

PART III – LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS

SECTION J – LIST OF ATTACHMENTS

ATTACHMENT J-8 – GUIDANCE FOR PREPARATION OF EQUAL OPPORTUNITY PROGRAM

With regard to the Contract Section I FAR clause 52.222-26 entitled “Equal Opportunity,” this Appendix provides guidance to assist the Contractor in understanding the Department’s expectations in the area of workforce equal employment opportunity and diversity.

In addition to Executive Order 11246 and DOE Order 311.1B, DOE-SR contractors and subcontractors will strive to meet DOE-SR's expectations to be model employers in the area of workforce equal employment opportunity and diversity, and to provide policies, procedures, and assign responsibilities and authorities for the oversight of contractor equal employment opportunity and affirmative action at DOE facilities, as specified in applicable State and Federal laws and regulations.

DOE-SR contractors and subcontractors must ensure that all its personnel actions are "made free" of any discrimination based on race, color, religion, sex, national origin, age, disabling condition, reprisal or sexual orientation and that each of its contractors and subcontractors has "an affirmative program of equal employment opportunity" for all employees and applicants for employment. To this end, the contractors must maintain the essential elements of a Model Equal Employment Opportunity (EEO) Program as follows:

- Demonstrated commitment from company leadership;
 - Integration of EEO into the company's strategic mission;
 - Management and program accountability;
 - Proactive prevention of unlawful discrimination;
 - Efficiency; and
 - Responsiveness and legal compliance.
- (a) Demonstrated Commitment from Contractor Leadership
- (1) Contractor heads and other senior management officials are to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment. Even the best workplace policies and procedures will fail if they are not trusted, respected and vigorously enforced. The Contractor must translate equal opportunity into every day practice and make those principles a fundamental part of their company culture. This commitment to equal opportunity must be embraced by company leadership and communicated through the ranks from the top down. It is the responsibility of each company head to take such measures as may be necessary to incorporate the principles of equal employment opportunity into the company's organizational structure.

- (2) To this end, the Contractor will adhere to all DOE policies governing EEO and a workplace free of discriminatory harassment.

(b) Integration of EEO into the Company's Strategic Mission

- (1) Maintain a reporting structure that provides the company's EEO Director with regular access to the company head and other senior management officials for reporting on the effectiveness, efficiency, and legal compliance of the company's equal employment opportunity and diversity programs.
- (2) EEO Director be a direct report to the company head.
- (3) Ensure EEO professionals are involved with, and consulted on, the management and deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.
- (4) Allocate sufficient resources to create and/or maintain equal employment opportunity and diversity programs that: 1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex or disability; 2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and 3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- (5) Attract, develop, and retain EEO staff with the strategic competencies necessary to accomplish the company's EEO mission, and interface with company officials, managers, and employees.
- (6) Recruit, hire, develop, and retain supervisors and managers who have effective managerial, communications, and interpersonal skills. Provide managers and supervisors with appropriate classroom training and other resources to understand and successfully discharge their duties and responsibilities.
- (7) Involve managers and employees in the implementation of the company's EEO and diversity programs.
- (8) Use various media to distribute EEO information concerning EEO laws, regulations and requirements, rights, duties and responsibilities and to promote best workplace practices.

(c) Management and Program Accountability

- (1) Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and efficiency of EEO laws and regulations to ascertain whether the company has made

a good faith effort to identify and remove barriers to equality of opportunity in the workplace.

- (2) Establish procedures to prevent all forms of discrimination, including harassment, retaliation and failure to provide reasonable accommodation to qualified individuals with disabilities.
- (3) Evaluate managers and supervisors on efforts to ensure equality of opportunity for all employees.
- (4) Maintain clearly defined, well-communicated, consistently applied and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct and training systems.
- (5) Review each finding of discrimination to determine the appropriateness of taking disciplinary action against company officials involved in the matter. Track these decisions and report trends, issues and problems to company leadership for appropriate action.

(d) Proactive Prevention of Unlawful Discrimination

Contractors must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.

(e) Efficiency

- (1) Contractors must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.
- (2) Maintain an efficient, fair, and impartial complaint resolution process.
- (3) Establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective, and efficient informal resolution of disputes.
- (4) Establish an internal complaint process to include suspense date that has been approved by DOE-SR. Develop a tracking and monitoring system that permits the company to identify the location, status, and length of time elapsed at each stage of the company's complaint process, the issues and the bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information necessary to analyze complaint activity and identify trends.

- (5) Identify, monitor and report significant trends reflected in complaint processing activity monthly to DOE-SR. Analysis of data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which a company is meeting its obligations to EEO laws, regulations, executive orders and guidance.
 - (6) Maintain a system that collects and maintains accurate information on the race, national origin, sex, and disability status of company employees.
 - (7) Maintain a system that tracks applicant flow data, which identifies applicants by race, national origin, sex, and disability status and the disposition of all applications.
 - (8) Maintain a tracking system of recruitment activities to permit analyses of these efforts in any examination of potential barriers to equality of opportunity.
 - (9) Identify and disseminate best workplace practices.
- (f) Responsiveness and Legal Compliance
- Ensure that they are in full compliance with the laws, regulations, guidance, orders and other written instructions.