

DIVERSITY AND INCLUSION

1. **REASON FOR ISSUE:** To update Department of Veterans Affairs (VA) Directive 5975, Diversity and Inclusion, based on applicable laws, regulations and directives.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This Directive updates policies, program requirements and responsibilities for VA's Diversity and Inclusion programs, including building a model Equal Employment Opportunity (EEO) program that integrates Affirmative Employment, Special Emphasis, Reasonable Accommodation and Religious Accommodation. The major changes include the following:
 - a. Update the title of the VA office responsible for this Directive and position titles of responsible officials, so named during organizational restructuring.
 - b. Update VA's Diversity and Inclusion policy and programs to include the policies, requirements and responsibilities for the implementation, management and oversight of the Section 504 Program under the Rehabilitation Act of 1973, as amended.
 - c. Clarify the roles and responsibilities of Administrations and Staff Office officials and their respective EEO or Diversity and Inclusion Offices and the National VA Chaplain Service.
 - d. Establish new programs and initiatives to address emerging Diversity and Inclusion issues including, but not limited to, the Harassment Prevention Program.
3. **RESPONSIBLE OFFICE:** VA Office of Resolution Management, Diversity and Inclusion (08).
4. **RELATED HANDBOOKS:** VA Handbook 5011, Hours of Duty and Leave; VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services from Employees and Applicants with Disabilities; VA Handbook 5975.2, Equal Employment Opportunity, Diversity and Inclusion Technical Assistance Reviews; VA Handbook 5975.3, Guidance on Equal Employment Opportunity Commission's Management Directive 715 and Barrier Analysis; VA Handbook 5975.4, Transgender Employee Transition Guidance; VA Handbook 5975.5, Special Emphasis Program Management; and VA Handbook 5975.6, Compliance Procedures Implementing Section 504 of the Rehabilitation Act of 1973, as amended – Nondiscrimination Based on Disability in Federally Conducted Programs or Activities.

5. **RESCISSION:** VA Directive 5975, Diversity and Inclusion, dated March 29, 2013.

CERTIFIED BY:

**BY THE DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

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DIVERSITY AND INCLUSION

1. PURPOSE. This Directive establishes the Department of Veterans Affairs' (Department or VA) policy, program requirements and coordinated responsibilities for workforce Diversity and Inclusion in accordance with (1) Executive Order (EO) 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," (2) the Government-wide Diversity and Inclusion Strategic Plan, (3) the VA Diversity and Inclusion Strategic Plan and (4) applicable EEO laws, regulations and directives. VA's Diversity and Inclusion goals are to: (1) build a diverse, high performing workforce that reflects all segments of society, (2) cultivate a flexible, collaborative and inclusive work environment that leverages diversity and empowers all contributors and (3) facilitate outstanding public service and stakeholder relations through effective leadership and accountability. The principles associated with the strategic goals of the VA Diversity and Inclusion Plan are described below:

a. A Diverse Workforce.

VA defines diversity broadly to include all the qualities and characteristics that make individuals unique. Foundational to VA's Diversity and Inclusion program is a strong and unwavering commitment to EEO in the workplace. EEO refers to the prohibited personnel practices cited in the Civil Service Reform Act of 1978, as amended, as well as other Federal laws, regulations and EOs that prohibit discrimination in the terms, conditions or privileges of employment on the basis of race, color, religion, national origin, sex (including sexual orientation, gender identity, transgender status) and pregnancy, age (40 or older), disability, genetic information or retaliation for opposing discriminatory practices or participating in protected activity. VA also includes culture, family status, educational background, organizational level, socioeconomic status, cognitive diversity (i.e., diversity of thought) and more in this definition. VA will draw on the talents and knowledge of all groups in our society to achieve diverse perspectives and deliver greater performance outcomes.

b. An Inclusive Workplace.

VA understands EEO is essential to create an engaged, high performing workforce in the 21st Century. The Department must not only recruit a diverse workforce reflective of our global society, but also leverage the diverse talents and perspectives of all employees. While firmly rooted in the laws it was based upon, VA's Diversity and Inclusion program adopts a broader, proactive approach to achieving full participation, engagement and retention of employees—to achieve the best performance outcomes. Inclusion allows organizations to achieve full participation and harvest the innovation and performance advantages of a diverse workforce. Special Emphasis Programs promote inclusion by addressing barriers that inhibit the full participation of specific groups. Achieving workplace inclusion requires deliberate strategies such as: flexible work schedules; alternative workspaces; religious accommodation; transparent decision-making; multi-directional (360°)

communication; participatory work processes; constructive conflict management; continuous learning; career/leadership development; equitable awards systems; and shared accountability. Accessibility and reasonable accommodations for people with disabilities are not only inclusion strategies, they are legal requirements. Consistent with EO 13583 and the Government-wide Diversity and Inclusion Strategic Plan, VA will cultivate a culture that encourages collaboration, flexibility and fairness, enabling individuals to achieve their full potential.

c. Outstanding Public Service.

To meet the complex needs of a changing Veteran population, VA must cultivate a diverse workforce that draws on the talents and perspectives of an increasingly diverse society. According to research, a diverse workforce yields greater productivity, greater innovation and improved performance outcomes when diverse talents are leveraged and different points of view are encouraged. This is the business case for Diversity and Inclusion that VA embraces, in addition to legal and social imperatives. To fully engage our diverse workforce, VA must equip our managers and supervisors with the knowledge, tools and strategies to promote accountability, transparent communications and effective stakeholder relationships at all levels. Consistent with EO 13583 and Goal 3 of the Government-wide Diversity and Inclusion Strategic Plan, VA will develop strategies and tools that enable leaders to effectively leverage diversity and sustain a culture of inclusion.

2. POLICY. VA is committed to EEO, civil rights, workforce diversity, workplace inclusion and Veterans and public access. To that end, VA shall:

a. Build a diverse, high performing workforce that reflects all segments of society.

- (1) Ensure Equal Opportunity in employment for applicants, employees, U.S. military Veterans, former employees and individuals doing business with VA by eradicating unlawful barriers to employment and performing Affirmative Employment activities in accordance with law.
- (2) Prohibit discrimination on the basis of race, color, religion, national origin, sex (including sexual orientation, gender identity, transgender status) and pregnancy, age (40 or older), disability, genetic information or retaliation for opposing discriminatory practices or participating in protected activity such as “whistle-blowing.”
- (3) Establish and maintain a model EEO Program built on the six essential elements as provided by U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD 715). The six essential elements for a Model EEO Program are:
 - (a) Demonstrated commitment from agency leadership
 - (b) Integration of EEO into the agency’s strategic mission

- (c) Management and program accountability
 - (d) Proactive prevention of unlawful discrimination
 - (e) Efficiency of the EEO program
 - (f) Responsiveness and legal compliance.
- b.** Cultivate a flexible, collaborative and inclusive work environment that leverages diversity and empowers all contributors.
- (1) Provide timely and effective religious accommodation and Reasonable Accommodation to applicants and employees with disabilities in accordance with applicable laws, regulations and directives.
 - (2) Establish and maintain special emphasis programs to address the unique needs of specific groups and eliminate barriers that inhibit the full participation and advancement of these groups in the workplace. Special emphasis programs include but are not limited to: the Disabled Veterans Affirmative Action Program; Federal Women's Program; Hispanic Employment Program; People with Disabilities Program; Asian American and Pacific Islander Program; African American Program; American Indian/Alaska Native/Native Hawaiian Program; and Lesbian, Gay, Bisexual and Transgender Program. These and other special emphasis programs are authorized as necessary to carry out the functions of a continuing affirmative program to promote Equal Opportunity and eliminate discriminatory practices and policies, in accordance with 29 C.F.R. § 1614.102.
 - (3) Support continuous learning and career/leadership development for all segments of the workforce and eliminate identified barriers to career advancement.
 - (4) Resolve workplace disputes at the earliest possible stage, utilizing alternative dispute resolution (ADR) processes and the Harassment Prevention Program (HPP) whenever possible and appropriate to resolve conflict constructively.
- c.** Facilitate outstanding public service and stakeholder relations through effective leadership and accountability.
- (1) Ensure the public and recipients of VA services have full access to VA's programs and services in compliance with Federal accessibility requirements, including but not limited to Section 504 of the Rehabilitation Act of 1973, as amended; Title VI of the Civil Rights Act; Title IX of the Education Amendments; and EO 13166, Limited English Proficiency.
 - (2) Educate the VA workforce on EEO, Diversity and Inclusion to include ensuring that all employees complete Prevention of Workplace Harassment and No FEAR Training within 90 days of employment and biennially thereafter.

- (3) Educate executives, managers and supervisors on EEO, Reasonable Accommodation, disability employment, Diversity and Inclusion and conflict management. All executives, managers and supervisors will complete EEO, Diversity and Inclusion and Conflict Management Training biennially.
- (4) Evaluate all executives, managers and supervisors on their commitment to agency EEO policies, principles and maintaining diverse and inclusive organizations, pursuant to 29 C.F.R. § 1614.102(a)(5). Consistent with the Inspector General's (IG's) independent authority under the Inspector General Act of 1978 (amended), the IG will determine how the Office of Inspector General executives, managers and supervisors are evaluated for maintaining Diversity and Inclusion.
- (5) Build and sustain positive internal and external stakeholder relationships through mutually beneficial outreach, collaborations and partnerships.

3. RESPONSIBILITIES.

a. Secretary of Veterans Affairs shall:

- (1) Enforce and ensure accountability for the Department's Diversity and Inclusion goals and objectives in accordance with applicable antidiscrimination statutes, executive orders, VA policies and the VA Diversity and Inclusion Strategic Plan.
- (2) Issue annual policy statements to all VA employees prohibiting discrimination, promoting Diversity and Inclusion, supporting related training, encouraging ADR and addressing related workforce protections.
- (3) Incorporate Diversity and Inclusion principles as integral parts of the VA strategic plan and in all aspects of VA's mission to achieve optimal organizational performance and meet the special needs of Veterans and their beneficiaries.
- (4) Establish with a formal charter, maintain and support the Diversity and Inclusion in VA Council (DIVAC), and consider Council recommendations in accordance with the DIVAC Charter.

b. Under Secretaries, Assistant Secretaries and Other Key Officials shall:

- (1) Adopt and ensure compliance with all VA-wide EEO, Diversity and Inclusion policies, including this Directive.

- (2) Implement programs and procedures, including but not limited to recruitment outreach, retention and training programs, in accordance with this Directive and with the VA Diversity and Inclusion Strategic Plan.
 - (3) Establish accountability measures for managers and supervisors to ensure compliance with this Directive and for advancing the goals and objectives of the VA Diversity and Inclusion Strategic Plan.
 - (4) Designate and hold employees accountable for performing the functions of EEO/Diversity Managers; Special Emphasis Program (SEP) Managers in accordance with VA Handbook 5975.5, Special Emphasis Program Management; Reasonable Accommodation Coordinators (RAC) in accordance with VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services from Employees and Applicants with Disabilities; and Selective Placement Program Coordinators (SPPC) in accordance with VA Handbook 5975.5, Special Emphasis Program Management throughout their respective organizations. The number, grade level and status (i.e., full-time or collateral duty) of such staff will depend on the size, resources and EEO/diversity workload of the office or facility. However, irrespective of these dependencies, the functions, requirements and expectations contained in this Directive must be met.
 - (5) Ensure that sufficient resources are provided to the aforementioned staff and that they possess/have access to the requisite training and knowledge required to perform effectively to maintain successful operation of a continuing affirmative EEO program in accordance with 29 C.F.R. § 1614.101 and to comply with the policies in this Directive.
 - (6) Provide timely and accurate submissions for Department-level EEO and Diversity and Inclusion reports, including those submitted to the White House Initiative Offices, OPM and EEOC.
 - (7) Comply with the Office of Resolution Management, Diversity and Inclusion (ORMDI) data calls, reports, self-assessments, technical assistance site visits and EEO program reviews and other requests for information promptly and accurately.
 - (8) Appoint a senior executive to serve on the DIVAC.
 - (9) Publicize, periodically, the names, functional titles and contact information for all the aforementioned individuals in this section in an appropriate and accessible manner.
- c. **Diversity and Inclusion in VA Council (DIVAC)** shall in accordance with its Charter:

- (1) Include representatives from each of the Department's Administrations, Staff Offices, national labor unions and other stakeholders including employee groups.
- (2) Serve as a communication link between the workforce and leadership and a forum to share best practices, consider new initiatives, leverage resources and ensure accountability in Diversity and Inclusion.
- (3) Incorporate input from all VA organizational components and stakeholders into the VA Diversity and Inclusion Strategic Plan and VA Diversity and Inclusion Quarterly and Annual Reports.
- (4) Designate members to serve as steering, nominating and/or judging committee members for the Annual Secretary's Diversity and Inclusion Excellence Award.
- (5) Establish sub-committees to address emerging Diversity and Inclusion needs and issues, including barriers, associated with the VA workforce, contractors and Veterans and their beneficiaries.

d. Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness (ASHRA/OSP) shall:

- (1) Provide adequate resources to support the goals of this Directive and maintain a continuing affirmative program to promote EEO in accordance with applicable laws and regulations.
- (2) Incorporate the VA Diversity and Inclusion Strategic Plan goals in VA's Human Capital Plan.
- (3) Ensure collaboration among key human capital, EEO and Diversity and Inclusion program officials to identify and eliminate barriers to employment and promotion opportunities consistent with laws, merit principles and the VA's Diversity and Inclusion Strategic Plan.
- (4) Provide resources and support for the VA EEO and Diversity and Inclusion policies, plans and programs in this Directive.
- (5) Promulgate EEO and Diversity and Inclusion policies, policy guidance, plans, programs and initiatives to all VA officials and employees; provide VA-wide oversight; and ensure VA-wide compliance and accountability.
- (6) Appoint the Deputy Assistant Secretary (DAS) for ORMDI as a non-voting standing member of the Executive Review Board.

- (7) Provide operational and administrative support for the DIVAC through ORMDI.
- (8) Serve as co-chair of the DIVAC with the DAS for ORMDI.
- (9) Pursuant to 38 U.S.C. § 308(b)(7), has responsibilities for Equal Opportunity functions. This authority is defined as general oversight, coordination and liaison for the external civil rights program (Title VI and Title IX). VA Notice 99-3 delegates this authority to the DAS for ORMDI. ORMDI's External Complaints Program Manager is responsible for ensuring the establishment and implementation of policies and procedures for providing language assistance sufficient to fulfill Equal Opportunity responsibilities and provide Limited English Proficiency (LEP) individuals with meaningful access to services.

e. Deputy Assistant Secretary for the Office of Resolution Management, Diversity and Inclusion (DAS for ORMDI) shall:

- (1) Serve as VA's Chief Diversity Officer in accordance with EO 13583 and advise the Secretary, ASHRA/OSP and other senior leadership on all matters related to workforce Diversity and Inclusion. Represent VA on the Office of Personnel Management (OPM) Diversity and Inclusion Strategic Partners meeting.
- (2) Provide oversight and strategic direction for EEO, Diversity and Inclusion policies and programs.
- (3) Develop and periodically update the VA Diversity and Inclusion Strategic Plan.
- (4) Advise the ASHRA/OSP on Diversity and Inclusion performance measures for SES and other employees and monitor and report on compliance with those standards.
- (5) Serve as an advisor to the SES Performance Review Board and provide recommendations for an SES performance standard that includes support for VA's EEO, Diversity and Inclusion principles.
- (6) Provide feedback on Administrations' and Staff Offices' EEO and Diversity and Inclusion program performance.
- (7) Advise VA leadership and Chief Learning Officers (CLOs)/career development officials on strategies to eradicate barriers to EEO in the outreach and selection process and infuse Diversity and Inclusion content into program curricula. Serve on the VA Talent Development Council and on the Leadership VA Board.
- (8) Co-chair the DIVAC along with the ASHRA/OSP.

- (9) Direct the VA-wide Diversity and Inclusion Program, including but not limited to the following functions:
- (a) Perform analyses of VA workforce diversity and organizational inclusion and develop standards and procedures to identify, monitor and eliminate barriers to EEO in all areas including but not limited to recruitment, outreach, hiring, promotion, pay levels, separations, disciplinary actions, career development, leadership development and other terms and conditions of employment.
 - (b) Manage and maintain an accurate and efficient workforce analysis information system that generates reports in the aforementioned areas to include applicant flow information.
 - (c) Produce federally mandated reports on EEO and Diversity and Inclusion and review Administration-level EEO and Diversity and Inclusion reports, including those submitted to the White House Initiative Offices, OPM and EEOC.
 - (d) Establish Special Emphasis and Affirmative Employment Programs in accordance with applicable laws and regulations and coordinate with other VA offices to implement targeted recruitment outreach and retention strategies to promote EEO, Diversity and Inclusion throughout VA.
 - (e) Perform technical assistance reviews and conduct program evaluations in headquarters and in the field to ensure compliance with Federal and VA EEO, Diversity and Inclusion policies and programs VA-wide.
 - (f) Direct, implement and perform compliance oversight for the VA National People with Disabilities Program and National SPPC. Ensure that people with disabilities have access to VA programs and activities and shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any VA program or activity.
 - (g) Establish and maintain VA policy as well as oversee compliance and implementation of the Section 504 of the Rehabilitation Act, as amended, to prevent discrimination based on disability in Federally conducted programs and activities per VA Handbook 5975.6, Compliance Procedures Implementing Section 504 of the Rehabilitation Act of 1973, as amended – Nondiscrimination Based on Disability in Federally Conducted Programs or Activities.
 - (h) Provide training to VA employees on EEO, Disability Employment, Religious Accommodation and other Diversity and Inclusion matters in consultation with the VA Chief Learning Officer/Human Capital Service Center, Corporate Senior Executive Service Management Office, HR Academy, Administrations and Staff Offices (including CLOs and the Veterans Health Administration (VHA) Employee Education System,

Office of Information Technology Workforce Development and ORMDI Employee Development and Training or other instructional design staff, as appropriate). ORMDI will serve as a subject matter expert and clearinghouse for Departmental Diversity and Inclusion training. ORMDI will support the National Center for Organization Development (NCOD), National VA Chaplain Service, Acquisitions Academy, OSP Law Enforcement Training Center and other VA academies in integrating Diversity and Inclusion training content into their curricula.

- (i) Maintain an effective corporate Diversity and Inclusion communications program to reach a diverse audience throughout VA and raise awareness on EEO, Section 504 of the Rehabilitation Act of 1973, as amended, Diversity and Inclusion policies, issues and effective practices.
 - (j) Maintain productive relationships and partnerships with employee groups, NCOD, National VA Chaplain Service, United States Access Board (Architectural and Transportation Barriers Compliance Board), Center for Minority Veterans, Center for Women Veterans, Office of Tribal Relations, Office of Enterprise Integration, EEOC, OPM and other internal and external stakeholders to advance VA Diversity and Inclusion goals.
- (10) Ensure coordinated EEO complaint processing, Rehabilitation Act Section 504 complaint processing, Reasonable Accommodation complaint processing and ADR policies and programs are consistent with the policies in this Directive.
 - (11) Provide timely data on VA's EEO and ADR programs and trends when available.
 - (12) Direct, implement and perform compliance oversight for the VA Reasonable Accommodation program and establish a case management system to maintain an effective and efficient process for responding to requests reasonable accommodations in accordance with the VA Reasonable Accommodation policy. Provide training to VA employees on Reasonable Accommodation.
 - (13) Publicize RAC and SPPC contact information as provided and maintained by each Administration, OIT and VA Central Office (VACO) Staff Office.
 - (14) Execute ADR and HPP to resolve workplace disputes at the earliest possible stage.
 - (15) Establish and implement policies and procedures to provide language assistance sufficient to fulfill Equal Opportunity responsibilities and to provide LEP individuals with meaningful access to services (VA Notice 99-3).

f. Chief Human Capital Officer (CHCO) shall:

- (1) Partner with ORMDI on efforts to build a diverse workforce and inclusive work environment VA-wide and embed EEO, Diversity and Inclusion into the Office of the Chief Human Capital Officer's (OCHCO) mission and functions across the Department, especially as they relate to targeted recruitment outreach, internship programs, career development, employee retention and performance management.
- (2) Collaborate with ORMDI to ensure that human resources policies and programs are consistent with EEO, Diversity and Inclusion policies and incorporate Diversity and Inclusion strategic goals in the VA Human Capital Operating Plan and workforce planning.
- (3) Provide timely and accurate submissions for Department-level EEO and Diversity and Inclusion reports, including those submitted to the White House Initiative Offices, OPM and EEOC.
- (4) Ensure that heads of HR Centers provide proper technical support through their HR specialists or occupational health and safety specialists who can be designated as RACs and SPPCs.
- (5) Participate on the DIVAC and, as appropriate, other diversity-related work groups and committees.
- (6) Establish and maintain VA policy on compensatory time for accommodation for religious observance under provisions of Public Law 95-390.

g. Assistant Secretary for Information and Technology and Chief Information Officer (OIT) shall:

- (1) Designate an Electronic and Information Technology (EIT) Accessibility Officer (508 Officer) to ensure that all EIT hardware and software are fully accessible to employees with disabilities in the VA workplace, in compliance with Section 508 of the Rehabilitation Act of 1973, as amended.
- (2) Ensure reasonable accommodations related to EIT are provided and installed expeditiously and properly, in accordance with VA's Reasonable Accommodation policy. Ensure that OIT practices, policies and procedures facilitate the prompt purchase and installation of EIT accommodations.
- (3) Work collaboratively with the ASHRA/OSP, DAS for ORMDI, Reasonable Accommodation Services and 508 Officer to provide legally compliant, timely and effective reasonable accommodations and EIT accessibility services.

- h. The General Counsel (OGC)** shall provide advice on EEO, Diversity and Inclusion, Reasonable Accommodation and religious accommodation matters, including the OGC District Counsels.
- i. Agency Chief Learning Officers (CLOs)** shall:

 - (1) Partner with ORMDI in analyzing, designing, developing, implementing and evaluating training, mentoring and career/leadership development programs to eliminate barriers to EEO and maintain a diverse and high performing workforce.
 - (2) Collaborate with ORMDI to identify and eliminate barriers to EEO in training outreach and selection processes and promote diversity in training, mentoring and career/leadership development programs.
 - (3) Infuse Diversity and Inclusion concepts, principles and competencies in VA training and education programs.
 - (4) Participate on the DIVAC and other ORMDI program functions.
- j. Equal Employment Opportunity (EEO)/Diversity Staff.** Designated EEO/Diversity Staff (EEO/Diversity Manager, SEP manager, RAC, SPPC) shall be responsible for meeting the requirements of this Directive. Designees should possess the skills and qualifications to effectively perform the functions outlined in this Directive including, but not limited to, barrier analysis; Affirmative Employment planning and reporting; targeted outreach; facilitating Diversity and Inclusion in career development programs; implementing an effective Reasonable Accommodation program; and performing Diversity and Inclusion training.
- k. Reasonable Accommodation Coordinator (RAC)** within each Administration, OIT and VACO Staff Offices shall be responsible for implementing procedures for processing requests for Reasonable Accommodation and Personal Assistance Services from applicants and employees with disabilities in accordance with VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services from Employees and Applicants with Disabilities and applicable laws and regulations.
- l. Selective Placement Program Coordinator (SPPC)** within each Administration, OIT and VACO Staff Offices shall assist management to recruit, hire and accommodate people with disabilities, to specifically include identifying candidates available for non-competitive placement to vacant positions under the Schedule A and 30% Disabled Veterans excepted service special hiring authorities; determining the essential functions of employment positions; providing information on Reasonable Accommodation and needs assessments for applicants and employees; and monitoring and evaluating program efforts to determine overall effectiveness and implement any needed adjustments to improve program effectiveness.

- m. Religious Accommodation Advisors (RAA).** All District Counsels reporting to the General Counsel, the Director of the National VA Chaplain Service reporting to the Under Secretary for Health and ORMDI subject-matter experts shall serve as RAAs and issue policy guidance and advise VA executives, managers and supervisors on religious accommodation issues in accordance with VA Directives 5975 and 0022, Religious Symbols in VA Facilities and VHA Directive 1111, Spiritual and Pastoral Care in the Veterans Health Administration. The OCHCO Worklife and Benefits Service will issue Agency policy regarding religious compensatory time in VA Handbook 5011, Hours of Duty and Leave. The Servicing HR office will advise management and supervisors of guidance regarding religious compensatory time.

4. REFERENCES.

- a. [5 Code of Federal Regulations \(C.F.R.\) § 213.3102](#) (t) gives Federal agencies special appointing authority governing employment of individuals with intellectual disabilities (u) and those with severe physical disabilities under Schedule A and excepted appointment.
- b. [5 C.F.R. § 213.3102](#) (gg) gives Federal agencies special appointing authority governing persons with psychiatric disabilities.
- c. [5 C.F.R. § 213.3102](#) (ll) gives Federal agencies special appointing authority for employment of readers, interpreters and personal assistants for employees with disabilities.
- d. [5 C.F.R. § 315.709](#) authorizes employees with severe physical and intellectual disabilities to convert to competitive status after completion of two years of satisfactory service in their excepted positions.
- e. [5 C.F.R., Part 720, Subpart B](#) establishes the Federal Equal Opportunity Recruitment Program in OPM as a recruiting initiative designed to eliminate less than expected participation of minorities and women in the Federal service.
- f. [5 C.F.R., Part 720, Subpart C](#) and also [38 U.S.C. § 4214](#), establishes the Disabled Veterans Affirmative Action Program in OPM.
- g. [29 C.F.R., Part 1604](#) contains guidelines on discrimination based on gender.
- h. [29 C.F.R., Part 1606](#) contains guidelines on discrimination based on national origin.
- i. [29 C.F.R., Part 1607](#) contains the uniform guidelines of employee selection procedures.
- j. [29 C.F.R., Part 1614](#) establishes Federal Sector Equal Employment Opportunity.

- k. [Age Discrimination in Employment Act of 1967](#), as amended.
- l. [Americans with Disabilities Act of 1990](#), [42 U.S.C. § 12101 et seq.](#)
- m. [Americans with Disabilities Act Amendments Act of 2008 \(ADAAA\)](#).
- n. [Architectural Barriers Act](#), [42 U.S.C. § 4151 et seq.](#)
- o. [Civil Rights Act of 1964](#), as amended, [42 U.S.C. § 2000e et seq.](#)
- p. [Civil Rights Act of 1991](#), [42 U.S.C. § 1981\(a\)](#).
- q. [Civil Service Reform Act of 1978](#), as amended.
- r. [Equal Employment Opportunity Act of 1972](#).
- s. [Equal Pay Act of 1963](#), [29 U.S.C. § 206\(d\)](#).
- t. [Executive Order \(EO\) 11375](#) - Amending Executive Order No. 11246, Relating to Equal Employment Opportunity.
- u. [EO 11478](#) - Equal employment opportunity in the Federal Government.
- v. [EO 11625](#) - Prescribing additional arrangements for developing and coordinating a national program for minority business enterprise.
- w. [EO 11701](#) - Employment of Veterans by Federal agencies and Government contractors and subcontractors.
- x. [EO 12067](#) - Providing for Coordination of Federal Equal Employment Opportunity programs.
- y. [EO 12106](#) - Transfer of certain equal employment enforcement functions.
- z. [EO 12250](#) - Leadership and Coordination of Nondiscrimination Laws.
- aa. [EO 13078](#) - Increasing Employment of Adults with Disabilities.
- bb. [EO 13087](#) - Amending EO 11478 to prohibit discrimination based on sexual orientation in the competitive service of the federal civilian workforce.
- cc. [EO 13125](#) - Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- dd. [EO 13145](#) - To Prohibit Discrimination in Federal Employment Based on Genetic Information.
- ee. [EO 13152](#) - Amending EO 11478 to prohibit discrimination based on parental status.

- ff.** [EO 13160](#) - Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs.
- gg.** [EO 13163](#) - Increasing the Opportunity for Individuals With Disabilities To Be Employed in the Federal Government.
- hh.** [EO 13164](#) - Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.
- ii.** [EO 13166](#) - Improving Access to Services for Persons with Limited English Proficiency.
- jj.** [EO 13171](#) - Hispanic Employment in the Federal Government.
- kk.** [EO 13175](#) - Consultation and Coordination with Indian Tribal Governments.
- ll.** [EO 13187](#) - The President's Disability Employment Partnership Board.
- mm.** [EO 13216](#) - Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- nn.** [EO 13217](#) - Community-based Alternatives for Individuals with Disabilities.
- oo.** [EO 13230](#) - President's Advisory Commission on Educational Excellence for Hispanic Americans.
- pp.** [EO 13256](#) - President's Board of Advisors on Historically Black Colleges and Universities.
- qq.** [EO 13339](#) - Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders.
- rr.** [EO 13403](#) - Amendments to Executive Orders 11030, 13279, 13339, 13381 and 13389 and revocation of Executive Order 13011.
- ss.** [EO 13511](#) - Continuance of Certain Federal Advisory Committees.
- tt.** [EO 13515](#) - Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.
- uu.** [EO 13518](#) - Employment of Veterans in the Federal Government.
- vv.** [EO 13548](#) - Increasing Federal Employment of Individuals with Disabilities.
- ww.** [EO 13555](#) - White House Initiative on Educational Excellence for Hispanics.
- xx.** [EO 13562](#) - Recruiting and Hiring Students and Recent Graduates.

- yy.** [EO 13583](#) - Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce.
- zz.** [EO 13592](#) - Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities.
- aaa.** [EO 13672](#) - Amending EO 11478 and EO 11246 to prohibit discrimination based on sexual orientation and gender identity.
- bbb.** [EO 13779](#) - The White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities.
- ccc.** [EO 13889](#) - Continuance of Certain Federal Advisory Committees.
- ddd.** [EO 13872](#) - Economic Empowerment of Asian Americans and Pacific Islanders.
- eee.** [EO 13899](#) - Combating Anti-Semitism.
- fff.** [EO 13935](#) - White House Hispanic Prosperity Initiative.
- ggg.** [Final Rule on Section 501 of the Rehabilitation Act of 1973.](#)
- hhh.** [Genetic Information Nondiscrimination Act of 2008.](#)
- iii.** [Management Directive 715](#) issued by EEOC provides policy guidance and standards for equal employment programs (effective October 1, 2003).
- jjj.** [Notification and Federal Employee Antidiscrimination and Retaliation \(NoFEAR\) Act of 2002.](#)
- kkk.** [Older Workers Benefit Protection Act of 1990.](#)
- lll.** [Pregnancy Discrimination Act of 1978.](#)
- mmm.** [Rehabilitation Act of 1973](#), as amended, 29 U.S.C. § 791, 793, 794(a) Sections 501, 504 and 508.
- nnn.** [Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity](#) - published in the Federal Register on October 30, 1997, by the Office of Management and Budget.
- ooo.** [Secretary's EEO, Diversity and Inclusion, No FEAR and Whistleblower Rights and Protection Policy Statement.](#)

The following VA Directives and Handbooks available on the [VA Publications Website](#)

- a.** VA Directive 0022, Religious Symbols in VA Facilities.

- b.** VA Directive 5977, Equal Employment Opportunity Discrimination Complaints Process.
- c.** VA Directive 5978, Alternative Dispute Resolution.
- d.** VA Directive 5979, Harassment Prevention Policy.
- e.** VA Handbook 5011, Hours of Duty and Leave.
- f.** VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services from Employees and Applicants with Disabilities.
- g.** VA Handbook 5975.2, Equal Employment Opportunity, Diversity and Inclusion Technical Assistance Reviews.
- h.** VA Handbook 5975.3, Guidance on Equal Employment Opportunity Commission's Management Directive 715 and Barrier Analysis
- i.** VA Handbook 5975.4, Transgender Employee Transition Guidance.
- j.** VA Handbook 5975.5, Special Emphasis Program Management.
- k.** VA Handbook 5975.6, Compliance Procedures Implementing Section 504 of the Rehabilitation Act of 1973, as amended – Nondiscrimination Based on Disability in Federally Conducted Programs or Activities.
- l.** VA Handbook 5977, Equal Employment Opportunity Discrimination Complaints Process.
- m.** VA Handbook 5978.1, Alternative Dispute Resolution Program Central Office.
- n.** VHA Directive 1111, Spiritual and Pastoral Care in the Veterans Health Administration (available on the VHA Publications website).

5. DEFINITIONS.

- a. **Affirmative Employment:** Programs required by 29 C.F.R., Part 1614, Executive Order 11478 and other laws and regulations that prohibit employment discrimination based on race, color, religion, sex, national origin, disability or age and require agencies to promote the full realization of EEO plans that contain workforce analysis of the distribution of each group compared to the benchmark, identifying areas where the group has a low or less than expected participation rate and responsive strategies that address identified barriers.
- b. **Applicant Flow Data:** Information reflecting characteristics of the pool of individuals applying for an employment opportunity.
- c. **Barrier:** An organizational policy, procedure, practice or condition that limits or tends to limit employment opportunities for members of a particular gender, race, ethnicity, national origin or disability status.
- d. **Disability:** Disability means, with respect to an individual: (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment.
- e. **Diversity:** Workforce diversity is characterized by all that makes us unique, including but not limited to race, color, national origin, ethnicity, sex, sexual orientation, gender identity, religion, disability status, age and mutable characteristics such as educational background, socioeconomic status, organizational level, geographic region and cognitive/intellectual perspective.
- f. **Equal Employment Opportunity:** The laws, regulations and policies that prohibit discrimination in the terms, conditions or privileges of employment, on the bases of race, color, religion, national origin, sex (including sexual orientation, gender identity, transgender status) and pregnancy, age (40 or older), disability, genetic information or retaliation for opposing discriminatory practices or participating in protected activity (reprisal) (see legal references below).
- g. **Ethnicity:** For the purposes of Federal data collection, ethnicity refers to Hispanic or Latino origin, or non-Hispanic.
- h. **Inclusion:** Practices that enable the full participation and contribution of the workforce in support of the mission of the organization by eliminating implicit and explicit barriers. Inclusion involves leveraging the diverse talents and attributes of the entire workforce by configuring work opportunities, business processes, functional operations, rewards systems, work-life options, professional interactions, communications, information-sharing and decision-making to empower the full participation of all employees.

- i. **Less Than Expected Participation:** Participation of employees in a demographic group which is below their expected participation in the civilian labor force or relevant labor force.
- j. **Model EEO Program:** A program meeting all six essential elements criteria identified in MD-715.
- k. **Race:** For the purposes of Federal data collection, single race categories include White, American Indian and Alaska Native, Asian, Black or African American and Native Hawaiian or Other Pacific Islander. Individuals may self-identify in more than one race category.
- l. **Reasonable Accommodation:** Any change in the work environment, work processes or the application process that enable a person with a disability to apply for a job, perform the essential functions of a job or enjoy the benefits and privileges of employment, in accordance with the Rehabilitation Act of 1973, as amended.
- m. **Religious Accommodation:** A change in the work environment or in work schedule that enables an individual to adhere to his/her religious practices or beliefs. Types of religious accommodations include, but are not limited to: modification or adjustment to the work environment to permit and to avoid situations prohibited by his/her religion, modification or adjustment of the work schedule necessary to enable an employee to worship at designated hours or days or avoid working during hours prohibited by the religion and allowing flexible leave, alternative work schedules, religious garb, etc.
- n. **Section 501 Program:** The affirmative program plan that each agency is required to maintain under Section 501 of the Rehabilitation Act to provide individuals with disabilities adequate hiring, placement and advancement opportunities.
- o. **Section 504 Program:** The program that each agency is required to maintain under Section 504 of the Rehabilitation Act of 1973, as amended, to ensure that individuals with disabilities have access to VA programs and activities and shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any VA program or activity.
- p. **Section 508 Program:** The program that each agency is required to maintain under Section 508 of the Rehabilitation Act of 1973, as amended, to ensure that Information and Communication Technology developed, procured, maintained or used by Federal departments and agencies must allow Federal employees and members of the public with disabilities access to and use of information and data.
- q. **Special Appointment Authorities:** Merit system hiring authorities that allow flexibility useful for members of groups to overcome less than expected participation, including non-competitive and excerpted service appointments.

- r. **Special Emphasis Programs (SEPs):** Programs authorized under 29 C.F.R. § 1614.102(b)(4) to address the unique needs of specific demographic groups with low or less than expected participation in the workforce (e.g., People With Disabilities Program, Federal Women's Program and Hispanic Employment Program), as may be necessary to eliminate discriminatory practices and carry out the functions described in the EEO regulations in all organizational units of the agency. SEP functions include, but are not limited to, performing workforce analyses to identify and eradicate barriers to EEO, participating in job fairs, performing training, implementing mentoring programs, issuing educational communications and conducting special observance programs to facilitate targeted outreach, retention and understanding of any barriers for diverse groups.
- s. **Special Emphasis Program Observances:** Executive or Congressional mandated calendar event, such as Black History Month, designated to recognize the historical contributions and current achievements and issues of a specific demographic group in our society. Supporting activities may include workshops, round-table discussions, employee development training, subject matter guest speakers and programs to enhance cross-cultural awareness.
- t. **Targeted and Non-Targeted Reportable Disabilities:** EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with targeted disabilities and non-targeted reportable disabilities. As per the OPM, Self-Identification of Disability, Standard Form 256, the following complete list of targeted disabilities are provided: developmental disability, traumatic brain injury, deaf or serious difficulty hearing, blind or serious difficulty seeing even when wearing glasses, missing extremities, significant mobility impairment, partial or complete paralysis, epilepsy or other seizure disorders, intellectual disability, significant psychiatric disorder, dwarfism and significant disfigurement.