

DIVERSITY AND INCLUSION

1. REASON FOR ISSUE: To revise the title and update Department of Veterans Affairs (VA) Directive 5975, Diversity Management and Equal Employment Opportunity, to promote workforce diversity and workplace inclusion under Executive Order (EO) 13583 “Establishing a Coordinated Government-wide Initiative to promote Diversity and Inclusion in the Federal Workforce,” and applicable laws, regulations, and directives.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This Directive updates policies, program requirements, and responsibilities for VA’s diversity and inclusion programs, including building a model Equal Employment Opportunity (EEO) program that integrates Affirmative Employment, Special Emphasis, Reasonable Accommodation, and Diversity and Inclusion programs. It also reflects the reorganization and renaming of the office that leads and manages VA’s diversity and inclusion program. The major changes include the following:

a. Change the name of the VA’s Office of Diversity Management and Equal Employment Opportunity to the Office of Diversity and Inclusion (ODI).

b. Update and align VA’s Diversity and Inclusion policy and programs with the Government-wide Diversity and Inclusion Strategic Plan under EO 13583, and reflect VA’s Diversity and Inclusion Strategic Plan goals to: build workforce diversity, cultivate workplace inclusion, and facilitate outstanding public service through education and accountability.

c. Designate the Deputy Assistant Secretary for ODI as the VA Chief Diversity Officer in accordance with EO 13583 and describe the role and responsibilities of ODI.

d. Clarify the roles and responsibilities of Administrations and Staff Office officials, and their respective EEO or Diversity and Inclusion Offices.

e. Establish new programs and initiatives to address emerging diversity and inclusion issues including, but not limited to, the VA Diversity Council, the Lesbian, Gay, Bisexual, Transgender special emphasis program, and Diversity and Inclusion training.

3. RESPONSIBLE OFFICE: VA Office of Diversity and Inclusion (06).

4. RELATED HANDBOOKS: VA Handbook 5975.1, Processing Requests for Reasonable Accommodation from Employees and Applicants with Disabilities and VA Handbook 5975.2, Diversity and Equal Employment Opportunity Program Evaluation.

5. RESCISSIONS: VA Directive 5975, Diversity Management and Equal Employment Opportunity, March 6, 2007.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/

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DIVERSITY AND INCLUSION

1. PURPOSE. This Directive establishes the Department of Veterans Affairs' (Department or VA) policy, program requirements, and coordinated responsibilities for workforce diversity and inclusion in accordance with (1) Executive Order (EO) 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," (2) the Government-wide Diversity and Inclusion Strategic Plan, (3) the VA Diversity and Inclusion Strategic Plan, and (4) applicable equal employment opportunity (EEO) laws, regulations and directives. VA's diversity and inclusion goals are to: (1) build a diverse, high performing workforce that reflects all segments of society, (2) cultivate a flexible, collaborative, and inclusive work environment that leverages diversity and empowers all contributors, and (3) facilitate outstanding, culturally competent public service and stakeholder relations through effective leadership and accountability. The principles associated with the strategic goals of the VA Diversity and Inclusion Plan are described below:

a. **A diverse workforce.** VA defines diversity broadly to include all the qualities and characteristics that make individuals unique. Foundational to VA's diversity and inclusion program is a strong and unwavering commitment to EEO in the workplace. EEO refers to the Federal laws, regulations and EOs that prohibit discrimination in the terms, conditions, or privileges of employment on the bases of race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, genetic information, or retaliation for opposing discriminatory practices or participating in protected activity. VA also includes culture, family status, educational background, organizational level, socioeconomic status, cognitive diversity (i.e., diversity of thought) and more in this definition. VA will draw on the talents and knowledge of all groups in our society to achieve diverse perspectives and deliver greater performance outcomes.

b. **An inclusive workplace.** VA understands that EEO is essential to create an engaged, high performing workforce for the 21st Century, but that the government must go beyond legal requirements to have a fully inclusive workplace. The Department must not only recruit a diverse workforce reflective of our global society, but also leverage the diverse talents and perspectives of all its human resources. While VA's diversity and inclusion program is firmly rooted in the legal foundation, it goes beyond the legal requirements to adopt a broader, proactive approach to achieve full participation, engagement, and retention of its employees to achieve the best performance outcomes. Inclusion is the means by which organizations can achieve full participation and harvest the performance advantages that workforce diversity offers. Special emphasis programs serve to promote inclusion by addressing the barriers that inhibit the full participation of specific groups. Achieving workplace inclusion requires deliberate strategies such as flexible work schedules, transparent decision-making, multi-directional (360°) communications, participatory work processes, constructive conflict management, continuous learning, career/leadership

development, equitable awards systems, and shared accountability. Accessibility and reasonable accommodation for people with disabilities are not only inclusion strategies, they are legal requirements. Consistent with EO 13583 and Goal 2 of the Government-wide Diversity and Inclusion Strategic Plan, VA will cultivate a culture that encourages collaboration, flexibility, and fairness to enable individuals to contribute to their full potential.

c. **Outstanding public service.** To meet the complex needs of a changing Veteran population, VA must cultivate a diverse, culturally competent workforce that draws on the talents and perspectives of an increasingly diverse society. According to research, a diverse workforce yields greater productivity, greater innovation, and improved performance outcomes when diverse talents are leveraged and different points of view are encouraged. This is the business case for diversity and inclusion that VA subscribes to, in addition to the legal and social imperatives. To fully engage our diverse workforce, VA must equip our managers and supervisors with the knowledge, tools, and strategies that promote cultural competence in the workforce and ensure leadership accountability, transparent communications, and effective stakeholder relationships at all levels. Consistent with EO 13583 and Goal 3 of the Government-wide Diversity and Inclusion Strategic Plan, VA will develop strategies and tools that enable leaders to effectively leverage diversity and sustain a culture of inclusion.

2. POLICY. VA is committed to EEO, workforce diversity, and workplace inclusion. To that end, VA shall:

a. **Build a diverse, high performing workforce that reflects all segments of society.**

(1) Ensure equal opportunity in employment for applicants, employees, former employees, and individuals doing business with VA by eradicating unlawful barriers to employment and performing affirmative employment activities in accordance with law.

(2) Prohibit discrimination on the basis of race, color, religion, national origin, sex, pregnancy, gender identity, sexual orientation, parental status, marital status, age, disability, genetic information, political affiliation, and retaliation for opposing discriminatory practices, participating in the discrimination complaint process, or other protected activity such as “whistle-blowing.”

(3) Establish and maintain a model EEO Program built on the six essential elements as provided by U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD 715). The six essential elements for a Model EEO Program are:

- (a) Demonstrated commitment by agency leadership
- (b) Integration of EEO into agency’s strategic mission
- (c) Management and program accountability

- (d) Proactive prevention of unlawful discrimination
- (e) Efficiency of the EEO program
- (f) Responsiveness and legal compliance.

b. Cultivate a flexible, collaborative, and inclusive work environment that leverages diversity and empowers all contributors.

(1) Provide timely and effective religious accommodation, and reasonable accommodation to applicants and employees with disabilities in accordance with applicable laws, regulations, and directives.

(2) Establish and maintain special emphasis programs to address the unique needs of specific groups and eliminate barriers that inhibit the full participation and advancement of these groups in the workplace. Special emphasis programs include, but are not limited to: the Disabled Veterans Affirmative Program; Federal Women's Program; Hispanic Employment Program; People with Disabilities Program; Asian American and Pacific Islander Program; African American Program; American Indian/Alaska Native/Native Hawaiian Program; and Lesbian, Gay, Bisexual, and Transgender Program. These and other special emphasis programs are authorized as necessary to carry out the functions of a continuing affirmative program to promote equal opportunity and eliminate discriminatory practices and policies, in accordance with 29 CFR Part 1614.102.

(3) Support continuous learning and career/leadership development for all segments of the workforce and eliminate identified barriers to career advancement.

(4) Resolve workplace disputes at the earliest possible stage, utilizing alternative dispute resolution (ADR) processes whenever possible and appropriate to resolve conflict constructively.

c. Facilitate outstanding, culturally competent public service and stakeholder relations through effective leadership and accountability.

(1) Ensure that the public and recipients of VA services have full accessibility to VA's programs and services by complying with Federal accessibility requirements, including but not limited to Section 504 of the Rehabilitation Act; Title VI of the Civil Rights Act; Title IX of the Education Amendments; and Executive Order 13166, Limited English Proficiency.

(2) Educate the VA workforce on EEO, diversity and inclusion, and cultural competency principles and practices, including ensuring that all employees complete Prevention of Workplace Harassment and No FEAR Training within 90 days of employment and biennially thereafter.

(3) Educate executives, managers, and supervisors on EEO, reasonable accommodation, disability employment, diversity and inclusion, cultural

competency, and conflict management. All executive, managers, and supervisors will complete EEO, Diversity and Inclusion, and Conflict Management Training biennially.

(4) Hold all executives, managers, and supervisors accountable for maintaining diverse and inclusive organizations through a performance element in annual performance plans. Consistent with the Inspector General's independent authority under the Inspector General Act of 1978 (amended), the IG will determine how OIG executives, managers, and supervisors are held accountable for maintaining diversity and inclusion.

(5) Build and sustain positive internal and external stakeholder relationships through mutually beneficial outreach, collaborations, and partnerships.

3. RESPONSIBILITIES

a. **Secretary of Veterans Affairs.** With respect to this Directive, the Secretary of VA shall:

(1) Enforce and ensure accountability for the Department's diversity and inclusion goals and objectives in accordance with applicable anti-discrimination statutes, executive orders, VA policies and the VA Diversity and Inclusion Strategic Plan.

(2) Issue annual policy statements to all VA employees prohibiting discrimination, promoting diversity and inclusion, supporting related training, encouraging alternative dispute resolution (ADR), and addressing related workforce protections.

(3) Incorporate diversity and inclusion principles as integral parts of the VA strategic plan and in all aspects of VA's mission to achieve optimal organizational performance and meet the special needs of Veterans and their beneficiaries.

(4) Provide adequate resources to support the goals of this Directive and maintain a continuing affirmative program to promote EEO in accordance with applicable laws and regulations.

(5) Include a diversity and inclusion performance element in the annual performance plans of all members of the Senior Executive Service (SES).

(6) Appoint the Deputy Assistant Secretary for Diversity and Inclusion or the Deputy Assistant Secretary for Resolution Management as a standing member of the SES Performance Review Board.

(7) Establish, maintain and support the VA Diversity Council by:

(a) Appointing senior VA officials from each staff office and administration to serve on the Council.

(b) Providing operational and administrative support through the Office of Diversity and Inclusion.

(c) Considering Council recommendations in accordance with the Diversity Council Charter.

b. VA Diversity Council. The VA Diversity Council (the Council) is co-chaired by the Assistant Secretary for Human Resources and Administration and the Deputy Assistant Secretary for Diversity and Inclusion and provides advice and recommendations to the Secretary of Veterans Affairs on areas related to diversity and inclusion. The Council shall:

(1) Include representatives from each of the Department's administrations, staff offices, national labor unions and other stakeholders including employee groups;

(2) Serve as a communications link between the workforce and leadership and a forum to share best practices, consider new initiatives, leverage resources, and ensure accountability in diversity and inclusion.

(3) Incorporate input from all VA organizational components and stakeholders into the VA Diversity and Inclusion Strategic Plan and VA Diversity and Inclusion Quarterly and Annual Reports.

(4) Designate members to serve as steering, nominating, and/or judging committee members for the Secretary's Annual Diversity and Inclusion Excellence Awards.

(5) Establish sub-committees to address emerging diversity and inclusion needs and issues associated with the VA workforce, contractors, and Veterans and their beneficiaries.

c. Assistant Secretary for Human Resources and Administration. The Assistant Secretary for Human Resources and Administration (ASHRA) shall:

(1) Oversee and ensure compliance with the policies contained in this Directive.

(2) Incorporate the VA Diversity and Inclusion Strategic Plan goals in VA's Human Capital Plan.

(3) Ensure collaboration among key human capital, EEO, and diversity and inclusion program officials to identify and eliminate barriers to employment and

promotion opportunities consistent with laws, merit principles, and the VA's Diversity and Inclusion Strategic Plan.

(4) Provide resources and support for the VA EEO, diversity and inclusion policies, plans, and programs in this Directive.

(5) Communicate EEO, diversity and inclusion policies, plans, programs, and initiatives to all VA officials and employees, provide VA-wide oversight, and ensure VA-wide compliance and accountability.

(6) Serve as co-chair of the VA Diversity Council with the Deputy Assistant Secretary for Diversity and Inclusion.

d. **Assistant Secretary for Information and Technology.** The Assistant Secretary for Office of Information and Technology (OIT) shall:

(1) Designate an Electronic and Information Technology (EIT) Accessibility Officer (508 Officer) to ensure that all EIT hardware and software are fully accessible to employees with disabilities in the VA workplace, in compliance with Section 508 of the Rehabilitation Act of 1973, as amended.

(2) In accordance with VA's Reasonable Accommodation policy, ensure that reasonable accommodations related to EIT are provided and installed expeditiously and properly. Ensure that OIT practices, policies, and procedures facilitate the prompt purchase and installation of EIT accommodations.

(3) Work collaboratively with the ASHRA, the Deputy Assistant Secretary for Diversity and Inclusion, the National Reasonable Accommodation Coordinator, and 508 Officer to provide legally compliant, timely, and effective reasonable accommodations and EIT accessibility services.

e. **General Counsel.** The Office of General Counsel (OGC), and Regional Counsel as appropriate, shall provide advice on EEO, diversity and inclusion, and reasonable accommodation matters.

f. **Deputy Assistant Secretary for Diversity and Inclusion.** The Deputy Assistant Secretary (DAS) for the Office of Diversity and Inclusion (ODI) shall:

(1) Serve as VA's Chief Diversity Officer in accordance with EO 13583 and advise the Secretary, ASHRA, and other senior leadership on all matters related to workforce diversity and inclusion.

(2) Provide oversight and strategic direction for EEO (excluding complaints processing and Alternative Dispute Resolution programs and functions), diversity and inclusion policies and programs.

(3) Develop and periodically update the VA Diversity and Inclusion

Strategic Plan as appropriate and issue the VA Diversity and Inclusion Annual Report, and related VA-wide diversity plans and reports.

(4) Establish diversity and inclusion performance measures for SES and other employees, and monitor and report on compliance with those standards.

(5) May serve on the Senior Executive Service (SES) Performance Review Board and provide input into SES performance appraisals on VA-wide diversity and inclusion performance elements.

(6) Provide feedback on Administrations' and Staff Offices' EEO and diversity and inclusion program performance.

(7) Advise VA leadership and Chief Learning Officer(s)/career development officials on strategies to eradicate barriers to EEO in the outreach and selection process, and infuse diversity and inclusion content into program curricula.

(8) Co-chair the VA Diversity Council along with the ASHRA.

(9) Direct the VA-wide Diversity and Inclusion Program, including but not limited to the following functions:

(a) Perform analyses of VA workforce diversity and organizational inclusion, and develop standards and procedures to identify, monitor, and eliminate barriers to EEO in all areas including but not limited to recruitment, outreach, hiring, promotion, pay levels, separations, disciplinary actions, career development, leadership development and other terms and conditions of employment.

(b) Manage and maintain an accurate and efficient workforce analysis information system that generates reports in the aforementioned areas to include applicant flow information.

(c) Produce federally mandated and other VA-wide plans and reports on EEO and diversity and inclusion, and review Administration-level EEO and diversity and inclusion reports, including those submitted to the White House Initiative Offices, Office of Personnel Management, and the Equal Employment Opportunity Commission.

(d) Establish Special Emphasis and Affirmative Employment Programs in accordance with applicable laws and regulations, and coordinate with other VA offices to implement targeted recruitment outreach and retention strategies to promote diversity and inclusion throughout VA.

(e) Perform technical assistance reviews and conduct program evaluations in headquarters and in the field to ensure compliance with Federal and VA EEO, Diversity and Inclusion policies and programs VA-wide.

(f) Direct, implement, and perform compliance oversight for the VA Reasonable Accommodation program to maintain an effective and efficient process for responding to requests reasonable accommodations in accordance with the VA Reasonable Accommodation policy. Designate a National Reasonable Accommodation Coordinator and National Selective Placement Coordinator.

(g) Provide training to VA employees on EEO, Disability Employment, Reasonable Accommodation, and other diversity and inclusion matters in consultation with the VA Learning University (VALU), Corporate Senior Executive Service Management Office (CSEMO), HR Academy, Administrations and Staff Offices (including Chief Learning Officers and Employee Education System staff), and the Office of Resolution Management (ORM), as appropriate. ODI will serve as a subject matter expert and clearinghouse for Departmental diversity and inclusion training.

(h) Maintain an effective corporate diversity and inclusion communications program to reach a diverse audience throughout VA and raise awareness on diversity and inclusion issues.

(i) Maintain productive relationships and partnerships with employee groups, EEOC, OPM, and other internal and external stakeholders to advance VA diversity and inclusion goals.

g. Deputy Assistant Secretary for Human Resources Management. The DAS for the Office of Human Resources Management (OHRM) shall:

(1) Partner with ODI on efforts to build a diverse workforce and inclusive work environment VA-wide and embed diversity and inclusion into OHRM's mission and functions across the department, especially as they relate to targeted recruitment outreach, internship programs, career development, employee retention, and performance management.

(2) Collaborate with ODI to ensure that human resources policies and programs are consistent with EEO and diversity policies and incorporate diversity and inclusion strategic goals in VA Human Capital Management Strategic Plan and workforce planning.

(3) Provide timely and accurate submissions for Department-level EEO and Diversity and Inclusion reports, including those submitted to the White House Initiative Offices, Office of Personnel Management, and the Equal Employment Opportunity Commission.

(4) Ensure that a Local Reasonable Accommodation Coordinator and Selective Placement Coordinator are designated in VA Central Office to serve VA Staff Offices.

(5) Participate on the VA Diversity Council and, as appropriate, other diversity-related work groups and committees.

h. Deputy Assistant Secretary for Office of Resolution Management.

The DAS for the Office of Resolution Management (ORM) shall:

(1) Collaborate with ODI to ensure EEO complaint processing and ADR policies and programs are consistent with the policies in this Directive.

(2) Partner with ODI to perform training, technical assistance site visits and EEO program reviews as appropriate.

(3) Provide ODI with timely data on VA's EEO and ADR programs and trends when available.

(4) May serve on the Senior Executive Service (SES) Performance Review Board.

(5) Participate on the VA Diversity Council and other ODI program functions.

i. Dean of VA Learning University. The Dean of VA Learning University (VALU) shall:

(1) Partner with ODI in analyzing, designing, developing, implementing, and evaluating training, mentoring, and career/leadership development programs to eliminate barriers to EEO and maintain a diverse, culturally competent, and high performing workforce.

(2) Collaborate with ODI to identify and eliminate barriers to EEO in training outreach and selection processes and promote diversity in training, mentoring, and career/leadership development programs.

(3) Infuse diversity and inclusion concepts, principles, and competencies in VA training and education programs.

(4) Participate on the VA Diversity Council and other ODI program functions.

j. Under Secretaries, Assistant Secretaries, and Other Key Officials shall:

(1) Adopt and ensure compliance with all VA-wide EEO, diversity and inclusion policies, including this Directive.

(2) Implement programs and procedures, including but not limited to recruitment outreach, retention, and training programs, in accordance with this Directive and with the VA Diversity and Inclusion Strategic Plan.

(3) Establish accountability measures for managers and supervisors to ensure compliance with this Directive and for advancing the goals and objectives of the VA Diversity and Inclusion Strategic Plan.

(4) Designate and hold employees accountable for performing the functions of EEO/Diversity Managers, Special Emphasis Program (SEP) Managers, Local Reasonable Accommodation Coordinators (LRAC), and Selective Placement Coordinators (SPC) throughout their respective organizations. The number, grade level, and status (i.e., full-time or collateral duty) of such staff will depend on the size, resources, and EEO/diversity workload of the facility. However, irrespective of these dependencies, the functions, requirements, and expectations contained in this Directive must be met.

(5) Ensure that sufficient resources are provided to the aforementioned staff and that they possess/have access to the requisite training and knowledge required to perform effectively to maintain successful operation of a continuing affirmative EEO program in accordance with 29 CFR 1614.101, and to comply with the policies in this Directive.

(6) Provide timely and accurate submissions for Department-level EEO and Diversity and Inclusion reports, including those submitted to the White House Initiative Offices, Office of Personnel Management, and the Equal Employment Opportunity Commission.

(7) Comply with ODI data calls, reports, self-assessments, technical assistance visits/program reviews, and other requests for information promptly and accurately.

(8) Periodically publicize the names, functional titles, and contact information for all the aforementioned individuals in an appropriate and accessible manner.

k. **EEO/Diversity Staff.** Every VA subcomponent and organization must have a designated EEO/Diversity Manager, SEP manager, LRAC, SPC responsible for meeting the requirements of this Directive. Designees should possess the skills and qualifications to effectively perform the functions outlined in this Directive including, but not limited to, barrier analysis; affirmative employment planning and reporting; targeted outreach; facilitating diversity and inclusion in career development programs; implementing an effective reasonable accommodation program; and performing diversity and inclusion training.

l. **Local Reasonable Accommodation Coordinator.** The Local Reasonable Accommodation Coordinator (LRAC) is responsible for implementing procedures for processing requests for reasonable accommodation from applicants and employees with disabilities in accordance with VA's Directive and Handbook on "Processing Requests for Reasonable Accommodation" and applicable laws and regulations. The LRAC is responsible for providing

information to employees and applicants for employment on matters related to processing requests for reasonable accommodation; assisting supervisors and management officials with processing requests for reasonable accommodation through VA or the Computer/Electronic Accommodations Program (CAP); interpreting regulations and statutes; entering request information in the automated Reasonable Accommodation Compliance System; and coordinating with ODI, OIT, and OGC, as appropriate, to ensure timely and effective accommodations are provided.

m. **Selective Placement Coordinator.** The Selective Placement Coordinator (SPC) is responsible for identifying qualified individuals with disabilities who are eligible for non-competitive placement to vacant positions through the excepted service special hiring authorities (Schedule A or disabled Veteran); accepting resumes from applicants with disabilities applying via Schedule A; and referring all qualified applicants to the hiring official for Title 5 vacancies.

4. REFERENCES

a. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621-634.

b. Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

c. Architectural Barriers Act, 42 U.S.C. 4151 et seq.

d. Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

e. Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

f. Equal Pay Act of 1963, 29 U.S.C. § 206(d).

g. Notification and Federal Employee Antidiscrimination and Retaliation (No Fear) Act of 2002.

h. Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791, 793, 794(a) sections 503 and 504.

i. Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity - published in the Federal Register on October 30, 1997, by the Office of Management and Budget.

j. 5 Code of Federal Regulations (CFR) § 213.3102(t), (u) - gives Federal agencies special appointing authority governing employment of individuals who are mentally disabled (t) and those with severe physical disabilities (u) under schedule A and excepted appointment.

k. 5 CFR § 213.3102 (gg) - gives Federal agencies special appointing authority governing persons with psychiatric disabilities.

l. 5 CFR § 213.3202(11) - OPM special appointing authority for employment of readers, interpreters, and personal assistants for employees with disabilities.

m. 5 CFR § 315.709 - authorizes employees with severe physical disabilities and mental retardation to convert to competitive status after completion of two years of satisfactory service in their excepted positions.

n. 5 CFR, Part 720, Subpart B establishes the Federal Equal Opportunity Recruitment Program (FEORP) in the OPM as a recruiting initiative designed to eliminate less than expected representation of minorities and women in the Federal service.

o. 5 CFR, Part 720, Subpart C, and also 38 U.S.C. section 4214 - establishes the Disabled Veteran Affirmative Action Program (DVAAP) in OPM..

- p. 29 CFR, Part 1604 - contains guidelines on discrimination based on gender.
- q. 29 CFR, Part 1606 - contains guidelines on discrimination based on national origin.
- r. 29 CFR, Part 1607 - contains the uniform guidelines of employee selection procedures.
- s. 29 CFR, Part 1614 – Federal Sector Equal Employment Opportunity.
- t. EO 11478 - Equal Employment Opportunity in the Federal Government.
- u. EO 11625 - National Program for Minority Business Enterprise.
- v. EO 11701 - Requirements of Laws Relating to Federal Contractor Job Listings.
- w. EO 12067- Agency and EEOC Authority and Responsibility.
- x. EO 12106 - Transfer of Certain Equal Employment Enforcement Functions to EEOC.
- y. EO 12250 - Leadership and Coordination of Nondiscrimination Laws.
- z. EO 13078 - Increasing Employment of Adults with Disabilities.
- aa. EO 13087 – Nondiscrimination based on Sexual Orientation.
- bb. EO 13125 - Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- cc. EO 13145 - Prohibit Discrimination in Federal Employment Based on Genetic Information.
- dd. EO 13152 – Nondiscrimination based on Parental Status.
- ee. EO 13160 - Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.
- ff. EO 13163 - Increasing the Opportunity for Individuals with Disabilities to be employed in the Federal Government.
- gg. EO 13164 - Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.

- hh. EO 13166 - Improving Access to Services for Persons with Limited English Proficiency.
- ii. EO 13171 - Hispanic Employment in the Federal Government.
- jj. EO 13187 - President's Disability Employment Partnership Board.
- kk. EO 13230 - Educational Excellence for Hispanics.
- ll. EO 13256 - Historically Black Colleges and Universities
- mm. EO 13592 – Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities, December 2, 2011.
- nn. EO 13339 - Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders.
- oo. Management Directive 715 issued by EEOC provides policy guidance and standards for equal employment programs (effective October 1, 2003).

6. DEFINITIONS

- a. **Affirmative employment:** Programs required by 29 CFR 1614, Executive Order 11478 and other laws and regulations that prohibit employment discrimination based on race, color, religion, sex, national origin, disability, or age, and require agencies to promote the full realization of equal employment opportunity plans that contain workforce analysis of the distribution of each group compared to the benchmark, identifying areas where the group has a low or less than expected participation rate, and responsive strategies that address identified barriers.
- b. **Applicant Flow Data:** Information reflecting characteristics of the pool of individuals applying for an employment opportunity.
- c. **Barrier:** An organizational policy, principle, practice, or condition that limits or tends to limit employment opportunities for members of a particular gender, race, ethnicity, national origin, or disability status.
- d. **Disability:** A disability is 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.
- e. **Diversity:** Workforce diversity is characterized by all that makes us unique, including but not limited to race, color, national origin, ethnicity, sex, sexual orientation, gender identity, religion, disability status, age, and mutable

characteristics such as educational background, socioeconomic status, organizational level, geographic region, and cognitive/intellectual perspective.

f. **Equal Employment Opportunity:** The laws, regulations, and policies that prohibit discrimination in the terms, conditions, or privileges of employment, on the bases of race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, genetic information, or disability), as well as retaliation for participating in protected activity (reprisal) (see legal references below).

g. **Ethnicity:** For the purposes of Federal data collection, ethnicity refers to Hispanic or Latino origin, or non-Hispanic.

h. **Inclusion:** Practices that enable the full participation and contribution of the workforce in support of the mission of the organization by eliminating implicit and explicit barriers. Inclusion involves leveraging the diverse talents and attributes of the entire workforce by configuring work opportunities, business processes, functional operations, rewards systems, work-life options, professional interactions, communications, information-sharing, and decision-making to empower the full participation of all employees.

i. **Less than Expected Representation:** Representation of employees in a demographic group which is below their expected representation in the civilian labor force or relevant labor force.

j. **Model EEO Program:** A program meeting all of the six essential elements criteria identified in MD-715.

k. **Race:** For the purposes of Federal data collection, single race categories include White, American Indian and Alaska Native, Asian American, Black or African American, and Native Hawaiian or Other Pacific Islander. Individuals may self-identify in more than one race category.

l. **Reasonable accommodation:** Any change in the work environment, work processes, or the application process that enable a person with a disability to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment, in accordance with the Rehabilitation Act of 1973, as amended.

m. **Religious accommodation:** A change in the work environment or in work schedule that enables an individual to adhere to his/her religious practices or beliefs. Types of religious accommodations include, but are not limited to: modification or adjustment to the work environment to permit and to avoid situations prohibited by his/her religion, modification or adjustment of the work schedule necessary to enable an employee to worship at designated hours or days or avoid working during hours prohibited by the religion, and allowing flexible leave, alternative work schedules, religious garb, etc.

n. **Section 501 Program:** The affirmative program plan that each agency is required to maintain under section 501 of the Rehabilitation Act to provide individuals with disabilities adequate hiring, placement, and advancement opportunities.

o. **Special Appointing Authority:** Merit system hiring authorities that allow some flexibility useful for overcoming underrepresentation, including noncompetitive and excerpted service appointments.

p. **Special Emphasis Program (SEP):** Programs authorized under 29 CFR 1614.102 (b)(4) to address the unique needs of specific demographic groups with low or less than expected representation in the workforce (e.g., People With Disabilities Program, Federal Women's Program and Hispanic Employment Program), as may be necessary to eliminate discriminatory practices and carry out the functions described in the EEO regulations in all organizational units of the agency. SEP functions include, but are not limited to, performing workforce analyses to identify and eradicate barriers to EEO, participating in job fairs, performing training, implementing mentoring programs, issuing educational communications, and conducting special observance programs to facilitate targeted outreach, retention, and understanding of any barriers for diverse groups.

q. **Special Emphasis Program Observances:** Executive or Congressional mandated calendar event, such as Black History Month, designated to recognize the historical contributions and current achievements and issues of a specific demographic group in our society. Supporting activities may include workshops, round-table discussions, employee development training, subject-matter guest speakers, and programs to enhance cross-cultural awareness.

r. **Targeted Disabilities:** Agencies are instructed by EEOC to set hiring goals and report progress in their employment of people with targeted disabilities. They are deafness, blindness, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disabilities, psychiatric disabilities, and dwarfism.