




**The Secretary of Energy**  
Washington, DC 20585

March 28, 2016

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: ERNEST J. MONIZ 

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

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. We all share the responsibility to foster a climate of fairness, equality, dignity, and respect. Together, we can ensure that every individual at the Department of Energy has an equal opportunity to contribute to our success, in an environment free of discrimination, harassment and retaliation.

I am proud to reaffirm my commitment to equal employment opportunity and to ensuring that the Department maintains a workplace free from any and all forms of discrimination, harassment (sexual and non-sexual), and retaliation. This policy statement serves to remind all employees and applicants of their rights and responsibilities under the law, and provides information on how to seek assistance if you believe that you have been the subject of employment discrimination, harassment, and/or 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, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), protected genetic information, 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 or retaliation/reprisal 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. 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***

You 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 Incidents and Filing EEO Complaints***

You 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 subjected to actionable harm. Accordingly, the Department may choose to conduct an inquiry into the matter, even in the absence of an EEO complaint.

The Department of Energy fully supports the use of alternative dispute resolution (ADR) as a way to prevent and resolve conflict in a fair, amicable, timely, equitable and cost-effective manner. ADR has the potential to resolve disputes at the earliest opportunity and the lowest possible level. For more information concerning ADR resources available within the Department, please contact the Office of Conflict Prevention and Resolution at (202) 287-1566, the Office of the Ombudsman at (202) 586-0500, or ask your local EEO office for details.

*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 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. Unlawful discrimination in the workplace, including harassment and retaliation, undermines our ability to achieve our mission. Therefore, I ask each DOE employee to honor the principles of equal employment opportunity in the DOE workplace. Together, we can ensure that every individual at the Department of Energy 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."