



Department of Defense

DIRECTIVE

NUMBER 1440.1

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Incorporating Through Change 3, April 17, 1992
ASD(FM&P)

SUBJECT: The DoD Civilian Equal Employment Opportunity (EEO) Program

References: (a) DoD Human Goals Charter, March 21, 1988 (signed by the Secretary of Defense, Deputy Secretary of Defense, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Chiefs of Staff of the Military Departments)
(b) Sections 791, 792, 793, and 795 of title 29, United States Code
(c) through (pp), see enclosure 1

1. PURPOSE

This Directive:

1.1. Implements references (a) through (s) by establishing the Civilian Equal Employment Opportunity (EEO) Program, to include affirmative action programs, consistent with guidance from the Equal Employment Opportunity Commission (EEOC), Office of Personnel Management (OPM), and the DoD Human Goals Charter (reference (a)).

1.2. Consolidates in a single document provisions of references (t) through (x) and, therefore, cancels these references.

1.3. Authorizes, as an integral part of the Civilian EEO Program, the establishment of Special Emphasis Programs (SEPs) entitled the Federal Women's Program (FWP), the Hispanic Employment Program (HEP), and the Program for People with Disabilities (PPD), the Asian/Pacific Islander Employment Program (AEP), the American Indian/Alaskan Native Employment Program (AIEP), and the Black Employment Program (BEP).

1.4. Establishes the Defense Equal Opportunity Council (DEOC), the Civilian EEO Review Board, and SEP Boards.

1.5. Authorizes the issuance of DoD Instructions and Manuals to implement this Directive and guidance from standard-setting Agencies such as EEOC and OPM, consistent with DoD 5025.1-M (reference (y)).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD) and activities supported administratively by OSD, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff (as an element of the OSD for the purposes of this program), the Unified and Specified Commands, the Defense Agencies, the Army and Air Force Exchange Service, the National Guard Bureau, the Uniformed Services University of the Health Sciences, the Office of Civilian Health and Medical Programs of the Uniformed Services, and the DoD Dependents Schools (hereafter referred to collectively as "DoD Components").

2.2. Applies worldwide to all civilian employees and applicants for civilian employment within the Department of Defense in appropriated and nonappropriated fund positions.

2.3. Does not apply to military personnel, for whom equal opportunity is covered by DoD Directive 1350.2 (reference (z)).

2.4. Covers Federal employment issues under Section 504 of the Rehabilitation Act of 1973, as amended, even though DoD Directive 1020.1 (reference (aa)) implements Section 504 with respect to programs conducted and assisted by the Department of Defense. The standards established under Section 501 of the Rehabilitation Act of 1973, as amended (reference (b)), are to be applied under Section 504 of the Act with respect to civilian employees and applicants for civilian employment in Federal Agencies.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD policy to:

4.1. Recognize equal opportunity programs, including affirmative action programs, as essential elements of readiness that are vital to the accomplishment of the DoD national security mission. Equal employment opportunity is the objective of affirmative action programs.

4.2. Develop and implement affirmative action programs to achieve the objective of a civilian work force in which the representation of minorities, women, and people with disabilities at all grade levels, in every occupational series, and in every major organizational element is commensurate with the representation specified in EEOC and OPM guidance. Such programs, which shall be designed to identify, recruit, and select qualified personnel, shall be coordinated with the cognizant legal offices.

4.3. Ensure that Civilian EEO Program activities for minorities, women, and people with disabilities are integrated fully into the civilian personnel management system.

4.4. Assess progress in DoD Component programs in accordance with the affirmative action goals of the Department of Defense.

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

4.6. Eliminate barriers and practices that impede equal employment opportunity for all employees and applicants for employment, including sexual harassment in the work force and at work sites and architectural, transportation, and other barriers affecting people with disabilities.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)), or designee, shall:

5.1.1. Represent the Secretary of Defense in all matters related to the DoD Civilian EEO Program, consistent with DoD Directive 5124.2 (reference (bb)).

5.1.2. Establish and chair the DEOC.

5.1.3. Establish a Civilian EEO Review Board.

5.1.4. Develop policy and provide program oversight for the Civilian EEO Program.

5.1.5. Ensure full implementation of this Directive, monitor progress of affirmative action program elements, and advise the Secretary of Defense on matters relating to the Civilian EEO Program.

5.1.6. Ensure that realistic goals that provide for significant continuing increases in the percentages of minorities, women, and people with disabilities in entry, middle, and higher grade positions in all organizations and occupations are set and accomplished until the overall DoD objective is met and sustained.

5.1.7. Prepare a new DoD Human Goals Charter each time a new Secretary of Defense is appointed.

5.1.8. Ensure fair, impartial, and timely investigation and resolution of complaints of discrimination in employment, including complaints of sexual harassment.

5.1.9. Establish DoD SEPs for the FWP, HEP, PPD, AEP, AIEP, and BEP.

5.1.10. Establish DoD Special Emphasis Program Boards to assist with implementation of SEPs under this Directive.

5.1.11. Establish DoD Civilian EEO Award Programs to provide for the annual issuance of Secretary of Defense Certificates of Merit to DoD Components and individuals for outstanding achievement in the major areas covered by this Directive, and to review all awards and management training programs within the Department of Defense to ensure that minorities, women, and people with disabilities receive full and fair consideration consistent with their qualifications and the applicable program criteria.

5.1.12. Issue implementing instructions and other documents, as required, to achieve the goals of the DoD Civilian EEO Program and to provide policy direction and overall guidance to the DoD Components.

5.1.13. Represent the Department of Defense on programmatic EEO matters with EEOC, OPM, the Department of Justice, other Federal Agencies, and Congress.

5.1.14. Represent the Department of Defense on the Interagency Committee on Handicapped Employees under E.O. 11830, as amended (reference (e)), and the *Council on Accessible Technology* under General Services Administration Order ADM 5420.71A (reference (f)).

5.1.15. Represent the Department of Defense at meetings and conferences of non-Federal organizations concerned with EEO programs, and coordinate DoD support of such organizations' activities with the Assistant Secretary of Defense (Public Affairs) and with the DoD General Counsel in accordance with DoD Directive 5410.18, DoD Instruction 5410.19, DoD Directive 5500.2, and DoD Directive 5500.7 (references (cc) through (ff)).

5.1.16. Serve as the DoD liaison with the Office of Federal Contract Compliance Programs (OFCCP), Department of Labor (DoL), for the purpose of providing contract information, forwarding complaints of discrimination filed against DoD contractors, and implementing administrative sanctions imposed against DoD contractors for violations of E.O. 11141 (reference (g)); E.O. 11246 (reference (h)), as amended by E.O. 11375 (reference (i)); E.O. 12086 (reference (j)); and DoL implementing regulations.

5.1.17. Ensure that the DoD FAR Supplement (reference (gg)) contains appropriate contract provisions for EEO for Government contractors and subcontractors under references (g)

through (j); Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (reference (hh)); Section 503 of the Rehabilitation Act of 1973, as amended (reference (b)); and DoL implementing regulations.

5.2. The Heads of DoD Components, or their designees, shall:

5.2.1. Ensure that all EEO policies are disseminated widely and that they are understood and implemented at all levels within their DoD Components.

5.2.2. Ensure that their DoD Components comply with EEOC and OPM guidance and this Directive and that minorities, women, and people with disabilities receive full and fair consideration for civilian employment in all grade levels, occupations, and major organizations, with special emphasis on mid-level and higher grades and executive-level jobs, including the Senior Executive Service (SES) and SES candidate pools.

5.2.3. Treat equal opportunity and affirmative action programs as essential elements of readiness that are vital to accomplishment of the national security mission.

5.2.4. Designate a Director of Civilian Equal Opportunity and allocate sufficient staff and other resources to ensure a viable EEO program under this Directive. This includes assignment of staff to be responsible for EEO and affirmative action programs generally and SEP Managers for the SEPs established under this Directive at the DoD Component level.

5.2.5. Establish SEPs for the FWP, HEP, PPD, AEP, AIEP, and BEP at Headquarters level and at all field activities levels unless exemptions are granted to field activities. Authority to grant exceptions to field activities of DoD Components is delegated to the DoD Component Heads, who, in turn, may re-delegate this authority.

5.2.6. Require that EEO be included in critical elements in the performance appraisals of all supervisors, managers, and other DoD Component personnel, military and civilian, with EEO responsibilities.

5.2.7. Ensure fair, impartial, and timely investigation and resolution of complaints of discrimination in employment, including complaints of sexual harassment.

5.2.8. Set realistic DoD Component goals and motivate subordinate managers and supervisors to set and meet their own goals until overall DoD and DoD Component goals are met and sustained.

5.2.9. Evaluate employment policies, practices, and patterns within their respective DoD Components and identify and correct any institutional barriers that restrict opportunities for recruitment, employment, advancement, awards, or training for minorities, women, and people with disabilities and ensure that EEO officers and civilian personnel officers provide leadership in eliminating these barriers.

5.2.10. Ensure that installations and activities establish upward mobility and other development programs to provide career enhancement for minorities, women, and people with disabilities. These programs should include SES candidate programs to provide developmental opportunities for minorities, women, and people with disabilities consistent with management expectations in filling jobs. These programs should be targeted to occupational categories in which there is under-representation and a likelihood of vacancies (e.g., science and engineering positions).

5.2.11. Ensure that installations and activities establish focused external recruitment programs to produce employment applications from minorities, women, and people with disabilities who are qualified to compete effectively with internal DoD candidates for employment at all levels and in all occupations.

5.2.12. Establish a continuing EEO educational program (including training in the prevention of sexual harassment) for civilian and military personnel who supervise civilian employees.

5.2.13. Establish EEO Award Programs to recognize individuals and organizational units for outstanding achievement in one or all of the major EEO areas covered by this Directive.

5.2.14. Review all award and management training programs to ensure that minorities, women, and people with disabilities are considered, consistent with their qualifications and program criteria.

5.2.15. At military installations having a civilian work force and military units, ensure that the Civilian EEO Program is managed by and conducted for civilian personnel only and that the Military Equal Opportunity Program is managed by and conducted for military personnel only. Any exceptions to this policy must be authorized by the DoD Component Head.

6. PROCEDURES

6.1. Officials designated in this Directive shall allocate resources necessary to develop methods and procedures to ensure that all elements of this Directive are fully implemented and are in compliance with the spirit and intent of the DoD Human Goals Charter (reference (a)), laws, Executive orders, regulatory requirements, and other Directives and Instructions governing the Civilian EEO Program within the Department of Defense.

6.2. Heads of DoD Components, in accordance with EEOC and OPM guidance (references (c) and (d)) and subject to oversight by and supplemental guidance from the ASD(FM&P), or designee, shall:

6.2.1. Develop procedures for and implement an affirmative action program for minorities and women, consistent with Section 717 of the Civil Rights Act of 1964, as amended (reference (l)); E.O. 11478 (reference (m)); guidance from EEOC (reference (c)); and guidance from OPM (reference (d)).

6.2.2. Develop procedures for and implement an affirmative action program for *people with disabilities* consistent with Section 501 of the Rehabilitation Act of 1973, as amended (reference (b)), and guidance from EEOC (reference (c)).

6.2.3. Develop procedures for and implement an affirmative action program for disabled veterans, consistent with DoD Directive 1341.6 (reference (ii)). This program shall be consistent with the program established in subparagraph 6.2.2., above, of this Directive and coordinated with the DoD Component's *PPD* manager.

6.2.4. Develop procedures for and implement systems for investigation and resolution of complaints of employment discrimination under Section 717 of the Civil Rights Act of 1964, as amended (reference (l)); Sections 501, 503, and 504 of the Rehabilitation Act of 1973, as amended (reference (b)) and DoD Directive 1020.1 (reference (aa)); Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (reference (n)); the Age Discrimination in Employment Act of 1967, as amended (reference (o)); guidance from EEOC (reference (c)); and applicable case law.

6.2.5. Develop procedures for and implement a Federal Equal Opportunity Recruitment Program for minorities and women and a comparable special recruitment program for people with disabilities in accordance with the Civil service Reform Act of 1978 (reference (p)); EEOC instructions concerning affirmative action programs for people with disabilities (reference (c)); guidance from OPM (reference (d)); and this Directive. These programs are to include focused external recruitment programs to obtain employment applications from minorities, women, and people with disabilities who are competitive with internal DoD candidates for employment at all levels.

6.2.6. Develop procedures for and implement all SEPs established under this Directive at the DoD Component level. These SEPs shall be integral parts of the Civilian EEO Program and shall be conducted in accordance with the provisions of this Directive and applicable EEOC and OPM guidance.

6.2.7. Develop procedures for and implement a program to eliminate sexual harassment in Component work places, consistent with DoD Policy on Sexual Harassment memorandums (references (q) and (r)), and to ensure compliance with the Equal Pay Act (reference (s)).

6.2.8. Develop procedures for and implement a program of employment preference for spouses of military personnel, in accordance with DoD Instruction 1404.12 (reference (jj)).

6.2.9. Develop procedures for and implement a selective placement program for people with disabilities in accordance with guidance from OPM (reference (d)). This program shall be consistent with the program established in subparagraph 6.2.2., above, and coordinated with the DoD Component's PPD manager.

6.2.10. Develop procedures for and implement staffing initiatives, training and development programs, and upward mobility programs designed to increase the representation of qualified minorities, women, and people with disabilities on certificates of eligibility and accompanying lists of individuals eligible for special appointments that are provided to selecting officials at all levels within the DoD Component. These programs should include SES candidate programs and shall be targeted in career fields in which there is under-representation and a likelihood of vacancies (e.g., science and engineering positions).

6.2.11. Develop procedures for and implement a program to evaluate all supervisors and managers with EEO responsibilities on their contributions to and support of the DoD Component's EEO program. Specifically, DoD Component SES and General Manager personnel, when appropriate, shall have their EEO responsibilities defined as a critical element in their performance appraisals in accordance with the Civil Service Reform Act of 1978 (reference (p)).

6.2.12. Develop procedures for and implement a program to participate in and conduct ceremonies, where appropriate, at all levels of the DoD Component to observe nationally proclaimed or other specially designated community activities that particularly affect minorities, women, and people with disabilities and that support the Civilian EEO Program. Military and civilian personnel should both participate whenever possible. Examples of special observances include Dr. Martin Luther King, Jr.'s Birthday, Black History Month, National Women's History Week, Women's Equality Day, Hispanic Heritage Week, National Disabilities Employment Awareness Week, and the Decade of Disabled Persons.

6.2.13. Develop procedures for and implement a program to revise documents and change practices and policies that discriminate against civilian personnel on the basis of race, color, sex, religion, national origin, mental or physical disability, or age.

6.2.14. Develop procedures for and implement an affirmative action program for the continued Federal employment of minorities, women, and people with disabilities who have lost their jobs in DoD Components because of contracting decisions made under OMB Circular No. A-76 (reference (kk)). Under OMB Circular No. A-76, encourage contractors to hire such individuals. (All qualified Federal employees have, in general, the right of first refusal of employment under these contracts.)

6.2.15. Develop procedures for and implement a program for computer support of employees with disabilities consistent with DoD participation in activities of the Council on Accessible Technology in accordance with General Services Administration Order ADM 5420.71A (reference (f)).

7. CIVILIAN EEO PROGRAM STAFF

7.1. EEO Managers, including SEP Managers and other staff who are responsible for EEO and affirmative action programs, shall function at a level that is sufficiently responsible within the assigned organization to enable them to communicate effectively the goals and objectives of the program and to enable them to obtain the understanding, support, and commitment of managers and other officials at all levels within the organization.

7.2. It shall be the responsibility of EEO Managers, SEP Managers, and other program staff to develop, coordinate, implement, and recommend to managers, other officials, and covered groups the policy, guidance, information, and activities necessary to attain the goals of the SEPs and the overall DoD Civilian EEO Program.

8. DEFENSE EQUAL OPPORTUNITY COUNCIL AND EEO BOARDS

8.1. The DEOC shall be chaired by the ASD(FM&P) and shall coordinate policy for and review civilian and military equal opportunity programs, monitor progress of program elements, and advise the Secretary of Defense on pertinent matters. One of the mandates of the DEOC shall be to pursue an aggressive course of action to increase the numbers of minorities, women, and people with disabilities in management and executive positions at grades 13 and above, including the SES and, at the request of the Secretary of Defense, Schedule C, and other non-career executive positions in the SES and on the Executive Schedule. Members of the DEOC shall include the Assistant Secretary of Defense (Reserve Affairs), the Director of Administration and Management, and the Assistant Secretaries with responsibility for personnel policy and reserve affairs in the Military Departments.

8.2. The Civilian EEO Review Board shall be chaired by the ASD(FM&P), or designee. The Board shall support the DEOC and shall be made up of designated EEO and personnel representatives from the DoD Components and such other individuals as may be necessary to carry out the work of the DEOC and implement this Directive. The Board shall work with career

management officials, other key management officials, and union representatives in developing policies, programs, and objectives.

8.3. The DoD SEP Boards shall be chaired by the DoD SEP Managers. These Boards shall be comprised of designated SEP Managers from the DoD Components and such other individuals as may be necessary to advise and assist in EEO activities and policy development in the Department of Defense. The Boards shall work with career management officials, other key management officials, and union representatives in developing policies, programs, and objectives.

8.4. The DEOC, Civilian EEO Review Board, and each SEP Board established at the DoD level shall have a Charter that describes its organization, management, functions, and operating procedures, consistent with DoD Directive 5105.18 (reference (II)).

8.5. Civilian EEO Review Boards and SEP Boards may be established at DoD Component, command, and installation levels as well as the DoD level to assist in program activities.

8.6. Members of covered groups should be represented on Civilian EEO Review Boards, SEP Boards, and subcommittees at all levels; and consideration should be given to participation by military personnel and by Federal employees who are union representatives.

9. INFORMATION REQUIREMENTS

9.1. The ASD(FM&P) shall:

9.1.1. Submit an annual report to the Secretary of Defense on the status of the DoD EEO program. This report shall be developed from existing documents, such as affirmative action plan accomplishment reports, civil rights budget reports, semiannual discrimination complaint reports, and Federal Equal Opportunity Recruitment Program reports, plus statistical data obtained from the Defense Manpower Data Center and reports of visits to DoD installations.

9.1.2. Submit consolidated DoD annual reports on discrimination complaints to the EEOC in accordance with EEOC guidance (reference (c)). This reporting requirement is assigned Interagency Report Control Number 0288-EEO-NA.

9.2. The Heads of DoD Components shall:

9.2.1. Submit annual reports on discrimination complaints to the ASD(FM&P), or designee, in accordance with reference (c). This reporting requirement is assigned Interagency Report Control Number 0288-EEO-NA.

9.2.2. Submit copies of affirmative action program plans, affirmative action program plan updates, and affirmative action plan accomplishment reports for minorities, women, and

people with disabilities to the ASD(FM&P), or designee, in addition to copies of annual reports for the Federal Equal Opportunity Recruitment Program.

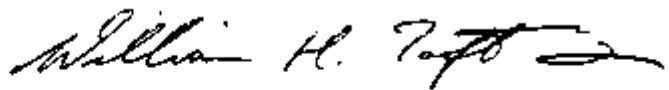
9.2.3. Ensure that designated officials submit information for an annual report on computer support of handicapped employees and for reports on individual computer accommodations for people with disabilities. These reporting requirements are assigned RCS DD-FM&P(A)1731 and RCS DD-FM&P(AR)1732.

10. SUMMARY OF CHANGE 3

The changes to this issuance are administrative and update organizational titles and references for accuracy.

11. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.



William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (c) Guidance from the Equal Employment Opportunity Commission (EEOC), including:
 - "Equal Employment Opportunity in the Federal Government," December 29, 1978 (29 CFR 1613)
 - "The Equal Pay Act," August 20, 1986 (29 CFR 1620)
 - Management Directive EEO-MD 712, "Comprehensive Affirmative Action Programs for Hiring, Placement, and Advancement of Handicapped Individuals," March 29, 1983
 - Guidelines on Discrimination Because of Religion, October 31, 1980 (29 CFR 1605)
 - Other applicable regulations, management directives, management bulletins, and policy guidance, including current instructions for affirmative action plans and reports for minorities, women, and people with disabilities
- (d) Guidance from the Office of Personnel Management (OPM), including:
 - "Federal Equal Opportunity Recruitment Program," April 13, 1979 (5 CFR 720)
 - "Equal Employment Opportunity," December 21, 1976 (Federal Personnel Manual Chapter 713)
 - "Selective Placement Programs," February 26, 1982 (Federal Personnel Manual Chapter 306)
 - "Equal Employment Opportunity for Spanish-Speaking Program," April 5, 1974 (Federal Personnel Manual Letter 713-23)
 - Series 25, "Guidelines for Federal Women's Program Coordinators," January 1974
 - "Resource Allocation Plan Model for Special Emphasis Program Managers," June 1983 (Publication No. OAEP-10)
 - Other applicable regulations, Federal Personnel Manual issuances, and policy guidance
- (e) Executive Order 11830, "Enlarging the Membership of the Interagency Committee on Handicapped Employees," January 9, 1975
- (f) General Services Administration Order ADM 5420.71A, "Interagency Committee for Computer Support of Handicapped Employees," October 25, 1990
- (g) Executive Order 11141, "Declaring a Public Policy Against Discrimination on the Basis of Age," February 12, 1964
- (h) Executive Order 11246, Part II, "Nondiscrimination in Employment by Government Contractors and Subcontractors," September 24, 1965
- (i) Executive Order 11375, "Amending Executive Order 11246, Relating to Equal Employment Opportunity," October 13, 1967
- (j) Executive Order 12086, "Consolidation of Contract Compliance Functions for Equal Employment Opportunity," October 5, 1978
- (k) Office of Management and Budget (OMB) Circular No. A-11, "Preparation and Submission of Budget Estimates," July 2, 1984
- (l) Section 2000e-16 of title 42, United States Code
- (m) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969
- (n) Section 2014 of title 38, United States Code
- (o) Sections 631(b) and 633a of title 29, United States Code

- (p) Chapters 43 and 72 of title 5, United States Code
- (q) Secretary of Defense Multiple Addressee Memorandum, "Responsibility for Maintaining a Work Force Free of Sexual Harassment," September 2, 1988
- (r) Secretary of Defense Multiple Addressee Memorandum, "DoD Definition of Sexual Harassment," July 20, 1988
- (s) Section 206(d) of title 29, United States Code
- (t) Secretary of Defense Multiple Addressee Memorandum, "Equal Employment Opportunity (EEO) for Civilians Within the Department of Defense," June 23, 1981 (hereby canceled)
- (u) DoD Directive 1100.11, "Equal Employment Opportunity Government Contracts," August 9, 1968 (hereby canceled)
- (v) DoD Directive 1450.1, "Federal Women's Program Within the Department of Defense," July 25, 1985 (hereby canceled)
- (w) DoD Directive 5120.46, "The Department of Defense Affirmative Action Board," January 8, 1977 (hereby canceled)
- (x) DoD Directive 1100.15, "The Department of Defense Equal Opportunity Program," June 3, 1976 (hereby canceled)
- (y) DoD 5025.1-M, "Department of Defense Directives Systems Procedures," December 1990
- (z) DoD Directive 1350.2, "The Department of Defense Military Equal Opportunity Program," December 23, 1988
- (aa) 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)
- (bb) DoD Directive 5124.2, "Assistant Secretary of Defense (Force Management and Personnel)," January 26, 1990
- (cc) DoD Directive 5410.18, "Community Relations," July 3, 1974
- (dd) DoD Instruction 5410.19, "Armed Forces Community Relations," July 19, 1979
- (ee) DoD Directive 5500.2, "Policies Governing Participation of Department of Defense Components and Personnel in Activities of Private Associations," August 4, 1972
- (ff) DoD Directive 5500.7, "Standards of Conduct," May 6, 1987
- (gg) Federal Acquisition Regulation, DoD Supplement, April 1984
- (hh) Section 2012 of title 38, United States Code
- (ii) DoD Directive 1341.6, "Veterans' Employment Assistance Program," March 28, 1985
- (jj) DoD Instruction 1404.12, "Employment of Spouses of Active Duty Military Members Worldwide," January 12, 1989
- (kk) Office of Management and Budget (OMB) Circular, "Performance of Commercial Activities," August 4, 1983 (OMB Circular No. A-76 (Revised))
- (ll) DoD Directive 5105.18, "DoD Committee Management Program," January 18, 1990
- (mm) DoD 7110.1-M, "Department of Defense Budget Guidance Manual," May 1990
- (nn) Secretary of Defense Multiple Addressee Memorandum, "Equal Employment Opportunity (EEO) for Civilians Within the Department of Defense," March 9, 1988
- (oo) Secretary of Defense Multiple Addressee Memorandum, "Increased Employment of Persons With Targeted Disabilities," September 2, 1988
- (pp) Secretary of Defense Multiple Addressee Memorandum, "Department of Defense Task Force on Human Resource Management in Science and Technology: Year 2000," September 13, 1988

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Affirmative Action. A tool to achieve equal employment opportunity. A program of self-analysis, problem identification, data collection, policy statements, reporting systems, and elimination of discriminatory policies and practices, past and present.

E2.1.2. Age. A prohibited basis for discrimination. For purposes of this Directive, 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 OPM. Aliens employed outside the limits of the United States are not covered by this definition.

E2.1.3. Discrimination. Illegal treatment of a person or group based on race, color, national origin, religion, sex, age, or disability.

E2.1.4. Equal Employment Opportunity (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.

E2.1.5. People with Disabilities. People who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such an impairment. For purposes of this Directive, 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 duties 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. As used in this paragraph:

E2.1.5.1. Physical or Mental Impairment. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal and special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or and mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

E2.1.5.2. Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

E2.1.5.3. Has a Record of Such Impairment. Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

E2.1.5.4. Is Regarded as Having an Impairment. Has:

E2.1.5.4.1. A physical or mental impairment that does not substantially limit major life activities but is treated by an employer as constituting such a limitation;

E2.1.5.4.2. A physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment; or

E2.1.5.4.3. None of the impairments defined above but is treated by an employer as having such an impairment.

E2.1.6. Minorities. All persons classified as black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native.

E2.1.7. National Origin. A prohibited basis for discrimination. An individual's place or origin or his or her ancestor's place of origin or the possession of physical, cultural, or linguistic characteristics of a national origin group.

E2.1.8. Race. A prohibited basis for discrimination. For purposes of this Directive, all persons are classified as black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native, and White, as follows:

E2.1.8.1. Black (not of Hispanic origin). A person having origins in any of the black racial groups of Africa.

E2.1.8.2. Hispanic Origin. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race.

E2.1.8.3. Asian or Pacific Islander. A person having origin in any of the original peoples 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.

E2.1.8.4. 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.

E2.1.8.5. White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

E2.1.9. Religion. Traditional systems of religious belief and moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. The phrase "religious practice" as used in this Directive includes both religious observances and practices. DoD Components are expected to accommodate an employee's religious practices unless doing so causes undue hardship on the conduct of the DoD Component's business.

E2.1.10. Sexual Harassment. A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

E2.1.10.3. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

E2.1.11. Special Emphasis Programs (SEPs). Programs established as integral parts of the overall EEO program to enhance the employment, training, and advancement of a particular minority group, women, or people with disabilities.

E2.1.12. Standard-Setting Agencies. Non-DoD Federal Agencies authorized to establish Federal Government-wide EEO policy or program requirements. The term includes the EEOC; OPM; DoL, Office of Federal Contract Compliance Programs (OFCCP); and OMB.