DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT CARSON
1626 ELLIS ST, SUITE 200, BLDG 1118,
FORT CARSON, COLORADO 80913-4145

REPLY TO
ATTENTION OF

GC Policy #4

IMWE-CAR-ZA 21 Sep 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commander's Policy on the Right to File a Discrimination Complaint and Commitment to Alternative Dispute Resolution, GC Policy #4

1. References. AR 690-600, Equal Employment Opportunity (EEO) and Discrimination Complaints, dated 9 February 2004.

2. Purpose. To establish the Commander's policy on the Right to File a Discrimination Complaint and endorse the use of Alternative Dispute Resolution (ADR).

3. Applicability. Applies to all applicants for employment, employed civilians, and certain contractor personnel serviced by the Fort Carson Equal Employment Opportunity Office.

4. Policy. All Army civilian employees, former employees, or applicants for employment covered by AR 690-600 (Equal Employment Opportunity Discrimination Complaints) are entitled to initiate a complaint of alleged discrimination. Anyone who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age (40+), physical/mental disability, genetics or subjected to reprisal in an employment matter, including violation of the Equal Pay Act (EPA) subject to the control of the Army, may file an individual complaint of discrimination.

5. Procedures.

a. Before a formal complaint can be filed, the individual must first present the matter(s) to an equal employment opportunity (EEO) official for the purpose of making an initial determination as to the proper venue and to advise the individual on various matters, including the availability of Alternative Dispute Resolution (ADR). In those cases in which ADR is offered, the individual may choose between ADR and the traditional pre-complaint counseling process. The matter(s) must be presented within 45 calendar days from one of the following dates: the date of the matter giving rise to the complaint; the effective date of the personnel action; or the date that the aggrieved became aware, or reasonably should have become aware of the discriminatory event or personnel action.

b. The EEO counselor's inquiry and ADR are designed to reach a resolution of the aggrieved person's allegations. If resolution is not reached, a formal complaint may be filed within 15 calendar days from the date of receipt of the Notice of Right to File a Discrimination Complaint. The complaint must contain a statement signed by the complainant or his/her representative, describing in detail the actions, practices, or issues giving rise to the complaint.

c. Fort Carson is firmly committed to the use of alternative methods for resolving disputes in all of its activities, where appropriate and feasible. Alternative Dispute Resolution can provide faster and less contentious results as well as strengthening workplace relationships by diminishing conflict. Managers and supervisors will normally participate in ADR if requested by an employee using the EEO complaint process.

d. Leaders will ensure that everyone cooperates fully with any individuals who are processing EEO complaints of discrimination to include ADR facilitators/mediators, EEO counselors, Army representatives, EEO staff, investigators, or administrative judges. These individuals will be free from restraint, interference, harassment, coercion, discrimination, or reprisal in connection with the performance of these duties.

e. This organization is dedicated to the principle that people are our most valuable asset and are entitled to work in an environment free of unlawful discrimination. With this tenet in mind, it is essential that there be free access to the complaint procedures to protect the integrity of the process and preserve the rights of the individual.

6. The proponent for this policy is the Fort Carson EEO Office, 526-9673/4413.

ROBERT F. McLAUGHLIN
COL, FA
Garrison Commander

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