

Department of Homeland Security

DHS Delegation Number: 19003

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**DELEGATION TO THE  
OFFICER FOR CIVIL RIGHTS  
AND CIVIL LIBERTIES FOR  
MATTERS INVOLVING CIVIL  
RIGHTS AND CIVIL  
LIBERTIES, INCLUDING  
EQUAL EMPLOYMENT  
OPPORTUNITY AND  
WORKPLACE DIVERSITY**

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## **I. Purpose**

This is a delegation of authority to the Officer for Civil Rights and Civil Liberties (CRCL) to oversee and coordinate civil rights and civil liberties programs, policies, and activities throughout the Department of Homeland Security (DHS), including both activities and programs affecting the public and those promoting equal employment opportunity and workplace diversity.

## **II. Delegation**

A. Subject to my oversight, direction and guidance, I delegate to the Officer for CRCL the authority to establish and implement policy, including subsequent review, to:

1. Direct, oversee, and coordinate activities across the Department for the protection and promotion of civil rights and civil liberties for members of the public, including:

a. Determining when there has been an abuse of civil rights or civil liberties;

b. Engaging the public and external organizations, and building relationships with communities, to communicate the office's responsibilities and to support the DHS mission;

c. Developing and providing Department-wide training on civil rights and civil liberties to ensure that DHS

personnel are well-versed in their obligations to protect civil rights and civil liberties and collaborating with Component EEO/Civil Rights offices that provide Agency mission-specific civil rights and civil liberties training while carrying out their homeland security responsibilities;

d. Developing Department-wide policies to protect civil rights and civil liberties; and

e. Assessing new and existing policies throughout the Department for the policies' impact on civil rights and civil liberties

2. Direct, oversee, and coordinate the Department's Equal Employment Opportunity (EEO) complaint system, and promote EEO, workplace diversity and inclusion, including:

a. Determining when there has been a lack of equal employment opportunity, processing EEO complaints including those arising under statutes, Executive Orders, and Departmental policy, and rendering final decisions pursuant to 29 CFR § 1614.110 or administratively when that regulation is not applicable;

b. Rendering decisions on allegations of breach of EEO settlement agreements, including awarding compensatory damages and attorney fees and requiring appropriate remedial action when necessary;

c. Developing and administering an effective EEO dispute resolution and prevention program;

d. Developing, coordinating and evaluating with Component Heads, EEO policy, management, and training activities, and anti-harassment programs;

e. Developing and overseeing policies and procedures for providing reasonable accommodations for employees with disabilities;

f. Ensuring that information technology applications are accessible to users with disabilities;

g. Directing and implementing employee training requirements, public posting of summary EEO complaint data, and annual reporting requirements to ensure

compliance with the No FEAR Act of 2002; and

h. In conjunction with the Office of the Chief Human Capital Officer (OCHCO), directing the Department's Diversity Initiative and promoting workplace diversity by developing, coordinating, approving, and evaluating workplace diversity programs.

3. Ensure that all federally-assisted and federally-conducted programs or activities of the Department comply with:

a. The provisions of Title VI of the Civil Rights Act of 1964, as amended (prohibiting discrimination in federally supported activities on the basis of race, color, or national origin);

b. Title IX of the Education Amendments of 1972, as amended (prohibiting discrimination in federally supported education programs or activities on the basis of sex);

c. The Rehabilitation Act of 1973, as amended (prohibiting discrimination in federally supported activities and federal employment on the basis of disability);

d. The Age Discrimination Act of 1975, as amended (prohibiting discrimination in federally supported activities on the basis of age);

e. Executive Order (EO) 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000;

f. Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities", July 26, 2010; and

g. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."

B. In order to carry out the functions and authorities delegated herein, the Officer for CRCL is further delegated the authority, subject to my oversight, direction, and guidance, to:

1. Oversee Component civil rights and civil liberties programs, and

define performance metrics to evaluate performance of those programs;

2. Review reports and programs within any Component to ensure compliance with standards established by the Officer for CRCL to protect civil rights and civil liberties;

3. Enter into agreements and arrangements with DHS Components and other entities as necessary and appropriate to execute the authorities in this Delegation. Agreements with foreign entities must be coordinated with the Assistant Secretary for International Affairs;

4. Participate in the recruiting and hiring of Senior Civil Rights and Civil Liberties officials except as expressly excluded by statute, including by approving position descriptions, establishing knowledge, skills and abilities requirements, participating in interviews of best-qualified applicants, when desired, and approving the final hiring selection of Senior Civil Rights and Civil Liberties officials;

5. Participate in evaluating the performance of Senior Civil Rights and Civil Liberties officials by providing written performance objectives as well as input and feedback on their achievement of those objectives to their rating officials and to Component Heads;

6. In collaboration with Component Heads, exercise concurrence authority for bonus or award recommendations, pay adjustments, and other forms of commendation for Senior Civil Rights and Civil Liberties officials;

7. To the extent that the law prohibits vesting recruiting, hiring and performance evaluation authority in the Officer for CRCL for Senior Civil Rights and Civil Liberties officials, the Officer for CRCL shall provide recommendations for the recruiting, hiring and employee evaluation process of Senior Civil Rights and Civil Liberties officials, including providing input into performance objectives and achievement of those objectives, the establishment of knowledge, skills and abilities requirement, participating in the interview process, when desired, input into the final selection and input into bonus or award recommendations, pay adjustments and other forms of commendation;

8. Collaborate with Component Heads on Component staffing plans and Component budget formulation and execution as they relate to civil rights and civil liberties functions;

9. Collaborate with Component heads on any civil rights or civil liberties training within the Components; and

10. Provide input to the Secretary and Deputy Secretary regarding any reorganization of a Component that could affect a Component's civil rights and civil liberties functions.

C. Nothing in this delegation is intended to interfere with the statutory independence of the Inspector General or the Inspector General's authority to investigate allegations of misconduct, including allegations of civil rights or civil liberties abuses, by DHS employees or contractors.

### III. Re-delegation

Unless otherwise prohibited by law or executive order, the authorities delegated herein may be re-delegated, in writing, to appropriate personnel within CRCL or the Components.

### IV. Authorities

Other sources of CRCL authority:

- A. Title 6, U.S.C. § 112, "Secretary; functions"
- B. Title 6, U.S.C. § 345, "Establishment of Officer for Civil Rights and Civil Liberties"
- C. Title 42, U.S.C. § 2000ee-1, "Privacy and civil liberties officers"

### V. Definitions

- A. **Civil Rights and Civil Liberties Programs:** functions and activities, including their supporting resources, assets, budgets and processes, dedicated to the protection of civil rights and civil liberties for the public and the DHS workforce, including Equal Employment Opportunity programs and other programs.
- B. **Component:** has that meaning given it in Department of Homeland Security Directive No. 252-01, "Organization of the Department of Homeland Security."
- C. **Operational Component:** has that meaning given it in Department of Homeland Security Directive No. 252-01, "Organization of the Department of Homeland Security."
- D. **Senior Civil Rights and Civil Liberties Officials:** any civilian civil rights and civil liberties personnel Department-wide at the GS-15 level or higher.

E. **Support Component:** has that meaning given it in Department of Homeland Security Directive No. 252-01, "Organization of the Department of Homeland Security."

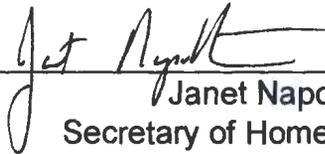
## VI. Office of Primary Interest

The Office for Civil Rights and Civil Liberties is the office with primary interest in the delegation.

## VII. Cancellation

A. Delegation 3095, "Delegation to the Officer for Civil Rights and Civil Liberties for Matters Involving Civil Rights, Civil Liberties, and Equal Employment Opportunity," is superseded.

B. Delegation 19002, "Delegation to the Officer for Civil Rights and Civil Liberties to Integrate and Manage Civil Rights, Civil Liberties, and Equal Employment Opportunity Programs," is superseded.

  
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Janet Napolitano  
Secretary of Homeland Security

10-26-12  
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Date