

DEPARTMENT OF THE ARMY  
HEADQUARTERS, FORT SAM HOUSTON  
Fort Sam Houston, Texas 78234

FSH Regulation  
No. 690-3

5 January 1978

Civilian Personnel  
EQUAL EMPLOYMENT OPPORTUNITY

Issue of further supplements to this regulation by subordinate commanders is prohibited, unless specifically approved by Headquarters, Fort Sam Houston.

1. PURPOSE. This regulation contains general policies, requirements, and procedures governing equal employment opportunity.
2. GENERAL. Public Law 92-261 signed by the President on 24 Mar 72 established the Equal Opportunity Act of 1972. This legislation permits an employee to pursue a discrimination complaint to a federal court. The basic policy for this program is contained in Executive Order 11478 dated 8 Aug 69 and specific guidance provided in Department of Army CPR 700, Change 13, dated 10 Nov 72 and Change C, dated 1 Mar 73. Public Law 93-259 prohibits discrimination because of age (40-65 yrs of age).
3. APPLICABILITY. This regulation applies to all appropriated and non-appropriated fund civilian employees of Department of Army of this headquarters and those assigned to commands and activities which receive equal employment opportunity services from this headquarters, reference Appendix A.
4. POLICY.
  - a. All employees or applicants for employment will be granted equal employment opportunity without regard to race, color, religion, sex, national origin, or age.
  - b. Members of minority groups and women will receive full and impartial consideration for initial employments, will possess equal standing and security as employees of this installation, and will enjoy equal opportunity to receive training and develop skills which will enable them to advance from a job and career standpoint. Such opportunities will be limited only by the needs of Department of the Army, and the individual's own capacity and effort.
  - c. Activities, facilities, services, and training programs operated, sponsored, or participated in by Department of the Army will be made

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\*This regulation supersedes FSH Reg 690-3, 15 Aug 73.

available to employees without segregation or discrimination based upon race, color, religion, sex, national origin, or age.

d. Individuals who believe that they have been subjected to discrimination in these matters may use prescribed complaint procedures without fear of coercion or reprisal. Complaints will be impartially investigated, adjudicated, and as warranted, will be adjusted with all due consideration by officials concerned. Action will be expedited at all stages of the discrimination complaint procedure as outlined in Department of the Army CPR 700.

e. Posters of EEO officials and counselors will be posted on all bulletin boards where civilians are employed.

## 5. RESPONSIBILITIES.

### a. EEO Officer

(1) Provide active leadership to the program, especially in development and implementation of the local equal employment opportunity action plan

(2) Maintain continuous familiarity with conditions and circumstances affecting equal employment opportunity within activities or commands listed in Appendix A.

(3) Participate in and/or conduct statistical or other special program studies to identify out-of-balance employment practices or inequitable management practices.

(4) Evaluate and report program effectiveness to the commander and key management officials, with recommendations for change or improvement in the action plan, personnel practices, or other management activities which have impact on the equal employment opportunity program.

(5) Keep the commander and other management officials informed of equal employment opportunity conditions in the community which affect employability and opportunities for management to take a more active part in equal employment opportunity activities.

(6) Provide a point of contact for coordination, liaison, and information for management and program staff, various organizational units, other local Federal agencies, special interest group organizations, and community leaders to keep such groups informed concerning program status, coordinated activities, pooling of resources, etc.

(7) Analyze discrimination complaints to identify problem areas and develop information for use in designing more effective program plans and actions.

(8) Provide reports as required by the Civil Service Commission and Director of Equal Employment Opportunity.

(9) Confer with management to develop flexible and timely solutions to problems, assuring that actions taken are in harmony with both the merit system and equal employment opportunity program objectives.

(10) Furnish technical guidance and supervision to equal employment opportunity counselors, especially in the resolution of discrimination complaints in the informal stage.

(11) Accept formal complaints when resolutions have not been accomplished during the informal stage, and take immediate action required to process a formal complaint.

(12) Take immediate action to attempt informal resolution and/or to carry out commanders' decisions after the commander accepts, modifies, or rejects the recommended resolution of the US Army Appellate Civilian Review Agency (USACARO) investigation.

(13) Staff and publish the equal employment opportunity plan of action

b. Civilian Personnel Officer

(1) The Civilian Personnel Officer will designate a member of the Civilian Personnel Office staff to serve as Equal Opportunity Action Officer and to assist in coordinating Civilian Personnel Office activities related to the Equal Employment Opportunity Program.

(2) Provide counsel, guidance, and support on internal review of organizations, structures, and systems in connection with program activities.

(3) Monitor, assess and make recommendations on all personnel program areas to assure that policy, procedures, requirements, criteria and selection are consistent with total equal employment opportunity policy and action objectives.

(4) Provide special support and assistance in such related program areas as training, employee counseling, employee utilization, participation in economic opportunity programs, and utilization of personnel program data and statistics.

(5) Compile, maintain and evaluate data in cooperation with the equal employment opportunity officer for use in developing realistic numerical goals and timetables.

(6) Work closely with managers and the equal employment opportunity officer in the development and follow through of positive actions.

(7) Carry out specific program assignments such as devising and implementing new practices and procedures to support equal employment opportunity objectives, (e.g., upward mobility, minority intake in career programs) or comprehensive equal employment opportunity training programs.

(8) Keep management and equal employment opportunity officers informed on personnel program changes, situations, or problems which have a bearing on the equal employment opportunity program and for which equal employment opportunity oriented action should be taken.

(9) Provide program leadership through community relations and college recruiting, and provide program information to supervisors and employees.

(10) Provide an aggressive affirmative recruiting program designed to meet established numerical goals and timetables.

c. Commanders and heads of activities, staff officers, and directorates who report directly to Commanders and Heads of activities will:

(1) At the request of the Installation EEO Officer, recommend for selection appropriate individuals to be designated and trained as EEO counselors

(2) Conduct periodic evaluations as delineated in the installation plans of action to assure attainment of established goals.

d. Managers and supervisors.

(1) Must be sensitive to the requirements of affirmative actions and action plans and potential or actual feelings of discrimination by employees.

(2) When staffing patterns indicate limited or out-of-balance representation of minority group members and women, managers and supervisors will determine reasons for such situations. Findings will be used as a basis for developing affirmative action projects, including appropriate goals and timetables, for inclusion in the activity plan of action. Therefore, personnel office staff members responsible for providing advice and assistance to managers and supervisors on civilian personnel management will give particular attention to units so identified.

(3) Careful review will be made of the exercise of supervisory authority in selecting from among the "best qualified" group those employees to be promoted. Where the record of past selections and employment distribution indicates possible discrimination against women and minority candidates, a higher level manager, with advice and assistance of the civilian personnel officer and the equal employment opportunity officer, will audit all selections PRIOR to commitment and execution of personnel actions to assure compliance with policy and intent of equal employment opportunity policies and procedures.

(4) Will provide women and minority group employees appropriate counseling to meet and deal with new situations in employment, especially if a "break through" in the employment of a member of such groups is being made. Where supervisory or employee prejudice is hindering selection or utilization of women or minority group members, forthright corrective action, including disciplinary action, will be taken.

(5) All supervisors will take and participate in training, including refresher training, pertaining to their responsibilities in an affirmative action program for providing equal employment opportunity for minority groups and women. Candidates for supervisory positions accept an obligation to carry out affirmative action programs when they accept a supervisory position.

(6) Equal employment opportunity program success will depend considerably on acceptance, understanding, determination, and affirmative involvement of managers and supervisors. Therefore, among the responsibilities and functions upon which a manager or supervisor will be evaluated in his or her official annual performance rating, is the responsibility for furthering equal employment opportunity. Such evaluation will cover, where applicable, the manager's or supervisor's fairness in making selections, encouragement and recognition of employee achievements, treatment of minority group employees, and sensitivity to the development needs of all employees, including minority groups and women. In evaluating supervisory performance in this area, consideration will be given to how well supervisors contribute toward meeting overall activity goals in furthering equal employment opportunity. The provisions of this paragraph are applicable to all military supervisors of civilians and civilian managers and supervisors.

(7) Ensure that employees are informed of discrimination complaint procedures and are free to exercise the right to use them.

(8) Cooperate with and impart full information to investigating officials in complaint cases as requested.

(9) Avoid practices that may lead employees to believe that the merit promotion program is being violated.

~~as EEO counselors will:~~

(1) As an additional duty, be appointed to handle the first step of the discrimination complaint procedure.

(2) Be formally trained in the techniques of EEO counseling by US Civil Service Commission personnel within six months after appointment

(3) Be assigned and located so that employees may have access to them with reasonable facility. Employees will be free to choose which particular EEO counselor they wish to consult.

(4) Serve as a bridge between employees and management, and on an informal basis, attempt to resolve discrimination complaints of aggrieved persons under the provisions outlined in CPR 700. Complaints of a discriminatory nature must be based upon race, color, religion, sex, national origin, or age.

(5) As appropriate, provide reports or recommendations to the EEO Officer on matters pertaining to the EEO Program.

(6) Inform the EEO Officer immediately on any matter pertaining to handling of specific EEO complaints and submit a written report to the EEO Officer, with a copy to the aggrieved person, concerning the merits of the matter when a formal complaint has been filed.

(7) Be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of duties under this regulation.

**ff. ~~FWPC and SPC~~**

(1) Receive and analyze statistical data available from the EEEO and CPO concerning the workforce by organization, type and grade of position, and minority and sex designation in order to identify areas which are underrepresented.

(2) Work with operating officials to identify key supervisory positions for which there has been a lack of female and minority referrals and assist in locating well qualified women and minorities who may be considered for such vacancies.

(3) Review, in cooperation with responsible officials, training provided to the workforce.

(4) Work with EEEO and CPO in identifying positions for upward mobility training programs. In this connection, assist in counseling women and minorities concerning opportunities available through the upward mobility program.

(5) Review issues involved in complaints of discrimination in order to identify patterns of practice, supervisory attitudes or other problem areas which could result in denial of equal opportunity.

(6) Work with other organizations and groups, both government and non-government, which are concerned with equal employment opportunity and which working to eliminate these fact

are working to eliminate those factors which serve to exclude women and minorities from the mainstream of employment.

(7) Actively participate in the development of the FSH EEO Plan of Action, formulating action goals based not only on statistical data, but also on knowledge of those factors operating within the workforce environment which serve to limit equality of opportunity.

(8) Serve as a working member, or in an advisory capacity, on all Boards and Committees which directly or indirectly affect the status of women and minorities.

## 6. DISCRIMINATION COMPLAINT PROCEDURES

a. Any aggrieved employee or qualified applicant for employment who believes that he/she has been discriminated against because of race, color, religion, sex, national origin or age must first consult with an Equal Employment Opportunity Counselor. Supervisors and managers should obtain a supply of the Discrimination Complaint Procedures at Appendix B and C. When an employee expresses a feeling that she/he has been discriminated against, copies of these procedures should be provided to the employee. The employee can then determine whether or not to pursue the allegation and seek corrective action or redress.

b. Discrimination complaints against the Fort Sam Houston Equal Employment Opportunity Officer or staff should be submitted to Commander, FORSCOM, Attn: EEEO (AFPR-EE), Fort McPherson, GA 30330.

## 7. REFERENCES.

- a. Public Law 92-261
- b. Public Law 93-259.
- c. Executive Order 11478
- d. Department of the Army Civilian Personnel Regulation 700, Change 16.

APPENDIX A

1. Headquarters, Fort Sam Houston
2. Headquarters, Fifth United States Army
3. Headquarters, U. S. Army Forces Command
4. Headquarters, U. S. Army Readiness Region VII
5. U. S. Army Communication Command Agency
6. Headquarters, U. S. Army Southwestern Region Recruiting Command
7. U. S. Army, San Antonio District Recruiting Command
8. MEPCOM, W. SEC, AFEES San Antonio
9. U. S. Army, Houston District Recruiting Command
10. MEPCOM, W. SEC, AFEES Houston
11. USACIDC, FSH Fld Office
12. DARCOM, Cp Stanley Storage Activity
13. U. S. Army Physical Disability Agency
14. U. S. Army Troop Support Agency, Laundry Tech  
     U. S. Army Troop Support Agency, Midwest Field Office  
     U. S. Army Troop Support Agency, Ft Sam Houston  
     Commissary
17. 7th Signal Command, Central Area MARS Director
18. FORSCOM Training Aid/AV Activity

APPENDIX B

DISCRIMINATION COMPLAINT PROCEDURES

1. Counseling. The Equal Employment Opportunity Counselor shall seek a solution of the matter on an informal basis and counsel the aggrieved person concerning the merits of the matter. If the Equal Employment Opportunity Counselor is unable to resolve the matter to the satisfaction of the complainant, within 21 calendar days, the EEO Counselor shall advise the aggrieved person of his/her right to file a complaint of discrimination with the organization's Equal Employment Opportunity Officer
  
2. Presentation of Complaints. Written complaints should be submitted on DA Form 2590-R (Formal Complaint of Discrimination because of race, color, religion, sex, national origin or age). Persons submitting complaints may obtain these forms from the Equal Employment Opportunity Officer. If submitted in letter form, the complaint should contain the following information:
  - a. Name and address of the activity and unit against which the complaint is made.
  - b. Whether the alleged discrimination is based upon race, color, religion, sex, national origin, or age.
  - c. The specific action or personnel matter about which the complaint is made.
  - d. The date of the action or matter.
  - e. All facts which the individual has to support the allegation of discrimination.
  - f. Names of officials responsible for the action.
  - g. Alleviation sought by the complainant.
  
3. Rejection or acceptance of a complaint. The EEO Officer will accept or reject the complaint. If the complaint is accepted, the EEO Officer attempts resolution before requesting an investigator. When it has been determined that the complaint cannot be resolved locally, the EEO Officer obtain a fund citation from the Command, Directorate, tenant or major activity, prior to forwarding a request for an investigator from the regional US Army Civilian Appellate Review Office (USACARO), citing funds to cover travel and per diem expended incurred by the investigator. If the complaint is rejected, the EEO Officer shall inform the complainant of her/his right of appeal to the United States Civil Service Commission if he/she believes the rejection of the complaint is improper.

4. Investigation. The USACARO investigator conducts on-site investigation and a survey of the general environment; prepares report of the investigation and submits recommendations to the Commander of the activity against which the complaint was directed.
5. The EEO Officer will furnish a copy of the file to the complainant and attempt informal adjustment based on the Commander's proposed resolution. If informal adjustment fails, the EEO Officer notifies the complainant of her/his right to a hearing or review and decision by the Army's Director of Equal Employment Opportunity. The complainant must request hearing or review in writing to the EEO Officer within 15 calendar days after receipt of letter from the EEO Officer.
6. The Commander reviews (USACARO) investigator's recommendations and may approve, modify or reject as a whole or in part. The Commander sets forth in writing the proposed resolution, documenting any changes made in the investigator's recommendation, and forwards the entire investigative package to the EEO Officer.
7. The EEO Officer will forward the complaint file to the Civil Service Commission if the complainant requests a hearing or forward the complaint file to the Director of Equal Employment Opportunity, Department of the Army if the complainant requests review.
8. The CSC complaints examiner will conduct a formal hearing with verbatim transcript. Upon completion, forwards report of hearing and the entire investigative package to the Director of Equal Employment Opportunity, Department of the Army.
9. The Army's Director of Equal Employment Opportunity will make a decision based on record of hearing if the complainant requested a hearing or, will make findings, analysis and decision based on review of record if complainant requests review. The Director of Equal Employment Opportunity will send a copy of the written decision to the complainant advising him/her of his/her right to appeal the Director's decision to the Civil Service Commission.
10. Right to file a civil action. An employee or applicant is authorized by Section 717(c) of the Civil Rights Act, as amended, (84 Stat. 112) to file a Civil Action in an appropriated United States District Court
  - a. Within 30 calendar days after receipt of notice of final action taken by the Department of the Army on a complaint.
  - b. After 180 calendar days from the date of filing a complaint with the Department of the Army if there has been no decision.
  - c. Within 30 calendar days from the date of receipt of notice of final action taken by the U.S. Civil Service Commission on the complaint, or
  - d. After 180 calendar days from the date of filing an appeal with the U.S. Civil Service Commission if there has been no Commission decision.

APENDICE C

SISTEMA PARA PROCESAR QUEJAS DE DISCRIMINACION

1. Cualquier empleado o candidato para empleo que cree que ha sido víctima de discriminación por su raza, color, religión, sexo u origen nacional, debe consultar primeramente con uno de los Consejeros de Igualdad de Oportunidad en Empleo. (Equal Employment Opportunity Counselors), para iniciar su queja y buscar la manera de resolver el asunto. Este es el primer paso que se debe tomar para iniciar una queja de discriminación.
2. El Consejero elegido por el empleado o candidato para empleo, buscará la manera de solucionar el problema informalmente, y aconsejará al demandante concerniente a los méritos del caso. Si el Consejero no puede resolver el asunto dentro de 21 días, a la satisfacción del demandante, el Consejero le dará aviso por escrito que tiene derecho a iniciar una queja formal con el Oficial para Igualdad en Empleo (Equal Employment Opportunity Officer) o cualquier otro oficial designado por el Departamento del Ejército.
3. Quejas formales deben de ser sometidas por escrito, dentro de 15 días después de la última entrevista con el Consejero. Se debe usar la solicitud DA Form 2590-R (Queja Formal de Discriminación por razón de raza, color, religión, sexo, u origen nacional). Estas solicitudes son proporcionadas por el Oficial para Igualdad en Empleo. Si la queja es sometida por carta, debe incluir la siguiente información.
  - a. El nombre e identidad de la organización en contra de quien se hace la queja.
  - b. Se debe hacer la declaración si el acto de discriminación fue por razón de raza, color, religión, sexo, u origen nacional.
  - c. La acción específica o asunto personal que causo la queja.
  - d. La fecha de la acción o asunto, que dió causa para que se iniciara la queja.
  - e. Todos los datos que el individuo tiene para soportar su alegación o alegaciones de discriminación.
  - f. Los nombres de los oficiales responsables del acto de discriminación.
4. El Oficial para igualdad de Oportunidad en Empleo (EEOO), aceptará o rehusará la queja. Si la queja es aceptada, el Oficial, atenderá resolver el problema antes de solicitar un investigador. Una vez que se ha determinado que la queja no se puede resolver localmente, el Oficial (EEOO),

solicitará, un investigador de la Oficina de Apelación Civil del Departamento del Ejército (U. S. Appellate Review Office), incluyendo la documentación necesaria para cubrir los gastos del investigador. Si el Oficial (EE00) rechaza la queja, éste debe informar al interesado tocante a su derecho de apelar la decisión a la Comisión de Servicio Civil de los Estados Unidos (United States Civil Service Commission).

5. El investigador de la Oficina de Apelación conducirá la investigación localmente y hará una evaluación general del ambiente, prepara su reporte de investigación, y somete sus recomendaciones por escrito al Comandante. Después de estudiar las recomendaciones del Investigador, el Comandante decide si acepta las recomendaciones hechas por el investigador en su totalidad o en parte y se lo comunica al demandante. Mientras tanto el Oficial (EE00) debe proporcionar una copia de la investigación al demandante y atentaré resolver el problema informalmente de acuerdo con la resolución aprobada por el Comandante. Si no se resuelve el problema informalmente, el Oficial notificará por escrito al demandante acerca de sus derechos, ya sea una Audiencia con la Comisión de Servicio Civil de los Estados Unidos (United States Civil Service Commission) o una decisión por el Director para Igualdad en Empleo del Departamento del Ejército basada sobre el record que existe. El demandante debe someter su decision por escrito al Oficial (EE00) dentro de 15 días después de recibir la notificación del Oficial. Si el demandante indica satisfaccion con la resolución aprobada pero rehuza hacerlo por escrito, el Oficial le avisará por escrito que en vista de su expresión de satisfacción, el caso queda cerrado.

6. El Oficial someterá el archivo completo de la queja, ya sea a la Comisión de Servicio Civil o al Director de Igualdad en Empleo del Departamento del Ejército. Si el demandante elige una Audiencia, ésta será conducida formalmente palabra por palabra y el archivo completo, incluyendo la investigación, será enviado al Director de Igualdad en Empleo del Departamento del Ejército.

7. El Director de Igualdad de Oportunidad en Empleo del Departamento del Ejército hará una decisión basada sobre el record de la Audiencia si el demandante la pidió, o si no, hará su decisión, después de analizar el record si el demandante así lo pidió. El Director enviará una copia de su decision por escrito al demandante advirtiéndole que tiene derecho a apelar la decisión del Director, a la Comisión de Servicio Civil.

8. Un empleado tambien está autorizado a iniciar una acción civil en la Corte Federal Distrito, de acuerdo con los Derechos Civiles citados por la ley, Acto 92-261 de 1972.

a. Esta acción se puede iniciar dentro de 30 días después de recibir la decisión final sobre una queja de el Departamento del Ejército

b. También se puede iniciar si después de 180 días el Departamento del Ejército no ha dado decisión alguna.

c. Lo mismo, se puede iniciar dentro de 30 días de la fecha que recibió la noticia de la acción final tomada por la Comisión de Servicio Civil de los Estados Unidos, o

d. Después de 180 días de la fecha en que inició una apelación si la Comisión de Servicio Civil no ha rendido decisión alguna.