

**BULLET BACKGROUND PAPER**  
**ON**  
**MILITARY EQUAL OPPORTUNITY (EO),**  
**CIVILIAN EQUAL EMPLOYMENT OPPORTUNITY (EEO),**  
**AFFIRMATIVE EMPLOYMENT PROGRAMS (AEPs), AND DIVERSITY**

Mr. Eddie Wroblinski

DEOMI Instructor, DEOMI J-72



**DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE**  
**DIRECTORATE OF RESEARCH**

October 27, 2010

Bullet Background Paper 01-11

BULLET BACKGROUND PAPER  
ON  
MILITARY EQUAL OPPORTUNITY (EO), CIVILIAN EQUAL EMPLOYMENT  
OPPORTUNITY (EEO), AFFIRMATIVE EMPLOYMENT PROGRAMS (AEPs), AND  
DIVERSITY

This paper provides a summation of the primary differences and interrelationships between military EO, EEO, AEPs, and diversity, and highlights the statutory and regulatory sources for federal programs related to each. Note that these four elements are not mutually exclusive either in theory or intended outcomes. They are closely interrelated and implicit in each is the shared goal of enabling all Department of Defense (DoD) military and civilian employees (and applicants for civilian employment) to strive to reach their fullest potential unhindered by prejudice or discrimination and to contribute their uniquely individual talents, skills, and creative thinking to maximize organizational effectiveness and war fighting capability. The ideal point of convergence is a level playing field wherein a fully productive, diverse workforce, enjoys an equitable, inclusive, and accessible work environment free from discrimination.

**Basic tenets:**

- Military EO

- Mandated through DoD Directives/policies (primarily DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*) and individual Service equal opportunity policies, regulations and instructions to promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible.
  - Unlike in the EEO system, age, disability, and genetic information are not protected categories for filing EO complaints.
  - Coverage limited to active duty military, their family members, and retirees.
- Ensures that the military Services (to include the Reserve components) establish MEO and affirmative action programs that identify and resolve EO problems through formulating, maintaining, and reviewing affirmative action plans (AAPs) with established objectives and milestones, including accountability in personnel management.
- Provides complaint processing and resolution procedures to address alleged violations of EO policy. Military complaint processes are separate and distinct from civilian EEO channels.
  - Complaints may also be adjudicated through Inspector General (IG), commander-directed investigations, or the chain of command.

- Identification and resolution of EO issues is generally faster than on the civilian side.
- Necessitated to enhance mission capability and military readiness.

#### - EEO

- Mandated through laws and regulations to prevent and eliminate discrimination in employment policies or practices and provide equal access and fair, open, consideration in hiring, training, promotion, and other personnel actions.
  - Protected Title VII categories include race, color, religion, sex, national origin, age, disability, and genetic information
  - Coverage limited to federal civilian employees and applicants for employment. In exceptional cases, federal contractors may be included.
- Guidance within DoD is primarily contained in DoDD 1440.1, *The DoD Civilian Equal Employment Opportunity (EEO) Program*.
- Provides for federally controlled complaint mechanisms to redress alleged violations. Unlike military EO processes, the EEO appellate system can lead ultimately to district court.
- Necessitated by past discriminatory history.

#### - AEPs

- Synonymous with “Affirmative Action” and “Affirmative Programs of EEO,” AEPs are mandated through specific laws and regulations, as well as, many of the ones mandating other EEO concepts. The actual phrase "affirmative action" was first used in President John F. Kennedy's 1961 Executive Order 10925.
- May be defined as a programs of self-analysis, problem (barrier) identification, data collection, policy statements, and elimination of discriminatory policies and practices, past and present (DEOMI Handbook for Special Emphasis Program Managers, 27 Feb 07).
- The basic premise is to take “affirmative steps” to accomplish stated goals—it does not imply establishment of numeric quotas that must be met or provide for a lowering of employment qualifications or performance standards.
- AEPs attempt to achieve a representative workforce reflective of the sources from which it is derived through targeted outreach to underrepresented groups and measures progress.
  - Also authorize Special Emphasis Programs (SEPs) such as Black Employment Program, Hispanic Employment Program, Federal Women’s Program, etc., with an aim towards enhancing the employment and advancement of minorities, women, and individuals with disabilities.

---- DoD Directive 1440.1, *The DoD Civilian Equal Employment Opportunity (EEO) Program*, reads as follows:

...authorizes as an integral part of the Civilian EEO Program, the establishment of Special Emphasis Programs (SEPs) entitled the Federal Women's Program (FWP), the Hispanic Employment Program (HEP), and the *Program for People with Disabilities (PPD)*, the Asian/Pacific Islander Employment Program (AEP), the American Indian/Alaskan Native Employment Program (AIEP), and the Black Employment Program (BEP).

--- May use special hiring authorities such as “Schedule A” (noncompetitive hiring) or veterans preferences for individuals with disabilities and veterans.

- Diversity

- Recognizes and values individual differences well beyond those protected categories acknowledged through EO/EEO/AEP laws and regulations (i.e., race, gender, color, ethnicity, etc). The organization institutionally views differences as assets and seeks to capitalize on the talents of each team member.
- Not specifically mandated by law or statute, however, the business case for managing diversity effectively and the benefits of attaining a widely diverse workforce has been well established in both the civil and federal sectors.
- Presupposes that a truly heterogeneous workforce is more engaged and produces superior quality products and services.
- The Civil Service Reform Act of 1978 established that affirmative action be taken in the federal sector to ensure that “...the nation’s workforce reflects the diversity of the nation as a whole...”
- DoD Directive 1020.02, *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, 5 Feb 09, establishes policy, assigns responsibilities, and provides an overarching framework for DoD diversity, military EO, civilian EEO programs, and plans to prevent unlawful discrimination. Further, it legitimizes the establishment of military and civilian diversity management programs separate from existing equal opportunity programs.
- The DoD Office of Diversity Management and Equal Opportunity (ODMEO) has established a civilian diversity manager position. ODMEO also established the Defense Diversity Working Group (DDWG) to increase diversity DoD-wide, particularly within the military Services.

### **Relationship with Special Observances:**

- Under public law, Congress authorizes the President to proclaim certain periods or months as national observances (Black/African American History, Women's History, Hispanic Heritage, etc.) intended to foster an understanding of each group's heritage and contributions to American culture. While these events are not specifically focused on employment issues in the context of EEO, they help to enhance an awareness of workforce diversity while encouraging inter-group communication and relationship building.
- In general, EEO, AEP, and SEP personnel should not sponsor observance events but may assist with them and conduct associated employment-related activities that are directly relevant to the goals of AEPs and SEPs.
- Military EO personnel, however, are generally authorized to plan, organize and conduct such observances.

Eddie Wroblinski/DEOMI/J-72/4-7908/26 Oct 10