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	U. S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: EEO - 1 Transmittal Number: 265 Date: 07/25/86

Subject: Equal Employment Opportunity

Approval: Ted D. Christensen | Title: Director

1. Purpose. This Directive is issued to provide policy direction and program guidelines for the Equal Employment Opportunity (EEO) Program within the Office of Surface Mining Reclamation and Enforcement (OSMRE). It sets forth the responsibilities for operating officials and EEO staff relating to the establishment and administration of EEO Program requirements called for by Federal laws, Executive Orders, Equal Employment Opportunity Commission (EEOC) regulations, and Departmental policies.

2. Definitions. See appendix.

3. Policy/Procedures.

a. Introduction.

(1) It is OSMRE policy to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, national origin, sex, age or condition of handicap, and to promote the full realization of equal employment opportunity through a continuing affirmative program.

(2) The goal of OSMRE is to establish an environment of equal opportunity, with Minority Group and women employees provided opportunity to be represented at all levels and in all segments of the workforce, including supervision and management.

(3) OSMRE managers and supervisors are accountable for the success or failure of the OSMRE EEO Program. Equal opportunity will be taken into account in the performance appraisals of managers and supervisors. Willful failure to comply with OSMRE policy on EEO matters can be grounds for disciplinary action, including termination of employment.

(4) OSMRE managers and supervisors are to review their day to day managerial decisions and actions in the light of EEO policy, with particular regard to avoiding adverse impact in the employment of Minority Group and women employees.

(5) Progress towards the accomplishment of OSMRE EEO program goals will be routinely monitored.

b. Responsibilities.

(1) The Director will exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative program designed to promote equal opportunity, and in ensuring that the policy of equal opportunity applies to and is an integral part of every aspect of OSMRE policy and practice in the employment, development, advancement, and treatment of employees. The Director will designate an OSMRE Equal Opportunity Officer; and, will ensure that sufficient resources are provided to administer the EEO Program on an agency-wide basis in a positive and effective manner.

(2) The OSMRE Equal Opportunity Officer: serves as the principal advisor to the Director with respect to policies, plans, procedures, regulations, and reports relating to EEO requirements established by Federal laws, Executive Orders, EEOC directives, and Departmental policies; will identify levels of underrepresentation by gender for each race/national origin group in the OSMRE workforce, and undertake vigorous affirmative action measures to overcome any underrepresentation--including, directing the preparation of OSMRE affirmative action program plans; will develop, and direct the implementation and maintenance of the reporting systems needed to satisfy requirements established by the EEOC, the Department and OSMRE program needs; will provide direction and guidance to operating officials and staff responsible for EEO program functions and activities; will oversee the OSMRE special emphasis activities for women and Hispanic employment; will make sure principal and operating officials responsible for carrying out the EEO Program meet established qualification requirements; will periodically evaluate the sufficiency of the total EEO Program within OSMRE and report the findings to the Director, along with applicable recommendations for correction; will suggest changes in OSMRE programs and procedures, to eliminate discriminatory practices and to improve EEO program efforts; and, will implement and maintain the OSMRE administrative remedy system for the resolution of allegations of discrimination.

(3) The OSMRE Personnel Officer, in conjunction with the OSMRE Equal Opportunity Officer, will identify and eliminate barriers that deny Minority Group members and women an equal opportunity to be represented in applicant pools; or, which adversely impact the employability and/or upward mobility of Minority Group and women employees within OSMRE.

(5) In conjunction with functional guidance from the OSMRE Equal Opportunity Officer, the Field Equal Opportunity Officers will: provide guidance, advise and make recommendations to the Assistant Directors, Eastern Field Operations and Western Field Operations respectively, installation heads and other managers and supervisors; direct external outreach and internal movement activities in support of OSMRE Affirmative Action Program objectives; provide leadership to OSMRE field Hispanic Employment Program and Federal Women's Program activities; monitor and provide policy and technical guidance in the day to day activity of the field collateral-duty EEO Counselors; and, assist in the informal resolution of complaints of discrimination.

(6) Staff Officers Reporting to the Director, Installation Heads in the field and Division Chiefs in Headquarters are accountable to their respective Assistant or Deputy Director for the implementation and administration of EEO Program activities within their installations or units.

(7) All managers and supervisors will make employment decisions in a manner which does not discriminate on the basis of race, color, religion, national origin, sex, age or condition of handicap. In formulating procedures or implementing personnel actions affecting groups of employees, for example -- reductions-in-force, transfers, reassignments, etc., OSMRE managers will document the extent to which the impact of the actions disproportionately affect Minority Group and women employees; and, the actions taken to avoid or minimize any disproportionate impact.

4. Reporting Requirements: None.

5. References.

a. For legislated EEO requirements relating to Federal employment, see:

(1) Public Law 92-261, dated March 24, 1972, referred to as "The EEO Act of 1972."
(2) Public Law 93-259, dated April 9, 1974, referred to as "The Age Discrimination in Employment Act."
(3) Public Law 95-454, dated October 13, 1978, referred to as "The Civil Service Reform Act of 1978."

b. For Presidentially proclaimed EEO requirements relating to Federal employment, see:

(1) Executive Order 11478, dated August 8, 1969.
(2) Executive Order 11590, dated April 23, 1971.

c. For Equal Employment Opportunity Commission regulations relating to Federal employment, see 29 CFR 1613, "Equal Employment Opportunity in the Federal Government."

6. Effect on Other Documents: Supersedes Directive EEO-1, dated November 17, 1982.

7. Effective Date: Upon issuance.

8. Contact: OSMRE Equal Opportunity Staff, (202) 343-3471.

Appendix

Definitions

a. Adverse Impact. A substantially different rate of selection in hiring, promotion, retention, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group. Adverse impact in selection procedures is defined as a situation where one or more class groups fail to achieve a selection rate of at least 80% of the rate of the class group with the highest percentage of selection. If not justified by business necessity, procedures which create an adverse impact for one or more class groups discriminate illegally.

b. Category of Employment. Such groupings of Federal jobs by grades and/or occupations as deemed appropriate by the EEOC.

c. Class Group. Individuals of similar race, ethnic and sex background; ie,- Black men, Hispanic women, etc.

d. Discrimination. An employment decision which adversely affects an applicant, employee or former employee based solely on that person's race, color, religion, national origin, sex, age or condition of handicap.

e. Employment Decision. These include but are not limited to hiring, promotion, demotion, referral and retention. Other selection decisions, such as selection for training or transfer, also may be considered employment decisions if they lead to the decisions listed in the previous sentence.

f. Race, Sex or Ethnic Group. Any group of persons identifiable on the grounds of race, color, religion, national origin or sex. In this Directive, the term "Minority Group" applies to all Black, Hispanic, Asian-Pacific Islander, and Native American/American Indian men and women. In this Directive, the term "women" applies to women of all races, colors, religions, and national origins.

g. Underrepresentation. A situation in which the number of Minority Group or women employees within a category of employment constitutes a lower percentage of the total number of employees within the employment category than the percentage of Minority Group members or women constitutes within the Civilian Labor Force of the United States.