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United States
Coast Guard



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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

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ON THE

COAST GUARD'S CIVIL RIGHTS PROGRAM

BEFORE THE

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARINE TRANSPORTATION**

U. S. HOUSE OF REPRESENTATIVES

JUNE 18, 2009

Good morning Mr. Chairman and distinguished members of the Committee, I am Terri Dickerson, the Director of the Coast Guard's Office of Civil Rights (OCR). It is a pleasure to appear before you again today to discuss the Coast Guard Civil Rights Program.

On April 2, 2009, I offered testimony on many aspects of the Program and our efforts to render it fit to meet the service's needs in a modern military operating environment. As part of my efforts, I commissioned a programmatic review, which was conducted last year by a contract entity, Booz Allen Hamilton (BAH). This initiative validated many of the concerns I had, and helped to further inform strategic action plans toward civilian Equal Employment Opportunity (EEO) and military Equal Opportunity (EO) service delivery in a modernized Coast Guard. Considering your national civil rights leadership and record, the Coast Guard was fortunate to have also gained your first-hand insight and involvement.

The Coast Guard has been transparent in its move toward a modern-day civil rights program, keeping you informed of our intentions. In my letter more than a year ago, I reported my plan to conduct the review. The BAH report offered 53 specific recommendations, some of which the Coast Guard had already completed or had advanced well into implementation by the time of the BAH report publication. The remaining recommendations were evaluated, incorporated into a plan of action, and as I stated in April, many have been implemented or are on track for completion during this calendar year. In another letter dated May 8, 2009, I provided another progress update.

The Coast Guard has been transparent in the results, having posted the entire BAH report online for the benefit of employees and the public. Transparency is the hallmark of self-correction, and I, like the Commandant am personally committed to ensuring that the Civil Rights Program receives the oversight, assistance, and resources necessary to implement all appropriate recommendations. I would like to take this opportunity to provide additional specifics of our progress.

Personnel and Financial Resources

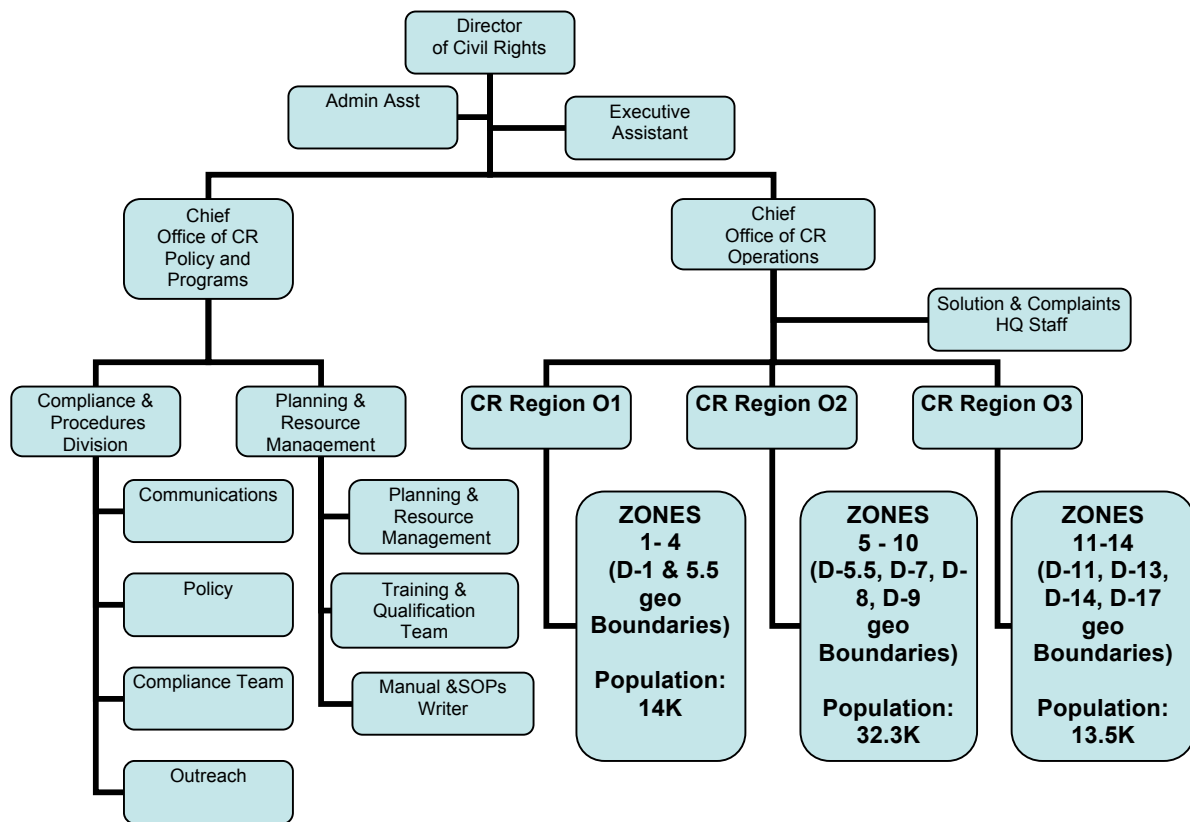
During the April hearing, the committee pointed out a number of prior studies, as well as correspondence from the Equal Employment Opportunity Commission (EEOC), all indicating the need for additional financial and personnel resources to the Coast Guard's Civil Rights Program. To date this fiscal year, the Coast Guard has directed a total of \$570K for emergent current-year needs which are directed to our highest priorities. I also reported that six new positions had been authorized; five positions have been filled and an offer has been made and accepted to fill the sixth and final position. Two of the new hires are on my staff at Coast Guard Headquarters and four have duty stations in the field. These six new positions bring significant strength to our civil rights program. Implementation of our modernized organizational structure will ensure that these new hires are effectively utilized.

Restructuring and Key Milestones

The BAH review, previous studies, and my own observations substantiate a need to reset the organizational construct through which the Coast Guard delivers its EEO/EO services. The current structure was built in support of an earlier, antiquated, non-digitized Coast Guard with relatively few civilian employees. Technological and workforce advances and new

responsibilities in a changed national security environment render existing procedures for record handling and EEO service delivery obsolete and in need of refinement. The EEOC is now meeting separately with EEO directors from Law Enforcement and Intelligence Community agencies about these modern information age issues.

In May, the Commandant approved my plan for a strategic realignment of the organizational structure of the Civil Rights Program, both within the OCR at Coast Guard Headquarters and in the field. The modernized structure is consistent with the recommendations of prior studies and includes the recommendations received from the Coast Guard’s Strategic Transformation Team and Leadership Council to ensure alignment with the Coast Guard’s Service-wide Modernization efforts. In July we will begin to deliver EEO/EO/Civil Rights services through a centrally managed national structure by full-time specialists from three national regions lead by GS-14 supervisors. Regions will be further divided into 14 subordinate locations (Zones).



In the Headquarters Office of Civil Rights, my military O-6 will be the Chief of Civil Rights Policy and Programs, while a GS-15 civilian will be the Chief of Civil Rights Operations. The O-6 will continue to function as the acting Director in my absence, complimented by a GS-15 leader, consistently providing subject matter expertise in case processing and civil rights matters. These two key positions are in place today with highly qualified personnel. This will afford me direct supervision of Service-wide delivery of EEO/EO services and the ability to focus on strategic and Service-wide alignment. Under new plans, only full-time civil rights service providers (CSRPs), with the requisite training, at an approximate coverage ratio of one per every 1000 employees, will advise personnel on EEO rights and responsibilities. The most important change, however, is that all personnel bearing the EO/EEO/Civil Rights prefix in their titles will

report to the Office of Civil Rights. As a result, their credentials, proficiency, and training cycles will be centrally managed to ensure consistency and regulatory compliance.

I briefed Coast Guard senior leadership and Atlantic and Pacific Area Commanders on this plan, and asked for concurrence, field support, and implementation. I notified union personnel of the plan to provide assurance that there would be little to no impact on civilian employees, and I communicated the plan to staff and field CSRPs to solicit feedback, refine our intentions, and build field-level support. In the past two months I have traveled to five of the Coast Guards nine districts, and spoken with personnel in roughly two dozen field units, to talk first-hand about forthcoming changes; I have additional trips planned in the months ahead, which will include visits to every district.

Changes to the Program's field staffing levels require considerable analysis of workload, personnel and training requirements. We are working with the Office of Personnel Management on a full Manpower Requirements Analysis. Work should begin no later than July 1 with completion no later than September 30. I will use the results of this analysis to validate our plan and to baseline personnel and training requirements to appropriately staff all EEO/EO functions throughout the field.

To improve access to civil rights services and to supplement existing service delivery points, I have initiated a toll-free hotline available 24 hours a day, seven days a week, for urgent case intake and advice to field units that encounter extraordinary EEO/EO circumstances. The number is active now and rings to my deputy for immediate response. By July 1st it will be staffed on a rotating basis (monthly) between my Regional Managers who are subject matter experts. This feature will be especially useful for Coast Guard members who are deployed to remote areas of the world and have limited communication with homeport support personnel or where normal communications are remote, unavailable, or only accessible by permission of the Executive or Commanding Officer (XO or CO). The plan designates the main access point for EEO matters onboard ships and other deployed units as the XO, who will serve as the conduit through whom personnel may contact EEO under urgent situations, particularly those which require a vessel to break communications silence, to access the civil rights office. XOs possess a level of experience and established maturity in the Coast Guard, and have been vetted for leadership, all of which are consistent with the demands and responsibility for such a role. In cases when the complaint is against a member of the Command Cadre, personnel would wait until the next opportunity to use the toll-free number and the time frame for filing the complaint is held in abeyance.

The Coast Guard already directs a series of training conferences for personnel who bear CO/XO responsibilities, and OCR will utilize the infrastructure already in place to deliver training to these individuals for this duty. Offering training at these conferences will enable OCR to ensure the quality and consistency of messages. OCR also has in production a communications package including easy pocket reference guides and job aids, which will be distributed to field commands and Service-wide distribution points. Such material will assist XOs in prioritizing matters based on the urgency of the claims. This process will ensure responsiveness when personnel communication access is unavailable. The XO training and job aids will center on determining priority situations and authorizing communications in emergency situations

The impending centralization of the Civil Rights Program will significantly enhance our ability to communicate a consistent and timely message to commands and employees Service-wide. Moreover, we will conduct recurring outreach to unit command cadre during Prospective Commanding Officer/Executive Officer training courses and at the Chief Petty Officer's Academy.

This reorganization is the foundation of needed change within the Coast Guard Civil Rights Program and is the cornerstone of centralized communications, promulgation of standardized guidance and processes, and enhanced Service-wide training.

Privacy and Personally Identifiable Information

A staff member within my office has been designated Privacy and Records Manager and is our resident expert for DHS policy on Personally Identifiable Information (PII). This person reports to me on these matters and is responsible for implementing Service-wide EEO record security procedures. Likewise, improved processes for consistent and secure handling of PII are being developed in conjunction with other standard operating procedures (SOPs).

In April, I implemented a Civil Rights Program EEO/EO Compliance Checklist for use by Coast Guard commands in the field. After implementation, I took further steps to institute the Checklist as an annual requirement, codifying it with formal guidance. This checklist will allow for field level standardization on basic command requirements including posting of EEO/EO policies, complaint processing, command responsibilities, compliance with objectives of EEOC Management Directive 715 (MD 715), and safeguarding PII. This checklist already has established awareness within each field command of management responsibility for EEO/EO.

As you know, our service members were experiencing 12- to 18-month periods for decisions in their discrimination claims. With concurrence from DHS, the authority to adjudicate decisions on complaints filed by our service members was transferred back to the Coast Guard. As I stated in my May 8 letter, I am on track to complete all the back-log of complaints by the end of 2009. I now have in place an efficient and effective process to promptly adjudicate military complaints. I anticipate a drastic reduction in case resolution times and compliance with the 60-day decision period prescribed under Coast Guard policy.

Climate, Training and Metrics

Concerning overall climate in the Office of Civil Rights, we anticipate that setting up the one-stop EEO intake points will bring needed organization and cohesion to field employees. We created an intensive Executive Level EEO/Diversity Training course to raise awareness of complex issues. We held the first session in March and it included frank and open discussions designed to help our leaders better manage. We will hold these sessions at least twice a year to ensure the widest possible dissemination of information.

We recently conducted an assessment of field personnel training needs and we will hold a civil rights training conference in October to make up gaps. The agenda is under development, though among other items, we will look to focus on training related for CSRPs on neutrality in the counseling process and on standardization of processes, consistent with our review and promulgation of revised Standard Operating Procedures and revision of our EEO/EO Manual.

We recognized that some employees have expressed interest in avenues to voice their thoughts or suggestions for improvement. To ensure these individuals had a venue, we improved our website at <http://www.uscg.mil/hq/cg00/cg00h/> to include a communications tool with the Office of Civil Rights. Interested persons can initiate constructive, two-way dialogue with OCR personnel by sending an email to OCR@uscg.mil¹ on the individual's issue of concern. This is not a substitute for our Service's complaint processes or the chain of command, but it does allow people to communicate thoughts or concerns to the leadership in the Office of Civil Rights.

The Coast Guard, like all Federal agencies, has an ongoing obligation to eliminate barriers that prevent individuals of any race, ethnicity, gender, or national origin from realizing their full potential. Through MD 715, the EEOC has directed agencies to conduct an annual self-assessment to monitor progress and identify areas where barriers may exist to exclude certain groups. MD 715 establishes standards by which EEOC can review the sufficiency of agency programs and self-assessments. Since the promulgation of MD 715, the Coast Guard has made steady progress; our self-assessment measures reached 92% in 2006, 96% in 2007 and 94% in 2008.

The April 2, 2009, hearing highlighted aspects of EEOCs feedback comments stemming from the Coast Guard's annual report under Management Directive 715 (MD-715), particularly regarding proper resourcing of the civil rights function. The committee noted that the November 2007 EEOC letter stated: "In all reporting years, the Coast Guard has reported that its EEO Director does not have funding sufficient to implement action plans and conduct a thorough barrier analysis of the workforce ..." and that "The Coast Guard reports that it continues to advocate for funding for a new field infrastructure." It is noteworthy that the feedback letter also praised the Coast Guard for progress we have made. Quoting (in part) from the feedback letter:

- "We commend the Coast Guard for issuing its EEO policy statement annually since FY 2004. In FY 2004, Coast Guard reported two deficiencies: new employees were not provided a copy of the EEO statement during orientation and new supervisors were not given the EEO statement when promoted. Both of these deficiencies were remedied We also commend the Coast Guard for its annual evaluation of supervisors and managers on their commitment to Coast Guard EEO policies."
- "We commend the Coast Guard for inaugurating and producing monthly editions of the newsletter "Civil Rights on Deck," a source of policy information for the entire workforce. The newsletter also offers best practices and encourages their adoption nationwide. We are pleased to learn that Coast Guard plans to continue issuing this newsletter"
- "We are also pleased that the Coast Guard conducted Human Relations Awareness training – an 8-hour training program that is mandatory for all employees tri-annually – for 14,960 military and civilian employees and managers."
- "These efforts evidence a commitment to EEO by the Coast Guard leadership."

¹ The link to this email on OCR's website states it is for submitting general suggestions or comments only.

- “We are pleased that the Coast Guard has shown commitment to integration of EEO into its strategic mission by having the Office of Civil Rights report directly to the Commandant. In addition ... the Civil Rights Director and Deputy regularly participate in Coast Guard’s senior-level strategy and planning meetings and collaborate with other armed forces in the identification of best diversity practices.”
- “The number of cases timely counseled at the Coast Guard increasedWe commend the Coast Guard on its progress and look forward to further improvements in the years to come.”
- “We commend you on your vigilance to responsiveness and legal compliance.”

Based on the Coast Guard’s own analysis of our most recent (FY 2008) MD-715 submission, we perceived an outstanding opportunity to develop better coordination between our Equal Employment Opportunity programs and our Human Resource efforts related to diversity, recruiting, retention, employee and career development, and command climate. To that end, the Coast Guard has chartered an Executive Guidance Team, a Steering Committee and a Task Force to fully integrate a collaborative Service-wide approach to assessing the entire civilian human capital effort, develop recommendations, and to report jointly on workforce successes and challenges.

Closing

With the oversight, guidance, and support of the Coast Guard’s senior leadership, my staff and I are fully engaged in developing and executing a comprehensive strategy to make the Coast Guard Civil Rights Program a model for Federal agencies and the Armed Forces. I am confident that I have the commitment and support to carry out Service-wide changes and we are making significant progress.

I look forward to a future opportunity to report our further successes to you.

Thank you for the opportunity to testify today. I look forward to your questions.