

FAX

Date: 11/28/97

Number of pages including cover sheet: 5

To:

Mary Smith

Phone:

Fax phone: (202) 456-5571

CC: 7431

From:

Joe Kennedy

OFCCP

OFFICE OF FEDERAL
CONTRACT COMPLIANCE
PROGRAMS

Phone: 202-219-9475

Fax phone: 202-219-6195

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

☐ Per your request

☐ Per our conversation

MARY Smith
202 (456 5571) FAX

**SUBJECT: INPUT REQUESTED OF DOL/OFCCP
FOR FUNDING JUSTIFICATION**

ADR:

OFCCP requires \$208,000 in additional funding for the training of its staff in the use of ADR, the use of third-party resources, and development and presentation of briefing sessions to the public on the implementation of an ADR strategy. In addition, it requires an additional 25,000 for software support to maintain monitoring systems.

Projected Costs:

\$50,000..... Staff Development
\$20,000..... Regional Seminars
\$108,000.... Pilot ADR Project
\$25,000..... Software Support

Total: \$203,000

These expenditures will allow the savings of litigation associated with processing of these cases through traditional means. Moreover, it will reduce the time associated with administrative and judicial litigation.

The use of ADR can also be viewed as an alternative means to enhance compliance. Typically, the cost of an expert for statistical testimony is \$250,000 per case. If 10% of the pilot are successful, The potential savings would be more than \$1.5 Million .

Total requested = \$203,000

Paperless Environment (Technology):

OFCCP continues to work on the development of a "paperless" environment. This is reflected in its continued efforts to institute an "annual summary", AAP Summary, so that data submitted by covered contractors are screened electronically. This AAP Summary is a part of the Deputy Assistant Secretary's Fair Enforcement Strategy. Implementation will permit cyclical reviews of the entire universe of contractors through technology and further enhance the compliance efforts by federal contractors. The additional \$4 million is consistent with the '99 Budget funding estimates (\$3.75 million). OFCCP would be able to develop the capability to use electronic data input to increase the coverage of the contractor universe from the 3-4%

levels that are currently done. Moreover, the additional funding would increase the levels of contractor compliance beyond the impact of the full scope compliance activities. This approach is consistent with OFCCP reinvention efforts and further reflects improved customer service to the public. OFCCP would increase its coverage to more than have direct input from at least one-third (1/3) of its universe by the year 2000.

OFCCP and the Department unveiled its E-laws initiative, which is an interactive Equal Employment Opportunity Advisor. This new services provides Federal contractors and subcontractors with compliance information on the three EEO laws administered by OFCCP. With the additional funding, OFCCP can further develop the web-site to provide direct technical assistance to contractors who do not benefit directly from OFCCP site visits.

Total for this effort = \$4,000,000.

Targeting and Compliance Assistance:

OFCCP will increase its use of OMBUD program to improve customer quality and service. With \$ 1.5 Million additional dollars for staff and overhead OFCCP could expand the office OMBUD activities and the regional liaisons from a total of 8 to 20. This would allow more informal education, assistance and resolution. Moreover, it would permit OFCCP to have an increased presence among the contractor universe. The result would be increased compliance among contractors who, in many instances, may not have had access to direct support and assistance that OFCCP provides during its regular review process.

The increased OMBUD and Liaison activities are consistent with the need to develop and provide education modules, convene meetings and provide workshops to customers and stake-holders. OFCCP proposes the addition of \$200,000 to develop the resources necessary to present these sessions and to publish the education and outreach. The impact would be improved compliance by contractors who are not subjected to "full scope compliance reviews."

OFCCP projects that the current levels of compliance would increase compliance while providing for a reduction in the cost per compliance review. This would occur because recent changes in OFCCP regulations permit several less costly options for determining compliance. The changes result in less intrusive processes to contractors and improved efficiency within OFCCP. More importantly, the inverse relationship between affirmative action and discrimination, i.e. more affirmative action results in less discrimination, will improve the impact of OFCCP's activities on the employees at Federal contractor establishments.

Total for this effort = \$1,700,000.

BACKLOG:

OFCCP does not have a significant backlog. Its workload is a the direct result of the obligation to monitor the extent to which those contractors , who do business with the Federal government, comply with the obligations assumed when they contract to provide goods and services. Accordingly no additional funds are requested except for the funding associated with the request for improved efficiency implied in sections 1,2, 4 and 5 of this justification.

COORDINATION:

OFCCP entered into two key memoranda of understanding during the previous fiscal year (1997). These memoranda were with the Veterans and Employment Training Service - (VETS) - a Department of Labor Component and The Office of the Special Counsel (OSC)- a unit of the United States Department of Justice.

VETS is an organization the has related authority to assist our nations veterans in making the transition to private employment after their careers are completed in the military. Since OFCCP has responsibility for ensuring non- discrimination and affirmative action for Viet Nam Era and Special Disabled Veterans, it coordinates activities with VETS to ensure linkage opportunities with federal contractors and expand the job opportunities through improved recruitment and development ancillary services. ETS collects data that are complementary to OFCCP data; however, the merging of electronic data would improve the compliance by contractors who list jobs with the State Employment Services and who are required to report progress on hiring of United States Veterans. Funding through the provision of \$100,000 would allow electronic reporting of the filing of the reports to federal procurement officers so that contractors who have not complied with the requirement might be put on notice and therefore be provide the opportunity to comply before the need for formal enforcement.

OSC routinely enforces provisions that prohibit employers from requiring more proof of citizen documentation from specific classes or groups than from the "general population or excessive proof of citizenship. The OSC collaborated with the OFCCP to reduce the impact of increased immigration enforcement on individuals who are legally entitled to work in the United States since such treatment may constitute national origin discrimination which is prohibited by Executive Order 11246 (a contract provision). Based on information that is reflected in OSC files, OFCCP and OSC determined the need for a pilot project in Chicago, Illinois to ascertain the extent of the problem in key industries. The pilot was a "testing initiative" to gage the behavior of contractors when confronting Hispanic applicants.

Where the tests show patterns of behavior toward Hispanic applicants, OFCCP and OSC would develop outreach and Technical Assistance follow-up to work collaboratively with industry in the development of "Best Practices." These brochure or handbooks would be made available to area employers in an effort to leverage the reach of cooperative and

collaborative compliance efforts. The funding requested for the continuation of these types of activities would be \$300,000.

Total for Collaborative efforts = \$400,000.

These initiatives are consistent with the OFCCP's strategic plans for the creation of a reinvented organization that advances the compliance within the federal contractor universe through technology and improved customer service.

TOTAL REQUESTED= \$6,308,000.

~~\$6,308,000~~

OK

Joe Kennedy
(202) 219 9475

FAX

Date: 11/25/97

Number of pages including cover sheet: 3

To:

Mary Smith

Phone:

Fax phone: 456-7431

CC:

From:

Gale Black

OFCCP

OFFICE OF FEDERAL
CONTRACT COMPLIANCE
PROGRAMS

Phone: 202-219-9475

Fax phone: 202-219-6195

REMARKS:

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[Joe Kennedy]

November 25, 1997

FAX TO: MARY SMITH
(202) 456-5571
(202) 456-7431

FROM: GALE BARRON BLACK
DOL / OFCCP
(202) 219-9475, Ext. 191
(202) 219-6195 (Fax)

Gale Barron Black

SUBJECT: INPUT REQUESTED OF DOL/OFCCP
FOR FUNDING JUSTIFICATION

ADR:

OFCCP requires \$208,000 in additional funding for the training of its staff, the use of third-party resources, and briefing sessions to the public on the implementation of an ADR strategy. In addition, it requires an additional 25,000 for software support to maintain a monitoring system.

Projected Costs:

\$50,000..... Staff Development
\$20,000..... Regional Seminars
\$108,000..... Pilot ADR Project
\$25,000..... Software Support

Total: \$108,000

These expenditures will allow the savings of litigation associated with processing of these cases through traditional means. Moreover, it will reduce the time associated with administrative and judicial litigation. The use of ADR can also be viewed as an alternative means to enhance compliance. Typically, the cost of an expert for statistical testimony is \$250,000 per case. If 10% of the pilot is successful, The potential savings would be more than \$1.5 Million .

Ombud Activities:

OFCCP will increase its use of ombud program to improve customer quality and service. With \$ 1.5 Million additional dollars for staff and overhead

*No backlog
coordination
w/ Veterans
DOT
400K*

*increase
National
Organ
dissem
response
com on
door
opportunities
have a BB
w/ veterans
software
develop
Vets 100K
DOT 300K*

OFCCP could expand the office OMBUD activities and the regional liaisons from a total of 8 to 20. This would allow more informal education, assistance and resolution. Moreover, it would permit OFCCP to have an increased presence among the contractor universe. The result would be increased compliance among contractors who, in many instances, may not have had access to direct support and assistance that OFCCP provides during its regular review process.

educational activities

4.8 million on outreach (CF499)

Paperless Environment (Technology):

3.75

OFCCP continues to work on the development of a paperless environment. This is reflected in its continued efforts to institute an annual summary so that data from companies reviews that are developed by all covered contractors is screened electronically. This AAP Summary is a part of the Deputy Assistant Secretary's Three-Pronged Strategy. Implementation will permit cyclical reviews of the entire universe of contractors through technology and further enhance the compliance efforts by federal contractors. The additional funding of \$4 Million will restore funds that had been denied in previous requests. OFCCP would be able to have direct input from the entire contractor universe every three years using the most recent means of electronic data input.

In addition, the Department unveiled its E-laws initiative, which is an interactive Equal Employment Opportunity Advisor. This new services provides Federal contractors and subcontractors with compliance information on the three EEO laws administered by OFCCP. This aspect would probably best fit under the costs associated with the Paperless environment / Information Technology section.

I have been advised that the other descriptions do not lend themselves to a cost analysis; therefore, we have not offered suggested narrative for the remaining sections. In response to your other inquiry to me via voice-mail: yes, the information on future targeting does relate to the data collection efforts.

The total Request for all initiatives is \$4,108,000. In addition, however, OFCCP would like to add in an additional 100 FTE for pay equity and Section 503 (disability related issues) enforcement at a cost of \$5 Million.

The grand total would then be around \$9 Million. These figures are consistent with our previous requests, except that we are asking for 100 FTE for pay and disability related enforcement. In the past, we asked for the FTE for outreach and training, rather than enforcement.

FAX

Date: _____

Number of pages including cover sheet: _____

To:

Mary Smith

Phone: _____

Fax phone: _____

CC: _____

From:

Shirley Wilcher

OFCCP

OFFICE OF FEDERAL
CONTRACT COMPLIANCE
PROGRAMS

Phone: 202-219-9475

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Department of Labor
Office of Federal Contract Compliance Programs
Proposal for Enhanced Civil Rights Enforcement
Addendum 11/21/97

Alternate Dispute Resolution

OFCCP is initiating an alternate dispute resolution (ADR) program in order to facilitate the closure of compliance reviews and complaint investigations when the traditional, required efforts at conciliation fail. ADR therefore, will be used as an effort to avoid litigation and to reduce the number of cases referred to the Solicitor of Labor for enforcement.

Problem Prevention

The ADR program will be coordinated by the OFCCP Office of the Ombud. The Ombud Office, located in Seattle, Washington, is believed to be the first in the Department of Labor, and was established in 1995 to provide customer service, technical assistance, and a means for OFCCP's stakeholders to obtain confidential advice regarding the laws, policies and programs that are administered by the OFCCP. The Ombudsperson reports to the Deputy Assistant Secretary for Federal Contract Compliance and conveys information regarding general concerns of OFCCP's stakeholders (Federal contractors and complainants).

The Ombud may be reached by a toll-free number and works with the OFCCP's senior liaison officers who are assigned to provide information, technical assistance, and guidance to OFCCP's customers in the various regions of the program. The senior liaison officers will also be trained on the ADR process and will work with the Ombud to coordinate resources for conducting mediations within their respective regions.

Future Targeting

The OFCCP's Three-Pronged Fair Enforcement Strategy includes a comprehensive regulatory reform component. One aspect of the regulatory reform effort, that was promulgated in September, 1997, is the redesign of the compliance review process. This process, re-styled, "compliance evaluations", will enable the OFCCP to institute a multi-tiered level of review, varying from limited "compliance checks" to the

full-scope compliance review. Where the compliance check or focused review or desk audit of the contractor's affirmative action plan and related data yield few indicators or violations, and suggest that the contractor is in compliance, the revised regulations will enable the OFCCP compliance officer to recommend closing the evaluation or review. Traditionally, the review would not be closed until an full onsite investigation had taken place.

The revised procedures will shorten the time in which OFCCP takes to evaluate contractors who are in compliance, target its resources to those who require a more in-depth review, and provide relief to those contractors who are in compliance. The "multi-tiered" approach also enables the OFCCP to expand its coverage of the universe and to focus of the two primary missions of the program: systemic discrimination and affirmative action good faith efforts. The target in OFCCP's strategic plan is to increase the number of federal contractors brought into compliance by 30 percent by 2002. This will be accomplished through the tiered review process and compliance checks.

Paperless Environment

OFCCP is working toward a paperless environment by creating systems to allow federal contractors to file information electronically with the agency and to allow for manipulation and evaluation of this data for targeting facilities for review. The agency also will provide the technology necessary for compliance officers to record all documents related to reviews electronically.

Technical Assistance

OFCCP will conduct 50 technical assistance seminars which will increase the likelihood of small and emerging contractors coming into or being in compliance. This also will reduce the likelihood that the 5000 contractors attending these seminars will need to be reviewed by the agency.

Coordination

The Civil Rights Working Group, made up of all of the civil rights agencies in the Federal government and a liaison from the White House, should be formalized and meet on a regular basis to integrate efforts to achieve civil rights in America.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

FAX TRANSMITTAL

TO: *MARY SMITH*

ORGANIZATION:

PHONE NUMBER:

FAX NUMBER: *(202) 456-7431*

NUMBER OF PAGES:

FROM:

NORMA V. CANTU

PHONE NUMBER:

(202)260-9228

FAX NUMBER:

(202)205-5381

MESSAGE: _____

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C.

MEMORANDUM

NOV 24 1997

TO : Tom Friedman
Special Assistant to the President
for Policy and Planning

FROM : *Kelly A. Saunders for*
Norma V. Cantú
Assistant Secretary
for Civil Rights
Department of Education

SUBJECT: Amended Response to Follow-up Questions on the Office
for Civil Right' November 5, 1997, Memorandum re: FY
1999 Special Projects

The Office for Civil Rights (OCR) appreciates the opportunity to clarify and provide additional information regarding our earlier submission to you outlining OCR's FY 1999 "wish list" activities. First you asked for supplementation on five areas; then you asked for themes or ideas for the State of the Union message were it to include civil rights enforcement.

1) Alternative Dispute Resolution

One of the first initiatives I undertook after becoming Assistant Secretary for Civil Rights in May of 1993 was to look for ways OCR could more effectively serve its customers. One of the first areas analyzed was OCR's complaint processing procedures. As a result of that initiative, OCR completely overhauled its complaint resolution procedures -- the first time such a complete revision has been undertaken since the Department of Education was established in FY 1980. In December 1993, OCR issued a new Case Resolution Manual (CRM). The CRM streamlined the complaint resolution process so that OCR can provide more efficient and effective service to complainants. One element of the CRM is an alternative dispute resolution procedure (ADR). The ADR provided OCR a mechanism to resolve some complaints in a more timely manner than was possible under the old complaint processing procedures and enabled OCR to stay on top of its case load despite dwindling resources.

Any additional funding over OCR's FY 1999 appropriation could be used to provide additional staff training to build staff skills necessary for effective ADR or to hire contract mediators to actually facilitate resolution between the parties. The estimated cost of either method would be \$100,000.

2) Value of the Elementary and Secondary (E&S) School Civil Rights Compliance Report

The Elementary and Secondary (E&S) School Civil Rights Compliance Report in the U.S. Department of Education serves as the cornerstone for the Department's civil rights record keeping system for the nation's schools.

Since the first Compliance Report in 1968, information collected in the surveys have been used to help OCR identify existing and emerging civil rights problems in public schools offering elementary and secondary programs. It also has been used to examine the status of civil rights in each state and nationally, determine changes in longitudinal trend data in various civil rights issues, and provide baseline and source material for technical assistance programs.

As the only education civil rights information instrument, information in the Compliance Reports have been used by a variety of individuals and programs involved in improving education opportunities in communities across the country. Information from the Reports is used by state and regional government and private sector programs responsible for, and concerned with, civil rights issues related to equal access for children. Federal and national agencies and organizations working, or conducting research, in equal opportunity programs and initiatives also use information and data from the Reports to assist them in their work. OCR's survey data are nationally recognized for their reliability, and in many instances, OCR is the only source for these data. For example, Gary Orfield of Harvard University stated the following in a 1986 study entitled *Racial Change in American Public Schools*, "The statistics reported here for the 1984-1985 school year are based on data collected by the U.S. Department of Education's Office for Civil Rights. The projected data is the only national source of statistics on racial composition of schools in the states and regions except for the Census. The research, in turn, informs the Congress in developing legislation. The purpose of including this information in this section is to flag the importance of this function to meeting the overall objective of enforcing civil rights laws. The lack of appreciation of this importance by prior administrations has resulted in OCR's taking funding actions that have endangered the collection of this data."

Also, as noted in our earlier submission, the Department of Justice's Civil Rights Division uses data from this survey in its enforcement activities for school districts under Federal court orders. The conduct of this survey of the universe of school districts in the country is estimated to cost \$1,700,000.

3) Reducing or Eliminating Backlog

OCR does not have a case backlog. This is mainly due to the complaint processing procedures implemented in the Complaint Resolution Manual issued in FY 1994, that reduced or eliminated burdensome procedures that resulted in the production of voluminous documents rather than efficient complaint resolution.

If OCR does not receive sufficient funds to support its staffing ceiling in FY 1999, we could use additional resources to hire more attorneys and investigative staff. The estimated cost for hiring more attorneys and investigative staff is dependent on how much less we receive than what is required to staff up to our ceiling of 724 FTE. The average cost per FTE is approximately \$69,322. Additionally OCR would retain outside experts to assist in the resolution of more complex cases at an estimated cost of \$250,000. However, if OCR receives adequate funding in FY 1999 to support its ceiling, additional funds provided by the White House would be used to initiate high priority activities, i.e., the E&S School Civil Rights Compliance Report survey and improving coordination among civil rights enforcement agencies.

4) Coordination Among Civil Rights Agencies

One element of improving coordination among civil rights enforcement agencies would be to link our databases to facilitate civil rights enforcement. Linking data bases, could eliminate redundancy, increase efficiency, and reduce the burden upon recipients, such as school districts and employers. For instance, in our earlier submission to you, we gave as an example the Department of Education's school district employment data that would be useful to EEOC in the investigation of discrimination complaints from teachers. Linking the data bases of the two agencies would make historical data on a school district's employment demographics readily available to EEOC. EEOC would not have to request the information from the Department of Education's National Center for Education Statistics or require the school district to produce the information, either of which could prove time consuming and burdensome.

Civil rights enforcement agencies also need to improve their communication network. Intranet technology could be used to create a network for use by selected civil rights enforcement agencies. The system would be used for various purposes -- sharing certain data, posting information (e.g., current research, historical documents, special alerts, best practices, scheduled meetings/conferences, newsworthy events, training opportunities). The system could also be used to communicate essential information and materials to agencies' staff on Presidential initiatives.

Improved coordination among civil rights enforcement agencies is essential to respond to serious civil rights problems. Civil unrest often involves complex problems and multiple jurisdictions that require resources for solution from a number of agencies. Collaboration and coordination to address serious and emerging problems improves the quality of the strategy and results in a better utilization of limited resources. For example, a county in Florida was experiencing racial unrest for a variety of social and economic reasons. The Secretary of Education formed a task force comprised of staff from OCR, the Department of Housing and Urban Development, and the Small Business Administration to assist the county in dealing with its problems. While this type of coordination occurs on an *ad hoc* basis, there is no mechanism to share resources on cross-cutting problems.

The cost of this project is not easily calculated. A contractor could be hired to conduct a study and recommend methods for implementation at a cost of \$100,000 to \$500,000.

5) Performance Goals

During FY 1994, OCR developed and implemented a Strategic Plan which has guided its activities since that time. Recently, to comply with the Government Performance and Results Act, OCR developed performance indicators. OCR's performance indicators are derived from its Strategic Plan goals and objectives. Since OCR began operating pursuant to these strategic objectives OCR has been transformed from being complaint driven and reactive to operating a balanced enforcement program targeting the maximum possible resources to eliminating the greatest barriers to equal educational opportunity through proactive self initiated compliance reviews.

OCR's most effective strategies, given resource constraints, center around identifying and eliminating the greatest barriers to equal educational opportunity in order to achieve the maximum impact on students. The performance indicators are designed to measure the intermediate outcomes such as changes in policies, practices, and procedures, as well as the end outcomes, such as, measurable impact on students and the services they receive. The outcomes that matter are increased access for more students, positive change for more students, and an increased number of recipients implementing policies and procedures complying with Federal civil rights laws. Further, the number of meaningful collaborations or "partnerships" among stakeholders that lead to civil rights compliance is what measures whether OCR is making a difference in the lives of students.

Rigorous intensive monitoring of a recipient's implementation of its resolution agreements enables OCR to identify, among other things: numerical change; procedural change; increased awareness of civil rights requirements; and improved educational experiences of students. A copy of OCR's Performance Indicators is attached to this document.

Civil Rights Themes for FY 1999 Request

As measured by greater responsiveness to complaints, by increased attention to speedy response to discrimination, and by proactive measures to address discrimination in its earliest stages, Federal civil rights enforcement has been stepped up during the first four years of the Clinton Administration. Sadly, we have yet to meet the objective of providing equal opportunities to all Americans, without discrimination on the basis of race, color, national origin, gender, disability, or age. The civil rights problems that exist in mid-century were more blatant, overt, conspicuous, but the real problems that real Americans face today are no less pervasive and pernicious, simply because the discrimination is more subtle. (Cite Dr. Franklin's statements at Race Initiative meeting on November 19, 1997, that discrimination today is more complex).

NOV 24 1997 16:33 FROM OCR AS TO 34567020 P.01

Page 5 - Tom Friedman

This Administration's budget for FY 1999 seeks funding to build partnerships with state and local governments and with community and religious organizations to fight discrimination. As Dr. King wrote in his "Letter from Birmingham Jail," "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality...." Partnership is our best approach for preventing discrimination.

Our Federal civil rights agencies seek voluntary ending of discrimination, but they also need the resources and tools to deliver swift and appropriate penalties where violations go uncorrected. These resources needed to achieve a balance of prevention and compliance efforts include funding for: sufficient staff to provide preventative assistance, as well as, conduct compliance activities; technology; data collection; and partnerships.

For additional information, please contact OCR's Chief of Staff, Kelly Saunders, at 205-8162.

Office for Civil Rights (OCR) — 9/30/97 — DRAFT			
Goal: To ensure equal access to education for all students through the vigorous enforcement of civil rights.			
Objective	Indicators	Sources and Next Update	Strategies
Impact on Students			
1. To maximize the impact of available resources on civil rights in education.	1.1 Access. The estimated number of students with access to high quality education increases. 1.2 Number of students affected. The estimated number of students positively affected by OCR's casework increases. 1.3 Increased compliance. The number of recipients that change policies, procedures, or practices to comply with Federal civil rights law increases.	1.1 OCR Report based on Case Evaluation Report, OCR's survey of Elementary and Secondary Education School Civil Rights Compliance, and additional data sources to be determined, FY 2000 1.2 OCR Case Evaluation Report based on data from case files, odd numbered years, FY 1999 1.3 Annual data from OCR's Case Information System, FY 1999	- OCR will implement a balanced enforcement program by responding to complaints and conducting proactive compliance reviews that target resources for maximum impact. - OCR will maximize the impact of available resources by addressing the most acute problems of discrimination and by providing tangible assistance to the greatest number of students possible.
Empowerment of Students and Parents			
2. To empower others to learn to solve their own problems of securing equal access to quality education.	2.1 Successful partnerships. The number of stakeholder partnerships that lead to civil rights compliance increases.	2.1 Annual OCR Case Evaluation Report, FY 1998	- OCR will provide civil rights-related information, technical expertise and assistance to a broad range of stakeholders engaged in collaborative efforts to ensure equal educational opportunity. - OCR will develop case resolution agreements that provide for the active participation of parents and other stakeholders.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

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MEMORANDUM

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C.

NOV 21 1997

TO : Tom Friedman
Special Assistant to the President
for Policy and Planning

FROM : Norma V. Cantú *Norma V. Cantú*
Assistant Secretary
for Civil Rights
Department of Education

SUBJECT: Response to Follow-up Questions on the Office for Civil Rights'
November 5, 1997, Memorandum re: FY 1999 Special Projects

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As the only education civil rights information instrument, information in the Compliance Reports have been used by a variety of individuals and programs involved in improving education opportunities in communities across the country. Information from the Reports is used by state and regional government and private sector programs responsible for, and concerned with, civil rights issues related to equal access for children. Federal and national agencies and organizations working, or conducting research, in equal opportunity programs and initiatives also use information and data from the Reports to assist them in their work. OCR's survey data are nationally recognized for their reliability, and in many instances, OCR is the only source for these data. For example, Gary Orfield of Harvard University stated the following in a 1986 study entitled Racial Change in American Public Schools, "The statistics reported here for the 1984-1985 school year are based on data collected by the U.S. Department of Education's Office for Civil Rights. The projected data is the only national source of statistics on racial composition of schools in the states and regions except for the Census. The research, in turn, informs the Congress in developing legislation. The purpose of including this information in this section is to flag the importance of this function to meeting the overall objective of enforcing civil rights laws. The lack of appreciation of this importance by prior administrations has resulted in OCR's taking funding actions that have endangered the collection of this data."

Also, as noted in our earlier submission, the Department of Justice's Civil Rights Division uses data from this survey in its enforcement activities for school districts under Federal court orders.

3) Reducing or Eliminating Backlog

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One element of improving coordination among civil rights enforcement agencies would be to link our databases to facilitate civil rights enforcement. Linking data bases, could eliminate redundancy, increase efficiency, and reduce the burden upon recipients, such as school districts and employers. For instance, in our earlier submission to you, we gave as an example the Department of Education's school district employment data that would be useful to EEOC in the investigation of discrimination complaints from teachers. Linking the data bases of the two agencies would make historical data on a school district's employment demographics readily available to EEOC. EEOC would not have to request the information from the Department of Education's National Center for Education Statistics or require the school district to produce the information, either of which could prove time consuming and burdensome.

Civil rights enforcement agencies also need to improve their communication network. Intranet technology could be used to create a network for use by selected civil rights enforcement agencies. The system would be used for various purposes -- sharing certain data, posting information (e.g., current research, historical documents, special alerts, best practices, scheduled meetings/conferences, newsworthy events, training opportunities). The system could also be used to communicate essential information and materials to agencies' staff on Presidential initiatives.

Improved coordination among civil rights enforcement agencies is essential to respond to serious civil rights problems. Civil unrest often involves complex problems and multiple jurisdictions that require resources for solution from a number of agencies. Collaboration and coordination to address serious and emerging problems improves the quality of the strategy and results in a better utilization of limited resources. For example, a county in Florida was experiencing racial unrest for a variety of social and economic reasons. The Secretary of Education formed a task force comprised of staff from OCR, the Department of Housing and Urban Development, and the Small Business Administration to assist the county in dealing with its problems. While this type of coordination occurs on an *ad hoc* basis, there is no mechanism to share resources on cross-cutting problems.

5) Performance Goals

During FY 1994, OCR developed and implemented a Strategic Plan which has guided its activities since that time. Recently, to comply with the Government Performance and Results Act, OCR developed performance indicators. OCR's performance indicators are derived from its Strategic Plan goals and objectives. Since OCR began operating pursuant to these strategic objectives OCR has been transformed from being complaint driven and reactive to operating a balanced enforcement program targeting the maximum possible resources to eliminating the greatest barriers to equal educational opportunity through proactive self initiated compliance reviews.

OCR's most effective strategies, given resource constraints, center around identifying and eliminating the greatest barriers to equal educational opportunity in order to achieve the maximum impact on students. The performance indicators are designed to measure the intermediate outcomes such as changes in policies, practices, and procedures, as well as the end outcomes, such as, measurable impact on students and the services they receive. The outcomes that matter are increased access for more students, positive change for more students, and an increased number of recipients implementing policies and procedures complying with Federal civil rights laws. Further, the number of meaningful collaborations or "partnerships" among stakeholders that lead to civil rights compliance is what measures whether OCR is making a difference in the lives of students.

Rigorous intensive monitoring of a recipient's implementation of its resolution agreements enables OCR to identify, among other things: numerical change; procedural change; increased awareness of civil rights requirements; and improved educational experiences of students. A copy of OCR's Performance Indicators is attached to this document.

Civil Rights Themes for FY 1999 Request

As measured by greater responsiveness to complaints, by increased attention to speedy response to discrimination, and by proactive measures to address discrimination in its earliest stages, Federal civil rights enforcement has been stepped up during the first four years of the Clinton Administration. Sadly, we have yet to meet the objective of providing equal opportunities to all Americans, without discrimination on the basis of race, color, national origin, gender, disability, age, religion or sexual orientation. The civil rights problems that exists in mid-century were more blatant, overt, conspicuous, but the real problems that real Americans face today are no less pervasive and pernicious, simply because the discrimination is more subtle. (Cite Dr. Franklin's statements at Race Initiative meeting on November 19, 1997, that discrimination today is more complex).

This Administration's budget for FY 1999 seeks funding to build partnerships with state and local governments and with community and religious organizations to fight discrimination. As Dr. King wrote in his "Letter from Birmingham Jail," "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality...." Partnership is our best approach for preventing discrimination.

Our Federal civil rights agencies seek voluntary ending of discrimination, but they also need the resources and tools to deliver swift and appropriate penalties where violations go uncorrected. These resources needed to achieve a balance of prevention and compliance efforts include funding for: sufficient staff to provide preventative assistance, as well as, conduct compliance activities; technology; data collection; and partnerships.

For additional information, please contact, Kelly Saunders at 205-8162.

Office for Civil Rights (OCR) — 9/30/97 — DRAFT

Goal: To ensure equal access to education for all students through the vigorous enforcement of civil rights.

Objective	Indicators	Sources and Next Update	Strategies
Impact on Students			
1. To maximize the impact of available resources on civil rights in education.	1.1 Access. The estimated number of students with access to high quality education increases. 1.2 Number of students affected. The estimated number of students positively affected by OCR's casework increases. 1.3 Increased compliance. The number of recipients that change policies, procedures, or practices to comply with Federal civil rights law increases.	1.1 OCR Report based on Case Evaluation Report, OCR's survey of Elementary and Secondary Education School Civil Rights Compliance, and additional data sources to be determined, FY 2000 1.2 OCR Case Evaluation Report based on data from case files, odd numbered years, FY 1999 1.3 Annual data from OCR's Case Information System, FY 1999	- OCR will implement a balanced enforcement program by responding to complaints and conducting proactive compliance reviews that target resources for maximum impact. - OCR will maximize the impact of available resources by addressing the most acute problems of discrimination and by providing tangible assistance to the greatest number of students possible.
Empowerment of Students and Parents			
2. To empower others to learn to solve their own problems of securing equal access to quality education.	2.1 Successful partnerships. The number of stakeholder partnerships that lead to civil rights compliance increases.	2.1 Annual OCR Case Evaluation Report, FY 1998	- OCR will provide civil rights-related information, technical expertise and assistance to a broad range of stakeholders engaged in collaborative efforts to ensure equal educational opportunity. - OCR will develop case resolution agreements that provide for the active participation of parents and other stakeholders.

CR Enforcement

AGENCY	PROJECT	OMB POSITION	SUGGESTION
EEOC	Technology-- a three year \$25 million project funded at \$10 million for the first year. Provides nation-wide e-mail, eliminates redundant data entry, shared research among investigators and attorneys. ADR-- a \$4 million option to allow EEOC to mediate approx. 8,000 or 10% of its new charges in FY 1999. Additional staffing-- EEOC requested 203 FTE's.	OMB recommends \$270 million for FY '97, a \$30 million increase or 12.5% above FY 1998 enacted. OMB agrees with the goal of reaching a 6 month average processing time, and provides resources for each of the three project elements, except in the area of FTE's in which only 162 are recommended for funding.	OMB's position on technology, ADR, and FTE's basically satisfy all EEOC asks for in these areas, even when DPC went back to them. Recommend adding the minimal money for compliance and data collection programs described below. On data collection EEOC requests money for an "Interactive Diskette" data collection to replace paper forms for all EEOC employment survey data collection programs. This would benefit the employers and the business community. The estimated cost is \$200,000. EEOC would also like a one-time data collection for the ADA of 1990. The cost estimate is \$200,000. Compliance: *PSA's-- \$225,000 *"Stakeholder" meetings at 25 sites-- \$125,000 *Video productions for employers-- \$225,000

HHS OCR	HHS requested \$22.4 million to expand activities in compliance, technology and staff training. HHS wants to front-load their processing system.	While OMB is basically favorable in its draft analysis of the office, it recommends maintaining HHS OCR at its FY '98 level. The final OMB analysis does not include HHS in its calculation.	HHS asked for the following items, totaling \$5.2 million: Technology: Expand Internet-- Use for filing complaints, computerized correspondence, expedite investigative data requests. \$250,000 Geo-Coded/Mapping Data base: \$350,000 (not recommended) Enhanced Data Collection: Analysis of differential treatment modalities (analyze medical treatment by race/ethnicity) \$500,000 Study managed care for impact on racial and ethnic impacts. \$250,000. ✓ Mediation: pilot mediation programs in urban and rural areas, study decentralizing current system. \$250,000 Compliance: New program in nursing home area modeled on test program ran for 2 years with DOJ. Informs minorities and disabled about rights so they can inform agency. \$2.6 million PSA program for consumer protection initiative at \$250,000.
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DOL-- OFCCP	DOL requested \$72 million, a 15% increase above enacted FY 1998 level. Three part program of regulatory reform, affirmative action plan summaries, and tiered compliance review process	OMB recommends a \$68 million funding level or a 9% increase. It also calls for an increase of approximately 10% in compliance reviews. OMB argues that the personnel requests are inflated and that OFCCP does not suggest any new programs.	OFCCP requested an additional \$8.5 million and 101 FTE for its compliance (affirmative action) initiative. With existing resources, OFCCP reviews only 3% of its contractor universe. OFFCP also suggests that this money would cover the development of an ADR system for handling some enforcement cases and complaint investigations, the stronger enforcement of FMLA, and expanded use of technology for a Vietnam Vets project. Technology OFFCP asks to upgrade so as to allow contractors to submit data electronically. OFCCP would fully automate its management information system and provide field staff online access to all reports. Estimated cost: \$3.75 million Data gathering. No cost estimated by OFFCP. Proposes to re-engineer the report submitted by contractors to OFCCP -- streamlining the amount of paper and promoting easier use of the tiered review system.

ED OCR	ED OCR requested \$70 million, a \$10 million increase above enacted FY '98. The increase is for more personel, increased travel, and increased support activites. OCR is considered a well-managed organization and has won 3 VP Hammer awards.	OMB tenatively recommends funding increases to \$65 million subject to overall decsions by the Department of Education.	ED OCR first priority is the personel and travel requests embodied in its FY 99 budget request. In addition, ED OCR requests funding for: Compliance: Elementary and Secondary School Civil Rights Compliance Report. The last survey of school districts was accomplished in 1974. Data from the survey are used by a variety of sources-- Congress, other agencies including DOJ CRD, educational institutions and researchers. Currently OCR does a random sampling. Estimated cost: \$1.7 million. Data: OCR proposes the five agencies with civil rights enforcement responsibilities conduct a survey to determine the feasibility and desirability of linking their databases to facilitate civil rights enforcement. Cost would range from \$100,000 to \$600,000.
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DOL DCR	The DCR is responsible for enforcing the varied federal statutes and regulations that prohibit discrimination in all DOL programs, in DOL workplaces, and prohibit discrimination on the basis of disability by certain public entities.	OMB does not include this office in its cross-cut.	The total additional DOL-DCR requests is for approximately \$3 million. Compliance activities: The office requests an additional 21 FTE and \$1.89 million. Compliance Assistance: The office would conduct 20 technical assistance visits a year. Compliance Monitoring: the office proposes to “provide total compliance monitoring coverage in a 3 year cycle.” Currently, only 4 compliance reviews can be conducted. With additional resources, the staff would be able to conduct 18 reviews a year. Mediation: For an additional 11 FTE and \$990,000 the office proposes marketing ADR to states and assisting them in developing and designing ADR programs. In addition, four FTE would provide ADR for those processing their complaints with DCR. Technology: The office requests \$155,000 for technology improvements because the existing database needs major substantive revisions. They believe \$75,000 would be needed for licenses and data base conversions and \$80,000 for new computers to support additional staff resources.
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Note on DOJ CRD: The DOJ receives a \$4 million increase from OMB for its FY98 enacted level of \$65 million. We requested a summary of resources required by DOJ to expand its coordination function and were promised that we would receive it for the last week. I expect to get it today. Director Raines suggested in his review that he was less interested in a policy coordinating role for the DOJ-CRD but for a qualitative, technique sharing position such as how to make ADR work better.

Mtg. w/OMB

Re-definition of enforcement?

Other tools to encourage compliance $\leftarrow$ training

→ Data series on discrimination. (measurement)

Think: Our definition of what it means to advance Civil Rights over the next period

What (other than working off the backlog) defines our CR efforts.

Q. How many resources aimed @ Federal compliance and how many @ external compliance
↳ like housing enforcement

JW. Expand coordination

of CR enforcement (by DOJ) that operates across agencies.

④

Significant reduction in Comm. piece of DOJ (CRS)

\$29 million

\$5 million

EEOL (pg. 17)

- Focussing on complex cases.
- Increase # of cases that go into mediation.
- Resources for Technology (to be able to communicate w/ each other).

Communications @ Caseload management @ attorney databases

- Get average disposition time
- Is the back log reduced from 9 to 6 mo.
HUD aged (letting you know how many cases are in hold)

- Crack down on housing discrim.
- HUD requested \$ out to local agencies to have them refer cases to HUD

OMB → Proposing a more systematic approach
data work in 20 communities

FR: other measures or testing
means of measuring housing discrimination

[wants to come up w/ statistical measures
for other contexts (besides housing)]

Studies on how to measure discrimination (?)

→ Beginning of a series of regional indexes.

definition
of problems; measures levels
of discrimination

One of hardest Qs is determining what the
indices of discrimination are.
(Statistical policy people).

FR
Said we
should start this.

CRT/DOJ

DPC has called meetings w/ them to discuss these.

DOJ Coordination & Review Sect.

FR: Successful(?)

Agencies said DOJ doesn't provide any guidance.

Agency concern the Coordination would make
it worse.

Prefer: compliance review rather than
put Title VI on the table.

FR: Is CRT the right people to be doing this (??)

IS DOJ going to do more than a legal determination?

Need shared techniques, management
of CR complaints and issues (etc.)

Ex: What is the right way to do ADR
in this area.

Fed
Contractor
Private) Compliance

FR: Sees this more as a management-
problem (not a Q of what the SCT
is doing).

Do we have GDPR responsibilities here?

(Look @ things in strategic plans)
General Duty



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, DC 20507

1.2

November 5, 1997

Office of
the Chairman

MEMORANDUM

TO : Tom Freedman
Special Assistant to the President
Domestic Policy Council

FROM : Maria Borrero
Executive Director

SUBJECT : Possible Special Projects

As you requested, the following represents some special projects that EEOC can implement:

1. **Technology:** The EEOC needs approximately \$25 million over a three year period to complete implementing an agency-wide computer system. Due to workload capacities, we can only use \$10 million dollars a year, beginning with fiscal year 1999. For fiscal year 1998, we would need \$500,000. If we were able to get the \$25 million, we ask that it be allocated as "no-year" funds so that funds could be used over a three year period.
2. **ADR (Mediation):** With 4 million dollars (at \$500 per mediation) we could contract for 8,000 charges to be mediated.
3. **Inventory Reduction:** To reduce the private sector inventory to six months by the year 2000, would require 165 new FTEs at a cost of \$6,036,166. ~
4. **Data Collection:** Develop an "Interactive Diskette" data collection to replace "Paper Forms," for all EEOC employment survey data collection programs. This would benefit the employers and the business community. The estimate cost is: \$200,000.
5. **Data Collection:** Perform a one time data collection from employers to obtain benchmark EEO survey data for the Americans with Disabilities Act (ADA) of 1990. The cost estimate is \$250,000.

6. **Outreach and Technical Assistance to Employers:** A number of projects under this category include:

- Three video productions at a total cost of \$225,000 on subjects such as: Information for Small Employers; Mediation to Resolve Charges; and, Best Practices for Employers;
- Develop a Public Service Announcement at a cost of \$100,000;
- Stakeholder meetings around the country for our 25 offices at a cost of \$125,000; and,
- Translate pamphlets into several languages and production costs of \$280,000.

MEMORANDUM

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C.

2.2 million

TO : Tom Friedman
Special Assistant to the President
for Policy and Planning

NOV 5 1997

FROM : Norma V. Cantú *Norma V. Cantu*
Assistant Secretary
for Civil Rights
Department of Education

SUBJECT: FY 1999 Special Projects

This memorandum is in response to a telephone call from Tom Friedman requesting a "wish list" of special initiatives from civil rights enforcement agencies that could be implemented in FY 1999 if the White House created a special fund of \$10 million to be shared by the agencies. The Office for Civil Rights' (OCR) response to this request was prepared with its FY 1999 Budget Request in mind.

Overview of OCR's FY 1999 Budget Request

The Office for Civil Rights has requested a funding level of \$69,676,000 in FY 1999. Funding at this level supports 724 full-time equivalent (FTE) staff and provides sufficient resources to support an enforcement program designed to maximize the impact of OCR's limited resources and ensure an appropriate balance of civil rights enforcement under all of the Federal laws that it enforces.

Since FY 1994, budget constraints as a result of the appropriations levels authorized by the Congress, have necessitated that OCR operate significantly below its authorized ceiling in order to minimally fund essential civil rights activities. This was the case in FY 1997 and continues to be the situation in FY 1998. OCR started FY 1998 with a staffing level of approximately 660 FTE, 64 FTE below its approved ceiling. Attaining and maintaining a staff level of 724 FTE in FY 1998 and FY 1999 is OCR's first priority. OCR's work is labor-intensive and its staff is its most valuable resource. The staff level has a direct relationship to the efficiency, effectiveness, and timeliness of OCR's enforcement activities and initiatives.

Funding essential support activities (travel, surveys, training, etc.) at an adequate level is OCR's next priority. If OCR FY 1999 appropriation is insufficient to support these activities at the requested levels, OCR would use any additional funds provided to staff and support its enforcement program.

OCR has requested funding for essential program support activities, including:

- Travel to investigate complaints, perform compliance reviews, monitor resolution agreements, and provide proactive technical assistance. The proposed level will allow OCR to meet its enforcement responsibilities and be more responsive to requests from recipients for on-site technical assistance.
- Advisory and assistance services to hire consultants and experts to assist in complex case investigations for which expertise is not available within OCR or the Department.

Page 2 - Tom Friedman

- Training to improve technology skills, retrain current staff, and increase training in civil rights issues.
- Technology to cover OCR's share of network support contracts and the overall management and maintenance of the network and to upgrade and replace personal computers to comply with agency standards. Also, OCR plans to design, develop, install, and implement a computer-based electronic document management system to facilitate the storage, retrieval, distribution and archiving of vital OCR documents. This new document management system will prove to be a major asset in helping OCR to meet all three goals of its Strategic Plan.
- Surveys and data collection projects, primarily the Elementary and Secondary Education School Survey. Data from this survey are requested and used extensively by OCR, other parts of the Department, other Federal agencies, advocacy groups, educational institutions, and researchers for a variety of purposes.
- Printing civil rights technical assistance materials and publications for dissemination to the public and producing the materials in alternative formats (i.e., Braille, large print, and audio cassette).

FY 1999 "Wish List"

If OCR is funded at its requested level, OCR has identified two "wish list" activities it would like to undertake with additional funding from the White House.

* Elementary and Secondary (E&S) School Civil Rights Compliance Report 1.7

OCR would like to conduct a survey of the universe of school districts in the country. The last universal E&S Survey was conducted in 1974. There are approximately 15,000 school districts in the United States, Puerto Rico and the Trust Territories. OCR conducts a random sampling survey of approximately 5,700 school districts every two years in even numbered years. The survey collects data on school districts in a number of areas including, but not limited to: number and types of schools within a school district; the demographics of the school district (students and teachers) by race and gender; the number of students by race and gender in gifted and talented programs; the number of students with disabilities by race and gender; the number and types of disabilities being served; the number of students in math, science and computer programs by race and gender, etc.

OCR's survey data are nationally recognized for their reliability, and in many instances, OCR is the only source for these data. Data from this survey are requested and used extensively by other parts of the Department, other federal government agencies, members of Congress, Congressional Committees, advocacy groups, educational institutions, and researchers. For example, the Department of Justice's Civil Rights Division uses data from this survey in its enforcement activities for approximately 400 Federal court order school districts. In addition, information and data obtained by the survey would be used as a baseline for OCR's proposed activities under the Government Performance and Results Act. OCR's proposes conducting this survey in the year 2000 to coincide with the 2000 census being conducted by the Department of Labor. OCR estimates this project will cost \$1,700,000.

Page 3 - Tom Friedman

• Linked Civil Rights Data Bases

OCR proposes that the five agencies with civil rights enforcement responsibilities (Departments of Justice, Labor, Health and Human Resources, Education and the Equal Employment Opportunity Commission) conduct a study to determine the feasibility and cost of linking their databases to facilitate civil rights enforcement. For example, the Department of Education collects and maintains data on employment demographics in school districts that would be useful to EEOC in the investigation of complaints from teachers. Linking the data bases of the two agencies would make historical data on a school district's employment demographics readily available to EEOC. The Department of Housing and Urban Development maintains demographics on housing that would be assist ED/OCR in identifying racial isolation when linked to school district demographic data. Linking technology might also be a way to improve coordination among the civil rights agencies. The cost of this project is not easily calculated. A contractor could be hired to conduct a study and recommend methods for implementation at cost of \$100,000 to \$500,000, a task force of technical and program staff from each agency could be convened to develop a proposal and recommendations, or combination of the two approaches could be implemented, i.e., a consultant working with a task force.

Summary

In preparing OCR's response to this request from Mr. Friedman, we operated under the assumption that this is a one-time only request, so we did not include the need for additional staff as one of the options we proposed. Additionally, whether or not OCR receives the additional funding for the projects proposed above, OCR will still pursue the other non-fiscal activities included in this memorandum, e.g., improved communications and coordination among civil rights agencies.

For additional information, please contact, Kelly Saunders at 205-8162.

Fax for Tom Freeman
FAX: 202-456-7431 or 456-7028
PHONE: 456-5587

12/5/97

DATE: 11/7/97

FROM: Gale Barron Black
Executive Assistant *Gale*
Department of Labor
Office of Federal Contract Compliance Programs, OFCCP
FAX: 202-219-6195
PHONE: 202-219-9475, Ext. 191

SUBJECT: OFCCP Proposal for Enhanced Enforcement

Per your request, attached is an overview of the OFCCP additional resources proposal. Please don't hesitate to contact us if you need additional information.

Department of Labor's Office of Federal Contract
Compliance Programs Proposal for Enhanced Civil
Rights Enforcement

BACKGROUND

The Office of Federal Contract Compliance Programs' (OFCCP) administers and enforces three equal employment opportunity laws: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. These programs¹ prohibit discrimination by federal contractors and subcontractors and require them to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, sex, ethnicity, national origin, religion, disability or status as a Vietnam era or special disabled veteran. The programs apply to contractors and subcontractors holding federal or federally assisted contracts over \$10,000. The laws are designed to ensure that federal taxpayers' dollars do not perpetuate employment discrimination.

Compliance Enhancement

OFCCP requested an additional \$8,550,000 and 101 FTE for its compliance (affirmative action) initiative. Within existing resources, OFCCP reviews only 3 per cent of its contractor universe.

\$4.8 million and 101 FTE would significantly increase the coverage of the contractor universe in a single year and ultimately improve the opportunities and employment utilization rates for women, minorities, veterans and individuals with disabilities.

OFCCP will implement the program's three-pronged Fair Enforcement Strategy and initiate a comprehensive technical assistance strategy designed to promote compliance with Executive Order 11246. Additional resources for the three-pronged strategy will allow OFCCP to revise the requirements for the Affirmative Action Plan, fully implement the Affirmative Action Program Summary Report, and enhance the tiered compliance review enforcement strategy. The initiative will

¹ Executive Order 11246; Section 503 of the Rehabilitation Act of 1973, as amended; and the affirmative action provisions (Section 4212) of the Vietnam Era Veterans' Readjustment Assistance Act, as amended.

also provide for the development of an Alternative Dispute Resolution system for the handling of some enforcement cases and complaint investigations, the stronger enforcement of the Family and Medical Leave Act, and expanded use of technology to enforce the Vietnam-Era Veterans Readjustment Assistance Act.

Information Technology - \$3.75 Million

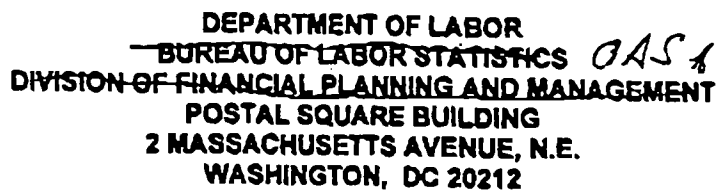
These funds will be used to upgrade the agency's infrastructure and replace outmoded systems hardware with more modern technology, enabling OFCCP to meet its current requirements and to development the systems necessary for Federal contractors to submit data electronically to the program.

Specifically, OFCCP will develop a system to collect, analyze and disseminate information on the AAP Summary report electronically, fully automate the management information system and permit online filing and reporting by contractors and complainants.

The information technology project will complete the provision of modern PCs and network connections for all OFCCP field offices. These connections will be used for the PC based software building the compliance review data base directly and will permit field staff to analyze contractor data. Additionally, field staff will have online access to the AAP Summary reports and their analyses.

~~X~~ Data Collection

OFCCP is proposing to reengineer its compliance review process and the affirmative action program (AAP) requirements. To accomplish this, OFCCP is proposing an Affirmative Action Program Summary Report (AAPSR). This report would be submitted annually to OFCCP by all Federal contractors. The AAPSR submission would significantly reduce the amount and types of paperwork and analyses which would be needed in the affirmative action plan. Further, the data in the AAPSR would be used to implement a compliance review selection process which would have various levels of review rather than subjecting all contractors to the same level of review.



MANAGEMENT *Basin/Civil Rights*

3 m. H.

FROM	ANNABELLE T. Lockhart
ROOM NO.	4135 FPB.
PHONE NO.	606-202-219-8927
FACSIMILE NO.	(202) 606-6640 219- 872 5658

COMMENTS:

Per request
from Annabelle T. Lockhart.

November 7, 1997

**Memorandum for Thomas Freeman
Domestic Policy Council
White House**

From:


Annabelle T. Lockhart

Subject:

**Proposal for Enhanced Resources for Civil
Rights Enforcement in DOL**

**Attached is the information that you requested relative to
enhanced civil rights enforcement of programs receiving
federal financial assistance from the Department of Labor. If
you need anything, further, please call me on 202-219-8927.**

Attachment

Department of Labor's Proposal for Enhanced Civil Rights Enforcement of Financially Assisted Programs

Background

The Directorate of Civil Rights (DCR) is responsible for enforcing the varied Federal statutes and regulations, that (1) prohibit discrimination in all DOL programs, (2) prohibit discrimination on the basis disability by certain public entities and in DOL conducted activities, (3) prohibit discrimination within DOL workplaces.

DOL Jurisdiction

The DOL provides approximately 35 billion dollars in financial assistance to over 900 grant recipients annually. These programs include: the Job Training Partnership Act (JTPA) programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills and decreased welfare dependency. They include the Job Corps, State Employment Security Older Worker Program, Migrant and Seasonal Farmworker Program, Disable Person, Program, and Indian and Native American Program and the Unemployment Insurance Program. . In addition, \$3 billion of new funding is being provided to DOL for the Welfare to Work program.

Additional Resource Requirements

This proposal envisions compliance monitoring activities which include compliance reviews, technical assistance and outreach to cover the financial assistance universe on a three year cycle.

Compliance Activities - 21 FTE and \$1,890,000

Compliance Monitoring

18 FTE will be required to provide total compliance monitoring coverage on a 3 year cycle. Within existing resources only 4 compliance reviews can now be conducted, due to the regulatory need to process complaints. This will enable staff to conduct 18 reviews per year.

Compliance Assistance

3 FTE will be required to conduct 20 technical assistance visits per year. This represents staff being on the road two weeks out of every month.

Mediation - 11 FTE and \$990,000

7 FTE will be required to market ADR and to assist states in developing and designing ADR programs. In addition, 4 FTE will be needed to provide ADR for those complainants who request ADR in the processing of their complaints with DCR.

Technology - \$155,000

for improved data collection?
\$155,000 for technology improvements – The existing database needs major substantive revisions. We have preliminarily explored the possibilities of upgrading our existing system and estimate that at least 75,000 will be needed to obtain licenses and data base conversions to a new system. Additionally, 80,000 will be required for computers to support the additional staff resources.

Summary

This request is for a total of \$3,035,000. When added to the existing budget for DCR, this represents less than one-half of one percent of the total financial assistance DOL dollars to ensure minimal enforcement of applicable nondiscrimination laws.

August 22, 1997
CIVIL RIGHTS ENFORCEMENT Meeting

Name	Agency	Phone	FAX
Kathleen O'Brien	HHS	202 619-1002	202 619-3437
Norma V. Cantu	OCR/ED	202 205 5557	205 5381
Ellen Vargyas	EEOC	663-4637	663-4639
Jerry L. Malone	DOT	366-6800	366-3956
Nancy McFadden	DOT	366-4702	366-3388
Annabelle F. Lockhart	OCR/DOL	219-8927	219-5658
Shirley J. Wilcher	DOL/CFCCF	219-9475	219-6195
Stephanie Y. Moore	USERR	376-8368	376-7558
Reba Pittman Evans	USDA	720-3631	640-2911
SHARRON HARRIS	USDA	720-7117	720-3001
Carolyn B. Cooks	USDA	720-4671	720-3001
MARK STEPHENS	SBA	205-6860	205-6846
ERLINE M. PATRICK	SBA	205-6750	205-7582
Tanya Martin	DPC	456-5228	456-5581
Derril Jordan	SOL/DOI	208-3401	219-1791
Elizabeth Gomez	OS/DOI	208-3338	208-7503
Omar Guerrero	OCR/HHS	619-0403	619-3437
Tom Heebman	DPC	456-5587	-
Mary Smith	DPC	456-5571	-
Emil Parker	NEC	456-2809	-
JOSE CERDA	DPC	456-5568	456-7028
MERCEDES MARQUEZ	HUD	708-2467	708-3389
LISA JACOBS	DOJ	616-2732	514-0239
Isabelle Pinzer	DOJ/CRD	514-6715	507-2572
Juan Carr	OMB	395-7881	395-6889
Chris Lehane	HUD	708-2244	708-3389

August 22, 1997
CIVIL RIGHTS ENFORCEMENT Meeting

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Kathleen O'Brien	HHS	202 619-1002	202 619-3437
Norma V. Cantu	OCR/ED	202 205 5557	205 -5381
Ellen Vargyas	EEOC	663-4637	663-4639
Jerry L. Malone	DOT	366-6800	366-3956
Nancy McFadden	DOT	366-4702	366-3388
Annabelle F. Lockhart	DOE/DOL	219-8927	219-5658
Shirley T. Wilcher	DOL/CFCCF	219-9475	219-6195
Stephanie Y. Moore	USCCR	376-8368	376-7558
Reba Pittman Evans	USDA	720-3631	690-2911
SHARRON HARRIS	USDA	720-7117	720-3001
Carolyn B. Cooke	USDA	720-4671	720-3001
MARK STEPHENS	SBA	205-6860	205-6846
ERLINE M. PATRICK	SBA	205-6750	205-7582
Tanya Martin	DPC	456-5228	456-5581
Derril Jordan	SOL/DOI	208-3401	219-1791
Elizabeth Gomez	OS/DOI	208-3338	208-7503
Omar Guerrero	OCR/HHS	619-0403	619-3437
Tom Heedman	DPC	456-5587	-
Mary Smith	DPC	456-5571	
Emil Parker	NEC	456-2709	
JOSE GERDA	DPC	456-5568	456-7028
MERCEDES MARQUEZ	HUD	708-2467	708-3389
LISA JACOBS	DOJ	616-2732	514-0239
Isabelle Pinzer	DOJ/CRO	514-6715	507-2572
Juan Carr	OMB	395-7881	395-6889
Chris Lehane	HUD	708-2244	708-3389