



# EEO Compliance & Complaints Newsletter

Volume One — Issue One

February 2008

## Mission of EEOCCR

The mission of the EEO Compliance & Complaints Review Directorate is to manage the Army's discrimination complaint processing program and to fully and fairly adjudicate civilian complaints of discrimination on behalf of the Secretary of the Army.

*We continue to be recognized by the EEOC as a model for compliance and complaints processing throughout the federal sector.*

"Our success is measured by our ability to fully and fairly adjudicate the civilian complaints of discrimination on behalf of the Secretary of the Army with service that is responsive, high quality, and collaborative."

## From the Director

Changing times, organizational transformations, NSPS, the prevailing national elections and administration changes all present opportunities and challenges. We are venturing into a time that requires us all to be better informed than ever before, if we are to properly and effectively service the community we are chartered to serve. It is critical that we increase our communications to each other. We have heard your pleas for more information.

This newsletter is one vehicle we have created to fill

the void. In this winter 2008 edition, we will address the mission and focus of EEOCCR, give you feedback on the FY07 462 Report, and provide tips for better use of iComplaints. We are also pleased to share the very positive results and lessons learned from Army/IRD Investigation Pilot Project, and for your information, some of the procedural changes we hope to implement.

We plan to publish this newsletter four times a year in order to open a fresh line

of communication and to keep EEO complaints managers informed on the latest information in the world of complaints processing. We hope you find this information useful.

-Spurgeon Moore,  
Director EEOCCR



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## 462 Report Highlights

The Army's annual report on our complaints processing program during Fiscal Year 2007, known as the "462 Report", was timely submitted to the Equal Employment Opportunity Commission on October 31, 2007. Overall complaint volume remained consistent with previous fiscal years, with 2,166 precomplaints and 1,175 formal complaints filed.

### Report highlights:

- The total processing time for all closed complaints decreased from 316 days to 255.
- Investigation times decreased from 247 days in FY 2006 to 210 in FY 2007.
- 41.5% of all Army investigations (198 out of 477) were completed in less than 180 days.
- Final Agency Decisions (FADs) were issued in an average of 81 days in FY 2007, a two-thirds reduction from the FY 2006 average of 244 days.
- Findings of discrimination decreased slightly, from 15 in FY 2006 to 13. Nearly half of all discriminations findings involved reprisal.
- ADR participation rates during the precomplaint stage remained low, as only 25% of cases were accepted into ADR. Total settlements, ADR or otherwise, at the precomplaint stage also remained very low, occurring in only 15% of precomplaints.

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## Project Success: Army/IRD Investigation Pilot

The Army and the DoD, Investigations and Resolutions Division (IRD) recently concluded a year-long pilot project to test possible improvements to the process of investigating a formal EEO complaint. The seven EEO Offices participating in the pilot project included: the garrison EEO Offices at Fort Benning, Fort Hood, Fort Gordon, Fort McPherson, Fort Sam Houston, and Redstone Arsenal, and the EEO Office for the Office of the Secretary of the Army.

The goal of the modified process used in the pilot was to finalize the date for the fact-finding conference (FFC) as early as possible and for the FFC to occur approximately 60 days after the filing of the formal complaint.

## Description of Pilot

As soon as a formal complaint was received, the EEO staff quickly assessed if the complaint was likely to be accepted or dismissed. If the complaint was likely to be accepted, the EEO staff would send an email to IRD informing them of the new complaint and requesting that IRD reserve the week of the 60<sup>th</sup> day from the date of filing as the tentative date for the FFC.

- Once IRD responded with a confirmation of the available range of dates the EEO staff would work with the agency representative and the complainant (and the complainant's representative, if appropriate) to determine the specific date all parties would be available for the FFC.
- As soon as the complaint was formally accepted, the EEO staff would inform IRD of the acceptance and the agreed upon FFC date. All necessary documentation requested by IRD was to be transmitted no later than the 30<sup>th</sup> day after filing.
- Based upon IRD's estimated 60-day turnaround from the FFC to the production of the Report of Investigation (ROI), it was estimated that the modified process should only take approximately 120 days to complete.

## The Results

**The pilot project resulted in a significant reduction in processing time.**

A total of 141 complaints entered the pilot process between August-October '07. Fifty-five complaints went through the entire process to the EEO Office's receipt of the ROI. These 55 cases were completed in an average of 143 days from the filing of the complaint to the EEO Office's receipt of the ROI, down from 209 days in FY 2007.

Timeframes in the major intermediate steps of the investigative process were also reduced from Army averages:

- Complaints were accepted in an average of 21 days, compared to the Army average of 33 for FY 2007.
- Documents were transmitted to IRD in an average of 44 days, down from 67 days.
- On-site FFC took place 74 days after filing for complaints in the pilot, down from the average of 133 days for all Army complaints.

**Three factors contributed to the success of the pilot:**

1. IRD's willingness to work with EEO staff to schedule the FFC and their "Filex" system for digital submission of documentation were universally praised for contributing to the ease and efficiency of the modified process.
2. Many offices also found that establishing a firm date for the FFC at the beginning of the process helped to minimize postponements due to unavailability of certain witnesses or the complainant's representative.
3. Strong command support for conducting the FFC as scheduled encouraged all parties to remain committed to the original date.

## Project Success Results (Continued)

Additional areas of improvement were also identified during the pilot project and are under consideration.

**Overall, the pilot project results demonstrate several steps that all EEO Offices could take to expedite their investigations:**

- Work with IRD to quickly establish a firm date for the FFC
- Hold to the established FFC date in all but the most extenuating circumstances
- Process the acceptance of the complaint as quickly as possible
- Gather documents early, even during counseling, and transmit them to IRD via Filex within 30-45 days

As Army Regulation 690-600 is currently being revised, some of these recommendations may be adopted as official Army EEO complaint processing policy.

“We are pleased with the success of the pilot project. This collaborative effort demonstrates progress toward fulfilling our mission to serve our civilian workforce,” said Mr. Spurgeon Moore, Director, EEOCCR.



## EEO Counselor Training Program Changes

Effective March 2008, this office will no longer grade tests and print certificates for the Army counselor certification course. Therefore, the new procedures for activities are as follow:

1. Upon completion of counselor training, the trainer will grade the tests. A passing grade of 80 must be obtained in order to be certified as a DA EEO Counselor.
2. Provide a memorandum including a list of attendees, their passing grades, the name(s) of trainer(s), the dates and location of the training site, along with printed certificates with the signature block of the Director, EEOCCR (Spurgeon A. Moore, Director, EEO Compliance and Complaints Review).
3. Upon receipt of your memorandum and pre-printed certificates, this office will certify the counselors by signing the certificates and mail back to your activity.
4. We will email two sample certificate templates for your use; one for DA civilians and one for active duty military. Please note, that active duty military will not be certified as EEO Counselor. They will only receive a certificate stating that they received training for the DA EEO Counselors Course.

Point of Contact is Ms. Insook Cho, Compliance and Intake, EEOCCR, COMM (703) 607-1448, DSN (312) 327-1448, [insook.cho@hqda.army.mil](mailto:insook.cho@hqda.army.mil).



## IRD ADR Update - Mediation of Informal Complaints - February 2008

Timely case processing continues to be a focus for IRD, who is committed to exploring ways to realize this goal. A recent review of case inventory has revealed a need to revise the existing IRD structure resources in order to maintain the goal of processing complaints in as timely a manner as possible.

Emphasizing ADR is a joint goal for the department and IRD has aggressively pursued this objective through the years by offering ADR on every complaint forwarded for investigation. In recent years, the pursuit of ADR initiatives has also resulted in our mediating pre-complaints, or informals, for many of our customers. While there is a recognizable benefit of mediation at the pre-complaint stage, IRD must balance available resources in this regard with the requirement to process formal complaints efficiently. Effective March 1, 2008, IRD will take two steps to better align their resources with the mission of processing your requests for investigation more efficiently:

- 1) IRD will limit their ADR efforts on pre-complaints to those instances when an IRD staff member is on-site to work with a formal complaint of investigation. IRD will continue its efforts to provide mediation services for pre-complaints by batching them with formal complaints for investigation or mediation.
- 2) IRD will initiate a central point of contact for all requests for mediation. Ms. Deborah Kavanagh will work with IRD's customers to ascertain their interest in mediation for individual formal cases and arrange for an available mediator from our staff. Ms. Kavanagh can be reached at 301-789-2177 or 703-447-4514, effective March 1, 2008, for mediation services. Centralizing the intake and assignment of mediation requests provides customers with a single point of contact and facilitates effective batching of cases.

This new process with respect to IRD's ADR program allows IRD to continue to provide a service that is mutually regarded as invaluable to the complaints process. This process also allows them to maintain the focus on the regulatory timeframes associated with formal complaint caseload. If you have any additional questions regarding IRD's ADR Program, please contact Ms. Lisa Biggers, Acting ADR Director, at (937) 257-5744.

*"We must become the change we want to see in this world..."*

*-Mahatma Gandhi  
1869-1948*

## iComplaints Tips and Tricks

During Fall '07, a routine software administration change created problems for a number of users when attempting to close a case record.

### Here's the situation:

The system will not allow a case to be closed if there are ADR events missing from the record, even if the missing events were in the

precomplaint stage and the case is now formal.

### This usually happens when:

- ADR Offered was entered but no ADR Accepted or Rejected follow-up event has been entered.
- ADR was offered and accepted but no ADR Conducted or Cancelled event has been entered to indicate

the outcome of the ADR process.

### Here's the fix:

An event is missing. Once the missing event is added you will be able to close the case. If you get an error message prompting you to enter an ADR event before you can close a case, please review your event records (both precomplaint and formal), and make any corrections needed. If the case is formal and the event needed is from the precomplaint stage, please contact the iComplaints Help Desk at [icomplaints@hqda.army.mil](mailto:icomplaints@hqda.army.mil) for assistance in correcting the case.

## iComplaints FYI

Please note that security upgrades to iComplaints have raised the required number of characters in passwords from 8 to 10. Passwords must still contain at least 2 lower-case letters, 2 upper-case letters, 2 numbers, and 2 special characters.

## For Your Information

**News Flash!!!**

**Process Requirement Change.** Currently AR 690-600, dated 9 February 2004, requires EEO officers direct court reporting firms to deliver 6 verbatim transcripts to the investigator within 14 days after the fact-finding conference/ investigation has concluded and 6 verbatim transcripts to the EEO Commission administrative judge (AJ) within 10 days or less after the hearing has closed. Given current technological advancements and in the interest of reducing costs associated with court reporters, the requirement for 6 (six) verbatim transcripts in both instances referenced above is changed as follows: provide 2 (two) verbatim transcripts (one original and one copy) to the investigator and 2 (two) verbatim transcripts (one original and one copy) to the AJ.

**On the ADR Policy and the New OGC ADR Office.** Army Senior Leadership strongly supports the use of ADR for EEO matters. It remains the Army's policy to resolve EEO complaints at the earliest possible stage of the administrative process. **The Office of General Counsel is responsible for the Army's overall ADR program.** Director, EEOCCR is the point of contact for the EEO ADR program. Mr Moore met with Mr Van Nuys, the new Army ADR Program Director regarding ADR as it pertains to EEO. There will be more to follow concerning the actual approval of an EEO/ADR policy.

**Contrary to popular belief, our address has not changed!** Though the EEO Complaints and Compliance Review Office (EEOCCR) is now aligned under HQDA, Army Review Boards Agency. The mailing address is:

**Department of the Army  
Equal Employment Opportunity  
Compliance and Complaints Review  
(EEOCCR)  
1901 South Bell Street, Room 109B  
Arlington, VA 22202-4508**

All complaints/compliance matters should forwarded to the above address.



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