The Secretary of Energy
Washington, D.C. 20585

April 10, 2007

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: SAMUEL W. BODMAN

SUBJECT: Equal Employment Opportunity and Diversity Policy Statement

The Department of Energy's (DOE) mission is of critical importance to this Nation. We are charged with the responsibility for advancing our country's national and energy security, promoting scientific and technical innovation, and ensuring the environmental cleanup of the national nuclear weapons complex.

I know that DOE Federal and Contractor employees are committed to excellence and have a strong record of performance. Indeed, I am continually impressed by the commitment that DOE Federal and Contractor employees show on a daily basis to accomplishing our missions. But if we are to be fully successful, we must constantly strive to attract and retain the best employees from all walks of life. To do so, we must embrace the concepts of Equal Employment Opportunity (EEO) and diversity, utilize those concepts to meet the professional aspirations of our employees and applicants for employment, and integrate them into the everyday culture of the Department.

Employees of DOE and its contractors are responsible not only for complying with EEO laws, but also for treating each other and all DOE stakeholders with respect and dignity. If we do so, and I believe we must do so, I am confident that we can maintain our world-class leadership, make DOE the employer of choice in the Federal Government, and more effectively accomplish the extraordinarily important and difficult missions that the President and the American people have entrusted to us.

In order to effectively abide by EEO and diversity concepts in their daily work, everyone must know what those concepts mean. Equal Employment Opportunity ensures that applicants and employees are not subjected to prohibited discrimination in any aspect of employment, including but not limited to recruitment, hiring, merit promotion, transfer, reassignment, training, career development, benefits, and separation. Prohibited discrimination includes discrimination or reprisal on the basis of race, color, sex, religion, national origin, age, disability (physical or mental), or sexual orientation. EEO mandates that all employment-related decisions be based on merit, and not on prohibited discriminatory factors. Prohibited discrimination is counterproductive to our mission and will not be tolerated at the Department of Energy.

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Where discrimination is found to have occurred, appropriate corrective and/or disciplinary action will be taken.

Diversity is a broader concept than compliance with EEO requirements. Diversity involves fostering an environment that promotes inclusion, equity and respect, and enhances the potential and contribution of all employees. It allows for enhanced creativity, new ideas, fresh approaches to problem-solving, and access to different points of view. Studies have shown that diverse groups of people, working together, solve problems more quickly, more efficiently, and at lower cost than non-diverse groups. Diversity allows us to better reflect the rich tapestry of our great Nation, and thereby better serve our stakeholders and the public. I am personally committed to fostering a culture of inclusion and respect that values, embraces, and promotes diversity within the Department, and I expect all DOE Federal and Contractor employees to have that same level of commitment.

In that regard, it is not enough to simply say that we are an equal opportunity employer; I expect managers and supervisors to be proactive in preventing unlawful discrimination and in identifying and reporting known incidents of discrimination to their superiors or to their local DOE Office of Civil Rights and Diversity. DOE managers and supervisors also must exercise leadership and innovation in ensuring that EEO and diversity are important considerations in every aspect of employment, including recruitment and hiring. To that end, all barriers to equality of opportunity must be eliminated, and we must make sure appropriate effort is made to recruit and retain employees from all different backgrounds. DOE's Chief Human Capital Officer and the Director of DOE's Office of Civil Rights and Diversity are jointly developing and implementing mandatory training for supervisors to ensure understanding and compliance with relevant laws and directives.

I call upon each of you to become a personal leader in attaining a workplace of respect and inclusion and in creating an environment where all employees have an equal opportunity to reach their full potential.

The Secretary of Energy
Washington, D.C. 20585

April 10, 2007

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: SAMUEL W. BODMAN

SUBJECT: Prevention of Harassment (Including Sexual Harassment) and Retaliation Policy Statement

The purpose of this policy statement is to affirm the Department of Energy's responsibility to maintain a workplace free from harassment (including sexual harassment) and retaliation, and to ensure that all employees are aware of my personal commitment to this goal.

Harassment is any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, religion, sex, sexual orientation, disability, or age that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

Sexual harassment is defined as unwelcome behavior of a sexual nature, including but not limited to, unwelcome sexual advances, requests for sexual favors, physical conduct of a sexual nature, or other similar behavior. Sexual harassment is not limited to prohibited conduct by a male employee toward a female employee. A male, as well as a female, may be the victim of sexual harassment. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a non-supervisory employee; the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a coworker or even a non-employee.

Employees who take action to report or stop prohibited harassment (sexual or non-sexual) are legally entitled to be free from retaliation. Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment that creates a hostile or abusive work environment, solely because he or she opposed an unlawful employment practice. "Opposing" an unlawful employment practice includes filing a charge of discrimination, participating in an investigation, proceeding or hearing, or taking other, similar action in opposition to the unlawful practice.

I strongly encourage employees to address harassment before it becomes severe or pervasive. An individual being harassed may confront the harasser directly if he or she feels comfortable doing so, but is never required to confront the harasser directly. In the alternative, the individual

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being harassed may report the harassment to any management official, or directly to the Equal Employment Opportunity (EEO) Office at his or her workplace.

Employees who wish to file a formal complaint of discrimination regarding harassment or retaliation must contact an EEO Counselor within 45 days of the alleged discriminatory action, or within 45 days of the date on which they reasonably become aware of the discrimination. The complaint process provides for a prompt, thorough, and impartial investigation. The Department will seek to protect the confidentiality of harassment and retaliation allegations, to the extent possible, and will share information only with those who have a need to know in the performance of their official duties.

Supervisory employees are responsible for informing their respective management of any conduct that they know or have been informed may constitute harassment within the Department of Energy. Supervisory employees who have knowledge of an act of possible harassment should contact the Office of Civil Rights and Diversity for guidance, even if they have been asked to keep the matter confidential. They are also responsible for taking immediate and appropriate corrective action, including disciplinary action, with respect to any matter involving an allegation of harassment, as advised by their local EEO Office.

Every employee has the right to work in an environment free from unlawful harassment and unlawful retaliation. Any employee of the Department of Energy who engages in harassment or retaliation in violation of the law or of this policy is subject to disciplinary action, which may include suspension or dismissal.

For more information regarding harassment in the workplace, or information on how to file an EEO complaint, you may consult http://civilrights.doe.gov.

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311.1A" The PDF version
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DOE O 311.1B 3-5-03

Errata Sheet

This Errata Sheet transmits an administrative change to DOE O 311.1B, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PROGRAM, dated 2-12-03. In paragraph 4.e. the word "biannual" should be changed to "biennial." The change has been made in this Order.

U.S. Department of Energy
Washington, D.C.

ORDER

Approved: 2-12-03
Sunset Review: 2-12-05
Expires: 2-12-07

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PROGRAM

1. OBJECTIVES.

a. To promote diversity at the Department of Energy (DOE), and to foster a culture of inclusion and respect.

b. To provide equal opportunity in employment for all DOE employees and applicants and to alleviate conspicuous absences and/or manifest imbalances.

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

d. To identify and eliminate systemic or institutional barriers to employment, both physical and nonphysical.

e. To prohibit discrimination in employment due to race, color, religion, sex (including sexual harassment), national origin, age, disability (physical or mental), sexual orientation (including sexual orientation harassment), or reprisal for prior participation in the EEO process.

f. To develop, implement, and monitor an EEO 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.

g. 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.

h. To implement an affirmative employment program to promote EEO for minorities, women, and people with disabilities.

2. CANCELLATION. DOE O 311.1A, Equal Employment Opportunity and Diversity Program, dated 12-30-96. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with the Order. Cancelled Orders

incorporated by reference in a contract must remain in effect until the contract is modified to delete the reference to the requirements in the cancelled Orders.

3. APPLICABILITY. This Order applies to all DOE elements, including the National Nuclear Security Administration (see Attachment 1).

4. REQUIREMENTS.

a. Heads of DOE elements must submit EEO-related and diversity-related reports when requested by the Director of the Office of Economic Impact and Diversity or the Director for Civil Rights and Diversity or their designees.

b. DOE elements with EEO complaint processing functions must interface with the Office of Economic Impact and Diversity=s Complaint Tracking System by updating their respective cases and those cases which have been assigned to them from Headquarters (HQ) or other field elements within the prescribed timeframes. Users will have limited access to any site to which they are not authorized.

c. All DOE nonsupervisory employees must participate in a minimum of 3 hours of EEO/diversity training annually. All DOE supervisory employees must participate in 4 hours of EEO/diversity training annually. Individuals must engage in 4 hours of supervisory EEO/diversity training before (or within 3 months following) appointment to supervisory positions.

d. All DOE employees are responsible for ensuring the Department is free from discrimination on the basis of race, color, religion, sex (including sexual harassment), national origin, reprisal, age, physical or mental disability, or sexual orientation (including sexual orientation harassment).

e. All DOE employees must participate in a minimum of 3 hours of training on the prevention of sexual harassment on a biennial basis. This training is not a substitute or replacement for the annual training on EEO/diversity (paragraph 4c).

f. DOE contracting officers must ensure that recipients of financial assistance awards provide the standard Government-wide assurances, which include an assurance of nondiscrimination, before receiving an award or a renewal or as a condition of an award or a renewal.

g. Applicants for and recipients of Federal financial assistance must comply with all legal nondiscrimination obligations. In addition, applicants for and recipients of Federal financial assistance should strive to comply with all DOE policies issued by the Secretary of Energy regarding EEO and diversity.

5. RESPONSIBILITIES.

a. The following DOE officials are hereby designated as appropriate officials with whom to file an individual or class complaint of discrimination and must ensure any complaint received is promptly forwarded to appropriate personnel for processing:

(1) Secretary of Energy (or designee);

(2) Director, Office of Economic Impact and Diversity (or designee);

(3) Director, Office of Civil Rights and Diversity (or designee);

(4) heads of field elements (or designees); and

(5) field element EEO/diversity program managers.

b. Secretary of Energy.

(1) Ensures that the Department complies with all laws, executive orders, and regulations that prohibit discrimination and provide EEO for all DOE employees and applicants, and (to the maximum extent possible) for all DOE contractor employees.

(2) Exercises personal leadership regarding the Departmental EEO and diversity program to ensure fair treatment in every aspect of DOE policy and practice, including recruitment, selection, employee development, promotion, awards, and other terms and conditions of employment.

c. Director, Office of Economic Impact and Diversity.

(1) Sets EEO and diversity policy and ensures the development of appropriate personnel programs and procedures to execute that policy.

(2) Receives complaints of discrimination and forwards them to appropriate personnel for processing.

(3) Ensures EEO and diversity programs within the Department conform to established laws, rules, regulations, policies, and procedures.

d. Director, Office of Civil Rights and Diversity.

(1) Serves as the principal official and advisor to the Director of the Office of Economic Impact and Diversity on all matters pertaining to the Department's EEO and Diversity Program policy.

(2) Provides leadership in the development of guidelines and procedures (including delegation of authority) that are necessary to accomplish EEO and diversity policy and objectives, and provides technical oversight of EEO and diversity programs.

(3) Provides guidance and direction to HQ special emphasis program managers/diversity coordinators.

(4) Ensures the development and effective implementation of the following programs in all DOE organizations in accordance with applicable laws, rules, and regulations:

a. Affirmative Action Program for Persons with Disabilities,
b. Affirmative Employment Program for Minorities and Women,
c. Disabled Veterans Affirmative Action Program,
d. Federal Equal Opportunity Recruitment Program,
e. federally assisted programs, and
f. special emphasis programs.

(5) Implements and monitors the Department=s procedures for processing complaints of sexual orientation discrimination (including sexual orientation harassment) in accordance with the Department=s policies prohibiting such discrimination.

(6) Ensures timely, fair, and impartial consideration, investigation, and disposition of complaints of discrimination.

(7) Exercises final decision-making authority on complaints of discrimination pursuant to 29 C.F.R Part 1614, orders such corrective measures as may be considered necessary, and recommends disciplinary action as deemed appropriate.

(8) Establishes and maintains a complaint tracking system, and provides guidance to appropriate DOE elements on interfacing with that system.

(9) Establishes HQ EEO or special emphasis advisory committees as needed, and recruits representatives from throughout DOE to assist in the recruitment, development, advancement, and retention of minorities, women, and people with disabilities.

(10) Ensures allegations of discrimination in Federally assisted programs are investigated promptly and thoroughly by the EEO/diversity program office or industrial relations office (where one exists).

(11) Conducts (or oversees the conduct of) preaward reviews of all applicants and postaward compliance reviews of selected recipients of Federal financial assistance, and undertakes compliance negotiations when a recipient is not in compliance with applicable civil rights laws, rules, regulations, policies, or procedures.

(12) Establishes evaluation teams to conduct EEO, diversity, and Federal Financial Assistance assessments of the field elements, as appropriate.

(13) Conducts second-level oversight of DOE contractor EEO and diversity initiatives.

(14) Serves as the HQ EEO officer and implements an HQ EEO and diversity program function to service Secretarial and all other HQ program offices.

e. Heads of Field Elements.

(1) Ensure compliance with all laws, executive orders, and regulations that prohibit discrimination, and provide EEO for all DOE employees, applicants, and (to the maximum extent possible) contractor employees.

(2) Exercise personal leadership regarding the EEO and diversity program to ensure fair treatment in every aspect of DOE policy and practice, including recruitment, selection, employee development, promotion, awards, and other terms and conditions of employment.

(3) Ensure that sufficient personnel and fiscal resources are provided to administer an effective EEO and diversity program.

f. Field Element EEO and Diversity Program Managers.

(1) Manage the daily functions of field organization EEO and diversity programs, serving as the principal officials and advisors, reporting directly to the heads of their respective field elements.

(2) Process complaints of discrimination through the investigation stage to ensure timely, fair, and impartial consideration, investigation, and disposition, and (where delegated) prepare proposed dispositions following investigations.

(3) Perform EEO and diversity duties in accordance with policy guidance and direction from the Director of the Office of Economic Impact and Diversity and the Director of the Office of Civil Rights and Diversity.

g. Supervisors and Managers.

(1) Implement the Department's EEO, diversity, and affirmative employment programs within their organizations.

(2) Foster and maintain a workplace free from discriminatory practices.

(3) Participate in training programs designed to enhance their ability to perform these functions.

h. HQ Special Emphasis Program Managers/Diversity Coordinators.

(1) Coordinate diversity activities within their respective program elements.

(2) Provide assistance to the Office of Civil Rights and Diversity in coordinating and conducting HQ special emphasis programs.

(3) Perform other duties in accordance with guidance from the Director of the Office of Civil Rights and Diversity.

i. Director, Office of Procurement and Assistance Management. Coordinates with the Director of the Office of Civil Rights and Diversity to develop, publish for public comment, and incorporate into the National Nuclear Security Administration and DOE acquisition regulation EEO- and diversity-related contract clauses and clause prescriptions for non-site-/non-facility-management contracts.

6. REFERENCES.

a. Public Law (P.L.) 88-352, the ACivil Rights Act of 1964,@ Title VII, as amended by P.L. 92-261, the AEqual Employment Opportunity Act of 1972,@ which prohibits discrimination in Federal employment based on race, color, religion, sex, or national origin. Federal agencies are required to maintain an affirmative action and EEO program for all employees and applicants for employment.

b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S. Code (U.S.C.) Section 2000d-7, which requires that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving financial assistance from DOE.

c. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C., Sections 1681-1688, which prohibit discrimination on the basis of sex in educational programs or activities receiving financial assistance from DOE.

d. P.L. 90-202, the AAge Discrimination in Employment Act of 1967,@ as amended by P.L. 93-259 and P.L. 95-256, which prohibits discrimination in Federal employment based on age.

e. Section 504 of the ARehabilitation Act of 1973,@ as amended, P.L. 93-112, which prohibits discrimination in Federal employment based on physical or mental handicap.

f. Section 501 of the ARehabilitation Act of 1973,@ as amended, P.L. 93-112, which provides for the employment of individuals with disabilities.

g. Section 505 of the ARehabilitation Act of 1973,@ as amended, P.L. 93-112, which provides for remedies and attorneys= fees for individuals with disabilities.

h. P.L. 94-135, the AAge Discrimination Act of 1975,@ which prohibits discrimination on the basis of age in programs or activities receiving Federal assistance from Federal agencies.

i. P.L. 95-454, the ACivil Service Reform Act of 1978,@ which 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 workforce where there is underrepresentation of minorities and women.

j. Executive Order 11478, AEqual Opportunity in the Federal Government,@ dated

8-8-69, which requires the head of each executive department to establish and maintain an affirmative employment program to ensure enforcement of Federal EEO policy.

k. Title 5, Code of Federal Regulations (CFR), Part 720, AAffirmative Employment Programs,@ which requires Federal agencies to conduct a continuing program for the internal and external recruitment of minorities and women.

l. Title 10 CFR, Part 1040, ANondiscrimination in Federally Assisted Programs,@ which prohibits discrimination on grounds of race, color, national origin, sex, handicap, or age in programs and activities receiving Federal assistance from Federal agencies.

m. Title 29 CFR, Part 1604.11, ASexual Harassment,@ which sets forth guidelines on the identification and prevention of sexual harassment.

n. Title 29 CFR, Part 1607, AUniform Guidelines on Employee Selection Procedures,@ which provides principles and guidance for ensuring employee selection procedures are job-related and valid and do not discriminate on the basis of race, color, religion, national origin, or sex.

o. Title 29 CFR, Part 1608, AAffirmative Action Appropriate Under Title VII of the Civil Rights Act of 1964,@ as amended, which provides guidance and clarifies the kinds of voluntary actions appropriate under Federal law.

p. Title 29 CFR, Part 1614, AFederal Sector Equal Employment Opportunity,@ which provides a statement of the process for filing a Federal sector EEO complaint of discrimination and which 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.

q. Equal Employment Opportunity Commission Management Directives, which provide instructions for developing affirmative employment/affirmative action program plans; instructions for accomplishment reports; and updates such as Equal Employment Opportunity Commission Management Directive 110 (EEO MD-110), dated 11-9-99, which provides policy, procedures, and guidance relating to processing employment discrimination complaints governed by 29 CFR, Part 1614.

r. P.L. 102-166, the ACivil Rights Act of 1991,@ which provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace.

s. P.L. 101-336, the AAmericans with Disabilities Act of 1990,@ which provides remedies for discrimination on the basis of disability by private employers holding Government contracts or subcontracts.

t. P.L. 88-38, the AEqual Pay Act of 1963,@ which prohibits discrimination on the basis of sex in the payment of wages for similar employment.

u. Executive Order 11246, ANondiscrimination in Federal Contracts,@ signed 9-24-65, as amended, which governs nondiscrimination and affirmative action in employment by Government contractors.

v. Title 41 CFR, Part 60, which 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:

KYLE E. MCSLARROW

Deputy Secretary

DOE ORGANIZATIONS TO WHICH
DOE O 3311.1B IS APPLICABLE

This Order is applicable to the following DOE organizations and their associated Federal field elements.

Office of the Secretary

Chief Information Officer
Office of Civilian Radioactive Waste Management
Office of Congressional and Intergovernmental Affairs
Office of Counterintelligence
Departmental Representative to the Defense Nuclear Facilities Safety Board
Office of Economic Impact and Diversity
Office of Energy Efficiency and Renewable Energy
Energy Information Administration
Office of Environment, Safety and Health
Office of Environmental Management
Office of Fossil Energy
Office of General Counsel
Office of Hearings and Appeals
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Office of the Inspector General
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National Nuclear Security Administration
Office of Nuclear Energy, Science and Technology
Office of Policy and International Affairs
Office of Public Affairs
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