

## PERFORMANCE PLAN FOR FISCAL YEAR 2009

### US COMMISSION ON CIVIL RIGHTS

#### Our Mission

The United States Commission on Civil Rights (referred to as the “Commission”) is an independent executive branch agency whose mission is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws. We pursue this mission by investigating alleged deprivations of voting rights and allegations of discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Our agency performs an important role in identifying emergent civil rights trends and evaluating Federal agency civil rights enforcement programs. We believe that we are the only independent agency in the Federal government exclusively concerned with the full range of issues related to civil rights. We are charged with informing the President, Congress and the public about current civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

The Government Performance and Results Act (GPR) requires agencies to prepare an annual performance plan that covers each program activity set forth in the agency’s budget. This document constitutes our performance plan for fiscal year (FY) 2009.

#### Annual Performance Plan (APP) Overview

We have a total budget of \$8.8 million for FY 2009 and a projected staffing level of 45 full-time employees.

Total Agency Budget	
FY 2006	\$8.9 million
FY 2007	\$8.9 million
FY 2008	\$8.4 million
FY 2009	\$8.8 million <sup>1</sup>

---

<sup>1</sup> Omnibus Appropriation for Fiscal Year 2009, Pub. L. No. 111-08, \_\_\_ Stat. \_\_\_, Div. D, Commerce, Justice, Science, and Related Agencies.

Employment Summary <sup>2</sup>						
	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008 <sup>3</sup> (actual)	FY 2009 (estimate)
Onboard Civilian Full-time Employees	63	55	46	47	44	45

We propose aggressively executing our mission in a manner consistent with our strategic goals, and budgetary and human capital resources. Our *Strategic Plan for Fiscal Years 2008-2013* sets out four strategic goals:

- Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers;
- Expanding the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships;
- Serving as an authoritative national clearinghouse and repository of civil rights data and information; and
- Normalizing the Commission's financial and operational controls, and modernizing its information technology management and dissemination.

Commission activities in FY 2009 will primarily focus on:

- executing its mandate to serve as a clearinghouse by issuing various reports and other civil rights information,
- providing the public opportunities to hear scholars and experts discuss the most significant civil rights issues of our time,
- issuing an annual report on Federal agency civil rights enforcement that includes original research, and
- increasing the number of chartered state advisory committees.

We also include among our planned FY 2009 activities:

- holding a national civil rights conference,
- conducting original social scientific that is reflected in at least one Commission report, and
- increasing the number of operational state advisory committees.

<sup>2</sup> Unless otherwise noted, full-time employee information is reported from *The Budget of the United States*, fiscal years 2004-2008 and the agency's *FY 2009 Congressional Request for Appropriation*, Table 3: USCCR Full-Time Employees Fiscal Years 1982-2008, p. 6. This information updates the staffing information contained in the FY 2008 Annual Performance Plan.

<sup>3</sup> FY 2008 actual staffing data is from the agency's internal staffing report as of September 2008.

## Performance Plan and Targets by Strategic Goal<sup>4</sup>

We developed this APP based on our four strategic goals and their objectives. Therefore, we discuss program activities in the context of our strategic goals and objectives in this section. This section also describes the operational processes, skills and technology, human capital information, and other resources required to execute the planned activities and meet their performance goals.

### Strategic Goal 1: Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Annual Performance Targets for Strategic Goal 1			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
Increase the # of SACs re-chartered	85%	51%	90%
Eliminate the backlog of un-chartered SACs	25% reduction	50%	50%
Achieve an average re-charter time of 60-days <sup>5</sup>	60 days	24 days	60 days
Obtain input from the SACs on national program planning	1 (annually)	1 (annually)	1 (annually)
Conduct a joint national and SAC project every two years and issue a report within 12-18 months	1 Report	1 Report: <i>Enforcing Religious Freedom in Prison</i>	1 Report: <i>Housing Foreclosure Crisis</i> <sup>6</sup>
Solicited SAC ideas for SAC follow-up ideas on national office projects	1	1	1
Complete multi-state SAC report	N/A	N/A	1
Convene a national civil rights conference	N/A	N/A	Conference with attendance of at least 100 stakeholders.

Budgetary Resources for Goal 1		
	Total Cost <sup>7</sup> (estimate)	Total Hours (estimate)
SAC Re-chartering	10,525	1,159
SAC Input for National Office Planning	100	35
Statutory Report: Mortgage Crisis/Housing Report (excluding briefing) <sup>8</sup>	517,023	8,807

<sup>4</sup> The agency's FY 2008 budget and APP are crafted around the draft Strategic Plan that contained these four goals. Subsequently, the Commission adopted a final *Strategic Plan for FY 2008-FY2013* in October 2007 that is available on our Web site.

<sup>5</sup> This applies to advisory committee charters expiring after January 30, 2007. The 60-day provision refers to the time from expiration of a charter to approval of the re-charter package by the staff director.

<sup>6</sup> This is the tentative title of the FY 2009 statutory report.

<sup>7</sup> All "Total Cost" projections include personnel and non-personnel-related expenses but excludes overhead such as rent, phones, etc., unless otherwise noted.

Budgetary Resources for Goal 1		
	Total Cost <sup>7</sup> (estimate)	Total Hours (estimate)
Mortgage Crisis/Housing Briefing (statutory report briefing)	86,475	5,217
Multi-state Advisory Committee Report	6,000 <sup>9</sup>	1,043
National Civil Rights Conference (excluding report planned for FY 2010)	527, 800	7,200
<b>TOTAL</b>	\$1,147,923	23,461

## **Strategic Goal 1 Objectives and Performance Measures**

**Objective 1:** Reinvigorating the Commission’s state advisory committees (SACs).

By statute, we must maintain a SAC in each of the 50 states and the District of Columbia. In FY 2009, we anticipate:

- increasing the number of SACs re-chartered to 90 percent over our baseline,
- reducing the backlog of unchartered SACs by 50 percent (using FY2007 as a baseline year).
- achieving an average re-charter time of 60-days for SAC with newly expiring charters (January 30, 2007 or after).

**Objective 2:** Energizing the Commission’s SACs by enhancing their institutional role in program planning and increasing their productivity.

Program planning is the formal process used by the Commissioners to approve future program activities or civil rights topics for study and research. Historically, the formal process occurred annually between January and March but recent changes create a quarterly discussion and approval of projects. Additional projects may be approved at other times as issues emerge or circumstances change. We plan to solicit advisory committee input into the national planning process during FY 2009 and realize an increase in committee productivity by:

- conducting a joint national office and advisory committee project on the mortgage crisis and housing and issuing a report within 12 to 18 months of initiating the project,<sup>10</sup> and
- soliciting advisory committee ideas in or about October for committee follow-up activities to national office projects.

**Objective 3:** Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

---

<sup>8</sup> The advisory committees were asked to participate in the data collection and research underpinning this report.

<sup>9</sup> Out-of-pocket expenses only.

<sup>10</sup> The scope of the original housing topic was the Department of Justice’s Fair Housing Initiative; however, the current mortgage crisis provides an opportunity to examine a more timely topic.

We propose completing a multi-state SAC report in FY 2009. This report, based on the identification of current and emergent state and regional civil rights issues by the SACs, will be a valuable tool for policy-makers, researchers, and civil rights advocates. The report would inform enforcement, budget, research, and other decisions by these groups for years into the future. The Commission, as well, can benefit from this report by using the findings to inform our national program planning decision-making.

**Objective 4:** Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

We intend this conference or forum to be a significant gathering of scholars, practitioners, policy-makers and civil rights specialists. The target is the attendance of 100 members of the public, policy-makers, scholars and others.

The outcome of the conference will be a report, scheduled for FY 2010 release, on civil rights priorities for the 21st century. It will be suitable for use as a reference by policy-makers and others with civil rights responsibilities. Information gathered at the conference will also inform future agency strategic and annual program planning. For example, during and following the conference we propose to identify three civil rights issues and research topics to incorporate into our national program planning process for FY 2010.

**Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.**

Annual Performance Targets for Strategic Goal 2			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
Produce a report on enhancing the effectiveness of civil rights agencies	Statutory report (Fair housing Initiative)	Statutory report (religious freedom)	Statutory report (the mortgage crisis and housing)
Issue guidance to the executive branch on civil rights enforcement efforts	N/A	N/A	Baseline Year
Provide substantive input on proposed civil rights legislative agenda items by increasing the number of congressional contacts	2	0	3
Host public briefings or hearings on civil rights issues and Commission activities	5	6	5
Issue press releases on civil rights issues	10	10	10
Hold a press conference on the statutory report or other significant Commission publication or activity	1	0	1
Post all public meeting, briefing transcripts, and approved reports on the website	21	17	21
Provide assistance to members of the public seeking advice and information about	30-day complaint	21-day complaint referral response	30-day complaint referral response

Annual Performance Targets for Strategic Goal 2			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
protecting their civil rights	referral response time <sup>11</sup>	time	time
Increase participation in public policy symposia and venues in which USCCR shares its views on civil rights policy	1	0	1

Budgetary Resources		
	Total Cost (estimate)	Total Hours (estimate)
Statutory Report: Mortgage Crisis/ Housing Report (excluding briefing)	517,023	8,807
Briefing 1: Mortgage Crisis/Housing (statutory report briefing)	86,475	5,217
Briefing 2: English as the Common Workplace Language (excluding report)	99,246	1,398
Briefing 3 TBD (excluding report)	151,036	2,859
Briefing 4: Healthcare Disparities (excluding report)	160,946	3,067
Briefing 5: National Civil Rights Conference <sup>12</sup>	527,800	7,200
Complaint Processing (national and regional offices)	120,787	3,276
Press Conference	1,120	16
Press Releases	8,000	21
Web site Maintenance and Postings	337,000	2,087
Participation in Public Conferences and Symposia	1,500	10
<b>TOTAL</b>	<b>\$2,010,933</b>	<b>33,958</b>

## **Strategic Goal 2 Objectives and Performance Measures**

**Objective 1:** Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Our statutory report for FY 2009 is factors contributing to the mortgage foreclosure crisis and will include recommendations for action by federal agencies and others.

**Objective 2:** Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

We currently propose a public service campaign targeting a specific civil rights issue or a general “know your rights” campaign. Several agency offices will support this effort and be responsible for identifying and developing appropriate partnership opportunities. Background or preparatory work will begin during FY 2009 on identifying areas of possible collaboration.

<sup>11</sup> This applied to complaints received by headquarters. Beginning in FY 2009, the agency will track both headquarters and regional complaint response times.

<sup>12</sup> The national conference on civil rights serves as the fifth briefing for the year. This does not include the FY 2010 report.

We propose entering into a MOU with another federal agency in FY 2011, contingent upon funding availability.

**Objective 4:** Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Our performance related to this objective is long-term, specifically, our participation in at least one significant working group by FY 2012. In FY 2009 and FY 2010, through OCRE’s monitoring function, we propose identifying opportunities to participate in various working groups. This is preparatory for meeting our proposed FY 2012 target.

The transition in national leadership is an opportunity for the Commission to engage the new administration in a dialogue about its civil rights vision and agenda. Our agency may well pursue issuing guidance, consulting, or advising with the executive branch on civil rights matters. We propose establishing congressional contacts that provide substantive insight and direction on legislative agenda items.

**Objective 5:** Promote public awareness of current civil rights laws, remedies and enforcement agencies.

To execute this objective during FY 2009 we propose several specific actions including:

- hosting four public briefings and a national conference or forum on civil rights issues,<sup>13</sup>
- issuing ten press releases related to civil rights issues and Commission activities,
- holding one press conference announcing the issuance of the Commission’s statutory report or the proposed national civil rights conference,
- posting at least 21 Commission reports, and meeting and briefing transcripts on our Web site for public access,
- providing assistance to members of the public seeking advice and information about protecting their civil rights by maintaining a 30-day complaint referral response time, and
- increasing participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies by 2 percent.

**Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.**

Annual Performance Targets for Strategic Goal 3			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
Written work products meet rigorous standards for accuracy, objectivity,	N/A	N/A	Adverse decisions under agency information quality guidelines of

<sup>13</sup> Conducting five briefings is our annual target level of performance; however, the national conference serves as the fifth briefing in FY 2009.

Annual Performance Targets for Strategic Goal 3			
transparency and accountability			less than ____% by FY 2013 (Baseline Year)  Less than ____% of agency decisions are reversed on appeal under information quality guidelines (Baseline Year)
Implement adopted GAO findings and recommendations related to report quality	95%	95%	100%  (Incorporate revisions adopted on ____ into to AI 1-6; Use report production checklists to document process; Document SAC solicitation for national program planning)
Issue a report(s) that involves collecting data on disparities	3 briefing reports	3 briefing reports	2 reports involving disparities data
Issue a report(s) assessing claims of systemic or pervasive discrimination	N/A	N/A	2 reports assessing claims of systemic or pervasive discrimination
Incorporate original social scientific research into Commission reports	1 (statutory report)	1 (statutory report)	1 report (statutory report) incorporating original social scientific research

Budgetary Resources	
	Out-of-Pocket Costs (estimate for report design, printing, and distribution)
Statutory Report	15,000
Four Briefing Reports	22,000
<b>TOTAL</b>	<b>37,000</b>

### **Strategic Objectives and Performance Measures**

**Objective 1:** Strengthen the quality and objectivity of the Commission’s reports.

FY 2009 is a baseline year for collecting data on the use of our Information Quality Guidelines (IQG) for performance management purposes. FY 2009 baseline data will inform the performance targets for FY 2010 through FY 2013. The two specific baseline measures we are establishing in FY 2009 are:

- the number of adverse decisions under agency information quality guidelines; and
- the percentage of agency decisions reversed on appeal under information quality guidelines.

During FY 2009, we will continue improving agency management including attaining 100 percent implementation of all adopted Government Accountability Office (GAO) findings and recommendations consistent with any Commissioner-approved timeline. These



recommendations involve transparency, objectivity, and accountability during the report production process. During FYs 2007 and 2008, the Commission adopted AI 1-6 incorporating recommendations of independent inspector general and Booz Allen Hamilton for improving our report process. Changes to this process were subsequently adopted and should be incorporated into AI 1-6 during FY 2009.

**Objective 2:** Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

We propose issuing two reports that include the collection of data on disparities. Currently, one is a briefing report likely to focus on racial disparities in healthcare access and outcomes. Its findings and recommendations will assist responsible decision-makers with constructing reforms to address any systemic factors. The second report could either be on the effectiveness of historically black colleges and universities or Title IX athletics. We previously conducted briefings on both topics. One or more other reports may also be issued during the fiscal year.

**Objective 3:** Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.

In support of this objective two reports are planned assessing claims of systemic or pervasive discrimination. A proposed school choice report would assess the potential impact of the quality of education available to students in failing schools under a voluntary public school choice program. The possible second report may either be on minority children in state foster care or minority students in special education. We previously held briefings on both topics.

**Objective 4:** Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

Our performance target for this objective is incorporating original social scientific research into at least one Commission report during FY 2009. The FY 2009 report on the mortgage and housing crisis is expected to include original research and data collected by participating advisory committees and headquarters.

**Strategic Goal 4: Normalize the Commission’s financial and operational controls, and modernize its information technology management and dissemination.**

Annual Performance Targets for Strategic Goal 4			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
Full compliance with OMB A-11 guidance for integrated budget by FY 2010	N/A	Baseline Year	100% compliance

Annual Performance Targets for Strategic Goal 4			
	FY 2008 (target)	FY 2008 (actual)	FY 2009 (target)
Receive a PART score of at least “moderately effective”	N/A	N/A	Update PART as scheduled; Request FY 2010 Reassessment (as determined)
Receive a “clean” or unqualified financial statement audit <sup>14</sup>	Clean Audit Opinion of Financial Statements	Clean Audit Opinion of Financial Statements	Clean Audit Opinion of Financial Statements
Conduct an assessment of the effectiveness and efficiency of the Commission’s current administrative structure to improve efficiency and effectiveness <sup>15</sup>	Assess administrative structure	Not Undertaken	Assess administrative structure
Identify and implement changes necessary to support increased effectiveness and improved efficiency	N/A	N/A	Complete an evaluation of the agency’s organization structure
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures.	(Baseline Year)	97% implementation (Baseline Year)	Performance budget integrates program activities and costs; Increase accuracy of project cost reports
Execute workforce planning and human capital accountability systems	Complete human capital and accountability system	Not Completed <sup>16</sup>	Complete human capital and accountability systems

	Total Cost (estimate)
FISMA-related Services	\$234,500
Financial Services (auditing, accounting, travel services)	\$445,176
Other Consulting Services	\$100,000
<b>TOTAL</b>	<b>\$779,676</b>

## **Strategic Objectives and Performance Measures**

*Objective 1:* Adhere to integrated budgeting, planning, and performance management.

We continue to participate in OMB’s Performance Improvement Council to improve our performance and budget integration by learning for the “best practices” of other agencies. During the fiscal year, we will expand the skills of our key staff by investing in performance and project management training.

We should make a determination consider seeking a PART reassessment in FY 2010. Consistent with our Strategic Plan goals and objectives, we are continuing to improve our

<sup>14</sup> In FY 2008, this also includes finalizing our contingency operations (COOP) plan, issuing new procedures for operating our IT system on an interim basis, and resolving previously identified FISMA deficiencies.

<sup>15</sup> This was an FY 2008 performance target but was unfunded.

<sup>16</sup> The OPM advised that the completion date for agencies is extended to the end of calendar year 2009.

program, financial, and operational management. Our focus on management reform significantly contributes to our ongoing efforts to earn a rating of “moderately effective” in FY 2010, should we seek PART reassessment at that time.

**Objective 2:** Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission’s structure to efficiently execute its mission and make efficient use of its appropriations.

During FY 2009, we will achieve management improvement associated with this objective by:

- completing an independent financial audit in a timely manner;
- receiving a “clean” or unqualified financial audit opinions;
- resolving identified Federal Information Security Management Act (FISMA) weaknesses;
- conducting an Annual Employee Survey and developing an appropriate corrective action plan; and
- continuing work on the development and implementation of an approved Human Capital Assessment and Accountability System.

Resources allowing, we propose conducting an evaluation of our organizational structure to identify changes that could support increased effectiveness and improved efficiency.

**Objective 3:** Continue implementation of adopted GAO and OPM recommendations.

During FY 2009, we propose continued implementation of adopted GAO and OPM audit findings and recommendations that address financial and operational procedures. In FY 2009, we will submit a fully OMB-compliant performance budget for FY 2011 and each year thereafter.

With our new strategic plan, we believe we are well on our way to resolving performance budget and annual planning issues. In FY 2009, we will strengthen our integration of performance and budget by, among other ways, collecting more performance data, identifying factors affecting actual performance, proposing strategies for improving our performance, and completing deployment of project management software that should improve project management and accountability. Our budget office, working with our external accounting services provider, will improve the accuracy of project cost reporting.

### **Verification and Validation of Agency Information**

Office and division heads are responsible for tracking, collecting, and reporting performance data on the measures for which they have primary responsibility. In some instances, that data may be reviewed or verified by others. The Commission continues developing and implementing standardized reporting forms for several program activities/projects to ensure consistency of reporting. We use this data to measure actual performance against target performance at both the agency and office/division levels, as well as evaluate efficiency.

## **Program Evaluations**

We conduct or plan to conduct several evaluation activities to inform management decision-making concerning the effectiveness of the agency's program. Included among them are the:

- use of weekly status meetings with executive staff that includes the heads of program and administrative/operational offices and divisions,
- use of Master Schedules and critical to quality checklists to manage the advisory committee appointments and the committee chartering process,
- the use of annual and quarterly performance reporting worksheets by the program offices, and
- use of periodic office and division staff meetings to monitor and evaluate progress on office/division performance targets.

## **Management Challenges and Mitigating Factors**

Several external and internal factors could affect our ability to achieve the performance described for FY 2009. These factors include:

- changes to our requirements governing report production (including various review and approval requirements),
- delayed external responses to our interrogatories, requests for documents, and other discovery requests that are needed to timely complete the statutory report on housing,
- creating a uniform methodology for researching, collecting, analyzing, and reporting data and other information related to the statutory report,
- the availability and sufficiency of the research data at the federal, state and/or local levels;
- unforeseeable or emergent civil rights issues that require the reallocation of resources,
- unanticipated congressional requests that results in a diversion of resources,
- staff attrition that drives changes to the agency's proposed staffing plan,
- staffing constraints that limit our ability to meet the state advisory committee re-chartering targets set for our Western Regional Office, and
- reauthorization of the agency that changes or modifies its mission.

We propose using the services of a temporary writer-editor to expedite report formatting, copy-editing and other pre-production report functions. On the statutory report on housing, the agency is using staff from both agency program offices to research and write the report. More frequent status reports on report production will allow for improved risk management.

Several specific factors could adversely affect national conference planning and execution, including the:

- ability to secure external assistance or expertise with conference planning and execution,<sup>17</sup>
- interest of renowned researchers, policy analysts, and others in participating and otherwise supporting the event,
- absence of a public affairs or media specialist, and
- lack of agreement at the highest levels on the scope and structure of the conference.

We propose creating working groups that include both staff and special assistants to our political leadership to mitigate two of these three factors. The final adverse factor, using a professional event/conference planner, remains a challenge.

Our ongoing efforts to develop and implement a human capital and accountability plan are hindered by the absence of a director for the human resources division. We are exploring the use of a paid consultant to assist agency staff with developing a plan, budgetary resources allowing. Prior efforts to secure a detailee from OPM and through various government-wide leadership development programs have not yielded the desired results.

---

<sup>17</sup> Planning includes, but is not limited to, 1) ensuring the use of a conference structure and format that is conducive to achieving the goals of issue-spotting and clearly articulating the importance of specific issues to civil rights policy, 2) selecting a date and location that reasonably ensure high participation while minimizing costs, 3) developing and executing an appropriate media and public outreach strategy.