

NAVDENCENS DIEGO INST 12713.1
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15 Sep 1998

NAVDENCEN SAN DIEGO INSTRUCTION 12713.1

From: Commanding Officer, Naval Dental Center, San Diego

Subj: EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

Ref: (a) Executive Order 11478
(b) Public Law 92-261
(c) Public Law 93-259
(d) 29 CFR Part 1614
(e) Department of the Navy EEO Complaint Processing Manual
(f) 5 CFR Part 1201
(g) EEOC MD 110

Encl: (1) Alternative Dispute Resolution (ADR) Policy Statement
(2) Equal Employment Opportunity Complaint Process

1. Purpose. To communicate the commitment of the Naval Dental Center, San Diego, to the principles of Equal Employment Opportunity (EEO) Program in accordance with references (a) through (g).
2. Background. References (a) through (c) prohibit discrimination based on race, color, religion, sex, age, national origin, physical or mental handicap, and/or reprisal for prior EEO complaint involvement against any employee or applicant for employment with the Federal government. References (d) through (g) contain regulations and guidance for administering the EEO Program, and specific guidance for discrimination complaint processing and reporting procedures.
3. Policy. It is the policy of the Naval Dental Center, San Diego to ensure equal opportunity in employment, training, advancement and treatment of employees and applicants for employment regardless of race, color, religion, sex, national origin, age, handicapping condition or prior equal employment opportunity (EEO) complaint involvement.
4. Alternative Dispute Resolution. The Alternative Dispute Resolution Act of 1996 (Public Law 104-320) required agencies to examine the applicability of Alternative Dispute Resolution (ADR) to a broad range of administrative disputes. The Act defines ADR as any procedure used to resolve a controversy, generally with the assistance of a neutral third party through techniques such as a mediation, facilitation, arbitration, fact finding and mini-trials. Subsequently,

Department of Defense (DOD) directed the use of ADR techniques as an alternative to litigation or formal administrative proceedings whenever appropriate. The traditional discrimination complaint process, which is established by regulation, is outlined in Enclosure (1). The Alternative Dispute Resolution process, which was developed by the Labor Management Partnership Council and its ADR Working Group, is provided in Enclosure (2). The ADR process uses mediation to resolve disputes whenever management and complainants/grievants agree to the process. ADR encourages communication and emphasizes cooperation, and should be utilized whenever possible.

5. Responsibilities The EEO Program consists of functions and responsibilities necessary to make sure equality of employment exists for all persons regardless of race, color, religion, sex (including sexual harassment), national origin, age, handicap (physical or mental) or reprisal.

a. The Equal Employment Opportunity Officer (EEOO) is the Commanding Officer who will:

(1) Implement EEO policies per higher authority regulations and Federal law.

(2) Allocate resources and program administration to achieve Department of the Navy (DON) EEO objectives.

(3) Demonstrate a strong personal interest in support of DON EEO objectives.

(4) Ensure that a continuing EEO educational program, including training in the prevention of sexual harassment, is developed and implemented.

(5) Ensure that all department heads, supervisors and managers are fully supportive of, and are evaluated on their responsibilities for effectively executing EEO policies and programs, and resolving discrimination complaints.

(6) Ensure that disciplinary or other administrative corrective action is considered when individuals are found to have unlawfully discriminated.

(7) Make sure that the Deputy EEO Officer (DEEOO) is designated to serve as an advisor on all management boards and committees concerning policies, programs, and other matters relating to Civilian personnel. The Deputy EEO Officer may delegate to an on-site EEO Specialist as appropriate.

b. The Deputy EEOO is the principal program manager and technical advisor to the EEOO with lead staff responsibility for all formal EEO programs. The Deputy EEO Officer shall have direct access to the EEO Officer on all matters concerning the EEO Program. For discrimination complaints, the Deputy EEO Officer reports directly to the EEO Officer. The Deputy EEO Officer will:

(1) Participate in the development and review of present and proposed broad guidelines for activity policies affecting the civilian work force, including carrying out projects to resolve systemic EEO problems of broad scope and serving on ad hoc or regular committees and boards; make recommendations on merit staffing, recruitment, training, position management, and other personnel management policies.

(2) Support and encourage the use of Alternative Dispute Resolution (ADR) processes and ensure that the EEO staff is trained in ADR techniques.

(3) Coordinate the development of the Affirmative Employment Plan (AEP) and Federal Equal Opportunity Recruitment Program (FEORP). Assist department heads in development of departmental AEPs. Participate in the development of plans for recruitment, including those for special employment programs.

(4) Establish and maintain working relationships with community, minority, women's and handicapped persons' organizations.

(5) Monitor activity recruitment requests to keep abreast of staffing changes.

(6) Recommend, develop and/or present EEO training for supervisors, managers and employees.

(7) Participate in activity assessments of EEO and related programs.

(8) Supervise EEO Counselors, EEO Specialists and Staff in the execution of their EEO duties.

(9) Manage the discrimination complaint process.

(10) Serve as the activities class complaint EEO Counselor.

(11) Provide information and reports to higher authority.

c. EEO Counselors will:

(1) Advise employees, former employees and applicants for employment of their rights under the complaint process, enclosure (1).

(2) Conduct fact-finding inquiries which may include interviewing supervisors and employees, and reviewing information and records concerning allegations of discrimination. Inform all parties that the EEO Counselor is not an advocate for either side of the complaint and is an impartial fact finder.

(3) Facilitate resolution in allegations of discrimination at the informal stage.

(4) Advise complainant of the existence of Alternative Dispute Resolution (ADR) process and explain the benefits of utilizing the ADR process, enclosure (2).

(5) Withhold the name of the individual bringing the allegation of discrimination from all parties, if that individual elects to remain anonymous during the informal stage.

(6) Advise complainants of their right to file a formal complaint of discrimination if the matter cannot be resolved informally. Should a formal complaint be filed, prepare and submit a counseling report to the DEEOO.

d. Complainants will:

(1) Comply with the time limits and procedures specified in Discrimination Complaint Procedures.

(2) Provide information necessary to counsel informal allegations and to process a formal complaint when filed.

(3) Cooperate with EEO Program Officials, EEO Counselors, and EEO Investigators as required.

e. Human Resources Office will:

(1) Assist in the development and execution of aggressive AEPs for women, minorities and handicapped individuals as well as FEORP and Special Emphasis Programs. Coordinate the recruitment efforts in support of these programs.

(2) Ensure all policies, programs and decisions made relating to recruitment, hiring, promotions, reduction-in-force, and administration of personnel matters which impact the EEO Program are coordinated with the DEEOO.

(3) Effectively use delegated authorities and maintain adequate systems to collect data on personnel actions (e.g., appointments, merit staffing actions, recruitment, reductions-in-force, training, performance, appraisals and disciplinary actions) by race, ethnicity, sex and handicapping condition.

(4) Cooperate fully with EEO Counselors, EEO Investigators and Deputy EEO Officer in providing information and access to records as necessary.

(5) Provide management representation when requested.

(6) Retain records of personnel actions as required by regulations and Federal law.

f. Department Heads will:

(1) Ensure a workplace free from a hostile, discriminatory, and offensive environment, including sexual harassment, and take immediate steps to correct such situations should they occur.

(2) Ensure all military and civilian personnel fully cooperate with the DEEOO, Investigators and/or EEO Counselors in the attempted resolution of allegations of discrimination, both informal and formal.

(3) Ensure supervisors and managers are aware of their responsibilities under the EEO Program and are evaluated on how well they meet them.

g. Supervisors and Managers will:

(1) Ensure their actions are free from discrimination based on race, color, religion, sex (including sexual harassment), national origin, age, handicapping condition or reprisal due to prior involvement in EEO activity.

(2) Ensure a workplace free from a hostile or offensive environment, including sexual harassment. Take immediate steps to correct such situations should they occur.

(3) Monitor employee conduct and take corrective action, as required.

(4) Inform employees of discrimination complaint procedures.

(5) Cooperate with EEO Program officials, EEO Counselors and EEO Investigators in resolving both informal and formal allegations of discrimination and encourage employees to participate in EEO and Special Emphasis Program activities.

h. Employees will:

(1) Have a continuing responsibility to ensure that work and work-related activities are in keeping with the EEP Program and policies of the Naval Dental Center San Diego and cooperate with EEO officials, counselors and investigators.

(2) Bring to the attention of supervisors and managers practices which may be discriminatory because of race, color, religion, sex (including sexual harassment), national origin, age, handicapping condition, and/or reprisal for prior EEO involvement.

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(3) When interested, volunteer through the chain of command for EEO Program activities.

6. Applicability. This instruction is applicable to the Naval Dental Center, San Diego and its branch facilities.

D. D. WOOFER

Dist:
List 1, Case 1, 2

