



DEPARTMENT OF THE ARMY
U.S. ARMY WHITE SANDS MISSILE RANGE
100 HEADQUARTERS AVENUE
WHITE SANDS MISSILE RANGE, NEW MEXICO 88002-5000

AMIM-WSG-EE (800D-100)

28 JUN 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy # 8 - Right to File a Discrimination Complaint and Commitment to Alternative Dispute Resolution

1. REFERENCES.

- a. 29 C.F.R. 1614.102(b)(2): Federal Sector Equal Opportunity, 9 November 1999
- b. Equal Employment Opportunity Commission Management Directive 110, 5 August 2015
- c. Army Regulation (AR) 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004

2. PURPOSE. To establish the WSMR policy on the Right to File a Discrimination Complaint and to endorse the use of Alternative Dispute Resolution (ADR).

3. APPLICABILITY. Applies to applicants for employment, employed civilians (appropriated and non-appropriated fund), and certain contractor personnel serviced by the USAG WSMR Equal Employment Opportunity (EEO) Office.

4. POLICY. All Army civilian employees, former employees, or applicants for employment covered by AR 690-600 (Equal Employment Opportunity Discrimination Complaints) are entitled to initiate a complaint of alleged discrimination. Anyone who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age (40+), physical/mental disability, genetics or subjected to reprisal for previous EEO activity, may file an individual complaint of discrimination.

5. PROCEDURES.

- a. Before a complaint can be filed the individual must first present the matter(s) to an EEO official. If ADR is offered, the individual may choose between ADR and the traditional pre-complaint counseling process. The matter(s) must be presented within 45 calendar days from one of the following dates: the date of the matter giving rise to the complaint; the effective date of the personnel action; or the date that the aggrieved became aware, or reasonably should have become aware of the discriminatory event or personnel action.

- b. The complaint process and ADR are designed to reach a resolution concerning the allegations. If resolution is not reached, a formal complaint may be filed within 15

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calendar days from the date of receipt of the Notice of Right to File a Discrimination Complaint. The complaint must contain a statement signed by the complainant or his/her representative, describing the actions, practices, or issues giving rise to the complaint.

c. The preferred method of ADR throughout the Army is mediation. Mediation is a voluntary and confidential process where a neutral third party (mediator) helps employees and supervisors reach a resolution. Mediators must be certified and have no official, financial, or personal interest in the issue at controversy or in the outcome of the dispute. Employees will not serve as mediators within their organization. In the event there is a cost to obtain a mediator, funding will be the responsibility of the organization where the complaint/dispute originated.

6. RESPONSIBILITIES.

a. Responsibility and authority for the ADR program rests primarily with the EEO Office. Since all EEO complaints may not be appropriate for ADR, representatives from EEO will review the allegations of discrimination and decide as to whether the claim could be resolved through the ADR process. Once ADR is offered and the aggrieved elects in writing to participate, it is considered that both parties have knowingly and voluntarily entered the ADR process.

b. Supervisors, managers and employees have the responsibility to resolve workplace disputes to enhance productivity and promote work relationships. DoD employees may request conflict resolution services from the EEO office to resolve non-EEO work related issues between co-workers when these issues adversely affect an organization's mission accomplishment or morale.

7. The proponent for this policy is the USAG WSMR EEO office, located at 124 Crozier, 2d Floor, White Sands Missile Range, New Mexico 88002.

8. The POC for the ADR program for the Installation is the EEO Director at (575) 678-2831.



DONYEILL A. MOZER
COL, LG
Commanding

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