



STATE OF VERMONT
OFFICE OF THE ADJUTANT GENERAL
CAMP JOHNSON
Colchester, Vermont 05446-3099

NGVT-HRO (2017-08)

02 August 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Policy Memorandum, VTNG Equal Opportunity Policy

1. References.

- a. DoD Directive 1020.02E Diversity Management and Equal Opportunity in the DoD 8 June 2015.
- b. CNGBM 9601.01 National Guard Discrimination Complaint Process dated 25 April 2017
- c. NGR 600-21 Equal Opportunity in the Army National Guard dated 22 May 2017
- d. ANGI 36-7 ANG Military Equal Opportunity Program dated 25 April 2003

2. Purpose. To establish Vermont National Guard Policy on Equal Opportunity.

3. Effective Date. This policy is effective when signed. All previous versions are obsolete.

4. Applicability. This policy applies to all VTNG personnel serving in a Title 32 status, to include NG technicians when activities occur while the member is in a military pay status, or concerns of fitness for duty in the reserve components.

a. This policy does not apply to beneficiaries of services from the Army National Guard (ARNG) and Air National Guard (ANG) in programs receiving Federal financial assistance. Complaints from such beneficiaries are processed IAW NGR 600-23/ANGR 30-12, 30 December 1974 "Nondiscrimination in Federally Assisted Programs".

b. This policy does not apply to NG Service members serving in a Title 10 status, or to civilian personnel employed in a Title 5 status at the State NG facilities, the National Guard Bureau (NGB), the ARNG and ANG Readiness Centers, and any NGB field-operating locations.

5. Policy.

a. It is the policy of the Vermont National Guard to promote the full realization of equal opportunity in employment for all persons and to identify and eliminate discriminatory practices and policies (to include sexual harassment). The overriding objective of this policy is to ensure that all employees and applicants for employment enjoy equality of opportunity in the Vermont National Guard regardless of race, color, national origin, religion, sex-gender, or sexual orientation, or who believe they have been the victim of sexual harassment, or of reprisal for prior engagement in the discrimination complaint process or related activity. Applicable persons may file a request to resolve discrimination allegations with the Service Equal Opportunity Office IAW CNBGM 9601.01 Date 25 April 2017.

b. Each military service will appoint an Equal Opportunity Officer to manage the military EO Program for the Adjutant General. The Joint Force Headquarters (JFHQ) Director of Personnel/PM will directly supervise the JFHQ Human Resource Equal Opportunity Officer (HREO). The HREO is the principal director of the Army National Guard Equal Opportunity Program. The 158th Fighter Wing Commander will appoint an Air guard Military Equal Opportunity Officer (MEO). The MEO is the principal director of the Air National Guard Equal Opportunity Program.

a. The SEEM will appoint and manage a sufficient number of Equal Employment Opportunity Counselors to facilitate in the pre-compliant processing for EEO related issues.

b. The SEEM will make available an alternative dispute resolution program. The program will be available for both the pre-complaint process and the formal complaint process

c. The State Equal Employment Manager (SEEM) will have program oversight for the Army and Air Guard military EO programs. The SEEM will be responsible to ensure required reports are submitted to NGB-EO. The SEEM will assist in the processing of EO complaints between Unit Training Assemblies to ensure procedural timelines are met.

d. The HREO will facilitate each 06 level command to appoint an Army Equal Opportunity Advisor (EOA) to manage the program for the Brigade Commander. EOA's will perform EO as their primary function and will not be assigned collateral duties that interfere with their EO duties. The MEO will appoint EO Specialist to fulfill staffing requirements.

e. Army Company Commanders will appoint Equal Opportunity Leaders (EOL) as collateral duty appointments to assist in the unit level EO program. An EOL will be appointed at the Battalion Headquarters and the BN EOL will support Company EOLs.

f. Communications to EO personnel will be released to commanders and others for official use. EO personnel must report specific allegations of unlawful discrimination or sexual harassment to the chain of command upon discovery. For this reason, communications to EO personnel do not have any privilege of confidentiality.

g. EO Personnel will attempt resolution at the lowest level of command and will utilize the agency Alternative Dispute Resolution Program at the recommendation of the HREO/MEO. EO Personnel will process complaints IAW CNGBM 9601.01 National Guard Discrimination Complaint Process Manual dated 25 April 2017.

h. Sexual Harassment incidents will be reported IAW "Reporting of Sexual Harassment Policy" NGVT-HRO-EO 2014-02 dated 16 January 2014.

i. ACOM Commanders and the 158th Fighter Wing Commander will develop their own policies in support of EO and the prevention of discrimination and sexual harassment. Each company and squad level unit will prominently display policies.

j. ARNG Commanders will use the Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) for their command climate assessments' survey requirement. Commanders will conduct an initial assessment within 120 days of assuming command and annually thereafter. All Unit Climate Assessments will be forwarded to the HREO for review with the JFHQ Sexual Assault Response Coordinator (SARC).

k. The ANG EO office will use the DEOCS for their command assessments and must conduct Unit Climate Assessments on units with more than 50 personnel assigned every two years or upon a unit commander's request.

l. EO Personnel will coordinate required EO training IAW service regulations and pertinent directives. All unit members will attend the required training. Unit accountability rosters will be loaded into automated training systems.

m. All service members will fully cooperate with EO personnel in the processing and resolution of pre-complaint matters and complaints within an agency. Full cooperation will be provided to EO Investigating Officers appointed by the command including granting the EO Investigator routine access to personnel records when required in connection with an investigation.

n. Non-Commissioned Officer/Officer Evaluation Reporting System will include the assessment of the service member compliance with the EO program. Leaders will review their personnel operations and career progression/appointment actions and procedures to assure their conformity with the EO program. Leaders will ensure all service members have the opportunity to enhance their skills through timely training schedules, on-the-job training, special assignments and other training measures so that they may perform at their highest potential and advance in accordance with their abilities and grade requirements.

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6. The proponent office for this policy is the NGVT-HRO, POC is CW4 Doris J. Sumner, State Equal Employment Manager, (802)-338-3148, email doris.j.sumner.mil@mail.mil.



STEVEN A. CRAY
Major General
The Adjutant General

DISTRIBUTION:

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DRILL STATUS GUARD MEMBERS ANG / ARNG

July 2017

EQUAL OPPORTUNITY COMPLAINT PROCEDURES CNGBM 9601.01 Dated 25 April 2017

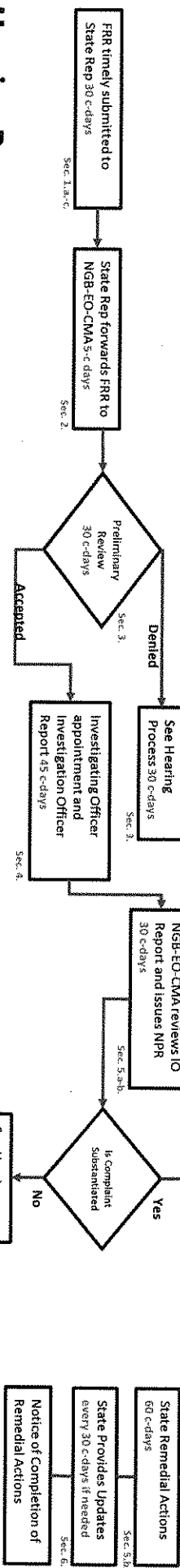
WHO MAY FILE A COMPLAINT	This policy applies to all VTNG personnel serving in a Title 32 status, to include NG technicians when activities occur while the member is in a military pay status, or concerns of fitness for duty in the reserve components. Drilling or A.T. NG Members or those applying to become members of the VTNG.
Alternative Dispute Resolution (ADR) is available throughout the entire process.	
BASIS	Race, color, national origin, religion, sex-gender, or sexual orientation or who believe they have been the victim of sexual harassment, or of reprisal for prior engagement in the discrimination complaint process or related activity. Applicable persons may file a request to resolve discrimination allegations with the Service Equal Opportunity Office IAW CNBGM 9601.01 Date 25 April 2017.
TIME LIMITS	Complaint MUST be filed within 180 calendar days from date of alleged discrimination or when complainant became aware, or should have been aware.
INFORMAL COMPLAINT	Record Informal Resolution Request (IRR) on NGB Form 333, "Discrimination Complaint in the Army and Air National Guard" EO Representative will acknowledge receipt in writing within 7 calendar days NGB-EO-CMA (National Guard Bureau Complaints Mgmt Division) will assign a case number. EO Rep will notify the commander at the lowest level of alleged discrimination to obtain a remedy. State NG Leadership will appoint Inquiry Official (IQO) A Leader Inquiry Report (LIR) completed and forwarded to commander through EO Rep within 60 calendar days of the IQO's appointment. Cmdr lowest level review LIR determine resolution. Next higher Cdr review. Cmdr or Rep meet w/sm and give Notice of Proposed Resolution (NPR) within 30 days of LIR. SM will accept resolution, withdraw or file NGB Formal Resolution Request (FRR) within 30 days. Response annotated on NGB Form 333.
Forward entire case file to the SEEM who will forward to NGB-EO-CMA, end of IRR Process.	
FORMAL COMPLAINT	File Formal Resolution Request (FRR) within 30 days of NRP. FRR filed on NGB Form 333 with signed statement from sm or EO Rep of individual involved, NG/Org involved, description of action(s) or practice(s) forming basis of alleged discrimination. SEEM will forward to NGB-EO-CMA within 5 days. NGB-EO-CMA will make determination to accept case. A dismissal notice will be issued detailing the decision to dismiss, member will be advised of their rights to request a hearing by NGB-JA. If accepted, State will be notified to appoint Investigating Officer (IO).
INVESTIGATION	The IO will complete investigation within 45 calendar days from date of appointment of IO.
NGB REVIEWS REPORT	NGB-EO-CMA will review IO Report and issue a Notice of Proposed Resolution (NPR) within 30 calendar days of receipt of the IO's Report. IO Report includes NGB-EO-CMA's findings and recommendations.
SUBSTANTIATED	NPR will recommend appropriate remedial actions to the State NG. SEEM or EO Representative will advise the member of the completion of remedial actions within 60 calendar days of receipt of the NGB NPR. The member may file a hearing request to seek remedies for a State's noncompliance with NGB-EO CMA 60 days following receipt of the NGB NPR.
UNSUBSTANTIATED	Member may file a request for a hearing within 30 calendar days of receipt of the NGB NPR.
COMPLETION	SEEM will issue a notice to NGB-EO-CMA and member upon completion of remedial actions.
ADDITIONAL NOTES	
<ul style="list-style-type: none"> ✓ Disciplinary action against the individual responsible for substantiated discrimination is within the <u>discretion of the commander</u> and <u>not the right of the complainant</u> to demand as part of a resolution. Punitive action may be appropriate and should be considered by the commander as a means of maintaining good order and discipline; <u>it does nothing in terms of restoring any benefits or privileges lost by the complainant as a result of the discrimination.</u> ✓ ALL incidents sexual in nature NOT meeting the definition of Sexual Assault will be reported IAW "Reporting of Sexual Harassment Policy NGVT-HRO-EO 2014-02 dated 16 January 2014". 	
POINTS of CONTACT	<ul style="list-style-type: none"> ■ State Equal Employment Manager (SEEM), 338-3148 ■ ARNG Human Relations Equal Opportunity (HR/EO), 338-3148 ■ ARNG Equal Opportunity Advisors/Representatives (EOA/EOL) located in the various units ■ ANG Military Equal Opportunity (MEO) Office, 660-5409

CNGBM 9601.01 Quick Reference Guide

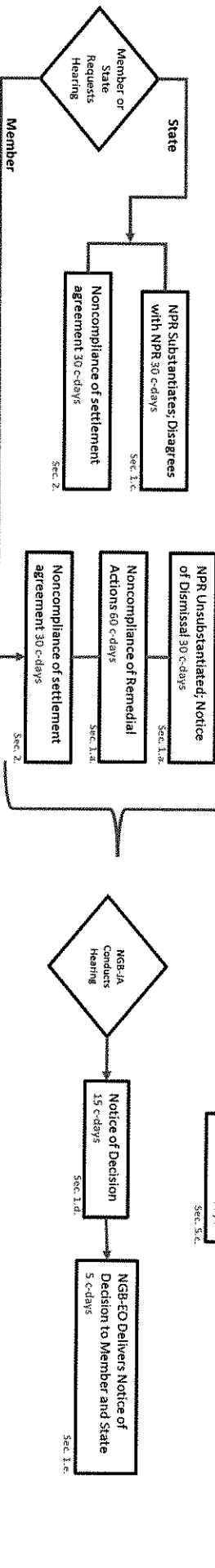
Informal Resolution Request (IRR) – Enclosure A



Formal Resolution Request (FRR) – Enclosure B



Hearing Process – Enclosure C



Reviewing Official Process – Enclosure D

