

# Equal Employment Opportunity



(EEO)

## A Guide for Employees and Applicants

Equal Employment Opportunity Office  
USAG GRAFENWOEHR  
UNIT 28130  
APO AE 09114  
DSN: 475-8360/6390

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**EQUAL EMPLOYMENT OPPORTUNITY (EEO)**  
A Guide for Employees and Applicants

**Table of Contents**

	PAGE
Introduction	1
Program Structure	2
Internal Operating Process	3
Responsibilities of Managers/Supervisors	4
Responsibilities of Employees	4
Affirmative Employment Program (AEP)	5
Special Emphasis Program (SEP)	5
Discrimination Complaints Program	5
Informal Complaints	7
Formal Complaints	8
Class Action Complaints	10
Age Discrimination Complaints	11
Frequently Asked Questions Regarding EEO Complaints	12
Prevention of Sexual Harassment	13
Procedures to Follow if a Victim of Sexual Harassment	15
Frequently Asked Questions Regarding Sexual Harassment	16
EEO Terminology	Appendix A
Procedural Steps in a Discrimination Complaint	Appendix B

This handbook applies to employees, former employees, or applicants for positions with appropriated or non-appropriated fund activities at the USAG Grafenwoehr.

## INTRODUCTION

The purpose of this handbook is to give you a full overview of the EEO Program, learn what it does, how it works and, most importantly, how to recognize and deal with your EEO responsibilities and concerns.

As its title suggests, this book has been written as a guide. This book is not intended to make you a subject matter expert in the EEO program. The USAG Grafenwoehr employs people who are experts in this area who are available to help you deal with questions and problems that are bound to arise. This book should not be used to replace them or their advice and assistance.

Making EEO work in our organization is a realistic, achievable matter if you are able to recognize the opportunities that exist and take full advantage of the program to build a strong, effective workforce. A successful EEO program will not just happen as the result of good intentions. To make this program work for you, you must learn what it is meant to do, how it is designed to work and, most importantly recognize and deal with your EEO responsibilities. Therefore, this book should be read and reviewed periodically - to help you to recognize situations in which you have EEO responsibilities, problems or concerns, and to alert you to situations in which you should seek the assistance of EEO professionals.

**The EEO staff is located at Bldg. 537, USA Garrison Grafenwoehr. Our mailing address is: Department of the Army  
United States Army Garrison Grafenwoehr  
ATTN: IMEU-GFW-EEO  
Unit 28130  
APO AE 09114**

**Telephone number: DSN 475-8360/6390; Fax number DSN 475-6936.**

Appendix A provides a useful summary of EEO terms and information you will need as a reference guide. Appendix B provides the procedural steps in a discrimination complaint.

## **EQUAL EMPLOYMENT OPPORTUNITY STRUCTURE**

Equal Employment Opportunity is a management program for employees. The responsibility for an effective EEO program is that of employees, supervisors, and managers. The following individuals have support and advisory roles in the garrison EEO Program:

### *EEO OFFICER*

The garrison EEO Officer serves as the advisor to the Commander and staff on matters pertaining to Federal Civilian Equal Employment Opportunity; monitors the civilian work force to ensure compliance with Title VII; and manages the Affirmative Employment Program, Discrimination Complaints Program, and Special Emphasis Programs.

### *EEO SPECIALISTS/ASSISTANT*

Specialists provide a full range of equal employment opportunity, affirmative employment and discrimination management services to an assigned group of activities; process formal and informal complaints of discrimination; develop and conduct training and briefings on EEO, affirmative action, diversity and sexual harassment.

### *EEO COUNSELORS*

Counselors are responsible for dealing with claims of discrimination before they become formal complaints. EEO counselors attempt through inquiry to resolve issues brought to them by employees who believe they have been subject to discrimination. A complaint can not be filed formal unless counseling has taken place. Counselors are on collateral duty assignment and have primary jobs in other organizations.

### *SPECIAL EMPHASIS PROGRAM MANAGER*

The Special Emphasis Program (SEP) Manager manages the Program for Individuals with Disabilities, the Federal Women's Employment Program, Hispanic Employment Program, Black Employment Program, Asian Pacific Islander Employment Program, American Indian/Alaskan Native Employment Program, Minority College Relations Program and such other programs as may be required by the agency. A diverse committee supports the SEP Manager. The phone numbers of EEO Staff, Counselors and SEP committee members are posted on employee's bulletin boards.

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

The key to the success of the EEO program in our organization is the supervisor and the manager. The reason for this is easy to understand. Managers and supervisors make virtually all of the decisions that directly impact the success - or - failure of any EEO program. They fill vacant positions and make selections for promotions, they approve training and detail employees to other positions; and they set the tone for dealings among employees in their portion of the organization. Higher levels can issue policy statements, but only operating managers and supervisors can make an EEO effort succeed. In order to make the EEO program succeed, managers and supervisors must clearly understand what they should - and should not - be doing.

## **RESPONSIBILITIES OF EMPLOYEES FOR 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 supervisor) to monitor her/his own behavior and personal work space to ensure a work environment 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, cartoon, etc; language which targets or puts down any group including women.

-Are you taking personal responsibility for maintaining a positive work environment? Examples are immediate correction of any inappropriate work site behavior 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 EEO.

## **AFFIRMATIVE EMPLOYMENT PROGRAM (AEP)**

Affirmative employment actions are initiatives taken to overcome the effects of past and present discriminatory practices, policies, or other barriers to equal employment opportunity. Practices that have an adverse effect on individuals or groups of individuals because of their race, color, religion, sex, national origin, age or disability should be eliminated. Designated affirmative actions work toward achievement of a diverse work force in occupational categories and grade levels in consonance with the local civilian labor force (CLF) provided by the Equal Employment Opportunity Commission (EEOC).

Affirmative Employment/Action Program plans are developed in concert with EEOC Management Directives and the Office of Personnel Management (OPM), Forces Command. EEO protected groups include women and members of the following minority groups: (Black, Hispanic, American Indian/Alaskan Native, and Asian American Pacific Islander.)

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

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 special employment programs are the Asian American/Pacific Islander Employment Program, Black Employment Program, Federal Women's Program, Hispanic Employment Program, American Indian/Alaskan Native Employment Program, and Individuals with Disabilities Program.

The SEP Manager is assisted in implementing these programs by a SEP Committee. The SEP Committee is comprised of employees from various organizations at the installation. Membership on the committee is voluntary and open to all military and civilian employees.

## **EEO DISCRIMINATION COMPLAINTS PROGRAM**

Department of the Army Regulation 690-600 sets policies and procedures on filing, processing, investigating, and settling complaints of discrimination. The regulation implements Federal law and the regulations of the EEOC.

*WHO MAY FILE A COMPLAINT?* Any employee, former employee, or applicant for federal employment (appropriated or non-appropriated) at the USAG Grafenwoehr who feels s/he has been discriminated against (treated differently) because of race, color,

gender, religion, national origin, age (over 40), mental or physical disability, or reprisal (prior EEO activity) may file a complaint.

The complainant must identify the basis for the complaint (paragraph 2 above). There may be more than one basis; i.e., age and gender. The complainant also identifies the adverse action(s) [issue(s)] 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 considered for promotion
- Failure to be selected for training
- Disciplinary Action
- Termination
- Performance appraisal

If the alleged discriminatory action was perpetrated by an individual(s) rather than a system or organization, the complainant will identify that individual(s), hereinafter known as the Responding management Official (RMO). In most complaints, a RMO is identified.

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

- Retroactive promotion/backpay to the position in question
- Special consideration for promotion to the level/type position in question
- Assignment to training
- Rescind disciplinary action
- Reinstate employee
- Reclassification of position

Complaints will be processed promptly and impartially and with due respect for the rights of persons against whom allegations have been made.

## **INFORMAL COMPLAINT** **THE FIRST STEP**

The employee or applicant for employment (aggrieved person) contacts the EEO Officer or an EEO Counselor within 45 calendar days of the alleged discriminatory event or personnel action. 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 Office. Names, phone numbers and location EEO counselors are displayed on EEO posters throughout the garrison.

Contact with an EEO Counselor will initiate a 30 calendar day period during which the counselor will conduct a limited inquiry and attempt informal resolution of the matter(s) brought to him or her. The counselor may offer Alternate Dispute Resolution (ADR) as an alternative to counseling. The counselor will also provide a written Notice of Rights and Responsibilities to aggrieved person regardless of the ADR election.

Counseling must be completed within 30 calendar days unless the aggrieved person agrees in writing to an extension of up to 60 more days. If the aggrieved person is offered and chooses to participate in ADR, the informal counseling period is 90 days or the end of the ADR process, whichever is earlier.

If the matter(s) has not been informally resolved or withdrawn in writing, the aggrieved person is given a final interview, at which he/she should also be given a Notice of Right to File a Formal Complaint.

The aggrieved person has 15 calendar days from receipt of the Notice of Right to File a Formal Complaint to decide whether to file. At the point that the formal complaint is filed, the aggrieved person becomes the complainant.

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. A copy of this report is provided to the complainant.

**FORMAL COMPLAINT**  
**THE SECOND STEP**

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. A formal complaint must be submitted, either in person or by mail, to one of the following:

- a. Equal Employment Opportunity Officer  
USAG GRAFENWOEHR  
UNIT 28130  
APO AE 09114
  
- b. Commander  
USAG GRAFENWOEHR  
UNIT 28130  
APO AE 09114
  
- c. Department of the Army  
Director of Equal Employment Opportunity/Civil Rights  
ATTN: Deputy for EEOCCR (SAMR-EO-CCR)  
1941 Jefferson Davis Highway, Suite 109B  
Arlington, VA 22202-4508
  
- d. Secretary of the Army  
ATTN: SAMR-EO-CCR  
1941 Jefferson Davis Highway, Suite 109B  
Arlington, VA 22202-4508

**ACCEPTING OR DISMISSING A COMPLAINT.** The EEO Officer has authority to accept or dismiss a formal complaint. The authority to dismiss the complaint is limited to situations where:

The complaint is not within the purview of EEO; i.e., race, color, gender, etc.;

The complaint is identical to a complaint previously filed by the complainant and still pending or already decided by the agency;

The complaint is not submitted in a timely manner to the EEO counselor;

The complainant failed to file a formal complaint within fifteen (15) calendar days of his/her receipt of the Counselor's notice of right to file a formal complaint;

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;

The complaint alleges dissatisfaction with the processing of a previously filed complaint;

The complaint states the same claim that is pending before or had been decided by the agency;

Complainant files a civil action concerning the same allegation, at least one hundred eighty (180) days after filing the administrative complaint;

The complainant alleges that a proposal to take or a preliminary step in taking a personnel action is discriminatory;

A complaint may be dismissed as moot where there is not reasonable expectation that the alleged violation will recur, and interim relief or events have eradicated the effects of the alleged violation.

When the complaint is accepted, the RMO(s) are informed of the complainant's identity regardless of whether anonymity was previously requested. At this point, the RMO is allowed to review the Counselor's Report and the formal complaint form (DA Form 2590-R).

INVESTIGATING THE COMPLAINT. A formal complaint will lead to an on-site investigation, which is conducted by the Department of Defense Office of Complaints Investigation (OCI). The OCI investigator takes affidavits/testimony from the complainant and other witnesses and gathers evidence about the complaint.

Within 3 days of the receipt of the OCI report of investigation (ROI), the EEO Officer sends the complainant a copy of the ROI in conjunction with the notice of the right to elect either a hearing before an EEOC Administrative Judge (AJ) or a final decision from the Army.

HEARING AND RECOMMENDED DECISION. Complainants must request a hearing directly from the EEOC field office that has jurisdiction over the geographical area in which the complaint arose. The EEO office will advise the complainant of the EEOC address where a hearing request is to be sent. The complainant must provide a copy of the hearing request to the EEO office.

Decision by the Director of Equal Employment Opportunity, Department of the Army, without a hearing. The Army EEO Director issues a decision on the merits of the case following the completion of the OCI investigation. The complainant has the right to file an appeal with the EEOC within 30 calendar days of receipt of the Army's final decision.

If complainant does not reply within the required time frame (30 calendar days after receipt of Report of Investigation), the EEOO will submit the entire case file to the Army Director of EEO for a final Army Decision on the merits of the complaint or on the record as it stands.

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:

- ▶ Within 30 calendar days of receipt of notice of final action taken by the employing agency on the complaint; or
- ▶ After 180 calendar days from the date of filing a complaint with the agency if there has been no final agency decision; or
- ▶ Within 30 calendar days after receipt of notice of final action taken by EEOC on the complainant's appeal; or
- ▶ After 180 calendar days from the date of filing an appeal with EEOC when there has been no EEOC decision.

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.

Except in cases of age discrimination, a complainant may recover reasonable attorney's fees and costs if s/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.

### **CLASS ACTION COMPLAINTS OF DISCRIMINATION**

A "class" is a group of agency employees, former employees and /or applicants for employment on whose behalf it is alleged that they have been, are being, or may have been adversely affected by agency personnel management policy or practice which the agency has authority to rescind or modify. These management policies or practices

may be perceived to be discriminatory against the group on the basis of their common race, color, religion, sex, national origin, age, or physical or mental handicap.

A class complaint is a written complaint of discrimination filed on behalf of the class by the agent of the class, alleging that the class is so numerous that a consolidated complaint by the members of the class is impractical, and there are questions of fact common to the class, and that the claims of the agent of the class are typical of the claims of the class, and that the agent of the class and if represented, the representative, will fairly and adequately protect the interests of the class.

For class complaints, there is a four-stage process. The first stage is the establishment of a class complaint. The second stage is a determination from an EEOC Administrative Judge (AJ), subject to Army final action, as to whether to certify the complaint as a class action. The third stage, if the complaint has been certified as a class action, involves a recommended decision from an AJ on the merits of the class, subject to a final agency action in the form of a final decision. The fourth stage, where there has been a finding of class-based discrimination, is the determination of the claims for relief of the individual class members.

All class action complaints should be brought to the attention of the Equal Employment Opportunity Officer. Counseling will be assigned to a Class Action Complaint Counselor.

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

Regulations regarding allegations of age discrimination are unique because the complainant can choose between two difference 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 20 days notice of intent to file suit about an action which occurred within the previous 180 calendar days.

If the complainant chooses to file a complaint of age discrimination with the employing agency, s/he must generally complete all steps of the process outlined above before s/he can file in a U.S. District Court.

## **FREQUENTLY ASKED QUESTIONS REGARDING EEO COMPLAINTS**

***Who can file an EEO complaint?*** Any employee, former, employee, or applicant for employment who thinks they have been discrimination against may file an EEO complaint.

***What is covered under the EEO process?*** There are eight bases under which an EEO complaint of discrimination may be file. The bases are race, color, religion, sex, national origin, age (40), reprisal, or handicap (mental or physical).

***When must allegations of discrimination be raised?*** An individual must seek counseling with an EEO Counselor within 45 calendar days of the date of an alleged act of discrimination.

***What can I do if my supervisor decides to make things difficult for me because I've filed a complaint?*** EEO regulations prohibit reprisal against employees who have filed, or have been associated with EEO complaints, regardless of how long in the past. The employee may file a new complaint of discrimination based on reprisal, or appeal directly to the Commander for an investigation.

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

***Doesn't the EEO complaint system favor management?*** 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 Command has a 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.

## **PREVENTION OF SEXUAL HARASSMENT**

The Department of Army Policy defines sexual harassment as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or;

Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or;

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment;

Sexual harassment violates acceptable standards of integrity and conduct required of all Army personnel and interferes with mission accomplishment;

Everyone has a responsibility to prevent this behavior, but you must be able to recognize it. Incidents of sexual harassment can be grouped into four categories:

\*Verbal (most common); can take the form of sexual comments or may involve blatant demands for sexual favors, such as a proposition. Verbal also includes profanity and telling obscene jokes.

\*Physical; includes pinching, bumping, grabbing touching, etc.

\*Senior/Subordinate Abuse; includes direct propositions, threats to a person's career, pay, or job in exchange for sexual favors.

\*Indecent Actions and Gestures; includes leaving sexually suggestive notes, displaying sexist cartoons and pictures, using obscene gestures.

\*Sexually harassing behavior can range from subtle to blatant.

There are several critical elements in the definition of sexual harassment:

\*Observable

\*Explicitly/implicitly sexual or containing sexual overtures.

\*Deliberate (or repeated).

\*Creating a hostile or offensive work environment.

\*Occurring in a work-related environment.

Some steps, you as an employee, can take to prevent sexual harassment follow:

The Department of the Army has developed a training program Prevention of Sexual Harassment (POSH), which is 100% mandatory for civilian employees. The Army's standardized training program should be used for initial training of supervisors and employees. In addition to the initial training, employees will receive refresher training on an annual basis.

If you have not attended the training please notify your supervisor.

Check your own behavior.

▶Does your behavior contribute to work output and/or mission accomplishment?  
Negative examples: Discussion of personal life or problems; emphasis on developing social life instead of work.

▶Does your behavior offend or hurt other members of the work force? Examples: 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: Constant sexually suggestive comments; deliberate or repeated physical contact.

IMPORTANT: Review your behavior and personal work space from the perspective of how it may be perceived, as opposed to your intent.

Monitor environmental warning signals and take immediate action before any situation becomes serious.

Identify behaviors which require preventive action. This involves recognizing that certain behavior accepted by some people as customary is no longer acceptable; e.g., watch the "hugging" or patronizing tones. The difficulty is to determine when, in a day-to-day situation you as the employee may want to indicate this behavior is offensive. THERE IS NO BLANKET RULE TO FIT EVERY SITUATION.

Give feedback to employees on their behavior. For example while there is no formal dress code, an employee can be requested to "dress appropriately" for the type of work they do.

Recognize and actively support employees' rights, including the right to have their feelings taken seriously by peers and co-worker, and by you, the supervisor/manager.

## **PROCEDURES TO FOLLOW IF YOU BELIEVE YOU ARE A VICTIM OF SEXUAL HARASSMENT**

Sexual harassment is different things to different persons. Everyone is guilty of doing things without really thinking of the impact the actions may have on others. If you believe you are a victim, you should take the following actions:

The first thing you should do, is to put the harasser on notice (with witnesses, if possible). Tell the harasser the behavior is not appreciated and that you will report the matter to the chain of command if the behavior continues.

Document every incident. Write down what was said or done and include the date, time, witnesses and their responses.

If the harassment continues, contact your supervisor, or if that person is the harasser, their supervisor, and request a meeting. At the meeting present a written letter, signed and dated. Describe what actions you have taken and ask for additional help. Ask them what they are going to do about the situation.

Supervisors should be aware of what action steps are available and appropriate to deal with sexually harassing behavior and how to counsel a subordinate whose behavior is not in conformity with Army policy. If the supervisor/chain of command fails to act, contact an EEO Counselor or the EEO office and file a complaint within the 45 calendar day time limit.

In addition to filing a sexual harassment complaint with the EEO office, you have the option of also filing a sexual harassment complaint under Section 1561 of Title 10, United States code. The EEO counselor will be able to explain the procedures required by Section 1561.

## **FREQUENTLY ASKED QUESTION REGARDING SEXUAL HARASSMENT**

***What is Sexual Harassment?*** Sexual harassment is a form of sex discrimination which is a violation of Title VII of the Civil Rights Act of 1964. The EEOC's guidelines define two types of sexual harassment: "quid pro quo" and "hostile environment."

***What is "quid pro quo" sexual harassment?*** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "quid pro quo" sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

***What is "hostile environment" sexual harassment?*** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "hostile environment" sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

***What factors determine whether an environment is "hostile"?*** The central inquiry is whether the conduct "unreasonably interfered with an individual's work performance" or created "an intimidating, hostile, or offensive working environment." The EEOC will look at the following factors to determine whether an environment is hostile: (1) whether the conduct was verbal or physical or both; (2) how frequently it was repeated; (3) whether the conduct was hostile or patently offensive; (4) whether the alleged harasser was a co-worker or supervisor; (5) whether others joined in perpetrating the harassment; and (6) whether the harassment was directed at more than one individual. No one factor controls. An assessment is made based upon the totality of the circumstances.

***What is unwelcome sexual conduct?*** Sexual conduct becomes unlawful only when it is unwelcome. The challenged conduct must be unwelcome in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive.

***How will the EEOC determine whether conduct is unwelcome?*** When confronted with conflicting evidence as to whether conduct was welcome, the EEOC will look at the record as a whole and at the totality of the circumstances, evaluating each situation on a case by case basis. The investigation should determine whether the victim's conduct was consistent, or inconsistent, with his/her assertion that the sexual conduct was unwelcome.

## **APPENDIX A EQUAL EMPLOYMENT OPPORTUNITY (EEO) TERMINOLOGY**

EEO, like any other field, has its own terminology. The definitions given below will help you understand any technical language you may come across either in official court decisions or in other literature on EEO.

Accessibility	A barrier-free environment in which the mobility of physically handicapped persons is not inhibited by external forces such as architectural design
Adverse Impact (effect)	Applying certain personnel policies: e.g., word-of-mouth recruiting, diploma requirements, intelligence tests, etc., uniformly to all applicants or employees, which has the effect of denying employment or advancement to members of affected class.
Aggrieved	An employee, a former employee, or an applicant for Army employment who files an informal complaint of discrimination based his or her race, color, religion, sex, national origin, age, physical or mental handicap, and/or reprisal.
Availability	The presence of women and minorities, "ready, willing and able to work"; used in determining underutilization. There are several basic measures available: Occupational parity, labor forces parity and population parity.
Affirmative Employment Plan (AEP)	A plan whose execution will assure measurable yearly improvement in hiring, training, and promotion of minorities and women in all parts of an organization. The effectiveness of the plan is measured by the results it is intended to achieve.

Bona Fide Occupational Qualification (BFOQ)	A job requirement which permits an employer to legally discriminate on the basis of sex, age, religion or national origin. Such requirements are rare. For example, sex is a BFOQ for working in a women's locker room or modeling dresses. Sex is not a BFOQ for heavy physical work since some women are physically powerful. Race and color are never a BFOQ.
Barrier	Personnel principle, policy or practice which restricts or tends to limit the representative employment or applicants and employees, especially minorities, women, and individuals with handicaps.
Civilian Labor Force (CLF)	Persons 16 years of age or over including those in the Armed Forces, who are employed or seeking employment.
Class Action Suit	A court action on behalf of an affected class alleging an unlawful pattern of discrimination by an employer. A class action suit can be initiated by an individual, a group, and/or a government agency.
Conspicuous Absence	Particular EEO group that is nearly or totally nonexistent from a particular occupation or grade level in the work force.
Disable Veteran	A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty and who is entitled to a 30% disability compensation under the law administered by the Veteran's Administration.
Discrimination	Any act or failure to act, impermissible based in whole or in part on a person's race, color, religion, national origin, sex, age, physical or mental handicap, and/or reprisal, that adversely affects privileges, benefits, working conditions, and results in disparate treatment, or has a disparate impact on employees or applicants.
Disparate Effect	See Adverse Impact

Diversity	Recognizing and valuing differences in our employees and using those differences to make the organization more efficient and effective.
Equal Employment Opportunity	Administering all terms and conditions of employment without regard to age, color, handicap, national origin, race, religion, or sex.
Equal Employment Opportunity Commission (EEOC)	The Federal agency with overall responsibility for federal sector complaints. The EEOC issues policy and regulations on discrimination complaint system, holds hearings and makes finding and recommendations on discrimination complains that have been appealed.
EEOC GUIDELINES	Interpretations of Title VII expressed by the Equal Employment Opportunity Commission that have the force of law, and tend to be supported by the courts. These positions are outlined in various EEOC publications.
Disability	A physical or mental impairment which substantially limits one or more major life activity.
Individuals with Disabilities	A person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, or a person has a record of such impairment, or a person regarded as having such an impairment.
Intent vs. Effect	In EEO law, corporate or personal intentions have no bearing on discrimination. What does count are the effects of what is done. If discrimination has occurred, the intention not the discrimination is of no value in defending one's position.
Job Relatedness	According to EEO court decisions, any criterion employed to determine whether a person will be hired, fired, transferred promoted, given a salary increase, and so forth, must be directly related to job performance.
Labor Force Parity	The percentage of women and minorities in the total local

	labor force regardless of occupational specialty.
Major Life Activity	Functions, such as caring for oneself, performing manual task, walking, seeing, hearing, speaking, breathing, learning, and working.
Manifest Imbalance	Representation of EEO groups in a specific occupational grouping or grade level in the agency's work force that is substantially below it's representation in the work force.
Office of Complaints Investigation	The Department of Defense (DOD) organization that investigates and makes recommended findings on formal EEO complaints filed against the DOD.
Parity	Statistical parity is the objective of affirmative efforts. Parity is achieved when the percentage of women and minorities in the work force of an organization matches the percentages of protected calls members available in the labor force.
PATCOB	The common acronym used in identifying the category of employment; i.e. P= Professional series A= Administrative series T= Technical series C= Clerical series O= Other series B= Blue collar series
Protected Classes	Any group ) or member of that group) specified in, and therefore protected by the anti-discrimination laws or the affirmative employment obligations of Federal contractors, The anti-discrimination laws protect individuals from discrimination because of age, color, race, handicap, national origin, religion, or sex. The groups for whom affirmative employment is required are racial minorities, women, persons with a handicap, disabled veterans and veterans of the Vietnam era.
Prima Facie Evidence	Legally sufficient evidence to establish a fact or a case unless disapproved. For example, he/she belongs to a

covered or "protected" group; he/she is employed by an agency in a specified position; he/she is treated differently by the agency with respect to some incident of employment from persons outside his/her group occupying the same specified position.

Racial Minority

A protected class, members of which have been defined by the EEOC as:

*Black*

- Persons having origins in any of the Black racial groups of Africa.

*Hispanic*

- Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

*American Indian/Alaskan Native*

- Persons having origins in any of the original peoples of North America

*Asian/Pacific Islanders*

-Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

Reasonable Accommodations

1) Used in connection with Affirmative Employment for individuals with disabilities. If an employee with a disability or applicant has the skills necessary to perform a job, an employer must make reasonable accommodations to the physical environment, equipment, schedules or procedures that would enable the individual to function in the position.

2) Used in connection with discrimination because of religion. If an employee needs to be absent for religious reasons, an employer must make reasonable

accommodation to grant the employee that absence even though it may conflict with, or differ from, the employer's schedules, standards or other business conditions unless such absences causes employer undue hardship.

Report of Investigation	The investigative file prepared by an OCI investigator after a formal EEO complaint is filed.
Principal Agency Witness (PAW)	A person identified or implicated by the complainant as responsible for a specific act or policy alleged to be discriminatory.
Sexual Harassment	Influencing, offering to influence, or threatening the career, pay or job of another person (man or woman) in exchange for sexual favors; or deliberate or repeated offensive comments, gestures, or physical contact or a sexual nature in a work or work-related environment.
SMA	Standard Metropolitan Area
Under Representation	Having fewer minorities or women in a particular job category than would be reasonably expected by their availability.
Undue Hardship	In order for an employer to legally refuse to accommodate an applicant's or employee's disability or religious beliefs, the employer must be able to show that such accommodation would place a severe burden on the operation of the business.

**APPENDIX B  
PROCEDURAL STEPS IN A DISCRIMINATION COMPLAINT**

ALLEGED DISCRIMINATORY ACTION OCCURS OR PERSONNEL ACTION BECOMES EFFECTIVE	
WITHIN 45 DAYS, AGGRIEVED CONTACTS EEO COUNSELOR WHO ATTEMPTS INFORMAL RESOLUTION WITHIN 30 DAYS	If efforts at informal resolution extend past 30 calendar days, Aggrieved must be notified of the right to file a formal complaint
FINAL INTERVIEW BETWEEN COUNSELOR AND AGGRIEVED FINAL INTERVIEW LETTER GIVEN	The Aggrieved may agree in writing prior to end of 30 days to postpone Final Interview for an additional period of no more than 60 days
WITHIN 15 CALENDAR DAYS FROM FINAL INTERVIEW AGGRIEVED MAY FILE FORMAL COMPLAINT	
WITHIN 15 DAYS FROM FINAL INTERVIEW	Complainant files formal complaint with the Army
EEO OFFICER ACCEPTS/ DISMISSES COMPLAINT	Agency required to conduct a complete and fair investigation
WITHIN 180 DAYS OF FILING FORMAL COMPLAINT	Complainant may file civil action if no final Agency Decision issued
WITHIN 30 DAYS OF RECEIPT OF OCI'S ROI COMPLAINANT MAY REQUEST EEOC HEARING OR FINAL AGENCY DECISION	OCI conducts investigation  Complainant's failure to request within 30 calendar days, Army issues a Final Agency Decision Within 30 days of receipt of DA Decision complainant may appeal to EEOC, (OFO)
WITHIN 180 DAYS OF COMPLAINANT'S REQUEST TO EEOC	EEOC Hearing EEOC Recommended Decision to Army
WITHIN 60 DAYS	Army Accepts, Rejects, Modifies EEOC'S decision
WITHIN 30 DAYS OF RECEIPT OF ARMY'S DECISION WITHIN 90 DAYS	Complainant may appeal Army's decision to EEOC (OFO)  Complainant may file civil action with or without appeal