



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

SMDC-CG Policy # 690-2

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing Procedures

1. Authority:

- a. Title 29 Code of Federal Regulations (CFR) 1614, Chapter XIV (as amended).
- b. Army Regulation 690-600, EEO Discrimination Complaints, 6 Feb 25.
- 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 a person's race, color, religion, sex, national origin, age, physical or mental disability, and/or reprisal, that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on employees, former employees or applicants for employment.

5. Employees, former employees, applicants, or agent for a group of employees, or applicants who believe they have been discriminated against, have the right to present the issue(s) orally or in writing to any EEO official. Therefore, every employee or applicant, including supervisors, may contact an USASMDC EEO official anytime there is a concern involving Title VII based issues.

Note: In claims based on violations of the Age Discrimination in Employment Act (ADEA) and the Equal Pay Act (EPA), the aggrieved may bypass this procedure and file directly in U.S. District Court after first providing the EEOC (Washington Field Office, 131 M Street, NE, Fourth Floor, Suite 4NWO2F, Washington, DC 20507-0100) a written

SMDC-CG Policy # 690-2

SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing
Procures

notice of intent to sue under the ADEA and EPA. The notice to the EEOC must be filed within 180 days of the date of the alleged discriminatory action. Once a timely notice of intent to sue is filed with the EEOC, the aggrieved person must wait at least thirty (30) days before filing a civil action. Complainants in EPA cases should be notified of the statute of limitations (two years or, if willful violation is alleged, three years), which applies even if the individual files an administrative complaint, and of the right to file directly in a court of competent jurisdiction without first providing notice to the EEOC or exhausting administrative remedies.

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 appropriate servicing 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 person having difficulty in locating or obtaining a counselor should contact the USASMDC, EEO Office, ATTN: SMDC-EE, P.O. Box 1500, Huntsville, AL 35807-3801, or at DSN 645-4008, COMM (256) 955-4008 or (256) 955-4270.

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 selected, 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 a written Notice of Right to File a Formal Complaint. If the aggrieved chooses to file a formal complaint of discrimination, DA Form 2590 (Formal Complaint of Discrimination Form) must be completed and returned to the servicing

SMDC-CG Policy # 690-2

SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing
Procures

EEO office/official within 15 calendar days of receipt of the Notice of Right to File a
Complaint of Discrimination.

7. USASMDC employees located at the duty stations listed below may file an EEO
complaint with the local servicing EEO Garrison Office.

- | | |
|---|---|
| a. USASMDC
Huntsville, AL | U.S. Army Installation Management Command
U.S. Army Garrison ATTN: IMRE-EE
3457 Aerobee Drive
Redstone Arsenal, AL 35898
DSN 746-8890/COMM (256) 876-8890 |
| b. USASMDC
Colorado Springs, CO | U.S. Army Installation Management Command
USAG Fort Carson/AMIM-CRG-EE
1626 Ellis St., Bldg. 1118, RM 329
Fort Carson, CO 80913-4139
DSN 691-5818/COMM (719) 526-5818 |
| c. USASMDC
Kwajalein Atoll,
Marshall Island | U.S. Army Installation Management Command
USAG Hawaii Fort Shafter/AMIM-HW-EE
218 Montgomery Drive, Bldg. S-330, RM 101
STOP 407 Fort Shafter, HI 96858-5520
DSN 315-4968/COMM (808) 438-4968 |
| d. USASMDC
Fort Drum, NY | U.S. Army Installation Management Command
USAG Fort Drum/AMIM-DR-EE
10012 S. Riva Ridge
Fort Drum, NY 13602
DSN 772-6911/COMM (315) 772-6911 |
| e. USASMDC
Fort Eustis, VA | U.S. Army Installation Management Command
Joint Base Langley-Eustis/ABW/EO
2733 Madison Avenue
Fort Eustis, VA 23604
DSN 574-5877/COMM (757) 764-5877 |
| d. USASMDC
Fort Huachuca, AZ | U.S. Army Installation Management Command
USAG Huachuca/AMIM-HUG-EE
904 Butler Road, Bldg. 22414
Fort Huachuca, AZ 85613 |

SMDC-CG Policy # 690-2

SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing
Procures

DSN 879-0278/COMM (520) 538-0278

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 a Formal Complaint. The complaint must be in writing, preferably on DA Form 2590, Formal Complaint of Discrimination (provided at the time the 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) 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

Commanding General USASMDC
ATTN: SMDC-CG
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

SMDC-CG Policy # 690-2
SUBJECT: Equal Employment Opportunity (EEO) Individual Complaint Processing
Procures

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 guidance is needed with filing a formal complaint, contact the appropriate servicing EEO office listed in paragraph seven above or contact USASMDC, EEO Office, ATTN: SMD-EE, P.O. Box 1500, Huntsville, AL 35807-3801, or at DSN 645-4008, COMM (256) 955-4008.

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. A Negotiated Settlement Agreement (NSA) may be reached at any time during the complaint process.

11. This policy is posted on the Command SharePoint website as required reading for all assigned personnel. A copy of this notice will be posted on each official organization bulletin board for permanent retention until superseded.

"SECURE THE HIGH GROUND"



SEAN A. GAINEY
Lieutenant General, U.S. Army
Commanding

DISTRIBUTION:
D