

New Hampshire National Guard
EQUAL EMPLOYMENT OPPORTUNITY (EEO)
HANDBOOK FOR SUPERVISORS

October 2010

Scope: This pamphlet is to assist the supervisor with management of the Technician Force with regard to Equal Employment Opportunity, per NGR (AR) 690-600/NGR (AF) 40-1614. For more information, contact the State Equal Employment Manager..

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EEO Handbook for Supervisors

INTRODUCTION

This handbook is the **Equal Employment Opportunity** (EEO) reference guide for managers and supervisors of technician employees. Managers and supervisors are responsible for maintaining and enforcing the Adjutant General's policies throughout the New Hampshire National Guard (NHNG); to that end you should be familiar with and annually review The Adjutant General (TAG) policy letters concerning equal opportunity, diversity and the prevention of sexual harassment. These policies are based on laws and regulations, and are designed to prevent discrimination and harassment in the workplace.

EEO supports the mission of the New Hampshire National Guard by ensuring that the legal rights of all employees and prospective employees are maintained. The technician EEO program prohibits unlawful discrimination based on:

- race
- color
- religion
- gender
- national origin
- age*
- disability*
- reprisal

* Dual status technicians must maintain military affiliation. In some circumstances, dual status technicians may be subject to employment decisions based on age or disability. For more information, please contact the SEEM at (603) 225-1236.

Any form of discrimination negatively impacts the NHNG and our mission. However, only issues falling under the above listed eight bases are addressed through the EEO Program.

RESPONSIBILITIES

THE STATE EQUAL EMPLOYMENT MANAGER (SEEM)

The SEEM manages the Adjutant General's EEO program. The SEEM ensures EEO compliance with federal and state laws and statutes and provides advice and guidance to senior leaders, managers, and employees on EEO issues. The SEEM also:

- Advises management on all aspects of EEO and recommends changes in policy and/or procedures, etc.
- Administers the EEO complaint system.
- Appoints, trains and supervise EEO counselors.
- Manages Special Emphasis Programs and appoints, trains and supervises Special Emphasis Program Managers (SEPMs).
- Provides EEO training for supervisors, managers, and employees.

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MANAGERS AND SUPERVISORS

Managers and supervisors ensure hiring decisions, placement of employees, and selection for training opportunities are free of unlawful discrimination. In addition, managers and supervisors maintain a work environment free of harassment and unlawful discrimination. To achieve these goals, managers and supervisors must support the EEO program. Ways to support the program include:

- Emphasize your commitment to EEO to employees by words and actions. **SET THE EXAMPLE!**
- Ensure you and your employees receive initial EEO and No Fear Act Training, annual No Fear Act refresher training and bi-annual EEO refresher training.
- Support employee participation in special emphasis and ethnic observances programs.
- Respond promptly to EEO concerns and complaints with the assistance of the State Equal Employment Manager.
- Cooperate with the EEO complaint resolution process.
- Encourage employees to volunteer as EEO Counselors and Special Emphasis Program Managers.

EEO COUNSELORS

Volunteer EEO Counselors are employees assigned by the SEEM to perform collateral duty with the EEO Program. EEO Counselors receive 32 hours of initial training and require 8 hours of refresher training annually. EEO Counselors act as neutral advisors to employees with informal complaints of unlawful discrimination or harassment. While performing EEO Counselor duties, employees fall under the supervision of the SEEM.

SPECIAL EMPHASIS PROGRAM MANAGERS (SEPMs)

SEPMs are volunteers who advise the SEEM and the Adjutant General on issues affecting one of the following groups of federal employees:

- African American
- Asian and Pacific Islanders
- Hispanic Americans
- Native American
- Females
- Disabled Americans

Additionally, SEPMs plan and manage cultural celebrations and events. SEPMs receive 24 hours of initial training. When performing SEPM duties, employees fall under the supervision of the SEEM.

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EEO COMPLAINT PROCESS

Employees – and applicants for employment – with complaints of unlawful discrimination or harassment based on a basis covered by the EEO program (see page 2) must approach the SEEM or contact an EEO counselor within 45 days of the occurrence(s) of alleged discrimination (or within 45 days of their knowledge of alleged discrimination.) **Managers and supervisors should respond to all allegations of unlawful discrimination and harassment that may be related to a basis covered by the EEO Program by contacting the SEEM.**

The EEO complaint process starts at the informal (or pre-complaint) stage. The goal of the informal stage is to resolve the issue. An employee (complainant) alleging unlawful discrimination or harassment on a basis covered by the EEO program is assigned an EEO counselor. The EEO counselor is a neutral advisor who works with the complainant and management to reach a resolution in a fair and prompt manner.

If the complaint cannot be resolved at the informal stage, the counselor issues a written “Notice of Right To File” letter, explaining the process to file a formal EEO Complaint. At this point, the EEO Counselors work is finished. The complainant has 15 calendar days from receipt of the “Notice of Right to File” to actually file a complaint with the SEEM.

SUPERVISOR’S RESPONSIBILITY IN THE COMPLAINT PROCESS

EEO is a management program. The ultimate success of the program rests with managers and supervisors making every effort to resolve any and all EEO related matters.

- If an employee informs you that they wish to make a discrimination or harassment complaint refer the employee to the SEEM or to an EEO Counselor.
- The EEO Counselor’s role is to gather facts, conduct inquiries, and attempt to resolve the complaint at the lowest level. All employees, managers and supervisors are required to cooperate with an EEO Counselor during the informal stage. Failure to do so may result in adverse action.
- An employee has the right to remain anonymous during the informal stage. If contacted by an EEO Counselor during the informal stage, you may not be informed of who initiated the complaint.

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REPRISAL

All employees and applicants for employment have the right to file an EEO complaint. Reprisal occurs when an employee or applicant for employment receives an adverse action because of their involvement in the EEO complaint process. Examples of involvement in the EEO complaint process include:

- Making an EEO complaint of unlawful discrimination or harassment
- Complaining about alleged discrimination
- Cooperating with the EEO complaint process
- Working in support of the EEO complaint process
- Communicating an intent to do any of the above

Examples of adverse actions include:

- Employment actions such as termination, refusal to hire, and denial of promotion
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Managers and supervisors are responsible for ensuring that reprisal does not occur. For more information, contact the Judge Advocate General's (JAGs) office or the SEEM.

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NGNH-TAG

28 August 2009

MEMORANDUM FOR All New Hampshire National Guard Employees

SUBJECT: Policy Statement on Equal Opportunity and Diversity

1. This policy letter affirms my commitment to the principle of Equal Opportunity for all members of the New Hampshire National Guard (NHNG), both military and civilian, and for applicants for any position in the NHNG.
2. Federal and State laws, and DOD and NHNG regulations, guarantee equal opportunity to all without regard to race, color, religion, gender, age, national origin, or disability status. The tenants of Equal Opportunity also guarantee a work environment free from sexual harassment or fear of reprisal for involvement in an equal opportunity matter.
3. Every member of this organization deserves to be evaluated on their merits and given an equal chance in all competitive circumstances. The success of our EEO/EO and our Diversity Program depends on the positive attitude and, more importantly, positive actions of each and every member of this organization should. Employees should look beyond outward appearances and cultural and religious differences, offering all an equal opportunity to succeed to their fullest potential.
4. For this policy to work, each of us must abide by it and practice it. The strength of the New Hampshire National Guard and its ability to perform its mission depends on everyone's cooperation. Differences in culture, religion, gender and race can bring forth new ideas and ways of solving problems. A work environment that appreciates individual differences and contributions can improve mission readiness.
5. This Equal Opportunity Policy Statement supersedes all other Equal Opportunity Statements issued by the NH National Guard.

WILLIAM N. REDDEL III
Major General, NHNG
The Adjutant General

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NGNH-TAG

28 August 2009

MEMORANDUM FOR All New Hampshire National Guard Employees

SUBJECT: Policy Statement on Sexual Harassment

1. The New Hampshire National Guard (NHNG) recognizes that its strength is our people. Each and every member of this organization deserves to work in an environment that promotes dignity and respect. Sexual harassment is a direct violation of those principals. It diminishes unit effectiveness and creates an atmosphere of fear, intimidation, and hostility.
2. Sexual harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, or
 - b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual, or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.
3. Every level of command will conduct an inquiry into any allegation of sexual harassment according to law and regulation. The rights of any member who makes an allegation will be protected, and we will take appropriate action against anyone found liable for such conduct.
4. Anyone who believes he/she is the victim of sexual harassment or who has knowledge of sexual harassment within the NHNG is encouraged to report it immediately to his/her chain of command, or the State Equal Employment Manager (SEEM) at (603) 225-1236.
5. The success of the NHNG depends on our ability to work together as a cohesive team. We cannot allow sexual harassment or any other form of discrimination to detour us from that success.
6. This Sexual Harassment Policy Statement supersedes all other Sexual Harassment Memorandums issued by the NHNG.

WILLIAM N. REDDEL III
Major General, NHNG
The Adjutant General

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STATUTES and REGULATIONS

EEO program implementation in the New Hampshire National Guard is in accordance with the following major laws and regulations:

- **The Civil Rights Act of 1964, as amended** - made discrimination illegal based on: race, color, religion, national origin, and sex (gender.)
- **The Equal Employment Opportunity Act of 1972, as amended** - applies to Federal, State, and local government employees. It made the Civil Service Commission the lead agency in EEO and gave enforcement authority to the Equal Employment Opportunity Commission (EEOC).
- **The Age Discrimination in Employment Act of 1967, as amended** - made discrimination based on ages 40 and over illegal. This has been amended to exclude military members.
- **The Rehabilitation Act of 1973, as amended** - Made discrimination against qualified physically or mentally handicapped individuals illegal. This has been amended to exclude military members.
- **The Equal Pay Act of 1963** - Prohibits gender-based wage discrimination.
- **National Guard Bureau Regulation (AR) 690-600/NGR (AF) 40-1614** - EEO discrimination complaint process.

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Point of Contacts

Full Time Staff

SEEM: (603) 225-1464

JAG: (603) 227-1592

IG: (603) 227-1487

EEO Counselors

List posted on bulletin boards or contact the SEEM.

SEPMs

Contact the SEEM.