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Frequently Asked Questions: Informal Process

What is Equal Employment Opportunity?

Equal Employment Opportunity is fair treatment in employment, promotion, training, and other personnel actions without regard to race, color, religion, sex, age, national origin, and physical or mental disability. To make sure that all Federal employees and applicants for employment with the Federal Government are provided this opportunity, certain laws and regulations were issued containing the legal basis for EEO programs in Federal agencies. One of the main misconceptions of EEO is that EEO is only for selected groups. EEO is for everyone: it's the law. [\[back to top\]](#)

What Is an EEO Complaint?

An EEO Complaint is an allegation of discrimination because of race, color, religion, national origin, sex (including sexual harassment), age, and physical or mental handicap. Employees may also allege discrimination on the basis of sexual orientation, status as a parent and genetic testing. The complaint may arise from a specific personnel action, such as employment, promotion, work assignment, selection for training, disciplinary action, or separation, or it may relate to prevailing conditions in an organization. [\[back to top\]](#)

What Do I do if I Have A Complaint?

If you feel that you have been discriminated against, as described above, first get all the facts on the matter to make sure there has been no misunderstanding. Feel free to speak with your supervisor, administrative officer or personnel representative.

If you are still dissatisfied and wish to utilize the EEO complaint system, you must bring the matter to the attention of an EEO Counselor within 45 calendar days of the occurrence of the alleged discriminatory act or effective date of the personnel action alleged to be discriminatory. [\[back to top\]](#)

How are EEO Complaints are Processed?

There are four primary phases in the EEO discrimination complaint process, informal counseling, formal complaint, hearing/appeal, and judicial process. The first phase, informal counseling, is with an agency EEO Counselor. During informal counseling the aggrieved employee and the agency have an opportunity to resolve the issues informally. The informal counseling phase is 30 calendar days, and at the end of that period, if the matter is not resolved the EEO Counselor will issue the aggrieved employee a notice to file a formal complaint.

These phases are hierarchical, meaning one phase must usually be exhausted before the next phase can be started. A complaint that does not follow this hierarchy will be remanded to an earlier phase. If specific time limits under EEOC regulations have been exceeded, your complaint may continue on to the next phase.

How much time do I have to contact an EEO Counselor?

Contact with a Counselor must be made within 45 calendar days of the date you became aware of the alleged discrimination. [\[back to top\]](#)

Who May File an EEO Complaint?

An aggrieved applicant or any employee or group of employees may file a complaint of discrimination. The aggrieved individual has the right to be represented at all stages of the process. [\[back to top\]](#)

Do I need a Representative?

You have the right to be accompanied and advised by a representative of your choice or an attorney, at every stage of the EEO process, as long as there is no conflict of interest or position. If you wish to be represented during the informal EEO counseling process, you must complete a notice of representation form and submit it to the appropriate EEO official. [\[back to top\]](#)

May an agency EEO Counselor serve as a representative for an aggrieved individual at any time during the discrimination complaint process?

No. Agency EEO Counselors cannot serve as personal representatives for aggrieved individuals whose EEO matters are against the U.S. Department of Homeland Security. However, aggrieved individuals do have the right to representation of their choosing at any stage in the complaint process. EEO Counselors will provide potential complainants with instructions on their right to designate a representative. [\[back to top\]](#)
How do I know who the EEO Counselors are?

The names and telephone numbers of EEO Counselors in your area should be posted in areas accessible to all employees, such as in break rooms or on bulletin boards. Your local EEO office contact information is also listed at CBPnet. [\[back to top\]](#)

How Can the Counselor Help Me?

The Counselor will listen to your problem, and advise you of your rights under the EEO complaint system. You will also be advised of the option to utilize CBP's alternative dispute resolution process (mediation). The Counselor will make inquiry into the matter, if you wish, by discussing the problem with your supervisor, associates, personnel representative, etc. and will attempt to resolve the problem informally, acting always with your approval.

The EEO Counselor will not reveal the identity of the complainant who has come to him or her for consultation, except when authorized to do so by the complainant. [\[back to top\]](#)

What information should I present to the EEO Counselor?

When seeking counseling you should be prepared to provide information and describe the what, when and how you were discriminated against. Be prepared to discuss what remedies could resolve the issue(s). [\[back to top\]](#)

Frequently Asked Questions: Mediation

WHAT IS MEDIATION?

A dispute resolution process in which a mediator (trained neutral) helps the parties resolve THEIR dispute in a mutually satisfactory manner. Mediators have no authority to make or impose any decision, nor does a mediator judge the merits of the dispute. Mediation is **NOT** a legal proceeding nor is it a forum to determine right or wrong or to seek blame. [\[back to top\]](#)

WHY MEDIATE?

- o DIRECT Communication in a safe environment.
 - o Retain CONTROL of dispute, including outcome.
 - o Parties lose no rights while participating in mediation.
 - o Mediation is confidential. Information cannot be disclosed without permission from all parties. Exceptions to confidentiality:
 - 1) Information that is criminal in nature,
 - 2) Information regarding waste, fraud or abuse and/or
 - 3) Threats of physical harm or safety.
 - o Creates an opportunity to improve communication and working relationship.
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HOW DOES THE MEDIATION PROCESS WORK?

The anatomy of a mediation session includes:

Introductions/Opening Statements
Joint Discussion
Private Meeting (Caucus)
Closure

INTRODUCTIONS/OPENING STATEMENTS

- o Mediator opens session by introducing himself/herself, explaining mediation process and his/her role in the process.
- o Party initiating dispute gives opening statement WITHOUT INTERRUPTION. Explains issue from his/her perspective, how the matter affected him/her, and suggests remedies.
- o The other party gives his or her opening statement, also WITHOUT INTERRUPTION.
- o Mediator summarizes to ensure he or she has captured what the issues are. [\[back to top\]](#)

JOINT DISCUSSION

Parties begin to communicate with each other by 1) clarifying disputed issue(s) raised in opening remarks, 2) identifying concerns behind the issue(s), 3) exploring areas of agreement and/or disagreement.

CAUCUS

- o The mediator meets separately with each party (Caucus). The Mediator or either party can call a caucus.

- o Reasons to have a caucus:

- Get more detailed information**
 - Diffuse Hostility**
 - Discuss Settlement Possibilities**
 - Provide Reality Checks**

- o All discussions in caucus are confidential unless the party gives permission to disclose the information. [\[back to top\]](#)

CLOSURE

- o Parties reconvene and begin to negotiate. Goal is to reach an agreement that is MUTUALLY ACCEPTABLE AND BENEFICIAL.
- o Parties reach agreement, reduced to writing and forwarded for review.
- o Parties fail to reach agreement. Can continue to pursue complaint through other avenues.

REMEMBER a mediator is not a judge who decides disputes. The parties are RESPONSIBLE for developing the terms of a potential agreement or that there will be no agreement. [\[back to top\]](#)

WHAT ARE THE RESPONSIBILITIES OF THE PARTIES

- o Be able to fully discuss issue, articulate needs or concerns, share relevant information and listen to or propose solutions **not previously considered**.
- o Listen actively.
- o Ask questions to clarify any statement that is unclear, but do not interrogate.
- o Get expert advice when necessary. This advice can help determine what remedies may be granted and other alternatives that could lead to resolution.
- o Agree to keep all discussions confidential (with exceptions)

If you have any questions relating to mediation, please do not hesitate to contact your local EEO Officer. [Back to top](#)

Frequently Asked Questions: Formal Complaint Phase

When does the Complaint become formal?

An EEO complaint enters the formal phase when it is filed with Formal Complaint Center in Oakland, CA, after the completion of the informal counseling phase and receipt of the "Notice of Right to File a Formal Complaint" (NORTF). The complainant has 15 calendar days from receipt of this notice to file a formal complaint. The 15 days begin the day after the NORTF is received.

The complaint must be a signed statement from the aggrieved party or the party's attorney. The complaint must include the telephone number and the address of the complainant and/or the chosen representative. The complaint itself must precisely identify the complainant and agency. A general description of the alleged discriminatory action or practice must also be included. The EEO Counselor at the conclusion of counseling provides a DHS Formal Complaint Form to the employee. [\[back to top\]](#)

What happens when the Formal Complaint Center receives the Formal Complaint?

The Formal Complaint Center will acknowledge receipt of the complaint in writing and inform the complainant of his rights during the formal complaint process. [\[back to top\]](#)

What is the Formal Complaint Process?

Upon receipt of the NORTF and DHS Formal Complaint Form at the Formal Complaint Center, the decision will be made to either dismiss or investigate the claim. If insufficient information is included in the Formal Complaint to determine what action to take on the allegations the Formal Complaint Center will contact the Complainant and request additional information.

The Complainant has a duty to respond to requests for addition information made by the Formal Complaint Center. Failure to respond in the specified time limits may result in dismissal of the formal complaint.

The complaint can be amended at any time prior to the conclusion of the investigation. [\[back to top\]](#)

What if the Complaint is Dismissed?

The Formal Complaint Center (FCC) notifies the employee in writing of the reason why the agency has dismissed a complaint. If the FCC finds that some, but not all, of the claims in a complaint should be dismissed it will notify the complainant in writing of the reason for this decision, and will identify which allegations will not be investigated.

If the entire complaint is dismissed, the dismissal is appealable to the EEOC for review. The determination to partially dismiss a complaint is reviewable by an EEOC Administrative Judge if a hearing is requested on the remainder of the complaint. However, it cannot be appealed until a final action is taken by the agency on the remainder of the complaint. [\[back to top\]](#)

Can you describe the formal complaint Investigation?

EEO specialists located at the formal complaint center manage the investigation of formal complaint. You will be notified in writing of the issues accepted for investigation and the name of the investigator, who is authorized to conduct the investigation. EEO Specialist, as well as contract investigators, is used to conduct CBP investigations. [\[back to top\]](#)

What are the investigation timelines?

The agency must complete the investigation within 180 days of the formal complaint Center's receipt of the formal complaint. If the complaint is amended, the agency must complete the investigation within the earlier of 180 days after the last amendment to the complaint, or 360 days after filing the original complaint. [\[back to top\]](#)

What happens during the Investigation Process?

An impartial and appropriate factual record will be drafted by the investigating agency. From this record, findings will be made on the claims made by the aggrieved party. An appropriate factual record is defined as one that allows a reasonable fact finder to draw conclusion on whether discrimination occurred. [\[back to top\]](#)

What is an Offer of Resolution?

An agency may make an offer of resolution to a complainant, whether represented by an attorney or not, after the parties have received notice that an administrative judge has been appointed to conduct a hearing, but not later than 30 days prior to a hearing.

Any offers of resolution must be in writing and include a notice explaining the possible consequences of failing to accept the offer. If the complainant does not accept the offer within 30 days of receipt, and the final decision on the complaint is not more favorable than the offer, then the complainant shall not receive payment from the agency for attorney's fees or costs incurred after the 30-day acceptance period. [\[back to top\]](#)

What happens when the Investigation is Completed?

Once the Department finishes its investigation, it will issue a report of investigation. A copy of the investigation file and notification must be sent to the complainant letting them know they have 30 days (from receipt of the file) in which to either request a hearing and decision from an EEOC Administrative Judge, or request an immediate final decision from the agency. [\[back to top\]](#)

What is a Final Agency Decision?

If the complainant does not request a hearing before an EEOC AJ, the Department of Homeland Security, Office of Civil Rights and Civil Liberties is expected to issue a decision in 60 days. The Office of Civil Rights and Civil Liberties will notify the Complainant in writing of its decision. The Office of Civil Rights and Civil Liberties will also provide the employee with appeal rights, if the employee desires to appeal the Final Agency Decision. [\[back to top\]](#)

Frequently Asked Questions: Class Action Complaint Process

What is a Class Complaint?

A class action complaint of discrimination differs significantly from an individual complaint by definition, time requirements and method of processing. Specifically, class action complaints allege that the class (or group of people), is being negatively affected by an agency's personnel policy or practice which discriminates against the group on the basis of their common race, color, religion, sex, national origin, age, or physical or mental disability. The class may include employees, former employees or applicants for employment.

Class action complaints have different requirements and procedures than individual complaints. Class action complaints should be made **WITHIN 45 CALENDAR DAYS** following the alleged discriminatory act. More detailed information is available on this process through the local EEO Office. [\[back to top\]](#)

Frequently Asked Questions: Diversity

What is Diversity?

Diversity is a workforce perspective in which unique backgrounds, beliefs, values, skills, attributes, characteristics, and similarities of all people are appreciated and valued. [\[back to top\]](#)

Is there a cost benefit to Diversity?

We can obtain a cost benefit by measuring such things as improved employee morale, lower turnover rates, higher productivity, fewer hiring costs, and decrease in absenteeism. [\[back to top\]](#)

Why do I have to deal with Diversity issues?

When people have problems relating to each other in the workplace morale declines and productivity suffers. In addition to employee retention, a positive and inclusive work environment is important in employee recruitment. [\[back to top\]](#)

Frequently Asked Questions: Affirmative Employment

What is Affirmative Employment?

The primary objective of the affirmative employment program is to identify groups that are underrepresented in the workforce and remove organizational barriers that may impede their hiring, promotion, training, and retention.

While the program is designed to encourage management and supervisors to make additional efforts in these areas, it does not require or imply the use of "quotas," nor does it abrogate the merit principles of the personnel selection system.

For affirmative employment purposes, protected groups include Alaskan Natives/American Indians, Asians/Pacific Islanders, Blacks, Hispanics, White Females, and persons with disabilities.

What is Affirmative Employment Plan?

An affirmative employment plan (AEP) is a tool which, when used correctly, will help to achieve fairness and equity in employment, by:

- o Identifying and eliminating discriminatory personnel policies or practices within USAG Ansbach.
- o Increasing the number of minorities and women at all levels of the organization where historically they have been excluded.
- o Devising internal monitoring and reporting procedures, which measure progress in eliminating discrimination.

What is the goal of Affirmative Employment?

The goal of affirmative employment is to achieve a USAG Ansbach workforce representative of the Nation's diverse population. When this is fully achieved, underrepresentation will no longer exist and affirmative employment will be necessary only to monitor and maintain representation. Affirmative employment goals are based on the civilian labor force population for the geographical area covered by the plan.

What are the common misconceptions about Affirmative Employment?

- o Affirmative employment means that management must hire unqualified women and minorities.

FALSE.

Affirmative employment goals set targeted hiring for qualified minorities and women. No one should hire unqualified applicants to meet a goal. Affirmative employment reaffirms the principle that the hiring of employees should be based solely on the applicant's qualifications.

- o The AEP requires quotas.

FALSE.

AEP sets goals, not quotas. Quotas are court imposed and require hiring only a targeted group. For example, a quota for 40 Hispanic females would require that the next 40 hires be Hispanic females. No other hiring would be allowed for any group until that quota was filled.

- o Affirmative employment is reverse discrimination against white males.

FALSE.

Affirmative employment permits women and minorities to compete for jobs on an equal basis, heightening competition among applicants and providing USAG Ansbach with a well-qualified, diverse applicant pool.

- o Affirmative employment means that supervisors will be told whom to promote.

FALSE.

Advancement must always be based on an employee's skills, abilities, and job performance. An employer is required to treat all personnel fairly and equally.

- o Affirmative employment requires managers and supervisors to spend an extraordinary amount of time doing paperwork.

FALSE.

Affirmative employment imposes no more burden on managers and supervisors than do any of their other duties and responsibilities. It does, however, require some monitoring and evaluative activity.



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11 July 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Garrison Ansbach Policy Memorandum #2-1 on Alternative Dispute Resolution (ADR) Program

1. References:

- a. 29 CFR 1614.102(b)(2): Federal Sector Equal Opportunity, 9 November 1999
- b. EEOC Management Directive 110, 9 November 1999
- c. AR 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004
- d. Equal Employment Opportunity Commission (EEOC) Management Directive 715, Affirmative Employment and Affirmative Action programs, 1 October 2003

2. PURPOSE: The U.S. Army Garrison Ansbach is firmly committed to using alternative methods for resolving disputes in all of its operations, where appropriate and feasible. Used properly in appropriate circumstances, Alternative Dispute Resolution (ADR) can provide faster, less expensive and more productive results in eliminating workplace discrimination as well as general workplace disputes.

3. APPLICABILITY. The ADR Program is applicable to all organizations and units assigned to U.S. Army Garrison Ansbach employing appropriated and non appropriated U.S. civilians.

4. BACKGROUND. The preferred method of ADR throughout Army is facilitated mediation with a qualified ADR neutral. Mediation is a voluntary and confidential process where a neutral third party (mediator) helps employees and supervisors come together to talk and decide how to end their dispute. Mediators must be certified and skilled in conflict resolution and have no official, financial or personal interest in the issue at controversy or in the outcome of the dispute. To preserve the integrity of the ADR program, employees will not serve as mediators within their organization. The mediation pool will consist of certified mediators from DoD Investigations and Resolutions Division, Office of Complaint Investigations, and the IMCOM-E shared neutrals pool. In the event there is a cost to obtain a mediator, funding will be the responsibility of the organization where the complaint/dispute originated.

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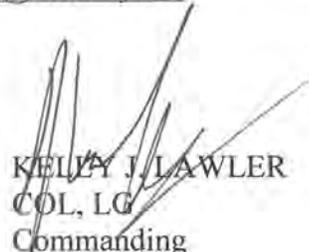
SUBJECT: U.S. Army Garrison Ansbach Policy Memorandum #2-1 on Alternative Dispute Resolution (ADR) Program

5. RESPONSIBILITIES.

a. Responsibility and authority for the Garrison's ADR program rests primarily with the EEO Officer. Since all EEO complaints may not be appropriate for ADR, representatives from EEO, CPAC, legal, supervisor/managers, where applicable, will review the allegations of discrimination and make a determination as to whether the claim is one that could be resolved through the ADR process. Once ADR is offered and the aggrieved elects in writing to participate, it is considered that both parties have knowingly and voluntarily entered into the ADR process. The processing of ADR in discrimination complaints will be conducted within EEOC and Army regulations, including ensuring the participation of a management official with settlement authority. ADR information will be incorporated into new employee orientation, and EEO training.

b. Supervisors, managers and employees have the responsibility to resolve general workplace disputes to enhance productivity and promote harmonious work relationships. U.S. civilians may request conflict resolution services from the EEO office to resolve non-EEO work related issues between co-workers when these issues adversely affect an organization's mission accomplishment or morale.

6. Point of contact for the Alternative Dispute Resolution program is Ida Ruff-Geppert, EEO Officer at 468-7937 or ida.ruffgeppert@us.army.mil.



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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #6 - Equal Employment Opportunity (EEO)

1. REFERENCE. AR 690-12, Equal Employment Opportunity and Affirmation Action.
2. I endorse and promote EEO principles. I expect each leader, manager, and supervisor to comply with federal laws and Department of Army regulations prohibiting unlawful discrimination in the work place, and to assist me in ensuring that equal employment opportunity remains the standard throughout the United States Army Garrison Ansbach area of responsibility.
3. We must provide opportunities based on merit, to each civilian employee, former employee, or applicant for employment, without regard to race, color, gender, national origin, age (40 and over), reprisal, religion, physical or mental disability and genetics.
4. Unlawful discriminatory factors or practices are not to enter the decision making process for job selection, work assignment, awards, training or discipline.
5. Equal employment opportunity and an environment free from prejudice and unlawful discrimination are essential to the fulfillment of our mission requirements, and to ensure all civilian employees are afforded an opportunity to achieve their full potential. Mission accomplishment can only be achieved in an environment of mutual respect, dignity, and fair treatment. In order to foster this environment, leaders must ensure that employment decisions are based solely on merit system principles.
6. Leaders, managers, and supervisors are responsible for ensuring that all civilian employees complete required annual mandatory equal employment opportunity training.
7. Under the provisions of Title VII and 29 Code of Federal Regulations parts 1614, this policy statement will be posted on all official bulletin boards.


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11 July 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #6-1 - Prevention of Unlawful Harassment

1. REFERENCE. The Notification of Federal Employees Anti-Discrimination and Retaliation Act (No FEAR Act) (Public Law No. 107-174), effective 1 October 2003.

2. PURPOSE. To state the installation's policy regarding Anti-Discrimination and Unlawful Harassment.

3. APPLICABILITY. This policy applies to all U.S. Ansbach Garrison military and civilian personnel.

4. POLICY.

a. Discrimination, retaliation and/or harassment in any form is unlawful and will not be tolerated at USAG Ansbach. This organization cannot run effectively if discrimination is practiced or tolerated. Harassment is defined as any offensive conduct, which alters the conditions of the victim's employment, either by culminating in a tangible employment action or by being sufficiently severe or pervasive to create a hostile work environment. I am dedicated to ensuring a safe and hostile-free work environment for all employees, contractors, and anyone affiliated with USAG Ansbach.

b. Any and all forms of harassment based on sex, race, color, religion, national origin, age, disability, genetics, and reprisal that violate the civil rights of others are detrimental to mission accomplishment and are contrary to all of the Army's core values.

c. Compliance with anti-discrimination statutes requires the initiative of individuals to freely question discriminatory behavior. Retaliation against those who seek relief from discrimination, if permitted to go unaddressed, would diminish the willingness of employees to speak out or participate in proceedings established to eliminate the unlawful conduct.

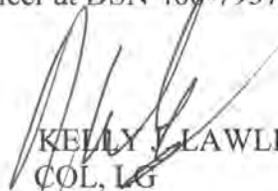
d. Supervisors must continue to manage and not be intimidated by the protected activities of their employees. The legal right to protest against discrimination or to participate in the administrative complaint process as complainants, counselors, or witnesses is mandated by applicable laws and regulations. It is crucial that supervisors remain professional in all dealings with employees and ensure that their actions are not improperly motivated.

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SUBJECT: Policy Letter #6-1 - Prevention of Unlawful Harassment

e. Anyone in a supervisory position has a special responsibility to prevent and promptly correct harassment in the work force. However, we all have a moral responsibility and must do our part in the prevention of harassment before it escalates to the level of a violation of federal law. Together we can prevent harassment and maintain the high level of professionalism and pride that sets us above and apart from other Army installations.

5. PROPONENT. The Garrison Installation Office of Equal Employment Opportunity (EEO) is the proponent for all matters associated with equal employment opportunity and discrimination. The POC for the Installation is the EEO Officer at DSN 468-7937.



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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #7 - Equal Employment Opportunity Complaint Filing Procedures

1. PURPOSE: To establish procedures for filing EEO complaints of discrimination to seek redress.

2. WHO MAY FILE: Any employee, former employee, or applicant for employment who believes that he or she has been discriminated against because of race, color, religion, gender, national origin, age, physical or mental disability, genetics, and/or reprisal in an employment matter, including EPA complaints, subject to the control of the Army. Contact with the EEO office must occur within **45 calendar days** of the date of the alleged discriminatory act or event; or within **45 calendar days** from the effective date of a personnel action; or **45 calendar days** from the time you became aware of the alleged discriminatory action or event. The procedures for filing complaints of discrimination are outlined in AR 690-600.

3. WHERE TO FILE: Complaints of discrimination may be filed with the following officials:

Equal Employment Opportunity Officer
Building 5254, Room 311, Barton Barracks
Unit 28614
APO AE 09177

Commander, USAG Ansbach
Building 5253, Barton Barracks
Unit 28614
APO AE 09177

Department of the Army
Director, EEO Compliance and Complaints Review
ATTN: SAMR-EO-CCR
5825 21st Street, Building 214, Room 129
Fort Belvoir, VA 22060-5921

Secretary of the Army
ATTN: SAMR-EO-CCR
5825 21st Street, Building 214, Room 129
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4. This policy letter will be posted on all official bulletin boards.


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