



Director of Administration and Management
**ADMINISTRATIVE
INSTRUCTION**

NUMBER 31

August 19, 2013

Incorporating Change 2, April 20, 2022

EEOP, WHS

SUBJECT: Equal Employment Opportunity (EEO) and Diversity Programs

References: See Enclosure 1

1. PURPOSE. This administrative instruction (AI):

a. Reissues AI 31 (Reference (a)) pursuant to the authority in DoD Directive (DoDD) 5110.04 (Reference (b)) and DoD Instruction 5025.01 (Reference (s)), and assigns responsibilities and procedures for developing, implementing, and evaluating EEO, affirmative employment programs (AEP), and diversity programs.

b. Implements the provisions of Equal Employment Opportunity Commission (EEOC) Management Directives 715 and 110; part 1614 of Title 29, Code of Federal Regulations (CFR); parts 720 and 2301 of Title 5, CFR; Public Law 107-174; AIs 9, 40, and 106; DoDDs 1020.02E and 1440.1; DoD Instruction 1350.02; and Executive Orders 13548, 13583, 11478, 13087, and 13152 (References (c) through (r), respectively).

c. Delineates agency responsibility and accountability to establish and maintain a “model” EEO and diversity program pursuant to Reference (c).

2. APPLICABILITY. This AI:

a. Applies to all civilian employees within the organizational entities of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Defense Agencies, and the DoD Field Activities serviced by Washington Headquarters Services (WHS), referred to collectively in this AI as the “WHS-serviced Components.”

b. Does not apply to military personnel. They are covered by the Military Equal Opportunity Program, in accordance with Reference (m).

3. POLICY. It is OSD policy to:

a. Promote EEO in every aspect of civilian employment policy and practice, including employment, development, advancement, and treatment of all civilian personnel.

b. Develop, implement, and maintain effective AEPs, an inclusive work environment, and systems that facilitate human capital management to achieve a high-quality civilian workforce that reflects the Nation's diversity, and is in compliance with statutory and regulatory law, mandates, and directives.

c. Ensure that EEO and diversity program activities, including action plans for groups with lower participation rates as required by Reference (c), are fully integrated into the personnel management system pursuant to Reference (e).

d. Prohibit discrimination and harassment in employment based on:

- (1) Race
- (2) Color
- (3) Religion
- (4) Sex (including pregnancy)
- (5) National origin
- (6) Age (40 or older)
- (7) Disability (physical or mental)
- (8) Genetic information
- (9) Retaliation for opposing discrimination or participating in the EEO process
- (10) Any other unlawful basis

e. Identify and eliminate barriers that impede equality of opportunity in the workplace for all civilian personnel, and applicants for civilian employment, based on:

- (1) Protected status as described in paragraph 3d of this section.
- (2) Architectural, transportation, and communication barriers affecting individuals with disabilities.

f. Prohibit discrimination on the basis of sexual orientation and status as a parent pursuant to Reference (p), as amended by Reference (q) and Reference (r), and provide for complaints on these two bases to be submitted to the Office of the Special Counsel.

4. RESPONSIBILITIES. See Enclosure 2.

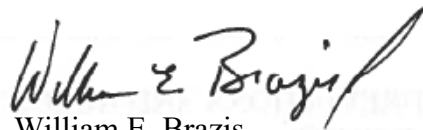
5. RELEASABILITY. **Cleared for Public Release**. This AI is available on the DoD Issuances Website at <https://www.esd.whs.mil/DD>.

6. SUMMARY OF CHANGE 2. This change is administrative and, in accordance with the March 21, 2022 Washington Headquarters Services Memorandum (Reference (t)):

a. Reassigns the Director of Administration, Office of the Deputy Chief Management Officer of the Department of Defense responsibilities and duties to the Director of Administration and Management (DA&M) in accordance with Section 901 of Public Law 116-283 (Reference (u)), which eliminated the position of the Deputy Chief Management Officer of the Department of Defense effective January 1, 2021, and the January 11, 2021 Deputy Secretary of Defense Memorandums (References (v) and (w)), which implemented Reference (u) and reestablished the DA&M.

b. Updates organizational titles and references for accuracy.

7. EFFECTIVE DATE. This AI is effective August 19, 2013.



William E. Brazis

Director, Washington Headquarters Services

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ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction 31, "Equal Employment Opportunity (EEO) and Diversity Programs," July 13, 2007 (hereby cancelled)
- (b) DoD Directive 5110.04, "Washington Headquarters Services (WHS)," March 27, 2013
- (c) Equal Employment Opportunity Commission, Equal Employment Opportunity Management Directive 715, October 1, 2003
- (d) Equal Employment Opportunity Commission, Equal Employment Opportunity Management Directive 110, November 9, 1999, as amended
- (e) Part 1614 of Title 29, Code of Federal Regulations
- (f) Title 5, Code of Federal Regulations
- (g) Public Law 107-174, "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," May 15, 2002
- (h) Administrative Instruction 9, "Processing Complaints of Discrimination," November 6, 2013, as amended
- (i) Administrative Instruction 40, "Employee Learning and Development," July 19, 2017
- (j) Administrative Instruction 106, "Alternative Dispute Resolution (ADR) Program," January 30, 2014, as amended
- (k) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015, as amended
- (l) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987, as amended
- (m) DoD Instruction 1350.02, "DoD Military Equal Opportunity Program," September 4, 2020
- (n) Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities," July 26, 2010
- (o) Executive Order 13583, "Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," August 18, 2011
- (p) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969, as amended
- (q) Executive Order 13087, "Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government," May 28, 1998
- (r) Executive Order 13152, "Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government," May 2, 2000
- (s) DoD Instruction 5025.01, "DoD Issuances Program," August 1, 2016, as amended
- (t) Washington Headquarters Services Memorandum, "Approval of Administrative Changes to Office of the Director of Administration and Management (ODA&M) DoD Issuances, Phase 2," March 21, 2022
- (u) Public Law 116-283, "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021," January 1, 2021
- (v) Deputy Secretary of Defense Memorandum, "Disestablishment of the Chief Management Officer of the DoD and Realignment of Functions and Responsibilities," January 11, 2021

- (w) Deputy Secretary of Defense Memorandum, “Re-establishment of the Assistant to the Secretary of Defense for Intelligence Oversight and the Director of Administration and Management,” January 11, 2021

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR OF ADMINISTRATION AND MANAGEMENT (DA&M). The-DA&M serves as EEO Director for WHS and WHS-serviced Components.

2. DIRECTOR, WHS. In accordance with Reference (b), and under the authority, direction, and control of the-DA&M, the Director, WHS:
 - a. Oversees the management of EEO and diversity programs.

 - b. Exercises overall responsibility for EEO and diversity programs and policies.

 - c. Advises and represents the Secretary of Defense on EEO compliance related to specific allegations of discrimination brought against WHS and WHS-serviced Components through the EEO complaints process.

 - d. Commits sufficient human resources, funding, and infrastructure to operate successful EEO and diversity programs.

3. DEPUTY DIRECTOR, WHS. Under the authority, direction, and control of the Director, WHS, the Deputy Director, WHS:
 - a. Provides administrative oversight for WHS EEO and diversity programs.

 - b. Ensures that sufficient human capital and budgetary resources are allocated to operate and maintain a viable and model EEO program.

 - c. Provides the Director, Office of Equal Employment Opportunity and Diversity (EEOD), with direct access to the Director, WHS, to ensure the greatest degree of independence in implementing this AI.

4. DIRECTOR, EEOD. Under the authority, direction, and control of the Deputy Director, WHS, the Director, EEOD:
 - a. Assists the Director, WHS, by managing strong, viable, and efficient EEO, AEP, and diversity programs.

 - b. Provides for a fair and impartial EEO complaints processing program that complies with the timeframes found in Reference (e).

c. Notifies the union president (if applicable), verbally or in writing, to allow the opportunity for the union to participate in formal discussions and meetings between employees, representatives of management, and EEO investigators concerning EEO matters and EEO complaint processing.

d. Develops and monitors the progress of reports identifying and eliminating barriers in employment in accordance with Reference (c) and part 720 of Reference (f).

e. Develops and disseminates EEO and diversity policies and information to the senior leadership, managers, supervisors, and employees.

f. Offers EEO and diversity training sessions, covering topics including:

(1) Rights and remedies available in accordance with antidiscrimination laws and whistleblower protection laws pursuant to Reference (g).

(2) Supervisor training regarding understanding their duties and responsibilities in accordance with civil rights law.

(3) Managing a diverse workforce.

(4) Alternative dispute resolution.

(5) Essential communication skills.

(6) How supervisor responsibilities apply to the success of the agency's EEO program and overall mission.

(7) Reasonable accommodation in conjunction with the Reasonable Accommodation Program Manager, Human Resources Directorate (HRD).

(8) Disability employment programs in conjunction with the Chief, Special Employment Programs, HRD.

g. Offers annual Senior Executive EEO seminars and briefings for senior civilian and military leaders, consistent with Reference (g).

h. Monitors and evaluates outreach diversity recruitment actions and activities, strategic workforce and succession planning initiatives, career development training programs, and recognition and incentive programs to ensure their impartiality, fairness, and equality.

5. CHIEF HUMAN RESOURCES OFFICER, HRD. Under the authority, direction, and control of the Director, WHS, the Chief Human Resources Officer, HRD:

a. Collaborates with the Director, EEOD, to promote EEO policies, procedures, and diversity program initiatives to support and maintain a model EEO program in accordance with Reference (c).

b. Advises and assists WHS-serviced Components with establishing long-term training and developmental programs that afford career enhancement opportunities to all WHS-serviced Components' civilian personnel.

c. Advises and assists WHS-serviced Components on methods to establish outreach recruitment efforts that attract diverse and high-quality applicants for civilian positions at all grade levels and occupations.

d. Maintains infrastructures and systems that facilitate human capital management and capture diversity statistical data that support the Director, EEOD, in:

(1) Monitoring, implementing, and evaluating AEP progress.

(2) Completing substantive, accurate, and timely employment reports to EEOC, Office of Personnel Management (OPM), and other reporting authorities.

e. Develops and monitors the progress of reports identifying and eliminating barriers in employment pursuant to Reference (c) and part 720 of Reference (f), such as the Disabled Veterans Affirmative Action Program Plan, the Federal Equal Opportunity Recruitment Program Report, and the Federal Agency Annual EEO Program Status Report.

f. Designates a full-time Chief, Special Employment Programs (SEP), to oversee and guide personnel appointed as managers in the Federal Women's Program, Hispanic Employment Program, People with Disabilities Program, and other programs as required by EEOC and OPM. The Chief, SEP, ensures employment concerns, issues, and interests of these groups are appropriately recognized and addressed in accordance with Reference (l).

6. WHS-SERVICED COMPONENT HEADS. The WHS-serviced Component heads:

a. Ensure that EEO policies are disseminated widely, understood, and implemented at all levels within their organizations.

b. Initiate outreach recruitment actions and conduct strategic civilian workforce planning to attract, maintain, and develop a highly skilled and diverse workforce at all grade levels, occupations, and positions.

c. Promote a workplace environment that values integrity, respect, and inclusiveness, empowers all civilian personnel to achieve their full potential, and prevents unlawful employment discrimination.

7. MANAGERS, SUPERVISORS, AND TEAM LEADS OF WHS AND WHS-SERVICED COMPONENTS. In accordance with Reference (f), managers, supervisors, and team leads of WHS and WHS-serviced Components:

a. Ensure discriminatory practices are not tolerated and that all civilian personnel and applicants for civilian employment are not subjected to unlawful discrimination and harassment in any aspects of the employment process.

b. Ensure that EEO principles are fully integrated into the civilian personnel management process and that these principles are considered in civilian employment decisions, such as selection, promotion, reassignment, training, awards, discipline, and other personnel actions or decisions.

c. Maximize the skill and potential of all civilian personnel through fair assignment of work and through conscientious planning, monitoring, developing, rating, and rewarding of performance. Make employments decisions based on merit factors.

d. Ensure that all civilian personnel work in an environment free of any type of unlawful discrimination and harassment based on:

- (1) Race
- (2) Color
- (3) Religion
- (4) Sex (including pregnancy)
- (5) National origin
- (6) Age (40 or older)
- (7) Disability (physical or mental)
- (8) Genetic information
- (9) Retaliation for opposing discrimination or participating in the EEO process
- (10) Any other unlawful basis, including bases described in section 3f of this AI

e. Take action, as appropriate, to address, eliminate, and deter any type of workplace harassment and other discriminatory behavior contrary to EEO.

f. Support the agency's EEO discrimination complaints program and alternative dispute resolution program pursuant to References (j) and (l), respectively, by ensuring civilian personnel can pursue disputes through these venues free of retaliation or harassment.

g. Support and encourage civilian employee participation at agency-sponsored EEO and diversity activities and events.

h. Attend training in managing a diverse workforce, identifying and preventing harassment (including sexual harassment), dispute resolution, and other essential communication skills training pursuant to Reference (i) and agency policy.

8. CIVILIAN EMPLOYEES OF WHS AND WHS-SERVICED COMPONENTS. Civilian employees of WHS and WHS-serviced Components:

a. Remain informed of EEO, AEP, and diversity policies and programs.

b. Inform their supervisory chain of any discriminatory treatment or harassment, based on protected status, which they believe they have experienced or witnessed.

c. Treat their co-workers, peers, and supervisors with dignity and respect in compliance with the agency's EEO and diversity policies and practices.

d. Attend training regarding the rights and remedies available in accordance with federal anti-discrimination, whistleblower, and retaliation laws along with anti-harassment (including sexual harassment) training pursuant to Reference (i).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AEP	affirmative employment program
AI	administrative instruction
CFR	Code of Federal Regulations
DA&M	Director of Administration and Management
DoDD	DoD Directive
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
EEOD	Equal Employment Opportunity and Diversity
HRD	Human Resources Directorate
OPM	Office of Personnel Management
SEP	Special Employment Programs
WHS	Washington Headquarters Services

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this AI.

AEP. A program that addresses efforts and accomplishments in hiring, promotions, development, and other advancement opportunities for women, minorities, and people with disabilities, including disabled veterans.

collaborative resolution program. The agency's vehicle for providing informal dispute resolution services to WHS-serviced Components.

discrimination. A showing of partiality or prejudice in the treatment of a person or group based on race; color; religion; sex (including pregnancy); national origin; age (40 or older); disability

(physical or mental); genetic information; or retaliation for opposing discrimination or participating in the EEO process.

Disabled Veteran Affirmative Action Program. An affirmative action program that requires agencies to monitor the recruitment, employment, and advancement of disabled veterans within the workforce and implements a formal plan with specific recruitment actions to ensure increased representation of these candidates.

diversity program. Management's ability to capitalize on the various talents, perspectives, characteristics, and attributes available within a workforce that is representative of a diverse population and reflective of a pluralistic society. Authority for the diversity program is grounded in Reference (e). To ensure implementation, the regulations instruct agencies to designate diversity program managers, as may be necessary, to carry out the functions of the program consistent with Reference (l).

EEO. 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.

EEOC. The federal agency responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race; color; religion; sex (including pregnancy); national origin; age (40 or older); disability (physical or mental); genetic information; or retaliation for opposing discrimination or participating in the EEO process.

EEOD. The WHS office responsible for processing complaints of discrimination in accordance with Reference (e). EEOD is the agency sole authorized source to process allegations of discrimination within the WHS-serviced Components. Through the AEP Branch, EEOD also addresses efforts and accomplishments in hiring, promotions, development, and other advancement opportunities for women, minorities, and people with disabilities, including disabled veterans, and fulfills all reporting requirements of the EEOC.

Federal Equal Opportunity Recruitment Program. A program that requires agencies to monitor the representation of minorities and women in the agency workforce, determine where low participation rates of these groups exist, and implement a formal plan with specific recruitment actions to ensure increased availability of these candidates.

harassment. Any unwelcome verbal or physical conduct based on race; color; religion; sex (including pregnancy); national origin; age (40 or older); disability (physical or mental); genetic information; or retaliation for opposing discrimination or participating in the EEO process, that is so objectively offensive as to alter the conditions of the victim's employment. This standard is met when the conduct:

Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;

Has the purpose or effect of unreasonably interfering with an individual's work performance;
or

Otherwise adversely affects an individual's employment opportunities.