



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, DC 20340-S100

DIAD 1020.000
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OPR: EO

DIA EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PROGRAM

References:

- (a) DIA Directive (DIAD) 1020.100, Diversity management, 7 Apr 05 (canceled)
- (b) DIAD 1020.200, Diversity Management and Equal Employment Opportunity (EEO), 3 May 05 (canceled)
- (c) (Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR))
- (d) Title VII Civil Rights Act of 1964, as amended
- (e) 29 Code of Federal Regulation (CFR), Part 1614
- (f) through (n), see Enclosure 1

1. Purpose.

1.1. This directive replaces references (a) and (b).

1.2. This directive implements references (c) through (n), which establishes and promotes the Agency's Equal Employment Opportunity (EEO) and Diversity policy, requirements, objectives and employment needs through an inclusive, affirmative program for workplace development and zero tolerance for unlawful forms of discrimination, harassment (bullying), and reprisal. It implements policy, assigns responsibilities, and establishes procedures to ensure that the Defense Intelligence Agency (DIA) EEO and Diversity Program meet the requirements of 29 CFR 1614.102 (reference (e) and (g)) to maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies.

1.3. This directive applies to all DIA centers, directorates, offices, and combatant command directorates of intelligence (hereafter referred to as DIA elements).

1.4. This directive applies to all DIA civilian employees and military personnel, applicants for employment, and former employees engaged in any form of complaint adjudication with the Agency in accordance with references (d), (h), (j) and (k).

2. Definitions - see enclosure 2.

3. Responsibilities.

3.1. The Director, DIA must:

3.1.1. Ensure that supervisors and managers are accountable for compliance with this directive and reference (h).

3.1.2. Provide the resources necessary to carry out the functions of this directive.

3.2. The Chief, Equal Opportunity and Diversity Office (EO) must:

3.2.1. Serve as the Agency EEO Officer and principal advisor to the Director, DIA on all matters concerning Agency military and civilian EEO and Diversity programs.

3.2.2. Represent DIA on Agency EEO and Diversity matters to appropriate federal agencies and organizations.

3.2.3. Issue implementing instructions, policy memoranda, final Agency decisions, and other guidance associated with this directive.

3.2.4. Lead Agency efforts to define and implement EEO and Diversity programs to support strategic objectives, plans and resource requirements.

3.2.5. Advise and assist DIA elements in the development, implementation, and evaluation of Agency subordinate EEO and Diversity programs.

3.2.6. Conduct Agency EEO and Diversity Program compliance oversight assessments and prepare assessment reports for federal and departmental authorities and DIA elements.

3.2.7. Provide prompt, thorough, and impartial processes to manage, adjudicate and resolve complaints of unlawful discrimination, harassment, sexual harassment, and/or reprisal.

3.2.8. Provide a prompt, consistent and equitable process to manage, adjudicate, and resolve requests for reasonable accommodation.

3.2.9. Facilitate and promote dispute resolution options to manage workplace conflict at the lowest level and in the most efficient and effective manner, per references (h), (k) and (n).

3.2.10. Provide programs to educate managers, supervisors and employees on the need for and value of diversity in the workplace, the nature and prevention of unlawful discrimination, and provision of reasonable accommodations in accordance with references (f), (l) and (n).

3.2.11. Establish and facilitate programs to advance the workplace development objectives of this directive. At minimum, workplace development programs must:

3.2.11.1. Assess workforce data and identify barriers in the areas of recruitment, hiring, promotions, career development, reasonable accommodation, and retention.

3.2.11.2. Inform managers, supervisors, and employees on issues of accessibility and reasonable accommodation of persons with disabilities.

3.2.11.3. Increase awareness of and emphasize issues affecting the employment of individuals within protected groups.

3.2.11.4. Facilitate Agency participation with Department of Defense (DoD) recognized, national-level EEO and Diversity bodies.

3.2.11.5. Provide consulting and advisory services to managers and supervisors in the development of succession and recruitment plans.

3.3. The Director, Office of Human Resources (OHR) must:

3.3.1. Ensure that OHR strategies, plans, and recruiting and staffing policies and procedures comply with federal laws and statutes and with this directive.

3.3.2. Establish professional development programs that embrace career progression and mobility for all DIA employees and which comply with federal laws and statutes and with this directive.

3.3.3. Assist managers and supervisors in succession and recruitment planning that comply with federal laws and statutes and with this directive.

3.4. The Director, Office of Training, Education and Development (TED) must:

3.4.1. Coordinate with EO to implement training programs in accordance with Equal Employment Opportunity Commission (EEOC), Department of Defense (DoD) and DIA guidance, to ensure a DIA workforce capable of effectively accomplishing assigned duties in an environment free from discriminatory practices.

3.4.2. Designate mandatory EEO courses in the DIA Advanced Global Intelligence Learning Environment (AGILE), as well as record other relevant data, to include time requirement (annual, bi-annual, etcetera), the EEO office as the office of primary responsibility (OPR) and course manager.

3.4.3. Coordinate with EO to execute completion of mandatory training courses and tracking DIA workforce compliance. Employees will be notified of the requirement to complete mandatory EEO training through AGILE generated e-mail notification, by way of individual employee AGILE accounts, or other means to inform the workforce of mandatory training requirements.

3.4.4. Work with EO to identify EEO training offered by an outside agency as "equivalent," having content on par with DIA's training, such that taking the outside agency course will satisfy the DIA EEO mandatory training requirement to reduce inefficiency and duplicative training. DIA employees often serve at external organizations where they are expected to satisfy the host organization mandatory training requirements.

3.5. Seniors, CCMD J2s, office chiefs, managers, and supervisors must:

3.5.1. Ensure that their organizations comply with DoD EEOC, Office of Personnel Management (OPM) guidance and with this directive.

3.5.2. Ensure that civilian and military supervisor performance appraisals include expectations supportive of this directive.

3.5.3. Monitor organizational policies, practices, and patterns to identify and correct:

3.5.3.1. Hostile and intimidating actions in the workplace.

3.5.3.2. Barriers restricting access or opportunities for recruitment, employment, advancement, rewards, development or training.

3.5.4. Ensure that vacancies are filled based on merit and qualifications, and without discrimination.

3.5.5. Ensure that prompt and appropriate inquiry and corrective action are undertaken in response to reports of inappropriate workplace conduct or comments; and against individuals responsible for unlawful discrimination, harassment, or reprisal.

3.5.6. Ensure that all personnel comply with mandatory EEO educational requirements.

4. Policy.

4.1. Equal employment opportunity and affirmative employment practices for workforce diversity are essential and vital to the accomplishment of DIA's intelligence mission.

4.2. Agency EEO and Diversity Program objectives will lead to a workforce in which participation rates at all grade levels and in every occupational series across the organization are commensurate with DoD, National Intelligence, EEOC, and OPM guidance.


4.3. DIA military and civilian employees will fully support Agency EEO and Diversity Program objectives.

4.4. Every employee is entitled to a non-hostile work environment free of discrimination or harassment of any kind.

4.5. All employment decisions such as hiring, promoting, training, and rewarding will be made exclusively on merit.

4.6. Disciplinary actions will be taken solely on the bases of employees' behavior and performance.

4.7. Discrimination of any kind based on race, color, religion, sex (including pregnancy (reference (m)) and gender identity), harassment (bullying), sexual harassment, national origin, age, disability, sexual orientation (reference (l)), reprisal, marital status, genetic information, political affiliation, and parental status is forbidden and subject to appropriate disciplinary action.


MICHAEL T. FLYNN
Lieutenant General, USA
Director

- Enclosures – 3
E1. References
E2. Definitions
E3. Complaint process

Enclosure 1

ADDITIONAL REFERENCES

- (f) 29 U.S.C. 791(b), Sections 501, 505 and 508 of the Rehabilitation Act (1973), as amended
- (g) Equal Employment Opportunity Commission Management Directives 715
- (h) EEOC ADR Policy Statement, dated 17 July 1995
- (i) DoD Directive 1440.1, The DoD Civilian Equal Employment Opportunity Program, 21 November 2003.
- (j) DoD Directive 1350.2, The Department of Defense Military Equal Opportunity Program, 18 August 1995.
- (k) DoD Directive 5145.5, Alternative Dispute Resolution (ADR), 22 April 1996.
- (l) DIAR 27-1, Sexual Orientation Discrimination, dated 16 June 2000 (canceled)
- (m) Pregnancy Discrimination Act (PDA) (1978)
- (n) Equal Employment Opportunity Commission Management Directives 110

DEFINITIONS

Affirmative Programs - DIA affirmative programs are focused on workplace development to ensure employee and applicant equal employment opportunity. To be effective, workplace development programs are designed to improve management decision-making across the employment life cycle. Included are activities like Strategic Plan Workplace Optimization Assessments, Special Recruitment Programs, Organizational Reporting, and Accession Planning.

Age Discrimination - A claim of discrimination based on age by an individual who is at least 40 years of age at the time of the alleged discriminatory act.

Barrier – Agency policy, principle, practice or condition that limits or tends to limit employment opportunities for members of a particular gender, race, or ethnic background; or for an individual (or individuals) based on disability status.

Discrimination - any action, failure to act, and/or reprisal, impermissibly based in whole or in part on a person's race, color, religion, sex, national origin, age, or physical or mental disability, that adversely affects an employee's/applicant's privileges, benefits, or working conditions; or results in disparate treatment or disparate impact on employees or applicants for employment.

Disability - A person with a disability is defined as one who has a physical or mental impairment which substantially limits one or more major life functions, e.g., walking, speaking, breathing, learning, etc.; one who has a record of such; or one who is regarded as having a disability. For the purpose of statistics, recruitment, and targeted goals, the numbers of employees in the workforce who have indicated having a disability are calculated from OPM's Standard Form (SF) 256. Qualified persons with disabilities are those who, with or without accommodation, can perform the essential elements of the job. Otherwise qualified applicants with disabilities may not be rejected for employment on the grounds that reasonable accommodation would have to be made.

Diversity - The specific and unique combination of characteristics that differentiates one person or group from another. Differentiation factors might include race, ethnicity, sexual orientation, physical and mental abilities, religious beliefs, gender, age, functional and educational backgrounds, tenure with the organization, lifestyle, culture, language, geographic origins, and more.

Employment Decision - Any decision affecting the terms and conditions of an individual's employment, including but not limited to hiring, promotion, demotion, disciplinary action, and termination.

Equal Opportunity Program - Federally-sanctioned program responsible for providing equal opportunity in the workplace for all persons, to prohibit discrimination because of race, color, religion, gender, national origin, age, and/or disability, and to promote the full realization of equal opportunity through a continuing affirmative program in each agency.

Hostile Work Environment - A hostile work environment is one where employees permit and/or encourage ridicule, abuse, insults, or derogatory comments directly or indirectly based on race, color, national origin, sex, sexual harassment, religion, age, disability, sexual orientation, reprisal, marital status, political affiliation, or parental status. It is further defined as an offensive or intimidating environment that unreasonably interferes with work performance or that otherwise adversely affects employment opportunities. Personal conversations that can be overheard by other employees who consider the conversation offensive can also create a hostile environment.

Mobility Impaired Support Team (MIST) – A group of individuals trained on emergency preparedness efforts, through the Response Management Office, who volunteer and are assigned to assist individuals with disabilities in the event of an emergency.

National Origin - National origin characteristics include family place of origin, as well as physical, educational, religious, cultural, or linguistic characteristics.

Pregnancy Discrimination – Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitute unlawful sex discrimination under Title VII of the Civil Rights Act of 1964. Women who are pregnant or affected by pregnancy-related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Reasonable Accommodation - Reasonable accommodation enables an individual with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability, and can include modifying job-related procedures, tasks or requirements (other than critical generic job tasks), adjusting the employee's work schedule, altering the physical work space, providing special equipment, providing readers for the visually impaired or interpreters for the hearing impaired, etc. Medical proof of disability is usually required when an employee requests an accommodation. The reasonableness of the accommodation and the creation of undue hardships are determined on a case-by-case basis.

Religious Discrimination - In defining religious discrimination, the United States Supreme Court held that religion is not limited to Orthodox or well recognized denominations; e.g., Catholic, Baptist, or Jewish. All that is required is a sincere and meaningful belief equivalent to the belief in God held by some traditionally recognized religions. Atheists are also protected. Religious discrimination can occur in two ways. The first is by treating employees or applicants for employment differently because of their religious beliefs. The second occurs when an employment rule or policy violates a fundamental belief, principle or practice of one's religion and management fails to provide an accommodation. Religious practices are not limited to worship, but may include attendance at meetings and retreats, or the wearing of certain attire.

Reprisal – Reprisal is a retaliatory action. Civil Rights laws classify as "reprisal" any discriminatory treatment of individuals because they are, or were, involved in a protected EEO activity, e.g., seeking or participating in EEO counseling, providing testimony in an EEO investigation or at an EEO hearing, filing a discrimination complaint, or speaking out against discriminatory activities. Acts of reprisal are prohibited by 29 CFR 1614.101. Discrimination

based on reprisal is prohibited by Title VII of the Civil Rights Act of 1964.

Sexual Orientation – Refers to the gender of those whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own gender (gay or lesbian), attraction to members of the other gender (heterosexuals), and attraction to members of both sexes (bisexual).

Sexual Harassment - Sexual harassment is a form of sex discrimination and is prohibited by Title VII of the Civil Rights Act of 1964. In 1980, the Equal Employment Opportunity Commission issued guidelines defining sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of three criteria are met:

- Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for employment decisions; or
- The conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may be verbal or physical and exhibited by a man to a woman, by a woman to a man, or within the same gender. Examples of behaviors which could constitute sexual harassment are touching, sexual innuendo, suggestive comments, threats, nude or sexual pictures, cartoons or calendars, etc.

Vicarious Employer Liability – When a supervisor witnesses, condones or ignores discriminatory or harassing behavior in the work place.

Overview of Federal Sector Complaint Processing Under 29 Code of Federal Regulations, Part 1614

