

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

MD 9.24		ORGANIZATION AND FUNCTIONS, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	DT-14-04
<i>Volume 9:</i>	Organization and Functions		
<i>Approved by:</i>	Mark A. Satorius Executive Director for Operations		
<i>Date Approved:</i>	March 12, 2014		
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<i>Issuing Office:</i>	Office of Small Business and Civil Rights		
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EXECUTIVE SUMMARY			
Directive and Handbook 9.24 serve as a guide for employees, supervisors, and managers on the programs and services of the Office of Small Business and Civil Rights (SBCR). The directive and handbook replace Manual Chapter and Appendix 0142 and are being updated to reflect the current functions, responsibilities, authorities, and organizational structure of SBCR.			

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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

SBCR provides for statutory and regulatory compliance in the development, implementation, and maintenance of the U.S. Nuclear Regulatory Commission's (NRC) Small Business Program (SBP), Affirmative Employment and Diversity Management Program, Civil Rights Program, and Outreach and Compliance Coordination Program. Specifically, the office:

1. Establishes and maintains an effective SBP to meet the objectives of Federal small business statutes, regulations, Executive orders (E.O.s), 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 an effective affirmative employment and diversity program through plans and strategies and conducts training as stipulated in Equal Employment Opportunity Commission (EEOC) Management Directive 715 and other Federal equal employment opportunity laws, regulations, and guidance.
3. Conducts oversight of the effectiveness of agency employment practices and policies in advancing affirmative employment and preventing discrimination, and provides guidance and support for NRC's Equal Employment Opportunity (EEO) advisory committees.
4. 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 NRC and, under rare circumstances, NRC contractors, as required by Title 29 of the Code of Federal Regulations, Part 1614; EEOC Management Directive 110; and other applicable regulations to enforce compliance with civil rights statutes.
5. Develops, implements, and manages the agency's EEO counselling process that offers a confidential, informal, non-adjudicative, and non-adversarial process to resolve issues at the pre-complaint stage of the discrimination complaint process.
6. Develops, implements, and manages the agency's Alternative Dispute Resolution Program, which offers a confidential, informal, non-adjudicative, and non-adversarial process to resolve employment discrimination complaints at the informal and formal stages of the discrimination complaint process.

7. Enforces applicable Federal equal opportunity and civil rights laws, rules, regulations, and E.O.s, prohibiting discrimination against applicants, recipients, program beneficiaries, and other stakeholders in NRC-conducted and financially assisted programs and activities.
8. Provides an effective process for the receipt and prompt, fair, and impartial processing and disposition of discrimination complaints on the basis of race, color, sex, national origin, religion, disability, age, sexual orientation, or status as a parent filed under applicable Federal civil rights statutes, NRC regulations, and E.O.s.
9. Provides an effective process to establish and maintain partnerships with minority serving institutions, including historically black colleges and universities, Hispanic-serving institutions, tribal colleges and universities, and Asian American Native American Pacific Islander serving institutions to build infrastructure, improve academic excellence, and strengthen their capacity to effectively compete for Federal and private resources and achieve NRC and Federal mandates to produce a diverse, skilled future workforce.
10. Provides authoritative guidance to Commission, EDO, office directors, regional administrators, managers, supervisors, and employees on Federal authorities, policies, and practices, related to small business, civil rights, affirmative employment, diversity management, and minority serving institutions.
11. Additional information on the SBP may be accessed at http://www.internal.nrc.gov/SBCR/small_business.html.
12. Additional information on the Affirmative Employment and Diversity Management Program may be accessed at <http://www.internal.nrc.gov/SBCR/affirmative.html>.
13. Additional information on the Civil Rights Program may be accessed at <http://www.nrc.gov/about-nrc/civil-rights/crp.html>.
14. Additional information regarding the Outreach and Compliance Coordination Program may be accessed at <http://www.internal.nrc.gov/SBCR/outreach.html>.

III. DELEGATION OF AUTHORITY TO THE DIRECTOR OF SBCR

The Director of SBCR is authorized and directed by the EDO to take action as necessary to carry out the functions and responsibilities assigned by Management Directive 9.24 in accordance with applicable NRC and Federal laws, rules, regulations, guidance, and E.O.s.

IV. REDELEGATION OF AUTHORITY BY THE DIRECTOR OF SBCR

- A.** The Director of 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.** Redelegated authority must be specified in writing and a copy filed with the Office of the EDO, the Secretary of the Commission, the Office of the General Counsel, and OCHCO.
- C.** The Director of SBCR may stipulate limitations on further redelegations of authority.

V. ORGANIZATION STRUCTURE AND INTERNAL ASSIGNMENTS

Section I of this handbook presents an organization chart showing the internal organization of the office. Section II of this handbook describes the functions of the two directorates in the office.

VI. REFERENCES

Code of Federal Regulations

- 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 42.407(b)-(c), 28 CFR 50.3(c) II A, and 28 CFR 50.3(c) II A(2), B, "Age Coordinating Regulations."
- 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."

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."

48 CFR, Federal Acquisition Regulation, Subpart 19.001, "Definitions."

48 CFR, Federal Acquisition Regulation, Subpart 19.704, Office of Federal Procurement Policy (OFPP) Letter 80-2 (1993).

48 CFR, Federal Acquisition Regulation, Subpart 19.8, "Contracting with the Small Business Administration (the 8(a) Program),"

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

Nuclear Regulatory Commission Documents

Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union, November 1, 2009, at <http://www.internal.nrc.gov/HR/pdf/cba-110109.pdf>.

NRC Discrimination Complaint Process Pamphlet, at <http://pbadupws.nrc.gov/docs/ML1218/ML12188A734.pdf>.

Management Directive—

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" (formerly MC 5101).

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)," December 2008.

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," September 2009.

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.

Yellow Announcements—

No. 004, "NRC Policy for Preventing and Eliminating Harassing Conduct in the Workplace," January 24, 2007.

No. 013, "Equal Employment Opportunity and Diversity Management at the NRC," January 16, 2008.

No. 022, "Agency Labor-Management Partnership Committee," March 14, 1994.

No. 027, "Commitment to Support Small Business Program," March 15, 2010.

No. 037, "Discrimination-Free Workplace," April 15, 1994.

No. 068, "Notification and Federal Employee Antidiscrimination and Retaliation Act," September 30, 2005.

No. 094, "Implementation of the Minority Serving Institutions Program," November 28, 2006.

United States Code

Age Discrimination Act of 1975, as amended (42 U.S.C. 3001 and 6101e) (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 (ADA), as amended 2008 (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)).

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

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).

Section 170E(3)(c)(1)(b), "Grants and Contributions."

Section 170F, "Recruitment Tools."

Section 170G, "Expenses Authorized to be Paid by the Commission."

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

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

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

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

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).

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

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

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

Equal Employment Opportunity Commission Management Directive 110 (EEOC MD 110), "Federal Sector Complaint Processing Manual" (effective November 9, 1999), at <http://www.eeoc.gov/federal/directives/md110.cfm>.

Equal Employment Opportunity Commission Management Directive 715, "Model Agency Title VII and Rehabilitation Act Programs" (effective October 1, 2003), at <http://www.eeoc.gov/federal/directives/md715.cfm>.

United States Small Business Administration

Small Business Administration (SBA) Establishment of Procurement Preference Program Fiscal Year Goals, at <http://www.sba.gov/aboutsba/sbaprograms/goals/pi/index.html>.

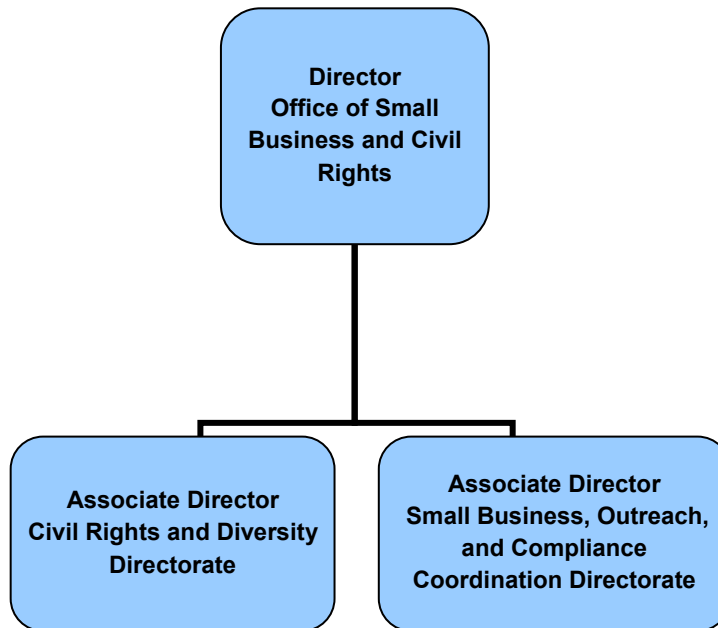
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I. ORGANIZATION CHART



II. DESCRIPTIONS OF FUNCTIONS

A. General

The Office of Small Business and Civil Rights (SBCR) provides for statutory and regulatory compliance in the development, implementation, and maintenance of the U.S. Nuclear Regulatory Commission's (NRC) Small Business Program (SBP), Affirmative Employment and Diversity Management Program (AEDM), Civil Rights Program (CRP), and Outreach and Compliance Coordination Program (OCCP).

B. Director, Office of Small Business and Civil Rights

1. Provides leadership and direction for the development, implementation, and maintenance of an effective SBP, AEDM, CRP, and OCCP, and ensures compliance with applicable laws, regulations, guidance, and Executive orders (E.O.s).
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 Chairman, Commission, the Executive Director for Operations (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, and minority serving institutions (MSI) activities.

4. Ensures that equal employment opportunity (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.

C. Associate Director, Small Business, Outreach and Compliance Coordination Directorate

1. Establishes and maintains an effective SBP to meet the objectives of Federal small business statutes, regulations, E.O.s, national policy, and economic and business development initiatives to ensure the agency achieves its small business prime and subcontract goals.
2. Ensures statutory compliance and regulatory oversight in the development, implementation, coordination, and management of policies and procedures to provide the maximum prime and subcontract opportunities for small businesses owned by the disadvantaged, women, veterans, service-disabled veterans, and businesses located in Historically Underutilized Business Zones.
3. In coordination with the Acquisition Management Division (AMD), Office of Administration (ADM):
 - (a) Negotiates agency small business prime and subcontract goals;
 - (b) Recommends small business programs for agency acquisitions, including small business set-asides and subcontracting opportunities, where applicable; and
 - (c) Locates small businesses that meet NRC contractual requirements.
4. Ensures that NRC provides effective outreach, technical assistance, guidance, direction, and training for business executives on the Federal small business program through participation in workshops, seminars, conferences, and other events sponsored by public and private sector organizations.
5. Conducts training for agency acquisition and technical personnel on the portfolio of Federal small business programs, small business laws, technical aspects of set-

asides, small business subcontracting, and economic and business development initiatives.

6. Oversees the development, recommendation, and implementation of strategies to set aside contracts for small businesses in coordination and collaboration with the AMD, ADM. Identifies the capabilities of the small business marketplace, prevents unjustified bundling of requirements, and mitigates the impact of justified bundling on small businesses, increases small business participation through incentivised measures, and ensures maximum small business subcontracting opportunities in agency acquisitions.
7. Establishes and maintains an effective MSI program that creates partnerships with MSI, including historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and Asian American Native American Pacific Islander serving institutions to support academic excellence and increased organizational capacity.
8. Provides statutory compliance and regulatory oversight in the development, implementation, coordination, and management of policies and procedures to enforce civil rights and prohibit individuals from being denied participation or benefit or otherwise subjected to discrimination on the basis of race, color, sex, national origin, religion, disability, age, sexual orientation, or status as a parent, as stipulated in applicable civil rights laws, rules, regulations, guidance, and E.O.s.
9. Oversees the development, implementation, and maintenance of a process that ensures the prompt identification of recipient violations and ensures that prompt and fair remedial action is taken to correct such violations and secure voluntary compliance with applicable NRC and Federal civil rights laws, rules, regulations, and E.O.s.
10. Develops, maintains, implements, and provides oversight of an effective process for the receipt and prompt, fair, and impartial processing and disposition of complaints filed under applicable civil rights statutes.
11. Ensures NRC provides effective outreach, technical assistance, training, guidance, and direction to ensure that NRC program offices, potential recipients, recipients, program beneficiaries, and other stakeholders understand their rights and responsibilities and how to comply with regulatory requirements and applicable NRC and Federal equal opportunity and civil rights, laws, rules, regulations, guidance, and E.O.s.
12. Manages and oversees SBCR's internal operations, including program planning, monitoring and evaluation, policy development, budgeting, and human resources.

D. Associate Director, Civil Rights and Diversity Directorate

1. Oversees the development, implementation, management and evaluation of the agencywide AEDM Program in compliance with EEOC Management Directive 715: Federal Agency Annual Equal Employment Opportunity Program Status Report, Federal Equal Opportunity Recruitment Program Plan, and other laws, rules, regulations, and E.O.s applicable to affirmative employment and diversity.
2. Develops plans and procedures for the achievement of affirmative employment and diversity goals in coordination with the Office of the Chief Human Capital Officer (OCHCO), including the agency's Diversity and Inclusion Strategic Plan, and evaluates the agency's progress.
3. Provides guidance and assistance to managers in the development and implementation of plans, programs, and initiatives to expand and advance affirmative employment and diversity management.
4. Serves as the agency liaison for the NRC EEO Advisory Committees and Diversity Management Advisory Committees, providing operational guidance and assistance in the development and presentation of special emphasis programs. Collects, maintains, and analyzes data to meet applicable internal and external standards and special reporting requirements.
5. Addresses specific concerns and issues and promotes cooperative actions that will increase recruitment, hiring, advancement, and other employment opportunities for women, minorities, and individuals with disabilities in collaboration with OCHCO and other NRC offices.
6. Develops and maintains outreach and liaison efforts with NRC offices, oversight and other Federal agencies, and external private and public sector organizations in support of affirmative employment and diversity goals.
7. Oversees the development, implementation, maintenance, and evaluation of the agency's administrative employment discrimination complaint process, including informal EEO counseling, the Alternative Dispute Resolution Program, and investigations, hearings, appeals, and adjudication in compliance with applicable Federal civil rights statutes and regulations.
8. Supervises, provides guidance, and trains collateral-duty EEO counselors to keep them abreast of applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and E.O.s required to perform their duties and responsibilities.

9. Oversees dissemination of knowledge, agencywide, on civil rights, the complaint process, diversity, and affirmative employment, through a variety of media and through training for NRC managers, supervisors, executives, and employees in compliance with Federal civil rights statutes, including the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.