



UNITED STATES GOVERNMENT
National Labor Relations Board

Date: September 29, 2023

To: All Employees

From: Lauren McFerran, Chairman
Jennifer A. Abruzzo, General Counsel

Subject: Equal Employment Opportunity Policy Statement

The NLRB prohibits unlawful discrimination and harassment on any protected basis and affords equal employment opportunities to employees and applicants without regard to race, color, national origin, religion, sex (including sexual orientation, gender identity or expression, and pregnancy), age (over 40), disability status, genetic information, protected veteran status, or any other characteristic protected by law. The Agency takes a comprehensive approach to managing its diverse workforce, providing equal employment opportunities, and taking actions to create and maintain an environment that supports and encourages the contributions of all employees.

Scope

This Policy statement is a reminder that the NLRB affords equal opportunity to all employees and applicants for employment in all personnel/employment programs and management practices and decisions, including but not limited to recruitment, hiring, promotions, transfers, reassignments, discipline, separation, training, career development, and any other benefit and privilege of employment.

Employees are encouraged to review the following Executive Orders and regulations implemented to support Federal agencies' administration of Model EEO program objectives and enhance the rights of federal workers, including individuals with disabilities and LGBTQIA+ employees:

The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, <https://www.federalregister.gov/documents/2022/01/06/2021-28019/elijah-e-cummings-federal-employee-anti-discrimination-act-of-2020>,

Executive Order 13988: <https://www.federalregister.gov/documents/2021/01/25/2021-01761/preventing-and-combating-discrimination-on-the-basis-of-gender-identity-or-sexual-orientation>, and

Executive Order on Advancing Equality: <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>.

The Americans with Disabilities Act, as amended (ADA), and the Rehabilitation Act of 1973, as amended, prohibit discrimination against individuals with disabilities and require federal agencies to provide reasonable accommodations and personal assistive services to employees with disabilities. The NLRB is committed to fulfilling these requirements for its employees and applicants for employment who are qualified individuals with disabilities to enable them to participate in the application process, have equal access to the benefits and privileges of employment, and to perform all essential functions of their position. The Agency's Reasonable Accommodation policy can be found [here](#).

The Pregnant Workers Fairness Act (PWFA) is a new law that went into effect on June 27, 2023. The PWFA requires public and private sector employers to provide “reasonable accommodations” to employees and applicants with known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” For more information, go to: [what-you-should-know-about-pregnant-workers-fairness-act](#).

The NLRB also is committed to providing religious accommodations to its employees. Under Title VII, employers are required to accommodate religious practices of employees unless the accommodation is shown to impose an undue hardship. *42 U.S.C. §2000(e), 29 CFR 1605.2(b)(1)*.

The Agency similarly supports employees' exercise of their rights under EEO laws and regulations, by prohibiting reprisal against an individual who engages in protected EEO activity, including making discrimination, harassment, or retaliation complaints, participating in EEO proceedings, and protesting an Agency practice or policy on an EEO basis.

Procedure

The Agency takes very seriously complaints of discrimination or harassment based on any EEO protected category as well as unlawful retaliation for engaging in EEO activity. Any employee who believes that they are a victim of any type of unlawful discrimination, harassment, or retaliation should immediately report the offending behavior to an EEO Counselor or to the Director of the Office of Equal Employment Opportunity (OEEEO).¹

¹ In addition, as described in the Policy Statement on the Prevention of Unlawful Harassment employees may also file harassment complaints, including complaints about sexual harassment, under the Agency's separate [Anti-Harassment Policy](#).

An employee who wishes to file a complaint of discrimination, harassment, or retaliation must initiate the EEO process with an Agency EEO Counselor or with the OEEEO within 45 days of the incident of alleged discrimination, harassment, or retaliation. Under federal sector regulations, employees who engage in the EEO process have the right to remain anonymous during the informal stage of the complaint process, unless the employee waives that right in writing. Supervisors or managers who are made aware of allegations of discrimination, harassment, or retaliation should immediately report such complaints to their division head or the Agency's Office of Special Counsel and Labor Relations.

Any person found to have engaged in discrimination, harassment, or retaliation on the basis of any protected category identified in this policy, and/or reprisal, will be subject to disciplinary action up to and including termination of employment.

The NLRB is charged with the vital mission of protecting employee rights in our Nation's workplaces, a mission that cannot be accomplished without the talent, dedication, and skill of our employees who carry out the Agency's work. All NLRB employees, regardless of position, bear two equally important, fundamental obligations: (1) to do their jobs to the best of their ability, and (2) to ensure that all employees have a respectful, professional work environment that is free of unlawful discrimination. In this regard, we pledge to give full and meaningful support to the implementation of all EEO policies and objectives so that the quality of our mission and the productivity of our work force is enhanced.

We expect each employee to conduct themselves in a manner consistent with this policy, to treat each other with respect, and to foster equal opportunity for all employees to contribute and succeed.

Lauren McFerran
Chairman

Jennifer A. Abruzzo
General Counsel