

Civilian Personnel

Equal Employment Opportunity and Affirmative Action

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SUMMARY of CHANGE

AR 690-12

Equal Employment Opportunity and Affirmative Action

This new regulation reflects the transfer of oversight authority and responsibility from the former Civil Service Commission (now Office of Personnel Management) to the Equal Employment Opportunity Commission; defines the reorganization of equal employment opportunity management at Headquarters, Department of the Army (para 1-4); and implements DODD 1440.1.

Effective 4 April 1988

Civilian Personnel

Equal Employment Opportunity and Affirmative Action

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:

R. L. DILWORTH
Brigadier General, United States Army
The Adjutant General

History. This UPDATE printing publishes a new regulation that is effective 4 April 1988.

Summary. This regulation provides guidance for development, implementation, and evaluation of equal employment opportunity and affirmative action programs for minorities, women, and handicapped individuals. It reflects changes in program direction and requirements brought about by the transfer of oversight authority and responsibility from the Office of Personnel Management to the Equal Employment Opportunity Commission, the reorganization of EEO management at Headquarters, Department of the Army and new areas of emphasis within the Army. This

regulation also implements DOD Directive 1440.1.

Applicability. This regulation applies to all activities of the Army that are financed by appropriated or nonappropriated funds and all appropriated and nonappropriated fund employees and applicants for employment except aliens employed outside the limits of the United States. It applies to the U.S. Army Reserve, except where such policies and procedures are modified by AR 140-315. It does not apply to the Army National Guard unless specifically made applicable by the Chief, National Guard Bureau.

Impact on New Manning System. This regulation does not contain information that affects the New Manning System.

Army management control process. This regulation is subject to the requirements of AR 11-2. It contains internal control provisions, but does not contain checklists for conducting internal control reviews. These checklists are being developed and will be published at a later date.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (SAMR-SFEOA), WASH DC 20310-0103.

Interim changes. Interim changes to this

regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Secretary of the Army. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (SAMR-SFEOA), WASH DC 20310-0310.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This regulation establishes Department of the Army (DA) policies, responsibilities, and procedures for—

- a. Acquiring, training, and retaining a work force that is reflective of the nation's diversity.
- b. Developing, implementing, and evaluating the Affirmative Action Program for Minorities and Women and special emphasis programs (SEPs).
- c. Honorary recognition for equal employment opportunity (EEO) achievements.

1-2. References

Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

Responsibility for all aspects of the EEO Program extends from the Secretary of the Army through the chain of command to commanders, managers, and supervisors at all levels. Specific responsibilities are shown below.

a. *Assistant Secretary of the Army (Manpower and Reserve Affairs (ASA (M&RA)))*. The Secretary of the Army has designated the ASA (M&RA) as the Director of Equal Employment Opportunity. In this capacity, the ASA (M&RA) has overall responsibility for all EEO policy matters.

b. *Director, Equal Employment Opportunity Agency, OASA (M&RA)*. This official will develop Army-wide EEO policy and evaluate the AAPs and SEPs.

c. *Deputy Chief of Staff for Personnel (DCSPER)*. The DCSPER, through the Director of Civilian Personnel, will—

- (1) Identify and recommend policy initiatives.
- (2) Develop and evaluate the Affirmative Action Program Plan for Minorities and Women.
- (3) Monitor EEO cases and lawsuits to determine the impact on affirmative action and civilian personnel.
- (4) Provide followup of Army, Office of Personnel Management (OPM), and Equal Employment Opportunity Commission (EEOC) on-site evaluation reports.
- d. *The Chief of Engineers (COE)*. The COE will establish policies and procedures to eliminate architectural, transportation, and communication barriers for handicapped individuals under the Architectural Barriers Act of 1968 and sections 501 and 504 of the Rehabilitation Act of 1973.

e. *Commanders at all levels*. These commanders will—

- (1) Provide leadership in the EEO Program through the approval and implementation of affirmative action plans.
- (2) Ensure that sufficient resources are provided to execute this program, including staffing in accordance with recognized guides.
- (3) Issue policy statements expressing their expectations.
- (4) Provide appropriate EEO support to tenant activities.
- (5) Designate Special Emphasis Program Managers (SEPMs) to include a Federal Women's Program Manager (FWPM), an Hispanic Employment Program Manager (HEPM), and a Handicapped Individuals Program Manager (HIPM). Management of more than one SEP normally should not be assigned to any one individual.
- (6) Ensure that surveys are conducted to identify the architectural barriers that impede handicapped individuals and applicants.
- (7) Provide for appropriate involvement of the EEO officers in—
 - a. Determining which positions should have EEO as a critical element.
 - b. Preparing model standards for the EEO critical element.
 - c. Evaluating performance of management officials.

f. *Equal employment opportunity officer*. The EEO officer will—

(1) At all levels, develop, coordinate, and evaluate the following programs and plans for approval of the commander:

- (a) Affirmative action programs and plans for minorities and women.
- (b) Federal Women's Program (FWP).
- (c) Hispanic Employment Program (HEP).
- (2) Participate with the civilian personnel officer in the development of the Affirmative Action Plan for Hiring, Placement, and Advancement of Handicapped Individuals and the Disabled Veterans Affirmative Action Program (DVAAP).
- (3) At the MACOM level—
 - a. Provide leadership, advice, and assistance to subordinate activities.
 - b. Review local programs for adequacy.
 - c. Perform program evaluation.
- (4) In addition to program responsibilities in (1) through (3) above, implement AR 690-600 and AR 600-7.
 - g. *Civilian personnel officer (CPO)*. The CPO will—
 - (1) Develop and implement the following:
 - a. Recruiting plans for minorities, women, handicapped individuals, and disabled veterans.
 - b. Training and upward mobility programs.
 - (2) Compile data for special analyses and reports.
 - (3) Identify and develop removal strategies for employment barriers to affirmative action in the personnel management system.
 - h. *Labor counselor*. The labor counselor will provide legal advice on affirmative action policy, procedures, and specific actions.
 - i. *Managers and supervisors*. Under the leadership of the commander and with the advice and assistance of the EEO officer, managers and supervisors will ensure fair and equitable treatment of minorities, women, and handicapped individuals in hiring, training, advancement, and all other aspects of employment.
 - j. *Special emphasis program managers*. The SEP managers will work with the EEO officer and the CPO in advising the commander, manager, and supervisors on the employment status and program requirements for women, Hispanics, and handicapped individuals, including disabled veterans.

1-5. Legal basis

This regulation implements the requirements of section 717 of title VII of the Civil Rights Act of 1964, as amended; 42 USC 2000e-16; Reorganization Plan No. 1 of 1978, Executive Order 12106; 29 CFR Part 1613; Rehabilitation Act of 1973 (as amended), sections 501 and 504; Civil Service Reform Act of 1978, 5 USC 7201; Vietnam Era Veterans Readjustment Assistance Act of 1974; and implementing EEOC and OPM directives.

1-6. Policy

The DA will—

- a. Ensure equal opportunity in all aspects of employment for Army civilian employees and applicants for employment. Equal employment opportunity for minorities, women, and handicapped individuals will be implemented by aggressive affirmative action programs that are designed to meet locally established goals and objectives. Employment policies and practices in DA will be free from unlawful discrimination based on race, color, religion, sex, age, national origin, or handicap. The basic principle of equal employment opportunity underlies all aspects of the civilian personnel management program in the Army.
- b. Promote a climate that does not tolerate sexual harassment. Any instances of such conduct will be dealt with swiftly and effectively.
 - (1) DA policy defines sexual harassment as—
 - a. Influencing, offering to influence, or threatening the career, pay, or job of another person—woman or man—in exchange for sexual favors; or
 - b. Deliberate or repeated offensive comments, gestures, or physical contact of a sexual nature in a work or duty-related environment.
 - (2) Sexual harassment violates acceptable standards of conduct

required of all Army personnel and interferes with mission accomplishment.

1-7. Program operation

a. EEO officers should report to the commander or to a level no lower than the chief of staff with direct access to the commander in order to—

(1) Be most responsive to managers, supervisors, and members of the work force.

(2) Ensure adequate implementation of the program.

b. An EEO policy statement covering the commander's expectations for the affirmative participation of every manager and supervisor and for the full cooperation of all employees in the EEO Program is to be published and updated as necessary. Copies should be distributed, prominently posted, and provided to the community and other organizations.

c. Local evaluations of the EEO Program should be conducted periodically to supplement surveys conducted by the EEOC and the DCSPER civilian personnel management survey teams.

d. Installation and activity officials will meet periodically with community leaders and representatives of organizations representing minorities, women, and handicapped individuals (including disabled veterans) to maintain effective communication with the community regarding the installation EEO Program and to gain insight into ways to improve the program.

e. Selections for employment opportunities, training, awards, and developmental assignments will be monitored to ensure that provisions of the affirmative action plans are being met.

f. Individuals who demonstrate a high degree of achievement or support for the EEO Program should be honored with appropriate performance recognition and other awards. These may include managers, supervisors, program officials, and other employees.

g. Community improvement projects designed to eliminate discrimination and improve conditions affecting the employability of minorities, women, and handicapped individuals will be given command support.

h. The Army policy and training program on prevention of sexual harassment will be implemented fully and instances of sexual harassment will be addressed swiftly and effectively.

i. Each installation and activity will establish an EEO committee to work with the commander on such matters as maintaining effective communications with the work force and the community.

(1) Membership may include—

(a) Employees.

(b) Management and supervisory officials.

(c) EEO officials.

(d) Civilian personnel officials.

(e) Representatives of community organizations.

(f) Community leaders.

(2) Since these committees function at the local level solely to further the EEO Program, they are exempt from the membership restrictions of the Federal Advisory Committee Act. The word "advisory" will not be used as a part of the committee title.

(3) Such committees will not act on complaints of discrimination.

(4) At smaller activities or installations, consideration may be given to integrating committees established for the FWP, HEP, Handicapped Individuals Program (HIP), and the EEO committee. (For further information on committees, see paras 3-5, 4-5, and 5-7.)

j. The names and official addresses of the Army Director of Equal Employment Opportunity, the EEO officer for the installation or activity, and other EEO officials will be publicized in such a manner as to be readily available to all employees and applicants.

1-8. EEO statistics

The following procedures apply to collection of race and national origin (RNO) and handicap data and to all processes and products that use or display that data:

a. Collection, preparation, and safeguarding of RNO and handicap data for employees is to be accomplished in accordance with FPM Supplement 298-1, subchapter 3.

b. For access and program use of RNO data in a combined personnel-EEO data file for furthering, monitoring, or evaluating affirmative action in the EEO program, the Director of EEO delegates authority to the following:

(1) Deputy Assistant Secretary for Military Review Boards, Personnel Security, and Equal Opportunity Compliance and Complaints Review.

(2) Director, Equal Employment Opportunity Agency.

(3) EEO officers at all levels.

(4) CPOs at all levels.

c. Employees, such as those listed below, whose official duties require access to this data, must be instructed in the confidentiality and security of the information and delegated access in writing by one of the officials in *b* above. This written delegation must be maintained in the EEO office.

(1) Career program officials.

(2) EEO program specialists.

(3) Civilian personnel specialists.

(4) Electronic data processing personnel with personnel processing responsibilities.

d. Standard EEO reports and listings will be designed, developed, changed, and discontinued only under written instructions of the EEOO at the level of command where the reports or listings are generated.

Chapter 2 Affirmative Action Program for Minorities and Women

2-1. AAP policy

a. The DA will take affirmative action to overcome the effects of past and present discriminatory practices, policies, or other barriers to equal employment opportunity. These affirmative actions are to be designed to work toward achievement of a work force, at all grade levels and occupational categories, that are representative of the appropriate civilian labor force.

b. Practices that have an adverse effect on individuals or groups of individuals because of their race, color, religion, sex, national origin, age, or handicap should be eliminated. This does not preclude development of policies or procedures that take into account lawful consideration of these factors in order to overcome the effects of past discrimination or adverse treatment.

c. Commanders at all levels are responsible for implementation of Army-wide and locally developed policy and procedures in order to achieve the results in *a* above.

2-2. Implementation guidance

a. The Equal Employment Opportunity Agency, OASA (M&RA), will develop Army-wide policies and procedures for the AAP and provide advice and guidance to commands, installations, and activities.

b. The Affirmative Action Office (HQDA (DAPE-CPA)) will provide guidance on development of Affirmative Action Program Plans (AAPPs) and will develop an Army-wide AAPP.

c. Commanders of major Army commands (MACOMs) will provide guidance for developing, implementing, and evaluating a command-wide affirmative action program.

d. Local commanders will develop and implement an effective AAPP within their installations or activities. Those tenant activities with 500 or more employees should have a separate AAPP. In all instances, tenant activities must be covered by an AAPP, whether by a separate plan or by the AAPP of the servicing activity.

e. The EEO officer is responsible for managing the affirmative action program and for staff development of the AAPP for minorities and women in coordination with managers, supervisors, and other action offices.

f. Managers and supervisors, under the leadership of the commander and with the advice and assistance of the EEO officer, are responsible for implementing the local AAPP.

g. The CPO is responsible for—

(1) Developing and implementing recruitment plans including the Federal Equal Opportunity Recruitment Program (FEORP).

(2) Training and upward mobility programs.

(3) Providing data for statistical reports and analysis, barrier analysis, and where necessary, barrier removal.

2-3. Affirmative Action Program Plan development

a. HQDA (DAPE-CPA) will provide Army-wide guidance and design of information systems to support development of effective and timely MACOM and installation/activity AAPPs that meet the requirements of the EEOC (EEO-Management Directives—700 series) and FPM, chapter 720.

b. HQDA and MACOM AAPPs will include aggregate work force and goal accomplishment data. Plans will identify barriers to employment and advancement of minorities and women that can be corrected at the reporting level. For example, HQDA's AAPP addresses barriers unique to the centrally operated career programs; MACOM plans address barriers unique to a job category with a large employee population within the command and over which command level responsibility is exercised.

c. Underrepresentation determinations required by the EEOC and OPM in the AAPP (including FEORP) will be computed on the basis of civilian labor force data using occupational categories published by the EEOC. Alternative civilian labor force data that more closely measures the qualified available labor force may be used. If other data are used, plans must so indicate.

d. AAPP updates and accomplishment reports will be developed by the EEO officer on an annual basis. (See *h* below.)

e. Recruitment plans or initiatives (FEORP) will be developed by the CPO and included in the AAPP. One set of computations of underrepresentation will serve the purposes of both the AAPP and the FEORP.

f. A comprehensive action plan to prevent sexual harassment in the workplace is to be included in the AAPP, reviewed annually, and revised as needed.

g. Installation and activity yearly AAPP accomplishment reports and updates are to be submitted to local EEOC offices for approval. MACOMs may require that installation plans be submitted to the MACOMs for review and approval prior to submission to the EEOC.

h. MACOM and independent reporting activity accomplishment reports and plans of action will be submitted to HQDA (SAMR-SFEOA), WASH DC 20310-0103. These documents will be prepared in the format prescribed in the yearly instructions from SAMR-SFEOA and EEOC (RCS 0279-EEO-OT). Plans must be approved and signed by the commander or designee.

Chapter 3 Federal Women's Program

3-1. FWP policy

The DA will ensure equal opportunity in the hiring, advancement, training, and treatment of women and strive to achieve a civilian work force in which women are represented in every major organizational element, occupational category, and grade level commensurate with their representation in the relevant civilian work force. Goals and objectives of the FWP will be appropriately integrated into all aspects of civilian personnel management. Progress will be measured against the program goals and objectives.

3-2. Implementation guidance

a. The DA FWP Director, under the supervision of the Director, EEO Agency, OASA (M&RA), will—

(1) Develop and evaluate Army-wide policies and procedures for the FWP.

(2) Provide leadership, advice, and guidance to MACOMs and subordinate commands, installations, and activities.

b. Commanders will ensure that support and resources are provided to the FWPM and that managers and supervisors institute actions and programs to ensure attainment of equal employment opportunity for women.

c. The FWPM, under the supervision of the EEO officer, is responsible for the development, implementation, and evaluation of the FWP component of the EEO program within the MACOM, subordinate command, and installation or activity.

3-3. Appointment of the FWPM

a. A FWPM will be appointed at each level of command. This person will report to the EEO officer. The FWPM will serve as the subject-matter expert on various issues affecting the employment of women.

(1) If appointment of an FWPM on a full-time basis is not feasible, a part-time appointment is preferable to a collateral appointment. If the responsibility for the FWP must be assigned on a collateral duty basis, sufficient time must be allocated to ensure successful performance of the job.

(2) While the time required for program administration on a collateral duty basis may vary, many situations will require 25 percent or more of the employee's time. In all situations, FWPM duties must be reflected in the employee's position description.

(3) Each year an assessment of the performance of collateral duty FWPMs will be made, with a copy provided to the incumbent.

b. A procedure will be established for selecting collateral duty managers to ensure that the selectee has the knowledge and skills necessary for the position. Individuals selected should—

(1) Understand the causes and effects of sex discrimination.

(2) Have good managerial and organizational skills.

(3) Be familiar with the principles of personnel management.

(4) Be able to identify and work to resolve problems that affect the hiring, advancement, training, treatment, and recognition of women within the work force.

c. To ensure that qualifications in *b* above are met, employees selected will normally be at the GS-7 level or above.

3-4. Specific duties of the FWPM

a. The FWPM is a part of management; therefore, he or she may not function as an employee advocate, but will serve as an advocate for the changes necessary to overcome barriers that restrict EEO for women.

b. The list of specific duties shown below is neither all inclusive nor presented in any order of priority; the priority and emphasis given will vary depending on local needs.

(1) Develop and/or receive and analyze statistical data on the composition of the work force by organization, occupational categories, grade and/or grade level groupings, and minority/sex designation in order to identify areas where women are underrepresented.

(2) Propose and staff reasonable and achievable FWP goals for inclusion in the AAPP.

(3) Work closely with the CPO and operating officials to—

(a) Identify positions for which there has been a lack of women referrals.

(b) Assist in locating women who may be considered for such vacancies.

(4) Recommend special studies such as surveys of employment patterns in various levels and occupations.

(5) Coordinate activities of various segments of the organization to keep them informed and to ensure that they are able to work in harmony toward the FWP goals.

(6) Review, in cooperation with responsible officials, the training provided to the work force to determine if women are being provided equal consideration for Government-sponsored training, based on organizational and individual development needs.

(7) Provide input into the development, implementation, and evaluation of the upward mobility program; work with the EEO

officer, CPO, and civilian personnel staff to identify positions that may be appropriate as upward mobility trainee positions; and assist in counseling women on opportunities available to them for advancement through this program.

(8) Review complaints of sex discrimination in order to identify patterns or practices, supervisory behavior, allegations of sexual harassment, or other problem areas that result in denial of equal opportunity for women in hiring, advancement, training, status, and recognition. When such problems are identified, inform management and the EEO officer so they may take corrective action or include the problem and resolution or barrier removal in the AAPP. The FWPM is authorized to receive EEO complaints; however, on receipt, he or she will promptly forward the complaint to the EEO officer for processing.

(9) Monitor and evaluate the effectiveness of the FWP on a regular basis (not less than twice a year) and provide information as requested by higher echelons.

(10) Provide for women to serve as members or advisers on command boards and committees.

(11) Provide career information and counseling to women employees in conjunction with command managers/supervisors and the civilian personnel office.

(12) As appropriate, work with Government and non-Government organizations and groups that are concerned with equal employment for women or are working to eliminate factors that may exclude women from mainstream employment or preclude their career advancement. Such areas might include, but are not limited to, the following:

(a) Adequate day care and after school care for dependent children.

(b) State laws that discriminate on the basis of gender.

(c) Failure of educational institutions to accept or train women in various programs on the same basis as men.

(d) Lack of part-time employment programs to meet the needs of women, particularly handicapped women, older women, or women with unique employment-related problems.

(e) Employment and career concerns of family members of armed services and Department of Defense (DOD) civilian personnel.

(f) The specific concerns of women in uniform.

(g) Lack of encouragement for women to seek and prepare for careers in non-traditional fields; that is, craft and technical areas as well as the professions.

(13) Share knowledge of effective methods and procedures to meet the objectives of the EEO program. This can be done through continuing contacts with FWPMs from other DOD activities and other Federal agencies.

(14) Deal effectively with all types of media personnel and write news releases and articles on the goals of the FWP.

(15) Represent the commander at local and national meetings and conferences on women's issues that are beneficial to the Army.

3-5. FWP committees

a. An FWP committee will be established at installations to assist and support the FWPM. An FWP committee provides an opportunity for more people to become involved and to make a personal commitment and contribution to the program.

(1) The FWPM will serve as the technical adviser of the committee.

(2) Committee members will serve as organizational liaisons to provide information about the concerns and needs of women in their respective organizations.

(3) Programs sponsored by the committee will focus on the career development of women.

b. The committee should be a working group and representative of the work force (that is, organization, occupation, grades, and ethnic diversity).

c. The committee will be established officially by appropriate order or regulation and have documented objectives. Meetings will be scheduled on a regular basis and conducted according to an

established agenda. Committee recommendations will be forwarded to the commander via the FWPM and the EEO officer. Minutes of the meetings should be maintained for the record.

Chapter 4 Hispanic Employment Program

4-1. HEP policy

a. The DA will—

(1) Ensure equal opportunity in hiring, advancement, training, and treatment of Hispanics.

(2) Strive toward a civilian work force in which Hispanics are represented in every major organizational element, occupational category, and grade level commensurate with their representation in the relevant civilian work force.

b. Goals and objectives of the HEP will be integrated appropriately into all aspects of civilian personnel management. Progress will be measured against program goals and objectives.

4-2. Implementation guidance

a. The DA HEP Director, under the supervision of the Director, EEO Agency, OASA (M&RA), will develop Army-wide policies and procedures for the HEP and provide leadership, advice, and guidance to MACOMs, subordinate commands, activities, and installations.

b. Local commanders will ensure that support and resources are provided to the HEP and that managers and supervisors institute the necessary actions and programs to ensure attainment of EEO for Hispanics.

c. The HEPM, under the supervision of the EEO officer, is responsible for the development, implementation, and evaluation of the HEP component of the EEO Program within the MACOM, subordinate command, installation, or activity.

4-3. Appointment of the HEPM

a. A HEPM will be appointed at each level of command. This person will serve under the supervision of the command EEO officer as the subject matter expert on various issues affecting the employment of Hispanics.

(1) If appointment of an HEPM on a full-time basis is not feasible, a part-time appointment is preferable to a collateral appointment. If the responsibility for managing the HEP must be assigned on a collateral duty basis, sufficient time must be allocated to ensure successful performance of the job.

(2) While the time required for program administration on a collateral duty basis may vary, many situations will require 25 percent or more of the employee's time. In all situations, collateral duties must be reflected in the employee's position description.

(3) Each year, an assessment of the performance of collateral duty HEPMs will be made, and a copy provided to the incumbent.

b. A procedure will be established for selecting collateral duty managers. Factors to be considered in the selection process are as follows:

(1) The ability to speak, read, and write Spanish may be used as a selective placement factor.

(2) Individuals selected should have an understanding of civilian personnel administration policies and procedures and have the ability to identify and work toward the solution of problems that affect hiring, advancement, training, and treatment of Hispanics.

(3) The HEPM must have knowledge of the Hispanic culture by experience or education and must be able to relate, communicate, and deal effectively with Hispanic persons and leaders of national and local organizations and groups.

c. To ensure that the qualifications in b above are met, employees selected will normally be at the GS-7 level or above.

4-4. Specific duties of the HEPM

a. The HEPM leads and directs the overall development of the HEP to include problem identification, goal setting, implementation,

and evaluation. The HEPM is a part of management; therefore, he or she may not function as an employee advocate, but will serve as an advocate for the changes necessary to overcome barriers that restrict EEO for Hispanics.

b. The list of specific duties below is neither all inclusive nor presented in any order of priority. However, it represents duties typically performed by HEPMS. The priority and emphasis given will vary depending on local needs.

(1) Develop and/or receive and analyze statistical data on the composition of the work force by organization, job category, grade of position, and minority/sex designation in order to identify areas where Hispanic men and women are underrepresented.

(2) Consult with the CPO on available applicant pools and responses to recruitment activity to identify past systemic barriers.

(3) Propose reasonable and achievable HEP goals that are staffed and included in the AAPP.

(4) Work with operating officials and the CPO to identify positions for which there has been a lack of Hispanic referrals and assist in locating Hispanic applicants who are qualified for such vacancies. In full coordination with the CPO, HEPMS will—

(a) Develop and maintain recruitment contacts with colleges and universities with large enrollments of Hispanics. Contacts should include placement directors, faculty members, and Hispanic organizations on campus.

(b) Take part in job fairs and provide assistance and counseling on preparation of employment applications.

(c) Review recruitment actions to determine whether adequate efforts were made to locate Hispanic candidates.

(5) Review, in cooperation with responsible officials, the training provided to the work force to determine whether Hispanics are being provided equal consideration for training based on organizational and individual development needs.

(6) Work with the EEO officer, the CPO, and management officials to identify positions that lend themselves to the establishment of developmental positions such as interns, upward mobility, and cooperative education; also, assist in counseling Hispanics on advancement opportunities through these developmental positions/programs.

(7) Review complaints to identify patterns of practice, supervisory attitudes, or other problems areas that result in denial of equal opportunity to Hispanics in hiring, advancement, training, status, and recognition. When such problems are identified, inform management and the EEO officer so they may take corrective action or include the problem and resolution or barrier removal in the AAPP.

(8) Assist the EEO officer and the EEO counselor, as appropriate, in the informal resolution of complaints of discrimination, particularly where communication in the Spanish language is required.

(9) Monitor and evaluate the effectiveness of the HEP on a regular basis (not less than twice a year) and provide input for reports required by higher echelons.

(10) Provide for Hispanics to serve as members or advisors on activity boards and committees.

(11) Work closely with the FWPM on issues and problems peculiar to Hispanic women. Such issues and problems include but are not limited to the following:

(a) The need for adequate day care and after school care for dependent children.

(b) State laws that unfairly discriminate on the basis of gender.

(c) Failure of higher educational institutions to accept women for advanced degree programs on the same basis as men.

(d) Lack of part-time employment programs especially for professional and technical positions.

(e) Lack of training programs to assist in preparing for and seeking professional careers and career development.

(12) Serve as a member or advisor on activity boards and committees that affect, either directly or indirectly, the status of Hispanics.

(13) Share knowledge of effective methods and procedures to

meet the objectives of the HEP. This can be done through continuing contact with HEPMS from other DOD activities and other Federal agencies.

(14) Identify and recommend to management officials local issues that should be published in the Spanish language.

(15) Deal effectively with all types of media personnel and obtain their support for the HEP.

(16) Write news releases and articles for in-house publications.

(17) Present information on the HEP to open forums.

(18) Represent the commander at local and national meetings and conferences on Hispanic issues that are beneficial to the Army.

4-5. HEP committees

a. An HEP committee will be formed at installations to assist and support the HEPM.

(1) The HEPM will serve as a technical adviser and may chair the committee.

(2) An HEP committee provides an opportunity for more people to become involved and to make a personal commitment and contribution to the program.

(3) The members will serve as organizational liaisons to provide information about the concerns and needs in their respective organizations and assist in initiating programs to enhance the career development of Hispanics.

b. The committee will be a working group and be representative of the work force (that is, organization, occupation, and grades).

c. The committee will be established officially by appropriate order or regulation and have documented objectives. Meetings will be scheduled on a regular basis and conducted according to an established agenda. Committee recommendations will be forwarded to the commander via the HEPM and the EEO officer. Minutes of the meetings should be maintained for the record.

Chapter 5 Handicapped Individuals Program

5-1. HIP policy

a. The DA will—

(1) Provide reasonable accommodation and ensure equal opportunity in hiring, advancement, training, and treatment of handicapped individuals.

(2) Strive for the achievement of a civilian work force in which handicapped individuals (including persons with targeted disabilities and disabled veterans) are represented in every major organizational element, occupational category, and grade level.

b. Goals and objectives of the HIP will be integrated appropriately into all aspects of civilian personnel management.

5-2. Implementation guidance

a. The DA Director of the HIP, under the supervision of the Director, EEO Agency, OASA (M&RA), has responsibility for developing and evaluating Army-wide policies and procedures for the HIP and providing leadership, advice, and guidance to MACOMs, subordinate commands, installations, and activities.

b. Commanders will ensure that—

(1) Support and resources are provided to the HIPM.

(2) Managers and supervisors institute the necessary actions and programs to ensure attainment of EEO for handicapped individuals and for facility accessibility surveys.

c. The HIPM, under the supervision of the CPO, is responsible for the development, implementation, and evaluation of the HIP within the MACOM, subordinate command, installation, and activity.

d. The directors of engineering and housing will—

(1) Provide input regarding removal of architectural barriers to the HIPM for inclusion in the Affirmative Action Plan for the Hiring, Placement, and Advancement of Handicapped Individuals.

(2) Assist with surveys that are conducted to identify the architectural barriers that impede handicapped employees and applicants.

(3) Establish plans and recommend priorities for removal of architectural barriers.

5-3. Appointment of the HIPM

a. A HIPM will be appointed at each level of command. This person will serve as the subject-matter expert on various issues affecting the employment of handicapped individuals.

(1) If appointment of a HIPM on a full-time basis is not feasible, a part-time appointment is preferable to a collateral appointment.

(2) While the time required for program administration may vary, many situations will require 25 percent or more of the employee's time. In all situations, collateral duties must be reflected in the employees position description.

(3) Each year, an assessment of the performance of collateral duty HIPMs will be made, and a copy provided to the incumbent.

b. A procedure will be established for selecting collateral duty managers. Individuals selected should—

(1) Understand the causes and effects of discrimination based on handicap.

(2) Be familiar with the principles of personnel management.

(3) Be able to identify and work toward the solution of problems that affect hiring, advancement, training, treatment, and recognition of handicapped individuals within the work force.

c. To ensure that the above qualifications are met, employees selected will normally be at the GS-7 level or above.

5-4. Specific duties of the HIPM

a. The HIPM is a part of management; therefore, he or she may not function as an employee advocate, but will serve as an advocate for the changes necessary to overcome barriers that restrict equal employment opportunity for handicapped individuals.

b. The list of specific duties shown below is neither all inclusive nor presented in any order of priority; the priority and emphasis will vary depending on local needs.

(1) Ensure that realistic goals provide for significant continuing increases in the percentage of persons with targeted disabilities in every major organizational element, occupational category, and grade level.

(2) Evaluate employment policies, practices, and patterns within the Army and identify and correct any arbitrary institutional barriers that restrict opportunities for recruitment, hiring, advancement, status, training, and treatment of handicapped individuals and disabled veterans.

(3) Develop and implement an effective program for hiring and advancing handicapped individuals, persons with targeted disabilities, and disabled veterans. This includes provisions for making reasonable accommodation and identifying architectural barriers to employment of handicapped individuals.

(4) At MACOM, subordinate command, installation, and activity level—

(a) Develop and monitor the annual Affirmative Action Program Plan and Accomplishment Report for the Hiring, Placement, and Advancement of Handicapped Individuals (RCS 0234-EEO-AN). (See EEO-Management Directives 700 series.)

(b) Implement and monitor the Army-wide DVAAP Plan (RCS 0305-OPM-AN). (See FPM, chap 720.)

(5) Develop and implement the plans with the cooperation of the CPO, the EEO officer, managers, and supervisors. Instructions on submission of plans are published each year by HQDA (SAMR-SFEOA). Plans should include procedures for implementing a selective placement program that includes the following:

(a) A special recruitment program that identifies sources of applicants and strategies for placement for handicapped individuals and disabled veterans. (See FPM, chap 306.)

(b) Placement assistance for handicapped individuals and disabled veterans who have lost their jobs with the Army because of contracting out, transfer of function, or reduction in force or for those who have been injured on the job or become disabled on or off the job as a result of injury or illness and are determined to be unable to perform the duties of their current position.

(c) Followup within a reasonable time after placement to ensure reasonable accommodation and provide counseling to supervisor and employee as appropriate.

(6) Provide guidance and assistance to the EEO office and management employee relations specialists in the processing of complaints and grievances.

(7) Represent the commander at local and national meetings and conferences on issues that are beneficial to the Army.

5-5. Removing architectural barriers in facilities

a. Legal requirements.

(1) As a Federal employer, the Army is required to make facilities, programs, and activities accessible under the Architectural Barriers Act of 1968, as amended, and section 504 of the Rehabilitation Act of 1973, as amended. Section 501 of the Rehabilitation Act prohibits discrimination in employment on the basis of facility inaccessibility.

(2) If an applicant is not appointed because of architectural barriers, the Army activity could be subject to legal action. The removal of architectural barriers is a provision in the Affirmative Action Program for Hiring, Placement, and Advancement of Handicapped Individuals.

b. Architectural barrier removal standards.

(1) It is necessary to clarify the "ownership" and responsibility for the facility so that appropriate architectural barrier removal standards can be applied. This will vary in relation to whether the facility is Government-owned, Government-leased, command-owned, or occupied by a tenant activity. This process will establish responsibility for the eventual funding of barrier removal.

(2) The General Services Administration (GSA) has responsibility for making all non-Army owned buildings accessible. However, if the building was built prior to the Architectural Barriers Act of 1968, the Army has the choice of having GSA make the building accessible on a reimbursable basis or accomplishing the work within Army.

(a) When leasing floor space, GSA ranks buildings in order of accessibility and leases the most accessible building.

(b) If more modifications are needed, GSA will negotiate to include the items that would make the building more accessible into the leasing agreement.

c. Survey facilities for accessibility.

(1) All facilities constructed prior to, or those that have not had major alterations since 1 January 1969, that house civilian employees must be surveyed for accessibility. Those portions of facilities that may constitute hazardous work areas for certain types of disabilities should be identified.

(2) Normally offices responsible for installation planning and/or facilities maintenance and engineering take the lead in conducting these surveys. If possible, handicapped employees, such as members of the HIP committee or local organizations that represent handicapped individuals, should participate in the survey.

d. Goals for architectural barrier removal.

(1) Establish priorities for barrier removal. The organization or group responsible for the survey of facilities for accessibility will establish priorities for architectural barrier removal. Priority should be given to removal of barriers in the civilian personnel office and/or employment information office, the equal employment opportunity office, and other facilities with high civilian traffic or usage.

(2) Set goals and timetables for removal of barriers identified in the survey. This process should involve the offices responsible for establishment of priorities as well as the budget office and the HIP committee. For long-range planning, cost estimates should be projected in the budget process; however, some method of making as-needed repairs on a case-by-case basis must be developed.

5-6. Reasonable accommodation

a. Reasonable accommodation will be provided to qualified handicapped individuals unless to do so would impose an undue hardship; therefore, every effort should be made to accommodate employees and applicants before considering any other personnel

action. Examples of reasonable accommodation include making facilities accessible, providing assistive devices, restructuring jobs, modifying work schedules, and providing readers, interpreters, and aides.

b. The handicapped individual is often the best source of information about reasonable accommodation for his or her handicap. The HIPM may, after conferring with the handicapped individual, want to confer with State or Veterans Administration rehabilitation counselors to obtain additional information and technical assistance.

c. Examples of assistive devices are as follows:

(1) Equipment with alternative warning, instructive, or response mechanisms; for example, lights rather than bells or a spoken response rather than a visual one.

(2) Devices that translate from one form of communication to another, as in a computer reader that takes printed material and reads it aloud for visually impaired persons. Another device provides the reverse translation, from spoken communication to written communication, for hearing-impaired persons.

(3) A wide range of equipment to assist mobility-impaired persons; for example, lifts that raise desk tops of work stations high enough to accommodate a wheelchair.

d. Procurement of assistive devices through Army supply channels is subject to the Federal Acquisition Regulation (FAR), the DOD FAR Supplement, and the Army FAR Supplement. In some cases, adaptive or assistive devices for a specific employee may be funded through other Federal or State agencies.

5-7. HIP committees

a. Each installation/activity will establish an HIP committee to assist and support the HIPM.

(1) The HIPM will serve as the technical adviser and may chair the committee.

(2) An HIP committee provides an opportunity for more people to become involved and to make a personal commitment and contribution to the program; therefore, membership should include both handicapped and nonhandicapped employees.

(3) The members will serve as organizational liaisons to provide information about the concerns and needs of handicapped individuals in their respective organizations and to initiate programs to enhance the career development of disabled employees.

(4) Individuals responsible for facility engineering, personnel, equal employment opportunity, and budget or procurement functions will participate in committee deliberations, as appropriate, to assure consideration of their respective responsibilities in procedural and policy determinations. Others who should participate are the deputy commander or chief of staff, the safety officer, and the legal staff representative.

b. The committee should be a working group and be representative of the work force (in other words, organization, occupation, and grades).

c. The committee should be structured under an appropriate order or installation regulation and have documented objectives. Meetings should be scheduled on a regular basis and conducted according to an established agenda. Committee recommendations will be forwarded to the commander through the CPO and minutes of the meetings will be maintained for the record.

5-8. Outstanding Handicapped Army Employee of the Year Awards Program

a. The annual DA award for the Outstanding Handicapped Army Employee of the Year is patterned after the Outstanding Handicapped Federal Employee of the Year Award administered by OPM under FPM, chapter 306, subchapter 10. The purpose of the award is to identify, recognize, and publicize the achievements of outstanding handicapped employees who have made significant contributions to the Army mission, thereby helping to open employment opportunities for other handicapped persons.

b. To be eligible for consideration for the Outstanding Handicapped Army Employee of the Year Award, Army employees must meet the following criteria:

(1) Job performance that clearly exceeded requirements in spite of severely limiting physical factors.

(a) The job performance must include performance within 1 year preceding the nomination. The existence of official recognition for performance in the form of an Exceptional Performance Rating, Quality Increase, or Special Achievement Award (Sustained Superior Performance) during the year preceding the nomination would tend to improve consideration, but is not necessary. Where the employee has not had such official recognition, the nominating official must certify that the nominee's job performance clearly exceeded performance requirements during the year preceding the nomination. Repeated recognition for performance during the nominee's career would qualify for additional credit.

(b) Advancement to higher-level positions will be a factor in consideration.

(c) The term "severely limiting physical factors" refers to the material physical impairments that ordinarily would prove a serious hindrance to securing employment. The impairments must be material, rather than slight, and relatively permanent in that they usually are not correctable by medical or mechanical means. It is not necessary that the physical impairment of the nominee be so severe that they qualify medically for an excepted appointment under Schedule A, section 213.3102(u) or (t). Since "selective placement" (that is, the careful matching of abilities with the duties of the position) is one of the main objectives of the program, it is not necessary that the physical handicap involved be severe in direct relationship to the duties of the position.

(2) Perseverance and initiative in overcoming a handicap that served as an inspiration to others and resulted in a positive influence toward opening opportunities for handicapped persons in the Federal service.

(3) The severity, nature, and uniqueness of the handicap as well as its relationship to the job play an important role in determining the perseverance and initiative necessary to overcome the handicap.

c. The following factors will be considered in rating the nominee:

(1) *Initiative, inspiration, and involvement.* Based on rater's judgment, assign 0-5 points for each of these factors for a maximum of 15 points for all three.

(a) Consider the nominee's perseverance and initiative in overcoming his or her disability.

(b) How the individual's actions served as an inspiration to other disabled persons and resulted in opening opportunities for them.

(c) Consider nominee's individual and community involvement to assist handicapped and disadvantaged persons achieve their full potential.

(2) *Degree of handicap.* Consider the severity of nominee's disability in terms of duties of positions as follows:

(a) Slight—10 points.

(b) Moderate—15 points.

(c) Severe—20 points.

(3) *Agency recognition.* Assign points for agency recognition as indicated below.

(a) Letters of appreciation and similar recognition, 1-5 points.

(b) Quality step increases, sustained superior performance awards, and similar recognition, 5-10 points.

(c) Exceptional performance ratings or comparable ratings, 10-15 points.

(d) Exceptional record of awards or comparable recognition, 15-20 points.

(4) *Other recognition.* Based on rater's judgment, assign 1-10 points for recognition received from outside the nominee's agency from such sources as other Federal, State, local agencies, professional associations, and community organizations that show achievement by the nominee in spite of impairment.

(5) *Performance of duties.* Assign 5-20 points. Consider the uniqueness of the nominee's duties in relation to his or her disability, as supported by an evaluation by the nominating officials.

d. Department of the Army personnel previously submitted to OPM as the DA nominee for the Federal award cannot be renominated for the DA award unless he or she has had significant employment accomplishments since the previous nomination.

MACOMs and independent reporting activities must provide written justification for renomination of a previous DA award winner.

e. HIPMs at all levels will monitor procedures for nominating and selecting nominees for the award. Incentive awards personnel may process nominations. HIPMs should use their knowledge of handicapped persons on the rolls to assist management officials in identifying prospective nominees.

f. Major Army commanders and heads of independent reporting activities are strongly encouraged to submit one nomination for this annual award. They are also encouraged to establish their own Handicapped Employee of the Year Award Program to coincide with the DA program.

g. Documentation for the award will be in accordance with FPM, chapter 306, paragraph 10-3c, with the following exceptions:

(1) Include four 8- by 10-inch glossy black and white photos of the employee at his or her work site.

(2) Since some handicapped employees may not wish to be considered for nomination and others may not want their photograph used for publicity or promotion purposes. Employees who wish to have their photographs used will sign and date the following employees's agreement: "Use of the attached nomination and photos by the U.S. Government for publicity and promotion of the Handicapped Awards Program is hereby authorized."

h. Nominating officials should be advised that nominations are to include all information requested and any other information they feel will strengthen the nomination. The nomination will be the sole basis for selection and, therefore, special care should be taken to assure that the submission is correctly prepared and does justice to the nominee.

i. Award nominations must be received by HQDA (DAPE-CPA), WASH DC 20310-0300, no later than 15 April of each year. A special ad hoc committee at HQDA will select the Outstanding Handicapped Army Employee of the Year. The selectee will receive the Meritorious Civilian Service Award signed by the Secretary of the Army at a DOD ceremony in the Pentagon together with award winners from the other military services and DOD agencies. Travel expenses for the awardee (and escort if required) will be absorbed by the selectee's parent installation. The individual selected for the DA award automatically becomes the Army nominee for the Outstanding Handicapped Federal Employee of the Year.

Chapter 6 Honorary Recognition for Achievements in Equal Employment Opportunity

6-1. Purpose of awards

Achievement of EEO in Government service requires an understanding by all managers and supervisors of the goals of EEO. When there are clearly significant achievements in providing EEO, deserving managers, supervisors, employees, or units merit recognition for their contributions to attaining these goals.

a. The Army's Incentive Awards Program encourages and recognizes excellence in performance. Examples include performance that—

- (1) Has involved overcoming unusual difficulties.
- (2) Results in highly desirable benefits.
- (3) Substantially exceeds one or more important job requirements.

b. Superior accomplishments in fostering EEO may well involve, and sometimes require, performance of this nature. Persons who, through superior efforts, extend equal opportunity to minority, women, and handicapped applicants and employees should be recognized. Recognition for achievements in EEO should focus on persons who have achieved outstanding results in furthering the goals of the program through unusually effective leadership, skill, imagination, innovation, and perseverance.

6-2. Categories of awards recipients and criteria for awards

Categories of award recipients and criteria for award selection are discussed below.

a. Awards to employees, supervisors, and managers who have made a significant contribution to the accomplishment of EEO program goals. Individuals nominated in this category must have—

(1) Achieved outstanding success in working in support of economic opportunity or other domestic action programs (for example, host enrollee programs) directed at advancing EEO in the Army and the community.

(2) Achieved outstanding success in formulating policy changes or corrections that resulted in significant results or improvements to the Army EEO mission.

(3) Initiated, developed, or administered programs that resulted in significant improvements in the employment status of minorities, women, or handicapped individuals.

b. Awards to professionals (civilian and military) involved in the EEO program who clearly excel in promoting EEO. Individuals nominated in this category must have—

(1) Provided outstanding leadership in the development and/or implementation of an EEO AAPP or activity that produces significant and demonstrable results or improvements in the Army and Federal EEO program.

(2) Stimulated and maintained a high level of respect and confidence from organizations representing minorities, women, or handicapped individuals.

(3) Accomplished substantially more than their required program responsibility in fostering affirmative action for minorities, women, and handicapped individuals.

(4) Initiated programs that have resulted in significant and demonstrable contributions either to the FWP, HEP, or HIP or for programs directed at other protected groups (such as Asian Americans or Blacks).

6-3. Administration

a. Nominations for the Secretary of the Army's award for outstanding achievements in EEO will include—

(1) A completed DA Form 1256 (Incentive Award Nomination and Approval).

(2) A citation of not more than 100 words, highlighting the significance of the nominee's achievements.

(3) A brief biographical sketch of the nominee.

(4) An employment history.

(5) A summary of achievements that impact on the Army's EEO program progress and includes other awards or honors received. The summary must be specific in substantiating actions or projects that are the basis for the nomination.

(6) An 8- by 10-inch black and white photograph.

b. Nominations for this award are based on actions accomplished during the previous fiscal year. Although MACOM commanders may nominate subordinate commanders, MACOM commanders must be nominated only by the Director of the Army Staff.

c. Nominations will be submitted through command channels to be received by HQDA (DAPE-CPA), WASH DC 20310-0300, no later than 15 April each calendar year. Submissions will include an original and six copies.

Appendix A References

Section I Required Publications

AR 140–315

Employment and Utilization of U.S. Army Reserve Military Technicians. (Cited in the Summary.)

AR 600–7

Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army. (Cited in para 1–4*f*.)

AR 690–600

Equal Employment Opportunity Discrimination Complaints. (Cited in para 1–4*f*.)

Equal Employment Opportunity Management Directives—700 Series Affirmative Action Programs. (Cited in paras 2–3*a*, and 5–4*b*.) Copies are provided to users by SAMR–SFEOA, but are also available from Equal Employment Opportunity Commission, Public Sector Programs, 2401 E Street, N.W., Washington, DC 20507.

FPM, chapter 306

Selective Placement Programs. (Cited in para 5–4*b*.)

FPM, chapter 720

Affirmative Employment Programs. (Cited in paras 2–3*a* and 5–4*b*.)

Section II Required Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

FPM, Supplement 298–1, subchapter 3

Preparation of Central Personnel Data File Input

Section III Referenced Forms

DA Form 1256

Incentive Award Nomination and Approval

Glossary

Section I Abbreviations

AAP

Affirmative Action Program

AAPP

Affirmative Action Program Plan

CPO

civilian personnel officer

DA

Department of the Army

DCSPER

Deputy Chief of Staff for Personnel

DVAAP

Disabled Veterans Affirmative Action Program

EEO

equal employment opportunity

EEOC

Equal Employment Opportunity Commission

FEORP

Federal Equal Opportunity Recruitment Program

FWP

Federal Women's Program

FWPM

Federal Women's Program Manager

GSA

General Services Administration

HEP

Hispanic Employment Program

HEPM

Hispanic Employment Program Manager

HIP

Handicapped Individuals Program

HIPM

Handicapped Individuals Program Manager

MACOM

major Army command

OASA (M&RA)

Office of the Assistant Secretary of the Army
(Manpower and Reserve Affairs)

OPM

Office of Personnel Management

RNO

race or national origin

SEP

Special Emphasis Program

SEPM

Special Emphasis Program Manager

Section II Terms

Affirmative action

Action taken to provide equal employment opportunity in hiring, promotion, training, recognition, and all other aspects of employment to minority group members, women, and handicapped individuals.

Handicapped person

An individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Hispanic

A person of Puerto Rican, Mexican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.

Impairments

Physiological disorders or conditions, cosmetic disfigurement, or anatomical loss affecting any of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine. Also included are mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. However, narrower definitions, cited in the Federal Personnel Manual, are used to determine eligibility for excepted appointments and other special provisions.

Major life activities

Functions such as caring for one's self, performing manual tasks, walking, standing, hearing, speaking, breathing, learning, and working.

Unclassified

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