

670 Diversity, Equal Employment Opportunity, and Affirmative Action

671 Diversity Overview

All employees share responsibility for achieving the Postal Service's corporate goals for responding to the voices of the customer, the employee, and the business. To create the required balance between employee satisfaction and customer satisfaction, the Postal Service must employ strategies and values that promote fairness and opportunities, instill pride, and enhance safety in the workplace.

For such efforts to be successful, the Postal Service must manage the diversity of its workforce so as to build an inclusive environment that respects the uniqueness of every individual and encourages the contributions of people from different backgrounds, experiences, and perspectives. This management of diversity must be reflected in recruitment, selection, promotion (including succession planning and opportunities for training and development), and retention of employees.

Integrating these values and strategies into the corporate culture requires leadership's full commitment.

672 Federal Legal Requirements for Equal Employment Opportunity and Affirmative Action

672.1 Laws

Equal employment opportunity (EEO) is required by federal law:

- a. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e through 2000e-17, makes it illegal to discriminate in employment on the basis of race, color, religion, sex, or national origin.
- b. The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 through 634, prohibits employment discrimination based upon age (age 40 and older).
- c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 through 794a, forbids federal employers from discriminating against individuals with physical or mental disabilities. It also requires federal employers (1) to adopt an affirmative action plan for the hiring, placement, and advancement of individuals with disabilities and (2) to make reasonable accommodation to the known physical or mental disabilities of qualified individuals with disabilities unless the accommodation would pose an undue hardship.
- d. All of these laws forbid reprisal for participating in protected EEO activity (e.g., filing a complaint, appearing as a witness).

The Postal Service also complies with the Equal Pay Act, 29 U.S.C. 206(d), which prohibits sex-based wage discrimination, and with the Architectural Barriers Act, 42 U.S.C. 4151 through 4157, which outlines accessibility requirements.

672.2 **Executive Orders and EEOC Regulations**

Executive Order No. 11478 requires federal agencies to establish and maintain affirmative programs of equal employment opportunity for all employees and applicants.

EEOC regulations require all federal agencies, including the Postal Service, to file Affirmative Employment Plans (AEPs). These plans provide information on the status of protected groups in each agency. The EEOC reviews and approves the plans.

Protected groups identified by EEOC regulations are women, Blacks, Hispanics, Asian Americans/Pacific Islanders, American Indians/Alaskan Natives, and individuals with disabilities.

The procedures for processing complaints of discrimination are contained in 29 CFR 1614.

672.3 **Office of Personnel Management Guidance**

OPM provides guidance to the Postal Service on variations of the Federal Women's Program, the Hispanic Employment Program, and the Selective Placement Program for Individuals With Disabilities.

673 **Policy**

673.1 **General EEO and Affirmative Action Goals**

The Postal Service seeks to:

- a. Ensure fair employment practices at every level of the organization, making equal employment opportunity a way of life in the Postal Service.
- b. Provide programs and opportunities that assist all employees in gaining the skills and experience necessary for advancement consistent with their abilities and personal goals.

673.2 **Specific Commitments**

673.21 **Ensuring the Representation of All Employee Groups in All Levels of Employment**

The Postal Service is committed to following the EEO laws and their application to all employment matters, including those related to affirmative action, and to providing reasonable accommodation as required by law where individuals with disabilities are employed or will be employed.

The goal of affirmative action within the Postal Service is to ensure that postal recruitment, retention, development, and promotion practices effectively draw upon and support the diversity of the communities the organization serves.

To help bring that about, the Postal Service operates special emphasis programs (e.g., the Women's Program and the Hispanic Program) and other affirmative action activities to help ensure that all employees and applicants — including women, minorities, and individuals with disabilities — are able to compete for employment and for opportunities at all levels of the organization.

673.22 Prohibiting Discrimination and Harassment**673.221 Discrimination**

The Postal Service is committed to ensuring a workplace that is free of discrimination and to fostering a work climate in which all employees may participate, contribute, and grow to their fullest potential.

Through the EEO Complaint Processing Program, the Postal Service maintains a process of EEO counseling and investigation for addressing and resolving complaints that arise from alleged discriminatory practices. As an alternative to precomplaint EEO counseling, the Postal Service also offers the dispute resolution process titled Resolve Employment Disputes Reach Equitable Solutions Swiftly (REDRESS).

Handbook EL-603, *Equal Employment Opportunity Complaint Process*, provides the procedures for processing complaints of discrimination, as contained in 29 CFR 1614. Publication 94, *REDRESS*, provides an introduction to the alternative dispute resolution process.

673.222 Sexual Harassment

The Postal Service is committed to providing a work environment free of sexual harassment. Sexual harassment is improper and/or unlawful conduct that undermines employment relationships as well as employee morale, and the Postal Service will not tolerate its presence in the workplace. Employees who are found to have engaged in sexual harassment should expect serious disciplinary action, up to and including removal.

Postal employees who believe that they are the victims of sexual harassment may bring the situation to the attention of impartial supervisors or Human Resources managers at the appropriate organizational level. Any possible criminal conduct should be reported to the Postal Inspection Service.

Employees who believe that they are victims of sexual harassment but choose not to pursue a complaint through one of the above established procedures may seek relief through the EEO complaint process, grievance arbitration procedures for bargaining unit employees under the collective bargaining agreements, or, where appropriate, the nonbargaining unit grievance and appeal procedures.

673.223 Sexual Orientation Discrimination and Harassment

The Postal Service is committed to fair treatment of all its employees. Harassment and disparate treatment based on actual or perceived sexual orientation or identity are not permitted or condoned. Complaints of discrimination based on sexual orientation or identity are not permitted under Title VII of the Civil Rights Act of 1964. However, employees should report any variance from this policy to a management official at the earliest opportunity.

673.3 Diversity, EEO, and Affirmative Action Accountability**673.31 Employees**

All employees are expected to treat each coworker with dignity and respect. In accordance with the laws of this nation, employees must refrain from discrimination based on race, sex, national origin, or any other category

protected by the EEO laws. Employees also have the responsibility for taking appropriate steps to ensure a workplace free of sexual harassment and sexual orientation discrimination and harassment.

673.32 **Management**

All executives, managers, and supervisors share in the responsibility for successfully managing the diversity of the workforce and implementing EEO and affirmative action programs. Managers and supervisors are also charged with the responsibility of educating employees about preventing sexual harassment. If harassment occurs, managers and supervisors are responsible for conducting a prompt investigation of the allegations and taking immediate and appropriate remedial action (see Publication 552, *Manager's Guide to Understanding Sexual Harassment*).

674 **Organizational Responsibilities**

674.1 **Deputy Postmaster General**

The deputy postmaster general (DPMG) is the EEO and affirmative employment official for the Postal Service and is the principal advisor to the postmaster general and chief executive officer. Under the authority of the DPMG, the vice presidents of Diversity Development, Labor Relations, and Employee Resource Management are responsible for recommending policies and developing programs to address the EEO, affirmative action, and diversity objectives.

674.2 **Functional Organizations**

674.21 **Diversity Development**

The vice president of Diversity Development is responsible for overseeing the Postal Service national affirmative action and diversity development activities, including developing Affirmative Employment Plans that outline the implementation of all special emphasis programs and preparing accomplishment reports at the Headquarters, area, and performance cluster levels.

674.22 **Labor Relations**

The vice president of Labor Relations is responsible for the Postal Service EEO Complaint Processing Program. This official or a designee renders the final agency decision of the Postal Service regarding complaints of discrimination emanating from employees or applicants for employment at Headquarters, at Headquarters field units, and in the Inspection Service.

674.23 **Employee Resource Management**

The vice president of Employee Resource Management is responsible for developing and implementing Postal Service policies related to the employment, placement, and promotion of employees within a diverse workforce, with particular responsibility for protection of rights of veterans, disabled veterans, and other individuals with disabilities.

674.3 Diversity and Affirmative Action Advisory Committees

The guidelines for establishing Diversity and Affirmative Action Advisory Committees appear in the current issuance of the management instruction on Diversity and Affirmative Action Advisory Committees.

675 Affirmative Action Activities**675.1 Special Emphasis Programs****675.11 Nature of Programs**

Special emphasis programs have been established within the framework of existing EEO and affirmative action laws, policies, and regulations. The special emphasis programs include the Women's Program, the Hispanic Program, and other special emphasis programs for other legally protected groups — Blacks, Asian Americans/Pacific Islanders, American Indians/Alaskan Natives, and individuals with disabilities — as well as for veterans and white males.

These programs focus attention on the special needs, obstacles, and concerns of certain protected groups when they are underrepresented in Postal Service employment (though they may be well represented in the civilian labor force) or when they are underrepresented at higher levels of postal management (though they may be well represented in the bargaining units or in lower level management).

The Postal Service is committed to ensuring that these programs receive the necessary management attention and support.

675.12 Objectives

The primary objective of the special emphasis programs is to ensure that all employees are fully utilized in the Postal Service workforce and that they have an equal opportunity to compete in every aspect of employment, including but not limited to recruitment, hiring, retention, training, career development, and promotions.

These programs do not seek preferential treatment, but ensure equality of opportunity through positive actions taken to eliminate barriers and through a continued commitment to achieving the goals and objectives set in the Affirmative Employment Plans.

675.13 Additional Information

Additional information can be found as follows:

- a. The information on the Postal Service Women's Program definitions, responsibilities, program focus, program personnel, program evaluation, and reporting requirements is currently under revision.
- b. For information on the Postal Service Hispanic Program definitions, responsibilities, program focus, program personnel, program evaluation, and reporting requirements, see the current issuance of management instruction *Postal Service Hispanic Program*.

675.2

Employee Relations

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- c. For information on the Rehabilitation Act of 1973, reasonable accommodation, disability definitions, and employment and placement issues, see Handbook EL-307, *Guidelines on Reasonable Accommodation*.

675.2 **Career and Diversity Awareness Conferences**

675.21 **Objective**

Career and Diversity Awareness Conferences are group sessions designed to provide information on matters both postal and nonpostal about career and personal growth, planning, developmental resources, and diversity. The major goals of the conferences are to recognize the inherent value of diversity in the Postal Service, to provide practical information, and to create an awareness of the opportunities available to all employees in the Postal Service.

675.22 **Additional Information**

Specific information on conducting career and diversity awareness conferences can be found in the current issuance of the management instruction *Career and Diversity Awareness Conference Guidelines*.

676 **On-Site EEO Evaluations**

[Reserved for section currently under revision.]