

## AGR / ADSW EO COMPLAINTS (ARMY AND AIR)

EQUAL OPPORTUNITY COMPLAINT PROCEDURES NGR (AR) 600-22/ANGI 36-3, NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM	
<b>Who May File A Complaint</b>	•AGR / ADSW Title 32 USC Status ONLY •Recipients of National Guard services Beneficiaries of NG under Title VI, Civil Rights Act 1964 <span style="float: right;"><b>Para 1-6</b></span>
<b>Basis</b>	•Race, Color, Religion, Gender (Sexual Harassment), National Origin, Reprisal (based on EO activity in a matter subject to control of the NG) Complaints based on age or handicaps are not addressed in the case of military members due to overriding military concerns of fitness and deployability. <span style="float: right;"><b>Para 1-6.a.</b></span>
<b>Time Limits 180 days</b>	Complaint MUST be filed <b>180 calendar days</b> from date of alleged discrimination or when complainant should have known <span style="float: right;"><b>Para 1-8.a.</b></span>
<b>Informal Complaint</b>	•In writing on NGB form 333, Jul 00 <b>Para 2-1.a.</b> •Complainant will check and initial "Informal" box only • No case number assigned •Seek assistance Military Equal Opportunity (MEO) or Equal Opportunity Advisor (EOA) <span style="float: right;"><b>Para 2-1.b.</b></span>
<b>Actions Required 14 calendar days</b>	Full-time <u>supervisors</u> have <u>14 calendar days</u> , to resolve the complaint on behalf of and in coordination with the military commander (Process complaints Chapter 2) <span style="float: right;"><b>Para 1-9.c.</b></span> •If unresolved after 14 days, forward to the next level, provide a copy of the inquiry to complainant who will have 14 days to file an appeal with the next level. <span style="float: right;"><b>Para 1-9.d.</b></span> •Provide appropriate feedback to the complainant on the status of his/her complaint <span style="float: right;"><b>Para 1-9.e.</b></span> •If unresolved after <u>14 days</u> complainant may: •Withdraw complaint, complainant must sign NGB form 333 or •Make formal, complainant must sign NGB form 333 (Only means of appeal is to file a formal complaint) •Complainant will check & initial "Formal" box, NGB form 333
	<b>•• If settled or withdrawn, forward the entire case file to the SEEM</b>
<b>Investigation Inquiry &amp; Resolution 14 calendar days</b>	•Chapter 3, NGR 600-22/ANGI 36-3 Authority to conduct EO Investigation ( <b>It is NOT an AR 15-6</b> ) •Collect facts; develop information sufficient for an objective determination of factual merits of each allegation. • Obtain testimony under oath <span style="float: right;"><b>Para 3-6.a.</b></span> •Written Report of Investigation (ROI) <span style="float: right;"><b>Para 3-6.g.</b></span> <b>NO</b> complainants, officials complained about or other witnesses or officials other than the investigating officer have a right to be present during the interview of other witnesses. <span style="float: right;"><b>Para 3-2.c.</b></span>
<b>Unresolved Adjutant General Conduct Investigation Ninety (90) days</b>	•The Commander or unit personnel complete procedural review and attempt resolution Thirty (30) days from receipt of complaint from subordinate unit •HR/EO or MEO personnel advise inquiry officers ONLY. EO does not conduct inquiries <span style="float: right;"><b>Para 2-4</b></span> <b>If it reaches the Adjutant General level unresolved:</b> Ninety (90) calendar days to: <span style="float: right;"><b>Para 2-8</b></span> •Attempt resolution • Order an investigation (if one has not been completed) •Review for legal / administrative compliance • Provide complainant a redacted copy of the ROI •Request NGB Final Agency Decision
<b>NGB Reviews ROI</b>	•Compliance with Laws & Regulations <span style="float: right;"><b>Para 2-9</b></span> •Final Decision / Admin Closure <span style="float: right;"><b>Para 2-10/2-11</b></span>
<b>Additional Notes</b>	
<ul style="list-style-type: none"> <li>✓ <b>Does not apply to AGRs activated serving in Title 10 status</b></li> <li>✓ Anonymous complaints alleging discrimination received by State NG officials will not be processed IAW <span style="float: right;"><b>Para 1-7.h.</b></span></li> <li>✓ Any person who knowingly submits a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be subject to judicial or non-judicial punishment. <span style="float: right;"><b>Para 1-7.i.</b></span></li> <li>✓ Complaint number assigned when NGB physically receives complaint file. <b>(NGB-EO Memorandum - June 24, 2003)</b> Disciplinary action against the individual responsible for substantiated discrimination is within the <u>discretion of the commander</u> and <u>not the right of the complainant</u> to demand as part of a resolution. Punitive action may be appropriate and should be considered by the commander as a means of maintaining good order and discipline; <u>it does nothing in terms of restoring any benefits or privileges lost by the complainant as a result of the discrimination.</u> <span style="float: right;"><b>Para 2-1.d.</b></span></li> </ul>	
<b>Point of Contact</b>	<b>State Equal Employment Manager (SEEM)</b> <b>1Lt Passion Julinsey</b> <b>(253) 512-8348</b>