STATE OF DELAWARE
DELAWARE NATIONAL GUARD
JOINT FORCE HEADQUARTERS
FIRST REGIMENT ROAD
WILMINGTON, DELAWARE 19808-2191

NGDE-TAG

11 January 2012

MEMORANDUM FOR All Delaware National Guard Personnel

SUBJECT: TAG Policy Memorandum No. 7 - Equal Employment Opportunity

1. The Delaware National Guard is an equal opportunity employer. We are committed to the fair, equitable, and nondiscriminatory treatment of all full-time personnel and applicants for employment regardless of race, color, national origin, gender, religion, age, or handicap.

2. Racial, ethnic, religious, age and gender-related remarks or other personal acts or expressions which are offensive to others will not be tolerated. As outlined in Title VI of the Civil Rights Act, any employee has the right to file a complaint, in accordance with NGR (AR) 600-22/NGR (AF) 30-3, without fear of reprisal or retaliation if the employee feels that they have been subjected to illegal discrimination. If an employee chooses to file a discrimination complaint they can report this to either the State Equal Opportunity Manager or the Human Relations Equal Opportunity Officer.

3. Every member or employee of the Delaware National Guard is worthy of respect and will be treated as a professional. Each will be judged solely on his/her mission performance regardless of racial, ethnic, religious, age or gender factors. The effectiveness of this policy is the responsibility of all personnel. Commanders, managers, and supervisors are responsible for maintaining a climate in which a person's worth is judged by his/her contribution to the organization's mission.

4. We must be sensitive to and respect differences in culture and background. Constant awareness and education is necessary to be aware of offensive mannerisms and language, and maintain the highest standards of integrity and professionalism. We must ensure that we are not guilty of either active or passive acts of discrimination.

5. A vital part of equal employment is ensuring the work environment is free of discrimination or the perception of discrimination, intended or unintended. An organizational climate that nurtures fairness and recognizes the worth of all Soldiers, Airmen, and Employees will foster unit cohesion and readiness, which will ultimately increase the combat effectiveness of the Guard.

Encl
Complaint Process

FRANCIS D. VAVALA
Major General
The Adjutant General, Delaware

COMPLAINT PROCESSES

I. TITLE 32 (DRILL/ANNUAL TRAINING STATUS):

A. A complaint must be filed within 180 calendar days from the date of the alleged discrimination or the date that the individual became aware or reasonably aware of the discriminatory event or action.

B. The chain of command is the primary channel for resolving a complaint. When a commander receives the complaint, all required actions will be completed within 30 calendar days or through the next drill period.*

C. After this period, if the complaint is not resolved or withdrawn, a formal complainant may be filed.

D. If a complaint is made formal, the lowest level of command will complete all required actions within 60 calendar days after receipt of the formal complaint. If the formal complaint is not resolved to the complainant's satisfaction, it is then forwarded to the next level of the chain of command. Each intermediate level of command has 30 calendar days or through the next drill period after receipt of the complaint case from the subordinate commander.

E. Actions and investigation required at the Adjutant General level should be completed within 90 calendar days after receipt of the case file from the subordinate commander. The case file is then forwarded to NGB for review and final decision within 8 months of the formal filing of a complaint.

F. It is the goal of the National Guard to resolve and settle all allegations and complaints of discrimination fairly, equitably, and expeditiously.

*You have the option of choosing mediation as a means of resolving an informal complaint.

II. Title 32 (AGR STATUS):

A. Full time personnel will have 180 days from the date of the alleged discrimination or the date that the individual became aware or reasonably should have become aware of the discriminatory event or action in which to file a complaint.

B. The full-time supervisory chain will process full-time personnel discrimination complaints on behalf of and in coordination with the military commander at each level of the chain of command.

C. The supervisory chain will provide feedback to the complainant on the status of his/her complaint. If unresolved at one level, and forwarded to the next level, the complainant will be provided a copy of the inquiry and will be given 14 days to file an appeal with the next level. These actions should be completed within 14 days of receipt of the complaint from the subordinate unit. This process is repeated until it reaches the Adjutant General level.

III. Title 10 for more than 30 days (Active Duty Military Personnel, their family members and retirees (complainant/offended party))

A. There is no time limit for filing informal complaints and no requirement for a commander approval before accepting informal complaints older than 60 days.

B. If an informal complaint is filed more than 60 calendar days after the alleged offense, the MEO office must brief the complainant during the initial intake that, in order to file a **formal** complaint, the IC would need to waive the time limits for the formal complaint for good cause based on a memorandum with sufficient justification provided by the member and submitted through the MEO office.

IV. State Technician

A. A state technician informal complaint must be filed within 45 days at the lowest level or with an EEO Counselor.

B. State employees may utilize the agency's complaint process. To utilize this process, the employee must contact the State Equal Employment Manager (SEEM) within 45 days of the alleged discriminatory act or action or when they become aware of the alleged discriminatory act or action. The SEEM will conduct an informal inquiry into the issues raised and will attempt to resolve the complaint. Mediation may be used to facilitate resolution. This process will not exceed thirty calendar days.

C. If the complaint is not resolved, the employee will be referred to the Delaware State Equal Employment Opportunity/Affirmative Action Program Administrator and to the Labor Law Enforcement Section of the Department of Labor.

D. State employees may choose to address their charge of discrimination directly to the Delaware State Equal Employment Opportunity/Affirmative Action Program Administrator. The SEEM will assist the employee with filing an informal complaint with the State Personnel Office (providing the employee elects the SEEMs assistance). The SEEM will request that the State EEO/AA Program Administrator attempt to facilitate resolution of the alleged discrimination complaint.

V. Federal Technician

A. A federal technician (Technician status or applicant for technician employment) must file a complaint within 45 calendar days with an EEO counselor or State Equal Employment Manager (SEEM).

B.

C. During the Informal Stage, the traditional EEO counseling process allows 30 days for resolution of allegations, or if you choose the ADR process, it allows for 90 days for resolution. (Election of the ADR process eliminates the use of the traditional EEO counseling process).

D. If the complaint is not resolved at the end of the informal stage, you have 15 days to decide whether you wish to file formal.