



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

NGVT-HRO (2017-10)

02 August 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Policy Memorandum, VTNG Equal Employment Policy

1. References.

- a. Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity"
- b. CNGBN 9600, State National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting Guidance, dated 10 May 2017.
- c. The VTNG Joint Civilian Discrimination Complaints Instruction Guide, dated 1 July 2017.

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

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

4. Applicability. This policy applies to Federal civilian employees and applicants for employment who are managed under the designation of authority to the Adjutant General (TAG) under section 709(d) of Title 32, U.S.C., "National Guard" and section 10508 of Title 10, U.S.C., "United States of Armed Forces" as enacted in Public Law 114-328, 23 December 2016, "National Defense Authorization Act of Fiscal Year 2017", to include NG technicians.

- a. This notice does not apply to complaints of discrimination from NG military personnel serving in a Title 10 or Title 32 status.

b. This notice does not apply to beneficiaries of services from the Army National Guard (ARNG) or 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".

c. This notice does not apply to civilian personnel employed in a Title 5 status at 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, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 and older), disability, genetic information or who believes that he or she has been subjected to sexual harassment. No person shall be subject to retaliation for opposing any practice made unlawful by title VII of the Civil Rights Act and other governing authorities.

b. The Joint Force Headquarters Human Resource Officer will directly supervise the State Equal Employment Manager (SEEM). The SEEM is the principal director of all Equal Employment Opportunity (EEO) programs to include the Special Emphasis Programs, such as the Black, Asian, Hispanic, Women, American Indian Alaskan Native and Individuals With Disabilities Programs.

c. 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.

d. 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

e. The SEEM will ensure written materials are available to all employees and applicants informing them of the administrative and judicial remedial procedures available to them. The SEEM will post the name, contact information of all EEO Counselors and time limits for initiating a complaint on all prominent bulletin boards and the HRO intranet site.

f. The SEEM will ensure the Agency's workforce (to include military supervisors of civilian employees) are trained at least every 2 years on their Rights and

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Responsibilities IAW the NO FEAR ACT Public Law 107-174. All new employees will be trained within 90 days.

g. All employees will fully cooperate with EEO Counselors and agency EEO personnel in the processing and resolution of pre-complaint matters and complaints within an agency. Full cooperation will be provided to the Commission in the course of appeals, including granting the Commission routine access to personnel records of the agency when required in connection with an investigation.

h. Supervisors will review their personnel operations and career progression/placement actions and procedures to assure their conformity with the EEO program. Supervisors will ensure all employees have the opportunity to enhance their skills through on-the-job training, work-study programs and other training measures so that they may perform at their highest potential and advance in accordance with their abilities.

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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EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS

VTNG Joint Civilian Discrimination Complaints Instruction Guide June 2017

FILED AGAINST The Head of the Agency.

IAW 10 U.S.C. 10508, NDAA 2017, P.L. 114-328 The Adjutant General shall be considered the head of the Agency.

APPLIES TO	Federal Civilian Employees & Applicants for employment who are managed under the TAG.
DIRECTIVES & POLICIES	DOD DIR 1020.02E DOD Civilian EEO Program CNGBI 9601.01 27 Sep 15 & CNGBN 9600 10 May 17 TAG VTNG Joint Equal Employment Policy Memo 01 July 2017 VTNG Joint Civilian Discrimination Complaints Instruction Guide July 2017
LAWS	Title 32, United States Code, "National Guard" Title 10, United States Code, "United States Armed Forces" Public Law 114-328, 23 December 2016, "National Defense Authorization Act for Fiscal Year 2017" Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity" NGR 600-23/ANGR 30-12, 30 December 1974, "Nondiscrimination in Federally Assisted Programs" Equal Employment Opportunity Commission Management Directive 110, 05 August 2015, "Federal sector Complaints Processing Manual" Equal Employment Opportunity Commission Management Directive 715, 23 August 2003, "Reporting Requirements for Federal Agencies"
Alternate Dispute Resolution (ADR) Must be offered and may be implemented at any time.	
BASIS	Race, Color, Religion, Sex (including pregnancy, gender identity and sexual orientation) National Origin, Age (40 or older), Disability, Genetic information or who believes that he or she has been subjected to Sexual Harassment. Retaliation (based on EEO activity).
TIME LIMITS	An aggrieved person must contact an EEO Counselor or the SEEM within 45 calendar days or when he or she becomes aware of the discriminatory action or the effective date of the personnel action. Failure to contact an EEO Professional within 45 calendar days may result in dismissal of a formal complaint. Process all claims informal request regardless of timeliness, merit or other considerations.
INFORMAL STAGE Pre-Complaint Counseling	<ul style="list-style-type: none"> • Contact the SEEM or an EEO Counselor • SEEM determine if appropriate for processing, 30 calendar day begins. (extension up to 60 additional days) • Provides in writing – Rights & Responsibilities MANDATORY • If Sexual Harassment, aggrieved may request 15-6/CDI/OCI will run concurrently with the EEO complaint process. • Offers ADR if appropriate (CNGBI 0402.01 Dated 24 July 2015) 90 days • EEO Counselor gathers facts regarding allegations of discrimination and attempts resolution. • If the matter is not resolved before the end of the authorized period, issue the Notice of Right to File a formal Complaint. Aggrieved must file formal within 15 calendar days after receiving Notice of Right to File. DD Form 2655
FORMAL STAGE Written Complaint	<ul style="list-style-type: none"> • Formal Written Complaint (AGO VT Form 713) submit to SEEM within 15 calendar days. • SEEM advises in writing receipt of complaint within 5 days, provides right to appeal to EEOC/OFO on any full dismissal of the complaint, provides docket number and instructs aggrieved to refer to docket number on all future correspondence. • Provides EEO Counselor Report to aggrieved within 15 calendar days. • Provides aggrieved with acceptance/dismissal letter NLT 30 days • The Agency must process and allow for an investigation to be completed and the Report of Investigation (ROI) to be received by the aggrieved within 180 days from the date of filing.
INQUIRY or INVESTIGATION	SEEM will request an Investigation from Investigation and Resolution Division (IRD). IRD produces a Report of Investigation (ROI) NLT 180 days unless approved extensions. Aggrieved has 30 days to elect Final Agency Decision or elect hearing from EEOC.
AGENCY DECISION	<ul style="list-style-type: none"> • Final Agency Decision implemented • Appeal to EEOC/OFO – Decision
POINTS of CONTACT	<ul style="list-style-type: none"> • State Equal Employment Manager (SEEM), Camp Johnson, (802) 338-3148 • You may contact an EEO Counselors (Collateral Duty Assignment), located in various units

Addendum 3

Flowchart of EEO Complaint Process July 2017

