

# Office for Civil Rights and Civil Liberties

## Complaints Management and Adjudication Section



Homeland Security

The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), Complaints Management and Adjudication Section (CMAS) leads the processing of Equal Employment Opportunity (EEO) complaints throughout the Department. CMAS prepares final actions on formal EEO complaints filed by Department employees, former employees, and applicants for employment who allege discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963; the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008; and Executive Orders prohibiting discrimination on the bases of parental status and sexual orientation. Federal-sector EEO complaint processing guidelines are set forth in Equal Employment Opportunity Commission (EEOC) regulations at Title 29, Code of Federal Regulations, Part 1614. Additionally, CMAS prepares the following Departmental reports:

- Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”) Report.
- Quarterly No FEAR Act data postings.
- Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (“462 Report”).

### Final Actions

The CRCL Deputy Officer and Director for EEO and Diversity (Deputy Officer) has delegated authority to issue final decisions and other types of final actions that decide the outcome of EEO complaints. The Deputy Officer relies on CMAS to analyze the evidentiary records for each EEO complaint and draft decisions for the Deputy Officer’s review and signature.

CMAS adjudication staff prepare a variety of final actions for approval by the Deputy Officer, or designee, including: merit Final Agency Decisions (FADs); procedural FADs, Final Orders following decisions by EEOC administrative judges; determinations on allegations of breach of settlement agreements; and awards of compensatory damages, attorney’s fees, and administrative closure actions. If the decision results in a finding of discrimination, the decision includes specific relief the Component must provide to the

complainant; relief may include back pay, compensatory damages, or other appropriate remedial measures.

### EEO Complaints Management

CMAS provides leadership and guidance to each Component’s EEO complaint programs. CMAS leadership engages with Component Complaint Managers on an ongoing basis to provide guidance, discuss workflow, facilitate the sharing of best practices among the Components, provide case status updates, and discuss process enhancements. CMAS staff also direct internal case assignment and workflow related to complaint adjudication, administer the Department’s i-Complaints enterprise EEO complaints database, and oversee the intake and out-processing of more than 1,000 final actions each year. CMAS monitors the Components’ progress in implementing relief ordered by EEOC’s Office of Federal Operations (OFO), an EEOC AJ, and/or as ordered in DHS final decisions in which discrimination was found. Additionally, CMAS serves as the liaison between the Components and EEOC OFO on compliance matters, specifically doing so by producing a comprehensive Departmental monthly compliance report to the EEOC.

### Leveraging Technology

Leveraging technology in partnership with Component EEO offices, CMAS receives requests for final action via electronic means; uses electronic records during the preparation of final actions, and issues decisions electronically to the extent possible, ensuring the decisions are fully Section-508 compliant and are transmitted in a password-protected format.

### Product Review and Feedback

CMAS has developed a feedback tool to assess the sufficiency of Reports of Investigation (ROIs) submitted by Components. Quarterly, CMAS issues reports to each Component regarding the cases that have been adjudicated and provides objective feedback in key categories that encompass both substantive and technical areas. CMAS also issues an annual summary report regarding the quality of the Department’s ROIs.