

## CHAPTER 2

### EQUAL EMPLOYMENT OPPORTUNITY

*Refer to the collective bargaining agreement with AFGE Local 1770 for additional provisions pertaining to bargaining unit employees.*

#### 2-1. GENERAL.

a. The Equal Employment Opportunity (EEO) director advises and assists the commander and staff on matters pertaining to federal civilian equal employment opportunities and practices. The EEO staff monitors the civilian workforce to ensure compliance with Title VII law to eliminate discrimination. The EEO director supervises the implementation and management of the Discrimination Complaints Processing Program, the Affirmative Employment Program, and the Special Emphasis Program. The EEO staff provides administrative support to the Department of Defense, Office of Complaint Investigations (OCI) and the Equal Employment Opportunity Commission.

b. The primary responsibility for ensuring a results-oriented agency EEO program does not rest with the EEO staff. Statutes and regulations assign that responsibility first to the agency head and second to each manager and supervisor. The EEO staff provides technical advice and assistance and monitors EEO performance.

#### 2-2. PROVISIONS OF THE EEO PROGRAM.

##### a. Discrimination Complaints Component.

(1) Army Regulation 690-600, EEO Discrimination Complaints, sets policies and procedures on filing, processing, investigating, settling, and deciding complaints of discrimination. It implements federal law and the regulations of the Equal Employment Opportunity Commission (EEOC) at Title 29, Part 1614, Code of Federal Regulations, that prohibit discrimination based on race, color, religion, sex, national origin, age, physical or mental disability, and/or reprisal. This regulation applies to all Department of the Army appropriated or non-appropriated fund activities, their employees, former employees, and applicants for employment. (See Complaint Processing Procedures on page 2-4.)

**(2) Major organizations/activities on Fort Bragg support the EEO program by providing collateral duty counselors. Every two years organizations are asked to submit nominations of volunteer collateral duty counselors to work with the EEO Office in the processing and resolution of informal complaints.**

(3) The Forces Command Early Resolution Program (FERP). Offers mediation as an alternative dispute resolution (ADR) process to resolve EEO precomplaints. Trained and certified mediators, who are skilled in conflict resolution, as neutral and impartial third parties in resolving complaints. Instituting FERP into our precomplaint process **allows** us to achieve early, lasting resolutions, which are mutually satisfactory to the parties without resorting to lengthy and costly litigation.

b. Affirmative Action Component.

(1) The program document for the affirmative action component is the installation multiyear (5 year) Affirmative Action Program Plan (AAPP). Accomplishments under the plan are reviewed annually and an accomplishment and annual update report is prepared and forwarded to the EEOC for approval. An Affirmative Action Plan for Hiring, Placement and Advancement of Individuals with Disabilities and Accomplishment Report is also required annually. Supervisors and managers are provided a copy of these documents.

(2) EEO/Affirmative Action is a critical requirement for all supervisors and non-supervisory management officials whose responsibilities may influence the achievement of program goals.

c. Special Emphasis Program Component.

(1) Army Regulations and directives require the establishment of Special Emphasis Programs (SEPs) for Asian-Pacific Islanders, Native American/Alaskan Natives, Blacks, Hispanic Women, and Individuals with Disabilities. In August 1992, Fort Bragg consolidated the separate programs and established a single program. A SEP manager, full time EEO specialist was appointed to serve as the subject-matter expert on various issues affecting the employment of these groups.

(2) The SEP Committee assist and support the SEP manager. Committee members serve as organizational liaisons to provide information about the concerns and needs of special groups in their respective organizations. SEP Committee membership is open to the general work force. Each organization is expected to have a representative on the committee. Committee members serve for a period of 24 months.

(3) The SEP Committee **and the XVIII Airborne Corps Equal Opportunity Office** sponsor the following annual observances:

Martin Luther King Day  
Black History Month  
Women's History Month  
Women's Equality Day  
Holocaust Remembrance  
Hispanic Heritage Month  
Disability Awareness Month  
Native American/Alaskan Native's Month  
Asian/Pacific Islander's Month

d. Training.

(1) Training of managers, supervisors and employees in EEO is a vital part of the EEO program. The following training is conducted:

(a) Army Training in the Prevention of Sexual Harassment (POSH). POSH Training is mandatory for civilian employees and supervisors (military and civilian) of civilian employees. **Annual POSH refresher training is available on the Fort Bragg EEO web site.**

(b) Work Force Diversity Training: Combination video/lecture training programs addressing such issues as racial stereotyping, intercultural communication barriers, and employment of individuals with disabilities.

(c) Equal Employment Opportunity: This training covers the provisions of Title VII, 1964 Civil Rights Act, which sets forth regulations and policies for administering the EEO program. The training focuses on leadership responsibility in EEO.

(2) Training conducted by EEO is listed in the Fort Bragg Civilian Training Opportunities Catalog **and on the Fort Bragg EEO web page** (<http://www.bragg.army.mil/eo>).

2-3. ADDITIONAL INFORMATION.

Additional information is available from the EEO office by calling 396-3406/5214.

**PROCEDURES FOR PROCESSING INDIVIDUAL COMPLAINTS OF DISCRIMINATION  
BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE,  
PHYSICAL OR MENTAL DISABILITY, AND/OR REPRISAL**

1. AGGRIEVED contacts a member of the Equal Employment Opportunity staff within 45 calendar days of alleged discriminatory action. COUNSELOR has 30 calendar days to attempt informal resolution. If the final counseling interview is not completed in 30 calendar days, COUNSELOR must, on 30th day, give written notice of right to file an individual complaint at any time up to 15 calendar days after final interview.
2. If informal resolution fails, AGGRIEVED may file an individual formal complaint with DIRECTOR of EEO, AGENCY HEAD, INSTALLATION HEAD, or EEO OFFICER, within 15 calendar days of final interview with COUNSELOR. If legal counsel or an other representative is retained, the EEO OFFICER will be immediately notified in writing, HQ, XVIII Airborne Corps and Fort Bragg, ATTN: AFZA-EEO, Fort Bragg, North Carolina 28310.
3. EEO Officer requests an investigator designated by Department of Defense, Civilian Personnel Management Service, and Office of Complaint Investigations (OCI).
4. Investigation Conducted: COMPLAINANT given a copy of the complaint Investigations Report of Investigation (ROI). Within 30 days of receipt of the ROI COMPLAINANT may request an EEOC hearing or Final Army Decision and must be addressed to the installation EEO Officer, so that the necessary arrangements can be made.
5. If COMPLAINANT requests a decision based on the record, a Final Agency Decision will be issued within 60 days.
6. If COMPLAINANT asks for a hearing, and the EEOC Administrative Judge determines that there are no issues of material fact, the Administrative Judge may issue a recommended decision without holding a hearing. Should the Administrative Judge make such a determination, COMPLAINANT will be notified and provided an opportunity to respond in writing. The complaint file will be forwarded to EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE and COMPLAINTS REVIEW AGENCY (EEOCRA). The EEOCRA will issue a Final Agency Decision with appeal rights. The COMPLAINANT will be provided an opportunity to respond in writing within 20 calendar days of receipt of the notice.

7. If, within 30 calendar days after receipt of the ROI, the COMPLAINANT fails to request an EEOC hearing or to ask for a final decision by the Army, the processing of the case will proceed and the entire case file will be forwarded to the Secretary of the Army for a Final Army Decision on the merits of the complaint.

8. If COMPLAINANT is dissatisfied with the Final Army Decision (with or without a hearing), COMPLAINANT may file a notice of appeal to the EEOC Office of Federal Operations (OFO) within 30 calendar days after receiving the Final Army Decision. COMPLAINANT must provide a copy of the appeal to Director, Equal Employment Opportunity Compliance and Complaints Review Agency (EEOCRA), ATTN: SFMR-RBE, 1941 Jefferson Davis Highway, 2nd Floor, Room 222, Crystal Mall 4, Arlington, Virginia 22202-4508. A brief statement to support the appeal must be submitted to OFO with a copy to the Director, EEOCRA, within 30 calendar days after filing the notice of appeal. In or attached to the appeal to the EEOC must be certification that a copy of the appeal was served on the agency, the date and method of service.

9. COMPLAINANT may file a civil action in the proper U.S. District Court within 90 calendar days after receiving the Final Army Decision or, if the Army has not issued a Final Decision on the complaint after 180 calendar days from the date the formal complaint was filed.