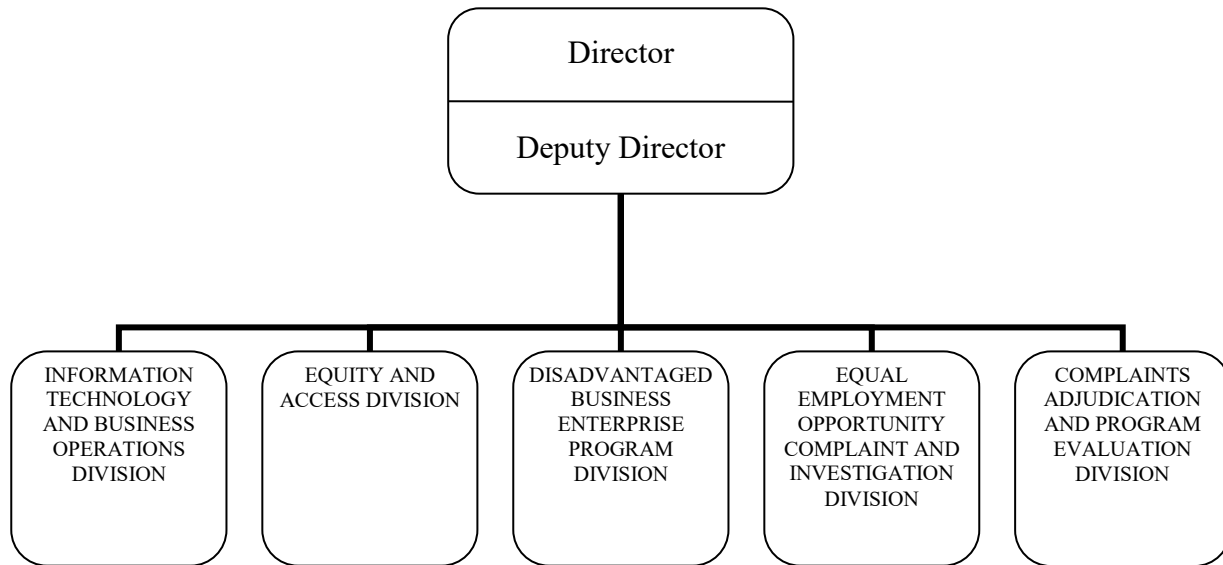


Subject: ORGANIZATION MANUAL, DEPARTMENTAL OFFICE OF CIVIL RIGHTS

1. PURPOSE. This Order updates and prescribes the organization, mission, and functions of the Departmental Office of Civil Rights.
2. CANCELLATION. DOT 1101.62B, Departmental Office of Civil Rights Organizational Manual, dated September 27, 2016.
3. BACKGROUND. The Departmental Office of Civil Rights (DOCR) was established by 49 C.F.R. § 1.40, which states that DOCR serves as the Department's Equal Employment Opportunity Officer and coordinator for Title VI of the Civil Rights Act of 1965.
4. EXPLANATION OF CHANGES.
 - a. The Equity and Access Division and Policy, Education and Outreach Division, have been combined under the Equity and Access Division to more accurately reflect the roles performed and the structure of DOCR.
 - b. The functions of each division have been updated to more accurately reflect the division's responsibilities.
5. MISSION. To serve as the Department of Transportation's (DOT) Equal Employment Opportunity (EEO) Officer and Title VI Coordinator. To provide guidance to Operating Administrations (OAs) and Secretarial Offices on civil rights and nondiscrimination statutes, regulations, and Executive Orders applicable to the Department, including Titles VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Age Discrimination Act of 1975, as amended, section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, the Equal Pay Act of 1963, the ADA Amendments Act of 2008, and the Genetic Information Nondiscrimination Act of 2008. To review and evaluate OA civil rights programs to ensure that recipients of financial assistance meet applicable Federal civil rights requirements.
6. FUNCTION. DOCR provides civil rights operations, services, oversight, and guidance for the Office of the Secretary (OST) and other designated DOT organizations. DOCR oversees the Department's Disadvantaged Business Enterprise program, external civil rights program, affirmative equal employment programs, and EEO complaint processing.

7. ORGANIZATION.

Departmental Office of Civil Rights Organization Chart



a. Director

- 1) Mission. The Director provides leadership, direction, and guidance to implement DOT's civil rights responsibilities and exercises executive direction over the following organizational elements:
 - a) Information Technology and Business Operations Division;
 - b) Equity and Access Division;
 - c) Disadvantaged Business Enterprise Program Division;
 - d) Equal Employment Opportunity Complaint and Investigation Division; and
 - e) Complaints Adjudication and Program Evaluation Division.
- 2) Functions. Under the executive direction of the Secretary of Transportation, the Director of DOCR:
 - a) Serves as the principal advisor to the Secretary, Deputy Secretary, Secretarial Officers, Heads of Operating Administrations (OAs) and other senior-level DOT officials on matters pertaining to compliance with civil rights laws and other authorities for which it is responsible and reviews and evaluates the enforcement of these authorities by the OAs;
 - b) Represents DOT and serves as primary liaison with external and internal constituencies, groups/organizations, and customers concerning civil rights and EEO matters;

- c) Provides leadership, advice, guidance, and technical assistance to the civil rights staff within DOT's OAs; and,
- d) Provides departmental oversight, coordination, and implementation of White House educational initiatives concerning Minority Serving Institutions.

b. Deputy Director

- 1) Mission. The Deputy Director provides advice and support to the Director, and leadership to civil rights staff to administer DOT's civil rights programs.
- 2) Functions. Under the executive direction of the Director of DOCR, the Deputy Director:
 - a) Serves as primary advisor to the Director on civil rights policies, programs, and operational matters;
 - b) Provides operational leadership and direction to the DOCR management team and other DOT civil rights staff in carrying out their responsibilities; and,
 - c) Serves as Acting Director in the absence of a director.

c. Information Technology and Business Operations Division

- 1) Mission. To provide information technology (IT) and business operations support for DOCR offices, programs, and activities.
- 2) Functions. Under the executive direction of the Director and the Deputy Director, the Information Technology and Business Operations Division:
 - a) Administers DOCR's financial, budget, and accounting programs to ensure that budgets are formulated, justified, and executed, as defined by Federal statutes and regulations;
 - b) Develops, designs, and manages DOT's civil rights integrated, multi-party applications and databases to support civil rights practitioners, partners, and stakeholders. This includes ensuring that systems comply with Federal security and reporting requirements, and assisting in the development of requirements, maintenance, and dissemination of data through new and existing information and telecommunications systems;
 - c) Provides oversight of DOCR's essential administrative and logistical support services in the areas of records retention, facilities and space management, office equipment, acquisition services, and contract management to ensure that DOCR practices are aligned with applicable statutes, regulations, and policies;
 - d) Coordinates human capital initiatives to ensure that DOCR recruits, hires, trains, promotes, and retains qualified employees in its workforce; and,
 - e) Ensures that DOCR's financial, administrative, IT, and other management practices comply with applicable policies, regulations, and statutes.

d. Equity and Access Division

- 1) Mission. To develop programs, provide guidance, and advance strategies to achieve equal opportunity in internal and external activities.
- 2) Functions. Under the executive direction of the Director and the Deputy Director, the Equity and Access Division:
 - a) Develops programs and provides guidance and oversight on how DOT provides equal opportunities in its workforce and in programs and activities financed by DOT;
 - b) Advises DOT offices and leadership to ensure that civil rights principles are integrated in DOT's mission and activities;
 - c) Identifies and prioritizes key equity and access issues and develops programs and strategies based on those priorities;
 - d) Works with the Departmental Office of Human Resources, the Office of the General Counsel (OGC), DOT leaders, and DOT's OAs on ensuring Departmental programs, policies and activities comply with civil rights, equity, and access principles;
 - e) Maintains a deep knowledge and monitors key developments in civil rights law, policy, and best practices, and understands key issues that drive opportunity and access;
 - f) Champions access around indirect and IT-related procurement;
 - g) Plays a critical role in designing, developing, and overseeing internal and external policies, procedures, and guidelines for civil rights related programs and activities, pertaining to:
 - i. Americans with Disabilities Act of 1990
 - ii. Sections 504 and 508 of the Rehabilitation Act of 1973
 - iii. Title VI and Title VII of the Civil Rights Act of 1964
 - iv. Age Discrimination in Employment Act of 1967
 - v. Environmental Justice (E.O. 12898)
 - vi. Limited English Proficiency (E.O. 13166)
 - h) Reviews, coordinates, and manages DOCR incoming and outgoing correspondence, including regulations, Federal Register submissions, responses to legislative initiatives, statutory requirements, executive orders, reports, and administrative policy and guidance;
 - i) Conducts comprehensive research and develops impact statements and position papers on complex civil rights matters and related issues;
 - j) Participates in various intra- and inter-agency teams by providing leadership and critical thinking to civil rights and transportation matters, including the formation of policy;
 - k) Actively develops and disseminates compliance policies that will ensure that DOT complies with EEO and access laws;
 - l) Prepares periodic reports on Departmental Civil Rights Activities, including:

- i. Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Report;
 - ii. EEO Program Status (MD-715) Report;
 - iii. Age Act Report;
 - iv. Report and Plan on Agency Actions to Assist Historically Black Colleges and Universities;
- m) Communicates and socializes civil rights policies, guidelines, and procedures throughout the Department;
- n) Reviews and makes decisions pertaining to the acceptance and referral of external civil rights complaints by private parties;
- o) Provides information to members of the public about ADA and Title VI requirements; and,
- p) Collects, analyzes, and summarizes data related to civil rights program functions to evaluate effectiveness of Departmental efforts and activities to improve workforce diversity and prevent discrimination and harassment.

e. Disadvantaged Business Enterprise Program Division

- 1) Mission. To create a level playing field on which small businesses can compete fairly for DOT-assisted contracts.
- 2) Functions. The division is the lead office in OST for the Disadvantaged Business Enterprise (DBE) program. The division collaborates with OGC, OA civil rights staff, and the Office of Small and Disadvantaged Business Utilization (OSDBU). Under the executive direction of the Director and the Deputy Director, the DBE Program Division:
 - a) Coordinates the Department's oversight of the DBE program, provides guidance to the OAs regarding their oversight and compliance responsibilities, and assesses the effectiveness of their efforts;
 - b) Establishes program compliance priorities and strategies to focus OA efforts and resources to address national or regional DBE requirements, problems, and trends;
 - c) Issues final administrative decisions on DBE certification appeals filed by small businesses;
 - d) Responds to DBE-related policy questions on behalf of the Secretary;
 - e) Collects, maintains, and performs trend analysis from information submitted by the OAs and recipients, including:
 - i. Annual listing of DBEs in each state.
 - ii. Yearly and bi-annual data about the utilization of DBE firms in DOT-funded contracts.
 - iii. Compliance activities, tools, presentations, and related products.
 - f) Provides technical assistance and support to DOT funding recipients concerning the implementation and enforcement of the DBE program and their compliance responsibilities; and

- g) Manages OST's DBE website and online resources, including the Department's DBE certification ineligibility determination online database, web-based training modules, guidance issued by OGC, best practice documents, and Departmental and OA points of contact.

f. Equal Employment Opportunity Complaint and Investigation Division

- 1) Mission. To ensure Department-wide civil rights compliance with applicable laws, regulations, and guidelines with an emphasis on resolution for employees, applicants for employment, and former employees.
- 2) Functions. Under the executive direction of the Director and the Deputy Director, the Equal Employment Opportunity Complaint and Investigation Division:
 - a) Reviews and makes decisions on behalf of the agency pertaining to acceptance or dismissal of EEO complaints, final orders, and allegations of breach of settlement agreements;
 - b) Oversees and manages the workload of in-house and contract investigators;
 - c) Provides information on EEO complaint processing, compliance matters, and makes recommendations to the Director and Deputy Director, and, as appropriate, to agency officials based on the results of EEO investigations;
 - d) Coordinates and serves as liaison with the U.S. Equal Employment Opportunity Commission (EEOC) in connection with appeals of departmental EEO decisions;
 - e) Monitors implementation of the agency's settlement agreements; and,
 - f) Provides technical assistance to OA officials, complainants, and complainant representatives on the processing of Federal sector EEO complaints of discrimination.

g. Complaints Adjudication and Program Evaluation Division

- 1) Mission. To prepare final agency decisions on EEO complaints filed against DOT by employees, former employees, and applicants for employment. To conduct civil rights program evaluations.
- 2) Functions. Under the executive direction of the Director and the Deputy Director, the Complaints Adjudication and Program Evaluation Division:
 - a) Prepares FADs in accordance with 29 C.F.R. Part 1614, DOT policy, and case law;
 - b) Conducts EEO climate assessments, reviews, and investigations;
 - c) Collects, analyzes, and summarizes data related to civil rights program functions for evaluating regulatory compliance and effectiveness of activities;
 - d) Manages and provides oversight of the complaints adjudications workload and the civil rights program evaluations function; and,

- e) Provides summary data to Director and Deputy Director on matters of concern arising from the review of administrative EEO files in complaints where a finding of no discrimination is made.

Charles E. James, Sr.

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Director, Departmental Office of Civil Rights

Date: September 30, 2020