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400/713C.1 PURPOSE


This chapter establishes Bonneville Power Administration's (BPA's) equal employment opportunity and nondiscrimination policy which implements and assures compliance with Federal nondiscrimination laws, regulations, merit system principles, and related U.S. Department of Energy orders and policies.

This policy is founded on the following principles:

1. BPA employees work in an environment that fosters equal opportunity for all to reach their full potential.
2. BPA business needs, coupled with individual performance and productivity are the determining factors that guide management's employment and personnel decisions.
3. Management-based employment and personnel decisions are not compromised by personal biases that hinder sound judgment and adversely affect our work environment.

400/713C.2 DEFINITIONS

- A. Equal Employment Opportunity (EEO)** means that all individuals must be treated equally in the hiring process, in training, in promotions, and in employment decisions. Each person has the right to be evaluated as an individual on his or her qualifications without discrimination based upon protected characteristics.
- B. Diversity** is defined as the human differences and similarities such as language, ethnicity, race, lifestyle, talent, education, background, life experience, culture, disability, age, class, and other unique characteristics. A diverse environment is one that embraces diversity of thought, is inclusive, and promotes innovation and creativity.
- C. Discrimination** is treating individuals or groups less favorably than others in job-related matters, when an otherwise neutral policy and/or practice has a disparate impact on an individual or a particular group and/or because a decision is based on one or more protected characteristic.
- D. Job-related matters** are the terms and conditions of employment including, but not limited to, appointment, selection, work assignments, training, awards, advancement and promotional opportunities, reassignments, leave, details or temporary assignments, and performance evaluation appraisals.
- E. Genetic Information** includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.


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- F. Harassment** is adverse treatment based on an employee's race, color, sex (with or without sexual conduct), religion, national origin, age, disability, genetic information, or because the employee opposed job discrimination or participated in an investigation or complaint proceeding under the EEO statutes. Conduct must be sufficiently frequent or severe to create a hostile work environment or result in a "tangible employment action," such as hiring, firing, promotion, or demotion.
- G. Sexual harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment or unreasonably interferes with an individual's work performance. This includes quid pro quo, which is when an individual's submission to or rejection of sexual advances or conduct of a sexual nature affects employment decisions such as promotions, transfers, raises, etc.
- H. Hostile work environment harassment** is defined as unwelcome comments or conduct based on a person's sex, race, or other protected characteristic which unreasonably interferes with an employee's work performance or creates an intimidating or offensive work environment.
- I. Protected characteristic** is defined as a person's race, color, sex, national origin, religion, age (40+), disability, sexual orientation, and/or genetic information.
- J. Sexual orientation** is defined as homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived.
- K. Sexual orientation discrimination or harassment** is adverse treatment directed at persons who are gay, lesbian, bisexual or transgender, who are perceived to be gay, lesbian, bisexual or transgender or who associate with persons who are gay, lesbian, bisexual or transgender.
- L. Retaliation occurs** when an employment or personnel action is taken against an individual for filing an EEO informal or formal EEO complaint of discrimination, participating in a protected activity, or otherwise opposing discrimination.

Protected activities include seeking or participating in the EEO Counseling process; filing a formal EEO complaint; serving as a witness in an EEO investigation or at a hearing; informally protesting discriminatory employment practices; making complaints to management of perceived discrimination; writing critical letters about or protesting discrimination by industry or society in general; or expressing support of co-workers who have filed formal EEO complaints. A protected activity can also include requesting a reasonable accommodation based on religion or disability.

400/713C.3 POLICY

It is the policy of the Government of the United States and BPA to promote and maintain equal employment opportunity for all its employees and job applicants, and to prohibit discrimination in all aspects of agency personnel policies, operations, working conditions, and relationships with employees and applicants, including, but not limited to recruitment, hiring, retention and merit promotion. BPA policy protects against

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retaliation for participating in the EEO process or for opposing any unlawful practice, and promotes programs of affirmative recruitment and employment at all levels of the organization along with the right to work, compete, and advance on the basis of merit, ability and potential. BPA complies with, and will implement to the full extent, all applicable laws and regulations that promote equality of opportunity.

BPA prohibits all forms of harassment. BPA managers and supervisors are responsible for preventing, documenting and promptly correcting harassing conduct in the workplace. Employees are encouraged to report incidents of harassment.

BPA's managers and supervisors shall make employment decisions based upon merit. They shall not use non merit factors of race, color, religion, sex (male/female, sexual harassment, and/or pregnancy), national origin, age (40+), disability (physical/mental), genetic information (GINA), sexual orientation, retaliation or other bases prohibited by applicable law or statute to make employment decisions.

BPA adheres to Presidential Executive Orders and other laws designed to protect federal employees including the prohibitions against discrimination based on political affiliation, status as a parent, marital status and/or veteran status.

Discrimination, harassment, and/or retaliation is not acceptable and any employee, manager, supervisor or executive engaging in discrimination, harassment and/or retaliation is subject to disciplinary action, including termination from government service.


400/713C.4 LOCATIONS COVERED

This policy applies to all BPA work environments, including the areas in and around BPA buildings, facilities, fitness centers, vehicles, food service areas, break locations, day-care centers, and any other areas or conveyances where BPA employees work or where work-related activities occur, including official travel.

400/713C.5 RESOURCES

A. BPA employees may seek information from any of the following resources in any order they choose:

1. Any BPA management official (supervisors, managers, executives and/or strategic business partners)
2. Any member of the Civil Rights and Equal Employment Opportunity Office staff: (503) 230-4725 or (800) 305-7341
3. An EEO Counselor: (503) 230-3451 or (800) 631-1931
4. The Alternative Dispute Resolution Coordinator or The Dispute Resolution Message Line: (800) 631-1931

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5. The Employee Assistance Program : Call or visit Providence Health Services EAP at (503) 215-3561 in Portland, or (800) 255-5255 outside the Portland area
6. A Union Steward
7. BPA Ombuds (not available to AFGE union members) (800) 798-7616
8. HR Help (503) 230-3230

B. Applicants for employment may seek information from:

1. Any member of the Civil Rights and Equal Employment Opportunity Office staff (503) 230-4725 or (800) 305-7341
2. An EEO Counselor (503) 230-3451 or (800) 631-1931
3. HR HELP (503) 230-3230
4. Any BPA management official (supervisors, managers, executives and/or strategic business partners)

400/713C.6 COMPLAINT PROCESS


Any situation perceived as discrimination, harassment and/or retaliation for using the EEO process or opposing a discriminatory action or event must be brought to an EEO Counselor **within 45 calendar days** of the alleged discriminatory, harassing or retaliatory action and/or event. Completion of informal EEO Counseling is required before a formal EEO complaint of discrimination may be filed. A reasonable amount of excused absence, with management discretion and approval, is granted to pursue informal EEO counseling and for the processes associated with formal EEO complaints of discrimination.

400/713C.7 PENALTIES


- A. Any federal employee, manager, supervisor, or executive, engaging in discrimination, harassment and/or retaliation is subject to appropriate disciplinary actions which may include termination from government service.
- B. Contractor personnel engaging in discrimination, harassment and/or retaliation face disciplinary action which is determined and carried out by the contracting organization.

400/713C.8 REFERENCES

- A. Title VII, Civil Rights Act of 1964, as amended
- B. Civil Rights Act of 1991
- C. Rehabilitation Act of 1973, Sections 501 and 505, as amended
- D. Equal Employment Opportunity Act of 1972 (P.L. 92-261)
- E. Fair Labor Standards Act of 1974 (P.L. 93-259)
- F. Age Discrimination in Employment Act of 1967, as amended

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- G.** Civil Service Reform Act of 1978 (P.L. 95-454)--Merit System Principles and Prohibited Personnel Practices
- H.** Equal Pay Act of 1963, as amended
- I.** 29 CFR 1614, Federal Sector Equal Employment Opportunity
- J.** Equal Employment Opportunity Commission (EEOC) Management Directive 110--Federal Sector Complaint Processing
- K.** EEOC Notice: 915.002, Dated 6/18/99, Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors
- L.** EEOC Notice: N-915-050, dated 3/19/90, Policy Guidance on Current Issues of Sexual Harassment
- M.** Executive Order 13087, Sexual Orientation, dated May 29, 1998
- N.** Title II of the Genetic Information Non-Discrimination Act of 2008 (GINA) (effective November 2009), EEOC published final regulations on November 9, 2010
- O.** 29 CFR 1607, Uniform Guidelines on Employee Selection Procedures
- P.** Executive Order 11246, Part II, Equal Employment Opportunity--Nondiscrimination in Employment by Government Contractors and Subcontractors
- Q.** 41 CFR 60, Office of Federal Contract Compliance Programs Equal Employment Opportunity
- R.** BPA Manual Chapter 400/752A, BPA Harassment Free Workplace Policy
- S.** BPA/CPTC Collective Bargaining Agreement
- T.** BPA/CPAEC Collective Bargaining Agreement
- U.** BPA/Professional Collective Bargaining Agreement
- V.** BPA Personnel Letter 630-1-04, Excused Absences (Administrative Leave) Procedures and Requirements, See IV. Non-discretionary individual excused absences; F. Equal Employment Opportunity Activity
- W.** BPA Personnel Letter 713-01, Disability, Race/National Origin, and Sex Identification
- X.** BPA Personnel Letter 720-01, Equal Employment Opportunity (EEO) Collateral Duties
- Y.** BPA Personnel Letter 752-02, Guidance on Violent and Threatening Behavior in the Workplace
- Z.** BPA Personnel Letter 752-03, Harassment-Free Workplace Guidance
- AA.** BPA Personnel Letter 900-01, Policy on Alternative Dispute Resolution (ADR) for Workplace Disputes and Conflicts at BPA
- BB.** BPA Personnel Letter 900-02, BPA Reasonable Accommodation Plan
- CC.** BPA Personnel Letter 900-03, Application of Equal Employment Opportunity (EEO) Laws to Contractors

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400/713C.9 REVIEW

This BPAM Chapter is scheduled for review in 2016.