




The Secretary of Energy

Washington, DC 20585

October 24, 2023

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: JENNIFER GRANHOLM 

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

It is the policy of this Administration to prevent and combat discrimination and to address overlapping and intersecting forms of discrimination. In line with this policy, the U.S. Department of Energy (DOE) is committed to a workplace free of unlawful discrimination, harassment, and retaliation. As Secretary, I am honored to affirm DOE's commitment to the principles of equal employment opportunity (EEO) in the workplace.

Equal employment opportunity in the workplace ensures that all employees have the freedom to compete on a fair and level playing field. This policy statement serves to remind all employees and applicants for employment of their rights and responsibilities under the law and provides information on how you can seek assistance if you believe that you have experienced employment discrimination and/or harassment.

First, no applicant or employee will be subjected to discrimination in any aspect of employment on the basis of race, color, sex (including pregnancy, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), genetic information, or retaliation for participation in protected EEO activity.

Second, no applicant or employee will be subjected to harassment (sexual or non-sexual). Non-sexual harassment is any unwelcome conduct (verbal, written, or physical) based on discrimination that: (1) has the purpose or effect of unreasonably interfering with an employee's work performance; (2) creates an intimidating, hostile, or offensive work environment; or (3) affects an employee's employment opportunities or compensation.

Sexual harassment is any unwelcome behavior of a sexual nature. This includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, physical conduct of a sexual nature, or other similar behavior. Sexual harassment is not limited to the actions of a supervisory employee toward a nonsupervisory employee; the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a coworker, or a non-employee.

This protection against discrimination and harassment extends to all management practices and decisions, including, but not limited to, recruitment and hiring practices, merit promotions, training, career development programs, benefits, transfers,

reassignments, and separations from the Department. This means that employment-related decisions must be based on merit and not on discriminatory factors. Employees are encouraged to promptly report discrimination and/or harassment to any management official or directly to their respective EEO Office. To preserve their right to utilize the EEO complaint process, employees or applicants for employment must initiate contact with their respective EEO office within 45 calendar days of the date of the alleged discrimination, or within 45 calendar days from the date on which they reasonably became aware of the discrimination. Headquarters, Power Marketing Administration, and Field Site employees or applicants for employment may contact the DOE Office of Civil Rights and Equal Employment Opportunity by phone, at (202) 586-2218 or by email, at civilrights@hq.doe.gov regarding discrimination or harassment complaints.¹ As an alternative, Power Marketing Administration and Field Site employees or applicants for employment may contact [designated OCR-EEO points of contact](#) for their respective locations.²

If a formal EEO complaint is filed and accepted (after completing the informal stage of the EEO process), a prompt, thorough, and impartial investigation will be conducted. It is important to note that the Department seeks to protect the confidentiality of discrimination and harassment allegations to the fullest extent possible, and shares information only with those who have a need to know in the performance of their official duties.

Employees and applicants for employment have the right to report incidents of discrimination and/or harassment without fear of retaliation. Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment, solely because they filed a charge of discrimination or harassment; participated in an EEO investigation, proceeding, or hearing; or participated in other protected activity in opposition to unlawful discrimination and/or harassment.

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

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

Combating the climate crisis, creating clean energy union jobs, promoting energy justice, and maintaining a secure nuclear deterrent is critical to our Nation. Unlawful

¹ National Nuclear Security Administration (NNSA) and Bonneville Power Administration (BPA) employees or applicants for employment should contact their respective EEO Office regarding harassment and discrimination complaints.

² NNSA and BPA employees or applicants for employment should contact their respective EEO Office regarding harassment and discrimination complaints.

discrimination and harassment in the workplace undermine our ability to achieve our mission. Accordingly, I expect each employee to honor the principles of EEO in the workplace. Any employee who engages in discrimination or harassment in violation of the law or this policy may be subject to disciplinary action, including suspension or dismissal. Managers must act promptly and appropriately to eliminate and prevent discrimination and harassment in the workplace. Managers who have knowledge of an act of possible discrimination or harassment should contact [OCR-EEO](#), their [designated OCR-EEO points of contact](#), or [the Labor and Employee Relations Office](#)³ for guidance.

For more information regarding discrimination or harassment in the workplace, or additional information on how to file an EEO complaint, please visit the OCR-EEO webpage: [EEO Complaint Process |Department of Energy](#).

³ On March 3, 2022, the Department implemented Policy Memorandum #102 (PM #102), *Prevention and Elimination of Prohibited Harassing Conduct*. PM #102 outlines the rights and responsibilities of Federal employees and Management Officials (i.e., supervisors and managers) and establishes reporting procedures and accountability measures to ensure appropriate officials are notified of and can promptly correct unwanted conduct that is, or has the potential to become, so severe or pervasive as to constitute illegal harassment.

The PM #102 process is an administrative process that is entirely separate and apart from other available administrative avenues of redress. **Utilization of the PM #102 process does not replace or affect an employee's right to seek information about or to utilize the DOE equal employment opportunity complaint process that is managed by DOE's Office of Civil Rights and Equal Employment Opportunity.**