The Secretary of Energy
Washington, DC 20585

December 27, 2017

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: RICK PERRY Rick Perry

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

Our success in ensuring the Nation's security and prosperity through transformative science and technology solutions draws upon the contributions of every Department of Energy (Department) employee on a daily basis. Equal employment opportunity (EEO) is not only the law, but a fundamentally sound business practice that helps us to achieve our mission to address energy, environmental, and nuclear challenges on behalf of the American people.

As Secretary, I am personally committed to ensuring that the Department maintains a workplace free from discrimination and harassment (sexual and non-sexual), and retaliation. This policy statement serves to remind all employees and applicants for employment of their rights and responsibilities under the law, and provides information on how you can seek assistance if you believe that you have experienced employment discrimination or harassment.

First, no applicant or employee will be subjected to discrimination 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), genetic information, or retaliation for participation in protected EEO activity. Employment-related decisions must be based on merit, and not on discriminatory factors.

Second, no applicant or employee will be subjected to harassment (sexual or non-sexual). Non-sexual 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. 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. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a nonsupervisory employee. For example, the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a coworker, or a non-employee.

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Employees are encouraged to promptly report discrimination or harassment to any management official or directly to their EEO office. Headquarters employees or applicants for employment may file an EEO complaint regarding discrimination or harassment through the Department's Office of Civil Rights and Equal Opportunity (OCREO), at (202) 586-2218 within 45 calendar days of the date of the alleged discrimination, or 45 calendar days from the date on which they reasonably became aware of the discrimination. Field Site employees or applicants for employment should contact their local EEO office within the same 45-day period. If a formal complaint is accepted, a prompt, thorough, and impartial investigation will be conducted. The Department seeks to protect the confidentiality of discrimination and harassment allegations to the fullest extent possible, and shares information only with those who have a need to know in the performance of their official duties.

Employees and applicants for employment have the right to report incidents of discrimination or harassment 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 or harassment; participated in an EEO investigation, proceeding, or hearing; or took other similar action in opposition to unlawful discrimination or harassment.

It is the responsibility of the Department to address matters before they reach the level of severe or pervasive harassment, with the goal of preventing harassment before employees have been subjected to actionable harm. As a result, the Department may choose to conduct an inquiry into the matter, even in the absence of an EEO complaint.

The Department fully supports the use of Alternative Dispute Resolution (ADR) as a way to resolve conflict constructively and at the earliest opportunity. For more information regarding ADR resources, contact the ADR Office at (202) 586-4002, the Office of the Ombudsman at (202) 586-0500, or ask your local EEO office for details.

Our mission is critical to our Nation. Unlawful discrimination and harassment in the workplace undermines our ability to achieve our mission. Accordingly, I expect each employee to honor the principles of EEO in the workplace. Any employee who engages in discrimination or harassment in violation of the law or this policy may be subject to disciplinary action, including suspension or dismissal. Managers who have knowledge of an act of possible discrimination or harassment 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 and harassment in the workplace.

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