## PROHIBITION OF DISCRIMINATION BASED ON SEXUAL ORIENTATION

- **1. PURPOSE:** This Veterans Health Administration (VHA) Directive issues policy prohibiting discrimination in employment within the Department of Veterans Affairs (VA) on the basis of an individual's sexual orientation.
- **2. BACKGROUND:** Executive Order 11478 of 1969 prohibits discrimination in Federal employment. On May 28, 1998, Executive Order 13087, reaffirming the Executive Branch's policy that prohibits discrimination based upon sexual orientation within Federal civilian employment, was issued. VA employees are to be able to perform their jobs in workplaces free from discrimination, including intentional discrimination based upon one's sexual orientation.
- **3. POLICY:** It is VA policy to provide an equal opportunity to all of its employees and applicants for employment without discrimination based on sexual orientation. *NOTE:* A person's sexual orientation is not to be the basis for the denial of a job or promotion.
- **4. ACTION:** VHA Chief Officers, Veterans Integrated Service Network (VISN) Directors, facility Directors, and supervisors are responsible for:
- a. Ensuring the protection of Federal employees in the workplace through the procedures provided for in Executive Order 11478, and to appropriately process allegations of discrimination on the bases of race, color, religion, sex, national origin, handicap, age, and sexual orientation, and status as a parent.
  - b. Notifying employees and applicants that:
- (1) When they believe that a prohibited personnel practice has been committed against them that constitutes discrimination based upon sexual orientation, they may seek assistance under certain circumstances from the Merit Systems Protection Board, the Office of Special Counsel, the Negotiated Grievance Procedure, or VHA's Grievance Procedure.
- (2) They may not seek relief from the Equal Employment Opportunity Commission or file a discrimination complaint under title VII of the Civil Rights Act of 1964, as amended, because that law does not prohibit discrimination based upon sexual orientation.

## 5. REFERENCES

- a. Executive Order 13087.
- b. Executive Order 11478 of 1969.

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- c. Office of Personnel Management Guidance on Executive Order 13087 at <a href="http://www.opm.gov">http://www.opm.gov</a> .
- d. Facts About Discrimination Based on Sexual Orientation, Status as a Parent, Marital Status and Political Affiliation can be found at: <a href="http://www.eeoc.gov/facts/fs-orientation\_parent\_marital\_political.html">http://www.eeoc.gov/facts/fs-orientation\_parent\_marital\_political.html</a>.
- **6. FOLLOW-UP RESPONSIBILITY:** The Chief Workforce Management and Consulting Officer and EEO/Affirmative Employment Team (10A2E) are responsible for the contents of this Directive. Questions may be referred to (202) 273-8907.
- **7. RESCISSIONS:** None. This VHA Directive expires March 31, 2013.

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