



The Secretary of Energy
Washington, DC 20585

December 31, 2013

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: ERNEST J. MONIZ 

SUBJECT: Policy Statement on Equal Employment Opportunity,
Harassment and Retaliation

A workplace without barriers to success is an essential element of our culture of respect, and a key to our success. Equal employment opportunity (EEO) is not only the law, but a fundamental business practice which helps us to achieve our mission of growing our Nation's economy, enhancing national security, and protecting the environment.

I am personally committed to equal employment opportunity and ensuring that the Department of Energy maintains a workplace free from any and all forms of prohibited discrimination, harassment (sexual and non-sexual), and retaliation.

Discrimination

Equal employment opportunity ensures that applicants and employees are not subjected to discrimination or retaliation (reprisal) in any aspect of employment on the basis of race, color, sex (including pregnancy and gender identity), religion, national origin, age, disability (physical or mental), protected genetic information, sexual orientation, or status as a parent. Employment-related decisions must be based on merit, and not on discriminatory factors.

Harassment

Harassment is any unwelcome conduct (verbal, written, or physical), based on discrimination that: (1) has the purpose or effect of unreasonably interfering with an employee's work performance; (2) creates an intimidating, hostile, or offensive work environment; or (3) affects an employee's employment opportunities or compensation. Generally, offhand comments and isolated incidents do not constitute illegal harassment; the conduct must generally be severe and pervasive. However, a single egregious event may constitute illegal harassment.

Sexual harassment is any unwelcome behavior of a sexual nature. This includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, physical conduct of a sexual nature, or other similar behavior. Sexual harassment is not limited to prohibited conduct by a male employee toward a female employee; a male may also be a victim of sexual harassment. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a nonsupervisory employee; the harasser may be an agent



of the employer, a supervisory employee who does not supervise the victim, a coworker, or a nonemployee.

Retaliation

Employees are entitled to report such incidents without fear of retaliation (reprisal). Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment, solely because he or she filed a charge of discrimination, participated in an investigation, proceeding or hearing, or took other, similar action in opposition to unlawful discrimination.

Reporting an EEO Complaint

Employees should promptly report any incidents of discrimination, harassment or retaliation to any management official, or directly to the EEO office at your workplace.

Employees who wish to file an EEO complaint regarding discrimination, harassment, or retaliation must contact an EEO Counselor within 45 calendar days of the date of the alleged discrimination, or 45 calendar days from the date on which they reasonably become aware of the discrimination. If a formal complaint is accepted, a prompt, thorough, and impartial investigation will be conducted. The Department will seek to protect the confidentiality of harassment and retaliation allegations, to the extent possible, and will share information only with those who have a need to know in the performance of their official duties. Furthermore, it is the responsibility of the Department to address matters before they reach the level of severe and pervasive harassment, with the goal of preventing harassment before employees have been subject to actionable harm. Accordingly, the Department may choose to conduct an inquiry into the matter, even in the absence of an equal employment opportunity complaint.

Any employee of the Department of Energy who engages in discrimination, harassment, or retaliation in violation of the law or of this policy is subject to disciplinary action, which may include suspension or dismissal. Managers who have knowledge of an act of possible discrimination, harassment, or retaliation should contact their local EEO or Human Capital Office, or the DOE Office of the Ombudsman, for guidance. Managers must act promptly and appropriately to eliminate and prevent discrimination, harassment, and retaliation in the workplace.

Equal Employment Opportunity and Our Mission

Our mission is critical to our Nation. Together, we can ensure that every individual at DOE has an equal opportunity to contribute to our success, in an environment free of discrimination, harassment, and retaliation.

For more information regarding discrimination in the workplace, or information on how to file an EEO complaint, go to <http://energy.gov/diversity/services>, and click on "Protecting Civil Rights."