

OKLAHOMA NATIONAL GUARD JOINT FORCE HEADQUARTERS 3501 MILITARY CIRCLE OKLAHOMA CITY OK 73111-4305

POLICY MEMORANDUM NUMBER 23-22

1 March 2023

FOR THE OKLAHOMA NATIONAL GUARD (OKNG)

- 1. Reference Equal Employment Opportunity Management Directive 110, Federal Sector Complaint Processing Manual, 5 August 2015
- 2. It is the policy of the OKNG to provide a work environment that exemplifies dignity, respect, and inclusion. We must work diligently to maintain a workplace free of discrimination and harassment for all employees and applicants for employment. We embrace the principles of EEO, diversity, and inclusion as we recruit, develop, and retain a high-performing workforce. This policy applies to all OKNG Title 5 Civilian employees and Title 32 federal technicians.
- 3. Adherence to EEO laws and regulations must be followed in all aspects of the employment cycle, personnel policies, and practices. It is illegal to discriminate or harass a person based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 and older), disability (physical or mental), family medical history, or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
- 4. All leaders, managers, and supervisors must establish and maintain a climate that fosters human dignity, fairness, and respect, while eliminating attitudes, behaviors, and practices that adversely impact organizational cohesiveness. All allegations of discrimination and harassment will be immediately addressed and appropriate corrective action taken before it becomes severe or pervasive. Managers or supervisors who engage in or permit unlawful discrimination and/or harassment without taking positive corrective action, will be subject to appropriate disciplinary action.
- 5. Any employee or applicant for employment who believes he or she has been subject to, or has knowledge of, discriminatory or harassing behavior is to initiate an EEO complaint within 45 days of the alleged discriminatory event by contacting a supervisor, servicing Human Resources Office, or the State Equity and Inclusion Office.
- 6. This policy memorandum is to be posted to all official bulletin boards.
- 7. This policy memorandum supersedes Policy Memorandum 21-30, dated 14 April 2021.

POLICY MEMORANDUM 23-22 (CONT'D)

8. The EEO Discrimination Complaint Procedures, point of contact roster, and detailed EEO Program information may be found at Diversity, Equity, and Inclusion (sharepointmil.us) and public website https://ok.ng.mil/Resources/Equity-and-Inclusion-Office/. Questions regarding this memorandum may be directed to the State Equal Employment

Manager at (405) 228-5297 or DSN 628-5297.

Encl **EEO Complaint Flowchart**

THOMAS H. MANCINO Major General, OKARNG The Adjutant General

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Pre-complaint Counseling

Incident Occurrence

You must contact an EEO counselor within **45** days of the incident. If you request traditional counseling, the EEO counselor will have **30** days to attempt resolution.

The **30-day** counseling period may be extended no more than **60 days** if you and the Agency agree to such an extension in writing. If you choose traditional counseling and a successful resolution is not reached, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

You may request to participate in the Agency Alternative Dispute Resolution Program (i.e., Mediation Program), in which case the Agency will have up to **90 days** to resolve the matter. If you choose mediation, pre-complaint counseling will not occur. If mediation is not successful and a resolution is not reached within **90 days**, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

If mediation is successful within **90 days**, the Director of EEO will inform the EEO counselor that the claim was resolved.

Formal Complaint Process

EEOC regulations require that you seek pre-complaint counseling before filing a formal complaint.

You must file a formal complaint within **15 days** of receiving the notice of the right to file a formal complaint. The Director of EEO will acknowledge receiving the formal complaint and notify you of the claims accepted for investigation. If the claims asserted and those accepted for investigation differ, the Director of EEO will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

The Director of EEO will assign an investigator to develop impartial and appropriate factual information on the claims accepted for processing. The organization must complete the investigation, within 180 days of the date the formal complaint was filed.

After the investigation is completed, you will receive a copy of the investigation report. The Director of EEO will notify you of the right to either request a hearing before an Equal Employment Opportunity Commission (EEOC) administrative Judge (AJ) or receive a final Agency decision without a hearing.

The Director of EEO will issue a final Agency decision within 60 days of receiving notice of the request for a final Agency decision.

If you are not satisfied with the Agencies final decision, you may appeal to EEOC within 30 days of receipt.

You may request an EEOC hearing within 30 days of receiving the report of investigation.

An EEOC AJ will make a decision about the matter.

Within **40 days** of receiving the AJ's decision, the Agency must issue a final order.

If you are not satisfied with EEOC's appellate decision, you may file a request for reconsideration or you may file in Federal district court within 90 days of receipt.

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