

*Equal Employment Opportunity Monthly Bulletin*

*“Promoting EEO, Diversity, and Education”*

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EEOC News

Dollar General to Pay \$1 Million to Settle EEOC Disability and GINA Lawsuit

BIRMINGHAM, AL— The EEOC sued on behalf of a class of 498 applicants who were required to divulge family medical history during the hiring process and on behalf of another class of qualified applicants whose job offers were rescinded based on their impairments. Dollar General discontinued its practice of requiring pre-employment medical exams for these warehouse jobs after the lawsuit was filed. Under the 27-month consent decree settling the suit, in addition to monetary relief, Dollar General must review and revise its ADA and GINA policies and distribute them to all individuals involved in the hiring process should they resume requiring medical exams.

**National American Indian Heritage Month**

November is National American Indian Heritage Month. It is a time to celebrate the rich and diverse cultures, traditions, and histories of American Indians and Alaskan Natives, the first people of the United States.

Currently, there are 574 federally recognized American Indian and Alaska Native tribes and more than 100 state-recognized tribes across the United States. Each have their own unique Native history, beliefs, governance structure, and culture.

For 2023, The Society of American Indian Government Employees (SAIGE) has chosen the theme: “Tribal Nations Soaring to New Heights.” For more than 100 years, generations of Mohawk ironworkers shaped the skylines of North American cities. These men built prominent landmarks, including the Empire State Building, the Chrysler Building, the George Washington Bridge, and the World Trade Center. Quickly, they earned a reputation for being hard workers on high steel, earning the nickname “Skywalkers.” In the 1960s, when New York City announced plans for the World Trade Center, which would be the tallest in the world, hundreds of Mohawk men played a vital role in the construction.

After the 9/11 terrorist attacks on the towers, descendants of the original ironworkers returned to the structure to aid in rescue and cleanup at ground zero. Fittingly, Mohawk ironworkers then helped build the new Freedom Tower, now known as One World Trade Center. American Indians and Alaska Natives have built a legacy of professionalism and selfless service that inspires future generations.



## Army Regulation 690-12 Appendix D

### Responsibilities of Supervisors and Management Officials to Maintain a Workplace Free of Harassment

- 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.

### Alternative Dispute Resolution (ADR)

The purpose of ADR is to offer disputing parties an opportunity to openly express their positions and interests in resolving disputes in a mutually satisfactory fashion.

The ADR process, especially when used at the earliest stage, restores working relationships and may serve as a preventative measure against future disputes. Additionally, the non-adversarial application of ADR reduces the costs incurred with the traditional administrative or adjudicative processes and affords use of activity resources for mission related programs and activities.

The preferred method of ADR within Department of Army is facilitated mediation with a qualified ADR neutral. The use of ADR is not appropriate in every case. The commander or designee, preferably the EEO officer, will decide on a case-by-case basis whether it is appropriate to offer ADR to an aggrieved individual. For example, the commander or designee may wish to limit ADR geographically if extensive travel would be required, or exclude certain issues such as termination or non-selection. The commander or designee may not utilize blanket exclusions of disputes from ADR based solely upon the bases involved. The commander or designee may include issues that do not fall under the jurisdiction of EEO laws for resolution under ADR. However, if resolution of the issue is unsuccessful, non-EEO disputes and issues not brought to the attention of the EEO official or ADR neutral cannot be accepted for investigation as a part of the formal complaint unless the issue is like or related to issues raised during the pre-complaint process.

### More information on National American Indian Heritage Month 2023

<https://www.defenseculture.mil/Special-Observances/#national-american-indian-heritage-month>

<https://www.nativeamericanheritagemonth.gov>

<https://www.bia.gov/NNAHM>

### Anti-Harassment No FEAR Training FY(24)

The annual No FEAR and Anti-Harassment Training is changing for fiscal year 2024. Stay tuned for updates on the procedures for taking the mandatory annual training. All employees and supervisors of civilian employees to include active duty Soldiers who supervise civilian employees are required to take the training.