



# Department of Defense

## **DIRECTIVE**

**NUMBER** 1020.02  
February 5, 2009

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USD(P&R)

**SUBJECT:** Diversity Management and Equal Opportunity (EO) in the Department of Defense

**References:** See Enclosure 1

1. PURPOSE. This Directive:

a. Establishes policy, assigns responsibilities, and provides an overarching framework for DoD diversity, military EO, and civilian equal employment opportunity (EEO) programs and plans to prevent unlawful discrimination.

b. Consolidates policy on the DoD Diversity Management Program, the DoD Military EO (MEO) Program, the DoD Civilian EEO Program, and Nondiscrimination in DoD Federally Assisted and Federally Conducted Programs as set forth in DoD Directives 5500.11, 1020.1, 1350.2, and 1440.1 (References (a) through (d)).

c. Authorizes the issuance, consistent with DoD Instruction 5025.01 (Reference (e)), of DoD Instructions and Manuals to implement this Directive and applicable guidance from relevant agencies such as the Equal Employment Opportunity Commission (EEOC), Office of Management and Budget (OMB), Department of Justice (DOJ), Department of Health and Human Services (DHHS), and Office of Personnel Management (OPM).

2. APPLICABILITY. This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS. These terms and their definitions are for the purpose of this Directive.

a. civilian EEO. The right of all covered persons to work and advance on the basis of merit, ability, and potential, free from social, personal, or institutional barriers of prejudice or discrimination based unlawfully on race, sex, color, national origin, age, religion, disability, reprisal, marital status, sexual orientation, status as a parent, political affiliation, or other

prohibited non-merit factors as prohibited by Title VII of the Civil Rights Act of 1964, as amended; The Rehabilitation Act of 1973, as amended; The Age Discrimination in Employment Act of 1967, as amended; The Equal Pay Act of 1963, as amended; The Civil Rights Act of 1991; The Civil Service Reform Act of 1978, as amended; Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; Executive Order 11478, "Equal Employment Opportunity in the Federal Government"; Executive Order 13145, "To Prohibit Discrimination in Federal Employment Based on Genetic Information"; and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (References (f) through (o)).

b. diversity. The different characteristics and attributes of individuals.

c. diversity management. The plans made and programs undertaken to identify in the aggregate the diversity within the Department of Defense to enhance DoD capabilities and achieve mission readiness.

d. MEO. The right of all military personnel to participate in and benefit from programs and activities for which they are qualified. These programs and activities shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible.

e. nondiscrimination in Federally assisted or Federally conducted programs. The right of covered persons to receive benefits from, participate in, and otherwise not be subject to unlawful discrimination because of race, color, national origin, sex, age, or disability in programs or activities that receive Federal financial assistance from the Department of Defense as prohibited by Title VI of Reference (f), section 504 of Reference (g), Title IX of the Education Amendments of 1972 (Reference (p)), and The Age Discrimination Act of 1975 (Reference (q)), or other applicable law or regulation.

4. POLICY. It is DoD policy that:

a. The defense of the Nation requires a well-trained volunteer force, military and civilian, Active and Reserve. To provide such a force, the Department of Defense must ensure the attractiveness of a DoD career, providing opportunities for all DoD personnel to rise to as high a level of responsibility as their abilities allow. In doing so, the Department of Defense must maximize the productive capacity represented in the diversity of those recruited, hired, developed, and promoted.

b. Programs or activities conducted by, or that receive financial assistance from, the Department of Defense shall not unlawfully discriminate against individuals on the basis of race, color, national origin, sex, religion, age, or disability in accordance with guidance issued by DOJ, DHHS, the Department of Labor, and the Small Business Administration.

c. The DoD Diversity Management Program shall:

(1) Encourage DoD organizations to value diversity, thus establishing a DoD culture that values inclusion of all DoD personnel, military and civilian, as part of the DoD team and views

diversity throughout the workforce as a potential force multiplier in DoD mission accomplishment.

(2) Ensure that all military and civilian personnel understand they are valued; ensure they are able to achieve their full potential while contributing to accomplishment of the DoD mission.

(3) Establish training, mentoring, and development approaches that ensure all DoD personnel have the skills to navigate career progression successfully.

(4) Provide culturally aware training and appropriate assistance to enhance organizational capabilities.

(5) Develop management systems that measure and report diversity management and EO progress.

d. The DoD Civilian EEO Program shall:

(1) Be maintained within the Department of Defense as an essential element of readiness vital to the accomplishment of the DoD national security mission.

(2) Develop and implement programs to promote diversity and ensure EEO in the DoD civilian workforce at all grade levels, in every occupational series, and in every major organizational element, in accordance with EEOC and OPM guidance and consistent with law, specific circumstances, and the needs of the Department of Defense.

(3) Ensure that civilian EEO program activities for the DoD workforce are integrated fully into the civilian personnel management and data systems.

(4) Prohibit unlawful employment discrimination based on race, sex, color, national origin, age, religion, disability, or reprisal for previous EEO activity through the establishment of a discrimination complaint processing and resolution system in accordance with EEOC guidance; and prohibit unlawful employment discrimination based on marital status, sexual orientation, status as a parent, genetic information, limited English proficiency, political affiliation, or other prohibited non-merit factors through other separate discrimination complaint processing and resolution systems when required by applicable laws and regulations.

(5) Identify and eliminate barriers and practices that impede EEO for all employees and applicants for employment, including sexual and non-sexual harassment in the workforce.

(6) Identify and eliminate barriers at work sites, including architectural, transportation, and other barriers affecting people with disabilities.

e. The DoD MEO Program shall:

(1) Promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. In this environment, Service members shall be evaluated only on individual merit, fitness, and capability. Unlawful discrimination against individuals or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline and counterproductive to combat readiness and mission accomplishment and shall not be condoned.

(2) Use the chain of command as the primary and preferred channel to identify and correct unlawful discriminatory practices; process and resolve complaints of unlawful discrimination, including sexual harassment; and ensure that human relations and MEO matters are taken seriously and acted upon as necessary.

(3) Identify and resolve MEO problems through formulating, maintaining, and reviewing MEO action plans with established objectives and milestones, including a process for accountability in personnel management.

(4) Provide periodic, mandatory education and training in human relations and MEO at installation and operational unit commands, during pre-commissioning programs and initial entry training, and throughout professional military education systems as part of the overall effort to achieve MEO within the Department of Defense.

(5) To the extent permitted by law and DoD policy, ensure that all on-base activities and all off-base activities available to military personnel are open to all military members and their families regardless of race, color, religion, age, disability, sex, or national origin.

f. The DoD Program to Prohibit Unlawful Discrimination in Federally Assisted or Federally Conducted Activities shall:


(1) Ensure that Federally assisted or Federally conducted programs or activities are conducted in a manner that does not unlawfully discriminate against an individual on the basis of race, color, national origin, sex, age, disability, or other relevant prohibited factor.

(2) Establish a process through which individuals may file complaints with the Department of Defense alleging unlawful discrimination based on a prohibited factor in a Federally assisted or Federally conducted program or activity.

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Directive is effective immediately.



Gordon England  
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," May 27, 1971
- (b) DoD Directive 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982
- (c) DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995
- (d) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987
- (e) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007
- (f) Sections 2000d, 2000e through 2000e-17, of title 42, United States Code ("Title VI and Title VII of the Civil Rights Act of 1964, as amended")
- (g) Sections 791 through 794d of title 29, United States Code ("The Rehabilitation Act of 1973, as amended")
- (h) Sections 621 through 634 of title 29, United States Code ("The Age Discrimination in Employment Act of 1967, as amended")
- (i) Section 206(d) of title 29, United States Code ("The Equal Pay Act of 1963, as amended")
- (j) Public Law 102-166, "The Civil Rights Act of 1991," November 21, 1991
- (k) Public Law 95-454, "The Civil Service Reform Act of 1978, as amended," October 13, 1978
- (l) Public Law 107-174, "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (No FEAR Act)," May 15, 2002
- (m) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969 (as amended by Executive Orders 11590, 12106, 13087 and 13152)
- (n) Executive Order 13145, "To Prohibit Discrimination in Federal Employment Based on Genetic Information," February 8, 2000
- (o) Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000
- (p) Sections 1681 through 1688 of title 20, United States Code ("Title IX of the Education Amendments of 1972, as amended")
- (q) Sections 6101 through 6107 of title 42, United States Code ("The Age Discrimination Act of 1975, as amended")

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

(USD(P&R)). The USD(P&R) shall oversee the DoD Diversity Management, Civilian EEO, and MEO Programs, and in that capacity shall:

a. Represent the Secretary of Defense in, and advise the Secretary of Defense on, all matters related to these programs.

b. Ensure full implementation of this Directive and monitor progress toward program objectives.

c. Issue implementing issuances, as required and in accordance with Reference (e), to achieve the objectives of these programs and to provide policy direction and overall guidance to the DoD Components.

d. Represent the Department of Defense on matters involving these programs with the EEOC, OPM, DOJ, other Federal agencies, and Congress.

e. Represent the Department of Defense at meetings and conferences of non-Federal organizations concerned with these programs and coordinate DoD support of such organizations' activities with the Assistant Secretary of Defense for Public Affairs (ASD(PA)) and the General Counsel of the Department of Defense (GC, DoD).

f. Serve as the primary liaison for coordinating policies, programs, and initiatives for related programs among the Military Departments, the Joint Staff, and Washington Headquarters Services, who shall be responsible for dissemination and coordination with the Components within OSD, Defense Agencies, and DoD Field Activities.

2. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Ensure that all their internal DoD diversity management, civilian EEO, and MEO program policies are disseminated widely, understood, and implemented at all levels within their Components.

b. Ensure their Components comply with applicable EEOC, OPM, OMB, and DOJ guidance, this Directive, and all implementing DoD issuances.

c. Treat the DoD Diversity Management, Civilian EEO, and MEO Programs as essential elements of readiness that are vital to the accomplishment of the national security mission.

d. Ensure programs are managed by officials senior enough to have direct access to the Component Head to ensure visibility and priority for Diversity Management, MEO, and Civilian EEO programs and assign sufficient staff and resources to assure viable programs.

e. Require that support for and contributions to these policies and programs be considered in the annual performance plans of all supervisors, managers, commanders, and other DoD Component personnel, both military and civilian, having program responsibilities.