U.S. Department of Energy ORDER
Washington, D.C. DOE O 311.1A

EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PROGRAM

1. OBJECTIVES.

   a. To provide equal opportunity in employment for all Department of Energy (DOE) employees and applicants, and to alleviate conspicuous absences and/or manifest imbalances.

   b. To promote the full realization of equal employment opportunity (EEO) for minorities,
   women, and people with disabilities through appropriate employment programs.

   c. To identify and eliminate barriers to employment, both physical and non-physical.

   d. To prohibit discrimination in employment due to race, color, religion, sex (including sexual harassment), national origin, reprisal, age, and physical or mental handicapping condition, or sexual orientation (including sexual orientation harassment).

   e. To develop, implement, and monitor an EEO and diversity counseling, complaints, and investigations program in accordance with laws, rules, regulations, policies, and procedures that prohibit discrimination and to provide for the prompt, equitable adjudication of complaints filed by individuals or classes.

   f. To ensure that applicants for -- and recipients of -- Federal financial assistance are in compliance with civil rights laws that prohibit discrimination in programs, projects, and activities.

2. CANCELLATION. DOE O 311.1, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PROGRAM, of 9-30-95 is cancelled. Cancellation of this Order does not, by itself, modify or otherwise affect any contractual obligation to comply with such an Order. Canceled Orders that are incorporated by reference in a contract shall remain in effect until the contract is modified to delete the reference to the requirements in the canceled Orders.

3. APPLICABILITY. This Order applies to:

   a. DOE employees and applicants for employment with DOE; and

   b. Applicants and recipients of Federal financial assistance.

   DISTRIBUTION: INITIATED BY:
   All Departmental Elements Office of Economic Impact and Diversity

   c. Contractors performing work for the Department as provided for by law and/or contract as implemented by the appropriate contracting officer. (See Contractor Requirements Document (CRD) in Attachment 1.)

4. REQUIREMENTS.

   a. Heads of DOE Elements shall submit reports when requested by the Director, Office of Economic Impact and Diversity and the Deputy Director for Civil Rights and Diversity, or designees.

   b. DOE Elements with EEO complaint processing functions shall interact with the Office of Economic Impact and Diversity's case tracking system.

   c. All employees shall participate in annual EEO/Diversity training, and supervisors must have had such training prior to (or within an appropriate time period following) appointment to a supervisory position.

   d. All employees within the Department shall be responsible for ensuring that the Department is free from discrimination on the basis of race, color, religion, sex (including sexual harassment), national origin, reprisal, age, physical or mental handicapping condition, or sexual orientation (including sexual orientation harassment).

   e. All employees within the Department shall participate in biennial training on the prevention of sexual harassment.

   f. Under the direction of the Office of Civil Rights and Diversity, compliance and enforcement reviews of recipients of Federal financial assistance shall be conducted on a periodic basis to ensure that:

      (1) Each applicant for Federal financial assistance completes a DOE F 1600.5, "Assurance of Compliance - Nondiscrimination in Federally Assisted Programs," which incorporates the requirements of all applicable civil rights laws, and each recipient of Federal financial assistance maintaining an ongoing relationship with the Department submits an annual compliance certification;

(2) Preaward reviews of all applicants and postaward compliance reviews of selected recipients of Federal financial assistance are conducted;

(3) Compliance negotiations are undertaken immediately when a recipient is not in compliance with applicable civil rights laws, rules, regulations, policies, and procedures; and

(4) Allegations of discrimination in Federally assisted programs are investigated promptly and thoroughly.

g. In accordance with Title 29, Code of Federal Regulations (CFR), Part 1614.102(b)(6), the following DOE officials are designated as appropriate officials with whom to file an individual or class complaint of discrimination:

(1) Secretary of Energy (or his/her designee).

(2) Director, Office of Economic Impact and Diversity (or his/her designee).

(3) Deputy Director for Civil Rights and Diversity (or his/her designee).

(4) Heads of Field Elements and Field Equal Employment Opportunity/Diversity Program Managers.

5. RESPONSIBILITIES.

a. The Director, Office of Economic Impact and Diversity is designated by the Secretary of Energy to set EEO policy and to ensure that EEO and Diversity programs within the Department conform to established laws, rules, regulations, policies and procedures.

b. The Deputy Director for Civil Rights and Diversity shall serve as the principal advisor to the Director, Office of Economic Impact and Diversity, and all DOE Elements, providing technical oversight of the Department's EEO/Diversity Programs. The Deputy Director serves as the Headquarters (HQ) EEO Officer. In addition, the Deputy Director shall:

(1) Designate Special Emphasis Program Managers and Headquarters EEO Coordinators.

(2) Establish Headquarters Special Emphasis Advisory Councils, and recruit representation from throughout DOE Elements to assist in the recruitment, development, advancement, and retention of minorities, women, and people with disabilities.

(3) Develop, implement, and monitor procedures for processing complaints of sexual orientation discrimination (including sexual orientation harassment), in accordance with the Department's policies prohibiting such discrimination.

c. HQ Diversity Managers/EEO Coordinators shall perform EEO and Diversity duties in accordance with the provisions of this DOE Order.

d. Field Elements' EEO and Diversity Managers shall:

(1) Manage the daily functions of the field organizations' EEO and Diversity programs, and report directly to the Head of the Field Element.

(2) Perform EEO and Diversity duties in accordance with policy guidance and direction from the Director, Office of Economic Impact and Diversity and the Deputy Director for Civil Rights and Diversity.

6. REFERENCES.

a. Public Law 88-352, the "Civil Rights Act of 1964," Title VII, as amended by Public Law 92-26l, the "Equal Employment Opportunity Act of 1972," prohibits discrimination in Federal employment based on race, color, religion, sex, or national origin. Federal agencies are required to maintain an affirmative action and equal employment opportunity program for all employees and applicants for employment.

b. Public Law 90-2-2, the "Age Discrimination in Employment Act of 1967," as amended by Public Laws 93-259 and 95-256, prohibits discrimination in Federal employment based on age.

c. Public Law 93-112, the "Rehabilitation Act of 1973," as amended by Public Laws 93-516 and 95-602, prohibits discrimination in Federal employment based on physical or mental handicap.

d. Public Law 94-135, the "Age Discrimination Act of 1975," prohibits discrimination on the basis of age in programs or activities receiving Federal assistance from Federal agencies.

e. Public Law 95-454, the "Civil Service Reform Act of 1978," requires fair and equitable treatment of Federal employees and applicants for employment without regard to race, color, religion, sex, national origin, age, or handicapping condition and establishes a program under which Federal agencies are required to conduct affirmative recruitment for those occupations and grades within the work force where there is under representation of minorities and women.

f. Executive Order 11478, "Equal Opportunity in the Federal Government" of 8-8-69, requires the head of each executive department to establish and maintain an affirmative employment program to ensure enforcement of Federal equal employment opportunity policy.

g. Title 5, Code of Federal Regulations, Part 720, "Federal Equal Opportunity Recruitment Program" of 8-14-79, requires Federal agencies to conduct a continuing program for the internal and external recruitment of minorities and women.

h. Title 10, Code of Federal Regulations, Part 1040, "Nondiscrimination in Federally Assisted Programs" of 6-13-80, prohibits discrimination on grounds of race, color, religion, national origin, sex, handicap, or age in programs and activities receiving Federal assistance from Federal agencies.

i. Title 29, Code of Federal Regulations, Part 1604.11, "Sexual Harassment" of 11-10-80, sets forth guidelines on the identification and prevention of sexual harassment.

j. Title 29, Code of Federal Regulations, Part 1607, "Uniform Guidelines on Employee Selection Procedures" of 9-25-78, provides principles and guidance for assuring that employee selection procedures are job-related and valid and do not discriminate on the basis of race, color, religion, national origin, or sex.

k. Title 29, Code of Federal Regulations, Part 1608, "Affirmative Action Appropriate Under Title VII of the Civil Rights Act of 1964" of 2-20-79, as amended, provides guidance and clarifies the kinds of voluntary actions appropriate under Federal law.

l. Title 29, Code of Federal Regulations, Part 1614, "Equal Employment Opportunity in the Federal Government" of 10-1-92, requires the heads of Federal agencies to exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative employment program designed to promote equal opportunity in every aspect of Federal personnel policy and practice, including development, advancement, and treatment of employees.

m. Equal Employment Opportunity Commission Management Directives provide instructions for developing Affirmative Employment/Affirmative Action Program plans, accomplishment reports, and updates, such as the Equal Employment Opportunity Commission Management Directive 110 (EEO-MD 110) of 10-22-92, provides policy, procedures and guidance relating to processing employment discrimination complaints governed by 29 CFR Part 1614.

n. Public Law 102-166, Civil Rights Act of 1991, provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace.

o. The Civil Rights Act of 1991 modifies and expands protection against discrimination in the workplace.

p. The Americans with Disabilities Act of 1990 provides remedies for discrimination on the basis of disability by private employers holding Government contracts or subcontracts.

q. The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in the payment of wages for similar employment.

r. Executive Order 11246, "Non-discrimination in Federal Contracts," of 9-24-65, as amended, governs non-discrimination and affirmative action in employment by Government contractors.

s. Title 41, CFR Part 60, implements the nondiscrimination and affirmative action requirements of Executive Order 11246, as amended; and the affirmative action requirements for covered veterans and handicapped individuals.

7. CONTACT. Questions regarding this Order should be referred to the Office of Civil Rights and Diversity at (202) 586-2218.

BY ORDER OF THE SECRETARY OF ENERGY:

ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

CONTRACTOR REQUIREMENTS DOCUMENT

DOE contractors will strive to meet the U.S. Department of Energy's expectations to be model employers in the area of work force diversity, and to provide policies, procedures, and assign responsibilities and authorities for the oversight of contractor equal employment opportunity and affirmative action at DOE facilities, as specified in applicable State and Federal laws and regulations.