



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

SMDC-EE Policy No. 690-3*

JAN 3 1 2020

MEMORANDUM FOR SEE DISTRIBUTION

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

1. Authority:

a. Title 29 of the Code of Federal Regulations (CFR) 1614, Chapter XIV, Subparts A and B, 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. To provide procedures for processing class complaints of discrimination caused by a personnel policy or practice based on race, color, religion, sex, national origin, age (at least 40 years of age), genetic information, physical or mental disability, or reprisal.

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

4. Definitions. Discrimination is any action or inaction 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.

a. **Class -** A group of Army employees, former Army employees, or applicants for Army employment who allege they have been, or are being, adversely affected by an agency's personnel management policy or practice that discriminates against the group on the basis of any of the factors listed in paragraph 2 above.

*This policy statement supersedes SMDC-EE Policy No. 690-3, 22 May 17

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b. Class complaint - - A written complaint of discrimination filed on behalf of a class of employees, former employees, or applicants by the agent (member of the class), alleging discrimination against the class and fulfills the following requirements:

(1) The class is so numerous a consolidated complaint of the group is impractical.

(2) There are questions of fact common to the class.

(3) The claims of the agent of the class are typical of the claims of the class.

(4) The agent of the class, or, if represented, the representative, will fairly and adequately protect the interest of the class.

c. Class agent (complainant) - - A member of the class who files a complaint on behalf of the class and acts for the class during the processing of the class complaint. The agent's individual charge must be typical of the charges of the class.

5. Informal Process/Procedure. An agent who wishes to file a complaint on behalf of the class must contact an EEO counselor or an EEO official within 45 calendar days of the date the person became aware, or reasonably should have become aware, of the discriminatory act or personnel action. The agent must indicate to the counselor or EEO official the desire to pursue the matter as a class complaint. (An EEO counselor may be contacted or assigned at the employee's servicing office as listed in paragraph 7 below.)

6. Formal Process/Procedure. An agent must file a formal class complaint within 15 calendar days after the date of receipt of notice of right to file. The complaint must be in writing, preferably on DA Form 2590 (available in the EEO Office), and signed by the agent or a representative. Class complaints may be submitted to one of the following, and regardless with whom the complaint is filed, a copy should be submitted to the EEO Office listed in 6.a:

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

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

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

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

Employees of USASMDC may file a formal class complaint with the servicing EEO officer at their location or any of the other officials listed above. The USASMDC employees at locations without a servicing EEO office may file a formal class complaint with the EEO Director, USASMDC, Huntsville, or any one of the officials listed above. Regardless of location, formal complaints must be filed within the time frame cited above.

7. The servicing EEO offices for USASMDC elements and service organizations follow:

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

- b. USASMDC USASMDC EEO Office
Colorado Springs, CO ATTN: SMDC-EE
 5220 Martin Road, Von Braun Complex
 Redstone Arsenal, AL 35898
 DSN 645-4008/COMM (256) 955-4008

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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/COMM (808) 438-4965

8. Upon receipt of a class complaint, the EEO officer will immediately fax a copy to the Director, Office of EEO Compliance and Complaints Review (EEOCCR), HQDA. Within 30 calendar days of receipt of a class complaint, the EEO officer must forward the complaint including the counselor's report to the EEOC. An EEOC Administrative Judge (AJ) will then review the complaint and make a decision on certification (acceptance) or dismissal of the complaint to the Director, ATTN: SAMR-EO-CCR, HQDA.

9. The Deputy for EEOCCR will notify the agent, agent's representative, and EEO officer, of the AJ's decision by certified mail within 40 days of receipt of the AJ's decision. The notice of the final decision must advise the agent and his/her representative of his/her appeal rights and the right to file a civil action.

10. 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

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