Army Regulation 690–12

Civilian Personnel

Equal Employment Opportunity and Diversity

Headquarters
Department of the Army
Washington, DC
22 December 2016

SUMMARY of CHANGE

AR 690–12
Equal Employment Opportunity and Diversity

This major revision, dated 22 December 2016—

- Changes the title of the regulation from "Equal Employment Opportunity and Affirmative Action" to "Equal Employment Opportunity and Diversity" (cover).
- Updates roles, responsibilities, and operational requirements (chap 1).
- Updates policy for the alignment of the Equal Employment Opportunity Program in the command structure (chap 1).
- Establishes policy on program alignment that reflects Federal requirements (para 1–4*e*(2)).
- Establishes policy and guidance on office space, equipment, capability, and functional requirements for an equal employment opportunity office (para 1–4*e*(11)).
- Establishes policy for providing Equal Employment Opportunity and diversity for deployed Army Civilians (para 1–4*e*(23)).
- Updates policy of a continuing diversity and inclusion program (para 1–5).
- Incorporates basic information on Section 504 and Section 508 of the Rehabilitation Act of 1973 complaints (para 3–4).
- Incorporates basic information on Architectural Barriers Act complaints (para 3–4).
- Establishes policy for the Army Diversity Program (chap 4).
- Establishes policy for Career Program 28 (chap 5).
- Establishes policy for mandatory equal employment opportunity training (chap 8).
- Adds Army reasonable accommodation procedures (app C).
- Adds Army anti-harassment implementation procedures (app D).
- Updates the Equal Employment Opportunity Program mission to implement The Model Equal Employment Opportunity Program required by the U.S. Equal Employment Opportunity Commission and Executive Order 13583: Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce (throughout).

Headquarters
Department of the Army
Washington, DC
22 December 2016

*Army Regulation 690–12

Effective 22 January 2017

Civilian Personnel

Equal Employment Opportunity and Diversity

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:

GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation provides policy, guidance, and implementation instructions for the Department of the Army Equal Employment Opportunity and Diversity Programs. It implements guidance published by the U.S. Equal Employment Opportunity Commission, U.S. Office of Personnel Management, and the Office of the Secretary of Defense.

Applicability. This regulation applies to the Active Army and the U.S. Army Reserve, unless otherwise stated. It also applies to those organizations for which the Secretary of the Army is the designated Department of Defense Executive Agent. It does not apply to the Army National Guard, unless specifically made applicable by the Chief, National Guard Bureau. This regulation also applies to all activities of the Army that are financed by appropriated or non-appropriated funds and to all appropriated and non-appropriated fund employees and applicants for employment.

Proponent and exception authority. The proponent for this regulation is the Assistant Secretary of the Army (Manpower and Reserve Affairs). The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix E).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval of the Assistant Secretary of the Army (Manpower and Reserve Affairs) (SAMR–DL), Washington, DC 20310–1500.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Headquarters, Department of the Army (SAMR–DL), 1500 Army Pentagon, Washington, DC 20310–1500.

Distribution. This publication is available in electronic media only and is intended for command levels A, C, and D for the Active Army, the Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

Chapter 1
General Information

1–1. Purpose
This regulation establishes Department of the Army (DA) policies, responsibilities, implementing guidance and procedures for administering the Army's Equal Employment Opportunity and Diversity Program in accordance with Federal guidelines.

1–2. References
See appendix A.

1–3. Explanation of abbreviations and terms
See the glossary.

1–4. Responsibilities
Responsibility for implementing the Equal Employment Opportunity (EEO) policy extends from the Secretary of the Army through the chain of command to commanders, managers, and supervisors at all levels. All Army organizations will develop an EEO Program which satisfies the requirements of the Model EEO Program (see para 1–6). The essential elements of the Model EEO Program are: demonstrated commitment from agency leadership; integration of EEO into the agency's strategic mission; management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance.

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs). The ASA (M&RA) is responsible for supervising the development and implementation of Army human resource (HR) policies, plans, and programs, to include the EEO Program and diversity policy. The ASA (M&RA) serves as Director of the EEO Program and is the Functional Chief for Career Program 28 (CP–28), EEO.

(1) The Deputy Assistant Secretary of the Army for Diversity and Leadership (DASA (DL)) performs delegated functions and duties, as prescribed by the ASA (M&RA), and oversees the field operating agency responsible for developing and implementing the Army EEO Program and diversity policy. The DASA (DL) serves as the Functional Chief Representative (FCR) for CP–28, EEO.

(2) The Deputy Assistant Secretary of the Army for Civilian Personnel integrates EEO programs and diversity policy into human capital and civilian personnel policy.

b. The Assistant Secretary of the Army (Civil Works). The ASA (CW) will ensure that engineering plans, policies, and procedures comply with Federal accessibility guidelines and that collaborative efforts are made with stakeholders to correct access issues, barriers, or other engineering matters.

c. The Assistant Secretary of the Army for Installations, Energy and Environment. The ASA (IE&E) will—

(1) Establish policies and procedures, as required by Federal laws and guidelines, to eliminate architectural, transportation, and communication barriers that impact individuals with disabilities (IWDs).

(2) Ensure that facility accessibility surveys are conducted on a regularly scheduled basis to identify any architectural barriers that impede IWDs.

(3) Establish plans and recommend priorities for removal of architectural barriers.

(4) Ensure that installation and infrastructure management policies and procedures include sufficient resources so that serviced populations receive required EEO services mandated by Federal guidelines.

d. Chief Information Officer, G–6. The CIO/G–6 will ensure that EEO personnel have access to data, information, and technology necessary to support the Army's EEO Programs. In addition, all chief information officials will ensure that the policies governing the acquisition, testing, usage, deployment, and evaluation of information technologies comply with Federal standards related to accommodating IWDs. In the event of a Section 508 Complaint being filed against the Army, the CIO will work with the appropriate command level EEO staff to develop a technical solution that addresses the issues identified.

e. Commanders at all levels. The commanders will—

(1) Execute EEO programs and create an inclusive command climate in which it is clear to all Soldiers and civilians that unlawful discrimination and harassment (sexual/non-sexual) will not be tolerated.

(2) Provide leadership, management, and resources to implement Armywide policy (see para 1–5) to develop procedures that comply with Federal requirements and take steps to eliminate barriers to EEO.

(3) Issue a commander's policy memorandum upon assumption of command and annually thereafter expressing support of EEO and diversity policy.

(4) Implement policies and programs designed to achieve a Model EEO Program.

(5) Ensure EEO services are provided directly to all civilian employees regardless of organizational configuration, using command resources or official support agreements.

(6) Ensure EEO officials work directly for the commander or activity head and have full access to the command group to perform advisory, programmatic, and management responsibilities.

(7) Ensure that the senior EEO official is a member of the commander's personal staff and is rated or senior rated by the commander. The commander may delegate first-line or daily supervision not lower than the chief of staff or deputy commander.

(8) Ensure that all allegations of discrimination are promptly addressed in accordance with all applicable laws, regulations, and procedures.

(9) Include the accomplishment of EEO requirements and objectives as critical elements in the performance appraisals of all supervisors and managers.

(10) Annually evaluate employment policies and practices to identify and correct any institutional barriers that impede accomplishment of the Model EEO Program.

(11) Locate the EEO office in an area that reflects importance of the EEO Program and is readily accessible to all individuals seeking assistance. To ensure confidentiality, the EEO staff will not share open office space with non-EEO personnel or be located within or around another office or function (for example, the civilian personnel office).

(12) Ensure sufficient resources are provided to achieve a Model EEO Program.

(13) Evaluate the effectiveness and success of EEO Programs for regulatory compliance, resource allocations, and efficiencies through the command program evaluation system. Report results to higher level authorities per the command's program evaluation requirements.

(14) Establish a continuing EEO Educational Program for civilian and military personnel who supervise civilian employees, and ensure that annual EEO training is completed by these supervisors.

(15) Establish an EEO Awards Program to recognize individuals and organizational units for outstanding achievement in the implementation of a Model EEO Program.

(16) Ensure that Army public activities and operational areas are accessible, in accordance with Federal standards.

(17) Certify the organization's Federal Agency Annual EEO Program Status Report (MD–715 Report).

(18) Certify the organization's annual Federal Equal Opportunity Recruitment Plan (FEORP).

(19) Certify the organization's annual Disabled Veterans Affirmative Action Program (DVAAP) Plan.

(20) Ensure that the organization's Alternative Dispute Resolution (ADR) Program is implemented and that the appropriate level of management participates in individual ADR sessions when management and a complainant have agreed to participate in ADR through the EEO Complaint Process per AR 690–600.

(21) Ensure fulfillment of civilian career management responsibilities in accordance with AR 690–950.

(22) Select EEO officials who have the required qualifications and demonstrated ability to meet Army professional competencies based on the requirements established in this regulation.

(23) Ensure that deployed Army Civilians—

(a) Remain protected from prohibited discrimination, regardless of duty station, by providing an environment of mutual respect, equality, and fair treatment.

(b) Continue to receive EEO services and support from their respective commands, prior to their departure and during their deployment.

(c) Receive the current command EEO policy statement and EEO Complaint Procedures.

(d) Receive mandatory EEO training prior to the scheduled deployment, as appropriate. This applies to all civilians in a deployed status (to include reassignments, details, temporary duty, permanent change of station, and so forth).

f. Deputy Chief of Staff, G–1. The DCS, G–1 will—

(1) Ensure EEO officials are involved in all efforts that impact the civilian workforce and human capital management decisions.

(2) Ensure that completion of EEO training is recorded in the same manner as other required training for managers, supervisors, and civilian employees.

(3) Ensure that the annual FEORP certification process is supported and work directly with EEO officials, Career Program FCRs, as well as Army Civilian Training, Education & Development System (ACTEDS) officials to provide information required to develop the plan and report annual progress and ensure fulfillment of civilian career management roles/responsibilities in accordance with AR 690–950.

(4) Co-certify the FEORP along with the EEO officer and commander.

(5) Ensure that the applicable information contained in the FEORP is included in the annual Federal EEO Program Status Report.

(6) Ensure that EEO officials have command-wide data and information access to civilian personnel data required to obtain information for program operations.

(7) Use Schedule A and other hiring authorities to ensure that the highest level of consideration is given to IWDs.

(8) Provide the EEO officer with a written analysis of recruitment activities sufficient to support the FEORP to include providing the certifying officials with written descriptions and assessments.

(9) Take reasonable measures to enable applicants with disabilities to apply for jobs. Reasonable measures include posting information about jobs in a manner that is accessible to individuals with mobility or other impairments, providing a telephone number and telephone relay service, and publishing information in a manner that is accessible by visually-impaired individuals.

g. Labor counselors, staff judge advocates, and the organization's legal advisors. Labor counselors, staff judge advocates, and the organization's legal advisors will provide legal advice on EEO policy, procedures, and specific actions as well as serve as the command legal representative in EEO matters, including EEO Complaints and ADR efforts.

h. Managers and supervisors. Managers and supervisors will–

(1) Support the Army EEO, Diversity and Anti-Harassment Policies.

(2) Enforce Federal organization policies, practices, and procedures in ways that support fair and equitable treatment of personnel in all aspects of employment.

(3) Participate in the development of the command's EEO and Diversity Program activities.

(4) Institute the necessary actions and programs to ensure that IWDs are provided reasonable accommodations.

(5) Use of Schedule A and other hiring authorities impacting IWDs when implementing human capital responsibilities.

(6) Provide and process requests for reasonable accommodations, in accordance with Federal laws and guidelines to include making decisions on the requests and ensuring that the requests accommodate the workplace needs of the requestor.

(7) Ensure that the organization's ADR Program is implemented and that the appropriate level of management participates in individual ADR sessions when management and a complainant have agreed to participate in ADR, through the EEO Complaint Process, per AR 690–600.

(8) Ensure fulfillment of civilian career management roles/responsibilities in accordance with AR 690–950.

1–5. Policy

It is the policy of the DA to provide EEO in Federal employment, consistent with Federal merit system principles and applicable law, for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, reprisal, disability, age, sexual orientation, gender identity, status as a parent, or other impermissible basis, and to promote the full realization of EEO through a continuing diversity and inclusion program.

a. EEO policy applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of the Army's civilian employees, to the extent permitted by law. Any employee who believes that he or she has been subjected to unlawful discrimination should contact his or her servicing EEO office to pursue resolution of the matter and explore potential avenues of redress.

b. The EEOC has recognized that the prohibition on sex discrimination in Title VII of the Civil Rights Act of 1964 provides protections for persons who have been discriminated against based on sexual orientation and gender identity. Claims of harassment and discrimination on the basis of sexual orientation and gender identity will be reviewed and investigated to determine if unlawful employment discrimination has occurred. Army civilian employees, former employees, applicants, and certain contract employees who experience harassment or unlawful discrimination on the basis of sexual orientation or gender identity may seek redress through the Army EEO Program.

c. In addition to the protections afforded through the Army EEO Program, other administrative avenues of redress are available, including the Office of Special Counsel, the Merit Systems Protection Board (MSPB), and, in some cases, negotiated grievance procedures pursuant to a collective bargaining agreement. Employees should review the rules and processes associated with the different avenues of redress before deciding whether and how to proceed.

d. All Army employees should be able to perform their jobs in an environment free from any unlawful discrimination. Army commanders and supervisors will continue to promote a work environment that is free from discrimination. Supervisors will notify employees about avenues of redress and encourage them to report instances of discrimination to their supervisors and the servicing EEO office.

e. When made aware of problems, commanders, and supervisors should consult with their HR office, servicing civilian personnel advisory center (CPAC), or agency legal counsel to ensure that appropriate steps are taken. All reports of discrimination will be taken seriously and addressed promptly and properly. In some circumstances, this may involve taking corrective action or disciplining those who discriminate.

1–6. Model Equal Employment Opportunity Program requirements

a. This regulation implements Army policy for establishing and maintaining effective affirmative action programs of EEO under Section 717 of Title VII (PART A) and effective affirmative action programs under Section 501 of the Rehabilitation Act (PART B) as required under both Title VII of the Civil Rights Act of 1964, as amended; 42 USC 2000e et seq.; Section 501 of the Rehabilitation Act of 1973, as amended; and 29 USC 791 et seq. A Model EEO Program effectively considers and addresses concerns arising under both Title VII and Section 501 of the Rehabilitation Act.

b. A Model EEO Program includes effective management, accountability, and self-analysis efforts to ensure program success and compliance with EEOC 700-series MDs.

c. Army human capital programs, policies, practices, and procedures will be evaluated annually to ascertain whether they have any barriers that tend to limit or restrict equitable opportunities for open competition in the workplace.

d. Army activities are responsible to conduct annual self-assessments of their EEO Programs against essential elements, as prescribed by EEO MD–715. Instructions for conducting annual self-assessments are provided in the instructions to Federal agencies for EEOC MD–715.

e. EEOC MD–715 delineates the essential elements of Model Agency EEO Programs into six strategic categories. Army activities are required to review their EEO and personnel programs, policies, practices, and procedures using all six elements to identify where the EEO Program can become more effective and efficient. The six essential elements for a Model EEO Program, as described in EEOC MD–715, are as follows:

(1) *Demonstrated commitment from agency leadership.* Requires the agency head to issue written policy statements ensuring a workplace free of discriminatory harassment and a demonstrated commitment to EEO.

(2) *Integration of EEO into the agency's strategic mission.* Requires that the agency's EEO Programs be organized and structured to maintain a workplace that is free from discrimination in any of the agency's policies, procedures, or practices and supports the agency's strategic mission.

(3) *Management and program accountability.* Requires the agency head to hold all managers, supervisors, EEO officials, and HR officers responsible for the effective implementation of the agency's program.

(4) *Proactive prevention of unlawful discrimination.* Requires that the agency head make early efforts to prevent discriminatory actions and eliminate barriers to EEO in the workplace.

(5) *Efficiency.* Requires that the agency head ensure that there are effective systems in place for evaluating the impact and effectiveness of the agency's EEO Programs as well as an efficient and fair dispute resolution process.

(6) *Responsiveness and legal compliance.* Requires that Federal agencies are in full compliance with EEOC statutes, regulations, policy guidance, and other written instructions.

1–7. Program structure

a. EEO officials will directly interact with the members of the command and are responsible for informing the organization on the state of the EEO and Diversity Programs relative to implementing the Model EEO Program requirements established in Federal guidelines.

(1) EEO officials advise commanders, managers, and supervisors, as well as employees and community leaders, on Federal civil rights law compliance programs; manage the EEO Complaint Process and develop strategic human capital plans in accordance with Federal laws, guidelines, and instructions.

(2) The EEO officer will manage and supervise the EEO Complaint Process and accept or dismiss EEO Complaints on behalf of the Secretary of the Army in accordance with Federal regulations.

(3) Employees may file EEO Complaints at any local or closest EEO office, but the EEO officer will ensure that the complaint information and case file is processed by the correct EEO office (see AR 690–600).

(4) The EEO staff will participate in the development of the organization's goals, expectations, standards, vision, operating methods, and culture, as well as the information related to the development of the organization's human capital demographic composition.

(5) The EEO relationship with the commander is one of extraordinary trust and confidence. EEO officials independently operate within the command. To protect this independent and unique relationship, commanders will rate and/or senior rate the EEO director.

(6) The reporting structure will provide EEO officials direct access to the commander and senior leaders. The EEO staff will be included as valued advisors on all matters in the management and implementation of the civilian personnel human capital processes within the organization.

(7) All Army commands (ACOMs) and activities will be covered by a Model EEO Program through a formal agreement that authorizes the supporting EEO officer to act for the supported commander and provides that the supporting EEO office maintains a close working relationship with the supported commander.

(8) The EEO staff scope of activity includes everything for which the commander is responsible and over which the commander exercises Federal authority. EEO staff duties are inherently governmental.

b. EEO officials will–

(1) Provide subject matter expertise, advice, and assistance to the commander in the management and execution of the Model EEO Program and Diversity initiatives as required by Federal guidelines.

(2) Provide technical assistance and direct support in the implementation of Army EEO and Diversity Policies.

(3) Prepare the organization's annual Federal Agency EEO Program Status Report using the EEOC 700-series MDs.

(4) Prepare the annual FEORP report and co-certify the report with civilian personnel officials and the commander.

(5) Prepare the organization's portion of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act report.

(6) Prepare the DVAAP report per applicable instructions.

(7) Using applicable Federal standards, measure the progress of the organization's implementation of the Model EEO Program and the demographical impact of human capital programs on civilian employees.

(8) Ensure that EEO Complaints are processed as prescribed in Federal guidelines.

(9) Ensure that EEO Complaints filed against the command are managed as prescribed by Federal guidelines.

(10) Ensure that complaints filed under Sections 504 and 508 of the Rehabilitation Act and the Architectural Barriers Act are processed and reported, as prescribed in chapter 3 of this regulation.

(11) Establish and manage special emphasis programs (SEPs) to affirm the value of workplace Diversity and cultivate a culture of inclusion.

(12) Assess the demographic representation of the civilian workforce, applicant flow data, and efforts based on Federal guidelines, including 5 CFR 720.

(13) Provide an assessment of the EEO Discrimination Complaint Management Process to develop appropriate measures to effectively implement Army EEO and Diversity Policy.

(14) Prepare EEO reports by directly using the tools provided with the Defense Civilian Personnel Data System and the Army's EEO Complaints Data System to provide information on respective programmatic areas.

(15) Ensure that the data in the EEO Complaints Tracking System is current and reflects the most recent case status and that case data is entered at least weekly, as appropriate.

(16) Submit required reports, per each report's instruction. All EEO offices, regardless of size and configuration, are required to submit reports unless they are exempted by the DASA DL.

1–8. Management of Equal Employment Opportunity-related data/information

a. The classification of individuals based on race, ethnicity, gender, disability, or national origin is governed by Federal standards, such as the U.S. Office of Management and Budget Directives, U.S. Office of Personnel Management (OPM), and the EEOC regulations and guidelines. The data will be used for reporting based on Federal reporting requirements, investigating EEO Complaints, and verifying employment status by HR and EEO personnel. EEO related data that is linked to a particular individual, including individual ethnicity and race identification (ERI), disability and medical data, is Privacy Act protected.

b. The collection, preparation, maintenance, storage, and safeguarding of the ERI and the disability data of employees is to be accomplished in accordance with Federal guidelines including 29 CFR 1614, AR 25–1, AR 25–400–2, AR 380–5, AR 340–21, and other Federal information security regulations.

c. The DASA DL is the approving authority for granting access to data systems that collect, store, manage, or display ERI, EEO Complaint information, or disability data. Information and data compiled, reported, and/or generated for the purpose of EEO reporting and/or analysis and governed by EEOC 1600-series regulations, AR 25–2, and AR 380–67, will be safeguarded based on governing Federal guidelines on information security, as well as those governing the protection of individual ERI and personal identifiable information (PII).

d. EEO and/or HR permissions are data system record/field level access rules that manage the collection, storage, distribution, access to, and display of data or information that reflects an individual's race, ethnicity, gender, disability, age, medical history, family history, national origin, or any data elements that reflect the participation in protected activity or classifications related to data used in the EEO process. This permission will be granted only to EEO, HR, and data processing officials who provide direct support to EEO/HR reporting efforts.

e. The DASA DL has delegated this permission to EEO, HR, and data processing officials who provide direct support to EEO reporting efforts. Employees, whose official duties require access to this data, must be instructed on the confidentiality and security of the information. Written delegation will be maintained in the approving and submitting EEO office, but access will be granted only to EEO or HR officials having EEO and/or HR permissions. EEO personnel will have access to all Army Civilian personnel data information systems based on the responsibilities and scope of EEO Program requirements.

f. Participation in the EEO process is a protected activity that precludes the granting of information or access to individuals not directly involved in the EEO Program management process. Individuals requesting EEO/HR data for reasons

not directly related to EEO/HR Program requirements should be directed to other Federal data sources, such as OPM, EEOC, Office of Management and Budget that host public access to Federal data.

g. Requests from the public for EEO related data will be treated as Freedom of Information Act requests and processed under the provisions of AR 25–55 and AR 340–21. All release determinations regarding EEO-related data and PII will be coordinated with appropriate officials, such as the HR data security personnel, public affairs, and staff judge advocate officials.

h. Individual reports that display individual PII information are authorized to be developed, produced, and published only by EEO and/or HR officials and automated data processing individuals who directly support EEO information systems. The data will be used to support EEO operations, such as EEO investigations and inquiries, and to validate data aggregations and other information development requirements.

i. The dissemination of EEO-related information to DOD personnel outside of the EEO or HR Program areas will be accomplished on a "need to know" basis by EEO, HR, and information security officials in accordance with 29 CFR 1611 and AR 340–21.

Chapter 2
Special Emphasis Programs

2–1. Special emphasis program operations

a. The Army will establish and maintain SEPs to affirm the value of workforce Diversity, cultivate a culture of inclusion, and implement human capital policies designed to recruit, develop, and retain the best and brightest of America's diverse talent pool.

b. SEPs implement Federal law, regulations, and Executive Orders by seeking to establish "affirmative programs" of EO for all employees and applicants in accordance with 42 USC 2000e-6 and "affirmative action programs" for the hiring, placement, and advancement of IWDs in accordance with 29 USC 791.

c. SEPs are managed by EEO officials as programmatic functions inherent in the duties of an EEO professional; with the assistance of SEP committees.

d. Each EEO office, regardless of size, serviced population or configuration will appoint EEO staff members as SEP managers (SEPMs) in such a way as to obtain the most efficient program results. These program efforts are driven by information obtained from a thorough workforce or barrier analysis to provide actionable and measurable activities that impact the organization's human capital efforts.

e. Each SEP will engage stakeholders to develop actionable recommendations and solutions to address specific issues related to fair treatment and equal employment. The results obtained will be included in the command's Federal Agency Annual EEO Program Status Report (MD 715 Report).

f. Each SEP will use common techniques based on relevant human capital activities inclusion rates and employment factors related to employment status, disability, gender, and/or ERI; so that the analysis of each impacted group includes aspects of race, ethnicity, and gender, as well as IWDs and Veteran's status.

g. Each SEPM will be formally trained on the regulatory and operational requirements of their respective areas of responsibility sufficiently to affirm the EEOC Model EEO Program self-assessment guidelines.

h. To achieve the overall objective of ensuring all Army employees have an EO to compete fairly in all aspects of Army human capital activities, the Army conducts the following SEPs:

(1) The Federal Women's Program.
(2) The Hispanic Employment Program.
(3) Black/African American Employment Program.
(4) Disabled Veterans Affirmative Action Program (DVAAP).
(5) Asian American and Pacific Islander Employment.
(6) American Indian or Alaskan Native Employment Program.
(7) The Individuals with Disabilities Program.

2–2. Special emphasis program committees

a. SEPs will be managed by the EEO staff and supported by a committee of stakeholders consisting of members of the organization's leadership, human capital community, the legal community, career program officials, resource management, Inspector General, Chaplain, public affairs, facility engineers, protocol, military EO advisors, and the other members of the installation community that can contribute to the development of recommended action plans.

b. At the discretion of the EEO officer, SEP committees will be managed based on local or command needs and resources.

c. Each committee will be chaired by a member of the EEO staff to ensure that the committee focuses on command-related human capital issues and that the SEP committees are managed and its activities documented in accordance with AR 15–1.

d. Membership on an SEP committee does not authorize members to examine EEO information, PII data, or data not already publicly available. Committee members do not represent the command on EEO matters.

Chapter 3
Individuals with Disabilities Program

3–1. The Department of the Army

The Army is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that IWDs have full access to EEO. The DA will-

a. Ensure accessibility to Army facilities, programs, activities, and information systems and provide reasonable accommodations to qualified IWDs in accordance with Federal guidelines.

b. Ensure that accessibility is provided to enable job applicants to participate in the application process and enable IWDs the ability to perform essential job functions and enjoy benefits and privileges available to other employees.

c. Ensure that all electronic and information technology that is developed, procured, maintained, or used by the Army is available to all Federal employees and the public in formats that provide equal access to IWDs in accordance with Federal requirements.

d. Take affirmative measures to recruit and retain a civilian work force in which IWD, especially persons with targeted disabilities and disabled Veterans, are represented in every major organizational element, occupational category, and grade level.

e. Ensure that commands and organizations will coordinate with safety officers and other appropriate officials to ensure that emergency evacuation plans account for and accommodate IWDs.

f. Ensure that applicants and employees in part-time, temporary, term, and full-time positions may request reasonable accommodation as outlined in appendix C.

g. Ensure that responsible officials promptly process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner.

3–2. The Army Individuals with Disabilities Program Manager

The DASA DL will appoint an Army IWDPM responsible for—

a. Developing and implementing policies which promote access for individuals with disabilities, to include disabled Veterans and members of the public, as required by Sections 501, 504, and 508 of the Rehabilitation Act of 1973, and the Architectural Barriers Act.

b. Developing and implementing policies which promote the recruitment, hiring, and career development of persons covered by special hiring authorities that impact persons with disabilities.

c. Interacting with public and private organizations involved in the placement of applicants with disabilities and providing information and training to hiring authorities to facilitate employment of applicants with disabilities in the Army.

d. Monitoring, evaluating, and assisting organizational efforts and activities to improve program effectiveness.

3–3. Installation Individuals with Disabilities Programs

Installation EEO Directors will appoint an IWDPM responsible for—

a. Collaborating with civilian personnel officials to collect Schedule A documents supporting potential job candidates, to include certification of disability has been issued by a medical doctor, a medical professional, a counselor at the State Vocational Rehabilitation Agency, or the Vocational Rehabilitation and Employment Service of the Department of Veterans Administration, in accordance with 5 CFR 213.3102.

b. Advising managers about candidates available for placement in jobs under special hiring authorities.

c. Providing managers with information on reasonable accommodation and needs assessments for applicants and employees.

d. Providing advisory services to managers and employees on the implementation of reasonable accommodations.

e. Tracking, monitoring, and providing oversight of the organization's reasonable accommodation policy and procedures plan as required in AR 600–7.

3–4. Removing barriers to access

a. The Army will continue to make its facilities, programs, and activities accessible as required by the Architectural Barriers Act of 1968, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 501 of the Rehabilitation Act, as amended.

b. The Army will ensure that employees and members of the public with disabilities have access to information and data comparable to that of persons without disabilities when developing, procuring, maintaining, or using electronic and information technology, unless it is an undue burden to do so.

c. Allegations of non-compliance under Sections 504 or 508 of the Rehabilitation Act may be filed with the U.S. Department of Justice Disability Rights Section or with an EEO office. Complaints filed with an EEO office will be processed in accordance with AR 600–7.

d. Allegations of non-compliance with the Architectural Barriers Act of 1968 may be filed with the United States Access Board.

e. Allegations of non-compliance with Section 501 of the Rehabilitation Act will be processed in accordance with AR 690–600.

f. Training sites and schools will evaluate requests for reasonable accommodation submitted by employees as part of the training application process or upon acceptance to participate in training.

g. Organizations will reasonably accommodate employees and guests who request accommodation during group events, whether such events are internal to the command or organization or occur during official travel. Group events include staff meetings, informational presentations, and award and retirement ceremonies.

h. Reasonable accommodations include sign language interpreting; communication access real-time translation or real-time captioning; assistive listening devices, such as video broadcasts and recordings of such events; access to electronic documents, and allowance of certified service animals.

(1) When an event is open to the general public or a general internal audience without prior registration, commands and organizations will provide reasonable accommodations for reasonably foreseeable needs.

(2) Organizers and event planners will address accessibility in all advertisements, announcements, and communications and provide a designated point of contact to request a reasonable accommodation.

Chapter 4
Diversity and Inclusion

4–1. Purpose

The Army's Diversity and inclusion mission is to develop and implement a strategy that contributes to mission readiness while transforming and sustaining the Army as a national leader in Diversity. The foundation of the Army Diversity and inclusion mission is the Federal nondiscrimination statutes, regulations, and policies. The Army mission is executed in the context of Army values, ethics, and the Army profession.

4–2. Responsibilities

a. The DA will–

(1) Ensure Diversity strategies, plans, principles, and objectives are in compliance with Federal statutes, Executive Orders, and applicable Federal guidelines.

(2) Align its Diversity efforts to comply with EEOC, OPM and Department of Defense (DOD) strategic objectives, assessments, and reporting requirements.

(3) Promote a climate that introduces Diversity concepts into decisionmaking models to demonstrate commitment and create results that enhance the professional experience and the accomplishment of the mission.

(4) Provide leaders a common understanding of Diversity Policies and requirements to ensure that human capital policies, practices, and guidelines support Army Diversity Policy.

(5) Conduct collaborative efforts to facilitate, integrate, and assess current and emerging human capital strategies that impact all occupations and skills.

(6) Ensure leader commitment to Diversity and inclusion practices at all levels of the Army.

(7) Institutionalize talent management processes that identify, recruit, develop, and retain a cadre of high-performing Soldiers and civilians from diverse backgrounds.

(8) Recognize that the Army's EEO Program is the foundation of Diversity Policy for the Army.

(9) Implement Diversity training and education programs that develop socio-cultural competencies to meet the multicultural demands of the Army's workforce.

(10) Create and maintain an environment where the value of inclusive and diverse knowledge, experiences, and backgrounds enhances mission readiness.

(11) Inherent in these collaborative efforts is acceptance and understanding that–

(a) Diversity requires leadership commitment to manage, be accountable, measure results, and refine approaches to improve the organization.

(b) Diversity outcomes support the development of human capital resources that increase proficiency levels and institutionalize a workplace culture that values the efforts of all members and creates results that enhance the professional experience.

(c) Investing in and managing talent, valuing individuals, and developing culturally astute Soldiers and civilians prepares the Army to undertake the human dimension of leadership and global engagements.

b. The ASA (M&RA) will—

(1) Serve as the Army proponent for EEO and Diversity in human capital programs.

(2) Provide strategic direction, oversight, and guidance for integrating Diversity initiatives into the human capital development process.

(3) Lead the Army senior leader committees and/or Diversity working groups.

(4) Ensure the DASA DL—

(a) Develops Armywide Diversity strategic plans, objectives, measures, and timelines to evaluate the effectiveness of human capital Diversity initiatives and efforts.

(b) Advises the ASA (M&RA) on Diversity-related issues.

(c) Coordinates and reviews Diversity efforts and initiatives with senior commanders.

Chapter 5
Equal Employment Opportunity Career Program 28

5–1. Civilian career management

a. Career management is the assessment and execution of the mission based training and development requirements of employees throughout the life-cycle from accession to separation. The goal of career management is to ensure the readiness of civilians through the effective development of competency-based, life-cycle management policies and strategies that enable the recruitment and development of a civilian workforce that is adaptive, flexible, and responsive to Army missions.

b. Army Civilians in CP 28 serve as EEO and EO professionals across the Active Army and Army Reserve. They are trained, qualified practitioners who effectively deliver programs that advance the values of Diversity and inclusion within the Army culture and enforce an environment free from unlawful discrimination and prohibited behaviors to maximize the readiness potential of every Soldier, civilian, and Family member.

c. Careerists support mission readiness at the DA, ACOMs, Army service component commands, direct reporting units, and installations.

d. CP 28 is comprised of civilian personnel from the following occupational series:

(1) 0260–EEO series.

(2) 0301—Career Proponency Manager/Career Program Manager.

(3) 0360—Equal Opportunity Compliance (Military EO series).

(4) 0361—Equal Opportunity Assistance series.

5–2. Career Program 28 strategy

To better support the institutional Army by providing opportunities for CP–28 professionals to acquire needed competencies through the acquisition of knowledge and experience.

5–3. Career Program 28 objectives

a. Key objectives of CP–28 are to—

(1) Promote a professional steady state that contributes to a balanced Army, yielding a flexible and adaptive civilian workforce.

(2) Recruit, develop, and retain technically-skilled EEO professionals to meet the current and future operational requirements of the Army.

(3) Provide a centrally-managed and controlled civilian CP to meet requirements in support of Army operational activities at all echelons.

(4) Seek to constantly improve and maintain the quality and appropriately high standards of Army EEO professionals to assure the preservation of the program's credibility, integrity, and professional expertise.

(5) Ensure that a body of careerists is maintained that enables the Army to meet its Federal requirements.

b. Additional information/provisions for overall CP management may be found in AR 690–950.

5–4. Responsibilities

a. The ASA (M&RA) is the Functional Chief (FC) for CP–28. The FC identifies strategic workforce issues related to the development of competency-based strategic human capital planning for CP–28; ensures the readiness of CP–28 occupational series in support of Army missions; maintains communications with commanders to gather mission priorities; and develops annual strategic plans that are responsive to the changing needs of the Army.

b. The DASA (DL) is the FCR and senior career program official for CP–28. The FCR serves as principal advisor to the FC in matters pertaining to CP–28 management and is responsible for the program's design and administration. The FCR processes and collaborates with commanders and supervisors to ensure the career program maintains a qualified, motivated, and balanced civilian cadre of equal employment/EEO professionals who are capable of supporting Army missions.

c. Additional roles and responsibilities for overall CP management may be found in AR 690–950.

5–5. Selection procedures and Career Program-28 unique requirements

a. All eligible DA Civilian employees with competitive status will be afforded the opportunity to compete for all advertised positions regardless of minimum areas of consideration.

b. CP–28 specific unique requirements pertaining to vacancy announcements and referral/selection procedures and processes are maintained under the Attachment Section of the Civilian Human Resources Agency (CHRA) Web site located at http://www.chra.army.mil/.

c. Exceptions to CP–28 requirements must have CP–28 FCR concurrence.

5–6. Competitive professional development

a. Competitive professional development (CPD) is a planned, systematic, and coordinated program of professional development that supports the Army's organizational goals and mission. It encompasses functionally-tailored developmental opportunities that occur in academic environments, business/industrial settings, or in other strategically-planned career enhancing developmental assignments that have been identified in an approved career program master training plan or individual development plan.

b. Training instances may be short- or long-term and funded from various sources.

c. CPD training instances are centrally-funded via ACTEDS CPD funds.

d. Per AR 350–1, G--3/5/7 manages oversight and execution of all ACTEDS CPD funds.

e. CP–28 careerists will be provided opportunities for appropriate levels of professional development, training, and education based on funding priorities and/or the availability of ACTEDS funds.

f. CP–28 professional development processes/procedures, roadmaps, and ACTEDS Plans are identified in the CP–28 ACTEDS Catalog located at http://cpol.army.mil.

g. CP–28 programs and course offerings, to include eligibility requirements and nomination procedures, are listed in the ACTEDS Catalog, located at http://cpol.army.mil.

Chapter 6
Equal Employment Opportunity Compliance and Complaints Review Program

6–1. Responsibilities

a. The Equal Employment Opportunity Compliance and Complaints Review (EEOCCR) Directorate, within the Office of Diversity and Leadership, administers the Army EEO Complaints Program and provides subject matter expertise to the Secretary of the Army (or designee) concerning the adjudication of civilian complaints of discrimination. The Director of EEOCCR manages two distinct functions: compliance and complaints review.

b. The Compliance function—

(1) Manages and monitors the Army's EEO Complaint Processing System to ensure compliance with 29 CFR 1614, the EEOC's MD 110, and AR 690–600.

(2) Reports the Army's Complaint Program compliance status to the EEOC annually.

(3) Maintains complaint files and complaints processing data as the EEO Complaint Records Custodian for the Army.

(4) Manages the Army Complaints Tracking System which contains Armywide complaint processing data.

(5) Processes all appeals filed by or against the Army with the EEOC and all adverse appellate decisions received from the EEOC.

(6) Develops policy, procedures, and regulations to support the EEOCCR mission.

(7) Administers the Army EEO Counselor Certification Program.

c. The Complaints Review function—

(1) Analyzes the merits of formal EEO Complaints when final agency decisions are requested or required.

(2) Analyzes allegations of breach of Negotiated Settlement Agreements.

(3) Promulgates final Army decisions on formal EEO complaints and complaints alleging noncompliance with negotiated settlement agreements.

(4) Promulgates final Army actions in complaints in which any relief is awarded, to include orders of corrective action, awards of compensatory damages, or awards of attorney fees.

Chapter 7
Incentives, Awards, and Recognition

7–1. Secretary of the Army Awards for Diversity and Leadership

a. Annually, individuals who contribute, promote, advance, and lead the way in the Army's Diversity and Leadership mission may be nominated for Army's Diversity and Leadership Awards.

b. Recognition focuses on substantial contributions and success in the areas of EEO, Military EO, Civil Rights, Compliance, Diversity, and Inclusion.

c. The Secretary of the Army's Diversity and Leadership Awards are presented during the annual awards ceremony hosted by the Secretary of the Army.

d. Although an awardee's command is responsible for funding travel to the awards ceremony, budgetary uncertainty should not discourage commands from recognizing and nominating deserving individuals who emulate positive and proactive qualities and core values of the Army.

7–2. Nominations

Nominations must be submitted in accordance with AR 672–20 and appendix B of this regulation, and will address the following criteria:

a. *Category I – Military and Civilian Leaders.* This award is presented to leaders who exhibit core leader competencies as outlined in AR 600–100. Nominees should have successfully provided purpose, direction, and motivation while improving the organization through the creation of efficiencies or business transformation efforts that resulted in increasing awareness, education, and understanding of the Army's Diversity and Leadership policies, initiatives, and programs.

b. *Category II – EEO Professionals.* This award is presented to EEO Professionals who are responsible for advising, managing, and/or supporting the commander's EEO Program, including: Directors, Managers/Officers, Specialists, Technicians/Assistants and collateral duty personnel. Nominees should have successfully supported a commander in providing a climate and environment free from discrimination and ensuring that the workforce is aware and understands the intrinsic and tangible value of a proactive Model EEO Program.

c. *Category III – Equal Opportunity Advisors (EOAs).* This award is presented to military and civilian personnel responsible for advising, managing, and/or supporting a commander's Military Equal Opportunity Program. Nominees should have successfully supported the command's policy priorities and fostered an inclusive environment.

Chapter 8
Equal Employment Opportunity and Diversity Training

8–1. Required training

a. EEO training will be provided to all civilian employees, regardless of employment status, and to all military personnel who supervise civilian employees or have responsibilities for civilian employee programs. This training will be completed annually.

b. The DASA DL will provide training certification standards and is the approving official for course content. EEO officials will distribute and manage all EEO training requirements.

(1) EEO training will include subjects required by Federal statute, regulations, or departmental policy. The exclusion of statutorily-mandated training from AR 350–1 does not relieve commanders of ensuring that the training is provided.

(2) Employees will complete training within 90 days of entering Army employment and annually, thereafter.

(3) Civilian and military supervisors of civilian employees will complete supervisory EEO training within 90 days of entering the supervisory position and annually, thereafter. Civilian personnel and organization training managers will record completion of EEO training in the Army training database of record, regardless of course length or course title per AR 350–1.

8–2. Training content

EEO training for employees and supervisors will be centrally developed and published by DASA DL. Training may be provided in a live or online setting. EEO training will address topics required to be addressed by Federal statute, regulations, and the DASA DL. Training content will include the provisions of the Federal Employee Antidiscrimination and Retaliation (No FEAR) Act.

Appendix A

References

Section I

Required Publications

Architectural Barriers Act of 1968 (as amended)
36 CFR 1191 (Available at http://www.access-board.gov/.) (Cited in para 1–7*b*(10).)

5 CFR 720
Affirmative Employment Programs (Available at http://www.ecfr.gov/.) (Cited in para 1–7*b*(12).)

29 CFR 1611
Privacy Act Regulations (Available at https://www.eeoc.gov.) (Cited in para 1–8*i*.)

29 CFR 1614
Federal Sector Equal Employment Opportunity Complaint Processing Regulations (Available at https://www.eeoc.gov/.) (Cited in para 1–8*b*.)

EEOC 700–series MDs
(Available at Equal Employment Opportunity Commission, Public Sector Programs, 131 M Street, NE, Washington, D.C. 20507 or https://www.eeoc.gov/.) (Cited in para 1–6*b*.)

EEOC MD 110
Federal Sector Complaint Processing Manual (Available at https://www.eeoc.gov.) (Cited in para 6–1*b*(1).)

Executive Order 13583
Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce (Available at https://www.whitehouse.gov.) (Cited on title page.)

Genetic Information Nondiscrimination Act (GINA) of 2008
(Available at https://www.eeoc.gov/.) (Cited in glossary.)

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
No FEAR Act (Available at http://www.gpo.gov/.) (Cited in para 1–7*b*(5).)

Pregnancy Discrimination Act of 1978
(Available at https://www.eeoc.gov/.) (Cited in glossary.)

Rehabilitation Act of 1973
(Available at http://www.access-board.gov/.) (Cited in para 1–6*a*)

Title VII of the Civil Rights Act of 1964
(Available at https://www.eeoc.gov/.) (Cited in para 1–5*b*.)

5 USC 552
The Freedom of Information Act (Available at https://www.gpo.gov/fdsys/.) (Cited in para 1–8*g*.)

42 USC 2000e–6
Employment by Federal Government (Available at https://www.gpo.gov/fdsys/.) (Cited in para 1–6*a*.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this regulation. U.S. Codes are available at https://www.gpo.gov/fdsys. Codes of Federal Regulations are available at www.gpo.gov. Executive Orders are available at https://www.whitehouse.gov. DOD publications are available at http://www.dtic.mil/whs/directives.

The Americans with Disabilities Act Amendments Act of 2008
(Available at https://www.eeoc.gov/.)

AR 11–2
Managers' Internal Control Program

AR 15–1
Boards, Commissions, and Committees Department of the Army Federal Advisory Committee Management Program

AR 15–6
Procedures for Administrative Investigations and Boards of Officers

AR 25–1
Information Management Army Information Technology

AR 25–2
Information Assurance

AR 25–30
Army Publishing Program

AR 25–55
The Department of the Army Freedom of Information Act Program

AR 25–400–2
The Army Records Information Management System (ARIMS)

AR 27–1
Legal Services, Judge Advocate Legal Services

AR 340–21
The Army Privacy Program

AR 350–1
Army Training and Leader Development

AR 380–5
Department of the Army Information Security Program

AR 380–67
Personnel Security Program

AR 600–7
Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army

AR 600–23
Nondiscrimination on the basis of handicap in Federally Assisted Program

AR 600–100
Army Leadership

AR 672–20
Incentive Awards

AR 690–600
Equal Employment Opportunity Discrimination Complaints

AR 690–700
Personnel Relations and Services (General)

AR 690–950
Career Management

28 CFR 41
Implementation of Executive Order 12250, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs (Available at http://www.gpo.gov/fdsys.)

29 CFR 1602
Recordkeeping and Reporting Requirements Under Title VII, the ADA and GINA (Available at https://www.eeoc.gov.)

29 CFR 1607
Uniform Guidelines On Employee Selection Procedures (1978) (Available at https://www.eeoc.gov.)

29 CFR 1608
Affirmative Action Appropriate under Title VII of the Civil Rights Act Of 1964, as amended (Available at https://www.eeoc.gov.)

29 CFR 1627
Records To Be Made Or Kept Relating To Age: Notices to be Posted (Available at https://www.eeoc.gov.)

29 CFR 1630
Regulations To Implement The Equal Employment Provisions Of The Americans With Disabilities Act (Available at http://www.gpo.gov/fdsys.)

Civil Service Reform Act of 1978
(Available at https://www.eeoc.gov/.)

CP–28 ACTEDS Plan
Equal Employment Opportunity (CP–28) (Available at http://cpol.army.mil/.)

DOD 5200.2–R
Personnel Security Program

DODD 1440.1
DOD Civilian Equal Employment Opportunity (EEO) Program

DODD 5400.11
DOD Privacy Program

Equal Pay Act of 1963 (as amended)
(Available at https://www.eeoc.gov/.)

Executive Order 11478
Equal Employment Opportunity in the Federal Government (Available at http://www.dol.gov/.)

Executive Order 13166
Improving Access to Services for Persons with Limited English Proficiency (Available at https://www.gpo.gov/fdsys.)

Executive Order 13270
Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities

Executive Order 13515
Increasing participation of Asian American and Pacific Islanders in Federal Programs

Executive Order 13548
Increasing Federal Employment of Individuals with Disabilities

General Schedule Supervisory Guide, HRCD–5
(Available at https://www.opm.gov/.)

Public Law 95–471
Indian Controlled Postsecondary Educational Institutions Assistance Act (Available at https://gpo.gov/fdsys.)
Rehabilitation, Comprehensive Services, and Development Disabilities Amendments of 1978 (Available at http://www.justice.gov/.)

Reorganization Plan No. 1 of 1978
(Available at https://www.eeoc.gov/.)

Telecommunications Act of 1996 Section 225
(Available at http://transition.fcc.gov/.)

Tribally Controlled Community College Assistance Act of 1978
(Available at http://eric.ed.gov/.)

Vietnam Era Veterans Readjustment Assistance Act of 1974
(Available at http://www.dol.gov/.)

5 USC 552a
Privacy Act

15 USC 637
Small Business Act (Available at: https://www.gpo.gov/fdsys/.)

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

DA Form 1256
Incentive Award Nomination and Approval

DA Form 2028
Recommended Changes to Publications and Blank Forms

SF 181
Ethnicity and Race Identification

Appendix B

Equal Employment Opportunity Awards Program

B–1. Nomination documentation

a. Commanders will identify, review, and select the best qualified candidate for each award and ensure each nominee's performance is in keeping with the highest traditions of the Army and represents their command.

b. A nomination packet or negative response is required from all commands and, at a minimum, contain—

(1) Endorsement by the commander or senior civilian in the chain of command and submitted in a portable document format (PDF).

(2) Non-adverse statement signed by commander/G–1 (Military only) and DA Form 1256 (Incentive Award Nomination and Approval (civilians only)) (PDF document).

(3) Award nomination transmittal memorandum signed by the nominating commander (Word document).

B–2. Award information (Disability Award only)

a. For the Individuals with Disability Award nominations, at a minimum, the following will be submitted:

(1) A two page, single-spaced narrative describing the nominee's accomplishments (in accordance with criteria) warranting this recognition (Word document not to exceed two pages).

(2) An award citation highlighting the nominee's accomplishments (Word document that is single-spaced not to exceed twenty lines of text, 12-pitch font, with 1 inch left and right margins).

(3) A single-spaced biography of the nominee (Word document not to exceed one page).

(4) A current high-resolution digital (600 dpi .jpg format) official head and shoulder, color photograph of the nominee in Army Service Uniform (Military) or civilian business attire (civilian).

(5) One high-resolution digital photo of the nominee at work or in the workplace (Disability Award only).

b. Award ceremonies are held for each of the affinity or community group events identified in the call for nominations. The recipient's organization is responsible for all related per diem and travel costs. Attire for the award ceremony is Army Service Uniform (Military) and business attire (civilians).

Appendix C

Procedures for providing reasonable accommodation for individuals with disabilities

These procedures will be used to process requests for reasonable accommodation from Army employees and applicants with disabilities to ensure an appropriate response in a timely manner. Further, these procedures establish criteria for collecting and annually reporting data on the numbers and types of requests for reasonable accommodation considered Armywide.

C–1. Key terms

a. Department of Defense Computer/Electronic Accommodations Program. CAP is a centrally-funded reasonable accommodations program that provides assistive technology and services to people with disabilities, Federal managers, supervisors, and information technology professionals. CAP increases access to information and works to remove barriers to employment opportunities by eliminating the costs of assistive technology and accommodation solutions. More information is available at www.cap mil.

b. Decisionmaker. The decisionmaker is an agency official within the employee's chain of command, usually the employee's immediate supervisor. In the case of an applicant, the decisionmaker will usually be the selecting official, an agency official in the selecting official's chain of command, or an HR staff member assigned to process the vacancy (usually within the CPAC).

c. Individual with a disability. An individual who has (i) a mental or physical impairment that substantially limits one or more major life activities, (ii) a record of such impairment, or (iii) is regarded as having such impairment. Individuals who are solely regarded as having a disability are not entitled to reasonable accommodations.

d. "Qualified" individual with a disability. A "qualified" individual with a disability satisfies the requisite skill, experience, education, and other job-related requirements of the position. The individual can perform the essential functions of the position with or without reasonable accommodation.

e. Reasonable accommodation. A reasonable accommodation is any change in the work environment or the way things are customarily done that would enable an individual with a disability to enjoy EEO. Three categories of reasonable accommodations are available for employees or applicants with disabilities:

(1) Modifications or adjustments to the application process to permit an individual with a disability to be considered for a job (for example, providing application forms in alternative formats such as large print or Braille).

(2) Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (for example, providing a sign language interpreter or teletype (TTY) device).

(3) Modifications or adjustments that enable IWDs to have equal benefits and privileges of employment (for example, removing physical barriers in buildings or providing wheelchairs or motorized scooters to facilitate easy access to buildings).

C–2. Initiating a request for reasonable accommodation

a. Commands and organizations must make the contact information for reasonable accommodations readily available in the workplace by posting it on bulletin boards and Web sites or providing it as a handout.

b. Applicants and employees must generally inform the decisionmaker of their need for an adjustment or change to some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition.

c. An applicant or employee may request a reasonable accommodation at any time, orally or in writing. The request does not require the individual to mention the Rehabilitation Act or use the phrase "reasonable accommodation" or "disability."

d. If the nature of the initial communication is unclear, a supervisor or a manager must confirm whether an individual is requesting a reasonable accommodation.

e. The reasonable accommodation process begins as soon as an individual makes an oral or written request for accommodation to the immediate supervisor, a supervisor or manager in the individual's chain of command, the HR office or CPAC, or the organization's EEO office or DPM.

f. For applicants, the HR office or CPAC, decisionmaker, or an Army employee the applicant has had official contact with in connection with the application process.

g. Individuals requesting an accommodation must confirm their request to their supervisor. The supervisor or decisionmaker must document that the request was made and provide a copy of the documentation to the DPM within 2 business days of receipt. The DPM will assign a log number to the document for tracking purposes.

h. The decisionmaker must begin processing an oral request immediately upon receipt of the request and should not wait for written confirmation.

i. A family member, health professional, or other representative may request a reasonable accommodation on behalf of an individual seeking reasonable accommodation. The decisionmaker should confirm with the employee that the employee wants the accommodation.

C–3. Processing requests for reasonable accommodation

a. The request for accommodation begins with an interactive and flexible discussion between the requester and the supervisor. This process may include communicating with the requester to clarify the request, obtaining and exchanging information with the requester to the extent necessary regarding needs and alternatives, searching for solutions, consulting Army and outside resources, and evaluating possible accommodations and additional information, if necessary.

b. If the person receiving the request for reasonable accommodation does not have authority to approve the request, he/she must forward the request within 2 business days to the appropriate official, with a copy to the DPM. A copy of the request will also be forwarded to the servicing labor counselor/agency attorney for information purposes.

c. The decisionmaker may ask the requester relevant questions that will assist in making an informed decision about the request. The decisionmaker is entitled to know that the requester has a disability covered by the Rehabilitation Act for which an accommodation is needed. When the disability and/or need for accommodation is not obvious, the decisionmaker must contact the DPM for assistance in obtaining medical documentation about the employee's disability and functional limitations.

d. Reasonable accommodations are meant to eliminate barriers in the work environment only, not barriers outside the work environment. Common types of reasonable accommodations include modifying work schedules or supervisory methods, granting breaks or providing leave, altering how or when job duties are performed, removing and/or substituting a nonessential function, moving to different office space, providing telework, changing workplace policies, reconfiguring workspaces, providing accessible parking, and providing materials in alternative formats (such as Braille or TTY).

e. Reasonable accommodations may include personal assistance services in the form of work-related assistance, but generally do not include personal attendant care at the worksite. Work-related personal assistance services may include task-related assistance such as readers, interpreters, help lifting or reaching, page turners, or a travel attendant to act as a sighted guide for a blind or mobility-impaired employee while on occasional official travel (5 CFR 213.3102(ll)). When an employee is on official travel and incurs personal attendant care expenses beyond what his/her usual expenses would be when not on official travel, the command or organization should consider reimbursement for the added travel expense.

f. A request by an employee with a disability to use a service animal at work is also a request for reasonable accommodation. Federal law defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Employers are not required to automatically allow employees to bring their service animal to work. An employer can propose alternative accommodations that are equally reasonable and effective, or the employer must show undue hardship for denying a request for the use of a service animal as a reasonable accommodation.

g. If a decisionmaker does not immediately grant the requested accommodation, he/she must consult directly with the DPM. The DPM will coordinate, as needed, with the servicing labor counselor/agency attorney before providing the decisionmaker with any recommendations. Legal reviews must be conducted for all proposed denials of a reasonable accommodation or the particular accommodation requested.

h. As soon as the decisionmaker determines that an accommodation will be provided, he/she must immediately communicate the decision orally or in writing to the requester. If the decisionmaker initially communicates the decision orally, he/she must follow up in writing. For recordkeeping purposes, the decisionmaker will give a copy of the written decision to the DPM.

i. As part of the interactive process, the decisionmaker may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in addressing the need for a reasonable accommodation. A decision to provide an accommodation other than the one specifically requested is considered a decision to grant an accommodation. If more than one accommodation is effective, the preference of the individual with a disability should be given primary consideration. However, the decisionmaker has the ultimate discretion to choose between effective accommodations. The written decision will explain both the reasons for the denial of the individual's specific requested accommodation and why it has been determined that the chosen accommodation will be effective. If the request is approved but the accommodation cannot be provided immediately, the written decision must include a projected timeframe for providing the accommodation.

j. A decisionmaker granting a request is responsible for following through and making any necessary arrangements to ensure that the accommodation is provided within the applicable time limit. Absent extenuating circumstances, the requested accommodation should be granted, modified, or denied within 30 business days from the date the decisionmaker

receives the initial request. Each command or organization will determine how funding will be provided to support the provision of reasonable accommodation not covered through CAP.

C–4. Time limits

a. The command or organization will process requests for reasonable accommodations and provide accommodations, when appropriate, as soon as reasonably possible. The process begins when an applicant or employee makes an oral or written request for reasonable accommodation and not necessarily when the decisionmaker receives the written confirmation of the request (see document samples in this appendix). All parties, however, should recognize that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information and medical documentation. Supervisors/decisionmakers should have backups designated to continue receiving and processing requests and providing reasonable accommodations when the supervisors/decisionmakers are unavailable. Decisionmakers should ensure that the individuals know who has been designated as backup.

b. A supervisor or decisionmaker receiving a request for reasonable accommodation may be able to grant the request immediately. Absent extenuating circumstances, the requested accommodation should be granted or denied within 30 business days from the date the decisionmaker receives the initial request. However, the 30-business day timeline is paused pending receipt of the requested medical information or supporting documentation from the requester or a heath care provider. Once the information has been received, the timeline resumes.

c. "Extenuating circumstances" are situations that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond the requester's or decisionmaker's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances in which they are reasonably necessary and only for as long as required to deal with the extenuating circumstance.

d. When a delay occurs in processing a request for or providing a reasonable accommodation, the decisionmaker must notify the requester of the reason for the delay. Upon becoming aware of the need for a delay, the decisionmaker must contact the DPM to determine whether a provisional accommodation can be provided. A decisionmaker could consider a temporary job restructuring or the use of equipment that might permit the individual to perform some of the functions of the job.

e. The processing of reasonable accommodation requests may be expedited in appropriate cases. Expedited processing might be necessary where, the reasonable accommodation is needed to enable an individual to apply for a job, or the reasonable accommodation is needed for a specific activity that is scheduled to occur shortly.

C–5. Medical information

a. When the disability and/or need for accommodation is not obvious, the employee or applicant seeking accommodation may be asked to provide appropriate medical information related to the functional impairment and/or limitations at issue and the requested accommodation. Supplemental documentation may be requested when the information already submitted is insufficient to document the disability and/or the functional limitations. The decisionmaker should consider providing an interim accommodation until medical documentation is received and a final decision is made on a reasonable accommodation. Failure to provide necessary documentation when it has been properly requested could result in a denial of reasonable accommodations.

b. Medical documentation contains PII and is sensitive information about an individual's medical condition and must be handled in a confidential manner. The decisionmaker must seek the assistance of the DPM before obtaining any medical documentation. The DPM, in coordination with the servicing labor counselor/agency attorney (as needed), will assist in obtaining appropriate medical documentation.

c. Medical information will be requested only to the extent reasonably necessary to establish that the requester is an individual with a disability and/or needs the requested accommodation and provide information on the nature, severity, and expected duration of the impairment (for example, functional limitations, symptoms, side effects of any treatments, and so forth); the activity or activities the impairment limits; the extent to which the impairment limits the individual's ability to perform the activity or activities; and/or why the individual requires the particular accommodation requested and how the accommodation will assist the individual to apply for a job, perform the essential functions of the job, or have the benefits of the workplace.

d. Based on the medical documentation provided, the decisionmaker may elect to approve the request for reasonable accommodation. On a case-by case basis, the decisionmaker may submit medical documentation to the occupational medicine physician or other medical expert for assistance in assessing functional abilities regarding that individual's ability to perform a job, in order to help the decisionmaker choose an effective reasonable accommodation. The information should inform the medical authority of the nature of the job, the essential functions the individual will be expected to perform, and any other information relevant to evaluating the request.

e. The medical authority may request supplemental medical documentation when the submitted information is insufficient to document the existence of a disability and the need for reasonable accommodation.

f. If the supplemental medical documentation does not result in sufficient information, the activity may require the employee requesting the accommodation to be examined by a health care professional of the activity's choice at the activity's expense.

C–6. Reassignments

a. Reassignment is the accommodation of last resort and is available only to employees, not applicants. Supervisors/decisionmakers will consider a reassignment only if no reasonable accommodations are available to enable the individual to perform the essential functions of his/her current position, or if the only effective accommodation would cause undue hardship. Reassignment may be made only to a vacant position. The command or organization will not create new positions or displace employees from their jobs.

b. The vacant position is considered available as long as a selection to fill the position has not been made and no DOD Priority Placement Program matches are pending. An employee is qualified for the identified reassignment if he/she satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the position with or without reasonable accommodation. If the employee is qualified for the position, he/she should be reassigned to it as a reasonable accommodation and not have to compete for the position.

c. If a reassignment is under consideration, the decisionmaker must consult with the servicing CPAC and Staff Judge Advocate. The servicing CPAC will conduct a vacancy search based on the employee's expressed preference and qualifications. The decisionmaker should explain to the employee why he/she cannot be accommodated in the current position and that a reassignment is under consideration. The decisionmaker should determine the employee's preferences with respect to the reassignment, such as whether the employee is willing to be reassigned outside the facility or outside the commuting area, including outside the geographical area and, if so, to what locations; be reassigned to a different type of position he/she may be qualified for and, if so, to what type(s); be reassigned to a different subcomponent of the department and, if so, to which one(s); and be reassigned to a lower grade or pay band position if no position is available at the current grade or pay band and, if so, down to what grade or pay band.

d. The reassignment should not create an adverse personnel action or adversely impact the employee's career.

e. If an employee is reassigned outside the local commuting area or to a different geographical area, the employee must pay any relocation expenses unless the activity routinely pays such expenses when granting voluntary transfers to other employees.

C–7. Denial of requested accommodation

a. Decisionmakers must inform the DPM and Staff Judge Advocate before denying a request for accommodation or the particular accommodation requested. The decisionmaker must provide documentation that demonstrates the effort made to explore, with the requester, other options for accommodation. The command or organization must obtain legal reviews for all proposed denials of a reasonable accommodation or the particular accommodation requested before informing the requester of the denial.

b. When the decisionmaker denies an individual's request for an accommodation, he/she must notify the requester of the denial in writing. The notification must be written in plain language and state the specific reason(s) for the denial (for example, why the medical documentation is inadequate to establish that the individual has a disability or needs reasonable accommodation, why the requested accommodation would be ineffective, the reasons the decisionmaker believes the offered accommodation would be effective, or why the requested accommodation would pose an undue hardship). The written denial must identify the supervisor/manager and the office that made the decision and provide information about the individual's right to file an EEO Complaint and invoke other applicable statutory or regulatory processes, including the availability of the informal dispute resolution process.

c. The decisionmaker must complete the memorandum for the record documenting the denial of accommodation request (see document samples in this Appendix) and submit it to the staff judge advocate along with a copy of the written notification of denial.

d. In determining whether a proposed reasonable accommodation poses an undue hardship, the decisionmaker, in consultation with the DPM and the labor counselor/agency attorney, must consider the overall resources and options available to the Army, not just the budget or resources of an individual segment, subcomponent, or division within the Army.

C–8. Confidentiality

a. The decisionmaker or any other official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request with other Army officials only

when those other Army official(s) demonstrate a need to know and that the information will be used solely to make determinations on an accommodation request, or to help the decisionmaker make a determination.

b. The Rehabilitation Act requires that all medical information be kept confidential. DPMs, decisionmakers, and other persons who have access to information necessary to make a decision on a request for reasonable accommodation must maintain this information in a secure location separate from the employee's personnel file and may not further disclose this information except as provided in in this appendix.

c. Officials must be informed about the confidentiality requirements whenever medical information is disclosed to them.

d. Supervisors and managers who need to know will be informed about necessary restrictions on the work or duties of the employee and about necessary accommodation(s).

e. Building managers and others planning for emergency evacuations may be informed to include special provisions in emergency evacuation planning and procedures.

f. First aid and safety personnel may be informed if the disability might require emergency treatment.

g. Other government officials may be provided information necessary to investigate the Army's compliance with the Rehabilitation Act.

h. The information may be disclosed to workers' compensation offices or insurance carriers in certain circumstances.

i. Information may be shared with other agency officials who have an official need to know to execute their mission, such as labor counselors, agency attorneys, HR or the servicing CPAC personnel, the occupational medicine physician or the medical advisor, and EEO specialists.

j. Other information that must be kept confidential includes the fact that an employee or applicant is receiving an accommodation or has a disability. Managers should explain the policy of assisting any employee who encounters difficulties in the workplace if coworkers question what they perceive as different or special treatment of an accommodated employee.

k. The manager/supervisor will also point out that many of the workplace issues employees encounter are personal and that it is the agency's policy to respect employee privacy. An employee may, however, authorize release of information that may facilitate a requested accommodation. The authorization should be addressed and confirmed in writing before it is released.

C–9. Information tracking

a. The local EEO office will establish a system of recordkeeping to track the processing of requests for reasonable accommodation. The decisionmaker who processed the accommodation request must complete and submit information to the DPM. A sample format is provided in this appendix.

b. Records that contain medical information about a particular individual with a disability are subject to the confidentiality restrictions and the activity's recordkeeping systems must contain safeguards to ensure that those restrictions are observed.

c. At a minimum, the records related to an employee who requested a reasonable accommodation will be maintained for the duration of the employee's tenure to ensure that the employee is not asked to provide medical information previously submitted. After the employee's tenure, they will be maintained in accordance with the Army's records retention policies.

d. The EEO office will retain information or any cumulative records used to track the activity's performance with regard to reasonable accommodation for at least 5 years. Tracking performance over a 5-year period is critical to enable the activity to assess whether it has adequately processed and provided reasonable accommodations.

e. Information will be summarized in the annual MD 715 Report to the EEOC through command channels. On an annual basis, activities will report the following information as part of the reporting process:

(1) The number of reasonable accommodations, by type, that have been requested for the application process and whether those requests have been granted or denied.

(2) The types of reasonable accommodations that have been requested by job series.

(3) The number of reasonable accommodations, by type, for each job series that have been approved and denied.

(4) The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment and whether those requests have been granted or denied.

(5) The reasons for denial of requests for reasonable accommodation.

(6) The amount of time taken to process each request for reasonable accommodation.

(7) The sources of technical assistance that were consulted in trying to identify possible reasonable accommodations.

(8) Relevant information will be examined during Army's onsite EEO Program reviews. The Army review will evaluate the activity's performance in responding to requests for reasonable accommodation. Reviews will include:

(9) The length of time it takes the activity to respond to requests for different types of reasonable accommodations.

(10) Whether the activity has been unable to provide any particular types of reasonable accommodations.

(11) Whether any activities consistently are not granting reasonable accommodations, and the various reasons activities denied a request for reasonable accommodation.

C–10. Informal dispute resolution and Equal Employment Opportunity Complaints

a. An informal dispute resolution process is a voluntary mechanism through which an employee can request reconsideration of a denial of reasonable accommodation, regardless of whether the person has started the EEO Complaint Process. An informal dispute resolution process begins when an employee asks the decisionmaker to reconsider his or her decision. Employees may also request reconsideration of the denial from officials higher in the decisionmaker's chain of command.

b. The Army's preferred method of informal dispute resolution is ADR. An individual whose request for accommodation has been denied has the option to initiate ADR through any applicable ADR process the Army has established that covers such disputes.

c. An individual whose request for accommodation has been denied may file an EEO Complaint in accordance with AR 690–600. An employee whose request for accommodation has been denied and who is covered by a collective bargaining agreement may elect to file a claim of discrimination under a negotiated grievance procedure that covers such claims or through the EEO Complaint Process, but not both. An employee filing an EEO Complaint also may request the use of ADR at any stage of the Complaint Process.

d. The informal dispute resolution process does not affect the time limits governing the EEO Complaint Process. An individual's participation in ADR does not satisfy the requirements for bringing a claim under the EEO, Merit Systems Protection Board, or negotiated grievance procedures. When a request for reasonable accommodation is denied, the individual wishing to pursue the EEO Complaint Process must do so within 45 days of the denial, even if he/she has already requested participation in ADR.

e. Contact information for the activity's servicing EEO office should be available on the activity's Web site, posted in the local CPAC, or at the end of these procedures.

Employees are encouraged to contact their supervisor as the first step in requesting a reasonable accommodation.

Organization

Name: [Organization name]

Location: [Physical address]

Web Site: [Site URL]

EEO Officer

Name: [EEO officer's name]

Phone: [Contact number]

Fax: [Fax number]

Email: [Contact's email address]

Disability Program Manager

Name: [Disability Program Manager's name]

Phone: [Contact number]

Fax: [Fax number]

Email: [Contact's email address]

Alternative Dispute Resolution Contact

Name: [Alternative Dispute Resolution Contact's name]

Phone: [Contact number]

Fax: [Fax number]

Email: [Contact's email address]

Figure C–1. Contact information for reasonable accommodations

DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

OFFICE SYMBOL DATE

MEMORANDUM FOR RECORD

SUBJECT: Request for Reasonable Accommodation

1. Individual Information:

[Applicant or Employee Name]

[Email] [Phone]

[Pay Plan, Series and Grade] [Date of Request]

[Job Title]

[Organization]

[Information Completed by]

[Email] [Phone]

2. Accommodation Requested… [Be as specific as possible in stating the request, for example, adaptive equipment, an interpreter, a reader, etc.]

3. This request is necessary because … [State the reason for the request. If the accommodation is time-sensitive, please explain.]

4. Log Number (Assigned by DPM): [Enter number] Date:[Enter Date]

Figure C–2. Sample confirmation of request for reasonable accommodation

- A discussion between management and an employee as part of the interactive process to discuss or clarify the employee's need for an accommodation or to explore potential accommodations might include topics such as the following (as applicable to the particular situation):
- How does the medical condition affect the employee's ability to perform job duties?
- Which job duties are affected?
- What suggestions does the employee have for accommodation?
- Is more than one accommodation available that would allow the employee to perform the essential functions of the position?
- If a meeting with the employee is needed as part of the interactive process, has the civilian personnel advisory center (CPAC) coordinated with the employee's bargaining unit representative (if applicable)?
- Which, if any, of the reasonable accommodations being considered are available? Which are effective?
- Is it necessary to consult with a resource specializing in rehabilitation and accommodation issues, such as the Computer/Electronic Accommodations Program?
- Is any coordination needed with facilities or fiscal managers?
- Has the CPAC coordinated with the employee's bargaining unit representative (if applicable)? (This should occur before implementation of a reasonable accommodation.)
- Have you consulted the Disability Program Manager before requesting medical information?
- Has the servicing labor counselor/agency attorney conducted a legal review before the denial of a requested accommodation or the particular accommodation requested?

Figure C–3. Checklist for reasonable accommodation request

ARMY DISABILITY PROGRAM MANAGER
Office of the Deputy Assistant Secretary of the Army (Diversity and Leadership)
Assistant Secretary of Army (Manpower and Reserve Affairs)
5825 21st Street, Building 214
Fort Belvoir, VA 22060
Phone: (703) 545-5780

COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM (CAP)
Defense Medical System Support Center
5111 Leesburg Pike, Suite 810 Falls Church, VA 22041-3206
Phone: (703) 681-8811 (Voice/TTY)
Fax: (703) 681-9075
Web site: www.cap.mil

COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM TECHNOLOGY EVALUATION CENTER (CAPTEC)
Pentagon, Room 2A259
Phone: (703) 693-6189 (TTY)
(703) 693-5160 (Voice)
Web site: www.cap.mil

U.S. DEPARTMENT OF LABOR
Office of Disability Employment Policy
Web site: www.dol.gov/odep/resources/

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Web site: www.eeoc.gov

DISABILITY.GOV
Web site: www.disability.gov

This user-friendly, interagency site provides information on disability programs and services nationwide. It connects people with disabilities, their families, caregivers, employers, service providers, and other community members to helpful resources they need to pursue their personal and professional ambitions.

Figure C–4. Reasonable accommodation resources

DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

OFFICE SYMBOL DATE

MEMORANDUM FOR RECORD

SUBJECT: Denial of Request for Reasonable Accommodation

1. Reference Log Number: [Enter Number]

2. Individual Requesting Accommodation: [Name]

3. Type(s) of accommodation requested: [Description]

4. Request for accommodation denied because (may check more than one box):

- ☑ Accommodation would cause undue hardship.
- ☑ Medical documentation is inadequate.
- ☑ Accommodation would require removal of one or more essential job functions.
- ☑ Other (please identify)

5. The requested accommodation was denied because … [Provide detailed, specific reasons, such as why the accommodation is ineffective or causes undue hardship.]

6. If the individual proposed one type of reasonable accommodation, which is being denied, but rejected an offer of a different type of accommodation, explain both the reasons for denial of the requested accommodation and why the offered accommodation is effective.

7. An individual who disagrees with the denial of an accommodation request is encouraged to initiate alternative dispute resolution through any applicable process the Army has established.

8. If the individual wishes to file an EEO complaint or pursue Merit Systems Protection Board appeal and union grievance procedures, he or she must take the following steps. The time limits for these steps apply whether or not the individual has initiated alternative dispute resolution:

Figure C–5. Sample denial of accommodation request

a. For an EEO complaint pursuant to 29 C.F.R. Part 1614, contact an EEO counselor in the EEO office within 45 days from the date of this notice of denial of accommodation request; or

b. For a collective bargaining claim, file a written grievance in accordance with the provisions of the collective bargaining agreement; or

c. Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. section 1201.3.

[Signature]
Deciding Official

Receipt Acknowledged:

[Signature]
Employee Signature

[Date]
Date Received

Figure C–5. Sample denial of accommodation request—continued

DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

OFFICE SYMBOL DATE

MEMORANDUM FOR Disabilities Program Manager (local EEO office)

SUBJECT: Information About Request for Reasonable Accommodation

(The supervisor/decisionmaker who processed the accommodation request should complete this memorandum. Use additional sheets if necessary.)

1. Request for accommodation (check one):

   ☑ Approved
   ☑ Denied (attach copy of the written denial memorandum sent to the individual.)

2. Date reasonable accommodation requested: [Date]

3. Who received the request: [Name]

4. Date reasonable accommodation request referred to decision maker (that is, supervisor, office director): [Date]

5. Name and position of decisionmaker: [Name, Position]

6. Date request approved or denied: [Date]

7. Date reasonable accommodation provided (if different from date approved): [Date]

8. If timeframes outlined in the Army's policy and procedures for reasonable accommodation were not met, explain why: [Explanation]

9. Job held or desired by individual requesting reasonable accommodation (include occupational series and grade level): [Job Title, Series, Grade]

10. Reasonable accommodation needed for (check one):

    ☑ Application process
    ☑ Performing job functions or accessing the work environment
    ☑ Accessing a benefit or privilege of employment (for example, attending a training program)

Figure C–6. Reasonable accommodation of information report

11. Type(s) of accommodation requested (such as adaptive equipment, staff assistant, removal of architectural barrier): [Type]

12. Type(s) of reasonable accommodation provided (if different than requested): [Type]

13. What organization provided the adaptive equipment?

14. Was medical information required to process this request? If yes, explain why.

15. Sources of technical assistance, if any consulted in trying to identify possible reasonable accommodations (for example, Job Accommodation Network, Computer/Electronic Accommodations Program, disability organization, Disability Program Manager).

16. The point of contact is the undersigned, insert organization name, (123)-456-7890 or jane.r.doe.civ@mail.mil.

NAME
Position Title

Figure C–6. Reasonable accommodation of information report—continued

Appendix D

Department of the Army Anti-Harassment Policy Implementation Procedures

D–1. Unlawful harassment

a. Unlawful harassment includes, but is not limited to, unwelcome conduct, intimidation, ridicule, insult, offensive comments or jokes, or physical conduct based on race, color, religion, sex (whether or not of a sexual nature), national origin, age (over 40), disability, genetic information, or reprisal when an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for a tangible employment action affecting the employee, or the conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of the employee's employment or otherwise create a hostile or abusive work environment.

b. The harasser can be a person's supervisor, a supervisor in another area, a coworker or someone who is not an employee of the agency, such as a contractor or customer.

c. The Army may be liable for unlawful harassment by a supervisor that results in a tangible (negative) employment action, such as termination or a failure to promote. If the supervisor's harassment results in a hostile work environment, but not in a tangible employment action, the Army may nevertheless be liable, unless—

(1) Management reasonably tried to prevent and promptly correct the harassing behavior, and

(2) The employee unreasonably failed to take advantage of any preventive or corrective opportunities the Army provided.

d. The Army may be liable for harassment by nonsupervisory employees or nonemployees it has control over (for example, independent contractors or customers on the premises), if management knew or should have known about the harassment and failed to take prompt and appropriate corrective action.

D–2. Responsibilities of supervisors and management officials

a. Supervisors and managers, both civilian and military supervisors of Army employees, have a responsibility to maintain a workplace free of harassment. Supervisors will make reasonable efforts to prevent and promptly correct harassing behavior in the workplace.

b. When an employee makes a complaint to a management official about alleged harassment, the Army will investigate the allegation regardless of whether the harassment rises to the level of being severe or pervasive. Complaints of harassment do not need to conform to any particular format or be in writing.

c. Supervisors and managers of Army civilian employees will promptly address allegations of harassment with the employees directly involved in the incident, along with any witnesses who might have firsthand information. Managers must take prompt preventive and corrective action, including discipline, as appropriate, in consultation with the servicing staff judge advocate and the Labor Management Employee Relations (LMER) staff.

d. Supervisors and managers will ensure that non-supervisory employees complete the Army's "EEO, Anti-Harassment and No FEAR Act Training" Course for nonsupervisory personnel annually and that they are aware of the anti-harassment policy and procedures and their role in the Complaint Process.

e. Supervisors will complete the Army's "EEO, Anti-Harassment and No FEAR Act Training" Course for supervisors annually.

D–3. Responsibilities of employees

a. Conduct that is discriminatory or harassing is contrary to the Army's core values and may be unlawful. An employee engaging in such conduct is subject to appropriate corrective action, including discipline.

b. Employees must report any behavior they view as harassment before it becomes severe or pervasive. Although isolated incidents of harassment generally do not violate Federal law, a pattern of incidents may be unlawful. Employees should take advantage of opportunities the agency provides to prevent further harm. Supervisors and managers cannot correct harassing conduct unless they are aware of it.

c. All Army employees (supervisors and nonsupervisors) are responsible for completing the mandatory "EEO, Anti-Harassment No FEAR Act Training" Course to gain an understanding of the Army's anti-harassment policy and procedures and their role in the Complaint Process.

D–4. How to report harassment

a. An employee who believes another person has subjected them to unwelcome harassing conduct should inform the person(s) responsible for the conduct that it is unwelcome and offensive and request that it cease.

b. If the conduct continues, or if the employee is uncomfortable confronting the responsible person(s) about the conduct, he or she should immediately report the matter to his or her immediate supervisor, the supervisor of the harasser or any

other management official in the chain of command. The employee may also report the matter to other officials, including The Inspector General, EEO or CPAC LMER personnel, union officials, or chaplains. If using these alternative options to report harassing conduct, the employee should give the official permission to notify the employee's supervisory or management chain.

c. Employees who witness or become aware of harassing conduct directed at another employee(s) should report the matter to the supervisor of the offending employee(s) or other management officials in their chain of command.

D–5. Inquiries into allegations of harassing conduct

a. *Initial response.* A supervisor or management official who receives notice of an allegation or witnesses harassing conduct will contact their servicing staff judge advocate within 1 business day for guidance on the appropriate type of inquiry and response necessary to promptly address and resolve the matters at issue.

b. *Matters requiring further investigation.* If the results of an initial inquiry are insufficient to determine whether the issue requires corrective action, the supervisor or management official responsible for taking disciplinary action against the alleged harasser may request further investigation in accordance with AR 15–6. Management should make such requests on a case-by-case basis and in consultation with their servicing staff judge advocate. After completion and approval of the AR 15–6 investigation, management may use the information obtained, including the findings and recommendations, in taking corrective action against the alleged harasser, including disciplinary action, if appropriate.

c. *Confidentiality.* DA will maintain all reported information, including results of inquiries and investigations, on a confidential basis to the greatest extent possible. The identity of the employee alleging the violation will remain confidential, except as necessary to conduct an appropriate investigation into the alleged violations or when the law or regulation requires otherwise. Management cannot guarantee complete confidentiality because it cannot conduct an effective investigation without disclosing certain information to the alleged harasser and potential witnesses. Management may have to disclose information to an employee being disciplined as a result of an inquiry or investigation. Also, the agency may have to disclose the information as part of any litigation for which the information may be relevant and necessary. However, the maintenance of investigative records and any disclosures of information from those records will be in compliance with the Privacy Act (5 USC 552a).

D–6. Action to take after an inquiry

a. Upon completion of the inquiry or investigation, the management official who is responsible for taking disciplinary action against the alleged harasser will promptly evaluate the evidence and determine the appropriate action to take in consultation with the servicing staff judge advocate and the LMER specialist in the servicing CPAC. This responsibility normally rests with the first-line supervisor of the employee alleged to have engaged in the harassing conduct, unless the supervisor is involved in the allegation. In those cases, the record of the investigation will be provided to the senior management official in the supervisor's chain of command.

b. In cases of alleged severe and pervasive harassing conduct, the management official must consult with the agency's attorney/labor counselor and EEO or LMER specialist within 1 business day regarding recommendations on appropriate corrective action.

c. When the inquiry establishes that an employee engaged in harassing conduct, that employee is subject to appropriate disciplinary or other corrective action in accordance with AR 690–700. If the alleged harasser is a military member, that individual is subject to the provisions of the Uniform Code of Military Justice. When the inquiry establishes that a manager or supervisor did not properly carry out their responsibility as provided in these procedures, the manager or supervisor is subject to appropriate disciplinary or other corrective action in accordance with AR 690–700.

d. No further action is necessary under these procedures once management, in consultation with the servicing staff judge advocate, is satisfied that its corrective action has stopped the harassing conduct and deterred its recurrence.

D–7. Filing a complaint of discrimination or harassment in other forums

a. Reporting harassment in accordance with the procedures in appendix D does not replace or satisfy the requirements for filing EEO Complaints, union grievances or complaints in other forums, nor does it delay or waive the time limits for initiating claims in these forums.

b. To seek monetary and nonmonetary remedies for unlawful harassment, an employee may file in one of the following forums:

(1) *Equal Employment Opportunity.* Employees may file an EEO Complaint through their servicing EEO office. The employee must, however, file an EEO Complaint within 45 calendar days of the alleged incident or when the employee knew or should have known of the discriminatory or harassing conduct. To the greatest extent possible, EEO officials must adhere to an aggrieved person's right to anonymity during the informal processing of the complaint unless the aggrieved

employee waives his or her right to anonymity. AR 690–600 outlines the Army EEO Complaint Process (see also 29 CFR Part 1614).

(2) *Negotiated grievance procedure.* Employees covered by a collective bargaining agreement may file a grievance under their negotiated grievance procedure instead of an EEO Complaint if the agreement provides for the option. Bargaining unit employees should contact their union steward or appropriate union official for information about their rights and responsibilities under the negotiated grievance procedure.

(3) *MSPB.* Eligible Federal employees may appeal an adverse agency personnel action (such as a removal or suspension of more than 14 days) with the MSPB if the personnel action is within the jurisdiction of the MSPB. The employee must file an appeal within 30 days of the effective date of an appealable adverse action or within 30 days of the date of receipt of the agency's decision, whichever is later. 5 CFR Part 1201 outlines the procedures for filing appeals, including appeals that include a claim of discrimination or harassment.

c. If an employee pursues a claim of harassment through the EEO process, the negotiated grievance procedure or an MSPB appeal, the EEO/LMER official who receives notice of the claim will promptly notify the appropriate responsible management official. The management official will treat the notification as a report and follow the procedures outlined in paragraphs D–5 and D–6 of this appendix.

Appendix E

Internal Control Evaluation

E–1. Function

The functions covered by this evaluation concern EEO Data access policy. Army EEO official access to PII information is controlled by using the restrictions cited in this regulation. Public disclosure of employee information is governed by 29 CFR 1614.601, and the review of all data access requests by the DASA DL. Approval by the DASA DL is further reviewed by HR G1 CHRA account managers to ensure that requests are granted only to the data required after the DASA DL has recognized the need to know of the individual requester. Federal laws require that data retained on individuals who participate in the EEO process is restricted such that the individual, regardless of status is protected from reprisal. These guidelines are rigidly enforced by EEOC officials and the DASA DL; reviews of data access are conducted monthly to validate user access levels.

E–2. Purpose

The purpose of this evaluation is to prescribe oversight procedures to preclude unauthorized access to EEO information.

E–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification). All EEO offices will maintain a copy of the data access requests in ways that protect the information contained thereon and review these procedures every six months. Corrective actions will be taken as required by this regulation.

E–4. Test questions

a. Are the request for data access maintained in a secure way?
b. Are individuals requesting data access trained on the provisions of data security?
c. Are PII information safeguarded and provided on a need to know basis?
d. Are individuals requesting data access employees in permanent pay status and only in EEO occupational series?
e. Are the information users trained to not automatically provide EEO protected information without a need to know?
f. Are information users activity with EEO data systems checked to ensure that all of those systems are used every 45 days?

E–5. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the ASA (M&RA) (SAMR–DL), 1500 Army Pentagon, Washington, DC 20310–1500. Providing EEO/HR or other PII information to unauthorized users can personally or professionally harm the individuals whose information is being disclosed.

Glossary

Section I

Abbreviations

ACOM
Army command

ACTEDS
Army Civilian Training, Education & Development System

ADR
Alternative Dispute Resolution

AR
Army regulation

ASA (CW)
Assistant Secretary of the Army (Civil Works)

ASA (IE&E)
Assistant Secretary of the Army for Installations, Energy and Environment

ASA (M&RA)
Assistant Secretary of the Army (Manpower and Reserve Affairs)

CAP
Computer/Electronic Accommodations Program

CFR
Code of Federal Regulations

CHRA
Civilian Human Resources Agency

CIO/G–6
Chief Information Officer, G–6

CP
Career Program

CPAC
civilian personnel advisory center

CPD
competitive professional development

DA
Department of the Army

DASA DL
Deputy Assistant Secretary of the Army for Diversity and Leadership

DASWG
Department of the Army Diversity Working Group

DCS
Deputy Chief of Staff

DOD
Department of Defense

DPM
Disability Program Manager

DVAAP
Disabled Veterans Affirmative Action Program

EEO
Equal Employment Opportunity

EEOC
U.S. Equal Employment Opportunity Commission

EEOCCR
Equal Employment Opportunity Compliance and Complaints Review

EO
Equal Opportunity

ERI
ethnicity and race identification

FC
Functional Chief

FCR
Functional Chief Representative

FEORP
Federal Equal Opportunity Recruitment Plan

HR
human resource

IWD
individuals with disabilities

IWDPM
Individuals with Disabilities Program Manager

LMER
Labor Management Employee Relations

MD
management directive

MSPB
Merit Systems Protection Board

OPM
U.S. Office of Personnel Management

PDF
portable document format

PII
personal identifiable information

SEP
special emphasis program

SEPM
special emphasis program manager

TTY
teletype

USC
U.S. Code

Section II

Terms

Affirmative employment and affirmative action
Those actions appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

Age discrimination
Age discrimination involves treating someone (an applicant or employee) less favorably because of his or her age. The Age Discrimination in Employment Act only forbids age discrimination against people who are age 40 or older. Age discrimination can happen even when the victim and person who inflicted the discrimination are both over 40.

Disability discrimination
Disability discrimination can occur when management treats a qualified individual with a disability unfavorably in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment because of their disability; when management fails to make a reasonable accommodation (modifications or adjustments to the work environment) for a known disability; or when management treats an applicant or employee with a disability less favorably because they have a history of a disability (such as cancer that is controlled or in remission), or because management believes they are physically or mentally impaired. The law requires a Federal agency to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the agency ("undue hardship").

Diversity
A collection of individual attributes that together help agencies pursue organizational objectives efficiently and effectively. These include, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures. The concept also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Equal Employment Opportunity
The right of all persons to work and advance on the basis of merit, ability, and potential, free from social, personal, or institutional barriers of prejudice and discrimination.

Equal Employment Opportunity groups
(See Standard Form (SF) 181) and U.S. Office of Management and Budget Directive 15, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, October 30, 1997.

Equal pay/Compensation discrimination
The Equal Pay Act of 1963 requires that men and women in the same workplace be given equal pay for equal work. The jobs need not be identical, but they must be substantially equal. Job content (not job titles) determines whether jobs are substantially equal. All forms of pay are covered by this law, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits. If there is an inequality in wages between men and women, employers may not reduce the wages of either sex to equalize their pay.

Genetic information discrimination
Under Title II of Genetic Information Nondiscrimination Act of 2008 (GINA), it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (that is, family medical history).

Harassment
(1) Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990.
(2) Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where:
(a) Enduring the offensive conduct becomes a condition of continued employment

(b) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
(c) Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
(3) It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
(4) Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer

Inclusion
A set of behaviors (culture) that encourages employees to feel valued for their unique qualities and experience a sense of belonging.

Inclusion rate
The inclusion rate expresses the numerical proportion of various included groups, based on certain human capital characteristics, or the effects of employer policies or practices. Such characteristics can reflect an employee's level of work-related human capital status, or protected status on the bases of race, gender, ethnicity, age, or disability. Measurable employer practices or policies refer to and include any outcomes affecting the terms and conditions of employment by the organization. Disproportional inclusion rates may reflect unlawful employment practices, unless attributed to legitimate, non-discriminatory reasons.

Individual with disability
An individual who has a physical or mental impairment that substantially limits one or more major life activities or impairment (any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting any of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine). Also included are mental or psychological disorders such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities
Activities including, but not limited to, caring for one's self, performing manual tasks, walking, standing, hearing, speaking, breathing, learning, and working. Also includes the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. Major bodily functions include the operation of an individual organ within a body system (for example, the operation of the kidney, liver, or pancreas).

Model EEO Program
A Model EEO Program effectively considers and addresses concerns arising under both Title VII and Section 501 of the Rehabilitation Act. When establishing a Model EEO Program, an agency should incorporate into the design a structure for effective management, accountability, and self-analysis which will ensure program success and compliance with EEO MD–715. Agency personnel programs and policies should be evaluated regularly to ascertain whether such programs have any barriers that tend to limit or restrict equitable opportunities for open competition in the workplace.

National origin discrimination
National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group. Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

Pregnancy discrimination
Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act of 1978 forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

Race/Color discrimination
Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color. The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Reasonable accommodation
In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of "reasonable accommodations:" (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; (3) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Religious discrimination
(1) Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical, or moral beliefs.
(2) Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group. The law requires an agency to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the agency's business. This means the law may require an agency to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.

Reprisal
Discrimination based on reprisal occurs when management treats employees differently because they are, or were, involved in a protected equal employment opportunity (EEO) activity. Protected activities include seeking or participating in EEO counseling, providing testimony in an EEO investigation or at an EEO hearing, filing a discrimination complaint or speaking out against discriminatory activities.

Retaliation
All of the laws enforced by the EEOC make it illegal to fire, demote, harass, or otherwise "retaliate" against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

Senior pay level position
Positions which include the career Senior Executive Service, Executive Schedule, Senior Foreign Service, and other employees earning salaries above grade 15 in the General Schedule in leadership positions.

Sex–Based discrimination
Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex. Discrimination on the basis of pregnancy, gender identity, or sexual orientation (non-conformance with gender stereotypes) is discrimination because of sex.

Supervisory position
A position whose incumbent is responsible for discipline, performance, time and attendance, and day to day guidance of one or more employees, regardless of the title of the position description.

Targeted disabilities
Disabilities the Federal government has identified for special emphasis. The targeted disabilities are: hearing, vision, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disability, psychiatric disability and dwarfs.

Total work force
All employees of an agency subject to 29 C.F.R. Part 1614 regulations, including temporary, seasonal, and permanent employees.

Underrepresentation
A situation in which the number of women or members of a minority group within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage women or the minority constitutes within the civilian labor force of the United States.

[redacted]

PIN 063519–000