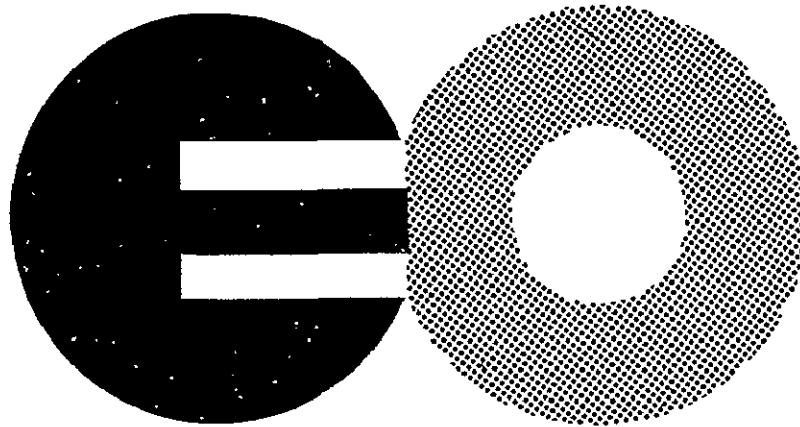


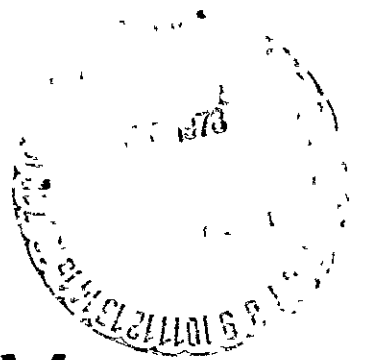
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NASA

National
Aeronautics and
Space
Administration



Headquarters Equal Opportunity Handbook



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NHQ SUPPLEMENT 1
TO
HEADQUARTERS EQUAL OPPORTUNITY HANDBOOK
(HQHB 3713.2)

Date: May 28, 1980

This Supplement contains a description of the role and responsibilities of the Headquarters Federal Women's Program Committee. This paragraph of the Headquarters Equal Opportunity Handbook is numbered 209. The existing paragraph 209 titled "Employees" becomes paragraph 210.

FILING INSTRUCTIONS

This Supplement should be filed as an integral unit inside the front cover of the Headquarters Equal Opportunity Handbook. A copy of the Handbook may be obtained through publication supply channels.

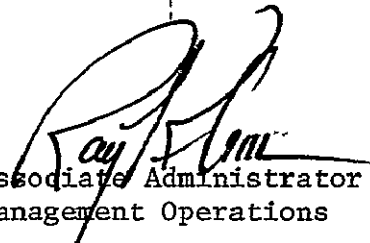
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PREFACE

Effective Date: May 2, 1978

This Handbook describes requirements, responsibilities, and procedures for implementation of the NASA Headquarters Equal Opportunity Program. It consolidates information formerly included in several publications of the Headquarters Equal Opportunity Office and the Headquarters Personnel Branch.

Regulations referred to in this Handbook are on file for employee reference in the Headquarters Equal Opportunity Office and the Headquarters Personnel Branch.



Associate Administrator for
Management Operations

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CHAPTER 1: INTRODUCTION

100 POLICY

The Headquarters Equal Opportunity (EO) Program is planned, developed, and implemented in accordance with the intent and spirit as well as the letter of pertinent laws, policies, rules and regulations. Its goal is to ensure equality of opportunity for all employees and to avoid even the appearance of discrimination because of race, color, religion, sex, age, handicap or national origin.

101 REFERENCES

Statutes and regulations pertinent to the NASA Headquarters EO Program are listed in Appendix A.

CHAPTER 2: RESPONSIBILITIES

200 NASA ADMINISTRATOR

The Administrator exercises personal leadership in promoting equal opportunity in employee hiring, development, advancement, and treatment.

201 DIRECTOR OF EQUAL OPPORTUNITY PROGRAMS

The Director of Equal Opportunity Programs advises and assists the Administrator, other senior officials, the Equal Opportunity Program Offices at Headquarters and field installations, and others as needed in the planning, development, implementation, and evaluation of equal opportunity programs.

202 ASSOCIATE ADMINISTRATOR FOR MANAGEMENT OPERATIONS

The Associate Administrator for Management Operations establishes and implements the EO Program at Headquarters and advises and assists the Director of Equal Opportunity Programs and the Headquarters Equal Opportunity Officer in carrying out the Agency EO Program and the Headquarters EO Program.

203 DIRECTOR, HEADQUARTERS ADMINISTRATION DIVISION

The Director, Headquarters Administration Division, chairs the EO Management Committee and Headquarters Minority Business Enterprise Program Council and assists the Headquarters EO Officer and Chief, Headquarters Personnel Branch, in carrying out their responsibilities.

204 HEADQUARTERS EQUAL OPPORTUNITY OFFICER

The Headquarters EO Officer is responsible for:

1. Developing policies and procedures for the Headquarters EO Program.
2. Advising Headquarters managers, supervisors, and employees on EO matters.
3. Providing an EO counselor for any employee or applicant for employment at Headquarters who charges discrimination because of race, color, religion, sex, age, handicap or national origin.
4. Attempting to resolve informally the matter raised by the employee or applicant.

5. Annually monitoring and appraising the Headquarters EO Program and executing Headquarters EO action plans, recommending necessary changes.
6. Providing for the receipt and investigation of individual complaints of discrimination within NASA Headquarters.

205 CHIEF, HEADQUARTERS PERSONNEL BRANCH

The Chief, Headquarters Personnel Branch:

1. Maintains close liaison with the Headquarters EO Officer in developing Headquarters action plans and setting realistic target dates for meeting EO objectives.
2. Provides staff advice and assistance to key Headquarters officials on achieving EO goals and objectives in personnel management.
3. Reviews, analyzes, and prepares reports on status of personnel management phases of the Headquarters EO Program.
4. Monitors employee turnover, training, and recommended personnel actions to guard against discrimination, and to recommend or take appropriate corrective action.
5. Develops and implements affirmative action programs at Headquarters such as "Outreach" and "Upward Mobility."
6. Acquaints minorities and women in local communities with career information and employment opportunities at Headquarters through appropriate contacts and publicity.
7. Directs the establishment and execution of other programs to fulfill the requirements of the Headquarters EO Program, utilizing the services of the Personnel Evaluation and Special Programs Office.

206 MANAGERS AND SUPERVISORS

Supervisors and managers are responsible and held accountable for planning and carrying out NASA's EO programs. They should:

1. Familiarize themselves with the work force of their immediate offices and how they compare with other offices and established EO goals and timetables.
2. Keep superiors and subordinates informed on all matters of EO, i.e., upward mobility, training opportunities, outreach programs, Headquarters action plans and needs related thereto.

3. Maintain good working relations with EO Officer, coordinators, and counselors, coordinating actions that may have EO implications with them and with their superiors.
4. Attempt to resolve EO complaints in a manner that is fair to all concerned.
5. Support the Personnel Office in locating and considering highly qualified minorities and women for appropriate vacancies.
6. Restructure positions and/or identify target jobs to comply with and implement NASA's upward mobility program and more fully utilize employees with underutilized skills.
7. Encourage, inform and counsel employees to take advantage of available opportunities.
8. Recognize employees and recommend awards for those who have made significant contributions to the EO Program.
9. Try to resolve complaints of discrimination informally.
10. Guard against preferential treatment of employees for non-merit reasons. In this connection, failure to take appropriate disciplinary action against a minority or female is as unfair as failure to give recognition to deserving minorities or women.
11. Be objective in such matters as:
 - a. Distribution of work, training and special work assignments.
 - b. Performance evaluation.
 - c. Resolving job-related problems.
 - d. Recommendations for performance awards.
 - e. Selections for Upward Mobility Training.
 - f. Merit Promotion.

HEADQUARTERS EO COORDINATORS AND EO MANAGEMENT COMMITTEE

1. EO Coordinators are designated management officials from each office required to have an EO Affirmative Action Plan. They have direct access to their office heads to discuss EO matters.

Their responsibilities are to:

- a. Coordinate and assist in developing, promoting, monitoring and reporting progress of their Affirmative Action Plans.
 - b. Coordinate EO matters and serve as liaison for EO officials.
 - c. Assist in identifying EO problems and devising remedial actions.
 - d. Serve as members on the EO Management Committee.
2. The EO Management Committee functions are to:
- a. Assist in the development and evaluate the overall effectiveness of the Headquarters Affirmative Action Plan.
 - b. Explore mutual concerns and problems related to the implementation of office Affirmative Action Plans and the achievement of EO Program goals.

208 HEADQUARTERS EMPLOYEES EQUAL OPPORTUNITY ADVISORY GROUP (EEOAG)

1. The objectives of the Headquarters EEOAG are to ascertain that the concerns and views of employees on EO matters are brought to the attention of the Administrator and other levels of management and to make related recommendations. It also serves as an advisory group to the Headquarters EO Management Committee and other Headquarters EO offices and functions. The Headquarters EEOAG is an employee-elected group.
2. The EEOAG acts as an intermediary and consultant to Headquarters employees to assist them in resolving issues and situations before they become problems and acts as a referral point to direct employees to the pertinent Headquarters staff office for assistance in EO matters.

209 EMPLOYEES

It is the responsibility of every NASA employee to comply with the spirit and intent, as well as the letter, of NASA EO policies.

HEADQUARTERS FEDERAL WOMEN'S PROGRAM COMMITTEE (FWPC)

1. The Headquarters FWP Committee is an employee elected group whose objectives are to provide advice and recommendations to the Headquarters Federal Women's Program Manager, and to inform the EO Advisory Group and the EO Management Committee on the concerns, views, needs and activities of Headquarters women.

2. The functions include commenting on proposed policies and decisions affecting women, recommending studies and projects and assisting in their implementation as approved by the Headquarters FWP Manager, helping to plan and coordinate programs and workshops, disseminating job-related information, providing an annual evaluation of the effectiveness of the Headquarters FWP Committee to the Headquarters FWP Manager, and preparing other reports, as appropriate, in conjunction with the Headquarters Federal Women's Program Manager.

CHAPTER 3: DEVELOPING UNDERSTANDING AND ACCEPTANCE OF THE
HEADQUARTERS EO POLICY

300 PERSONAL COMMITMENT OF HEADS OF ORGANIZATIONS

The success of the EO Program depends on commitments of the heads of Headquarters offices to foster its understanding and acceptance. Their written and oral communications supporting the program are effective tools for doing this. The General Management Review (GMR) is a media used to report progress in achieving stated EO goals and objectives on a monthly basis to top management officials.

301 STAFF CONFERENCES AND TRAINING PROGRAMS

Managers and supervisors will use staff meetings, special discussion groups, and conferences to discuss, design, and review actions directed toward meeting EO goals. EO Program goals will also be presented in Headquarters supervisory training courses, new employee orientation sessions, and other appropriate media.

302 SEMINARS, INSTITUTES AND OTHER EDUCATIONAL ACTIVITIES

Equal opportunity seminars, institutes and other educational activities for supervisors and managers are excellent for communicating top management's commitment to EO and offering opportunities for the beneficial exchange of ideas.

CHAPTER 4: RELATIONSHIPS WITH PERSONNEL, EO OUTREACH,
MINORITY BUSINESS ENTERPRISE, AND LABOR
MANAGEMENT RELATIONS PROGRAMS

400 REEMPHASIS ON NONDISCRIMINATION

The NASA EO Program reemphasizes that there must be no discrimination for or against any individual because of race, color, religion, sex, age, handicap or national origin in actions related to:

1. Merit Promotion.
2. Incentive Awards.
3. Grievances.
4. Employee Benefits and Services.
5. Employment Programs for Youth (President's summer employment program, work-study program).
6. Labor Management Relations. (The right to form, join, and assist in a union or not participate in union activity.)
7. Work Planning and Progress Review. (Communication between supervisor and employee on work goals, levels of performance, and work results.)

401 EO OUTREACH PROGRAM

1. The Headquarters equal opportunity policy and action plan require affirmative action for proper consideration of minorities and women for all vacancies, with special emphasis on positions at GS-14 and above.
2. The Administrator has emphasized the need for and directed action to be taken to produce desired EO results. To ensure that the Agency's management and executive levels are staffed by the best qualified individuals regardless of sex, race, religion, color, age, handicap or national origin, special efforts must be made to identify the most qualified candidates.
3. Each selecting official, prior to filling any position, with special emphasis on GS-14 and above, shall take affirmative action to consider all qualified people and particularly seek and encourage applications from minorities and women. The Personnel Evaluation & Special Programs Office is the principal contact for this service. The Headquarters EO Office, the Equal

Opportunity Programs Office, as well as supervisor and employee referral sources should be utilized in the outreach program. Managers and personnel management specialists should make use of paragraph 5, Staffing Requisition (NASA Form 76) "Plans for Affirmative Action Recruitment," in assuring that plans to seek minorities and women candidates are satisfactory.

402 MINORITY BUSINESS ENTERPRISE PROGRAMS

As prescribed in Executive Order 11625, NASA has established a Minority Business Enterprise Program to coordinate its efforts to ensure equitable procurement opportunities for minority business. The principal elements of the NASA program call for: (1) the identification, development and solicitation of minority business sources, (2) the assistance of minority firms through counseling and the awareness of prime and subcontracting opportunities, and (3) contracting with minority firms through the Small Business Administration as set forth in NASA PR 1.705.5. Though the primary thrust of the minority business program has been through the Section 8(a) contracting, increased emphasis is being placed on ensuring the participation of minority firms in prime and subcontracting opportunities.

403 LABOR MANAGEMENT RELATIONS

The NASA Headquarters Professional Association (NHPA), which is an affiliate of the International Federation of Professional and Technical Engineers (IFPTE) AFL/CIO, is the exclusive representative for non-supervisory engineers and scientists at NASA Headquarters.

As such, this organization acts on behalf of all members of the bargaining unit regardless of race, color, religion, sex, age, handicap or national origin, union affiliation or other distinguishing factor.

The NHPA also accepts as members Headquarters administrative professionals (NASA class code 600 series) and represents such persons on an individual basis.

Each employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

404 EMPLOYMENT OF HANDICAPPED INDIVIDUALS

NASA is committed to a positive attitude and affirmative action in the hiring, placement and advancement of qualified mentally and physically handicapped persons.

1. Definition.

- (a) A "Handicapped person" is defined as one who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such an impairment, or is regarded as having such an impairment.
- (b) "Severely Handicapped persons" are persons with handicaps of such a severe nature that they are unable to demonstrate their capability to obtain Federal employment under the competitive system. These persons are eligible to be considered for continuing positions by demonstrating their employment ability on the job under temporary appointments outside the register. After proving their capabilities, they can be appointed under the excepted service.

2. Headquarters Employ-the-Handicapped Coordinator. The Headquarters Coordinator for Selective Placement of the Handicapped is a member of the NASA Headquarters Personnel Branch and works with NASA Headquarters managers and supervisors, with personnel in the Veterans Administration, state rehabilitation services, and with private social service organizations to match our requirements with capabilities of the handicapped. The Coordinator and management may restructure jobs to accommodate the handicapped and may arrange for special testing procedures and appointments where needed for trial periods of employment. In addition, the Coordinator works with management to retain employees who may become disabled in mid-career. The Coordinator also promotes the elimination of physical barriers to employment of the handicapped.

3. A variety of appointment methods may be used for the placement of the handicapped, depending on the nature of the disability and whether the position should be filled through either the competitive or excepted service. Satisfactory performance under a 700-hour appointment may be used for an excepted appointment when the handicap is severe enough to preclude demonstration of job qualifications through the unusual competitive examination process. It may also be used as a trial period for an applicant with eligibility on an appropriate register if management is reluctant to employ him. This allows time for the individual to show competence to make adjustments on the job and for the supervisor to work out any minor difficulties that may arise.

CHAPTER 5: EO AFFIRMATIVE ACTION PLANS

500 REFERENCE

The Equal Employment Opportunity Act of 1972 placed new responsibilities with and broadened the authority of the Civil Service Commission. It requires all Federal agencies to submit national and regional affirmative action plans to the Civil Service Commission annually for approval. The plans submitted by each department, agency or unit shall include but not be limited to:

1. Resources allocated to the EO Program.
2. Plans for the efficient and orderly receipt and processing of complaints of discrimination.
3. Plans, goals and timetables for the recruitment of minorities and women.
4. Utilization of skills and abilities of present work force.
5. Implementation of an Upward Mobility Program for lower-level employees.
6. Supervisory and management involvement and/or commitment to the EO Program.
7. Headquarters activities in providing opportunity and services to the community to enhance equal opportunity.
8. Plans to increase the effectiveness of the Headquarters EO Program Evaluation Process.

501 EO PLAN REQUIREMENTS

Plans will be comprised of four major parts:

1. Introduction (Part A). States the qualifications of principal officials and personnel and resources allocated to the program.
2. Accomplishment Report (Part B). Shows results in previous plan year and reports progress on objectives and actions listed in Part D of the plan for the previous year. Objectives not yet achieved and action items still in process or unresolved are to be shown in Part C of the plan.
3. Assessment Report (Part C). States problems in order of priority and organized by objectives and action items.

4. Report of Objectives and Action Items (Part D). Includes only those objectives and action items in which problems persist. In all cases, however, objectives and action items which provide for timely processing of discrimination complaints and for upward mobility of lower-level employees will be included. Action items are clearly identified steps toward an objective, must be assigned to an identified official, and must have target dates.

5. Submission of the Affirmative Action Plan. The Headquarters Equal Opportunity Officer shall develop an Affirmative Action Plan for each fiscal year, except for other time periods designated by the Office of Equal Opportunity Programs. The Affirmative Action Plan shall be transmitted to the Director, Affirmative Actions and Evaluations in the Office of Equal Opportunity Programs for review and approval prior to the submission of the plan to the Director, Office of Federal Equal Employment Opportunity, United States Civil Service Commission, for final approval.

CHAPTER 6: SPECIAL EMPHASIS PROGRAMS

600 HEADQUARTERS FEDERAL WOMEN'S PROGRAM

1. Purpose. Headquarters managers and supervisors will be responsible for effectively supporting the Federal Women's Program and ensuring that equal opportunity is afforded to women as described in FPM Chapter 713, subchapter 2.6.c.
2. Employment and Advancement of Women. Executive Order 11246 as amended, was promulgated to provide for equality not only on the basis of race, color, religion, age or national origin but also sex. The amendment reflects in part the need to reinforce existing programs for women in the Federal service. Executive Order 11478, promulgated August 8, 1969, fully outlines these provisions. The Federal Women's Program has been designated an integral part of this Order and is thus an inherent responsibility of every Federal executive, manager, and supervisor, just as are other phases of the EO Program.
3. Scope of Program Activities. The Headquarters Federal Women's Program Coordinator in the Headquarters EO Office is delegated the authority to develop and implement the Headquarters Federal Women's Program. The Headquarters Federal Women's Program Coordinator acts as a central point of contact and is responsible for advancing the program and for coordinating Headquarters policies and activities which include but are not limited to the following:
 - a. Consulting with women and management on issues needing action for inclusion in the Headquarters Affirmative Action Plan.
 - b. Providing a system for monitoring the operations and evaluating the results of the Headquarters Federal Women's Program.
 - c. Initiating and recommending actions to provide greater awareness of women's equality.
 - d. Initiating and recommending actions to eliminate or correct discriminatory practices against Headquarters women.

- e. Identifying and solving problems obstructing selection and advancement of Headquarters women on the basis of merit.
- f. Developing referral sources, including professional and community groups, for contacting qualified women for Headquarters employment, particularly at the middle and senior management levels.
- g. Visiting local high schools, colleges and universities to discuss with women career fields not typically filled by women in the Federal government and to encourage women to prepare for such fields.
- h. Receiving informal discrimination complaints from employees, monitoring progress of the complaints, and participating in the informal resolution stage of the complaint process.

601 HEADQUARTERS HISPANIC EMPLOYMENT PROGRAM

1. Purpose. On November 5, 1970, the President established a 16-point program to ensure equal opportunities in Federal employment for Spanish-surnamed Americans.
2. Appointment of Coordinators. NASA's Hispanic Employment Program was established in October 1972 with the appointment of a full-time NASA Hispanic Employment Program Coordinator. NASA Headquarters 16-point program was established in November 1973 with the appointment of a part-time coordinator and broadened in December 1975 with the selection of a full-time coordinator.
3. Scope of Program Activities. The Hispanic Employment Program is part of NASA's EO Program. It is designed to ensure that Hispanic Americans learn about NASA job openings and have equal opportunity for selection, promotion, training, awards, career development and upward mobility. The Headquarters Hispanic Employment Program Coordinator serves as the focal point for accomplishing the objectives of the program and is supported by the Headquarters Personnel Branch. The program includes:
 - a. Headquarters Personnel Branch recruitment efforts to provide opportunities for Spanish-Speaking Americans in professional entrance level positions as well as in nonprofessional jobs.
 - b. Cooperative Education Programs between the Headquarters Personnel Branch and Metropolitan D.C. area colleges and universities that enroll significant numbers of Spanish-Speaking students.

- c. Placement of Spanish-Speaking Americans in Headquarters summer employment programs such as Stay-in-School, Summer Aid, Federal Summer Intern, and Summer Employment (i.e., college level summer employment).
- d. Expansion of relationships with local and national Hispanic organizations.
- e. Training courses, including upward mobility and educational programs for Spanish-Speaking persons.
- f. The evaluation of personnel programs, such as incentive awards, merit promotion, and career development, to determine whether Hispanic employees are fairly treated.
- g. Awareness programs, such as Hispanic Heritage Week and similar activities for all employees, including supervisors, managers, and recruiters.

CHAPTER 7: UPWARD MOBILITY

700 SKILLS UTILIZATION

1. Job restructuring and maximum personnel utilization are important areas of the Headquarters EO Program. As a result, administrative and management jobs (NASA Classification Code 600) are examined periodically to separate paraprofessional and non-technical tasks that may be assigned to less skilled personnel.
2. Each Headquarters organization should review its employee skills and their utilization at least annually to:
 - a. Identify unused skills that could be better utilized.
 - b. Identify employees who can be trained to perform at a higher skill level.

701 TRAINING AND DEVELOPMENTAL ACTIVITIES

1. Training. Civil Service Commission policy as reflected in FPM Chapter 410 states: "The Head of each agency shall prescribe such procedures as are necessary to ensure that in the selection for training there shall be no discrimination because of race, religion, color, national origin, age or sex."
2. Development. Many employees possess capabilities and potentials which, if developed, could substantially contribute to the accomplishment of NASA's mission. Training and development must be supported by counseling and guidance by the immediate supervisor and the Employee Development Section. Counseling helps employees assess their capabilities and encourages self-development. To support development, the Headquarters Personnel Branch:
 - a. Disseminates information concerning opportunities for advancement, training and development.
 - b. Assists employees in determining and meeting their developmental needs and, when appropriate, provides direct assistance in pursuit of training under the Government Employee Training Act, e.g. tuition assistance or time off to attend local courses.

CHAPTER 8: DISCRIMINATION COMPLAINTS

800 SCOPE

This chapter prescribes Headquarters procedures for processing complaints of discrimination on the basis of race, color, religion, sex, age, handicap or national origin by employees of or applicants for employment with NASA.

801 REGULATIONS

CSC regulations covering equal opportunity are in Part 713 of FPM Supplement 990-1. Implementing instructions, policies, and delegations of authority issued by NASA are in its supplements to the Federal Personnel Manual and the NASA Management Issuances. These provide the regulatory authority for:

1. Counseling of employees and applicants for employment who have EO complaints.
2. The receipt of formal complaints of discrimination.
3. Processing such complaints if resolutions to the complaints are not achieved.

802 EO COUNSELING

1. Executive Order 11478 (August 8, 1969) and the Federal Personnel Manual, Part 713 require agencies to provide counseling to employees aggrieved by discrimination in order to encourage informal resolution of problems.
2. NASA Headquarters has part-time EO counselors whose pictures, names, and telephone numbers are displayed on official bulletin boards throughout the Headquarters buildings.
3. Counselors serve as a bridge between employees and management and are responsible for attempting to resolve problems brought to their attention.
4. EO counselors inform employees about their rights to file formal complaints if attempts at informal resolution fail. They also maintain liaison with the Headquarters Personnel Branch and with other elements of NASA Headquarters on EO matters.
5. Counselors are available to assist a supervisor when called upon to aid in mediating or obtaining an informal resolution of a potential or on-going EO problem.

803 EO COUNSELOR QUALIFICATION

Counselors should:

1. Have mature judgment, an understanding of people, analytical ability and knowledge of the NASA organization.
2. Be trained in the techniques of EO Counseling.
3. Have easily accessible locations.
4. Be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of their duties under the regulations.

804 DISCRIMINATION COMPLAINT PROCESSING

Listed below are steps normally utilized in administrative processing of discrimination complaints except for age. See Section 806 for processing complaints alleging age discrimination.

1. Consulting an EO Counselor. Discrimination complaints are to be presented to an EO counselor within 30 calendar days after the alleged discriminatory action. The counselor will make the necessary inquiries with supervisors and employees concerning the allegation(s) and try to reach an informal settlement within 21 days. (Complaints or grievances which do not involve discrimination based on race, color, religion, sex, age, handicap or national origin will be referred to the Headquarters Personnel Branch.)
2. Filing a Formal Complaint. If informal resolution cannot be reached, a formal complaint may be filed in writing with one of eight persons: Administrator, Director of Equal Opportunity Programs, Associate Administrator for Management Operations, Headquarters EO Officer, NASA Federal Women's Program Coordinator, NASA Spanish-Speaking Program Coordinator, Headquarters Spanish-Speaking Program Coordinator or Headquarters Federal Women's Program Coordinator. At any state in the presentation of a complaint, including the counseling stage, the complainant has the right to be accompanied and advised by a representative of his or her own choosing. All persons involved in the inquiry are to be free from restraint or reprisal. Informal resolution of complaints may be attempted at any time--from the counseling stage through formal investigation--where it appears that such action is appropriate. When a complaint is not resolved and is forwarded to the Office of Equal Opportunity Programs for administrative processing, the Headquarters EO Officer will notify, in writing, the head of the office where the complaint was initiated.

3. Complaint Investigation. An investigator assigned by the NASA Inspections Division has the authority to conduct an on-site investigation of all aspects of the complaint, to ask all employees involved to cooperate, and to require all parties who have knowledge of the matter to testify under oath or affirmation without a pledge of confidence. On completion of the investigation, an informal adjustment will be attempted. If the informal adjustment fails, a Proposed Disposition of the Complaint will be issued apprising the complainant of his/her right to request a final agency decision on the record, without a hearing or a hearing and then a final agency decision. If they request a final agency decision on the record, without a hearing, they lose their right to an administrative hearing. If the complainant does not request a hearing or a final agency decision on the record, without a hearing, the agency may adopt the Proposed Disposition as the Final Agency Decision.
4. Hearing. If the complainant asks for a hearing, NASA will request the Civil Service Commission's Federal Employee Appeals Authority to assign a Complaints Examiner. Attendance at the hearing is limited to the examiner, complainant, representatives for the complainant and management and union representatives under certain specific conditions. Witnesses who appear and testify may be examined by the examiner, complainant, his/her representatives, or the agency representative. At Headquarters, an attorney from the Office of the General Counsel normally represents management at all hearings. The examiner presides at the hearing, and issues a Finding, Analysis and Recommended Decision on the complaint to the Administrator, or designee.
5. Final Agency Decision. The final agency decision is made after the investigation, if so requested by complainant, or after the hearing. Based on information in the complaint file, the Administrator, or designee, prepares and forwards a decision to the complainant and/or representative within 180 calendar days after the formal complaint was filed. If a hearing has been held, the final decision letter will include the Findings, Analysis, and Recommendations of the Complaints Examiner and a copy of the hearing transcript. The agency decision may adopt, reject, or modify the Complaints Examiner's recommended decision.
6. Appealing Final Agency Decision.
 - a. If the complainant disagrees with the decision, he or she may appeal to the Civil Service Commission's Appeals Review Board (ARB), either in person or by mail, or file suit in an appropriate U. S. District Court.

- b. Complainants must file their appeals with the Board not later than 15 calendar days after receipt of the notice of the agency's final decision. The Board will review relevant written representations along with the administrative record. It may remand a case to the agency for further investigation or have an additional investigation conducted by Civil Service Commission (CSC) personnel. A complainant has no right to a hearing before the Board. A written decision, setting forth reasons for the decision, will be sent to the complainant, his/her representative, and the agency.
 - c. The Board's decision is final, without right of appeal. However, the written decision will contain notice of a right to file a civil action.
7. Filing a Civil Action. The times for filing a civil suit in U. S. District Court vary from case to case as follows:
- a. Within 30 days of final agency decision.
 - b. After 180 days from the date of filing a formal complaint if there has been no decision by the agency.
 - c. Within 30 days of final action taken by the CSC ARB.
 - d. After 180 days from the date of filing an appeal to the ARB if no decision has been made.

805 REJECTION OR CANCELLATION OF A COMPLAINT

- 1. The agency official authorized to reject or cancel a discrimination complaint is the Director of Equal Opportunity Programs. A rejection or cancellation of a complaint is a final agency decision. As such, a complainant may then sue in U. S. District Court or appeal to the CSC's ARB. If not satisfied with the decision of the ARB, the complainant may file a civil action in U. S. District Court.
- 2. The Director of Equal Opportunity Programs may reject or cancel a complaint in whole or in part when:
 - a. The complaint was not filed on time.
 - b. The allegations in the complaint are not properly within the purview of FPM Part 713; i.e., on the basis of race, color, religion, sex, age, handicap or national origin.
 - c. The allegations are identical to those contained in a previous complaint filed by the same complainant.
 - d. The complainant fails to prosecute the complaint.

- e. The complaint, or issues in the complaint, have not passed through the precomplaint counseling stage.

806 AGE DISCRIMINATION

1. Public Law 93-259 signed April 7, 1974, extended the Age Discrimination in Employment Act (ADEA) of 1967 to cover Federal, State and local governments. "All personnel actions affecting employees or applicants for employment... shall be made free from any discrimination based on age."
2. An aggrieved employee or applicant for employment may be counseled and afforded the same rights that are afforded a person complaining because of race, color, religion, sex, handicap or national origin. There is, however, an authorized exception to the regular discrimination complaint process. An employee or applicant for employment may file a civil action based on age discrimination in an appropriate U. S. District Court, provided he/she files a notice of intent to sue with the U. S. CSC 30 days before a civil suit is commenced and within 180 days after the alleged discriminating act.
3. The notice of intent to file a civil action should be addressed to the Office of the Assistant Executive Director, Attention: ADEA Program Coordinator, U. S. Civil Service Commission, Washington, D. C. 20415.

807 CLASS COMPLAINTS

A class action is a complaint against general agency practices that allegedly discriminates against a group of present or former employees or job applicants who have one or more of the following in common: race, color, religion, sex, age, handicap or national origin. It may be filed by any member of the group who chooses to act as its agent. Typical steps in a class action follow.

1. Equal Opportunity (EO) Counseling. The agent contacts an EO counselor within 90 days of the alleged discriminatory act. The EO counselor has 30 days in which to try to settle the case informally and, regardless of the outcome, present a written report to the agent and to the Headquarters EO Officer.
2. Filing Formal Complaint. If informal resolution is not achieved, the agent has 15 days from his final interview with the EO counselor to file a formal written complaint addressed to the NASA Administrator, the NASA Director of Equal Opportunity Programs, or the Headquarters EO Officer.
3. Assignment of Claims Examiner. Within 10 days after receiving the complaint, NASA must request assignment of a complaints examiner for the case from the Civil Service Commission. The

examiner reviews the complaint and appropriate regulations and recommends that it be accepted for further processing or rejected.

4. Options Available if Complaint is Rejected. If complaint is rejected, agent may:
 - a. Within 15 days, appeal to the Appeals Review Board of the Civil Service Commission.
 - b. Within 30 days, file suit in U. S. District Court.

5. Processing an Accepted Class Action.
 - a. Notification of Class Members. Within 15 days after complaint is accepted, NASA must notify all class members by a reasonable means, such as delivery, mailing, distribution or posting. Individuals in the group who want to be included in the class need take no action. They will be bound by the outcome of the action. Those who do not choose to be included must so state in writing to the agency representative.
 - b. Appointment of NASA Representative. The General Counsel of NASA or his/her designee appoints someone to represent the agency in the case.
 - c. Hearing. Within 90 days after acceptance of the complaint, the Civil Service Commission complaints examiner notifies the agent and NASA representative that they have 60 days to prepare their case. The examiner conducts the hearing and transmits to the Director of Equal Opportunity Programs a transcript, analysis and recommended decision.
 - d. Agency Decision. Within 30 days after receiving the above, the NASA Administrator accepts, rejects, or modifies the complaints examiner's recommendation and transmits to the agent NASA's decision, a transcript of the hearing, and, if appropriate, information about rights of appeal to the Civil Service Commission Appeals Review Board or of filing suit in U. S. District Court. NASA also notifies all participating class members of the decision and, if the decision is favorable to the class action, how to apply for Individual Corrective Action.

6. Individual Corrective Action. A decision in favor of the complaint does not automatically correct adverse effects resulting from the discriminatory practices against members of the group. To obtain relief, each individual member must apply to the Headquarters EO Officer for individual corrective action within 30 days after notification of such a decision. In the claim, the individual must show membership in the group and specify adverse effect(s) that is a result of the

discriminatory practices and that occurred within 135 days before the class action started. NASA must accept or reject the application within 60 days. If rejected, the application may within 10 days be sent to the Civil Service Commission's complaints examiner for review and then, if necessary, may be appealed to the Appeals Review Board or the U. S. District Court as shown in Appeals below, for a class action.

7. Appeals.

- a. The agent may appeal to the Appeals Review Board of the Civil Service Commission within 15 days after notification of a final agency decision.
- b. The agent may file suit in U. S. District Court --
 - o Within 30 days after receiving NASA's final decision.
 - o Within 30 days after receipt of the ARB decision.
 - o If 180 days have passed since the complaint was filed without a final decision by the agency.
 - o If 180 days have passed since filing of the appeal without an Appeals Review Board decision.

8. Freedom from Reprisal. Complainants, their representatives and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of a complaint, including the counseling stage under FPM 713, or anytime thereafter.

CHAPTER 9: CONTACTS WITH LOCAL COMMUNITY

900 COMMUNICATE NASA'S EMPLOYMENT NEEDS

Headquarters organizations will develop and implement plans and procedures designed to ensure that their recruitment activities reach all sources of job candidates, including minorities and women.

901 MOTIVATE STUDENTS TO PREPARE FOR NASA POSITIONS

Headquarters managers, supervisors, and employees should take full advantage of programs such as high school and college career days and seminars to explain NASA's mission, jobs, and qualification requirements to interested students. They should also encourage activities such as individual and group tours of local NASA facilities. Informational pamphlets, vacancy lists, employment brochures, and other communication methods should be used for the purpose of motivating students, including women and minorities, to prepare for NASA jobs.

902 HELP IMPROVE LOCAL CONDITIONS AND ATTITUDES WHICH ADVERSELY AFFECT EMPLOYMENT AND PLACEMENT OF ALL EMPLOYEES, INCLUDING MINORITIES AND WOMEN

In official contacts with community leaders, NASA representatives should exercise a positive influence and utilize persuasion to correct discrimination practices that affect placement of employees within their jurisdiction.

903 FAIR HOUSING

Housing coordinators and other employees whose duties include recruitment or selection should work with community groups, realty boards, churches, and other groups in making housing available for minority employees where this is a recruitment problem in recruitment or internal placement.

CHAPTER 10: PUBLICITY

1000 GENERAL

Publicizing positive substantive results of NASA Headquarters EO Program not only gives recognition to the program but also furthers the agency's image as an equal opportunity employer. Maximum local and national publicity of breakthroughs in hiring and development of new techniques and programs at NASA Headquarters should be provided through the Public Affairs Division, NASA Headquarters.

1001 OFFICIAL NASA PUBLICATIONS

Headquarters policies and procedures, including those for filing complaints of discrimination, shall be brought to the attention of all employees through official Headquarters publications at least annually.

1002 OFFICIAL BULLETIN BOARDS

The names, with pictures, of the Headquarters EO Officer, the Federal Women's Program Coordinator, the Spanish-Speaking Program Coordinator, EO Counselors, and EEOAG members will be posted permanently on official bulletin boards. Policy and procedures for filing complaints shall also be appropriately displayed.

CHAPTER 11: PROGRAM EVALUATION

1100 EQUAL OPPORTUNITY OFFICER

The Headquarters EO Officer is responsible for evaluating the EO Program in Headquarters. This evaluation includes the results of all pertinent findings made by the Headquarters EO Officer and the Headquarters Personnel Branch. The evaluations are coordinated with the Headquarters Personnel Branch.

1101 ON-SITE EVALUATIONS

The Headquarters EO Office will periodically evaluate EO performance of Headquarters organizations. Prior to an evaluation, the office to be reviewed will be asked to complete an appropriate questionnaire.

1102 MAJOR OBJECTIVES

The major objectives of the EO evaluation are:

1. To measure the effectiveness of procedures and their application by management in identifying and assessing the problems bearing on EO.
2. To develop and implement action programs to overcome obstacles to equality of opportunity.
3. To provide Headquarters management with recommendations or directions for remedial action in problem areas.
4. To ensure follow-up action on recommendations.
5. To evaluate EO Program effectiveness in all offices at least biennially, half being done each fiscal year, and incorporate the results in the annual report to the Associate Administrator for Management Operations.

1103 SPECIFIC AREAS FOR EVALUATION

Factors that should be considered in developing comprehensive EO program evaluations are listed below. They are not intended to be comprehensive nor are they listed in priority order.

1. Management direction and leadership.
2. EO policy dissemination.
3. Orientation of new employees.

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4. Office EO goals and objectives
5. Staffing patterns.
6. Performance awards.
7. Training.
8. Equality of treatment of work force.
9. Special emphasis programs.
10. Discrimination complaints.

CHAPTER 12: REPORTS

1200 INTERNAL EO PROGRAM ACTIVITY REPORTS

Purpose. This section establishes Headquarters procedures for the following reports:

1. Quarterly Report. Each office, through its EO Coordinator, is responsible for making quarterly reports on a prescribed form by the tenth calendar day after the close of the quarter. If the tenth day falls on a Saturday, Sunday or holiday, the due date is the next workday.
2. Report on Status of Women. Statistical and narrative reports are required by the Civil Service Commission for the Interdepartmental Committee on the Status of Women. This information is in the EO narrative section of the Quarterly Report.
3. Counseling Activities Report. Within 10 calendar days after the end of each month, the Headquarters EO Officer will report to the Director of Equal Opportunity Programs on counseling activity and counselors within Headquarters, utilizing the form for the Report on Precomplaint Counseling.

CHAPTER 13: MINORITY GROUP STATISTICS REPORTING AND
DATA BASE MANAGEMENT

1300 GENERAL

1. Minority Group Designator (MGD). An MGD code for each Headquarters employee will be included in the personnel portion of the Headquarters Integrated Personnel/Payroll System (NIPPS) to provide a data base for positive program management and evaluation. The Headquarters Personnel Analysis and Planning Office is authorized to collect and maintain information on the minority identification of NASA employees in this automated system under conditions which will insure individual privacy and security safeguards. No production or distribution of information utilizing the Minority Group Designator will be done from this data base without authorization of the Headquarters EO Officer.
2. Identification and Collection of MGD Information. On the basis of visual identification made during entrance-on-duty processing, the responsible individual in the personnel office will assign each employee an MGD code for inclusion in the automated personnel data base (NIPPS). MGD codes used will be those prescribed in Chapter 713 of the Federal Personnel Manual. Those codes are: Negro, Code 1; Spanish-surnamed, Code 2; American Indian, Code 3; Oriental, Code 4; and persons not included in the previous designations, Code 7.

1301 RESPONSIBILITY

The Headquarters EO Officer and the Chief, Headquarters Personnel Branch, share the responsibility for the MGD content of the Personnel/MGD automated file which will provide pertinent minority statistical employment information about Headquarters employees. The Chief, Personnel Analysis and Planning Office, Personnel Programs Division, is designated as Minority Group Data Base Manager for Headquarters.

1302 USE OF MGD DATA

1. The statistical information produced from the Personnel/MGD automated file shall be used for achieving the objectives of the EO Program by:
 - a. Identifying possible bias patterns in hiring, advancement, and training opportunities.
 - b. Assessing EO Program goals and objectives.

- c. Determining areas requiring added emphasis.
 - d. Evaluating the effectiveness of actions taken, as set forth in FPM Part 713.
 - e. Identifying the distribution of minorities and women by grade and organizational segment in professional, technical or other mission-related occupations.
 - f. Providing information for use in action plans to eliminate discriminatory practices identified.
2. To carry out the above, information will be provided to appropriate Equal Opportunity Officials from the Personnel/ MGD file on hiring, promotions, promotions to supervisory and managerial positions, training, and awards of Headquarters employees.

APPENDIX A: STATUTES AND REGULATIONS PERTINENT TO THE NASA HEADQUARTERS EO PROGRAM

<u>Reference</u>	<u>Subject Matter Covered</u>	<u>Where the Reference Can be Reviewed</u>
CSC Regulations in FPM 990-1, Part 713, and NASA FPM Supplements thereto.	These Equal Employment Opportunity Regulations are issued pursuant to Federal laws which empower the Civil Service Commission to enforce them.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
FPM Chapter 713	This Chapter of the Federal Personnel Manual provides guidance for implementing EO programs.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
Executive Order 11246 (September 24, 1965) as amended by Executive Order 11375 (October 13, 1967)	Amended Part I--Nondiscrimination in Government Employment--was superseded by Executive Order 11478, signed on August 8, 1969; Part II--Nondiscrimination in Employment by Government Contractors and Subcontractors--was amended to add sex as a prohibited basis of discrimination, effective October 13, 1968.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
PL 92-261, Equal Employment Opportunity Act of 1972 (42 USC 2000e)	This law prohibits discrimination against Federal employees and applicants for Federal employment on the basis of race, color, religion, sex, or national origin, and provides them access to U.S. District Courts.	Headquarters Equal Opportunity Office Headquarters Law Library

<u>Reference</u>	<u>Subject Matter Covered</u>	<u>Where the Reference Can be Reviewed</u>
Executive Order 11478, signed August 8, 1969	Sets forth the policy of the United States Government to provide equal opportunity in Federal Employment on the basis of merit and fitness without discrimination because of race, color, religion, sex, or national origin.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
PL 93-259, signed April 8, 1974, Age Discrimination in Employment Act (29 U.S.C. 631)	Extended the Age Discrimination in Employment Act (ADEA) of 1967 to cover Federal, State, and local government employees and assigns responsibility to the CSC for enforcement of the Act in the Federal employment sector.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
Executive Order 11491, as amended (Labor Management Relations)	Provides machinery for orderly procedures in establishing and maintaining constructive, cooperative relationships between labor unions and management officials.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office
Executive Order 11141, February 12, 1964	Sets forth a Federal Government policy of equal employment opportunity for older persons in all sectors of the economy, private and public.	Headquarters Personnel Branch Headquarters Law Library Headquarters Equal Opportunity Office

<u>Reference</u>	<u>Subject Matter Covered</u>	<u>Where the Reference Can be Reviewed</u>
NMI 1122.1	Role and Responsibilities--The Assistant Administrator for Equal Opportunity Programs	*
HQMI 1152.2	Headquarters Employees EEO Advisory Group	*
HQMI 1152.3	NASA Headquarters EO Coordinators and EO Management Committee	*
HQMI 1152.4	Minority Business Enterprise Program Council	*
HQMI 1152.6	NASA Headquarters Federal Women's Program Committee	*
NMI 3306.1	Employment of Handicapped Individuals	*
NHB 3335.1	NASA Merit Promotion Plan for Positions GS-15 and Below (Inc. Trades and Labor Positions)	*
NMI 3400.1	Employee Work Planning and Progress Reviews	*
HQMI 3400.1	Work Planning and Progress Review	*
NMI 3410.4	Personnel Development	*
NMI 3410.5	NASA Upward Mobility Program	*
HQMI 3450.1	Headquarters Incentive Awards Committee	*
HQMI 3451.1	Performance Incentives at NASA Headquarters	*

*ALL NASA MANAGEMENT ISSUANCES-----Headquarters Information Center; Headquarters Law Library; Headquarters Personnel Branch; Program/Staff Offices; HQS EO Office

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<u>Reference</u>	<u>Subject Matter Covered</u>	<u>Where the Reference Can be Reviewed</u>
NMI 3711.3	NASA Federal Employees Labor- Management Relations Program	*
NMI 3711.5	Delegation of Authority -- To Approve Labor-Management Agreements	*
HQMI 3713.1	NASA Headquarters Federal Women's Program	*
NMI 3713.2	NASA Equal Employment Opportunity	*
NMI 3713.4	Specific Assignments of Responsibilities Concerning the NASA Equal Employment Opportunity Program	*
NMI 3713.5	Minority Group Reporting and Data Base Management	*
NMI 3713.6	Delegation of Authority -- To Act in Matters Pertaining to Equal Opportunity Programs	*
NHB 3771.2	NASA Grievance System Manual	*

*ALL NASA MANAGEMENT ISSUANCES-----

Headquarters Information Center
 Headquarters Law Library
 Headquarters Personnel Branch
 Program/Staff Offices
 Headquarters Equal Opportunity
 Office