



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

November 9, 2005

INSPECTOR GENERAL INSTRUCTION 1440.1

SUBJECT: Equal Employment Opportunity Program

References: See Appendix A.

A. Purpose

1. This Instruction establishes the policies, responsibilities and procedures for the Equal Employment Opportunity (EEO) Program within the Department of Defense Office of Inspector General (DoD OIG). The three main elements of the program are affirmative action, the special emphasis programs and the discrimination complaints process. [The policies, procedures, and responsibilities for The DoD OIG discrimination complaints process are contained in Inspector General Instruction 1020.1, *Processing Complaints of Discrimination* (reference a.)].

2. This Instruction authorizes, as integral positions in the EEO Program, the establishment of the Director of Equal Employment Opportunity, other EEO officials, the Special Emphasis Program managers, and the EEO counselors.

B. Cancellation. IGDINST 1440.1, *Equal Employment Opportunity Program*, August 10, 1995, is hereby canceled.

C. Applicability. This Instruction applies to all civilian employees, supervisors of civilian employees, and civilian applicants seeking employment with the DoD OIG. It does not apply to military personnel for whom equal opportunity is covered by Department of Defense Directive 1350.2, "The Department of Defense Military Equal Opportunity Program" (reference g).

D. Definitions. See Appendix B.

E. Agency Program

1. The Office of Equal Employment Opportunity is committed to creating and sustaining a diverse workforce, providing Equal Opportunity for all, and helping to foster the vision of "One Professional Team" within the DoD OIG.

2. The Equal Employment Opportunity Program for the DoD OIG will encompass all the basic elements set forth in 29 Code of Federal Regulations (CFR) 1614. The elements include managerial and supervisory support, affirmative action planning, eradication of discrimination, maximum use of employee skills, upward mobility, recruitment efforts, recognition of accomplishments, information to employees, counseling services, disposition of complaints, reasonable accommodations, and program evaluation.

3. Executive Order 11478, Public Law 92-261, and 29 CFR 1614, Subpart B, direct that a continuing affirmative action program of equal opportunity be established and maintained as an integral part of Federal personnel management policy and practice in the employment, development, advancement, and treatment of employees.

4. Employees will be accorded prompt, fair, and impartial review of complaints of discrimination through pre-complaint counseling and formal complaint processing, as provided in Executive Order 11478, Public Laws 92-261, 93-259, and 29 CFR 1614. Specific instructions for processing discrimination complaints are contained in Inspector General Instruction 1020.1, *Processing Complaints of Discrimination* (reference a).

F. Policies. It is DoD OIG policy to:

1. Prohibit discrimination based on race, color, religion, sex, national origin, mental/physical disability, age, or reprisal.

2. Recognize the EEO Program as an essential element of readiness that is vital to the accomplishment of the DoD OIG mission.

3. Develop and implement affirmative action programs (as described in paragraph I-1) to achieve the objective of a civilian work force in which the representation of minorities, women, disabled veterans and other people with disabilities at all grade levels, in every occupational series, and in every major organizational element is commensurate with the representation and guidelines specified by the Equal Employment Opportunity Commission (EEOC), Office of Personnel Management (OPM), and DoD.

4. Ensure that EEO Program policies, practices and procedures are integrated fully in the civilian personnel management system.

5. Eliminate barriers and practices that impede equal employment opportunity for all DoD OIG employees and applicants for employment.

6. Provide reasonable accommodations unless doing so causes undue hardship on the DoD OIG mission.

G. Responsibilities. Responsibility for all aspects of the EEO Program extends from the Inspector General (IG) through the Deputy Inspectors General (DIGs), to all managers and employees, and through EEO and personnel officials at all levels. Specific responsibilities are follows.

1. The **Inspector General** will:

a. Provide overall leadership to the Director, EEO, through implementation of a continuing affirmative program designed to promote equal opportunity in every aspect of the agency's policies and practices.

b. Designate a Director, EEO, and ensure that sufficient human and budgetary resources are provided to the EEO Program.

c. Issue policy statements that express his/her expectations, are widely disseminated, understood and implemented.

d. Establish Special Emphasis Programs (SEP) and appoint SEP Managers (SEPM) to include: Asian American Islander Employment Program Manager, Black Employment Program Manager, Federal Women's Program Manager, Hispanic Employment Program Manager, Native American Employment Program Manager, and People with Disabilities Program Manager. At his/her discretion, other SEPMs may be designated.

e. Require that EEO be included in critical elements in the performance appraisals of all managers and other personnel with EEO responsibilities.

f. Set realistic goals and motivate Deputy Inspectors General and OIG Component Heads to set and meet their own goals until overall DoD OIG goals are met and sustained.

g. Be the final decision authority for the agency on formal complaints of discrimination when a complainant is granted full or partial relief in the decision issued by an EEOC Administrative Judge.

h. Approve and implement the Agency's affirmative employment program plans.

2. **OIG Component Heads** will:

a. Under the leadership of the Inspector General and with the advice and assistance of the Director, EEO, and Director, Human Capital Management Directorate (HCMD), ensure that minorities, women, and individuals with disabilities receive full and fair consideration in all aspects of civilian employment, at all grade levels and occupations, and with special emphasis on mid-level and executive-level jobs.

b. Ensure that EEO policies, as indicated in paragraph G.3.(c), are executed within their component by issuing memorandum in support of the policy and implementation requirements.

c. Actively support and promote the DoD OIG program and remain informed of, and sensitive to, the equal opportunity impact of employment decisions made in his/her respective areas of responsibility.

d. Ensure that they and their employees comply with EEOC, OPM, DoD, and OIG policies and guidance on the Federal EEO Program.

e. Treat EEO and affirmative action programs as essential elements of management that are vital to accomplishment of the mission of the DoD OIG.

f. Implement, as appropriate, objectives and programs developed as part of the DoD OIG affirmative action plans.

3. The **Director, EEO**, as designated by the Inspector General, will:

a. Administer the Agency's EEO Program.

b. Represent the IG in matters related to the EEO Program.

c. Develop policy and provide oversight for the EEO Program.

d. Develop, coordinate, and monitor the progress of affirmative employment program plan objectives and advise the IG on matters relating to the EEO Program.

e. Ensure that realistic goals are set and accomplished until the overall IG objective is met and sustained. Such goals will seek continuing increases in the percentages of minorities, women and individuals with disabilities in entry and middle-level positions, and will specifically target such increases in higher grade positions in all functions and occupations.

f. Establish SEPs as indicated in paragraph G.1.(d), above.

g. Evaluate employment policies, practices, and patterns within the DoD OIG and identify and correct any institutional barriers that restrict opportunities for employment, advancement, awards or training for minorities, women and individuals with disabilities.

h. Ensure that minorities, women, and individuals with disabilities receive full and fair consideration for employment in all grade levels, occupations and functions.

i. In coordination with the Director, HCMD, establish upward mobility and other developmental programs to provide career enhancement for minorities, women and individuals with disabilities.

j. Provide EEO Program advice and assistance to the IG, DIGs, managers, supervisors, and employees.

k. Provide guidance, policy direction, and oversight to the SEPMs and the EEO counselors.

l. Ensure that surveys are conducted to identify the architectural barriers that impede individuals with disabilities.

m. Establish an EEO Awards Program to recognize individuals and functional units for outstanding EEO achievements.

n. Develop and present training modules or arrange for training on prevention of sexual harassment, management training, and the various aspects of the EEO Program.

o.. Be the final decision authority for the agency on formal complaints of discrimination when there is no finding of discrimination and a complainant is denied any form of relief in the decision issued by an EEOC Administrative Judge.

4. The **Director, Human Capital Management Directorate (HCMD)**, will:

a. Develop and implement the following:

(1) The Federal Equal Opportunity Recruitment Plan (FEORP) for minorities, women, and individuals with disabilities and the Disabled Veterans Affirmative Action Plan (DVAAP).

(2) Career development opportunities, such as upward mobility programs in coordination with the Director, EEO.

b. Compile data for OIG affirmative action plans and other EEO Program special analyses and reports.

c. Identify and develop strategies for the removal of employment barriers to affirmative action in the civilian personnel management system.

d. Serve as a strategic partner in evaluating employment policies, practices, and patterns within DoD OIG and identify and correct institutional barriers that restrict opportunities for employment, advancement, awards or training for minorities, women, and individuals with disabilities, and provide leadership in eliminating such barriers.

5. **Managers and Supervisors** will:

a. Create and maintain a positive work environment that recognizes the needs and expectations of a diverse working population and balance the needs and expectations with the mission and goals of the DoD OIG.

b. Use and develop the skills of their employees to allow everyone the equal opportunity to succeed based on personal accomplishments.

c. Provide opportunities for employees to enhance their skills through on-the-job training, work/study programs, and other job-related training and opportunities so they may perform at their highest level of ability and advance in accordance with their performance, ability, and potential.

d. Review and evaluate the performance of their subordinates in terms of compliance with EEO and personnel policies, recognizing special achievements, and correcting deficiencies.

6. Working with the Director, EEO, and the Director, HCMD, SEPMS will advise the Inspector General and supervisors on the employment status and affirmative action goals for women, minorities, and individuals with disabilities.

7. **Employees** will:

a. Treat their coworkers, supervisors and subordinates in a professional manner; maintain an attitude of mutual respect toward all employees; and conform with good EEO and personnel policies, practices, and procedures.

b. Keep informed of all policies and procedures, including the EEO Program, that affect their performance on the job.

c. Bring to the attention of their supervisors instances of discrimination so that the problem might be resolved at the source.

H. Special Emphasis Programs (SEP)

1. The SEPs--Asian American, Black, Disabilities, Federal Women's, Hispanic, and Native American--are established as integral parts of the overall EEO Program to enhance the employment, training, and advancement of women, minority groups, and individuals with disabilities.

2. Under the technical supervision of the Director, EEO, SEPMS will:

a. Assist in developing, implementing and, evaluating the DoD OIG affirmative action plans to ensure inclusion of goals directed toward recruitment, employment, and advancement of targeted groups.

b. Advise the Director, EEO, on matters affecting the employment and advancement of targeted groups.

c. Initiate and maintain positive contacts with other Government agencies and private organizations, such as professional groups, colleges, and universities, that are concerned with or have an interest in the employment and career advancement of targeted groups.

d. Assist in counseling members of targeted groups about career opportunities, self-development and continuing education.

e. Encourage management to use a variety of career development strategies, such as upward mobility programs, and restructure positions to provide opportunities for employees who are in lower grades or dead-end positions to progress to their highest potential.

f. Help identify, modify, or eliminate employment barriers and impediments to the recruitment and retention of members of targeted groups

g. Monitor and regularly evaluate the effectiveness of their programs and provide feedback to the Director, EEO, and other officials who may request such information.

h. Represent the Inspector General at local and national meetings and conferences on EEO programs.

I. Affirmative Employment Program Plans (AEPP)

1. The DoD OIG will submit annually, or as required by the EEOC, affirmative employment plans for women, minorities, and individuals with disabilities. A copy of each will be simultaneously submitted to the IG, DIGs, and the Director of Civilian Equal Opportunity, Office of the Under Secretary of Defense (Personnel and Readiness), and as requested by DoD management officials. The report will be posted on the DoD OIG intranet.

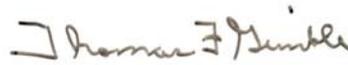
2. The Director, EEO, is responsible for developing the DoD OIG AEPPs in coordination with supervisors, the Director, HCMD, SEPMs, and other action offices.

3. Each plan will include work force and goal accomplishment data. It will also identify barriers to the employment and advancement of minorities, women, and other individuals with disabilities.

4. Under-representation determination required by the EEOC and OPM in each AEPP will be computed on the basis of census availability data using occupational categories published by the EEOC. Since civilian labor force statistics are not available for individuals with disabilities, under-representation will be determined by EEOC or DoD goals, or by measuring the number of people with disabilities hired and/or promoted by the DoD OIG over the years.

5. Recruitment plans or initiatives will be developed by the Director, HCMD, and included in the AEPP. One set of computations of under-representation will serve the purposes of the AEPP and the FEORP. Statistics on disabled veterans and other people with disabilities will also be included.

J. Effective Date and Implementation. This Instruction is effective immediately.



Thomas F. Gimble
Acting

2 Appendices a/s

APPENDIX A
REFERENCES

- (a) IGDINST 1020.1, *Processing Complaints of Discrimination*, August 18, 1995
- (b) Inspector General DoD, Policy Statement on Equal Employment Opportunity, September 18, 2002
- (c) Inspector General DoD, Policy Statement on Sexual Harassment, September 18, 2002
- (d) 29 Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity," November 9, 1999
- (e) Civil Rights Act of 1991, (Public Law 102-166), November 21, 1991
- (f) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987
- (g) DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995
- (h) The Equal Pay Act of 1963, June 10, 1963, (Public Law 88-38)
- (i) DoD Directive 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982, (32 CFR 56)
- (j) Guidelines on Discrimination Because of Religion, October 31, 1980, (29 CFR 1605)
- (k) Federal Equal Opportunity Recruitment Program, April 13, 1979, (5 CFR 720.101)
- (l) Civil Service Reform Act of 1978, October 13, 1978, (Public Law 95-454), (5 USC 7201)
- (m) Vietnam Era Veterans Readjustment Assistance Act of 1974
- (n) The Rehabilitation Act of 1973, September 26, 1973, (Public Law 93-112), Sections 501 and 504
- (o) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969
- (p) The Age Discrimination in Employment Act of 1967, as amended, December 15, 1967, (Public Law 90-202)
- (q) Section 717, Title VII of the Civil Rights Act of 1964, as amended, July 2, 1964, (Public Law 88-352)

APPENDIX B
DEFINITIONS

- a. **Affirmative Action.** A conscious, deliberate effort taken by an agency and its officials to make certain that qualified women, minorities, disabled veterans, and other people with disabilities are given a full and fair opportunity to be represented in--and progress in--the agency's work force.
- b. **Age.** A prohibited basis for discrimination. Persons protected under age discrimination provisions are those 40 years of age or older, except when a maximum age requirement has been established by statute or the Office of Personnel Management. Foreign nationals employed outside the limits of the United States are not covered by this definition.
- c. **Disabled Veteran.** A person entitled to compensation for disability under laws administered by the Department of Veterans Affairs, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
- d. **Equal Employment Opportunity.** 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. Equal employment opportunity is the objective of affirmative action programs.
- e. **Minorities.** All persons classified as Black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native.
- f. **National Origin.** A prohibited basis for discrimination. An individual's place of origin or his or her ancestor's place of origin or the possession of physical, cultural, or linguistic characteristics of a national origin group.
- g. **OIG Component Heads.** A person who leads an DoD OIG component (e.g., Deputy Inspectors General, Assistant Inspectors General, Chief of Staff, OCCL, OGC, and Director, EEO).
- h. **People with Disabilities.** A person who has a physical or mental disability that substantially limits one or more major life activities, has a record of such disability or is regarded as having such a disability. For purposes of this Instruction, such term does not include any individual who is an alcoholic or drug abuser and whose current use of alcohol or drugs prevents such individual from performing the duty of the job in question, or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or to the safety of others.
- i. **Race.** A prohibited basis for discrimination. Includes all persons classified as Black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian or Alaskan native, and white, as follows:
 - 1. Black (not of Hispanic origin). A person having origins in any of the black racial groups of Africa.
 - 2. Hispanic Origin. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish-speaking culture or origin, regardless of race.
 - 3. Asian or Pacific Islander. A person having origin in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

4. American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
 5. White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- j. **Religion.** A prohibited basis for discrimination. Traditional systems of religious, moral, or ethical beliefs--or lack of them--that are sincerely held with the strength of traditional or historical views. The phrase "religious practice" includes both religious observances and practices.
- k. **Sexual Harassment.** Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by an employee of either sex constitute sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;
 2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of interfering with an employee's performance or creating an intimidating, hostile, or offensive environment.
- l. **Targeted Disabilities.** Nine categories of severe disabilities are targeted for emphasis in affirmative action programs for people with disabilities. Those disabilities are: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine.