



Washington Headquarters Services

ADMINISTRATIVE INSTRUCTION

NUMBER 31
July 13, 2007

P&E

SUBJECT: Equal Employment Opportunity (EEO) and Diversity Programs

- References:
- (a) Administrative Instruction No. 31, "Equal Employment Opportunity (EEO) Program," November 14, 1988 (hereby canceled)
 - (b) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," October 19, 2001
 - (c) Equal Employment Opportunity Commission Management Directive 715, October 1, 2003¹
 - (d) Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity (EEO)," as amended
 - (e) through (l), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Administrative Instruction (AI):

1.1. Reissues Reference (a) under the authority of Reference (b), and assigns responsibilities and procedures for developing, implementing, and evaluating EEO, Affirmative Employment Programs (AEP), and Diversity Programs.

1.2. Implements the provisions of References (c) and (d), as well as Equal Employment Opportunity Commission (EEOC) Management Directive 110, 5 Code of Federal Regulations part 720, Public Law 107-174 (2002), AI 40, DoD Directive 1440.1, AI 9, and AI 106 (References (e) through (k)).

1.3. Delineates agency responsibility and accountability to establish and maintain a "model" EEO program pursuant to Reference (c).

¹ A copy of this reference may be found online at: <http://www.eeoc.gov/federal/eeomd715.html>

2. APPLICABILITY

This AI applies to all civilian employees within the organizational entities of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the Defense Agencies, and the DoD Field Activities serviced by Washington Headquarters Services (WHS). These entities hereafter shall be referred to as “WHS serviced components.” Guidance on the equal opportunity program for military personnel is in DoD Directive 1350.2 (Reference (1)).

3. DEFINITIONS

Terms used in this AI are defined in Enclosure 2.

4. POLICY

It is OSD policy to:

4.1. Promote equal opportunity in every aspect of civilian employment policy and practice including employment, development, advancement, and treatment of all civilian personnel.

4.2. Develop, implement, and maintain effective AEP and systems that facilitate human capital management to achieve a high-quality civilian workforce which reflects our Nation’s diversity, and is in compliance with statutory and regulatory law, mandates, and directives.

4.3. Ensure that EEO program activities for appropriate groups such as, but not limited to, minorities, women, and individuals with disabilities are fully integrated into the personnel management system.

4.4. Prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability (physical or mental), and/or reprisal.

4.5. Identify and eliminate barriers that impede equality of opportunity in the workplace for all civilian personnel, and applicants for civilian employment, such as harassment based on protected status (e.g., race, sex, national origin) and architectural, transportation, and communication barriers affecting individuals with disabilities.

5. RESPONSIBILITIES

5.1. The Director of Administration and Management (DA&M) shall serve as the Director, EEO, for WHS serviced components.

5.2. The Director, WHS, pursuant to Reference (b), and under the DA&M, shall:

5.2.1. Oversee the management of EEO and Diversity Programs.

5.2.2. Exercise overall responsibility for EEO and Diversity Programs and policies.

5.2.3. Advise and represent the Secretary of Defense on EEO matters.

5.2.4. Commit sufficient human resources, funding, and infrastructure to operate successful EEO and Diversity Programs.

5.3. The Director, Planning & Evaluation (P&E), under the Director, WHS, shall:

5.3.1. Provide administrative oversight for WHS EEO and Diversity Programs.

5.3.2. Ensure that sufficient human capital and budgetary resources are allocated to operate and maintain a viable and model EEO program.

5.3.3. Provide the Assistant Director, EEO Programs (EEOP), with direct access to the agency head to ensure the greatest degree of independence in implementing this AI.

5.4. The Assistant Director, EEOP, under the Director, P&E, shall:

5.4.1. Assist the Director, WHS, by managing strong, viable, and proficient EEO, AEP, and Diversity Programs.

5.4.2. Provide for a fair and impartial EEO complaints processing program that complies with the timeframes pursuant to Reference (d).

5.4.3. Develop and monitor the progress of barriers identified in affirmative employment reports, such as the Disabled Veterans Affirmative Action Program Plan, the Federal Equal Opportunity Recruitment Program Report, and the Federal Agency Annual EEO Program Status Report pursuant to References (c) and (f).

5.4.4. Develop and disseminate EEO and Diversity policies and information to the senior leadership, managers, supervisors, and employees.

5.4.5. Offer a full menu of EEO educational programs, including anti-harassment, rights and remedies, conflict resolution skills, affirmative employment and diversity principles and management for all personnel, consistent with Reference (g) and section E16.8. of Reference (h).

5.4.6. Monitor and evaluate outreach diversity recruitment actions and activities, strategic workforce and succession planning initiatives, career development training programs, and recognition and incentive programs to ensure their impartiality, fairness, and equality.

5.4.7. Designate a full-time Diversity Manager to oversee and guide collateral duty personnel appointed as Federal Women's Program, Hispanic Employment Program, Black Employment Program, People with Disabilities Program Manager, and other programs as

required by EEOC and Office of Personnel Management (OPM) to ensure employment concerns, issues, and interests of these groups are appropriately recognized and addressed in Reference (i).

5.5. The Director, Human Resources Directorate, under the Director, WHS, shall:

5.5.1. Collaborate with the Assistant Director, EEOP, to promote EEO policies, procedures, and Diversity Program initiatives to support and maintain a model EEO program in accordance with Reference (c).

5.5.2. Advise and assist WHS serviced components with establishing long-term training and developmental programs that afford career enhancement opportunities to all WHS serviced components' civilian personnel.

5.5.3. Advise and assist WHS serviced components on methods to establish outreach recruitment efforts that attract diverse and high-quality applicants for civilian positions at all grade levels and occupations.

5.5.4. Maintain infrastructures and systems that facilitate human capital management and capture diversity statistical data that support the Assistant Director, EEOP, in monitoring, implementing, and evaluating AEP progress, and completing substantive, accurate, and timely affirmative employment reports to EEOC, OPM, and other reporting authorities.

5.6. The Heads of WHS serviced components shall:

5.6.1. Ensure that EEO policies are disseminated widely, understood, and implemented at all levels within their organizations.

5.6.2. Initiate outreach recruitment actions and conduct strategic civilian workforce planning to attract, maintain, and develop a highly skilled and diverse workforce at all grade levels, occupations, and positions.

5.6.3. Promote a workplace environment that values integrity, respect, and inclusiveness, and that empowers all civilian personnel to achieve their full potential.

5.6.4. Support Diversity Programs, to include affording civilian personnel the opportunity to serve as collateral duty diversity liaisons to assist with the agency's commitment to building and improving a diverse and high-quality civilian workforce.

5.7. Managers and Supervisors shall:

5.7.1. Ensure that all civilian personnel and applicants for civilian employment are free from discrimination and harassment in all aspects of the employment process.

5.7.2. Ensure that EEO principles are fully integrated into the civilian personnel management process and that these principles are considered in civilian employment decisions,

such as selection, promotion, reassignment, training, awards, discipline, and other personnel actions or decisions.

5.7.3. Maximize the skill and potential of all civilian personnel through fair assignment of work and through conscientious planning, monitoring, developing, rating, and rewarding of performance.

5.7.4. Ensure that all civilian personnel work in an environment free of any type of discrimination and harassment based upon sex, race, religion, national origin, age, disability (physical or mental), and/or reprisal.

5.7.5. Take appropriate disciplinary action to address, eliminate, and deter any type of workplace harassment and other discriminatory behavior.

5.7.6. Support the agency's EEO discrimination complaint program and Collaborative Resolution Program pursuant to References (j) and (k), respectively, by ensuring civilian personnel can pursue disputes through these venues free of retaliation and/or harassment.

5.7.7. Support and encourage civilian employee participation at agency-sponsored EEO and Diversity activities and events.

5.8. Civilian Employees shall:

5.8.1. Remain informed of EEO, AEP, and Diversity policies and programs.

5.8.2. Inform their supervisory chain of any discriminatory treatment or harassment (sexual, racial, religious, disability, etc.) which they believe they have experienced or witnessed.

5.8.3. Treat their co-workers, peers, and supervisors with dignity and respect in compliance with the agency's EEO and Diversity policies and practices.

6. EFFECTIVE DATE

This AI is effective immediately.



Michael L. Rhodes
Director

Enclosures – 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Equal Employment Opportunity Commission Management Directive 110, November 9, 1999²
- (f) Title 5, Code of Federal Regulations, Part 720, “Affirmative Employment Programs,” current edition
- (g) Public Law 107-174, “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” May 15, 2002
- (h) Administrative Instruction No. 40, “Employee Learning and Development,” April 27, 2006
- (i) DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987
- (j) Administrative Instruction No. 9, “Processing Complaints of Discrimination,” January 11, 1979
- (k) Administrative Instruction No. 106, “Collaborative Resolution Program (CRP),” October 31, 2005
- (l) DoD Directive 1350.2, “Department of Defense Military Equal Opportunity (MEO) Program,” August 18, 1995

² A copy of this reference may be found online at: <http://www.eeoc.gov/federal/md110.html>

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Affirmative Employment Program (AEP). Addresses efforts and accomplishments in hiring, promotions, development, and other advancement opportunities for women, minorities, and people with disabilities, including disabled veterans.

E2.2. Collaborative Resolution Program. The agency's vehicle for providing informal dispute resolution services to WHS serviced components.

E2.3. Disabled Veterans Affirmative Action Program. An affirmative action program that requires agencies to monitor the recruitment, employment, and advancement of disabled veterans within the workforce and implements a formal plan with specific recruitment actions to ensure increased representation of these candidates.

E2.4. Discrimination. A showing of partiality or prejudice in the treatment of a person or group based on race, color, national origin, religion, sex, age, or disability (physical or mental).

E2.5. Diversity Program. Management's ability to capitalize on the various talents, perspectives, characteristics, and attributes available within a workforce that is representative of a diverse population and reflective of a pluralistic society. Authority for the diversity program is grounded in the Code of Federal Regulations which states that each Federal agency is to "maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies." To ensure implementation, the regulations instruct agencies to designate diversity program managers, as may be necessary, to carry out the functions of the program consistent with Reference (i).

E2.6. Equal Employment Opportunity (EEO). The right of all persons to work and advance on the basis of merit, ability, and potential, free from social, personal, or institutional barriers of prejudice and discrimination.

E2.7. EEOC Management Directive 715. Requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination. It also sets forth the standards by which EEO will review the sufficiency of the agency's Title VII and Rehabilitation Act programs, which include periodic agency self-assessments and the removal of barriers to free and open workplace competition.

E2.8. Federal Equal Opportunity Recruitment Program. A program that requires agencies to monitor the representation of minorities and women in the agency workforce, determine where low participation rates of these groups exist, and to implement a formal plan with specific recruitment actions to ensure increased availability of these candidates.

E2.9. Individual with Disability. An individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.