

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 9.24	ORGANIZATION AND FUNCTIONS, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	DT-24-05
<i>Volume 9:</i>	Organization and Functions	
<i>Approved by:</i>	Vonna Ordaz, Director Office of Small Business and Civil Rights	
<i>Date Approved:</i>	March 21, 2024	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the online MD Catalog .	
<i>Issuing Office:</i>	Office of Small Business and Civil Rights	
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EXECUTIVE SUMMARY		
<p>Directive 9.24, “Organization and Functions, Office of Small Business and Civil Rights,” is revised to reflect a reorganization of the office and functional changes, which includes the following four programs described in Section II, Functions:</p> <ul style="list-style-type: none"> • Small Business Program (SB), • Affirmative Employment and Diversity Management Program (AEDM), • Civil Rights Program (CR), and • Diversity, Equity, and Inclusion Outreach Program (DEIO). 		

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

I. SUPERVISION

The Office of Small Business and Civil Rights (SBCR) is headed by a Director who reports to the Executive Director for Operations (EDO).

II. FUNCTIONS

- A.** SBCR ensures statutory and regulatory compliance in the development, implementation, and maintenance of the U.S. Nuclear Regulatory Commission's (NRC) Small Business Program (SB), Affirmative Employment and Diversity Management Program (AEDM), Civil Rights Program (CR), and Diversity, Equity, and Inclusion Outreach Program (DEIO).
- B.** Specifically, the office—
 1. Establishes and maintains an effective SB program to meet the objectives of Federal small business statutes, regulations, Executive Orders (EOs), National policy, and economic and business development initiatives to ensure the agency provides the maximum practicable prime and subcontract opportunities to small businesses and to achieve the agency's small business prime and subcontract goals.
 2. In collaboration with the Office of the Chief Human Capital Officer (OCHCO) and other offices and regions, as appropriate, establishes and maintains effective AEDM and DEIO programs through plans and strategies and conducts training as stipulated in Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 715, "Federal Agency Annual Equal Employment Opportunity Program Status Report," and other Federal equal employment opportunity laws, regulations, and guidance.
 3. Evaluates and ensures the effectiveness of agency employment practices and policies in advancing affirmative employment and preventing discrimination.
 4. Oversees diversity, equity, inclusion, and accessibility activities, and provides guidance and support for NRC's Equal Employment Opportunity (EEO) and Special Emphasis Program (SEP) advisory committees.
 5. Provides an effective process for the receipt and prompt, fair, and impartial processing and disposition of employment discrimination complaints filed by NRC employees, former NRC employees, applicants for employment with the NRC and, under rare circumstances, NRC contractors, as required by Title 29 of the Code of Federal Regulations (CFR), Part 1614 (29 CFR Part 1614) and EEOC Management Directive (MD) 110, "Federal Sector Complaint Processing Manual"; and other applicable regulations to enforce compliance with civil rights statutes.

6. Oversees, develops, and manages the agency's EEO counseling process that offers a confidential, informal, non-adjudicative, and non-adversarial process to resolve issues at the pre-complaint (informal) stage of the discrimination complaint process.
7. Develops, implements, and manages the agency's Alternative Dispute Resolution Program (ADR), which offers a confidential, informal, non-adjudicative, and non-adversarial process to resolve employment discrimination complaints at the pre-complaint (informal) and formal stages to achieve consensual resolution in conflict situations. The use of ADR helps to foster a collaborative organizational culture in which all employees are recognized, valued, and treated with dignity and respect.
8. Enforces applicable Federal equal opportunity and civil rights laws, rules, regulations, and EOs, prohibiting discrimination against applicants, recipients, program beneficiaries, and other stakeholders in NRC-conducted and financially assisted programs and activities.
9. Provides an effective process for the receipt and prompt, fair, and impartial processing, and disposition of discrimination complaints based on race, color, religion, sex (including sexual orientation, gender identity and expressions, gender pay equity, and pregnancy), national origin, age, disability, marital status, parental status, political affiliation, military service, and genetic information filed under applicable Federal civil rights statutes, NRC regulations, and EOs. In addition, proactively prevents employees and applicants for employment from being subjected to reprisal (retaliation) for participating in protected activities or opposing practices made unlawful by relevant civil rights statutes and regulations.
10. Provides an effective Minority Serving Institutions (MSI) Program and associated subprograms and processes to establish and maintain partnerships with minority serving institutions of higher education to assist in their efforts to—
 - (a) Achieve academic excellence;
 - (b) Build capability and infrastructure;
 - (c) Develop human capital;
 - (d) Gain knowledge and skills needed to compete for grants, cooperative agreements, contracts, and resources;
 - (e) Participate in Federal and public programs; and
 - (f) Produce a diverse skilled workforce.

11. Provides authoritative guidance to the Chair, Commission, Office of the Secretary (SECY), EDO, office directors, regional administrators, managers, supervisors, team leaders, and employees on Federal authorities, policies, and practices, related to small business, civil rights, affirmative employment, diversity management, and minority serving institutions.
12. Additional information on SBCR programs is available at—
 - (a) SB Program: <https://usnrc.sharepoint.com/teams/SBCR-Small-Business-Program>;
 - (b) AEDM Program: <https://usnrc.sharepoint.com/teams/SBCR-Affirmative-Employment-Diversity-Management-Program>;
 - (c) CR Program: <https://usnrc.sharepoint.com/teams/SBCR-Civil-Rights-Program>; and
 - (d) DEIO Program: <https://usnrc.sharepoint.com/teams/DiversityEquityInclusionOutreachProgram>.

III. DELEGATION OF AUTHORITY TO THE DIRECTOR

- A. The Director, SBCR, is authorized and directed to take action, as necessary, to carry out the functions and responsibilities assigned in this MD in accordance with applicable NRC and Federal laws, rules, regulations, guidance, and EOs.
- B. In performing these functions, the Director, SBCR,
 1. Provides leadership and direction for the development, implementation, and maintenance of an effective SB, AEDM, CR, and DEIO, and ensures compliance with applicable laws, regulations, guidance, and EOs.
 2. Oversees the formulation of the office's budget and defends the budget before the Commission and internal stakeholders.
 3. Provides advice and recommendations to the Chair, Commission, the EDO, and NRC offices and regions on program policies, practices, and operating procedures related to the agency's small business, civil rights, affirmative employment, diversity, equity, inclusion, and accessibility, and minority serving institutions (MSI) activities.
 4. Ensures that EEO, affirmative employment and diversity principles and goals, are an integral part of policies, practices, personnel decisions, and key planning systems governing the agency's operations.

5. Provides two annual briefings to the Commission on the status of EEO and diversity as required by Section 209 of the Energy Reorganization Act of 1974 (42 U.S.C. 5849).
6. Serves as agency liaison with Federal oversight agencies and ensures compliance with reporting and other requirements.

IV. REDELEGATION OF AUTHORITY BY THE DIRECTOR

- A. The Director, SBCR, may, except where expressly prohibited, redelegate to others the authority delegated by this or other directives or communications, subject to the limitations stated below and other stipulations as deemed necessary.
- B. A redelegation must be specified in writing and a copy filed with the EDO, SECY, the Office of the General Counsel, and OCHCO.
- C. The Director, SBCR, may stipulate limitations on further redelegations of authority that the director delegates.

V. ORGANIZATION STRUCTURE AND INTERNAL ASSIGNMENTS

Organization charts and functional descriptions for SBCR and its components are posted on the SBCR SharePoint site (<https://usnrc.sharepoint.com/sites/sbcr-hub>) and the NRC public website (<https://www.nrc.gov/about-nrc/organization.html>). Deviations from the standard organizational structure that affect positions or functions at the branch level or above must be coordinated with the appropriate regional and headquarters offices, concurred on by OCHCO, and approved by the EDO.

VI. REFERENCES

Code of Federal Regulations (CFR)

2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

5 CFR Part 724, "Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002."

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," Section 2.111, "Prohibition of Sex Discrimination."

10 CFR Part 4, "Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission."

10 CFR Part 5, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance."

10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," Section 19.32, "Prohibition of Sex Discrimination."

13 CFR 124.311, "Section 8(a) Competition."

13 CFR 127, Final Rule entitled, "The Women-Owned Small Business Federal Contract Assistance Procedures," Small Business Act.

28 CFR 42 Subpart F, "Coordination and Enforcement of Nondiscrimination in Federally Assisted Programs."

28 CFR 42.407, "Procedures to Determine Compliance."

28 CFR 50.3, "Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964."

29 CFR Part 1614, "Federal Sector Equal Employment Opportunity."

29 CFR Part 1614, Subpart G, "Procedures Under the Notification and Federal Employee Antidiscrimination Act of 2002."

45 CFR 31028, Office of Federal Procurement Policy (OFPP) Letter 80-2, Regulatory Guidance of Section 211 of Pub. L. 95-507 (1980) (amendments to the Small Business Act).

48 CFR, Federal Acquisition Regulation, Subpart 19, "Small Business Programs."

Executive Orders

E.O. 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969.

E.O. 12138, "Women's Business Enterprise," May 18, 1979.

E.O. 12250, "Leadership and Coordination of Nondiscrimination Laws," November 2, 1980.

E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994, subject to the limits set forth by the Commission in "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions," 69 Fed. Reg. 52040 (Aug. 24, 2004).

E.O. 13087, "Equal Employment Opportunity in the Federal Government," May 28, 1998.

E. O. 13145, "To Prohibit Discrimination in Federal Employment Based on Genetic Information," July 26, 2000.

E.O. 13152, "Equal Employment Opportunity in the Federal Government," May 2, 2020.

E.O. 13157, "Increasing Opportunities for Women-Owned Small Businesses," May 23, 2000.

E.O. 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," June 23, 2000.

E.O. 13163, "Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government," July 26, 2000.

E.O. 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation," October 20, 2000.

E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000.

E.O. 13170, "Increasing Opportunities and Access for Disadvantaged Businesses," October 6, 2000.

E.O. 13230, "President's Advisory Commission on Educational Excellence for Hispanic Americans," October 12, 2001.

E.O. 13256, "President's Board of Advisors on Historically Black Colleges and Universities," February 12, 2002.

E.O. 13270, "Tribal Colleges and Universities (TCUs)," July 3, 2002.

E.O. 13309 and 12994, "President's Committee for People with Intellectual Disabilities," July 30, 2021.

E.O. 13360, "Providing Opportunities for Service-Disabled Veteran Businesses to Increase their Federal Contracting and Subcontracting," October 20, 2004.

E.O. 13515, "Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs," October 14, 2009.

E.O. 13548, "Increasing Federal Employment of Individuals with Disabilities," July 26, 2010.

E.O. 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," August 18, 2011.

E.O. 13592, "Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities," December 2, 2011.

E.O. 13621, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans," October 19, 2021.

E.O. 13779, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities (HBCUs)," September 3, 2021.

E.O. 13935, "Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics," September 13, 2021.

E.O. 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," January 20, 2021.

E.O. 13988, "Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation," January 20, 2021.

E.O. 14020, "Establishment of the White House Gender Policy Council," March 8, 2021.

E.O. 14021, "Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity," March 8, 2021.

*E.O. 14031, "Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders," May 28, 2021.

*E.O. 14035, "Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce," June 25, 2021.

E.O. 14041, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities," September 3, 2021.

E.O. 14045, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics," September 13, 2021.

E.O. 14049, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities," October 11, 2021.

E.O. 14050, "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans," October 19, 2021.

Nuclear Regulatory Commission Documents

Accessibility and Reasonable Accommodation with Disabilities, available at <https://www.nrc.gov/about-nrc/civil-rights/reasonable-accommodations.html>.

Collective Bargaining Agreement between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union, November 15, 2021, available at <https://usnrc.sharepoint.com/teams/OCHCO-HR-Programs-Services/SitePages/Employee-Labor-Relations.aspx>.

Delegation of Authority - Director, Office of Equal Employment Opportunity, January 1, 1975 ([ML20062E368](#)).

Delegation of Authority in Equal Employment Opportunity Complaints, Alternative Dispute Resolution (ADR) Programs, available at <https://www.nrc.gov/about-nrc/civil-rights/programs/crp/eeo-adr-program.html>.

Inclusive Diversity Strategic Plan Fiscal Year 2021 - 2026 ([ML21011A268](#)).

NRC Anti-Harassment Policy, Policy and Procedures for Preventing and Eliminating Harassing Conduct in the Workplace, available at <https://www.nrc.gov/docs/ML2208/ML22080A075.pdf>.

NRC Equal Employment Opportunity Advisory Committee Charter, September 2019 (Diversity Management and Inclusion Council (DMIC) Charter ([ML20178A142](#)).

NRC Guidance to Federal Financial Assistance Recipients (Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons) ([ML040290722](#)).

NRC Internal Civil Rights Program - Collateral-Duty EEO Counselors, available at <https://www.nrc.gov/about-nrc/civil-rights/crp/edc-process/nrc-counselors.html>.

2024 Strategic Limited English Proficiency Plan (SLEPP), available at ([ML24009A62](#)).

NRC Minority Serving Institutions Program (MSIP).

Official Time Policy during the EEO Complaint Process, October 20, 2022, ([ML22265A056](#)).

Management Directives—

3.12, “Handling and Disposition of Foreign Documents and Translations.”

10.161, “Civil Rights Program and Affirmative Employment and Diversity Management Program.”

10.162, “Disability Programs and Reasonable Accommodation Directive.”

11.1, “NRC Acquisition of Supplies and Services.”

11.4, “NRC Small and Disadvantaged Business Program.”

11.6, “Financial Assistance Program.”

NRC Acquisition Regulation System (NARCAR), Sub-chapter D, “Socioeconomic Programs.”

NUREGs

NUREG/BR-0182, “NRC Information Guide for People with Disabilities,”
December 1993.

NUREG/BR-0316, Rev. 4, "Comprehensive Diversity Management Plan," December 2009.

NUREG/BR-0331, "Alternative Dispute Resolution," November 2006.

NUREG/BR-0333, "Know Your EEO Rights," May 2007.

NUREG/BR-0344, "Know Your Rights: Limited English Proficiency (LEP), U.S. Nuclear Regulatory Commission," October 24, 2023.

NUREG/BR-0345, "Affirming LEP Access & Compliance in Federal and Federally Assisted Programs," December 2008.

NUREG/BR-0457, "Your Rights Under Title VI of the Civil Rights Act of 1964," October 2023.

NUREG/BR-0460, "Nondiscrimination on the Basis of Sex in Federally Assisted Programs," September 2009.

NUREG/BR-0462, "Americans with Disabilities Act: A Guide for People with Disabilities Seeking Employment," September 2009.

NUREG/BR-0464, "Equal Employment Opportunity Advisory Committees," February 2010.

NUREG-1614, Volume. 8, "Strategic Plan: Fiscal Years 2022-2026," September 2021.

NUREG-2185, "The U.S. Nuclear Regulatory Commission's External Complaint Processing and Investigation Procedures Manual," December 2015.

NUREG-2186, "Compliance Review Guide: Procedural Processes for Conducting Pre-award Compliance Reviews and Post-award Compliance Reviews," December 2015.

United States Code

Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.).

Age Discrimination in Employment Act of 1967, as amended (ADEA) (29 U.S.C. 621 et seq.).

Americans with Disabilities Act of 1990 with Amendments of 2008, as amended (42 U.S.C. 12101 et seq.).

Antidiscrimination Policy; Minority Recruitment Program (5 U.S.C. 7201).

Atomic Energy Act of 1954, as amended (42 U.S.C. 2015 & 2051(b)).

Bostock v Clayton County (United States Supreme Court Civil Rights Case) (*Bostock v Clayton County*, 590 U.S. 140, 140 S. Ct. 1731 (2020)).

Business Opportunity Development Reform Act of 1998 (15 U.S.C. 631).

Congressional Declaration of Objectives (42 U.S.C. 3001).

Congressional Declaration of Policy and Purpose (42 U.S.C. 5801).

Elijah E. Cummings Federal Employees Antidiscrimination Act of 2020 (Pub. L. 107-174). Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.).

Energy Policy Act of 2005, Section 170E(3)(c)(1), "Additional Provisions-Provision of Support to University Nuclear Safety, Security, and Environmental Protection Programs" (Pub. L. 109-58).

Energy Reorganization Act of 1974, Section 209 (42 U.S.C. 5849).

Equal Pay Act of 1963, as amended (29 U.S.C. 206(d)).

Historically Black Colleges and Universities (HBCU) Partners Act of 2021 (Pub. L. 116-270).

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), May 15, 2002 (Pub. L. 107-174).

Other Officers (42 U.S.C. 5849).

Pregnant Workers Fairness Act (PWFA), June 27, 2023.

Rehabilitation Act of 1973, as amended (29 U.S.C. 791 et seq.).

Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

Section 244, Partnership Programs with Institutions of Higher Education (42 U.S.C. 2015(c)).

Small Business Act, as amended (15 U.S.C. 631 et seq. 1988).

Small Business Jobs and Credit Act of 2010 (H.R. 5297) (Pub. L. 111-240).

Title II of Genetic Information Nondiscrimination Act of 2008 (GINA), effective November 2009 (Pub. L. 110-233).

Title IV of the Energy Reorganization Act of 1974 (42 U.S.C. 5801 note).

Titles VI and VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.).

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681).

United States Department of Justice

U.S. Department of Justice Title VI Legal Manual, January 11, 2001.

U.S. Department of Justice Title IX Legal Manual, January 11, 2001.

United States Equal Employment Opportunity Commission

EEOC Management Directive-110, "Federal Sector Complaint Processing Manual," Revised, August 5, 2015.

EEOC Management Directive-715, "EEO Reporting Requirements for Federal Agencies," October 1, 2003.

Applying MD-715 to "Improve Participation of Employees with Targeted Disabilities."

EEOC Regulations, Directives, Guidance and Resource Documents, available at <https://www.eeoc.gov/federal-sector/management-directive/regulations-directives-guidance-and-resource-documents>.

Genetic Information Discrimination, available at: <https://www.eeoc.gov/genetic-information-discrimination>.

United States Small Business Administration

Small Business Administration (SBA) Establishment of Procurement Preference Program Fiscal Year Goals, available at: <https://www.sba.gov/document/support-agency-contracting-goals>.