



***UNITED STATES ARMY GARRISON WIESBADEN***

***EQUAL EMPLOYMENT OPPORTUNITY OFFICE***

***BUILDING 1038, ROOMS 201-202  
COMMERCIAL 0611-705-5913/5610 – DSN: 337-5913/5610***

# ***THE EQUAL EMPLOYMENT OPPORTUNITY STRUCTURE***

Equal Employment Opportunity (EEO) is a management program for employees. The responsibility for an effective EEO program belongs to supervisors and managers. The following individuals have support and advisory roles in the installation Equal Employment Opportunity Program.

- **EEO MANAGER**

The installation EEO Manager is the advisor to the Commander and management officials on all EEO matters. S/he directs and monitors the overall EEO Program to include affirmative employment. S/he ensures that EEO plans of action are effective and evaluates EEO progress, supervisory EEO performance and achievements.

- **EEO SPECIALIST/ASSISTANT**

EEO Specialists assist the EEO Manager in developing and implementing plans required providing equal employment opportunity through recruitment, training, utilization, recognition and advancement in various occupations, grade levels, and division segments.

EEO personnel provide basic EEO training to all employees and supervisory EEO training on a recurring basis. Prevention of Sexual Harassment (POSH) training for employees and supervisors is also provided by EEO personnel.

EEO personnel provide counseling service on a one-on-one basis for employees/ applicants having questions pertaining to EEO matters. Employees having questions should get prior approval from their supervisor/manager to make an appointment with EEO if official duty time is being used. Personnel are available at any time; however appointments are preferred.

EEO personnel provide guidance to EEO Counselors during the informal complaint inquiry stage.

Check the employees' bulletin boards for current EEO Staff, EEO Counselors, EEO Mediators, and Special Emphasis Program Managers.

## ***RESPONSIBILITIES OF MANAGERS AND SUPERVISORS UNDER THE EEO PROGRAM***

1. Managers /Supervisors are required to adhere to and implement EEO policy and principles in every action which deals with or affects personnel management.
2. Managers /Supervisors establish and maintain a work environment which is free of discrimination, sexual harassment, and reprisal.
3. Managers /Supervisors are responsible for removing employment barriers and giving equal consideration in the development and advancement of qualified women and minorities.

## ***RESPONSIBILITIES OF EMPLOYEES UNDER THE EEO PROGRAM***

Usually EEO Complaints are lodged against individuals in positions of authority for a real or perceived discriminatory action. However, employee actions /behavior may sometimes be the factual cause for actions that are being taken. Improper behavior and resultant management actions often become an issue in the filing of discrimination complaints. It is the responsibility of each employee (as well as the supervisors) to monitor her/his own behavior and personal workspace to ensure a work environment is based on mutual respect and geared toward mission accomplishment. Review your own conduct through application of the following guidelines:

- Does your behavior contribute to work output and /or mission accomplishment? Negative examples are excessive discussion of personal life or problems, emphasis on developing social life instead of work.
- Could your behavior sometimes offend or hurt other members of the work group? Examples are gender related jokes, posters, cartoons, etc., language which targets or puts down any group including women.
- Could your behavior be misinterpreted as intentionally harmful or harassing? Examples are constant sexually suggestive comments, deliberate or repeated physical contact.
- Could your behavior be sending out signals that invite harassing behavior on the part of others? Examples are clothing too tight, revealing or informal for work, expecting or giving personal favors based on gender related issues.

**Note** - While there is no formal dress code, employees are encouraged to wear appropriate attire for the type of work they do.

- Are you taking personal responsibility for maintaining a positive work environment? Examples are immediate correction of any inappropriate work site behaviors as noted above; direct communication with someone who has personally offended you and/or reporting harassment through the supervisory chain of command and/or your Equal Employment Opportunity Office.

It is important that you review your behavior and personal workspace from the perspective of how it may be perceived as opposed to your intent.



## ***SPECIAL EMPHASIS PROGRAM (SEP)***

1. The Department of Army requires installations to establish Special Emphasis Programs to ensure equal opportunity in hiring, training, advancement and treatment of women and minority employees. These programs are the Asian Pacific American Employment Program, Black Employment Program, Federal Women's Program, Hispanic Employment Program, American Indian/Alaskan Native Employment Program and Program for Individuals with Disabilities.
2. The Special Emphasis Program Managers (SEPM) are assigned to the EEO Office as collateral duty employees. The SEP Committee assists the SEPM. The SEP Committee is composed of employees from various organizations at the installation. Membership on the committee is voluntary and open to all military and civilian employees.
3. The SEP Committee assists the program manager in conducting ethnic and cultural awareness events during Black History Month, Women's History Month, Hispanic Heritage Month, Women's Equality Day, etc. Committee members also serve as organizational liaisons to provide information about the concerns and needs of women and minorities in their respective organizations.
4. Membership on the SEP Committee provides an opportunity for employees to become involved and make a personal commitment to the program. Committee members are on official appointment orders and attend regularly scheduled meetings.
5. If you are interested in becoming a member of the SEP Committee contact the USAG WIESBADEN EEO Office for further information.



Hispanic Employment Program



Black Employment Program



Individuals With Disabilities Program



Federal Women's Program



Asian Pacific American Employment Program



AMERICAN INDIAN/ALASKAN NATIVE EMPLOYMENT PROGRAM

# ***EEO DISCRIMINATION COMPLAINTS SYSTEM***

1. Department of the Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, sets policies and procedures on filing, processing, investigating, and settling complaints of discrimination. It implements Federal law and the regulations of the Equal Employment Opportunity Commission (EEOC).

2. WHO MAY FILE A COMPLAINT? Any employee, former employee, or applicant for federal employment who feels s/he has been discriminated against (treated differently) may file a complaint based on –

- Race
- Color
- Sex
- Religion
- National Origin
- Age (Over 40)
- Mental or Physical Handicap
- Reprisal (based on previous EEO Activity)

3. The complainant must identify the basis of the complaint (paragraph 2 above). The complainant also identifies the adverse action/issue they have suffered leading to the complaint. Discrimination may arise from a specific action or from an ongoing policy or practice. Some examples of issues in discrimination complaints are –

- Failure to be promoted (hired)
- Failure to be selected for training
- Disciplinary Action
- Termination
- Performance appraisal

4. If an individual, instead of a system or organization, perpetrated the alleged discriminatory action, the complainant will identify that individual, hereinafter known as the Responsible Management Official (RMO). In most complaints, an RMO is identified.

5. As a part of her/his complaint, the complainant may request relief that is appropriate considering the nature of the alleged discrimination. Relief is identified as that which would make the complaint "whole"; i. e., what the complainant would have had if there had not been discriminatory actions taken against her/him. Examples of forms of relief:

- Retroactive promotion/back pay to the position in question
- Special consideration for promotion to the level/type position in question
- Assignment to training
- Rescind disciplinary action

- Reinstatement of employee
- Reclassification of position

6. Complaints made will be processed promptly and impartially.

## ***INFORMAL COMPLAINTS: THE FIRST STEP***

### **1. TRADITIONAL PROCESSING.**

a. The first step in the complaint system is the filing of an informal complaint of discrimination. The aggrieved must contact an EEO Counselor of her/his choice (or the EEO Office) **within 45 calendar days** of the adverse action (or alleged discriminatory action) giving rise to the complaint. If the matter is not a specific action, but an ongoing policy or practice, it must have been in effect within 45 calendar days of contact with the EEO Official.

b. A complainant need not furnish "proof" of discrimination in order to file a complaint. It is sufficient for the complainant to demonstrate that she or he has been adversely affected, and to have a reason to believe that the adverse action is because of race, color, religion, sex, age, national origin, handicap or reprisal.

c. If the aggrieved so wishes, her/his name may be kept confidential during the informal stage; however, this can hinder the Counselor in obtaining facts. An EEO Counselor will be assigned to your case and will initiate a 30-calendar day period during which the counselor will attempt to reach an informal resolution of the complaint. The EEO Official will talk with the aggrieved to determine the nature and background of the complaint and the relief desired. The aggrieved will be asked to complete, sign, and date a form detailing this information. Depending on the matter, the EEO Official may research regulations, review personnel records, statistical information, interview witnesses, and speak with the Responsible Management Official (RMO) and other management officials. The Counselor will present findings to both parties and determine whether a mutually acceptable informal resolution of the complaint is possible. If so, terms of the resolution will be documented and presented to the aggrieved and the RMO by an EEO Official.

d. Complainant and RMO(s) are entitled to present evidence, name witnesses, and have representatives of their choice during all stages of the complaint process. However, no staff member of the EEO Office or Civilian Personnel Directorate may serve as a representative for either party.

e. A Counselor's report is submitted to the EEO Officer. This report details the counselor's efforts to reach an informal resolution and her/his findings and recommendations.



**2. Alternative Dispute Resolution (ADR).** The preferred method of ADR in the Army is Mediation.

a. Participation in mediation is voluntary for the aggrieved person and mandatory for the designated management official. The aggrieved person may terminate mediation at any time.

b. The mediator has no authority to make decisions on issues raised or act as an advocate or attorney for either party. The aggrieved person has the right to representation during the EEO process. However, the mediator will determine if the designated representative can be present during mediation.

c. The aggrieved person understands that he/she has the right to pursue these issues through the discrimination complaint process if applicable.

## ***FORMAL COMPLAINT: THE SECOND STEP***

**1. Filing a Complaint.** If a resolution is not reached within 30 calendar days, the EEO Counselor, must, on the 30th day, give written notice to the aggrieved of the right to file a formal complaint. If needed, the aggrieved may grant the EEO Counselor an extension up to an additional 60 days to complete the inquiry, but it is not mandatory. In order to exercise the right to file a formal complaint, the aggrieved must file within 15 calendar days of the date of Notice of Final Interview with the Counselor. Upon filing of a formal complaint, the aggrieved becomes known as the complainant. A formal complaint must be dated and signed by the complainant, and preferably should be submitted on DA Form 2590-R, which is available at the EEO Office. The EEO Office's mailing address is:

USAG WIESBADEN  
UNIT 29623-BOX 0010  
ATTN: IMEU-WSB-EEO  
APO AE 09096

Department of Army  
EEO Office of Complaints & Review  
1901 South Bell Street, 1<sup>st</sup> Floor  
Alexandria, VA 2225-4508

**2. Accepting or Dismissing a Complaint.** The EEO Officer has the authority to accept or dismiss a formal complaint. The authority to dismiss the complaint is limited to situations where:

a. It fails to state a claim or states the same claim that is pending before or has been decided by the agency or Commission;

b. It fails to comply with the applicable time limits contained, unless the agency extends the time limits, or that raises a matter that has not been brought to the attention of a Counselor and is not like or related to a matter that has been brought to the attention of a Counselor;

c. It is the basis of a pending civil action in a United States District Court in which the complainant is a party that at least 180 days have passed since the filing of the administrative complaint, or that was the basis of a civil action decided by a United States District Court in which the complainant was a party;

d. The complainant has raised the matter in a negotiated grievance procedure that permits allegations of discrimination or in an appeal to the Merit Systems Protection Board;

e. It is moot or alleges that a proposal to take a personnel action, or other preliminary step to taking a personnel action, is discriminatory;

f. The complainant cannot be located, provided that reasonable efforts have been made to locate the complainant and the complainant has not responded within 15 days to a notice of proposed dismissal sent to his or her last known address;

g. The agency has provided the complainant with a written request to provide relevant information or otherwise proceed with the complaint, and the complainant has failed to respond to the request within 15 days of its receipt or the complainant's response does not address the agency's request, provided that the request included a notice of the proposed dismissal;

h. It alleges dissatisfaction with the processing of a previously filed complaint;

i. The agency finds that the complaint is part of a clear pattern of misuse of the EEO process for a purpose other than the prevention and elimination of employment discrimination.

**3. Investigating the Complaint.** A formal complaint will lead to an on-site investigation, which is conducted by the Office of Complaint Investigations (OCI). The OCI investigator takes affidavits/testimony from the complainant and other witnesses and gathers evidence about the complaint

#### **4. Hearing:**

a. Request a hearing before an Administrative Judge designated by the Equal Employment Opportunity Commission (EEOC).

b. If a request for an EEOC hearing is submitted, the Administrative Judge hears relevant testimony and considers documentary evidence about the allegations. Witnesses give testimony under oath or affirmation and can be cross-examined. The EEO Administrative Judge submits her/his findings and a recommended.

c. Department of Army, Equal Employment Opportunity Complaint and Compliance Review issues its final decision either accepting, modifying, or rejecting EEOC's recommended decision.

d. Request a Final Army Decision by Department of Army, Director of Equal Employment Opportunity Complaint and Compliance Review. The Decision will be based on the record.

If the complainant does not reply within the required time frame (30 calendar days after receipt of the Options Letter and the Report of Investigation) the EEO Officer will submit the entire case file to the Army Director of EEO for final Army Decision on the merits of the complaint.

**5. Appealing to EEOC.** If the complainant is dissatisfied with the final decision of the Department of the Army (after an EEOC hearing or without an EEOC hearing), s/he may appeal to the EEOC Office of Federal Operations (OFO) **within 30 calendar days** of receipt of that

decision. The appeal and any supportive materials must be submitted in duplicate to the Office FO within 30 calendar days thereafter. A copy of the appeal and documentation should be submitted to the EEO Officer.

**6. Right to File Civil Action.** Except in cases of age discrimination, a complainant is authorized by Section 717c of the Civil Rights Act of 1964, as amended, to file a civil suit in an appropriate U. S. District Court:

a. Within **30 calendar days** of receipt of notice of final action taken by the employing agency on the complaint; or

b. **After 180 calendar days** from the date of filing a complaint with the agency if there has been no final agency decision; or

c. Within **30 calendar days** after receipt of notice of final action taken by EEOC on the complainant's appeal; or

d. After **180 calendar days** from the date of filing an appeal with EEOC when there has been no EEOC decision.

**7. Freedom from Reprisal.** The complainant has a right to be free from restraint, interference, coercion, discrimination or reprisal because of their EEO involvement. A complaint of reprisal is filed and processed in the same manner as other complaints of discrimination.

**8. Except in cases of age discrimination, a complainant may recover reasonable attorney's fees and costs if she/he prevails in the administrative process.** To recoup attorney's fees, the name, address and date attorney was retained must be provided to the EEO Office in writing at the time the attorney is hired.

## ***SPECIAL PROCEDURES FOR AGE DISCRIMINATION***

1. Regulations regarding allegations of age discrimination are unique because the complainant can choose between two different procedures. Instead of first filing a complaint with the employing agency, a complainant may go directly to U. S. District Court after first giving the EEOC no less than 30 days notice of intent to file suit about an action which occurred within the previous 180 calendar days.
2. If the complainant chooses to file a complaint of age discrimination with the employing agency, she/he must generally complete all steps of the process outlined above before she/he can file in a U. S. District Court.



# FREQUENTLY ASKED QUESTIONS REGARDING EEO COMPLAINTS

## **Q. Doesn't the EEO complaint system favor management?**

A. The EEO complaint system is designed to favor neither management nor complainants, but rather to make it possible for the facts to be established and equitable solutions reached. Beyond legal obligations to implement EEO laws and regulations, the Garrison Command has vested interest in maintaining high morale and productivity, both of which are adversely affected by discrimination. The various levels of appeal in the system work to ensure against possible abuse.

## **Q. What can I do if my supervisor decides to make things difficult for me because I've filed a complaint?**

A. EEO regulations prohibit reprisal against employees who have filed, or have been associated with EEO complaints. The employee may file a new complaint of discrimination based on reprisal, or appeal directly to the Commander for an investigation.

## **Q. Isn't the EEO complaint system basically for minorities?**

A. EEO laws and regulations prohibit discrimination based on race, color, religion, sex, national origin, age, or physical or mental handicap. This means that "non-minorities" have the same rights as "minorities" in the complaint system, and are equally protected against discrimination.

# FAQS

