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WASHINGTON, D.C. 20330-1000

OFFICE OF THE ASSISTANT SECRETARY

AFI36-2710_AFGM2020-01
9 September 2020

MEMORANDUM FOR DISTRIBUTION C
MAJCOMs/FOAs/DRUs

FROM: SAF/MR
1660 Air Force Pentagon
Washington, DC 20330-1660

SUBJECT: Air Force Guidance Memorandum (AFGM) to Air Force Instruction (AFI) 36-2710, *Equal Opportunity Program*

By Order of the Secretary of the Air Force, this AFGM immediately implements changes to AFI 36-2710, *Equal Opportunity Program.* Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other Department of the Air Force publications, the information herein prevails, in accordance with AFI 33-360, *Publications and Forms Management*.

This AFGM expands the requirements related to the Defense Equal Opportunity Climate Survey (DEOCS) report. Among other changes, commanders will be required to create an action plan on any Climate Factors and Sub Group Climate Factors Comparisons that relate to diversity, inclusion, belonging or equal opportunity topics with resulting scores of an "improvement needed" result threshold indicated in red (or below 49% of favorable responses) within 60 days of receiving the DEOCS report.

This Memorandum becomes void after one-year from the date of this Memorandum, or upon publication of an Interim Change or rewrite of AFI 36-2710, *Equal Opportunity Program,* whichever is earlier.

JOHN A. FEDRIGO, SES
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

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Attachment 1

Chapter 7: Defense Equal Opportunity Climate Survey

(REPLACE) 7.6. Defense Equal Opportunity Climate Survey Report. The installation Equal Opportunity Office will brief the final report to the appropriate level commander. **(T-1).** Defense Equal Opportunity Climate Survey (DEOCS) reports are reviewed, analyzed, downloaded, and maintained for a period of 4 years by the Installation Equal Opportunity Office. Commanders will brief Defense Equal Opportunity Climate Survey results to the next higher commander within 30 calendar days (2 RSDs) and unit members within 60 calendar days (2 RSDs) of receipt of the report. **(T-1).** The next higher commander has the authority to waive the brief and review only the Defense Equal Opportunity Climate Survey report. Commanders will report the date unit members were briefed to the installation Equal Opportunity Office within 3 calendar days of conducting the brief. **(T-1).** The installation Equal Opportunity Office will forward only relevant portions of the Defense Equal Opportunity Climate Survey report to the SARC within 3 calendar days of receipt of the report. **(T-1). Note:** The assessment process is considered closed when the commander briefs the Defense Equal Opportunity Climate Survey report to unit members, which initiates the start of the next annual Defense Equal Opportunity Climate Survey requirement.

(NEW) 7.6.1. DEOCS Report Deficiencies Command Action Plan (CAP). Commanders are required to create an action plan, based on recommendations from the EO office, to be reported to the next higher commander and provided to the EO Director, on any Climate Factors and Sub Group Climate Factors Comparisons that relate to diversity, inclusion, belonging or equal opportunity topics with resulting scores of an "improvement needed" result threshold indicated in red (or below 49% of favorable responses) within 60 days of receiving the DEOCS report. **(T-1).** The topics covered by this requirement include: Fairness, Inclusion, Leadership Support, Racism, Sexism, Sexually Harassing Behavior, Workplace Hostility, Cohesion, and Connectedness. In coordination with the unit commander, the installation Equal Opportunity Office will conduct a follow up meeting, six-months after the report close-out, with units whose report reflected below 49% of favorable results, except when a regularly scheduled Out and About has been conducted in the six months following the DEOCS. **(T-1).** Alternatively, commanders may appoint a unit member (in the grade of O-4 or above or civilian equivalent) to conduct this follow up. Upon completion of the Equal Opportunity Office six-month follow up, commanders will provide a six-month status report of the commander's action plan to next higher commander. **(T-1).**
(NEW) 7.6.1.1. Applicability. The Command Action Plan (CAP) will be required for all Units with more than 50 military and civilian personnel. Units with 50 or fewer personnel will be surveyed in conjunction with another unit to ensure anonymity. **(T-0).** Other units may include MAJCOM staff, group staff, wing staff, center staff and Non-Appropriated Fund staff. This combined CAP will be submitted as a sub-group of the Defense Equal Opportunity Climate Survey. **(T-1).**
(NEW) 7.6.1.2. CAP requirements. At a minimum, the CAP will contain the following elements:
(NEW) 7.6.1.2.1. A summary of the commander's intent for conducting the Command Climate Assessment. **(T-1).**

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(NEW) 7.6.1.2.2. A summary of the commander's analysis of the Command Climate Assessment report. **(T-1).**
(NEW) 7.6.1.2.3. A list of issues identified to be addressed, the action planned to address each issue, the status of the actions taken to date, and the party responsible for accomplishing the remedial actions. **(T-1).**
(NEW) 7.6.1.2.4. Guidance on creating an action plan including a sample action plan is available at https://www.defenseculture.mil/Assessment-to-Solutions/A2S-Home/
(NEW) 7.6.2. A plan to review progress that the CAP's goals yielded results to address the issues identified in the DEOCS with all members of the organization. **(T-1).** The plan can include surveys or sensing sessions conducted within the unit to ensure the issues have been resolved.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

AIR FORCE INSTRUCTION 36-2710

18 JUNE 2020

Personnel

EQUAL OPPORTUNITY PROGRAM

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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ANGI36-7, 25 April 2003

Pages: 140

This instruction implements Air Force Policy Directive (AFPD) 36-27, *Equal Opportunity (EO)*. This instruction provides directive guidance on the Air Force (AF) Equal Opportunity (EO) program and prohibits unlawful discrimination, harassment, and reprisal. It has been developed in collaboration between the Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1), the Chief of the Air Force Reserve (AF/RE) and the Director of the Air National Guard (NGB/CF), and applies to all Regular Air Force (RegAF) personnel, Department of the Air Force civilian employees, Air Force Reserve (AFR) personnel. It applies to Air National Guard (ANG) personnel in federal RegAF status under Title 10, USC and under Title 32, USC except where noted. It also applies to employees from federal agencies receiving Air Force support under a servicing agreement who allege unlawful discrimination in matters controlled by the Air Force. This instruction covers complaints of unlawful discrimination, sexual harassment, and non-discriminatory harassment filed by appropriated-fund, non-appropriated fund, applicants for employment, military family members, military retirees, and former employees of the Air Force. It applies to all Air Force programs and activities that are receiving federal financial assistance (e.g., loans, aid, grants) disbursed by the Air Force or programs conducted by the Air Force. It does not apply to contract employees unless authorized by law or regulation to file a federal agency complaint. It does not apply to employees or applicants of the Army and Air Force Exchange Service. For specific applicability of protections and procedures, see "applicability" statements within each chapter of this instruction.

This instruction contains reporting requirements subject to the Freedom of Information Act, 5 USC § 552. This instruction includes requirements which must comply with the Health Insurance Portability and Accountability Act, 42 USC § 1320d and Privacy and Security Rules.

Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the AF Form 847, *Recommendation for Change of Publication;* route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level, but all supplements that directly implement this publication must be routed to the office of responsibility for coordination, and all Major Command (MAJCOM)-level supplements must be approved by the Human Resource Management Strategic Board prior to certification and approval. The authorities to waive wing and unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate waiver approval authority, or alternately, to the requestor's immediate commander for non-tiered compliance items.

This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by 5 United States Code Section 552a, 10 USC § 8013 and 10 USC § 8020. Executive Orders 9397, 12106, 13478, System of Records Notice (SORN) F036 AF DP G, *Equal Opportunity and Sexual Assault Prevention and Response (SAPR)*, SORN F033 AF B, *Privacy Act Request File*, and F036 AF PC Q, *Personnel Data Systems (PDS)*, and the systems notice for Equal Employment Opportunity Commission (EEOC) complaints and appeals records at Equal Employment Opportunity in the Federal Government and Appeals Records; 67 Federal Regulation 49338 (EEOC/GOVT-1), 44 Federal Regulation 1053, 43 Federal Regulation 19607, 42 USC § 2000(e)-16(b) and (c); 29 USC § 204(f), § 206(d), § 633(a), and § 791; Reorg Plan No. 1 of 1978. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

This document has been substantially revised and needs to be completely reviewed. This instruction consolidates and completely revises three Air Force Equal Opportunity publications. This instruction replaces AFI 36-2706, *Equal Opportunity Program Military and Civilian*, AFI 36-2707, *Nondiscrimination in Programs and Activities Assisted or Conducted by The Department of the Air Force*, and AFI 36-205, *Affirmative Employment Program (AEP) Special Emphasis Programs (SEPs) and Reasonable Accommodation Policy*, and supersedes Air National Guard Instruction (ANGI) 37-7, *Air National Guard Equal Opportunity Program.* Major changes include: Air Force procedures for prohibiting unlawful discrimination and harassment in programs and activities conducted or assisted by the Air Force, updates to responsibilities for implementation of the Air Force Equal Opportunity Program, requirements for processing of military and civilian equal employment opportunity complaints, and

management of the Affirmative Employment Program and Special Emphasis Programs, to include updated disability, reasonable accommodation, and Personal Assistance Services policies.

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Chapter 1

AIR FORCE EQUAL OPPORTUNITY PROGRAM

1.1. Air Force Equal Opportunity Program Overview. The Air Force Equal Opportunity Program ensures employment opportunity for all military members, civilian employees, and applicants for employment. The program is a function of Air Force leadership and command. It provides outreach, training, and assistance through Alternative Dispute Resolution, civilian equal employment opportunity complaint processing, military equal opportunity complaint processing, reasonable accommodation, personal assistance services, human relations education, the Affirmative Employment Program, Special Emphasis Programs, and other related services and initiatives.

1.1.1. Program Purpose. The purpose of the Air Force Equal Opportunity Program is to prohibit and eradicate all forms of unlawful discrimination, harassment, and reprisal, and to foster a positive human relations climate, which promotes the full realization of equality of opportunity to all. The Air Force Equal Opportunity Program supports the continuous efforts of the Air Force to be a model employer and a lethal force.

1.2. Air Force Commitment to Equal Opportunity. The Air Force will:

1.2.1. Provide sufficient resources to ensure successful and efficient operation of all equal opportunity programs and initiatives.

1.2.2. Ensure prompt, fair, and impartial processing of civilian equal employment opportunity and military equal opportunity complaints.

1.2.3. Continuously conduct programs to eradicate every form of unlawful discrimination and harassment.

1.2.4. Communicate Air Force equal opportunity policy to all Air Force personnel as well as applicants for employment.

1.2.5. Ensure rating and reviewing officials are compliant with federal law and regulations and Department of Defense and Air Force directives prohibiting unlawful discrimination, harassment, and reprisal. Document serious and repeated deviations in performance reports and/or appraisals.

1.2.6. Maintain a vigilant separation of the investigative and defensive functions of the agency throughout the Air Force Equal Opportunity Program and related initiatives as an essential component of fairness and impartiality.

1.2.7. Require commanders to develop and implement a program of positive action in all administrative and management matters, including recruitment, employment, and promotion designed to promote equal opportunity and to identify and eliminate discriminatory practices and policies.

1.2.8. Provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment in accordance with federal law, unless to do so would impose undue hardship upon the Air Force.

1.3. Roles and Responsibilities.

1.3.1. Air Force Assistant Secretary for Manpower and Reserve Affairs (SAF/MR). SAF/MR is designated by the Secretary of the Air Force as the Air Force Equal Opportunity Director, as defined by 29 CFR § 1614.102(b)(4). SAF/MR is responsible for Air Force equal opportunity policy, accountable for Air Force compliance with this policy, and is otherwise authorized to act for the Secretary of the Air Force in all equal opportunity policy and compliance matters.

1.3.2. Deputy Chief of Staff, Manpower, Personnel, and Services (AF/A1). AF/A1 provides adequate resources, including training, to execute the Air Force Equal Opportunity Program at all levels of the Air Force in accordance with federal laws, regulations, executive orders, Department of Defense (DoD) directives, Equal Employment Opportunity Commission regulations, and Air Force policy. AF/A1 has overall responsibility to implement this instruction as it applies to employment and nondiscrimination in Air Force programs and activities conducted or assisted by the Air Force, to include schools operated by the Air Force in the United States.

1.3.3. Director, Air Force Equal Opportunity (AF/A1Q). AF/A1Q is responsible for strategic-level planning and oversight of all equal opportunity programs and activities across the Air Force, and exercises overall responsibility for managing all aspects of the Air Force Equal Opportunity Program. Additionally, AF/A1Q:

1.3.3.1. Manages programming and implementation of the Air Force Equal Opportunity Program budget.

1.3.3.2. Develops recommendations to enhance personnel processes affecting the recruitment, selection, utilization, training, and advancement opportunities of all Air Force personnel.

1.3.3.3. Ensures, through oversight, that civilian equal employment opportunity complaint data, military equal employment complaint data, and Alternative Dispute Resolution Program data are complete, accurate, and up-to-date to support Air Force reporting requirements.

1.3.3.4. Communicates with Air Force, Department of Defense, and other federal civilian agencies on behalf of the Air Force Equal Opportunity Program and serves as the point of contact for private sector equal opportunity complaints regarding programs and activities conducted or assisted by the Air Force, to include accessibility of facilities for individuals with disabilities.

1.3.3.5. Is accountable, through oversight, to ensure all Air Force Major Commands (MAJCOM) and installations comply with laws, regulations, directives, policies, and instructions, and meet annual training and reporting requirements.

1.3.4. Program Manager, Air Force Equal Opportunity Program. The Air Force Equal Opportunity Program Manager, in consultation with the Air Force Administrative Law Directorate (AF/JAA), Air Force Legal Operations Agency General Litigation Division (AFLOA/JACL), and Office of the Air Force General Counsel, Fiscal, Ethics and Administrative Law Division (SAF/GCA), develops and disseminates Air Force equal opportunity policy on: the civilian equal employment opportunity complaint program, the

military equal opportunity complaint program, Human Relations Education, and organizational climate assessments.

1.3.4.1. The Air Force Equal Opportunity Program Manager coordinates with Office of the Air Force General Counsel, Contractor Responsibility and Conflict Resolution Division (SAF/GCR) to develop Alternative Dispute Resolution policy, guidance, training, and funding pursuant to AFI 51-1201, *Negotiation and Dispute Resolution Program.* Additionally, the Program Manager:

1.3.4.1.1. Oversees and manages the civilian equal employment opportunity and military equal opportunity complaint programs across the Air Force providing guidance on all program aspects and related issues that impact the readiness of all Air Force personnel and takes corrective action or initiates program improvements as needed.

1.3.4.1.2. Provides policy guidance, clarification, and direction for Air Force Personnel Center/Equal Opportunity (AFPC/EO) Operations, MAJCOM Equal Opportunity Functional Managers, Installation Equal Opportunity Directors, Installation Commanders, Forward Operating Agencies, Direct Reporting Units and Geographically Separated Units.

1.3.4.1.3. Advises other HQ USAF Officials who have program responsibility for, or an interest in, matters affecting the employment and advancement of all Airmen, military and civilian.

1.3.4.1.4. Supports Installation Equal Opportunity Offices and installation-level equal opportunity programs, including Alternative Dispute Resolution Programs ensuring all Air Force personnel are aware of, and have access to, Air Force Equal Opportunity Program services and resources. Ensures AFPC/EO Operations periodically assesses the Air Force Equal Opportunity program by conducting staff assistance visits at Installation Equal Opportunity Offices.

1.3.4.1.5. Analyzes installation, MAJCOM, and Air Force level equal opportunity trend data and organizational climate assessment reports to identify problem areas, and advises Installation Equal Opportunity Offices via AFPC/EO Operations and MAJCOM Equal Opportunity Functional Managers on corrective and preventative actions for equal opportunity matters.

1.3.4.1.6. Develops Air Force wide equal opportunity compliance standards and evaluates compliance metrics and reports, to include Air Force Inspector General equal opportunity inspection results.

1.3.4.1.7. Exercises responsibility for managing equal opportunity and Human Relations Education and training programs.

1.3.4.1.8. Oversees and manages funding for the Air Force Equal Opportunity Information Technology System.

1.3.5. Air Force Disability Program Manager. The Air Force Disability Program Manager provides input on Air Force Equal Opportunity Program activities and policies related to individuals with disabilities, reasonable accommodation, and Personal Assistance Services. Additionally, the Air Force Disability Program Manager:

1.3.5.1. Develops specific goals, objectives, and strategies for implementation of the *Air Force Plan for Employment of Individuals with Disabilities.*

1.3.5.2. Communicates to Air Force leadership the needs of individuals with disabilities, as well as information relevant to ensuring Air Force compliance with affirmative employment initiatives and federal law, to include barrier and trend analysis and recommendations for eliminating unlawful employment practices and procedures. Chairs the Air Force Barrier Analysis Working Group Disability Team.

1.3.5.3. Engineers outreach and recruiting plans, initiatives, and events for individuals with disabilities, ensuring parties involved understand their obligations and etiquette as they pertain to individuals with disabilities.

1.3.5.4. Collaborates with Civilian Personnel Sections to implement Air Force Schedule A hiring procedures and promote the Workforce Recruitment Program for College Students with Disabilities.

1.3.5.5. Trains supervisors and managers to understand their full range of responsibilities regarding individuals with disabilities, to include reasonable accommodation and Personal Assistance Services.

1.3.5.6. Works with Air Force Civil Engineering to establish plans and recommend priorities for removal of architectural barriers and/or implement facilities modifications for accessibility of individuals with disabilities.

1.3.6. Air Force Affirmative Employment Program Manager. The Air Force Affirmative Employment Program Manager develops the Air Force wide Affirmative Employment Program and establishes Special Emphasis Programs for the Air Force based upon analysis and evaluation of the Agency's equal employment opportunity posture to ensure implementation of the *Equal Employment Opportunity Commission's Management Directive-715*. **(T-0).** Additionally, the Air Force Affirmative Employment Program Manager:

1.3.6.1. Develops, coordinates, reviews, and updates all Affirmative Employment Program and Special Emphasis Program objectives, materials, training aides and activities. **(T-0).**

1.3.6.2. Develops strategies, policies and procedures that facilitate the attainment of affirmative employment goals, including, but not limited to: Special Emphasis Programs, commemorative and special observances, diversity and inclusion initiatives, recommendations regarding targeted recruitment and hiring, and implementation of the *Equal Employment Opportunity Commission's* Management Directive-715. **(T-0).**

1.3.6.3. Provides Air Force wide leadership in affirmative employment planning and implementation of Special Emphasis Programs.

1.3.6.4. Develops recommendations and collaborates with Civilian Personnel Sections to enhance personnel processes affecting the recruitment, selection, utilization, training, and advancement opportunities of all protected classes.

1.3.6.5. Advises other HQ USAF Officials who have program responsibility for, or an interest in, matters affecting the employment and advancement of all protected classes. Communicates information relevant to ensuring Air Force compliance with affirmative

employment initiatives and federal law, to include barrier and trend analysis and recommendations for eliminating unlawful employment practices and procedures.

1.3.6.6. Provides guidance to MAJCOMs and Installations on Affirmative Employment Program and Special Emphasis Program activities designed to identify and eliminate any policy, practice or procedure that may result in disadvantage in employment or denial of equal opportunity in the workplace.

1.3.6.7. Provides policy oversight over Affirmative Employment Programs and Special Emphasis Programs, evaluates their effectiveness, and takes corrective action or initiates program improvements as needed.

1.3.6.8. Develops formal training programs and ensures appropriate initial training is provided for Affirmative Employment Program Managers and Special Emphasis Program Managers.

1.3.6.9. Administers the Air Force's Barrier Analysis Working Group as defined by this instruction and ensures appropriate initial training is provided for Installation Barrier Analysis Working Groups.

1.3.7. Air Force Equal Opportunity Career Field Manager. The Air Force Equal Opportunity Career Field Manager serves as the day-to-day advocate for the Equal Opportunity Career Field, addressing issues and coordinating specialty concerns across various staffs. The Air Force Equal Opportunity Career Field Manager manages and implements the Air Force Equal Opportunity Career Field Program. Additionally, the Air Force Equal Opportunity Career Field Manager:

1.3.7.1. Provides central oversight for Equal Opportunity Career Field education and training in coordination with the Defense Equal Opportunity Management Institute and AFPC/EO Operations, and develops the Career Field Education and Training Plan as the core document for education and training requirements.

1.3.7.2. Develops and maintains a career planning diagram and reviews information on an annual basis to make appropriate updates as required, including review and validation of advanced academic degree requirements and other professional continuing education necessary to meet Air Force needs established through the Air Force Educational Requirements Board process.

1.3.7.3. Develops and keeps current specialty descriptions, specialty prerequisites, and qualifications; provides waiver recommendations for mandatory Air Force Specialty Code requirements to waiver authorities per AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted)*; initiates and coordinates on new and proposed classification changes and publicizes approved changes to commanders, functional managers, and other personnel affected.

1.3.7.4. Chairs utilization, authorization, and general career field mission issues portions of the Strategic Training Requirements Team Utilization and Training Workshop.

1.3.7.5. Oversees the Career Development Course program for assigned Air Force Specialties and reviews Career Development Courses for accuracy; initiates actions to develop new or revised Career Development Courses to meet requirements.

1.3.7.6. Works with the manpower community as necessary to review standards for applicability and currency of data; designates a functional representative to assist and participate in the Manpower Standard Development Team; participates in manpower development studies; identifies initiatives and best practices during the manpower standards development study process; reviews and coordinates on new active component manpower standards prior to Directorate of Manpower, Organization and Resources (AF/A1M) approval.

1.3.7.7. Monitors all military equal opportunity training requirements, prioritizes training quotas as appropriate, and ensures all Equal Opportunity Practitioners receive equal opportunity training mandated by law, regulation, directive, and policy.

1.3.8. Director of the Air Force Review Boards Agency (SAF/MRB). SAF/MRB is the official designated by the Secretary of the Air Force to take final action, pursuant to 29 CFR § 1614.110 on individual complaints of discrimination and to serve as the final appeal authority of military formal equal opportunity complaints. SAF/MRB will sign all appeal actions submitted to Equal Employment Opportunity Commission for civilian formal equal opportunity complaints.

1.3.9. Director, Force Development (AF/A1D). AF/A1D provides regulatory guidance and procedural advice regarding diversity and inclusion.

1.3.10. Air Force General Counsel (SAF/GC). The General Counsel advises the Secretary of the Air Force and Headquarters Air Force in all matters covered by this instruction. SAF/GC serves as the Office of Primary Responsibility for Department of the Air Force equal opportunity policy matters.

1.3.10.1. The allocation of roles between SAF/GC and Air Force Judge Advocate General Air Force Judge Advocate (AF/JA) are delineated in Headquarters Air Force Mission Directive (HAFMD) 1-14, *General Counsel and The Judge Advocate General.* Nothing in this paragraph is intended to supersede that Mission Directive.

1.3.11. The Judge Advocate General of the Air Force (TJAG). The Judge Advocate General provides legal advice and guidance on equal opportunity policies and procedures, laws, and instructions to the Secretary of the Air Force, Air Staff, and to Air Force Judge Advocates (JAs). AF/JA works in partnership with SAF/GC where policy matters are implicated. AF/JA, through its Directorates, serves as the primary legal advisor to the Department of the Air Force on matters of EO litigation.

1.3.11.1. The allocation of roles between SAF/GC and AF/JA are delineated in HAFMD 1-14. Nothing in this paragraph is intended to supersede that Mission Directive.

1.3.12. Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4). AF/A4 is responsible for implementing this instruction in accordance with Department of Defense Directive (DoDD) 5500.11, *Nondiscrimination in Federally Assisted Programs* and DoDD 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the Department of Defense*, as they apply to programs and activities conducted or assisted by the Air Force. This includes but is not limited to loans, contracts, transfers, leases, or other disposition activities impacting installed equipment, facilities, structures, properties, museums, and historic buildings maintained by the Air Force.

1.3.13. Civilian Force Management Directorate (AF/A1C). AF/A1C is responsible for coordinating with AF/A1Q on policy oversight of the Air Force Affirmative Employment Program.

1.3.14. The Air Force Surgeon General (AF/SG). AF/SG is responsible for implementing this instruction as it applies to providing specialized medical support in Air Force medical facilities.

1.3.15. Director, Public Affairs (SAF/PA). SAF/PA is responsible for the implementation of this instruction as it applies to ensuring accessibility for individuals with disabilities to public and community activities and meetings.

1.3.16. Information Dominance and Chief Information Officer (SAF/CIOA6). SAF/CIOA6 is responsible for implementing this instruction as it applies to promulgation of rules and regulations for public comment in a manner that offers individuals with disabilities a reasonable opportunity for such participation.

1.3.17. Commander, Air Force Materiel Command (AFMC/CC). AFMC/CC monitors, and when necessary, investigates compliance with this instruction and DoDD 5500.11, and DoDD 1020.1, as they apply to programs and activities conducted or assisted by the Air Force. This includes but is not limited to loans, contracts, transfers, leases, or other disposition activities impacting installed equipment, facilities, structures, properties, museums, and historic buildings maintained by the Air Force.

1.3.18. Air Force Personnel Center Equal Opportunity (AFPC/EO) Operations. AFPC/EO Operations is responsible for daily operations of all Air Force Equal Opportunity Program procedural activities across the Air Force. AFPC/EO Operations provides day-to-day management operations, functional expertise, and technical guidance for all Air Force Equal Opportunity Program areas to MAJCOM Equal Opportunity Functional Managers and Installation Equal Opportunity Directors. Additionally, AFPC/EO Operations:

1.3.18.1. Serves as a liaison between the Director, Air Force Equal Opportunity (AF/A1Q), MAJCOM Equal Opportunity Functional Managers, and Installation Equal Opportunity Directors.

1.3.18.2. Ensures Equal Opportunity complaints are coordinated and processed in a timely manner by an appropriate Installation Equal Opportunity Office when a complaint involves a MAJCOM Equal Opportunity Functional Manager, multiple installations, external agencies, or when other extenuating circumstances occur. Refers dissatisfaction and/or conflict of interest complaints raised by complainants through outside agencies or higher headquarters to an appropriate MAJCOM Equal Opportunity Functional Manager for processing at the installation level.

1.3.18.3. Monitors all Air Force Equal Opportunity personnel Program activities for Air Force policy compliance, to include Installation and MAJCOM level operational needs.

1.3.18.4. Evaluates operational procedures suggestions and reviews inspection reports and other evaluations as necessary and as directed.

1.3.18.5. Serves as the Functional Area Manager for Air and Space Expeditionary Forces deployment processes and ensures Equal Opportunity deploy in accordance with this instruction.

1.3.18.6. Establishes Staff Assistance Visit leads to coordinate with AFPC/EO Operations for Air Force Equal Opportunity Information Technology System data reviews indicating who will serve as the single point of contact for all installation leadership. Responsible to ensure Staff Assistance Visit are periodically conducted upon request of an organization's commander utilizing the Air Force Standardized Equal Opportunity Compliance Staff Visit Checklist. **(T-1).**

1.3.18.7. Oversees the development, implementation, and management of Air Force Equal Opportunity Information Technology System requirements and grants system access to qualified Equal Opportunity Practitioners for military equal opportunity and civilian equal employment opportunity complaint processing; ensures Installation Equal Opportunity Directors maintain/update Air Force Equal Opportunity Information Technology System data, to include civilian equal employment opportunity complaint, military equal opportunity complaint, and Alternative Dispute Resolution Program data, for higher headquarters review.

1.3.18.8. In coordination with the Director, Air Force Equal Opportunity **(**AF/A1Q), develops, reviews, and updates all Air Force Equal Opportunity Human Relations Education programs, objectives, lesson plans and materials to support equal opportunity and diversity as a mission imperative and legal obligation.

1.3.18.9. Responsible for providing data and other supporting information as necessary for all Air Force reporting requirements. Prepares quarterly statistical reports to support Air Force reporting requirements (e.g., No FEAR Act, EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*, Defense Equal Opportunity Climate Survey Reports, and AF Form 3018, *Military Equal Opportunity/Human Relations Education Summary* etc.) and for AF/A1Q. Administers and distributes the Air Force Equal Opportunity Statistical Data Collection Program. Ensures access to available demographic data to Affirmative Employment Program Managers and Special Emphasis Program Managers.

1.3.18.10. Completes and submits reports to AF/A1Q as required by the Office of Personnel Management, the Equal Employment Opportunity Commission, and Department of Defense; prepares EEOC Form 462, for SAF/MR signature and is responsible for subsequent timely submission to the Equal Employment Opportunity Commission; compiles and validates AF Form 3018. **(T-0).** Prepares quarterly/annual *Notification and Federal Employee Antidiscrimination and Retaliation Act* (No FEAR Act) Reports and submits for publication to the USAF public website.

1.3.18.11. Reviews Air Force Audit Agency, Government Accountability Office, or other agency reports on the Air Force Equal Opportunity Program; assists in formulating responses to filings and coordinates final responses; coordinates with AF/A1Q to assign equal opportunity related Congressional and other high-level inquiries to appropriate MAJCOM Equal Opportunity Functional Managers for processing.

1.3.18.12. Maintains and manages the Air Force Unlawful Discrimination, Harassment, and Sexual Harassment Hotline.

1.3.18.13. Develops, coordinates, reviews, and updates the Professional Development Study Guide as it pertains to equal opportunity and Human Relations Education

objectives under the guidance of the Equal Opportunity Career Field Manager. Coordinates and reviews all changes to the Professional Military Education course curricula, objectives, materials, and programs as they pertain to equal opportunity and Human Relations Education objectives.

1.3.18.14. Schedules all Defense Equal Opportunity Management Institute training for officers, enlisted personnel, and civilians. Manages Air Force allocations for the Defense Equal Opportunity Management Institute Disability Program Manager and Special Emphasis Program Manager classes. The Air National Guard Readiness Center Equal Opportunity Program Manager approves training allocations for Air National Guard personnel.

1.3.18.15. Supports biennial Equal Opportunity Worldwide Functional Training Workshops and attends conferences and other professional forums that address equal opportunity issues to increase professional development of Air Force personnel.

1.3.19. Air Force Personnel Center, Directorate of Personnel (AFPC/DP3). Formulates, coordinates, and executes the force shaping and force development needs for Air Force civilian employees. **Note:** For Non-Appropriated Fund employees this function is performed by the Air Force Installation and Mission Support Center as their review and direction are centered in the Career Field Teams that support separate Air Force career fields. Additionally, AFPC/DP3:

1.3.19.1. Ensures force shaping and force development policies demonstrate a firm commitment to equal opportunity for all applicants for employment and that extensive recruitment efforts are in accordance with Affirmative Employment Program and federal equal opportunity objectives for setting up candidate pools from which to fill top-level professional and managerial positions.

1.3.19.2. Ensures pathways recruitment activities for the career workforce renewal recruiting programs are scheduled in locations that increase the size of the recruiting pool for jobs for which Air Force has identified a shortage of particular groups or protected classes, by occupation or career field.

1.3.19.3. Participates in job fairs and informational presentations at conferences, workshops, and seminars sponsored by organizations that enhance the employment of all protected classes by occupation or career field.

1.3.19.4. Ensures that advertisements and marketing include the use of publications and other media sources that attract individuals in all protected classes by occupation or career field.

1.3.19.5. Tracks and reports the recruitment and selection of individuals; ensures that Air Force-wide demographic data is provided to the talent acquisitions and career field teams, and that the same information is provided to the Air Force Barrier Analysis Working Group and Air Force Affirmative Employment Program Manager on a quarterly basis. Provides to Air Force Personnel Center/Equal Opportunity Operations and AF/A1Q information and data necessary for reporting requirements.

1.3.19.6. Develops targeted recruitment strategies to ensure Air Force mission needs are met and that recruiting activities yield highly diverse candidate pools. This includes

establishing procedures for hiring individuals with disabilities and those with targeted disabilities.

1.3.19.7. Ensures Talent Acquisition conduct outreach analysis to ensure branding, marketing messaging is designed to reach maximum focal points.

1.3.20. Air Force Personnel Center Systems Support (AFPC/DSY). AFPC/DSY provides Air Force Personnel Center / Equal Opportunity Operations and Director, Air Force Equal Opportunity (AF/A1Q) data support necessary for reporting requirements as outlined in this instruction.

1.3.21. Air Force Civilian Appellate Review Office (AFCARO). The Air Force Civilian Appellate Review Office is subordinate to Director, Air Force Review Board Agency (SAF/MRB) and is also identified as the Air Force Civilian Appellate Review (SAF/MRBA). The Air Force Civilian Appellate Review Office analyzes formal equal opportunity complaints and prepares final agency decisions and final orders for SAF/MRB signature. Additionally, the Air Force Civilian Appellate Review Office:

1.3.21.1. Coordinates with the Air Force LLFSC on appeals and requests for reconsideration processed between the Air Force and the Equal Employment Opportunity Commission and acts as Air Force liaison with the Equal Employment Opportunity Commission and the Department of Defense, Diversity Management Operations Center, and Investigations and Resolutions Directorate. (T-1).

1.3.21.2. Performs quality control of Investigations and Resolutions Directorate investigation reports. The Air Force Civilian Appellate Review Office is responsible for notifying Air Force Inspector General (SAF/IG), consistent with AFI 90-301, *Inspector General Complaints Resolution*, when a Senior Official is named as a responsible management official.

1.3.21.3. Updates and queries the Air Force Equal Opportunity Information Technology System for civilian equal employment opportunity complaints and provides statistical reports. (T-1).

1.3.21.4. Responsible for the reporting of, and ensuring Air Force compliance with, final Equal Employment Opportunity Commission orders. The Air Force Civilian Appellate Review Office ensures through oversight that agency representatives provide timely proposed briefs. (T-1).

1.3.22. Air Force Legal Operations Agency (AFLOA). AFLOA through the LLFSC provides legal advice on formal equal opportunity complaints from installations which they have responsibility to the Installation Commander, Installation Staff Judge Advocate, Civilian Personnel Section, Human Resource Office, and Equal Opportunity Practitioners. Legal reviews are for internal use and management's eyes only. Legal reviews are documents that are covered by attorney-client privilege and are protected from disclosure under the Freedom of Information Act, and are not to be released without prior authorization from the LLFSC. Additionally, the AFLOA:

1.3.22.1. Designates an attorney from the LLFSC who will act as the Air Force representative in litigation of individual complaints filed under 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*. **(T-1). Note:** To the extent feasible, the

AFLOA designates an attorney who has not previously advised the commander or other dismissal authority with respect to acceptance or dismissal of the same complaint.

1.3.22.2. Reviews, for legal compliance, all full dismissal letters, prepared for signature by the Installation Commander or designee. **(T-0).** It is recommended, but not required, for partial dismissal letters to be reviewed by the LLFSC. If an award for compensatory damages and/or attorney's fees is ordered by the Equal Employment Opportunity Commission, the AFLOA will review the complainant's claim for compensatory damages and attorney's fees and advise the commander with administrative control over the claim on the amount to be paid. **(T-1).** The AFLOA negotiates fee agreements with opposing parties. When there is a finding of unlawful discrimination by an Equal Employment Opportunity Commission Administrative Judge (JA), the LLFSC may negotiate an alternative settlement agreement.

1.3.22.3. Prepares briefs, motions, and other appellate pleadings as appropriate, in support of the Air Force position on appeals or Request for Reconsideration for cases handled by the LLFSC. **(T-0).** The AFLOA, through the LLFSC, provides the above legal services at all locations across the United States and overseas except at Robins, Hill, Tinker, and Wright-Patterson Air Force Base, Air National Guard units, and Air Force Reserve Command bases with Regular Air Force (RegAF) Judge Advocates. These organizations will provide all legal services within their respective organizations with the exception that for the Air Force Materiel Command (AFMC) units and Air Force Reserve Command (AFRC) bases with RegAF Judge Advocate General assigned, the representation in federal court and Equal Employment Opportunity Commission class actions are always the responsibility of the LLFSC. References to the LLFSC in this instruction also refer to these legal offices.

1.3.23. Installation Civilian Personnel Section. Installation Civilian Personnel Sections provide technical expertise on personnel matters and provides personnel documents as required by Equal Opportunity Practitioners. **(T-1).** Additionally, Installation Civilian Personnel Sections:

1.3.23.1. Coordinate on proposed and final civilian equal opportunity settlement agreements and reasonable accommodation requests that involve administrative or personnel actions to ensure regulatory compliance in conjunction with AFPC/EO Operations. **(T-0).**

1.3.23.2. Schedule civilian personnel for Human Relations Education, monitor civilian attendance and no-shows, and update personnel files with training information. **(T-1).**

1.3.23.3. Ensure Affirmative Employment Program Manager duties are properly outlined in standard core documents and/or official personnel documents and includes an addendum or position description in the official personnel folder for Special Emphasis Program Managers. **(T-1).**

1.3.23.4. Review the claim(s) and basis(es) of formal civilian equal opportunity complaints to ensure these claims have not also been raised as a formal complaint under the negotiated grievance or Merit Systems Protection Board procedures. **(T-0).** (**Note**: Complaints with claim(s) previously filed in the Administrative Grievance Procedure will not be dismissed for this reason). **(T-1).**

1.3.23.5. Coordinate on proposed and final civilian equal employment opportunity settlement agreements to ensure regulatory compliance; work with Air Force Personnel Center/Equal Opportunity, to include career program officials, as necessary. **(T-1).** Provide documents as requested by Equal Opportunity Practitioners.

1.3.23.6. Support Affirmative Employment Program and Special Emphasis Program activities as appropriate in support of equal employment opportunity, diversity and inclusion, to include establishing procedures for hiring individuals with disabilities, including those with targeted disabilities; encourage managers and supervisors to use the Schedule A hiring procedures and the Noncompetitive Appointment of Thirty Percent (30%) or More Compensable Veterans' appointing authority to hire qualified compensable veterans. **(T-1).** On select installations, AFPC Operating Locations will work with Installation Civilian Personnel Sections in executing the above.

1.3.23.7. Encourages hiring managers to use the Schedule A, 5 CFR § 213.3102(u) appointing authority to hire qualified Individuals with Disabilities. **(T-1).** Manages the repository for Schedule A applicants to include, reviews applicants eligibility under Schedule A, conducts qualification determinations, and make referrals as appropriate. **(T-1).** Provide timely written response to applicants on acceptance and status of application. **(T-1).**

1.3.24. MAJCOM Equal Opportunity Functional Managers. MAJCOM Equal Opportunity Functional Managers are the Air Force subject matter experts for advising on equal opportunity programming matters in accordance with USAF Program Action Directive 07-11, *A1 Transformation*. Additionally, MAJCOM Equal Opportunity Functional Managers:

1.3.24.1. Collaborate with AFPC/EO Operations between wings, installations, MAJCOMs and higher headquarters to ensure compliance with laws, regulations, directives, and policy. MAJCOM Equal Opportunity Functional Managers may supplement equal opportunity guidance, programs and procedures for their respective command in accordance with AFI 33-360, coordinating all supplements through AFPC/EO Operations and Director, Air Force Equal Opportunity (AF/A1Q). Additionally, MAJCOM Equal Opportunity Functional Managers attend Air Force Instruction revision meetings and Utilization and Training Workshop as voting members. Address MAJCOM Equal Opportunity challenges and coordinate applicable program waivers to AFPC/EO Operations and forward to AF/A1Q for final approval. (T-1).

1.3.24.2. Monitor, balance, and program for manpower and resources across their respective Installation Equal Opportunity Offices and manage programming and implementation of MAJCOM Equal Opportunity budgets on a quarterly and annual basis with input from their respective Installation Equal Opportunity Directors. MAJCOM Equal Opportunity Functional Managers assist the MAJCOM Comptroller designated for equal opportunity funds to guarantee budget is properly allocated and managed. Changes will be presented to the appropriate finance point of contact for a consolidated submission to the Air Force Corporate Structure. Installation Equal Opportunity Directors will ensure that all program requirements with legal implication are fully funded. **(T-1).** Track and manage installation personnel inbound and outbound.

1.3.24.3. Route complaints which name an Installation Equal Opportunity Director to AFPC/EO Operations for processing and complaints filed through the Air Force

Unlawful Discrimination, Harassment, and Sexual Harassment Hotline to the appropriate Installation Equal Opportunity Office, in coordination with AFPC/EO Operations. MAJCOM Equal Opportunity Functional Managers determine complaint processing for commander directed investigations in conjunction with their respective MAJCOM/Deputy Chief of Staff, Manpower, Personnel and Services (MAJCOM/A1), Inspector General, and/or Judge Advocate in cases involving multiple installations, MAJCOMs, or agencies. (T-1).

1.3.24.4. Serve as a member of the MAJCOM Community Action Board and serve as advisors to the Diversity and Inclusion Council. (T-1).

1.3.24.5. Provide thorough oversight of AF Form 3018 and ensure Air Force Equal Opportunity Information Technology System civilian equal employment opportunity, military equal employment complaint, and Alternative Dispute Resolution Program data are complete, accurate, and timely throughout the year to support Air Force reporting requirements. **(T-1).** When discrepancies are found, MAJCOM Equal Opportunity Functional Managers will ensure plans are in place to prevent future errors and/or issues. **(T-1).** MAJCOM Equal Opportunity Functional Managers are responsible for analyzing AF Form 3018 trend data and other pertinent equal opportunity information on a semiannual basis and for advising their respective Installation Equal Opportunity Directors, MAJCOM/A1, and Installation Commanders on trends, problem areas, and corrective/preventative actions. MAJCOM Equal Opportunity Functional Managers augment the MAJCOM Inspector General throughout Capstone Inspections and conduct virtual Management Internal Control Toolset inspections, to include installation by-laws and provide feedback to ensure compliance, and complete and Staff Assistance Visits to monitor program compliance of their respective programs. MAJCOM Equal Opportunity Functional Managers are responsible for compiling the Equal Employment Opportunity Commission Management Directive-715 Report and forwarding to AFPC/EO Operations.

1.3.24.6. Communicate equal opportunity trends and analysis reports at a minimum semiannually to the MAJCOM Commander on the status of the MAJCOM Equal Opportunity Program. **(T-1).** Submit Effective Date of Training recommendations for MAJCOM Equal Opportunity enlisted personnel to the Career Field Manager; and coordinate with MAJCOM Readiness Point of contacts and ensure base level Equal Opportunity Practitioners are correctly postured/aligned to the appropriate Posturing Code and regularly scheduled drill. **(T-1).**

1.3.24.7. Communicate with other agencies and MAJCOM agencies having collateral equal opportunity responsibilities and interests. **(T-1).** Process and, when directed by AFPC/EO Operations, respond to Congressional and other high-level inquiries in accordance with AFI 90-401, *Air Force Relations with Congress*, in coordination with AF/A1Q. **(T-1).** MAJCOM Equal Opportunity Functional Managers will copy AF/A1Q on any correspondence sent in response to congressional inquiries. MAJCOM Equal Opportunity Functional Managers complete and submit reports as required by AF/A1Q. **(T-1).**

1.3.24.8. Support supplemental training workshops and attend other professional forums addressing equal opportunity issues and determine MAJCOM representation at these events. **(T-1).**

1.3.24.9. MAJCOM Function Managers are not restricted from being assigned additional duties. **(T-1).** However, they must not serve as Sexual Assault Response Coordinators (SARCs), Alternate SARCs or Victim Advocates. **(T-1).**

1.3.25. Installation Commanders. Installation Commanders are charged with providing an environment free from unlawful discrimination and harassment using supplemental policy guidance, communication, education and training, enforcement and assessment as core elements of program effectiveness and prevention. Installation Commanders are responsible for repealing any instruction and changing any practice that does not support Air Force equal opportunity policy. **(T-1).** Installation Commanders will ensure rating and reviewing officials evaluate compliance with directives and may develop supplemental guidance to prevent unlawful discrimination, harassment, and reprisal. **(T-1).**

1.3.25.1. Exercise responsibility for civilian and military equal opportunity programs, to include the Alternative Dispute Resolution Program, at all serviced and tenant organizations under their command, and ensure maximum effort is made to achieve equal opportunity objectives. **(T-1).** Ensure that adequate facilities, office support equipment, and financial resources are provided to the Installation Equal Opportunity Director to effectively operate and manage the Equal Opportunity Program in accordance with applicable laws, directives, and policy. **(T-1).**

1.3.25.2. Appoint Installation Equal Opportunity Directors (of minimum grade GS-12, E-7 or O-3) in writing and ensure an adequate number of properly trained Equal Opportunity Practitioners are available to manage the installation workload. **(T-1).** Ensure all Equal Opportunity personnel are resourced with private offices for consultations or personal interviews, and access to conference and/or classroom space for continued education and training requirements. **(T-1).** When feasible the sexual assault and equal opportunity offices should be in close proximity to each other, and should be in an area on the installation where all personnel have easy access, through their own private entryway with controlled foot traffic to provide as much anonymity as possible. **(T-1).**

1.3.25.3. Advocate for, and ensure the availability of, Alternative Dispute Resolution Programs. **(T-1).**

1.3.25.4. Ensure all subordinate commanders respond to unlawful discrimination, harassment, and sexual harassment complaints as outlined by this instruction. **(T-1).** Actions include designating an Equal Opportunity Practitioner to serve as a subject matter expert on all Commander Directed Investigations involving equal opportunity issues, and prohibiting the use of a Commander Directed Investigation to investigate allegations that are part of a formal equal opportunity complaint, unless a sexual harassment allegation is made and the Commander Directed Investigation is requested by the complainant. **(T-1).**

1.3.25.5. Exercise authority to accept or dismiss (in whole or in part) civilian equal employment opportunity complaints pursuant to 29 CFR § 1614.107. **(T-1). Note:** This authority may be delegated in writing to the Vice/Deputy Commander or Installation Equal Opportunity Director provided the Installation Equal Opportunity Director has not otherwise counseled the aggrieved individual with respect to the complaint. Additionally,

the Installation Commander decides all first level appeals on formal military equal opportunity complaints.

1.3.25.6. Exercise final authority to: waive complaint timelines for formal military equal opportunity complaints, direct formal complaints of sexual harassment to the Inspector General, make the final determination on Equal Opportunity and Treatment Incident classification, and make final determinations for Personal Assistance Services requests, and approve or deny Diversity Day activities. **(T-1). Note:** All denials of reasonable accommodation requests will be approved by the Installation Commander. **(T-1).**

1.3.25.7. Review all closed military equal opportunity formal complaints monthly for consistent enforcement, timeliness and reprisal prevention. **(T-1).**

1.3.25.8. Direct the semiannual assessment of the installation Human Relations Climate through the Installation Equal Opportunity Assessment Summary, administer the Installation Equal Opportunity Assessment Summary, and ensure Installation Equal Opportunity Assessment Summary findings are reported on AF Form 3018. **(T-1).**

1.3.25.9. Have overall responsibility for the Affirmative Employment Program and Special Emphasis Programs for all assigned, serviced, and tenant organizations. Provide sufficient resources to support Affirmative Employment Program and Special Emphasis Programs, and leadership in establishment and enforcement of policy supporting Affirmative Employment Program and Special Emphasis Programs efforts, to include briefings, equal employment initiatives, and policy memorandums. **(T-1).** Ensure committees are established to plan and conduct special observances, barrier analysis, and events that promote equal employment opportunity and enhance the employment and advancement opportunities of all protected groups. **(T-1).**

1.3.25.10. Ensure Air Force employees and managers provide full cooperation to Equal Opportunity Officials, Investigators, Equal Employment Opportunity Commission Officials, and Air Force legal representatives at all stages of the equal opportunity complaint process. **(T-1).** Ensure, pursuant to AFI 36-704, *Discipline and Adverse Actions of Civilian Employees,* that all employees cooperate and/or testify in an inquiry, investigation, or other official proceeding. **(T-1).**

1.3.25.11. Ensure military and civilian personnel attend Human Relations Education as required. **(T-1).** Approves locally developed supplements to the Air Force approved Human Resources Education program, and non-Air Force mandated locally developed Human Resources Education lesson plans, handouts, and audiovisual materials.

1.3.25.12. When evaluating and assigning military personnel, ensures subordinate commanders and supervisors consider membership in groups espousing supremacist causes or advocating unlawful discrimination as a disqualifier (See AFI 51-508, *Political Activities, Free Speech and Freedom of Assembly of Air Force Personnel).* **(T-1).**

1.3.26. Installation Equal Opportunity Directors. Installation Equal Opportunity Directors administer the Installation Commander's Equal Opportunity Program in accordance with applicable laws, regulations, directives, and policies. Installation Equal Opportunity Directors:

1.3.26.1. Keep Installation Commanders fully informed of Air Force and Installation Equal Opportunity Program activity, and assist Installation Commanders in developing supplemental equal opportunity policy and guidance, including forwarding requests to supplement policy to the MAJCOM Equal Opportunity Functional Manager for review and to AFPC/EO Operations and AF/A1Q for approval prior to publication. **(T-1).**

1.3.26.2. Manage the budget, manpower, and resources for the Installation Equal Opportunity Office and equal opportunity programming.

1.3.26.3. Ensure prompt processing of civilian equal employment opportunity complaints and military equal employment complaints and ensure that every reasonable effort is made to resolve complaints at the lowest possible level at the earliest possible time. **(T-1).** Advocate and make available the Alternative Dispute Resolution Program. As a Negotiation and Dispute Resolution Manager, or in coordination with the Negotiation and Dispute Resolution Manager, act to resolve disputes and provide Alternative Dispute Resolution Program services in accordance with AFI 51-1201. **(T-1).** Develop an on-call roster of Equal Opportunity Practitioners available to conduct Alternative Dispute Resolution services. **(T-1).**

1.3.26.4. Evaluate the Installation Equal Opportunity Program at least twice per year (January and July) using the Air Force Standardized Equal Opportunity Self-Inspection Checklist provided by AF/A1Q and report findings to AFPC/EO Operations. **(T-1).** Conduct a quarterly synopsis of AF Form 3018 to include trends, best practices, and areas for improvement. Approve and certify AF Form 3018 within 10 calendar days of the completion of the quarter. **(T-1).** Provide the Installation Commander, Unit Commanders, and the Command Chief Master Sergeant an assessment summary of the installation equal opportunity climate at least two times per year. **(T-1).** Forward a synopsis of all closed formal equal opportunity cases to the Installation Commander for review on a monthly basis. **(T-2).**

1.3.26.5. Promote the Air Force Equal Opportunity Program to senior leadership on the installation and to the base population. **(T-1).** Ensure the installation workforce receives adequate information on the availability of the equal opportunity complaint program and Equal Opportunity Practitioners. **(T-1).** Support Geographically Separated Units on equal opportunity related issues outlined in the local host-tenant agreement. **(T-1).**

1.3.26.6. Guide Equal Opportunity Practitioners via assistance, training, and supervision. Approve personalization of standardized Human Relations Education lesson plans for each instructor. **(T-1).** Conduct an annual written evaluation for each Equal Opportunity Practitioner for each course using the Air Force Standardized Equal Opportunity Instructor Checklist provided by AFPC/EO Operations. **(T-1).**

1.3.26.7. Ensure appropriate coordination, documentation, and notification of all complaint processing activities conducted by the Installation Equal Opportunity Office and assist Equal Opportunity Practitioners where appropriate. **(T-1).** Maintain a working relationship with servicing legal, personnel, and helping agencies to ensure legal and regulatory requirements are utilized and that the Equal Opportunity Program is in compliance. **(T-1).** Ensure civilian equal employment opportunity, military equal employment complaint, and Alternative Dispute Resolution Program data are complete,

accurate, and timely maintained in the Air Force Equal Opportunity Information Technology System through weekly inspections. **(T-1).**

1.3.26.8. Maintain and safeguard complaint files as the custodian of the official record. **(T-1).** Ensure information in equal opportunity complaint files is protected in compliance with the Privacy Act of 1974, the Freedom of Information Act, and this instruction. **(T-0).** Review and ensure Counselor's Reports are completed in accordance with *Equal Employment Opportunity Commission Management Directive 110*. **(T-0).**

1.3.26.9. Provide administrative assistance and logistical support to the Investigations and Resolutions Directorate. **(T-1).** Coordinate utilization of court reporters, if applicable, and ensure the court reporter provides the required number of transcripts to Investigations and Resolutions Directorate. **(T-1).**

1.3.26.10. Although Equal Opportunity Practitioners are not restricted from being assigned additional duties; their focus must be the Air Force Equal Opportunity Program. Equal Opportunity Directors must ensure additional duties do not significantly impact the specialist's ability to conduct their primary duties and responsibilities. **(T-1).** Equal Opportunity Practitioners must not be assigned any duties that subsequently disqualify them from conducting an unbiased analysis of complaints against functions or activities of the wing or installation to which they are assigned or organizations for which they have functional responsibility. **(T-1).** Individuals assigned to EO offices may not serve as SARCs, Alternate SARCs or Victim Advocates.

1.3.26.11. Refer all requests for reasonable accommodation or Personal Assistance Services to appropriate officials. **(T-1).**

1.3.27. Installation Staff Judge Advocates. Installation Staff Judge Advocates provide legal advice to commanders at all levels and staff agencies on equal opportunity issues and on equal opportunity unlawful discrimination, harassment, and sexual harassment complaints. Additionally, Staff Judge Advocates:

1.3.27.1. Conduct legal sufficiency reviews on all informal military equal opportunity cases and provide the Installation Equal Opportunity Office with a Legal Sufficiency Review Memorandum on whether a preponderance of credible evidence supports a violation of the equal opportunity policy. **(T-1).**

1.3.27.2. Provide legal advice on informal civilian equal opportunity, unlawful discrimination, harassment, and dispute resolution matters to Installation Commanders, Civilian Personnel Section, Human Relations Office, and other Equal Opportunity Officials. **(T-1).**

1.3.27.3. Review initial interview outlines and questions drafted by Installation Equal Opportunity Offices and provide recommendations and feedback for formal equal opportunity cases. **(T-1).**

1.3.27.4. Review resolution/settlement agreements (including agreements resulting from Alternative Dispute Resolution proceedings) for legal compliance in the informal process. **(T-1).**

1.3.27.5. As applicable, review claims for compensatory damages and attorney's fees and advise Installation Commanders on the amount to be paid; negotiate fee agreements with opposing parties. **(T-1).**

1.3.27.6. Prepare briefs, motions, and other appellate pleadings as appropriate, in support of the Air Force position in appeals or requests for reconsideration. **(T-1).** As applicable, ensure that briefs and other appellate pleadings reach the Air Force Civilian Appellate Review Office at least 10 calendar days before the due date to the Equal Employment Opportunity Commission Office of Federal Operations (EEOC/OFO). **(T-1).** Coordinate any changes and revisions to briefs and pleadings with the Air Force Civilian Appellate Review Office as necessary. **(T-1).**

1.3.28. Commanders (Unit, Tenant, Direct Reporting Unit, Geographically Separated Units, Forward Operating Agency). Commanders are responsible for ensuring an environment free of unlawful discrimination and harassment and ensuring all allegations of unlawful discrimination and harassment are thoroughly investigated. Commanders will:

1.3.28.1. Inform unit members of their right to file equal opportunity complaints without fear of reprisal and, through briefings and supplemental equal opportunity policy guidance, communicate that the Air Force will not tolerate unlawful discrimination or harassment. **(T-0).** Take appropriate disciplinary and corrective action when unlawful discrimination or harassment occur and will ensure that every effort is made to protect the complainant's identity when a formal military equal opportunity complaint is filed. **(T-0).** Post within the unit, as well as, endorse and communicate through commander's calls and briefings, the Installation Commander and the Secretary of the Air Force's policy memorandums on unlawful discrimination and harassment. **(T-1).**

1.3.28.2. Complete a Defense Equal Opportunity Climate Survey within 120 calendar days of assumption of command and every 12 months after the completion of previous assessments in accordance with **Chapter 7** of this instruction. **(T-0).** Commanders must complete an Organizational Climate Assessment annually. **(T-0). Note:** For ANG, Defense Equal Opportunity Climate Survey completion is within 180 calendar days upon assumption of command and every 24 months thereafter. **(T-0).**

1.3.28.3. Investigate allegations of unlawful discrimination or harassment when the complainant has elected not to file a complaint with the Installation Equal Opportunity Office and designate an Equal Opportunity Practitioner to serve as a Subject Matter Expert for all Commander Directed Investigations conducted. **(T-1).** Commanders have the authority to transfer a case to the Installation Equal Opportunity Office, in coordination with the Installation Equal Opportunity Director and with the concurrence of the complainant.

1.3.28.4. Provide all briefings, notices, and referrals as prescribed by this instruction throughout the civilian equal employment opportunity complaint process and military equal opportunity complaint process. **(T-1).**

1.3.28.5. Ensure that rating and reviewing officials evaluate compliance with AFI 36-2406, *Officer and Enlisted Evaluation Systems*, and DoDI 1400.25v431_AFI36-100, *Performance Management and Appraisal Program Administration in the Air Force*, prohibiting unlawful discrimination and harassment and documenting serious or repeated

deviations. **(T-1).** When evaluating and assigning military personnel, ensure supervisors consider membership in groups espousing supremacist causes or advocating unlawful discrimination as a disqualifier (See AFI 51-508*).* **(T-1).**

1.3.29. Equal Opportunity Practitioners (Equal Opportunity Practitioners). Equal Opportunity Practitioners maintain a neutral position in the performance of their duties. Equal Opportunity Practitioners:

1.3.29.1. Advise complainants and aggrieved individuals of complaint processes and the Alternative Dispute Resolution Program to resolve complaints and make the appropriate referrals in an effort to seek a reasonable resolution of all complaint matters at the lowest possible level at the earliest possible time. **(T-1).** Assist complainants/aggrieved individuals with determining the basis for complaints, framing claims, and clarifying any ambiguities. **(T-1).** Conduct a limited inquiry for civilian complaints during the informal complaint process for the purpose of furnishing information for settlement efforts. **(T-1).** Provide guidance, general assistance, and referrals for non-equal opportunity issues. **(T-1).**

1.3.29.2. Notify commanders of situations involving unlawful discrimination or harassment when no military complaint is filed and notify commanders of complaints filed against members of the commander's unit. **(T-1).** Ensure data entered and updated in the Air Force Equal Opportunity Information Technology System for civilian equal employment opportunities, military equal employment complaints, and Alternative Dispute Resolution Programs are complete, accurate, and timely. **(T-1).**

1.3.29.3. Advise civilian complainants alleging sexual harassment of their right to request a Commander Directed Investigation including notification to General Court Martial Convening Authority, under 10 USC § 1561 and of their right to an equal employment opportunity investigation under 29 CFR § 1614. **(T-0).**

1.3.29.4. Serve as subject matter experts for Commander Directed Investigations and other investigations for complaints within equal opportunity purview.

1.3.29.5. Serve as liaison for on and off installation agencies, establishments, advisory councils, Affirmative Employment Program Managers, Special Emphasis Program Managers, and special observance committees.

1.3.29.6. Conduct Out and About Assessments. Conduct organizational climate assessments and serves as a member of the Community Action Team. **(T-1).**

1.3.29.7. Instruct Human Relations Education classes and ensure attendance is recorded in respective personnel data systems and/or reported to the correct point of contact for all military and civilian attendees. **(T-1).**

1.3.29.8. Prepare AF Form 3018 and other reports as directed or required. **(T-1).**

1.3.30. Installation Equal Opportunity Offices. Installation Equal Opportunity Offices will be located in an area on the installation to which all personnel have easy access, to include access for disabled persons (e.g., elevators, ramps, equipment, alternate accessible locations). **(T-0).** Installation Equal Opportunity Offices will establish private consultation areas, classrooms for Human Relations Education, and space for normal office operations per Air Force Manual (AFMAN) 32-1084, *Standard Facility Requirements*, and AFI 32-1004,

Standard Facility Requirements. **(T-1).** Installation Equal Opportunity Offices will be located in an area which does not dissuade individuals from accessing Air Force Equal Opportunity Programs or services. **(T-1).** In an effort to monitor and track issues or incidents that may impact the Equal Opportunity climate of the installation; Installation Equal Opportunity Office personnel will have access to installation Security Forces police blotters. **(T-1).**

1.3.30.1. Recordkeeping. All records will be kept in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. **(T-1).** Installation Equal Opportunity Offices will establish an electronic or hardcopy continuity folder for each unit serviced by the Installation Equal Opportunity Office. Each continuity folder will only contain:

1.3.30.2. Tab 1: The unit's four most recent Defense Equal Opportunity Climate Survey Reports. **(T-1).**

1.3.30.3. Tab 2: Documented Key Personnel Briefings. **(T-1).**

1.3.30.4. Tab 3: Unit specific AF Forms 1271, *Equal Opportunity Record of Assistance/Contact.* **(T-1).**

1.3.30.5. Tab 4: Out and About Visits (AF Form 1271). **(T-1).**

1.3.30.6. Tab 5: Memorandum from commanders regarding EO issues worked within the unit. This includes the Commander Worked Issue worksheet along with the corresponding AF Form 1587-1, *Military Equal Opportunity Informal Complaint Summary*. **(T-1).**

1.3.30.7. Mark the bottom of all pages of Defense Equal Opportunity Climate Survey reports and trend data in the Unit Continuity Folder, FOR OFFICIAL USE ONLY. **(T-1).**

1.3.30.8. Installation Equal Opportunity Offices will establish an official employee medical folder in accordance with AFI 41-200, *Health Insurance Portability and Accountability Act (HIPAA)*, to be treated as a confidential medical record with separate folders for each individual serviced by the Installation Equal Opportunity Office who submits medical documentation or information. **(T-0).** Equal Opportunity Practitioners will update the Air Force Equal Opportunity Information Technology System to reflect all actions taken in during complaint processing. **(T-1).** Installation Equal Opportunity Directors will validate the accuracy and timeliness of all data in the Air Force Equal Opportunity Information Technology System on a weekly basis. **(T-1).**

1.3.30.9. Records Release. Installation Equal Opportunity Offices will release records to designated officials for official use purposes only. **(T-1).** Designated officials include Commanders, the Inspector General, Staff Judge Advocates, the Office of Special Investigations, the Office of Personnel Management, the Investigations and Resolutions Directorate, the Air Force Civilian Appellate Review Office, Labor Law Field Support Centers (LLFSC), Security Forces, Command Directed Investigators, and other higher headquarters officials. If a Civilian Personnel Section or Air Force official not listed above requests a copy of a civilian or military complaint file to process an administrative action, the Installation Equal Opportunity Office will coordinate with their servicing Staff Judge Advocate prior to the release of any complaint file information. **(T-1). Note:**

Consult the servicing legal office to determine if any portions of a climate survey are exempt from release in a FOIA request. **(T-1).**

1.3.30.10. Awareness. Installation Equal Opportunity Offices will post installation and Air Force Equal Opportunity Program policy memorandums, along with the location and telephone number of the Installation Equal Opportunity Office, in heavily trafficked areas. **(T-1).** The areas may include, but are not limited to, the Force Support Squadron, Commissary, Exchange facilities and external (public-facing) websites. Installation Equal Opportunity Offices will publicize procedures for filing both military equal opportunity and civilian equal employment opportunity informal and formal complaints of unlawful discrimination and harassment. **(T-0).** Additionally, Installation Equal Opportunity Offices will publicize the Air Force Unlawful Discrimination, Harassment, and Sexual Harassment Hotline (888-231-4058). **(T-1).** The Installation Equal Opportunity Office will inform appropriate level commanders of human relations and/or equal opportunity issues that may adversely affect members' behavior, health, duty performance, or the mission and document as appropriate. **(T-1).**

1.3.31. Headquarters, Air Force Reserve Command (AFRC). HQ AFRC develops and monitors equal opportunity policies and programs as they apply to the Air Force Reserve component. AFRC ensures the unlawful discrimination, harassment, and sexual harassment prevention program emphasizes the principle of "full-time values - part-time careers" and covers off-duty behavior that affects the workplace. **Note:** AF/RE is the designated Office of Primary Responsibility for specific programs for AFRC and oversight in support of Air Force policies.

1.3.32. National Guard Bureau Equity and Inclusion (NGB/EI). Chief, NGB is the responsible Department official for implementing Title VII of the Civil Rights Act of 1964 and DoDD 5500.11 and DoDD 1020.1. NGB/EI develops and promulgates joint military and civilian equal opportunity policies, programs, regulations, and instructions for processing/adjudicating unlawful discrimination and sexual harassment complaints brought by Air National Guard (ANG) members in a Title 32 status and Title 5 employees under appointment authority of the Chief of the National Guard Bureau at the National Guard Bureau, Air National Guard Readiness Center and their field operating locations and under the authority of the Adjutant Generals of the various National Guards or the Commanding General of the District of Columbia National Guard. NGB/EI is delegated the authority to act as the responsible Department official for implementing Title VI of the Civil Rights Act of 1964 and DoDD 5500.11, *Nondiscrimination in Federally Assisted Programs* and DoDD 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the Department of Defense* in the Air National Guard. **(T-1).**

1.3.33. Air National Guard Readiness Center Equal Opportunity Directorate (ANGRC/EO). Air National Guard Readiness Center Equal Opportunity Directorate functions as the Installation Equal Opportunity Director for the Air National Guard Readiness Center. This includes self-inspections and program assessments, administration of climate assessments, conducting Alternative Dispute Resolution, Out and About Assessments, training, and processing discrimination complaints for Air Force Title 5 and ANG Title 10 members assigned to the ANGRC, the National Guard Bureau (NGB), or any geographically separated unit aligned with the ANGRC. All Air Force Title 5 complaints will be forwarded to the Air Force Civilian Appellate Review Office for Final Agency Decision determinations. **(T-1).**

ANGRC/EO is the Air National Guard point of contact for Defense Equal Opportunity Climate Survey data. Additionally, the ANGRC/EO:

1.3.33.1. Manages the Air National Guard Military Equal Opportunity program across the 90 Air National Guard Wings to include developing and disseminating Air National Guard Military Equal Opportunity Program plans and policies consistent with Air Force and National Guard Bureau policies. **Note:** National Guard Bureau Equity and Inclusion manages Title 32 complaint processing for the Air National Guard.

1.3.33.2. Performs applicable duties of the MAJCOM Equal Opportunity Functional Manager for Air National Guard.

1.3.33.3. Serves as Air National Guard Equal Opportunity Career Field Manager for enlisted Equal Opportunity Practitioners and manages all Air National Guard Equal Opportunity Practitioner deployments.

1.3.33.4. Prioritizes attendance of Air National Guard personnel at the Defense Equal Opportunity Management Institute's Equal Opportunity Advisor Reserve Component Course and approves and funds Air National Guard adjunct faculty for Defense Equal Opportunity Management Institute.

Chapter 2

AIR FORCE NONDISCRIMINATION INTRODUCTION AND OVERVIEW

2.1. Zero Tolerance for Unlawful Discrimination or Harassment. It is the policy of the United States Government, the Department of Defense, and the Air Force not to condone or tolerate unlawful discrimination or harassment of any kind. This zero-tolerance policy ensures that once unlawful discrimination or harassment is alleged, immediate and appropriate action is taken to investigate and resolve the allegations, and that unlawful behavior is stopped. Any Airman, military or civilian, who engages in unlawful discriminatory practices or harassment of any kind may face disciplinary action. Air Force equal opportunity policy compliance is a function of leadership and command. Leaders and commanders will ensure all types of unlawful discrimination or harassment are stopped, and behavior corrected as soon as possible once they are made aware.

2.1.1. The operational language of the Air Force is English. Air Force personnel must maintain sufficient proficiency in English to perform their official duties. All official communications must be understood by everyone who has a need to know their content. Commanders may require Air Force personnel to use English only when such use is necessary for the performance of official duties. Accordingly, commanders, supervisors, and managers at all levels must not require use of English for personal communications which are unrelated to official duties. **(T-1).**

2.2. Unlawful Discrimination Against Military Members. Unlawful discrimination against military members is any unlawful action that denies equal opportunity to persons or groups based on their race, color, sex (including sexual harassment), national origin, religion, or sexual orientation. These bases are collectively referred to as a "protected class." The right to non-discrimination on the basis of religion includes the right to reasonable accommodation of one's religious beliefs and practices. See AFPD 52-2, *Accommodation of Religious Practices in the Air Force* for additional guidance regarding reasonable accommodation of religious beliefs and practices.

2.3. Unlawful Discrimination Against Civilian Employees. Unlawful discrimination against civilian employees includes failing or refusing to hire or promote, removing, or otherwise discriminating against any individual with respect to compensation, terms, conditions, or privileges of employment because of a person's race, sex (including pregnancy, gender identity, and sexual orientation), color, religion, national origin, age (40 or older), genetic information, disability, or prior equal opportunity activity. **(T-0).**

2.4. Unlawful Harassment. Unlawful harassment includes creating an intimidating, hostile working environment for another person on the basis of the protected classes enumerated in **paragraphs 2.3** of this instruction. A hostile work environment is a series of acts which are so severe or pervasive as to alter the terms and conditions of employment. The acts which make up the hostile environment may be discreet acts or may be ones which, taken alone, do not rise to the level of an adverse employment action. The use of disparaging terms with respect to a person's protected class contributes to a hostile working environment and will not be tolerated.

2.4.1. Unlawful Sexual Harassment. Unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term or condition of employment, and/or when submission to, or rejection of, such conduct is used as a basis for an employment decision affecting the person.

2.4.2. Prevention of Sexual Harassment. Prevention is the best tool to eliminate sexual harassment in the workplace. Air Force leadership at every level will take steps to prevent sexual harassment from occurring by: clearly communicating to employees that sexual harassment is not tolerated; providing sexual harassment training to employees; establishing or ensuring an effective complaint or grievance process is available; taking immediate action to investigate and resolve all employee harassment complaints; and taking appropriate action when a complaint is confirmed or substantiated.

2.5. Bullying and Hazing. While not a form of unlawful harassment under equal opportunity law, bullying and hazing activities as defined by DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces,* are also prohibited forms of conduct. Bullying includes acts of aggression with the intent of harming a person either physically or psychologically without a proper military or governmental purpose. Hazing includes conduct which physically or psychologically injures or creates a risk of injury without a proper military or governmental purpose for the initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or Department of Defense civilian organization.

2.6. Discrimination in Programs Conducted or Assisted by the Air Force. Programs conducted or assisted by the Air Force will not directly or through contractual, licensing, or other arrangements (e.g., loans, discounts, grants) discriminate on the bases prohibited by this instruction. Assurance of compliance will be provided in consideration of and for obtaining any federal grants, loans, contracts, property, discounts, or other federal assistance. The Air Force will not:

2.6.1. Deny a person any service, aid, or other benefit provided by the program. **(T-0).**

2.6.2. Provide a person any service, aid, or benefit that is different to and not equivalent to that provided to others under the program, unless such action is necessary to provide a qualified individual with a disability a reasonable accommodation. **(T-0).**

2.6.3. Restrict a person in enjoyment or any advantage or privilege enjoyed by others receiving any service, aid, or benefit provided by the program, or afford a qualified individual with a disability an accommodation that does not provide an opportunity equal to that afforded to others. **(T-0).**

2.6.4. Subject a person to segregation in any manner, or separate treatment in any way relating to receipt of services or benefits through the program, unless where permissible under and consistent with federal law. **(T-0).**

2.6.5. Exclude a person or group by choosing a site or location that has the purpose or effect of discrimination as prohibited by this instruction. **(T-0).**

Chapter 3

CIVILIAN EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS

3.1. Applicability. Air Force civilian employees, former employees, and applicants for employment who meet the criteria outlined in 29 CFR Part 1614, *Federal Sector Equal Employment Opportunity* may file informal and formal complaints through the processes outlined in this chapter. Under Equal Employment Opportunity Commission and Air Force policy, independent contractors, contingent employees. Exceptions and common law agency testing for this policy exist; see *Massachusetts v. Department of Health and Human Services, Equal Employment Opportunity Commission Appeal No. 01962390.* When an individual alleges discrimination in a multi-service case, counseling and complaint processing are determined by the all agencies involved in the case. **Note**: Air National Guard Title 5 civilians under authority of State Adjutant Generals complaints should be processed in accordance with Chief National Guard Bureau Notice (CNGBN) 9600, *State National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting Guidance.*

3.2. Protections for Civilian Employees. For civilian personnel, this instruction implements federal law and Equal Employment Opportunity Commission regulations that prohibit harassment, sexual harassment, and unlawful discrimination based on race, sex (including pregnancy, gender identity, and sexual orientation), color, national origin, age (over 40), religion, disability, genetic information, or retaliation.

3.3. Program Purpose. The purpose of the civilian equal employment opportunity complaint process is to provide prompt, fair, and impartial processing and resolution of complaints of unlawful discrimination and harassment. The objective of the complaint process is to seek opportunities to resolve issues at the lowest organizational level at the earliest possible time.

3.4. Timely Reporting. An aggrieved individual initiates the complaint process by contacting an Equal Opportunity Practitioner and advising that he or she believes they were subjected to unlawful harassment or discrimination as prohibited by law and this instruction. The aggrieved individual must contact an Equal Opportunity Practitioner within 45 calendar days of when he or she became aware of the prohibited action(s) or the effective date of the personnel action(s). **(T-0).** The 45-day time limit for formal complaints may be extended for reasons outlined in 29 CFR § 1614.105(a)(2). Failure to contact an Equal Opportunity Practitioner within 45 calendar days may result in dismissal of a formal complaint.

3.4.1. AFPC/EO Operations is responsible for providing personnel documents to Installation Equal Opportunity Offices in support of civilian equal employment opportunity complaint inquiries, review of Alternative Dispute Resolution settlements, Department of Defense investigations, and litigation.

3.4.2. For Air National Guard refer to Chief National Guard Bureau Instruction (CNGBI) 0402.01, *National Guard Alternative Dispute Resolution.*

3.4.3. Requests for information/personnel documents will be answered by the suspense date of the document request or within 7 calendar days. **(T-1).** Installation Equal Opportunity Offices are the determination authority over the nature and type of information relevant to complaints.

3.5. Complaint Jurisdiction. Equal Opportunity Practitioners will determine if a claim is appropriate for processing under 29 CFR § 1614. If the responsible management official involved is the Adjutant General of a state or is a member of the National Guard in Title 32 status, the Equal Opportunity Practitioner will refer the matter to the Air National Guard Readiness Center Equal Opportunity Directorate Office for processing. Equal Opportunity Practitioners must notify their respective Installation Equal Opportunity Director to contact their MAJCOM Equal Opportunity Functional Manager for assistance with complaints that involve other Air Force MAJCOMs, Forward Operating Agency's, Direct Reporting Units, other services or defense agencies, conflict of interest/position complaints, or complaints that require the assistance of another Installation Equal Opportunity Office. **Note**: When warranted, the MAJCOM Equal Opportunity Functional Manager will contact AFPC/EO Operations for guidance and assistance.

3.6. Civilian Equal Employment Opportunity Informal Complaint Processing. Equal Opportunity Practitioners will process all claims through the informal complaint (pre-complaint) process, regardless of timeliness, merit, or other considerations for an aggrieved individual to which this instruction is applicable. **(T-0).** Additionally, Equal Opportunity Practitioners will collect all pertinent personnel documents associated with the claims and basis/bases of the complaint. **(T-1).** Under no circumstances will an Equal Opportunity Practitioner attempt to dissuade a person from filing a complaint or forgo the use of Alternative Dispute Resolution where appropriate. **(T-0)**.

3.6.1. General Assistance. When an aggrieved individual engages an Equal Opportunity Practitioner for the purpose of obtaining information about, or has articulated a complaint, but does not elect to initiate the informal complaint process, Equal Opportunity Practitioners will inform the aggrieved individual that they have 45 calendar days to file an informal complaint and have the aggrieved individual sign the form indicating their election not to file, at this time. **(T-0). Note:** The complainant may return at any time within 45 calendar day period and elect to file a complaint. Civilian non-equal opportunity issues will be recorded on AF Form 1271. **(T-1). Note:** Specific equal employment opportunity allegations presented by civilians will not be recorded on AF Form 1271. **(T-1).**

3.6.2. Timely Informal Complaint Processing. When an aggrieved individual states their intent to file a complaint, the 30-calendar day informal complaint processing period begins as of the first date the aggrieved individual contacted an Equal Opportunity Practitioner to present the complaint. If an informal complaint is filed more than 60 calendar days after the alleged offense, the Installation Equal Opportunity Office must brief the complainant during the initial interview that, in order to file a formal complaint, the Installation Commander must agree 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 Installation Equal Opportunity Office. **(T-1).** The Installation Equal Opportunity Office will complete informal complaint counseling within 30 calendar days or obtain written approval from the aggrieved individual and the Installation Equal Opportunity Director (prior to the 30th calendar day) to extend counseling for no more than 60 additional calendar days. **(T-0).** If Alternative Dispute Resolution is elected, informal complaint processing is completed within 90 calendar days. In any case, if the matter is not resolved by the end of the authorized period, including extensions, Equal Opportunity Practitioners will issue a Notice of Right to File a Formal Complaint Letter. **(T-1).** At no time should informal complaint processing go

beyond 90 calendar days. A sample copy of a Notice of Right to File a Formal Complaint Letter; Notice of Rights and Responsibilities Letter; and ADR Program Notice Memo are all located on the Air Force Equal Opportunity SharePoint® site.

3.6.3. Notice of Rights. Equal Opportunity Practitioners will advise the aggrieved individual in writing of their rights and responsibilities in the complaint process. **(T-0).** Use of the "Notice of Rights and Responsibilities" form is mandatory. Refer to Air Force Equal Opportunity SharePoint® site for a copy of the form. Equal Opportunity Practitioners will advise the aggrieved individual of his/her right to remain anonymous throughout the informal complaint stage. **(T-0).** If anonymity is elected by the aggrieved individual, the Equal Opportunity Practitioner will take appropriate measures to protect the identity of the aggrieved individual until a formal complaint is filed, or the aggrieved individual grants written permission to cease anonymity. **(T-0).**

3.6.4. Civilian Complaints of Sexual Harassment. If the aggrieved alleges sexual harassment, the EO Practitioner will advise the aggrieved individual of their right to an EEO investigation pursuant to 29 CFR § 1614. **(T-0)**. They will also advise the aggrieved individual of the legal requirement that the Unit Commander initiate an investigation and notify their General Court Martial Convening Authority (GCMCA), pursuant to 10 USC § 1561. **(T-0)**. They will also advise the aggrieved that they may request, in writing, that the investigation be accomplished through the EEO process, rather than through a separate Commander Directed Investigation (CDI). **(T-1).**

3.6.4.1. Interaction of the Two Processes. The EO Practitioner will advise the aggrieved that any Commander Directed Investigation will run concurrently with the EEO complaint process initiated through the Installation EO Office. **(T-0)**. **Note:** The requirement of an investigation also applies when the complaint is made directly to the Commander (by the aggrieved or by a third party). Commanders who receive complaints directly from the aggrieved will notify the EO Office and advise the aggrieved to contact the Installation EO Office to ensure the aggrieved preserves his or her rights regarding the civilian equal opportunity complaint process. **(T-0)**. It is the responsibility of the aggrieved to contact the Installation EO Office within 45 calendar days of the alleged event or awareness of the event. The Installation EO Office will attempt to initiate contact with an aggrieved individual who has contacted the Commander to ensure the aggrieved is aware of his or her options and rights. **(T-0)**.

3.6.4.2. Processing Civilian Complaints of Sexual Harassment. There are two parallel processes for civilian complaints of sexual harassment. The process under 10 USC § 1561 requires a Commander Directed Investigation be conducted. The process under 29 CFR § 1614 requires the complaint be processed by the Installation EO Office in accordance with EEOC regulations. EO Practitioners who serve as subject matter expert for a CDI will not serve as the EO Practitioner for a complaint being processed through the Installation EO Office's civilian equal opportunity complaint process for the same issue **(T-0)**.

3.6.4.2.1. Anonymity. Anonymity is not afforded in Commander Directed Investigations initiated pursuant to 10 USC § 1561. Anonymity is not an option in the formal stage of the civilian equal opportunity complaint process. The aggrieved is

only entitled to anonymity in the informal stage of the equal opportunity complaint process under 29 CFR § 1614.

3.6.4.2.2. Commander Directed Investigations. Command decisions with respect to Commander Directed Investigations are final with no right to appeal. Monetary damages are not available through the CDI process. Commander Directed Investigations will be completed no later than 14 calendar days after the start of the investigation. **(T-0)**. If the investigation is not completed within 14 calendar days, a progress report regarding the status of the investigation must be submitted to the GCMCA within 20 calendar days and every 14 calendar days thereafter until the investigation is closed. **(T-0)**. Once the investigation is closed, the commander must submit a final report to the GCMCA. **(T-0)**. An aggrieved civilian may request that the investigation requirement of 10 USC § 1561 be carried out through an EEO investigation. Such a request must be made in writing and be signed by the aggrieved. **(T-1).** Such a request is transmitted by the EO Practitioner to the Commander, redacting the aggrieved's name. If a request is granted by the Commander, the Commander will direct the Installation EO Office to process the complaint in accordance with EEOC regulations, and provide updates to the Commander and the aggrieved on the progress of the process. **(T-1).** The Commander will still provide progress reports and a final report to the GCMCA as described above. If the EEO process is resolved before the conclusion of the Investigative Resolution Division investigation, then the requirements of 10 USC § 1561 have not been met, and a CDI must be initiated. **(T-0)**. If the aggrieved does not make such a request, the Installation EO Office will immediately notify the responsible Commander so they can initiate the required investigation. **(T-1). Note:** A Commander Directed Investigation initiated by the Commander or requested by the aggrieved does not serve to satisfy the administrative exhaustion requirement with respect to the equal opportunity complaint process (i.e., 29 CFR Part 1614).

3.6.4.2.2.1. Granting the Aggrieved's Request. Allowing the investigation requirement of 10 USC § 1561 to be carried out through an EEO investigation protects the aggrieved's privacy rights, afforded by the EEOC, and spares him or her from participating in two overlapping investigations. In making the decision whether to grant the aggrieved's request, the Commander must: (1) accord great weight to the aggrieved's desires, including his/her concerns about privacy, retaliation, and re-victimization, while (2) balancing that with the need to ensure safety, good order and discipline, and the welfare of all personnel in the workplace. **(T-1).** The decision must be made in writing. **(T-1).**

3.6.4.2.2.2. Complaint Avenues. If a request that the 10 USC § 1561 investigation requirement be carried out through an EEO investigation is not made or not granted, the Installation EO Office will proceed with the traditional equal opportunity complaint process concurrent to the Commander Directed Investigation. **(T-0)**. If the aggrieved elects to not exercise their rights under the EEO complaint process, the EO Practitioner will document the contact and refer the employee to his or her responsible Commander to request a CDI. **(T-0)**. **Note:** If the aggrieved elects not to pursue traditional EEO complaint processing, counseling activities as documented in EEOC MD-110 will not occur, and no

counseling timeline periods for the process will apply, as it is not being pursued. **(T-1).** If the aggrieved has initiated contact with an EO Practitioner within 45 calendar days of the alleged discriminatory action and wishes to pursue traditional EEO complaint counseling after a Commander Directed Investigation has been conducted, the aggrieved will contact the Installation EO Office within 15 calendar days of receipt of the notification that the Commander Directed Investigation is complete to state their intention to make use of the 29 CFR part 1614 process. **(T-1).**

3.6.4.3. No-Contact Orders in Civilian Sexual Harassment Complaints. No-contact orders should only be issued against an alleged harasser when determined to be necessary under the circumstances. A no-contact order should not automatically be given to an aggrieved who alleges sexual harassment simply because a no-contact order is given to the alleged harasser. Commanders and supervisors must consult with their servicing legal office to determine if the facts and circumstances of a particular allegation or allegations support a no-contact order, and the proper scope and duration of any such order. **(T-1).** A no-contact order should be of a limited duration (no more than of 60 day increments); however, the order may be renewed for additional increments as circumstances warrant. No-contact orders should be crafted to address the individual facts and circumstances of each specific case. No-contact orders should not be used to avoid management responsibilities to make inquiry into the underlying facts or to take appropriate administrative or disciplinary action when warranted. Limitations may include, but are not limited to, direction to:

3.6.4.3.1. Refrain from contacting, harassing, or touching certain named persons,

3.6.4.3.2. Remain away from specific areas, such as homes, schools and public facilities, or

3.6.4.3.3. Refrain from doing certain acts or activities.

3.6.5. Alternative Dispute Resolution in the Civilian Informal Complaint Process. It is Air Force policy to utilize Alternative Dispute Resolution and other early collaborative dispute resolution methods to the maximum extent practical and appropriate as prescribed in AFPD 51-12, *Alternative Dispute Resolution*, and AFI 51-1201. Alternative Dispute Resolution processes often produce outcomes that are more efficient and effective than traditional adversarial methods of dispute resolution. Every effort will be made to resolve workplace disputes at the earliest stage possible, by the fastest and least expensive method feasible, at the lowest organizational level achievable. **(T-1).** As Alternative Dispute Resolution is widely employed as an industry standard, multiple forms of Alternative Dispute Resolution exist. Acceptable forms of Alternative Dispute Resolution for use in the Air Force are detailed in AFI 51-1201. Forms of Alternative Dispute Resolution include, but are not limited to: facilitation, fact-finding, mediation, arbitration, early neutral evaluation, and the use of ombudsmen. It is the responsibility of the Installation Equal Opportunity Director and the Negotiation and Dispute Resolution Manager at each installation to communicate regarding all issues necessary to properly effectuate Alternative Dispute Resolution in Air Force Equal Opportunity Programs. The Installation Equal Opportunity Director must ensure if Alternative Dispute Resolution is used in equal employment opportunity complaint process, procedures outlined in *Equal Employment Opportunity Commission Management*

Directive 110, Federal Sector Complaints Processing Manual, Chapter 3 will be followed. **(T-0).**

3.6.5.1. Offering Alternative Dispute Resolution. Equal Opportunity Practitioners are required to notify the aggrieved individual of Alternative Dispute Resolution services upon receipt of a complaint, provided the complaint is deemed suitable for resolution through Alternative Dispute Resolution. **(T-0).** The Equal Opportunity Practitioner will ensure the complaint was properly screened and found appropriate for Alternative Dispute Resolution before offering Alternative Dispute Resolution to the aggrieved individual. **(T-0).** Equal Opportunity Practitioners will not decline to offer Alternative Dispute Resolution solely because of the basis(es) alleged in the complaint. **(T-0)**. The Equal Opportunity Practitioner will advise the aggrieved individual that he or she may choose between having the complaint processed through Alternative Dispute Resolution or under traditional counseling activities described in 29 CFR § 1614.105(b) and *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual.* **(T-0).** The Equal Opportunity Practitioner will advise the aggrieved individual that Alternative Dispute Resolution may be elected at any point prior to the completion of the limited inquiry process in the civilian complaint process. **(T-0).** Use of the "Air Force Alternative Dispute Resolution Program Notice" is mandatory; see Air Force Equal Opportunity SharePoint® site for a copy of the notice. Counseling and screening requirements for this subparagraph are accomplished in accordance with *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, Chapter 3 and utilizing AFI 51-1201 for additional guidance. **Note:** If Alternative Dispute Resolution is elected, the informal complaint processing period is automatically extended to 90 calendar days per 29 CFR § 1614.105(f). **Note:** Anonymity is not afforded in the Alternative Dispute Resolution process.

3.6.5.2. Provision of Alternative Dispute Resolution. The Installation Equal Opportunity Office will provide the services of an Alternative Dispute Resolution Practitioner who is trained in the use of facilitation, mediation, and interest-based negotiation to conduct Alternative Dispute Resolution. **(T-0).** The Equal Opportunity Practitioner that processed the informal complaint may not conduct Alternative Dispute Resolution for the same complaint per *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, Chapter 3(k). The Installation Equal Opportunity Director will designate another Equal Opportunity Practitioner to complete Alternative Dispute Resolution to avoid compromising the integrity and neutrality of the Alternative Dispute Resolution Program. **(T-0).** The Equal Opportunity Practitioner that processed the informal complaint may maintain overall responsibility for the complaint. Additionally, the Installation Equal Opportunity Director may request a third-party neutral from the Department of Defense Investigations and Resolutions Directorate or from the Air Force Alternative Dispute Resolution Program Office. Expenses for contract neutrals or Air Force neutrals brought in on temporary duty are funded locally or by the Air Force Alternative Dispute Resolution Program Office upon request.

3.6.5.3. Management Participation. Participation in Alternative Dispute Resolution by the aggrieved individual and management officials is highly encouraged and leaders have

a duty to cooperate per *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual,* Chapter 3, Section I.

3.6.5.4. Alternative Dispute Resolution Failure. If Alternative Dispute Resolution fails or does not occur, the Equal Opportunity Practitioner must issue the Notice of Right to File and complete the Counselor's Report. **(T-0).**

3.6.6. Final Interview and Notice of Right to File a Formal Complaint. The final interview concludes the informal complaint process. Final interviews will be conducted face-to-face to the extent possible. The Equal Opportunity Practitioner will provide the aggrieved individual with the *Notice of Right to File a Formal Complaint* Letter. **(T-0).** See Air Force Equal Opportunity SharePoint® site for a copy of the letter. The Equal Opportunity Practitioner will advise the aggrieved individual that any formal complaint must be filed with the Installation Equal Opportunity Director or designee within 15 calendar days of receipt of the notice. **(T-0).** The Equal Opportunity Practitioner will not attempt to dissuade the aggrieved individual from filing a formal complaint. **(T-0). Note:** If face-to-face final interview is not possible, the *Notice of Right to File a Formal Complaint* Letter will be sent via certified mail and return receipt. **(T-1).**

3.6.7. Counselor's Report. The Equal Opportunity Practitioner will submit a narrative Counselor's Report to the Installation Equal Opportunity Director within 5 calendar days from the date a *Notice of Right to File a Formal Complaint* Letter is provided to the aggrieved individual. **(T-1).** Submission of the counselor's report will not exceed 15 calendar days. **(T-0).** The Counselor's Report will include items outlined in *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, Chapter 2, § IX. **(T-0).** See Management Directive 110, for a list of example documents included in the Counselor's Report.

3.7. Civilian Equal Employment Opportunity Formal Complaint Processing. The purpose of the civilian formal complaint process is for complainants to formally present allegations of discrimination to the Installation Equal Opportunity Office. Formal complaints are processed in accordance with 29 CFR Part 1614, Installation Equal Opportunity Directors direct formal complaint processing. All parties are responsible for obtaining legal guidance regarding the processes of complaints and discrimination. The Air Force Civilian Appellate Review Office will coordinate with the AFLOA for litigation of Air Force equal employment opportunity cases where a hearing is requested, or a case has been appealed. Informal complaint processing is a prerequisite to filing a formal complaint. **(T-0).**

3.7.1. Timely Formal Complaint Processing. The Air Force Equal Opportunity Office will process all formal complaints expeditiously and decide whether to accept, dismiss, or partially dismiss a complaint or portion of a complaint. **(T-0).** The Air Force Equal Opportunity Program will ensure investigation of formal complaints is completed and the Report of Investigation is received by the complainant within 180 days from the date of filing. **(T-0).** Additionally, the Air Force Equal Opportunity Office will ensure the *Acceptance and Dismissal* Letter is provided to the complainant no later than 30 days from the date of filing. **(T-0).** The Installation Equal Opportunity Director will notify the LLFSC of any full or partial acceptance of a formal complaint within 10 calendar days of the issuance of the *Acceptance and Partial Acceptance* Letter to the complainant. **(T-0).** When notifying the LLFSC of the accepted or partially accepted formal complaint, the Installation

Equal Opportunity Director will provide the case file, including the formal complaint, Counselor's Report, informal process documents, and the date an Investigations and Resolutions Directorate investigation was requested. **(T-0).**

3.7.2. Timely Notifications. The Installation Equal Opportunity Director has responsibility for multiple time-sensitive, federally and Air Force mandated notifications to relevant parties throughout the formal complaint process. Notification responsibilities of the Installation Equal Opportunity Director include but are not limited to, receipt of acknowledgment of the notice of the formal complaint or amendment to formal complaint (within 5 calendar days), advisement of actual file date, Counselor's Report provided to the complainant (within 15 calendar days), acceptance and dismissal determinations, and allegations against senior officials.

3.7.3. Filing Formal Complaints. Formal complaints are filed at the installation or agency where the alleged discriminatory behavior(s) and/or action(s) occurred. The complainant and/or their representative must sign and date the complaint. **(T-0).** The complaint must describe the action(s) or practice(s) that form the basis (es) of the complaint that was discussed with the Equal Opportunity Practitioner during the informal complaint process. **(T-0)**. The Installation Equal Opportunity Director will review the complaint file in accordance with 29 CFR § 1614.103(c) for completeness and proper protection of information subject to the Privacy Act of 1974. **(T-0).**

3.7.4. Amending Formal Complaints. A complainant may amend a complaint at any time before the mailing of the notice required by 29 CFR § 1614.108(f) at the conclusion of the investigation, only if claim(s) are like or related to those raised in the complaint. If claims are not like or related to those already raised in an existing complaint, the proper procedure is for the complainant to file a new complaint through the Installation Equal Opportunity Office. All complainants must receive an acknowledgment of receipt notice for amendments within 5 calendar days of the Installation Equal Opportunity Office receiving the amendment(s). **(T-0).** Administrative Judges will receive an acknowledgement of receipt notice if a complainant has requested a hearing in accordance with *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, within 5 calendar days of the hearing request. **(T-0).** Within 10 calendar days of acknowledgement of any full or partial acceptance of an amendment to a pending complaint, the Installation Equal Opportunity Director will provide the LLFSC representative a copy of the acknowledgement letter. **(T-0).**

3.7.5. Acceptance and Dismissal of Formal Complaints. A formal complaint must be filed under **paragraph 3.5** of this instruction in order to be accepted or dismissed. **(T-1).**

3.7.5.1. Right to Appeal Full or Partial Dismissal of a Formal Complaint. If a complaint is dismissed in part or in whole, the Installation Equal Opportunity Director or designee will ensure the complainant receives a Notice of Right to Appeal. **(T-0).** If a complaint is dismissed in part, an Equal Employment Opportunity Commission Administrative Judge may review it if a hearing is requested, when appealed to the Equal Employment Opportunity Commission Office of Federal Operations after a final decision, or final action is taken on the complaint. If a complaint is dismissed in full, the Air Force will advise the complainant of their right to immediate appeal to the Equal Employment Opportunity Commission Office of Federal Operations per 29 CFR § 1614.106(d) and

(e). **(T-0). Note:** The Air Force Civilian Appellate Review Office, after consultation with the LLFSC, may accept a previously dismissed complaint upon a complainant appeal if it determines that the complaint should not have been dismissed.

3.7.6. Investigation of Formal Complaints. If the complaint is not dismissed in full, the Installation Equal Opportunity Director will request an Investigations and Resolutions Directorate Investigation within 30 calendar days of receipt of the formal complaint. **(T-0).** The request for investigation must include the specific claim information provided in *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual* and follow the Investigations and Resolutions Directorate's template. **(T-0). Note:** Investigations and Resolutions Directorate Investigations should be requested at the same time the *Acceptance and Dismissal* Letter is issued, and are not under any circumstance requested prior to the completion of the Acceptance and Dismissal process. However, all complaints dismissed in whole or in part will be reviewed by the servicing Staff Judge Advocate prior to sending to the aggrieved individual. **(T-1).**

3.7.6.1. Fiscal Responsibility of Investigations. The Installation Equal Opportunity Director will obtain fund citation for Investigations and Resolutions Directorate Investigations and Equal Employment Opportunity Commission hearings related to the complaint. **(T-1).** Refer to AFI 65-601, Vol. 1, *Budget Guidance and Procedures.* The unit or organization from which the complaint originates is responsible for all costs associated with the complaint. Exceptions are provided for organizations supported by the Air Force under DoDD 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands.* Travel of Air Force personnel required by an Administrative Judge or other authorized official is charged to the Air Force participant's unit of assignment per AFI 65-601, Vol. 1. If fact-finding conferences are elected as the investigative method the unit of the alleged offender is responsible for costs associated with court reporters.

3.7.6.2. Scope and Timeliness of Investigations. Investigators will determine the scope of an investigation. **(T-0).** However, if an Equal Opportunity Director and/or a LLFSC representative desires a verbatim transcript of the witness' testimony, they must first coordinate with the Air Force Civilian Appellate Review Office to decide on the type of investigation to request from the Investigations and Resolutions Directorate. **(T-1).** Installation Equal Opportunity Directors or their designees will obtain a written agreement from the complainant or complainant's representative for extensions no more than 90 calendar days beyond the 180-calendar time limit. **(T-0).** Installation Equal Opportunity Directors, at the request of investigators, may act as intermediaries in these negotiations. In accordance with 29 CFR § 1614.108(e), agreements to extend the 180 calendar day time limit must be in writing and included in the investigative file. **(T-0).** The Equal Opportunity Director will provide a copy to the Air Force Civilian Appellate Review Office. **(T-1).**

3.7.6.3. Report of Investigation**.** Within 180 calendar days, the Investigations and Resolutions Directorate makes available an electronic copy of the Report of Investigation (ROI) and Investigative File (IF) upon completion of the investigation. The Air Force Civilian Appellate Review Office is responsible for redaction and dissemination of the Report of Investigation along with notice of further rights under 29 CFR §§ 1614.108(f), 1614.110, and 1614.302(d)(2) to the complainant and/or complainant representative.

Note: Installation Equal Opportunity Offices must not provide a copy of the Report of Investigation and/or Investigative File to complainants and/or complainant representatives, or make their own sanitized copies. **(T-1).** Do not release legal reviews to either the complainant, the EEOC, or opposing counsel. **(T-1).** Do not include the legal review in the Investigative file, nor should it be made part of the Report of Investigation file. **(T-1).**

3.7.7. Complainant Dissatisfaction with Complaint Processing (Spin-Off Complaints). Complainants that are dissatisfied with the processing of a pending complaint are addressed in accordance with *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, Chapter 5, Part IV, Section D, *Allegations of Dissatisfaction Regarding Processing of Pending Complaint*, and in accordance with 29 CFR § 1614.107(a)(8). If a complainant is dissatisfied with the processing of his/her pending complaint, whether or not it alleges prohibited discrimination as a basis for dissatisfaction, s/he should be referred to the installation/center commander (director) or designee. The commander/director or designee promptly resolves the concerns of dissatisfaction. A written response should be provided to the complainant indicating the actions the agency took to promptly resolve the concerns and attach a copy of the letter to the complaint files maintained on the underlining complaint. A record of the complainant's concerns and any actions taken to resolve the concerns must be made a part of the complaint file. **(T-1).** If no action is taken, the file must contain an explanation for not taking any action. **(T-1).**

3.7.8. Equal Employment Opportunity Commission Hearings. In accordance with AFI 51-301, *Civil Litigation*, any appearance or representation before the Equal Employment Opportunity Commission, of the filing of briefs, motions, or other pleadings with the Equal Employment Opportunity Commission are conducted by an attorney authorized by the AFLOA/JACL. All parties are responsible for obtaining legal guidance regarding the processes of complaints and discrimination. The Air Force Civilian Appellate Review Office will coordinate with the AFLOA for litigation of Air Force equal employment opportunity cases where a hearing is requested, or a case has been appealed. **(T-1).** The complainant must submit the request for an Equal Employment Opportunity Commission hearing directly to the respective Equal Employment Opportunity Commission District Office with a copy to the Air Force Civilian Appellate Review Office per 29 CFR § 1614.108(g). **(T-0).** If an Installation Equal Opportunity Director receives a request for hearing from a complainant, the Installation Equal Opportunity Director will immediately electronically transmit any request for hearing to the Air Force Civilian Appellate Review Office. **(T-0).** The notice provided to the respective Equal Employment Opportunity Commission District Office by the AFCARO will include instructions to send the Administrative Judge's (AJ's) final decision and two copies of the hearing transcript to AFCARO. The name, address and telephone number of the agency representative, and a tabbed and bound copy of the complaint file, including the investigative file. With few exceptions, AFCARO prepares and submits complaint file to EEOC for Hearings. The Air Force Civilian Appellate Review Office tracks the 30-calendar day period for the complainant to elect further processing options. If a complainant does not request an Equal Employment Opportunity Commission hearing or Final Agency Decision without a hearing within 30 calendar days of receipt of the Report of Investigation and investigative file, the Air Force Civilian Appellate Review Office will notify the complainant that a Final Agency Decision will be issued within 60 calendar

days from the end of the 30 calendar day request period and that further rights will be provided at that time. **(T-0).**

3.7.8.1. Hearing Logistics**.** Installation Equal Opportunity Directors will, in coordination with the agency representative, make all needed arrangements for hearings as outlined in *Equal Employment Opportunity Commission Management Directive 110*, Chapter 7, *Hearing, Federal Sector Complaints Processing Manual*. **(T-0)**. The Installation Equal Opportunity Office and the respective Installation Civilian Personnel Section will assist the agency representative with responding to discovery requests, dispositions, and responses to Equal Employment Opportunity Commission orders. **(T-0).**

3.7.8.2. Final Agency Actions**.** The Air Force Civilian Appellate Review Office is the official authority for all phases of the formal complaint process subsequent to issuance of an investigation. Upon receipt of the Equal Employment Opportunity Commission Administrative Judge's decision, the Air Force Civilian Appellate Review Office will advise the Installation Equal Opportunity Director of the projected Final Agency Action issue date in order to meet the Equal Employment Opportunity Commission 40-day requirement. **(T-0).** The Air Force Civilian Appellate Review Office will also provide a copy of the decision to the LLFSC. **(T-1).** All Final Agency Actions are prepared by the Air Force Civilian Appellate Review Office for review and signature by SAF/MRB. All proposed Final Agency Actions are reviewed for legal sufficiency by an authorized Air Force attorney before submission to SAF/MRB. Final Agency Actions resulting from findings of discrimination by an Equal Employment Opportunity Commission Administrative Judge are coordinated for appeal before SAF/MRB issues a Final Order.

3.7.8.3. Final Agency Decision Without a Hearing**.** If a complainant does not request an Equal Employment Opportunity Commission hearing, the Air Force Civilian Appellate Review Office will issue the complainant a Final Agency Decision. **(T-1).**

3.7.8.4. Compliance with Equal Employment Opportunity Commission Orders and Decisions. Air Force Civilian Appellate Review (SAF/MRBA) is the responsible office to respond and ensure compliance with Equal Employment Opportunity Commission orders on behalf of the Air Force. Other offices that receive an Equal Employment Opportunity Commission Order must immediately transmit the order to SAF/MRBA. **(T-0).** The Air Force Civilian Appellate Review Office (AFCARO) is responsible for identifying actions necessary to establish compliance with Equal Employment Opportunity Commission Orders and for submitting interim and final compliance reports to the Equal Employment Opportunity Commission, in addition to responding to the Equal Employment Opportunity Commission on behalf of the Air Force with regard to Equal Employment Opportunity Commission Orders. **(T-0)** The Installation Commander is responsible for determining whether the responsible organization will comply with the order from the Equal Employment Opportunity Commission. Installation Equal Opportunity Offices are responsible for the implementation of, and compliance with, Equal Employment Opportunity Commission Orders. The Equal Employment Opportunity Commission may issue such orders that remand civilian equal employment opportunity complaints for processing, directing the Air Force to submit additional documentation, or with regard to compliance with a settlement agreement. SAF/MRBA receives and applies suspense to the orders and sends to the Installation Equal Opportunity Office for action. For Equal Employment Opportunity Commission

Remands for Processing, the Installation Equal Opportunity Office will immediately implement the actions directed by SAF/MRBA and provide any required documentation. **(T-0).** For Equal Employment Opportunity Commission orders involving findings of discrimination and Equal Employment Opportunity Commission decisions involving default judgments and/or monetary sanctions, the Installation Equal Opportunity Office will inform the Installation Commander and, in coordination with the servicing Installation Staff Judge Advocate and Civilian Personnel Section, implement the action as directed by SAF/MRBA. **(T-1).**

3.7.9. Negotiation of Settlements for Informal and Formal Complaints. The Air Force has general authority to settle equal employment opportunity complaints during the informal and formal complaint process as required by *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual*, Chapter 12 and 29 CFR § 1614.603. Coordination procedures, signature actions, and documentation processes/dissemination for settlement agreements can be found in Air Force Equal Opportunity SharePoint® site. The Air Force encourages the resolution of civilian complaints at the earliest possible time at the lowest level practical. All civilian equal employment opportunity settlements are subject to the provisions of the Privacy Act of 1974. Settlements reached through Alternative Dispute Resolution proceedings are subject to the provisions of the Alternative Dispute Resolution Act of 1996 and AFI 51-1201. Terms which further restrict management's ability to disclose settlement terms to those with a legitimate need to know are discouraged. Draft settlement agreements are available in the Air Force Alternative Dispute Resolution Compendium and on the Air Force Equal Opportunity SharePoint® site. For complaints alleging age discrimination, care should be taken with regard to specific requirements of the Age Discrimination in Employment Act and 29 USC § 626, *The Older Workers Benefits Protection Act*. The Installation Equal Opportunity Director or Agency Representative will provide a copy of any finalized agreements to the Air Force Civilian Appellate Review Office within 30 calendar days of signature for formal complaints. **(T-1).**

3.7.9.1. Informal Complaint Settlement. The Installation Equal Opportunity Director, in coordination with the Installation Staff Judge Advocate management representative, complainant, and the complainant representative may negotiate a settlement of the complaint prior to the formal complaint process within the parameters set by the settlement authority. All Equal Opportunity Practitioners have authority to assist parties in drafting and executing settlement agreements in the informal stage of the civilian equal employment opportunity process.

3.7.9.2. Formal Complaint Settlement. After a formal complaint is filed, the agency representative has the authority to negotiate settlement of the complaint through negotiation, Alternative Dispute Resolution, or other approaches within parameters set by the settlement authority. Additionally, investigators or Administrative Judges may seek to resolve the complaint with relevant parties during the investigation or hearing phase of the complaint process.

3.7.9.3. Settlement Authorities. An Air Force official is properly a settlement authority if he or she has the authority to grant the scope of the remedy requested. If an expenditure of funds is contemplated and Installation Commanders wish to delegate their authority for complaint resolution, such delegation must be documented in writing. **(T-1).** In

complaints where the Responsible Management Official is in the grade Colonel (O-6) or above (to include civilian equivalents), the commander with administrative control over the complainant is the primary settlement authority; such authority may be delegated to subordinate personnel in coordination with the servicing legal office and the management representative. The servicing legal office may coordinate with the LLFSC, as needed. The LLFSC should coordinate with AFLOA/JAC and Office of the Air Force General Counsel, Fiscal and Administrative Law Division (SAF/GCA) as appropriate. The individuals named as Responsible Management Official in a complaint cannot be a settlement authority on the same case in which they were named.

3.7.9.4. Coordination of Personnel Actions Resulting from Settlement. Prior to the settlement authority signing the settlement agreement, the Installation Equal Opportunity Director or agency representative will obtain the coordination of the Staff Judge Advocate, Civilian Personnel Section, and Air Force Personnel Center (if appropriate) on any personnel action(s) taken or pending as result of the settlement agreement. **(T-1).** Such coordination will not include a determination on the merits of the case or on the settlement. **(T-0).** For settlement agreements resulting from Alternative Dispute Resolution, the agreement may be signed prior to formal coordination, contingent upon subsequent coordination and approval. However, settlements of age discrimination complaints must also comply with the requirements of the Older Workers Benefits Protection Act, 29 USC § 626, which grants an additional 20 calendar days to complainants citing age as a basis. **(T-0).**

3.7.9.4.1. Settlement Terms Coordination**.** Settlement terms involving personnel actions or personnel processes are coordinated with the appropriate servicing Civilian Personnel Section or Human Relations Office and Air Force Personnel Center, if appropriate. Settlement terms involving financial matters, including monetary payments, are coordinated with the appropriate financial management office. Compensatory damages and payment of other monetary relief are paid from the Installation Operating and Maintenance funds. Settlement terms that involve other offices or agencies are coordinated as necessary. If the settlement binds organizations outside of the purview of the commander, the Installation Equal Opportunity Director or agency representative obtains written concurrence of an authorized official within that organization before the settlement agreement is signed.

3.7.9.4.2. If settlement agreements involve life insurance, health benefits, and/or Thrift Savings Plans, they must be coordinated through AFPC/EO Operations. **(T-1).** AFPC requires a 24-hour turnaround to ensure retirement contributions and computations are processed appropriately.

3.7.9.5. Compliance with Settlement Agreements. All civilian equal employment opportunity settlement agreements are binding upon the Air Force and the complainant. Installation Equal Opportunity Offices will review the terms of settlement and determine the office(s) responsible for executing the agreement and provide each with a copy of the section of the settlement agreement pertinent to that office. **(T-1).** The Installation Equal Opportunity Office will collect documentation from the responsible office(s) indicating execution of their action and retain it along with the original settlement agreement in accordance with the Air Force Records Information Management System Records Disposal Schedule. **(T-1).** The Installation Equal Opportunity Director, in coordination

with Civilian Personnel Section/Human Resource Office will transmit copies of the signed settlement agreement requiring action by the Defense Finance Accounting Services to the servicing Defense Finance Accounting Services civilian payroll office with a copy of the Standard Form 50-B. **(T-1).**

3.7.9.6. Allegations of Noncompliance with Settlement Agreements. Installation Equal Opportunity Offices will handle allegations of breach of settlement agreements expeditiously and comply with timelines in 29 CFR § 1614.504. **(T-0).** Upon receipt of written notice by a complainant that specific provision(s) of a settlement agreement are alleged to have been breached, fact-finding is conducted to determine if additional action is required to implement the agreement fully. Installation Equal Opportunity Offices will provide a written decision signed by the Installation Commander (or designee) to the complainant within 30 calendar days on the determination as to whether the installation is in breach and/or efforts to resolve the matter. **(T-1).** Additionally, the Installation Equal Opportunity Office will advise the complainant of his or her right to appeal the decision to the Equal Employment Opportunity Commission for a determination as to whether the terms of the agreement were breached per 29 CFR § 1614.504(b) and provide the complainant a copy of EEOC Form 573, *Notice of Appeal/Petition.* **(T-0).** Alternative Dispute Resolution may be used to resolve allegations of breach of settlement agreements if the matter is determined to be appropriate for Alternative Dispute Resolution.

3.7.9.7. Alternative Dispute Resolution in the Civilian Formal Complaint Process. Complainants may elect the use of Alternative Dispute Resolution in the formal process at any point prior to completion of the investigative process, or before the Air Force Civilian Appellate Review Office renders a Final Agency Decision or Final Agency Action.

3.7.10. Civilian Formal Complaint Appeals. The LLFSC (to include servicing Staff Judge Advocate) has primary responsibility as Air Force representative in all appeals initiated by a complainant under 29 CFR § 1614.401(a). The Air Force Civilian Appellate Review Office is the central receipt point for all appeals and conducts coordination of complaint appeal information between the Installation Equal Opportunity Director, the LLFSC, Staff Judge Advocate, SAF/GCA as appropriate, and the Equal Employment Opportunity Commission in accordance with 29 CFR § 1614.403. The Air Force Civilian Appellate Review Office establishes a suspense for responses to appeals. An unfavorable decision on an Equal Employment Opportunity Commission appeal is processed for possible Request for Reconsideration.

3.7.10.1. Agency Appeals. Director, Air Force Review Board Agency (SAF/MRB) is the final decision authority on all appeals to the Equal Employment Opportunity Commission initiated by the Air Force. Although SAF/MRB makes the final decision on agency appeals, it will notify SAF/GCA of a proposed decision not to support a servicing legal office recommended agency appeal in sufficient time to elevate that decision if necessary. **(T-1).** The servicing legal office has primary responsibility as agency representative before the Equal Employment Opportunity Commission in all agency-initiated appeals. A final agency order that does not fully implement the decision of an Equal Employment Opportunity Commission Administrative Judge must be accompanied by a simultaneous appeal (Agency Notice of Appeal Form) to the Equal Employment Opportunity Commission in accordance with 29 CFR § 1614.110(a). **(T-0).** Upon receipt

of an Equal Employment Opportunity Commission decision finding of discrimination, the Air Force Civilian Appellate Review Office will forward and coordinate the decision within the Agency. **(T-1).** If the Equal Employment Opportunity Commission grants the agency appeal, the Air Force Civilian Appellate Review Office will notify the relevant agency parties. **(T-0).** If Equal Employment Opportunity Commission denies the agency appeal, the Air Force Civilian Appellate Review Office will initiate action to establish compliance and notify the parties of their right to Request for Reconsideration. **(T-0).**

3.7.11. Requests for Reconsideration. Recommendations to file a Request for Reconsideration are based on the grounds identified by the Equal Employment Opportunity Commission in 29 CFR § 1614.405(b). The servicing legal office makes recommendations for Request for Reconsideration to the Air Force Civilian Appellate Review Office within 3 calendar days of receipt of the decision from the Air Force Civilian Appellate Review Office. Recommendations for Request for Reconsideration submitted by the servicing legal office are decided upon by SAF/MRB. SAF/MRB consults with SAF/GCA in its evaluation of recommendations for Request for Reconsideration. If accepted by SAF/MRB, the Air Force Civilian Appellate Review Office will file the Request for Reconsideration with the Equal Employment Opportunity Commission within 30 calendar days of receipt of the appellate decision by the Air Force Civilian Appellate Review Office in accordance with 29 CFR § 1614.405(b). **(T-0).** Upon disposition of the Request for Reconsideration by the Equal Employment Opportunity Commission, the Air Force Civilian Appellate Review Office will notify the relevant agency parties of the disposition for appropriate action. **(T-1).**

3.8. Additional Equal Employment Opportunity Complaint Processes.

3.8.1. Informal and Formal Class Action Complaints. An individual who wishes to file a class action complaint as defined in 29 CFR § 1614.204(a) must seek and receive counseling in accordance with 29 CFR § 1614.105. **(T-0).**

3.8.1.1. Informal Class Action Complaint Procedures. The Installation Equal Opportunity Director will notify AF/A1Q, AFPC/EO Operations, LLFSC, SAF/GCA, the respective MAJCOM Equal Opportunity Functional Manager (s), and respective Installation Civilian Personnel Section, Human Resource Office, and Installation Staff Judge Advocate in writing when an individual files a class action complaint. **(T-1).** The notification must include the complainant's name (if releasable), the name of the complainant's representative, the docket number, the date of initial contact, identification of the class, and claim(s) raised. **(T-1). Note:** An aggrieved individual may move for class certification at any reasonable point in the process when it becomes apparent that there are class implication(s) raised in an individual complaint. If the complainant moves for class certification after completing the counseling process, according to 29 CFR § 1614.24(b), no additional counseling is required. If an Installation Equal Opportunity Director receives an individual complaint that he or she believes is related to a pending class action complaint, the Installation Equal Opportunity Director will inform AF/A1Q and the LLFSC. **(T-0)**

3.8.1.1.1. Responsibilities:

3.8.1.1.2. When notified of a class complaint, LLFSC designates an attorney to represent the Air Force. The servicing SJA designates a local attorney to assist the LLFSC attorney.

3.8.1.1.3. The EO Director tries to resolve individual allegations and personal concerns of the complainant. Before attempting to resolve class-wide issues the EO Director must coordinate any proposed action with LLFSC, AF/A1Q, and their MAJCOM EO Functional Manager. **(T-1).**

3.8.1.1.4. The EO Director must coordinate the gathering and analysis of statistics with AF/A1Q and LLFSC before collecting the data. **(T-1).**

3.8.1.1.5. Before the final interview with the complainant, the EO Director prepares a draft report for coordination with the installation SJA and CPS, MAJCOM Function Manager, AF/A1Q, and LLFSC. This report must include, at a minimum, the following: class claim(s), basis(es), definition of the proposed class, information as to potential class size, how agent's claim(s) reflect claims of class (commonality and typicality), and adequacy of representation of the class. [29 CFR § 1614.204]. **(T-1).**

3.8.1.2. Formal Class Action Complaints Procedures. The Director, AF/A1Q develops policy and oversees processing of all class action complaints in accordance with 29 CFR § 1614.204(e) through (k). AF/A1Q, in coordination with SAF/GCA, assists the LLFC in preparing the Air Force's position statements and briefs in class complaint proceedings, as appropriate. The Civilian Personnel Section or Human Resource Office (or designee) serves as a technical representative for class action complaints and ensures applicable personnel records are maintained while class action complaints are pending. The LLFSC provides legal advice on all administrative class action complaint matters and designates an agency representative for serviced bases.

3.8.1.2.1. The complainant must file a formal class action complaint with the Installation Equal Opportunity Director no later than 15 calendar days after the receipt of the final interview letter from the informal complaint process. **(T-0).** The agent or attorney/representative must sign the class complaint. It must identify the policy or practice adversely affecting the class as well as the action or matter adversely affecting the agent**. (T-1).**

3.8.1.2.2. Upon receipt of a formal class complaint, the EO Director forwards the original and one copy of the case file to LLFSC, one copy to AF/A1Q, one copy to AFCARO, and one copy to the respective MAJCOM EO Functional Manager. The EO Director also notifies the installation Civilian Personnel Section or Human Resource Office and SJA. Within 30 calendar days of receipt of the formal class action complaint, the agency representative, in coordination with AF/A1Q, forwards it to the appropriate Equal Employment Opportunity Commission District Office with the Counselor's Report and Air Force recommendation to accept or dismiss per 29 CFR §§1614.107, 1614.204(a)(2). Copies are sent to AF/A1Q, LLFSC, AFCARO, and the EO Director. The agency submission instructs EEOC to send its recommendation to AFCARO.

3.8.1.2.3. The Equal Employment Opportunity Commission AJ decides whether to accept or dismiss a class complaint. Immediately upon receipt of the decision, AFCARO will forward it to SAF/GCA and LLFSC, and AFCARO will issue a final order within 40 calendar days after receipt, in accordance with 29 CFR § 1614.204(d)(7). **(T-1).** A complaint dismissed as a class complaint may be filed as an individual complaint and processed accordingly, or dismissed as an individual

complaint if one or more grounds exist under 29 CFR § 1614.107(a). AFCARO will notify the Complainant of decision along with his or her rights associated with the decision. **(T-1).** AFCARO will also provide LLFSC and the EO office a copy. **(T-1).** If the final order does not implement the AJ's decision to accept a class complaint, the Air Force will simultaneously appeal the decision in accordance with 29 CFR §§ 1614.204(d)(7) and 1614.403. **(T-1).** The agent may appeal dismissal of a class complaint to the EEOC or file a civil action.

3.8.1.2.4. When the EO Director receives an individual complaint that s/he believes is related to a pending class complaint, the EO Director will inform AF/A1Q and LLFSC of the issue(s) involved and the basis of the individual complaint, and provide a synopsis of the reasons for believing the individual complaint is related to a pending class complaint. **(T-1).** Where appropriate, AF/A1Q and LLFSC will provide guidance on processing individual complaints related to pending class complaints. (T-1).

3.8.1.2.5. The EO Director makes arrangements for the hearing after the EEOC has set a date for such an action. The EEOC will hold a hearing of the accepted class complaint and issue a report of findings and recommendations to AFCARO as the designated service agent for the Air Force. **(T-1).** AFCARO will immediately notify AF/A1Q and LLFSC and provide copies of the report as appropriate. [29 CFR § 1614.204(h)]. AF/A1Q and LLFSC, who represents the agency in all phases, are responsible for managing the processing of formal class complaints. Processing will be in accordance with 29 CFR § 1614.204(e) through (k). **(T-1).**

3.8.2. Mixed Case EEO Complaints and Appeals. Processing of mixed case informal and formal complaints are conducted in accordance with *Equal Employment Opportunity Commission Management Directive 110* Chapter 4, § II.B, *Federal Sector Complaints Processing Manual* and 29 CFR § 1614.302. An aggrieved individual may file a mixed §case appeal through the Merit Systems Protection Board process or a mixed case complaint using the civilian equal employment opportunity formal complaint process, but not both. Whatever action the aggrieved individual files first, in writing, is considered the election. Receiving informal complaint counseling does not constitute an election; a formal complaint must be filed to restrict the complaint to the mixed case complaint system. **(T-1).**

3.8.2.1. Adjudication of Merit Systems Protection Board Jurisdiction. The Installation Equal Opportunity Director will obtain a written determination by the Civilian Personnel Section or Human Resource Office as to whether the complainant is eligible under Merit Systems Protection Board jurisdiction and will coordinate with the Civilian Personnel Section or Human Resource Office to determine if the complainant has identical issues filed under a Negotiated Grievance Procedure or Merit Systems Protection Board appeal procedure. **(T-1). Note**: Complaints filed under the Administrative Grievance Procedure or those Negotiated Grievance Procedures that do not allow discrimination complaints will not preclude the complaint from being filed under the civilian equal employment opportunity formal complaint process. **(T-1).**

3.8.2.2. Mixed Case Appeals. When a complainant files a mixed case appeal (Petition for Review), and the Merit Systems Protection Board has dismissed the appeal on jurisdictional grounds without a decision on its merits, the decision(s) issued by Merit

Systems Protection Board are provided to the Air Force Civilian Appellate Review Office. The Air Force Civilian Appellate Review Office promptly issues the complainant a notice of his or her right to file a civilian equal employment opportunity formal complaint per 29 CFR § 1614.302(b).

3.8.2.2.1. Upon acceptance of a formal complaint, the Installation Equal Opportunity Director will advise the complainant that, within 120 calendar days of filing the mixed complaint, if a decision on the claims appealable to the Merit Systems Protection Board is not issued, the complainant may appeal the matter to the Merit Systems Protection Board per 29 CFR § 1201.154(b)(2) or file a civil action per 29 CFR § 1614.310(g), but not both. **(T-0).**

3.8.2.2.2. Upon completion of the investigation and receipt of the investigative file, the Air Force Civilian Appellate Review Office will advise the complainant that a final decision will be issued on the claims appealable to Merit Systems Protection Board within 45 calendar days without a hearing. **(T-0).**

3.8.2.2.3. Upon issuance of a final decision by the Air Force, the Air Force Civilian Appellate Review Office will advise the complainant of his or her right to appeal the matter to the Merit Systems Protection Board within 30 calendar days of receipt, and of the right to file a civil action per 29 CFR § 1614.310. **(T-0).**

3.8.2.3. Dismissal of Mixed Case Complaints. A mixed case complaint is dismissed on the basis of prior election of a mixed case appeal if:

3.8.2.3.1. Neither the Merit Systems Protection Board nor the Installation Commander (or designee, to include the Installation Equal Opportunity Director or Vice Commander) dispute the Merit Systems Protection Board jurisdiction. Claims appealable to the Merit Systems Protection Board are dismissed in accordance with 29 CFR § 1614.107(a) (4). The dismissal letter will advise the complainant to notify the Merit Systems Protection Board of the allegations of discrimination contained in the dismissed complaint and will advise the complainant of the right to petition to the Equal Employment Opportunity Commission for review of the Merit Systems Protection Board final decision on the issue per 29 CFR § 1614.302(c)(2)(i). **(T-0).**

3.8.2.3.2. The Installation Commander (or designee, to include the Installation Equal Opportunity Director or Vice Commander) or Merit Systems Protection Board questions the Merit Systems Protection Board jurisdiction over the mixed case appeal. The Installation Equal Opportunity Director will hold the mixed case complaint until the Merit Systems Protection Board rules on the jurisdictional issue. **(T-0).** The Installation Equal Opportunity Director will notify the complainant of the action taken and instruct him or her to bring the allegation to the attention of the Merit Systems Protection Board. **(T-0).**

3.8.2.3.3. If the Merit Systems Protection Board determines it has jurisdiction over the matter, the Installation Commander (or designee, to include the Installation Equal Opportunity Director or Vice Commander) will dismiss the mixed case complaint pursuant to 29 CFR § 1614.107(a). **(T-0).** The Installation Equal Opportunity Director will advise the complainant of the right to petition to the Equal Employment

Opportunity Commission to review the Merit Systems Protection Board final decision. **(T-0).**

3.8.2.3.4. If the Merit Systems Protection Board determines it does not have jurisdiction over the mixed case appeal, the Installation Equal Opportunity Director resumes processing of the complaint as a non-mixed case equal employment opportunity complaint.

3.8.3. Conflicts of Interest. If a situation arises where the Installation Commander, Installation Equal Opportunity Director, or Equal Opportunity Practitioner is named in a discrimination complaint, the MAJCOM Equal Opportunity Functional Manager will determine if a conflict of interest exists which inhibits the Installation Equal Opportunity Office's ability to impartially process the complaint. **(T-1).** If it is determined that a conflict of interest exists, the MAJCOM Equal Opportunity Functional Manager will designate an Equal Opportunity Practitioner from a neutral Installation Equal Opportunity Office within their MAJCOM to process the complaint and will advise AFPC/EO Operations of the nuances of the case. The office assigned to work the conflict of interest complaint will manage the complaint until final disposition. **(T-1). Note:** Conflicts of interest do not include spin-off complaints or complaints regarding dissatisfaction with processing of a pending complaint.

3.8.3.1. If the MAJCOM Equal Opportunity Functional Manager cannot designate an equal Opportunity Practitioner within their command, AFPC/EO Operations will coordinate with other MAJCOM Equal Opportunity Functional Managers to seek volunteers to conduct assistance with the complaint. Barring volunteers, AF/A1Q in conjunction with the MAJCOM Equal Opportunity Functional Manager will identify an Equal Opportunity Practitioner from a disinterested Installation Equal Opportunity Office to process the complaint.

3.8.3.2. AFPC/EO Operations will determine requirements for special access to the Air Force Equal Opportunity Information Technology System and advise the appropriate Installation Equal Opportunity Office. **(T-1).**

3.8.3.3. Prior to contacting the MAJCOM Equal Opportunity Functional Manager, the Installation Equal Opportunity Office will ensure that a thorough pre-complaint intake interview was completed. **(T-1).** The intake will provide information as to the aggrieved individual's reasons for naming an official that may warrant a conflict of interest. **(T-1).** A determination is made as to whether the official was named because of his/her position or because of an alleged action taken by the official. If the official was named because of his/her position, the Installation Equal Opportunity Office will continue to process the pre-complaint. **(T-1).** If the official was named because of an action they allegedly took, it is considered a conflict of interest and the MAJCOM Equal Opportunity Functional Manager will coordinate further processing of the complaint as outlined above.

3.8.3.4. If the MAJCOM Equal Opportunity Functional Manager is named in a complaint, AFPC/EO Operations will notify AF/A1Q. AF/A1Q will coordinate with the MAJCOM A1 or the MAJCOM Equal Opportunity Functional Manager's immediate supervisor to determine a course of action.

3.8.3.5. If a complaint is filed by an Equal Opportunity Practitioner, it is considered a conflict of interest, and the MAJCOM Equal Opportunity Functional Advisor will contact AFPC/EO Operations to request for a volunteer to process the complaint. The Installation Equal Opportunity Office assigned to work the complaint must manage the complaint through its final disposition. **(T-1).** The complaint will not be transferred back to the Installation Equal opportunity Office from which it originated. **(T-1).**

3.8.3.6. All conflict of interest complaints, whether determined by MAJCOM staff or AFPC/EO Operations will have a modified docket number of the installation where the complaint originated. **(T-1).**

3.8.4. EEO Complaint Processing in Deployed Environments. Any deployed Air Force civilian employee who believes he or she has been unlawfully harassed or discriminated against on the basis of a protected class may initiate the civilian equal employment opportunity complaint process. The aggrieved individual will contact an Equal Opportunity Practitioner assigned to their respective operating location within the Area of Responsibility in accordance with relevant complaint processing timelines. **(T-0).** The Equal Opportunity Director at the deployed location Installation Equal Opportunity Office will process all civilian complaints through the informal stage. **(T-0).** If the deployed location Installation Equal Opportunity Office is unable to resolve the complaint through the informal process and the aggrieved individual wishes to file a formal complaint, the Equal Opportunity Director will forward the complaint to the Responsible Management Official's (RMO) Installation Equal Opportunity Office stateside for formal complaint processing. The acceptance and dismissal (A&D) letter will be accomplished at the deployed location and will be provided to the complainant no later than 30 days from the date of the filing. **(T-0).** The appropriate Installation Equal Opportunity Office may or may not be the complainant's home station.

3.8.5. Anonymous Complaints. Aggrieved individuals have the right to anonymity only up to the point of filing a formal civilian equal employment opportunity complaint. In accordance with 29 CFR § 1614.105(g), the Equal Opportunity Practitioner will not reveal the identity of the aggrieved individual. **(T-0).** If the Installation Equal Opportunity Office receives a complaint where the complainant is unidentifiable, further complaint processing is not required. **Note:** Anonymity is not afforded in the Alternative Dispute Resolution process.

3.8.6. Pilot Program Complaint Processing. Formal complaints in which the complainant has elected to proceed under an Air Force pilot program will be processed in accordance with the guidelines applicable to the pilot process. **(T-1).** If at any point prior to the issuance of a Final Agency Decision the complainant opts out of the pilot program, AF/A1Q or an appropriate designee will complete complaint processing under 29 CFR § 1614 and this instruction. **(T-0).**

3.8.7. Complaints Pertaining to Air Force Programs and Facilities. Complaints by private individuals (i.e., no affiliation with the agency) who believe they have been discriminated against in programs and activities assisted or conducted by the Air Force, will be routed to the respective responsible HAF Functional office. **(T-1).** Responsible departments/officials will provide a summary of complaints pertaining to programs and activities receiving federal financial assistance disbursed through Air Force channels to AF/A1Q along with periodic updates as necessary. **(T-1).** AF/A1Q is the Office of Primary Responsibility for oversight of

discrimination complaints pertaining to federally assisted programs. **Note:** Installation Equal Opportunity Offices will forward all complaints filed by private sector civilians to AF/A1Q for processing as the procedures under this Air Force Instruction do not apply. **(T-1).**

3.8.8. Complaints Involving Non-Referral Actions by Air Force Reserve Command (AFRC). Appointing authority rests with the installation or organization that owns the position for which an aggrieved individual was not referred. Processing of equal employment opportunity complaints made by Air Force employees and applicants for employment regarding non-referral actions by AFPC are processed by the Installation Equal Opportunity Office where the vacancy exists. Funding for investigation, discovery, and hearing procedures is provided by the installation responsible for the complaint. AFPC is responsible for funding travel expenses for AFPC witnesses when traveling to defend a non-referral case. Legal representation will be provided by the servicing Staff Judge Advocate. **(T-1).** Execution of settlements and findings of unlawful discrimination in non-referral complaints are processed in accordance with this instruction.

3.9. National Reconnaissance Office Complaint Processing Responsibilities. The Director of the National Reconnaissance Office (NRO) is responsible for the Equal Employment Opportunity complaint program, and the Deputy Director/Air Force Element Commander (DDNRO) is responsible for the Military Equal Opportunity complaint program. Air Force personnel that are assigned to the National Reconnaissance Office will follow Equal Employment Opportunity complaint program procedures as determined by the NRO. Complaint processing procedures and activities (to include Alternative Dispute Resolution), maintaining complete complaint data in the Air Force Equal Opportunity Information Technology System, coordinating all proposed and final settlement agreements with the Air Force Civilian Appellate Review Office, National Reconnaissance Office/Office of the General Counsel, National Reconnaissance Office and AFPC, are applicable to Air Force personnel assigned to the National Reconnaissance Office.

Chapter 4

MILITARY EQUAL OPPORTUNITY COMPLAINT PROGRAM

4.1. Program Purpose. The purpose of the military equal opportunity formal and informal complaint processes is to provide prompt, fair, and impartial processing and resolution of complaints of unlawful discrimination and harassment. The objective is to seek opportunities to resolve issues at the lowest organizational level at the earliest possible time.

4.1.1. Protections for Military Employees. The military equal opportunity informal and formal complaint processes address allegations of unlawful discrimination and harassment on the basis of race, color, national origin, sex, sexual orientation, sexual harassment, and religion. **(T-1).** The right to non-discrimination on the basis of religion includes the right to reasonable accommodation of one's religious beliefs and practices. See AFPD 52-2 for additional guidance regarding reasonable accommodation of religious beliefs and practices.

4.1.2. Applicability. Military personnel, their family members, and retirees may file complaints through the military equal opportunity complaint process. To file a complaint, the complainant must be the subject of the alleged unlawful discrimination or harassment. Third parties, to include commanders, supervisors, or co-workers, may not file a complaint on behalf of another individual. The Installation Equal Opportunity Office will refer all third-party individuals who are aware of specific allegations of military equal opportunity policy violations to their respective chain of command and document the information on AF Form 1271 as Equal Opportunity General Assistance (Contact). **(T-1).** Equal Opportunity Practitioners will immediately process all allegations of unlawful discrimination or harassment filed by Department of Defense civilians in the civilian equal opportunity complaint process. **(T-0).** Equal Opportunity Practitioners will not accept military equal opportunity complaints from military personnel, their family members, or retirees if their concern is related to their off-installation or Department of Defense civilian employment. **(T-1). Note**: For Title 32 USC, Air National Guard complaints, process complaints using CNGBM 9601.01, *National Guard Discrimination Complaint Process*. Air Force Reserve members in military status will follow the Military Equal Opportunity process; while members in Technician status will follow the civilian process. **(T-1).**

4.1.3. Notices for Potential Complainants. Upon entry into the informal and formal complaint processes, Equal Opportunity Practitioners will explain the military equal opportunity process to the complainant using the Complaint Intake Checklist and advise the complainant of their applicable rights. **(T-1).** The Equal Opportunity Practitioner will counsel the complainant on: (1) whether they are a proper complainant; whether their allegation(s) can be accepted in the military equal opportunity complaint process; (2) of informal resolution options available, to include Alternative Dispute Resolution; (3) that the Installation Equal Opportunity Office does not have the privilege of confidentiality with respect to allegations of unlawful discrimination or harassment, however, all information provided will be for official use only and the privacy of individuals will be protected to the extent permitted by law, directive, instruction and policy; that disclosure of case files falls under provisions of the Freedom of Information Act and Privacy Act; (4) that the Installation Equal Opportunity Office will document all allegations and information concerning the case for follow up every 5 calendar days until closure; (5) that the complainant will report any

form of reprisal to the Inspector General; and (6) that if concerns are not resolved through the informal complaint process or Alternative Dispute Resolution, the complainant has the right to file a formal complaint. **(T-1).** The Equal Opportunity Practitioner must document that the complainant was briefed on the process and their rights. **(T-1).** For complaints filed by military members, unit-level commanders will provide the Installation Equal Opportunity Office with a written memorandum regarding substantiated or unsubstantiated unlawful discrimination or harassment complaints handled within the unit, including Commander Directed Investigations. **(T-1).** The memorandum will include name, grade, race, sex, Hispanic declaration and Air Force Specialty Code of each participant, the type of unlawful discrimination or harassment, a brief synopsis of the specific allegations, and a report of action taken, if applicable. **(T-1).**

4.2. Military Equal Opportunity Informal Complaint Program.

4.2.1. General Assistance. General Assistance may include military equal opportunity referrals (to include third party concerns), non-military equal opportunity Alternative Dispute Resolution, and requests for military equal opportunity program information. The Installation Equal Opportunity Office will provide and document general assistance on AF Form 1271, *Equal Opportunity Record of Assistance/Contact*. **(T-1).** Instructions for completing AF Form 1271 are included on the Air Force Equal Opportunity SharePoint® site.

4.2.2. Processing. Equal Opportunity Practitioners will process complaints through the informal complaint process regardless of timeliness. **(T-1).** Under no circumstances will an Equal Opportunity Practitioner attempt to dissuade a person from filing a complaint or forgo the use of Alternative Dispute Resolution where appropriate. **Note**: Facilitation is the only form of Alternative Dispute Resolution that is authorized to resolve military complaints. The EO office must ensure complainants and alleged offender's DoD identification number is properly annotated.

4.2.3. Timely Reporting. There is no time limit for filing military informal equal opportunity complaints and no requirement for commander approval before accepting informal complaints older than 60 calendar days. If an informal complaint is filed more than 60 calendar days after the alleged offense, the Installation Equal Opportunity Office must brief the complainant during the initial interview that, in order to file a formal complaint, the Installation Commander must agree 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 Installation Equal Opportunity Office. **(T-1). Note:** Allegations of bullying or hazing from a series of events that are beyond the 60 calendar day timeline will not require a waiver as long as the most recent allegation is reported within 60 calendar days. **(T-1).**

4.2.4. Complainant Options to Address Concerns in the Informal Complaint Process. Equal Opportunity Practitioners will not discourage a complainant from filing a complaint, and will provide the complainant with options available to them in the informal complaint process, to include: the complainant may use their chain of command to informally resolve complaints; orally address or prepare written correspondence to the alleged offender(s) advising of the perceived inappropriate behavior with a clear message that continuation of that behavior may result in formal complaint action; request intervention by a co-worker; or opt for the

Alternative Dispute Resolution process to mutually resolve disputes. **(T-1).** Commanders have 60 calendar days (90-calendar) days for Air Force Reserve Command (AFRC) to address and resolve the complainant's concerns. If not resolved within 60 calendar days, the commander must provide the Installation Equal Opportunity Office a written explanation of why the issue is still pending along with an estimated date of completion. **(T-1). Note:** If the complainant contacts the Installation Equal Opportunity Office alleging sexual harassment, but chooses to handle the issue informally, the commander must investigate the complaint. **(T-0).** In this case, the Equal Opportunity Practitioner will document the contact on AF Form 1587-1 and notify the appropriate commanders within 24 hours of receipt of the allegation(s) and advise the commander of his or her responsibility to investigate sexual harassment allegations under 10 USC § 1561, which includes notifying the General Court Martial Convening Authority. **(T-0).**

4.3. Military Equal Opportunity Informal Appeals. The sole mechanism to appeal the disposition of an informal complaint is to file a formal complaint. Complainants or alleged offenders involved in Commander Directed Investigations that are reported to the Installation Equal Opportunity Office do not have appeal rights under this Instruction.

4.4. Records and Data Management. Maintain informal complaint cases in accordance with Air Force Records Information Management System Records Disposition Schedule. **(T-1). Note:** The Installation Equal Opportunity Office that initiates the complaint clarification will complete the equal opportunity process involving complainants and/or alleged offenders permanent change of station to another installation/command. **(T-1).** The Equal Opportunity Practitioner will coordinate interviews and clarification with the other servicing Installation Equal Opportunity Offices through the MAJCOM Equal Opportunity Functional Manager as necessary. **(T-1).**

4.5. Election of Facilitation (Alternative Dispute Resolution) in the Military Equal Opportunity Complaint Process. Facilitation is the only method of Alternative Dispute Resolution approved for military equal opportunity complaints. The complainant has the option to elect the use of facilitation to resolve concerns at any stage of the complaint process prior to completion of the clarification report in the formal complaint process. Prior to approving facilitation, the Installation Equal Opportunity Director (or designee) will consult with the Installation Staff Judge Advocate to determine suitability of the case for Alternative Dispute Resolution. **(T-1).** Facilitation is not appropriate if: it has an adverse impact on morale, readiness, or the mission; a determination is made that the complaint is reserved for command action (Administrative or Uniform Code of Military Justice); or there is a potential for violence in the workplace to occur. If it is determined that facilitation is appropriate and the complainant elects facilitation, Equal Opportunity Practitioners will advise the complainant of the facilitation process and that agreements made between the complainant and the alleged offender are only enforced through the willful compliance of both parties. **(T-1). Note:** Facilitation of Alternative Dispute Resolution for Air National Guard members will be completed in accordance with CNGBI 0402.01. **(T-1).**

4.5.1. Coordination. The Equal Opportunity Practitioner will notify and advise the appropriate commander of the complainant's desire to resolve the issue through facilitation. **(T-1).** The Equal Opportunity Practitioner will advise the respective commander to notify the alleged offender of the complainant's desire to utilize facilitation and ascertain whether the alleged offender is willing to participate. **(T-1).** If the alleged offender (or management

official) agrees, the Equal Opportunity Practitioner will coordinate facilitation. **(T-1).** If both the complainant and the alleged offender agree to facilitation, and come to a mutual resolution, the Equal Opportunity Practitioner will document the resolution on AF Form 1587-1 (if in the informal complaint process) and inform the responsible commander(s) of the resolution. **(T-1).** The Equal Opportunity Practitioner will advise the complainant and the alleged offender that commanders retain the right to make administrative or corrective action at any time. **(T-1). Note:** The Installation Equal Opportunity Office will coordinate with their respective MAJCOM Equal Opportunity Functional Manager prior to facilitating complaints involving senior officials. **(T-1).**

4.5.2. Facilitation. The Installation Equal Opportunity Office will offer the services of an Alternative Dispute Resolution Practitioner trained in the use of facilitation to conduct resolution efforts within 15 calendar days of designation. **(T-1). Note:** Alternative Dispute Resolution Practitioners will not participate in formal cases, clarifications, investigations, or investigative assistance when they were a party to or acted as a facilitator in a previous case involving the disputants. **(T-1).** The Alternative Dispute Resolution Practitioner is authorized to set the date, time and place of the facilitation and to determine the ground rules for conducting the proceeding. The Alternative Dispute Resolution Practitioner will terminate the facilitation process when disputants reach an impasse or deadlock and cannot resolve the issue to the satisfaction of both parties and advise both parties of alternative grievance processes. **(T-1).** The Alternative Dispute Resolution Practitioner will inform each party's chain of command of the outcome of facilitation within 3 calendar days of its completion. **(T-1).**

4.5.3. Agreements. Alternative Dispute Resolution Practitioners will prepare final agreements for signature by the complainant and approval authority. **(T-1).** Negotiation and Dispute Resolution Program Managers will ensure the servicing legal offices reviews all agreements for legal sufficiency. **(T-1).** Once approved as legally sufficient, a copy of the final facilitation agreement is attached to AF Forms 1587-1 or 1587 (if in the formal complaint process) as appropriate with a copy to the Negotiation and Dispute Resolution Manager. **(T-1).** In all military equal opportunity cases, the Installation Equal Opportunity Office will follow up on facilitation cases at least once within 30 calendar days after the resolution of the case to ensure reprisal does not occur and that both parties adhere to the agreement. **(T-1).**

4.5.4. Breach of Mutual Resolution Agreements Reached Through Facilitation. If the complainant believes the facilitated agreement was breached, he or she must notify the Installation Equal Opportunity Director within 30 calendar days of becoming aware of the alleged breach. **(T-1).** Within 14 calendar days, the Installation Equal Opportunity Director must attempt to resolve the matter of concern and coordinate his or her findings through the Installation Staff Judge Advocate to the complainant's commander. **(T-1).** If the commander determines no breach has occurred, he or she must inform the complainant in writing of that determination. If the commander determines a breach has occurred, he or she will, within 5 calendar days, either resolve the breach or inform the complainant in writing of his or her right to file a formal complaint. **(T-1). Note:** If an Equal Opportunity Practitioner discovers a potential breach, he or she will contact the respective commander(s) of the parties involved. **(T-1).**

4.6. Anonymous Complaints. Military members who visit the Installation Equal Opportunity Office cannot choose to remain anonymous. The Equal Opportunity Practitioner will document all anonymous military complaints on AF Form 1587. **(T-1).** The Equal Opportunity Practitioner will ensure enough details are provided by the anonymous source to clarify the allegations and indicate that the source is reliable. **(T-1).** If sufficient details are not provided, or the allegations do not fall within the equal opportunity purview, the Equal Opportunity Practitioner will document the information on AF Form 1271 General Assistance (Contact). **(T-1).** The Installation Equal Opportunity Office will forward all anonymous allegations of unlawful discrimination or harassment to the appropriate commander for processing. **(T-1).** Anonymous allegations of sexual harassment will be processed per 10 USC § 1561 and this instruction where there are sufficient details to conduct an investigation. **(T-0).** The Installation Equal Opportunity Director will inform and brief appropriate commanders on the issues and brief him or her on the issues raised in all anonymous complaints. **(T-1).**

4.7. Complaints of Institutional Discrimination. When a military member visits the Installation Equal Opportunity Office with an allegation of unlawful discrimination, sexual harassment, or non-discriminatory harassment against an Air Force or subordinate command-level policy or directive; it is considered Institutional Discrimination. The Equal Opportunity Practitioner will document allegations on an AF Form 1587 and refer the case immediately to AFPC/EO Operations. **(T-1).** AFPC/EO Operations will review the case and forward recommendations to Director, Air Force Equal Opportunity **(**AF/A1Q). **(T-1).** If the case involves subordinate command-level policy, the MAJCOM Equal Opportunity Functional Manager will review the policy before forwarding to AFPC/EO Operations. AF/A1Q will review and coordinate with the appropriate headquarters Air Force Directorate to address the allegation and forward the response to AFPC/EO Operations who will forward to the responsible Installation Equal Opportunity Office. **(T-1).**

4.8. Commander Worked Issues. Commander Worked Issues occur when allegations of unlawful discrimination or harassment are made either orally or in writing to the commander and the allegations have not been submitted as a formal or informal complaint through the Installation Equal Opportunity Office. If a complainant attempts to file a complaint with the Installation Equal Opportunity Office, and it becomes evident that a complaint was worked within the unit (Commander Worked Issue) or as a Commander Directed Investigation, the Installation Equal Opportunity Office will only accept and/or process the complaint with the concurrence of the Installation Commander. **(T-1).** For allegations referred to the Installation Equal Opportunity Office for processing, the complainant will be notified in writing of the commander's decision to refer the complaint, including a rationale for the referral. **(T-1).** Commander Worked Issues will be annotated on AF Form 1587-1. **(T-1).** Commanders will provide the Installation Equal Opportunity Office with a Commander Worked Issue Worksheet detailing Equal Opportunity issues worked within the unit, to include Commander Directed Investigations for tracking and monitoring on a monthly basis. **(T-1).** The Installation Equal Opportunity Office will file the worksheet in the appropriate case file and document the information on a separate AF Form 1587-1. **(T-1).** The case synopsis must be specific and fully detailed. **(T-1).** See Air Force Equal Opportunity SharePoint® site for sample memorandums, and required information. **Note:** For ANG, Commander Worked Issues will be annotated on AF Form 1271. If Commander Directed Investigation is completed, Air National Guard Equal Opportunity Office must provide Subject Matter Expert assistance and document assistance on

AF Form 1271. **(T-1).** However, 10 USC § 1561, sexual harassment procedures do not apply to the Air National Guard while in a status other than Title 10.

4.9. Commander Directed Investigations Involving Equal Opportunity Matters. Commander Directed Investigations involving equal opportunity matters must be completed within 14 calendar days of the start of the investigation. **(T-1).** If the investigation is not complete within 14 calendar days, a progress report to the General Court Martial Convening Authority regarding the progress of the investigation will be submitted within 20 calendar days and every 14 calendar days thereafter until the investigation is closed. **(T-1).** Once the investigation is closed, the commander will submit a final report to the General Court Martial Convening Authority. **(T-1).** If a Commander Directed Investigation is conducted, an Equal Opportunity Practitioner will be utilized as a Subject Matter Expert and aid in developing interview questions, analyzing evidence, and reviewing the draft Report of Investigation before it is submitted to the Installation Staff Judge Advocate for review. **(T-1). Note:** The Equal Opportunity Practitioner providing Subject Matter Expert assistance will not participate in any subsequent formal military equal opportunity complaint related to the Commander Directed Investigation. **(T-1).** Due to potential conflicting responsibilities, the Installation Commander will not name any individual assigned to an Installation Equal Opportunity Office as the action officer to up channel complaints to the General Court Martial Convening Authority. **(T-1).** The installation action officer will be, at minimum, in the grade of O-3 or above, a senior non-commissioned officer, or a civilian employee of the grade GS-12 or above. **(T-1).**

4.10. Commander Directed Investigations for Sexual Harassment. If a commander, upon conferring with a Subject Matter Expert from their servicing equal opportunity office, determines the allegation(s) meet the definition of sexual harassment, regardless of severity, the commander will commence an investigation per 10 USC § 1561 and forward the allegations to the General Court Martial Convening Authority within 72 hours. **(T-0).** All General Court Martial Convening Authority notifications will be reviewed by the Installation Commander prior to being released to the General Court Martial Convening Authority. **(T-1).** Once notification is complete, the commander will initiate a Commander Directed Investigation and advise the complainant of the start of the investigation. **(T-1).** Additionally, commanders will notify the Installation Equal Opportunity Office and Installation Staff Judge Advocate prior to conducting a Commander Directed Investigation. **(T-1). Note**: The Installation Equal Opportunity Office will be courtesy copied on all General Court Martial Convening Authority notifications to ensure pertinent information is input into Air Force Equal Opportunity Information Technology System. **(T-1).**

4.11. Complaint Processing in the Deployed Environment. The Equal Opportunity Career Field Manager (or designee) will identify trained military Equal Opportunity Practitioners for Air and Space Expeditionary Force rotational support. **(T-1).** Trained (Defense Equal Opportunity Management Institute, Alternative Dispute Resolution, Air Force Equal Opportunity Information Technology System) Equal Opportunity Practitioners with Air Force Specialty Codes 38F and 3F4X1, and civilian Occupational Specialty Code 026 are eligible to deploy in support of Equal Opportunity contingency operations. Equal Opportunity services provided in the deployed environment must include, but are not limited to, military equal opportunity informal and formal complaint processing, civilian equal employment opportunity informal complaint processing, Out and About Assessments, Human Relations Education, and quarterly statistical reporting. **(T-1).** Equal Opportunity Practitioners deployed in direct support of combat operations will focus

on identifying, preventing, and neutralizing actual and potential human relations incidents/Equal Opportunity Treatment Incidents. Equal Opportunity Practitioners in the deployed environment will immediately refer complaints against senior officials to the Inspector General. Equal Opportunity Practitioners must also report all open investigations against any officer (or civil servant Grade 15 or equivalent) to the Inspector General in accordance with AFI 90-301. **(T-1).**

4.12. Joint Service Complaints/Joint Basing. When handling informal allegations of unlawful discrimination and harassment, the Equal Opportunity Practitioner will attempt informal resolution. **(T-1).** If an informal resolution is not accomplished or successful, the host service or agency will advise the complainant of his or her right to file a formal military equal opportunity complaint with their respective service's Installation Equal Opportunity Office for processing. **(T-1).** Joint Service Formal Complaints will be processed by the Commander's Service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender. **(T-0).** If the Equal Opportunity Director/MAJCOM Functional Manager is unable to identify the appropriate service or point of contact, the case will be elevated to AFPC/EO Operations to identify and forward the case to the appropriate service or point of contact. **(T-1).** If the complainant is an Air Force military member, the Equal Opportunity Practitioner will seek updates, as necessary, from the appropriate service or point of contact through final case disposition, and will ensure that the complainant's commander is informed of the final disposition. **(T-0).** If the alleged offender is an Air Force military member, the Equal Opportunity Practitioner will provide updates, through final case disposition to the appropriate service or point of contact and to the offender's commander. **(T-0).** All cases will be properly tracked and documented in accordance with applicable records management procedures. **(T-0).** See the Air Force Equal Opportunity Office for complete instructions regarding processing of joint service complaints. Installation Equal Opportunity Directors will establish a memorandum of agreement with other agencies or host services responsible for implementing and administering military equal opportunity programs. **(T-1).** The Installation Equal Opportunity Office will encourage military personnel from all services to resolve cases informally at the lowest level possible. Installation Equal Opportunity Directors will afford individuals from other services the opportunity to use their service's military equal opportunity complaint and counseling systems. **(T-1).** When feasible, Department of Defense and Joint Service agencies will establish and designate a Defense Equal Opportunity Management Institute-qualified Equal Opportunity Practitioner to assist in the military equal opportunity process and prepare initial reports for the commander's review and disposition. Commanders and Equal Opportunity Practitioners will publicize, display, and ensure understanding of execution of all pertinent Department of Defense and service military equal opportunity policies and programs throughout the organization. **(T-1).**

4.13. Military Complaints Involving RegAF Air Force Reserve (AFR) and Active Guard Reserve Personnel. Complaints filed by AFR personnel while on RegAF duty status (including training and work under 10 USC) and Active Guard/Reserve personnel follow the procedures outlined in this instruction. The Installation Equal Opportunity Office will refer allegations of unlawful discrimination and harassment by Air Reserve Technicians and Active Guard Reserve under Title 32 state regulations to the civilian equal employment opportunity complaint process regardless of the status of the alleged offender. **(T-1).** Air Force Reserve personnel may file a complaint regarding an alleged action that occurred while they were on federal RegAF status even after release from RegAF. Complaints must be filed within 180 days or 6 regularly

scheduled drills (RSDs) of the alleged action. **(T-1).** Commanders may waive the time limit for good cause. Prior to filing a formal complaint with a RegAF Installation Equal Opportunity Office, AFR personnel will coordinate with the AFRC/Equal Opportunity Office to ensure the complaint is processed with the component responsible for handling the case. **(T-1).**

4.14. Military Complaints Involving Air National Guard Personnel Under Title 10. The Air National Guard Readiness Center EO Office will process complaints for 10 USC RegAF status members assigned to the Air National Guard Readiness Center, National Guard Bureau, or any Geographically Separated Units aligned with the Air National Guard Readiness Center **(T-1).** ANG personnel on 10 USC RegAF status assigned to a RegAF installation who are not assigned to the Air National Guard Readiness Center may file their complaint with the Installation EO Office where the alleged offense occurred.

4.15. Military Equal Opportunity Formal Complaint Program.

4.15.1. Formal Complaint Processing. Equal Opportunity Practitioners will process complaints through the formal complaint process. **(T-1).** Under no circumstances will an Equal Opportunity Practitioner attempt to dissuade a person from filing a complaint or forgo the use of Alternative Dispute Resolution where appropriate. **(T-1). Note:** Legal sufficiency review by the Installation Staff Judge Advocate is conducted for all cases.

4.15.2. Formal Complaint Processing Timeliness. The Installation Equal Opportunity Office will not accept a complaint more than 60 calendar days after the alleged offense occurred unless the Installation Commander approves. **(T-1).** Formal complaints are processed within 20 calendar days. The Installation Equal Opportunity Office will complete complaint clarification within 9 calendar days. Six-calendar days are allotted for legal sufficiency review. **(T-1).** The alleged offender's commander is allotted 5-calendar days to provide the Installation Equal Opportunity Office with a description of corrected actions in substantiated complaints. Follow up will occur within 30 days of commander action. **(T-1).** The Installation Equal Opportunity Director may grant extensions in 5-calendar day increments. Extension requests are submitted to the Installation Equal Opportunity Director verbally or in writing who will document the basis for extension on AF Form 1587, Military Equal Opportunity Formal Complaint Summary and brief the complainant. **(T-1).** If the complaint clarification is not completed within 20 calendar days, the Installation Equal Opportunity Director will inform the Installation Commander and provide him or her an update every 14 calendar days until the case is closed. **(T-1). Note:** Air Force Reserve Command and Air National Guard units must file complaints within 6 RSDs, and complete complaint clarification within 3 RSDs. Two RSDs are allotted for legal sufficiency review. **(T-1).** One RSD is allotted for commander's action. Air Force Reserve Command (AFRC) may grant extensions in 3 RSD increments in accordance with Section **4.3** of this chapter. AFRC will inform the Installation Commander if complaint clarification is not complete within 5 RSDs and provide an update every 1 RSD until the case is closed. **(T-1).**

4.15.3. Formal Military Equal Opportunity Complaint Clarification. Complaint clarification includes interviewing or taking statements from persons who may have information relevant to the case and gathering data from records or reports. The Equal Opportunity Practitioner may use information gathered from other investigations in conjunction with (but not in lieu of) their own clarification process to establish a preponderance of credible evidence. Credible evidence is defined as evidence that is believable, confirmed, and corroborated.

4.15.3.1. Coordination. Equal Opportunity Practitioners will coordinate all interviews with the respective commander(s) for all parties involved. **(T-1).** The Equal Opportunity Practitioner will also coordinate with the Installation Staff Judge Advocate and obtain Installation Commander approval before conducting interviews involving members assigned to other branches of the Armed Forces, agencies, contractors, or civilians. **(T-1).** Additionally, prior to interviewing any member of a bargaining unit (i.e. union), the Equal Opportunity Practitioner will contact the Installation Staff Judge Advocate and Labor Relations Office(s) to evaluate management obligations and potential limitations of bargaining unit member participation in the clarification process. **(T-1).** The Installation Equal Opportunity Office will notify its respective MAJCOM Equal Opportunity Functional Manager when assistance is required to interview any witnesses or alleged offenders assigned outside of their installation. **(T-1).** The parent MAJCOM will contact the supporting MAJCOM Equal Opportunity Functional Manager to coordinate support as needed. The affected Installation Equal Opportunity Offices will share required documentation and ensure the complaint is processed appropriately and in a timely manner. **(T-1).** Issues that require intervention will be referred to the MAJCOM Equal Opportunity Functional Manager whose Installation Equal Opportunity Office raises the issue. **(T-1).**

4.15.3.2. Notices. The Equal Opportunity Practitioner will advise witnesses that he or she is conducting a clarification of an allegation of unlawful discrimination or harassment. **(T-1).** The Equal Opportunity Practitioner will advise the witness that disclosures made are for official use only but do not have any privilege of confidentiality. **(T-1).** The Equal Opportunity Practitioner will advise the complainant that the case will be discussed as necessary with appropriate officials and witnesses in an effort to resolve the issue, and that the Equal Opportunity Practitioner will not disclose the identity of the complainant without consent, unless such disclosure is necessary throughout the clarification process or required by law and/or regulation. **(T-1).**

4.15.4. Interview Outlines. Equal Opportunity Practitioners develop an interview outline from the specific allegation(s) and obtain feedback from the Installation Staff Judge Advocate prior to conducting interviews. **(T-1).** The interview outline will include open-ended questions and provide witnesses with the opportunity to review the complainant's allegations and provide additional evidence that assists in evaluating whether the facts meet the elements of the definition of the alleged violation(s). Equal Opportunity Practitioners may deviate from the outline as necessary.

4.15.5. Interviews. If during the interview, the Equal Opportunity Practitioner determines that a military witness (not alleged offender) may have divulged self-incriminating information, the Equal Opportunity Practitioner will suspend the interview and coordinate with the Installation Staff Judge Advocate prior to finishing the interview or providing a revised rights advisement. **(T-1).** At the conclusion of an interview, the Equal Opportunity Practitioner will direct the witness to write a summary statement. **(T-1).** The Equal Opportunity Practitioner may assist the witness, however, the witness must independently author and sign the statement. A witness may retain a copy of their witness statement, but the Equal Opportunity Practitioner will not release the list of interview questions. **(T-1).** For an example of a witness summary statement, see Air Force Equal Opportunity SharePoint® site.

4.15.6. Processing Actions for Formal Military Equal Opportunity Complaints. The Installation Equal Opportunity Office will ensure proper processing of all formal and informal military equal opportunity complaints by conducting the following actions, to include proper documentation on AF Form 1587-1 or AF Form 1587.

4.15.6.1. Ensure the complainant identifies the basis of unlawful discrimination or harassment that is alleged to have occurred (race, color, national origin, sex, religion, sexual orientation, sexual harassment, bullying, and/or hazing) in the initial interview. **(T-1). Note:** For allegations of sexual harassment, the Equal Opportunity Practitioner will also indicate the primary nature of the case (verbal, nonverbal, physical, or other). **(T-1). Note:** For formal complaints of bullying and/or hazing, notification to the General Court Martial Convening Authority is required within 5 calendar days via the next superior officer in the chain of command who is authorized to convene a general court-martial. **(T-1).**

4.15.6.2. Ensure the complainant provides specific allegations of unlawful discrimination or harassment and frame the allegations with the concurrence of the complainant. **(T-1).**

4.15.6.3. Annotate the rationale for accepting the complaint and indicate the overall impact the allegations have had or may have on the complainant, the organization, and/or the installation. **(T-1).**

4.15.6.4. Notify the complainant's commander and the alleged offender's commander of the informal complaint within 24 hours. **(T-1).** If the complainant alleges sexual harassment, the Installation Equal Opportunity Office will advise the commander of the responsibility to investigate sexual harassment allegations under 10 USC § 1561. **(T-0).**

4.15.6.5. Inform the alleged offender's commander on his or her responsibility to protect the complainant's identity. **(T-1).**

4.15.6.6. Conduct follow-up actions at least every 5 calendar days. **(T-1). Note:** Exceptions apply for informal complaints that involve Alternative Dispute Resolution (See Section **4.7** of this Chapter)

4.15.6.7. Document all actions taken during the complaint process. **(T-1).**

4.15.6.8. Conduct a final follow-up to determine whether the complainant has decided that the allegation(s) had been resolved, not resolved, or has elected to file a formal complaint and advise next steps and/or rights. **(T-1).** Note: An informal complaint is considered closed on the date the Equal Opportunity Practitioner conducts a final follow-up. **Note:** For formal complaints, the Installation Equal Opportunity Director will review the complaint for signature after the final follow-up is completed. **(T-1).**

4.16. Clarification Report. Once the Equal Opportunity Practitioner has completed the interviews and gathered any applicable information and evidence, the Equal Opportunity Practitioner will write a clarification report. **(T-1).** For an example of a clarification report see Air Force Equal Opportunity SharePoint® site.

4.17. Determinations. If the clarification process results in a determination that an equal opportunity violation has occurred, the complaint is substantiated. **Note**: If at least one allegation is substantiated overall, the complaint clarification is considered substantiated. The Equal Opportunity Practitioner will forward substantiated complaints to the Installation Staff

Judge Advocate for review. **(T-1).** After legal review, the Installation Equal Opportunity Office will forward the clarification report to the complainant's commander and the alleged offender's commander (if different) for review. **(T-1).** The complaint clarification report must include enough information for the commander to take action to eliminate unlawful discrimination or harassment. **(T-1).** The commander will provide a summary of any action(s) taken in response to the Installation Equal Opportunity Office. **(T-1).**

4.17.1. If the clarification process is unable to substantiate allegations of unlawful discrimination or harassment, the Installation Equal Opportunity Office will forward the clarification report to the alleged offender's commander for final review and coordination. **(T-1).** The alleged offender's commander will brief the alleged offender of the outcome and/or findings of the complaint. **(T-1). Note:** When the Installation Equal Opportunity Office and the Installation Staff Judge Advocate disagree over whether to substantiate a complaint, the Installation Equal Opportunity Director will forward the case to the Installation Commander to make a final determination. **(T-1).**

4.17.2. The Installation Equal Opportunity Office will brief the complainant on the outcome of the complaint and his or her rights. **(T-1).** A formal complaint is considered closed when the complainant signs AF Form 1587. The Installation Equal Opportunity Office must contact the complainant within 14 calendar days after signing AF Form 1587 for follow-up, and every 30 calendar days thereafter or until any action is taken against the alleged offender. **(T-1).** In all cases, the Installation Equal Opportunity Office will ensure reprisal has not occurred; in substantiated cases, the Installation Equal Opportunity Office will ensure the offender has stopped the unlawful act(s). **(T-1).** The Installation Equal Opportunity Office will continue to process complaint clarifications from complainants who separate or retire before, or during, the clarification process. **(T-1).**

4.18. Briefing Alleged Offenders. Upon notification by the Installation Equal Opportunity Office that a formal military equal opportunity complaint was filed against a member of the commander's unit, the commander will inform the alleged offender(s) that: they are the subject of a formal complaint; provide a general nature of the allegations made against them; and that the Installation Equal Opportunity Office will be performing a formal complaint clarification. **(T-1).** The commander will make every effort to protect the identity of the complainant and refrain from providing details contained on AF Form 1587 to the alleged offender. **(T-1).** The commander will caution the alleged offender to refrain from any form of reprisal; advise the alleged offender not to discuss the case with others during the clarification process; that the alleged may provide names of potential witnesses to the Installation Equal Opportunity Office for the clarification process; and that he or she will have an opportunity to respond to the allegations. **(T-1).** Commanders will conduct frequent follow ups with the alleged offender to ensure the alleged offender's wellbeing is considered throughout the process. Commanders will notify the Installation Equal Opportunity Office after briefing the alleged offender. **(T-1).**

4.19. Rights of Alleged Offenders. The Installation Equal Opportunity Office will consult with the Installation Staff Judge Advocate on rights advisement issues, including the need to provide rights advisement and possible Uniform Code of Military Justice violations, prior to interviewing an alleged offender. **(T-1).** Equal Opportunity Practitioners will use AF Form 1168, *Statement of Suspect Witness/Complainant* when advising an alleged offender of his or her rights. **(T-1).** If, after coordination with the Installation Staff Judge Advocate, the Installation Equal Opportunity Office suspects an alleged military offender has committed an offense under Uniform Code of

Military Justice, the office will advise the alleged of their rights against self-incrimination under Uniform Code of Military Justice Article 31 before conducting the interview. **(T-1).** After providing rights advisement, the Installation Equal Opportunity Office will ensure any waiver of rights is knowing and voluntary. In the military equal opportunity complaint clarification process, Equal Opportunity Practitioners will not advise civilians of their Fifth Amendment (Miranda) rights. **(T-0).** Federal employees have a right to union representation during the interview process per 5 USC § 7101 and 7114(a)(2)(B). If an employee requests union representation, the Equal Opportunity Practitioner will stop the interview process and consult with the Installation Staff Judge Advocate and the Installation Labor Management Relation Official. **(T-1).** If permissible to conduct an interview after coordination, the Equal Opportunity Practitioner will inform the alleged offender that his or her cooperation is strictly voluntary and he or she is free to leave at any time. The Equal Opportunity Practitioner will terminate the interview if the individual declines to answer questions, requests to leave, or asks for legal counsel. **(T-1).**

4.20. Hand-Off Guidance. The hand-off guidance is intended to act as a safety net for individuals who come in contact with the Installation Equal Opportunity Office and are so emotionally distraught that they may pose a danger to themselves or others. The Installation Equal Opportunity Office must conduct a hand-off if the individual appears to be sufficiently disturbed. **(T-1).** These hand-offs require person-to-person contact between Equal Opportunity Practitioners and the responsible commander or designee. All hand-offs will be documented on AF Form 1587 by an Equal Opportunity Practitioner at the conclusion of the interaction. **(T-1). Note:** See AFI 90-5001, *Integrated Resilience*, for hand-off procedures for individuals exhibiting suicidal ideation.

4.21. Withdrawing Military Equal Opportunity Formal Complaints. The Installation Equal Opportunity Director serves as the authority for withdrawing complaints. An individual requesting to withdraw a complaint must provide the request to the Installation Equal Opportunity Director in writing, who will attempt to discuss the decision with the complainant to ensure the complainant was not pressured or coerced to withdraw the complaint. **(T-1).** The Equal Opportunity Practitioner will brief commander(s) of the complainant and alleged offender of complaint withdrawal. **(T-1).** It is the responsibility of the alleged offender's commander to inform the alleged offender of the withdrawal. **(T-1).** The Equal Opportunity Practitioner will document the withdrawal action on AF Form 1587 and close the case. **(T-1).** Records of the case are maintained in accordance with Air Force Records Information Management System Records Disposition Schedule. **(T-1).**

4.22. Complaints Involving All Officers and Senior Officials. Formal and informal complaints implicating senior officials require special processing guidance and coordination. Complaints against senior officials of the grade O-7 or above, to include civilian equivalents, will be reported to SAF/IG to meet AF/A1 and Department of Defense reporting requirements. **(T-1).** Equal Opportunity Practitioners must also report all open investigations against any officer (or civil servant Grade 15 or equivalent) to the Inspector General in accordance with AFI 90-301. **(T-1).**

4.23. Colonels, Colonels-Select, and Civilian Equivalents. The Installation Equal Opportunity Office will immediately notify the Installation Commander and Installation Inspector General of military equal opportunity complaints using AFI 90-301. **(T-1).** The Installation Commander will notify the MAJCOM Complaints Resolution Directorate (IGQ) and SAF/IGQ. **(T-1).** The

Installation Equal Opportunity Office will conduct a complaint clarification and forward the clarification report, legal sufficiency review, a copy of any command actions, rebuttals, and statements provided to the Installation Inspector General and SAF/IGQ per AFI 90-301. **(T-1).** The Installation Equal Opportunity Office will brief the complainant on processing procedures during the initial interview. **(T-1). Note:** Air Force Reserve Equal Opportunity Practitioners will consult MAJCOM and Numbered Air Force.

4.24. Installation Commanders and Vice Commanders. The Installation Equal Opportunity Office will coordinate with their respective MAJCOM Equal Opportunity Functional Manager prior to determining complaint processing procedures. **(T-1). Note:** At Air Force Reserve Command bases, include Command Chief Master Sergeant. The MAJCOM Equal Opportunity Functional Manager in conjunction with the MAJCOM Deputy, Chief of Staff, Manpower, Personnel and Services (A1); Inspector General (IG); and Judge Advocate (JA) will determine the complaint process. **(T-1).** If a Commander Directed Investigation is initiated, the MAJCOM Equal Opportunity Functional Manager will designate a Subject Matter Expert from another Installation Equal Opportunity Office within the MAJCOM.

4.25. Senior Officials (O-7 and Above and Senior Executive Service). Special reporting requirements apply. The Installation Equal Opportunity Office will immediately notify and refer all complaints of this type to SAF/IG per AFI 90-301. **(T-1).** The Installation Equal Opportunity Office, through their servicing legal office, will notify AF/JAA about matters concerning officers in the grade of O-7 and above, and Senior Executive Service Employees. AF/JAA works in coordination on these matters with SAF/GCI and SAF/GCA, in accordance with HAF MD 1-14. **(T-1).** The Installation Equal Opportunity Office will brief complainants on the referral process during the initial interview. **(T-1).** The Installation Equal Opportunity Office will conduct a sufficient complaint intake to conclude senior official involvement as an alleged offender. **(T-1).**

4.26. Complex Issues. The Installation Equal Opportunity will notify the MAJCOM Equal Opportunity Functional Manager of all complex issues. **(T-1).** Complex issues are those complaints or incidents complicated in structure and/or consisting of interconnected parts. The MAJCOM Equal Opportunity Functional Manager, in conjunction with the MAJCOM; A1; IG; and JA will determine the complaint process. If a Commander Directed Investigation is initiated, the MAJCOM Equal Opportunity Functional Manager will designate a Subject Matter Expert from another Installation Equal Opportunity Office within the MAJCOM.

4.27. Formal Sexual Harassment Complaints. Formal complaints and investigations of sexual harassment are processed in accordance with 10 USC § 1561.

4.27.1. Formal Sexual Harassment Complaints Timelines. Formal complaints of sexual harassment are processed within 14 calendar days. The Installation Equal Opportunity Office will conduct complaint clarification within 6 calendar days. **(T-1).** The Installation Staff Judge Advocate will review for legal sufficiency within 4 calendar days of complaint clarification. **(T-1).** The commander will provide a description of corrective actions to the Installation Equal Opportunity Office within 6 calendar days of legal sufficiency review. **(T-1).** The Installation Equal Opportunity Director may grant extensions in 7 calendar day increments to the Installation Equal Opportunity Office, the Installation Staff Judge Advocate, and alleged offenders commander. Requests for extension are submitted to the Installation Equal Opportunity Director verbally, or in writing, who will document the basis for the extension on AF Form 1587 and brief the complainant. **(T-1).** If the case is not

processed within 14 calendar days, the Installation Equal Opportunity Director will update the Installation Commander every 14 calendar days of the status of the case and all additional or subsequent requests for extension. **(T-0).** The alleged offenders' commander will submit a final report of the investigation, including any action(s) taken, to the General Court Martial Convening Authority. **(T-1).** The complaint is not considered closed until all actions have been taken, to include corrective action if applicable.

4.27.2. Processing Formal Sexual Harassment Complaints. The preferred method for resolving complaints of this nature is the military equal opportunity complaint clarification process. A Commander Directed Investigation or Inspector General investigation is appropriate for allegations involving sexual harassment combined with other forms of misconduct. These provisions apply to complaints filed by RegAF military personnel only. Within 72 hours of receipt of a formal complaint of sexual harassment, the Installation Equal Opportunity Office will complete the following:

4.27.2.1. Advise the Installation Commander of his or her right to direct a military complaint clarification or to refer the matter to the Inspector General Office. **(T-1).** Document the decision and determine whether or not the complainant concurs with the decision on AF Form 1271.

4.27.2.2. Forward a synopsis of each military equal opportunity formal sexual harassment case to the General Court Martial Convening Authority Office of Primary Responsibility through the Installation Commander. **(T-1).** For complaints involving alleged offenders in another MAJCOM, case will be forwarded through the respective MAJCOM Equal Opportunity Functional Manager, who will in turn notify the MAJCOM Equal Opportunity Functional Manager of the alleged offender, who will forward the complaint synopsis to the General Court Martial Convening Authority. **(T-1).**

4.27.2.3. Complete initial and follow-on reports which contain a case synopsis that is specific and outlines each allegation of sexual harassment that (a) do not contain the identities of the complainant or alleged offender (b) include the names of the investigating officer and (c) if available, the projected or final completion date of the investigation. **(T-1).**

4.27.2.4. Ensure the Installation Commander submits a final report upon completion of complaint clarification to the General Court Martial Convening Authority, the MAJCOM Equal Opportunity Functional Manager(s), and AFPC/EO Operations. The final report will include findings which demonstrate whether allegations were substantiated or unsubstantiated. **(T-1).** If substantiated, the report will include corrective and/or disciplinary actions. **(T-1).** The identities of the complainant and the offenders are included in final reports for substantiated cases. **Note:** For Inspector General investigations, the Inspector General will notify the Installation Equal Opportunity Office of the results of the investigation and prepare the final report for the General Court Martial Convening Authority. **(T-1).**

4.27.2.5. The General Court Martial Convening Authority will forward the final report to the respective MAJCOM. **(T-1).**

4.28. Referral of Hotline Complaints for Processing. The Air Force Unlawful Discrimination Harassment, and Sexual Harassment Hotline (888-231-4058) is operated by AFPC/EO

Operations. It ensures Air Force personnel can easily and freely report to proper authorities any allegations of sexual harassment or discrimination and provide relevant information. AFPC/CC will forward hotline complaints to the respective MAJCOM Vice Commander for which the case pertains and copy the MAJCOM/A1. **(T-1).** The MAJCOM/A1 will forward the hotline complaint to the responsible Installation Commander for action. **Note:** If a hotline complaint is anonymous, the only approved method of clarification is a Commander Directed Investigation, as it would be inappropriate to conduct military complaint clarification for a complaint potentially filed by a civilian.

4.28.1. Processing Hotline Complaints. When required, the Installation Equal Opportunity Office will conduct a complaint clarification as outlined in this instruction on all allegations of unlawful discrimination or sexual harassment within the Equal Opportunity purview. **(T-1).** The Installation Equal Opportunity Office will interview the hotline complainant to clarify allegations as needed. **(T-1).** The Installation Equal Opportunity Office will forward the complaint clarification through the Installation Commander to the MAJCOM Equal Opportunity Functional Manager who will review the clarification and forward to AFPC/EO Operations through the MAJCOM/A1. **(T-1).** At minimum, the MAJCOM/A1 is the final approving official for hotline complaints. The Installation Equal Opportunity Office will maintain complaint records for hotline complaints in accordance with Air Force Records Information Management System Records Disposition Schedule. The AF Form 1587 will denote the case as a hotline complaint. **(T-1).**

4.29. Immediate Referrals and Notifications. The Installation Equal Opportunity Office must immediately refer all allegations of suspected criminal activity (e.g., assault, sexual assault, child abuse, indecent exposure, rape, molestation, incest, or obscene telephone calls) to Office of Special Investigations or Security Forces and document on AF Form 1271 as non-equal opportunity assistance. **(T-1).** In cases of sexual assault, the Equal Opportunity Practitioner must also notify the SARC indicating an immediate referral to Office of Special Investigations or Security Forces was made. **(T-1).** Additionally, immediate referrals and/or notifications are made in the following instances:

4.29.1. A complainant does not disclose sexual assault allegations during the intake interview but requests a referral to the SARC. The Equal Opportunity Practitioner will immediately terminate the interview and make a referral to the SARC. **(T-1).**

4.29.2. When an Equal Opportunity Practitioner becomes aware of allegations that could result in Uniform Code of Military Justice action against a military member or adverse action against a civilian employee, the Equal Opportunity Practitioner will immediately notify the Installation Staff Judge Advocate. **(T-1).**

4.29.3. Referral Complaints. A referral complaint is a complaint in which the type of allegations do not fall under the authority or scope of the Installation Equal Opportunity Office, and as such, are not clarified through the military equal opportunity complaint process. The Installation Equal Opportunity Office will complete an AF Form 1587 for all referral complaints and forward the case to the referral agency. **(T-1).** Equal Opportunity Practitioners will apprise the complainant of the need for the referral and document the basis for the referral and specific allegations on AF Form 1587. **(T-1).** The Installation Commander will sign all referral letters. **(T-1).** The Installation Equal Opportunity Office will follow up with the referral agency and the complainant every 30 calendar days until final

disposition is rendered. **(T-1). Note:** For Air Force Reserve Command, the Installation Equal Opportunity Office will follow up every 1 RSD. **(T-1).** Once follow up is complete, the Equal Opportunity Practitioner will document it and close the case. **(T-1).** If the complainant is not satisfied with the final disposition of the case rendered by another agency, the Equal Opportunity Practitioner will advise the complainant to use the grievance and/or complaint channels of the system the complaint was processed in and document the advisement on AF Form 1587. **(T-1).** See Air Force Equal Opportunity SharePoint® site for a sample of referral letters.

4.29.4. Inspector General Referrals. The Installation Equal Opportunity Office will conduct clarification on allegations referred from the Inspector General that fall under equal opportunity purview. **(T-1).** The Equal Opportunity Practitioner document these complaints on AF Form 1587. **(T-1).** In some cases, the Inspector General may refer a matter to Equal Opportunity, but continue to investigate other allegations in the complaint. The Installation Equal Opportunity Office should consult with Inspector General on whether the Installation Equal Opportunity Office may proceed with complaint clarification or suspend processing until the conclusion of the Inspector General investigation. **(T-1).** When clarification is complete, the Installation Equal Opportunity Office will submit the case to the Installation Staff Judge Advocate for legal review and forward to Inspector General. **(T-1).** If Inspector General conducts the investigation, the Inspector General will forward a summary of actions taken regarding military equal opportunity violations to the Installation Equal Opportunity Office for final disposition, and then brief the complainant. **(T-1).**

4.30. Military Equal Opportunity Formal Appeals.

4.30.1. Applicability. Retirees and military family members may not appeal the findings of a formal complaint. RegAF complainants may appeal unsubstantiated findings; offenders may appeal substantiated findings. Offenders must file their appeal with the equal opportunity office that processed the complaint. **(T-1).** RegAF duty personnel who separate or retire from the Air Force after a complaint is closed may not appeal a formal complaint. The military equal opportunity appeals process is not applicable to command action rendered under Uniform Code of Military Justice or any administrative process as a result of a substantiated complaint. When a commander initiates, or has previously initiated, action under Uniform Code of Military Justice or administrative processes, that action takes precedence over any ongoing contemplated appeal. **(T-1).** In such circumstances, the applicable Uniform Code of Military Justice or administrative appellate processes are the exclusive method of appeal of the Uniform Code of Military Justice or administrative action. Commanders are not required to withhold command action while a military equal opportunity appeal is pending.

4.30.2. Timely Processing of Appeals. Appellants must submit appeals to the Installation Equal Opportunity Office within 30 calendar days after notification of the result of the case. **(T-1).** Installation Commanders may approve the processing of an appeal beyond 30 calendar days. **(T-1).** All appeals must be submitted in writing and will contain no more than 3 single spaced typewritten pages. **(T-1).** The appellant may attach supporting documents to the written appeal. The Installation Equal Opportunity Office will ensure the appeal authority receives a complete copy of the case file, the written appeal, legal review, and evaluation by the Installation Equal Opportunity Director of any new evidence presented in the appeal. **(T-1).**

4.30.3. Appeal Authorities. Installation Commanders, MAJCOM Vice Commanders (MAJCOM/CV) and SAF/MRB are authorized to render decisions on appeals that involve military equal opportunity formal complaints. Appellants must submit appeals through the Installation Equal Opportunity Office to the lowest level of command authorized to decide the appeal. **(T-1). Note:** The Installation Commander is not disqualified from acting on an appeal by making a determination (resolving) differences under facilitation. The appeal authority will base all decisions on appeals on the military equal opportunity case file and any additional written matters submitted with the appeal. **(T-1).** The appeal authority may sustain or overrule any finding or remand the matter for further fact finding. Appeal authorities will issue written determinations briefly summarizing the action(s) taken on the appeal. **(T-1).** The Installation Equal Opportunity Office will deliver the written appeal decision to the appellant and maintain a copy of the findings in the case file. **(T-1).** If an appeal results in the appeal authority referring the case for further clarification, the Installation Equal Opportunity Office will apprise the appellant and inform them of the anticipated date of further action. **(T-1).** If referred for clarification from the first level appeal authority, once the referred clarification is completed, the installation Equal Opportunity Office will provide the installation commander the case information for decision. **(T-1).** If referred for clarification from the second level appeal authority, the MAJCOM Functional Manager will provide the case information to the MAJCOM/CV for decision. If referred for clarification from the third level appeal authority, the MAJCOM Functional Manager will provide the case information to AF/A1Q for submission to SAF/MRB for their decision. A copy of the appeal package will be forwarded via email to AF/A1Q by the Installation Equal Opportunity office. **(T-1).**

4.30.4. Appellant Dissatisfaction. Appellants dissatisfied with the action on their appeal have 30 calendar days from receipt of an appeal determination to appeal to the next higher level. **(T-1). Note:** Air Force Reserve Command members have 2 RTDs. Appellants will submit their appeals to the next higher level through the Installation Equal Opportunity Office. **(T-1).** Appeal authorities may waive the 30-day time limit with good cause. **Note:** Except in extraordinary cases, there is no next-level appeal when the commander of both the complainant and the offender is the MAJCOM/Direct Reporting Unit Commander. Results of all formal complaint appeals will be recorded by the Equal Opportunity Practitioner on AF Form 3018. **(T-1).**

4.30.5. Appeals for Inspector General Investigations**.** For military equal opportunity complaints that resulted in an Inspector General investigation, the complainant and alleged offender will only appeal through the Inspector General process. **(T-1).** The Inspector General will inform the Installation Equal Opportunity Office of the final determination of the appeal. **(T-1).** Complainants, offenders, and alleged offenders may not use the Inspector General system simply because they are dissatisfied with the outcome of a military equal opportunity case. The Inspector General system is not an available channel of review unless there was an abuse or mishandling of the established process for appealing formal military equal opportunity complaints.

4.30.6. Air Force Reserve Command Appeals. The Installation or Wing Commander is the appeal authority for installation level complaints. Cases may be appealed to the MAJCOM/CV and SAF/MRB. Members dissatisfied with the action on their appeal will have 2 RSDs from receipt of an appeal determination to forward their appeal to the next

appeal channel or level of command. The Installation Equal Opportunity Office will follow up with the complainant within 2 RSDs to determine if the unlawful discrimination or harassment has ceased or if the appellant has experienced reprisal and document on AF Form 1587, Military Equal Opportunity Formal Complaint Summary. **(T-1).** The Installation Equal Opportunity Office will maintain case files in accordance with Air Force Records Information Management System Records Disposition Schedule. **(T-1).**

4.31. Reprisal. The Installation Equal Opportunity Office will immediately refer any military member who claims they were subject to reprisal for having made protected communication, including an informal or formal military equal opportunity complaint, to the Inspector General and document on AF Form 1271. **(T-1).** Reprisal alleged in regard to a non-equal opportunity issue or basis will be referred to the Air Force Inspector General or Department of Defense Inspector General Civilian Reprisal Investigations Division as appropriate. **(T-1). Note:** Commanders will also refer alleged instances of reprisal reported by military members for the Inspector General. **Note:** To effectively handle reprisals in the reserve component, the Installation Equal Opportunity Office will extend follow-up on unlawful discrimination and harassment cases to 1 year following conflict resolution. **(T-1). Note:** Retaliation and reprisal are defined and processed differently for military and civilian complaints. For additional guidance, see DoDI 1020.03 and Department of Defense Retaliation Prevention and Response Strategy Implementation Plan for sexual harassment complaints involving reprisal.

4.32. Retaliation. The Installation Equal Opportunity Office will immediately refer any military member who claims they were subject to retaliation for having made protected communication, including an informal or formal military equal opportunity complaint, to the Inspector General and document on AF Form 1271. **(T-1). Note:** To effectively handle retaliation in the reserve component, the Installation Equal Opportunity Office will extend follow-up on unlawful discrimination and harassment cases to 1 year following conflict resolution. **(T-1). Note:** Retaliation and reprisal are defined and processed differently for military and civilian complaints. For additional guidance, see DoDI 1020.03 and Department of Defense Retaliation Prevention and Response Strategy Implementation Plan for sexual harassment complaints involving retaliation.

Chapter 5

EQUAL OPPORTUNITY AND TREATMENT INCIDENTS

5.1. Equal Opportunity and Treatment Incidents (EOTIs). Equal Opportunity and Treatment Incidents are distinctly different than unlawful discrimination, harassment, or sexual harassment complaints and therefore have different processing procedures. An Equal Opportunity Treatment Incident is an overt, damaging act which (a) occurs on or off installation (b) is directed toward an individual, group, or institution (c) is motivated or is perceived to be motivated based on protected class status (d) has the potential to have a negative impact on the installation Human Relations Climate. An Equal Opportunity Treatment Incident may include subjects other than military members, retirees, or family members. Incidents may include, but are not limited to, the use of slurs, vandalism, and hate group activity, posting of discriminatory epithets, signs, or symbols. **Note:** Crimes are not considered Equal Opportunity Treatment Incidents merely because the individuals are of different protected classes. Equal Opportunity Practitioners will not report crimes such as assault, sexual assault, indecent exposure, obscene telephone calls, rape, child abuse, molestation or incest as Equal Opportunity Treatment Incidents. **(T-1).** Equal Opportunity Practitioners will immediately report sexual offenses and other alleged crimes to Security Forces or the Office of Special Investigations for investigation and reporting. **(T-1).**

5.2. Identifying Equal Opportunity and Treatment Incidents. Equal Opportunity Treatment Incidents are classified by the Installation Equal Opportunity Director, with the concurrence of the Installation Commander as either (a) minor, (b) serious, or (c) major. The Installation Equal Opportunity Director will use the most severe qualifying factor to determine the classification of the Equal Opportunity Treatment Incident and will consider significant adverse effects on local Human Relations Climates and/or adverse media coverage affecting the Air Force. **(T-1).**

Installation Commanders may provide input on the judgement regarding the overall seriousness and/or significance of the incident and have final authority over the classification. Equal Opportunity Directors will record each Equal Opportunity Treatment Incident on AF Form 3018, every Equal Opportunity Treatment Incident will be assigned a docket number by the Air Force Equal Opportunity Information Technology System. **(T-1). Note:** When the Installation Equal Opportunity Director cannot make an exact determination and/or classification, the incident will be reported as a "possible incident". **(T-1).** EOTIs are classified as either minor, serious or major incidents based on the following criteria:

5.2.1. Minor Incidents. Include any of the following: Less than 10 active participants, assault, an act resulting in minor physical injury requiring no medical inpatient treatment or property damages of less than $1,000. **(T-1).**

5.2.2. Serious Incidents. Include any of the following: 10 to 20 active participants, assault, or an act resulting in physical injuries requiring medical inpatient treatment of less than 5 days or property damages of $1,000 to $10,000. **(T-1).**

5.2.3. Major Incidents. Include any of the following: more than 20 active participants; an act that results in a death; arson; property damages in excess of $10,000; an act resulting in physical injuries requiring medical inpatient treatment for more than 5 days; or the activities of groups supporting supremacist causes, advocating unlawful discrimination, or otherwise

advocating the use or threat of force or violence to deprive individuals of their civil rights when such activities constitute an immediate danger to the loyalty, good order and discipline or morale of Air Force personnel. **(T-1).**

5.3. Numbering EOTIs. Every EOTI is assigned a docket number. **(T-1).** The docket number is determined by combining two separate elements: the case type code and the case file number.

5.3.1. Case File Number: The EO office documents and manages EOTIs by EO docket number. **(T-1).** EOTI docket numbers include the three digit installation code, the case code type "EO", the Fiscal Year (FY) the EOTI was reported in, and a case number assigned by the MEO IT system based on the number of EOTI's across the Air Force for the FY. (Example: There was an EOTI reported at Joint Base Sanders in February FY20. There were currently 15 EOTI's reported across the Air Force for FY20. The case number would be SAN-EO-20-0016).

5.3.2. The EO office will include case numbers on all correspondence to higher headquarters referencing an EOTI, to include all formal reporting procedures. **(T-1).**

5.3.3. When EOTIs involve subjects assigned to a tenant organization, the host EO office will forward information copies of initial, follow-up and final notifications to the responsible tenant organization. **(T-1).**

5.3.4. Case File Number. The case file number consists of the last two digits of the calendar year (e.g., 09 = 2009,19 = 2019, etc.) followed by the sequence of the EOTI (01, 02, etc., with numbers reverting back to 01 at the beginning of every fiscal year.

5.4. Clarification of Equal Opportunity and Treatment Incidents. The purpose of Equal Opportunity Treatment Incident clarification is to gather information to determine whether an incident involved violation of Air Force equal opportunity policy and, if appropriate, classify the incident. The Installation Equal Opportunity Director responds to, and clarifies, all Equal Opportunity Treatment Incidents. Equal Opportunity Treatment Incident clarification will be completed within 60 calendar days. **(T-1).** If clarification exceeds 60 calendar days, an explanation of why the clarification exceeded the designated timeframe will be annotated in follow-up and final reporting messages. **(T-1).** Clarification may require interviewing or taking statements from persons who may have relevant information regarding the incident. The Installation Equal Opportunity Director will coordinate with the Installation Staff Judge Advocate and the Installation Commander for approval prior to conducting interviews. **(T-1). Note:** Law enforcement investigations have priority over Equal Opportunity Treatment Incident clarifications. The Installation Equal Opportunity Director will complete a clarification report upon completion of the clarification process and forward to the Installation Staff Judge Advocate for review. **(T-1).** After legal review, the Installation Commander will make the final determination on the Equal Opportunity Treatment Incident classification and release the final notification. **(T-1).**

5.5. Reporting Equal Opportunity and Treatment Incidents. All Equal Opportunity and Treatment Incidents are reported electronically. The Installation Equal Opportunity Director is responsible for a minimum of two notifications: initial and final. A follow up notification is also required if the clarification process exceeds 30 calendar days. **(T-1).** The Installation Equal Opportunity Director will report all incidents classified as serious or major to AFPC/EO Operations Workflow and copy AF/A1Q and their respective MAJCOM Equal Opportunity

Functional Manager within 72 hours of notification of the incident; follow up notifications will be forwarded every 30 calendar days until final action is taken. **(T-1).** Major incidents will be reported by the Installation Equal Opportunity Director via the Event and Incident Report (OPREP-3), RCS: HAF-A30 (AR) 7118 and will notify AF/A1Q, AFPC/EO Operations and the respective MAJCOM Equal Opportunity Functional Manager within 24 hours of notification; follow up notifications will be forwarded every 30 calendar days until final action is taken. **(T-1).** Installation Equal Opportunity Directors will forward final notifications to AF/A1Q, AFPC/EO Operations and the respective MAJCOM Equal Opportunity Functional Manager and will include all information previously reported in the initial notification in addition to any new information gathered, to include: how the Installation Equal Opportunity Office was notified, a description of the incident, participant demographics, unit(s) of assignment, property damage, action taken by leadership, and whether the incident has had an impact on morale, good order, or unit effectiveness. **(T-1).** Supporting documentation such as photos, statements, etc. must be filed in the unit continuity folder. **(T-1).**

5.5.1. Joint Service Equal Opportunity Treatment Incident Notification Procedures. When Equal Opportunity Treatment Incidents involve subjects assigned to a tenant organization, the host Installation Equal Opportunity Office will forward copies of all notifications to the responsible Joint Service/Component Commander and/or Defense Agency Chief for necessary corrective action. **(T-1).** Notifications will include the participants in the incident, location of the incident, and unit of assignment. **(T-1). Note:** The Installation/Theater/Center Commander makes the final determination on the classification of the incident and approves release of the notification message. **(T-1).**

5.5.2. Equal Opportunity Treatment Incidents Involving Senior Officials. The Installation Equal Opportunity Director must immediately notify AF/A1Q of any Equal Opportunity and Treatment Incidents involving a general officer, general officer select, or Senior Executive Service member or equivalent. **(T-1).** AF/A1Q will notify (SAF/IG) of all reported incidents.

5.6. Social Media Equal Opportunity Treatment Incident. Social media conduct as it applies to Airmen is enforced pursuant to AFI 35-107, *Public Web and Social Communication*. Social media incidents within equal opportunity purview, or which could potentially impact the overall installation climate and/or Air Force Human Relations Climate, resulting in adverse media coverage or which involve senior officials of the grades O-7 and above (or equivalent) will not be classified as major, serious, or minor and will be immediately reported to AFPC/EO Operations, applicable MAJCOM Equal Opportunity Functional Manager(s), and AF/A1Q within 24 hours of notification. **(T-1).** A clarification will not be conducted on social media incidents by the Installation Equal Opportunity Office unless it is determined by AFPC/EO Operations and AF/A1Q that clarification is warranted. However, if clarification is conducted, follow-up and final notifications will be sent to AFPC/EO Operations, applicable MAJCOM Equal Opportunity Functional Manager(s), and AF/A1Q every 30 calendar days until final action is taken in accordance with Equal Opportunity and Treatment Incidents clarification procedures outlined above. **(T-1).** The final notification will include all information previously reported in the initial notification, along with any new information gathered and any action(s) taken. **Note:** Air Force Reserve Command and Air National Guard will send a follow-up every RSD. **(T-1).**

Chapter 6

EQUAL OPPORTUNITY OUTREACH & HUMAN RELATIONS CLIMATE

6.1. Purpose. Equal Opportunity Outreach and Human Relations Education in the Air Force is necessary because the Air Force reflects society's diversity, and the Air Force must effectively manage diversity in order to achieve mission success.

6.2. Out and About Program. The Out and About Program is an outreach process used to gather equal opportunity and human relations information that may impact installation personnel. The Installation Equal Opportunity Director is responsible for scheduling Out and About Assessments in coordination with unit leadership and ensures unit leadership receives a summary of observations following the assessment. **(T-1).** All Out and About Assessments will be documented by an Equal Opportunity Practitioner on AF Form 1271. **(T-1). Note:** Off-installation Out and About Assessments will be approved by the Installation Commander prior to conducting the assessment. **(T-3).** Assessments will not be conducted on the same unit or location within a 6-month period unless requested by unit leadership. **(T-3).**

6.2.1. Observations. The Out and About Assessment will focus on equal opportunity human relations, and organizational effectiveness factors that impact morale and mission readiness. **(T-1).** Information gathered throughout the assessment will be used as part of the overall Organizational Climate Assessment Program. **(T-1).**

6.2.2. Coordination. The number of Out and About Assessments is determined by the number of Equal Opportunity Practitioners assigned to the office. Each EO specialist is required to conduct at least 1 Out and About per month. **(T-1).** Example: If the EO office has 5 EO specialist assigned, a minimum of 5 Out and About visits must be conducted each month. To achieve maximum equal opportunity program effectiveness, the Installation Equal Opportunity Director will consult with external agencies as appropriate. **(T-3)**. Installation Equal Opportunity Directors will facilitate maximum utilization of Air Force Helping Agencies. **(T-3)**. Air Force Helping Agencies include but are not limited to: The Installation Staff Judge Advocate, Human Resource Office, Civilian Personnel Section, Airman and Family Readiness Centers, Health and Wellness Centers, Mental Health, Chaplain Corps, Installation Medical Facility, Employee Assistance Program, Public Affairs, SARC, Security Forces, Air Force Office of Special Investigations. Each ANG unit will be visited on an annual bases.

6.2.3. Data Gathering. Observations and discussions will focus on EO, human relations and organizational effectiveness factors that impact morale and mission readiness to include, but are not limited to:

6.2.3.1. Interpersonal communication/interaction/polarization (break rooms, work areas, recreation/entertainment facilities, etc.).

6.2.3.2. Accessibility to unit leadership.

6.2.3.3. Bulletin board and public display items (individual/group recognition, policy letters/posters, etc.).

6.2.3.4. Workplace conditions/environment.

6.2.3.5. Dormitory conditions/environment.

6.2.3.6. Graffiti.

6.2.3.7. Personal display of pictures, posters, artifacts, etc.

6.2.3.8. General impressions.

6.2.3.9. Such evaluations shall be performed on no less than three of the above effectiveness factors. **(T-1).**

6.3. Human Relations Education. The Military Personnel Section will schedule military personnel requiring equal opportunity training as part of in-processing within 60 calendar days of arrival. **(T-1). Note:** Within 2 regularly scheduled drills for Air Force Reserve Command personnel; The Civilian Personnel Section will schedule civilian personnel. **(T-3).** The Installation Equal Opportunity Office will provide the Military Personnel Section and the Civilian Personnel Section with class dates, times, and locations and will schedule all other training requirements directly with units or other organizations. **(T-1). Note:** The Installation Equal Opportunity Office will provide attendance rosters for civilians to the Civilian Personnel Section for inclusion in civilian personnel training records and management of absences or no-shows within 30 calendar days. **(T-1).** The Installation Equal Opportunity Office must collect and maintain critiques from Human Relations Education classes by class and keep on file in accordance with Air Force Records Information Management System Records Disposition Schedule. **(T-1).**

6.3.1. Instructors. Installation Equal Opportunity Directors ensure only Defense Equal Opportunity Management Institute-qualified Equal Opportunity Practitioners will conduct Human Relations Education. **(T-1).** Approval of the Installation Commander is required for all locally developed supplements to the Air Force Human Relations Education Program, as well as non-Air Force mandated lesson plans, handouts, and audiovisual materials. **(T-2).** Equal Opportunity Practitioners will develop and maintain personalized lesson plans tailored to the Air Force Equal Opportunity Program and initiatives, the Installation Commander's equal opportunity objectives, and the importance of equal opportunity and human relations in achieving mission excellence. **(T-1).** Installation Equal Opportunity Directors will approve all Human Relations Education lesson plans developed by Equal Opportunity Practitioners prior to implementation. **(T-1).** Installation Equal Opportunity Directors will use the Human Relations Education Evaluation Checklist to evaluate all Air Force approved Human Relations Education lesson plans for each individual Equal Opportunity Practitioner and maintain a copy of the last two evaluations on file. **(T-1).** The Installation Equal Opportunity Director will evaluate all Equal Opportunity Practitioners on an annual basis for each approved lesson plan to ensure each lesson plan meets desired objectives. **(T-1).**

6.3.2. Resources and Materials. The Installation Commander will approve all locally developed programs, to include lesson plans and any film or video used prior to implementation. **(T-1).**

6.3.3. Key Personnel Briefings. Within 30 calendar days of assuming command, Commanders (Installation, Group, and Squadron), First Sergeants, and Command Chief Master Sergeants will receive a Key Personnel Briefing from their respective Installation Equal Opportunity Director or designee. **(T-1).** The purpose of the brief is to provide information on the purpose and status of the Installation's Equal Opportunity Program, as

well as roles and responsibilities of senior leadership. **(T-1).** Installation Equal Opportunity Directors will convey the willingness of the Installation Equal Opportunity Office to support the overall unit and/or installation Human Relations Climate, and will inform senior leadership of problems that may affect member's behavior, health, duty performance, or mission accomplishment. **(T-1).** Outlines and additional guidance for Key Personnel Briefings are located in the Air Force Equal Opportunity. **Note**: For ANG, Key Personnel Briefs must be conducted within three RSDs of assumption of command. **(T-1).**

6.4. Installation Equal Opportunity Assessment Summary. The Installation Equal Opportunity Assessment Summary (IEOAS) provides Installation Commanders, Subordinate Unit Commanders, Tenant Unit Commanders, and the Command Chief Master Sergeant with a summary of the installation equal opportunity climate at least twice annually. Equal Opportunity Practitioners will evaluate equal opportunity-related data submitted from Security Forces, Inspector General, Chaplain, Military Personnel Section and other agencies for trend analysis, including Security Forces blotters. **(T-1).** The Installation Equal Opportunity Assessment Summary will identify and provide recommendations on equal opportunity and human relations issues that enhance or impact overall mission effectiveness and readiness of the installation. **(T-1).** The Installation Equal Opportunity Director will serve as an active member of the Community Action Team and report monthly on equal opportunity and human relations trends impacting mission readiness. **(T-1). Note:** Installation Equal Opportunity Assessment Summary is conducted annually for Air National Guard and Air Force Reserve Command units. **(T-1).**

6.4.1. Assessment Summary. The Installation Equal Opportunity Director will develop and present an Installation Equal Opportunity Assessment Summary at the Installation Community Action Board at least semiannually. **(T-1).** The assessment summary will focus on highlighting human relations factors that impact mission effectiveness as it pertains to the equal opportunity program and will consist of: an analysis of Defense Equal Opportunity Climate Survey data, analysis of military and civilian complaints, to include Commander Directed Investigations, Commander Worked Issues, Alternative Dispute Resolution, and Out and About's; any specialized training conducted at the request of the Installation Commander accomplished within the reporting period; other functional equal opportunity activities and Installation Equal Opportunity Office program areas. **(T-1).** The Installation Equal Opportunity Director will consult with the Installation Commander to determine what information is included in the summary and what level of analysis is desired by the Installation Commander to be presented to the Community Action Board. **(T-3).**

6.4.2. Findings. If the Installation Equal Opportunity Director determines a significant disparity and/or trend exists, he or she will provide the Installation Commander with actionable and/or strategic recommendations to address all areas of concern. **(T-1).** At the discretion of the Installation Commander, the Installation Equal Opportunity Director will call subsequent meeting with Community Action Team committee members to assess action plans recommended by the Installation Commander and/or Community Action Board committee members. **(T-3).** The Installation Commander is the approving authority for actionable and/or strategic recommendations and directs their implementation. The Installation Commander may task the committee to report data on a rotational or as needed basis. The Installation Equal Opportunity Office will maintain copies of the Installation Equal Opportunity Assessment Summary and Community Action Team/Community Action

Board committee minutes for comparison across reporting periods in accordance with Air Force Records Information Management System Records Disposition Schedule. **(T-1).**

6.5. Higher Headquarters Staff Assistance Visits. Staff Assistance Visits are conducted by pertinent oversight authorities per AFI 90-201, *The Air Force Inspection System,* as a service to the Installation Commander under the guidance and direction of AF/A1Q and AFPC/EO Operations. Only an organization's commander or above may request a Staff Assistance Visit. Staff Assistance Visit Team members represent the standards and values of Air Force equal opportunity.

6.5.1. Staff Assistance Visit (SAV) Preparation.

6.5.1.1. AFPC/EO Operations will establish a Staff Assistance Visit Lead as the single point of contact for all installation leadership. **(T-1).**

6.5.1.2. Staff Assistance Visit Leads will coordinate with AFPC/EO Operations to review Air Force Equal Opportunity Information Technology System data to identify ongoing issues and installation activity. **(T-1).**

6.5.1.3. Staff Assistance Visit Leads will coordinate and schedule Staff Assistance Visits with Installation Equal Opportunity Offices. **(T-1).**

6.5.1.4. Staff Assistance Visit Teams will utilize AFPC/EO Operations Standardized Equal Opportunity Self-Assessment Checklist. **(T-1).**

6.5.2. Conducting the SAV.

6.5.2.1. Ensure each checklist item is covered in discussion, files review, and/or both as necessary. Document the checklist with the comments, *in compliance, not in compliance* or *in compliance with comments*. This is not an inspection, but these determinations are intended to ensure the EO Program is in compliance for excellence in performance and execution, and in preparation for future official inspections.

6.5.2.2. Conduct a random sample of files to ascertain compliance or improvements (specific file review may be necessary if anomalies are discovered during the SAV preparation, or concerns shared by AF/A1Q or AFPC/EO Operations.

6.5.2.3. Conduct interviews with the following offices/personnel: EO Staff and director, local SJA office, local CPS, installation/center commander (director), and director of staff (if in chain). Interviews are conducted separately and cover items on the checklist, and other relevant matters as determined by the SAV team. Ensure all anomalies are explored with appropriate office(s). Reviews of EO office anomalies may require joint discussions with EO director and staff; remain open to opportunities to resolve any matters.

6.5.2.4. Staff Assistance Visit (SAV) teams should interview a randomly select number of unit commanders and first sergeants to get a good feel for the support they receive from the EO office (e.g., Commander Worked Issues, Defense Equal Opportunity Climate Survey, Out and About's, briefings, etc.).

6.5.2.5. Review relevant self-inspections or other reports that concern the EO office operations. Look for positive activity of the EO office (e.g., outreach, programs,

prevention initiatives, etc.). Solicit recommendations of EO staff for improvements. Collect appropriate documentation for inclusion in the report.

6.5.2.6. Clarify any SAV team questions or concerns encountered during the visit with AFPC/EO Operations. Be transparent with the EO director and staff to prevent surprises.

6.5.3. SAV Report.

6.5.3.1. Discuss SAV findings with EO director to provide opportunity to correct any noted deficiencies. Make an effort to balance the report with positive discoveries, or explain what the factors were that contributed to a negative discovery/finding. Give credit to efforts undertaken on the spot to correct, or in the planning stage of the EO office to correct.

6.5.3.2. Use the report template on the Air Force Equal Opportunity SharePoint® site. Attach relevant documents as determined by the SAV team. Attach the checklist with written comments for each area. Prepare the report in draft format and coordinate the draft report with AFPC/EO Operations prior to the SAV out-brief.

6.5.3.3. Ensure appropriate recommendations (coordinate with AFPC/EO Operations if questions arise). Indicate the final report will be published within 10 business days after the SAV out-brief. SAV team may provide a copy of the draft report to the EO director.

6.5.4. SAV Out-Brief.

6.5.4.1. Prior to SAV out-brief, meet with EO director and go over checklist comments (provide a copy in advance of discussion to maximize time in discussion). Engage in a positive dialogue and resolve disagreements to the extent practicable. Be open to suggested changes, however the SAV Team is responsible for the quality of the overall SAV.

6.5.4.2. At the conclusion of the SAV; provide an Out-Brief to the installation/center commander and others at CC invitation. Answer all questions and provide clarification on the spot. If in doubt, request clarification from AFPC/EO Operations.

6.5.4.3. Installation Equal Opportunity Offices will provide their respective MAJCOM Equal Opportunity Functional Manager and AFPC/EO Operations a monthly status report of any open action items identified in the Staff Assistance Visit Report. **(T-1).**

6.6. First Duty Station Training. Equal Opportunity Practitioners will provide First Duty Station Training to military members and Department of Defense civilian employees on their first permanent duty assignment within 60 duty days of arrival (AFRC/NGB 2 Unit Training Days). **(T-1).** First Duty Training provides foundational understanding of the Air Force Equal Opportunity Program. **Note:** All ANG members will receive one (1) hour of EO training every four (4) years. **(T-2).** Training must be conducted in person and class size should not exceed 75. **(T-1).**

6.7. Newcomer's Orientations. Equal Opportunity Practitioners will provide a Newcomer's Orientation to military members and Department of Defense civilian employees upon a second or subsequent permanent change of station within 60 duty days of arrival (AFRC/NGB 2 Unit Training Days). **(T-1).** Newcomer Orientations serve as a refresher on the foundation of policies, unlawful discrimination, harassment, sexual harassment, complaint processes, and roles and responsibilities.

6.8. Sexual Harassment Awareness Education. Equal Opportunity Practitioners will provide Sexual Harassment Awareness Education to all military members and Department of Defense civilian employees as requested. **(T-1).** The objective of this training is to ensure service members understand how sexual harassment impacts mission readiness, and are able to define and identify sexual harassment.

6.9. United States Air Force Academy Cadet Training. A Defense Equal Opportunity Management Institute certified Equal Opportunity Practitioners will conduct training for the United States Air Force Academy Cadets within 30 duty days of assignment to the United States Air Force Academy, focused on effective communication, diversity, equal opportunity, healthy relationships, and sexual assault/violence and prevention. **(T-2).**

Chapter 7

DEFENSE EQUAL OPPORTUNITY CLIMATE SURVEY

7.1. Defense Equal Opportunity Climate Survey. The Defense Equal Opportunity Climate Survey (DEOCS) is a confidential, command-required organization development survey focused on issues of organizational effectiveness, equal opportunity, and sexual assault response and prevention. The Defense Equal Opportunity Climate Survey program is managed and administered by the Defense Equal Opportunity Management Institute.

7.2. Purpose. The purpose of the Defense Equal Opportunity Climate Surveys is to assist unit commanders at all levels in assessing their unit's Human Relations Climate and to make recommendations for improvement. The objective of the Defense Equal Opportunity Climate Survey is to provide unit commander's insight into positive and negative factors that may impact unit effectiveness and the unit's Human Relations Climate. **Note:** Defense Equal Opportunity Climate Surveys are not to be used as an investigative tool in assessing or clarifying other reported incidents or allegations.

7.3. Assessment Cycles. Commanders at all levels are responsible and accountable for their command climate and will adhere to guidelines and mandates listed in support of the Secretary of Defense directed measures to enhance commander accountability and the National Defense Authorization Act. **(T-0).** Commanders will conduct a Defense Equal Opportunity Climate Survey within 120 calendar days of assuming command, and every 12 months thereafter for units of 50 personnel or more. **(T-0).** Commanders may delay the start of their initial or annual assessment for up to 60 calendar days for mission-related factors with an exception to policy approved memorandum from the Installation Commander. The memorandum must include a get-well date and will be filed and maintained by the Installation Equal Opportunity Office. **(T-1).** Exception to policy requests for delays exceeding 60 calendar days must be signed by the Installation Commander and elevated for review to the MAJCOM EO Functional Manager and approval to the MAJCOM A1. **(T-1).** A copy of the approvals must also be sent to AFPC/EO Operations. **(T-1).** No organization or subordinate organization will conduct more than one Defense Equal Opportunity Climate Survey annually, unless there is a change of command, or approved exception to policy on file. **(T-3).** Units with fewer than 50 personnel are exempt from conducting assessments within 120 days of change of command, but are not exempt from the annual assessment requirement. Out of cycle Defense Equal Opportunity Climate Survey requests will not be granted. **(T-2).** Defense Equal Opportunity Climate Surveys are not required in deployed environments however, deployed commanders who wish to conduct an assessment must work through their serving Installation Equal Opportunity Office. **(T-1). Note:** Air National Guard Commanders will conduct an assessment within 180 calendar days of assumption of command and every 24 months thereafter. **(T-1).**

7.3.1. Applicability**.** The Defense Equal Opportunity Climate Survey applies to military and civilian personnel. Units with 50 or fewer personnel will be surveyed in conjunction with another unit to ensure anonymity. **(T-0).** Other units may include MAJCOM staff, group staff, wing staff, center staff and Non-Appropriated Fund staff. Units surveyed in conjunction with another unit will be submitted as a sub-group of the Defense Equal Opportunity Climate Survey. **(T-1).** Units with fewer than 16 personnel must conduct a climate assessment via focus groups and interviews. **(T-1).** Contractor employees will not be included in the

Defense Equal Opportunity Climate Survey. **(T-1).** Unit commanders who wish to survey contractor employees must work through the appropriate contracting officer to develop an alternate survey method. **(T-1).** Air Force Academy Cadets and Prep School Candidates will utilize the Military Academy Organization Climate Survey (MAOCS). **(T-1).** Procedures for administration of climate assessments at United States Air Force Academy are located on the Air Force Equal Opportunity SharePoint® site. Commanders will coordinate a memorandum with the Chief of the Civilian Personnel Section, Union Representatives, and Non-Appropriated Fund-Human Resources prior to beginning a Defense Equal Opportunity Climate Survey for each unit assessed, requesting inclusion of direct hire local/host nationals and civilian employees, when those in a bargaining unit may be affected. **(T-1).** Indirect hire employees are non-U.S. Citizens hired in a foreign area under the terms of an agreement between the host country and the United States. **Note:** The United States may have treaty or other obligations that preclude these indirect employees from participating in the Defense Equal Opportunity Climate Survey, but that must be resolved on a country by country basis. Such an analysis regarding indirect hires is best completed locally. Once completed, and assuming there are no treaty or other obligations precluding participation, then indirect hires in the employment of the Air Force are able to participate in the Defense Equal Opportunity Climate Survey effort.

7.4. Administration. Organizational climate assessments are conducted as prescribed in this chapter and using only the Air Force approved Defense Equal Opportunity Climate Survey. **(T-1).** No other survey instrument is authorized. The Installation Equal Opportunity Office is the single point of contact for Air Force organizational climate assessments and will administer, monitor, and track compliance of organizational assessments. **(T-1).** The Installation Equal Opportunity Office will notify applicable commanders of their upcoming Defense Equal Opportunity Climate Survey assessments no later than 60 calendar days prior to the required organizational assessment climate month. **(T-1).** All actions associated with administering the Defense Equal Opportunity Climate Survey will be recorded by the Installation Equal Opportunity Office on AF Form 1271. **(T-1).** For complete instructions regarding administration of the Defense Equal Opportunity Climate Survey, see the Defense Equal Opportunity Management Institute Website.

7.5. Out-Brief. An out-brief is required once the Defense Equal Opportunity Management Institute-generated survey report and the unit historical trend data have been analyzed and evaluated. Out-brief requirements apply to all Defense Equal Opportunity Climate Survey assessments regardless of method of administration. **(T-1).** The out-brief will contain a summary of the Defense Equal Opportunity Management Institute-generated survey report, comments collected from the survey, relevant trend data and comments made during focus groups and/or interviews if applicable. **(T-1).** Determine which activities in the unit are critical to mission accomplishment and what conditions hinder or help to accomplish those activities. **(T-1).** Consider how the success or failure of critical unit activities may impact on unit effectiveness. **(T-1).** Consider the impact on the unit's effectiveness of resolving potential issues, such as: unit cohesion, fair treatment, unlawful discrimination, sexual harassment, interpersonal relationships, managerial concerns, channels of communications, and morale. **(T-1).** Accurately describe the potential mission impact, as a result of adverse conditions identified within the Defense Equal Opportunity Climate Survey report. **(T-1).** Ensure all relevant data has been assembled. **(T-1).** Present relevant positive and negative findings to provide a

balanced approach. **(T-1).** Be prepared to conduct additional research into special interest issues if requested by the commander. **(T-1).** Be straightforward and direct. Avoid condescending, defensive, or apologetic behavior. Discuss recommendations and strategies for problem resolution. **(T-1).** Offer follow-up services to help resolve EO or managerial related problems. **(T-1).** Inform the commander of DEOMI's Assessment to Solutions (A2S website), designed to support leaders and equal opportunity professionals by providing tools and products designed to address the mission-impacting issues that were identified during the survey. **(T-1). Note**: ANG shall maintain the last three reports for trend analysis and continuity. **(T-1).**

7.5.1. Out-Brief Guidelines. Report accurately and clearly the information gathered during the assessment. **(T-1).** When preparing the out-brief it is essential to stress the mission of the unit. **(T-1).**

7.5.2. Avoid the tendency to concentrate on negative issues surfaced within the report. One-sided doom and gloom out-brief lose credibility. Unit commanders, supervisors, and subordinates need to have positive feedback; examine and report areas of satisfaction.

7.5.3. Distinction Between Facts and Opinions. Use word phrases to clearly show the origin of opinions. **(T-1).** Example: Opinions solicited from female personnel reflects the following.

7.5.4. Span of Response. When stating an opinion of a particular demographic group, provide the span of response; this helps the unit commander grasp the significance of the matter under discussion. **(T-1). Example:** Of the 27 Caucasian personnel assigned, ten (37 percent) appeared to experience problems working with career development course materials.

7.5.5. Use of Absolutes. Terms such as "always," "never," "best," "worst," provide no room for error, and must be avoided whenever possible. When one of these terms must be used to provide accurate information, the source should be clearly specified. **(T-1). Example**: Five members of the Propulsion Branch stated "the chain of command always..."

7.6. Defense Equal Opportunity Climate Survey Report. The Installation Equal Opportunity Office will brief the final report to the appropriate level Commander. **(T-1).** Defense Equal Opportunity Climate Survey Reports are reviewed, analyzed, downloaded, and maintained for a period of 4 years by the Installation Equal Opportunity Office. Commanders will brief Defense Equal Opportunity Climate Survey results to their next higher commander within 30 calendar days (2 RSDs) and unit members within 60 calendar days (2 RSDs) of receipt of the report. **(T-1).** The next higher commander has the authority to waive the brief and review only the Defense Equal Opportunity Climate Survey Report. Commanders will report the date unit members were briefed to the Installation Equal Opportunity Office within 3 calendar days of conducting the brief. **(T-1).** The Installation Equal Opportunity Office will forward only relevant portions of the Defense Equal Opportunity Climate Survey Report to the SARC within 3 calendar days of receipt of the report. **(T-1). Note:** The assessment process is considered closed when the commander briefs the Defense Equal Opportunity Climate Survey Report to unit members, which initiates the start of the next annual Defense Equal Opportunity Climate Survey requirement.

7.7. Access to Information. The Defense Equal Opportunity Management Institute generated survey report and any reports derived from analyzing the organizational climate are controlled working documents. These documents must be marked "FOR OFFICIAL USE ONLY." **(T-0).**

As the records custodian for Defense Equal Opportunity Climate Survey reports, the respective Installation Equal Opportunity Office will be responsible for ensuring Freedom of Information Act, intra-agency (internal to the Air Force), and higher headquarters (to include external agencies) requests are processed in accordance with DoDD 5400.07, *DoD Freedom of Information Act (FOIA) Program*, Department of Defense Manual (DoDM) 5200.01, Volume 4, Enclosure 3, *DoD Information Security Program: Controlled Classified Information* and DODI 7650.01, *Government Accountability Office (GAO) and Comptroller General Requests for Access to Records*. **(T-0).** DEOCS reports are only released to the surveyed unit commander and their immediate commander. **(T-0).** The EO Director will collaborate with the Violence Prevention Integrator (VPI) and the Community Support Coordinator (CSC) during the Community Action Team (CAT) meetings ensuring that the Installation Equal Opportunity Assessment Summary highlights pertinent EO human relations factors/trends from the DEOCS that may have a potential impact on mission effectiveness and unit cohesion. **(T-0). DEOCS Note:** Do not include any classified material in the report.

7.7.1. **Freedom of Information Act (FOIA) Requests.** Defense Equal Opportunity Climate Survey reports are subject to the Freedom of Information Act. Any request for release or denial of the Defense Equal Opportunity Climate Survey reports must adhere to the requirements enumerated in DoDD 5400.07. **(T-0).** The Privacy Act does not apply to Defense Equal Opportunity Climate Survey reports.

7.7.2. **For Official Use Only Information.** Requests for Defense Equal Opportunity Climate Survey reports by intra-agencies (internal to the Air Force) or designated officials and external agencies do not require Freedom of Information Act requests and will be released by the Installation Equal Opportunity Office or AF/A1Q if such requests are in support of a lawful and authorized government purpose **(T-1).** However, the request will be executed in accordance with DoDM 5200.01, Volume 4, Enclosure 3, Paragraph 2(d)(2)(3). **(T-0).** Designated officials and intra-agencies requesting access to Defense Equal Opportunity Climate Survey reports must submit a formal memorandum justifying the purpose for the request and how it will be used. **(T-1).** This request will be maintained by the Installation Equal Opportunity Office, in accordance with Air Force Records Information Management System Records Disposition System. **(T-1). Note:** Equal Opportunity Practitioners must notify the respective commander(s) associated with the requested report that a request for report has been made, and that the Installation Equal Opportunity Office is obligated to comply with or deny the request. **(T-1).**

Chapter 8

CAREER FIELD MANAGEMENT AND TRAINING

8.1. Leadership and Command Responsibilities for Career Field Training. AF/A1 ensures adequate resources and training are available to effectively execute the Air Force Equal Opportunity Program. AF/A1Q develops formal training plans for Equal Opportunity Practitioners, Special Emphasis Program Managers and Affirmative Employment Program Managers and ensures appropriate initial skills training. AF/A1Q develops recommendations to enhance the training and advancement opportunities of all Airmen. Commanders at all levels of the organization ensure training is considered in employment decisions and other personnel management actions for Airmen under their command. AFPC/EO Operations coordinates and reviews all changes to professional military education courses, objectives, materials, and programs as they pertain to equal opportunity and Human Relations Education objectives. The Equal Opportunity Career Field Manager ensures all Equal Opportunity Practitioners receive equal opportunity training mandated by law, statute, Department of Defense policy, and Air Force policy. The Equal Opportunity Career Field Manager determines other training requirements and requests according to the Education and Training Course Announcement.

8.1.1. **Accessibility of Training.** Installation and MAJCOM Disability Program Manager coordinate with training officials to ensure that trainings and meetings are scheduled and located in facilities or areas with sufficient access and provide other accommodations for individuals with disabilities (e.g., interpreters, electronic accommodations, alternative forms of materials). **(T-1).** The requirement to provide reasonable accommodation in training applies to all Air Force sponsored or required training performed in house or by an outside contractor, whether provided on or off Air Force property. **(T-1).** If the training is performed off Air Force property, the Air Force will establish a joint legal obligation with the outside entity to provide reasonable accommodations. **(T-1).** The Civilian Training Office will process and arrange reasonable accommodation requests for training requirements, including travel. **(T-1).**

8.1.2. **Defense Equal Opportunity Management Institute.** AF/A1Q serves as the Air Force service representative and liaison to the Defense Equal Opportunity Management Institute. AFPC/EO Operations schedules all Defense Equal Opportunity Management Institute training for enlisted personnel and civilian employees and is the sole source for programming and scheduling all Air Force Equal Opportunity Functional Training conducted at the Defense Equal Opportunity Management Institute. The Equal Opportunity Career Field Manager provides central oversight for Equal Opportunity Career Field education and training in coordination with the Defense Equal Opportunity Management Institute and AFPC/EO Operations, to include enlisted training quotas and review and coordination of enlisted members nominated for assignment to the Defense Equal Opportunity Management Institute. **Note:** Air National Guard personnel are approved through the Air National Guard Readiness Center Equal Opportunity Directorate Program Manager.

8.2. Equal Opportunity Practitioners.

8.2.1. Recruitment. The Equal Opportunity Career Field Manager establishes the grade requirement and other prerequisites for retraining into the Equal Opportunity Career Field, per AFI 36-2101, SARCs, Alternate SARCs, or Victim Advocates will not serve as Equal Opportunity Practitioners, or Equal Opportunity Practitioners at the MAJCOM or Installation level. **(T-1).** The Installation Equal Opportunity Director will recruit military personnel in the rank of Staff Sergeant or above to retrain into the Equal Opportunity Career Field, and will serve as the initial interviewing agent for retraining applicants. **(T-1).** The Installation Equal Opportunity Director will review the retraining applicant's documentation provided by AFPC to ensure the retraining applicant meets minimum requirements outlined in the *Air Force Enlisted Classification Directory and* comply with procedures documented in AFI 36-2626, *Airman Retraining Program.* The retraining applicant will provide the Installation Equal Opportunity Director with a memorandum stating their reasons for wanting to retrain into the Equal Opportunity Career Field. **(T-1).** The Installation Equal Opportunity Director will brief all retraining applicants on the Air Force Equal Opportunity Program, Equal Opportunity Practitioner responsibilities, and Equal Opportunity Career Field promotion opportunities. **(T-1).** The Equal Opportunity Career Field Manager approves all retraining waiver requests. **Note:** Air National Guard retraining waivers are approved through ANGRC/EO office.

8.2.2. **Requirements.** Retraining applicants must possess strong interpersonal communication skills and wish to serve in the Equal Opportunity Career Field to meet the needs of the Air Force and the Air Force Equal Opportunity Program. All retraining applicants will undergo a 15 duty day (4 RSDs for AFRC personnel and ANG personnel interview for the position) observation period conducted and documented by the Installation Equal Opportunity Director utilizing the AFPC/EO Operations Retraining Requirements Checklist to evaluate the retraining applicant's suitability for the career field. **(T-1).** The Installation Equal Opportunity Director will provide the retraining applicant with a recommendation letter summarizing their findings regarding the retraining applicant's suitability for the career field at the conclusion of the observation period. **(T-1).** A complete list of elements required in the recommendation letter is included in the Air Force Equal Opportunity. Complete and document an observation period for all applicants under consideration for retraining on AF Form 1271 as an EO General Assistance. **(T-1).** The EO CFM will conduct a final review and either approve or disapprove the retraining application and coordinate with AFPC retrain staff and AETC to ensure approved applicants are scheduled for DEOMI. **(T-1). Note:** Only the Equal Opportunity Career Field Manager may approve waivers for the observation period.

8.2.2.1. Initial Entry Training. Enlisted retraining applicants and full-time civilian employees assigned as new Equal Opportunity Practitioners will attend the Equal Opportunity Advisor Course at the Defense Equal Opportunity Management Institute within 6 months of assignment. **(T-1).** Civilian personnel converting to Air Force from another military service or federal agency will attend the Equal Opportunity Advisor Course. **(T-1).** Former Air Force military members who have retired or separated from RegAF and have been out of the Equal Opportunity Career Field for more than 5 years will attend the Equal Opportunity Advisor Course. **(T-1).** Former military members (non-Air Force) who have retired or separated from RegAF and have been out of the Equal

Opportunity Career Field for more than 3 years will attend the Equal Opportunity Advisor Course; if members have been out for less than 3 years the member will complete the DEOMI 32-Hour Equal Opportunity Counselors Course (if required), the DEOMI Mediation Course (if required), and complete the Air Force Service Specific training through installation in-house training. **(T-1).** Waivers for Equal Opportunity Practitioners with prior service or agency experience may be requested for review on a case-by-case basis by AF/A1Q. **(T-1).** Second Lieutenants may only attend this course when an Installation Commander and the Career Field Manager for Personnel Officers (AFPC/DPAOS) or ANGRC/EO Program Manager, in the case of Air National Guard personnel, approve a waiver request. **(T-1).** The Equal Opportunity Career Field Manager is responsible to ensure all enlisted members and full-time civilian employees who perform duties as Equal Opportunity Practitioners complete the Defense Equal Opportunity Management Institute Equal Opportunity Advisor Course. Equal Opportunity Practitioners must be proficient in the current Air Force Equal Opportunity Information Technology System. The Air Force Equal Opportunity Information Technology System training provides the necessary skills required for case management and fulfillment of Defense Equal Opportunity Climate Survey requirements by Equal Opportunity Practitioners.

8.2.2.2. Recurring and Refresher Training. Equal Opportunity Practitioners must undergo a minimum of 8-hours of equal employment opportunity refresher training per year. **(T-1).** The purpose of this refresher training requirement is to keep EEO Practitioners informed of developments in EEO practice, law, and guidance, as well as to enhance and develop their counseling skills. Installation Equal Opportunity Directors are responsible for ensuring their Equal Opportunity Practitioners receive annual refresher training. MAJCOM Equal Opportunity Functional Managers submit and coordinate annual training requirements for Equal Opportunity Practitioners and are responsible to ensure installations meet annual refresher training requirements.

8.2.3. Instructor Certification Program. The Instructor Certification Course is designed for Equal Opportunity Practitioners who are required to instruct as part of their duties. The primary use is for part time instructors teaching or developing curriculum in addition to their normal duties within their career fields.

8.2.3.1. Collateral-Duty Equal Opportunity Practitioners. Collateral-Duty Equal Opportunity Practitioners will conduct only civilian equal employment opportunity complaint processing and non-Alternative Dispute Resolution services; these services will be executed in the manner prescribed for full-time Equal Opportunity Practitioners throughout this instruction. **(T-1).** Collateral-Duty Equal Opportunity Practitioners will promptly refer individuals who require assistance outside of these areas (e.g., military equal opportunity complaint processing) to the appropriate full-time Equal Opportunity Practitioner, Negotiation and Dispute Resolution Manager, or Installation Equal Opportunity Director. **(T-1).** The Installation Equal Opportunity Director is responsible to ensure sufficient caseload to effectively utilize Collateral-Duty Equal Opportunity Practitioners. The Installation Equal Opportunity Director will coordinate with the Collateral-Duty Equal Opportunity Practitioner's supervisor to ensure those job duties are correctly reflected in the Equal Opportunity Practitioner's primary Position Description. **(T-1).** Collateral-Duty Equal Opportunity Practitioners will attend the 32-hour Air Force-

specific Equal Opportunity Advisor Course at the Defense Equal Opportunity Management Institute within 6 months of assignment. **(T-1).**

8.2.3.2. Misconduct. Provided any Equal Opportunity Practitioner is involved in misconduct, inappropriate behavior, substandard performance, or does not meet qualification standards, consideration will be given for the removal of the practitioner's Air Force Specialty Code or Occupational Series in accordance with AFI 36-2101 and AFI 36-703, *Civilian Conduct and Responsibility*, respectively. **(T-1).** The Equal Opportunity Career Field Manager is the authority for withdrawing a member's Air Force Specialty Code or Occupational Series.

8.2.4. Impartiality. Individuals assigned to Installation Equal Opportunity Office will not serve as SARCs, alternate SARCs, or victim advocates. **(T-1).** Equal Opportunity Practitioners actively involved in the processing of civilian equal employment opportunity or military equal opportunity complaints, to include Alternative Dispute Resolution and serving as a Subject Matter Expert for a Commander Directed Investigation or Commander Worked Issue, will not serve as Affirmative Employment Program Managers or Special Emphasis Program Managers. **(T-1).**

8.3. Installation Equal Opportunity Directors. Installation Commanders appoint Installation Equal Opportunity Directors (of minimum grade GS-12, E-7 or O-3) in writing, and ensure an adequate number of properly trained Equal Opportunity Practitioners are available to manage the installation workload. **(T-1).** Installation Equal Opportunity Directors will not be assigned to the Civilian Personnel Section, as an Installation Staff Judge Advocate, to the Office of Inspector General, or as Director of Staff. **(T-1).** Installation Equal Opportunity Directors will establish an intra-office training program along with a Master Training Plan to ensure completion of all work center duty position requirements. **(T-1).** The Master Training Plan must include the Master Task List, current Career Field Education and Training Plan, locally developed AF Form 797, *Job Qualification Standard Continuation/Command* if applicable, and milestones for tasks and Career Development Course completion in accordance with AFI 36-2651, *Air Force Training Program*, See Air Force Equal Opportunity SharePoint® site for example. **(T-1).**

8.4. Negotiation and Dispute Resolution Managers and Alternative Dispute Resolution Practitioners. Air Force Alternative Dispute Resolution Practitioners on active rosters must undergo a minimum of 8-hours of mediation refresher training per year, including at least 1-hour each of training in standards of conduct, confidentiality, and drafting settlement agreements. Installation Negotiation and Dispute Resolution Program Managers are responsible for ensuring their Alternative Dispute Resolution Practitioners receive annual refresher training. **(T-1).** MAJCOM Equal Opportunity Functional Managers submit and coordinate annual Alternative Dispute Resolution training requirements for Equal Opportunity Practitioners and are responsible to ensure installations annual refresher training requirements.

8.5. Affirmative Employment Program Managers and Special Emphasis Program Managers. Newly designated Affirmative Employment Program Managers and Special Emphasis Program Managers will attend the Defense Equal Opportunity Management Institute Special Emphasis Program Managers Course. **(T-1).** This requirement may be waived if the Affirmative Employment Program Manager has attended within the last 5 years. In order to be effective, formal training for newly designated Affirmative Employment Program Managers and Special Emphasis Program Managers should be arranged immediately upon selection. These

courses are typically centrally funded. It is highly recommended that Affirmative Employment Program Managers and Special Emphasis Program Managers attend additional training to expand their expertise in Affirmative Employment Program and Special Emphasis Program concepts. Other training may be provided through formal classroom instruction and on the job training in Human Resources and Equal Opportunity operations. Various local, regional and national conferences provide additional training sources and are often sponsored by federal agencies, affinity groups and organizations. **(T-1).** If funding is available and training is job related, attendance at these conferences will be locally/unit funded. Membership in these organizations is encouraged and usually provides current information on related programs, issues, and concerns. Membership fees will be paid by the Affirmative Employment Program Manager or Special Emphasis Program Manager, not the Air Force. The Department of Defense hosts an employment forum at select national conferences. These forums provide valuable information on civilian personnel issues; attendees are provided a unique opportunity to hear perspectives of senior level Department of Defense officials and policy experts, receive information on national legislative issues affecting Department of Defense employees, and learn of model equal employment opportunity programs and key initiatives. Special Emphasis Program Managers will develop and conduct installation training and/or share training or conference information with other Special Emphasis Program Managers, Special Emphasis Program Committees, and interested installation personnel. **(T-1).**

8.5.1. Disability Program Managers will attend the Defense Equal Opportunity Management Institute Disability Program Manager's Course; Affirmative Employment Program Managers and other Special Emphasis Program Managers are also highly encouraged to attend. **(T-1).**

8.5.2. AFPC/EO Operations manages Air Force allocations for the Defense Equal Opportunity Management Institute Disability Program Manager Course and Special Emphasis Program Managers Course classes. AFPC/DP3 coordinates with AF/A1Q to develop and present Air Force-specific training during the Disability Program Manager Course and Special Emphasis Program Managers Course at the Defense Equal Opportunity Management Institute.

8.6. Air Force Barrier Analysis Working Group and Installation Barrier Analysis Working Group Training. Members of the Air Force Barrier Analysis Working Group (DAFBAWG) are expected to attend and members of Installation Barrier Analysis Working Groups (IBAWGs) are highly encouraged to attend barrier analysis training offered by the Air Force Equal Opportunity Office (AF/A1Q), the DAFBAWG Executive Committee, the Defense Equal Opportunity Management Institute, the Equal Employment Opportunity Commission, or other federal agencies.

8.7. Biennial World Wide Functional Training Workshops. AF/A1Q convenes biennial Equal Opportunity World Wide Functional Training Workshops, attends conferences and other professional forums addressing equal opportunity issues, and determines Air Force representation at these events. Equal Opportunity Practitioners at any organizational level may serve as presenters for Equal Opportunity World Wide Functional Training Workshops and other professional workshops as requested. AFPC/EO Operations supports biennial Equal Opportunity World Wide Functional Training Workshops and attends conferences and other professional forums that address equal opportunity issues to increase professional development of Air Force personnel. MAJCOM/A1s are responsible for marketing, supporting, and attending Department

of Defense and Air Force training programs held in conjunction with various national training conferences.

8.8. Human Relations Education Training. Human Relations Education is mandatory for pre-commissioning programs, initial entry training, and all levels of Professional Military Education, General Officers, and Senior Executive Service personnel. Training programs will include comprehensive material on the following: leadership roles and responsibilities for the Air Force Equal Opportunity Program, unlawful discrimination and harassment, military and civilian complaint processing, legal issues, reprisal/retaliation prevention and detection, climate assessment methodologies, and equal employment opportunity systems. **(T-1).**

8.9. Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) Training. No FEAR Act training development is the responsibility of AF/A1Q to implement in accordance with 5 CFR § 724.203. Advanced Distributed Learning Services is the primary source for No FEAR Act Training. AFPC/EO Operations will implement training and track the number of individuals trained on biannual basis. **(T-1).** Installation Equal Opportunity Offices will ensure the installation's workforce is trained at least every 2 years and will train new employees as part of its orientation program within 90 calendar days of the appointment. **(T-1).** Installation Equal Opportunity Offices will track the number of individuals trained and report statistics to AFPC/EO Operations. **(T-1).** Installation Equal Opportunity Directors will disseminate information about mandatory No FEAR Act Training to servicing personnel. The Installation Equal Opportunity Director will coordinate with the servicing Labor Relations Officer before requiring bargaining unit employees to complete training. **(T-1).** Additionally, the Installation Equal Opportunity Director will ensure the No FEAR Act Training briefing is conducted for employees without Advanced Distributed Learning Services accounts and/or computer access. **(T-1).**

Chapter 9

AFFIRMATIVE EMPLOYMENT PROGRAM (NOT APPLICABLE TO ANG)

9.1. Purpose. The Affirmative Employment Program is implemented to ensure equal opportunity in all personnel administration and management matters throughout the employment life cycle, including recruitment, outreach, hiring, retention, training, development, promotions, awards, and separations. The Affirmative Employment Program focuses on identifying and eliminating discriminatory policies, practices, and procedures. The Affirmative Employment Program strives to ensure the Air Force is proactively recruiting, hiring, promoting, and retaining a diverse and inclusive workforce. The Affirmative Employment Program encompasses the Special Emphasis Programs outlined in Section **11** of this instruction. Additionally, Personal Assistance Services are governed through the Affirmative Employment Program as separate and distinct to reasonable accommodation.

9.2. Affirmative Employment Program Oversight. Responsibility for Affirmative Employment Program and Special Emphasis Program policy oversight rests with AF/A1Q. Coordinating responsibility for Affirmative Employment Program and Special Emphasis Program policy rests with AF/A1C. Affirmative Employment Programs and Special Emphasis Programs must function in accordance with this instruction and regulatory guidance and be resourced with appropriately qualified personnel and funding. **(T-0).** The Affirmative Employment Program obligation derives from Section 717 of Title VII of the Civil Rights Act, Section 501 of the Rehabilitation Act and the Equal Employment Opportunity Commission Management Directive 715 (MD-715).

9.3. Functional Location of the Affirmative Employment Program. At the USAF HQ level, the Affirmative Employment Program function rests with AF/A1Q under the purview of the Affirmative Employment Program Manager. Each MAJCOM should have a full-time MAJCOM Affirmative Employment Program Manager who is responsible for coordinating the activities of each Installation Affirmative Employment Program Manager. The Affirmative Employment Program function and Affirmative Employment Program Managers will be functionally aligned to the Installation Civilian Personnel Section at the Installation level. **(T-1).**

9.3.1. Although execution of the Affirmative Employment Program rests with various levels of the organization, responsibility for accomplishment of program objectives rests with all levels of Air Force leadership. Recruitment mechanisms for achieving Affirmative Employment Program objectives are primarily located within the Air Force Personnel Center.

9.3.2. The Installation Affirmative Employment Program Manager is inherently responsible for advocacy functions in administering the Affirmative Employment Program. Affirmative Employment Program and Special Emphasis Program functions will be separate and distinct from equal opportunity complaint processing functions in accordance with federal law. **(T-0).** Consistent with *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual* regarding impartiality of Equal Opportunity Officials both in practice and appearance, Equal Opportunity Officials (e.g., Equal Opportunity Practitioners, Investigators, Negotiation and Dispute Resolution Program Managers, and Directors) that are actively involved in equal opportunity complaint resolution will not serve as Affirmative Employment Program Managers, as it is inconsistent with their

neutral role(s). **(T-0).** In the event the Affirmative Employment Program Manager is contacted regarding a possible complaint of discrimination, the Affirmative Employment Program Manager will immediately refer the individual to an Equal Opportunity Practitioner. **(T-1).** Installation commanders aligning the Affirmative Employment Program to the Equal Opportunity Office must provide written notification to AF/A1Q, to include the Affirmative Employment Program Manager contact information for that location. **(T-1).**

9.4. Installation Affirmative Employment Program Manager. The Installation Affirmative Employment Program Manager will develop action plans, implement, and manage the installation's Affirmative Employment Program and the six Special Emphasis Programs identified in **Chapter 11** of this instruction. **(T-1).**

9.4.1. The Installation Affirmative Employment Program Manager will work with appropriate offices, including the Civilian Personnel Section and the Installation Equal Opportunity Offices and the Community Action Team to advise the commander, managers, and supervisors on the proactive steps being taken to ensure equal employment opportunity for all employees and applicants for employment, by regularly evaluating employment practices to identify and eliminate barriers that hamper the advancement of any individual on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, or reprisal, as appropriate. **(T-2).**

9.4.2. Develop and evaluate the Affirmative Employment Program and Special Emphasis Program goals and objectives for strategic planning and long-range implementation. **(T-1).**

9.4.3. In conjunction with the Special Emphasis Program Managers, Civilian Personnel Section, the Installation Equal Opportunity Office, and functional managers, serve as the responsible official in preparation of the Management Directive-715 report. **(T-1).**

9.4.4. Conduct comprehensive analysis of affirmative employment efforts to include workforce composition, outreach recruiting, selections, promotions, performance, employee development, discipline, and awards/recognition. **(T-1).**

9.4.5. Serve as the Installation Barrier Analysis Working Group Chairperson as required by **paragraph 10.2.2** **(T-1).** The Installation Affirmative Employment Program Manager will advise management officials of triggers or barriers identified and provide recommendations on corrective actions. **(T-1).**

9.4.6. Prepare and present briefings in both informal and formal settings to senior leadership and other management personnel. **(T-1).**

9.4.7. Provide advice, technical oversight and guidance to all Special Emphasis Program Managers and input to the Special Emphasis Program Managers supervisor on the execution of the Special Emphasis Program Manager duties. **(T-2).**

9.4.8. Recommend whether Special Emphasis Program Managers should be appointed on a full-time or collateral duty basis, which constitutes at least 20 percent of assigned duty time. **(T-2).** The Installation Affirmative Employment Program Manager will ensure size and composition of the workforce is factored into the decision if Special Emphasis Program Managers are full time or collateral duty. **(T-2).**

9.4.9. If a Special Emphasis Program Manager appointment is designated as a collateral duty, ensure that the supervisor or an appropriate management official endorses and approves the assignment of collateral duties. **(T-2).**

9.4.10. Forward recommended Special Emphasis Program Manager selectees to the installation commander for appointment. **(T-2).**

9.4.11. Establish partnerships with relevant community and affinity groups to discuss Affirmative Employment Program and Special Emphasis Program issues. **(T-2).**

9.5. Affirmative Employment Program Award. The Affirmative Employment Program Award recognizes civilian personnel and military members performing Special Emphasis Program Manager duties, and commanders for their significant contributions to further Affirmative Employment Program objectives. Senior leaders are highly encouraged to recognize individuals who meet the criteria for the award; providing visibility to, and publicly/formally displaying support for the Affirmative Employment Program. The Affirmative Employment Program Award is listed in the A1 Awards Program Guide under A1 Community Awards.

Chapter 10

BARRIER ANALYSIS OBLIGATION (NOT APPLICABLE TO ANG)

10.1. Establishing a Model Equal Employment Opportunity Program. The Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964, as amended and Section 501 of the Rehabilitation Act of 1973, as amended. The Directive also sets forth general reporting requirements and requires federal agencies to take proactive steps to ensure equal employment opportunity for all employees and applicants for employment. Attainment of a model equal employment opportunity (EEO) program provides the Air Force with the necessary foundation for achieving a discrimination-free work environment, characterized by an atmosphere of inclusion and free and open competition. The MD-715 identifies the six essential elements for structuring model EEO programs. The six essential elements of a model agency EEO program are: Demonstrated Commitment from agency leadership, Integration of EEO into the agency's strategic mission, Management and Program accountability, Proactive Prevention of unlawful discrimination, Efficiency, and Responsiveness and Legal Compliance. The Air Force Equal Opportunity Office (A1Q) will regularly assess its EO programs, policies, procedures and practices to identify where the Air Force's EO Program can become more effective. **(T-0).** Where barriers are identified, the Air Force must take measures to eliminate them where appropriate and possible. **(T-0). Note:** Some barriers are necessary for mission accomplishment and/or safety and do not require further action.

10.1.1. Workforce Statistics and Analysis. The analysis and interpretation of workforce statistics are the starting points in the barrier analysis process and often reveal triggers. Statistical analysis is only one part of barrier analysis. Management Directive-715 states that "statistics are only a starting point and alone rarely serve to provide a complete picture of the existence of workplace barriers. Agencies must look at statistics in the context of the totality of the circumstances. **(T-0).** A statistical snapshot may be useful as an initial diagnostic tool, but conclusions concerning the existence of workplace barriers cannot be drawn from gross numerical assessments. Rather, the identification of workplace barriers will require a thorough examination of all of the circumstances." **(T-0).**

10.1.2. Triggers. A trigger is a trend, disparity or anomaly that suggests the need for further inquiry into a particular employment policy, practice, procedure, or condition. See the *Air Force Barrier Analysis Guide* for guidance on analysis and interpretation of workforce data.

10.1.3. Barriers. An agency policy, principle, practice, or condition that limits or tends to limit employment opportunities for members of any race or national origin group, either sex, or for an individual (or individuals) based on disability status.

10.1.3.1. Many employment barriers are built into the organizational and operational structures of the agency and are embedded in the day-to-day procedures and practices of the agency. Barriers generally fall within one of three broad categories: institutional/structural; attitudinal; and physical.

10.1.3.1.1. Institutional Barriers. Institutional or structural barriers relate to rules, restrictions, requirements, routines, traditions or habits within the agency. Since

these policies, procedures and practices are seamlessly integrated into the workplace culture, they may remain unnoticed inhibitors to equal employment opportunity.

10.1.3.1.2. Attitudinal Barriers. Attitudinal barriers involve actions or beliefs that inhibit equitable progress for one or more groups in the agency's workforce. These barriers often result from stereotypes or false assumptions, which can be the most difficult barriers to identify. Good diagnosis, however, is useful in developing meaningful solutions to problems hindering effective EEO programs.

10.1.3.1.3. Physical Barriers. Physical barriers result from the inaccessibility of agency facilities or programs to one or more groups of employees or applicants.

10.1.4. Barrier Analysis. Barrier analysis is an investigation of anomalies found in workplace policies, procedures and practices that limit equal employment opportunities for members of any race or national origin, either sex, or based on an individual's disability status. Barrier analysis identifies the root causes of those anomalies and assists agencies in developing action plans to, if appropriate, eliminate barriers.

10.2. Addressing Barriers to Equal Opportunity. The Air Force has established two tiers of working groups to identify potential or existing barriers and provide recommendations to eliminate those barriers: the DAFBAWG and its subordinate teams, and IBAWGs. Establishment of MAJCOM Barrier Analysis Working Groups (MBAWGs) are optional, but encouraged where feasible, to bridge functional shortfalls between the DAFBAWG and Installation BAWGs. See the *Air Force Barrier Analysis Guide* for guidance on administering the DAFBAWGs and IBAWGs, to include analysis and interpretation of workforce data. The barrier analysis process includes the following steps: (1) Identify triggers, (2) Explore root cause of triggers, (3) Pinpoint potential and/or actual barriers, (4) Develop action plan to eliminate barriers, (5) Implement action plan, and (6) Assess action plan results.

10.2.1. Air Force Barrier Analysis Working Group. The Air Force Barrier Analysis Working Group is Chaired by AF/A1Q, and co-chaired by the Division Chief for Diversity and Inclusion (AF/A1DV) and the Associate General Counsel (SAF/GCA). It is chartered to identify and propose recommendations to eliminate barriers to equal employment opportunity in the Air Force. It is responsible for analyzing anomalies found in civilian workplace policies, procedures, and practices across the total force with a focus on identifying root causes and, if those root causes are potential or actual barriers, devising plans to eliminate them as appropriate. Air Force Barrier Analysis Working Group recommendations are made to senior leaders and other appropriate decision authorities at all levels. The Air Force Barrier Analysis Working Group works in coordination with MAJCOM/A1s as needed to implement approved procedural and/or policy changes as a result of DAFBAWG findings.

10.2.1.1. DDAFBAWG Composition. The DDAFBAWG is comprised of representatives appointed by AF/A1 in the equal opportunity, human relations, and other functional communities from Headquarters Air Force, MAJCOM, and Installation levels. SAF/GCA and AF/JAA serve as the legal advisor to the DDAFBAWG. Air Force senior leaders volunteer to serve as Team Champions. Additional information on the mission and organizational structure of the DDAFBAWG and subordinate DDAFBAWG teams, can be found in the "Charter for the Department of the Air Force Barrier Analysis Working Group," dated 28 April 20.

10.2.1.2. DDAFBAWG Function. The FBAWG will analyze triggers identified in workforce composition, hiring and accommodation of individuals with disabilities, representation in senior grades and major occupations, disciplinary issues and recognition/awards, to identify if potential or existing barriers exist. **(T-0).** Teams will review and analyze Air Force personnel policies, procedures and practices and information/data relative to the Air Force's total civilian workforce, applicant flow, recruitment strategy, EO complaints, Federal Employee Viewpoint Survey and exit surveys in an effort to identify barriers to equal employment opportunity. **(T-0).**

10.2.2. IBAWG. Installations with 2,000 or more civilian employees assigned will establish an IBAWG. **(T-1).** For Installations with less than 2,000 civilian employees, establishing an Installation Barrier Analysis Working Group is optional but highly encouraged. Manning, installation needs, and resources will be considered by the Installation Commander when determining if establishment of an Installation Barrier Analysis Working Group is feasible at installations with fewer than 2,000 civilian employees. **(T-1).** The Installation Affirmative Employment Program Manager serves as the IBAWG Group Chairperson. **(T-1).** IBAWGs report findings and recommendations to the Installation Commander. **(T-1).**

10.2.2.1. Installation Barrier Analysis Working Group Composition. IBAWGS are comprised of representatives from the Civilian Personnel Section, Non-Appropriated Fund - Human Resources, equal opportunity, other applicable functional communities, and other appropriate personnel as designated by the Installation Commander. IBAWGs will organize into teams that model DAFBAWG Teams but are not required to be identical to them. **(T-1).** Members of the Installation Barrier Analysis Working Group should attend barrier analysis training offered by AF/A1Q, the Defense Equal Opportunity Management Institute, the Equal Employment Opportunity Commission, or other federal agencies. **(T-1).**

10.2.2.2. IBAWG Function. IBAWGs are responsible for carrying out all functions of the Air Force Barrier Analysis Working Group scaled and specific to the installation. **(T-1).** Additionally, IBAWGs will address barriers identified by the DAFBAWG to the furthest extent possible. IBAWGs will obtain local data as well as data made available by AFPC. **(T-1).**

10.3. Planning and Assessment. Action plans developed and implemented by the AGBAWG and IBAWGs will be routinely self-assessed to ensure continuous improvement. **(T-0).** Progress will be reported to the Installation Commander and AF/A1Q respectively on an annual basis. **(T-1).** DAFBAWG and IBAWGs will be reviewed and rated on their ability to identify and remove barriers on the Barrier Analysis Scorecard. **(T-1).** For complete instructions on developing action plans, conducting self-assessment, reporting progress and assessment of DAFBAWG and IBAWGs, see Air Force Equal Opportunity SharePoint® Practitioner Handbook.

10.4. Barrier Analysis Scorecard. To emphasize the fundamental importance at all Air Force levels of establishing and maintaining a strong program of equal opportunity, each program is reviewed and then rated annually on its barrier identification and removal. Success in this element is measured by commanders' support, the activity of the Installation Barrier Analysis Working Group and the progress and results of ongoing efforts to identify and where appropriate, eliminate any barriers to equality of opportunity. A key to program success is the technical competency to initiate meaningful barrier analysis. These efforts are essential to a

compliant program, because the goal of the Equal Opportunity program is to ensure equality in opportunities for all individuals, not parity or proportional representation. Program status is typically assessed as follows: green (on-track), yellow (with deficiencies but making progress), or red (non-compliant).

Chapter 11

SPECIAL EMPHASIS PROGRAMS (NOT APPLICABLE TO ANG EXCEPT WHERE NOTED)

11.1. Purpose. Special Emphasis Programs enhance employment and cultural awareness of protected groups, and support Affirmative Employment Program and equal opportunity initiatives by helping to address professional development, advancement and training of underrepresented groups, so they have the opportunity to reach their full employment potential. They are critical to the Air Force's effort to attain and maintain model employer status. Special Emphasis Programs are established by 29 CFR § 1614.102(b) (4), *Equal Employment Opportunity Commission Management Directive 110, Federal Sector Complaints Processing Manual* and DoDD 1440.1, *DoD Civilian Equal Opportunity (EEO) Program.* This instruction authorizes the establishment of six Air Force Special Emphasis Programs: Federal Women's Program, Hispanic Employment Program, Program for People with Disabilities, Black Employment Program, Asian American/Pacific Islander Employment Program, and American Indian/Alaska Native Employment Program.

11.2. Functional Location of Special Emphasis Programs. Installation Special Emphasis Program Managers are recommended for full-time or collateral duty by the Installation Affirmative Employment Program Manager and designated in writing by the Installation Commander. Collateral-duty Special Emphasis Program Managers at the installation level may be located in an office other than the Installation Civilian Personnel Section. Full-time Special Emphasis Program Managers will be located in the Installation Civilian Personnel Office or the EO Office. **(T-1).** MAJCOM Special Emphasis Program Managers are designated for full-time or collateral duty by the MAJCOM Affirmative Employment Program Manager. The Special Emphasis Program is aligned under the Affirmative Employment Program at each level of the organization. **(T-1).**

11.3. Special Emphasis Program Managers. The Special Emphasis Program Manager is relied upon heavily by Installation and larger Air Force leadership to communicate the needs of constituency groups as well as information relevant to ensuring Air Force compliance with affirmative employment initiatives and federal law, to include barrier and trend analysis and subsequent recommendations for eliminating unlawful employment practices and procedures. Special Emphasis Program Managers will, in full collaboration with the Affirmative Employment Program Manager, assist in the development of affirmative employment initiatives. **(T-1).** In addition, Special Emphasis Program Managers will oversee five functional initiatives within their respective Special Emphasis Program: (1) provide advice and education; (2) interface and integrate with the workforce; (3) monitor and analyze workforce data; (4) conduct community outreach and assist with recruitment; and (5) measure equal employment opportunity performance **(T-1).** Special Emphasis Program Managers:

11.3.1. Provide advice and education to management, supervisors, and employees on addressing the needs and concerns of Special Emphasis Program groups through coordinating or sponsoring educational programs on a variety of subjects, including, but not limited to, career planning, resume writing and interviewing techniques, reasonable accommodations, mentoring, and development of supervisory and team building skills. **(T-1).**

11.3.2. Communicate regularly and often, at least bi-monthly, with constituents to gain community perspectives and input on programs, initiatives, and challenges and to ensure that Special Emphasis Program activities are focused on the most relevant and highest priority concerns. **(T-1).**

11.3.3. Monitor employment policies, practices, and procedures and analyze workforce data to determine whether constituency groups are fully and successfully participating in the Air Force missions. **(T-1).**

11.3.4. Assist in the development of outreach and/or recruiting plans, initiatives, or events to expand the applicant pool of target groups with low participation rates and achieve greater diversity in the Air Force workforce. **(T-1).**

11.3.5. Monitor and measure, through appropriate performance indicators, the effectiveness of Special Emphasis Program efforts. **(T-1).**

11.4. Designating Special Emphasis Program Managers. Each of the six Air Force Special Emphasis Programs will have a Special Emphasis Program Manager. **(T-0).** It is highly recommended that a full time Special Emphasis Program Manager is provided when there is lower than expected participation rates when compared to the national civilian labor force rates for the target group. Collateral duty Special Emphasis Program Managers will devote 20 to 24 percent of their regular duty time for Special Emphasis Program Manager collateral duty responsibilities. Special Emphasis Program Managers will manage no more than two Special Emphasis Programs. **(T-0).** Special Emphasis Program Managers will serve for two years, with some exceptions **(T-1).** Special Emphasis Program Managers are not required to belong to the Special Emphasis Program they represent (e.g., the Disability Program Manager does not need to an individual with a disability). Consistent with Management Directive-110 regarding impartiality of Equal Opportunity Officials both in practice and appearance, Equal Opportunity Practitioners actively involved in equal opportunity complaint resolution functions will not serve as Special Emphasis Program Managers. **(T-0).** In the event that a Special Emphasis Program Manager is contacted regarding a possible complaint of discrimination, the Special Emphasis Program Manager will immediately refer the individual to an Equal Opportunity Practitioner. **(T-0).** Special Emphasis Program Manager duties are documented as an addendum to the employee's official core personnel document; collateral duty Special Emphasis Program Managers must maintain acceptable performance in non-Special Emphasis Program Manager duties. **(T-3).** Unsatisfactory performance will result in discharge from Special Emphasis Program Manager duties and may result in corrective action. **(T-3).**

11.4.1. Federal Women's Program Manager. The Federal Women's Program Manager will have knowledge of relevant civil rights laws; executive orders; Equal Employment Opportunity Commission regulations, management directives, and guidance; and Air Force policy directives and instructions that protect women from discrimination in all employment policies, procedures, and practices. **(T-1).** The Federal Women's Program Manager will know the primary issues of concern of women, locally, nationally, and in the Air Force. **(T-1).** The Federal Women's Program Manager will be familiar with the employment needs and barriers of women as they relate to federal employment policies, practices, and related initiatives. **(T-1).** The Federal Women's Program Manager should be aware of local, state, and national organizations relevant to women, particularly those that advocate for education and employment opportunities. The Federal Women's Program Manager will be able to

advise management officials of the status, progress, and concerns of women on the installation. **(T-1).** The Federal Women's Program Manager will also be culturally competent within the community of their constituency. **(T-1).**

11.4.2. Hispanic Employment Program Manager. The Hispanic Employment Program Manager will have knowledge of relevant civil rights laws; executive orders; Equal Employment Opportunity Commission regulations, management directives, and guidance. **(T-1).** The Hispanic Employment Program Manager will have knowledge of Air Force policy directives and instructions that protect Hispanics or Latinos from discrimination in all employment policies, procedures, and practices. **(T-1).** The Hispanic Employment Program Manager will know the primary issues of concern of Hispanics or Latinos, locally, nationally, and in the Air Force. **(T-1).** The Hispanic Employment Program Manager will be familiar with the employment needs and barriers of Hispanics or Latinos as they relate to federal employment policies, practices, and related initiative. **(T-1).** The Hispanic Employment Program Manager will be aware of local, state, and national organizations relevant to Hispanics or Latinos, particularly those that advocate for education and employment opportunities. **(T-1).** The Hispanic Employment Program Manager will be able to advise management officials of the status, progress, and concerns of Hispanics or Latinos on the installation. **(T-1).** The Hispanic Employment Program Manager will also be culturally competent within the community of their constituency. **(T-1).**

11.4.3. Black Employment Program Manager. The Black Employment Program Manager will have knowledge of relevant civil rights laws; executive orders; Equal Employment Opportunity Commission regulations, management directives, and guidance; and Air Force policy directives and instructions that protect Blacks/African Americans from discrimination in all employment policies, procedures, and practices. **(T-1).** The Black Employment Program Manager will understand the primary issues of concern of Blacks/African Americans, locally, nationally, and in the Air Force. **(T-1).** The Black Employment Program Manager will be familiar with the employment needs and barriers of Blacks/African Americans as they relate to federal employment policies, practices, and related initiatives. **(T-1).** The Black Employment Program Manager will be aware of local, state, and national organizations relevant to Blacks/African Americans, particularly those that advocate for education and employment opportunities. **(T-1).** The Black Employment Program Manager will be able to advise management officials of the status, progress, and concerns of Blacks/African Americans on the installation. **(T-1).** The Black Employment Program Manager will also be culturally competent within the community of their constituency. **(T-1).**

11.4.4. Asian American/Pacific Islander Employment Program Manager. The Asian American/Pacific Islander Employment Program Manager will have knowledge of relevant civil rights laws; executive orders; Equal Employment Opportunity Commission regulations, management directives, and guidance; and Air Force policy directives and instructions that protect Asian Americans/Pacific Islanders from discrimination in all employment policies, procedures, and practices. **(T-1).** The Asian American/Pacific Islander Employment Program Manager will know the primary issues of concern of Asian Americans/Pacific Islanders, locally, nationally, and in the Air Force. **(T-1).** The Asian American/Pacific Islander Employment Program Manager will be familiar with the employment needs and barriers of Asian Americans/Pacific Islanders as they relate to federal employment policies, practices, and related initiatives. **(T-1).** The Asian American/Pacific Islander Employment

Program Manager will be aware of local, state, and national organizations relevant to Asian Americans/Pacific Islanders, particularly those that advocate for education and employment opportunities. **(T-1).** The Asian American/Pacific Islander Employment Program Manager will be able to advise management officials of the status, progress, and concerns of Asian Americans/Pacific Islanders on the installation. **(T-1).** The Asian American/Pacific Islander Employment Program Manager will also be culturally competent within the community of their constituency. **(T-1).**

11.4.5. American Indian/Alaska Native Employment Program Manager. The American Indian/Alaska Native Employment Program Manager will have knowledge of relevant civil rights laws; executive orders; Equal Employment Opportunity Commission regulations, management directives, and guidance; and Air Force policy directives and instructions that protect American Indians/Alaska Natives from discrimination in all employment policies, procedures, and practices. **(T-1).** The American Indian/Alaska Native Employment Program Manager will know the primary issues of concern of American Indians/Alaska Natives, locally, nationally, and in the Air Force. **(T-1).** The American Indian/Alaska Native Employment Program Manager will be familiar with the employment needs and barriers of American Indians/Alaska Natives as they relate to federal employment policies, practices, and related initiatives. **(T-1).** The American Indian/Alaska Native Employment Program Manager will be aware of local, state, and national organizations relevant to American Indians/Alaska Natives, particularly those that advocate for education and employment opportunities. **(T-1).** The American Indian/Alaska Native Employment Program Manager will be able to advise management officials of the status, progress, and concerns of American Indians/Alaska Natives on the installation. **(T-1).** The American Indian/Alaska Native Employment Program Manager will also be culturally competent within the community of their constituency. **(T-1).**

11.4.6. Disability Program Manager. It is highly recommended that installations designate a full-time Disability Program Manager. The Disability Program Manager should be well versed in the federal laws, regulations, and policies that protect individuals with disabilities from discrimination in all employment practices and procedures; be familiar with appointing authorities to hire individuals with disabilities, including Schedule A (29 CFR § 213.3102(u)); be fluent in reasonable accommodation obligations and procedures; and be able to assist employees, applicants for employment, and managers with reasonable accommodation requests. **(T-1).** The Disability Program Manager is relied upon heavily by Installation and larger Air Force leadership to communicate the needs of individuals with disabilities as well as information relevant to ensuring Air Force compliance with affirmative employment initiatives and federal law, to include barrier and trend analysis and subsequent recommendations for eliminating unlawful employment practices and procedures. Disability Program Managers are expected to maintain subject matter expertise in areas of disability and reasonable accommodation to provide lawful and accurate advice to Air Force leadership and legal staff in consultation and decision-making processes. **(T-1).** Additionally, Disability Program Managers will:

11.4.6.1. Assist in the development of outreach and/or recruiting plans, initiatives, or events ensuring the parties involved in the outreach, recruiting, and hiring process understand their obligations and etiquette as they pertain to individuals with disabilities. **(T-1).**

11.4.6.2. Develop specific goals, objectives, and strategies for implementation of the Air Force Plan for Employment of Individuals with disabilities. **(T-1).**

11.4.6.3. Collaborate with the Civilian Personnel Section to consider qualified applicants for job opportunities utilizing special appointing authorities available to hire individuals with disabilities (including Schedule A, 5 CFR § 213.3102(u)). (**Note:** There is no mandatory placement of persons with targeted disabilities using this authority). **(T-1).**

11.4.6.4. Collaborate with the Civilian Personnel Section to promote the Workforce Recruitment Program and assist Workforce Recruitment Program participants with housing, reasonable accommodations and other special needs. **(T-1).**

11.4.6.5. Participate in targeted outreach and/or recruiting activities, e.g., job fairs, and provide assistance and counseling to applicants with disabilities. **(T-1).**

11.4.6.6. Train supervisors and managers to understand their full range of responsibilities regarding individuals with disabilities, to include reasonable accommodation. **(T-1).**

11.4.6.7. Work with Civil Engineers to establish plans and recommend priorities for removal of architectural barriers. **(T-1).**

11.4.6.8. Develop and support an installation Employee with Disabilities Resource Group. **(T-1).**

11.5. Special Emphasis Program Committees. Each Special Emphasis Program Manager, appointed by official memorandum, will establish and chair a Special Emphasis Program committee. **(T-1).** The Special Emphasis Program committee will serve as a working group to assist and support the Special Emphasis Program Manager. **(T-1).** Committee members will be designated through their supervisory chain of command for a period of two years. **(T-1).** To the extent possible, the committee demographics will be a cross section of the workforce to include: organization, occupation, grade, age, gender, disability, race, national origin and military or civilian status. **(T-1).** Committee members will serve as liaisons, providing information about the concerns and needs of specific protected classes to appropriate authorities. **(T-1).** Programs sponsored by Special Emphasis Program committees will focus on identification and removal of barriers to advancement and career development based on protected class. **(T-1).**

11.6. Special Observances. Special observances recognize a particular culture or group for their accomplishments and/or contributions to the Air Force. Special Observances are conducted to enhance cross-cultural awareness as they promote and celebrate the significance of diversity among all civilian employees and military members and combats stereotypical behaviors/beliefs through education. These activities are an extension of Human Relations Education objectives for maintaining a healthy Human Relations Climate. **Note:** Participation in Special Observances is voluntary. **Note**: Entire paragraph applicable to ANG.

11.6.1. Approval. Diversity Day activities must be approved by the Installation Commander and will not take place in lieu of Special Observance months mandated/proclaimed by the President of the United States. **(T-1). Note:** Any special observance that is not previously approved by law, executive order, Department of Defense policy or Air Force policy will require approval at USAF HQ Level. **(T-1).** A current listing of approved special observances can be found on the Defense Equal Opportunity Management Institute website.

11.6.1.1. Requests for a new special observance must first be endorsed by the local commander or designee and include concurrence at the MAJCOM level or equivalent. **(T-1).**

11.6.1.2. Requests for a new special observance will be staffed (through the chain of command) to AF/A1Q, who will forward the request, with a recommendation to approve or disapprove, through the chain of command to AF/A1. **(T-1).**

11.6.2. Planning. Active command support and leadership along with thorough planning are key to success of the program. Special observances will not be sponsored by Affirmative Employment Program Managers or Special Emphasis Program Managers; the Affirmative Employment Program Manager is responsible for program management, but not for special observance planning. **(T-1).** Affirmative Employment Program Managers will keep record (e.g., continuity folder) of special observances for future planning. **(T-1).** The Affirmative Employment Program Manager obtains the special observance themes and also ensures special observance chairpersons coordinate all packages and requests through the commander's designated point of contact prior to installation commander approval. **(T-1).** The Affirmative Employment Program Manager will ensure all speaking points, articles, and related materials are vetted through Public Administration and approved by the installation commander or designee. **(T-2). Note:** Special observances will be conducted as installation-wide activities, planned by a committee comprised of military members and civilian employees that is established by the Installation Commander. **(T-3).**

11.6.3. Budget. Budgetary restrictions will be considered when planning all Special Emphasis Program activities and events. **(T-1). Note:** See AFI 65-601, Vol. 1 for expanded budgetary guidelines. Fundraising in an official capacity or on duty time by Air Force personnel to supplement allocated official funds is not permitted. **(T-0).** See DoD 5500.07-R, *Joint Ethics Regulation (JER)* and AFI 36-3101, *Fundraising within the Air Force*, for complete fundraising restrictions and guidelines.

11.6.4. Special Observance Committees. The Installation Commander establishes special observance committees. **(T-1).** In the event the Installation Commander does not establish a special observance committee, the Installation Commander will delegate the authority to establish the committee to the Installation Affirmative Employment Program Manager. **(T-1).** The Installation Affirmative Employment Program Manager will designate a voluntary working group as an ad-hoc committee and may engage employee resource groups or other base affiliated groups to participate in special observance planning. **(T-3).** Affirmative Employment Program Managers, Special Emphasis Program Managers and Equal Opportunity Practitioners may serve on ad hoc committees as a member or advisor but will not serve as chairpersons of special observance committees. **(T-1).** Special Observance Committee Chairpersons will coordinate with the Affirmative Employment Program Manager for guidance to ensure proper planning of events. **(T-2).** The Special Observance Committee Chairperson will solicit a diverse group of federal employee volunteers to assist with planning of special observances; prepare and coordinate official correspondence; notify the Installation Commander of proposed dates/events where attendance is requested at least 30 calendar days in advance; coordinate with Public Affairs, Security Forces, Chaplain Corps, Installation Staff Judge Advocate, and other relevant protocol offices as appropriate. **(T-3).**

Chapter 12

PERSONAL ASSISTANCE SERVICES.

12.1. Personal Assistance Services. Equal Employment Opportunity Commission regulations at 29 CFR § 1614.203 require the Air Force to engage in affirmative employment practices by providing Personal Assistance Services to civilian employees who need them. Personal Assistance Services are services that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living per 29 CFR § 1614.203(d) (5). **(T-0).**

12.1.1. Personal Assistance Services Definition. Personal Assistance Services are defined as assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. Personal Assistance Services are not reasonable accommodations related to the essential functions of a position. Personal Assistance Services include but are not limited to: getting in and out of a vehicle, removing and putting on clothing, eating, and utilizing the restroom. Personal Assistance Services are to be provided during work hours and position-related travel provided (1) the employee requires such services because of a targeted disability, (2) provision of such services would, together with any reasonable accommodations required under the existing regulations, enable the employee to perform the essential functions of his or her position, and (3) the provision of such services would not impose undue hardship on the Air Force.

12.1.1.1. Targeted Disabilities. Targeted disabilities are a subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment beyond barriers faced by others in the larger disability category. The federal government has labeled this subset of disabilities "targeted disabilities". They are:

12.1.1.1.1. Developmental disabilities (e.g., cerebral palsy or Autism spectrum disorder).

12.1.1.1.2. Traumatic brain injuries.

12.1.1.1.3. Deafness or serious difficulty hearing (e.g., benefitting from sign language).

12.1.1.1.4. Blindness or serious difficulty seeing, even when wearing corrective lenses.

12.1.1.1.5. Missing extremities (e.g., arm, leg, hand, and/or foot).

12.1.1.1.6. Significant mobility impairment (e.g., benefiting from a wheelchair).

12.1.1.1.7. Partial or complete paralysis by any cause.

12.1.1.1.8. Epilepsy and other seizure disorders.

12.1.1.1.9. Intellectual disabilities and/or deficits (formerly "mental retardation").

12.1.1.1.10. Significant psychiatric disorders (e.g., bipolar disorder, schizophrenia, PTSD, major depression).

12.1.1.1.11. Dwarfism.

12.1.1.1.12. Significant disfigurement by any cause.

12.1.2. Personal Assistance Services Request Process. The Installation Disability Program Manager is the point of contact for all Personal Assistance Services requests and will record all requests. **(T-1).** In the absence of an Installation Program for People with Disabilities Manager, the Affirmative Employment Program Manager is the point of contact. **(T-1).** Supervisors, managers, etc. of employees who request Personal Assistance Services will transmit all Personal Assistance Services requests to the Disability Program Manager or Affirmative Employment Program Manager or the Installation Equal Opportunity Office within 15 calendar days of receipt. **(T-0).**

12.1.2.1. There is no required format for Personal Assistance Services requests, however, certain information is required within the request: employee name, organization, and supervisor, targeted disability (diagnosis), Personal Assistance Services required, expected duration of the need for Personal Assistance Services, and explanation of how Personal Assistance Services will allow the employee to accomplish activities of daily living which occur in the workplace (including alternate duty locations or during work-related travel). **(T-1).**

12.1.2.2. Determination. The Installation Disability Program Manager will meet with the requesting employee to confirm the existence of a targeted disability. **(T-1). Note:** When the targeted disability or need for Personal Assistance Services is not obvious, the Air Force may request medical documentation to determine whether the requesting employee has a targeted disability. Requests for medical documentation will be limited to diagnosis, prognosis, activities for which Personal Assistance Services are required, and an explanation of how Personal Assistance Services will allow the employee to conduct activities of daily living in the workplace (including alternate duty locations and work-related travel). **(T-0).**

12.1.2.3. Coordination. The Installation Disability Program Manager may consult with the servicing Employee Relations Office to determine the proper Personal Assistance Services required. The determination as to targeted disability status and appropriate Personal Assistance Services will be submitted to the servicing legal office for review. **(T-1).**) If complex or novel legal issues are raised; the servicing legal office, in coordination with the NAF legal office, MAJCOM legal office, or LLFSC, as appropriate, should consult with the Office of the Air Force General Counsel, Fiscal and Administrative Law Division (SAF/GCA). **(T-1).** The Installation Disability Program Manager may consult the Air Force Disability Program Manager or AF/A1Q for guidance. The Installation Disability Program Manager will document the determination(s) and contact the requesting employee's organization regarding determination(s). **(T-1).**

12.1.2.3.1. Denial of Personal Assistance Services. Decision(s) to deny Personal Assistance Services will be considered preliminary and forwarded to the Installation Commander or designee, who is the denial authority, for final decision. **(T-1).** Denials of Personal Assistance Services must be documented in writing and will be issued no more than 10 calendar days after the decision has been made. **(T-1).** Denials must include specific reasons for the denial and identify the individual/office that made the decision. **(T-1).** The requesting employee's supervisor will notify the

employee of their right to pursue a complaint within the civilian equal opportunity complaint process under **Chapter 3** of this instruction, to include the employee's obligation to contact an Equal Opportunity Practitioner within 45 days of the notification of denial, regardless of participation in an informal dispute resolution process, as well as identify and explain any additional avenues for informal dispute resolution. **(T-1).**

12.1.2.3.2. Modification. It is permissible to provide Personal Assistance Services different from the one requested by the employee, provided that it is equally effective as the one requested. If an alternate service is approved, this is a modification rather than a denial of Personal Assistance Services. Written notification will explain both the reasons for the rejection of the original Personal Assistance Services requested and the reasons it is believed that the chosen alternative is equally effective. **(T-1).** The requesting employee is not entitled to the Personal Assistance Services provider of their choice.

12.1.2.3.3. Implementation. The Installation Disability Program Manager will work directly with the requesting employee's organization with the assistance of the Employee Relations Office to implement approved Personal Assistance Services. **(T-1).** The Installation Disability Program Manager will maintain all documentation related to the Personal Assistance Services process and create reports as necessary. **(T-1).** This information will be maintained for five years or however long the employee is employed by the Air Force, whichever is longer. **(T-1).**

12.1.2.3.4. Funding. Emergency Special Program code (7F) will be applied to Personal Assistance Services. **(T-1).** This code enables the Air Force to properly plan for yearly Personal Assistance Services costs. **Note:** This is also the code utilized for reasonable accommodations, however, Personal Assistance Services is not a reasonable accommodation. If an organization is forced to defer another requirement to support Personal Assistance Services, an unfunded request can be submitted through the organization's respective process.

12.1.2.3.5. Personal Assistance Services as a Reasonable Accommodation. In the event an individual with a targeted disability requires Personal Assistance Services to attend a centrally funded training or development opportunity, Personal Assistance Services will qualify as a reasonable accommodation. **(T-1).** Emergency Special Program code (HA) will be applied to fund the cost of Personal Assistance Services. All tracking and reporting requirements of reasonable accommodation apply. **(T-1).**

Chapter 13

REASONABLE ACCOMMODATION OF DISABILITY

13.1. Purpose. The Rehabilitation Act of 1973 (29 USC § 791 et seq.) as amended by the Americans with Disabilities Act (ADA) of 1990, as amended (42 USC § 12101 et seq.) requires the Air Force to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would impose undue hardship upon the Air Force. Per 29 CFR Appendix to Part 1630 § 1630.2(o), an accommodation is, generally, a modification or adjustment to the work environment, or the manner in which activities are customarily performed, that enable an individual with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities, or which allow a qualified applicant for employment with a disability to be considered for the position the qualified person desires. Disability accommodation is a case-specific and fact-specific process. Whether an individual is a qualified individual with a disability is ultimately a legal issue and thus, when questions arise, the servicing legal office should be consulted. **Note:** The Air Force does not have to employ an individual with a disability who poses a direct threat to the health or safety of himself or herself or others in the workplace.

13.1.1. Applicability. This chapter applies to all civilian Air Force employees, regardless of type or duration of employment, and all applicants for employment. It provides limited coverage for certain temporary service employees. Contractor personnel will refer to reasonable accommodation procedures established by their contracting employer. **Note:** In some circumstances, the Air Force may have a joint obligation with contracting employers to provide reasonable accommodation to contractor personnel.

13.1.2. Air Force Commitment to Individuals with Disabilities. The Air Force will provide reasonable accommodation to qualified individuals with a disability and qualified applicants for employment with a disability in accordance with federal law, Equal Employment Opportunity Commission regulation, Department of Defense policy, Air Force instruction, and applicable collective bargaining agreements. **(T-0).** The Air Force will, via Installation Commanders, ensure that managers and supervisors are familiar with, adhere to, and implement the Air Force Reasonable Accommodation Procedures. **(T-1).** Pursuant to 29 CFR § 1614.203(d)(3)(i), Air Force Reasonable Accommodation Procedures will be made available to all employees and applicants for employment in written and acceptable formats that are easy to understand. **(T-0).** Prior to making an offer of employment, Air Force hiring authorities will not ask applicants about the existence, nature, or severity of a disability. **(T-0).** Applicants may only be asked about their ability to perform position functions. An employment offer may be conditioned on the results of a medical examination, but only if the examination is a requirement for all entering employees in the same position category.

13.2. The Interactive Process. There is no defined structure for the interactive process. The process is completed to clarify the specific nature of the disability of the requesting employee or applicant and identify the appropriate reasonable accommodation. An employee or applicant for employment with a disability that is seeking reasonable accommodation is referred to as a "requestor". The decision authority for all requests for reasonable accommodation is the requestor's supervisor, unless the request is elevated to a higher level of approval. All denials of

requests for reasonable accommodation will be reviewed and endorsed by the Installation Commander or designee. **(T-1).**

13.2.1. Initiating the Interactive Reasonable Accommodation Process. An employee who wishes to initiate the interactive process to obtain reasonable accommodation may make an oral or written request to his or her immediate supervisor at any time, which initiates the reasonable accommodation process. Requests may also come from an individual seeking reasonable accommodation on behalf of the employee, such as a family member, friend, Program for People with Disabilities Manager, union representative, or healthcare professional. The request does not need to contain any special words, such as "reasonable accommodation", and the individual need not have a particular accommodation in mind prior to making the request, per 29 CFR § 1614.203(d)(3)(i)(D). Supervisors will acknowledge receipt of all requests for reasonable accommodation and enter into an interactive dialogue process and explain the process to the employee within 10 calendar days of receipt of the request. **(T-0).**

13.2.1.1. Initiating the Interactive Process on Behalf of an Employee. A supervisor must initiate the reasonable accommodation interactive process without being asked if the supervisor (a) knows that the employee has a disability, (b) knows, or has reason to know, that the employee is experiencing workplace problems because of a disability, and (c) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. **(T-0).** If the individual with a disability states that he or she does not need reasonable accommodation, the supervisor will have fulfilled his or her obligation to the employee.

13.2.1.2. Requests in Response to Training Application or Invitation. If a request for reasonable accommodation is submitted in response to a training application or invitation, the Civilian Training Office will receive the request, act as the decision authority, and coordinate with the Installation Disability Program Manager to ensure the request is evaluated appropriately. **(T-1).** Requests of this nature submitted to supervisors will be forwarded to the Civilian Training Office by the supervisor within 1 calendar day. **(T-1).** Requests for reasonable accommodation will be recorded on SF-182, Block 11. **(T-1).**

13.2.2. Written Confirmation of Requests for Reasonable Accommodation. To enable accurate maintenance of Air Force records regarding reasonable accommodation requests, employees seeking reasonable accommodation will follow up on any initial request by confirming their request in writing to their immediate supervisor on the Request for Reasonable Accommodation Template Form. **(T-1).** The written confirmation should be made as soon as possible following the initial request, but is not a requirement for the request itself. Supervisors will begin processing the request for reasonable accommodation as soon as it is made, whether or not confirmation has been provided on the template form. **(T-0).** **Note:** Written confirmation is not needed when an employee needs accommodation on a recurring basis (e.g., assistance of sign language interpreters). In these cases, written confirmation is only necessary upon the first request, but appropriate notice must be given each time the accommodation is needed. **(T-1).**

13.3. Processing Reasonable Accommodation Requests in the Interactive Process. The requestor and decision authority may engage directly and informally with each other. Decision authorities will use EEOC Form 557a and 557b, *Confirmation of Request for Reasonable Accommodation* throughout the interactive process. The Installation Disability Program Manager will retain the reasonable accommodation documentation for the duration of the requester's employment. **(T-1).** Supervisors will be proactive in seeking out and considering possible accommodations, to include consulting the Installation Disability Program Manager (IDPM), medical personnel, and other appropriate resources for assistance. **(T-1).** Supervisor will notify the Installation Disability Program Manager when a request for reasonable accommodation is processed without assistance. **(T-1).** Supervisors will consult with the servicing Civilian Personnel Office to identify the essential functions of the position if they are not easy to determine. **(T-1).** Discussion may also include the feasibility of any changes to the position description or position requirements document.

13.3.1. If changes are not substantial, (impacting essential functions of the position) then adjustments can be documented on the employee's contribution plan instead of reworking the core position document.

13.3.1.1. The supervisor will consult with the requesting individual to ascertain the precise position-related limitations imposed by the individual's disability and how those limitations may be overcome through reasonable accommodation. **(T-0).** Changes to the essential functions of the position are not required as a reasonable accommodation. **(T-0).** At this point, the supervisor is permitted to request the following information: description of the disability necessitating the accommodation; description of the accommodation, if known, that will enable the employee to perform the essential functions of his or her position or which will enable the employee to enjoy the same benefits and privileges in the workplace as other employees without disabilities or, in the case of applicants for employment, to apply for a position; and sufficient medical documentation that supports or confirms the disability and the individual's need for accommodation when the disability is not obvious. **(T-1).**

13.3.1.2. The decision authority or Installation Disability Program Installation Disability Program Manager may also request medical documentation in conjunction with the Civilian Personnel Section, Occupational Medical Service, and the servicing legal office.

13.3.2. Timely Processing of Requests for Reasonable Accommodation. The interactive process begins within 10 days of receipt of the initial request for reasonable accommodation by the supervisor. **(T-1).**

13.3.2.1. When the requestor's supervisor is not the decision authority, requests will be submitted to a decision authority by the supervisor within 5 calendar days of the supervisor making a recommendation for the reasonable accommodation, with the exception of extenuating circumstances. **(T-1).**

13.3.2.2. Supervisors will provide a written decision from the decision authority on the request for accommodation in the shortest time practicable, but no later than 30 calendar days from receipt of the initial request when the supervisor is the decision authority. **(T-1).** Exceptions exist for cases which require medical documentation.

13.3.2.3. In the event a request for medical documentation is made by the Air Force, the timeframe for processing reasonable accommodation requests is adjusted. Time taken by the requestor to obtain/gather medical documentation is not counted against the Air Force's obligation to issue a decision on reasonable accommodation requests within 30 calendar days of receipt of the request.

13.3.2.4. Denials of reasonable accommodation requests will be issued in writing no later than 10 calendar days of the decision to deny the request. **(T-1).**

13.3.2.5. The employee requesting reasonable accommodation is required to submit the information necessary for the decision authority to make a determination regarding provision of reasonable accommodation(s) within 20 calendar days of request by the Air Force. **(T-1).**

13.3.2.6. Failure to provide such information, to include medical documentation, specifics of the accommodation requested, and how the accommodation will enable the employee to perform essential functions of the position, may result in denial of the request. **(T-0).** Decision authorities will annotate any failure to provide information on EEOC Form 557b and, where possible, offer reasonable accommodation based on the information that has been received or deny the request. **(T-0).**

13.3.2.7. Requests will not be delayed due to leave, TDY, or other absence or obligation of anyone involved in the process. **(T-0).** Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation and may include: purchase of equipment, employee working with equipment on a trial basis, facility modifications or improvements. If time frames cannot be met, the requestor will be notified of the reasons for delay and an approximate date which a decision can be expected. **(T-1).** Supervisors will consider temporary measures or interim accommodations to assist the person as an interim step until a decision has been made and/or reasonable accommodation is provided. **(T-0).**

13.4. Requests for Medical Documentation in Support of Reasonable Accommodation Requests. The requester's supervisor has the right to request medical documentation in support of reasonable accommodation requests when information in the initial request is insufficient, or none was provided (when the disability is not obvious) per 29 CFR § 1614.203(d)(3)(i)(J). Additionally, the requester's supervisor has the right to have any medical documentation provided reviewed by an appropriate medical expert at the agency's expense, per 29 CFR § 1614.203(d) (3) (i) (K). Sufficient documentation, as defined by the Equal Employment Opportunity Commission's *Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act* is documentation describing the disability; its nature, severity, and duration; and the extent to which it limits the employee's ability to perform the activity or activities.

13.4.1. To obtain medical information, the decision authority may prepare a request addressed to the requestor and/or his or her medical provider. The request will notify the requestor as to what medical information is required to identify his or her disability and functional limitations in regard to the essential functions of the position. **(T-1).** The Installation Disability Program Manager may assist the decision authority in drafting the request.

13.5. Supplemental Documentation. If medical information is submitted, but is insufficient to document the disability or the functional limitations of the requestor, supplemental information may be requested by the decision authority. The decision authority will consult the Installation Occupational Medical Service Office and the servicing legal office to determine the sufficiency of medial documentation. **(T-1).**

13.5.1. The Installation Occupational Medical Service Office will provide an assessment, independent of undue influence, of the medical sufficiency of the documentation to determine the need for supplemental information. **(T-1).**

13.5.2. If supplemental information is needed, the decision authority must provide a written request to the requestor that explains in specific terms why the provided information is insufficient, and what additional information is needed, and why the additional information is needed. **(T-1).** The decision authority will also provide a reasonable timeframe for the requestor to respond to the request for additional documentation that will be no less than 5 calendar days. **(T-1).**

13.6. Confidentiality. Per 29 CFR § 1614.203(d)(3)(i)(L), confidential medical information may also be disclosed to government officials to investigate the Air Force's compliance with The Rehabilitation Act of 1973 § 501 as amended, Worker's Compensation Offices, or insurance carriers, and Air Force equal opportunity officials may be given the information to maintain records. Requests for medical information will be narrowly tailored to information required to support the request for accommodation to avoid revealing information that is not pertinent to the request. **(T-0).**

13.6.1. Supervisors will ensure any medical documentation and/or information obtained from an employee is collected and maintained on separate forms in the official employee medical folder and be treated as a confidential medical record. **(T-0).**

13.6.2. Supervisors will only share the employee's medical information with those responsible for making a determination on the reasonable accommodation request and/or providing the accommodation as needed. **(T-0).**

13.6.3. Supervisors will keep information about the employee's medical condition, whether or not related to the disability, to include diagnosis and prognosis, strictly confidential. **(T-0).**

13.6.4. Supervisors will keep requests for medical information and medical examinations of employees job-related and consistent with business necessity. **(T-0).**

13.7. Determining and Selecting Reasonable Accommodations. Supervisors will consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the Air Force **(T-0).** Supervisors and Installation Commanders will consult with the Installation Disability Program Manager, MAJCOM Functional Manager, and the servicing legal office in making reasonable accommodation determinations. **(T-1).** For unusual or complex questions about requested accommodations; the servicing legal office, in coordination with the NAF legal office, MAJCOM legal office, or LLFSC, as appropriate, should consult with the AF Disability Program Manager and/or SAF/GCA. **(T-1).**

13.7.1. In circumstances where the employee and the supervisor disagree on the most appropriate accommodation, the supervisor will immediately consult with the Installation Disability Program Manager to help determine the appropriate accommodation(s). **(T-1).**

13.7.2. The Air Force is not required to provide the employee's preferred accommodation(s) and may choose among reasonable accommodations as long as the selected accommodation is equally effective to the one desired by the employee.

13.7.3. Performance standards will not be lowered as an accommodation. The supervisor will hold employees with disabilities to the same standards of performance and conduct as similarly situated employees without disabilities. **(T-0).**

13.7.4. Removing an Essential Function from the position is not a reasonable accommodation.

13.7.5. The Air Force is not obligated to provide personal use items such as glasses or hearing aids as a reasonable accommodation.

13.8. Cost. In general, each respective organization will bear the cost of providing reasonable accommodations. **(T-1.)** Organizations may use centrally-funded accommodation monies in fiscal years in which the centrally-funded account is funded.

13.8.1. Where appropriate, organizations will utilize accommodation resources such as the Department of Defense's Computer/Electronic Accommodation Program and the Department of Labor's Job Accommodation Network. **(T-1).**

13.8.2. Organizations will utilize Emergency Special Program code (7F) to track all requests for reasonable accommodations. **(T-1).** This enables organizations (at all levels) to properly plan for yearly reasonable accommodation costs.

13.8.3. Should an organization be forced to defer another requirement in order to support a reasonable accommodation request, an unfunded request will be submitted through that organization's established corporate process. **(T-1).**

13.8.4. Organizations will utilize Emergency Special Program code (HA) to track and fund reasonable accommodation costs associated with centrally-funded training programs. **(T-1).**

13.8.5. When considering whether the expense of a potential accommodation constitutes an undue hardship, the budget of the entire agency, i.e., the Air Force as a whole, is to be taken into account. **(T-0).** Thus, it is unlikely that cost will be a basis for denying a request for reasonable accommodation. **(T-1).**

13.9. Decisions. Requests will be submitted to a decision authority within 5 calendar days of making a determination, with the exception of extenuating circumstances when the decision authority is not the requestor's supervisor. **(T-1).** Supervisors will provide a written decision from the decision authority on the request for accommodation in the shortest time practicable, but no later than 30 calendar days from receipt of the initial request when the supervisor is the decision authority, with exceptions for cases, which require medical documentation and extenuating circumstances. **(T-1).**

13.10. Modifications. If alternate reasonable accommodation is approved, this is a modification of accommodation and not a denial of reasonable accommodation. Written notification for modifications will explain both the reasons for the denial of the original accommodation and the reasons the modified accommodation is believed to be equally effective. **(T-1).**

13.11. Reassignment/Change to a Lower Grade as a Form of Reasonable Accommodation. If it becomes apparent through medical documentation that an accommodation cannot be made in the employee's current position, reassignment as a form of reasonable accommodation will be considered as a last resort. **(T-0).** Reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a required reasonable accommodation.

13.11.1. The Civilian Personnel Section is responsible for overseeing reassignment and change to lower grade process and will designate a personnel specialist for assessment of qualification requirements and review of available position options for the requestor. **(T-1).** The personnel specialist will determine whether the requestor meets qualification requirements for the offered position(s) and is able to perform Essential Functions of the position with or without reasonable accommodation. **(T-1).** The Civilian Personnel Section at the requestor's current installation will ensure the Civilian Personnel Section at any gaining installation fully considers the request and, if qualified, places the requestor. **(T-1).**

13.11.2. Qualification of the requestor is determined by AFPC in coordination with the gaining organization. Reassignment is a 60-calendar day minimum process with agency/office discretion to extend. The Air Force has an obligation to reassign a qualified individual with a disability to a vacant position that is equivalent in terms of grade, status, or other relevant factors for which the employee qualifies if one is available. **(T-0).**

13.11.3. Reassignment or change to a lower grade will only be made to vacant positions. **(T-1).**

13.11.4. The Installation Commander (or his/her designee) is the final authority for determination in cases of reasonable accommodation reassignment when an organization claims undue hardship. **(T-1).**

13.12. Considerations for Reassignment. Positions appropriate for consideration for reassignment or change to a lower grade will include (a) all vacant positions at the same grade, or at a lower grade, within the Air Force in the commuting area or any geographic areas to which the requestor or applicant indicates he or she is willing to move and for which the employee or applicant is qualified, and (b) any planned positions which appropriate officials can reasonably assume will become available over a period of 60 calendar days, for which the employee is qualified, at the same or lower rate of pay. **(T-0).**

13.12.1. Subject to provisions of any law or any applicable collective bargaining agreement, the Air Force will not pay for the relocation to the new duty station outside the employee's current commuting area, unless a paid move would normally be offered because of recruiting or other circumstances. **(T-1).**

13.13. Change to Lower Grade. Reassignment to a lower grade is available only to employees, not applicant for employment. Reassignment to a lower grade is only considered if no appropriate reasonable accommodation is available in the requestor's current position or if the only effective reasonable accommodation would impose undue hardship upon the Air Force. The requestor's supervisor will explain to the requestor why they could not be accommodated and determine the employee's preference with respect to reassignment. **(T-0).**

13.13.1. The Air Force has no obligation to create a new position in order to provide reassignment to the same or a lower grade as an accommodation.

13.13.2. The Air Force will not displace any current employee from his or her position in order to provide another employee with a reassignment to the same or a lower grade opportunity as a reasonable accommodation. **(T-0).**

13.13.3. If the employee is interested in a reassignment, the Civilian Personnel Section (CPS) will begin the search for a position locally. If no positions are found locally, the employee may request to expand the search in this order: a) MAJCOM wide search and b) AF wide search. The CPS/MAJCOM will conduct MAJCOM and Air Force-wide searches for vacancies by reviewing the Request for Personnel Action (RPA) Tracker. The CPS/MAJCOM will review MAJCOM wide vacancies by selecting the Open Fill RPA Status Report by MAJCOM and/or review Air Force wide vacancies by selecting the Open Fill RPA Status Report. Combatant Commander (COCOM) Daily Fill RPA Status Reports are also available for review. If the CPS/MAJCOM identifies a position for potential placement after conducting an Air Force search the Civilian Force Management Branch (AFPC/DP3FM), will facilitate and serve as the liaison for both gaining and losing CPS. **(T-1).**

13.13.4. Search for a reassignment will last no longer than 60 business days, unless there are extenuating circumstances. The 60 business days will begin at the point in time that management has sufficient information to officially determine that the employee cannot be accommodated in his/her current position. **(T-1).**

13.13.5. If more than one position is available for reassignment, the requestor may indicate preference, however, the Air Force has final discretion to fill positions in accordance with the needs of the organization.

13.14. Prohibitions on Reassignment to Higher Grade. Reasonable accommodation does not include placement of an employee to a higher-grade position. Promotions and re-promotions are not authorized as an acceptable form of reasonable accommodation. Reassignment does not include promotion to a vacant position or automatic promotion.

13.15. Refusal of Reassignment. If the requestor declines a suitable position offer after all documented good faith efforts to provide reasonable accommodation have been exhausted, this is not a denial of reasonable accommodation, but rather the exhaustion of the accommodation process. In this case, the civilian personnel officer or human resource specialist will proceed with the appropriate separation action. **(T-1).**

13.16. Performance Improvement Plans. In situations where a requestor is on a performance improvement plan, the supervisor will ensure that all reasonable accommodations necessary to meet the requirements of the plan are available to the employee. **(T-1).**

13.17. Disability Retirement. If it is determined that the employee can no longer perform the essential functions of their position and accommodation cannot be made, and either a reassignment is not available or the employee is unable to perform the essential functions of positions to which a reassignment might be made, the employee will be provided assistance by their respective Civilian Personnel Section in applying to the Office of Personnel Management for disability retirement, if he or she so chooses. **(T-1).** Such a determination will be coordinated with the local Civilian Personnel Section/Non-Appropriated Fund-Human Resources, Program for People with Disabilities Manager, and the servicing legal office before the employee is notified and aided in applying for disability retirement. **(T-1).**

13.17.1. Under the disability retirement procedures promulgated by the Office of Personnel Management, reassignment to a lower grade will be considered whenever an employee seeks disability retirement. **(T-0).** Efforts will be made to reassign the employee to a vacant position within the Air Force at the same grade within the commuting area. **(T-1).**

13.18. Conclusion of the Reasonable Accommodation Process. If after the prescribed 60 day period of reassignment, no suitable vacant position is available this concludes the reasonable accommodation process and is not a denial of reasonable accommodation.

13.19. Denial of Reasonable Accommodation Requests. Any decision to deny a request for reasonable accommodation must first be reviewed and coordinated by the installation and/or organization legal office dependent on jurisdiction. **(T-1).** Once reviewed and coordinated, the request must be routed for review and endorsement by the Installation Commander or designee, not below the level of O-6 or civilian equivalent. **(T-1).**

13.19.1. Denials of reasonable accommodation requests will be issued in writing no later than 10 calendar days of the decision to deny the request. **(T-1).** Denials of requests by applicants for employment will be provided to the applicant at the time of denial, and in an accessible format when requested. **(T-1).**

13.19.2. Denials must include specific reasons for the denial and identify the employee/office that made the decision. **(T-1).** Supervisors will notify the requesting employee or applicant for employment of their right to enter the equal opportunity complaint process under **Chapter 3** of this instruction, to include the employee or applicant's obligation to contact an Equal Opportunity Practitioner within 45 days of the notification of denial, regardless of participation in an informal dispute resolution process, as well as identify and explain available avenues for informal dispute resolution. **(T-0).**

13.19.3. If it is determined that an employee is not an individual with a disability, no reasonable accommodation is possible, the requested accommodation is not reasonable due to lack of appropriate supporting medical evidence or other necessary information, there is a lack of available vacant positions for which the disabled employee is qualified, or there is a clear case of undue hardship upon the Air Force, a decision letter documenting denial of the request is issued. The decision authority will not communicate the decision to the requestor until all coordination is complete. **(T-1).** A copy of the denial letter with details will be provided to the Installation Disability Program Manager for the case file. **(T-1).**

13.20. Implementation of Approved Reasonable Accommodations. Not all accommodations produce the desired outcome. Supervisors will monitor the effectiveness of any approved reasonable accommodation once it has been provided to ensure the accommodation is effective **(T-0).** If the accommodation proves ineffective, the interactive process begins again. **(T-0)**.

13.21. Reasonable Modification, Structural Compliance, and Investigations. Pursuant to 29 USC § 794 and the Rehabilitation Act of 1973 § 504 (Public Law 93-112), the Air Force and any program or activities conducted or assisted (financially or otherwise) by the Air Force will not discriminate against individuals with disabilities to include access to facilities and structures owned, leased, or otherwise financially or contractually supplemented or acquired by the Air Force. **(T-0).** Such facilities will be readily accessible and usable by individuals with disabilities in accordance with federal law and will provide sufficient accessibility so that individuals with disabilities have equal opportunity to participate in and benefit from any programs or activities conducted by the Air Force in accordance with DoDD 1020.1, DoDD 5500.11, and AFMAN 32-1084. **(T-0).**

13.21.1. Air Force officials will review and determine if structural changes are required and report findings to AF/A1Q. **(T-1).** If structural changes are necessary, AF/A1Q, in coordination with appropriate agencies, must develop a transition plan with the assistance of the responsible agencies and/or components that outlines steps necessary to effect the required change(s). **(T-0).**

13.21.2. Air Force Engineering and Force Protection (AF/A4) and Air Force History Office (AF/HO) will develop a plan for compliance with program accessibility requirements as outlined in DoDD 1020.1 for historic properties and museums owned by the Air Force. **(T-0).** AF/A4 and AFMC/CC will require recipients of Air Force assistance to file written assurances that their programs or activities are conducted in accordance with this instruction and DoDD 1020.1 and to designate a responsible official to coordinate compliance requirements and implementation of any necessary supplementary guidelines. **(T-0).**

13.21.3. AF/A4, Assistant Secretary of the Air Force (Installations, Environment & Energy) (SAF/IE), and AFMC/CC will require applicable recipients of Air Force assistance to conduct the self-evaluations as required by DoDD 1020.1. **(T-0).** For complete definitions of applicable facilities, structures, and forms of Air Force assistance, see glossary of this instruction.

13.21.4. Supervisors will ensure compliance with safety laws and regulations, including accessible emergency egress routes or an area of rescue assistance. **(T-0).**

13.22. Reasonable Modification. Reasonable modification of facilities or structures (e.g., addition of a ramp) is considered a reasonable accommodation subject to demonstration of undue hardship upon the Air Force. Through command channels, AF/A1Q will be notified when requests for reasonable modification cannot be met **(T-1).** Responsible agencies will ensure denials of requests for reasonable modification are based on demonstration of undue hardship upon the Air Force per DoDD 1020.1. **(T-0).**

13.23. Investigations. Responsible officials will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this instruction. **(T-0).** Investigations will include a review of the pertinent practices and policies of the programs either receiving federal financial assistance distributed by

the Air Force, or programs conducted by the Air Force, the circumstances under which non-compliance with this instruction occurred, and other relevant factors to determine whether the recipient has failed to comply with this instruction. **(T-1).**

13.24. Service Animals. Under Department of Justice and Equal Employment Opportunity Commission Americans with Disabilities Act regulations, a service animal is any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other disability. **Note:** Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

13.24.1. To determine if an animal is a service animal, only two questions will be asked: (1) is this animal required because of a disability? and (2) what work or task has this animal been trained to perform? **(T-0).**

13.24.2. Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the person's disability. **(T-1).**

13.24.3. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals. The determination of whether an emotional support animal is a reasonable accommodation will be made on a case by case basis.

13.25. Use of Service Animals in Air Force Facilities. Individuals with disabilities may bring their service animals in to all areas of Air Force facilities where members of the public, program participants, clients, customers, or invitees are allowed. A service animal may be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from a surgery or burn unit in a hospital in which a sterile environment is required). The individual with a disability may be asked to remove a service animal if the animal is not housebroken or is out of control and the individual with a disability is not able to control it. A service animal will have a harness, leash, or other tether, unless the handler is unable to use a tether because of a disability, or the use of a tether would interfere with the service animal's ability to safely perform its work or tasks. **(T-1).** In these cases, the service animal will be under the handler's control through voice commands, hand signals, or other effective means. **(T-1).**

13.25.1. If a service animal is excluded from an Air Force facility, the individual with a disability must be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises. **(T-1).**

13.25.2. Individuals with disabilities will not be refused access to a facility based solely on the breed of their service dog. **(T-1).**

Chapter 14

EQUAL OPPORTUNITY PROGRAM REPORTING AND COMPLIANCE REQUIREMENTS

14.1. The Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act). The No FEAR Act (Public Law 107-174), establishes the Air Force's accountability for violations of antidiscrimination and whistleblower protection laws. All settlements and judgments arising from the administrative and judicial processes of the Air Force are subject to reporting requirements under the No FEAR Act.

14.1.1. Accurate Reporting and Compliance. AFLOA or LLFSC will notify AFPC/EO Operations, AF/A1Q and Air Force Financial Management & Comptroller (SAF/FM) of any federal court settlements or judgments subject to No FEAR Act reporting. **(T-0).** SAF/FM will reimburse the Department of the Treasury, Judgement Fund for any judgments or settlements subject to the No FEAR Act in accordance with 5 CFR § 724.104 and Chapter 3100 of the Treasury Financial Manual. **(T-0).** Air National Guard Readiness Center Equal Opportunity Directorate will report formal administrative complaints filed by Air Force employees assigned to the Air National Guard Readiness Center and National Guard Bureau that are processed under equal opportunity procedures in 29 CFR §1614 to AF/A1Q and AFPC/EO Operations. **(T-1).**

14.1.2. The Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) Annual Report. AFPC/EO Operations will generate the No FEAR Act Annual Report no later than 10 October of each fiscal year for review by AF/A1Q and submission to Department of Defense and the Equal Employment Opportunity Commission. **(T-0).** AF/A1Q will approve and forward the final report to SAF/MR for signature no later than 30 calendar days from the end of the fiscal year. **(T-0).** AFPC/EO Operations will post the final report on the Air Force public website no later than 180 days of the end of the fiscal year, and quarterly reports no later than 15 days of the previous quarter close-out. **(T-0).**

14.1.3. No FEAR Act Notice. Installation Equal Opportunity Offices will provide notice to all employees, former employees, and applicants for employment about the rights and remedies available under the antidiscrimination laws and whistleblower protection applicable to them in paper and/or electronic form. **(T-0).** After the initial notice, the Installation Equal Opportunity Office will provide the notice to new employees within 90 calendar days of appointment. **(T-0).**

14.2. Equal Employment Opportunity Commission (EEOC) Management Directive-715 Federal Agency Annual Equal Employment Opportunity Program Status Report. The Air Force will report to the Equal Employment Opportunity Commission annually on the status of activities undertaken pursuant to its equal employment opportunity program under Title VII and activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973, as amended, per Management Directive-715 Part C, on EEOC Management Directive (MD-715) Form. **(T-0).** Program status is assessed annually by AF/A1Q. Assessments are shared with the Deputy Chief of Staff, AF/A1, and the Assistant Secretary. MAJCOM Equal Opportunity Functional Managers are responsible for compiling Management Directive-715 reports and forwarding to AFPC/EO Operations and AF/A1Q by 5 December of each year.

Installation Affirmative Employment Program Managers will complete the Part G, *Self-Assessment Checklist* of the Management Directive-715 Report, along with the Civilian Personnel Section complete the Part H, *Plan to Attain the Essential Elements of a Model Equal Employment Opportunity Program* and will submit other required reports to their respective MAJCOM Equal Opportunity Functional Advisor. **(T-0). Note**: Installations with fewer than 500 civilians assigned will submit the checklist upon request only. **(T-1).** Installations with 1000-1999 civilians assigned will complete Parts G, H, and J *Special Program for the Recruitment, Hiring, and Advancement of Individuals with Targeted Disabilities.* **(T-1).** Installations with 2000 or more assigned civilians will complete Parts G, H, I *EEO Plan to Eliminate Identified Barrier* and J. Part I will address the plan to eliminate barriers identified by the locally established Installation Barrier Analysis Working Group and/or Air Force Barrier Analysis Working Group. **(T-1).**

14.3. Disabled Veterans Affirmative Action Program Report. The Headquarters Air Force Equal Opportunity Director will submit the Air Force Disabled Veterans Affirmative Action Program Report. Responsibilities are enumerated in 5 CFR Part 720 Subpart C. The Disabled Veterans Affirmative Action Program Report includes participation data, accomplishments, successes and practices in efforts to recruit, hire and train disabled veterans as well as certain veterans of the Vietnam Era and Post-Vietnam Era who are qualified for such employment and advancement. The Air Force Disabled Veterans Affirmative Action Program Report is submitted through Department of Defense to the Office of Personnel Management at the end of each fiscal year. Air Force installations do not have a Disabled Veterans Affirmative Action Program Report requirement. Installations will incorporate Disabled Veterans Affirmative Action Program initiatives into other Affirmative Employment Program Reports. **(T-1).**

14.4. Federal Equal Opportunity Recruitment Program. The Headquarters Air Force Equal Opportunity Director will submit the Federal Equal Opportunity Recruitment Program report. Responsibilities are enumerated in 5 CFR Part 720 Subpart B. The Federal Equal Opportunity Recruitment Program Report contains participation data and highlights specific accomplishments and efforts to recruit, develop, and retain a diverse workforce, including Hispanics in the workforce required by Executive Order 13171, *Hispanic Employment in the Federal Government.* The Air Force reports its status of Hispanic employment in the Hispanic Employment in Federal Government report section of the annual Federal Equal Opportunity Recruitment Program Report. The Air Force Federal Equal Opportunity Recruitment Program Report is submitted through Department of Defense to the Office of Personnel Management at the end of each fiscal year. Air Force installations do not have a Federal Equal Opportunity Recruitment Program Report requirement. Installations will incorporate Federal Equal Opportunity Recruitment Program initiatives into other Affirmative Employment Program Reports. **(T-1).**

14.5. Equal Employment Opportunity Commission (EEOC) Form 462*, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*. Equal Employment Opportunity Commission regulation 29 CFR § 1614.602 requires federal agencies and departments to report information concerning pre-complaint counseling and the status, processing, and disposition of complaints. AFPC/EO Operations and will prepare the EEOC Form 462 for SAF/MR signature and subsequent submission to the Equal Employment Opportunity Commission. **(T-0).** AFPC/EO Operations and the Air National Guard Readiness Center Equal Opportunity Director submits the EEOC Form 462, to AF/A1Q no later than 1

November. Installation Equal Opportunity Directors will complete EEOC 462 Worksheets on a quarterly basis and verify accuracy using the Edit Checklist. **(T-1).** Installation Equal Opportunity Directors will reconcile all elements of the report prior to submitting to AFPC/EO Operations within 10 calendar days of closeout. **(T-1). Note:** Reporting increments are on a fiscal year basis. AFPC/EO Operations will submit the EEOC Form 462 to the EEOC by 31 October of each fiscal year. **(T-0)**

14.6. Air Force Form 3018 Report. Installation Equal Opportunity Directors will complete AF Form 3018, *Military Equal Opportunity/Human Relations Education Summary* on a quarterly basis and will certify the report within 10 calendar days of closeout. **(T-0).** Reporting increments are on a fiscal year basis. Installation Equal Opportunity Directors will provide an overall assessment of the Installation Human Relations Climate to accompany AF Form 3018 on a semiannual basis, allowing sufficient time for Community Action Board/Community Action Team to meet and assess the base Human Relations Climate. **(T-0).** The assessment will include qualitative and quantitative factors assessed during the Installation Equal Opportunity Assessment Survey as well as innovations, best practices, problems/solutions, lessons learned, overall Human Relations Education critique summary, requested guidance from MAJCOM Equal Opportunity Functional Managers and recommendations for improving the equal opportunity program. **(T-0).** Installation EO offices will complete the following tasks: **(T-0)**

14.6.1. AF Form 3018.

14.6.2. Complete AF Form 3018 on a quarterly basis. Reporting increments are on a fiscal year basis. The reporting periods are: 1 Oct - 31 Dec, 1 Jan - 31 Mar, 1 Apr - 30 Jun and 1 Jul - 30 Sep.

14.6.3. Certify the report within 10 calendar days after the report closeout date.

14.7. SAF/GCR Alternative Dispute Resolution Data Call. The Installation Equal Opportunity Director will compile and consolidate all Alternative Dispute Resolution data for the Negotiation and Dispute Resolution Manager annual data call for the previous fiscal year. **(T-1).** Information will not contain personal identifying information of Alternative Dispute Resolution participants. **(T-1).**

14.8. Congressional and Other High-Level Inquiries. The Installation Equal Opportunity Office will coordinate responses to congressional and other high-level inquiries with the respective MAJCOM Equal Opportunity Functional Manager, AFPC/EO Operations and AF/A1Q under AFI 90-401. **(T-0)**

14.9. Information Protection, Privacy Act of 1974 and Freedom of Information Act (FOIA). The Installation Equal Opportunity Office will process FOIA requests for Defense Equal Opportunity Climate Survey Reports or data assessments in accordance with DoDM5400.07_AIR FORCE MANUAL 33-302, 5 USC § 552(b)(5) and (b)(6), and AFI 33-332, *Air Force Privacy and Civil Liberties Program.* **(T-1).** The Installation Equal Opportunity Director is the disclosure authority as defined in DoDM 5400.07_ AIR FORCE MANUAL 33-302, for all equal opportunity records requested under the FOIA.

14.10. Air Force Program Nondiscrimination Assurance Report Form. Any applicant or recipient obtaining a federal grant, loan, contract, property, discount or other federal financial assistance will provide assurance of compliance with Air Force nondiscrimination policy and compliance with DoDD 5500.11.

14.11. Race and Discrimination Report. The Headquarters Air Force Equal Opportunity Director will report to the Office of Secretary of Defense the annual Workplace and Equal Opportunity Report of Active Component Members. **(T-0).** The Secretary of Defense is required to conduct Workplace Equal Opportunity surveys to solicit information on racial and ethnic issues, including issues relating to harassment and discrimination, and the climate in the Armed Forces for forming professional relationships among active component members.

14.12. Civil Liberties Report. AFPC/EO Operations is the Office of Primary Responsibility for the Civil Liberties Report for AFPC. AFPC/EO Operations collects complaint data in accordance with AFI 33-332, from AFPC/JA and AFPC/IG, the report is forwarded to SAF/CIO A6 with a copy to AF/A1Q. The Air Force will report semi-annually to the Office of the Air Force Information Dominance Cyberspace Capabilities and Compliance (SAF/A6XA) the Civil Liberties Report capturing the number and nature of Equal Employment Opportunity and Military Equal Opportunity complaints. **(T-0).**

14.13. Sexual Harassment Report. The Headquarters Air Force Equal Opportunity Director will report to the Office of the Secretary of Defense the annual Sexual Harassment in the Armed Forces Report. **(T-0).** Public Law 112-239, 126 STAT. 1764, Section 579(b) requires the Secretary of Defense to collect information and data on substantiated incidents of sexual harassment involving members of the Armed Forces. The report will be combined into the DoD Annual Report on Sexual Assault in the Military and submitted to Congress. **(T-0).**

14.14. Hazing & Bullying Report. The Headquarters Air Force Equal Opportunity Director will report to the Office of the Secretary of Defense the annual Hazing and Bullying in the Armed Forces Report. **(T-0).** Public Law 114-328, 130 STAT. 2129, Section 549 requires the Secretary of each Military Department, in consultation with the Chief of Staff of each Armed Force, to submit a hazing report containing a description of the hazing and bullying efforts during the Fiscal Year to the Senate and House Committees on Armed Services.

14.15. Age Act Report. The Headquarters Air Force Equal Opportunity Director will report to the Office of the Secretary of Defense the annual Age Act Report as required by Section 308(a) of the Age Discrimination Act. **(T-0).** The Age Discrimination Act of 1975, as amended (the Age Act), prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. Pursuant to the Age Act, the Secretary of the Department of Health & Human Services must compile all Federal agency reports and submit a Government-wide report to Congress, along with an evaluation of the progress that has been made Government-wide in enforcing the Age Act. **(T-0).**

14.16. Executive Order 13160 Report. The Headquarters Air Force Equal Opportunity Director will report to the Office of the Secretary of Defense the annual Executive Order 13160 Report. **(T-0).** The Executive Order and Report addresses nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally-conducted education and training programs.

JOHN A. FREDRIGO
Principle Deputy Assistant Secretary of the Air Force
(Manpower and Reserve Affairs)

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Public Law 93-112, Rehabilitation Act of 1973 § 504

Public Law 107-174, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (No FEAR Act)

Public Law 112-239, *National Defense Authorization Act*, 126 STAT. 1764, § 579(b)

Public Law 114-328, *National Defense Authorization Act*, 130 STAT. 2129, Section 549

Rehabilitation Act of 1973 § 501, as amended

Alternative Dispute Resolution Act of 1996

Equal Employment Opportunity Commission Management Directive 110, *Federal Sector Equal Employment Opportunity*, 9 November 1999, as revised 5 August 2015

Equal Employment Opportunity Commission Management Directive 715, *Title VII (of the Civil Rights Act) and Rehabilitation Act Programs*, 1 October 2003

Equal Employment Opportunity Commission *Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, 17 October 2002*

Title VII, Section 717, of the Civil Rights Act of 1964, as amended

5 CFR Part 1200, Board Organization (Merit Systems Protection Board)

5 CFR § 213.3102(u), *Appointment of Persons with Intellectual Disabilities, Severe Physical Disabilities, or Psychiatric Disabilities*

5 CFR § 720 Subpart B, *Federal Equal Opportunity Recruitment Program*

5 CFR § 720 Subpart C, *Disabled Veterans Affirmative Action Program Report*

5 CFR § 724.203, *Training Obligations*

29 CFR Appendix to Part 1630, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*

29 CFR Part 1614, *Federal Sector Equal Employment Opportunity*

29 CFR § 1614.107, *Dismissals of Complaints*

29 CFR § 1614.108(f), *Investigation of Complaints*

29 CFR § 213.3102(u), Schedule A, *Employment for People with Disabilities in the Federal Government*

5 USC § 552 (b)(5) and (b)(6), *Freedom of Information*

5 USC § 552a, *The Privacy Act of 1974, as amended*

5 USC §7101, § 7114(a)(2)(B), *Findings and purpose/Representation rights and duties*

10 USC § Section 481(a)(2)(A), *Racial and ethnic issues; gender issues: surveys*

10 USC § 1561, *Complaints of Sexual Harassment: Investigation by Commanding Officers*

29 USC § 626, *The Older Workers Benefits Protection Act 30*

29 USC§ 791 et seq., *Rehabilitation Act of 1973*

29 USC §§ 621–634, *Age Discrimination in Employment Act of 1967*

42 USC § 12101 et seq, *Findings and Purpose*

Executive Order 13171, *Hispanic Employment in the Federal Government*, 29 November 2000

Executive Order 11478, *Equal Employment Opportunity in the Federal Government, 8 August 1969*

Executive Order 13160, *Non-Discrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs*, 23 June 2000

Massachusetts v. United States Department of Health and Human Services, *Equal Employment Opportunity Commission Appeal No. 01962390*, 29 May 1998

DoDD 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the Department of Defense, Certified Current as of* 21 November 2003

DoDD 1440.1 *DoD Civilian Equal Opportunity (EEO) Program*, Change 3, 17 April 1992

DoDD 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands*, 17 September 2017

DoDD 5400.07, *DoD Freedom of Information Act (FOIA) Program, 5 April 2019*

DoD 5500.07-R, *Joint Ethics Regulation (JER)*, 30 August 1993, Inc Change 7, 17 November 2011

DoDD 5500.11, *Nondiscrimination in Federally Assisted Programs, Certified Current 21 November 2003*

DoDI 1020.03 *Harassment Prevention and Response in the Armed Forces*, 8 February 2018

DoDI 1400.25 Vol 431_AFI36-1002, *Performance Management and Appraisal Program Administration in the Air Force*, 15 November 2016

DoDI 4715.05, *Executive Services Directorate*, 1 November 2013

DoDI 4715.08, *Remediation of Environmental Contamination Outside the United States*, 10 October 2017

DoDI 7650.01, *Government Accountability Office (GAO) and Comptroller General Requests for Access to Records, 15 May 2018*

DoDM 5200.01, Volume 4, Enclosure 3, DoD Information Security Program: Controlled Classified Information, Inc Change 1, 9 May 2018

DoDM 5400.07_AIR FORCE MANUAL 33-302, *Freedom of Information Act Program*, 27 April 2018

USAF PAD 07-11, *A1 Transformation*

HAFMD 1-14, *General Counsel and the Judge Advocate General,* 29 December 2016

AFPD 36-1, *Appropriated Funds Civilian Management and Administration,* 18 March 2019

AFPD 36-27, *Equal Opportunity (EO),* 18 March 2019

AFPD 51-12, *Alternative Dispute Resolution,* 5 June 2018

AFPD 52-2, *Accommodation of Religious Practices in the Air Force,* 17 February 2016

AFI 33-322, *Records Management and Information Governance Program,* 23 March 2020

AFI 33-332, *Air Force Privacy and Civil Liberties Program,* 10 March 2020

AFI 33-360, *Publications and Forms Management*, 1 December 2015

AFI 35-107, *Public Web and Social Communication,* 15 March 2017

AFI 36-703, *Civilian Conduct and Responsibility,* 30 August 2018

AFI 36-704, *Discipline and Adverse Actions of Civilian Employees,* 3 July 2018

AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted*), 25 June 2013, IC2, 9 March 2017

AFI 36-2406, *Officer and Enlisted Evaluation Systems,* 14 November 2019

AFI 36-2626, *Airman Retraining Program,* 20 Nov 2018

AFI36-2651, *Air Force Training Program,* 3 January 2019

AFI 36-3101, *Fundraising,* 9 October 2018

AFI 36-7001, *Diversity and Inclusion,* 19 February 2019

AFI 41-200, *Health Insurance Portability and Accountability Act (HIPAA),* 25 July 2017

AFI 51-301, *Civil Litigation*, 2 October 2018

AFI 51-1201, *Negotiation and Dispute Resolution Program,* 2 October 2018

AFI 51-508, *Political Activities, Free Speech and Freedom of Assembly of Air Force Personnel,* 12 October 2018

AFI 65-601, Vol. 1, *Budget Guidance and Procedures,* 24 October 2018

AFI 90-201, *The Air Force Inspection System,* 20 November 2018

AFI 90-301, *Inspector General Complaints Resolution,* 28 December 2018

AFI 90-401, *Air Force Relations with Congress,* 14 June 2012

AFI 90-5001, *Integrated Resilience*, 25 January 2019

AIR FORCE MANUAL 32-1084, *Standard Facility Requirements*, 15 January 2020

CNGBI 0402.01, *National Guard Alternative Dispute Resolution*, 24 July 2015

CNGBN 9600, *State National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting Guidance, 10 May 2017*

CNGBM 9601.01, National Guard Discrimination Complaint Process, 25 April 2017

Prescribed Forms

AF Form 1271, *Equal Opportunity Record of Assistance/Contact*

AF Form 1587, *Military Equal Opportunity Informal Complaint Summary*

AF Form 1587-1, *Military Equal Opportunity Formal Complaint Summary*

AF Form 3018, *Military Equal Opportunity/Human Relations Education Summary*

Adopted Forms

AF Form 797, *Job Qualification Standard Continuation/Command JQS*

AF Form 847, *Recommendation for Change of Publication*

AF Form 1168, *Statement of Suspect/Witness/Complainant*

EEOC Form 462, *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*

EEOC Form 573, *Notice of Appeal/Petition*

EEOC Form 557a and 557b, *Confirmation of Request for Reasonable Accommodation*

Equal Employment Opportunity Commission 715-01, *Federal Agency EEO Program Status Report*

SF 50-B, *Notification of Personnel Action*

SF 182, *Authorization, Agreement and Certification of Training*

Request for Reasonable Accommodation Template Form

Optional Form (OF)-178, *Certificate of Medical Examination*

Abbreviations and Acronyms

AF—Air Force

DAFBAWG—Air Force Barrier Analysis Working Group

AFI—Air Force Instruction

AFLOA—Air Force Legal Operations Agency

AFPC—Air Force Personnel Center

AFPD—Air Force Policy Directive

AFRC—Air Force Reserve Command

ANG—Air National Guard

ANGRC—Air National Guard Readiness Center

CDI—Commander Directed Investigation

DEOCS—Defense Equal Opportunity Climate Survey

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

EEOC—Equal Employment Opportunity Commission

EEOC/OFO—Equal Employment Opportunity Commission Office of Federal Operations

EO—Equal Opportunity

FOIA—Freedom of Information Act

GC—General Counsel

GCMCA—General Court Martial Convening Authority

HIPAA—Health Insurance Portability and Accountability Act

IBAWG—Installation Barrier Analysis Working Groups

IEOAS—Installation Equal Opportunity Assessment Summary

JA—Judge Advocate

LLFSC—Labor Law Field Support Centers

MAJCOM—Major Command

NGB—National Guard Bureau

NGB/EI—National Guard Bureau/Equity and Inclusion

RSD—Regularly Scheduled Drill

SORN—Systems of Records Notice

USC—United States Code

Terms

Accommodation Request—A statement, oral or written, that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. No specific language is required to make a request, nor does the request have to use specific words such as "Reasonable Accommodation."

Airman—Collectively refers to uniformed members of the United States Air Force and United States Space Force, Department of the Air Force civilians, and members of the Civil Air Patrol when conducting missions for the Air Force as the official Air Force Auxiliary, unless otherwise stated.

Alternative Dispute Resolution Practitioner—An individual designated to assist the parties in resolving one or more workplace disputes. An ADR Practitioner may be a military member or civilian employee of the Federal Government or any other individual, including a contractor hired to provide services as a neutral. Anyone serving as an ADR Practitioner in an Air Force workplace dispute must not have an official, financial, or personal conflict of interest in any issue in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the ADR Practitioner may serve.

Affirmative Employment Program—A program of proactive action in all personnel administration and management matters, including recruitment, employment, retention, and promotion, designed to promote equal opportunity and to identify and eliminate discriminatory practices and policies. The Air Force is required pursuant to 29 CFR 1614.102 and EEOC Management Directive-110 to maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies.

Agency—Each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include (A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia. For the purposes of this instruction, use of the term the "Agency" are in reference to the Air Force.

Aggrieved Individual—For the purposes of this instruction, the term "aggrieved individual" refers to an Air Force employee, former employee, or applicant for employment who believes he or she has been subject to unlawful discrimination or harassment in the civilian informal equal opportunity complaint process (i.e. prior to filing a formal complaint).

Allegation—A claim of unlawful discrimination or harassment in connection with presenting or processing a complaint.

Alternative Dispute Resolution—Any procedure that is used to resolve issues in controversy by mutual agreement of the parties, including, but not limited to, conciliation, facilitation, mediation, fact-finding, mini trials, advisory arbitration, and the use of ombuds, or any combination thereof per 5 USC § 571(3). ADR proceedings utilize the services of a neutral third party to assist the parties in resolving their dispute.

Appellant—In the Air Force equal opportunity complaint process, an appellant is a complainant or aggrieved individual who has applied to a higher court or decision authority for a reversal of the decision of a lower court or decision authority.

Applicant for Employment—A person who has asked to be considered for a job with the Air Force. An applicant may be a current employee of the Air Force, an employee of another agency, or a person who is not currently employed by any agency.

Arbitration—Arbitration is the private, judicial determination of a dispute, by an independent third party.

Bargaining Unit—An organization of workers formed for the purposes of advancing its members' interests in respect to wages, benefits, working, and employment conditions. Also referred to colloquially as a "union".

Barrier—An agency policy, principle, practice, or condition that limits or tends to limit employment opportunities for members of any race or national origin group, either sex, or for an individual (or individuals) based on disability status

Barrier Analysis—An investigation of anomalies found in workplace policies, procedures, and practices that limit or tend to limit employment opportunities for members of any race or national origin, either sex, or based on an individual's disability status. Barrier analysis identifies the root causes of those anomalies, and if appropriate, eliminates them.

Basis—For the purpose of this instruction, "basis" is the statutory source upon which the aggrieved individual or complainant believes she or he has been discriminated against, or the

alleged motivation for the employment action being challenged, or reprisal for opposing any practice made unlawful, or for participating in any stage of the complaint process under those statutes.

Bullying—For the purposes of this instruction, while not a form of unlawful harassment under equal opportunity law, bullying as defined by DoDI 1020.03 is also a prohibited form of conduct. Bullying includes acts of aggression by Service members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person.

Chairperson—A person in charge of a meeting, organization, or department. Chairpersons identified by this instruction have specific responsibilities assigned for the entity over which they preside.

Civilian—Air Force civilian employees, former employees, and applicants for employment who meet the criteria outlined in 29 CFR § 1614 *Federal Sector Equal Employment Opportunity*.

Civilian Personnel Officer—An individual responsible for the administrative, operational and logistical needs of its unit.

Claim—An issue which is material to a decision concerning an administrative program of an agency, and with which there is disagreement between an agency and persons who would be substantially affected by the decision; or between persons who would be substantially affected by the decision.

Class—A group of employees, former employees, and/or applicants for employment who allegedly have been or are being harmed by the Air Force's personnel policy or practice, based on their common race, color, religion, sex, national origin, age, disability, or genetic information.

Class Agent—A class member who represents and otherwise acts for the class during the processing of a class action complaint.

Class Action—A claim, complaint, or lawsuit filed or defended by an individual (class agent) or small group acting on behalf of a large group (class).

Climate Assessment—Actions taken to evaluate the Human Relations Climate within any level of command.

Collateral Duty—A task or tasks carried out by an employee that lie outside of his or her main role.

Commander Worked Issue—An Equal Opportunity allegation of unlawful discrimination, harassment, or sexual harassment that is addressed within a commander's unit and only when a potential complainant has not filed a military complaint with the EO office.

Compensatory Damages—Payments intended to fully compensate victims of intentional discrimination, if allowed by law, for pecuniary and non-pecuniary losses that result directly from the discrimination. These damages are in addition to equitable relief such as back pay, interest, reinstatement, and attorney's fees.

Complaint Clarification—Process of gathering information regarding a formal equal opportunity complaint to determine whether credible evidence exists and/or that unlawful discrimination has occurred.

Complainant (Civilian)—In the Air Force equal opportunity civilian complaint process, civilians are considered complainants upon the filing of a formal complaint of unlawful discrimination or harassment, and throughout the formal complaint process. Prior to filing a formal complaint, civilians are considered "aggrieved individuals". Complainant may also refer to the representative of a class complaint or mixed case complaint in the civilian equal opportunity formal process.

Complainant (Military)—In the Air Force equal opportunity military complaint process, uniformed military members are considered complainants upon filing an informal complaint of unlawful discrimination or harassment, and throughout the formal complaint process.

Confidentiality—Refers to the protection from voluntary or compulsory disclosure, afforded by the Administrative Dispute Resolution Act of 1996, to certain dispute resolution communications given in confidence for the purposes of a dispute resolution proceeding.

Contact—When an aggrieved individual engages an Equal Opportunity Practitioner for the purpose of obtaining information about, or articulating, a complaint, but does not elect to start the informal (pre-complaint) process.

Credible Evidence—Evidence which is not necessarily true, but is evidence worthy of belief, that is, worthy to be considered by the judicial system. It is often natural, reasonable and probable as to make it easy to believe.

Decision Authority (Reasonable Accommodation)—The requestor's immediate supervisor is the decision maker whenever possible. Commanders may designate another decision authority, if the immediate supervisor is unavailable, as long as the decision authority is within the immediate chain of command. Requests for reasonable accommodation from applicants will be handled by the installation) Civilian Personnel Office. Denial of an accommodation request must be reviewed and endorsed by the Installation Commander. On installations with multiple wings, this responsibility may be delegated to the Wing Commander who has authority over the employee requesting reasonable accommodation. In addition to the Wing Commanders, the Installation Commander may also delegate this responsibility to the Installation Vice Commander or Civilian Deputy.

Demographic Data—Statistical data about the characteristics of a population (e.g. race, color, religion, sex, national origin, etc.).

Defense Equal Opportunity Management Institute—The Defense Equal Opportunity Management Institute is a Department of Defense joint services school located at Patrick Air Force Base offering both resident and off-site courses in areas including equal opportunity, intercultural communication, and religious, racial, gender, and ethnic diversity.

Direct Reporting Unit—An agency of the Air Force that is outside the bounds of the standard organizational hierarchy by being exclusively and uniquely under the control of Air Force headquarters alone, rather than reporting through a MAJCOM.

Direct Threat—In terms of an individual, is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable

accommodation(s) and based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. Factors to be considered include: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. The Air Force is not obligated to hire applicants who may pose a direct threat to themselves, others, or the agency.

Disability—Per 42 USC § 12102(1), with respect to an individual, the term "disability" means the individual has a physical or mental impairment that substantially limits one or more major life activities of such individual; the individual has a record of such an impairment; or the individual is regarded as having such an impairment. **Note:** The term "Individual with a Disability" does not include individuals currently engaging in the use of illegal drugs when an employer acts on the basis of such use; and tests for illegal drugs are not subject to the restrictions on medical examinations imposed by the Rehabilitation Act of 1973. Additionally, the definition does not include the following sexual and behavioral disorders: homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from the use of illegal drugs.

Disability Retirement—A form of pension given to individuals who are permanently or temporarily unable to work due to a disability.

Discrimination (Civilian)—An unlawful employment practice that occurs when an employer fails or refuses to hire or promote, discharges, or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (over 40), physical or mental disability, genetic information or prior EEO activity; limits, segregates or classifies employees or applicants for employment in any way that deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects his/her status as an employee because of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (over 40), physical or mental disability, genetic information, or prior EEO activity .

Discrimination (Military)—Any unlawful action that denies equal opportunity to persons or groups based on their race, color, sex, national origin, religion, or sexual orientation.

Diversity—Per AFI 36-7001, *Diversity*, the Air Force broadly defines diversity as a composite of individual characteristics, experiences, and abilities consistent with the Air Force Core Values and the Air Force Mission. Air Force diversity includes but is not limited to: personal life experiences, geographic and socioeconomic backgrounds, cultural knowledge, educational background, work experience, language abilities, physical abilities, philosophical and spiritual perspectives, age, race, ethnicity, and gender. This concept of diversity is to be tailored as specific circumstances and the law require.

Employee Assistance Program—A voluntary, confidential program that helps employees (including management) work through various life challenges that may adversely affect job performance, health, and personal well-being to optimize an organization's success.

Equal Opportunity—The right of all Airmen, military or civilian, to be free from discrimination (as defined above) in all aspects of their employment.

Equal Opportunity Practitioner—For the purposes of this instruction, an Equal Opportunity Practitioner is an individual trained to address equal employment opportunity issues, to include Equal Opportunity Specialists, Installation Equal Opportunity Directors, ADR Practitioners, Negotiation and Dispute Resolution Managers, and collateral duty equal opportunity personnel.

Essential Functions—The fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following: (1) the reason the position exists is to perform that function; (2) the limited number of employees available among whom the performance of that job function can be distributed; and/or (3) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function. Evidence of whether a particular function is essential includes, but is not limited to: (1) the employer's judgment as to which functions are essential; (2) written job descriptions prepared before advertising or interviewing applicants for the job; (3) the amount of time spent on the job performing the function; (4) he consequences of not requiring the incumbent to perform the function; (5) the terms of a collective bargaining agreement; (6) the work experience of past incumbents in the job; and/or (7) the current work experience of incumbents in similar jobs.

Facilitation—Facilitation is one type of Alternative Dispute Resolution. Facilitation is a collaborative and goal-oriented process. Facilitation is the only type of Alternative Dispute Resolution approved for resolving military equal opportunity complaints.

Facility—Any real property (structure, building, or linear asset to include any non-equity asset) that is not bare land.

Fact- Finding—Discovery stage in an inquiry or investigation where information is procured (using tools such as questionnaires), verified, and assembled in a report, with or without the recommendations of the investigator.

Federal Financial Assistance—The transfer of anything of value, most often money, from a federal agency to a non-federal entity. For the purposes of this instruction, financial assistance provided by the Air Force in programs and activities conducted or assisted by the Air Force are subject to Air Force nondiscrimination policy as described herein.

Final Agency Action—There are two types of final actions by agencies. One is a final action by an agency following a decision by an Administrative Judge. The other is a final action in all other circumstances.

Final Agency Decision—When an agency dismisses an entire complaint under 29 CFR § 1614.107(a), the complainant receives a request for an immediate final decision, or does not receive a reply to the notice issued under 29 CFR § 1614.108(f), the agency will take final action by issuing a final decision. The final decision consists of findings by the agency on the merits of each claim in the complaint, or, as appropriate, the rationale for dismissing any claims in the complaint and, when discrimination is found, appropriate remedies, and relief in accordance with subpart E of 29 CFR § 1614. The final decision shall contain notice of the right to appeal the final action to the Equal Employment Opportunity Commission, the right to file a civil action in a U.S. District Court, the name of the proper defendant in any such lawsuit, and the applicable time limits for appeals and lawsuits.

Final Order—An order or judgment of a court or by the Air Force that finally disposes of the rights of the parties.

Formal Complaint—Allegation of unlawful discrimination or sexual harassment that is submitted in writing by a complainant on AF Form 1587 or the equivalent civilian form to the Installation Equal Opportunity Office.

Former Employee—Someone who used to have a particular job, position, or role, but no longer holds it.

General Assistance—Services provided by an Installation Equal Opportunity Office which are not under the purview of the equal opportunity program. General assistance is typically reported as a "contact" by Equal Opportunity Practitioners.

Genetic Information Nondiscrimination Act—Prohibits discrimination on the basis of genetic information. It creates a separate form of unlawful discrimination distinct from disability discrimination under the Rehabilitation Act. It prohibits discrimination based on genetic information and not on the basis of a manifested condition. The Rehabilitation Act and the Americans with Disabilities Act prohibit discrimination on the basis of manifested conditions that meet the definition of disability. For example, a woman who carries the genetic marker posing a risk for breast cancer (BRCA 2) but who does not have breast cancer is covered by Genetic Information Nondiscrimination Act. If she develops breast cancer, she is covered by the Rehabilitation Act, but not by Genetic Information Nondiscrimination Act.

Geographically Separated Unit—A base that is physically separate from, yet not autonomous of its "parent" base. Geographically Separated Units are "owned" by their parent organization and are typically quite small.

Harassment—For the purposes of this instruction, harassment is defined pursuant to DoDI 1020.03 behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. Harassment can occur through electronic communications, including social media, other forms of communication, and in person. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment. Unlawful harassment includes creating an intimidating, hostile working environment for another person on the basis of a protected class. The use of disparaging terms with respect to a person's protected class contributes to a hostile working environment and will not be tolerated.

Hazing—For the purposes of this instruction, hazing is defined pursuant to DoDI 1020.03. Hazing includes conduct which physically or psychologically injures or creates a risk of injury without a proper military or governmental purpose for the initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization.

Hearing—For the purposes of this instruction, a hearing is the presentation of such oral and written evidence concerning a complaint of discrimination presented before the Equal Employment Opportunity Commission.

Hotline—The Air Force Unlawful Discrimination and Sexual Harassment Hotline (888- 231-4058) is operated by AFPC/EO Operations. It is established to ensure Air Force personnel can easily and freely report to proper authorities any allegations of sexual harassment or discrimination and provide information on sexual harassment and Equal Opportunity issues.

Human Relations Climate—The prevailing perceptions of individuals concerning interpersonal relationships within their working, living, and social environment.

Impairment—Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Impasse—Impasse occurs when the parties fail to resolve an issue and the neutral determines that further proceedings would be futile. Alternative Dispute Resolution proceedings should be terminated when impasse is reached and the parties should be advised of the other remedies and processes available to them. Alternative Dispute Resolution is not a replacement for other dispute procedures and remedies; therefore, a party who elects Alternative Dispute Resolution does not waive the right to pursue such other available remedies if Alternative Dispute Resolution fails to resolve the dispute as long as applicable time limits are met.

Informal Complaint—Allegation of unlawful discrimination or sexual harassment, made either orally or in writing to an Installation Equal Opportunity Office by an aggrieved individual that is not submitted as a formal complaint.

Installation—An enduring location consisting of a base, camp, post, station, yard, center, or other DoD activity under the operational control of the Secretary of a Military Department or the Secretary of Defense. For more information, see DoDI 4715.05, *Executive Services Directorate* and DoDI 4715.08, *Remediation of Environmental Contamination Outside the United States*.

Installation Commander—For purpose of this AFI, the commander or head of an Air Force activity exercising delegated appointing authority pursuant to AFPD 36-1, *Appropriated Funds Civilian Management and Administration*, over civilian personnel assigned to the organization or activity under his or her command or direction, including Forward Operating Agency's, Geographically Separated Units, and Direct Reporting Units.

Installation Equal Opportunity Director—Refers to the individual responsible to the senior Air Force Commander or Director accountable for the overall organizational equal opportunity and Human Relations Climate. Manages the Installation Equal Opportunity Office and installation equal opportunity program.

Institutional Discrimination—As used in the military equal opportunity program, the action by an institution (or system), through the implementation of policies and procedures that deprive a person or group of a right because of race, color, national origin, religion, sex, or sexual orientation. Such discrimination may occur covertly, overtly, intentionally, or unintentionally.

Interactive Process—An interactive communication process with an employee who has requested an accommodation (or otherwise indicated a need) in order to clarify the specific nature of the disability and identify the appropriate reasonable accommodation. This may include

asking relevant questions that enables the supervisor or management official to make an informed decision regarding Air Force's accommodation responsibilities in a specific situation.

Job Accommodation Network—A service of the U.S. Department of Labor's Office of Disability Employment Policy, it is the leading source of expert, confidential guidance on workplace accommodations and provides one-on-one consultation to employers and employees, as well as to service providers and others, free of charge.

Job Restructuring—Modifications such as reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability, and altering when and/or how a function, essential or marginal, is performed.

Major Life Activities—Include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic.

Mediation—Mediation is a form of Alternative Dispute Resolution and is an informal and confidential way for people to resolve disputes with the help of a neutral mediator who is trained to help people resolve their differences.

Merit Systems Protection Board—The federal agency responsible for holding hearings and issuing decisions on complaints or appeals of adverse personnel actions, including disciplinary actions and performance-based actions. Appeals to the Merit Systems Protection Board may also contain allegations of discrimination, i.e., mixed cases.

Military Family Members—The spouse, children, and possibly other familial relationship categories of a sponsoring military member for purposes of pay as well as special benefits, privileges and rights.

Mixed Case Appeal—An appeal filed with the Merit Systems Protection Board which alleges that an adverse personnel action resulted, in whole or in part, because of discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information and/or reprisal, or alleges that such action resulted in sex-based wage discrimination.

Mixed Case Complaint—A mixed case complaint is a complaint of employment discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or reprisal related to or stemming from an action that can be appealed to the Merit Systems Protection Board. The complaint may contain only an allegation of employment discrimination or it may contain additional allegations that the Merit Systems Protection Board has jurisdiction to address.

Modification—In reference to a request for reasonable accommodation(s) or personal assistance service(s), a modification is a change to the original request for reasonable accommodation that must be equally effective to the original request. If an alternate service or accommodation to the original request is approved, this is a modification rather than a denial.

Negotiation and Dispute Resolution Manager—An official designated and trained in accordance with Public Law 101-552 (also known as the "Administrative Dispute Resolution Act") and Section 9 of Public Law 104-320 (also known as the "Administrative Dispute

Resolution Act of 1996"), who is responsible for the implementation of Alternative Dispute Resolution within the agency, agency Alternative Dispute Resolution policy, and training in Alternative Dispute Resolution.

Negotiation and Dispute Resolution—Any procedure that is used to resolve issues in controversy by mutual agreement of the parties, including but not limited to conciliation, facilitation, mediation, fact-finding, minitrials, advisory arbitration, and the use of ombuds, or any combination thereof per 5 USC § 571(3). Negotiation and Dispute Resolution proceedings may utilize the services of a neutral third party to assist the parties in resolving their dispute. Also referred to as Alternative Dispute Resolution.

Non-Appropriated Fund Employee—Non-appropriated Fund (NAF) employees are Federal employees within the DoD, but are not subject to the same personnel laws administered by the Office of Personnel Management for Appropriated Fund employees. 5 USC § 2105(c) explains nonappropriated fund employee status and identifies the Office of Personnel Management-administered laws that cover nonappropriated fund employees unless otherwise specifically stated in law.

Ombudsman—An official appointed to investigate individuals' complaints against maladministration, especially that of public authorities.

Out and About—The Out and About assessments are a process used to gather additional equal opportunity and human relations information that may impact installation personnel.

Protected Class—All groups and individuals qualified for protection by law and this instruction from employment discrimination and those collective characteristics. These protected characteristics are enumerated in the above definitions of "Discrimination (Civilian)" and Discrimination (Military)". Under the Constitution (the 5th and 14th Amendments' guarantee of Equal Protection) and civil rights laws, protection from discrimination does not apply to just minorities and women, but make it illegal to take a personnel action based on *any* race, color, national origin, or religion, or *either* sex.

Personal Assistance Services—Assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. Personal Assistance Services include but are not limited to: getting in and out of a vehicle, removing and putting on clothing, eating, and utilizing the restroom. Personal Assistance Services are to be provided during work hours and position-related travel provided (1) the employee requires such services because of a targeted disability, (2) provision of such services would, together with any reasonable accommodations required under the existing regulations, enable the employee to perform the Essential Functions of his or her position, and (3) the provision of such services would not impose undue hardship on the Air Force.

Qualified Individual with a Disability—An individual with a disability, as defined by 42 USC § 12102(1), who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. A qualified individual with a disability does not include any employee or applicant who is currently engaging in the illegal use of drugs.

Reasonable Accommodation—Reasonable accommodation is any modification or adjustment to a job, employment practice, the work environment, or the way things are usually done that allows a qualified individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace. 29 CFR part 1630 app. § 1630.2(o). Reasonable accommodation may include, but is not limited to: (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; (2) job restructuring, modifying work schedules, or reassignment of a current employee to a vacant position; and (3) acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. Reasonable accommodations are not limited to items that permit the employee to perform the essential functions of the job. An employer is not obligated to provide personal use items such as glasses or hearing aids. An employer is not required to remove an essential function of the job as an accommodation. See Equal Employment Opportunity Commission's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No.915.002 (October 17, 2002).

Reasonable Modification—A reasonable modification is a structural change made to an existing facility occupied by a person with a disability in order to afford such a person the full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of a unit as well as common areas.

Record of Having an Impairment—An individual who has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Record of Investigation—The summary of facts and documents collected during an investigation issued by the investigator pursuant to the investigation of a formal equal employment opportunity complaint of discrimination under 29 CFR § 1614.108.

Recipient—A person or thing that receives or is awarded something.

Referral—A referral is the act of referring someone or something for consultation, review, or further action.

Regarded as Having an Impairment—An individual is regarded as having a disability if the individual is subjected to prohibited action (such a non-selection or termination) based on an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. **Note:** An individual only regarded as having an impairment is not entitled to reasonable accommodation. Being regarded as having such an impairment does not apply to impairments that are transitory and minor, per 29 CFR § 1630.2(g).

Reprisal (Civilian) —Taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, or any other act of retaliation because an individual complained about discrimination on the job, filed a discrimination charge or complaint, or participated in any manner in an employment discrimination proceeding, or contacted an Equal Opportunity Practitioner or Installation Equal Opportunity Office for assistance of any kind. Reprisal includes mistreatment for raising discrimination that affects others (e.g., if a man complains about sexual harassment of women, mistreating him is retaliation). It also includes mistreatment of workers closely related to someone who has complained. Retaliation for complaining about conduct that does not involve

employment discrimination, such as union activity or workers compensation, is not prohibited by Equal Employment Opportunity Commission-enforced laws (although other laws may apply).

Reprisal (Military)—In accordance with 10 USC § 1034, as implemented by DoDD 7050.06, reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication

Retaliation (Military) —Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal. Investigation of complaints of non-criminal retaliatory actions other than reprisal will be processed consistent with Service-specific regulations. In addition to reprisal, additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment; or for performance of duties concerning an alleged sex-related offense or sexual harassment. For detailed definitions of the full range of retaliatory behaviors, see the Retaliation Prevention and Response Strategy Implementation Plan.

Requestor—In reference to the reasonable accommodation interactive process, the requestor is the individual with a disability requesting a reasonable accommodation. Regardless of the source of the request (e.g., a supervisor or family member requesting reasonable accommodation on behalf of an employee), the individual with the disability in need of the reasonable accommodation is the requestor.

Responsible Management Official—The official(s) who, according to the complainant's allegations, is (are) responsible for the action or made the decision that allegedly harmed the complainant.

Retiree—An individual who has retired from employment.

Schedule A—Schedule A refers to a special hiring authority (5 CFR § 213.3102(u)), that gives Federal agencies an optional, and potentially quicker, way to hire individuals with disabilities.

SharePoint®—is a web-based collaborative platform that integrates with Microsoft Office. The Air Force Equal Opportunity career field maintains a SharePoint® site as a central repository for resources relevant to all Air Force Equal Opportunity Programs, complaint processing, training, and reporting procedures. This is formerly the Community of Practice.

Senior Executive Service—Positions as defined by 5 USC § 2101(a)(2).

Senior Official—Any Air Force RegAF, retired, Air Force Reserve or Air National Guard military officers in grades O-7 (brigadier general) or select and above, current and former civilian equivalents, current or former members of the Senior Executive Service and current and former Air Force civilian Presidential appointees.

Service Animal—A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals, with the specific exception of miniature horses. The crime deterrent effects of an animal's presence and the provision of emotional

support, well-being, comfort, or companionship are not considered work or tasks under the definition of a service animal.

Settlement—An agreement arrived at during the informal (pre-complaint) or formal complaint process, which resolves issues raised to the satisfaction of the complainant. The terms of the adjustment must be set out in a negotiated settlement agreement.

Sexual Assault—For the purposes of this instruction, sexual assault is defined per DoDD 6495.01 as intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

Sexual Harassment—For the purposes of this instruction, sexual harassment is defined pursuant to DoDI 1020.03. Sexual Harassment involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures 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; (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 environment; ***and*** is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. Use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces is prohibited. Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense is prohibited. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

Similarly Situated Employees—Refers to a person or group of persons who are similar to that of the complainant or requestor in the reasonable accommodations process; meaning the employees could occupy the same similar positions or report to the same manager. Similarly situated employees are utilized as a benchmark in the interactive process for reasonable accommodation requests to ensure the requestor is fairly assessed for reasonable accommodations that provide and/or afford the individual with a disability the same benefits and privileges of employment that others in similar circumstances enjoy.

Special Observance—Special observances are conducted to enhance cross-cultural awareness and to promote diversity among all military members, civilian employees, family members, and retirees. These activities are an extension of Human Relations Education objectives for maintaining a healthy Human Relations Climate. A current listing of approved special observances may be found on the Defense Equal Opportunity Management Institute website at deomi.org.

Spin-Off Complaint—A complaint which alleges dissatisfaction with the processing of a previously filed complaint.

Substantiated Claim—A claim which has been found, through clarification or investigation, to be substantiated through credible evidence.

Targeted Disability—Targeted disabilities are a subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment above and beyond barriers faced by others in the larger disability category. The targeted disabilities are: developmental disabilities (e.g., cerebral palsy or autism spectrum disorder); traumatic brain injuries; deafness or serious difficulty hearing (e.g., benefitting from sign language); blindness or serious difficulty seeing, even when wearing corrective lenses; missing extremities (e.g., arm, leg, hand, and/or foot); significant mobility impairment (e.g., benefiting from a wheelchair); partial or complete paralysis by any cause; epilepsy and other seizure disorders; intellectual disabilities and/or deficits (formerly "mental retardation"); significant psychiatric disorders (e.g., bipolar disorder, schizophrenia, PTSD, major depression); dwarfism; and significant disfigurement by any cause.

Technician—Air Reserve Technicians, are a nucleus of full-time uniformed U.S. Air Force leaders, managers, operators, planners and trainers in what is known as the Air Reserve Component of the United States Air Force, the ARC consisting of both the Air Force Reserve and the Air National Guard.

Trigger—A trigger is a trend, disparity or anomaly that suggests the need for further inquiry into a particular employment policy, practice, procedure, or condition.

Underrepresented—Refers to individuals or groups that are represented in the workforce of a particular organization, career field, etc. relative to their expected representation based on the relevant (i.e., qualified) civilian labor force.

Undue Hardship—Employers do not have to provide any accommodation that would pose an undue hardship on the operation of the agency. Undue hardship focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation and refers to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business or organization. When considering whether the expense of a potential accommodation constitutes an undue hardship, the budget of the entire agency, i.e., the Air Force as a whole, is to be taken into account.

Unsubstantiated Claim—A claim that has not been established by proof or credible evidence.

Whistleblower—Whistleblowers are individuals who make lawful disclosure(s) of information about a person or agency engaged in illicit activity (e.g., fraud, waste, abuse, mismanagement or a substantial and specific danger to public safety or health). The Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act (Public Law 107-174), 15 May 2002 establishes the Air Force's accountability for violations of antidiscrimination and whistleblower protection laws. Disclosures by whistleblowers are covered by the Whistleblower Protection Enhancement Act of 2012.

Workforce Recruitment Program for College Students with Disabilities—A recruitment and referral program that connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities.

Workplace Neutral—An individual designated to assist the parties in resolving one or more workplace disputes. A neutral may be a military member or civilian employee of the Federal Government or any other individual, including a contractor hired to provide services as a neutral. Anyone serving as a neutral in an Air Force workplace dispute must not have an official, financial, or personal conflict of interest in any issue in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the neutral may serve. Air Force civilian employees and military members serving as mediators in Air Force workplace disputes must also meet minimum qualifications as set forth in AFI 51-1201. For purposes of determining whether communications are confidential, the term "neutral" also includes Alternative Dispute Resolution intake or other administrative personnel designated and identified by a MAJCOM, Direct Reporting Unit, or Forward Operating Agency Commander, Vice Commander or designee as a neutral for the purpose of taking information from the party or parties to a dispute to assist them in deciding whether to use a dispute resolution proceeding to resolve the dispute.

Workplace Dispute—A formal or informal claim or issue in controversy, arising out of an existing or prospective employment relationship between the Air Force and a civilian employee, applicants for employment, or military member, for which a remedial process is authorized by law, regulation, or policy. For purposes of application of Alternative Dispute Resolution principles, a workplace dispute may be written or oral.