

Naval Information Warfare Systems Command

Equal Employment Opportunity Program

The Naval Information Warfare Systems Command (NAVWAR) is committed to ensuring that all employees and applicants for employment are provided equal employment opportunity (EEO) regardless of race, color, religion, sex, national origin, age, disability, or genetic information so that all can compete on a fair and level playing field and have an opportunity to achieve their full potential.

The laws governing the EEO Program are as follows:

Title VII of the Civil Rights Act of 1964 (Title VII)

This law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.

- **The Pregnancy Discrimination Act**
This law amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Equal Pay Act of 1963 (EPA)

This law makes it illegal to pay different wages to men and women if they perform equal work in the same workplace. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Age Discrimination in Employment Act of 1967 (ADEA)

This law protects people who are 40 or older from discrimination because of age. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Sections 501 and 505 of the Rehabilitation Act of 1973

This law makes it illegal to discriminate against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

The Genetic Information Nondiscrimination Act of 2008 (GINA)

This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.



DEPARTMENT OF THE NAVY
SPACE AND NAVAL WARFARE SYSTEMS COMMAND
4301 PACIFIC HIGHWAY
SAN DIEGO, CA 92110-3127

29 May 19

From: Commander, Space and Naval Warfare Systems Command

To: All Hands

Subj: EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

1. As Commander and the Equal Employment Opportunity (EEO) Officer for the Space and Naval Warfare Systems Command (SPAWAR), I am personally committed to the principles of EEO. All civilian employees and applicants for employment will be given fair treatment and equal employment opportunity regardless of their race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, or genetic information.

2. EEO covers all personnel and employment programs, management practices and decisions including, but not limited to, recruitment and hiring, merit promotion, transfer, reassignment, training and career development, benefits, and separation. All employees will have the freedom to compete on a fair and level playing field with equal opportunity.

3. An employee who believes he or she has been discriminated against because of his or her race, color, religion, sex, national origin, age, disability, genetic information, or reprisal must contact an EEO Counselor within 45 calendar days of the date of the matter alleged to be discriminatory, or in the case of a personnel action, within 45 days of the effective date of the action. SPAWAR supports the rights of all employees to exercise their rights under the civil rights statutes.

4. SPAWAR will not tolerate workplace harassment. SPAWAR will also not tolerate reprisal against anyone for opposing discrimination or for participating in the discrimination complaint process. Managers and supervisors will correct harassing behavior immediately and will take appropriate action when allegations of harassment or reprisal are substantiated.

5. I strongly support and affirm the full implementation of EEO through Model EEO Programs at every level of the command. Organizational leaders, supervisors and managers hold a critical role in the EEO program and must ensure that all employment decisions are based on merit and per EEO principles to eliminate barriers that impede free and open competition in the workplace. I encourage all managers, supervisors, and employees to use the Alternative Dispute Resolution Program to resolve workplace issues and complaints. All personnel shall ensure their actions fully demonstrate their commitment and support of this policy.

6. For more information, contact the SPAWAR Director, Equal Employment Opportunity at (619) 221-7837.

A handwritten signature in black ink, appearing to read "C. D. Becker", is located below the text of the sixth point.

C. D. BECKER

The NAVWAR EEO Program provides applicants and employees a full range of services to include processing discrimination complaints and providing reasonable accommodations to qualified individuals with disabilities. The information below provides information on the federal EEO complaint process and on reasonable accommodations for individuals with disabilities.

Federal Sector EEO Complaint Process

If you are a federal employee or job applicant, the law protects you from discrimination because of your race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. The law also protects you from retaliation if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process (even if the complaint is not yours.)

There are also federal laws and regulations and Executive Orders (which are not enforced by Equal Employment Opportunity Commission (EEOC)) that prohibit discrimination on bases such as marital status, parental status, or political affiliation.

If you are an employee or job applicant and you believe that you have been discriminated against, you have a right to file a complaint.

EEO Counselor

The first step is to contact an EEO Counselor where you work or where you applied for a job. You can contact a NAVWAR EEO Counselor at the following telephone numbers:

NAVWAR Headquarters: 619-553-5700
NIWC Pacific: 619-553-5700
NIWC Atlantic: 843-218-5508
PEO-C4I: 619-553-5700
PEO-EIS: 843-218-5508
PEO-SS: 619-553-5700

Generally, you must contact the EEO Counselor within 45 calendar days from the day the discrimination occurred.

In most cases the EEO Counselor will give you the choice of participating either in EEO counseling or in Alternative Dispute Resolution (ADR) Program (i.e. mediation).

If you do not settle the dispute during counseling or through ADR, you can file a formal discrimination complaint with the EEO Office. You must file within 15 calendar days from the day you receive notice from your EEO Counselor about how to file.

Filing a Formal Complaint

Once you have filed a formal complaint, the EEO Office will review the complaint and decide whether or not the case should be dismissed for a procedural reason (for example, your claim was filed too late).

If the complaint is not dismissed, it will be investigated by the Department of Defense, Defense Civilian Personnel Advisory Service, Investigation and Resolution Division. The investigation must be conducted within 180 calendar days from the day you filed your complaint.

When the investigation is finished, you will be issued a notice giving you two choices: either request a hearing before an EEOC Administrative Judge or ask that the Department of the Navy issue a decision as to whether the discrimination occurred.

Agency Issues a Decision (Final Action)

If you ask for a decision from the Department of the Navy and no discrimination is found, or if you disagree with some part of the decision, you can appeal the decision to EEOC or challenge it in federal district court.

Requesting a Hearing

If you want to ask for a hearing, you must make your request in writing within 30 calendar days from the day you receive the notice from the EEO Office about your hearing rights. If you request a hearing, an EEOC Administrative Judge will conduct the hearing, make a decision, and order relief if discrimination is found.

Once the Department of the Navy receives the Administrative Judge's decision, the Department of the Navy will issue what is called a final order which will tell you whether the Department of the Navy agrees with the Administrative Judge and if it will grant any relief the judge ordered. The Department of the Navy will have 40 calendar days to issue the final order. It will also contain information about your right to appeal to EEOC, your right to file a civil action in federal district court, and the deadline for filing both an appeal and a civil action.

Filing an Appeal of the Agency's Final Order

You have the right to appeal a Department of the Navy's final order (including a final order dismissing your complaint) to EEOC Office of Federal Operations. You must file your appeal no later than 30 calendar days after you receive the final order.

EEOC appellate attorneys will review the entire file, including the agency's investigation, the decision of the Administrative Judge, the transcript of what was said at the hearing (if there was a hearing), and any appeal statements.

If the Department of the Navy disagrees with any part of the Administrative Judge's decision, it must appeal to EEOC.

Request for Reconsideration of the Appeal Decision

If you do not agree with the EEOC's decision on your appeal, you can ask for a reconsideration of that decision. A request for reconsideration is only granted if you can show that the decision is based on a mistake about the facts of the case or the law applied to the facts. You must ask for reconsideration no later than 30 calendar days after you receive our decision on your appeal.

Once EEOC has issued a decision on the appeal, the Department of the Navy also has the right to ask EEOC to reconsider that decision.

Once we have made a decision on your request for reconsideration, the decision is final.

Filing a Lawsuit

You must go through the administrative complaint process before you can file a lawsuit. There are several different points during the process; however, when you will have the opportunity to quit the process and file a lawsuit in court, including:

- After 180 calendar days have passed from the day you filed your complaint, if the Department of the Navy has not issued a decision and no appeal has been filed
- Within 90 calendar days from the day you receive the Department of the Navy's decision on your complaint, so long as no appeal has been filed
- After the 180 calendar days from the day you filed your appeal if the EEOC has not issued a decision, or
- Within 90 calendar days from the day you receive the EEOC's decision on your appeal.

Reasonable Accommodations for Individuals with Disabilities

What is Reasonable Accommodation?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship -- that is, that it would require significant difficulty or expense.

Applicants, as well as employees, are entitled to reasonable accommodation, if they are a qualified individual with a disability. For example, an employer may be required to provide a sign language interpreter during a job interview for an applicant who is deaf or hearing impaired, unless to do so would impose an undue hardship.

If you think you will need a reasonable accommodation in order to participate in the application process or to perform essential job functions, you should inform the employer that an accommodation will be needed. Employers are required to provide reasonable accommodation only for the physical or mental limitations of a qualified individual with a disability of which they are aware. Generally, it is the responsibility of the employee or applicant to inform the employer that an accommodation is needed.

How to Request an Accommodation

If you would like to request a reasonable accommodation you can contact the EEO Office where you work or where you applied for a job. You can contact the appropriate EEO Office at the following telephone numbers:

NAVWAR Headquarters: 619-221-7303
NIWC Pacific: 619-553-5700
NIWC Atlantic: 843-218-5508
PEO-C4I: 619-221-7303
PEO-EIS: 843-218-5508
PEO-SS: 619-221-7303

For information on the Department of the Navy reasonable accommodation procedures please visit the following website: <http://www.secnav.navy.mil/donhr/Site/EEO/Pages/Discrimination-Policy-and-Reasonable-Accommodation.aspx>