



# MCIPAC EEO Chain of Command

## MCIPAC EEO Officer

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Maj. Gen. Peter J. Talleri**

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(EEO Programs, Special Emphasis, ADR Programs)

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# Basis for Discrimination

**Race:** An employer cannot discriminate against an employee because of his or her race. The Department of Defense (DOD 1400.1) defines race as Black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native, and White.

**Color:** It is illegal to discriminate against an individual because of the color his or her skin.

**Religion:** An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship on the Agency.

**Sex:** It is illegal to discriminate against an individual because of his or her gender. Also covered under sex discrimination is Sexual Harassment and the Pregnancy Disability Act.

*Sexual harassment* is any implicit or explicit request for sexual favors that creates a hostile/intolerable working environment for persons of either gender. This includes third-party sexual harassment.



# Basis for Discrimination

*Pregnancy Disability Act* prohibits discrimination on the basis of pregnancy. Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.

*Sex Based Wage Discrimination*: The Equal Pay Act prohibits discrimination on the basis of sex in the payment of wages where men and women perform work of similar skill, effort, and responsibilities for the same employer under similar working conditions.

*Sexual Orientation*: Equal Employment Opportunity Commission (EEOC) has recently issued an order to ensure equal opportunity in federal employment for all individuals, without regard to sexual orientation where claim(s) of “discrimination” are based on sexual orientation.

*NOTE: Employees and applicants for employment may also seek relief from Merit Systems Protection Board (MSPB), Office of Special Counsel (OSC), Agency Grievance Procedure if they believe that a prohibited personnel practice has been committed.*



# Basis for Discrimination

**National Origin:** It is illegal to discriminate against an individual because of his / her birthplace, ancestry, culture, facial features or linguistic characteristics common to a specific ethnic group.

**Age:** The Age Discrimination Employment Act broadly bans discrimination on the basis of age. An individual filing a complaint of age discrimination must be at least 40 years of age. Age limitations may only be specified in rare instances where age has been proven to be a bona-fide occupational qualification.

**Disability:** The Rehabilitation Act of 1973 makes it illegal to discriminate against an employee on the basis of a physical or mental disability in all employment practices. Individuals with disabilities are defined as persons with a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Major life activities are defined as activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working.



# Basis for Discrimination

A qualified employee or applicant with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

**Genetic Information Nondiscrimination Act (GINA) of 2008, Title II:** Genetic information discrimination in employment, took effect on November 21, 2009, which made it illegal to discriminate against employees or applicants because of their genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information. The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment.

**Reprisal:** An employer cannot take retaliatory actions against a person that has filed a complaint of discrimination, acted as a witness in an EEO complaint, or works/has worked in the EEO field.