The Secretary of Energy
Washington, D.C. 20585

September 26, 2012

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: STEVEN CHU

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

I am personally committed to ensuring that the Department of Energy maintains a workplace that embraces equal employment opportunity (EEO), and is free from harassment and retaliation.

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

Harassment is any unwelcome conduct, verbal, written, or physical, based on prohibited 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.

Sexual harassment is any unwelcome behavior of a sexual nature, including but 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, as well as a female, may be a victim of sexual harassment. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a non-supervisory employee; the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a coworker, or a non-employee.

All employees have the right to work in an environment free from prohibited discrimination, unlawful harassment (sexual and non-sexual) and unlawful retaliation. You should promptly report any such incident to any management official, or directly to the EEO office at your workplace.

Printed with soy ink on recycled paper

You are entitled to report such incidents without fear of retaliation. 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 an unlawful employment practice.

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.

Employees who wish to file a formal 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. The complaint process provides a prompt, thorough, and impartial investigation. 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.

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