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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF MILITARY & VETERANS AFFAIRS  
LANSING

MG GREGORY J. VADNAIS  
THE ADJUTANT GENERAL AND DIRECTOR

NGMI-TAG

23 March 2015

MEMORANDUM FOR All Commanders, Directors, Managers, Supervisors, and Technician Employees of all Units, Activity, and Departments, Michigan National Guard

SUBJECT: Equal Employment Opportunity (EEO) Policy

1. References:

a. DoD Directive 1440.1, DoD Civilian Equal Employment Opportunity (EEO) Program.

b. NGR (AR) 690-600/NGR (AF) 40-1614 Volume I, National Guard Civilian Discrimination Complaint System.

c. NGR (AR) 690-600/NGR (AF) 40-1614 Volume II, Civilian Discrimination Complaint Processing and Adjudication.

2. It is the policy of the Michigan National Guard to provide a discrimination-free environment for all Technician employees and applicants for employment. Equal Employment Opportunity (EEO) principals must govern all aspects of the Michigan National Guard's personnel practices.

3. All supervisors, managers, and employees share in the responsibilities to foster a climate of Equal Employment Opportunity. The Michigan National Guard will not tolerate acts of unlawful discrimination and harassment on the basis of race, color, religion, national origin, sex, age, physical or mental disability, or retaliation based upon participation in an EEO matter, or any other category protected by applicable law. Leaders and employees are accountable to do what is right.

4. All supervisors and managers will establish and promote a workplace that permits every employee to reach his or her full potential by continually demonstrating their commitment to EEO. The Michigan National Guard becomes stronger when the workplace strives for a culture of inclusion and respect for the unique contributions each employee makes.

5. In order for every member of the Michigan National Guard to contribute their best efforts toward a joint capable force, all of us need to relentlessly uphold and support the tenets of Equal Employment Opportunity. The daily exercise of mutual respect and professionalism in our interactions empowers each of us and contributes to excellence.

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6. The EEO complaint process, which is outlined in the enclosure, was established by law to provide a forum for processing EEO complaints by using the chain of command or addressing them through the servicing EEO office, 517-481-7725/7726.

a. All individuals must be allowed to report discrimination or harassment without fear of reprisal.

b. I strongly encourage using alternative dispute resolution early in the process to resolve EEO complaints. Managers will participate in alternative dispute resolution if it is initiated.

7. This policy statement is to be posted to all official bulletin boards.

Encl



GREGORY J. VADNAIS  
Major General, MI ARNG  
The Adjutant General

# TECHNICIANS EEO COMPLAINT PROCESS

NGR (AR) 690-600/NGR (AF) 40-1614, National Guard Civilian Complaint System	
<b>APPLIES TO</b>	Federal National Guard Technicians
<b>DIRECTIVES &amp; REGULATIONS</b>	29 CFR 1613/1614 Federal Sector EEO DOD DIR 1440.1 DOD Civilian EEO Program NGR (AR) 690-600/NGR (AF) 40-1614, Discrimination Complaints System Volume I & II NGB Investigators Manual EEO MD 110 Complaint Processing Manual
<b>LAWS</b>	42 USC 2000e – 16, title VII, CRA of 1964 (amended by EEO Acts of 72, 78, and 91) 5 USC 7121d CRA OF 1978 29 USC 633a. ADEA of 63 (amended by FLSA of 4 & 78) 29 USC 791 & 794a. Rehab Act of 73 (ADA 1990) 29 USC 201 et seq. FLSA of 1938 29 USC 206 (d) Equal pay Act of 63 29 USC 2601-2654, Family/Medical Leave Act
<b>Alternate Dispute Resolution (ADR) Must be offered &amp; may be implemented at any time</b>	
<b>BASIS</b>	Race, Color, Religion, Gender (Includes Sexual Harassment), National Origin, Age, Disability, Retaliation (based on EEO activity)
<b>TIME LIMITS</b>	An aggrieved person <b>must</b> contact a counselor within <b>45 calendar days</b> from date of alleged discrimination or personnel action when complainant should have known. 29 CFR 1614.105 (a) (1)
<b>INFORMAL STAGE</b> Pre-Complaint Counseling	<ul style="list-style-type: none"> <li>• Contact an EEO counselor 29 CFR 1614.105</li> <li>• EEO Counselor attempts resolution gathers facts regarding allegations of discrimination</li> <li>• Counselor holds initial interview within 5 days of call from complainant</li> <li>• If not resolved in 30 days, use alternate dispute resolution (ADR) (Extend 30-60 days) (EEO counselor notifies the SEEM and immediate supervisor a complaint needs to be processed within 30 days.)</li> </ul>
<b>FORMAL STAGE</b> Written Complaint	EEO counselor will assist complainant: <ul style="list-style-type: none"> <li>• Prepare NGB Form 713-5, Formal Discrimination Complaint in The National Guard</li> <li>• Formal complaint must be filed within 15 days of final counseling with EEO Counselor/SEEM</li> </ul>
<b>INQUIRY or INVESTIGATION</b>	NGB will conduct a fact-finding or send an investigator to conduct an investigation. Complainant will receive report within 180 days of filing complaint. 29 CFR 1614.108
<b>AGENCY DECISION</b>	<ul style="list-style-type: none"> <li>• Request NGB Decision 29 CFR 1614.108 (f)</li> <li>• Decision w/out a hearing will be issued w/in 60days</li> </ul>
<b>FINAL DECISION</b>	<ul style="list-style-type: none"> <li>• Hearing and Decision 29 CFR 1614.109</li> <li>• EEOC administrative judge provides recommendations to NGB within 180 days</li> </ul>
<b>APPEAL PROCESS</b>	<ul style="list-style-type: none"> <li>• Appeal to EEOC 29 CFR 1614.401/402</li> <li>• Federal District Court</li> </ul>
<b>NOTE: Military and Civilian Employees</b>	<ul style="list-style-type: none"> <li>• Time is measured in calendar days 29 CFR 1614.604</li> <li>• Entitled to a representative throughout the entire EEO process 29 CFR 1614.605</li> <li>• Extension of timelines accepted if complainant agrees to request with justifiable reasons and is Approved, signed and dated in writing Alternative dispute resolution (ADR) may be applied at any time of the complaint process with exception to the final decision stage</li> <li>• Coordinate all conflict resolution requests through the State Equal Employment Office (SEEM)</li> </ul>
<b>POINTS Of CONTACT</b>	 CW4 Andrew Mosciski, State Equal Employment Manager (SEEM) (517) 481-7725  MSG Oscar Flores, Equal Employment Opportunity Specialist (EEOS) (517) 481-7726