

The background of the entire page is a close-up, slightly blurred image of the United States flag, showing the stars and stripes in a draped, wavy pattern. The colors are vibrant, with a deep blue, bright red, and clean white.

ILLINOIS NATIONAL GUARD

TPP 904-12

Equal Employment

Opportunity and Affirmative Employment

SUPERVISOR'S HANDBOOK

This supersedes Technician Personnel Plan 904, dated 1 October 1996 Chapter 9
Equal Employment Opportunity and Affirmative Employment.

Users of this publication are invited to send comments and
suggested improvements, through command channels, to The
Adjutant General of Illinois, ATTN: HRO, 1301 N. MacArthur
Blvd, Springfield, Illinois 62702-2399

FOR THE ADJUTANT GENERAL:


GARY L. BRINNER
Col, IL ANG
Human Resource Officer

CONTENTS

Equal Employment Opportunity and Affirmative Employment

<u>SECTION:</u>	<u>PARA.</u>	<u>PAGE</u>
Equal Employment Opportunity and Affirmative Employment	1-1	1
General	1-2	1
Perceptions	1-3	2
Supervisor Responsibilities	1-4	2
Prevention	1-5	2

1-1 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE EMPLOYMENT:

a. The different laws which provide protection for Federal employees are as follows:

- (1) Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e)
- (2) Title VII of the Civil Rights Act of 1991 (Public Law 102-166)
- (3) Equal Pay Act of 1963 (29 U.S.C. 201)
- (4) Age Discrimination in Employment Act of 1967 (Public Law 93-259)
- (5) Americans with Disabilities Act of 1990 (Public Law 101-336)

b. The different laws prohibit discrimination in employment based on race, color, national origin, religion, gender (including sexual harassment), age, physical and/or mental handicap and retaliation.

1-2 GENERAL: It is the policy of the National Guard Bureau and the Illinois Department of Military Affairs that all employees are able to work in an atmosphere that is free from discrimination and/or harassment. Any persons desiring to work for the Illinois National Guard are to be regarded only for their qualifications towards the job for which they are applying.

a. Supervisors and managers are responsible for treating all their employees in a fair and equitable manner. By job description, supervisors and managers have the responsibility and/or authority for hiring, firing, promoting, disciplining their employees, or participating in these decisions. Therefore, because of these duties, they are considered to be acting for the Illinois National Guard and are legally responsible for their actions, even when the agency is not aware of them.

b. Supervisors and managers should familiarize themselves with the contents of the following regulations as they may supervise both Federal technicians and AGR personnel:

- (1) NGR (AR) 690-600/NGR (AF) 40-1614 (Civilian Discrimination Complaint Processing and Adjudication)
- (2) NGR (AR) 600-22/NGR (AF) 30-3 (National Guard Military Discrimination Complaint Processing)
- (3) NGR 600-23/NGR 30-12 (Nondiscrimination in Federally Assisted Programs)
- (4) TP Plan 713 (Illinois National Guard Affirmative Employment Program)
- (5) TP Plan 792 (Employee Assistance Program (EAP))
- (6) ANGR 30-2 (Air National Guard Social Actions Program)
- (7) NGR (AR) 600-21 (Equal Opportunity (EO) Program in the Army National Guard)

(8) Management Directive 110

c. Questions regarding the EEO program or the laws and regulations covering it may be directed towards the State Equal Employment Manager (SEEM) located at Camp Lincoln, Springfield, IL. The SEEM can provide commanders, supervisors, managers and employees with guidance and information regarding discrimination complaint processing, affirmative employment and action, EEO and prevention of sexual harassment training for newly assigned supervisors, and information concerning EAP. There are approximately twenty (20) collateral duty EEO counselors and Special Emphasis Program Managers throughout the state to render assistance to supervisors, managers and employees in resolving EEO matters. The name, phone number and location of these individuals may be obtained by calling the EEO office at Camp Lincoln.

1-3 PERCEPTIONS: Supervisors should be aware that most perceptions of discrimination result from recruitment activities and the most commonly suspected or vulnerable is the employment process. Supervisors should also be aware that perception of discrimination is reality to many individuals. Supervisors must always be conscious of and sensitive to the concerns of subordinates and minimize any appearance of favoritism or inequality of treatment.

1-4 SUPERVISOR RESPONSIBILITIES: Supervisors' responsibilities can be identified under three basic categories:

a. Non-discrimination in exercising supervisory responsibilities. Supervisors must ensure that they do not discriminate on the basis of race, color, national origin, gender, age, mental or physical disabilities in any of their actions, and they must avoid the perception of discriminatory actions.

b. Actively support EEO and the EAP's plan and goals. Supervisors should be aware of their work force composition and the unit goals toward affirmative employment and develop their own goals to assist their organization achieve its objectives. This includes:

(1) Selecting qualified minorities, females, and people with disabilities for employment, promotion, favorable work assignments, and training opportunities.

(2) Participating in community support activities and support employees who desire to participate.

(3) Release employees from regular duties and responsibilities to perform the EEO function of counselor or Special Emphasis Program Manager.

c. Cooperate with the EEO staff. Whenever a situation of discrimination arises or is alleged, supervisors must cooperate fully with EEO staff, counselors, investigators, examiners and other management staff in the investigation and resolution of the problem.

d. Finally, supervisors may not coerce, restrain, interfere, discriminate or take any reprisal actions against anyone who exercises their rights under EEO laws or are asked to participate in an EEO investigation. Any action, which may be construed as retaliation, is grounds for a new complaint

1-5 Prevention: Prevention of sexual harassment in the work place is everyone's responsibility. It is a form of gender discrimination that can be male to female, female to male, male to male and female to female. The Adjutant General has issued a policy statement concerning sexual harassment. Supervisors are to insure that all employees have read the statement prior to posting on the unit bulletin board.

a. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

b. The above definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. The term "workplace" is an expansive term for AGR personnel and may include conduct on or off duty, 24 hours a day.

c. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay or job of a Federal employee or military member is engaging in sexual harassment. Any management official, especially a first-line supervisor, who fails to act promptly and appropriately to correct a situation involving sexual harassment becomes a party to the incident and is engaging in an unlawful employment practice.

d. It is also the responsibility of all individuals who feel they are being sexually harassed by supervisors, co-workers, or peers to make it clear that such behavior is unacceptable and unwanted. If the behavior continues, it should be reported to management to allow them the opportunity to resolve the problem.

e. If there are any questions concerning what constitutes sexual harassment or action to take upon learning of a sexual harassment incident, contact the EEO office at Camp Lincoln, Springfield, Illinois.