

Department of the Army  
Headquarters, U.S. Army Garrison  
462 Hamilton Road, Suite 120  
Fort Sill, Oklahoma 73503  
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\*Fort Sill Regulation 690-22

Civilian Personnel  
**Equal Employment Opportunity Discrimination Complaints**

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**Summary.**

**Applicability.** This regulation applies to all Department of the Army (DA) appropriated or nonappropriated fund employees, former employees, applicants for employment, and certain contract employees under the jurisdiction of the Commanding General, U.S. Fires Center of Excellence and Fort Sill.

**Supplementation.** Supplementation of this regulation is prohibited without prior approval from the EEO Manager, 1670 Craig Road, Fort Sill, Oklahoma 73503.

**Suggested Improvements.** The proponent of this regulation is the EEO Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the EEO office.

**Distribution.** This regulation is distributed solely through the Department of Human Resources, Administrative Services Division Homepage at [http://sill-www.army.mil/dhr/Admin\\_Svcs\\_Div/Index.html](http://sill-www.army.mil/dhr/Admin_Svcs_Div/Index.html).

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## Chapter 1 Introduction

**1-1. Purpose.** This regulation prescribes policy, responsibilities, and procedures for counseling, filing, and processing EEO complaints in accordance with AR 690-600, Equal Employment Opportunity Discrimination Complaints at Fort Sill. The processing of all EEO complaints filed by Army Civilian employees, former employees, applicants for employment, and certain contractor employees will be governed by this regulation.

**1-2. References.** Required and related publications; and, prescribed and referenced forms, are listed in Appendix A.

**1-3. Explanation of Abbreviations and Terms.** Abbreviations and terms used in this regulation are explained in the glossary.

**1-4. Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2, The Army Records Information Management System (ARIMS) and DA Pam 25-403, Guide to Recordkeeping in the Army. Record titles and descriptions are available on the ARIMS website (<https://www.arims.army.mil>).

## Chapter 2 Responsibilities

**2-1. General Policy.** It is Fort Sill's policy to:

- a. Provide equal opportunity in employment for all people, and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, physical or mental disability, reprisal, or genetic information.
- b. No person will be subject to retaliation for opposing any practice or for participating in any stage of an EEO complaint.

- c. Insure that EEO is an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees.
- d. Implement training and educational programs to assist employees in developing skills and abilities which will enable them to reach their fullest potential.
- e. Demonstrate program effectiveness through measurable results.
- f. Achieve impartial, expeditious resolution of EEO discrimination complaints at the lowest possible level.

**2-2. EEO Manager.**

- a. Advise the commander/director of the effectiveness of the EEO program and Alternative Dispute Resolution (ADR) programs within the installation.
- b. Serve on the Garrison Commander's staff as the principal advisor to the Commanders/Directors on all matters pertaining to EEO program operations.
- c. Know EEO laws, presidential executive orders, regulations, as well as Equal Employment Opportunity Commission (EEOC), Office of Personnel Management (OPM), Department of Defense (DOD), and DA EEO policy and directives, and be able to communicate the installation's EEO policy to all members and appropriate officials at all levels within the work force.
- d. Make on-site evaluations of activity level effectiveness and provide staff assistance as needed.
- e. Coordinate and provide EEO training for employees and supervisors on the EEO process and the ADR program.
- f. Coordinate and review interservice support agreements for EEO services provided to tenant units.
- g. Maintain continuous familiarity with conditions and circumstances affecting equal employment opportunity within activities of the installation.
- h. Participate in or conduct statistical and other special program studies to identify out-of-balance employment patterns or inequitable management practices and recommend such actions as appropriate to correct these situations.
- i. Analyze discrimination complaints to identify problem areas and to develop information and guidance for management which will correct situations that can lead to employee complaints.

j. Ensure that every reasonable effort is made to resolve complaints at the earliest possible stage.

k. Ensure that EEO counselors are trained and appointed by orders.

**2-3. Major Activity Directors and Major Subordinate Commanders.**

a. Implement and enforce EEO policies as required by EEO laws, Presidential Executive Orders, EEOC, OPM, DOD, and Army regulations, policies, and directives.

b. Be familiar with the major aspects of the EEO Program and demonstrate to managers, supervisors, and employees their positive support of the program's purpose and principal provisions.

c. Be personally responsible and accountable for the EEO climate within their area of responsibility.

d. Ensure the EEO officer is organizationally placed in a direct reporting relationship with the head of the organization.

e. Ensure that supervisors and managers understand and meet their responsibilities in the discrimination complaint program.

f. Stress the need for and ensure prompt complaints processing.

g. Provide collateral duty EEO counselors to support the EEO Office.

h. Ensure that the following information is regularly publicized and posted on official bulletin boards with easy access to current employees, former employees, applicants for employment, and certain contract employees:

(1) The name and address of the Army Director of EEO.

(2) The names, addresses, and telephone numbers of activity EEO officials.

(3) The time limits to start an action and to file and process a complaint under this regulation. When applicable, employees should also be advised of the time limits for filing allegations of discrimination under a negotiated grievance procedure or Merit Systems Protection Board appellate procedures.

i. Ensure employees are informed of the Federal EEO complaint process, to include information on the ADR program.

**2-4. Legal Officers/Staff Judge Advocates or Labor Counselors.**

a. Provide legal advice on EEO matters to the serviced director/commander, EEO officials, managers, appropriate Civilian personnel officials such as the Chief, Civilian Personnel Advisory Center, and in some cases, the Director, Civilian Personnel Operations Center. After a formal complaint is filed, serve as the agency representative and ensure appropriate coordination with EEO and civilian personnel officials on all issues pertaining to a complaint.

b. Coordinate with the activity EEO officer on the acceptance or dismissal, in whole or part, of individual complaints at the activity, subject to the final decision of the Army Director of EEO, or designee.

c. Draft and/or review proposed negotiated settlement agreements and Offers of Resolution.

d. Notify and provide supporting documents to the activity EEO officer when litigation is initiated on any EEO complaint.

#### **2-5. Civilian Personnel Official.**

a. Ensure that EEO officers, EEO counselors, investigators, and agency representatives are given access to personnel records and copies of records or documents relative to the complaint when needed in the performance of their official duties. Retain the relevant records or documents until notification from the EEO officer or agency representative that no further administrative or legal decision is pending on the complaint.

b. Perform regulatory reviews and provide technical support to agency representatives, EEO counselors, and EEO officers.

#### **2-6. Managers and Supervisors.**

a. Ensure that all members of the work force refrain from actions or comments that may be perceived as discriminatory.

b. Act promptly to prevent or correct situations that may give rise to meritorious complaints of discrimination.

c. Take corrective action against military members and civilian employees who have been found to have engaged in discriminatory practices.

d. Provide employees, assigned as collateral EEO counselors or mediators, reasonable time to adequately perform their EEO function.

e. Participate in the ADR process when appropriate.

f. Cooperate and ensure subordinates' full cooperation with ADR neutrals and mediators, EEO counselors, labor counselors, EEO officers, investigators, and EEOC administrative judges involved in the EEO complaints process.

g. Throughout the administrative process of an EEO complaint, ensure that complainants and their representatives are permitted to use a reasonable amount of duty time to work on their complaints.

h. Insure that employees are informed of discrimination complaint procedures, and are free to exercise their right to use them without fear of reprisal or coercion.

## **2-7. Equal Employment Opportunity Specialist.**

a. Serve as assistant to the EEO Manager. They will actively participate in developing and implementing plans and procedures required to provide equal employment opportunity to individual employees through effective employment opportunity to individual employees through effective recruitment, training, utilization, and advancement in the various occupations, grade levels, and organization segments of the installation irrespective of race, color, religion, sex, age, physical or mental disability, national origin, reprisal, or genetic information.

b. The specific duties of the specialist include:

(1) Handle the complaint aspects of the EEO program, keeping the EEO Manager informed of the status of complaints.

(2) Assist the EEO Manager with the acceptance or rejection of complaints of discrimination in accordance with appropriate regulations.

(3) Assist and guide EEO counselors in the proper performance of their duties.

(4) Maintain continuous contact with the CPO and Staff Judge Advocate (SJA) staff and coordinate actions concerning the processing of EEO complaint.

(5) Maintain and evaluate EEO program statistics for the purpose of determining EEO program status and goal accomplishments.

## **2-8. The EEO Collateral Duty Counselor.**

a. EEO counselors will be free of restraints, interference, harassment, coercion, discrimination, or reprisal in connection with the performance of assigned counselor duties.

b. Be properly trained/certified in the techniques of EEO counseling.

c. Advise aggrieved and management officials of their rights; conduct an inquiry into allegations of discrimination raised under this regulation, and attempt to facilitate resolution of discrimination complaints at the precomplaint stage.

d. Keep records indicating when the aggrieved first contacted the counselor and the matters raised by the aggrieved. These records will document the inquiry methods used to reach a resolution, the results of the inquiry, and will provide specific facts to be included in the counselor's written report to the EEO officer upon completion of counseling.

### **Chapter 3**

### **EEO Discrimination Complaint Procedures**

#### **3-1. Initiating the EEO Complaint Process.**

a. Any Department of the Army appropriated or nonappropriated fund employees, former employees, applicants for employment, and certain contract employees under the jurisdiction of the Commanding General, U.S. Fires Center of Excellence and Fort Sill who believes the he or she has been discriminated against because of race, color, religion, sex, national origin, age, physical or mental disability, genetic information, and/or reprisal in an employment matter, including Equal Pay Act complaints, may initiate the EEO complaint process.

b. The initial contact made by an individual with the EEO official is either to seek general information concerning the EEO complaint process or to actually begin the process to file a complaint.

c. Individual with the intent of proceeding with the EEO complaint process, must contact an EEO official within 45 calendar days of the action or practice alleged to be discriminatory.

d. The first phase of the EEO complaint process is referred to as the "precomplaint" process. The precomplaint process is set in motion when an individual clearly exhibits intent to proceed with the EEO complaint process. During this stage the individual filing the complaint will be referred to as the "aggrieved".

#### **3-2. Alternative Dispute Resolution (ADR).**

a. Alternative Dispute Resolution (ADR) encompasses a broad range of joint problem solving processes; its basic purpose is to settle disagreements without litigation.

b. The ADR process, especially when used at the earliest stage, restores working relationships and may serve as a preventative measure against future disputes. Additionally, ADR reduces costs incurred with the traditional administrative or adjudicative processes and affords use of activity resources for mission related programs and activities.

c. The preferred method of ADR within Department of the Army is facilitated mediation with a qualified ADR neutral.

d. The use of ADR is not appropriate in every case. The EEO officer will decide on a case-by-case basis whether it is appropriate to offer ADR to an aggrieved individual.

e. While it is Army policy to attempt to resolve complaints of discrimination at the earliest stage, ADR may be offered by the EEO officer or designee anytime during the complaint process prior to the appointment of an EEOC administrative judge.

### **3-3. Mediation.**

a. Mediation is the intervention into a dispute by an impartial and neutral third party who assist the disputing parties in voluntarily reaching a settlement. The mediator does not impose resolution on the parties, but works to improve communications to guide the parties toward voluntary resolution. Participation in mediation is voluntary, neutral and confidential, and enforceable.

b. If dispute is resolved through mediation, a written settlement agreement will be signed by both parties and case will be closed.

c. If dispute is not resolved through mediation during the precomplaint process, the aggrieved will be issued the Notice of Right to File a Formal Complaint of Discrimination.

d. If dispute is not resolved through mediation during the formal process, the EEO manager will prepare a memorandum for record (MFR) stating that mediation was attempted and was unsuccessful.

### **3-4. Informal Stage (Precomplaint).**

a. A neutral EEO counselor will be assigned to inquire into the specific incidents and actions of discrimination identified by the aggrieved. The identity of the aggrieved will not be revealed without permission from the aggrieved.

b. EEO counselors will conduct a limited and informal factual inquiry into the allegations of discrimination and attempt to facilitate resolutions within 30 days. The aggrieved may agree in writing to extend the counseling period for an additional period of no more than 60 days. In no case will the precomplaint process extend beyond 90 days.

c. The EEO counselor will explain and provide the aggrieved a copy of the Aggrieved Person's Rights and Responsibilities notice, which informs the aggrieved of rights and responsibilities in the EEO process and the other avenues of redress available for filing allegations of discrimination to include pertinent time frames.

d. If the EEO counselor is not able to facilitate a resolution of the matters identified by the aggrieved, the counselor will conduct the final interview and issue a Notice of Right to File a Formal Complaint of Discrimination.

e. The counselor or EEO staff will inform the aggrieved, in writing, that he or she has 15 calendar days, from the date of receipt of the Notice of Right to File a Formal Complaint of Discrimination, to file a formal complaint. The counselor shall not influence the aggrieved regarding a decision to file a formal complaint; the decision to file a formal complaint rests on the aggrieved.

### **3-5. Formal Stage.**

a. Upon request of the complainant, complaints not satisfactorily resolved by the EEO counselor will be formalized.

b. DA Form 2590 (Formal Complaint of Discrimination) shall be filed within 15 calendar days of receipt of the Notice of Right to file a Formal Complaint of Discrimination unless extenuating circumstances occur. An individual who files a formal complaint is referred to as the "complainant" during the formal complaint process.

c. The formal complaint should include at a minimum the basis, claim(s) and date(s) of alleged discriminatory matters. The EEO office will acknowledge receipt of the formal complaint in writing. The acknowledgement letter shall inform the complainant and representative of the date on which the complaint was received and considered filed.

d. If the formal complaint contains vague or overly general claims, the EEO office will request clarification. The complainant and representative will be advised that failure to provide specific information that clearly defines the claims, within 15 calendar days from the date of receipt of a request for clarification, may result in dismissal of complaint.

e. Within 15 calendar days of receipt of a formal complaint, the EEO manager provides the complainant and representative a written decision to accept or dismiss the

complaint. The EEO manager will coordinate acceptance and dismissal decisions with the labor counselor.

f. If the complaint is accepted by the EEO manager, an investigator will be assigned to collect relevant information pertaining to the complaint. If any part of the complaint is dismissed, the complainant will be provided, in writing, the reason(s) of dismissal and informed of his/her right to appeal the decision.

### **3-6. Investigation.**

a. Within 15 calendar days of the date in which a formal complaint is filed and accepted, the EEO office will request the assignment of an investigator. A copy of the request, with all documents will be forwarded to the Office of Investigations and Resolution Division (IRD), the complainant, and representatives.

b. IRD is required to complete the investigation within 180 days from the filing of the formal complaint, with a possible extension of 90 days, upon mutual agreement. If complainant is not satisfied with the investigation, he/she may request a Final Agency Decision (FAD) or a hearing by EEOC. (Complainant may also request a hearing after 180 days has elapsed from the filing of the complaint, if the investigation has not been completed.)

c. Complaints and management officials must cooperate to process complaints without delay so that they may be investigated within 180 days of filing a non-mixed complaint or 75 days of filing a mixed complaint. Complainants, representatives, and witnesses must have a compelling reason to delay or fail to participate in an investigation

d. Complaint processing will not be delayed pending settlement negotiations. Settlement negotiations are to be held concurrently with administrative processing. Successful settlement negotiations will terminate the complaint process.

e. Upon completion of the investigation, the investigator will forward the Report of Investigation to the installation EEO Office.

f. If the case is not settled during the investigation stage, the EEO manager will provide the complainant a copy of the investigative file and a Notice of Post-Investigative Options. The Notice of Post-Investigative Options will advise the complainant that he or she has 30 calendar days in which to request a hearing before an EEOC Administrative Judge, who will issue a decision subject to final action by the Army, or to request a FAD to be issued on the record (file). The complainant must simultaneously forward copies of the request for hearing or FAD to the EEO office and the agency's representative.

g. If the complainant fails to request an EEOC hearing or to ask for a FAD within 30 calendar days after receipt of Notice of Post-Investigative Options, the EEO office

will submit the entire complaint file to the Army Director of EEO or designee for a FAD on the merits of the complaint based on the record as it stands.

**3-7. EEOC Hearing.**

a. If complainant requests a hearing by EEOC, an EEOC Administrative Judge (AJ) will be appointed.

b. The AJ may, after giving notice to the parties and providing them an opportunity to respond in writing within 15 days, issue an order limiting the scope of the hearing or issue findings and conclusions without holding a hearing.

c. If a hearing is to be conducted, the date and time of the hearing will be determined by the AJ. The AJ will hear the case and make a final decision on the complaint, subject to final action by the Army, including appropriate remedies and relief where discrimination is found within 180 days of the request for a hearing. If the agency does not issue a final order within 40 days of receipt of the AJ's decision, the AJ's decision shall become the final action of the agency.

d. The AJ will provide the complainant and representatives with a copy of the hearing record, including the transcript, if a hearing was held, and the decision. The Army will then consider the administrative judge's decision and issue a final Army action.

**3-8. Final Agency Decision.**

a. Upon request for a FAD, the DA Equal Employment Opportunity Compliance and Complaints Review (EEOCCR) office or the applicable DOD Agency head will issue the Department's decision on the complaint. The decision, based on information in the investigative file, will be issued within 60 days.

b. The final Army decision will inform the complainant of the right to appeal the decision to either the EEOC, Office of Federal Operations or to the applicable Federal district court.

c. The final Army decision will be served on the complainant and designated representative. A copy of the final Army action/decision will be furnished to the serviced MACOM EEO officer, agency representative and the activity EEO officer.

d. Upon issuance of the final Army decision, EEOCCR will update the tracking system and administratively close the complaint record.

**Appendix A  
References**

**Section I  
Required Publications**

AR 690-600  
Equal Employment Opportunity Discrimination Complaints

**Section II  
Related Publications**

AR 600-7  
Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army

AR 600-23  
Nondiscrimination in Federally Assisted Programs

AR 690-12  
Equal Employment Opportunity and Affirmation Action

**Section III  
Prescribed Forms**

This section contains no entries.

**Section IV  
Referenced Forms**

DA Form 2028  
Recommended Changes to Publications and Blank Forms

## **Glossary**

### **Section I Abbreviations**

**ADR**

Alternative Dispute Resolution

**ARIMS**

Army Records Information Management System

**CPAC**

Civilian Personnel Advisory Center

**CPOC**

Civilian Personnel Operations Center

**EEO**

Equal Employment Opportunity

**EEOC**

Equal Employment Opportunity Commission

**EEOCCR**

Equal Employment Opportunity Compliance and Complaints Review

**FAD**

Final Agency Decision

**IRD**

Investigations and Resolution Division

**OPM**

Office of Personnel Management

**SJA**

Staff Judge Advocate

### **Section II Terms**

This section contains no entries.

### **Section III Special Abbreviations and Terms**

This section contains no entries.

IMSI-EE



JAMES A. MILLER  
Director of Human  
Resources

GLENN A. WATERS  
COL, FA  
Garrison Commander