

CIVILIAN MARINE PERSONNEL INSTRUCTIONS

CMPI 713 - COVER SHEET 63

EQUAL EMPLOYMENT OPPORTUNITY POLICY

NAVEXOS P-833-713-63

Ordering No. -- 0511-279-0056

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Attached is a revision of CMPI 713, EQUAL EMPLOYMENT OPPORTUNITY POLICY, which should be substituted for the present issue in the CMPI volume. New material is indicated by stars. The "Record of Cover Sheets Received" should be initialed and this Cover Sheet should be filed.

REASONS FOR CHANGES

This Instruction is amended for the following reasons:

1. To effect alignment with certain changes in discrimination complaint procedures made by the Department of the Navy.
  - a. Changes the title from GOVERNMENT NONDISCRIMINATORY EMPLOYMENT POLICY to EQUAL EMPLOYMENT OPPORTUNITY POLICY.
  - b. Changes former Section titled "Authority" to "References" and cites current references. See 1-2.
  - c. Expands upon the statement of policy of equal opportunity. See 1-3.
  - d. Deletes the definition of the term, "Adjusted or resolved complaint" in 1-6.
  - e. Incorporates definitions of the terms "Assistant Deputy Employment Policy Officer", "Hearing Officials", "Investigating Officer" and "President's Committee or the Committee". See 1-6a, e, f and g.
  - f. Amends the time limit in which to initiate a complaint to provide for 90 days. See 2-1d.
  - g. Clarifies the Section concerning Corrective Actions. See 3-1.
  - h. Incorporates minor changes throughout the text.

PEN CHANGES

In the CMPI "Table of Contents" in the front of the CMPI volume, change the title of CMPI 713, "GOVERNMENT NONDISCRIMINATORY EMPLOYMENT POLICY" to "EQUAL EMPLOYMENT OPPORTUNITY POLICY."

EFFECTIVE DATE

The above changes in this Instruction are effective upon receipt.

Authorized  
for MSTTS:

*G. R. Donahoe*

GLYNN R. DONAHOE  
Commander  
Military Sea Transportation Service

By direction of the Secretary of the Navy:

*R. L. Moore, Jr.*  
R. L. MOORE, Jr.  
Chief of Industrial Relations

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**INSTRUCTION 713**  
**★ EQUAL EMPLOYMENT OPPORTUNITY POLICY★**

Section 1. General provisions

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4. ★ Applicability★ of NCPI 713

**SECTION 1, GENERAL PROVISIONS**

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1-1. **SCOPE AND COVERAGE.** --This Instruction specifies the ★ equal employment opportunity★ policies governing MSTS commands which employ civilian marine personnel. It applies to all civilian marine employees or qualified applicants for marine employment with MSTS, except aliens outside the limits of the United States.

1-2. **★ REFERENCES.**

- a. Executive Order 10925 of 6 March 1961 (Chapter 713 Federal Personnel Manual)
- b. Regulations of the President's Committee on Equal Employment Opportunity (Chapter 713 Federal Personnel Manual)
- c. Navy Civilian Personnel Instruction 713, Equal Employment Opportunity Policy.★

1-3. **POLICY.** --It is the ★ firm and positive★ policy of the Military Sea Transportation Service to assure that equal opportunity for employment is afforded all qualified persons, consistent with law, and to prohibit discrimination against any employee or applicant for employment because of race, ★ creed,★ color or national origin. Under this policy, segregation and ★ discrimination on the basis of race, creed, color or national origin are prohibited.

a. All civilian and military personnel are expected to assume a personal responsibility for making constructive contributions to the national goal of equality of opportunities, as expressed in Executive Order 10925. Supervisory personnel must recognize that the assumption of this responsibility is a condition of their employment. Each Master, as a representative of the Commander, home port, is responsible for providing program leadership in assuring that the policy of equal opportunity is not only understood but also is practiced aboard his ship in promotions, assignment of overtime, and other work assignment considerations. Complainants must accept their obligations to support allegations of discrimination in a temperate and factual manner.

b. Principles of equal opportunity will be strictly followed in the selection of participants in all formal and informal training programs.

c. No employee recreational organization which practices discrimination based on race, creed, color or national origin will be permitted to use the name of or be sponsored by any

activity of the Military Sea Transportation Service. No facility of the Military Sea Transportation Service will be available to such an organization. Off-base facilities shall not be used for MSTS sponsored recreational activities unless full access is available to all personnel on a non-discriminatory basis.

d. No activity of the Military Sea Transportation Service will recognize or consult with any employee organization which denies membership to employees because of race, creed, color or national origin.

e. Civilian marine employees or applicants for civilian marine positions in MSTS who believe that they have been discriminated against because of their race, creed, color or national origin may utilize the complaint procedures described in this Instruction. Complaints will be investigated fairly and impartially and action will be expedited at all levels. Whenever warranted, corrective action will be initiated immediately. The advantage to be gained from the complaint procedure is an effective, expeditious, and if possible, informal resolution of a problem. Complaints should not be processed for the sake of processing or for the purpose of proving a complainant to be wrong. Whenever discussions with the complainant would appear profitable, they should be held; at any point when corrective action appears warranted it should be taken; at whatever stage a complainant expresses his satisfaction with the information he receives, he may elect to withdraw his complaint.

f. Any act of reprisal, direct or indirect, which is taken against complainants, their representatives, or their witnesses is prohibited.★

1-4. DISSEMINATION. --Purzers will make a copy of this Instruction available for the use of crew members and, upon request, will furnish impartial information concerning the provisions and procedures found in this Instruction. Deputy Employment Policy Officers (see 1-5b below) will be guided by NCPI 713, in bringing the ★equal employment opportunity★ policy of the Military Sea Transportation Service to the attention of all civilian marine employees.★ A copy of NAVEXOS P2324, EQUAL OPPORTUNITY and NAVEXOS P2411, EQUAL EMPLOYMENT OPPORTUNITY POLICY-SUMMARY, are to be posted on all official bulletin boards. These posters are furnished by the Commander, home port.★

#### 1-5. DELEGATION OF AUTHORITY.

a. Navy Employment Policy Officer. --The Secretary of the Navy has designated Mr. Charles R. Peck, Special Assistant to the ★Under★ Secretary of the Navy as the Department of the Navy Employment Policy Officer. His address is Room ★4E664★, Pentagon Building, Washington, D. C. 20350. ★His responsibilities include assisting all naval activities in achieving the goal of equal opportunity in employment matters through positive plans of affirmative action; assuring the full implementation of the equal employment opportunity policy; insuring that the provisions of E. O. 10925 and the Committee's regulations are enforced; and making decisions on all unresolved complaints processed within the Department of the Navy.★

b. Deputy Employment Policy Officers. --Commanders of MSTS area and subarea commands and commanding officers of MSTS offices having administrative jurisdiction over ships are designated Deputy Employment Policy Officers. ★An assistant is designated by the Deputy Employment Policy Officer to aid him in exercising his program responsibilities and in processing complaints.★ Deputy Employment Policy Officers are responsible for receiving and investigating complaints involving alleged discrimination against marine personnel or applicants for marine positions. They are responsible for taking action as set forth in this Instruction and NCPI 713.

1-6. DEFINITIONS. --The terms used in this Instruction shall be interpreted as indicated by the following definitions.

a. ★ Assistant Deputy Employment Policy Officer. --An official appointed by the Deputy Employment Policy Officer to assist in the implementation of the Equal Employment

Opportunity program. The person appointed will be someone not connected with the Industrial Relations Office of the command.

b. Complainant. --A complainant may be any civilian marine employee or qualified applicant for marine employment with MSTS, except aliens outside the limits of the United States, who alleges discrimination in any personnel action or employment practice based on race, creed, color or national origin. A representative authorized by the complainant to act for him may submit or withdraw a complaint or conduct negotiations on behalf of the complainant.

c. Complaint. --A written, signed statement alleging that personnel actions or administrative practices are or were based in whole or in part upon considerations of race, creed, color or national origin. The term "personnel action" shall include failure to act.

d. Discrimination. --This term means any personnel action, practice or failure of action or any other detrimental distinction, including segregation, which is based upon consideration of race, creed, color or national origin.

e. Hearing Officials. --Members of a hearing board appointed by the Deputy Employment Policy Officer to conduct a hearing at the complainant's request.

f. Investigating Officer. --An official appointed by the Deputy Employment Policy Officer to investigate a complaint of discrimination including the conduct of a preliminary interview and discussion session.

g. President's Committee or the Committee. --The President's Committee on Equal Employment Opportunity. The Secretary of the Navy is a permanent member of this committee.

1-7. COMPLAINTS PROCESSED UNDER THESE PROCEDURES. --The procedures provided in this Instruction and in NCPI 713 will be used in processing all complaints of discrimination as the term is defined in 1-6 d above. Complaints of discrimination outside this definition will be handled under the provisions of CMPI 770 or other appropriate Instructions.

★ 1-8. DUAL APPEALS. --See CMPIs 750 and 770.★

## SECTION 2, COMPLAINTS OF ALLEGED DISCRIMINATION

	Paragraph No.
Initiation of complaints . . . . .	2-1
Action on written complaints . . . . .	2-2

### 2-1. INITIATION OF COMPLAINTS.

a. Value of informal discussion. --Employees will be encouraged to discuss instances of alleged discrimination informally with their Department Heads (or Head, Receiving ★Branch★ if assigned to that ★Branch★) prior to filing a written complaint. Because many dissatisfaction are based on misunderstandings, informal discussion of the alleged discrimination is the best initial action. If the Department Head is unsuccessful in resolving the employee's dissatisfaction, the employee will be promptly referred to the Master (or Industrial Relations Officer if assigned to the Receiving ★Branch★). The Master will discuss the alleged discrimination with the employee and will make an informal investigation if necessary. The Master will make sure that the employee is aware of his right to file a written complaint as set forth in this Instruction. Under no circumstances, however, will the Master (or Industrial Relations Officer) take action on a written complaint. ★ All such written complaints are to be forwarded to the Deputy Employment Policy Officer at the home port for action.

b. Contents of written complaints. --To be valid, a complaint must be made in writing and signed by the complainant (or his representative); must specify the type of discrimination alleged (race, creed, color or national origin); must be filed within 90 days from the date of the alleged act of discrimination (unless the complainant presents good cause for the delay in filing, or if the complaint is clearly concerned with a continuing discriminatory

practice); and must contain sufficient information to identify the problem and permit its investigation. The following points of information should be developed during the investigation if not clearly stated in the initial written complaint.

(1) Address of complainant.★  
(2) The rating of the position involved and the name of the MSTS command or office and  
ship in which the alleged discrimination occurred.  
(3) The specific action or personnel matter about which the complaint is made.  
(4) The date or dates of such action.  
(5) The name of the official responsible for the action, if known.  
(6) A statement of all pertinent facts in support of the allegation of discrimination includ-  
ing dates, names of individuals involved, incidents, occurrences and circumstances.

In addition to the foregoing, ★ a complaint which alleges that a disciplinary action was in and of itself discriminatory must set forth substantiating facts or circumstances beyond the mere allegation of discrimination.

c. Where filed. --Written complaints may be submitted by the complainant to the Deputy Employment Policy Officer or to the Department of the Navy Employment Policy Officer, or to the President's Committee on Equal Employment Opportunity, Washington 25, D.C. Complaints received by the Department of the Navy Employment Policy Officer and the President's Committee on Equal Employment Opportunity will be forwarded to the cognizant Deputy Employment Policy Officer in the home port for necessary action. Accordingly, complainants should be urged, whenever possible, to file complaints directly with the Deputy Employment Policy Officer.

d. Time limits. --A written complaint must be filed within 90 days from the date of the alleged act of discrimination. This time may be extended if the complainant is prevented from filing due to circumstances beyond his control or if the complaint is concerned with a continuing discriminatory practice. ★

**2-2. ACTION ON WRITTEN COMPLAINTS.** --The Deputy Employment Policy Officer is responsible for taking action on written complaints which are filed in accordance with 2-1 above. This action is taken under the provisions of NCPI 713. ★ Upon receipt of a written complaint the Deputy Employment Policy Officer will initiate an immediate investigation which will include an informal discussion of the alleged discrimination with the complainant, the development of full information about each of the complainant's allegations, and a written summary of all the pertinent facts developed by the investigation. In addition, the complainant has the opportunity to request a hearing at which he may have counsel or other qualified representative and where he may call witnesses who have direct knowledge of the circumstances and factors bearing on the case and also an opportunity to submit affidavits supporting his allegations. ★

### SECTION 3, CORRECTIVE ACTIONS

3-1. **RESPONSIBILITY.** -- ★The Commander, home port, is responsible for assuring that in any case where a discriminatory action or practice is found, corrective action will be taken not only to remedy any wrong done the complainant but also to insure that such practice is not repeated.★ Immediate supervisors, Department Heads, and Masters are responsible for taking necessary corrective action within their authority in any case of discrimination brought to their attention.

a. ★ When it is found that discrimination has been practiced by a supervisor, evaluation will be made to determine whether the supervisor should be retained in his position, disciplined, or given additional training to insure that he will comply with the policy in the future. ★

b. Reprisal against a complainant or witness for a complainant is prohibited. Such action is considered equivalent to an act of discrimination.

**SECTION 4, ★ APPLICABILITY OF NCPI 713**

**4-1. CROSS REFERENCE TO NCPI 713. --NCPI 713 is applicable to all areas of the Equal Employment Opportunity Policy not included in this Instruction.★**