



**DEPARTMENT OF THE ARMY**  
U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND/  
ARMY FORCES STRATEGIC COMMAND  
POST OFFICE BOX 1500  
HUNTSVILLE, ALABAMA 35807-3801

REPLY TO  
ATTENTION OF

SMDC-EE Policy No. 690-2\*

21 JUL 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing Procedure for Civilian Employees in the Department of the Army (DA)

1. This memorandum prescribes policy and procedures for processing individual civilian EEO complaints.
2. Authority. Title 29 of the Code of Federal Regulations (CFR), Chapter XIV, part 1614, 9 Nov 99; Army Regulation 690-600, EEO Discrimination Complaints, 9 Feb 04; Title II of the Genetic Information Nondiscrimination Act 21 Nov 09; and Equal Employment Opportunity Commission (EEOC) Management Directive 110, 5 Aug 2015.
3. Applicability. This policy is applicable to all elements of the U.S. Army Space and Missile Defense Command/Army Forces Strategic Command (USASMDC/ARSTRAT).
4. Definition. Discrimination is any act or failure to act impermissibly based in whole or in part on an individual's race, color, religion, sex, national origin, physical or mental disability, age (at least 40 years of age), genetic information and/or reprisal, that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on employees or applicants.
5. It is the right of any employee, former employee, applicant or agent for a group of employees or applicant who believes he/she has been discriminated against because of race, color, religion, or national origin, sex, physical or mental disability, age (at least 40 years of age), genetic information, and/or reprisal in employment matters including Equal Pay Act complaints, to present the issue(s) orally, or in writing, to the appropriate EEO official. Therefore, every employee or applicant, including supervisors, may contact an USASMDC/ARSTRAT EEO official anytime he/she has a concern regarding an EEO matter. **Note:** in age discrimination complaints, an individual may bypass this procedure and file directly in U.S. District Court after first giving the EEOC, 1801 L Street, N.W., Washington D.C., a 30 calendar day written notice of intent to file. The notice of intent must be filed within 180 calendar days of the date of the alleged discriminatory action.

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\*This policy statement supersedes SMDC-EE Policy No. 690-2, 01 Jul 14.

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Procedure for Civilian employees in the Department of the Army (DA)

6. Informal process/procedures:

a. The aggrieved person must first consult with an EEO counselor or EEO official within 45 calendar days from the date of the alleged discriminatory act, or if a personnel action, within 45 calendar days of its effective date, or within 45 calendar days of the date the aggrieved person became aware or reasonably should have become aware of the discriminatory act or personnel action.

b. The aggrieved person may choose a counselor from the list of certified counselors published by memorandum and/or posted on bulletin boards unless they are unavailable or there is a conflict of interest. Any difficulty in locating or obtaining a counselor should be reported to the USASMDC/ARSTRAT, EEO Office, ATTN: SMDC-EE, P.O. Box 1500, Huntsville, AL 35807-3801, at DSN 645-4270, COMM (256) 955-4270.

c. When an aggrieved person has contacted an EEO counselor or staff member from the EEO office to file an EEO complaint, the aggrieved is offered the opportunity to participate in the command's traditional EEO counseling process or the Alternative Dispute Resolution (ADR) Program to resolve his/her precomplaint (informal). If traditional counseling is elected, the counseling must be completed (unless the aggrieved agrees in writing to extend the counseling period), within 30 calendar days from the date of contact by the aggrieved. The counseling period may be extended no more than an additional 60 calendar days for a total of 90 calendar days if the aggrieved elects the ADR mediation process.

d. Upon completion of the counseling, the counselor will conduct the final interview with the aggrieved and issue him/her a written notice of right to file a formal complaint within 15 calendar days of receipt of the notice.

7. USASMDC/ARSTRAT employees at the locations listed below desiring EEO counseling should contact their appropriate servicing EEO Office:

a. USASMDC/ARSTRAT  
Huntsville, AL

Army Installation Management Command  
Headquarters, U.S. Army Garrison, Redstone  
ATTN: IMRE-EE  
Bldg. 3493 Hercules Rd  
Redstone Arsenal, AL 35898-5000  
DSN 746-8890/COMM (256) 876-8890

b. USASMDC/ARSTRAT  
Colorado Springs, CO

USASMDC/ARSTRAT EEO Office  
ATTN: SMDC-EEW  
350 Vandenberg Street  
Peterson AFB, CO 80914-4901  
DSN 692-2135/COMM (719) 554-2135

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c. USASMDC/ARSTRAT  
Reagan Test Site

Army Installation Management Command  
Pacific Region EEO Office  
132 Yamanaga Street, Bldg 102, Ste 2001  
Fort Shafter, HI 96858-5520  
DSN 315-4963/COM (808) 438-4963

8. Formal process/procedure:

a. A formal complaint must be filed within 15 calendar days after the date of receipt of the notice of right to file. The complaint must be in writing, preferably on DA Form 2590, Formal Complaint of Discrimination (provided at the time Notice of Right to File is issue by EEO counselor) and signed by the complainant or his/her attorney. Complaints may be filed with any of the officials listed below; however, regardless with whom the complaint is filed, a copy should be submitted to your servicing EEO Office.

If Using USPS

- (1) Equal Employment Opportunity Director  
USASMDC/ARSTRAT  
ATTN: SMDC-EE  
P.O. Box 1500  
Huntsville, AL 35807-3801

Use Address Below if Mailing via FEDEX or UPS

Equal Employment Opportunity Director  
ATTN: SMDC-EE  
USASMDC/ARSTRAT  
Bldg 5220  
Redstone Arsenal, AL 35898

If Using USPS

- (2) Commanding General  
USASMDC/ARSTRAT  
ATTN: SMDC-CG  
P.O. Box 1500  
Huntsville, AL 35807-3801

Use Address Below if Mailing via FEDEX or UPS

Equal Employment Opportunity Director  
ATTN: SMDC-CG  
USASMDC/ARSTRAT  
Bldg 5220  
Redstone Arsenal, AL 35898

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(3) Director  
Department of the Army  
ATTN: SAMR-EO-CCR  
5825 21<sup>ST</sup> Street, Building 214, Room 113  
Fort Belvoir, VA 22060-5921

(4) Secretary of the Army  
ATTN: SAMR-EO-CCR  
5825 21<sup>ST</sup> Street, Building 214, Room 113  
Fort Belvoir, VA 22060-5921

b. If requiring guidance in filing a formal complaint, contact the appropriate servicing EEO office listed in paragraph 7 above.

8. A complainant is entitled to a representative of his/her choice during all stages of the complaint process, to include a union official, except in cases where the representation would be a conflict of position or interest or appearance of such conflict, e.g, a union official may not represent a management official. The representative may accompany and advise the complainant at all stages of the process.

9. Note that settlements may be reached at any time during the complaint process.

10. This policy is posted on the CMDNET website as required reading for all assigned personnel.

“SECURE THE HIGH GROUND”

  
DAVID L. MANN  
Lieutenant General, USA  
Commanding

DISTRIBUTION:

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