



DEPARTMENTS OF THE ARMY AND AIR FORCE
ILLINOIS ARMY AND AIR NATIONAL GUARD
1301 N. MACARTHUR BOULEVARD
SPRINGFIELD, IL 62702-2317

NGIL-ZA (600-20a2)

21 February 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NGIL Policy Memorandum 600-23-003-TAG, Equal Employment Opportunity (EEO)/Military Equal Opportunity (MEO) Policy

1. References.

- a. Title 29, Code of Federal Regulations, Part 614, "Federal Sector Equal Employment Opportunity.", 10 December 2015.
- b. Equal Employment Opportunity Commission Management Directive 110, Chapter 5, Agency Processing of Formal Complaints, 5 August 2015.
- c. AR 690-12, Equal Employment Opportunity and Diversity, 22 December 2019.
- d. AFI 36-2710, Equal Opportunity Program, 18 June 2020.
- e. AFI 51-1201, Negotiation and Dispute Resolution Program, 2 October 2018.
- f. CNGBM 0402.01, Alternative Dispute Resolution Procedures, 4 January 2016.
- g. CNGBI 9601.01, National Guard Discrimination Complaint Process, 27 September 2015.

2. Purpose. This policy establishes the Illinois National Guard (ILNG) EEO and MEO programs, to include the implementation and procedural guidance for processing discrimination complaints through the State Equal Employment Management (SEEM) Office.

3. Applicability. This policy applies to civilians and military personnel employed in the Illinois National Guard under the following status's:

- a. EEO applies to Federal Civilian Employees and applicants for employment, both Title 5 and Title 32, not operating in a military status.
- b. MEO encompasses the Air and Army National Guards' Equal Opportunity Program's and applies to all Illinois National Guard personnel operating in a military status.

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4. Policy.

a. It is the policy of the ILNG to promote the full realization of equal opportunity in employment, operations, and administration of the organization, for all persons, and to identify and eliminate discriminatory practices to include sexual harassment. The overriding objective of this policy is to ensure that all employees, applicants for employment, and service members enjoy equality of opportunity in the ILNG, regardless of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, genetic information, and for Title 5 employees, disability and age (40 and older). No person shall be subjected to retaliation for opposing any practice that is unlawful according to federal law or regulation.

b. The Director of the Joint Staff will directly supervise the State Equal Employment Manager (SEEM). The SEEM is the director of all EEO and MEO programs to include Special Emphasis Programs, Barrier Analysis Team, and management and processing of discrimination complaints.

(1) All Investigations, and Leadership Inquiry Reports relating to discrimination or harassment complaints are required to route through the SEEM. Coordination on MEO complaints management with National Guard Bureau's Office of Equity and Inclusion/Complaint Management and Adjudication (NGB-EI/CMA) is the sole responsibility of the SEEM Office. Coordination and adjudication of EEO complaints with the Equal Employment Opportunity Commission (EEOC) are the sole responsibility of the SEEM Office and the Staff Judge Advocate (SJA) Office.

(2) All Investigations and Leadership Inquiry Reports relating to discrimination or harassment complaints will receive a legal review by an SJA to verify legal sufficiency prior to providing a copy to the SEEM Office.

(3) All pre-complaint and formal complaint filings, to include investigative products and legal reviews, will be filed with the SEEM Office. The SEEM Office is the official record keeper of all discrimination related documents.

(4) All Equal Opportunity Advisors (Illinois Army National Guard) and Military Equal Opportunity Professionals (Illinois Air National Guard) fall under the SEEM Office for MEO related training, guidance, program assistance, and complaint management.

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c. The SEEM will manage an Alternative Dispute Resolution (ADR) program, also known as mediation. The ADR program applies to all EEO and MEO complaints and is the primary means of adjudicating a complaint.

d. All employees and service members will cooperate with the SEEM Office in the processing and resolution of complaints.

5. I encourage personnel who believe they have been discriminated against to utilize the EEO and MEO channels, and/or involve their command/supervisory chain to resolve any perceived illegal discrimination. Discrimination complaints will be processed expeditiously and without fear of reprisal. ADR is available and can effectively reduce and resolve disputes at the earliest instance and at the lowest level possible. Enclosures contain the process map for filing an EEO complaint (encl 1) and a MEO complaint (encl 2).

6. Commanders, supervisors, and managers will support this policy, ensure their personnel are advised of it, and a copy of this memorandum will be posted on all unit bulletin boards.

7. Supervisors and Managers will conduct EEO and MEO training annually for all employees and service members. Training will include harassment prevention, reprisal, reasonable accommodation, ADR, and complaints processing. The SEEM Office will coordinate EEO training curriculum with supervisors and managers. EEO or MEO professionals will coordinate MEO training curriculum with commands.

8. I want to ensure that all employees have the freedom to compete in a fair environment. EEO and MEO covers all employees, service members, personnel/employment programs, management practices, and decisions, including, but not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training and career development, benefits, and separations. The ILNG will not tolerate workplace harassment or reprisal against anyone who engages in protected activities.

9. The following personnel are ILNG points of contact for MEO and EEO matters:

a. ILNG State Equal Employment Manager, MEO and EEO matters, Mr. David Malenfant, 217-761-3670, david.m.malenfant.civ@army.mil.

b. ILNG Equal Opportunity Specialist, EEO matters, Ms. Jennifer Beery, 217-761-3518, jennifer.l.beery.civ@army.mil.

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c. ILNG State Equal Opportunity Advisor, MEO matters, SFC Erica McCrary. 217-761-3956, erica.l.mccrary.mil@army.mil.

Encl

1. EEO Complaint Process Map
2. MEO Complaint Process Map

A handwritten signature in black ink, appearing to read 'R. Neely', is positioned above the typed name.

RICHARD R. NEELY, Major General, ANG
The Adjutant General for Illinois
Commander, Illinois National Guard

DISTRIBUTION:
A & B

NGIL Policy Memorandum 600-23-003-TAG, Equal Employment Opportunity (EEO)/Military Equal Opportunity (MEO) Policy, Enclosure 1
Discrimination Complaint Process – Title 5, Civilian, Mil-Tech in Tech Status

FEDERAL SECTOR PROCEDURES FOR PROCESSING INDIVIDUAL COMPLAINTS OF DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, GENETICS, OR REPRISAL UNDER 29 C.F.R. PART 1614

*For further information contact your servicing EEO Office
Mr. David M. Malenfant, State Equal Employment Manager, 217-761-3670
Ms. Jennifer Beery, EEO Specialist, 217-761-3518*

Pre-complaint Counseling

Incident Occurrence

You must contact an EEO counselor within **45 days** of the incident. If you request traditional counseling, the EEO counselor will have **30 days** to attempt resolution.

The **30-day** counseling period may be extended no more than **60 days** if you and the agency agree to such an extension in writing. If you choose traditional counseling and a successful resolution is not reached, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

You may request to participate in the Alternative Dispute Resolution program (ADR), in which case the agency will have up to **90 days** to resolve the matter. If you choose mediation, pre-complaint counseling will not occur. If mediation is not successful and a resolution is not reached within **90 days**, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

If mediation is successful within **90 days**, the Director of EEO will inform the EEO counselor that the claim was resolved.

Formal Complaint Process

EEOC regulations require that you seek pre-complaint counseling before filing a formal complaint.

You must file a formal complaint within **15 days** of receiving the notice of the right to file a formal complaint. The Director of EEO will acknowledge receiving the formal complaint and notify you of the claims accepted for investigation. If the claims asserted and those accepted for investigation differ, the Director of EEO will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

The Director of EEO will assign an investigator to develop impartial and appropriate factual information on the claims accepted for processing. The agency must complete the investigation, within **180 days** of the date the formal complaint was filed.

After the investigation is completed, you will receive a copy of the Investigative Report. The Director of EEO will notify you of the right to either request a hearing before an EEOC Administrative Judge (AJ) or receive a final agency decision without a hearing.

The Director of EEO will issue a final agency decision within **60 days** of receiving notice of the request for a final agency decision.

If you are not satisfied with the agency's final decision, you may appeal to EEOC within **30 days** of receipt.

If you are not satisfied with EEOC's appellate decision, you may file a request for reconsideration or you may file in Federal district court within **90 days** of receipt.

You may request an EEOC hearing within **30 days** of receiving the report of investigation.

An EEOC AJ will make a decision about the matter.

Within **40 days** of receiving the AJ's decision, the agency must issue a final order.

If you are not satisfied with the agency's final order, you may appeal to EEOC within **30 days** of receipt.

NGIL Policy Memorandum 600-23-003-TAG, Equal Employment Opportunity (EEO)/Military Equal Opportunity (MEO) Policy, Enclosure 2

Discrimination Complaint Process – Title 32, MEO

