

TAB C

FY 2009

**Section 504 (federally assisted and
federally conducted programs) and Title II of the ADA**

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Schedule 1
Summary of Civil Rights Activities

FY 2009 Civil Rights Resources and Performance Data for Section 504 Federally Assisted and Federally Conducted Programs, Title II of the Americans with Disabilities Act (ADA), and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

- A. Please provide an updated organizational chart of your agency=s civil rights program.
- B. Please provide the name and contact information of the agency staff member who will be preparing this report.

David Quirino, Equal Opportunity Specialist, david_quirino@ios.doi.gov

- C. Please provide a narrative of any programs that have been added or discontinued since your agency submitted its last Implementation Plan.

None

- D. Please provide a narrative of any delegation agreement or other arrangement your agency has with another agency that involves civil rights enforcement in your agency=s programs.

OCR:None

BOR: The Department of the Interior is a party to an agreement with the Department of Justice, whereas the Department of the Interior (Interior) will investigate ADA Title II complaints related to water and waste management, land and natural resources, parks, recreation, environmental protection, energy, historic and cultural preservation, or museums. As part of this agreement Reclamation investigates those complaints delegated to Interior on the basis of ADA Title II related to water and energy.

Federally Assisted Programs	Number or Amount
1. Total budget for office(s) that enforce(s) civil rights activities. (Check (T) here <u>T</u> if the amount includes internal and external activities.) ¹	\$11,023,536

¹ Internal civil rights activities include enforcement of civil rights statutes applying to the programs and activities conducted

2. Total civil rights budget allocated for external enforcement of Section 504, Title II, and agency specific program statutes that prohibit discrimination on the basis of disability. ²	\$1,105,244
3. Total staff (in full-time equivalent (FTE) positions) assigned to civil rights activities. (Check (T) here _T_ if the amount includes internal and external activities.)	Total <u>76</u> Attorneys <u> </u> Investigators <u> </u> Others <u> </u>
4. Total FTE staff allocated to Section 504 federally assisted programs, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	27.35
5. Number of federally assisted programs covered by Section 504, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	124
6. Total dollar amount of federal financial assistance provided for all federally assisted programs in line 5 above.	\$4,649,294,416
7. Total number of recipients (including subrecipients) of federal financial assistance covered by Section 504, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	2100
8. Total number of compliance reviews conducted of recipients.	51
9. Total number of settlement agreements entered into with recipients (including subrecipients). Please provide copies.	0
Federally Conducted Programs	Number or Amount
1. Total civil rights budget allocated for internal enforcement of Section 504 and agency specific program statutes that prohibit discrimination on the basis of disability.	\$2,708,394
2. Total FTE staff allocated to Section 504 federally conducted programs and agency-specific program statutes that prohibit discrimination on the basis of disability.	29

by federal agencies for federal government employees, as well as members of the public. External civil rights activities involve the enforcement of civil rights statutes, such as Section 504 of the Rehabilitation Act as it applies to recipients of federal financial assistance, and Title II of the Americans with Disabilities Act.

² This amount should not include any internal equal employment opportunity information.

Schedule 2
Complaints (Federally Assisted Programs)

FY 2009 Civil Rights Complaint Processing Data for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Federally Assisted Programs and Title II Programs	Number or Amount
1. Total number of complaints in inventory at the beginning of FY 2009.	146
2. Total number of complaints received during FY 2009.	32
3. Total number of complaints related to American Recovery and Reinvestments Act (ARRA) funded programs	0
4. Complaints received in FY 2009 that were classified as:	0
a. Section 504 only (discrimination in federally assisted programs)	0
b. Title II only (discrimination in state and local government services)	0
c. Both Section 504 and Title II	32
5. Total unresolved complaints in inventory at the end of FY 2009.	135
5a. Total unresolved complaints, reported in line 5, that were processed under Title II.	135
5b. Total unresolved complaints, reported in line 5, that were unresolved for more than 180 days.	47
5c. Total complaints unresolved for more than 180 days, as reported in line 5, that were processed under Title II.	47
6. Total complaints closed administratively or for lack of jurisdiction (not including those referred to another agency).	43
7. Total complaints, reported in line 6, that were processed under Title II.	43
8. Total complaints referred to another agency.	11
9. Total complaints, reported in line 8, that involved Title II.	11
10. Total complaints resolved prior to issuing a Letter of Findings (LOF).	43
11. Total complaints, reported in line 10, that were processed under Title II.	43
12. Total complaints investigated where a compliance LOF that raised concerns or made recommendations was issued.	0

13. Total complaints, reported in line 12, that were processed under Title II.	0
14. Total complaints investigated where a compliance LOF that raised no concerns or made no recommendations was issued.	0
15. Total complaint investigations where a noncompliance LOF was issued. (Please provide a narrative summary of each such LOF with the basis on which the finding was made, disposition of the complaint, any administrative or judicial enforcement action, and the status of such action. If no action was taken, please explain.)	0
16. Total complaint investigations, reported in line 15, that were processed under Title II.	0
17. Total FTEs performing complaint processing activities.	15.5
18. Please tell us how complaints for federally assisted programs received by your agency are distributed across the categories listed below by ranking them on a scale of one through five . On the scale, A1" represents the most frequently received complaints, while A5" represents the least frequently received complaints. Use the numbers 1 through 5 only once in ranking the categories a through e.	
a. Complaints that allege administrative violations such as failure to complete self evaluation/transition plans.	5
b. Complaints that allege substantive violations such as failure to make reasonable policy modifications.	3
c. Complaints that allege substantive violations such as failure to provide program accessibility.	2
d. Complaints that allege substantive violations such as failure to provide effective communication.	4
e. Complaints that allege substantive violations such as failure to design and construct facilities in compliance with the ADA and Section 504.	1

Identify all offices that participate in the review, investigation, and resolution of complaints received by your agency (e.g., some agencies use their Office of General Counsel to assist their Office of Civil Rights).

Sometimes Grants' Staff assist Office of Civil Rights and Bureau EEO Staff in conducting reviews in mediating/negotiating resolution of non compliance.

Schedule 3 Complaints (Federally Conducted Programs)

FY 2009 Civil Rights Complaint Processing Data for Federally Conducted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Federally Conducted Programs	Number or Amount
1. Total number of complaints in inventory at the beginning of FY 2009.	47
2. Total number of complaints received during FY 2009.	13
3. Complaints received in FY 2009 that were classified as: <ul style="list-style-type: none"> a. Section 504 employment issues b. Section 504 non-employment issues c. Both Section 504 employment and non-employment issues 	0 <hr/> 13 <hr/> 0
4. Complaints received in FY 2009 that alleged the use of inaccessible electronic or information technology and were classified as:	0
a. employment issues	2
b. non-employment issues	0
c. both employment and non-employment issues	
5. Total unresolved complaints in inventory at the end of FY 2009.	40
6. Total unresolved complaints, reported in line 5, that were unresolved for more than 180 days after receipt.	36
7. Total complaints closed administratively or for lack of jurisdiction.	20
8. Total complaints resolved prior to issuing a Letter of Findings (LOF).	20
9. Total complaints investigated where a compliance LOF that raised concerns or made recommendations was issued.	0
10. Total complaint investigations, reported in line 9, in which the agency agreed, in writing, to remedy the identified discrimination or discriminatory practices.	0
11. Total complaints investigated where a compliance LOF that raised no concerns or made no recommendations was issued.	0
12. Total complaint investigations where a noncompliance LOF was issued. (Please provide a narrative summary of each such LOF with the basis on which the finding was made, disposition of the complaint, any administrative or judicial enforcement action, and the status of such action. If no action was taken, please explain.)	0

13. Total FTEs performing federally conducted program complaint processing activities.	
<p>14. Please tell us how complaints for federally conducted programs received by your agency are distributed across the categories listed below by ranking them on a scale of one through five. On the scale, A1" represents the most frequently received complaints, while A5" represents the least frequently received complaints. Use the numbers 1 through 5 only once in ranking the categories a through e.</p> <p>a. Complaints that allege administrative violations such as failure to complete self evaluation/transition plans.</p> <p>b. Complaints that allege substantive violations such as failure to make reasonable policy modifications.</p> <p>c. Complaints that allege substantive violations such as failure to provide program accessibility.</p> <p>d. Complaints that allege substantive violations such as failure to provide effective communication.</p> <p>e. Complaints that allege substantive violations such as failure to design and construct facilities in compliance with Section 504.</p>	<p style="text-align: right;"><u>5</u></p> <p style="text-align: right;"><u>3</u></p> <p style="text-align: right;"><u>4</u></p> <p style="text-align: right;"><u>2</u></p> <p style="text-align: right;"><u>1</u></p>

Schedule 4 Pre-Award Reviews

FY 2009 Civil Rights Pre-award Reviews for Federally Assisted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please complete the chart below by providing the number of pre-award reviews your agency conducted for potential recipients of federal financial assistance during FY 2009. Pre-award reviews consist, at a minimum, of review of submitted assurances of compliance. Where appropriate, pre-award reviews also may include desk audits/reviews and on-site reviews (See next page for explanation of terms.)

Federally Assisted Programs	Number or Amount
1. Total number of grants awarded.	3294
2. Of the total number of grants awarded, list the number of grants that were renewals from previous fiscal year.	661
3. Total number of pre-award reviews.	1233
4. Total completed pre-award reviews involving reviews of nondiscrimination assurances only.	2903
5. Total completed pre-award reviews involving nondiscrimination assurances and other written information.	0
6. Total completed pre-award reviews involving both written information and on-site pre-award reviews.	0
7. Total pre-award reviews resulting in findings of compliance.	55
8. Total pre-award reviews resulting in findings of noncompliance. ³	0
9. Total pre-award reviews where the resolution is pending.	0
10. Total number of pre-award reviews where the awards were conditioned as a result of a finding of noncompliance. (Do not include these numbers in #11 below.)	0
11. Total pre-award reviews where there are signed corrective action agreements.	0
12. Total number of findings of noncompliance in which no action was taken.	5
13. Total number of recipients being monitored (please include both pre-award reviews from FY 2009 and monitoring of pre-award reviews performed before FY 2009).	840
14. Total number of findings of noncompliance resulting in denial of award and/or initiation of administrative or judicial enforcement.	28.23
15. Total FTEs performing pre-award review activities.	15.5

³ For each of the findings of noncompliance, please provide the name of the recipient, the basis of the discrimination, the issues raised, the corrective action taken, and the current status.

EXPLANATION of TERMS:

Pre-award Reviews. Pre-award reviews are performed prior to an agency's approval of federal financial assistance to applicants or recipients. These entities may be new applicants for assistance or recipients requesting continuing assistance. Pre-award reviews assist agencies in determining that recipients are in compliance with applicable civil rights laws. Prior to approving any award, federal agencies must make a determination that the entities are in compliance with applicable civil rights laws, based, at a minimum, upon the submitted assurances of compliance.

Assurances of compliance. All new applicants and recipients requesting continuing assistance must submit assurances as a condition for the receipt of federal financial assistance. These assurances must include provisions for compliance with the applicable civil rights laws, and also may provide for the maintenance of records and the submission of reports required by the federal funding agencies. Assurances form the basis for any administrative or judicial enforcement that may be required.

Federal agencies also may require applicants and recipients to collect and maintain data that demonstrates the effective enforcement of the applicable civil rights laws, and to provide an assurance regarding the collection of data. Agencies also may require that entities provide notice of any discrimination lawsuits or complaints alleging discrimination; descriptions of any pending funding applications, as well as existing funding, from other federal agencies; and statements about any compliance reviews conducted, along with any findings of noncompliance.

When appropriate, pre-award reviews also may include desk audits/reviews or on-site reviews.

Desk Audits/Reviews. When agencies need additional information in order to make compliance determinations, they can take other steps, including desk audits/reviews, to obtain the information. In preparation for these reviews, which are conducted from the agencies' offices, agencies may request descriptions of the manner in which program services will be provided; statistical and demographic information on the existing and proposed beneficiaries, and facilities; and, where the applicant is requesting funding for construction purposes, information on how the location and design will conform with the applicable civil rights laws. In addition, agencies may conduct telephone interviews with the entities' employees, local government officials, civil rights and advocacy organizations, and, in some instances, potential beneficiaries of the program under consideration.

On-site Reviews. If the desk audits/reviews do not provide an adequate basis upon which agencies can make compliance determinations, agencies may need to schedule on-site or field reviews. Agency staff visit the location or site under consideration and conduct in-person interviews with applicants or recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instance, potential beneficiaries of the program that is applying for funding.

**Schedule 5
Post-Award Reviews**

FY 2009 Civil Rights Post-Award Reviews for Federally Assisted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please complete the chart below by providing the number of post-award reviews your agency performed for recipients of federal financial assistance during FY 2009. Responses for post-award reviews, which include compliance reviews and monitoring reviews, should not include information reported for complaint investigations. (See next page for explanation of terms.) For each category, please indicate the number of those reviews that were desk audits/reviews and those that were on-site reviews.

POST-AWARD REVIEWS	Number Initiated	Number Completed	Number Pending Completion After 180 Days	Number in Compliance	Number Not in Compliance
Total Compliance Reviews	197	145		145	9FWS
On-site	197				
Desk audits/reviews	14				
Total Monitoring Reviews	164				
On-site	14				
Desk audits/reviews	0				
POST-AWARD REVIEWS	197	145		145	9FWS

Please indicate the total number of FTEs performing post-award reviews. 16

Please attach a short narrative about the agency's procedures for performing compliance and monitoring reviews. Also, please explain how recipients or issues are selected for review.

OCR: Please see attached Civil Rights Directive 2011-02 outlining DOI's Compliance Review Process.

BOR: Reclamation has two documents which provide guidance on conducting accessibility evaluations, whether for federally conducted or assisted situations (*Planning for Accessibility Handbook and 504 Guidance Manual-DRAFT*). Reclamation has also developed information collecting instruments for specific programmatic and structural elements which are used to ensure consistency of standards across our programs, services and activities.

BOR: All sites are on a five year cycle for compliance review. When an agency becomes aware of an accessibility

issue such as a complaint, this issue becomes top priority for the PN Regional Accessibility Coordinator. A site review is conducted within the month to determine if there is a Section 504 issue. If Section 504 non-compliance is identified, a corrective action plan is made to retrofit the facility for compliance.

BOR: If a new site facility is installed, an evaluation of the facility is conducted

For compliance reviews that resulted in findings of noncompliance, please attach a short narrative with the following information: the basis on which the findings were made, if the areas of noncompliance have been corrected, if any administrative or judicial enforcement action has been taken, and the status of such action. If no action was taken, please explain.

OCR: Generally issues of non compliance are Bureau to State and local are working together informally at this time to resolve non compliance issues.

BOR: Recipient programs, services or activities are often found to be out of compliance and correction using Reclamation established procedures are implemented to encourage compliance. Many partners have differing funding cycles and priorities from those of Reclamation, which makes timely correction of deficiencies difficult or impossible. Reclamation attempts, when possible, to assist the recipients/partners with technical assistance and cost share agreements. In no case, has judicial or administrative enforcement ever been taken. Reclamation focuses on voluntary compliance within reasonable timeframes with its partners and recipients.

Comprehensive Condition Assessments are conducted which include accessibility deficiencies. The deficiencies are identifies as deferred maintenance and placed on a schedule for retrofits. A category rating system is established to determine the severity of the deficiency due to health and safety issues. Depending upon the category determines the corrective action completion dates for the retrofit.

EXPLANATION of TERMS:

Post-award Reviews. Post-award reviews are conducted after federal financial assistance has been extended to recipients. These reviews help agencies determine if recipients are complying with the applicable civil rights laws.

There are two types of post-award reviews:

Compliance Reviews. Compliance reviews are targeted reviews based on agency regulations, rules, guidelines, manuals, and the like, to determine recipients' compliance with civil rights laws and nondiscrimination regulations. Although agencies have discretion in selecting recipients for compliance reviews, agency selections should be based on evidence of a violation or on neutral criteria, rather than upon random selection. A compliance review generally is not undertaken as the result of the agency's receipt of a complaint as this would be a complaint investigation.

Monitoring Reviews. Monitoring reviews are reviews to determine whether recipients are complying or have complied with corrective action agreements, conditioned awards or other required actions, which are intended to correct deficiencies uncovered, for example, in a previous compliance review or complaint investigation.

Post-award Reviews can be conducted in two ways:

Desk Audits/Reviews. In desk audits/reviews, staff do not visit recipients. Instead, from the agency offices, staff review the recipients' documents and other written information, including recipient compliance reports and information from pre-award reviews, to determine compliance. These reviews can include telephone interviews with the recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instances, beneficiaries of the funded program for the purpose of gathering additional information and documents.

On-site Reviews. An on-site review is usually performed after a desk audit/review is completed. Agency staff visit the location or site and conduct in-person interviews with the recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instances, beneficiaries of the funded program to gather further information and documents. In carrying out their compliance programs, agencies should conduct on-site or field reviews, where appropriate, of a representative number of their major recipients. These reviews should include newly approved recipients, continuing or renewing recipients, and other federally assisted program recipients. On-site reviews may need to be scheduled when the results of desk audits/reviews are not determinative.

Schedule 6
Regulatory and Policy Development

FY 2009 Civil Rights Regulatory and Policy Development for Federally Assisted Programs and Federally Conducted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please indicate in the chart below the name and date of any regulations, policies, guidelines, directives or operating manuals your agency has published or revised during FY 2009 or intends to publish or revise in FY 2011.

Specify the applicable statute(s) that the document covers by indicating Section 504; Title II; nondiscrimination provisions of a program statute (AProgram@), e.g., an implementing regulation; or comprehensive (AComprehensive@), e.g., a complaint investigation manual that covers all statutes.

	504, Title II, Program, Comprehensive	Completed/ Published	Projected Date to be Completed/ Published
<u>Regulations</u>			
<u>Policy/ Guidelines</u> FWS: Updated the FWS Manual on External Civil Rights Procedures—including disability rights BOR: CRM P03 Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program) BLM: IM-2008-018-Civil Rights Policy	 504 October 2007		 12/2011
<u>Directives</u> Civil Rights Directives(CRD) Policy for implementing a Public Civil Rights(PCR) Program CRD 2011-01 PCR Complaints Procedure CRD 2011-02 PCR Compliance Reviews CRM 03-03 Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program) <i>Note: Reclamation Manual process requires all Programs to review their directives and standards every two years for possible</i>	 504	 6/25/09 Originally published 7/17/2008	 3/14/11 3/14/11 12/2011

<i>revisions</i>			
<u>Manuals/Handbooks</u> BOR: 504 Guidance Manual BLM: Desk-Audit Guidelines		504 2009	12/20/11
<u>Other</u>			

**Schedule 7
Training (Part A and Part B)**

FY 2009 Civil Rights Training Data for Federally Assisted and Conducted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Training is defined as a structured program designed to assist federal employees, recipient and subrecipient employees, organizations, and others in the development of skills, knowledge, and understanding of the statutes above, and in the conduct of their civil rights responsibilities and obligations.

Agency Department of the Interior/Office of Civil Rights

**Schedule 7 - Part A
Federal Employee Training**

Please provide in the chart below information for each training session/program provided to employees in your agency with internal and external civil rights responsibilities relating to Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability. If no training was provided, please explain why and describe any training planned/scheduled for FY 2011.

Please describe the mechanism for requesting reasonable accommodations.

Title of Training/ Description of Training/ Type of Training	Number of Employees Trained⁴	Dates(and times) of Training	Location of Training (City, State)	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov=t agency, vendor/contractor)
ADA UPDATE	6	09/09	Rockville, MD	Mid Atlantic ADA Center
LEP Conference	4	04/09	Washingto n, DC	DOJ
General Session Public Civil Rights Program	NPS EEO Staff 30	09/09	Washington, DC	OCR/PCR Staff
Title VI General Session PCR Program	NPS EEO Staff 30	09/24/09	Washington, DC	OCR/PCR Staff
Bureau of Reclamation – Accessibility Conference	50	10/21-23/08	Sacramento , CA	Bureau of Reclamation, Public Civil Rights Staff

PN: Regional Accessibility Coordinator Meeting	15	3/23- 24/09	Boise, ID	Regional Accessibility Coordinator and Regional Accessibility Specialist
PN: Accessible Trail Requirements in Proposed Final Rule	18	12/02/09	Las Vegas, NV	PN & UC Regional Accessibility Coordinator
PN: Accessibility Guidance Meeting	40	3/23/09	Sacramento, CA	Reclamation Civil Rights Division
PN: Creating Accessible Forms & Preparing Microsoft Word Documents to Create Accessible PDF files	10	7/10/09	Boise, ID	Regional Accessibility Coordinator

PN: Webinar: Understanding the Draft Final Guidelines for Outdoor Developed Areas	3	12/3/09	Boise, ID	US Access Board
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⁴ Attach a list of the number of attendees and include their agency or organizational affiliations, if available.

LC: EEO Disability Awareness – A Mini-Windmill Training	2	08/2009	Las Vegas, NV	Lower Colorado Regional Office
BLM: Conducting Desk Audits	30	3/2009	Phoenix, AZ	Gina Edelen, PCR Mgr.

Schedule 7 - Part B

Training for Recipients, Subrecipients, Organizations, and Others

For each recipient, subrecipient, organization, or others, please provide the information in the chart below for FY 2009. If no training was provided, please explain why and describe any training planned/scheduled for FY 2011.

In addition to the information requested in the chart below, please provide a narrative concerning the number of requests for training your agency received from recipients, subrecipients, organizations, or others in FY 2009. Also, please provide the name of the requesting entity, type of training requested, positions of staff to be trained, how many requests were approved, and how many requests were denied. If requests were denied, please explain why.

Please describe the mechanism for requesting reasonable accommodations.

Name of Recipient, Subrecipient, Organization Receiving Training ⁵	Title of Training, Description, and Type of Training	Dates of Training	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov=t agency,	Indicate Who Initiated or Requested the Training (federal agency, recipient, subrecipient, organization, others)
OCR: NONE FWS: Washington Department of Fish & Wildlife	NONE Accessibility standards and evaluation techniques	NONE July 2009	NONE Regional Civil Rights Staff	NONE Recipient
FWS: California Department of Fish and Wildlife	Accessibility standards and evaluation techniques	June 2009	Regional Civil Rights Staff	Recipient
BOR: Columbia Basin Job Corps	How to install accessible parking spaces using concrete	On the Job Training throughout the summer of 2009	Program Staff	Federal

⁵ Attach a list of the number of attendees and include their governmental or organizational affiliations, if available.

BOR: SISCRA	Compliance Reviews	09/2009	PN Regional Accessibility Coordinator	Federal
BOR: IDPR	Accessibility Laws and Design	09/2009	PN Regional Accessibility Coordinator	IDPR

BOR: Grand Coulee Visitor Center Staff	Accessibility Awareness	05/2009	Grand Coulee Accessibility Coordinator	Federal
		May 2009		

**Schedule 8
 Technical Assistance Provided to Recipients, Subrecipients,
 Organizations, and Others**

FY 2009 Civil Rights Technical Assistance for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please attach a narrative concerning your agency's technical assistance activities that helped recipients, subrecipients, applicants, organizations, and other entities in understanding and complying with Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability.

Technical assistance has been based on responsive to 100's of inquiries from program participants, complaints, and recipients. Technical assistance has also, provided to recipients, toward resolution of complaints.

The narrative should include the name of the recipients, subrecipients, potential recipients, organizations, and other entities. It also should include the approximate dates when the technical assistance was provided and the type of technical assistance provided.

Technical assistive has been provided to all 50 states and hundreds of local entities and other non

granted organizations.

Please provide your website address(es) that contains information regarding the nondiscrimination requirements for your recipients, subrecipients, community and other organizations, and the public. Please also include the website addresses at which potential complainants may access your discrimination complaint process and complaint forms, including forms in alternate accessible formats.

doi.gov/diversity

www.usbr.gov/cro <http://intra.usbr.gov/cro/pdfsplus/recactnote.pdf> IBR8DRORCROGEN@USBR.GOV
<http://sp-pnr.bor.doi.net/lands/accessibility/default.aspx>

If no technical assistance was provided, please explain why. Also, if technical assistance is planned for FY 2011, please provide information about the recipients, subrecipients, organizations, or other entities that will receive technical assistance and the type of technical assistance that will be provided.

N/A

BOR: Technical assistance is provided on a case by case basis as the request comes in. For FY 2011, Haystack Accessibility Design technical assistance was provided between the Bend Field Office, US Forest Service, and the USFS Concession Operation at Haystack. Construction of the retrofits will be completed in FY 2012.

Technical assistance can include, but is not limited to, providing recipients with nondiscrimination posters, pamphlets, and information posted on the federal agency's internet site (please include website name in your narrative). It also can include community meetings, written assistance, and telephone assistance.

doi.gov/diversity

BOR: PN Region has provided accessible brochures and pamphlets handed out the public at the Grand Coulee visitor center. The information provided to the public is also available in Braille and large print formats. An iPod is available for visually impaired people and the blind. Mobile Assistive Listening Devices are available. The theater provides movies and clips in open caption.

- **GCPO list of brochures provided: Grand Coulee Chronological History, Geology, The Story of Grand Coulee Dam, Laser Light Show, Columbia Basin Hydro System, Commonly asked Questions and their Answers, and Grand Coulee Statistics. A brochure was also developed in Braille for Bureau of Reclamation, Pacific Northwest Employment Opportunities.**

Please provide us with a list of brochures and other materials in written or electronic formats that your agency provides to members of the public or recipients requesting technical assistance.

Such information is posted on our website doi.gov/diversity website.

In addition, please describe the availability of technical assistance materials (both electronic and paper copies) in alternate accessible formats and the procedures for requesting them.

Again, such technical assistance materials and procedure for reporting alternative accessibility formats are available on our doi.gov/diversity website. In addition our website has the capability to translate into many different languages. It is also, 508 accessible.

FWS:

All technical assistance activities are verbal or telephonic, regarding basic civil rights laws and regulations. FWS provided dozens of technical assistance sessions. Information is provided on an

external civil rights Website. Address: www.fws.gov; click on PACR.

BOR: The PN Region has a Braille printer that can transcribe documents into Braille. In addition, documents are available in large print and assistive listening devices are provided. All planned meetings provide language that if special assistance is needed to contact the coordinator which includes a TTY phone number. PN Region web sites provide fully accessible documents with Alt tags for screen reader capability. iPod application is provided at Grand Coulee Visitor Center that guide's participant to each exhibit and audio describes those exhibits. Each request is unique so each Area Office contacts the PN Regional Accessibility Coordinator or Area Office Coordinators to assist with these requests to provide the information in the specific format.

Please describe the system or process you have for identifying and/or tracking subrecipients.

Each grant office maintains a list of recipients and subrecipients and tracks related funded participants accordingly.

Schedule 9 Information and Data Collection Reports

FY 2009 Civil Rights Information and Data Collection Reports for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please describe the information or data requested from recipients during FY 2009 to assist your agency in assessing the program's compliance with section 504, Title II of the ADA, and any agency-specific program statutes that prohibit discrimination on the basis of disability. For each type of information or data requested, please provide the following information:

- (1) A description of the information or data requested from recipients. Please attach a narrative if the space in the chart on the next page is not sufficient;

Information regarding specific complaint issues is requested from recipients and such information includes pictures, written information concerning accessibility of facilities and the provision of effective communication. In addition information is requested from recipients for basic pre award and post award compliance desk audits. Such desk audit information includes recipients' self evaluation information, accessible communication, description of disability grievance office, disability grievance procedures, and examples of alternative formats.

- (2) A general description of the type of service provided by the responding recipient (s) for each type of information or data provided, and the format in which the information was provided (hard copy or electronic format);

Service predominantly provided by the recipients include park and recreation programming.

- (3) The frequency with which the information or data is collected by your agency from recipients, i.e., once a year

(1), more than once a year (1+), every two or more years (2+), or as needed;

Usually once a year.

- (4) Explain how your agency utilizes the information or data. For example, indicate if the information or data is used for routine compliance monitoring or as one of the considerations in selecting entities for compliance reviews; and

DOI and its bureau utilize the information received to process related complaints and for pre award and post award compliance monitoring.

- (5) Indicate if the information or data is used by your agency in any reports the agency prepares or in any other type of publication. If so, describe the report or publication and its purpose (or provide the web address or link to the report or publication, if it is available on your agency's website). Please attach a narrative if the space in the chart on the next page is not sufficient.

This information is only used internally and does not appear in any public reports.

Please turn to the next page for the chart for Schedule 9.

Federal Agency Information and Data Collection from Recipients of Federal Financial Assistance

Description of Information Requested from Recipients	Description of service provided by responding recipients and format in which information is provided	Frequency of data collection (1, 1+, 2+ or as needed)	How is the information or data used by your agency (e.g., compliance monitoring or selection criteria for compliance reviews)?	Is the information or data used in agency reports or other publications? If so, provide the name and purpose of the report or publication (or a web address or link to the report or publication).
<p>OCR: Please see Narrative FWS: 9 data requests as part of civil rights review process. Self-evaluation information, accessible communications, designation of disability grievance officer, disability grievance procedures, examples of alternative formats.</p>	<p>Outdoor recreation</p>	<p>During civil rights reviews</p>	<p>Compliance monitoring</p>	<p>Civil rights review reports</p>

Schedule 10
Other Civil Rights Compliance Measures

Agency Department of the Interior/Office of Civil Rights

Please explain how you track complaints regarding recipients of American Recovery and Reinvestment Act (ARRA) funds.

DOI has not had any complaints specifically related to AARA funding. Complaints are received under federal assistance authority of Section 504 of the Rehabilitation Act of 1973, as amended. Complaints are also, received under delegated authority of Title II of the Americans with Disabilities Act (ADA), which requires no federal assistance. Approximately 90-95% of the complaints received by DOI regard accessibility from visitors and program participants with disabilities. Therefore, no special tracking is required specifically for ARRA funded projects. AARA projects are specifically tracked and monitored by the individual bureau AARA offices and by the DOI office of the Inspection General.

Please provide a copy of the Assurances you require recipients to sign.

Please see attached form.

Please describe the process used to obtain the Assurances. Is an electronic database used? How does your agency execute the Assurances?

DOI bureaus use the required Office of Management and Budget (OMB) Assurance form 424B. Each grant applicant provides a signed assurance as part of all grant application packages.

Please state whether you use experts or other contractors as part of your compliance measures and describe their responsibilities.

Experts or contractors are not used for the Public Civil Rights Programs compliance measures.

Please include any additional information that you would like us to consider in reviewing your agency's report. For example what, if any, other civil rights compliance measures has your agency taken during FY 2009 that were not explained in schedules 1 through 9? Also, if your agency has plans to take further compliance measures in FY 2011, please explain these activities, as well.

Due to available funding, DOI has not been able to conduct as many compliance reviews of recipients as it would like. For FY 2011, we do not see additional funding becoming available to increase compliance.

If your responses in schedules 2 through 9 reflect little or no activity, please explain how your agency is meeting its civil rights obligations to ensure nondiscrimination in its federally assisted programs.

We believe that DOI is meeting its obligation to ensure non discrimination in its federal assisted programs. However, we would like to do more if additional funding becomes available.

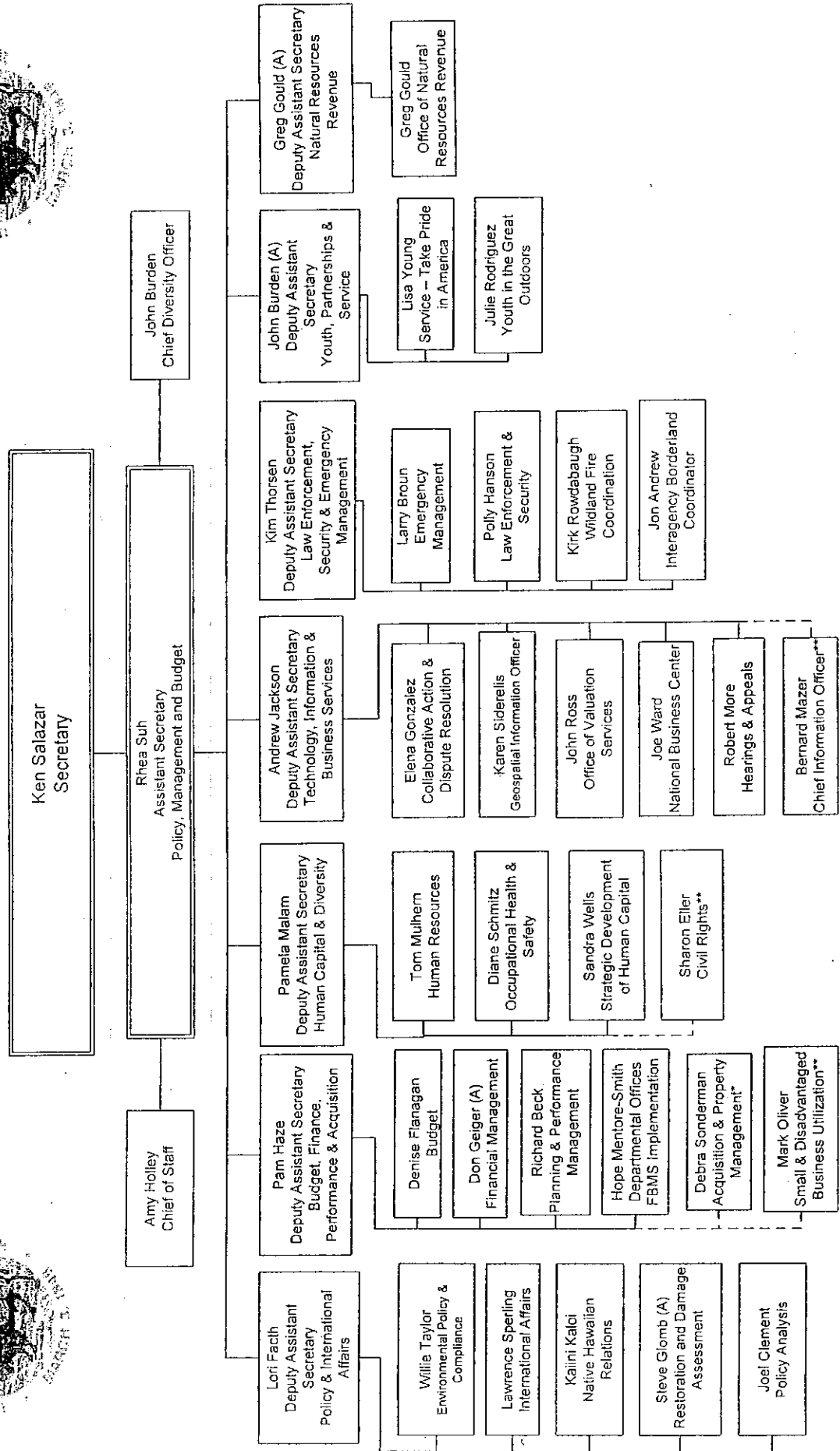
IMPROVING THE IMPLEMENTATION PLAN PROCESS

For FY 2011, the Civil Rights Division intends to revise the annual data collection process to be more efficient and easier for agencies to use. To achieve that goal, we would like to create an electronic or online process for agencies to use to submit their data. In order to ensure we are responsive to the needs of agencies, we are seeking your input on how the data collection process can be improved. Please provide any comments or suggestions you would like us to consider as we develop our new program.

ATTACHMENTS



ASSISTANT SECRETARY- POLICY, MANAGEMENT AND BUDGET



*Reports to the Assistant Secretary, PMB and receives administrative support and guidance from the Deputy Assistant Secretary.

**Reports to the Secretary of the Interior and receives administrative support and guidance from the Assistant Secretary and Deputy Assistant Secretaries of Policy, Management and Budget; Human Capital and Diversity; and Technology, Information and Business Services.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wellands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	* TITLE
Completed on submission to Grants.gov	
* APPLICANT ORGANIZATION	* DATE SUBMITTED
	Completed on submission to Grants.gov

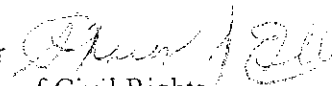


United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 14 2011

CIVIL RIGHTS DIRECTIVE 2011-02

To: Bureau and Office Heads

From: Sharon D. Eller 
Director, Office of Civil Rights

Subject: Public Civil Rights Compliance Reviews

Purpose. The purpose of this Directive is to convey bureau responsibilities and establish standards to ensure effectiveness and consistency by the Department of the Interior (Department) bureaus and offices for conducting compliance reviews of recipients and of sub-recipients of federal financial assistance, federally conducted programs, and all state and local entities, under authority of the Americans with Disabilities Act (ADA), whether or not such state and local entities receive federal financial assistance. Such reviews are to be conducted based on the various public civil rights authorities as identified in this Directive.

Policy. The Department is obligated to provide direction and guidance while implementing federal public civil rights laws and regulations prohibiting discrimination in programs, activities, and services conducted by the Department, or on behalf of the Department, by recipients of federal financial assistance. The primary focus of the Department's Public Civil Rights (PCR) Program is to ensure that visitors and participants of federally conducted and federally assisted programs are provided access and services in a non-discriminatory manner. The Department must ensure that no person is subjected to discrimination based on race, color, national origin, gender, disability, religion, sexual orientation, or status as a parent. Federal regulations require periodic compliance reviews. The Department and bureaus shall conduct compliance reviews to ensure that policies and procedures are being implemented.

Scope. This Directive establishes a Department-wide guidance to ensure regular compliance reviews and outlines the types of reviews necessary to effectuate an evaluation of any departmental federally conducted, federally assisted, and/or ADA program.

Authorities. 28 Code of Federal Regulation (CFR) Part 42, Subpart F designates the Department of Justice (DOJ) as lead agency in providing guidance on non-discrimination in federally assisted programs to other departments. 43 CFR Part 17 provides the Department's PCR regulatory requirements for Title VI, Age Discrimination Act of 1975, Section 504 of Rehabilitation Act, as amended, federally conducted and federally assisted programs. The

Departmental Manual at 205 DM 17 provides for the delegation of authority to all bureaus for the processing of civil rights complaints, conducting investigations and compliance reviews, and providing technical assistance and training in covered program areas under their jurisdiction with appropriate oversight by the Director, Office of Civil Rights. DOJ at Title 28 CFR Section 42.407 provides that agencies shall conduct the following types of compliance reviews:

A. Pre-award review. Prior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI and other authorities, which the Department enforces [see 28 CFR 50.3(c) II A]. The basis for such a determination under "the agency's own investigation" provision [see 28 CFR 50.3(c) II A(2)] shall be submission of an assurance of compliance and a review of the data submitted by the applicant. Where a determination cannot be made from this data, the bureau shall require the submission of necessary additional information and shall take other steps necessary for making the determination. Such other steps may include, for example, communicating with local government officials or minority group organizations and field reviews.

B. Post-award review. Bureaus shall establish and maintain an effective program of post-award compliance reviews regarding approved new applications (see 28 CFR 50.3(c) II A), applications for continuation or renewal of assistance (28 CFR 50.3(c) II B), and all other federally assisted programs. Such reviews are to include periodic submission of compliance reports by recipients to the bureaus, and, where appropriate, field reviews of a representative number of major recipients. In carrying out this program, bureau personnel shall follow this departmental and any bureau specific guidance that establish appropriate review procedures and standards of evaluation.

The results of post-approval reviews shall be committed to writing and shall include specific findings of fact and recommendations. A determination of the compliance status of the recipient or federally conducted program reviewed shall be made as promptly as possible, usually within 30 days unless extenuating circumstances are encountered. The only federally conducted program covered by public civil rights regards access for individuals with disabilities and is covered under the authority of Section 504 of the Rehabilitation Act of 1973, as amended. While the Department's 504 federally conducted regulations do not specifically require compliance reviews as Title VI and DOJ require for federally assisted, the Department is mandated to ensure that the general prohibitions against discrimination in 43 CFR 17.530 are followed by Department officials. Therefore compliance reviews of federally conducted programs are necessary for compliance accountability.

C. Enforcement. The Office of Civil Rights enforces laws prohibiting discrimination in federally conducted programs, activities, and services, those receiving federal financial assistance, and those state and local entities covered by the ADA, whether or not receiving federal assistance. The Department has delegated to the bureaus enforcement of various civil rights laws. The enforcement authorities are as follows:

- (1) Civil Rights Act of 1964, Title VI (Pub. L. 88-352; 78 Stat. 241; 42 U.S.C. 2000d

2000d-4) prohibits discrimination based on race, color, or national origin in programs, activities, or services receiving federal financial assistance.

(2) Architectural Barriers Act (ABA) of 1968 (Pub. L. 90-480; 42 U.S.C. 4151 *et seq.*) ensures that certain buildings financed with federal funds are so designed and constructed to be accessible to the physically disabled by establishing accessibility standards under Section 2.

(3) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112; 87 Stat. 394; 29 U.S.C. 794) as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516; 88 Stat. 1617) and the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978 (Pub. L. 95-602; 92 Stat. 2955; 29 U.S.C. 700 *et seq.*) prohibits discrimination based on disability in federally assisted and conducted programs, services, and activities.

(4) Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended by the Workforce Investment Act of 1998 (Pub. L. 105-220; 112 Stat. 936) Section 508 requires Federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities.

(5) Education Amendments of 1972, Title IX (Pub. L. 92-318; 86 Stat. 235; 373) as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution.

(6) Age Discrimination Act of 1975, as amended, (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*) prohibits discrimination based on age in programs, services, and activities receiving federal financial assistance.

(7) Civil Rights Restoration Act of 1987 (Pub. L. 100-259; 102 Stat. 28) as amended by Civil Rights Restoration Act of 1991 (Pub. L. 102-166; 205 DM 17) to overturn the Supreme Court's 1984 decision in *Grove City College v. Bell*, and to restore the effectiveness and vitality of the four major federal civil rights laws that prohibit discrimination in programs, services, and activities receiving federal financial assistance. For civil rights coverage purposes, the law broadly defines the terms "program" or "activity."

(8) Telecommunications Accessibility Enhancement Act of 1988 (Pub. L. 100-542; 102 Stat. 2721) expands our national telecommunications system for the benefit of the hearing-impaired and speech-impaired populations, and provides for GSA coordinated relay services.

(9) Americans with Disabilities Act of 1990 (Pub. L. 101-336) with DOJ regulations at 28 CFR 35, including published revisions taking effect March 15, 2011 with revised 2010 design standards taking effect March 15, 2012. Title II of the ADA, prohibits discrimination on the basis of disability in State or local government programs, services, and activities whether or not they receive federal financial assistance.

(10) Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* identifies as discrimination, program actions taken, which adversely affect the health and environment of minority populations (ecosystems, human health, pollution and noise, historic/religious environmental effects). The EO provides coverage for federally conducted programs, services, and activities and notes that the same duties are relevant to federal financial assistance programs, services, and activities covered under Title VI of the Civil Rights Act of 1964.

(11) EO 13160, *Nondiscrimination on the Basis of Race, Color, National Origin Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs* ensures equal opportunity in government educational programs, services and activities.

(12) EO 13166, *Improving Access to Services for Persons with Limited English Proficiency* improves access to federally conducted and federally assisted programs under Title VI and activities for individuals who, as a result of national origin, are limited in their English proficiency.

(13) 41 CFR Parts 102-76.60, .65, .70, .75, .80, .85, .90, .95 are General Service Administration (GSA) Accessibility Standards in which GSA adopts Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10) as the Architectural Barriers Act Accessibility Standard (ABAAS).

Bureau Responsibilities. With respect to the various PCR authorities it administers, each bureau has the responsibility to ensure that the objectives of the Department's PCR Program, the regulations of the Department, and the regulations of DOJ at 28 CFR Part 42, Subpart F are achieved.

A. The Bureau's office with PCR Program responsibility shall:

(1) Provide and maintain sufficient staff and resources to implement a PCR Program as outlined in Civil Rights Directive 2009-01, *Policy for Implementing a Public Civil Rights Program*;

(2) Maintain and provide an annual list of federally assisted grant programs (e.g. Land and Water Conservation Fund and Historic Preservation Fund) and federally conducted program sites (e.g. parks, recreation areas, visitor centers) of the Department;

(3) Provide guidance, training, and technical assistance to recipients and sub-recipients receiving federal financial assistance from the bureau;

(4) Conduct annual pre-award reviews of applicants for federal assistance to ensure that signed assurances of non-discrimination are provided along with other information to evaluate compliance and consistency with the bureaus' PCR Program;

(5) Conduct annual post-award compliance review of one or more selected recipients

and compliance reviews of one or more federally conducted programs; and

(6) The bureau EEO Office staff, Office of Civil Rights staff, or trained grants staff and/or other staff involved in monitoring funds will conduct and provide oversight for the compliance reviews it performs.

(7) Ensure that federal agency staff determinations regarding compliance reviews shall be made by, or be subject to the review of, the agency's Civil Rights Office per DOJ 28 CFR Part 42.407.

Types of Compliance Reviews. A civil rights compliance review is an examination of the policies and practices of a recipient. The purpose of the civil rights compliance review is to determine whether or not a recipient is complying with civil rights laws and related requirements. The scope of the review must include all aspects of the recipient's operations.

A. Pre-Award Review. A pre-award review is an assessment of a federal assistance applicant's compliance posture prior to an award of federal assistance. This review may be either on-site and/or accomplished through a desk audit by the bureau EEO Office staff, Office of Civil Rights staff, grants staff or other trained staff.

B. Post-Award Review. A post-award review is an assessment of a recipients and sub-recipient's civil rights compliance posture after receipt of federal assistance. This review may be either on-site and/or accomplished through a desk audit. Post-award reviews are conducted on a periodic basis. These reviews are more comprehensive than the pre-award review.

C. On-site Pre or Post Award Review. The on-site pre or post review, provides the reviewer with a greater opportunity to assess compliance on a more objective basis. The bureau observes policies and practices in action rather than through interpretations of others. It also affords the bureau an opportunity to accomplish community based contacts or interviews with actual and potential beneficiaries, including persons from different racial backgrounds, persons with disabilities, and local organizations representing the same.

D. Desk Audit Pre or Post Award Review. A desk audit review is an off-site assessment of a recipients and sub-recipients policies and practices regarding compliance with civil rights requirements. Desk audits are accomplished by requesting written policy documents and other information from the recipient, and through telephone interviews with selected individuals. This may also include photographs and/or video/DVD.

E. Follow-up Pre or Post Award Review. The follow-up pre or post review is a subsequent examination of specific aspects of a recipient's program to determine whether or not the recipient has resolved outstanding conditions of non-compliance uncovered in previous reviews. Timetables and deadlines must be established with recipients and sub-recipients for follow-up reviews.

F. Unannounced Pre or Post Award Review. An unannounced pre or post review, is a

review with no prior notification to the program officials of the site to be reviewed. Unannounced reviews shall be minimal as they can put the recipient on guard which may lead to little to no cooperation. Unannounced pre or post reviews are useful and less obtrusive when reviewing a few sites within a short period of time. If an unannounced review is to be conducted, the review may be completely unannounced or announced by selecting a range of dates e.g., August 1 through August 29.

Compliance Review Process. The review process outlined herein provides bureaus detailed information on the steps necessary to perform a comprehensive assessment of a recipient's civil rights compliance posture.

A. Selecting Recipients for Review. The first step in conducting a compliance review is to select the recipient to be reviewed. There must be a consistent basis for conducting the compliance review, for example:

- (1) a recipient has never been formally reviewed;
- (2) evidence that a problem exists;
- (3) frequency of complaints or due to a specific complaint;
- (4) frequency of past compliance reviews;
- (5) compliance information from previous reviews;
- (6) size of the federally assisted program; and/or
- (7) amount and type of federal assistance provided to the recipient.

B. Pre-review Preparation. The bureaus shall begin preparing for the review in advance. This is necessary to establish and coordinate a compatible review schedule with the recipient. Pre-review preparation shall include:

- (1) consulting with other Federal agencies, providing assistance to entities targeted for review, including appropriate department, bureaus, and offices that may have completed a recent civil rights compliance review of the same recipient (e.g., the Fish and Wildlife Service and the National Park Service provide assistance to many of the same recipients);¹
- (2) analyzing previous federal civil rights compliance reviews of recipient;
- (3) reviewing of all civil rights complaints against the recipient or the federally

¹ The bureau must check with those bureaus it believes may have provided assistance to the same State or local bureau and request information concerning the most recent civil rights compliance review. If another bureau has completed a review, the bureau must note the name of the bureau, and date of review or request a copy of the compliance review report for review purposes. Unless there is a compliance violation affecting the recipient's operations or the other review was incomplete, the bureau shall not perform another such review within the same year. The bureaus are requested to coordinate and cooperate with one another in order to avoid duplication.

conducted program and the disposition of those complaints;

(4) assessing statistical data (i.e. demographics for protected classes, types of programs and locations) relative to program participation;

(5) developing a review plan with schedules and deadlines, questions to be asked, and an inventory of documents needed for the review; and

(6) notifying the recipient and others to be interviewed.

C. Issuance of Notification Letter. Approximately sixty (60) days in advance of the scheduled review, a request for a primary contact person must be sent to the recipient advising them their program(s) will be reviewed for compliance. Recipients selected for review must be informed by letter, the date and the manner in which the review will be conducted. The notification letter must include the following:

(1) reason and the authority for conducting the review including reference to the respective departmental assistance programs and the nature of the review;

(2) purpose and the scope of the review highlighting issues to be covered;

(3) a specific request for any information that the recipient is to submit to the reviewing authority prior to the review, specifying format and deadlines for submission, and a list of documents available for on-site inspection of records;

(4) a request for a suitable location to interview appropriate recipient officials and community contacts; and

(5) date(s) of the on-site review and/or desk audit.

D. Conducting the Entrance Conference. Bureaus must schedule an entrance conference with the recipient's executive officer or designee. The executive officer or designee must be provided with an overview of the civil rights compliance review process. During the entrance conference the following must be covered:

(1) purpose and scope of the impending compliance review;

(2) confirm interview schedules, facilities to be inspected, and information and data collected and examined;

(3) recipient shall be notified of the possibility of additional interviews, information collection, and subsequent onsite visits; and

(4) date, time, and place for the closing or exit conference.

E. Collecting and Analyzing Recipient Records.² Various kinds of information and records must be collected and reviewed during the course of the review. This includes, but is not limited to, the following:

- (1) program participation records;
- (2) copies of civil rights assurances;
- (3) program materials such as flyers, brochures, posters, and newsletters that describe program availability;
- (4) training materials;
- (5) personnel policies (relative to 504 & the ADA only) and organization charts;
- (6) section 504 self-evaluations and transition plans; and
- (7) other pertinent information as applicable (See Appendix A for Compliance Checklist information).

F. Conducting Interviews with Recipient and Community Contacts. Interviews are an integral part of the compliance review process in corroborating information obtained from the recipient records. Interviews must include recipient employees, actual and potential program beneficiaries, and community contacts from various racial and ethnic groups, people with disabilities, and organizations representing the same. When conducting interviews, the following steps must be adhered to:

- (1) Carefully selecting the persons to be interviewed by taking into consideration the information the interviewee may provide regarding the recipient's programs and operations;
- (2) Identifying needed information in advance by preparing questions designed to secure such information from each person interviewed;
- (3) Identifying yourself and explaining the purpose and scope of the interview;
- (4) Noting the identity, by address and relationship, which the interviewee has with the recipient;
- (5) Conducting the interview in private. The bureaus must inform the interviewee that anything said will be documented for the record, and state the information collected will be kept confidential unless it must be used in an enforcement proceeding;
- (6) Noting opinions, general impressions, and reactions, during the course of the

² Agency regulations provide legal authority to require recipients to provide access to records and sources of information necessary to determine whether the recipient is in compliance with Title VI and other nondiscrimination statutes enforced by agencies. Department regulations 43 CFR Part 17.5 give the bureaus the authority to ask recipients for records and information.

interview identifying them as such;

(7) If the interviewee has made any allegations that imply non-compliance or violations on the part of the recipient, reviewing those statements and seek clarification, confirmation, and supportive data;

(8) Avoid giving assurances of possible corrective actions to persons interviewed;

(9) Providing the interviewee with an address or contact point to provide additional information;

(10) Ensuring that written notes are made of all telephone and personal interviews. Audio\videotaping is allowed with the interviewee's written consent; and

(11) Determining the adequacy of the information given by the interviewee.

G. Random Site Inspections. The bureau's personal inspection of randomly selected program sites provide an opportunity for a more objective view of a recipient's compliance, for example, to see staff at work, the racial and ethnic make-up of participants and service areas, specific program brochures, posted civil rights notification statements, structural and non-structural accessibility. (See Appendix B for Site Inspection Checklist) The degree of maintenance allows the bureau firsthand knowledge of possible compliance problems.

The recipient can show the bureau certain "gems" within its operation. The bureau shall accept this opportunity to inspect these sites or projects independently of the recipient officials. Individual site inspections are time consuming and no paper review can replace an actual on-site inspection for an accurate determination of a recipient's compliance. Site inspections allow further opportunities for technical assistance and education of the recipient about related civil rights requirements. Below are elements of the random review:

(1) Six to eight recipient program sites of various types shall be selected at random;

(2) The recipient must advise all staff of the bureau's visit by the bureau staff;

(3) Compliance with all of the various civil rights requirements must be reviewed at each site; and

(4) The bureau must take pictures, where necessary, to accurately document disparate or inaccessible conditions.

H. Conducting the Closing Conference. During the closing conference bureaus must cover the following:

(1) Reiterate the purpose and scope of the review. Inform the recipient of how the review was conducted and the records that were examined;

(2) Report findings discovered during the review from either working papers or a preliminary report. The compliance review report must clearly inform the recipient that findings may be further evaluated for inclusion or exclusion in the final report;

(3) Extreme care shall be exercised so that sources of information are not disclosed to the recipient;

(4) Allow the recipient to comment or produce information that may be relevant to the findings and note any comments or explanations, and accept, for the record, any documentation provided;

(5) Make an assessment with the recipient of the possibility of achieving voluntary compliance;

(6) Explain that findings will be outlined in a final report to be sent to respondent within 45 days; and

(7) Inform the recipient of its reporting obligations. The recipient must respond in writing, within 45 days from receipt of the report, to the reviewing authority on actions taken and planned along with timeframes to correct any compliance violations. Any other disagreement must be presented and discussed at this time.

I. Reporting Format. When developing compliance review reports, letters of finding and close-out letters, bureaus must apply the following principles:

(1) Brief introduction with a clear explanation of the purpose and scope of the review and the jurisdictional authority for the review;

(2) The dates of the review and a brief summary of the results;

(3) Name and address of respondent representative;

(4) Name and address of bureau's reviewer;

(5) Deadline for recipient response to review report conclusions and recommendations;

(6) Analysis of the information reviewed including:

(a) A clear and concise description and discussion of each condition of non-compliance;

(b) Referencing pertinent program data and information without revealing confidential sources;

(c) Demonstrate clear interrelationship between the data and the analysis;

- (d) A discussion of all disputed facts and possible resolutions;
- (e) Attached copies of exhibits and photographs and must be identified as to the general source;
- (f) Recommendations for correcting conditions of non-compliance;
- (g) Establish recommendations that have clear relevance to the conclusions;
- (h) Propose corrective actions for remedying compliance violations; and
- (i) Identify those areas that need further study.

Records Retention. Records will be maintained by office that performs the review. The Department's Privacy Act system of records notice, as related to public civil rights compliance reviews, provides that records are retained and disposed of in compliance with the National Archives and Records Administration's General Records Schedule No. 1.

Instructional Materials and Directives. The Office of Civil Rights will prepare and disseminate, with the Department and to the Bureau Civil Rights Offices, directives, manuals, policies and other instructional documents as necessary to implement the provision of this policy.

Distribution: All Bureau/Office Equal Opportunity Officers

Inquiries: Carroll J. Andre, Chief, Public Civil Rights Division
Departmental Office of Civil Rights

Expiration: When superseded.

Appendix A

Compliance Checklist

Review of the areas listed below of a recipient/sub-recipient program will provide insight in complying with civil rights requirements.

- A. Assurances – Standard Form 424B or Standard Form 424D with each grant application.
- B. Agency Organization Chart - 504/Americans with Disabilities Act (ADA) Access Coordinator.
- C. Agency Financial Budget.
- D. Personnel Practices - Job descriptions, hiring, retention, and promotional practices, grievance process.
- E. Prior Complaints and Resolutions.
- F. Latest Demographic Information.
- G. Notification of Non-discrimination Policy: Brochures, posters, signs, job announcements.
- H. 504/ADA Self-evaluation - List of involved persons with disabilities, evaluation of structural and non-structural access.
- I. 504/ADA Transition Plan - Responsible person for ensuring structural barriers are removed.
- J. Advisory Board Policy.
- K. Volunteer Policy.
- L. List of Programs and Sites.
- M. Historic Preservation Programs - Advisory comment process followed for accessibility.
- N. Fee Structures.
- O. Program Admission Standards.
- P. Civil Rights Training - Staff and Volunteers.

Site Inspection Checklist

Review of the information listed below of a recipient/sub-recipient program will provide insight in complying with civil rights requirements.

- A. Observe type of facilities and programs for the various age groups.
- B. Observe staff to staff and staff to participant interaction.
- C. Observe maintenance of facilities.
- D. Observe employee bulletin board.
- E. Observe activities in progress.
- F. Observe site notifications regarding non-discrimination policy.
- G. Observe site notifications regarding parking, access routes, entrances, restrooms, water fountains, assembly areas, assistive devices, etc.
- H. Observe structural access (anything fastened down or part of the architectural structure of the building) and note those features not in compliance with the appropriate design standard.
- I. Observe non-structural access (primarily effective communication) and note those things not in compliance with accessibility requirements.
- J. Obtain language access plan, and policies which demonstrate that persons with limited English proficiency are given equal access to programs.
- O. Review sample environmental impact statements or environmental assessments to ensure that the input from minority and low income communities was included in these documents.
- P. Review recipient environmental policies to ensure that minority and low income communities are not targeted for a disproportionate amount of environmental pollutants or toxins.

TAB D

FY 2010

**Section 504 (federally assisted and
federally conducted programs) and Title II of the ADA**

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ORGANIZATIONS, AND OTHERS

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Schedule 10: OTHER CIVIL RIGHTS COMPLIANCE MEASURES

IMPROVING THE IMPLEMENTATION PLAN PROCESS

Schedule 1 Summary of Civil Rights Activities

FY 2010 Civil Rights Resources and Performance Data for Section 504 Federally Assisted and Federally Conducted Programs, Title II of the Americans with Disabilities Act (ADA), and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

- A. Please provide an updated organizational chart of your agency=s civil rights program.
 B. Please provide the name and contact information of the agency staff member who will be preparing this report.

David Quirino, Equal Opportunity Specialist, david_quirino@ios.doi.gov

- C. Please provide a narrative of any programs that have been added or discontinued since your agency submitted its last Implementation Plan.

None

- D. Please provide a narrative of any delegation agreement or other arrangement your agency has with another agency that involves civil rights enforcement in your agency=s programs.

None

Federally Assisted Programs	Number or Amount
1. Total budget for office(s) that enforce(s) civil rights activities. (Check (T) here ___ if the amount includes internal and external activities.) ¹	\$11,457,868,
2. Total civil rights budget allocated for external enforcement of Section 504, Title II, and agency specific program statutes that prohibit discrimination on the basis of disability. ²	\$1,248,191
3. Total staff (in full-time equivalent (FTE) positions) assigned to civil rights activities. (Check (T) here ___ if the amount includes internal and external activities.)	Total <u> 78 </u> Attorneys <u> </u> Investigators <u> </u> Others <u> </u>
4. Total FTE staff allocated to Section 504 federally assisted programs, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	130
5. Number of federally assisted programs covered by Section 504, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	98
6. Total dollar amount of federal financial assistance provided for all federally assisted programs in line 5 above.	\$1,431,789,189
7. Total number of recipients (including subrecipients) of federal financial assistance	1851

¹ Internal civil rights activities include enforcement of civil rights statutes applying to the programs and activities conducted by federal agencies for federal government employees, as well as members of the public. External civil rights activities involve the enforcement of civil rights statutes, such as Section 504 of the Rehabilitation Act as it applies to recipients of federal financial assistance, and Title II of the Americans with Disabilities Act.

² This amount should not include any internal equal employment opportunity information.

covered by Section 504, Title II, and agency-specific program statutes that prohibit discrimination on the basis of disability.	
8. Total number of compliance reviews conducted of recipients.	31
9. Total number of settlement agreements entered into with recipients (including subrecipients). Please provide copies.	0
Federally Conducted Programs	Number or Amount
1. Total civil rights budget allocated for internal enforcement of Section 504 and agency specific program statutes that prohibit discrimination on the basis of disability.	\$2,809,151
2. Total FTE staff allocated to Section 504 federally conducted programs and agency-specific program statutes that prohibit discrimination on the basis of disability.	28

Schedule 2
Complaints (Federally Assisted Programs)

FY 2010 Civil Rights Complaint Processing Data for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Federally Assisted Programs and Title II Programs	Number or Amount
1. Total number of complaints in inventory at the beginning of FY 2010.	135
2. Total number of complaints received during FY 2010.	43
3. Total number of complaints related to American Recovery and Reinvestments Act (ARRA) funded programs	0
4. Complaints received in FY 2010 that were classified as:	
a. Section 504 only (discrimination in federally assisted programs)	_____
b. Title II only (discrimination in state and local government services)	_____
c. Both Section 504 and Title II	45
5. Total unresolved complaints in inventory at the end of FY 2010.	75
5a. Total unresolved complaints, reported in line 5, that were processed under Title II.	75
5b. Total unresolved complaints, reported in line 5, that were unresolved for more than 180 days.	68
5c. Total complaints unresolved for more than 180 days, as reported in line 5, that were processed under Title II.	68
6. Total complaints closed administratively or for lack of jurisdiction (<u>not</u> including those referred to another agency).	100
7. Total complaints, reported in line 6, that were processed under Title II.	100
8. Total complaints referred to another agency.	0
9. Total complaints, reported in line 8, that involved Title II.	0
10. Total complaints resolved prior to issuing a Letter of Findings (LOF).	100
11. Total complaints, reported in line 10, that were processed under Title II.	100

12. Total complaints investigated where a compliance LOF that raised concerns or made recommendations was issued.	0
13. Total complaints, reported in line 12, that were processed under Title II.	0
14. Total complaints investigated where a compliance LOF that raised no concerns or made no recommendations was issued.	0
15. Total complaint investigations where a noncompliance LOF was issued. (Please provide a narrative summary of each such LOF with the basis on which the finding was made, disposition of the complaint, any administrative or judicial enforcement action, and the status of such action. If no action was taken, please explain.)	0
16. Total complaint investigations, reported in line 15, that were processed under Title II.	0
17. Total FTEs performing complaint processing activities.	15.5
18. Please tell us how complaints for federally assisted programs received by your agency are distributed across the categories listed below by ranking them on a scale of one through five . On the scale, A1" represents the most frequently received complaints, while A5" represents the least frequently received complaints. Use the numbers 1 through 5 only once in ranking the categories a through e.	
a. Complaints that allege administrative violations such as failure to complete self evaluation/transition plans.	<u> 5 </u> 3 _____
b. Complaints that allege substantive violations such as failure to make reasonable policy modifications.	<u> 2 </u>
c. Complaints that allege substantive violations such as failure to provide program accessibility.	<u> 4 </u>
d. Complaints that allege substantive violations such as failure to provide effective communication.	<u> 1 </u>
e. Complaints that allege substantive violations such as failure to design and construct facilities in compliance with the ADA and Section 504.	

Identify all offices that participate in the review, investigation, and resolution of complaints received by your agency (e.g., some agencies use their Office of General Counsel to assist their Office of Civil Rights).

Sometimes Grants' Staff assist Office of Civil Rights and Bureau EEO Staff in conducting reviews in mediating/negotiating resolution of non compliance.

Schedule 3
Complaints (Federally Conducted Programs)

FY 2009 Civil Rights Complaint Processing Data for Federally Conducted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Federally Conducted Programs	Number or Amount
1. Total number of complaints in inventory at the beginning of FY 2010.	40
2. Total number of complaints received during FY 2010.	5
3. Complaints received in FY 2010 that were classified as:	<u>0</u>
a. Section 504 employment issues	<u>3</u>
b. Section 504 non-employment issues	<u>0</u>
c. Both Section 504 employment and non-employment issues	
4. Complaints received in FY 2010 that alleged the use of inaccessible electronic or information technology and were classified as:	<u>0</u>
a. employment issues	<u>0</u>
b. non-employment issues	<u>0</u>
c. both employment and non-employment issues	
5. Total unresolved complaints in inventory at the end of FY 2010.	33
6. Total unresolved complaints, reported in line 5, that were unresolved for more than 180 days after receipt.	30
7. Total complaints closed administratively or for lack of jurisdiction.	10
8. Total complaints resolved prior to issuing a Letter of Findings (LOF).	10
9. Total complaints investigated where a compliance LOF that raised concerns or made recommendations was issued.	0
10. Total complaint investigations, reported in line 9, in which the agency agreed, in writing, to remedy the identified discrimination or discriminatory practices.	0
11. Total complaints investigated where a compliance LOF that raised no concerns or made no recommendations was issued.	0

<p>12. Total complaint investigations where a noncompliance LOF was issued. (Please provide a narrative summary of each such LOF with the basis on which the finding was made, disposition of the complaint, any administrative or judicial enforcement action, and the status of such action. If no action was taken, please explain.)</p>	<p>0</p>
<p>13. Total FTEs performing federally conducted program complaint processing activities.</p>	
<p>14. Please tell us how complaints for federally conducted programs received by your agency are distributed across the categories listed below by ranking them on a scale of one through five. On the scale, A1" represents the most frequently received complaints, while A5" represents the least frequently received complaints. Use the numbers 1 through 5 only once in ranking the categories a through e.</p> <p>a. Complaints that allege administrative violations such as failure to complete self evaluation/transition plans.</p> <p>b. Complaints that allege substantive violations such as failure to make reasonable policy modifications.</p> <p>c. Complaints that allege substantive violations such as failure to provide program accessibility.</p> <p>d. Complaints that allege substantive violations such as failure to provide effective communication.</p> <p>e. Complaints that allege substantive violations such as failure to design and construct facilities in compliance with Section 504.</p>	<p><u>5</u></p> <p><u>3</u></p> <p><u>4</u></p> <p><u>2</u></p> <p><u>1</u></p>

Schedule 4 Pre-Award Reviews

FY 2010 Civil Rights Pre-award Reviews for Federally Assisted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please complete the chart below by providing the number of pre-award reviews your agency conducted for potential recipients of federal financial assistance during FY 2010. Pre-award reviews consist, at a minimum, of review of submitted assurances of compliance. Where appropriate, pre-award reviews also may include desk audits/reviews and on-site reviews (See next page for explanation of terms.)

Federally Assisted Programs	Number or Amount
1. Total number of grants awarded.	2541
2. Of the total number of grants awarded, list the number of grants that were renewals from previous fiscal year.	607
3. Total number of pre-award reviews.	1203
4. Total completed pre-award reviews involving reviews of nondiscrimination assurances only.	2021
5. Total completed pre-award reviews involving nondiscrimination assurances and other written information.	0
6. Total completed pre-award reviews involving both written information and on-site pre-award reviews.	0
7. Total pre-award reviews resulting in findings of compliance.	205
8. Total pre-award reviews resulting in findings of noncompliance. ³	0
9. Total pre-award reviews where the resolution is pending.	0
10. Total number of pre-award reviews where the awards were conditioned as a result of a finding of noncompliance. (Do not include these numbers in #11 below.)	0
11. Total pre-award reviews where there are signed corrective action agreements.	0
12. Total number of findings of noncompliance in which no action was taken.	5
13. Total number of recipients being monitored (please include both pre-award reviews from FY 2010 and monitoring of pre-award reviews performed before FY 2010).	533
14. Total number of findings of noncompliance resulting in denial of award and/or initiation of administrative or judicial enforcement.	34.53
15. Total FTEs performing pre-award review activities.	17.05

³ For each of the findings of noncompliance, please provide the name of the recipient, the basis of the discrimination, the issues raised, the corrective action taken, and the current status.

EXPLANATION of TERMS:

Pre-award Reviews. Pre-award reviews are performed prior to an agency's approval of federal financial assistance to applicants or recipients. These entities may be new applicants for assistance or recipients requesting continuing assistance. Pre-award reviews assist agencies in determining that recipients are in compliance with applicable civil rights laws. Prior to approving any award, federal agencies must make a determination that the entities are in compliance with applicable civil rights laws, based, at a minimum, upon the submitted assurances of compliance.

Assurances of compliance. All new applicants and recipients requesting continuing assistance must submit assurances as a condition for the receipt of federal financial assistance. These assurances must include provisions for compliance with the applicable civil rights laws, and also may provide for the maintenance of records and the submission of reports required by the federal funding agencies. Assurances form the basis for any administrative or judicial enforcement that may be required.

Federal agencies also may require applicants and recipients to collect and maintain data that demonstrates the effective enforcement of the applicable civil rights laws, and to provide an assurance regarding the collection of data. Agencies also may require that entities provide notice of any discrimination lawsuits or complaints alleging discrimination; descriptions of any pending funding applications, as well as existing funding, from other federal agencies; and statements about any compliance reviews conducted, along with any findings of noncompliance.

When appropriate, pre-award reviews also may include desk audits/reviews or on-site reviews.

Desk Audits/Reviews. When agencies need additional information in order to make compliance determinations, they can take other steps, including desk audits/reviews, to obtain the information. In preparation for these reviews, which are conducted from the agencies' offices, agencies may request descriptions of the manner in which program services will be provided; statistical and demographic information on the existing and proposed beneficiaries, and facilities; and, where the applicant is requesting funding for construction purposes, information on how the location and design will conform with the applicable civil rights laws. In addition, agencies may conduct telephone interviews with the entities' employees, local government officials, civil rights and advocacy organizations, and, in some instances, potential beneficiaries of the program under consideration.

On-site Reviews. If the desk audits/reviews do not provide an adequate basis upon which agencies can make compliance determinations, agencies may need to schedule on-site or field reviews. Agency staff visit the location or site under consideration and conduct in-person interviews with applicants or recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instance, potential beneficiaries of the program that is applying for funding.

**Schedule 5
Post-Award Reviews**

FY 2010 Civil Rights Post-Award Reviews for Federally Assisted Programs covered by Section 504 and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please complete the chart below by providing the number of post-award reviews your agency performed for recipients of federal financial assistance during FY 2010. Responses for post-award reviews, which include compliance reviews and monitoring reviews, should not include information reported for complaint investigations. (See next page for explanation of terms.) For each category, please indicate the number of those reviews that were desk audits/reviews and those that were on-site reviews.

POST-AWARD REVIEWS	Number Initiated	Number Completed	Number Pending Completion After 180 Days	Number in Compliance	Number Not in Compliance
Total Compliance Reviews	114	64	0	0	0
On-site	40				
Desk audits/reviews	74				
Total Monitoring Reviews	154				
On-site	0				
Desk audits/reviews	0				
POST-AWARD REVIEWS	114	64	0	0	0

Please indicate the total number of FTEs performing post-award reviews. 17.05

Please attach a short narrative about the agency's procedures for performing compliance and monitoring reviews. Also, please explain how recipients or issues are selected for review.

Please see attached Civil Rights Directive 2011-02 outlining DOI's Compliance Review Process. BOR: Reclamation has two documents which provide guidance on conducting accessibility evaluations, whether for federally conducted or assisted situations (*Planning for Accessibility Handbook and 504 Guidance Manual-DRAFT*). Reclamation has also developed information collecting instruments for specific programmatic and structural elements which are used to ensure consistency of standards across our programs, services and activities.

BOR: All sites are on a five year cycle for compliance review. When an agency becomes aware of an accessibility issue such as a complaint, this issue becomes top priority for the PN Regional Accessibility Coordinator. A site

review is conducted within the month to determine if there is a Section 504 issue. If Section 504 non-compliance is identified, a corrective action plan is made to retrofit the facility for compliance.

BOR: If a new site facility is installed, an evaluation of the facility is conducted

For compliance reviews that resulted in findings of noncompliance, please attach a short narrative with the following information: the basis on which the findings were made, if the areas of noncompliance have been corrected, if any administrative or judicial enforcement action has been taken, and the status of such action. If no action was taken, please explain.

Generally issues of non compliance are Bureau to State and local are working together informally at this time to resolve non compliance issues.

OCR: Generally issues of non compliance are Bureau to State and local are working together informally at this time to resolve non compliance issues.

BOR: Recipient programs, services or activities are often found to be out of compliance and correction using Reclamation established procedures are implemented to encourage compliance. Many partners have differing funding cycles and priorities from those of Reclamation, which makes timely correction of deficiencies difficult or impossible. Reclamation attempts, when possible, to assist the recipients/partners with technical assistance and cost share agreements. In no case, has judicial or administrative enforcement ever been taken. Reclamation focuses on voluntary compliance within reasonable timeframes with its partners and recipients.

Comprehensive Condition Assessments are conducted which include accessibility deficiencies. The deficiencies are identifies as deferred maintenance and placed on a schedule for retrofits. A category rating system is established to determine the severity of the deficiency due to health and safety issues. Depending upon the category determines the corrective action completion dates for the retrofit.

BLM: has written policy IM-2010-138, and standard operating procedures on conducting compliance reviews.

EXPLANATION of TERMS:

Post-award Reviews. Post-award reviews are conducted after federal financial assistance has been extended to recipients. These reviews help agencies determine if recipients are complying with the applicable civil rights laws.

There are two types of post-award reviews:

Compliance Reviews. Compliance reviews are targeted reviews based on agency regulations, rules, guidelines, manuals, and the like, to determine recipients' compliance with civil rights laws and nondiscrimination regulations. Although agencies have discretion in selecting recipients for compliance reviews, agency selections should be based on evidence of a violation or on neutral criteria, rather than upon random selection. A compliance review generally is not undertaken as the result of the agency's receipt of a complaint as this would be a complaint investigation.

Monitoring Reviews. Monitoring reviews are reviews to determine whether recipients are complying or have complied with corrective action agreements, conditioned awards or other required actions, which are intended to correct deficiencies uncovered, for example, in a previous compliance review or complaint investigation.

Post-award Reviews can be conducted in two ways:

Desk Audits/Reviews. In desk audits/reviews, staff do not visit recipients. Instead, from the agency offices, staff review the recipients' documents and other written information, including recipient compliance reports and information from pre-award reviews, to determine compliance. These reviews can include telephone interviews with the recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instances, beneficiaries of the funded program for the purpose of gathering additional information and documents.

On-site Reviews. An on-site review is usually performed after a desk audit/review is completed. Agency staff visit the location or site and conduct in-person interviews with the recipients' employees, local government officials, civil rights and advocacy organizations, and, in some instances, beneficiaries of the funded program to gather further information and documents. In carrying out their compliance programs, agencies should conduct on-site or field reviews, where appropriate, of a representative number of their major recipients. These reviews should include newly approved recipients, continuing or renewing recipients, and other federally assisted program recipients. On-site reviews may need to be scheduled when the results of desk audits/reviews are not determinative.

Schedule 6
Regulatory and Policy Development

FY 2010 Civil Rights Regulatory and Policy Development for Federally Assisted Programs and Federally Conducted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please indicate in the chart below the name and date of any regulations, policies, guidelines, directives or operating manuals your agency has published or revised during FY 2010 or intends to publish or revise in FY 2011.

Specify the applicable statute(s) that the document covers by indicating Section 504; Title II; nondiscrimination provisions of a program statute (AProgram@), e.g., an implementing regulation; or comprehensive (AComprehensive@), e.g., a complaint investigation manual that covers all statutes.

	504, Title II, Program, Comprehensive	Completed/ Published	Projected Date to be Completed/ Published
<u>Regulations</u>			
<u>Policy/ Guidelines</u> FWS: Updated the FWS Manual on External Civil Rights Procedures—included disability rights BOR: CRM P03 Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program) BLM: IM-2010-138	504 6/2010		12/2011
<u>Directives</u> Civil Rights Directives(CRD) Policy for implementing a Public Civil Rights(PCR) Program CRD 2011-01 PCR Complaints Procedure CRD 2011-02 PCR Compliance Reviews CRM 03-03 Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program) <i>Note: Reclamation Manual process requires all Programs to</i>	504	6/25/09 Originally published 7/17/2008	 3/14/11 3/14/11 12/2011

<i>review their directives and standards every two years for possible revisions</i>			
Manuals/Handbooks BOR: 504 Guidance Manual	<u>504</u>		12/20/11
<u>Other</u>			

**Schedule 7
Training (Part A and Part B)**

FY 2010 Civil Rights Training Data for Federally Assisted and Conducted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Training is defined as a structured program designed to assist federal employees, recipient and subrecipient employees, organizations, and others in the development of skills, knowledge, and understanding of the statutes above, and in the conduct of their civil rights responsibilities and obligations.

Agency Department of the Interior/Office of Civil Rights

**Schedule 7 - Part A
Federal Employee Training**

Please provide in the chart below information for each training session/program provided to employees in your agency with internal and external civil rights responsibilities relating to Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability. If no training was provided, please explain why and describe any training planned/scheduled for FY 2011.

Please describe the mechanism for requesting reasonable accommodations.

			Location of	
--	--	--	-------------	--

Title of Training/ Description of Training/ Type of Training	Number of Employees Trained ⁴	Dates(and times) of Training	Training (City, State)	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov=t agency, vendor/contractor)
ADA UPDATE	6	09/09	Rockville, MD	Mid Atlantic ADA Center
LEP Conference	4	04/09	Washington, DC	DOJ
General Session Public Civil Rights Program	NPS EEO Staff 30	09/09	Washington , DC	OCR/PCR Staff
Title VI General Session PCR Program	NPS EEO Staff	09/24/09	Washington, DC	OCR/PCR Staff

Supervisory Block Training - Public Civil Rights Program	12	09/03/10	Denver, CO	Reclamation's Civil Rights Division
Regional Accessible Coordinator Meeting	15	03/22-23/10	Boise, ID	Regional Accessibility Coordinator and regional Accessibility Specialist
Creating Accessible Form & Preparing Microsoft Word Documents to Create Accessible PDF files	15	06/24/10	Columbia Basis Area Office	Public Affairs Specialist

Creating Accessible Form & Preparing Microsoft Word Documents to Create Accessible PDF files	10	01/2010	PNRO Employees and Contractor	Public Affairs Office
NPRA	1	10/25-29/2010	Minneapolis, MN	Many different sources
Webinar: Accessible Routes	3	10/07/2010	Boise, ID	US Access Board

⁴ Attach a list of the number of attendees and include their agency or organizational affiliations, if available.

Webinar: Federal Facilities and ABA Standards	7	02/02/2010	Boise, ID	US Access Board
Webinar: Accessible Parking	2	05/06/2010	Boise, ID	US Access Board
Webinar: Access Toilet and Bathing Facilities	5	03/04/2010	Boise, ID	US Access Board
EEO Disability Awareness: emphasis on Visually Impaired and Disabled Veterans	2	10/2009	Boulder City, NV	Internal Training by EEO Staff
NCA Webinars, various ADA Topics	1	11 & 12 2009; 03, 06,08 2010	Boulder City, NV	Online
NCA Training Retrofitting for Accessibility	3	01/26-29/2010	Boulder City , NV	Lake Mead NRA

Schedule 7 - Part B

Training for Recipients, Subrecipients, Organizations, and Others

For each recipient, subrecipient, organization, or others, please provide the information in the chart below for FY 2010. If no training was provided, please explain why and describe any training planned/scheduled for FY 2011.

In addition to the information requested in the chart below, please provide a narrative concerning the number of requests for training your agency received from recipients, subrecipients, organizations, or others in FY 2009. Also, please provide the name of the requesting entity, type of training requested, positions of staff to be trained, how many requests were approved, and how many requests were denied. If requests were denied, please explain why.

Please describe the mechanism for requesting reasonable accommodations.

Name of Recipient, Subrecipient, Organization Receiving Training ⁵	Title of Training, Description, and Type of Training	Dates of Training	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov=t agency, vendor/contractor)	Indicate Who Initiated or Requested the Training (federal agency, recipient, subrecipient, organization, others)
N/A				

⁵ Attach a list of the number of attendees and include their governmental or organizational affiliations, if available.

Schedule 8
**Technical Assistance Provided to Recipients, Subrecipients,
Organizations, and Others**

FY 2010 Civil Rights Technical Assistance for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please attach a narrative concerning your agency=s technical assistance activities that helped recipients, subrecipients, applicants, organizations, and other entities in understanding and complying with Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability.

Technical assistance has been based on responsive to 100's of inquiries from program participants, complaints, and recipients. Technical assistance has also, provided to recipients, toward resolution of complaints.

The narrative should include the name of the recipients, subrecipients, potential recipients, organizations, and other entities. It also should include the approximate dates when the technical assistance was provided and the type of technical assistance provided.

Technical assistive has been provided to all 50 states and hundreds of local entities and other non granted organizations.

Please provide your website address(es) that contains information regarding the nondiscrimination requirements for your recipients, subrecipients, community and other organizations, and the public. Please also include the website addresses at which potential complainants may access your discrimination complaint process and complaint forms, including forms in alternate accessible formats.

**doi.gov/diversity; bia.gov; blm.gov; osm.gov; nps.gov; boemre.gov; usgs.gov; fws.gov
www.usbr.gov/cro <http://intra.usbr.gov/cro/pdfsplus/recactnote.pdf> IBR8DRORCROGEN@USBR.GOV
<http://sp-pnr.bor.doi.net/lands/accessibility/default.aspx>**

If no technical assistance was provided, please explain why. Also, if technical assistance is planned for FY 2011, please provide information about the recipients, subrecipients, organizations, or other entities that will receive technical assistance and the type of technical assistance that will be provided.

OCR: N/A

BOR: Technical assistance is provided on a case by case basis as the request comes in. For FY 2011, Haystack Accessibility Design technical assistance was provided between the Bend Field Office, US Forest Service, and the USFS Concession Operation at Haystack. Construction of the retrofits will be completed in FY 2012.

Technical assistance can include, but is not limited to, providing recipients with nondiscrimination posters, pamphlets, and information posted on the federal agency=s internet site (please include website name in your narrative). It also can include community meetings, written assistance, and telephone assistance.

doi.gov/diversity

BOR: PN Region has provided accessible brochures and pamphlets handed out the public at the Grand Coulee visitor center. The information provided to the public is also available in Braille and large print formats. An

IPod is available for visually impaired people and the blind. Mobile Assistive Listening Devices are available. The theater provides movies and clips in open caption.

- **GCPO list of brochures provided: Grand Coulee Chronological History, Geology, The Story of Grand Coulee Dam, Laser Light Show, Columbia Basin Hydro System, Commonly asked Questions and their Answers, and Grand Coulee Statistics. A brochure was also developed in Braille for Bureau of Reclamation, Pacific Northwest Employment Opportunities.**

Please provide us with a list of brochures and other materials in written or electronic formats that your agency provides to members of the public or recipients requesting technical assistance.

Such information is posted on our website doi.gov/diversity website.

In addition, please describe the availability of technical assistance materials (both electronic and paper copies) in alternate accessible formats and the procedures for requesting them.

Again, such technical assistance materials and procedure for reporting alternative accessibility formats are available on our doi.gov/diversity website. In addition our website has the capability to translate into many different languages. It is also, 508 accessible.

Please describe the system or process you have for identifying and/or tracking subrecipients.

Each grant office maintains a list of recipients and subrecipients and tracks related funded participants accordingly.

FWS: All technical assistance activities are verbal or telephonic, regarding basic civil rights laws and regulations. FWS provided dozens of technical assistance sessions. Information is provided on an external civil rights Website. Address: www.fws.gov; click on PACR.

BOR: The PN Region has a Braille printer that can transcribe documents into Braille. In addition, documents are available in large print and assistive listening devices are provides. All planned meetings provide language that if special assistance is needed to contact the coordinator which includes a TTY phone number. PN Region web sites provide fully accessible documents with Alt tags for screen reader capability. IPod application is provided at Grand Coulee Visitor Center that guide's participant to each exhibit and audio describes those exhibits. Each request is unique so each Area Office contacts the PN Regional Accessibility Coordinator or Area Office Coordinators to assist with these requests to provide the information in the specific format.

Schedule 9 Information and Data Collection Reports

FY 2010 Civil Rights Information and Data Collection Reports for Federally Assisted Programs covered by Section 504, Title II of the ADA, and agency-specific program statutes prohibiting discrimination on the basis of disability.

Agency Department of the Interior/Office of Civil Rights

Please describe the information or data requested from recipients during FY 2010 to assist your agency in assessing the

program=s compliance with section 504, Title II of the ADA, and any agency-specific program statutes that prohibit discrimination on the basis of disability. For each type of information or data requested, please provide the following information:

- (1) A description of the information or data requested from recipients. Please attach a narrative if the space in the chart on the next page is not sufficient;

Information regarding specific complaint issues is requested from recipients and such information includes pictures, written information concerning accessibility of facilities and the provision of effective communication. In addition information is requested from recipients for basic pre award and post award compliance desk audits. Such desk audit information includes recipients' self evaluation information, accessible communication, description of disability grievance office, disability grievance procedures, and examples of alternative formats.

- (2) A general description of the type of service provided by the responding recipient (s) for each type of information or data provided, and the format in which the information was provided (hard copy or electronic format);

Service predominantly provided by the recipients include park and recreation programming.

- (3) The frequency with which the information or data is collected by your agency from recipients, i.e., once a year (1), more than once a year (1+), every two or more years (2+), or as needed;

Usually once a year.

- (4) Explain how your agency utilizes the information or data. For example, indicate if the information or data is used for routine compliance monitoring or as one of the considerations in selecting entities for compliance reviews; and

DOI and its bureau utilize the information received to process related complaints and for pre award and post award compliance monitoring.

- (5) Indicate if the information or data is used by your agency in any reports the agency prepares or in any other type of publication. If so, describe the report or publication and its purpose (or provide the web address or link to the report or publication, if it is available on your agency=s website). Please attach a narrative if the space in the chart on the next page is not sufficient.

This information is only used internally and does not appear in any public reports.

Please turn to the next page for the chart for Schedule 9.

Federal Agency Information and Data Collection from Recipients of Federal Financial Assistance

Description of Information Requested from Recipients	Description of service provided by responding recipients and format in which information is provided	Frequency of data collection (1, 1+, 2+ or as needed)	How is the information or data used by your agency (e.g., compliance monitoring or selection criteria for compliance reviews)?	Is the information or data used in agency reports or other publications? If so, provide the name and purpose of the report or publication (or a web address or link to the report or publication).
<p>OCR: Please see Narrative</p> <p>FWS: 12 data requests—self evaluation, information, accessible communications, designation of disability grievance officer and grievance procedures, examples of alternative formats.</p>	<p>Outdoor recreation</p>	<p>During civil rights reviews</p>	<p>Compliance monitoring</p>	<p>Civil rights review reports</p>

Schedule 10
Other Civil Rights Compliance Measures

Agency Department of the Interior/Office of Civil Rights

Please explain how you track complaints regarding recipients of American Recovery and Reinvestment Act (ARRA) funds.

DOI has not had any complaints specifically related to AARA funding. Complaints are received under federal assistance authority of Section 504 of the Rehabilitation Act of 1973, as amended. Complaints are also, received under delegated authority of Title II of the Americans with Disabilities Act (ADA), which requires no federal assistance. Approximately 90-95% of the complaints received by DOI regard accessibility from visitors and program participants with disabilities. Therefore, no special tracking is required specifically for ARRA funded projects. AARA projects are specifically tracked and monitored by the individual bureau AARA offices and by the DOI office of the Inspection General.

Please provide a copy of the Assurances you require recipients to sign.

Please see attached form.

Please describe the process used to obtain the Assurances. Is an electronic database used? How does your agency execute the Assurances?

DOI bureaus use the required Office of Management and Budget (OMB) Assurance form 424B. Each grant applicant provides a signed assurance as part of all grant application packages.

Please state whether you use experts or other contractors as part of your compliance measures and describe their responsibilities.

Experts or contractors are not used for the Public Civil Rights Programs compliance measures.

Please include any additional information that you would like us to consider in reviewing your agency=s report. For example what, if any, other civil rights compliance measures has your agency taken during FY 2010 that were not explained in schedules 1 through 9? Also, if your agency has plans to take further compliance measures in FY 2011, please explain these activities, as well.

Due to available funding, DOI has not been able to conduct as many compliance reviews of recipients as it would like. For FY 2011, we do not see additional funding becoming available to increase compliance.

If your responses in schedules 2 through 9 reflect little or no activity, please explain how your agency is meeting its civil rights obligations to ensure nondiscrimination in its federally assisted programs.

We believe that DOI is meeting its obligation to ensure non discrimination in its federal assisted programs. However, we would like to do more if additional funding becomes available.

IMPROVING THE IMPLEMENTATION PLAN PROCESS

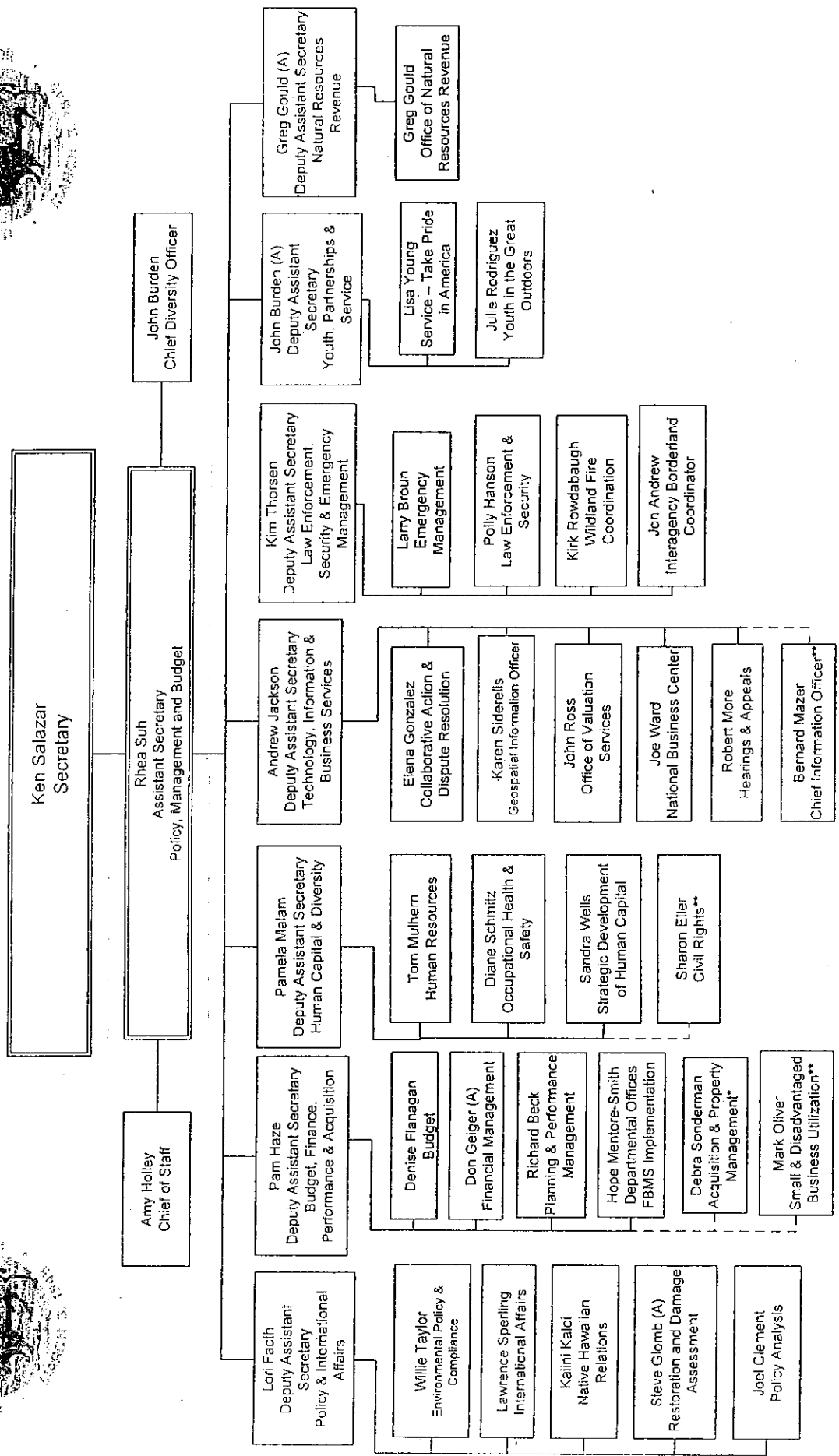
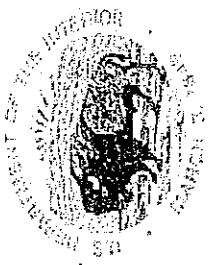
For FY 2011, the Civil Rights Division intends to revise the annual data collection process to be more efficient and easier for agencies to use. To achieve that goal, we would like to create an electronic or online process for agencies to use to submit their data. In order to ensure we are responsive to the needs of agencies, we are seeking your input on how the data collection process can be improved. Please provide any comments or suggestions you would like us to consider as we develop our new program.

The National Park Service would recommend a centralized data base, preferably within the Department of Justice, whereby agencies could provide data to be input into a centralized data base via prescribed formats.

ATTACHMENTS



ASSISTANT SECRETARY- POLICY, MANAGEMENT AND BUDGET



*Reports to the Assistant Secretary, PMB and receives administrative support and guidance from the Deputy Assistant Secretary.

**Reports to the Secretary of the Interior and receives administrative support and guidance from the Assistant Secretary and Deputy Assistant Secretaries of Policy, Management and Budget; Human Capital and Diversity, and Technology, Information and Business Services.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	* TITLE
Completed on submission to Grants.gov	
* APPLICANT ORGANIZATION	* DATE SUBMITTED
	Completed on submission to Grants.gov




United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 14 2011

CIVIL RIGHTS DIRECTIVE 2011-02

To: Bureau and Office Heads

From: Sharon D. Eller 
Director, Office of Civil Rights

Subject: Public Civil Rights Compliance Reviews

Purpose. The purpose of this Directive is to convey bureau responsibilities and establish standards to ensure effectiveness and consistency by the Department of the Interior (Department) bureaus and offices for conducting compliance reviews of recipients and of sub-recipients of federal financial assistance, federally conducted programs, and all state and local entities, under authority of the Americans with Disabilities Act (ADA), whether or not such state and local entities receive federal financial assistance. Such reviews are to be conducted based on the various public civil rights authorities as identified in this Directive.

Policy. The Department is obligated to provide direction and guidance while implementing federal public civil rights laws and regulations prohibiting discrimination in programs, activities, and services conducted by the Department, or on behalf of the Department, by recipients of federal financial assistance. The primary focus of the Department's Public Civil Rights (PCR) Program is to ensure that visitors and participants of federally conducted and federally assisted programs are provided access and services in a non-discriminatory manner. The Department must ensure that no person is subjected to discrimination based on race, color, national origin, gender, disability, religion, sexual orientation, or status as a parent. Federal regulations require periodic compliance reviews. The Department and bureaus shall conduct compliance reviews to ensure that policies and procedures are being implemented.

Scope. This Directive establishes a Department-wide guidance to ensure regular compliance reviews and outlines the types of reviews necessary to effectuate an evaluation of any departmental federally conducted, federally assisted, and/or ADA program.

Authorities. 28 Code of Federal Regulation (CFR) Part 42, Subpart F designates the Department of Justice (DOJ) as lead agency in providing guidance on non-discrimination in federally assisted programs to other departments. 43 CFR Part 17 provides the Department's PCR regulatory requirements for Title VI, Age Discrimination Act of 1975, Section 504 of Rehabilitation Act, as amended, federally conducted and federally assisted programs. The

Departmental Manual at 205 DM 17 provides for the delegation of authority to all bureaus for the processing of civil rights complaints, conducting investigations and compliance reviews, and providing technical assistance and training in covered program areas under their jurisdiction with appropriate oversight by the Director, Office of Civil Rights. DOJ at Title 28 CFR Section 42.407 provides that agencies shall conduct the following types of compliance reviews:

A. Pre-award review. Prior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI and other authorities, which the Department enforces [see 28 CFR 50.3(c) II A]. The basis for such a determination under "the agency's own investigation" provision [see 28 CFR 50.3(c) II A(2)] shall be submission of an assurance of compliance and a review of the data submitted by the applicant. Where a determination cannot be made from this data, the bureau shall require the submission of necessary additional information and shall take other steps necessary for making the determination. Such other steps may include, for example, communicating with local government officials or minority group organizations and field reviews.

B. Post-award review. Bureaus shall establish and maintain an effective program of post-award compliance reviews regarding approved new applications (see 28 CFR 50.3(c) II A), applications for continuation or renewal of assistance (28 CFR 50.3(c) II B), and all other federally assisted programs. Such reviews are to include periodic submission of compliance reports by recipients to the bureaus, and, where appropriate, field reviews of a representative number of major recipients. In carrying out this program, bureau personnel shall follow this departmental and any bureau specific guidance that establish appropriate review procedures and standards of evaluation.

The results of post-approval reviews shall be committed to writing and shall include specific findings of fact and recommendations. A determination of the compliance status of the recipient or federally conducted program reviewed shall be made as promptly as possible, usually within 30 days unless extenuating circumstances are encountered. The only federally conducted program covered by public civil rights regards access for individuals with disabilities and is covered under the authority of Section 504 of the Rehabilitation Act of 1973, as amended. While the Department's 504 federally conducted regulations do not specifically require compliance reviews as Title VI and DOJ require for federally assisted, the Department is mandated to ensure that the general prohibitions against discrimination in 43 CFR 17.530 are followed by Department officials. Therefore compliance reviews of federally conducted programs are necessary for compliance accountability.

C. Enforcement. The Office of Civil Rights enforces laws prohibiting discrimination in federally conducted programs, activities, and services, those receiving federal financial assistance, and those state and local entities covered by the ADA, whether or not receiving federal assistance. The Department has delegated to the bureaus enforcement of various civil rights laws. The enforcement authorities are as follows:

- (1) Civil Rights Act of 1964, Title VI (Pub. L. 88-352; 78 Stat. 241; 42 U.S.C. 2000d

2000d-4) prohibits discrimination based on race, color, or national origin in programs, activities, or services receiving federal financial assistance.

(2) Architectural Barriers Act (ABA) of 1968 (Pub. L. 90-480; 42 U.S.C. 4151 *et seq.*) ensures that certain buildings financed with federal funds are so designed and constructed to be accessible to the physically disabled by establishing accessibility standards under Section 2.

(3) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112; 87 Stat. 394; 29 U.S.C. 794) as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516; 88 Stat. 1617) and the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978 (Pub. L. 95-602; 92 Stat. 2955; 29 U.S.C. 700 *et seq.*) prohibits discrimination based on disability in federally assisted and conducted programs, services, and activities.

(4) Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended by the Workforce Investment Act of 1998 (Pub. L. 105-220; 112 Stat. 936) Section 508 requires Federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities.

(5) Education Amendments of 1972, Title IX (Pub. L. 92-318; 86 Stat. 235; 373) as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution.

(6) Age Discrimination Act of 1975, as amended, (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*) prohibits discrimination based on age in programs, services, and activities receiving federal financial assistance.

(7) Civil Rights Restoration Act of 1987 (Pub. L. 100-259; 102 Stat. 28) as amended by Civil Rights Restoration Act of 1991 (Pub. L. 102-166; 205 DM 17) to overturn the Supreme Court's 1984 decision in *Grove City College v. Bell*, and to restore the effectiveness and vitality of the four major federal civil rights laws that prohibit discrimination in programs, services, and activities receiving federal financial assistance. For civil rights coverage purposes, the law broadly defines the terms "program" or "activity."

(8) Telecommunications Accessibility Enhancement Act of 1988 (Pub. L. 100-542; 102 Stat. 2721) expands our national telecommunications system for the benefit of the hearing-impaired and speech-impaired populations, and provides for GSA coordinated relay services.

(9) Americans with Disabilities Act of 1990 (Pub. L. 101-336) with DOJ regulations at 28 CFR 35, including published revisions taking effect March 15, 2011 with revised 2010 design standards taking effect March 15, 2012. Title II of the ADA, prohibits discrimination on the basis of disability in State or local government programs, services, and activities whether or not they receive federal financial assistance.

(10) Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* identifies as discrimination, program actions taken, which adversely affect the health and environment of minority populations (eco-systems, human health, pollution and noise, historic/religious environmental effects). The EO provides coverage for federally conducted programs, services, and activities and notes that the same duties are relevant to federal financial assistance programs, services, and activities covered under Title VI of the Civil Rights Act of 1964.

(11) EO 13160, *Nondiscrimination on the Basis of Race, Color, National Origin Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs* ensures equal opportunity in government educational programs, services and activities.

(12) EO 13166, *Improving Access to Services for Persons with Limited English Proficiency* improves access to federally conducted and federally assisted programs under Title VI and activities for individuals who, as a result of national origin, are limited in their English proficiency.

(13) 41 CFR Parts 102-76.60, .65, .70, .75, .80, .85, .90, .95 are General Service Administration (GSA) Accessibility Standards in which GSA adopts Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10) as the Architectural Barriers Act Accessibility Standard (ABAAS).

Bureau Responsibilities. With respect to the various PCR authorities it administers, each bureau has the responsibility to ensure that the objectives of the Department's PCR Program, the regulations of the Department, and the regulations of DOJ at 28 CFR Part 42, Subpart F are achieved.

A. The Bureau's office with PCR Program responsibility shall:

(1) Provide and maintain sufficient staff and resources to implement a PCR Program as outlined in Civil Rights Directive 2009-01, *Policy for Implementing a Public Civil Rights Program*;

(2) Maintain and provide an annual list of federally assisted grant programs (e.g. Land and Water Conservation Fund and Historic Preservation Fund) and federally conducted program sites (e.g. parks, recreation areas, visitor centers) of the Department;

(3) Provide guidance, training, and technical assistance to recipients and sub-recipients receiving federal financial assistance from the bureau;

(4) Conduct annual pre-award reviews of applicants for federal assistance to ensure that signed assurances of non-discrimination are provided along with other information to evaluate compliance and consistency with the bureaus' PCR Program;

(5) Conduct annual post-award compliance review of one or more selected recipients

and compliance reviews of one or more federally conducted programs; and

(6) The bureau EEO Office staff, Office of Civil Rights staff, or trained grants staff and/or other staff involved in monitoring funds will conduct and provide oversight for the compliance reviews it performs.

(7) Ensure that federal agency staff determinations regarding compliance reviews shall be made by, or be subject to the review of, the agency's Civil Rights Office per DOJ 28 CFR Part 42.407.

Types of Compliance Reviews. A civil rights compliance review is an examination of the policies and practices of a recipient. The purpose of the civil rights compliance review is to determine whether or not a recipient is complying with civil rights laws and related requirements. The scope of the review must include all aspects of the recipient's operations.

A. Pre-Award Review. A pre-award review is an assessment of a federal assistance applicant's compliance posture prior to an award of federal assistance. This review may be either on-site and/or accomplished through a desk audit by the bureau EEO Office staff, Office of Civil Rights staff, grants staff or other trained staff.

B. Post-Award Review. A post-award review is an assessment of a recipients and sub-recipient's civil rights compliance posture after receipt of federal assistance. This review may be either on-site and/or accomplished through a desk audit. Post-award reviews are conducted on a periodic basis. These reviews are more comprehensive than the pre-award review.

C. On-site Pre or Post Award Review. The on-site pre or post review, provides the reviewer with a greater opportunity to assess compliance on a more objective basis. The bureau observes policies and practices in action rather than through interpretations of others. It also affords the bureau an opportunity to accomplish community based contacts or interviews with actual and potential beneficiaries, including persons from different racial backgrounds, persons with disabilities, and local organizations representing the same.

D. Desk Audit Pre or Post Award Review. A desk audit review is an off-site assessment of a recipients and sub-recipients policies and practices regarding compliance with civil rights requirements. Desk audits are accomplished by requesting written policy documents and other information from the recipient, and through telephone interviews with selected individuals. This may also include photographs and/or video/DVD.

E. Follow-up Pre or Post Award Review. The follow-up pre or post review is a subsequent examination of specific aspects of a recipient's program to determine whether or not the recipient has resolved outstanding conditions of non-compliance uncovered in previous reviews. Timetables and deadlines must be established with recipients and sub-recipients for follow-up reviews.

F. Unannounced Pre or Post Award Review. An unannounced pre or post review, is a

review with no prior notification to the program officials of the site to be reviewed. Unannounced reviews shall be minimal as they can put the recipient on guard which may lead to little to no cooperation. Unannounced pre or post reviews are useful and less obtrusive when reviewing a few sites within a short period of time. If an unannounced review is to be conducted, the review may be completely unannounced or announced by selecting a range of dates e.g., August 1 through August 29.

Compliance Review Process. The review process outlined herein provides bureaus detailed information on the steps necessary to perform a comprehensive assessment of a recipient's civil rights compliance posture.

A. Selecting Recipients for Review. The first step in conducting a compliance review is to select the recipient to be reviewed. There must be a consistent basis for conducting the compliance review, for example:

- (1) a recipient has never been formally reviewed;
- (2) evidence that a problem exists;
- (3) frequency of complaints or due to a specific complaint;
- (4) frequency of past compliance reviews;
- (5) compliance information from previous reviews;
- (6) size of the federally assisted program; and/or
- (7) amount and type of federal assistance provided to the recipient.

B. Pre-review Preparation. The bureaus shall begin preparing for the review in advance. This is necessary to establish and coordinate a compatible review schedule with the recipient. Pre-review preparation shall include:

- (1) consulting with other Federal agencies, providing assistance to entities targeted for review, including appropriate department, bureaus, and offices that may have completed a recent civil rights compliance review of the same recipient (e.g., the Fish and Wildlife Service and the National Park Service provide assistance to many of the same recipients);¹
- (2) analyzing previous federal civil rights compliance reviews of recipient;
- (3) reviewing of all civil rights complaints against the recipient or the federally

¹ The bureau must check with those bureaus it believes may have provided assistance to the same State or local bureau and request information concerning the most recent civil rights compliance review. If another bureau has completed a review, the bureau must note the name of the bureau, and date of review or request a copy of the compliance review report for review purposes. Unless there is a compliance violation affecting the recipient's operations or the other review was incomplete, the bureau shall not perform another such review within the same year. The bureaus are requested to coordinate and cooperate with one another in order to avoid duplication.

conducted program and the disposition of those complaints;

(4) assessing statistical data (i.e. demographics for protected classes, types of programs and locations) relative to program participation;

(5) developing a review plan with schedules and deadlines, questions to be asked, and an inventory of documents needed for the review; and

(6) notifying the recipient and others to be interviewed.

C. Issuance of Notification Letter. Approximately sixty (60) days in advance of the scheduled review, a request for a primary contact person must be sent to the recipient advising them their program(s) will be reviewed for compliance. Recipients selected for review must be informed by letter, the date and the manner in which the review will be conducted. The notification letter must include the following:

(1) reason and the authority for conducting the review including reference to the respective departmental assistance programs and the nature of the review;

(2) purpose and the scope of the review highlighting issues to be covered;

(3) a specific request for any information that the recipient is to submit to the reviewing authority prior to the review, specifying format and deadlines for submission, and a list of documents available for on-site inspection of records;

(4) a request for a suitable location to interview appropriate recipient officials and community contacts; and

(5) date(s) of the on-site review and/or desk audit.

D. Conducting the Entrance Conference. Bureaus must schedule an entrance conference with the recipient's executive officer or designee. The executive officer or designee must be provided with an overview of the civil rights compliance review process. During the entrance conference the following must be covered:

(1) purpose and scope of the impending compliance review;

(2) confirm interview schedules, facilities to be inspected, and information and data collected and examined;

(3) recipient shall be notified of the possibility of additional interviews, information collection, and subsequent onsite visits; and

(4) date, time, and place for the closing or exit conference.

E. Collecting and Analyzing Recipient Records.² Various kinds of information and records must be collected and reviewed during the course of the review. This includes, but is not limited to, the following:

- (1) program participation records;
- (2) copies of civil rights assurances;
- (3) program materials such as flyers, brochures, posters, and newsletters that describe program availability;
- (4) training materials;
- (5) personnel policies (relative to 504 & the ADA only) and organization charts;
- (6) section 504 self-evaluations and transition plans; and
- (7) other pertinent information as applicable (See Appendix A for Compliance Checklist information).

F. Conducting Interviews with Recipient and Community Contacts. Interviews are an integral part of the compliance review process in corroborating information obtained from the recipient records. Interviews must include recipient employees, actual and potential program beneficiaries, and community contacts from various racial and ethnic groups, people with disabilities, and organizations representing the same. When conducting interviews, the following steps must be adhered to:

- (1) Carefully selecting the persons to be interviewed by taking into consideration the information the interviewee may provide regarding the recipient's programs and operations;
- (2) Identifying needed information in advance by preparing questions designed to secure such information from each person interviewed;
- (3) Identifying yourself and explaining the purpose and scope of the interview;
- (4) Noting the identity, by address and relationship, which the interviewee has with the recipient;
- (5) Conducting the interview in private. The bureaus must inform the interviewee that anything said will be documented for the record, and state the information collected will be kept confidential unless it must be used in an enforcement proceeding;
- (6) Noting opinions, general impressions, and reactions, during the course of the

² Agency regulations provide legal authority to require recipients to provide access to records and sources of information necessary to determine whether the recipient is in compliance with Title VI and other nondiscrimination statutes enforced by agencies. Department regulations 43 CFR Part 17.5 give the bureaus the authority to ask recipients for records and information.

interview identifying them as such;

(7) If the interviewee has made any allegations that imply non-compliance or violations on the part of the recipient, reviewing those statements and seek clarification, confirmation, and supportive data;

(8) Avoid giving assurances of possible corrective actions to persons interviewed;

(9) Providing the interviewee with an address or contact point to provide additional information;

(10) Ensuring that written notes are made of all telephone and personal interviews. Audio\videotaping is allowed with the interviewee's written consent; and

(11) Determining the adequacy of the information given by the interviewee.

G. Random Site Inspections. The bureau's personal inspection of randomly selected program sites provide an opportunity for a more objective view of a recipient's compliance, for example, to see staff at work, the racial and ethnic make-up of participants and service areas, specific program brochures, posted civil rights notification statements, structural and non-structural accessibility. (See Appendix B for Site Inspection Checklist) The degree of maintenance allows the bureau firsthand knowledge of possible compliance problems.

The recipient can show the bureau certain "gems" within its operation. The bureau shall accept this opportunity to inspect these sites or projects independently of the recipient officials. Individual site inspections are time consuming and no paper review can replace an actual on-site inspection for an accurate determination of a recipient's compliance. Site inspections allow further opportunities for technical assistance and education of the recipient about related civil rights requirements. Below are elements of the random review:

(1) Six to eight recipient program sites of various types shall be selected at random;

(2) The recipient must advise all staff of the bureau's visit by the bureau staff;

(3) Compliance with all of the various civil rights requirements must be reviewed at each site; and

(4) The bureau must take pictures, where necessary, to accurately document disparate or inaccessible conditions.

H. Conducting the Closing Conference. During the closing conference bureau must cover the following:

(1) Reiterate the purpose and scope of the review. Inform the recipient of how the review was conducted and the records that were examined;

(2) Report findings discovered during the review from either working papers or a preliminary report. The compliance review report must clearly inform the recipient that findings may be further evaluated for inclusion or exclusion in the final report;

(3) Extreme care shall be exercised so that sources of information are not disclosed to the recipient;

(4) Allow the recipient to comment or produce information that may be relevant to the findings and note any comments or explanations, and accept, for the record, any documentation provided;

(5) Make an assessment with the recipient of the possibility of achieving voluntary compliance;

(6) Explain that findings will be outlined in a final report to be sent to respondent within 45 days; and

(7) Inform the recipient of its reporting obligations. The recipient must respond in writing, within 45 days from receipt of the report, to the reviewing authority on actions taken and planned along with timeframes to correct any compliance violations. Any other disagreement must be presented and discussed at this time.

I. Reporting Format. When developing compliance review reports, letters of finding and close-out letters, bureaus must apply the following principles:

(1) Brief introduction with a clear explanation of the purpose and scope of the review and the jurisdictional authority for the review;

(2) The dates of the review and a brief summary of the results;

(3) Name and address of respondent representative;

(4) Name and address of bureau's reviewer;

(5) Deadline for recipient response to review report conclusions and recommendations;

(6) Analysis of the information reviewed including:

(a) A clear and concise description and discussion of each condition of non-compliance;

(b) Referencing pertinent program data and information without revealing confidential sources;

(c) Demonstrate clear interrelationship between the data and the analysis;

- (d) A discussion of all disputed facts and possible resolutions;
- (e) Attached copies of exhibits and photographs and must be identified as to the general source;
- (f) Recommendations for correcting conditions of non-compliance;
- (g) Establish recommendations that have clear relevance to the conclusions;
- (h) Propose corrective actions for remedying compliance violations; and
- (i) Identify those areas that need further study.

Records Retention. Records will be maintained by office that performs the review. The Department's Privacy Act system of records notice, as related to public civil rights compliance reviews, provides that records are retained and disposed of in compliance with the National Archives and Records Administration's General Records Schedule No. 1.

Instructional Materials and Directives. The Office of Civil Rights will prepare and disseminate, with the Department and to the Bureau Civil Rights Offices, directives, manuals, policies and other instructional documents as necessary to implement the provision of this policy.

Distribution: All Bureau/Office Equal Opportunity Officers

Inquiries: Carroll J. Andre, Chief, Public Civil Rights Division
Departmental Office of Civil Rights

Expiration: When superseded.

Appendix A

Compliance Checklist

Review of the areas listed below of a recipient/sub-recipient program will provide insight in complying with civil rights requirements.

- A. Assurances – Standard Form 424B or Standard Form 424D with each grant application.
- B. Agency Organization Chart - 504/Americans with Disabilities Act (ADA) Access Coordinator.
- C. Agency Financial Budget.
- D. Personnel Practices - Job descriptions, hiring, retention, and promotional practices, grievance process.
- E. Prior Complaints and Resolutions.
- F. Latest Demographic Information.
- G. Notification of Non-discrimination Policy: Brochures, posters, signs, job announcements.
- H. 504/ADA Self-evaluation - List of involved persons with disabilities, evaluation of structural and non-structural access.
- I. 504/ADA Transition Plan - Responsible person for ensuring structural barriers are removed.
- J. Advisory Board Policy.
- K. Volunteer Policy.
- L. List of Programs and Sites.
- M. Historic Preservation Programs - Advisory comment process followed for accessibility.
- N. Fee Structures.
- O. Program Admission Standards.
- P. Civil Rights Training - Staff and Volunteers.

Site Inspection Checklist

Review of the information listed below of a recipient/sub-recipient program will provide insight in complying with civil rights requirements.

- A. Observe type of facilities and programs for the various age groups.
- B. Observe staff to staff and staff to participant interaction.
- C. Observe maintenance of facilities.
- D. Observe employee bulletin board.
- E. Observe activities in progress.
- F. Observe site notifications regarding non-discrimination policy.
- G. Observe site notifications regarding parking, access routes, entrances, restrooms, water fountains, assembly areas, assistive devices, etc.
- H. Observe structural access (anything fastened down or part of the architectural structure of the building) and note those features not in compliance with the appropriate design standard.
- I. Observe non-structural access (primarily effective communication) and note those things not in compliance with accessibility requirements.
- J. Obtain language access plan, and policies which demonstrate that persons with limited English proficiency are given equal access to programs.
- O. Review sample environmental impact statements or environmental assessments to ensure that the input from minority and low income communities was included in these documents.
- P. Review recipient environmental policies to ensure that minority and low income communities are not targeted for a disproportionate amount of environmental pollutants or toxins.