

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 1100.354

National Policy

Effective Date:
12/23/14

Cancellation Date:
12/23/15

SUBJ: Restructuring of the Office of Civil Rights

1. **Purpose of this Notice.** This notice establishes the organizational restructure of the current civil rights function in the regions, centers, and headquarters under the executive direction of the Assistant Administrator for Civil Rights, ACR-1.

2. **Audience.** All Federal Aviation Administration (FAA) employees and all external parties who receive services from the Office of Civil Rights (ACR).

3. **Where can I Find This Notice?** You can find this Notice on the MyFAA Employee Web site: https://employees.faa.gov/tools_resources/orders_notices/. This Notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices/.

4. **Background.** The authority to straight-line the regions' and centers' Civil Rights (CR) staff under the executive direction of ACR, as described in N 1100.276, was a major first step in improving the overall performance of the civil rights function within the FAA. The organization restructure, described within this notice, is the next logical step in moving the civil rights function to an even higher level of customer service and organizational performance.

a. Foundation for Success: The Office of Civil Rights commissioned the Delivery of Services Study in September 2012. This effort provided a clear understanding of critical performance challenges and recommendations for management action in leading the civil rights function into the next level of performance. The study documented the analyses results, findings, expected benefits, and recommendations in the ACR Future Organization Plan and delivered it in November 2013. The plan also included a proposed future organization and services approach.

b. Coordination and Buy-In: After coordination with critical stakeholders, ACR-1, on November 18, 2013, presented the proposed ACR Future Organization Plan to the FAA Business Council. The Business Council supported and accepted the proposal and requested it be coordinated with the appropriate FAA staff offices and the FAA Administrator (AOA-1) for approval prior to implementation.

5. Explanation of Changes. Listed below are the drivers to the decision to restructure the civil rights function and staff offices.

a. Environmental Challenges: The major change-drivers were; external and internal required and mandated changes to improvement of customer services and organizational efficiencies, significant customer changes as to their operating procedures and structures, and impacts to ACR's ability to deliver predictable services.

b. Study Recommendations: The recommendations were evaluated, benchmarked, and coordinated. Recommendations, planned improvements and expected benefits were coordinated with management for approval. Identified performance expectations supported through analyses results of organizational products and services. These new expectations will drive future ACR performance measures.

c. Expected Benefits: Expect to gain Benefits from the improvement to direct customer services, movement of more positions and resources to operations, and clear distribution of workload and assignments. Improvements will allow employees to effectively operate; increase of ownership/productivity; resource efficiencies in reduction of manager-to-employee ratios; centralized key functional responsibilities to increase collaboration, results, effective decision-making and approval processes.

6. The ACR restructure will incorporate the following changes:

a. The current ACR-2 will be renamed Deputy Assistant Administrator for Civil Rights and will report to ACR-1. All six ACR staff managers will be direct reports to ACR-2.

b. The current Internal Program Staff, ACR-3, will be renamed National Policy and Compliance Staff, and the current External Program Staff, ACR-4, will be renamed National External Operations Program Staff. ACT-9 will be renamed National Equal Employment Opportunity (EEO) Complaints Services Staff and will provide services at the Headquarters level as well.

c. The Office of Civil Rights has established three Service Areas.

(1) The current Civil Rights Staff, ASO-001G will be renamed Eastern Civil Rights Service Area, ASO-9. AEA-9 and ANE-9 will report directly to ASO-9.

(2) The current Civil Rights Staff, ASW-9 will be renamed Central Civil Rights Service Area. ACE-9, AGL-9 and AMC-9 will report directly to ASW-9.

(3) The current Assistant Administrator for Civil Rights, AWP-9 will be renamed Civil Rights Staff. The current Assistant Administrator for Civil Rights, ANM-9 will be renamed Western Civil Rights Service Area. AAL-9 and AWP-9 will report directly to ANM-9.

7. Office of Civil Rights - Mission and Vision

a. The mission is to implement civil rights and equal employment opportunity policies and operational programs, to ensure their full and successful development in support of the FAA, in providing the safest, most efficient aerospace system in the world.

b. The vision is to create, within the FAA and its federally assisted programs, an environment free of civil rights violations and discrimination where all are treated equitably with dignity and respect.

8. Organizational Functions

a. The Assistant Administrator for Civil Rights, provides leadership in the promotion and management of initiatives regarding civil rights, equal employment opportunity, diversity and inclusion, and a model Equal Employment Opportunity (EEO) program by:

- (1) Fostering managerial accountability, recognition, and organizational development.
- (2) Developing and establishing objectives and priorities that reflect FAA strategic goals and the FAA Administrator's policy initiatives.
- (3) Integrating and coordinating policy and planning within and across agency functional areas, and with Departmental Office of Civil Rights (DOCR).
- (4) Evaluating the effectiveness of organizational elements and programs.
- (5) Promoting positive human relations, open communication, and affirmative equal employment opportunity policies.
- (6) Overseeing compliance by airports sponsors of all applicable civil rights regulations, policies, and procedures.
- (7) Providing leadership and overseeing the regions, centers and headquarters CR staff offices.

b. The Deputy Assistant Administrator for Civil Rights, ACR-2, is responsible for implementing the functions listed below and working with assigned staff managers, specific customers, and other stakeholders in providing services, support, oversight and compliance. Any functional and responsibility assignments to ACR staff organizations under this notice may be changed by ACR-2.

- (1) Advises ACR-1 on national and field civil rights programs, equal employment opportunity, diversity and inclusion, procedures, regulations, reports, model EEO program, and related matters. Its purpose is to conduct a continuing campaign to ensure FAA programs comply with all anti-discrimination laws and policies.

(2) Evaluates the effectiveness of the agency's program for civil rights, equal employment opportunity, diversity and inclusion, and provides ACR-1 with recommendations. These recommendations are for improvement or correction and follow-up, including remedial or disciplinary action with respect to managerial, supervisory or other employees who have failed in their responsibilities.

(3) Makes changes, as authorized by ACR-1, in programs and procedures designed to eliminate discriminatory practices and improve the agency's program for civil rights, equal employment opportunity, diversity and inclusion.

(4) Reviews, evaluates and provides guidance to AHR/LOBs/SOs regarding supervisory performance standards to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity. Consults on orientation, training, and advice to managers and supervisors to assure their understanding and implementation of equal employment opportunity policy and program.

(5) Assures counseling and alternative dispute resolution services are in response to request by managers, employees, applicants and members of class complaints in matters of discrimination.

(6) Assures that individual complaints are fairly and thoroughly addressed, investigated, and that a final action taken in a timely manner in accordance with all laws and regulations governing civil rights and equal employment opportunity.

(7) Monitors and reports compliance with any settlement agreement knowingly and voluntarily agreed to by the parties, reached at any stage of the complaint process, and investigates allegations of any organizational unit having failed to comply with the terms of a settlement agreement or decision.

(8) Provides advice on the agency's reasonable accommodation program when those accommodations can be made without undue hardship on the operation of the business of the agency:

(a) To the religious needs of applicants and employees.

(b) To the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee.

(9) Reviews and evaluates affirmative actions taken by FAA organizational units to identify and eliminate barriers to equal employment opportunity.

(10) Ensures programs such as EEO training, outreach, and special emphasis are established, being conducted and evaluated for effectiveness and compliance.

(11) Ensures that small business concerns owned and/or controlled by socially and economically disadvantaged individuals afforded the opportunity to participate in airport grant contracting and concession opportunities.

(12) Ensures compliance with regulations concerning the collection and maintenance of accurate employment information on the race, national origin, sex, and disabilities of agency employees.

(13) Ensures equal opportunity, non-discrimination, and compliance regarding the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Architectural Barriers Act of 2010, Title VI of the Civil Rights Act of 1964, Environmental Justice (EJ), and Limited English Proficiency (LEP), the Code of Federal Regulations, Executive Orders, and other guidance.

(14) Advises, represents, and assists ACR-1 in the elimination of discrimination based on political affiliation, marital status, sexual orientation, status as a parent, or any other characteristic not bearing on job performance. This will be in accordance with efforts aimed at improving and maintaining a Model EEO Program as it complies with the Management Directive (MD)-715 and any other Equal Employment Opportunity Commission (EEOC) management directives.

9. Organizations and Services. Listed below you will find the Services delivered by the CR staff offices. The specific name of the organizations provide the high-level functional responsibilities.

a. National Policy and Compliance, ACR-3, provides the following services:

(1) Oversight and compliance of national internal FAA CR and EEO policies, procedures, and guidance.

(2) Oversight and compliance of national external FAA CR airport sponsor policies, procedures, and guidance.

(3) Oversight and compliance of national policies and procedures oversight and compliance assurance.

(4) The Office of Civil Rights oversight and compliance assurance of its organizational quality relating to the execution of support policies and procedures.

(5) Conduct national reviews of FAA organizations per EEOC MD-715 guidance.

(6) Conduct organizational assessments, reviews, evaluations, analyses, and support audits to ensure program and organizational compliance with regulations, mandates, policy, procedures, and required oversight.

(7) Conduct national outreach and special emphasis programs, to include operational activities for Washington headquarters.

(8) Oversight and execution of national internal and external CR and EEO programs training policies through the EEO Training Institute. Liaison to the DOOCR EEO Training Institute.

(9) Resource management and operations support policies and procedures to include performance management, planning, finance, budget, personnel, training, contracts, material, tools, space, information, records, administrative services, and reporting.

(10) Prepare and analyze reports.

(11) Ensure FAA, its employees and managers comply with findings and settlement agreements.

(12) Ensure oversight so complaints are fairly and thoroughly addressed, final decisions are timely, per legal and Federal requirements.

(13) Represents the FAA ACR on a variety of forums and committees inside and outside the FAA.

b. National External Operations Program, ACR-4, provides the following services:

(1) Oversight and compliance reviews of external activities in the program areas of Airports' Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) operational requirements.

(2) Oversight and compliance reviews of external activities in the program areas of the Americans with Disabilities Act (ADA), Rehabilitation Act (Rehab), and the Architectural Barriers Act operational requirements.

(3) Oversight and compliance reviews of external activities in the program areas of Title VI, Environmental Justice (EJ), and Limited English Proficiency (LEP) operational requirements.

(4) Manage and process external CR inquiries.

(5) Consultation, technical assistance and oversight in the execution of pre-award reviews, post-award reviews and compliance assurance.

(6) Conduct and support external CR training and learning activities for airports sponsors.

(7) Investigate complaints, report findings and render decisions.

(8) Prepare and analyze reports.

(9) Ensure external program participants comply with findings and settlement agreements.

c. National EEO Complaints Services, ACT-9, provides the following services:

(1) Lead, conduct and manage the National EEO Complaints Services for FAA.

(2) Lead, conduct and manage EEO services at Washington headquarters and the Technical Center.

(3) Manage and process FAA EEO Intake and inquiries.

(4) Consultation and advice to FAA employees, management representatives and job applicants.

(5) Process informal complaints, provide counseling and report results.

(6) Review and comment on formal DOCR investigation reports.

(7) Address disputes, mediation and/or resolution.

(8) Consult and advise on reasonable accommodations requests.

(9) Conduct and support EEO training and learning activities.

(10) Conduct outreach, and special emphasis programs within assigned area.

(11) Oversight of legal findings and settlement agreements compliance.

(12) Oversight of complaints to ensure a fair and thorough process with timely final decisions.

(13) Conduct operational reviews of FAA Organizations per MD-715 Guidance - Six Essential Elements of a Model EEO Program.

(14) Manage the iComplaints and E-file Database Systems, and provide requested complaint reports.

d. Eastern/Central/Western CR Service Areas, ASO-9, ASW-9 and ANM-9 provide the following services:

(1) Lead, conduct and manage EEO services at regions/center within the assigned service area.

- (2) Manage the processing of regional FAA EEO inquiries.
- (3) Consultation and advice to all employees, management representatives and job applicants.
- (4) Review and comment on formal DOCR investigation reports.
- (5) Address disputes, mediation and/or resolution.
- (6) Consult and advise on reasonable accommodations requests.
- (7) Conduct and support EEO training and learning activities.
- (8) Conduct outreach and special emphasis programs.
- (9) Manage and support the Pre-Complaint process and provide guidance.
- (10) Oversight of legal findings and settlement agreements compliance.
- (11) Conduct operational reviews of FAA organizations per EEOC MD-715 guidance - Six Essential Elements of a Model EEO Program.

10. Resources. Consistent with congressional action on the Federal Aviation Administration's Fiscal Year (FY) 2015 Operations appropriation, funding for the regions, centers and headquarters civil rights staff will be in ACR's budget. The Assistant Administrator for Civil Rights and/or the Deputy Assistant Administrator for Civil Rights will work with civil rights managers and staff in regions, centers and headquarters to ensure appropriate resources are available.

11. Documentation. The next revision to FAA Order 1100.2C, Organization – Washington headquarters will document this organizational change and structure.

12. Authority. With respect to all matters within the Assistant Administrator's sphere of responsibility, ACR-1 is authorized to:

a. Take action and issue orders in the name of the FAA Administrator, except for those matters for which the FAA Administrator has specifically reserved authority or otherwise provided.

b. Represent the FAA Administrator.

c. Act on any matter with specific delegated authority to the assistant administrator or to any element under that position's executive direction.

d. Serve as the FAA Diversity and Inclusion Advocate.

e. Gain access and use of all data/information residing within the operational control of ACR/FAA organizations as needed to fulfill its mission.

f. Continue to provide the FAA Administrator and FAA Deputy Administrator, ADA-1, direct executive support in technical, organizational, operational and strategic areas of FAA.

g. Delegate to ACR-2 the authority to make changes as appropriate to this notice through the directives management process.

13. Distribution. The distribution of this notice is to the division level in Washington headquarters, regions and centers with distribution to each field office and facility.

14. Organizational Charts. ACR Organization Chart is included in Appendix A.

A handwritten signature in black ink, appearing to read 'Michael P. Huerta', with a circled number '1' to the right.

Michael P. Huerta
Administrator

Appendix A. Office of Civil Rights (ACR) ACR Organizational Chart