

Summary of Changes

USMEPCOM Regulation 690-11, 17 September 2004
Civilian Personnel
Equal Employment Opportunity

This revision has administrative changes; specifically, this revision—

- Updates and expands the Affirmative Employment Program Plan (par. 2-4).
- Updates the complaint activity report requirements (par. 2-6).
- Updates procedural steps in individual complaints of discrimination (tab. 3-1).
- Deletes elements of complaint documentation (par. 3-5).
- Updates procedural steps in class complaints of discrimination (tab. 3-2).
- Adds the Federal sector complaint process (fig. 3-1).
- Expands special emphasis program responsibilities (par. 4-3a).
- Updates external references (app. A).
- Updates the USMEPCOM reasonable accommodations procedures (app. B).
- Adds alternative dispute resolution background, common techniques, and terminology (app. C).

DEPARTMENT OF DEFENSE
HEADQUARTERS, UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND
2834 GREEN BAY ROAD, NORTH CHICAGO, ILLINOIS 60064-3094

USMEPCOM Regulation
No. 690-11

17 September 2004

Effective: 18 October 2004

**Civilian Personnel
EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

FOR THE COMMANDER:

OFFICIAL:

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/SIGNED/

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A

Summary. This regulation establishes the United States Military Entrance Processing Command (USMEPCOM) Equal Employment Opportunity (EEO) Program. It presents guidance, assigns responsibility, and defines requirements in support of the Department of Defense (DOD) and Department of Army (DA) EEO Program as prescribed by the Equal Employment Opportunity Commission (EEOC).

Applicability. This regulation applies to USMEPCOM commanders, supervisors, managers, and civilian personnel.

Supplementation. Supplementation to this regulation is prohibited without prior approval from Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

Suggested improvements. The proponent agency of this regulation is HQ USMEPCOM, ATTN: MEEO/EO. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms), or by memorandum to HQ USMEPCOM, ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

Management control process. This regulation contains management control provisions but does not identify key management controls that must be evaluated.

*This regulation supersedes USMEPCOM Regulation 690-11, 7 November 2000.

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Chapter 1

General

1-1. Purpose

This regulation is the guidance established by the Headquarters United States Military Entrance Processing Command (HQ USMEPCOM) Equal Employment Opportunity (EEO)/Equal Opportunity (EO) Office to provide EEO program management oversight, direction, and evaluation for all United States Military Entrance Processing Command (USMEPCOM) activities and assessment of program implementation.

1-2. References

References are listed in appendix A.

1-3. Abbreviations and terms

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

1-4. Responsibilities

a. The USMEPCOM Commander will—

- (1) Communicate the Command EEO policy and program to USMEPCOM.
- (2) Ensure implementation of the EEO Program.
- (3) Approve the Affirmative Employment Program Plan (AEPP) and annual updates to the AEPP.
- (4) Ensure key managers and supervisors support and participate in the EEO Program.
- (5) Ensure the USMEPCOM EEO Office participates in Command review and analysis programs according to Army Regulation (AR) 690-12 (Equal Employment Opportunity and Affirmative Action).
- (6) Ensure allocation of resources for the USMEPCOM EEO Program.
- (7) Provide for the prompt, fair, and impartial processing of complaints according to applicable laws and regulations.
- (8) Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishments in EEO.

b. The USMEPCOM EEO/EO Officer will—

- (1) Ensure command-wide implementation, evaluation, and reporting of an effective EEO/Affirmative Action (AA) Program.
- (2) Provide active leadership for obtaining full compliance with the letter and spirit of the EEO/AA Program.
- (3) Serve as the principal advisor to the USMEPCOM Commander and key line and staff official on civil/human rights and EO matters.
- (4) Ensure that the USMEPCOM EEO/AA Program incorporates the requirements of laws and regulations and is designed and administered to ensure that equal opportunity and treatment is afforded to all employees and applicants for employment.

(5) Keep the USMEPCOM Commander informed, as needed, about EEO workforce concerns raised by regional directors.

(6) Review local military entrance processing stations (MEPS) programs for adequacy.

(7) Perform program evaluation throughout the Command.

(8) Coordinate issues affecting the Command.

(9) Manage the administration of the discrimination complaint process for the Command.

c. The USMEPCOM EEO Specialist will—

(1) Serve as the USMEPCOM Command Manager for special emphasis programs (SEPs).

(2) Ensure commanders, managers, and supervisors are advised on the employment status of race, gender, and ethnic groups within the organization.

(3) Compile data for special analyses and reports.

(4) Provide assistance in developing strategies to counter identified barriers to full employment of qualified applicants and employees.

(5) Provide input into the development of the AEPP and the annual update.

(6) Augment services provided through interservice support agreements (ISSA).

(7) In conjunction with the EO advisor, serve as a consultant to HQ USMEPCOM special observance committees.

(8) Maintain automated demographic and complaint data.

d. The sector and MEPS commanders will—

(1) Ensure full implementation of the USMEPCOM EEO Program.

(2) Maintain a working relationship with the servicing EEO office.

(3) Request assistance of the servicing EEO office as required.

(4) Develop, post, and maintain EEO and prevention of sexual harassment policies.

(5) Post local discrimination complaint procedures including the name, location, and telephone numbers of the EEO office staff, EEO counselors, and designated EEO officials.

e. The servicing EEO office will—

(1) Provide service in accordance with (IAW) a mutually agreed upon ISSAs. Reimbursement for these services will be negotiated between the servicing activity, the serviced commander, and the major command resource management and EEO offices. All ISSAs for EEO services will be coordinated with the Regional EEO Director.

(2) Inform HQ USMEPCOM EEO/EO of discrimination complaint activity.

(3) Process EEO complaints according to AR 690-600 (Equal Employment Opportunity Discrimination Complaints).

(4) Provide MEPS commanders and supervisors copies of relevant regulations and policies to ensure program implementation.

1-5. Program elements

a. Command personnel policies and practices in employment, development, advancement, and treatment of employees will be based on equal treatment.

b. Hiring officials, managers, and supervisors will give USMEPCOM employees and employment applicants information on reporting allegations of discrimination. Individuals presenting complaints of discrimination will be allowed to do so without fear of reprisal.

c. Instances of substantiated acts of discrimination will be promptly and effectively discharged.

d. Affirmative employment action programs and plans for minorities and women will be developed according to DA (see AR 690-12) and DOD guidance.

e. Special emphasis programs (for example, the Federal Women's Program, Hispanic Employment Program, Black Employment Program) will be an integral part of the USMEPCOM EEO Program.

f. Resources and procedures to ensure adherence to regulatory requirements will—

(1) Ensure distribution of funds required in association with processing complaints.

(2) Monitor time frames established to manage the program.

(3) Coordinate dispute resolution for complaints.

(4) Advise the USMEPCOM Commander and sector commanders on the disposition of complaints requiring their decisions.

(5) Ensure that copies of complaint files are forwarded to HQ USMEPCOM, ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

g. Managers and supervisors will make reasonable accommodations to the known disabilities of applicants and employees (see pars. 4-3(f) and (g)) IAW the People with Disabilities Program. Accommodations will be considered on a case-by-case basis. Executive Order 13164 requires each federal agency to establish effective written procedures for processing requests for reasonable accommodation. USMEPCOM reasonable accommodation procedures are at appendix B.

Chapter 2

Affirmative Employment Program

2-1. Requirements

Federal agencies are required to establish and maintain an affirmative employment program (AEP). An effective program establishes clear and attainable objectives for full use of a diverse work force. Minimum requirements for an AEP include:

- a. Demonstrating commitment to equality of opportunity for all employees and applicants for employment that is communicated through the ranks, from the top down.
- b. Conducting regular internal audits to assess the effectiveness and efficiency of the Title VII and Rehabilitation Act programs and ascertaining whether a good-faith effort has been made to identify and remove barriers to equality of opportunity in the workplace.
- c. Maintaining clearly defined, well-communicated, consistently applied, and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct, and training systems.
- d. Implementing effective, reasonable accommodation procedures that comply with applicable executive orders, Equal Employment Opportunity Commission (EEOC) guidance, the Architectural and Transportation Barriers Compliance Board's Uniform Federal Accessibility Standards, and Electronic and Information Technology Accessibility Standards (see app. B for USMEPCOM reasonable accommodation procedures).
- e. Maintaining an efficient, fair, and impartial complaint resolution process. Ensure all USMEPCOM employees and applicants for employment are apprised of the complaint resolution process.
- f. Promoting and encouraging the widespread use of fair alternative dispute resolution (ADR) programs that facilitate the early, effective, and efficient informal resolution of disputes (see app. C).

2-2. Affirmative Employment Program Plan and annual updates

- a. The USMEPCOM AEPP and the annual updates were developed to help monitor, measure, and report EEO and AEPP progress. The reports will be maintained at the USMEPCOM EEO/EO Office and filed under 690-12b2 with the following disposition instructions: K2. Keep in current file area until record is 2 years old, then destroy.
- b. The AEPP will—
 - (1) Evaluate organizational efforts to ensure equality of opportunity for all employees.
 - (2) Document the total workforce distribution by race, national origin, and sex.
 - (3) Document the permanent workforce participation rates for each grade level by race, national origin, and sex.
 - (4) Document the permanent workforce participation rates for each of the agency's major occupational categories (divided by grade level) by race, national origin, and sex.
 - (5) Document the rates of selections for promotions, training opportunities, and performance incentives by race, national origin, and sex.

(6) Document the rates of both voluntary and involuntary separations from employment by race, national origin, and sex.

2-3. Disability Affirmative Employment Plan

The USMEPCOM EEO Officer will provide an annual update to the Department of Army Equal Employment Opportunity and Civil Rights Agency (EEOCRA) as prescribed by Title 29 Code of Federal Regulations (CFR) 1614. At the request of the DA, updates will include the following:

- a. Total workforce distribution of employees with disabilities for both the permanent and temporary workforce.
- b. Representation and distribution of employees with disabilities, by grade, in both the permanent and temporary workforce.
- c. Permanent and temporary workforce participation of employees with disabilities in major occupational groups by grades.
- d. Representation of individuals with disabilities among applicants for permanent and temporary employment.
- e. Representation of employees with disabilities among those who received promotions, training opportunities, and performance incentives.
- f. Representation of employees with disabilities among those who were voluntarily and involuntarily separated.
- g. Effectiveness and efficiency with which the agency processes requests for reasonable accommodation under the Rehabilitation Act.
- h. Extent to which an agency is in compliance with section 508 of the Rehabilitation Act's requirement to provide employees with disabilities access to information and data that is comparable to that provided to those without disabilities.
- i. Information and trend data reflecting the nature, status, and disposition of complaints in the administrative process (EEOC, Merit System Protection Board, and Federal Labor Relations Act), and in court alleging violations of the Rehabilitation Act.

2-4. Assessing the status of the USMEPCOM Affirmative Employment Program Plan

Command leadership, in conjunction with the appropriate EEO office, will periodically assess the status of the Command (USMEPCOM) AEPP by considering the following questions:

- a. Are the agency's recruitment efforts resulting in sufficient numbers of applicants with disabilities, especially targeted disabilities?
- b. Are there opportunities to re-survey the agency's workforce at least every other year to maintain accurate and updated statistics on employees with disabilities?
- c. Is the physical structure and layout of the agency facility in compliance with applicable accessibility standards?
- d. Even if the agency is in compliance with accessibility standards, are there other physical barriers that remain?

2-5. Confidentiality of disability-related information

All medical or disability-related information must be kept confidential IAW EEOC regulations. Under these regulations, such information must be collected and maintained on separate forms, kept in separate files, and treated as confidential medical records (29 CFR 1630.14(b)(1)).

2-6. Complaint activity report

a. All covered Federal agencies and departments with 100 or more employees will submit annual fiscal year reports, including counseling data from all organizational components under their jurisdiction, to the EEOC not later than 31 October each year. HQ USMEPCOM, MEEO, will report this information on EEOC Form 462 (Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints). The data is required to meet compliance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

b. Agencies and departments that are covered, but had no EEO complaint activity, are required to submit negative reports. A consolidated report will be prepared and submitted by the USMEPCOM EEO Officer. Servicing EEO offices will provide required information for those complaints initiated at the serviced USMEPCOM organization not later than 15 October of each year. The information must include—

(1) Total number of individuals counseled this reporting period, counseling completed within 30 days, counseled within a 60-day extension, counseled through agency dispute resolution procedures, and counseled on remand.

(2) Summary of formal complaint activities, complaints on hand at the end of the prior reporting period, on hand at the beginning of the reporting period, and complaints filed this reporting period. The summaries will be maintained at USMEPCOM EEO/EO Office according to AR 690-600 and filed under 690-600a with the following disposition instructions: TE4. Event is after final resolution of case. Keep in current file area until event occurs and then until no longer needed for conducting business. Preliminary and background files may be destroyed 2 years after case resolved.

(3) Remands.

(4) Complaints closed this reporting period.

(5) Formal complaints on hand at the end of this reporting period.

(6) Agency work force and EEO resources will include permanent work force; number of EEO counselors; and full-time, part-time, and collateral-duty workforce.

(7) Summary of bases and issues in complaints filed.

(8) Summary of closed complaints by statute and category, with corrective action up to and including final decision by the agency.

(9) Amount of back pay, attorney's fees, and costs awarded this reporting period.

(10) Types of corrective action.

(11) Total number of open EEO complaints, by category, pending an inventory at the end of the reporting period.

(12) Summary of activity for completed investigations.

(13) Total dollar amount spent for all investigations.

2-7. Quarterly reports

a. The SEP manager will prepare statistical reports each quarter on the composition of the work force by organizational level, occupational categories, grade-level groupings, and minority sex designation for review by the USMEPCOM EEO/EO Officer.

b. Servicing EEO/EO officers will prepare status reports of ongoing EEO complaints to ensure appropriate monitoring.

Chapter 3 Discrimination Complaint Process

3-1. Equal employment opportunity counseling

a. Eligibility. Employment discrimination complaints by civilian employees and applicants seeking employment with USMEPCOM will be processed according to the procedures described in this regulation and in tables 3-1 and 3-2 and figure 3-1 of this chapter.

- (1) The servicing EEO office will provide EEO counseling as delineated in the ISSA.
- (2) Certified EEO counselors at the MEPS will not counsel individuals employed in the same MEPS.

b. Associated costs. HQ USMEPCOM (MEEEO/EO) will fund costs over and above those defined in the ISSA.

c. Notification. Servicing activities will advise HQ USMEPCOM (MEEEO/EO) of a complaint within 5 working days from when the complaint was first presented by an employee or applicant seeking employment with USMEPCOM. Copies of all notices referencing the processing of the complaint will be forwarded to MEEEO/EO. MEEEO/EO will complete monthly status reports on active informal and formal complaints. Semi-annual complaint status reports will be provided to the USMEPCOM Commander and key staff during the USMEPCOM EO/EEO forum.

d. Designated management representative. If a complaint is filed against the commander of a subordinate unit, the deputy commander of the next higher command (or their designee) will serve as the management representative to function on behalf of the command. If a complaint is made against a—

- (1) MEPS commander, the sector deputy commander (or designee) will be the management representative authorized to resolve the complaint.
- (2) Sector commander, the USMEPCOM Deputy Commander (or designee) will be the management representative authorized to resolve the complaint.

e. Formal complaints. Servicing activities must coordinate a formal complaint with the USMEPCOM EEO/EO Officer.

3-2. Alternative dispute resolution

a. The servicing EEO office will offer a certified ADR procedure option for complaints filed by employees or applicants seeking employment with USMEPCOM. ADR will include the service of a certified neutral individual (see par. 3-2b). ADR background, common techniques, and terminology are discussed in appendix C.

b. The USMEPCOM EEO Officer may certify individuals assigned to USMEPCOM as neutrals for intervention in ADR procedures. USMEPCOM neutrals must be able to ensure neutrality and impartiality in each assigned case.

c. A summary of the resolutions reached through the ADR process must follow EEOC regulatory guidance. The summary will be maintained at USMEPCOM EEO/EO Office according to AR 690-600 and under file number 690-600a; destroy the summary 2 years after final resolution of case (see par. 3-5b).

3-3. Negotiated settlement agreements

The servicing EEO office will forward copies of settlement agreements to HQ USMEPCOM, ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

3-4. Labor counselors

Headquarter, Department of the Army EEO complaint procedures require coordination and review of complaints with labor counselors. Labor counselors will assist in the complaint process according to existing ISSAs and AR 690-600.

3-5. Complaint documentation

The servicing EEO office and HQ USMEPCOM EEO/EO Office will maintain complaint documents under file number 690-600a; complaint documents will be destroyed 2 years after final resolution of a case.

a. Complaint Automated Tracking System. The servicing EEO office will enter complaint information into the Modern Complaints Activity Tracking System (MCATS). On behalf of the Command, the USMEPCOM EEO Specialist will monitor the status of complaints being processed in MCATS.

b. Case files.

(1) The USMEPCOM EEO Office will maintain documents relating to the complaint, IAW DA EEOCRA guidance.

(2) The case file will have an index identifying each section and the contents of each section.

(3) The case file will be tabbed in reverse chronological order and will contain legible copies of documents.

(4) The servicing EEO office will send a copy of the case file to HQ USMEPCOM, ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

Table 3-1 Steps in Individual Complaints of Discrimination	
Action	Time limits
<p>1. Employee, former employee, or applicant must see an EEO counselor or officer. Note: All references to “EEO counselor” and “EEO officer/office” are servicing.</p>	<p>Within 45 calendar days of the date of the matter alleged to be discriminatory, or within 45 calendar days of the effective date of a personnel action. An extension to the time limits for contacting an EEO counselor may be granted by the EEO office processing the complaint if the complainant shows: (1) he or she was not notified of the time limits and was not otherwise aware of them; (2) he or she did not know, or reasonably would not have known, that the discriminatory matter or personnel action occurred; (3) despite due diligence, he or she was prevented by circumstance beyond his or her control from contacting a counselor within the time limits. Individuals raising complaints (complainants) will be advised that they may choose between traditional EEO counseling and the ADR program offered by the servicing EEO office.</p>
<p>2. EEO counselor or officer makes inquiry, tries to resolve complaint informally, conducts final interview, and if complaint is not resolved, gives complainant written Notice of Right to File formal complaint.</p>	<p>Within 30 days after the matter was first called to EEO counselor’s attention. When the complainant elects to participate in the alternative dispute process, the processing period will not exceed 90 days.</p>
<p>3. Complainant may agree, in writing, to extend the counseling period up to an additional 60 days.</p>	<p>Within initial 30-day counseling period.</p>
<p>4. A complaint must contain a signed statement from the complainant or his or her attorney. This statement must identify the aggrieved individual and the agency and must describe the action(s) or practice(s) that form the basis of the complaint. The statement must also contain a telephone number and address where the complainant or their representative can be contacted.</p> <p>The EEO office will send a receipt acknowledgement to the complainant. The acknowledgement will show the date the complaint was filed and identify the EEOC office having jurisdiction for that geographical area.</p>	<p>Within 15 days after receipt of the Notice of Right to File (refer to step 2 above).</p>
<p>5. EEO officer accepts or dismisses the formal complaint in whole or in part.</p>	<p>Within 5 days after receipt of formal complaint.</p>

Table 3-1 (continued)	
Steps in Individual Complaints of Discrimination	
Action	Time limits
6. EEO officer sends file to the investigating agency requesting assignment of an investigator if any part of complaint is accepted. If the complaint is dismissed, the EEO officer notifies the complainant and his or her representative.	Within 3 days after acceptance.
7. The EEO counselor provides a copy of the counselor's report to EEO office and complainant.	Within 15 days of receipt of formal complaint.
8. Complainant may appeal the Army dismissal notice to EEOC/Office of Federal Operations. If complainant appeals a partial dismissal to EEOC, the investigation of the accepted portion of the complaint may be held in abeyance, pending EEOC decision on appeal.	Within 30 days after receipt of the notice of dismissal.
9. The Office of Complaints Investigations (OCI) completes its investigation and sends investigative file to the servicing EEO office.	The servicing EEO office is required to issue the investigative report/file and dismissal notice within 180 days of receipt of the report of investigation (ROI) unless there has been an extension, or in an order, EEOC specified time frame. In the event of a noncompliance, complainant may request an EEOC hearing.
10. The processing EEO office will provide a copy of the ROI to complainant and advise complainant of available options.	Within 3 days of receipt of ROI from OCI.
11. Appeal to EEOC.	
a. Complainant may request an EEOC hearing or an Army decision without a hearing.	Within 30 days of receipt of the dismissal notice.
b. If complainant fails to respond, the EEO officer notifies the Equal Employment Opportunity Compliance and Complaints Review Agency (EEOCCRA) for a final Army decision.	Within 30 days after dispatching the dismissal notice.
c. Complainant asks for decision without a hearing; EEO officer sends request to EEOCCRA.	Within 3 workdays of receipt of complainant's election.
d. If complainant requests a hearing, the EEO officer requests an administrative judge (AJ) from EEOC.	Within 3 workdays of receipt of complainant's election.
12. EEOC sends the findings and recommendations after the hearing to EEOCCRA.	Within 180 days of receipt by an EEOC AJ.

Table 3-1 (continued) Steps in Individual Complaints of discrimination	
Action	Time limits
13. The Army final decision by the director of EEO (or designee) including appeal rights.	Within 60 days of notification that complainant has requested an immediate decision without a hearing; 40 days of EEOCCRA receipt of the AJ findings and conclusions; or within 60 days of the end of the 30-day period (plus the 5-day presumptive mailing time) when the complainant has not requested either a hearing or final decision.
14. Appeal to EEOC.	
a. Complainant sends Notice of Appeal to EEOC with a copy to EEOCCRA.	Within 30 days of receiving the Army final decision.
b. Complainant sends statement or brief to support the appeal of the Army decision to the EEOC and copies to the EEO officer and EEOCCRA.	Within 30 days of filing the Notice of Appeal.
15. Civil action by complainant.	
a. Before final Army decision.	After 180 days of filing the formal complaint, if no appeal to EEOC and no final Army decision.
b. Instead of an appeal to the EEOC after the Army final decision.	Within 90 days of receiving the Army decision, if no appeal to EEOC.
c. Before the EEOC final decision or appeal.	After 180 days of filing the appeal to EEOC, if no decision from EEOC.
d. After the EEOC final decision or appeal.	Within 90 days of receiving the EEOC decision.

Table 3-2 Steps in Class Complaints of Discrimination	
Action	Time limits
1. Class agent contacts the EEO counselor about the class complaint. Note: All references to “EEO counselor” and “EEO officer/office” are servicing.	Usually within 45 calendar days of the date of the matter alleged to be discriminatory, or within 45 calendar days of the effective date of a personnel action. An extension to the time limits for contacting an EEO counselor may be granted by the EEO office processing the complaint if the complainant shows (1) he or she was not notified of the time limits and was not otherwise aware of them; (2) he or she did not know, or reasonably would not have known, that the discriminatory matter or personnel action occurred; (3) despite due diligence, he or she was prevented by circumstance beyond his or her control from contacting a counselor within the time limits.
2. EEO counselor makes inquiry, attempts informal resolution, and conducts final interview. Informs class agent in writing of the Right to File formal complaint.	Within 30 days after being contacted by the class agent.
3. Class agent files formal complaint with EEO. Notifies EEO officer if legal representation is designated.	Within 15 days after receiving the Notice of Right to File a class complaint.
4. Activity commander designates Army representative. EEO officer coordinates with Army representative on processing complaint.	Within 5 days after receipt of class complaint.
5. EEO officer sends complaint file, including a brief if necessary, to the EEOC district office for assignment of an AJ.	Within 30 days after receiving complaint.
6. Nonspecific allegations and allegations not discussed with EEO counselor are returned by the EEOC AJ for additional information.	AJ gives agent 15 days to respond.
7. AJ recommends to the Secretary of the Army (or his or her designee) to accept or dismiss complaint. Sends copy to agent.	
8. Army director of EEO (or designee) decides to accept or dismiss the complaint. If a decision is to dismiss, advises class agent of Right to File an appeal to EEOC or a civil action.	EEOC recommendation becomes the decision unless the Army director of EEO (or designee) rejects or modifies it within 30 days of receipt.
9. If class complaint is dismissed, it is filed as an individual complaint.	
10. If complaint is accepted, the EEO officer notifies all class members of existence of class complaint.	Within 15 days of acceptance.
11. All parties to complaint develop evidence; AJ may direct investigation.	Within at least 60 days after notification by the EEOC AJ, unless extended.

Table 3-2 (continued)	
Steps in Class Complaints of Discrimination	
Action	Time limits
12. Opportunity for informal resolution.	
13. If no informal resolution, hearing by the EEOC AJ.	
14. EEOC AJ findings and recommendations forwarded to EEOCCRA.	
15. Final Army decision. The agent is informed of the right to appeal to the EEOC and file a civil action in District Court.	Within 60 days after receiving the AJ report. If no decision is made within 60 days, the AJ findings and recommendations become the final Army decision.
16. All class members are notified of the final Army decision.	Within 10 days of transmittal of final agency decision to class agent.
17. Individual class members may file a written claim.	Within 30 days after notification of the Army decision.
18. Final Army decision issued on each claim.	Within 90 days after the date the claim was filed.
19. Appeals and civil action rights:	Within 30 days after the Army decision.
a. Class agent may appeal to EEOC when the Army—	
(1) Dismisses a complaint.	
(2) Refuses to reinstate complaint for processing after agent alleges the Army has not carried out terms of resolution.	
(3) Issues decision on merits of complaint or corrective action.	
(4) Issues a final decision on petition by a class-member challenging fairness of settlement agreement.	
b. Individual class claimant may appeal to EEOC when the Army—	
(1) Dismisses a claim for individual relief.	
(2) Decides on a claim for individual relief.	
(3) Refuses to vacate the settlement.	
(4) Denies noncompliance claim.	
c. Class agent and individual class claimants may file a civil action when—	
(1) The Army issues a final decision on complaint or claim and there is no appeal to EEOC.	Within 90 days.
(2) There is no Army decision on complaint or claim and no appeal to EEOC.	After 180 days from date of filing formal complaint or claim with Army.
(3) EEOC issues a decision on appeal.	Within 90 days.
(4) An appeal was made to EEOC, and no decision has been given.	After 180 days from date of filing appeal with EEOC.

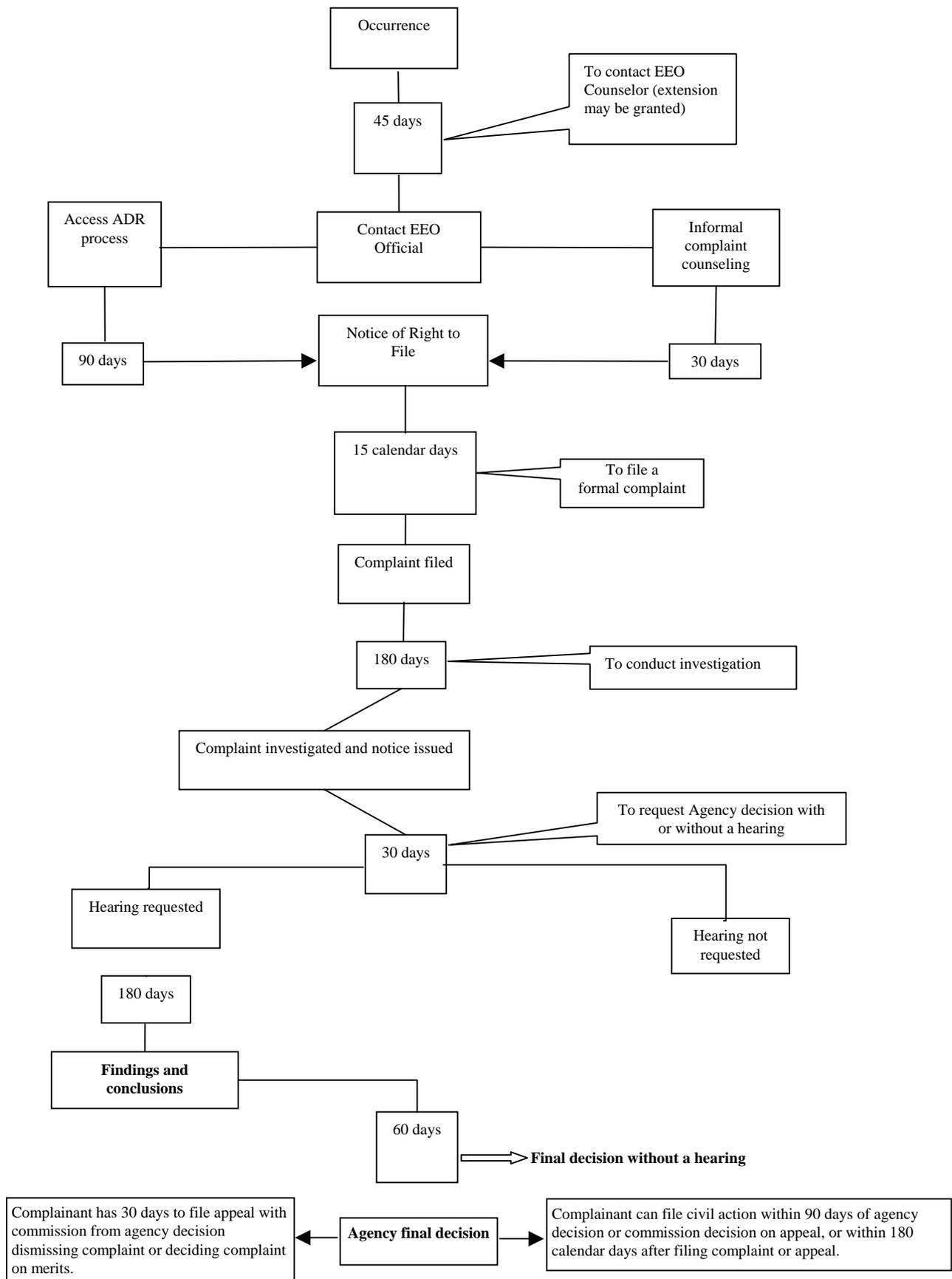


Figure 3-1. Federal sector complaint process

Chapter 4

Special Emphasis Programs

4-1. Equal Employment Opportunity Officer responsibilities for special emphasis programs

The USMEPCOM EEO Officer administers and manages the total USMEPCOM EEO Program, including USMEPCOM SEPs. The USMEPCOM EEO Officer will provide policy guidance and direction to the USMEPCOM SEP Manager and approve/disapprove Command program initiatives. The USMEPCOM EEO Officer will serve as the program manager for the Persons with Disabilities Program.

4-2. USMEPCOM Special Emphasis Program Manager responsibilities

The USMEPCOM EEO Specialist will serve as the USMEPCOM SEP Manager and also as the program manager for the Federal Women's Program, Hispanic Employment Program, Black Employment Program, Asian American/Pacific Islander Employment Program, and American Indian/Alaska Native Employment Program. In this capacity the USMEPCOM SEP Manager will—

- a. Develop constructive and productive liaisons with organizations and groups that may enhance relationships and resources.
- b. Assist the USMEPCOM EEO Officer and servicing activity EEO counselors, as appropriate, in the informal resolution of discrimination complaints, particularly where interpretative or analytical support of demographic data for the Command is required.
- c. Work closely with directors, managers, and MEPS commanders on issues and problems specific to demographic groups.
- d. Serve as a member or advisor on HQ USMEPCOM activity boards and committees that effect, either directly or indirectly, the status of group members staffed to HQ USMEPCOM.
- e. Keep abreast of effective methods and procedures to meet the objectives of each SEP through continued interaction and contact with other DOD activities and Federal agency SEP managers.
- f. Prepare information on the program to be included in reports being forwarded to higher echelons and other Federal agencies.
- g. Identify and address specific concerns of group civilians.
- h. Monitor SEP activities throughout the organization and augment the delivery of information to the MEPS where program deficiencies are identified.
- i. Ensure program visibility throughout the command.

4-3. Purpose

SEPs were developed to help implement Presidential Executive Orders and Federal personnel programs established by the Office of Personnel Management (OPM), to eliminate demographic group imbalances in targeted occupations and achieve workforce diversity. SEPs may include the following programs:

a. Federal Women's Program. In 1967, Executive Order 11375 added sex to the other prohibited forms of discrimination such as race, color, religion, and national origin. In response to this, the OPM established the Federal Women's Program (FWP). In 1969, Executive Order 11478 integrated the FWP into the EEO Program and placed the FWP under the direction of EEO for each agency. OPM regulations implementing Public Law 92-261 require that Federal agencies designate a FWP manager to advise the director of EEO on matters affecting the employment and advancement of women. This law also requires that Federal agencies allocate sufficient resources for their FWPs.

b. Hispanic Employment Program. Executive Order 13230, Educational Excellence for Hispanic Americans Commission, strengthens the Nation's capacity to provide high-quality education and increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs. Executive Order 13171 was issued on 12 October 2000 to help improve the representation of Hispanics in Federal employment. In September 1997, the OPM developed, and called upon agencies to adopt, a Hispanic Employment Initiative (9-Point Plan) to improve the representation of Hispanics in the Federal workforce.

c. Black Employment Program. This program was strengthened through Executive Order 11478, Equal Employment Opportunity in the Federal Government, which established the EEO Program. It is the policy of the Federal Government to provide equal opportunity in employment to all individuals regardless of race, color, religion, gender, national origin, disability, or age. Although African Americans are well represented in the Department of Veterans Affairs (VA) workforce, they are underrepresented in higher-grade positions. The VA AEP and Federal Equal Opportunity Recruitment Plan depict the VA workforce profile of activity that has been used to include goals and timetables for increasing the representation of protected class members in those areas where they have been underrepresented. The Black Employment Program was established to increase the representation of African Americans.

d. Asian American/Pacific Islander Employment Program. Executive Order 13216 amended Executive Order 13125 on 6 June 2001 to increase opportunity and improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where they may be underserved. Executive Order 13216 establishes the President's Advisory Commission on Asian Americans and Pacific Islanders and the Federal Interagency Working Group on Asian Americans and Pacific Islanders.

e. American Indian/Alaska Native Employment Program. This program was reaffirmed with the issuance of Executive Order 13270 on 3 July 2002. It is envisioned that this order will help the Federal Government maintain and preserve irreplaceable languages and cultural traditions, offer high-quality college education to younger students, and provide job training and other career-building programs to adults and senior citizens. A tangible result of Executive Order 13270 will be the increased representation of American Indians and Alaska Natives through the active recruitment of educated and qualified Native American college graduates.

f. Programs for individuals with disabilities. Executive Order 13078, issued on 13 March 1998, established the National Task Force on Employment of Adults with Disabilities to reduce employment barriers for persons with disabilities. Executive Order 13164, issued on 26 July 2000, promotes a model Federal workplace that provides reasonable accommodation for people with disabilities and those who are applying for Federal employment. Executive Order 13187, issued on 10 January 2001, established the President's Disability Employment Partnership Board. See appendix B for USMEPCOM reasonable accommodation procedures.

g. Excepted Service Appointing Authority. People with disabilities can be hired through the traditional competitive hiring process or, if they qualify, noncompetitively through the use of excepted service appointing authorities, which were developed to provide an opportunity for people with disabilities to show that they can do the job and to circumvent the attitudinal barriers of managers and supervisors.

Appendix A References

Except where otherwise indicated below, the following publications and forms are available on their service or agency Web sites:

Department of Defense (<http://www.defenselink.mil/pubs>)

Army (<http://www.usapa.army.mil>)

Marine Corps (<http://www.usmc.mil/marinelink/ind.nsf/publications>)

Navy (<http://neds.nebt.daps.mil/>)

Air Force (<http://www.e-publishing.af.mil>)

Coast Guard (<http://www.uscg.mil/hq/g-wk/g-wkh/g-wkh-1/pubs/pubs.direct.htm>)

USMEPCOM (MEPNET (<https://mepnet.mepcom.army.mil>) or Web (<http://www.mepcom.army.mil>))

GSA and Standard Forms

(<http://www.gsa.gov/Portal/gsa/ep/formsWelcome.do?pageTypeId=8199&channelPage=/ep/channel/gsaOverview.jsp&channelId=-13253>)

Section I (The publications needed to comply with this regulation.)

Required Publications

AR 690-600

Equal Employment Opportunity Discrimination Complaints. Cited in paragraph 1-4e(3).

Section II (These publications are a source of additional information. Users may read them to better understand the subject, but do not have to read them to comply with this regulation.)

Related Publications

DOD Directive 5145.5

Alternative Dispute Resolution.

Executive Order 11375 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Amends Executive Order 11246, Relating to Equal Employment Opportunity.

Executive Order 11478 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Equal Employment Opportunity in the Federal Government.

Executive Order 12988 (http://www.blm.gov/nhp/news/regulatory/3100f_Drainage/eo_12988.html)

Civil Justice Reform.

Executive Order 13078 (<http://www.va.gov/dmeeo/whitehinitiative/13078.htm>)

Increasing Employment of Adults with Disabilities.

Executive Order 13125 (amended by EO 13216) (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.

Executive Order 13164 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.

Executive Order 13171 (<http://www.va.gov/dmeeo/whitehinitiative/13171.htm>)

Hispanic Employment in the Federal Government.

Executive Order 13187 (<http://www.va.gov/dmeeo/whitehinitiative/13187.htm>)

The President's Disability Employment Partnership Board.

Executive Order 13216 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.

Executive Order 13230 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Educational Excellence for Hispanic Americans Commission.

Executive Order 13270 (<http://www.dotcr.ost.dot.gov/asp/execorders.asp>)

Tribal Colleges and Universities.

Public Law 92-261

Equal Employment Opportunity Act of 1972.

Section III (Publications prescribed by this regulation.)

Prescribed Publications

None

Section IV (The forms needed to comply with this regulation.)

Required Forms

None

Section V (The forms prescribed by this regulation.)

Prescribed Forms

None

Section VI (The file numbers this regulation prescribes for the user to file specific documents.)

Prescribed File Numbers

AR 690-12b2

EEO reports. Cited in paragraph 2-2a. Disposition: K2. Keep in current files area until record is 2 years old, then destroy.

AR 690-600a

EEO complaint cases. Cited in paragraph 2-6b. Disposition: TE4. Event is after final resolution of case. Keep in current files until event occurs and then until no longer needed for conducting business, then retire to RHA/AEA. The RHA/AEA will destroy the record 4 years after the event. Preliminary and background files may be destroyed 2 years after case resolved.

Appendix B

USMEPCOM Reasonable Accommodations Procedures

B-1. Reasonable accommodation requirement

Executive Order 13164 requires each federal agency to establish effective written procedures for processing requests for reasonable accommodation. As referenced in paragraph 1-5g, the following procedures have been established for USMEPCOM.

B-2. Reasonable accommodation resources

The specific type of reasonable accommodation provided to a disabled individual varies and will be determined on a case-by-case basis. When evaluating the specific type of reasonable accommodation needed for a disabled individual, the person seeking the accommodation and/or other appropriate USMEPCOM management official will consult with the servicing EEO office Individuals with Disabilities (IWD) program manager.

a. Initiation of requests for accommodation. A request for an accommodation may be initiated by an employee, a family member, friend, health professional, or other representative on behalf of a disabled individual. The requests can be made to any one of the following individuals:

- (1) Employee's first line supervisor, or designated back-ups.
- (2) Employee's officer in charge (OIC)/commander or director, or designated back-ups.
- (3) Servicing EEO office personnel staff.

b. Type of requests. Requests may be oral or written. For record keeping purposes, individuals must follow up an oral request by preparing a memorandum for record to include—

- (1) Employee name.
- (2) Employee phone number.
- (3) Date of request.
- (4) Employee work location.
- (5) Employee work telephone number.
- (6) Description of accommodation requested.
- (7) Reason for the request.

c. Processing responsibilities.

(1) First line supervisor, OIC/commander or director. Requests involving personnel actions (other than reassignment) or simple requests that can be accomplished within the scope and responsibilities of the first line supervisor or OIC/director should be addressed at that level. The servicing EEO office and/or HQ USMEPCOM may also provide assistance.

(2) Commander or director. Requests for adaptive equipment, including information technology and communication equipment or specially designed furniture, should be coordinated with the servicing EEO Individuals With Disabilities program manager and the USMEPCOM EEO Office. Requests for a reader or

sign-language interpreter or other staff assistant to enable employees to perform their job functions must be coordinated with the servicing EEO office Individuals With Disabilities program manager.

(3) Facilities Directorate, USMEPCOM. Requests requiring reconfiguration of workplace must be coordinated with the Facilities Directorate, USMEPCOM. The USMEPCOM EEO Officer will consult and coordinate with the Facilities Directorate staff regarding reconfiguration requests.

(4) Resource Management Directorate. Requests by staff for accessible parking, or any provision of accommodation that has funding implications, should be coordinated with the Resource Management Directorate.

(5) Requests for materials in alternative format. Requests for material for individuals who have visual restrictions (e.g., Braille, large print) should be coordinated with the servicing EEO office IWD program manager or USMEPCOM EEO Officer.

B-3. Time frame for processing a request for reasonable accommodation

a. The amount of time it takes to respond to a request for reasonable accommodation will depend on the nature of the accommodation.

b. If an agency official other than the employee's supervisor or director initially receives the request, the official must forward the request within 2 business days from the date he or she received it.

c. The organizational element may provide temporary accommodations where necessary and when practical.

d. The immediate supervisor must provide written notification to an employee requesting a reasonable accommodation if there will be a delay in either processing a request for or delivering a reasonable accommodation and must include the specific reasons for the delay. To the extent possible, the immediate supervisor must also keep the employee informed of the date on which the agency expects to complete the process.

B-4. Approval of reasonable accommodation request

The individual requesting the accommodation will be notified either orally or in writing when a request for reasonable accommodation is approved.

B-5. Denial of reasonable accommodation request

When the agency denies an individual's request for a reasonable accommodation, it must be recorded in plain language with as much specificity as possible and should identify the management official that made the decision to deny the request.

The supervisor of the individual whose request was denied must prepare a memorandum for record within 10 business days of the decision and forward it to the USMEPCOM EEO Officer.

B-6. Requests for reconsideration

The employee requesting the accommodation has—

a. The right to request reconsideration from either the decision maker denying the request or the next-level supervisor above the decision maker.

b. The right to file a formal EEO complaint.

c. Five business days to initiate a request for reconsideration. The individual may present additional information in support of his or her request.

B-7. Medical documentation

a. The required requests for medical information will describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

b. The employee requesting the accommodation will be requested to provide the supporting medical information.

c. The supervisor/manager receiving the request for accommodation will consult with the servicing EEO office IWD program manager and the labor counselor to ensure the appropriateness of any requests for medical information.

d. If appropriate, the agency and the requestor may agree that the requestor will sign a limited release allowing the agency to submit a list of specific questions or to otherwise contact the disabled individual's health care professional to obtain additional information.

e. The supervisor/manager receiving the request for accommodation will consult with the servicing EEO office IWD program manager and the labor counselor to ensure the appropriateness of any requests for medical information.

f. If additional medical information is required, the request should explain, in specific terms, why the prior information is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

g. It is the disabled employee's responsibility to provide all medical information requested within 30 calendar days of receipt of the request for medical information.

h. The medical documentation received in response to the request for information will be reviewed by a medical expert of the agency's choice.

i. The agency may not ask the employee to sign a release form so that the agency can talk directly with the physician.

NOTE: The failure to provide appropriate documentation or to cooperate with the agency's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

B-8. Confidentiality regarding medical information

a. All medical information should only be disclosed if strictly necessary.

b. All medical information that an agency obtains in connection with a request for reasonable accommodation, including information about functional limitations and reasonable accommodation needs, must be kept in files separate from the individual's personnel file.

c. The USMEPCOM employee or agent who obtains or receives such information is strictly bound by these confidentiality requirements.

d. All records obtained or created during the processing of a request for reasonable accommodation, including medical records, will be kept under the main custody of the affiliated Civilian Personnel Office.

e. All records will be maintained IAW the Privacy Act.

f. The information will be disclosed only as follows:

(1) Supervisors and managers who are involved in the processing of a request for reasonable accommodation may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s).

(2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

(3) Government officials may be given information necessary to investigate an agency's compliance with the Rehabilitation Act in order to respond to legal challenges or to maintain records and evaluate and report on an agency's performance in processing reasonable accommodation requests.

Appendix C

Alternative Dispute Resolution

C-1. Department of Defense Directive 5145.5

Department of Defense (DOD) Directive 5145.5—

a. Establishes policy to implement Executive Order 12988, which was issued, “to improve access to justice for all persons who wish to avail themselves of court and administrative adjudicatory tribunals to resolve disputes, to facilitate the just and efficient resolution of civil claims involving the United States Government, to encourage the filing of only meritorious civil claims, to improve legislative and regulatory drafting to reduce needless litigation, to promote fair and prompt adjudication before administrative tribunals, and to provide a model for similar reforms of litigation practices in the private sector and in various states. . . .”

b. Authorizes DOD organizations to establish alternative dispute resolution (ADR) policies and programs. Organizations that provide equal employment opportunity (EEO) services to individuals staffed to United States Military Entrance Processing Command (USMEPCOM) organizations have implemented ADR programs.

C-2. Using alternative dispute resolution

ADR consists of a variety of approaches to early intervention and dispute resolution. Many of these approaches include the use of a neutral individual, such as a mediator, who can assist the disputing parties in resolving their disagreements. ADR has proven to be a cost-effective means of resolving disagreements and avoiding litigation. It is not intended to replace the more traditional approaches, and it can provide long-term solutions to workplace conflicts through stakeholder participation and buy-in.

C-3. Alternative dispute resolution techniques

Various techniques and methods have evolved within the ADR discipline. Individuals engaged in an ADR process will most likely use one of the following techniques or methods:

a. Mediation. Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no decision-making authority. The objective of this intervention is to assist the parties in voluntarily reaching an acceptable resolution of issues in dispute.

(1) A mediator makes primarily procedural suggestions regarding how parties can reach agreement. Occasionally, a mediator may suggest some substantive options as a means of encouraging the parties to expand the range of possible resolutions under consideration. A mediator often works with the parties individually, in caucuses, to explore acceptable resolution options or to develop proposals that might move the parties closer to resolution.

(2) Mediation is typically offered to the complainant during the informal and formal stages of the EEO complaint. Equal Employment Opportunity Commission (EEOC) administrative judges have also imposed mediation in some instances.

b. Fact-finding.

(1) **Definition.** Fact-finding is the use of an impartial expert (or group) selected by the parties, an agency, or individual with the authority to appoint a fact-finder to determine the facts are in a dispute. The Office of Complaints Investigations (OCI) has been designated that authority within the DOD.

(2) **OCI investigator.** The OCI investigator (fact-finder) is authorized only to investigate or evaluate the matter presented and file a report that presents the facts in the matter. During the course of the investigation, the investigator may recommend how the dispute may be resolved. At the conclusion of the

investigation, a report will be compiled and organized in a manner that will facilitate further negotiations or be utilized in future stages in the process as required.

c. Settlement conferences. Settlement conferences involve pre-trial conferences conducted by a settlement judge or referee and attended by representatives for the opposing parties (and sometimes attended by the parties themselves) in order to reach a mutually acceptable settlement of the matter in dispute. The method is used in the judicial system and is a common practice in some jurisdictions. Hearing authorities that use this method may mandate settlement conferences in certain circumstances.

(1) The role of the settlement judge is similar to that of a mediator in that he or she provides procedural assistance in negotiating an agreement. Such judges play much stronger authoritative roles than mediators because they also provide the parties with specific substantive and legal information about what the disposition of the case might be if it were to go to court. Settlement judges also provide the parties with possible settlement ranges that could be considered.

(2) Individuals electing to pursue their complaint through civil court or through the EEOC hearing process are generally in settlement conferences following the judge's initial review of the case.

Glossary

Section I ***Abbreviations***

AA

affirmative action

ADR

alternative dispute resolution

AEP

affirmative employment program

AEPP

Affirmative Employment Program Plan

AJ

administrative judge

AR

Army regulation

CFR

Code of Federal Regulations

CPO

civilian personnel office

DA

Department of the Army

DOD

Department of Defense

EEO

equal employment opportunity

EEO/AA

equal employment opportunity/affirmative action

EEOC

Equal Employment Opportunity Commission

EEOCRA

Equal Employment Opportunity and Civil Rights Agency

EEOCCRA

Equal Employment Opportunity Compliance and Complaints Review Agency

EO

equal opportunity

FWP

Federal Women's Program

HQ USMEPCOM

Headquarters United States Military Entrance Processing Command

ISSA

Interservice Support Agreement

IWD

Individuals with Disabilities

MCATS

Modern Complaints Activity Tracking System

MEPS

military entrance processing station

OCI

Office of Complaints Investigations

OIC

Officer in Charge

OPM

Office of Personnel Management

ROI

report of investigation

SEP

special emphasis program

USMEPCOM

United States Military Entrance Processing Command

VA

Veterans Affairs

Section II

Terms

class agent

An agent of the class is a class member who acts for the class during the processing of the class complaint.

class complaint

A class complaint is a written complaint of discrimination filed on behalf of the class by an agent of the class alleging that the class is so numerous, a consolidated complaint by the members of the class is impractical; there are questions of fact common to the class; the claims of the agent of the class are typical of the claims of the class; and the agent of the class (if represented, the representative) will fairly and adequately protect the interest of the class.

class member

A member of a group of employees, former employees, or applicants for employment who allegedly have been adversely affected by an agency personnel policy or practice.