

Civilian Personnel

Equal Employment Opportunity and Affirmative Action

For the Commander:

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Colonel, GS
Chief of Staff

Official:

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Assistant Chief of Staff, G-6

History. This regulation revises USAREC Reg 690-8 which is effective 1 August 2005.

Summary. This regulation prescribes policies and responsibilities for implementing Headquarters, Department of the Army equal employment opportunity and affirmative employment for civilian employees and will be applied concurrently with Department of the Army regulations and those of servicing major commands, installations, and agencies.

Applicability. This regulation is applicable to all

United States Army Recruiting Command components employing civilian personnel and their servicing civilian personnel offices, equal employment opportunity offices, labor law offices, and/or labor counselors. If any provision of this regulation, not required by law, conflict with the terms of a collective bargaining agreement, the collective bargaining agreement shall take precedence.

Proponent and exception authority. The proponent of this regulation is the Assistant Chief of Staff, G-1. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponent may delegate the approval authority, in writing, to the equal employment opportunity officer within the proponent agency in the grade of GS-12.

Army management control process. This regulation contains management control provisions in accordance with AR 11-2 but does not

identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USAREC, ATTN: RCPER-EE, 1307 3rd Avenue, Fort Knox, KY 40121-2726.

Distribution. Distribution of this regulation has been made in accordance with USAREC Pam 25-30, distribution B plus. Plus equals one each servicing equal opportunity office and each servicing civilian personnel office. This regulation is published in the Recruiting Company Operations and Administration UPDATE. This regulation is also available electronically and can be found on the Command Enterprise Portal.

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Glossary

1. Purpose

This regulation prescribes United States Army Recruiting Command (USAREC) policies and responsibilities for implementing the Headquarters, Department of the Army equal employment opportunity (EEO) and affirmative employment for civilian employees and will be applied concurrently with Department of the Army (DA) regulations and those of servicing major commands, installations, and agencies.

2. References

For required publications and prescribed and referenced forms see appendix A.

3. Explanation of abbreviations and terms

Abbreviations and special terms used in this

regulation are explained in the glossary.

4. Policy

a. Civilian personnel employed or personnel seeking employment within USAREC will be afforded equal opportunity for employment, promotion, recognition, and training without regard to race, color, religion, national origin, sex, age, disability, and/or reprisal.

b. The primary responsibility for EEO rests directly with commanders. While others must assist in the development and implementation of the program, heads of activities are personally responsible for ensuring that the requirements of this regulation are carried out.

c. In administering the total program, managers and supervisors of civilian personnel will discharge their responsibilities in the EEO Program through effective implementation of EEO affirmative employment program plans (AEPPs) which are designed to ensure continuing progress toward a balanced workforce. Special emphasis is to be given to women and specific minority groups and persons with disabilities, such as disabled veterans, which constitute significant proportions of the civilian labor force. Appropriate affirmative actions are those approved civilian personnel procedures which improve the opportunities, advance the employment status, or make better use of the skills of members of the affected class. Effectiveness in this area will be measured and reflected in annual performance evaluation reports as outlined in AR 690-400, chapter 4302.

d. Employees will be given full consideration for employment in accordance with their qualifications and will be encouraged to participate in appropriate training and development programs consistent with EEO Program goals and objectives.

5. Responsibilities

a. The Commander, USAREC, will:

(1) Provide personal leadership in establishing, maintaining, and carrying out a continuing affirmative program designed to promote EEO.

(2) Authorize servicing EEO officers and special emphasis program managers (SEPMs) to assist in fulfilling the commander's EEO responsibilities. Redlegation of authority and program responsibilities are established by DODI 4000.19; AR 690-12; AR 690-200, chapter 254; USAREC Reg 690-6, USAREC Reg 5-2; this regulation; and pertinent major Army commands (MACOMs) and host installation servicing support agreements.

(3) Designate the command EEO officer to provide overall program direction, administration, objectives, evaluation, followup, and to coordinate activities relating to the EEO Program.

(4) Ensure that allocation of sufficient resources in terms of manpower and funds be made available at all levels of the command to assure success of the program.

b. USAREC EEO Officer will:

(1) Serve as principal staff advisor to the Commander, USAREC.

*This regulation supersedes USAREC Regulation 690-8, 5 June 2001.

(2) Provide staff assistance, technical guidance, and review of the EEO programs for subordinate command activities. See figure 1, USAREC Form 585 (Equal Employment Opportunity Checklist).

(3) Develop the annual Command EEO AEPP and command EEO regulations.

(4) Maintain continuous familiarity with conditions and circumstances affecting EEO within the command.

(5) Evaluate and report program effectiveness throughout the command to determine reasons for successes and shortfalls. Identify areas requiring improvement and develop measures to correct discriminatory practices and improve utilization of minorities, women, and persons with disabilities.

(6) Conduct statistical or other special program studies to identify imbalances in the workforce or inequitable management practices.

(7) Keep commanders and EEO coordinators at subordinate activities informed of current events, issues, and future plans or projects impacting the EEO Program.

(8) Represent the command at meetings, conferences, other MACOMs, and civic and educational organizations for the purpose of establishing and maintaining good relationships and to solicit their efforts and cooperation in promoting better understanding of the program.

(9) Monitor the effectiveness of services provided under civilian personnel and EEO servicing agreements. Coordinate agreements for EEO support with servicing activities and provide servicing EEO offices and civilian personnel advisory centers (CPACs) with all necessary command regulations and instructions.

(10) Monitor and analyze formal discrimination complaints which arise within USAREC, to include complaints from applicants for employment. Keep the command element informed of the status of all discrimination complaints and make recommendations to the activity commander for resolution of complaints. When there is a finding of discrimination or other improper management practice, make recommendations to the commander and/or activity commander of appropriate remedial action. Determine effectiveness of the manner in which complaints are to be handled. Ensure that efforts are made to resolve EEO complaints at the lowest organizational level practicable. EEO complaint procedures are at appendix B.

(11) Furnish technical assistance to servicing EEO officers and SEPMs on program policy and procedures in implementing affirmative employment elements of the program as it applies to women, minority groups, and individuals with disabilities within USAREC.

(12) Approve and sign all civilian personnel office (CPO), EEO, labor law, and labor law counselor interservicing and intraservicing agreements with cosignatures of the USAREC CPO and Staff Judge Advocate. This authority is not delegated to recruiting brigade (Rctg Bde) or recruiting battalion (Rctg Bn) commanders. See figures 2, 3, and 4 for sample servicing agreements.

c. Commanders of each Rctg Bde, Rctg Bn, and medical recruiting battalions (MRBs) will:

(1) Ensure that EEO Program policies, as described in this and other directives from USAREC, DA, and servicing EEO, are fully implemented.

(2) Publish statements of support for EEO, affirmative employment, and prevention of sexual harassment. Ensure dissemination to civilian employees and to each manager and supervisor of civilian employees, and post on bulletin boards down to recruiting company (Rctg Co) level.

(3) Provide guidance to managers and supervisors regarding their role in the EEO Program. Ensure that managers and supervisors understand and support EEO policy and effectively communicate policy to subordinate personnel.

(4) Develop written procedures necessary for executing, complying with, and maintaining an effective EEO Program as prescribed in the USAREC and servicing activity EEO AEPP.

(5) Recognize designated servicing EEO officials, whose EEO responsibilities are reflected in servicing agreements, and request their assistance in carrying out the commander's responsibility.

(6) Follow the servicing activity's procedures for evaluating civilian supervisors and managers in EEO prior to awarding excellence in performance rating and/or awards.

(7) Post and maintain on official bulletin boards:

(a) Commander's statement of support for EEO, affirmative employment, and prevention of sexual harassment from each commander in the chain of command.

(b) Discrimination complaint procedures.

(c) Names, locations, and telephone numbers of servicing EEO officers, EEO counselors, and SEPMs (i.e., Federal Women's Program Manager, Hispanic, Black, Asian/Pacific Islander, American Indian/Alaskan Native, and Individuals with Disabilities Program Manager).

(8) Provide data and input for use in developing and assessing action items relative to local and command AEPP.

(9) Distribute USAREC and supporting installations' EEO AEPP through each manager and supervisor responsible for action items in the plan. All employees must have access to these plans for their personal information.

(10) Encourage employee participation in special emphasis program (SEP) events and commemorations and provide reasonable excused absence.

(11) Provide an environment free from restraint, interference, coercion, discrimination, or reprisal in which aggrieved employees may bring complaints of discrimination.

(12) Provide guidance to managers and supervisors in an attempt to resolve EEO complaints at the lowest level possible, consistent with good management, merit promotion, and EEO principles.

(13) Ensure managers and supervisors cooperate and consult with servicing EEO and CPO officials for assistance in following prescribed procedures for EEO-related matters.

(14) Make personnel at every level available

to EEO counselors, servicing EEO officers, investigators, and Equal Employment Opportunity Commission (EEOC) administrative judges.

(15) Ensure EEO is an objective in the evaluation report support form of all civilian supervisors and managers (Total Army Personnel Evaluation System).

(16) Place maximum emphasis on the resolution of a discrimination complaint during the informal stage, and ensure that managers and supervisors cooperate with servicing EEO officials and make every effort to resolve the complaint during the informal stage.

(17) Ensure supervisors of civilian employees attend Phase I Supervisory Development Correspondence Course and Phase II Leadership Education and Development Course within 6 months, but no later than 12 months, after assignment.

(18) Ensure training in the prevention of sexual harassment is provided to all supervisory and nonsupervisory personnel within 6 months of their assignment.

(19) Appoint at Rctg Bn level an EEO coordinator and at Rctg Bde a special emphasis program coordinator (SEPC) (collateral duty). Individuals appointed should be in a position of GS-7 or above. These individuals will be the points of contact for Headquarters, United States Army Recruiting Command (HQ USAREC), the servicing EEO and CPAC, and SEPM on EEO-related issues. Copy of appointment documentation will be forwarded to HQ USAREC, ATTN: RCPER-EE, 1307 3rd Avenue, Fort Knox, KY 40121-2726, within 15 days of appointment (see fig 5).

(20) Schedule Rctg Bde SEPCs to attend SEP training sponsored by the Office of Personnel Management or DA within 1 year of appointment.

(21) Schedule Rctg Bn EEO coordinator to attend EEO training sponsored by the Graduate School, US Department of Agriculture or other Government agency within 1 year of appointment. Recommended training is Personnel Management for EEO Staff and Role of Supervisors and Managers in EEO. This training is provided by the Graduate School, US Department of Agriculture.

(22) Assist with coordination of CPO, EEO, labor law, and labor counselor interservicing and intraservicing agreements. See figures 2, 3, and 4 for sample servicing agreements.

d. The Rctg Bde and Rctg Bn EEO coordinator and SEPC will not represent or serve as a counselor for EEO issues that arise in the Rctg Bn, MRB, or Rctg Bde.

(1) Informing all civilian personnel of the proper person to see when they have an EEO issue.

(2) Monitoring and ensuring timely completion on all EEO suspense actions.

(3) Acting as the point of contact for HQ USAREC and servicing EEO offices and CPACs on all EEO matters.

(4) Ensuring official bulletin board includes all items pertinent to the EEO Program.

(5) Briefing commander, when appropriate,

on pertinent EEO information received and/or EEO issues that have arisen within the activity.

(6) Representing the commander on EEO committees, meetings, and conferences.

(7) Interfacing with servicing EEO offices, CPACs, and SEPMS on all EEO matters.

(8) Receiving and disseminating EEO information.

(9) Notifying the command EEO manager of potential or actual EEO complaints.

e. HQ USAREC directors and special staff section chiefs will be responsible for the accomplishment of each of the items in c(1) through (18) above. The words headquarters or activity should be interpreted as referring to directorate or special staff section.

f. Supervisors and managers, under the leadership of the commander and with the advice of the EEO officer, must be sensitive to the requirements for affirmative employment and the perceptions of employees regarding discrimination. Managers and supervisors will:

(1) Provide all employees appropriate counseling to prepare them to meet new situations in employment.

(2) Promote EEO and contribute toward meeting the overall command goals.

(3) Treat all employees with fairness in selection, training, rewarding, and disciplinary ac-

tions.

(4) Be given training, including refresher training, concerning the importance of their role in an affirmative action program of providing EEO for all protected groups.

g. Servicing EEO officers, EEO counselors, SEPMS, and CPACs will support USAREC activities in accordance with DODI 4000.19; AR 690-200, chapter 254; AR 690-12; USAREC Reg 690-6; USAREC Reg 5-2; and pertinent MACOMs and host installation servicing agreements. See table 1 for a list of servicing activities. Servicing EEO officials and CPAC offices, where appropriate, are requested to:

(1) Include USAREC activities in their affirmative employment program and upward mobility program.

(2) Make no distinction between the serviced activity with respect to the kind and quality of service rendered.

(3) Brief the USAREC activity commander periodically, but at least annually, regarding affirmative recruitment, SEP initiatives, training opportunities, employee counseling and utilization, and other matters significant to the EEO and CPO programs.

(4) Include USAREC supervisors in their performance rating reviews (for compliance with EEO as an objective for an excellent rating).

(5) Monitor referral list submissions to ensure USAREC activity officials receive an opportunity to select highly qualified candidates.

(6) Review activity employment statistics, referral lists, and selections to determine possible patterns of discrimination. Report significant observations or suggestions relating to lack of affirmative action to HQ USAREC, ATTN: RCPER-EE.

(7) Notify the HQ USAREC EEO manager of informal EEO counseling involving a USAREC employee.

(8) Provide a copy of all pertinent information pertaining to EEO complaints to HQ USAREC, ATTN: RCPER-EE. These reports are requested within the time limits prescribed in AR 690-600 and are to include at a minimum:

(a) Copy of DA Form 2590 (Formal Complaint of Discrimination).

(b) Copy of EEO Counseling Report.

(c) Copy of correspondence to and from the complainant and/or attorney to include letter of acceptance or dismissal, Department of Defense, Civilian Personnel Management Service, Office of Complaint Investigations (OCI) Report of Investigation, settlement agreement or withdrawal, decision by EEOC if hearing is conducted, DA's final decision, and appeals and decisions by DA and EEOC.

Table 1
List of servicing activities

Command	Servicing CPAC	Servicing EEO Office	Servicing Labor Lawyer
*HQ USAREC	Fort Knox, KY	Fort Knox, KY	Fort Knox, KY
*1st Rctg Bde	Fort Meade, MD	Fort Meade, MD	Fort Meade, MD
1st MRB	Fort Meade, MD	Fort Meade, MD	Fort Meade, MD
*Albany Rctg Bn	Watervliet Army Depot	Watervliet Army Depot	HQ USAREC
*Baltimore Rctg Bn	Fort Meade, MD	Fort Meade, MD	Fort Meade, MD
Beckley Rctg Bn	Huntington Corps of Engineers (COE)	Huntington COE	Huntington COE
Harrisburg Rctg Bn	Letterkenny Army Depot	Letterkenny Army Depot	Letterkenny Army Depot
Mid-Atlantic Rctg Bn	Fort Dix, NJ	Fort McCoy, WI	Fort McCoy, WI
New England Rctg Bn	Groton Naval Station, CT	Groton Naval Station, CT	Groton Naval Station, CT
New York City Rctg Bn	New York City COE	New York City COE	New York City COE
Pittsburgh Rctg Bn	Pittsburgh COE	Pittsburgh COE	Pittsburgh COE
Syracuse Rctg Bn	Tobyhanna Army Depot	Tobyhanna Army Depot	Tobyhanna Army Depot
*2d Rctg Bde	Fort McPherson, GA	Fort McPherson, GA	Fort McPherson, GA
*2d MRB	Fort McPherson, GA	Fort McPherson, GA	Fort McPherson, GA
*Atlanta Rctg Bn	Fort McPherson, GA	Fort McPherson, GA	Fort McPherson, GA
Columbia Rctg Bn	Fort Jackson, SC	Fort Jackson, SC	Fort Jackson, SC
Jackson Rctg Bn	Vicksburg COE	Vicksburg COE	Vicksburg COE
Jacksonville Rctg Bn	Jacksonville COE	Jacksonville COE	Jacksonville COE
Miami Rctg Bn	McDill Air Force Base (AFB), FL	McDill AFB, FL	McDill AFB, FL
Montgomery Rctg Bn	Maxwell AFB, AL	Maxwell AFB, AL/HQ USAREC	Maxwell AFB, AL/HQ USAREC
Nashville Rctg Bn	Fort Campbell, KY	Fort Campbell, KY	Fort Campbell, KY
Raleigh Rctg Bn	Fort Bragg, NC	Fort Bragg, NC	Fort Bragg, NC
San Juan Rctg Co	Fort McPherson, GA	Fort Buchanan, PR	Fort McPherson, GA
Tampa Rctg Bn	McDill AFB, FL	McDill AFB, FL	McDill AFB, FL

Table 1
List of servicing activities--continued

Command	Servicing CPAC	Servicing EEO Office	Servicing Labor Lawyer
3d Rctg Bde	Fort Knox, KY	Fort Knox, KY	HQ USAREC
3d MRB	Fort Knox, KY	Fort Knox, KY	HQ USAREC
Chicago Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
*Cleveland Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
Columbus Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
Great Lakes Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
Indianapolis Rctg Bn	Defense Finance and Accounting Service, IN	Fort Knox, KY	HQ USAREC
Milwaukee Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
Minneapolis Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
5th Rctg Bde	Fort Sam Houston, TX	Fort Sam Houston, TX	Fort Sam Houston, TX
5th MRB	Fort Sam Houston, TX	Fort Sam Houston, TX	Fort Sam Houston, TX
Dallas Rctg Bn	Fort Worth COE	Fort Worth COE	Fort Hood, TX
Des Moines Rctg Bn	Omaha COE	Omaha COE	Omaha COE
*Houston Rctg Bn	Fort Sam Houston, TX	Fort Sam Houston, TX	Fort Sam Houston, TX
Kansas City Rctg Bn	Kansas City COE	Kansas City COE	Kansas City COE
New Orleans Rctg Bn	New Orleans COE	New Orleans COE	New Orleans COE
Oklahoma City Rctg Bn	Fort Sill, OK	Fort Sill, OK	Fort Sill, OK
San Antonio Rctg Bn	Fort Sam Houston, TX	Fort Sam Houston, TX	Fort Sam Houston, TX
St. Louis Rctg Bn	Fort McCoy, WI	Fort McCoy, WI	Fort McCoy, WI
6th Rctg Bde	Sacramento COE	HQ USAREC	HQ USAREC
6th MRB	Sacramento COE	HQ USAREC	HQ USAREC
Denver Rctg Bn	Fort Carson, CO	Fort Carson, CO	Fort Carson, CO
Los Angeles Rctg Bn	Fort Irwin, CA	Fort Irwin, CA	Fort Irwin, CA
Phoenix Rctg Bn	Fort Huachuca, AZ	Fort Huachuca, AZ	Fort Huachuca, AZ
Portland Rctg Bn	Portland COE	Portland COE	Portland COE
Honolulu Rctg Co	Fort Shafter, HI	Fort Shafter, HI	Fort Shafter, HI
*Sacramento Rctg Bn	Sacramento COE	HQ USAREC	HQ USAREC
Salt Lake City Rctg Bn	Tooele Army Depot, UT	Tooele Army Depot, UT	Tooele Army Depot, UT
Seattle Rctg Bn	Seattle COE	Seattle COE	Seattle COE
Southern California Rctg Bn	Fort Irwin, CA	Fort Irwin, CA	Fort Irwin, CA

*Union Agreements.

NOTE: HQ USAREC EEO and Staff Judge Advocate provide operating service to some Rctg Bdes and Rctg Bns.

EQUAL EMPLOYMENT OPPORTUNITY CHECKLIST

(For use of this form see USAREC Reg 690-8)

LOCATION: Phillip Sheridan Rctg Bn

DATE: 14-16 Jun 05

	YES	NO
1. Are the following equal employment opportunity (EEO) directives on hand and current:		
a. USAREC Reg 690-8?	✓	
b. USAREC Reg 690-6?	✓	
c. USAREC Reg 5-2?		✓
d. AR 690-200, chapter 254?		✓
e. USAREC and servicing EEO Affirmative Employment Program Plan (AEPP)?	✓	
f. EEO and civilian personnel advisory center (CPAC) servicing agreements?	✓	
2. Are the following items current and posted:		
a. CG policies for EEO, affirmative employment, and sexual harassment?	✓	
b. Rctg Bde and Rctg Bn policies on EEO, affirmative employment, and sexual harassment?	✓	
c. EEO discrimination complaint procedures and points of contact?		✓
3. EEO requirements, procedures, and complaints:		
a. Has an EEO and special emphasis program (SEP) coordinator been appointed on orders? (Obtain copy of appointment order.)	✓	
b. Does the EEO and SEP coordinator brief commander on all EEO matters? (If not, who? <u>S-1</u>)		✓
c. Does the EEO and SEP coordinator interface with servicing EEO, CPAC, and SEP managers on all EEO matters? (If not, who? _____)	✓	
d. Do managers and supervisors try to resolve EEO complaints at the lowest level possible?	✓	
e. Are there any formal complaints at Rctg Bde or Rctg Bn? (Notify HQ USAREC, ATTN: RCPER-EE.) Report attached.	✓	
4. AEPP (USAREC and servicing EEO Plan):		
a. Are managers and supervisors who are responsible for action items familiar with plans?	✓	
b. Do employees have access to a copy of each plan?	✓	
c. Does the commander provide guidance to supervisors regarding their role and responsibilities to the AEPP?	✓	
d. Do evaluation report support forms of civilian managers and supervisors have EEO as an objective? Discussed with XO. Objective added to APA chief.		✓
5. Servicing EEO and CPO involvement:		
a. Are staff visits made and briefings given to the Rctg Bde and Rctg Bn by servicing EEO and CPAC? How often? <u>Yearly</u>	✓	
b. Does servicing EEO and CPAC provide information on referrals regarding under utilization of women, minorities, and disabled?	✓	
c. What types of services are provided by servicing EEO and CPAC:		
(1) Training?	✓	
(2) Counseling?	✓	

Figure 1. Sample of a completed USAREC Form 585

	YES	NO
(3) Newsletters, bulletins, and job announcements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Ethnic events, activities, and programs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) Advise the commander on implementation of the AEPP? Will provide yearly briefing per EEO, 14 Jun 05.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Training:		
a. Has the EEO and SEP coordinator received any formal EEO training?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is training in the prevention of sexual harassment provided? (Review attendance rosters.) Who provides this training? <u> Servicing EEO and EEO rep at Rctg Bn. </u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have supervisors of civilians attended Phase I and II of supervisory training?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Awards:		
a. Do all employees have performance or plan standards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are performance evaluations completed in a timely manner? Two evaluations were late. See attached memorandum for reason.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are awards presented at an appropriate ceremony?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Is there a procedure for evaluating managers and supervisors in EEO responsibilities prior to awarding performance ratings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Remarks.		
Met with servicing EEO to discuss responsibilities and service to be provided to Rctg Bn in accordance with support agreement. (See attached agreement.)		
Conducted one-on-one discussions with employees and supervisors. See attached notes of concern.		

USAREC Form 585, Rev 1 Aug 2005 (Reverse)

Figure 1. Sample of a completed USAREC Form 585 (Continued)

**Supplemental to Master
Civilian Personnel, Equal Employment, and Legal
Servicing Agreement**

Between

**US Army Recruiting Command (USAREC)
US Army Phoenix Recruiting Battalion, Phoenix, Arizona**

And

**US Army Training and Doctrine Command (TRADOC)
US Army Intelligence Center and Fort Huachuca**

1. In accordance with AR 690-200, chapter 254, the Commander, **US Army Intelligence Center and Fort Huachuca, Arizona**, hereinafter called the Servicing Activity, agrees to furnish civilian personnel administration, equal employment opportunity (EEO), and labor law services as provided herein to the Commander, US Army **Phoenix** Recruiting Battalion, **Phoenix, Arizona**, herein after called the Served Activity.
2. The Servicing Activity agrees to furnish civilian personnel advisory center (CPAC) services as provided herein to the Served Activity. Civilian personnel administration products and services will be provided to the Served Activity by the Civilian Personnel Operations Center (CPOC) - **West**, as specified in regional plans and operating procedures. Services provided to the Served Activity will be administered in accordance with the above plans and procedures; AR 690-200, chapter 254; this Agreement; and all other applicable statutes, rules, and regulations; subject to any limitations as may be mutually agreed upon and cited herein by the Served and Servicing Commander.
3. The Served Activity Commander, having delegated appointing authority, designates the Chief of the Servicing Activity CPAC and the Director of the CPOC-Region to “act for” the commander in the administration of the civilian personnel management program. This authorization includes recruitment and placement, job evaluation and pay administration, employee benefit counseling, management-employee relations, authentication of personnel actions, providing training, and administration of the training and development program. These designees are authorized to designate other members of their respective staffs to “act for” in these areas. This designation does not reduce the authority and responsibility of the Served Activity Commander for the effective management and direction of employees under his or her jurisdiction. The designated CPAC Chief is accorded membership on the Served Activity Commander’s staff.
4. The designated CPAC Chief and CPOC Director will administer the civilian personnel program in accordance with the regional practices described in the site specific regional plans and operating procedures except as follows:
 - a. The USAREC standardized job descriptions will be utilized. Deviations thereto must be approved by Headquarters, United States Army Recruiting Command Civilian Personnel Office.
 - b. The CPAC will initiate action for security clearances for employees of the US Army **Phoenix** Recruiting Battalion.
 - c. The US Army **Phoenix** Recruiting Battalion will be in a separate competitive area for reduction in force purposes.
5. The CPAC will assist the Served Activity in connection to and use of automated personnel systems.
6. The Served Activity Commander, having delegated appointing authority, designates the Servicing Activity EEO Officer to “act for” him or her in the administration of the EEO Program for the Served Activity. This designation does not reduce the authority and responsibility of the Served Activity Commander for the effective management and direction of employees. Services provided include but are not limited to:
 - a. Representation on and inclusion in Special Emphasis Program Committees and activities.
 - b. Developing, implementing, monitoring, and evaluating an effective Affirmative Action Program that includes the Served Activity.

Figure 2. Sample of Army servicing agreement

c. Advising management officials on EEO matters; providing EEO awareness training, prevention of sexual harassment training, and EEO information to Serviced Activity.

d. Discrimination complaint system.

(1) The servicing EEO Office will promptly process to completion of administration process and resolve complaints of discrimination based on race, color, sex, religion, national origin, mental and physical handicap, age, or reprisal. Complaints may come from appropriated fund employees and applicants for employment of Serviced Activity.

(2) The servicing EEO Office will assure that there is an effective method of selection, training, and supervision of an adequate number of EEO counselors to make inquiries and resolve informal complaints of Serviced Activity. Employees of the Serviced Activity will not be EEO counselors to complaints at Serviced Activity.

(3) The servicing EEO Office will inform USAREC EEO Office when a formal EEO complaint has been filed.

(4) Complaints filed against a Serviced Activity requiring a higher review or decision level will be forwarded to USAREC EEO Office, 1307 3rd Avenue, Fort Knox, KY 40121-2726.

(5) The servicing EEO Officer will coordinate with installation legal for representation and assistance in determining course of action in complaint cases.

7. Legal Support. The labor counselor assigned to support each servicing CPAC and/or EEO Office will provide legal advice in labor and employment issues and represent the Serviced Activity in labor and employment proceedings (i.e., Merit System Protection Board (MSPB) appeals, EEO complaints, litigation, grievances, arbitration, Federal Labor Relations Authority cases, etc.). Pursuant to their advisory role, the Staff Judge Advocate at Headquarters, United States Army Recruiting Command will be notified whenever any MSPB appeal, Equal Employment Opportunity Commission hearing, or Federal Labor Relations Authority case arises. The labor counselor will also provide copies of all documents related to such actions to the headquarters.

8. No distinction will be made between the Serviced Activity and Servicing Activity with respect to the kind and quality of services rendered. Services provided will be in accordance with current MSPB, Equal Employment Opportunity Commission, Army, USAREC, and applicable statutes, rules, and regulations relating to affirmative action and complaints processing.

9. Serviced Activity Commander will:

a. Bear the cost of per diem and travel of any assigned Department of Defense Office of Complaint Investigations investigator and cost of any hearing transcript when the complainant has filed a complaint against the Serviced Activity.

b. Servicing EEO Officer will be accorded full membership on the Serviced Activity Commander's Staff.

10. The CPAC, CPOC, EEO, and Staff Judge Advocate will administer the civilian personnel, EEO, and labor counselor programs in accordance with the Master Servicing Agreement thereto entered into on _____ .

11. This agreement will be effective _____ .

COORDINATION:

_____ SERVICING CPAC	_____ DATE	_____ USAREC CPO	_____ DATE
_____ SERVICING EEO	_____ DATE	_____ USAREC EEO	_____ DATE
_____ SERVICING SJA	_____ DATE	_____ USAREC SJA	_____ DATE
_____ COMMANDER (Servicing Activity) Garrison Commander	_____ DATE	_____ COMMANDER (Serviced Activity) US Army Phoenix Recruiting Battalion	_____ DATE

Figure 2. Sample of Army servicing agreement (Continued)

AC - Civilian Personnel Services (Reimbursable)

Supplier will

Act for the Commander, US Army **Montgomery** Recruiting Battalion in the administration of the civilian personnel program, including evaluation and pay administrations, the authentication of personnel actions, and administration of the training and development program.

The CPO, **Maxwell AFB** will serve as CPO to the Commander, US Army **Montgomery** Recruiting Battalion, and will delegate authority to staff members to "act for" the CPO in the administration of the civilian personnel program. The CPO will provide a complete civilian personnel program which is responsive to the needs of the Commander.

Initiate action for security clearances for employees of the US Army **Montgomery** Recruiting Battalion.

Assure that locally published directives and instructions conform to legal and regulatory requirements. Provide draft copies of **Maxwell AFB** policies and procedures pertaining to civilian personnel administration to appropriate officials of the US Army **Montgomery** Recruiting Battalion for comments and recommendations. Comments and recommendations will receive objective consideration and evaluation.

Provide required personnel data for required reports in draft or finished format for forwarding through DA channels.

The CPO, **Maxwell AFB**, will serve the Commander, US Army **Montgomery** Recruiting Battalion, as designated EEO and Affirmative Action Officer.

Provide all civilian employees and applicants for employment at the US Army **Montgomery** Recruiting Battalion a full range of EEO and Affirmative Employment Program services. The program will be administered in accordance with prescribed Federal laws and policies, and regulations and procedures of the Department of the Air Force as implemented by **Maxwell AFB**.

Provide necessary training to assure the Commander, US Army **Montgomery** Recruiting Battalion may be knowledgeable of all aspects of the EEO and Affirmative Action Plan and the status of the program as it relates to the workforce of the US Army **Montgomery** Recruiting Battalion.

The Chief, Civilian Personnel, **Maxwell AFB**, will meet at least annually with the Commander, US Army **Montgomery** Recruiting Battalion, to brief the Commander on concerns, conditions, and barriers that affect the employability and career progress of women, minorities, and disabled persons including, but not limited to upward mobility, sexual harassment prevention, awards, and training.

Administration of the civilian personnel program will be in accordance with the policies, regulations, and procedures of the Department of the Air Force as implemented by the Commander, **Maxwell AFB**, except as modified below.

Employees of the US Army **Montgomery** Recruiting Battalion will be included in appropriate Army career programs in accordance with DA Civilian Personnel Regulation 950-1. Command level inventory and referral services will be provided by the United States Total Army Personnel Command.

Receiver will

Delegate appointing authority to the Chief, Civilian Personnel, **Maxwell AFB**. Effectively manage and direct employees within their purview.

Recognize the CPO, **Maxwell AFB**, as a staff member for civilian personnel management purposes.

Provide the necessary DA regulations and instructions to the Chief, Civilian Personnel and/or the Chief EEO Counselor, **Maxwell AFB**, on a continuing basis, in order that appropriate actions may be taken with respect to civilian personnel administration for the US Army **Montgomery** Recruiting Battalion.

Budget for and provide an annual Military Interdepartmental Purchase Request to the Chief, Civilian Personnel in the sum equivalent to GS-09, step 2, plus 29 percent acceleration rate for requirements.

Furnish the Chief, Civilian Personnel, **Maxwell AFB**, a current copy of the tables of distribution and allowances for authorization and control purposes including changes as they occur.

Assure the tables of distribution and allowances requirements, restrictions, and controls have been met prior to requesting the Chief, Civilian Personnel, **Maxwell AFB**, to take personnel and position actions relating to Army employees.

Take appropriate action, as Commander, as required by regulation, in terms of position and pay management matters.

Forward job evaluation appeals, requests for evaluation decisions, and other matters requiring action at higher echelons, with the recommendation of the Chief, Civilian Personnel, **Maxwell AFB**, where appropriate, to the Commander, USAREC.

Prepare and forward reports covering employees of the US Army **Montgomery** Recruiting Battalion in accordance with instructions received through DA channels.

Forward all matters pertaining to the employees of the US Army **Montgomery** Recruiting Battalion which require approval above the local level through appropriate channels to USAREC.

Fund for and pay all expenses associated with EEO complaints filed by persons assigned to the US Army **Montgomery** Recruiting Battalion or by applicants against the US Army **Montgomery** Recruiting Battalion.

Commander, US Army **Montgomery** Recruiting Battalion, after consulting with USAREC EEO will render local level decisions on EEO complaints against US Army **Montgomery** Recruiting Battalion management. Complaints filed against the Commander, US Army **Montgomery** Recruiting Battalion require a higher review and decision and will be forwarded to the USAREC EEO.

Figure 3. Sample of Air Force servicing agreement

**AC - Civilian Personnel Services (Continued)
(Reimbursable)**

Supplier will

For purposes of the local merit promotion program, merit promotion plans will be administered in accordance with regulations of the Air Force. Employees of the US Army **Montgomery** Recruiting Battalion will be included in the merit promotion area of consideration for all other non-Army activities serviced by **Maxwell AFB**, when management requests external referral lists.

Employees of the US Army **Montgomery** Recruiting Battalion will be excluded from the **Maxwell AFB** competitive area for reduction in force purposes.

Grievance and appeal procedures of the Air Force, as implemented by **Maxwell AFB**, will be followed at the local area with respect to employees of the US Army **Montgomery** Recruiting Battalion, to act on grievances and appeals emanating from civilian employees under this jurisdiction. Coordination should be effected to assure comparable treatment for Army and Air Force employees. In the event an issue is not resolved at the local level, further processing will be in accordance with Department of the Army directives.

Employees of the US Army **Montgomery** Recruiting Battalion will have performance evaluated using the Air Force Performance Management Program.

The Chief, Equal Employment Counselor at **Maxwell AFB**, will service the Commander, US Army **Montgomery** Recruiting Battalion, as his or her designated Equal Employment Opportunity (EEO) Officer and will be accorded membership on the commander's staff for EEO purposes.

The processing of discrimination complaints will be in accordance with Department of the Army (DA) regulations. The United States Army Recruiting Command (USAREC) EEO Office will be informed and provided a copy of pertinent documents of all informal and formal complaints.

**AD - Legal
(Nonreimbursable)**

Supplier will

Provide legal support to authorized personnel, to include execution of wills, legal advice, notarization, and process of military and civilian personnel (incident to service) claims. Military justice, investigations, and other legal services are excluded from this support. The labor counselor assigned to the servicing civilian personnel office (CPO) or EEO will provide legal advice on issues and represent the serviced activity in labor proceedings (i.e., board appeals, EEO complaints, grievances). Pursuant to their advisory role, the USAREC Staff Judge Advocate will be notified whenever any Merit System Protection Board appeal or Equal Employment Opportunity Commission hearing arises. The labor counselor will also provide copies to the headquarters of all documents related to each action.

Receiver will

Request desired services in accordance with supplier's procedures.

Estimated FY05 Reimbursement: \$ _____

Figure 3. Sample of Air Force servicing agreement (Continued)

**Interagency Servicing Agreement
Civilian Personnel, Equal Employment Opportunity, and Legal**

Between

Commander, US Army New England Recruiting Battalion, Topsham, Maine

And

**Human Resources Services Center (Northeast),
Human Resources Office, Groton, Connecticut**

A. Contents. This agreement is a consolidated document covering services provided to the US Army **New England** Recruiting Battalion, **Topsham, Maine**, by the **Human Resources Services Center (Northeast) (HRSC-NE)** and the **Human Resources Office (HRO), Groton, Connecticut**, for civilian personnel administration, equal employment opportunity (EEO), and legal representation.

B. Civilian Personnel Administration Services.

1. This agreement sets forth the services to be provided by the **HRSC-NE** and **HRO Groton Office** to the US Army **New England** Recruiting Battalion. This agreement applies to all activity civilian employees paid from appropriated funds assigned to the US Army **New England** Recruiting Battalion. It is understood that the basic responsibility for civilian personnel management and EEO rests with the Commander and that the Commander is responsible for ensuring that all managers and supervisors carry out their respective responsibilities for effective personnel management within the framework of Federal, Department of the Army, and local policy and procedures.

2. Management of the activity will recognize and comply with the intent and requirements of applicable laws and regulations, will carry out Department of the Army policy and requirements, and observe local requirements for employee utilization, position management and classification, career development, merit promotion, employee discipline, labor relations, awards, performance ratings, appeals and grievances, and other civilian personnel matters. Management will be responsible for making final and proper selection to fill vacancies from among eligible candidates referred by the **HRSC-NE**.

3. It is understood that the US Army **New England** Recruiting Battalion will be in a separate competitive area from other serviced activities of **HRO, Groton**, for reduction in force (RIF) purposes.

4. The Director, **HRSC-NE**, is authorized to approve or disapprove delegated authorities as designated in applicable Office of Personnel Management (OPM) and Navy instructions and directives and to approve and/or authenticate personnel actions following applicable legal requirements. These will include Notification of Personnel Actions (SF 50-B) and other operating documents including those affecting adverse actions when the final notice is signed by an authorized official. This signatory authority may be further delegated within **HRSC-NE** at the discretion of the Director, **HRSC-NE**, consistent with governing regulations.

5. The **HRO** or **HRSC-NE**, as appropriate will function as the activity liaison with OPM, the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority, and the Navy's Office of Civilian Personnel Management, Equal Employment Opportunity Commission (EEOC), and other Federal activities and agencies in relation to civilian personnel matters. Division of responsibilities is defined in Navy Process Design Manual.

6. It is understood that it is the activity's responsibility to keep the Director, **HRO**, advised of any civilian personnel instructions or policies which are imposed by the activity's major command. The Director, **HRO**, will be responsible for keeping the **HRSC-NE** informed of instructions which affect these responsibilities.

7. The following services will be furnished by **HRSC-NE** unless otherwise indicated in this agreement:

a. Provide recruitment and staffing services such as: Recruiting for position vacancies; determining qualifications of candidates for vacancies and/or position changes; contacting and screening of eligible candidates and referral to selecting officials; and monitoring selection for appointments and position changes for compliance with regulatory and procedural requirements.

b. Prepare, process, and document personnel actions to effect appointments, position changes, and separations.

c. Effect all employment services associated with appointment detail, change to lower grade, reassignment, within grade increase, and promotion as requested by the **HRO**.

d. Maintain official civilian personnel folders. Both **HRO Groton** and **HRSC-NE** maintain records of qualification standards.

e. Provide counseling and processing on all actions relative to employee benefits; retirement, beneficiary, life insurance,

Figure 4. Sample of Navy servicing agreement

thrift savings plan, health benefits, and leave program.

- f. Develop RIF registers, administer retention preference regulations, and conduct RIFs.
- g. Process active duty employee death cases and assist survivors in filing claims for survivor benefits.
- h. Provide technical assistance and guidance in planning and execution of training and career development.

8. The following services will be furnished by **HRO Groton** unless otherwise indicated in this agreement:

a. Serve as the representative of the Commander in administering the civilian personnel program and provide professional advice and guidance to the Commander and activity management.

b. Sign official correspondence relating to routine civilian personnel matters normally prepared by an activity civilian personnel office.

(1) Issue and maintain a system of directives (**HRO Policies and Procedures Manual**) which meets the Commander's legal and regulatory responsibility for determining and publishing such policies to employees and managers. Those required policies and procedures shall apply to activity civilian employees, except as otherwise provided for by officially promulgated activity notices and instructions.

(2) Disseminate one copy of the **HRO Manual** to the activity for each 50 activity employees assigned, up to a total of six manuals per activity. Manuals and manual changes will be mailed at **HRO** expense to a designated activity address and point of contact. Additional duplication and internal distribution of manuals within the activity are activity functions. Where the activity is required to or chooses to issue its own instructions in lieu of or in addition to HRO policy issuances, the activity will:

(a) Assume full and continuing responsibility for updating and maintaining currency. **HRO Groton** will review and advise on currency and/or regulatory compliance when requested.

(b) Task or assign responsibilities to activity employees only. The Director, **HRO**, and/or staff will not assume responsibility for functions other than those in this agreement without prior coordination between parties.

(c) Ensure that activity directives are consistent with Federal, Army, and Navy regulations and the **HRO Policies and Procedures Manual**.

(d) Request and incorporate input from **HRO Groton** in instances where activity head issuances are required (i.e., EEO policy statements).

c. Serve as principal advisor to the Commander, managers, and employees on matters of position classification, job grading, and the construction and use of civilian job descriptions. Final classification authority rests with Headquarters, United States Army Recruiting Command, ATTN: RCPER-CPO, 1307 3rd Avenue, Fort Knox, KY 40121-2726.

d. Provide staff assistance in dealing with officials of exclusively recognized bargaining units (unions); provide and train activity labor agreement negotiators.

e. Administer disciplinary standards and monitor disciplinary actions for compliance with authorized procedures and penalties, and prepare and process necessary disciplinary documents for signature by appropriate line officials.

f. Advise employees regarding their rights in connection with appeals, grievances, and counseling services.

g. Act as the activity's Injury Compensation Program Administrator to include processing of all claims for compensation filed under the Federal Employee's Compensation Act.

h. Initiate action for security clearances for employees of the recruiting battalion.

i. Provide for all newspaper advertisements and advise managers in development and use of qualification and physical standards.

j. Maintain performance rating records, service record cards, position control files and records, records of qualification standards, and other civilian personnel records as may be required; and preparing required reports on civilian personnel matters.

k. Provide counseling and training support on development of performance standards; performance appraisals; performance-based compensation actions; performance awards administration and calculations; conduct and discipline; incentive awards; grievances; appeals; adverse actions; retirement; benefits; political activity; and Civilian Employee Assistance Program to management and employees. Administer the Performance Evaluation and Appraisal Programs using AR 690-400 (Total Army Performance Evaluation System), chapter 4302.

l. Certify all training requests as being mission related (training officer), providing they have been processed through appropriate channels within the activity.

Figure 4. Sample of Navy servicing agreement (Continued)

C. Legal Services. **HRO Groton** will provide an attorney in matters before the MSPB, EEOC, Office of Complaints Investigation and Litigation, for the US Army **New England** Recruiting Battalion. Pursuant to their advisory role, the Staff Judge Advocate at Headquarters, US Army Recruiting Command will be notified whenever any MSPB appeal, EEOC hearing, or Federal Labor Relations Authority case arises. The labor counselor will also provide copies of all documents related to such actions to the headquarters.

D. EEO.

1. **HRO Groton** will “act for” the Commander, US Army **New England** Recruiting Battalion in the administration of the EEO Program. This designation does not reduce the authority and responsibility of the Commander for the effective management and direction of employees. The Commander delegates to the Director, **HRO Groton**, the authority to sign routine correspondence dealing with EEO matters. These matters include routine requests for assignment of EEO investigative materials to and from **HRO** and appellants. To the extent permitted by applicable OPM, EEOC, and Navy and Army regulations, this authority may be relegated. EEO services provided include but are not limited to:

a. Appointment of an EEO officer who will be the primary technical expert and program manager on the **HRO** staff to manage and operate EEO programs, to process complaints, and to advise and assist the Commander in executing his or her EEO responsibilities. The EEO Officer:

(1) Will provide training in EEO-related subjects, including sexual harassment training.

(2) Has primary responsibility for management of the complaint process for the US Army **New England** Recruiting Battalion, including analysis of issues, preparation of all correspondence, contact with complainant, Department of Defense investigators, management officials, EEOC, and representatives; processes EEO complaints to completion according to Army and United States Army Recruiting Command (USAREC) policies and regulations and attempts resolution throughout complaint process.

(3) Will inform USAREC EEO Office when a formal complaint has been filed. Complaints requiring a higher review or decision will be forwarded to HQ USAREC, ATTN: RCPER-EE, 1307 3rd Avenue, Fort Knox, KY 40121-2726.

(4) Becomes involved in affirmative action efforts which are integral with recruitment, training, merit promotion, and other programs managed at the **HRO** site office.

b. Commander, US Army **New England** Recruiting Battalion, may appoint a collateral duty EEO Special Emphasis Program Coordinator. The Director, **HRO**, will advise the activity and collateral duty personnel to help produce an integrated EEO Program. The role of the collateral duty official may include:

(1) Dissemination of information and publicity for EEO events at the activity or in the local community;

(2) Maintaining contact with minority and women’s groups in the local area for support of affirmative action goals.

2. Financial Management. The **HRO** is responsible for funding those resources necessary for a basic EEO Program as described above. The activity may agree to negotiate responsibility for financial support for services not expressly included in this servicing agreement which exceed the **HRO’s** budget capability. The activity will pay for court stenographers, transportation, room rentals, or other expenses relative to activity EEO complaints.

E. This agreement shall become effective immediately upon approval of the undersigned parties, and shall extend indefinitely. All or any part of this agreement may be canceled, amended, or expanded at any time by mutual consent.

 Director Date
Human Resources Services Center (Northeast)

 Commander Date
 US Army **New England** Recruiting Battalion

 Director Date
Human Resources Office, Groton, Connecticut

 USAREC EEO Date

 USAREC CPO Date

 USAREC SJA Date

Figure 4. Sample of Navy servicing agreement (Continued)

OFFICE SYMBOL

MEMORANDUM FOR (Name), US Army Recruiting Brigade or Recruiting Battalion (Complete Mailing Address)

SUBJECT: Collateral Duty Appointment

1. Effective _____, you are appointed collateral duties of Equal Employment Opportunity Liaison and Special Emphasis Employment Coordinator (SEPC).
2. Purpose: To perform duties of EEOC and SEPC for US Army Rctg Bde or Rctg Bn as outlined in USAREC Reg 690-8, paragraph 5d.
 - a. Inform all civilian personnel of the proper person to see when they have an equal employment opportunity (EEO) issue.
 - b. Monitor and ensure timely completion on all EEO suspense actions.
 - c. Act as the point of contact for HQ USAREC and servicing EEO and civilian personnel advisory center on all EEO matters.
 - d. Ensure official bulletin board includes all items pertinent to the EEO Program.
 - e. Brief commander, when appropriate, on pertinent EEO information received and/or EEO issues that have arisen within the activity.
 - f. Represent the commander on EEO committees, meetings, and conferences.
 - g. Interface with servicing EEO, Civilian Personnel Advisory Center, Federal Women's Program Manager, Hispanic Employment Program Manager, Black Employment Program Manager, Individuals With Disabilities Program Manager, or other special emphasis program managers on all EEO matters.
 - h. Receive and disseminate EEO information.
 - i. Notify the command EEO manager of informal and formal complaints.
3. Period: Until officially relieved or released.
4. Authority: USAREC Reg 690-8.

Signature Block

DISTRIBUTION:
1-Individual
1-Cdr, US Army Rctg Bde
1-HQ USAREC, ATTN: RCPER-EE

Figure 5. Sample collateral duty appointment

**Appendix A
References**

**Section I
Required Publications**

AR 690-12
Equal Employment Opportunity and Affirmative Action. (Cited in paras 5a(2) and 5g.)

AR 690-200
General Personnel Provisions. (Cited in paras 5a(2) and 5g.)

AR 690-400
Total Army Performance Evaluation System. (Cited in para 4c.)

AR 690-600
Equal Employment Opportunity Discrimination Complaints. (Cited in para 5g(8).)

DODI 4000.19
Interservice and Intragovernmental Support. (Cited in paras 5a(2) and 5g.)

USAREC Reg 5-2
Intra/Interservice Support Agreement Program. (Cited in paras 5a(2) and 5g.)

USAREC Reg 690-6
Civilian Personnel Administration. (Cited in paras 5a(2) and 5g.)

**Section II
Prescribed Form**

USAREC Form 585
Equal Employment Opportunity Checklist. (Prescribed in para 5b(2).)

**Section III
Referenced Form**

DA Form 2590
Formal Complaint of Discrimination.

Appendix B Equal Employment Opportunity Complaint Procedures

B-1. Purpose

To outline, for general information only, the procedures for processing complaints of discrimination based on sex, race, color, religion, national origin, age, handicap, or reprisal made against a member of a USAREC activity by an employee or applicant for employment. Details of the exact and current local procedures must be obtained from the servicing EEO officer.

a. Any civilian employee or applicant for employment who believes he or she has been subjected to such discrimination may use the complaint system without fear of coercion or reprisal. Action must be expedited at all levels to meet EEOC, Merit Systems Protection Board, and the DA time limitations.

b. Complainants, agents, and representatives who are Army employees have the right to a reasonable amount of official time, if otherwise on duty, to prepare a complaint. The complainant, representative, and counselor involved shall be free from restraint, interference, coercion, discrimination, or reprisal.

c. If an activity commander is named or otherwise designated as a principal agency witness in a discrimination complaint based on actions that he or she personally has taken against the complainant, that commander's function in the processing of that complaint will be performed by the commander at the next higher level. If the activity commander is named or otherwise designated as a principal agency witness merely by virtue of his or her position, he or she may continue to process the complaint.

B-2. General

a. An aggrieved employee or applicant for employment who believes that he or she has been discriminated against because of race, color, religion, sex, age, national origin, mental or physical handicap, and/or reprisal in an employment matter, and wishes to resolve the matter, must contact either the command EEO officer, servicing EEO officer, or any one of the EEO counselors providing EEO Program support to their USAREC activity within 45 calendar days of the date of the matter alleged to be discriminatory or within 45 calendar days of the effective date of a personnel action.

b. Any other person or office receiving such a complaint will immediately send the complaint to the servicing EEO officer. The counselors work under the supervision of the servicing EEO officer while performing their counseling or inquiry functions.

c. The EEO counselor makes an inquiry, tries to resolve the complaint informally, conducts a final interview, and, if the complaint is not resolved, gives the complainant written notice of right to file a formal complaint within 30 calendar days after the matter was first called to the EEO counselor's attention.

d. The complainant files a formal complaint

(DA Form 2590) in writing with the EEO officer or any other designated official within 15 calendar days after receipt of the notice of final interview. The complainant must advise the EEO officer if he or she obtains legal or other representation.

e. The EEO officer accepts or dismisses the formal complaint in whole or in part within 5 calendar days after receipt of the complaint.

f. The EEO officer sends the file to the OCI requesting assignment of an investigator if any part of the complaint is accepted. If the complaint is dismissed, the EEO officer notifies the complainant and representative.

g. The complainant may appeal the dismissal to EEOC, within 30 calendar days of receipt of notice of dismissal.

h. The OCI investigator completes the investigation and sends the investigative file to the servicing EEO officer within 120 calendar days of receipt of the complaint unless a 90-calendar day extension is agreed to by the complainant or representative.

i. The EEO officer sends notice, investigative report file, and complaint to the complainant or representative within 3 workdays of receipt of the investigative file or 180 calendar days from filing of the complaint (whichever comes first), unless a 90-calendar day extension is agreed to by the complainant or representative. The complainant or representative must comply with the time limits as applicable below:

(1) Within 30 calendar days of receipt of notice, the complainant may request an EEOC hearing or DA decision without hearing.

(2) The 36th calendar day after dispatching notice, if the complainant fails to respond, the EEO officer sends the complaint file to DA for final decision.

(3) If the complainant asks for a DA decision without a hearing, the EEO officer sends request to DA.

(4) If the complainant requests a hearing, the EEO officer requests an administrative judge from EEOC.

j. If a hearing is held, the findings are sent to DA within 180 calendar days of receipt by an EEOC administrative judge.

k. DA's final decision, including appeal rights, will be issued within 60 calendar days of notification when the complainant has requested a DA decision without a hearing; within 60 calendar days of DA's receipt of EEOC's findings and conclusions; or within 60 calendar days of the end of the 30-day period plus the 5-day presumptive mailing time, where the complainant has not requested either a hearing or final decision.

l. Appeal to EEOC. If the complainant is not satisfied with the final decision:

(1) The complainant sends notice of appeal to EEOC with a copy to DA within 30 calendar days of receiving DA's final decision.

(2) The complainant sends a statement or brief to support the appeal of DA's decision to EEOC with a copy to the EEO officer and DA within 30 calendar days of filing Notice of Appeal.

m. Civil action by complainant. A complainant can file a civil action:

(1) Before the final DA decision, but it must be after 180 calendar days of filing the formal complaint, if there was no appeal to EEOC.

(2) Within 30 calendar days of receiving the DA decision if there was no appeal to EEOC.

(3) Before EEOC's final decision or appeal, but after 180 calendar days of filing appeal to EEOC, if no decision is received from EEOC.

(4) After EEOC's final decision on appeal but within 90 calendar days of receiving EEOC's decision.

Glossary

Section I Abbreviations

AEPP

affirmative employment program plan

AFB

Air Force Base

COE

Corps of Engineers

CPAC

civilian personnel advisory center

CPO

civilian personnel office(r)

CPOC

civilian personnel operating center

DA

Department of the Army

EEO

equal employment opportunity

EEOC

Equal Employment Opportunity Commission

HQ USAREC

Headquarters, United States Army Recruiting Command

MACOM

major Army command

MRB

medical recruiting battalion

MSPB

Merit System Protection Board

OCI

Office of Complaint Investigations

OPM

Office of Personnel Management

Rctg Bde

recruiting brigade

Rctg Bn

recruiting battalion

Rctg Co

recruiting company

RIF

reduction in force

SEP

special emphasis program

SEPC

special emphasis program coordinator

SEPM

special emphasis program manager

USAREC

United States Army Recruiting Command

Section II

Terms

affirmative action

Action taken to provide EEO in hiring, promotion, training, recognition, and all other aspects of employment to minority group members, women, and disabled individuals.

qualified disabled person

With respect to employment, an individual with handicaps who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of himself, herself, or others and who, depending upon the type of appointing authority being used, either:

- Meets the experience or education requirements (which may include passing a written test) of the position in question; or
- Meets the criteria for appointment under one of the special appointing authorities for individuals with handicaps.

sexual harassment

- A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when;

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

- Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

- Any Soldier or civilian employee:

- In a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of another Soldier or civilian employee is engaging in sexual harassment.

- Who make deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

- Sexual harassment is not limited to the workplace, can occur at almost any place, and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion. Such behavior by Soldiers or Army civilians will not be tolerated.