

EQUAL EMPLOYMENT OPPORTUNITY

1. REASON FOR ISSUE: This Veterans Health Administration (VHA) directive establishes policy to provide equal employment opportunity (EEO) to all VHA employees and applicants for employment without discrimination, including workplace harassment, based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age (over 40), disability, genetic information, marital or parental status, or political affiliation. This directive also prohibits retaliation for opposing discriminatory practices or for participating in the discrimination-complaint process. This directive applies to all terms and conditions of employment, including recruitment, hiring, promotions, transfers, reassignments, training, career development, the provision of benefits and separation.

2. SUMMARY OF MAJOR CHANGES: Major changes to this VHA directive include:

- a. Adding new lines of authority and responsibility (see paragraph 5).
- b. Additional information about EEO Program Manager responsibility (see paragraph 5).
- c. Addition of Appendix A describing additional duties for an EEO Manager.

3. RELATED ISSUES: None.

4. RESPONSIBLE OFFICE: The Chief Officer, Workforce Management and Consulting (106A) and Director, Equal Employment Opportunity (EEO)/Affirmative Employment Office (106A5) are responsible for the content of this directive. Questions may be directed to 202-632-7611.

5. RESCISSIONS: VHA Directive 1124, Equal Employment Opportunity Policy, dated February 6, 2015, and VHA Directive 2009-067, Veteran's Health Administration (VHA) Equal Employment Opportunity (EEO) Program Manager Position, dated December 9, 2009, are rescinded.

6. RECERTIFICATION: This VHA directive is scheduled for recertification on or before the last working day of (August 31, 2026). This VHA directive will continue to serve as national VHA policy until it is recertified or rescinded.

August 12, 2021

VHA DIRECTIVE 1124

**BY DIRECTION OF THE OFFICE OF
THE UNDER SECRETARY FOR HEALTH:**

/s/ Steven L. Lieberman, MD, MBA
Deputy to the Deputy Under Secretary for
Health
Performing the Delegable Duties of the
Under Secretary for Health

NOTE: *All references herein to VA and VHA documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.*

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MANAGERA-1

EQUAL EMPLOYMENT OPPORTUNITY

1. PURPOSE

This Veterans Health Administration (VHA) directive institutes standards to prohibit and not tolerate discrimination; including workplace harassment, based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age (over 40), disability, genetic information, marital/parental status, political affiliation or retaliation for opposing discriminatory practices or participating in the discrimination-complaint process. This directive applies to all terms and conditions of employment, including recruitment, hiring, promotion, transfer, reassignment, training, career development, the provision of benefits and separation.

AUTHORITY: 38 U.S.C. §§ 516, 7301(b); 29 C.F.R. § 1614.102.

2. BACKGROUND

a. VHA is committed to ensuring equal employment opportunity (EEO), resolving workplace disputes at the lowest possible level and promoting diversity and inclusion to maintain a high performing workforce in service to our Nation's Veterans. VHA will enforce all applicable Federal EEO laws, Executive Orders and management directives to ensure equal opportunity in the workplace for all VHA employees, applicants and former employees.

b. On November 21, 1997, P.L. 105-114, the Veterans Benefits Act of 1997, was enacted. Title I entitled, "The Equal Opportunity Process in the Department of Veterans Affairs (VA)," established the Office of Resolution Management (ORM), which became operational on February 22, 1998. **NOTE:** *ORM is now referred to as the Office of Resolution Management, Diversity & Inclusion (ORMDI).*

c. With the establishment of ORM, VA medical facility Directors were relieved of their responsibility for serving as EEO Officers for the specific purpose of processing locally filed complaints of discrimination. VA medical facility Directors retain accountability for eliminating discriminatory policies and practices and maintaining a discrimination-free workplace by adhering to established Departmental policy. As past scrutiny by Congress has demonstrated, it is important that VA medical facility Directors are aware of potential problems as soon as possible, therefore, EEO managers serve as principal advisors to VA medical facility Directors and top management at the local level.

d. The only function VA medical facility Directors have been relieved of in the operation of the EEO program is the administrative component of EEO Discrimination Complaints processing.

e. The Department of Veterans Affairs (VA) ORMDI is responsible for administering an impartial and effective complaint processing service to receive, investigate and resolve, if possible, complaints of employment discrimination at the earliest possible stage.

f. Prohibiting discrimination is a collective effort at all levels of the organization, and all VHA supervisors (e.g., VHA Chief Officers, Veterans Integrated Services Network (VISN) Directors, VA medical facility Directors, VA medical facility Service Chiefs) must ensure the prohibition of discrimination based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age (over 40), disability, genetic information, marital/parental status, political affiliation, and retaliation for opposing discriminatory practices or for participating in the discrimination-complaint process.

g. The regulations governing the Federal EEO complaint process are found in 29 C.F.R. part 1614. Allegations by a VA employee of discrimination or harassment may be reported to anyone in the supervisory chain, their immediate supervisor, the EEO Program Manager, Human Resources Management Service, or union representative. However, pursuant to 29 C.F.R. § 1614.105(a)(1), any person who believes they have been the subject of an incident of discrimination or workplace harassment in violation of this directive, must contact an ORMDI EEO Counselor in person, by phone or in writing within 45 calendar days of the date of the alleged discrimination. **NOTE:** For further information, see VA Directive 5979, *Harassment Prevention Policy*, dated December 8, 2020.

3. DEFINITIONS

a. **Alternative Dispute Resolution Program.** Alternative dispute resolution (ADR) is any procedure or combination of procedures elected by parties to informally resolve issues in controversy, without litigation. These procedures include, but are not limited to, assisted settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials, arbitration or any other procedure that requires an impartial advisor or neutral third party.

b. **Discrimination.** Discrimination refers to unlawful treatment of and behavior towards individuals and groups of individuals based on one or more EEO protected characteristics, as defined in this directive.

c. **Genetic Information.** Genetic information refers to an individual's genetic tests, genetic tests of an individual's family members, and an individual's family medical history which may be used to determine whether an individual is at risk of acquiring a disease, disorder or condition in the future. Genetic information also includes requests for or receipt of genetic services by an individual or their family member, and participation in clinical research that includes genetic services. **NOTE:** Family member means, with respect to an individual (a) a dependent, and (b) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual who is a covered employee. See 42 U.S.C. § 2000ff(4).

d. **Harassment.** Harassment is unlawful, unwelcome conduct based on race, color, sex (including gender identity, transgender status, sexual orientation and pregnancy), religion, national origin, disability or age (over 40) when:

(1) The conduct is a condition of the individual's employment.

(2) Employment decisions are based on whether the employee accepts or rejects such conduct.

(3) The conduct can unreasonably interfere with an individual's work performance or create an intimidating, hostile, abusive or offensive work environment.

e. **Hostile Work Environment.** A hostile work environment is created when conduct or comments based on one or more EEO protected characteristics, unreasonably interferes with an individual's work performance, creating an intimidating, hostile, abusive or offensive work environment. Examples include but are not limited to offensive jokes, inappropriate language and remarks, slurs, teasing, rude or obnoxious behavior, pranks, displays of offensive objects or pictures and other repeated behaviors, unacceptable in any VA professional work environment. **NOTE:** *The victim does not have to be the person directly harassed. Anyone who observes and is offended by the conduct is encouraged to report it to a management official.*

f. **Sexual Harassment.** Sexual harassment is a form of discrimination based on sex. It includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: the submission to advances is an expressed or implied condition for receiving job benefits; the refusal of advances results in a tangible employment action; or, a reasonable person would find the conduct frequent or severe enough to create an intimidating, hostile or offensive working environment. Sexual harassment is not limited to explicit demands for sexual favors. It also may include actions such as:

(1) Sexually oriented verbal kidding, teasing or jokes.

(2) Repeated sexual flirtations, advances or propositions.

(3) Continued or repeated verbal abuse of a sexual nature.

(4) Graphic or degrading comments about an individual or the individual's appearance.

(5) The display of sexually suggestive objects or pictures.

(6) Stalking, repeated pressure for dates and subtle pressure for sexual activity.

(7) Physical contact such as hugging, pinching, brushing against another's body or unwelcome patting.

(8) Harassment based on sex (gender) includes behavior and comments of a non-sexual nature based on a person's sex (gender).

(9) The alleged harasser may be a direct or indirect supervisor, co-worker or non-employee.

(10) Management officials who participate in, condone or become aware of sexual harassment and do not take immediate action to address the situation are subject to disciplinary action.

g. **Status as a Parent.** Status as a parent refers to an individual who, with respect to an individual who is under the age of 18 or 18 or older but incapable of self-care because of a physical or mental disability, is a biological parent, an adoptive parent, a foster parent, a stepparent, a custodian of a legal ward, in loco parentis over such individual, or actively seeking legal custody or adoption of such an individual.

4. POLICY

It is VHA policy to provide EEO to all employees and applicants for employment and to prohibit discrimination, including workplace harassment, based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age, disability, genetic information, marital or parental status, political affiliation, or retaliation for opposing discriminatory practices or for participating in the discrimination complaint process.

5. RESPONSIBILITIES

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for ensuring overall VHA compliance with this directive.

b. **Deputy Under Secretary for Health.** The Deputy Under Secretary for Health is responsible for supporting program offices with implementation and oversight of this directive.

c. **Assistant Under Secretary for Health for Operations.** The Assistant Under Secretary for Health for Operations is responsible for:

(1) Communicating the contents of this directive to each of the Veterans Integrated Services Networks (VISNs).

(2) Assisting VISN Directors to resolve implementation and compliance challenges in all VA medical facilities within that VISN.

(3) Providing oversight of VISNs to assure compliance with this directive, relevant standards and applicable regulations.

d. **Chief Officer, Workforce Management and Consulting.** The Chief Officer, Workforce Management and Consulting (WMC) is responsible for providing oversight for VHA compliance with this directive and ensuring corrective action in the event of non-compliance.

e. **Director, Equal Employment Opportunity and Affirmative Employment Office.** The Director, EEO and Affirmative Employment Office is responsible for:

(1) Providing sound and authoritative technical advice and guidance to VHA Central Office program offices, VISN Directors and VA medical facility Directors in the area of EEO and affirmative employment to ensure compliance with this directive.

(2) Analyzing and recommending solutions, priorities and providing direction to achieve optimal results for the organization.

(3) Coordinating, providing and conducting training and consultation for EEO Program Managers in the area of EEO, affirmative employment, external civil rights programs, ADR and diversity management. **NOTE:** For more information, see VA Directive 5979, Harassment Prevention Policy, dated December 8, 2020, and policies addressing external discrimination complaint programs: VHA Directive 1019, Non-Discrimination in Federally-conducted and Federally-Assisted (External) Programs, dated May 23, 2013, and VHA Directive 1018, Non-discrimination in Federally-conducted Education and Training Programs, dated May 20, 2013.

f. **Equal Employment Opportunity Program Manager.** EEO Program Managers serve as liaisons for the VA medical facility Director, VHA Central Office staff and ORMDI. They are responsible for:

(1) Ensuring this directive is included in new employee and supervisory orientations, manuals, newsletters and regular personnel communications.

(2) Ensuring training on the EEO complaint process, prohibition of discrimination and harassment in the workplace and other EEO topics is provided during new employee orientation to all employees within 90 days of hire.

(3) Notifying employees and applicants who believe they have been subjected to discrimination based on workplace harassment, of their right to seek:

(a) Assistance under certain circumstances from the Merit Systems Protection Board (MSPB), Office of Special Counsel (OSC), the Agency's Negotiated Grievance Procedure or the Agency's Administrative Grievance Procedure.

(b) Assistance from ORMDI to file an EEO complaint by contacting an EEO counselor within 45 calendar days of the date of the incident or alleged act(s).

(4) Coordinating a prompt, thorough and impartial inquiry into all workplace harassment allegations.

(5) Promoting a positive, continuing affirmative employment program designed to eradicate barriers to employment for minorities, women, individuals with disabilities and disabled Veterans.

(6) Maintaining an effective diversity management program, including partnering with stakeholders to maximize diversity and inclusion in agency strategic plans, internship, and advancement programs, and other efforts to promote workplace equity and employee satisfaction.

(7) Making the following programs an integral part of the total EEO Program: Federal Women's program, the Hispanic Employment program, the African American (Black Employment) program, the American Indian and Alaskan Native program, the Asian American-Pacific Islander program, the People with Disabilities Employment program and the Lesbian, Gay, Bi-Sexual and Transgender (LGBT) program. **NOTE:** For more information, see VA Handbook 5975.5, *Special Emphasis Program Management*, dated December 28, 2017.

(8) Developing and ensuring the ADR Program meets the following core principles set forth in EEOC MD-110, Appendix H, EEO Counselor's Report: Fairness (comprising of: Voluntariness, Neutrality, Confidentiality and Enforceability), Flexibility, Training and Evaluation.

(9) Promoting the use of ADR to resolve EEO informal and formal complaints and non-EEO workplace disputes, at the earliest possible stages.

(10) Becoming a trained and certified National Facilitator for the EEO National Training Program for Managers and Supervisors.

(11) Conducting EEO training, including communication in a diverse workplace, the discrimination complaint process, the prevention of workplace harassment (including sexual harassment), and reasonable accommodation for all managers and supervisors.

(12) Conducting studies and analyses on the utilization of minorities and women in the workplace, identifying obstacles and outlining solutions to identified problems.

(13) Compiling and analyzing data to evaluate progress of the EEO Program. Identifying organizational and occupational areas needing improvements and developing alternatives to resolve problems.

(14) Conducting analyses of the workforce by race, ethnicity and sex in relation to factors of employment including, application and selection, grade levels, occupations, awards, promotions, salaries, career opportunities and separations, etc., and ensuring equity in all policies and practices affecting employment.

(15) Providing assistance to ORM Field Managers, ORM Intake Specialists, Investigators, EEO Counselors, Equal Employment Opportunity Commission (EEOC) Administrative Judges, Staff Attorneys from the Office of General Counsel, Regional Counsel and District Council and VHA Central Office EEO staff. **NOTE:** In accordance with EEOC Directive MD-110, the EEO manager must not serve as the agency representative during EEOC hearings. Examples of assistance provided include:

(a) Responding to EEO Counselor and Investigator document requests and related needs within specified timeframes.

(b) Contacting witnesses and management officials to assist with resolving EEO complaints at the lowest level.

(c) Coordinating and monitoring compliance with settlement agreements and orders (i.e., hearings and appeals).

(d) Facilitating ADR services on behalf of VHA Central Office program offices, VISNs and VA medical facilities.

(16) Identifying program goals and assuring equity in all policies and practices affecting employment based on all EEO protected characteristics.

g. **Alternative Dispute Resolution Program Manager.** ADR Program Managers at the VISN, VA medical facility, and VHA Central Office levels are responsible for:

(1) Coordinating and maintaining an effective ADR program.

(2) Ensuring ADR awareness training and program information is provided to all employees (see paragraph 6). **NOTE:** *For detailed information and further responsibilities of an ADR Program Manager, see VA Directive 5978, Alternative Dispute Resolution, dated February 7, 2013.*

h. **Veterans Integrated Services Network Director.** The VISN Director is responsible for:

(1) Ensuring that sufficient resources are assigned to carry out responsibilities listed in this directive within the VISN.

(2) Ensuring that all VA medical facilities within the VISN comply with this directive and informing leadership when barriers to compliance are identified.

i. **VA Medical Facility Director.** The VA medical facility Director is responsible for:

(1) Ensuring all provisions of this directive are implemented and enforced throughout their VA medical facilities.

(2) Appointing an EEO Program Manager to serve as principal advisor regarding EEO matters.

(3) Ensuring the EEO Program Manager and staff have the authority to control and maintain a continuing affirmative employment program, to promote EEO, and identify and eliminate discriminatory policies, procedures and practices as required under 29 C.F.R. § 1614.102(c)(1)(3).

(4) Ensuring EEO staff, managers, and supervisors are adequately performing and evaluated on their responsibilities under this directive.

(5) Approving VA medical facility EEO settlement agreements negotiated through ADR and ensuring compliance with the terms of settlement.

(6) Designating an ADR Program Manager on a full-time, part-time or collateral duty basis, and ensuring the ADR Manager has the necessary resources to maintain an effective ADR program. **NOTE:** For detailed information on the ADR Program, see VA Directive 5978.

(7) Resolving workplace disputes at the earliest possible stages. This may include ADR or other informal dispute resolution techniques.

(8) Ensuring full cooperation by all staff members with investigations of EEO complaints.

(9) Ensuring any employment action taken by individuals under their supervision is in full compliance with EEO laws and regulations and VHA and VA EEO policies prohibiting discrimination and retaliation against employees.

(10) Ensuring VA medical facility employees are provided with a workplace free of discrimination and harassment.

(11) Encouraging employees to embrace the principles of equity, diversity and inclusion to deliver the best health care and services to Veterans.

(12) Ensuring the EEO Program Manager is trained in Federal EEO regulations and in mediation. **NOTE:** An example of the expected duties and knowledge for EEO Program Managers is found in Appendix A.

(13) Ensuring the Lead EEO manager for their VISN is notified whenever an EEO manager is appointed.

(14) Assisting in the complaint process to resolve allegations during the informal stage, and to resolve formal complaints of discrimination.

(15) Maintaining an effective diversity management program.

j. **VHA Executive Leaders.** VHA Executive Leaders at all levels of the organization, are responsible for ensuring all managers and supervisors under their jurisdiction fully support, comply with and understand their responsibilities under this directive.

k. **VHA Supervisors.** VHA supervisors at all levels of the organization have the responsibility of eliminating discriminatory conduct, not allowing this behavior to permeate the work environment, and maintaining a safe, high performing work atmosphere for all employees and the Veterans we serve. Supervisors are also responsible for:

(1) Ensuring all managerial actions are equitable and free from personal biases, including, hires, promotions, disciplinary actions, assignments, developmental opportunities and internal processes.

(2) Ensuring they do not interfere with employees' use of the EEO complaint process.

(3) Completing VA and VHA required EEO supervisory training.

(4) Ensuring their employees complete required EEO training, including the Prevention of Workplace Harassment/No FEAR Act refresher training every 2 years.

NOTE: For additional information, see

<http://vaww.va.gov/ORM/EEOcomplaintresources.asp>. This is an internal VA website which is not available to the public. VA requires all employees, including supervisors take mandatory training concerning prohibition of discrimination in the workplace.

(5) Prohibiting discrimination based on status as a parent. This includes:

(a) Notifying applicants or employees who believe they have been subjected to discrimination based on their status as a parent that they may seek assistance from ORMDI. **NOTE:** For additional information see Executive Order 11352, Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government, May 2, 2000.

(b) Ensuring a person's status as a parent is not the basis for the denial of a job, promotion or any employment action.

(6) Prohibiting discrimination based on sexual orientation. The Equal Employment Opportunity Commission (EEOC) has held that discrimination against an individual because that person is transgender (also known as gender identity discrimination) and claims by lesbian, gay and bisexual individuals alleging sex-stereotyping states a claim of discrimination based on sex; and, therefore covered under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. Supervisors must notify employees and applicants believing they have been discriminated against based on sexual orientation, to contact the EEO office or an ORMDI EEO counselor for more information.

(7) Prohibiting sexual harassment by responding to allegations and taking actions to resolve harassment claims as early as possible. Supervisors must emphasize to employees the importance of informing an alleged harasser directly that the conduct is unwelcome and must stop as soon as possible to prevent further escalation.

(8) Assessing the situation immediately when they have observed or are notified of harassing conduct and consulting with their local Harassment Prevention Coordinator or the Harassment Prevention Program Coordinator within ORMDI

(9) Providing reasonable accommodations to employees on the basis of disability in accordance with VA Directive 5975, Diversity and Inclusion, dated March 29, 2013, and VA Handbook 5975.1, Processing Requests for Reasonable Accommodation for Employees and Applicants with Disabilities, dated November 27, 2013.

(10) Providing religious accommodations to employees to the maximum extent possible, barring undue hardship. **NOTE:** For additional information, See VA's Message

from the Secretary: *The Equal Employment Opportunity, Diversity and Inclusion, No FEAR and Whistleblower Rights and Protection Policy Statement*, at https://www.diversity.va.gov/policy/files/EEO_Policy_Statement.pdf, dated March 15, 2021 and VA's *Message from the Secretary: Religious Exercise and Liberty in the Workplace*, at https://www.diversity.va.gov/policy/files/religious_faqs.docx, dated December 2019.

(11) Prohibiting discrimination for employment based on protected genetic information, or information about a request for, or the receipt of, genetic services by notifying employees and applicants who believe they have been subjected to discrimination based on genetics, of their right to:

(a) Seek assistance under certain circumstances from the (Merit System Protection Board/Office of Special Counsel (MSPB), OSC, the Agency's Negotiated Grievance Procedure or Administrative Grievance Procedure.

(b) Initiate an EEO complaint with the ORMDI under Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq.

NOTE: *Maintaining protected genetic information or information about a request for, or the receipt of, genetic services in general personnel files is prohibited; such information must be treated as confidential medical records and kept separate from personnel files.*

6. TRAINING

The following training is **required**:

a. **EEO Supervisor Training.** All managers and supervisors must complete VHA mandatory training on their EEO responsibilities including the EEO complaint process, Reasonable Accommodation procedures, anti-harassment policy and communication skills for managing a diverse workforce.

b. All trainings mandated by VA specific to Federal Equal Employment Opportunity (EEO) Laws/Workplace Harassment/NO FEAR Act must be completed.

7. RECORDS MANAGEMENT

All records regardless of format (e.g., paper, electronic, electronic systems) created by this directive must be managed as required by the National Archives and Records Administration (NARA) approved records schedules found in VHA Records Control Schedule 10-1. Questions regarding any aspect of records management should be addressed to the appropriate Records Officer.

8. REFERENCES

a. P.L. 105-114.

- b. 38 U.S.C. § 516.
- c. 38 U.S.C. § 7301(b).
- d. 42 U.S.C. § 2000e et seq.
- e. 42 U.S.C. § 2000ff et seq.
- f. 29 C.F.R. § 1614.102.
- g. VA Directive 5975, Diversity and Inclusion, dated March 29, 2013.
- h. VA Directive 5978, Alternative Dispute Resolution, dated February 7, 2013.
- i. VA Directive 5979, Harassment Prevention Policy, dated December 8, 2020.
- j. VA Handbook 5975.1, Processing Requests for Reasonable Accommodation from Employees and Applicants with Disabilities, dated November 27, 2013.
- k. VA Handbook 5975.5, Special Emphasis Program Management, dated December 28, 2017.
- l. VHA Directive 1018, Nondiscrimination in Federally-conducted Education and Training Programs, dated May 20, 2013.
- m. VHA Directive 1019, Nondiscrimination in Federally-conducted and Federally-assisted (External) Programs, dated May 23, 2013.
- n. Executive Order 11478, Equal Employment Opportunity in the Federal Government, August 8, 1969.
- o. Executive Order 13152, Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Employment, May 5, 2000.
- p. VA Secretary's Equal Employment Opportunity, Diversity and Inclusion, NO FEAR and Whistleblower Rights and Protection Policy Statement, dated March 15, 2021, available at: <http://www.diversity.va.gov/policy/statement.aspx>.
- q. EEO MD-110, Equal Employment Opportunity Management Directive, Federal Sector Complaint Processing Manual, as revised, August 5, 2015, available at: <https://www.eeoc.gov/federal-sector/management-directive/management-directive-110>.
- r. EEO MD-715. Equal Employment Opportunity Management Directive, Reporting Requirements for Federal Agencies, available at: <https://www.eeoc.gov/federal-sector/management-directive/regulations-directives-guidance-and-resource-documents>.

ADDITIONAL DUTIES OF EQUAL EMPLOYMENT OPPORTUNITY PROGRAM MANAGER

The incumbent serves as the principal advisor in the area of Equal Employment Opportunity (EEO), Affirmative Employment, the Civil Rights External Programs, Alternative Dispute Resolution (ADR) and Diversity Management for the Department of Veterans Affairs (VA) medical facility Director, program office executives, supervisors and employees. The incumbent is responsible to the VA medical facility Director or VA Program Office Director for the development, and administration of the EEO program, evaluation, and advisory functions. This position requires knowledge of Federal EEO regulations and principles, as well as personnel administration compliance and enforcement skills, administrative, management and consulting skills and knowledge of Federal personnel administration. **NOTE:** *This individual must not be an employee of the Human Resources Staff.* In addition to the responsibilities listed in paragraph 5.f. in the body of the directive, the EEO manager undertakes the following:

1. Serving as a technical expert for processing the following federally conducted external complaints in accordance with agency policy; these complaints are not processed by ORM:

a. Section 504 of the Rehabilitation Act of 1973 (P.L.) 93-112), prohibiting discrimination on the basis of disability in federally conducted programs or activities and recipients receiving Federal financial assistance.

b. Age Discrimination Act of 1975 (42 U.S.C.) § 6101 et seq.), prohibiting age discrimination by any program or activity.

c. Executive Order 13166, Limited English Proficiency (August 11, 2000), prohibiting access to services to individuals with limited English.

2. Assisting VHA Central Office Staff with processing the following complaints:

a. Educational Amendments of 1972 (P.L. 92-318) Title IX, prohibiting discrimination on the basis of sex in education programs or activities that receive Federal financial assistance.

b. Title VI of Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq), prohibiting discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from VA.

c. Executive Order 13160, Federal Coordination and Compliance (June 23, 2000) prohibiting discrimination on the basis of race, sex, color, national origin, disability, religion, age (over 40), sexual orientation, and status as a parent in Federally Assisted Education and Training Programs.