focus	EEO/Civil Rights	EEO/Civil Rights	External Civil Rights Only	EEO/Civil Rights
Reporting Relationship	Office of the Secretary	Office of the Chief Financial Officer/Assistant Secretary for Administration	Office of the Secretary	Office of Human Capital Strategic Management
Senior Leadership	Director (Appointee) Deputy Director Executive Advisor 6 Assistant Directors	Director (Career) Deputy Director Chief Investigator	Director (Appointee) 4 Deputy Directors Chief of Staff	Director (Career) 3 Program Managers
Agency Budget	$77B	$8.8B	$940.9B	$15B
Agency FTEs	58,622 FTEs	42,931 FTEs	76,341 FTEs	112,309 FTEs
Office of Civil Rights Budget	$9.6M	$2.9M	$38.8M	Not Available
OCR FTEs	53 FTES	13 FTEs	198 FTEs	15 FTEs

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Benchmarking: Summary (Continued)

	DOT DOCR	DOC OCR	HHS OCR	Treasury OCRD
Divisions	1. EEO Programs 2. External Civil Rights Programs 3. Compliance Operations 4. Policy, Education, & Quality Control 5. Complaints Adjudication & Program Evaluation 6. IT & Business Operations	1. Policy 2. Program Implementation	1. Civil Rights 2. Enforcement & Regional Operations 3. Health Information Privacy 4. Planning and Business Administration	1. Civil Rights 2. Complaint Operations 3. Equal Employment
Headquarters-OA Relationship	Oversight	Limited	Limited	Oversight
Headquarters Responsibility	Formal Complaints Policy guidance	Formal Complaints	Civil Rights	Formal Complaints
OA Responsibility	Informal Complaints	Informal Complaints	EEO	Informal Complaints

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Benchmarking: Key Findings (Continued)

- Each has distinct headquarters and operating administration (OAs) organizations, however the responsibilities vary
  - HHS headquarters is responsible for all external Civil Rights while their divisions focus on internal EEO
  - DOC and Treasury headquarters are responsible for formal investigations and the bureaus conduct informal
  - While all of the OA civil rights offices are currently independent from their headquarters civil rights office, DOC is planning on integrating the offices under one umbrella organization
- HHS OCR has the largest office due to the external focus and a large number of federal financial assistance recipients
- Only HHS OCR has a formalized ("dotted line") relationship to agency's Office of the General Counsel
- HHS OCR uses a web-based portal for HIPAA and Civil Rights complaints
- Treasury OCRD leverages HR Connect for additional workforce analytics capabilities for internal EEO analysis

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Key Recommendations

- Strategic Leadership
  - Collaboratively develop and implement a strategic plan
  - Create a culture of partnership and leadership internally and with stakeholders – update individual performance measures, recognize desired behaviors, hold leadership accountable for modeling and promoting desired behaviors
  - Ensure the requisite data are collected and the right people are in place to conduct strategic analysis of performance data
- Operations
  - Offer managers and staff training on creating and maintaining an inclusive work environment
  - Provide leadership coaching to management team
  - Hold Director, Deputy Director, and Associate Directors accountable for working across silos and fostering effective communication throughout the organization
  - Conduct DOCR teambuilding

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Key Recommendations (Continued)

- Oversight
  - Delineate DOCR responsibilities and those of stakeholders
  - Fill open positions with persons equipped with the requisite subject matter expertise and ability to lead DOCR efforts, become a value-adding strategic partner, and support oversight role

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II. RECOMMENDATIONS

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Assessment Recommendations

Based upon the DOCR assessment, detailed recommendations are prioritized by 30, 60 and 90 days:

- 30 Days
  - Conduct all-hands meeting to articulate:
    - Vision of DOCR as a strategic business partner and problem solver that maintains an inclusive environment where all feel valued
    - The way forward (respond to/announce management changes)
    - Assessment results
  - Conduct a facilitated all-hands meeting to review the Employee Viewpoint Survey results and brainstorm ideas to address opportunities
  - Conduct meeting with the Acting Director to brief him/her on findings and recommendations
  - Conduct one-on-one meetings between the Acting Director and each AD to review expectations and discuss challenges
  - Meet with OA Civil Rights Directors and DOCR leadership to discuss how to make the monthly meetings more collaborative, substantive, meaningful and action oriented

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Assessment Recommendations (Continued)

- 30 Days (Continued)
  - Begin to provide individual and group leadership coaching to management team
    - Incorporate Lencioni's 5 dysfunctions of a team and the First Team Concept
    - Create guiding principles for how to operate as a cohesive leadership team
    - Discuss possible strategies to build a collaborative partnership with customers and stakeholders

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Assessment Recommendations (Continued)

- 60 Days
  - Deliver diversity and inclusion training, with separate sessions for management and staff
  - Develop and implement plan to strengthen frequent, internal communication throughout DOCR and across divisions (e.g., all-hands meetings, newsletter, recognition program)
    - Publish a monthly/quarterly DOCR newsletter highlighting key activities completed and upcoming events for each division
  - Conduct DOCR-wide team building session

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Assessment Recommendations (Continued)

- 60 Days (Continued)
  - Begin strategic planning process, including management, staff, stakeholders and OA Civil Rights Directors
    - Facilitate Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis
      - Convene a facilitated discussion with each division to conduct a SWOT analysis
      - Have leadership team conduct a SWOT analysis
      - Have OA Directors and stakeholders conduct a SWOT analysis
      - Create integrated SWOT analysis
      - Convene all-hands meeting to communicate results of analyses
    - Identify and define draft DOCR vision and mission, leveraging strengths and opportunities, aligning with Secretary's vision and priorities, and incorporating strategic partnership approach to service delivery
    - Delineate DOCR responsibilities and those of other stakeholders
    - Review/define success metrics

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Assessment Recommendations (Continued)

- 90 Days
  - Complete strategic planning process
    - Develop and determine plan/actions for a proactive and collaborative approach with customers and stakeholders (processes, communications, reporting, etc.)
    - Finalize strategic plan
    - Conduct all-hands meeting to communicate finalized strategic plan
  - Re-assess organization structure and staffing to ensure alignment and accomplishment of strategic plan, vision and mission. Ensure staffing reflects:
    - Workload needs
    - Tasks commensurate with position
    - Subject matter expertise to enhance DOCR credibility
  - Assess position descriptions and individual performance plans of leaders and staff to ensure alignment with strategic plan, vision, mission and any structure changes
  - Implement process teams to address any functions that will be expanded or changed
  - Conduct DOCR-wide team building session

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Assessment Recommendations (Continued)

- 90 Days (Continued)
  - Re-launch DOCR as a strategic business partner
    - Publish DOCR vision, mission statements, and strategic plan, as well as roles and responsibilities of divisions, management and staff
    - Hold open house to communicate to stakeholders and DOT personnel the mission, purpose and role of DOCR and its personnel

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Benchmarking Considerations

Based upon the benchmarking research, DOCR may consider organizational changes:

- Career executive as Director
  - Two of the benchmark organizations have a career executive leading Civil Rights instead of a political appointee
- Organizational Structure
  - Although none of the benchmark organizations have as many divisions as DOCR, the structure can probably work if the following are addressed:
    - Filling all assistant director positions with appropriately skilled managers
    - Clarifying responsibility for policy formulation and whether it is done in the program divisions or in partnership with the Policy, Education, and Quality Control Division
    - Ensuring effective coordination between divisions
  - Ensure adequate attention and resources are devoted to all external programs, such as environmental justice
  - Reconsider need for executive advisor, as none of the agencies benchmarked had a comparable position

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Benchmarking Considerations (Continued)

- Relationship between headquarters and OA Civil Rights Offices
  - Consistent with IG report, consider providing more guidance to the OAs
- Relationship with Office of the General Counsel
  - Strengthen relationship by collaboratively defining roles and responsibilities and working to build more of a partnership relationship
- Data analysis
  - Explore an analytical tool, such the tools Treasury uses for EEO, to facilitate data analysis of both external and internal civil rights programs

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Organizational Structure Scenarios

- After addressing process and management issues highlighted in the Assessment Recommendations, structural changes could help streamline the organization and improve coordination
- The following slides highlight the current structure and potential future structures

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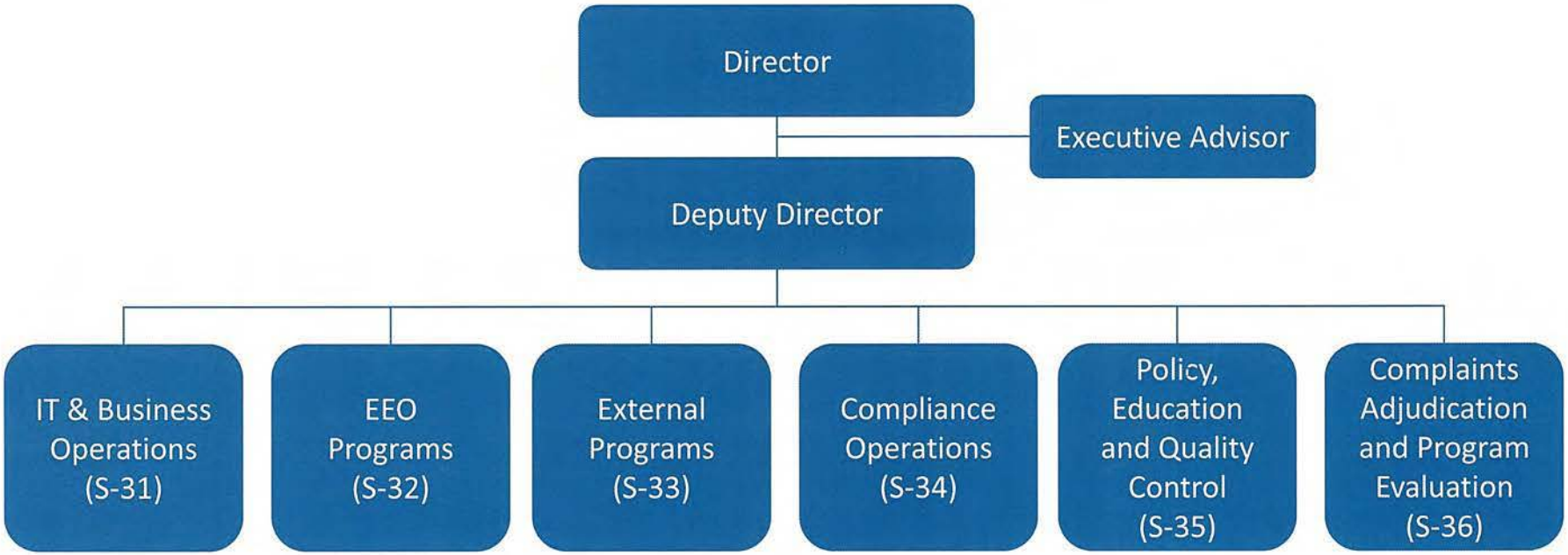
Current Organization



Benefits	Risks
• Flat organization structure • Staff and management understand the structure	• Many divisions adds to coordination challenges • Responsibilities of Executive Advisor position unclear to organization

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Scenario #1

Key Changes	Benefits	Risks
• Eliminate Executive Advisor position	• Clarify responsibilities • Keep accountability and authority within chain of command	• Responsibilities of Executive Advisor must be transitioned to others, increasing their scope • Potential resistance to change

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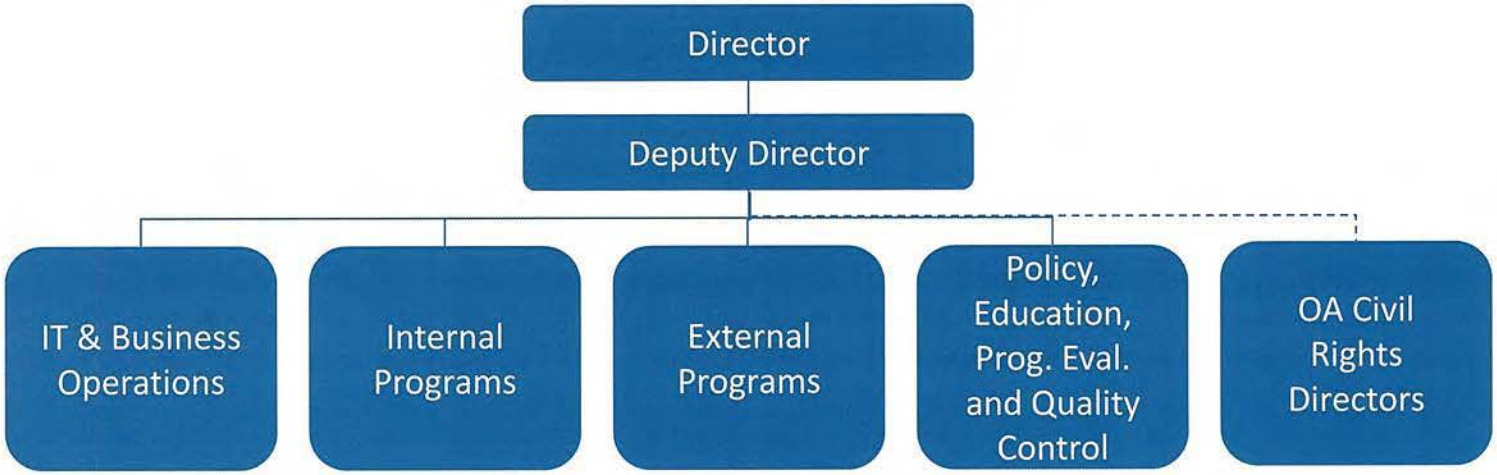
Scenario #2



Key Changes	Benefits	Risks
• Combining divisions to form an Internal Programs Division • Program evaluation combined with Policy, Education and Quality Control • Eliminate Executive Advisor position	• Clarify responsibilities • Keep accountability and authority within chain of command • Streamline operations	• Structural changes could reduce the impact of other process/management change • Internal Programs would become significantly larger than other divisions • Adding Program Evaluation to Policy, Education and Quality Control Division increases scope of responsibility • Transition responsibilities of Executive Advisor to others increases their scope • Potential resistance to change

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III. ASSESSMENT REPORT

Assessment Objectives

- To help identify strengths and opportunities in the Departmental Office of Civil Rights, with a focus on feedback of operations and strategy, customer satisfaction and mission accomplishment
- Approach
  - Review position descriptions, organization charts and other relevant information
  - Interview all management and staff
  - Interview key stakeholders
  - Develop report documenting findings and providing recommendations

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Methodology

- LinkVisum conducted in-person and phone interviews with Departmental Office of Civil Rights staff, management and stakeholders from September 10 – 30, 2014:
  - 11 management interviews
  - 26 staff interviews
  - 19 stakeholder interviews, including 10 Operating Administration Civil Rights Directors interviews
- LinkVisum developed interview questions and an introductory script to ensure consistency across interviews
- All interviews were voluntary and confidential, and participants were assured that responses would not be attributed to specific individuals
- To maintain confidentiality of all participants, findings represent a summary of comments that were made about a particular topic; if a comment was made by only one person and there was no concurrence with other participants, the information was captured but not recorded as a finding

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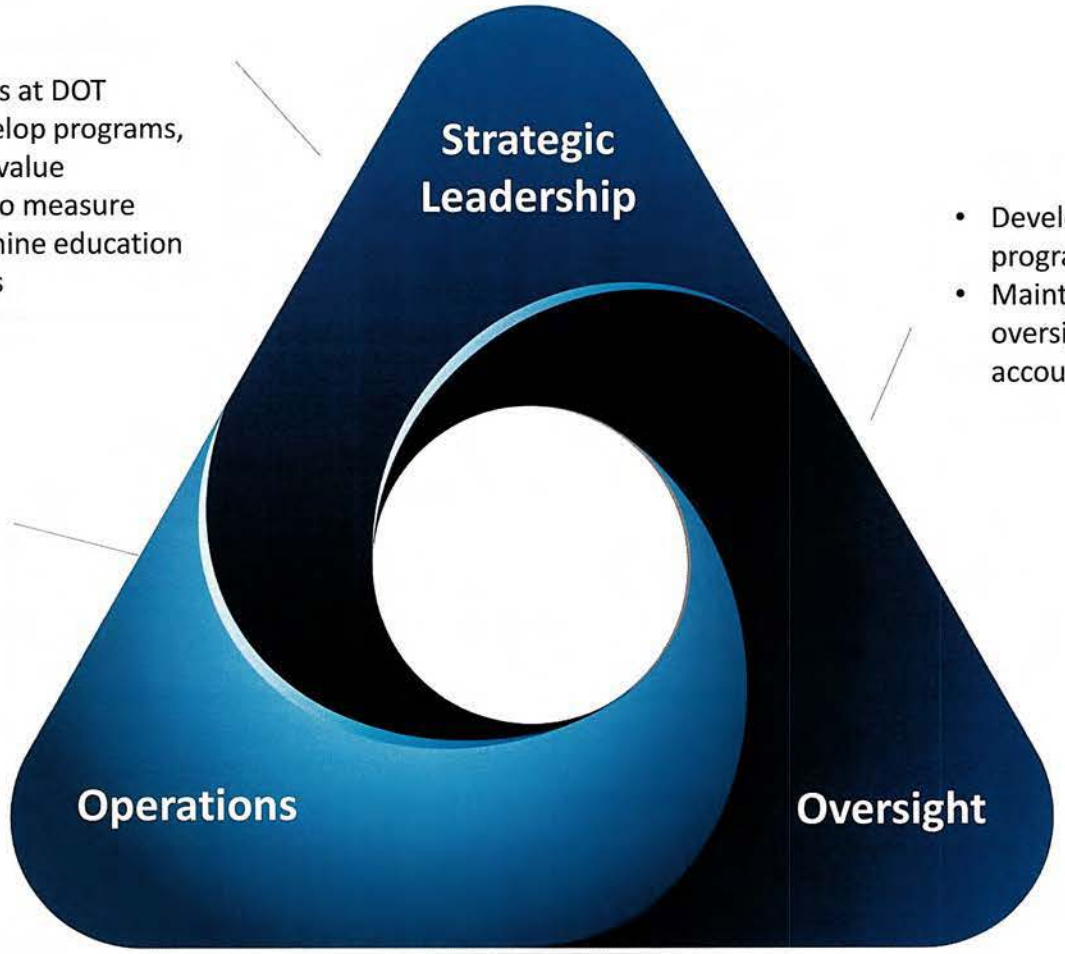
Analytical Framework

- Lead civil rights initiatives at DOT
- Partner with OAs to develop programs, solve problems and add value
- Leverage data analytics to measure performance and determine education and programmatic needs



- Develop educational programs and materials
- Maintain regulatory oversight and hold OAs accountable

- Develop and implement efficient and effective processes
- Engage employees
- Manage effectively

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Strategic Leadership

Lead Civil Rights Initiatives at DOT

- Opportunities
  - Stakeholders, particularly OA Civil Rights Directors, indicated that DOCR is not leading civil rights and equal opportunity for the Department
  - A few noted that DOCR was focused on processing and reporting versus proactively promoting civil rights
  - Some noted the lack of a strategic plan and vision for DOCR
  - Most stakeholders generally believe the DOCR is more reactive than proactive
  - Some stakeholders suggest there is an opportunity to more proactively lead the Department in Title VI and ADA by demonstrating more subject matter expertise

Partner with OAs

- Strengths
  - Some stakeholders noted DOCR's efforts to be more strategic (e.g., planning meetings, training)
  - OA Civil Rights Directors generally felt that the Director was effective
- Opportunities
  - A few stakeholders indicated that past experience results in some stakeholders circumventing DOCR or not including it in some conversations

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Strategic Leadership (Continued)

Leverage Data Analytics

- Opportunities
  - Some stakeholders indicated that analysis of data appears limited
  - Some OA Civil Rights Directors indicate that last minute data requests may adversely impact DOCR'S credibility, particularly when DOCR already has the requested data
  - Overall perception that DOCR is not using data received from the OA Civil Rights Directors strategically

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Operations

Efficient and Effective Processes

- Strengths
  - Communication within some divisions is effective (Compliance Operations; IT/Business Operations; Policy, Education and Quality Control)
  - Some noted that their Associate Director provides necessary information to do their job and keeps them apprised of upcoming activities
  - Staff and stakeholders reported DOCR processes Title VII complaints effectively
  - Staff and stakeholders generally indicated that Compliance Operations is managed effectively
  - Some stakeholders recognized DOCR for making solid certification appeal decisions

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Operations (Continued)

Efficient and Effective Processes

- Opportunities
  - Employees expressed concerns about the flow of information (vertically and horizontally)
    - Employees noted that last minute requests and vague directions were common
    - Some employees noted the absence of a newsletter and public recognition
    - A few employees indicated that IT requests and their processes could be improved
  - Employees in all divisions within DOCR noted that communicating decisions and direction could be improved
  - Many staff and stakeholders indicate a lack of understanding of DOCR structure and roles and responsibilities of other divisions
  - Some expressed concerns about the lack of collaboration due to the structure and limited interaction across divisions
  - Some are concerned that the workload is not balanced between all people/divisions

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Operations (Continued)

Efficient and Effective Processes

- Opportunities (Continued)
  - Some stakeholders noted that DOCR is not forthcoming with information
  - Stakeholders voiced concerns regarding inconsistent communication across DOCR
  - Some stakeholders are unsure of the roles and responsibilities of DOCR staff (i.e., who are the SMEs for particular programs)
  - Remote staff have unique challenges
    - Most indicated the desire for more relevant communications
    - Some remote investigators think they spend too much time doing clerical work
    - Some not located at headquarters indicate having system issues
    - Some investigators noted that bundling of complaints created challenges for meeting required timeframes

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Operations (Continued)

Employee Engagement

- Strengths
  - Many employees are passionate about civil rights and what they do for the Department/their customers
  - Most employees are proud of the work they do
  - Many expressed a desire to learn and develop professionally
  - Some feel positively about the division in which they work
- Opportunities
  - While most noted that the workplace was diverse, employees perceived divisions and a lack of inclusion across grades, gender and race/ethnicity (i.e., differences are not valued)
    - Some perceive there is favoritism
    - Some indicate inconsistent treatment
  - Some indicated strained relationships between staff and upper management

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Operations (Continued)

Management Effectiveness

- Strengths
  - Some employees like their immediate supervisor
  - Some staff, particularly those who had had more opportunities to interact with the Director, appreciated her collaborative leadership style

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Operations (Continued)

Management Effectiveness

- Opportunities
  - Most employees and management expressed concerns with leadership
  - Employees and management expressed problems with both the Director's and Deputy Director's leadership styles
  - Some stakeholders and a few DOCR staff indicated problems with the Associate Director for S-32 and the Executive Advisor's leadership styles
  - Some report that leadership (Associate Directors, Deputy, and Director) do not operate as a leadership team
    - Indicate a lack of consultation in decision making
    - Sense that the management team may not be inclusive
    - Limited collaboration across Associate Directors (ADs)
  - Some expressed that senior leaders (Deputy and Director) are disconnected from the staff
    - A few indicated they do not have a relationship with the leaders outside their division
  - Some perceive the management does not understand job functions nor the level of effort required to do staff jobs
  - Some think the Executive Advisor position may add an unnecessary additional layer
  - Some staff suggested that leadership (ADs and above) could encourage more collaboration within DOCR and between DOCR and its stakeholders

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Oversight

Develop Educational Materials

- Strengths
  - Many indicated that DOCR provided high caliber civil rights/EEO training
  - Some indicated that EEO final agency decisions are rarely overturned
  - Stakeholders indicated that the training division was proactive, collaborative and provided good training
- Opportunities
  - Some indicated DOCR could increase its credibility by demonstrating more expertise in the range of topics for which it is responsible

Maintain Regulatory Oversight

- Opportunities
  - Some stakeholders observed that DOCR may not leverage the full scope and extent of its authority
  - OA Civil Rights Directors felt that the scorecard was ineffective and tedious
  - Most stakeholders indicated there is an opportunity for more collaboration between DOCR and their organizations (e.g., become more of strategic partner rather than watchdog)

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IV. ASSESSMENT REPORT QUESTIONS

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Assessment Questions

DOCR Management and Staff Questions

1. What division do you work for?
2. Are you a manager or supervisor?
3. What are the priorities for DOCR?
4. How well are the services and processes aligned to support DOCR's objectives?
5. What are the top three things the DOCR does well?
6. What are the top three things your division does well?
7. What are three areas for improvement in the DOCR?
8. What are three areas for improvement in your division?
9. In general, is the work environment inclusive around gender, race, ethnicity, national origin, are and communication styles?
10. What would help build a more collaborative environment?
11. What types of communication (town halls, brown bag lunches, email, etc.) are the most effective for you? What types are least effective?
12. Are you held accountable for meeting performance goals?
13. Without providing names, do you think others are held accountable for meeting their performance goals?
14. In an average week, approximately what percentage of your time is spent on each of the following work activities:
    - Process/Program Management
    - Personnel Management
    - External Stakeholder Support
    - Career Development
    - Administrative Activities
    - Other
15. Do you have the resources (e.g., tools, technology, processes, information, team members, management, training) to do your job well? What are areas for improvement?
16. (Staff only) What does the management team do effectively? What are areas for improvement?
17. How well is the organization structured to meet its objectives? What changes would you make, if any?
18. When you take into consideration current priorities and long term goals, what are your pain points from a human capital perspective?
19. If you could change one thing about the DOCR, what would it be?

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Assessment Questions (Continued)

Management Only Questions

20. What are the greatest challenges and priorities for DOCR?
21. What challenges do you confront when coordinating work with other organizations within DOT?
22. What do you view as opportunities for improvement within DOCR?
23. What do you view as opportunities for improvement in servicing your customers?
24. On a scale of one to five, rate the importance of each of the following activities to making your workload more manageable:
    a. Resources
    b. Information
    c. Administrative Support
    d. Technology
    e. Increased Collaboration

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Assessment Questions (Continued)

Civil Rights Director Questions

1. Office
2. How often do you interface with the DOCR?
3. How well are DOCR's services and processes aligned to support your office's objectives?
4. Would you view DOCR as proactive or reactive? Why?
5. Do you feel that DOCR supports your office effectively? Why?
6. What are things the DOCR does well?
7. In what areas could the DOCR improve?
8. What are your pain points from an equal opportunity/civil rights perspective? In what ways could DOCR assist you in addressing these pain points?
9. Does **your office** have the resources (e.g., tools, technology, processes, information, team members, management, training) to do its job well? What are areas for improvement?
10. How well is **DOCR structured** to meet its objectives? What changes would you make, if any?
11. How well is **your office** structured to meet its objectives? What changes would you make, if any?
12. What changes would you make to the relationship between DOCR and your office, if any?

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Assessment Questions (Continued)

Stakeholder Questions

1. Office
2. Please help us understand your organization and how it interfaces with DOCR.
3. From your vantage point, what is the strategic direction of DOCR?
4. What are things the DOCR does well?
5. In what areas could the DOCR improve?
6. To what extent do you view DOCR as a strategic business partner?
   - To what extent do you view DOCR and its staff as experts in Civil Rights?
   - If not viewed as experts, what would DOCR need to do to demonstrate its expertise in civil rights?
7. [Optional Probe] Would you view DOCR as proactive or reactive? Why?
8. [Optional] What are some of the challenges your organization faces related to EEO/civil rights? In what ways could DOCR assist you in addressing these challenges?

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V. COMPARATIVE ANALYSIS REPORT

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Benchmarking Objectives

- To identify trends and leading practices of federal Civil Rights offices that DOCR can leverage to improve operations and the ability to meet its mission
- Approach
  - Review publically available information on benchmarking organizations, such as mission statements, functional requirements, organizational charts and other relevant information
  - Interview benchmarking organization representatives
  - Develop report documenting findings and providing recommendations

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Methodology

Define Activity

* Define the key activity under study
* Prioritize aspects of the activity to benchmark

Goal: *Define details and prioritized aspects of activity*

Define Peer Group

* Define criteria to identify peer group
* Evaluate relevant organizations against criteria
* Develop list of recommended benchmarks

Goal: *Identify logical peer groups for which benchmarking data will be relevant for the Departmental Office of Civil Rights*

Research & Analysis

* Conduct research related to the research subject
* Identify gaps in the data
* Analyze data for trends, similarities and differences

Goal: *Deepen understanding of topic, fill in knowledge gaps, and identify best practices*

Deliver Results

* Deliver results to the stakeholders
* Demonstrate how results relate to the stakeholders
* Develop results into actionable strategies for the stakeholders

Goal: *Present results to DOT leadership and plan actions to address results*

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Methodology
Define Activity

- LinkVisum collaborated with DOT leadership and identified the following topics for the benchmarking research:
  - Mission
  - Structure
  - Strategy
  - Metrics
  - Processes/Operations
- Questions to answer during research are listed on the following slide

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Methodology
Define Activity (Continued)

- Mission
  - What is your organization's mission?
  - Does your organization oversee/enforce external equal employment opportunity (EEO)/civil rights/labor regulation and law?
  - What obstacles do you face with implementing your mission internally and externally?
- Structure
  - How well are your services and processes aligned to support your agency's objectives?
  - Where does your organization report into?
  - How is the organization structured (e.g., what are the divisions/units)?
  - How many personnel are in the organization?
  - What is the ratio of Civil Rights staff to agency staff?
- Strategy
  - How are long term or strategic investment decisions made and implemented in your organization?
- Metrics
  - What metrics are used to measure effectiveness? Quality of work? To gauge success?
- Processes/Operations
  - What are the primary functions performed?
  - What is your organization doing well?
  - What are the primary challenges the organization faces? How is the organization working to overcome them?
  - What would you consider best practices that your organizations uses or has implemented recently?
  - To what extent is technology used to support your mission?
  - How do you track case load management?
  - How are the activities performed in your organization communicated to senior leadership in your agency?

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Methodology
Define Peer Group

- LinkVisum and DOT leadership identified 3 organizations on which to conduct research:
  - Department of Commerce (DOC) Office of Civil Rights (OCR)
  - Department of Health and Human Services (HHS) Office for Civil Rights
  - Department of Treasury Office of Civil Rights and Diversity (OCRD)
- LinkVisum staff reached out to representatives at each organization to address questions that could not be answered via public information research
- Note that answers provided by agencies representatives may not reflect the view of the entire organization

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Benchmarking Summary

	DOT DOCR	DOC OCR	HHS OCR	Treasury OCRD
Organizational Focus	EEO/Civil Rights	EEO/Civil Rights	External Civil Rights Only	EEO/Civil Rights
Reporting Relationship	Office of the Secretary	Office of the Chief Financial Officer/Assistant Secretary for Administration	Office of the Secretary	Office of Human Capital Strategic Management
Senior Leadership	Director (Appointee) Deputy Director Executive Advisor 6 Assistant Directors	Director (Career) Deputy Director Chief Investigator	Director (Appointee) 4 Deputy Directors Chief of Staff	Director (Career) 3 Program Managers
Agency Budget	$77B	$8.8B	$940.9B	$15B
Agency FTEs	58,622 FTEs	42,931 FTEs	76,341 FTEs	112,309 FTEs
Office of Civil Rights Budget	$9.6M	$2.9M	$38.8M	Not Available
OCR FTEs	53 FTES	13 FTEs	198 FTEs	15 FTEs

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Benchmarking Summary (Continued)

	DOT DOCR	DOC OCR	HHS OCR	Treasury OCRD
Divisions	1. EEO Programs 2. External Civil Rights Programs 3. Compliance Operations 4. Policy, Education, & Quality Control 5. Complaints Adjudication & Program Evaluation 6. IT & Business Operations	1. Policy 2. Program Implementation	1. Civil Rights 2. Enforcement & Regional Operations 3. Health Information Privacy 4. Planning and Business Administration	1. Civil Rights 2. Complaint Operations 3. Equal Employment
Headquarters-OA Relationship	Oversight	Limited	Limited	Oversight
Headquarters Responsibility	Formal Complaints Policy guidance	Formal Complaints	Civil Rights	Formal Complaints
OA Responsibility	Informal Complaints	Informal Complaints	EEO	Informal Complaints

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Key Benchmarking Findings (Continued)

- Relationship between headquarters and operating administrations (OAs)
  - Similar to DOT, the three civil rights offices have a headquarters organization and distinct civil rights offices in their OAs/ bureaus/divisions; however, roles and responsibilities between headquarters and OA civil rights offices vary
  - While all of the OA/bureau/division civil rights offices are currently independent from their headquarters civil rights office, DOC is planning on integrating the offices under one umbrella organization
- Reporting structure
  - One office reports directly to the Office of the Secretary (HHS)
  - Two offices report into the Administration function
- Office size
  - HHS OCR has the largest office with 198 FTEs; their focus is only external civil rights, and with a $960.1B budget for HHS, they have a large number of federal financial assistance recipients
  - DOC OCR and Treasury OCRD have relatively small offices with 13 and 15 FTEs; their focus is primarily on formal investigations

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Key Benchmarking Findings (Continued)

- Relationships to agency's Office of the General Counsel
  - HHS has legal counsel who reports to the Office of the General Counsel as well as ("dotted line") to the Director
- Technology to support the OCR functions
  - HHS OCR uses a web-based portal for HIPAA and Civil Rights complaints
  - Treasury OCRD leverages HR Connect for additional workforce analytics capabilities for internal EEO analysis

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VI. COMPARATIVE ANALYSIS REPORT DETAILED FINDINGS

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Findings: Department of Commerce (DOC) Office of Civil Rights (OCR)

U.S. Department of Transportation

Agency	Department of Commerce	**Agency Size**	42,931 FTEs/ $8.8B
Office	Office of Civil Rights	**OCR Size**	13 FTEs/ $2.9M
Purpose/Mission	*Office of Civil Rights (OCR) works to ensure equal opportunity and accessibility for users of programs and services operated or funded by the Department; and equal employment opportunity for Commerce employees and job applicants*		
Reporting Relationship	• Office of the Chief Financial Officer/Assistant Secretary for Administration		
Senior Leadership	• Director • Deputy Director • Chief Investigator		
Divisions	• Departmental Policy & Evaluation Division • Program Implementation Division		
Headquarters Responsibility	• Formal complaints		
OA Responsibility	• Informal complaints		

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Findings: DOC OCR Structure

- DOC OCR conducts the formal investigations; each bureau has its own Civil Rights office which handles informal investigations, manages its own separate EEO programs and reports to its bureau leadership
- Our contact indicated that there is limited communications between OCR and bureau Civil Rights offices, however the current structure enables the office to provide the required services
- There is movement within the Office of the CFO/ASA to consolidate offices (e.g., one umbrella Civil Rights organization versus headquarters and independent bureau Civil Rights offices), however this appears to be a longer term effort. They are beginning the consolidation efforts with Human Resources offices.

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Findings: DOC
Policy and Evaluation Division Responsibilities

U.S. Department of Transportation

- Develop policies, guidelines, and procedures for implementing, monitoring, and enforcing and assessing Departmental compliance
- Prepare Department affirmative employment program plans
- Plan, implement, monitor and evaluate the Department's affirmative employment program efforts and provide guidance and technical assistance
- Establish and maintain EEO data systems
- Provide guidance, assistance and aid to promote equal opportunity training
- Ensure compliance in affirmative employment activities
- Develop appropriate Department Administrative Orders, Civil Rights Bulletins, and other policy issuances
- Develop policy and administer a program for implementing civil rights programs
- Provide technical assistance to Departmental offices and operating unit EEO managers
- Develop policy and administer a program for implementing Alternate Dispute Resolution (ADR)
- Manage the Department's Persons with Disabilities Program
- Provide staff support to the Department Diversity Council and serves as a liaison to the Office of Human Resources Management

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Findings: DOC
Program Implementation Division Responsibilities

U.S. Department of Transportation

- Responsible for Departmental compliance
- Provide EEO counseling and mediation services
- Carry out information and awareness activities
- Establish and maintain a uniform Departmental EEO complaint processing system
- Review the qualifications of persons nominated by Departmental offices and operating units to be designated EEO Officer and make recommendations to the Director of Civil Rights.
- Review and monitor Department offices and operating units' EEO complaint programs and advise the Director of Civil Rights of noncompliance
- Prepare Final Agency Decisions on EEO complaints for the Director's signature and process appeals of Final Agency Decisions
- Serve as focal point for the Office's coordination with the Departmental Office of the General Counsel
- Carry out information and awareness activities concerning civil rights training initiating and promoting program activities for EEO groups
- Manage the Hispanic Employment Program, and Minority Service Institutions Program

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Findings: DOC
OCR Metrics and Processes/Operations

- Metrics
  - OCR has goals for processing complaints; our contact was unsure of whether the policy division has established specific targets
  - Similar to other EEO organizations, OCR compiles and analyzes Departmental workforce and No FEAR data
- Processes/Operations
  - Our contact indicated that the claims process works well, there is no backlog and processing is within the boundaries of applicable laws/regulations
  - One unique challenge OCR faces is that every 10 years, they open a separate office for the Census operations
  - OCR uses iComplaint, and our contact indicated that data entry and 462 reporting work fine, however ad hoc reporting and other capabilities are limited
  - Communication with senior leadership is primarily peer to peer (e.g., SES to SES, GS-15 to GS-15)

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Findings: Department of Health and Human Services (HHS) Office for Civil Rights

U.S. Department of Transportation

Agency	Department of Health and Human Services	**Agency Size**	76,341 FTEs/ $940.9B
Office	Office for Civil Rights (OCR)	**OCR Size**	198 FTEs/ $38.8M
Purpose/Mission	*As the Department's civil rights and health privacy rights law enforcement agency, OCR investigates complaints, enforces rights, and promulgates regulations, develops policy and provides technical assistance and public education to ensure understanding of and compliance with non-discrimination and health information privacy laws*		
Reporting Relationship	• Office of the Secretary		
Senior Leadership	• Director • 4 Deputy Directors • Chief of Staff		
Divisions	• Civil Rights Division • Enforcement & Regional Operations • Health Information Privacy Division • Planning & Business Administration Management		
Headquarters Responsibility	• External civil rights		
OA Responsibility	• Internal EEO		

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Findings: HHS OCR Mission

- OCR Vision: *Through investigations, voluntary dispute resolution, enforcement, technical assistance, policy development and information services, OCR will protect the civil rights of all individuals who are subject to discrimination in health and human services programs and protect the health information privacy rights of consumers.*
- Our contact indicated that OCR faces similar challenges in carrying out its mission as any federal civil rights organization, such as:
  - Providing detailed training on investigative strategies and applicable areas of law
  - Continuously improving policies and procedures
  - Limited external enforcement options (e.g., removing federal funding); for a small entities, it is not a problem, however for large entities such as an entire state or hospital system, it would be
  - Efficiency is not a priority and numerous layers of reviews and approvals
  - Communications are done through email and not a modern system/portal

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Findings: HHS OCR Structure

- OCR management includes a Director, Chief of Staff, and Deputy Directors managing Civil Rights, Enforcement & Regional Operations, Health Information Privacy, and Planning & Business Administration Management divisions; there are 10 regional offices, each led by a manager
- OCR consists of four divisions:
  - Civil Rights Division: Investigates complaints, conducts compliance reviews of covered entities, provides technical assistance to covered entities, and conducts outreach nationwide
  - Enforcement & Regional Operations: enforces civil rights laws that apply to recipients of Federal financial assistance from the HHS, Federal Health Care Provider Conscience Protection statutes and Title II of the Americans with Disabilities Act as it applies to state and local government health and social service agencies
  - Health Information Privacy Division: enforces the HIPAA Privacy Rule, the HIPAA Security Rule, the HIPAA Breach Notification Rule, and the confidentiality provisions of the Patient Safety Rule
  - Planning & Business Administration Management: includes budget, human resources, information technology and executive secretariat (agency clearance requests, correspondence, FOIA) sections

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Findings: HHS
OCR Structure (Continued)

- OCR centralized some functions within Enforcement & Regional Operations to enable the regions to focus more on investigations:
  - In 2012, implemented a Customer Response Center (CRC) which centralizes the case intake function and offers a nation-wide bilingual (Spanish) capability to receive complaints by phone, mail, fax, and web and interact with complainants to educate and advise them on HIPAA, civil rights laws and OCR's intake and investigation processes
  - Central Intake Unit evaluates, triages, and distributes cases and allows for early intervention to facilitate resolution and prevent escalation
- The Associate General Counsel for the Civil Rights Division reports to the General Counsel as well as ("dotted line") reports to the OCR Director
- OCR has an Equal Opportunity Specialists (EOS) Academy focused on providing training to improve staff investigative skills
- OCR only handles external civil rights (federal financial assistance), mostly Title VI, 504, ADA as well as ADA Title II for state and local governments and Section 1557 of the Affordable Care Act; EEO offices in the Divisions focus solely on internal EEO management
- Our contact indicated that the role between headquarters and the regions is not clear, however they accomplish what is required

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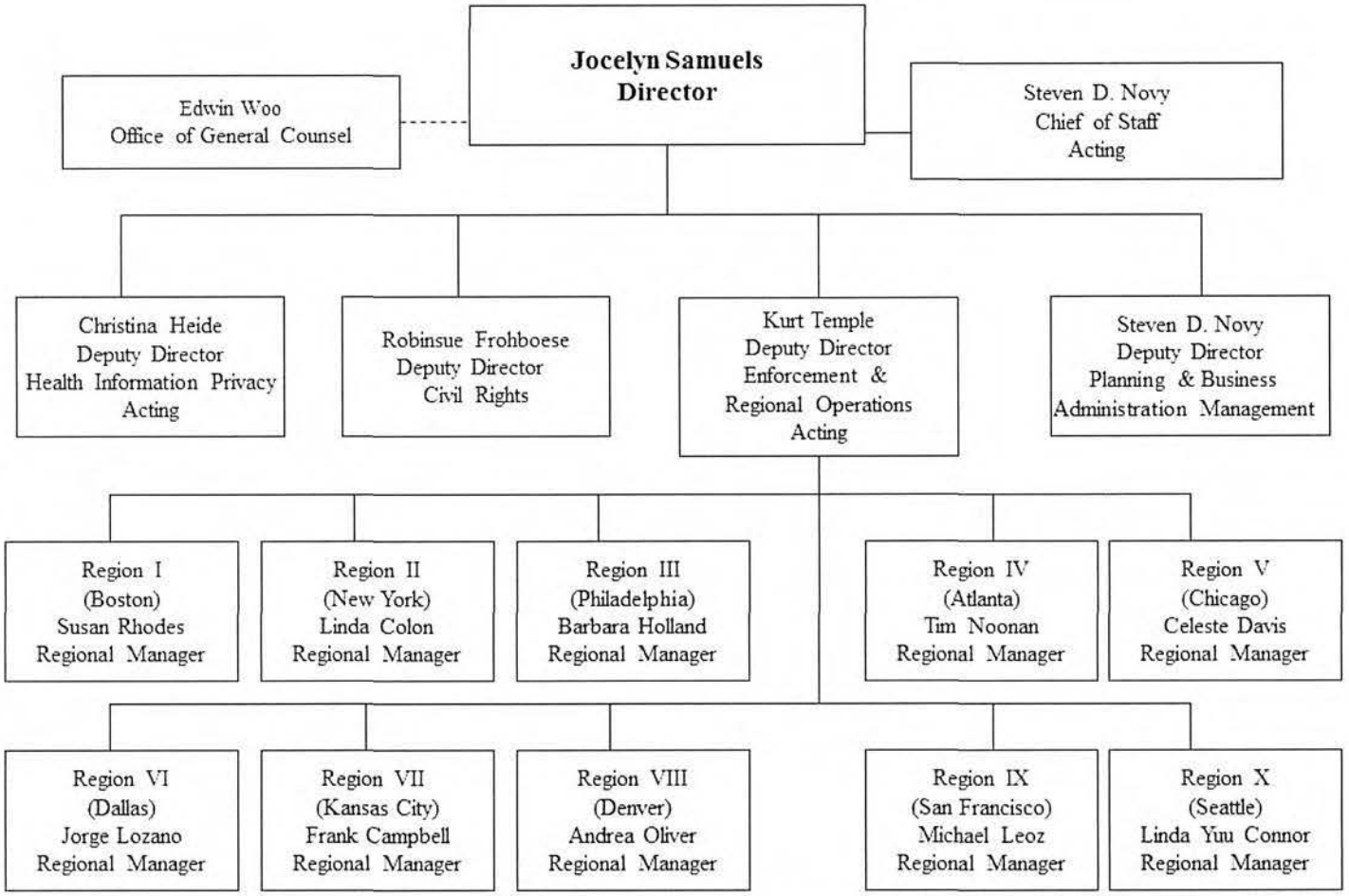
Findings: HHS
OCR Organization Chart

Office for Civil Rights



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Findings: HHS OCR Metrics

- OCR has defined targets for numerous metrics in its Congressional Budget Justification:

Measure	Year and Most Recent Result /Target for Recent Result (Summary of Result)	FY 2014 President's Budget	FY 2015 Request	FY 2015 +/- FY 2014
1.1.1 # Covered Entities taking corrective action as a result of OCR intervention / year (Outcome)	FY 2013: 5,292 Target: 5,900 (Target Not Met)	5900	5900	Maintain
1.1.2 # Covered Entities making substantive policy changes as a result of OCR intervention / year (Outcome)result of OCR intervention / year (Outcome)	FY 2013: 439 Target: 2,800 (Target Not Met)	3600	1000	-2600
1.1.3A % of closure for civil rights cases / cases received each year (Outcome)	FY 2013: 98% Target: 91% (Target Exceeded)	86%	90%	+4%
1.1.3B % of closure for health information privacy cases / cases received each year (Outcome)	FY 2013: 85% Target: 55% (Target Exceeded)	66%	66%	Maintain
1.1.3C% of closure for Medicare application review / reviews received each year (Output)	FY 2013: 92% Target: 90% (Target Exceeded)	90%	90%	Maintain
1.1.4 % CR cases and MED application reviews resolved per received per year	FY 2013: 98% Target: 92% (Target Exceeded)	92%	92%	Maintain

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Findings: HHS
OCR Metrics (Continued)

Measure	Year and Most Recent Result /Target for Recent Result (Summary of Result)	FY 2014 President's Budget	FY 2015 Request	FY 2015 +/- FY 2014
1.1.6 # individuals whom OCR provides information and training annually (Output)	FY 2013: 213,500 Target: 213,500 (Target Met)	213,500	213,500	Maintain
1.1.7 % of civil rights complaints requiring formal investigation resolved within 365 days (Output)	FY 2013: 45% Target: 42% (Target Exceeded)	52%	41%	-11%
1.1.8 % of civil rights complaints not requiring formal investigation resolved within 180 days (Output)	FY 2013: 88% Target: 83% (Target Exceeded)	100%	80%	-20%
1.1.9 % of health information privacy complaints requiring formal investigation resolved within 365 days (Output)	FY 2013: 68% Target: 55% (Target Exceeded)	65%	68%	3%
1.1.10 % of health information privacy complaints not requiring formal investigation resolved within 180 days (Output)	FY 2013: 86% Target: 75% (Target Exceeded)	100%	72%	-28%

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Findings: HHS
OCR Processes/Operations

- Our contact indicated that OCR has a very effective process for providing civil rights input on new HHS policies
- One of the primary challenges OCR faces is with staffing, as headcount has not risen with increases in work volume
- OCR transitioned from a paper-based process to an on-line web portal for filing HIPAA and civil rights complaints; they have seen complaints double with this customer-friendly and expedient method

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Findings: Department of Treasury Office of Civil Rights and Diversity

U.S. Department of Transportation

Agency	Department of Treasury	**Agency Size**	112,309 FTEs $15B
Office	Office of Civil Rights and Diversity (OCRD)	**OCR Size**	15 FTEs
Purpose/Mission	*OCRD is responsible for ensuring the recruitment and retention of a well-qualified diverse workforce to meet the current and emerging mission related needs of the Department; the Department's Equal Employment Opportunity Programs are model programs; and that any program or activity that receives Treasury federal financial assistance meets the non-discrimination requirements*		
Reporting Relationship	• Office of Human Capital Strategic Management		
Senior Leadership	• Director • 3 Managers/Program Managers		
Divisions	• Complaint Operations • Civil Rights Programs • Equal Employment Programs		
Headquarters Responsibility	• Formal complaints		
OA Responsibility	• Informal complaints		

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Findings: Treasury OCRD Mission

- Our contact indicated that the obstacles OCRD faces in achieving its mission are not unique to any federal agency:
  - Resources: would like additional specialists
  - Funding
  - Lengthy timeframes for implementing external civil rights policies, and additional approved policies are needed; however, internal EEO does have the required policies

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Findings: Treasury OCRD Structure

- OCRD currently reports to the Office of Human Capital Strategic Management, however there are plans to have it report directly to the Assistant Secretary for Management
- Leadership includes a Director, Compliant Operations Manager, Civil Rights Program Manager and Equal Employment Program Manager
- OCRD consists of three divisions:
  - Compliant Operations: internal EEO
  - Civil Rights Programs: external civil rights
  - Equal Employment Programs: all others programs, including Disability, MD-715, Veterans employment, Hispanic employment, etc.
- OCRD oversees the bureau civil rights offices, conducts audits, and review and provides input on their operations; bureau offices conduct the informal investigations and OCRD conducts formal investigations

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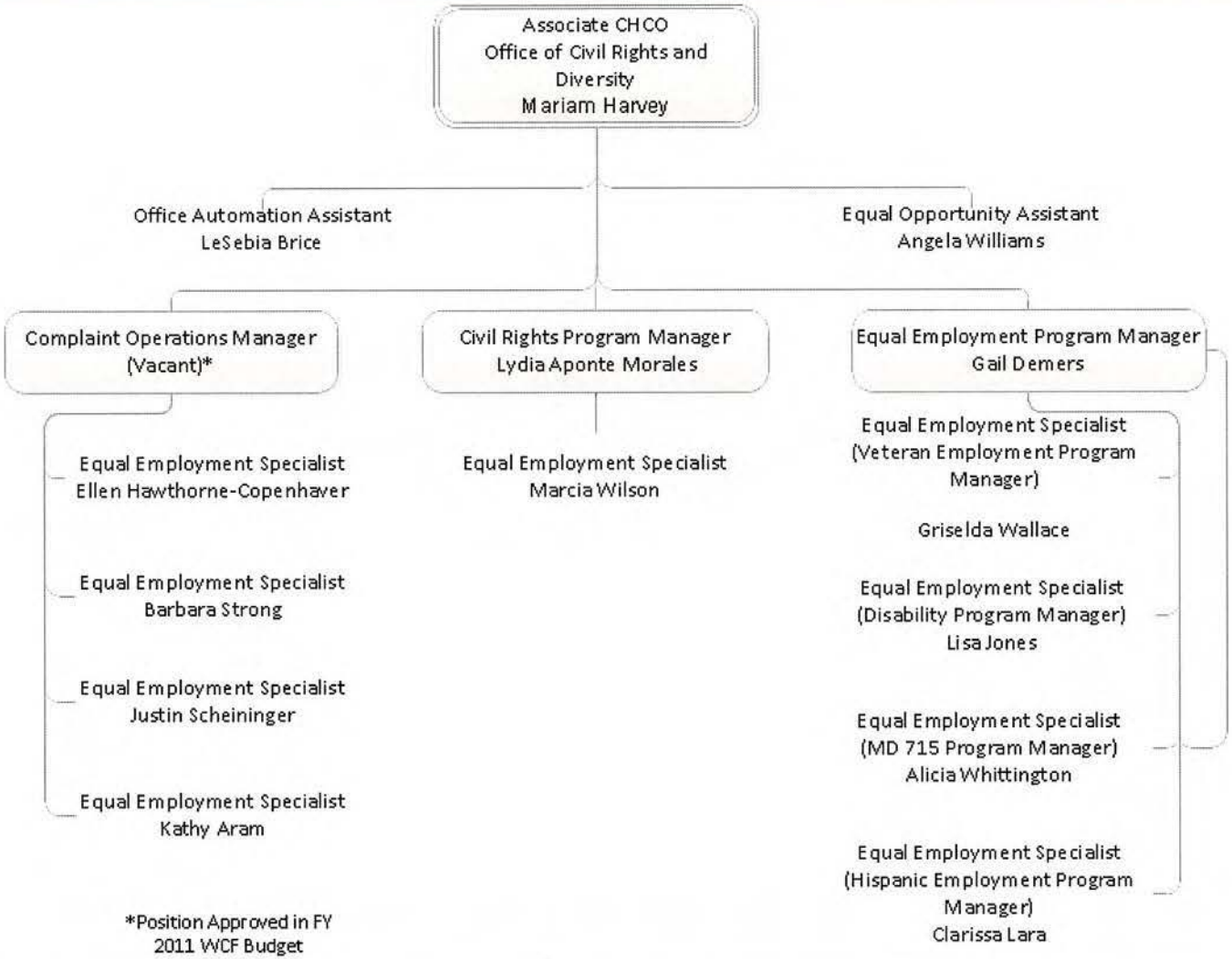
Findings: Treasury
OCRD Organization Chart



*Position Approved in FY 2011 WCF Budget

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Findings: Treasury
Strategy, Metrics and Processes/Operations

- Strategy
  - Long-term strategic investment decisions are made by the Director, in consultation with the budget committee and Deputy Assistant Secretary for Human Resources/Chief Human Capital Officer
- Metrics
  - OCRD gains customer satisfaction feedback by providing a survey link in emails
  - Additionally, the Director seeks feedback from their customers and stakeholders
- Processes/Operations
  - Our contact indicated they have an effective process for completing the MD-715 report
  - In addition to iComplaint, HR Connect provides a useful workforce analytics tool
  - Leadership in the bureaus comes to OCRD for advice, and OCRD provides regular briefings on diversity

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