



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO
BUMEDINST 12713.10
BUMED-M00EO
19 Apr 2011

BUMED INSTRUCTION 12713.10

From: Chief, Bureau of Medicine and Surgery

Subj: EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Ref: (a) Department of the Navy Civilian Human Resources Manual, Subchapter 1601
(b) 29 CFR 1614
(c) EEO Commission Management Directive 110
(d) EEO Commission Management Directive 715
(e) Administrative Dispute Resolution Act, P.L. 101-552
(f) OPNAVINST 5300.8C
(g) DoD Directive 1350.2 of 18 Aug 1995
(h) OPNAVINST 5354.1F
(i) SECNAVINST 5354.16A

Encl: (1) Discrimination Complaint Process
(2) Alternative Dispute Resolution Process
(3) Equal Employment Opportunity Organizational Relationships & Interfaces, Navy Medicine
(4) Sample Appointment Letter
(5) Sample Position Description Attachment
(6) Special Emphasis Program and Special Emphasis Program Advisors
(7) Sample Memorandum of Understanding
(7) Equal Employment Opportunity Honorary Awards
(9) Equal Employment Opportunity Committees
(10) Acronyms

1. Purpose. To publish procedural requirements, establish policy and assign responsibility for the establishment and maintenance of a model Equal Employment Opportunity (EEO) Program within the Bureau of Medicine and Surgery (BUMED), per references (a) through (i).

2. Cancellation. NAVMEDCOMINST 12713.1; MEDCOM 12713-2, EEO Counselor's Report of Background Information; and MEDCOM 12713-3, Report of Class Action Discrimination Complaint.

3. Scope. This instruction applies to all personnel of BUMED and subordinate commands, appropriated and non appropriated funds, and to those tenant activities for which EEO services are provided via host-tenant agreements.

4. Policy. It is the policy of the Chief, BUMED that equality of opportunity is recognized as an essential element of readiness and is vital in attracting, developing, and retaining a top-quality workforce in order to accomplish Navy Medicine's strategic mission. Therefore, it is BUMED policy to:

- a. Ensure EEO is fully integrated into the BUMED mission with demonstrated commitment from leadership at all levels;
- b. Provide equal opportunity in employment for all employees and applicants through clearly defined Human Resources (HR) and EEO policies and programs;
- c. Prohibit and proactively prevent discrimination in employment because of race, color, religion, sex, national origin, age, or disability; and prohibit acts of reprisal against persons presenting or processing allegations of discrimination;
- d. Ensure managers and supervisors share responsibility with EEO and HR personnel for successful policy and program implementation; and
- e. Promote the full realization of equal employment opportunity through continuing affirmative programs that are efficient, responsive, and legally compliant;

5. Program Requirements. To create a Model EEO Program, utilizing reference (d) and enclosures (1) through (3), BUMED leadership will:

- a. Demonstrate a firm commitment to equality of opportunity for all employees and applicants and ensure that EEO is an integrated element of the BUMED strategic mission. Activity heads at all levels will issue annually and enforce equality of opportunity; anti-discrimination; and anti-harassment policy statements;
- b. Ensure all with EEO responsibility are provided training on program concepts, policies, and requirements in addition to training that will enhance the effective communication, interpersonal skills, and accountability of supervisors and employees;
- c. Ensure sufficient resources are available to accomplish EEO Program requirements and initiatives, including discrimination complaints management and the accomplishment of the annual assessment;
- d. Make available a fair, impartial, and efficient complaint resolution and Alternative Dispute Resolution Program that is consistent with Department of Navy (DON) policy and Federal regulatory requirements to resolve workplace disputes; and
- e. Ensure internal and external EEO Program reporting and legal compliance requirements are completed and timely submitted to requesting authorities.

6. Responsibilities

- a. EEO Officer (EEOO). The Chief, BUMED is the EEOO. The EEOO is responsible for the effective execution of DON EEO policies and programs within their activities and will be

held accountable for these programs. In this regard, they will ensure managers and supervisors have an appropriate critical element and performance standards that adequately address their EEO responsibilities.

b. Command Deputy EEO Officer (CDEEEO). Serves as the primary advisor to the EEOO on all matters pertaining to the effective management of the Navy Medicine EEO Program. The CDEEEO provides guidance, assistance, and command specific training to subordinate activity/ command officials. Serves as a link between subordinate activities and the Office of Civilian Human Resources, (OCHR) and the Naval Office of EEO Complaints Management and Adjudication (NAVOECMA) to monitor and enforce compliance with the Navy's EEO program. Coordinates command assessment efforts and reports accomplishments in achieving a Model EEO Program to the CEEEO and OCHR for incorporation in the DON report. Per reference (d), the CDEEEO is responsible for the annual Management Directive 715 Report (MD-715).

c. Commanders, Commanding Officers and Officer in Charge. The head of each Navy Medicine activity employing civilians serves as the EEOO for that activity. Enclosure (3) provides a flowchart outlining organizational relationships that provides clarification. The activity Commander, Commanding Officer, or Officer in Charge, must demonstrate their commitment to the DON EEO Program initiatives by:

(1) Ensuring the allocation of sufficient resources to provide support for a results-oriented EEO Program;

(2) Ensuring appropriate training is made available to managers, supervisors, employees, and EEO/HR practitioners regarding roles and responsibilities within the DON EEO Program;

(3) Promoting accountability via effective performance, recognition, and discipline management systems; and

(4) Publicizing and communicating DON EEO Program policies and procedures.

d. Special Emphasis Program Managers (SEPM)

(1) SEPMs will be appointed to their position by the CDEEEO. A sample appointment letter is provided at enclosure (4) and is available as a Word template at:

http://www.med.navy.mil/directives/Pages/Sample_Formats.aspx. The appointment must be approved by their Commander, Commanding Officer, or Officer in Charge. They are responsible to the CDEEEO for managing their assigned special emphasis group.

(2) SEPMs will provide annual input for the MD-715 Report and the program assessment on the special emphasis group they represent.

(3) This is a BUMED headquarters collateral duty and should not exceed 20 percent of the allotted work time. A sample collateral duty assignment amendment for a position description is provided at enclosure (5) and is available as a Word template at: http://www.med.navy.mil/directives/Pages/Sample_Formats.aspx. Additional guidance can be found in enclosures (6) through (9).

e. Managers and Supervisors shall:

- (1) Actively participate in and support the accomplishment of DON EEO initiatives;
- (2) Ensure a work environment free of hostile, discriminatory, or offensive behavior, and provide reasonable accommodations for the religious and physical needs of employees;
- (3) Act promptly to prevent and/or correct situations that may give rise to discrimination complaints;
- (4) Ensure all members of the workforce refrain from actions or comments that could be viewed or perceived as discriminatory and recuse themselves from participation in processes or decisions that would create a conflict of interest; and
- (5) Ensure their actions are free from discrimination.

7. EEO Committees. EEO committees may be established and serve as an aid in implementing the goals of the EEO Program. The EEO committee shall reflect the site's work force. Enclosure (9) outlines the functioning of these committees.

8. Management Directive 715. This guidance, available at: <http://www.eeoc.gov/federal/directives/md715instruct.cfm>, provides policy directions and standards for establishing and maintaining effective affirmative programs of EEO under Section 717 of Title VII (PART A) and effective affirmative action programs under Section 501 of the Rehabilitation Act (PART B). This Directive also sets forth general reporting requirements (PART C). BUMED must submit this report annually to the DON's EEO Program Office (OCHR). This report provides a detailed assessment of Navy Medicine's EEO Program. It also discusses the annual changes that are being made to strive towards a model EEO Program. Navy Medicine Regions must consolidate reports from their subordinate activities/commands and forward the consolidated report to BUMED Headquarters before the second Friday in November.

9. Enclosure (10) is a listing of all acronyms used in this instruction.

10. Reports and Sample Formats

- a. The reporting requirements for this instruction are established in reference (d).

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b. The sample formats provided in this instruction are available as Word documents at:
<http://www.med.navy.mil/directives/Pages/SampleFormats.aspx>


K. A. FLAHERTY
Acting

Distribution is electronic only via the navy medicine Web site at:
<http://www.med.navy.mil/directives/Pages/BUMEDInstructions.aspx>

DISCRIMINATION COMPLAINT PROCESS

1. Categories. Discrimination complaints fall into two categories: individual and class.
 - a. Individual. An individual is a current employee, former employee, or applicant for employment who believes that he or she has been treated differently or unfairly in a job-related matter based on their race, color, religion, sex, national origin, age, disability, and/or reprisal.
 - b. Class. A class is a group of employees, former employees, or applicants for employment who allege that they have been or are being adversely affected by a personnel management policy or practice that discriminates against the group on the basis of their race, color, religion, sex, national origin, age, and/or disability.

2. Procedural Considerations. An employee or former employee may use either the Navy Discrimination Complaint Process or, if a bargaining unit employee, the applicable labor union/management negotiated grievance procedure, if there is a negotiated procedure and it applies to complaints of discrimination. Employees eligible to file grievances under the Navy Administrative Grievance System may not raise allegations of discrimination in their grievances. Such allegations can only be raised under the discrimination complaint process. Applicants for employment must use the Navy Discrimination Complaint Process. Either the Navy Discrimination Complaint Process or the negotiated grievance procedure, if applicable, must be used before going to court, with an exception of age discrimination and Equal Pay Act violations, which are explained below.
 - a. Complainants alleging discrimination based on age may file a civil action in the U.S. District Court after giving the Equal Employment Opportunity Commission (EEOC) at least 30 days notice of the intent to file such an action. Such notice must be filed in writing with the EEOC, Federal Sector Programs, 1801 L Street, NW, Washington, DC 20507 within 180 days of the occurrence of the alleged unlawful practice.
 - b. Complainants alleging a violation of the Equal Pay Act may file a discrimination complaint or file directly in Federal district court without first providing notice to the EEOC or exhausting administrative remedies. The statute of limitations is 3 years for a willful violation and 2 years for all other violations.

3. Discrimination Complaints Process
 - a. The discrimination complaints process consists of an informal stage in which counseling occurs or an alternative dispute resolution process and a formal stage. If counseling or an alternative dispute resolution process does not resolve the problem, a formal complaint may be filed by the employee; enclosure (3) outlines the process.

b. Individuals who allege discrimination and desire corrective action through the local Equal Employment Opportunity (EEO) Office (1) must ensure that the office has an agreement with BUMED to process complaints and (2) must request consultation with an EEO specialist/counselor within 45 calendar days of the date in which the alleged discriminatory act was committed. During this initial meeting with the EEO specialist/counselor, the employee will be required to complete the informal complaint intake form provided by the EEO office. At this point the EEO specialist/ counselor will attempt to resolve the matter informally with the individual at the lowest management level. The counselor is not a representative of the complainant or management, but acts as a neutral party who makes inquiries to uncover facts. The facts form the basis for a common understanding of the problem by all parties. At any stage during the process (informal or formal), the complainant is entitled to have a representative of their choosing. The counselor has 30 calendar days in which to attempt resolution before the complainant files a formal complaint, unless the individual has been granted an extension of no more than 60 calendar days. If the individual chooses an alternative dispute resolution process, the period to attempt resolution is 90 calendar days. At the end of the counseling period, or the end of the alternative dispute resolution process, if the complaint has not been resolved, the complainant is given a final interview and has 15 calendar days to file a formal complaint if he or she chooses to do so. Only issues brought to the EEO counselor's attention as stated on the informal complaint intake form or raised during alternative dispute resolution will be accepted for processing. The processing of discrimination complaints will follow the procedures in references (b) and (d) of the basic instruction.

c. A mixed case complaint is a complaint of employment discrimination based on race, color, religion, sex, national origin, age, or disability relating to or stemming from an action that can be appealed to the Merit Systems Protection Board (MSPB). The complaint may contain only an allegation of employment discrimination or it may contain additional allegations that the MSPB has jurisdiction to address. Reference (b) contains the regulation covering mixed cases of employment discrimination. Guidelines contained in reference (b) will be followed when processing a mixed case complaint.

d. Class Action Complaints against a command will be processed by the servicing Human Resources Service Center.

ALTERNATIVE DISPUTE RESOLUTION PROCESS

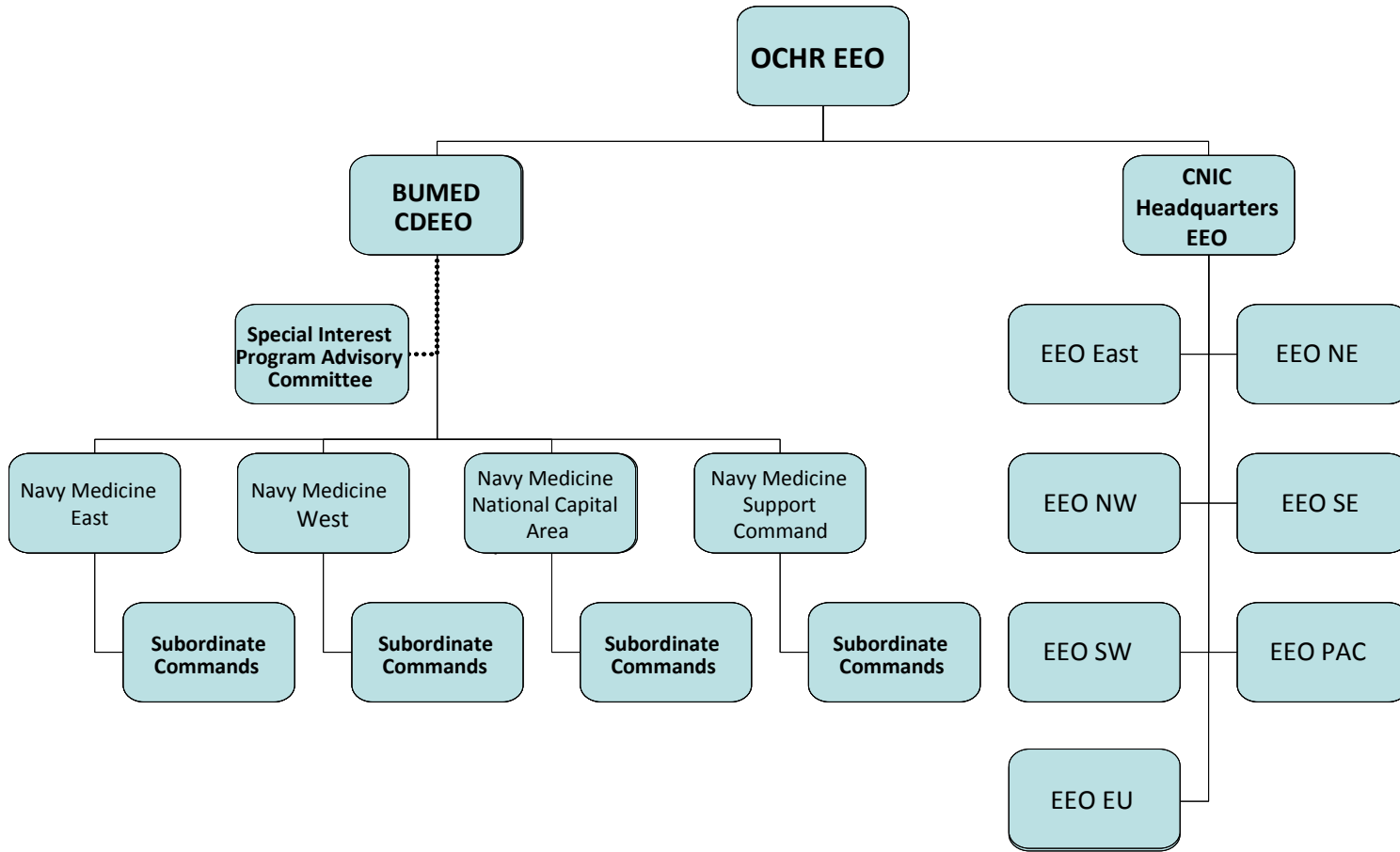
1. Description. Reference (e), enacted in 1990, require each Agency to develop a policy for implementing an alternative means of dispute resolution (ADR) in its administrative programs. References (b) and (d) permit the use of an established dispute resolution procedure in the informal stage of discrimination complaints. ADR refers to a diverse array of dispute resolution approaches usually involving a neutral third party who can assist disputing parties to resolve disagreements. An individual seeking a prompt, equitable resolution to the fundamental issues in an allegation of discrimination may find an ADR established process to be useful. Individuals may choose one of the local ADR processes instead of the traditional Equal Employment Opportunity (EEO) counseling.

2. Dispute Resolution Process

a. While completing the informal intake form, the EEO Counselor presents the dispute resolution options to individuals who seek counseling in the traditional way, thoroughly explaining each option. If an individual selects ADR, the EEO Counselor refers them to the Discrimination Complaints Manager or the Site EEO Manager who serves as the focal point for getting the ADR process in motion.

b. Once the ADR process chosen by the individual has been completed, a Memorandum of Resolution is prepared, signed, and entered as a matter of record. If the ADR was successful, a report is written by the ADR lead and forwarded to the counselor. A final interview will be conducted no later than 90 calendar days from the date the complainant first contacted the EEO Counselor. During the interview, the individual will be informed of his or her right to file a formal complaint.

EQUAL EMPLOYMENT OPPORTUNITY ORGANZATIONAL RELATIONSHIPS & INTERFACES NAVY MEDICINE



BUMEDINST 12713.10
19 Apr 2011

SAMPLE APPOINTMENT LETTER

COMMAND LETTERHEAD

12713
Ser M1/xxxx
Date

From: Chief, Bureau of Medicine and Surgery
To: Name of Appointee
Via: Appointee's Supervisor

Subj: APPOINTMENT AS HISPANIC EMPLOYMENT PROGRAM MANAGER

Ref: (a) BUMEDINST 12713.10

Encl: (1) Collateral Duties Assignment Amendment to Position Description

1. You are hereby appointed to serve as the Hispanic Employment Program Manager for the Bureau of Medicine and Surgery (BUMED). Your responsibilities are outlined in your position description attachment in enclosure (1). Guidance and direction will be provided by the Command Deputy Equal Employment Opportunity Officer located at BUMED Headquarters. Reference (a) provides policy, guidance, and direction for the EEO program and is available at: <https://www.med.navy.mil/directives/Pages/BUMEDInstructions.aspx>.

2. I know that you will provide strong leadership and keep the EEO program moving forward. I appreciate your willingness to serve.

J. J. LACAMERA, JR.
Deputy Chief, Total Force

Enclosure (4)

SAMPLE POSITION DESCRIPTION ATTACHMENT

COLLATERAL DUTIES ASSIGNMENT AMENDMENT
TO PD NUMBER: _____
INCUMBENT: _____

FOR HISPANIC EMPLOYMENT PROGRAM COORDINATOR DUTIES

DUTIES. The incumbent is assigned collateral duties as the Hispanic Employment Program Coordinator (HEPC), a special emphasis Equal Employment Opportunity (EEO) program. The HEPC will meet regularly with the Deputy EEO Officer (DEEEO) and/or the EEO Officer (EEOO) to perform the following tasks:

- (1) Assist in developing Affirmative Employment Plans and Federal Equal Opportunity Recruitment Plans.
- (2) Develop and maintain education and community liaisons with Hispanic Organizations.
- (3) Organize the annual Bureau of Medicine and Surgery (BUMED) Hispanic Heritage Observance.
- (4) Participate in recruitment programs.
- (5) Represent the EEO Officer at conventions and meetings related to the Hispanic Employment Program.
- (6) Monitor the EEO climate in the workplace.
- (7) Develop and present pertinent management training programs.

KNOWLEDGE, SKILLS, AND ABILITIES. To perform these duties, the incumbent must possess keen analytical abilities, superb communications skills, knowledge of Hispanic cultural issues, and a desire to further the principles of fairness embodied in the EEO Program.

SUPERVISORY CONTROLS. The HEPC will receive EEO assignments and technical guidance from the CDEEEO but will coordinate available time with his or her immediate supervisor. HEPC duties are expected to take no more than 20 percent of the incumbent's total work time.

SPECIAL EMPHASIS PROGRAM AND SPECIAL EMPHASIS PROGRAM ADVISORS

1. Special Emphasis Program

a. Description. Special emphasis programs include the Federal Women's Program, the Hispanic Employment Program, the African American Employment Program, the Asian American/Pacific Islander Program, the Native American/Alaskan Native Program, and the Disability Employment Program.

b. Objectives. Special emphasis programs are established as an integral part of the overall Equal Employment Opportunity (EEO) program to enhance the employment, training, and advancement of a particular minority group, women, or individuals with disabilities.

c. Program Responsibilities. The Bureau of Medicine and Surgery (BUMED) Command Deputy EEO Officer (CDEEEO) in conjunction with local Commander, Naval Installation Command (CNIC) Deputy Equal Employment Opportunity Officers (DEEEO) are responsible for ensuring that special emphasis programs are active at their respective sites. Programs can include, but are not limited to, Awareness Month Celebrations, statistical analyses, surveys (refer to reference (f) for detailed information), barrier identification, strategies to overcome barriers, and special interest committees.

2. Special Emphasis Program Advisory Committee

a. Establishment. The CDEEEO will establish and direct the BUMED Special Emphasis Program Advisory Committee (SEPAC).

b. Purpose. To ensure BUMED's EEO Program meets and exceeds the spirit of the MD-715 directive, the SEPAC will work in conjunction with the BUMED EEO Office to achieve the goals and objectives of the BUMED Special Emphasis Program, while fostering positive change and ensuring an open and communicative environment for cross-cultural exchange of information and ideas that will shape Navy Medicine's strategic direction. The SEPAC shall advocate the goals and objectives of Navy Medicine's Special Emphasis Programs, to increase diversity within the workforce.

(1) Participate with management in the development of human resource strategies that improve recruitment, promotion, advancement, career development, and retention of women; minorities; and individuals with disabilities.

(2) Identify ways to eliminate workplace barriers and encourage practices and behaviors to promote equal opportunity and diversity.

(3) Develop and recommend strategies, policies, and programs that advance hiring, training, career development, retention, and promotion opportunities for all employees.

(4) Monitor and measure efficiency of recommended strategies.

(5) Communicate and promote Navy Medicine's policies for workforce diversity and equal opportunity.

(6) Seek broad representation and participation by Navy Medicine employees.

c. Representation

(1) The BUMED SEPAC will be composed of employees selected from the Navy Medicine Enterprise to serve as Special Emphasis Program Managers (SEPM). Participation will be solicited via an enterprise Knowledge Management (eKM) tasker to the Navy Medicine Regions. Employees selected to participate must be endorsed by their Activity Head and will serve for a term not to exceed 24 months. Upon selection they will be assigned as Command Collateral Duty as a Special Emphasis Program Manager for one of the following programs:

- (a) Federal Women's Program
- (b) Hispanic Employment Program
- (c) Individuals with Disabilities Employment Program
- (d) African American Employment Program
- (e) American Indian/Alaskan Native Employment Program
- (f) Asian American/Pacific Islander Employment Program

(2) If selected as a Special Emphasis Program Manager, selectees will be expected to perform this function as a collateral duty and may use up to 20 percent of their official time in this capacity. A Memorandum of Understanding (MOU) that describes performance expectations and management support is established and signed by the SEPAC liaison, the liaison's first-line supervisor, and the management representative. These representatives will consist of members from the Navy Medicine Regions and their subordinate commands. A sample MOU is provided as enclosure (7) and is available as a Word template at:

<http://www.med.navy.mil/directives/Pages/SampleFormats.aspx>

(3) To accomplish their program efforts, the six Special Emphasis Program Managers will work cooperatively to address common issues. All SEPMs will receive training.

d. Meetings. The BUMED SEPAC will meet quarterly and schedule a year end meeting to provide input for the reports required in reference (d).

SAMPLE

MEMORANDUM OF UNDERSTANDING

BETWEEN THE COMMAND DEPUTY EQUAL EMPLOYMENT
OPPORTUNITY OFFICER, IMMEDIATE SUPERVISOR, AND INCUMBENT
HISPANIC SPECIAL EMPHASIS PROGRAM MANAGER

1. Understanding the commitment of the Chief, Bureau of Medicine and Surgery to the principles of the Department of the Navy (DON) Equal Employment Opportunity (EEO) Program, we, the undersigned agree to the following:

a. EEO work assignments will be given directly to the employee by the Command Deputy EEO Officer (CDEEEO). However, every effort should be made by the Special Emphasis Program Manager (SEPM) and the CDEEEO to keep the supervisor informed of all such assignments.

b. Initially, a maximum of 20 percent of the employee's work time is to be devoted to the EEO program. Program results will be reviewed twice a year at an informal meeting with the CDEEEO, SEPM, and the SEPM's immediate supervisor to determine the actual time required to accomplish program goals.

c. The SEPM's EEO work will be reviewed by the CDEEEO and a statement will be provided to be included in the SEPM's performance appraisal.

2. With the understanding that the above conditions will be met by the SEPM and the CDEEEO, the SEPM's supervisor pledges full support in carrying out the goals and objectives of this EEO program.

NAME OF INCUMBENT, SEPM, Signature, Date

NAME OF SUPERVISOR, Title, Signature, Date

NAME OF BUMED CDEEEO, Signature, Date

EQUAL EMPLOYMENT OPPORTUNITY HONORARY AWARDS

1. This section was added to allow Navy Medicine Commands to develop and fund their own local awards that recognize the Equal Employment Opportunity (EEO) contributions of individuals (military or civilian) or Navy Medicine commands that have exceptional EEO Programs. The eligibility for the awards should be developed locally by using criteria established by the commands awards boards or the command's Diversity/EEO teams, if they have teams in place.
2. The command may seek additional guidance from the Command Deputy EEO Officer or the servicing EEO office. Commands may:
 - a. Develop more specific criteria for these awards.
 - b. Publicize the awards program annually using the Plan of the Day/Week and a BUMED or Command level notice.
 - c. Present the awards at an awards ceremony or a special emphasis luncheon, as appropriate.

EQUAL EMPLOYMENT OPPORTUNITY COMMITTEES

1. Description. The Equal Employment Opportunity (EEO) committee membership will function as a project-oriented committee that executes specific activities to further the goals of the EEO program.
2. Objectives. To provide Navy Medicine commands the option to develop and implement their own Diversity Council, Command Assessment Team, and Special Emphasis Program Committees that can plan events or be used as a tool to provide feedback to the organization. The local command will be responsible for developing objectives for their respective EEO committees.

ACRONYMS

ADR	Alternative Dispute Resolution
BUMED	Bureau of Medicine and Surgery
CDEEOO	Command Deputy Equal Employment Opportunity Officer
CNIC	Commander, Naval Installation Command
DEEOO	Deputy Equal Employment Opportunity Officer
DON	Department of the Navy
eKM	enterprise Knowledge Management
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EEOO	Equal Employment Opportunity Officer
HEPC	Hispanic Employment Program Coordinator
HR	Human Resources
MOU	Memorandum of Understanding
MSPB	Merit Systems Protection Board
NAVMED	Navy Medicine
NAVOECMA	Naval Office of EEO Complaints Management and Adjudication
OCHR	Office of Civilian Human Resources
SEPAC	Special Emphasis Program Advisory Committee
SEPM	Special Emphasis Program Managers