

DRILL STATUS GUARD MEMBERS ANG / ARNG

EQUAL OPPORTUNITY COMPLAINT PROCEDURES	
NGR (AR) 600-22/ANGI 36-3, NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM	
Who May File A Complaint	•IADT, AT, FTS (Title 32) • Applicants for membership •Recipients of National Guard services Beneficiaries of NG under Title VI, Civil Rights Act 1964 Para 1-6
Basis	•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. Para 1-6.a.
Time Limits 180 days	Complaint MUST be filed 180 calendar days from date of alleged discrimination or when complainant should have known Para 1-8.
Informal Complaint	•In writing on NGB form 333, Jul 00 Para 2-1.a.
	•Complainant will check and initial "Informal" box only • No case number assigned •Seek assistance Military Equal Opportunity (MEO) or Equal Opportunity Advisor (EOA) Para 2-1.b.
Actions Required Thirty 30 days	•Chain of command is the primary channel for resolving discrimination complaints. Para 1-7.f.
	May file at any level of the chain of command at the lowest level of command where a remedy or resolution is possible, or the equal opportunity representative or equal opportunity advisor. Para 2-1.a. When a commander receives an informal complaint all required actions will be completed within <u>30 calendar days</u> , (or through the following drill period) Para 1-8.b. ADR or CONFLICT RESOLUTION Must be offered & may be implemented at any time
Unresolved After Thirty 30 days or Next Drill Withdraw/Formal Complaint	Complainant may: •Withdraw complaint, complainant must sign & date NGB form 333 Block a., b. or •Make formal, complainant must sign & date Block NGB form 333. •Only means of appeal is to file a formal complaint •Complainant checks & initials "Formal" box. Formal complaint filed with next higher commander Para 2-2
Investigation, Inquiry & Resolution	•Chapter 3, NGR 600-22/ANGI 36-3 Authority to conduct EO Investigation (It is NOT an AR 15-6) •Collect facts; develop information sufficient for an objective determination of factual merits of each allegation. • Obtain testimony under oath Para 3-6.a. •Written Report of Investigation (ROI) Para 3-6.g. NO 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. Para 3-2.c.
Unresolved Adjutant General Conduct Investigation Ninety (90) days	•The Commander or unit personnel complete procedural review and attempt resolution Thirty (30) days from receipt of complaint from subordinate unit Para 2-4
	•HR/EO or MEO personnel advise inquiry officers ONLY . EO does not conduct inquiries Para 2-8 If it reaches the Adjutant General level unresolved: Ninety (90) calendar days to: •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
NGB Reviews ROI	•Compliance with Laws & Regulations Para 2-9 •Final Decision / Admin Closure Para 2-10/2-11
Additional Notes	
<ul style="list-style-type: none"> ✓ Does not apply to AGRs activated serving in Title 10 status ✓ Anonymous complaints alleging discrimination received by State NG officials will not be processed IAW Para 1-7.h. ✓ 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. Para 1-7.i. ✓ Complaint number assigned when NGB physically receives complaint file. (NGB-EO Memorandum - June 24, 2003) ✓ Disciplinary action against the individual responsible for substantiated discrimination is within the discretion of the commander and not the right of the complainant 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> Para 2-1.d. 	
Points of Contact	State Equal Employment Manager (SEEM) 573-638-9854 ANG/ARNG
	Equal Employment Specialist 573-638-9586 ANG/ARNG
	Senior Command Equal Opportunity Advisor _____
	ANG – Equal Opportunity Professional _____

ACTIVE GUARD/RESERVE (AGR) Members ONLY - ANG / ARNG

EQUAL OPPORTUNITY COMPLAINT PROCEDURES NGR (AR) 600-22/ANGI 36-3, NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM				
Who May File A Complaint	<ul style="list-style-type: none"> •AGR Title 32 USC Status ONLY •Recipients of National Guard services Beneficiaries of NG under Title VI, Civil Rights Act 1964 		Para 1-6	
Basis	<ul style="list-style-type: none"> •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. 		Para 1-6.a.	
Time Limits 180 days	Complaint MUST be filed 180 calendar days from date of alleged discrimination or when complainant should have known		Para 1-8.a.	
Informal Complaint	<ul style="list-style-type: none"> •In writing on NGB form 333, Jul 00 Para 2-1.a. •Complainant will check and initial "Informal" box only • No case number assigned •Seek assistance Military Equal Opportunity (MEO) or Equal Opportunity Advisor (EOA) 		Para 2-1.b.	
	<ul style="list-style-type: none"> 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) •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. •Provide appropriate feedback to the complainant on the status of his/her complaint 		Para 1-9.c.	
Actions Required 14 calendar days	<ul style="list-style-type: none"> •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 		Para 1-9.d. Para 1-9.e.	
	•• If settled or withdrawn, forward the entire case file to the SEEM			
Investigation Inquiry & Resolution 14 calendar days	<ul style="list-style-type: none"> •Chapter 3, NGR 600-22/ANGI 36-3 Authority to conduct EO Investigation (It is NOT an AR 15-6) •Collect facts; develop information sufficient for an objective determination of factual merits of each allegation. • Obtain testimony under oath •Written Report of Investigation (ROI) 		Para 3-6.a. Para 3-6.g.	
Unresolved Adjutant General Conduct Investigation Ninety (90) days	<ul style="list-style-type: none"> •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 If it reaches the Adjutant General level unresolved: Ninety (90) calendar days to: •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 		Para 2-4 Para 2-8	
NGB Reviews ROI	<ul style="list-style-type: none"> •Compliance with Laws & Regulations •Final Decision / Admin Closure 		Para 2-9 Para 2-10/2-11	
Additional Notes				
<ul style="list-style-type: none"> ✓ Does not apply to AGRs activated serving in Title 10 status ✓ Anonymous complaints alleging discrimination received by State NG officials will not be processed IAW Para 1-7.h. ✓ 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. Para 1-7.i. ✓ Complaint number assigned when NGB physically receives complaint file. (NGB-EO Memorandum - June 24, 2003) 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> Para 2-1.d. 				
POINTS of CONTACT	☎	State Equal Employment Manager SEEM	573-638-9854	ANG/ARNG
	☎	Equal Employment Specialist	573-638-9586	ANG/ARNG
	☎	Senior Command Equal Opportunity Advisors (EOA)	_____	
	☎	Wing Equal Opportunity Professional	_____	