

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

**MD 10.161 CIVIL RIGHTS PROGRAM AND DT-17-217
AFFIRMATIVE EMPLOYMENT AND
DIVERSITY MANAGEMENT PROGRAM**

Volume 10, Personnel Management
Part 7: General Personnel Management Provisions

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EXECUTIVE SUMMARY

Directive and Handbook 10.161 are being revised to reflect current Federal policy, reflect organizational changes and minor editorial changes for plain language, and comply with the Collective Bargaining Agreement.

In addition, the directive and handbook are updated to—

- Reflect the organizational name change of the Office of the Chief Human Capital Officer;
- Add Official Time Policy information; and
- Add the Advisory Committee for Lesbian, Gay, Bisexual, and Transgender Employees to incorporate Federal policy against discrimination based on sexual orientation in the Federal civilian workforce (Executive Order 13087).

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to foster equal employment opportunity (EEO) for all employees and applicants for employment with the NRC and to promote the principles of diversity management that will enhance the level of effectiveness and efficiency of the agency's programs. It is also the policy of the NRC to ensure compliance with NRC and Federal personnel and EEO laws, rules, regulations, and Executive orders (EOs), involving informal and formal complaints of discrimination filed under Title VII of the Civil Rights Act of 1964 (Title VII), as amended; the Age Discrimination in Employment Act of 1967 (ADEA), as amended; the Rehabilitation Act of 1973 (Rehab Act), as amended; the Equal Pay Act of 1963 (EPA), as amended; and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). Additionally, it is the policy of the NRC to ensure compliance with EO 11478, "Equal Employment Opportunity in the Federal Government," as amended, which prohibits discrimination based on sexual orientation.

II. OBJECTIVES

- Facilitate EEO for all persons through an ongoing affirmative employment and diversity management process.
- Build and maintain a high-performing diverse workforce based on mutual acceptance and trust, and where the contributions of all employees are recognized and valued.
- Ensure the agency's continued progress in achieving affirmative employment and diversity management goals incorporated in the Comprehensive Diversity Management Plan (CDMP), through the assessment of accomplishments by offices and regions.
- Ensure that EEO, affirmative employment, and diversity management principles, incorporated in the CDMP, are an integral part of all personnel policies and practices

and key organizational systems governing the agency's operations and treatment of employees and applicants for employment with the NRC.

- Ensure the prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes, and to eliminate or modify policies, procedures, and practices that give rise to valid discrimination complaints filed under these statutes.
- Promote NRC's organizational values of integrity, service, openness, commitment, cooperation, excellence, and respect, and expectations for an open, collaborative work environment, as the guiding forces in reaching affirmative employment and diversity management goals and promoting a discrimination-free work environment.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

1. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures that the NRC maintains an effective Civil Rights Program (CRP) and Affirmative Employment and Diversity Management (AEDM) Program to continue its progress in reaching EEO, affirmative employment, and diversity management goals.
3. Approves the agency's Affirmative Employment Plan, the NRC CDMP, and annual accomplishment reports and plan updates submitted to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), and other oversight agencies.
4. Promotes diversity management strategies and principles of the CDMP to increase NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity.
5. Issues the final agency decision on employment discrimination complaints arising in offices reporting to the Chairman or Commission or in the Office of the Inspector General (OIG). This authority may be delegated by the Chairman to other senior officials.
6. Delegates to the Office of Small Business and Civil Rights (SBCR) the authority to provide for prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes, and to advise on the elimination or modification of procedures and practices that give rise to valid discrimination complaints filed under these statutes.

B. Commission

1. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures that the NRC maintains an effective CRP and AEDM Program to continue its progress in reaching EEO, affirmative employment, and diversity management goals.
3. Promotes diversity management strategies and principles of the CDMP to increase NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity.

C. Executive Director for Operations (EDO)

1. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Ensures sufficient resources are available to administer an effective CRP and AEDM Program that meets the agency's EEO and affirmative employment and diversity management goals.
3. Issues the final agency decision on employment discrimination complaints arising in agency offices other than OIG and the offices reporting to the Chairman or the Commission. This authority may be delegated by the Executive Director for Operations (EDO) to other senior officials.
4. Approves the final disposition of complaints, including settlements and final agency decisions, involving issues that may set precedent, impact agency policy, procedures, practices, and/or the manner in which the agency conducts business.
5. Promotes diversity management strategies and principles of the CDMP to increase NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity.
6. Approves proposed changes to CRP and AEDM Program policies, practices, and structures based on changes in applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
7. Charters or authorizes the operation of EEO advisory groups or committees to provide advice and support to the overall AEDM Program under the auspices of SBCR.

D. Office of the General Counsel (OGC)

1. Provides legal advice, guidance, and assistance to SBCR in the areas of civil rights and affirmative employment and diversity management.
2. Ensures that the final disposition of discrimination complaints meet legal sufficiency standards and can withstand scrutiny on review by the EEOC, the Merit Systems Protection Board (MSPB), or Federal district courts.
3. Represents the agency in administrative hearings and appeals before the EEOC and MSPB and civil actions in Federal district court involving discrimination complaints filed by employees, former employees, and applicants for employment.
4. Represents the agency in the alternative dispute resolution (ADR) process or other stages of the discrimination complaint process when the complainant is represented by an attorney.

E. Director, Office of Small Business and Civil Rights (SBCR)

1. Provides leadership and personal commitment to promote NRC's organizational values and an open, collaborative, and discrimination-free work environment.
2. Recommends to the Chairman, Commission, office directors, and regional administrators, modification to or elimination of policies, procedures, or practices that give rise to valid complaints or that create or have the potential of creating a discriminatory work environment.
3. Provides semiannual public briefings and reports to the Commission on the progress of the CRP, the AEDM Program, and other SBCR programs and initiatives in coordination with the Office of the Chief Human Capital Officer (OCHCO).
4. Provides overall guidance and direction for the development, implementation, and management of NRC's CRP and AEDM Program to ensure compliance with applicable NRC and Federal EEO, affirmative employment, and diversity management laws, rules, regulations, guidance, and EOs.
5. Promotes and provides overall guidance and direction for the development and implementation of the CDMP strategies to increase NRC's organizational capacity, and guides decisions and practices that impact equal opportunity and the principles of diversity management.
6. Provides periodic reports to the EDO on the progress of office directors and regional administrators in achieving CDMP goals.

7. Ensures, in coordination with OCHCO, EEO and affirmative employment and diversity management principles and goals, incorporated in the CDMP, are an integral part of policies, practices, personnel decisions, and key planning systems governing the agency's operations and treatment of employees and applicants for employment with the NRC.
8. Recommends to the Chairman, Commission, and EDO, modification to or elimination of CRP and AEDM Program policies, practices, and operating procedures based on analysis of changes in applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
9. Oversees the development, implementation, and maintenance of a system to monitor, measure, and assess the progress of agency offices in reaching EEO, affirmative employment, and diversity management goals incorporated in the agency's CDMP and as required by EEOC's Management Directive (MD) 715, "Federal Agency Annual Equal Employment Opportunity Program Status Report."
10. Provides guidance and direction for the development, implementation, maintenance, and evaluation of the agency's administrative Employment Discrimination Complaint Process to ensure compliance with EEOC regulations at Title 29 of the *Code of Federal Regulations*, Part 1614 (29 CFR Part 1614), and EEOC's MD 110, "Federal Sector Complaints Processing Manual," and other applicable Federal personnel and EEO laws, rules, regulations, guidance, and EOs.
11. Provides guidance and direction to ensure the prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes.
12. Receives formal complaints of discrimination filed by employees, former employees, and applicants for employment with the NRC and issues determinations on the acceptance and dismissal of complaints in accordance with EEOC regulations at 29 CFR Part 1614.
13. Makes recommendations to OGC, the Chairman, and the EDO or their respective designees, regarding the disposition of complaints, including settlements and final agency decisions, involving issues that may set precedent, impact policy, procedures, practices, and/or the manner in which the agency conducts business.
14. Ensures, in coordination with OCHCO and OGC, agency compliance with requirements of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for biennial training for employees, managers, and supervisors, and annual reporting to Congress and oversight agencies.

15. Assists OCHCO in the proactive recruitment and advancement of minorities, women, and individuals with disabilities to meet diversity management objectives or to address identified barriers.
16. Ensures compliance with requests for standard and ad hoc reports or statistical data required by Congress, EEOC, MSPB, Office of Personnel Management, DOJ, or any other oversight agency.
17. Develops and implements policies, procedures, and standards for the Federal Equal Opportunity Recruitment Program (FEORP) Plan, in accordance with the provisions of 5 U.S.C. 7201 and in coordination with OCHCO.
18. Guides and directs programmatic assessments of NRC offices to ensure compliance with EEOC's MD 715, FEORP Plan, and other applicable NRC and Federal affirmative employment and diversity management laws, rules, regulations, guidance, and EOs.
19. Appoints program managers for the CRP and AEDM Program.
20. Appoints NRC headquarters and regional EEO counselors and advisory committee members in coordination with office directors, regional administrators, or their designees.
21. Ensures, in coordination with OCHCO, CRP, and AEDM Program staff, collateral-duty EEO counselors, EEO advisory committee members, and mentoring program participants receive sufficient training to perform their duties and responsibilities in accordance with applicable NRC and Federal laws, rules, regulations, and EOs.

F. Chief Human Capital Officer (CHCO)

1. Develops and implements policies, procedures, and standards for the FEORP Plan, in accordance with the provisions of 5 U.S.C. 7201 and in coordination with the Director of SBCR.
2. Ensures that printed employment information distributed to applicants, and sources of applicants, contain a statement of NRC's EEO policy.
3. Promotes diversity management strategies and principles of the CDMP to increase NRC's organizational capacity in achieving the agency's mission and guides decisions and practices that impact equal opportunity.
4. Ensures EEO and affirmative employment and diversity management principles incorporated in the CDMP are an integral part of all personnel policies and practices and key planning systems governing the agency's operations and treatment of employees and applicants for employment with the NRC.

5. Supports the collection and compilation of statistical employment information compiled by SBCR to assess the status and progress of NRC's CRP and AEDM Program, including the agency's efforts in meeting CDMP goals.
6. Ensures, in coordination with SBCR and support from other NRC offices, the proactive recruitment and advancement of minorities, women, and individuals with disabilities to meet diversity management objectives or to address identified barriers.

G. Office Directors and Regional Administrators

1. Ensure that EEO and diversity management principles incorporated in the CDMP are an integral part of all personnel policies and practices governing the agency's operations and treatment of all employees and applicants for employment.
2. Ensure that all employees and supervisors comply with this MD.
3. Promote NRC's organizational values of integrity, service, openness, commitment, cooperation, excellence, respect, and expectations for an open, collaborative work environment as the guiding forces in reaching its EEO and affirmative employment and diversity management goals and promoting a discrimination-free work environment.
4. Ensure the proactive recruitment of minorities, women, and individuals with disabilities in coordination with SBCR and OCHCO.
5. Implement action plans to achieve the goals of the CDMP and submit annual plans and reports to the EDO and the Director of SBCR on their progress in achieving these goals.
6. Ensure that employees, supervisors, and managers receive required No FEAR Act training biennially on their rights, protections, and remedies under anti-discrimination and whistleblower protection laws, rules and regulations, and the agency's Policy for Preventing and Eliminating Harassing Conduct in the Workplace.
7. Ensure that staff performing collateral duties as EEO counselors and advisory committee members receive guidance and training in coordination with the CRP and AEDM Program managers.
8. Support the agency's efforts to provide for prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes and to eliminate or modify policies, procedures, and practices that give rise to valid discrimination complaints filed under these statutes.

IV. APPLICABILITY

The civil rights, equal employment opportunity, affirmative employment, and diversity management policy and guidance in this directive and handbook apply to all NRC employees, including managers and supervisors, and in some instances former employees and applicants for employment.

V. DIRECTIVE HANDBOOK

Handbook 10.161 contains guidance on the various civil rights, affirmative employment and diversity management initiatives, programs, and performance goals and measures incorporated in the agency's CDMP, and evaluation of management's progress in achieving the CDMP goals. This handbook also provides an overview of the EEO Advisory Committees and Diversity Management Advisory Committees and Mentoring Program.

VI. REFERENCES

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

Equal Employment Opportunity Commission Management Directive 110, "Federal Sector Complaints Processing Manual," November 9, 1999.

Equal Employment Opportunity Commission Management Directive 715, "Federal Agency Annual Equal Employment Opportunity Program Status Report," October 1, 2003.

Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969, and as amended May 28, 1998 and May 2, 2000.

Executive Order 13087, "Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government," May 28, 1998.

Nuclear Regulatory Commission Documents

Collective Bargaining Agreement between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union.

NRC Discrimination Complaint Process Pamphlet, September 2012, available at <http://pbadupws.nrc.gov/docs/ML1218/ML12188A734.pdf>.

Official Time Policy during the EEO Complaint Process, SBCR Office Instruction CR-0109, August 1, 2013 (ADAMS Accession No. [ML13206A315](#)).

Management Directive—

9.24, “Organization and Functions, Office of Small Business and Civil Rights.”

10.162, “Disability Programs and Reasonable Accommodation.”

NUREGs

NUREG/BR-0174, Rev. 4, “NRC Mentoring Program,” May 16, 2006.

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

NUREG/BR-0316, Rev. 5, “Comprehensive Diversity Management Plan,”
October 2010.

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

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

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

Web Sites

NRC Civil Rights Web Site (public):
<http://www.nrc.gov/about-nrc/civil-rights.html>.

NRC Management Directives Web Site:
<http://www.internal.nrc.gov/ADM/DAS/cag/mandirs/index.html>.

SBCR Web Site:
<http://www.internal.nrc.gov/SBCR/index.html>.

SBCR Office Instructions at Share Point Site:
<http://fusion.nrc.gov/sbcr/team/Office%20Instructions/Forms/AllItems.aspx>.

Yellow Announcements—

No. 037, “Discrimination-Free Workplace,” April 15, 1994.

No. 068, “Web-Based Training Course for the No Fear Act,” September 30, 2005.

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

No. 013, “Equal Employment Opportunity and Diversity Policy Statement,”
August 30, 2013.

Other Documents

Office of Personnel Management, Report on the Federal Equal Opportunity Recruitment Program Plan (FEORP), at
http://www.opm.gov/About_OPM?Reports/FEORP/index.asp.

United States Code

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

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

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

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

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

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

Title II of Genetic Information Nondiscrimination Act of 2008 (GINA), effective
November 21, 2009 (Pub. L. 110-233).

Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.).

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<p>EXECUTIVE SUMMARY</p> <p>Directive and Handbook 10.161 are being revised to reflect current Federal policy, reflect organizational changes and minor editorial changes for plain language, and comply with the Collective Bargaining Agreement.</p> <p>In addition, the directive and handbook are updated to—</p> <ul style="list-style-type: none"> • Reflect the organizational name change of the Office of the Chief Human Capital Officer; • Add Official Time Policy information; and • Add the Advisory Committee for Lesbian, Gay, Bisexual, and Transgender Employees to incorporate Federal policy against discrimination based on sexual orientation in the Federal civilian workforce (Executive Order 13087). 		

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I. CIVIL RIGHTS PROGRAM (CRP)

A. General

1. The Civil Rights Program (CRP) provides for prompt, fair, and impartial processing of employment discrimination complaints filed under applicable civil rights statutes. NRC’s Employment Discrimination Complaint Process is administered by the CRP in accordance with the U.S. Equal Employment Opportunity Commission (EEOC) regulations as defined in Title 29, Part 1614, of the *Code of Federal Regulations* (29 CFR Part 1614) and EEOC Management Directive (MD) 110, “Federal Sector Complaints Processing Manual.” The complaint process is available to NRC employees, former employees, and applicants for employment with the NRC who believe that they have been subjected to discrimination protected by the applicable civil rights statutes.
2. In accordance with EEOC regulations, the Office of Small Business and Civil Rights (SBCR) established an Alternative Dispute Resolution (ADR) Program to provide employees, former employees, applicants for employment with the NRC, managers, and supervisors, a confidential, informal, non-adjudicative, and non-adversarial means of reaching mutually acceptable and voluntary resolutions to employment discrimination claims. The NRC primarily uses mediation, which is a form of ADR. The ADR process supplements the NRC’s employment discrimination complaint process.
3. The NRC public Web site presents detailed information regarding the agency’s discrimination complaint process, including ADR, employees’ rights and responsibilities in that process, the equal employment opportunity (EEO) laws, and types of discrimination. The NRC Civil Rights Web site is available at

<http://www.nrc.gov/about-nrc/civil-rights.html>. Detailed information is also included in the Discrimination Complaint Process pamphlet, available at <http://pbadupws.nrc.gov/docs/ML1218/ML12188A734.pdf>.

4. In coordination with the Office of the Chief Human Capital Officer (OCHCO) and the Office of the General Counsel (OGC), the CRP ensures the agency's compliance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Pub. L. 107-174), also known as the No FEAR Act. The No FEAR Act requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws. The No FEAR Act also requires Federal agencies to post summary statistical data of employment discrimination complaints filed against the agency (29 CFR Part 1614) and provide training biennially for all employees on their rights, protections, and remedies under antidiscrimination and whistleblower protection laws, rules, and regulations, and the agency's Policy for Preventing and Eliminating Harassing Conduct in the Workplace.

B. Civil Rights Program Manager (CRPM)

1. Oversees the development, implementation, maintenance, and evaluation of the agency's administrative employment discrimination complaint process, including informal EEO counseling, the ADR Program, investigations, hearings, appeals, and adjudication.
2. Ensures compliance with applicable NRC and Federal personnel and EEO laws, rules, regulations, and Executive Orders (EOs), involving informal and formal complaints of discrimination filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII); the Age Discrimination in Employment Act of 1967, as amended (ADEA); the Rehabilitation Act of 1973, as amended (Rehab Act); the Equal Pay Act of 1963, as amended; and Title II of the Genetic Information Nondiscrimination Act of 2008.
3. Ensures the timely processing of complaints, including the development of fair, impartial, and sufficient factual records upon which to make findings on the claims raised in written complaints.
4. Recommends, as appropriate, to the Director and Associate Director, Civil Rights and Diversity Directorate of SBCR, and to OGC, the processing and disposition of complaints, including settlements and final agency decisions.
5. Recommends to the Director and Associate Director, Civil Rights and Diversity Directorate of SBCR, changes in program policy, practices, and operating

- procedures based on analysis of applicable new and updated NRC and Federal personnel and EEO laws, rules, regulations, and EOs.
6. Provides guidance, direction, and training for NRC civil rights specialists and collateral-duty EEO counselors to keep them abreast of applicable NRC and Federal personnel and EEO laws, rules, regulations, guidance, and EOs required to perform their duties and responsibilities.
 7. Ensures employees receive information on the discrimination complaint process, including ADR, and their rights and responsibilities in that process.
 8. Ensures compliance with the No FEAR Act which requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws, to post summary statistical data pertaining to complaints of discrimination filed against the agency, and to provide biennial training for all employees, including managers and supervisors.
 9. Provides periodic reports to the Director and Associate Director, Civil Rights and Diversity Directorate of SBCR, on complaint activity and recommends modifying or eliminating policies, practices, or procedures that create or have the potential of creating a discriminatory work environment.
 10. Prepares standard and ad hoc reports or statistical data required by Congress, EEOC, Office of Personnel Management (OPM), Department of Justice, or any other appropriate authority.
 11. Provides input, including CRP reports and materials, to the agency's semiannual briefing to the Commission on the status of SBCR programs.

II. AFFIRMATIVE EMPLOYMENT AND DIVERSITY MANAGEMENT (AEDM) PROGRAM

A. General

1. Affirmative employment is exemplified in outreach activities designed to (1) encourage protected groups to apply for positions, and (2) remove any improper nonmerit and artificial barriers to subsequent employment and advancement. The NRC has incorporated these principles (i.e., diversity management principles) in the agency's Comprehensive Diversity Management Plan (CDMP).

2. The NRC has committed to affirmative employment guiding principles.
 - (a) These affirmative employment principles include—
 - (i) Creating a working environment that is free of discrimination, including harassment and retaliation, and is accessible to individuals with disabilities;
 - (ii) Ensuring that agency policies, processes, procedures, and practices provide all employees, regardless of race, color, national origin, religion, gender, disability, age, genetics, sexual orientation, or any other nonmerit factor, the opportunity to participate in mission accomplishments, and to compete fairly and equitably for career enhancement and advancement;
 - (iii) Employing a competent and highly skilled workforce, consistent with the national labor market, and enabling employees to accomplish the agency's mission by providing support, tools, and a positive, open, collaborative, and discrimination-free work environment; and
 - (iv) Recognizing, appreciating, and valuing diversity, thereby establishing trust, respect, and concern for the welfare of all employees within the agency.
 - (b) The agency's CDMP is a document that promotes strategies to increase NRC's organizational capacity, guides decisions and practices that impact equal opportunity, and promotes the principles of diversity management. The CDMP serves as a roadmap for the agency to create and sustain policies and practices that ensure all employees are valued and have an equal chance to succeed. The goals of the CDMP are to recruit diverse employees at all levels, develop and retain diverse employees, and increase the diversity of employees in senior and management positions.
3. Diversity management means creating a workforce where differences in heritage, background, style, tradition, and views are valued, respected, and used to increase organizational capacity and promote an open, collaborative, discrimination-free work environment. Organizational capacity refers to the combination of leadership, staff, culture, structures, systems, and processes that support individual and collective abilities to perform functions, solve problems, and set and achieve objectives. The goal of diversity management is to enable all employees to reach their full potential in pursuit of the organization's mission regardless of race, color, national origin, gender, religion, age, disability, genetics, sexual orientation, or any other nonmerit factor. The principles of diversity management are embedded in the agency's key planning systems: Strategic Plan, Organizational Values, Performance Plan, Senior Executive

Service Performance Management System, Affirmative Employment Plan, and the Human Capital Strategic Plan.

4. Where provisions of the Collective Bargaining Agreement between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union are in conflict with MD 10.161, the provisions of the agreement govern with reference to bargaining unit employees.

B. The Affirmative Employment and Diversity Management (AEDM) Program Manager

1. Develops, implements, and manages the agencywide AEDM Program.
2. Assesses compliance with EEOC's MD 715, "Federal Agency Annual Equal Employment Opportunity Program Status Report," Federal Equal Opportunity Recruitment Program (FEORP) Plan, and other applicable NRC and Federal EEO affirmative employment and diversity management laws, rules, regulations, and EOs.
3. Develops plans and procedures for the implementation of the CDMP, in coordination with the Chief Human Capital Officer or his/her designee, and evaluates the agency's progress in achieving affirmative employment and diversity management goals.
4. Provides periodic reports to the Director and Associate Director, Civil Rights and Diversity Directorate of SBCR, on the status of the AEDM Program and the progress of office directors and regional administrators in achieving CDMP goals.
5. Advises and assists the Director and Associate Director, Civil Rights and Diversity Directorate of SBCR, on AEDM Program matters.
6. Guides and assists managers to develop and implement plans, programs, and initiatives to expand and advance affirmative employment and diversity.
7. Serves as the agency liaison for the NRC EEO Advisory Committees and Diversity Management Advisory Committees (DMACs) and develops general operating procedures, guidance for committee membership, and roles and responsibilities of committee members.
8. Provides, in coordination with OCHCO, guidance and training to NRC EEO Advisory Committees and DMAC members and employees who serve as mentors in the agency's Mentoring Program.

9. Ensures the agency's EEOC MD 715 Report and FEORP Plan properly identify and address systemic barriers and areas of low participation of women, minorities, and individuals with disabilities.
10. Provides a forum for employees, supervisors, and managers to address specific concerns and issues related to the employment and advancement of women, minorities, and individuals with disabilities.
11. Serves as the lead in coordinating information for the semiannual EEO Commission briefings on the progress of the agency's civil rights programs, affirmative employment and diversity management programs, and other SBCR programs and initiatives.
12. Develops and maintains outreach and liaison efforts with Federal, State, and local governments; professional organizations; colleges and universities; and congressional committees to promote cooperative actions that will increase recruitment, hiring, and other employment opportunities for women, minorities, and individuals with disabilities.
13. Submits standard and ad hoc reports required by the EEOC, OPM, and other applicable oversight agencies.
14. Reviews and analyzes NRC employment data on the participation and utilization of women, minorities, and individuals with disabilities. Identifies barriers to participation by individuals in these groups, and recommends changes to eliminate these barriers.
15. Assists OCHCO in the proactive recruitment and advancement of women, minorities, and individuals with disabilities to meet diversity management objectives or to address identified barriers.
16. Guides and assists in developing and presenting special emphasis programs and activities that promote an appreciation of diversity within the NRC.
17. Guides and assists advisory committees in their efforts to advance EEO for their respective groups.
18. Represents the agency on affirmative employment and diversity management matters with internal and external stakeholders and customers.

C. EEO Advisory Committees and Diversity Management Advisory Committees

1. Overview

- (a) SBCR has oversight responsibilities for the EEO Advisory Committees and DMACs in headquarters and the regions. EEO Advisory Committees in headquarters are comprised of employee volunteers approved by the Director of SBCR and the employee's office director or his/her designee. The DMAC in headquarters is comprised of the chair and co-chair of each EEO Advisory Committee. The DMAC members in the regions are comprised of employee volunteers approved by the Director or Associate Director, Civil Rights and Diversity Directorate of SBCR, and the regional administrator or his/her designee. The DMAC in each region is chaired by the regional administrator or his/her designee.
- (b) The EEO Advisory Committees and DMACs assist the agency by participating in activities to create an open, collaborative work environment and making recommendations or proposals that will further equal employment opportunity for all employees and reduce the potential of creating a discriminatory work environment.
- (c) Each committee seeks to participate in activities to enhance equal employment opportunities and remedy low participation of employees represented by their respective committee and ensure that discrimination or any other nonmerit factor is not a barrier in employment decisions relevant to current or prospective employees. Each committee monitors existing NRC short- and long-term goals designed to ensure full equal employment opportunity consistent with the intent of the CDMP and applicable EEO laws, rules, regulations, guidance, and EOs.

2. Goals of the Advisory Committees

The general goal of the advisory committees is to assist the agency in its efforts to create an open, collaborative work environment, enhance equal employment opportunities, and implement policies, procedures, and practices to ensure a discrimination-free work environment, by recommending changes to—

- (a) Improve NRC affirmative employment strategies included in the CDMP.
- (b) Eliminate discriminatory practices and patterns that give rise to discrimination or have the potential for creating a discriminatory work environment.
- (c) Expand the diversity of applicants.

- (d) Improve recruitment strategies to attract women, minorities, and individuals with disabilities.
 - (e) Increase participation of women, minorities, and individuals with disabilities in leadership training.
 - (f) Implement career development measures that improve job-related knowledge, enhance skills and job performance, and increase opportunities for advancement of all employees, including women, minorities, and individuals with disabilities.
 - (g) Improve job structuring to provide for maximum utilization of employees, including women, minorities, and individuals with disabilities, and to facilitate upward mobility in all occupational areas.
 - (h) Increase awareness of NRC programs of particular interest to women, minorities, and individuals with disabilities.
 - (i) Raise awareness of civil rights and affirmative employment and diversity management programs and initiatives.
3. NRC EEO Advisory Committees

The NRC EEO Advisory Committees focus on the employment concerns of employees protected under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973. These groups include the following:

- (a) Advisory Committee for African Americans (ACAA),
- (b) Advisory Committee for Employees with Disabilities (ACED),
- (c) Asian/Pacific American Advisory Committee (APAAC),
- (d) Diversity Advisory Committee on Ageism (DACA),
- (e) Federal Women's Program Advisory Committee (FWPAC),
- (f) Hispanic Employment Program Advisory Committee (HEPAC),
- (g) Native American Advisory Committee (NAAC), and
- (h) Advisory Committee for Lesbian, Gay, Bisexual, and Transgender Employees (ACLGBT).

4. Diversity Management Advisory Committees

The DMAC in each region generally serves as a liaison between employees and management to raise awareness of EEO, civil rights, affirmative employment and diversity programs, services, and initiatives. The DMAC in headquarters and the regions serves as a vehicle for communication and collaboration on issues that cut across all of the advisory committees. The DMAC also provides an opportunity to exchange information and ideas with representatives of the NTEU and to discuss matters involving personnel policies, practices, and matters governing working conditions as they relate to EEO. The DMACs do not consider specific grievances, complaints, or appeals; however, this does not preclude the discussion of matters that might be identified for possible preventive action, when appropriate.

5. Additional information regarding EEO Advisory Committees and DMACs is available at <http://fusion.nrc.gov/functions/team/EEO/default.aspx>.

D. NRC's Mentoring Program

1. General

- (a) The Mentoring Program provides NRC employees an opportunity to discuss their career goals and aspirations with experienced NRC employees who volunteer to serve as mentors on a one-to-one basis. Each mentoring relationship will vary according to the needs and interest of the mentor and mentee.
- (b) Participants for the NRC Mentoring Program are accepted on an ongoing basis.

2. Objectives

- (a) Improve employee productivity and potential for advancement through enhancement of their present job skills and abilities.
- (b) Support upward mobility and the rotational assignment process by providing employees with guidance and information that will assist them in their career development.
- (c) Improve employee morale by providing satisfying career development experiences through participation in the program.
- (d) Meet affirmative employment objectives and equal employment opportunity goals by enhancing actual and potential career advancement opportunities for women, minorities, and individuals with disabilities.

3. Additional information regarding the agency's Mentoring Program is available at <http://www.internal.nrc.gov/toolbox/coaching-mentoring.html>.

III. GLOSSARY

Affirmative Employment

A blueprint of strategies for improving the employment and advancement opportunities for employees, especially women, minorities, and individuals with disabilities. This includes outreach actions that are designed to encourage all employees regardless of race, color, gender, national origin, religion, age, disability, genetics, sexual orientation, or any other nonmerit factor, to apply for positions and to remove any improper, nonmerit, and artificial barriers to subsequent employment and advancement. The agency incorporates the affirmative employment guiding principles that embody the principles of diversity management in the CDMP.

Alternative Dispute Resolution (ADR)

A confidential, informal, non-adjudicative, and non-adversarial process for reaching mutually acceptable resolutions. In accordance with EEOC regulations (29 CFR Part 1614), SBCR established an ADR Program (<http://www.nrc.gov/about-nrc/civil-rights/crp/eeo-adr-program.html>) to provide managers, supervisors, employees, former employees, and applicants for employment with the NRC a forum for resolving employment discrimination complaints. The agency uses mediation as its primary form of ADR to supplement the NRC's Employment Discrimination Complaint Process.

Comprehensive Diversity Management Plan (CDMP)

A document that is designed to promote strategies to increase NRC's organizational capacity, guide decisions and practices that impact equal opportunity, and promote the principles of diversity management. The CDMP serves as a roadmap for the agency in its commitment and continued efforts to become an agency where all employees are valued and have an equal chance to succeed. The goals of the CDMP are to recruit diverse employees at all levels, develop and retain diverse employees, and increase the diversity of employees in senior and management positions. The CDMP is available at <http://www.internal.nrc.gov/SBCR/NRCBrochure.pdf>.

Diversity Management

An agencywide initiative designed to create a workforce where differences in heritage, background, style, tradition, and views are valued, respected, and used to increase organizational capacity and promote an open, collaborative, and discrimination-free work environment. The goal of diversity management is to enable all employees to reach their full potential in pursuit of the organization's mission regardless of race, color, national origin, gender, religion, age, disability, genetics, sexual orientation, or any other nonmerit factor. The principles of diversity management are embedded in the agency's key planning systems: Strategic Plan, Organizational Values, Performance Plan, Senior Executive Service Performance Management System, Affirmative Employment Plan, and the Human Capital Strategic Plan.

Employment Discrimination Complaint Process

NRC's Employment Discrimination Complaint Process (<http://www.nrc.gov/about-nrc/civil-rights/crp/edc-process.html>) is administered by SBCR's CRP in accordance with the EEOC (<http://www.eeoc.gov>) regulations as defined in 29 CFR Part 1614 (http://www.access.gpo.gov/nara/cfr/waisidx_07/29cfr1614_07.html), and is available to NRC employees, former employees, and applicants for employment with the NRC, who believe that they have been subjected to discrimination protected by the applicable civil rights statutes to pursue a claim. Additional information regarding NRC's Employment Discrimination Complaint Process, including the informal pre-complaint, formal complaint, and alternative dispute resolution process, is available at <http://www.nrc.gov/about-nrc/civil-rights/crp/edc-process.html>.

Mentoring Program

Provides NRC employees an opportunity to discuss their career goals and aspirations on a one-to-one basis with experienced NRC employees who volunteer to serve as mentors. Information regarding the Mentoring Program is available at <http://www.internal.nrc.gov/SBCR/mentor/BR0174>.

Official Time Policy

NRC employees are entitled to receive official time when their presence is authorized or required by NRC or the EEO Commission (e.g., to meet with an EEO counselor or EEO investigator, testify at a hearing, etc.). Information regarding Official Time Policy during the EEO complaint process is available at the SBCR SharePoint office instructions Web site (ADAMS Accession No. [ML13206A315](#)).

Organizational Capacity

Refers to the combination of leadership, staff, culture, structures, systems, and processes that support individual and collective abilities to perform functions, solve problems, and set and achieve objectives.

Title II of Genetic Information Nondiscrimination Act of 2008 (GINA)

Title II of GINA, which took effect November 21, 2009, prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (that is, an individual's family medical history). Information regarding GINA is available at <http://www.eeoc.gov/laws/types/genetic.cfm>.