



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

SMDC-EE Policy No. 690-2*

DEC 11 2019

MEMORANDUM FOR SEE DISTRIBUTION

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

1. Authority:

- a. Title 29 Code of Federal Regulations (CFR) 1614, Chapter XIV, 9 Nov 99.
- b. Army Regulation 690-600, EEO Discrimination Complaints, 9 Feb 04.
- c. Title II of the Genetic Information Nondiscrimination Act, 21 Nov 09.
- d. Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110, 5 Aug 15.

2. Purpose. Prescribes policy and procedures for processing individual civilian EEO complaints.

3. Applicability. This policy is applicable to all elements of the U.S. Army Space and Missile Defense Command (USASMDC).

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 (gender or sexual orientation), national origin, physical or mental disability, age (at least 40 years of age), genetic information, or reprisal, that adversely affects privileges, benefits, or 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, sex (gender or sexual orientation), national origin, physical or mental disability, age (at least 40 years of age), genetic information, 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 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 Washington Field Office, 131 M Street, NE, Fourth Floor, Suite

*This policy statement supersedes SMDC-EE Policy No. 690-2, 22 May 17.

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4NWO2F, Washington, DC 20507-0100, 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.

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. To initiate the EEO complaint process, an aggrieved employee may visit, e-mail, or call an EEO official at the Redstone Garrison EEO Office for an appointment as published and posted on bulletin boards. The Garrison EEO staff will assign a counselor to begin the informal process. Any difficulty in locating or obtaining a counselor should be reported to the USASMDC, EEO Office, ATTN: SMDC-EE, P.O. Box 1500, Huntsville, AL 35807-3801, at DSN 645-4008, COMM (256) 955-4008.

c. When an aggrieved person meets with an EEO counselor or EEO staff member from the servicing EEO office to file a 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 pre-complaint (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 employees at the locations listed below desiring EEO counseling should contact their appropriate servicing EEO Office:

a. USASMDC
Huntsville, AL

Army Installation Management Command
Headquarters, U.S. Army Garrison
ATTN: IMRE-EE
Bldg. 3457 Aerobee Drive
Redstone Arsenal AL 35898-5000
DSN 645-8890/COMM (256) 876-8890

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b. USASMDC
Colorado Springs, CO

USASMDC EEO Office
ATTN: SMDC-EE
Bldg 5220 Martin Road
Redstone Arsenal, AL 35898
DSN 645-4008/COMM (256) 955-4008

c. USASMDC
Reagan Test Site

Army Installation Management Command
Pacific Region EEO Office
132 Yamanaga Street, Bldg 102, Ste 2001
Fort Shafter, HI 96858-5520
DSN 315-4965/COM (808) 438-4965

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 issued 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.

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

Use Address Below if Mailing via FEDEX or UPS
Equal Employment Opportunity Director
USASMDC
ATTN: SMDC-EE
5220 Martin Road, Von Braun Complex
Redstone Arsenal, AL 35898

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

Use Address Below if Mailing via FEDEX or UPS
Equal Employment Opportunity Director

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USASMDC
ATTN: SMDC-EE
5220 Martin Road
Von Braun Complex
Redstone Arsenal, AL 35898

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

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


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

9. 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.

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

11. This policy is posted on the CMDNet as required reading for all assigned personnel.

“SECURE THE HIGH GROUND”


DANIEL L. KARBLER
Lieutenant General, USA
Commanding

DISTRIBUTION:

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