



NATIONAL NUCLEAR SECURITY ADMINISTRATION SERVICE CENTER SUPPLEMENTAL DIRECTIVE

SC P 311.2A

Dated: 04-22-04

PREVENTION OF HARASSMENT IN THE WORKPLACE INCLUDING SEXUAL HARASSMENT

1. OBJECTIVE. To define and prescribe Service Center Policy on harassment in the workplace, including sexual harassment and the procedures for reporting such incidents.
2. APPLICABILITY. The provisions of this Service Center Directive apply to all Service Center employees.
3. POLICY.
 - a. To provide a workplace environment that is free from harassment, in which employees are respected as individuals, supported, and rewarded based on ability, effort, and individual merit. The National Nuclear Security Administration (NNSA) Service Center Policy, with regard to any form of harassment, is one of “zero” tolerance. We will take every step necessary to maintain a workplace that is free of harassment of any kind.
 - b. In particular, sexual harassment is a form of sex discrimination and is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964, as amended, and as such, will not be tolerated at the NNSA Service Center. This prohibition applies to all employees, supervisory and nonsupervisory, and to their conduct on the premises and while on official business off NNSA sites. It governs the conduct of NNSA Service Center employees in all of their work related interactions, including, but not limited to, interactions with applicants for employment, contractors, students, visitors, vendors, and other members of the public.
 - c. Sexual Harassment is defined by the Equal Employment Opportunity (EEO) Commission (EEOC) as follows:

INITIATED BY:
EEO and Diversity Office

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- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when: 1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
4. RESPONSIBILITIES. It is a primary responsibility of each manager, supervisor, and employee to ensure our workplace is free from all forms of harassment because of race, national origin, religion, color, sex, age, disability, and retaliation (for opposition to a discriminatory policy/practice or for participation in the EEO process).
5. REPORTING PROCEDURES.
- a. Service Center Procedure.
 - (1) If you believe you have experienced harassment in the workplace, you are strongly encouraged to immediately:
 - (a) Inform your supervisor or any higher level supervisor in your chain of command, or
 - (b) Inform the EEO and Diversity Office at (505) 845-5517, or
 - (c) Inform the Human Resources Division at (505) 845-4850.
 - (2) You should report harassment before it becomes pervasive. Also, you are expected to report occurrences of harassment that you may observe. Our response to every allegation of harassment, including sexual harassment, will be a prompt, thorough, and impartial investigation into the alleged harassment.
 - (3) If the Service Center concludes that an individual has been subject to harassment, the Service Center will take prompt and effective remedial action, to include: 1) addressing the concerns of the person who has

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been subject to harassment; 2) disciplining the offender, up to and including removal from federal service, where appropriate; 3) taking measures to prevent the conduct from recurring; 4) reminding employees that harassment will not be tolerated; and 5) monitoring future interactions between the harasser(s) and the person subject to harassment.

- (4) Employees may voice a complaint without fear of retaliation and all reviews will be handled quickly, responsibly, and confidentially, preserving the rights of both the employee making the claim and the alleged responsible party.
- (5) We encourage employees to use this Service Center procedure for resolving complaints of harassment, as we believe this procedure is effective.

b. EEO Complaint Procedure.

- (1) However, as an alternative procedure, employees may also contact an EEO Counselor to initiate an EEO complaint.
- (2) Under this process, an NNSA EEO Counselor will conduct an informal inquiry and attempt to resolve the problem. If the informal allegation is not resolved to the satisfaction of the employee (or applicant for employment), then he or she may file an EEO complaint that, if accepted by NNSA, will be subject to an investigation. The employee is then given a right to choose to have a hearing and decision by an EEOC Administrative Judge or a final agency decision by the Department of Energy, and ultimately, the right to file a case in Federal District Court.
- (3) Please note that any employee who wishes to pursue an EEO complaint based on harassment, including sexual harassment, must initiate contact with an EEO Counselor within 45 days of the alleged harassment. The time to contact an NNSA EEO Counselor is not related to contacting a supervisor, an EEO Manager or Specialist, or the Human Resources Office as set forth above.
- (4) Questions regarding this Policy may be directed to the EEO and Diversity Office at (505) 845-5517.

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6. REFERENCES.

- a. Title 29 Code of Federal Regulations, Part 1604.11, *Sexual Harassment*, dated 7-1-02.
- b. *EEOC Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*, dated 6-18-99.

7. CONTACT. EEO and Diversity Program Manager (505) 845-5517.

Approved:



Karen L. Boardman, Director
NNSA Service Center