



# Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 1614  
November 5, 2015

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Investigation of Equal Employment Opportunity (EEO) Complaints

References: See Enclosure 1

## 1. PURPOSE.

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. This volume:

(1) Establishes, within the DoD, the policies governing investigation of formal EEO complaints of discrimination in accordance with References (b) through (j).

(2) Prescribes procedures and assigns responsibilities for investigating EEO complaints or resolving them instead of investigating.

## 2. APPLICABILITY. This volume:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (referred to collectively in this volume as the "DoD Components").

b. Does not cover complaints of:

(1) Active duty military members;

(2) DoD contractors; their current and former employees, unless there is a joint employee issue or allegation; or applicants for employment with contractors; or

(3) Local nationals employed by the DoD outside the United States.

3. POLICY. It is DoD policy that:

a. Investigations of formal EEO complaints are processed promptly and impartially.

b. The Defense Civilian Personnel Advisory Service (DCPAS), a component of the DoD Human Resources Activity established in DoDD 5100.87 (Reference (c)), investigates complaints of allegations of unlawful employment discrimination filed by civilian employees of, or applicants for, positions in the organizations to which this volume is applicable, as authorized by Defense Management Report Decision 974 (Reference (d)). These complaints must be filed pursuant to part 1614 of Title 29, Code of Federal Regulations (Reference (e)).

c. EEO complaints are resolved fairly and expeditiously, at the lowest level, and by the least formal method possible. Early resolution improves management-employee relations, reduces administrative costs significantly, and precludes the need for protracted litigation.

d. DCPAS pursues settlement and attempts resolution, with the consent of both parties to a given EEO complaint.

e. DCPAS investigators select the method of investigation that is used, giving full consideration to the nature of the complaint and resource constraints within the activity, and consideration of any agency preference. DCPAS investigators defer to the activity's wishes and resource considerations as to funding transcriptions of verbatim testimony or fact-finding conferences (FFCs). Methods of investigation include the collection of testimony through written interrogatories; interviews conducted on site, by telephone, or through video-teleconference facilities; FFCs conducted on site or through video-teleconference facilities; or any combination of these methods.

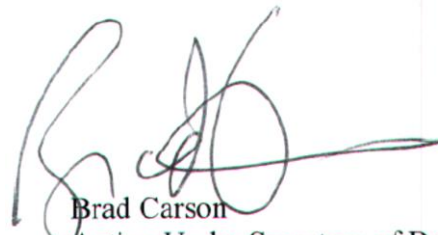
f. DCPAS determines the relevance of documents and decides which documents are included in the investigative file.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This volume is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This volume is effective November 5, 2015.

A handwritten signature in black ink, appearing to read 'Brad Carson', is written over a light blue horizontal line. The signature is stylized and cursive.

Brad Carson  
Acting Under Secretary of Defense for  
Personnel and Readiness

Enclosures

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- (c) DoD Directive 5100.87, “Department of Defense Human Resources Activity (DoDHRA),” February 19, 2008
- (d) Defense Management Report Decision 974, Appendix F, “Civilian Personnel Administration Efficiencies, Implementation Plan: Complaint and Grievance Investigations,” December 15, 1992<sup>1</sup>
- (e) Title 29, Code of Federal Regulations
- (f) Equal Employment Opportunity Commission, Equal Employment Opportunity Management Directive 110, “Equal Employment Opportunity Management Directive for 29 CFR Part 1614,” November 9, 1999
- (g) Section 552a of Title 5, United States Code, also known as “The Privacy Act of 1974”
- (h) DoD Directive 5145.5, “Alternative Dispute Resolution (ADR),” April 22, 1996
- (i) Section 791 of Title 29, United States Code, also known as “The Rehabilitation Act of 1973” as amended
- (j) Section 12101 et seq. of Title 42, United States Code, also known as “The Americans with Disabilities Act of 1990,” as amended

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<sup>1</sup> Document may be obtained by calling (571) 372-2138.

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(M&RA) oversees the development of policies and procedures for the investigation of allegations of unlawful employment discrimination filed by civilian employees of, or applicants for, positions in the organizations to which this volume is applicable.

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the (ASD(M&RA)), the (DASD(CPP)):

a. Ensures implementation of this policy governing the investigation of allegations of unlawful employment discrimination filed by civilian employees of, or applicants for, positions in the organizations to which this volume is applicable.

b. Makes recommendations concerning the structure, function, and applicability of this volume.

3. DIRECTOR, DoD HUMAN RESOURCE ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA provides support to the DASD (CPP), as appropriate, in the execution of duties and responsibilities of this volume.

4. DoD COMPONENT HEADS. The DoD Component heads comply with the formal EEO complaint investigative process within their areas of responsibility. This authority may be delegated, in writing, to officials who exercise appointing authority.

ENCLOSURE 3

PROCEDURES

1. FACILITATING INVESTIGATIONS

a. The DoD Components support the EEO complaint investigative process by:

(1) Supporting, communicating, disseminating, and implementing EEO complaint investigation policies at all levels within their activities.

(2) Ensuring that management officials involved in the actions at issue participate in EEO complaint investigations in a fair, impartial, and timely manner, in accordance with this volume, the guidance in Reference (e), and Equal Employment Opportunity Management Directive 110 (Reference (f)).

(3) Allocating sufficient resources to implement procedures for EEO complaint investigations in accordance with the guidance in References (e) and (f).

b. The activity EEO complaint program staff supports the EEO complaint investigative process by:

(1) Developing, communicating, disseminating, and implementing policy, guidance, information, and activities necessary to ensure fair and expeditious management and processing of EEO complaint investigations.

(2) Communicating the EEO complaint investigative process to employees and applicants for employment.

(3) Requesting investigation of an EEO complaint within 30 days of the formal filing.

(4) Facilitating investigations by providing administrative and logistical support. Such support may include, as requested:

(a) Identifying a point of contact at the site of the investigation.

(b) Providing a meeting room that accommodates investigative requirements and ensures privacy.

(c) Contacting and scheduling appointments with witnesses.

(d) Providing assistance in collection of relevant documentation, including official personnel folders.



(e) Disclosing information and documentation to witnesses where necessary to facilitate the investigation.

(f) Promptly advising the DCPAS, Investigations and Resolutions Directorate (IRD), Intake Services Office, as well as the assigned investigator, if applicable, when 180 days have expired and a complainant requests a hearing before an Equal Employment Opportunity Commission administrative judge on a complaint that is currently under investigation or awaiting investigation for the purpose of expediting the investigation.

(g) Notifying the IRD Intake Services Office when additional complaints are consolidated with complaints currently under investigation, and promptly providing the files for those complaints.

(h) Forwarding copies of amendments to complaints currently under investigation to the IRD Intake Services office.

(i) Advising the IRD Intake Services Office, as well as the assigned investigator, if applicable, when a formal complaint currently under investigation is settled, withdrawn, or dismissed because the complainant files a civil action.

c. Activity legal counsel provides legal advice and counsel to the activity and supports the EEO investigative process by:

(1) Representing the activity at investigative meetings, including FFCs, if necessary.

(2) Drafting and reviewing proposed settlement agreements for legal sufficiency, as necessary.

2. REQUESTING INVESTIGATIONS. When preparing requests for investigation of formal EEO complaints, the activity EEO complaint program staff will:

a. Ensure all persons making claims accepted for investigation have been counseled with regard to their claim in accordance with Reference (e) or, when complainants elect alternative dispute resolution (ADR), that their claims are timely. Ensure that accepted claims identify, at a minimum, the alleged bases of discrimination, the specific management actions in dispute, and the dates of those actions.

b. Ensure all claims stated in the formal complaint are accepted or dismissed.

c. Ensure documentation is included that shows the complainant has been advised of the accepted and dismissed claims.

d. Ensure claims that should not be considered in the EEO complaint process, as specified in Reference (e), have been dismissed in writing.

e. Forward an Adobe formatted electronic EEO complaint (e.g., PDF) record to the IRD Intake Services Office within 30 days of the date of the formal filing. The Adobe formatted electronic complaint files submitted for investigation must include:

(1) Informal complaint, if filed in writing, and EEO counselor's report, which, at a minimum, contains:

(a) Dates of actions relevant to the accepted claims.

(b) Name, title, series, grade, and organizational location of management officials and individuals that have direct knowledge of the actions at issue.

(2) Formal complaint.

(3) Pertinent available documentation as described in Reference (f). (See Appendixes 2 through 21 of this enclosure for required documents that are usually necessary for investigation of certain matters). Documentation forwarded should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents must be used. For summary data, the authenticating source **must** be indicated.

(4) Notice of claims accepted and dismissed.

(5) Reference to unusual circumstances, (e.g., mixed case, multiple cases from the same complainant, or multiple cases concerning the same issues from different complainants).

(6) EEO point of contact's name, address, organizational title, telephone and fax numbers, and e-mail address.

(7) Name and e-mail address of the official to whom the dispatch notification of the report of investigation (ROI) should be sent.

(8) Agency representative's name, address, telephone and fax numbers, and e-mail address.

(9) Complainant's representative's name, title, address, telephone and fax numbers, and e-mail address.

### 3. CONDUCTING INVESTIGATIONS

a. IRD manages the DoD program for investigating formal EEO complaints.

b. IRD determines whether to conduct the investigation with internal investigators or contract investigators.

- c. Before conducting a formal investigation, IRD investigators pursue settlement through ADR procedures with the concurrence of the parties in accordance with References (b) and (e).
- d. To the extent feasible, IRD schedules cases by date received, on a first-in, first-out basis. IRD expedites cases that are returned for additional investigation. IRD consolidates for investigation cases filed by the same complainant or by different complainants at the same activity with the same accepted issues, when practicable, unless the activity requests otherwise when requesting the investigation.
- e. IRD conducts impartial, thorough, and timely investigations of formal EEO complaints in accordance with parts 1611 and 1614 of Reference (e) and Reference (f).
- f. Investigations should be completed and reports issued within 120 days of case receipt by the IRD Intake Services Office. When complaints are amended or additional complaints are consolidated with a complaint under investigation, investigations are completed and reports issued within 120 days of the last amendment or consolidation.
- g. IRD provides impartial and appropriate investigative files and ROIs that together contain legally sufficient evidence necessary to serve as a basis for an impartial decision on the case.
- h. The ROI documents the information collected during the investigation and consists of an indexed investigative file of documents relative to the matters at issue and a narrative report. IRD will develop an impartial and appropriate factual record on which to make findings on the accepted claims. IRD has the authority to determine the content of the narrative report.
- i. IRD facilitates communication with the DoD components and complainants by establishing feedback systems on investigative services and providing statistical information on investigations.
- j. On receipt of the ROI, activity EEO complaint program staff will:
  - (1) Review the ROI to ensure that it is a thorough and appropriate factual record on which to make findings.
  - (2) Ensure the complainant's copy of the investigative file is sanitized pursuant to part 1611 of Reference (e) and section 552a of Title 5, United States Code (Reference (g)) before release to the complainant.
  - (3) Forward a copy of the ROI to the complainant, the complainant's representative, and any other office, as required for further processing.
- k. The DoD Components return the ROI to the Director of Policy and Quality Management with a request for additional investigation if it is determined that the report did not adequately address the accepted claims.

4. ADR

a. The DoD Components encourage and support the use of ADR throughout the various stages of an EEO complaint, up to the final agency decision, consistent with the requirements of Reference (b) and (e) and DoDD 5145.5 (Reference (h)). ADR saves time, money, and resources; mends, maintains, and improves relationships by focusing on mutual interests and concerns; opens communication lines; and offers mutually acceptable solutions to the complaint.

b. ADR includes a broad spectrum of approaches for dealing with conflict and seeking solutions satisfactory to all parties. These techniques include, but are not limited to, problem solving, mediation, facilitation, conciliation, fact-finding, and settlement conferences. Most methods require a neutral individual who has received appropriate training to facilitate settlement of the complaint. Any of these methods may be used to attempt resolution during the investigation process.

Appendixes

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APPENDIX 1 TO ENCLOSURE 3

IRD OFFICES

1. HEADQUARTERS

Investigations and Resolutions Directorate, IRD  
Defense Civilian Personnel Advisory Service  
Mark Center  
4800 Mark Center Drive, Suite 06G21  
Investigations and Resolutions Directorate  
Alexandria, VA 22350-1100

Phone: Commercial (571) 372-2138/Data Source Network (DSN) 372-2138

Fax: Commercial (571) 372-2090/ DSN 372-2090

2. REMOTE OFFICE

IRD-San Antonio

Investigations and Resolutions Directorate, IRD-San Antonio  
40 NE Loop 410, STE 400  
San Antonio, TX 78216

Phone: Commercial: (210) 308-1972

Fax: Commercial: (210) 340-0866

APPENDIX 2 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - ASSIGNED DUTIES

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING ASSIGNED DUTIES

a. Organization charts for complainant's organizational segment in effect during the period at issue. Show complainant's chain of command, including first-, second-, and third-level supervisors.

b. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide the current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.

c. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the complainant's organizational segment (i.e., employees who are supervised by the complainant's supervisor) during the period at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series and grade, of all employees and supervisors in the organizational segment at the time.

(2) Annotate protected groups of all employees and supervisors.

(3) Employees who had prior EEO activity, if reprisal is alleged.

d. Complainant's position description or statement of duties in effect at the time of the actions (i.e., assignment of duties) at issue.

e. Complainant's performance evaluation and performance plan in effect at the time of actions (i.e., assignment of duties) at issue.

f. Documentation, if any, pertaining to the contested assignment. Provide copies of the documents notifying the complainant of the assignments at issue and any other documentation related to the contested assignments.

g. Data on assignments given to the complainant and similarly situated employees (i.e., other employees who occupy the same position, including title, pay schedule, occupational code or pay band, as the complainant) in complainant's organizational segment during the 2-year period before the actions at issue. Documentation, if any, showing work assignments made within the organizational segment during the 2-year period (e.g., computer-generated productivity reports).

h. The full name, position, including title, pay plan, series and grade, of co-workers the complainant compares himself or herself to with respect to the assignment of duties. Provide copies of the position descriptions and performance plans of the co-workers identified, with respect to the assignment of duties.

i. Excerpts from the pertinent agency and local guidelines or regulations concerning the assignment of duties in effect at the time of the actions (i.e., assignment of duties) at issue. Include the title page and index. Do not provide the entire guideline or regulation unless requested.

j. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless requested.

k. E-mail addresses and commercial telephone for all involved parties.

APPENDIX 3 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - AWARDS

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING AWARDS

a. Organization charts for complainant's work unit and for the work units of complainant's award recommending and approving officials. Show the organizational relationships between the complainant and the others.

b. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.



c. Data (a list, spreadsheet, or summary sheet) on awards (performance and other awards) given to employees within complainant's organization segment during the 2-year period before the date of the action at issue (e.g., before the date a similarly-situated employee received an award, or before the date the complainant expected to receive, but did not receive, an award). Specifically provide:

(1) The name and position, including title, pay plan, series, and grade, and protected groups of all employees in the complainant's organization segment during the 2-year period.

(2) Indicate whether each employee received an award during this 2-year period, for each employee listed.

(3) The date, type, and amount of award, if an award was received.

(4) The corresponding overall performance rating received, date of rating, and rating period, for each performance award received.

(5) The name, position, including title, pay plan, series, and grade, and protected groups of rating and reviewing officials.

(6) The name, position, including title, pay plan, series, and grade, and protected groups of the award recommending and approving officials, if different from the rating and reviewing officials.

(7) An indication of which employees had prior EEO activity, if reprisal is alleged.

d. Complainant's position description or statement of duties in effect at the time of the receipt, or non-receipt, of the award at issue.

e. A copy of the complainant's corresponding performance rating and rating for the prior performance year, with a minimum of the last two ratings, and performance plans on which these ratings were based, if the award at issue is a performance award. If the award at issue is based on performance during an earlier rating period, provide a copy of that rating as well.

f. Documentation of performance discussions held with complainant, or other performance feedback provided, during the rating period, if award at issue is a performance award.

g. Excerpts from the pertinent agency and local guidelines or regulations concerning the performance management program, including awards, in effect at the time of the complainant's receipt, or non-receipt, of the award at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

h. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless required for the investigation.

i. The name of, and contact information (e.g., commercial work phone number and e-mail address) for, the human resources (HR) specialist, if any, who handled the action at issue or who can provide information about the action.

j. E-mail addresses and commercial telephone numbers for the award recommending or approving officials and other involved parties.

APPENDIX 4 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - CHANGE TO LOWER GRADE (CLG)

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING CLG

a. Organizational charts for complainant's work unit before and after the action at issue and for the work unit of the agency officials involved in the action at issue. Show organizational relationships between complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the complainant's organizational segment (i.e., employees who are supervised by the complainant's supervisor) during the period at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series and grade, of all employees and supervisors in the organizational segment at the time.

(2) Annotations of protected groups of all employees and supervisors.

(3) Employees who had prior EEO activity, if reprisal is alleged.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

- (3) Identify claims, including issues and bases.
  - (4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.
  - (6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.
- d. Data (e.g., a list, spreadsheet, or summary sheet) on CLG actions within the organizations subordinate to the agency officials affecting the CLG at issue for the prior 2-year period. Specifically provide:
- (1) Employee's name and protected groups.
  - (2) Employee's position, including title, pay plan, series, grade, and organizational segment, before and after the CLG.
  - (3) Effective date and reason for CLG.
  - (4) Name, position, including title, pay plan, series, and grade, and protected groups of the officials authorizing the action.
  - (5) An indication of which employees listed had prior EEO activity, if reprisal is alleged.
- e. Position descriptions for positions held by complainant before and after the CLG at issue.
- f. Notice of proposed CLG and supporting documentation. Annotate name, position including title, pay plan, series, and grade and protected groups of the person recommending and approving the complainant's CLG.
- g. Complainant's written reply to the proposed CLG. If an oral reply was made, provide any memorandums documenting that oral reply.
- h. Decision notice affecting the CLG and supporting documentation. Annotate name, position, including title, pay plan, series and grade, and protected groups of the person recommending the complainant's CLG.
- i. Standard Form (SF) 52, "Request for Personnel Action" (both sides), requesting the CLG at issue.
- j. SF 50, "Notification of Personnel Action," affecting the CLG at issue.
- k. Medical documentation, if the CLG resulted from medical disqualification.

l. Name and protected groups of employee replacing complainant and date of placement, if complainant's former position was subsequently filled.

m. Grievance or appeal correspondence, if applicable.

n. Excerpts from the pertinent agency and local guidelines and regulations in effect at the time of the CLG at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

o. Applicable or pertinent excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

p. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist, if any, who handled the action at issue or who can provide information about the action.

q. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 5 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - POSITION CLASSIFICATION

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION REGARDING POSITION CLASSIFICATION

a. Organization charts for the complainant's work unit and for the work units of the agency officials involved in the action at issue. Show organizational relationships between the complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials involved in the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series and grade of all employees and supervisors in the organizational segment at the time.

(2) Annotations of protected groups of all employees and supervisors.

(3) Employees who had prior EEO activity, if reprisal is alleged.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.

d. Data (e.g., a list, spreadsheet, or summary sheet) on position audits conducted within the organizations subordinate to the agency officials involved in the action at issue for the prior 2-year period. Specifically provide:

(1) Title, pay plan, series, and grade of position audited. Provide the name and protected groups of the employee assigned to the position at the time of the audit.

(2) Date of the position audit and results of the position audit.

(3) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials who requested the position audit.

(4) Which employees had prior EEO activity.

e. Data (e.g., a list, spreadsheet, or summary sheet) on classification actions that resulted in a personnel action within the organizations subordinate to the agency officials involved in the action at issue for the prior 2-year period. Specifically provide:

(1) Name and protected groups of the employees and the position held, including title, pay plan, series, and grade, before and after the action.

(2) Nature of action and effective date of the personnel action.

(3) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials authorizing the action.

(4) Employees who had prior EEO activity.

f. Position description for the position at issue, before and after review, and any draft position descriptions written to accompany a request for position audit.

g. Documentation of any notice to the complainant of the results of the position audit.

h. SF 52 (both sides) requesting audit or review of the position at issue, if applicable.

i. SF 50 affecting personnel action resulting from audit or review of position at issue, if applicable.

j. Grievance or appeal correspondence, if applicable.

k. Excerpts from the pertinent agency and local guidelines or regulations concerning position review or audit in effect at the time of the action at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

l. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

m. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the action at issue or who can provide information about the action.

n. E-mail addresses and commercial telephone numbers for all involved parties.



APPENDIX 6 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - CONSTRUCTIVE DISCHARGE

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at [dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil).

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING CONSTRUCTIVE DISCHARGE

a. Organizational charts for the complainant's work unit and for the work unit of the agency officials involved in the actions at issue. Show organizational relationships between the complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials involved in the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series and grade of all employees and supervisors in the organizational segment at the time.

(2) Annotations of protected groups of all employees and supervisors.

(3) Employees who had prior EEO activity, if reprisal is alleged.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

- (3) Identify claims , including issues and bases.
  - (4) Provide current status, (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.
  - (6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.
- d. Complainant's position description at time of the alleged action.
  - e. Appropriate data and documents for the specific actions at issue. See separate data submission checklists for each specific issue accepted, (e.g., harassment, failure to accommodate or disciplinary action proposed, response and decisions).
  - f. SF 52 (both sides) requesting the resignation or retirement.
  - g. SF 50 effecting resignation or retirement.
  - h. Name and protected groups of the employee replacing the complainant and the date of replacement, if the complainant's position was later filled.
  - i. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist, if any, who handled the action at issue or who can provide information about the action.
  - j. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 7 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DETAIL OR REASSIGNMENT  
(DENIAL OF EMPLOYEE REQUEST)

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS  
REGARDING DENIAL OF REQUEST FOR DETAIL OR REASSIGNMENT

a. Organizational chart for the complainant's work unit, for the work unit of the agency officials involved in the actions at issue, and for the work unit to which the complaint requested detail or reassignment. Show organizational relationships between the complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the actions at issue. Specifically provide:

(1) Segment to which the complainant was assigned as of the date of the action.

(2) Name, position, including title, pay plan, series, and grade, of all employees and supervisors in the organization at the time.

(3) Annotations of protected groups of all employees and supervisors.

(4) Which employees had prior EEO activity, if reprisal is a basis.

c. Same data on employment for the organization segment to which complainant requested detail or reassignment.

d. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade of the agency officials involved.

(6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.

e. Data (e.g., a list, spreadsheet, or summary sheet) on requests for detail or reassignment made within the organizations subordinate to the agency officials involved in the action at issue for the prior 2-year period. Specifically provide:

(1) Name, position, including title, series pay plan and grade, and protected groups of employees who requested a detail or reassignment.

(2) Date of the request, action taken on the request, and date of approval or denial of the request.

(3) Name, position, including title, pay plan, series and grade, and protected groups of the agency officials involved.

(4) Employees who had prior EEO activity, if reprisal is alleged.

f. Complainant's position description at the time of the request for detail or reassignment and the position description to which he or she requested to be detailed or reassigned.

g. Complainant's request for detail or reassignment, if submitted in writing.

h. Management's denial of the request, if made in writing, with any supporting documentation. Annotate name, position, including title, pay plan, series, and grade, and protected groups of the person making the final decision to deny request.

i. Grievance or appeal correspondence, if applicable.

j. Excerpts from pertinent agency and local guidelines or regulations concerning detail or reassignment that were in effect at the time complainant's request was denied. Include the title

page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

k. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

l. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 8 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DETAIL OR REASSIGNMENT  
(MANAGEMENT DIRECTED)

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS  
REGARDING MANAGEMENT-DIRECTED DETAIL OR REASSIGNMENT

a. Organization charts for complainant's work unit, before and after action at issue, and for the work units of the agency officials taking the action. Show organizational relationships between complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Employees who had prior EEO activity, if reprisal is alleged.

c. Data on employment for the complainant's organization segment before or after action at issue, if not included in paragraph 2b of this appendix.

d. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade of the agency officials involved.

(6) If the protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.

e. Data (e.g., list, spreadsheet, or summary sheet) on management-directed details or reassignments within the organizations subordinate to the agency officials taking the action at issue for the prior 2-year period. Specifically provide:

(1) Name and protected groups of employees detailed or reassigned involuntarily.

(2) Employee's position, including title, pay plan, series, grade, and organization segment, or statement of duties and organization assignment, before and after the action.

(3) Nature of action and effective date of the action.

(4) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials taking the action.

(5) Indicate which employees had prior EEO activity, if reprisal is alleged.

f. Complainant's position description or statement of duties before and after the action at issue.

g. Documentation, if any, concerning the action at issue, to include the advance notice, complainant's response, and final decision letter.

h. SF 52 (both sides) requesting the action at issue.

i. SF 50 effecting the action at issue.

j. Grievance or appeal correspondence, if applicable.

k. Excerpts from the pertinent agency and local guidelines or regulations concerning detail or reassignment in effect at the time of the action at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

l. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

m. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the action at issue or who can provide information about the action.

n. E-mail addresses and commercial telephone numbers for all involved parties.



APPENDIX 9 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DENIAL OF OVERTIME

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at [dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil).

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION REGARDING DENIAL OF OVERTIME

a. Organization charts for the complainant's work unit and for the work units of the agency officials involved in the action at issue. Show organizational relationships between the complainant and the others.

b. Data (e.g., list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials involved in the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity.

c. Complainant's previous protected activity, if reprisal or retaliation is alleged.

(1) Identify the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, or representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

d. Data (e.g., list, spreadsheet, or summary sheet; do **not** provide time cards) on overtime worked or earned by employees within the organizations subordinate to the agency officials involved in the action at issue for the 2-year period before and including the date of the overtime at issue. Specifically provide:

(1) Name, position, including title, pay plan, series, and grade, and protected groups of each employee who worked or earned overtime.

(2) Date or hours of overtime worked or earned.

(3) Name, position, including title, pay plan, series, and grade, and **protected groups** of agency officials who approved the overtime.

(4) Which employees had prior EEO activity, if reprisal is alleged.

e. Complainant's request for overtime for the period claimed, if applicable.

f. Denial of complainant's request for overtime, if in writing.

g. Grievance or appeal correspondence pertaining to denial of overtime, if applicable.

h. Excerpts from the pertinent local and agency guidelines or regulations related to overtime in effect at the time of the action at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

i. Provide the applicable or pertinent excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

j. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 10 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DENIAL OF REQUEST FOR TRAINING

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING DENIAL OF REQUEST FOR TRAINING

a. Organizational chart for the complainant's work unit and for the work unit of the agency officials involved in the action at issue. Show organizational relationships between complainant and the others.

b. Data (e.g., list, spreadsheet, or summary sheet) on employment within the organizations subordinate the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Indications of which employees had prior EEO, if reprisal is a basis.

c. Complainant's previous protected activity, if reprisal is alleged.

(1) Identify the type of the activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, or representation).

(2) Provide dates of the protected activity.

(3) Identify claims, including issues and bases.

(4) Current status (e.g., in process, settled, withdrawn, decision issued).

(5) Provide the name and position title, pay plan, series, and grade of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

d. Data (e.g., a list, spreadsheet, or summary sheet) on training requests made within the organizations subordinate to the agency officials involved for the prior 2-year period. Specifically provide:

(1) Name, position, including title, pay plan, series and grade, and protected groups of each employee requesting training.

(2) Date training was requested.

(3) Title and date of the training requested.

(4) Action taken on request (i.e., denial or approval) and date of action.

(5) Reason for denial or approval.

(6) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials who approved or denied the training request.

(7) Which employees had prior EEO activity, if reprisal is alleged.

e. Complainant's position description at the time of the request for training.

f. Complainant's request, if submitted in writing.

g. Management's denial of request, if made in writing, with all supporting documentation.

h. Written description of the course or training denied, if available.

i. Grievance or appeal correspondence, if applicable.

j. Excerpts from pertinent regulatory provisions, if the training at issue is mandatory. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

k. Provide the applicable or pertinent excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the

signature page. Do not provide the entire negotiated agreement, unless essential for the investigation.

1. E-mail addresses and commercial telephone numbers of all involved parties.

APPENDIX 11 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DISABILITY  
(INCLUDING FAILURE TO ACCOMMODATE AS A THEORY OF DISCRIMINATION)

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS  
REGARDING DISABILITY (INCLUDING FAILURE TO ACCOMMODATE AS A THEORY  
OF DISCRIMINATION)

a. Organizational charts for the complainant's work unit and for the work unit of the agency officials involved in the actions at issue.

b. Complainant's assigned position description.

c. Complainant's performance plan that was in effect during the period at issue.

d. Medical documentation concerning physical or mental impairment.

e. E-mail addresses and commercial telephone numbers for all involved parties.

f. If accommodation of mental or physical impairment is an issue, provide:

(1) Documentation from the complainant, HR, or management that concerns or discusses notification to management of the complainant's medical condition, any limitations imposed by that condition or the need for an accommodation because of that condition.

(2) Medical documentation concerning accommodation complainant requested, including the nature of the medical condition and how the requested accommodation permits the

employee to perform the job or to enjoy equal employment opportunities; and the complainant's request for accommodation, if in writing.

(3) Documentation of the interactive process between the complainant and agency officials, such as documentation concerning:

(a) Non-duty or light-duty status, including position descriptions or statements of duties, or other accommodation provided to complainant.

(b) Offers of reassignment.

(c) Efforts to find another position and any offers of another position extended to the complainant in order to accommodate his or her physical or mental impairments, if the complainant could not be reasonably accommodated in the position to which he or she is assigned.

(4) Survey or rough map of the complainant's work area, if work space accommodation is an issue.

(5) Excerpts from the applicable or pertinent agency and local guidelines concerning accommodation of disabled employees in effect at the time of the actions at issue. Include the cover page to identify the source document. Do not provide the entire document, unless essential for the investigation.

(6) Excerpts from the articles of negotiated union agreement, if applicable, if it contains a provision regarding reasonable accommodation. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

APPENDIX 12 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - DISCIPLINARY AND ADVERSE ACTIONS

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING DISCIPLINARY AND ADVERSE ACTIONS

a. Organizational charts for the work unit and for the work units of the agency officials taking the action at issue.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity, if applicable.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.



- (3) Identify claims, including issues and bases.
  - (4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade of the agency officials involved.
  - (6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.
- d. Data (e.g., a list, spreadsheet, or summary sheet) on disciplinary and adverse actions within the organizations subordinate to the agency officials taking the action at issue for the prior 2-year period. Specifically provide:
- (1) Name, position, including title, pay plan, series, and grade, and protected groups of each employee who had a disciplinary or adverse action taken against them.
  - (2) Employee's offense, the penalty imposed, and the date of the action.
  - (3) Name, position, including title, pay plan, series, and grade, and protected groups of the proposing and deciding officials.
  - (4) Which employees had prior EEO activity, if reprisal is alleged.
- e. Complainant's position description at the time of the action at issue.
- f. Complainant's performance plan and performance evaluation in effect at the time of the action at issue.
- g. Documentation of counseling conducted with the complainant during the 2-year period prior to the date of the action at issue with respect to the conduct at issue.
- h. Notice of proposed action and supporting documentation (i.e., all material relied on in making decision to propose the action). Annotate:
- (1) Name, position, including title, pay plan, series, and grade, and protected groups of person proposing the action.
  - (2) Name, position, including title, pay plan, series, and grade, and protected groups of all witnesses to each event that contributed to the disciplinary or adverse action.
- i. Complainant's written reply to the proposed action; or if an oral reply was made, provide any memorandums documenting the oral reply.

- j. Decision notice effecting the action. Annotate name, position, including title, pay plan, series, and grade, and protected groups of person making final decision to take the action at issue.
- k. SF 52 (both sides) requesting the disciplinary action at issue.
- l. SF 50 effecting the disciplinary action at issue.
- m. Grievance or appeal correspondence, if applicable.
- n. Excerpts from the pertinent agency and local guidelines or regulations concerning disciplinary and adverse actions in effect at the time of the action at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.
- o. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.
- p. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, HR specialist who handled the action at issue or who can provide information about the action.
- q. E-mail addresses and commercial telephone numbers of all involved parties.

APPENDIX 13 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - EQUAL PAY ACT

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING THE EQUAL PAY ACT

a. Organization charts for the complainant's work unit and for the work units of the agency officials involved in the action at issue. Show organizational relationships between the complainant and the others.

b. Organization chart for the complainant's comparator's organization, if different from the complainant's organization.

c. Organization chart which shows the relative positions of the complainant's position and any comparator's position.

d. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations where the complainant and complainant's comparators worked during the period at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series and grade, of all employees and supervisors in the organizations during this period. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity, if reprisal is alleged.

e. Documentation, such as SF 50s, that establishes the exact pay of the complainant during the period at issue. Such documentation should begin up to 2 years before the date the complaint was filed or any period thereafter which the complainant says the unequal pay began. Each change to the pay of complainant during this period should be documented.

f. Documentation, such as SF 50s, that establishes the exact pay of each comparator named by the complainant during the period at issue. Such documentation should begin up to 2-year before the date the complaint was filed, or any period thereafter which the complainant says the unequal pay began. A comparator does **not** have to work in the same organizational unit or have to work under the same supervisor as the complainant, and a comparator may no longer hold the position (e.g., could be a predecessor to the position that complainant now holds). Each change to the pay of the comparator should be documented.

g. Complainant's performance appraisal for the periods at issue, including complainant's self-assessment or input for the appraisals, and the complainant's comparator's performance appraisal for the periods at issue, including complainant's comparator's self-assessment or input for the appraisals.

h. The position description for complainant's position during the period that complainant alleges he or she was not paid equally and for the complainant's comparators positions during the period that complainant alleges he or she was not paid equally.

i. A statement regarding whether the complainant and his or her comparators are members of the same pay pool, if the complainant or comparators were under a pay banding system. State the name of the pay pool manager and committee members for complainant and comparators, the gender or sex of these individuals, and contact information for these individuals. Provide documentation regarding the pay and bonus of the complainant and the complainant's comparators for the period at issue, including information about the value of a share for that performance period.

j. A statement by the supervisor or manager over the complainant's comparators, indicating any specific education, training, certification, or experience that the comparator is required to have in order to perform the position of the comparator (e.g., education that is **required** to perform certain medical work, training that is **required** to perform certain safety work, certification that is **required** to perform certain contract work).

k. Names and contact information (e.g., commercial telephone number and e-mail address) for the HR specialists and any other individuals involved in setting the pay for the complainant and for the complainant's comparators, if the complainant's allegations involve the initial pay offered or given to complainant on beginning work, and the complainant argues that co-workers of the opposite gender were given more money to perform the same work that the complainant performs.

l. Documentation used to establish the pay for the complainant and the complainant's comparators, including but not limited to, excerpts from regulations, policies, and labor

agreements, which are applicable or were used in setting pay. Include the title page and index. Do not provide the entire guideline, regulation, or negotiated agreement unless requested.

m. Written analysis or documentation of a desk audit, if a classification desk audit was conducted on the complainant's position or the positions of the complainant's comparators. Additionally, please provide the dates, names of each individual who conducted the desk audits, and contact information for the HR specialists who conducted the desk audits.

n. E-mail addresses and telephone numbers for all involved parties.

APPENDIX 14 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - SEXUAL AND NONSEXUAL HARASSMENT

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING SEXUAL AND NONSEXUAL HARASSMENT

a. Organization charts for complainant's work unit and for the work units of the agency officials involved in the actions at issue, in effect during the period of alleged harassment or hostile work environment. Show organizational relationships between the complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had earlier EEO activity, if applicable.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

- (2) Provide dates of protected activity.
  - (3) Identify claims, including issues and bases.
  - (4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.
  - (6) If protected activity did not involve filing an EEO complaint, identify the matters opposed as discrimination.
- d. Copy of activity's policy statement on EEO and harassment (i.e., sexual and non-sexual) in effect at the time of the alleged harassment or hostile work environment.
  - e. Information on EEO or harassment (i.e., sexual and non-sexual) training conducted during the 2-year period before the alleged harassment at issue. Identify method of training, dates of training, and list of attendees and certificates of training, if provided, required of employees, supervisors, and managers in the complainant's organization segment during this 2-year period.
  - f. Publications (e.g., newsletter articles, bulletin board items) issued by the activity on EEO or harassment (i.e., sexual and non-sexual) during the 2-year period before the incidents of alleged harassment at issue.
  - g. Documentation, if any, showing whether the supervisor or any management official was made aware of the alleged incidents of harassment. If the complainant put management on written notice that he or she believed he or she was being harassed or subjected to a hostile work environment, provide a copy of the written notice.
  - h. Documentation of any management inquiry or investigation conducted based on the allegations of harassment or hostile work environment.
  - i. Documentation, if any, of corrective actions taken subsequent to management's knowledge of alleged incidents of harassment.
  - j. Name, position, including title, pay plan, series and grade, and protected groups of all witnesses to any incident at issue.
  - k. Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials involved in the incidents of alleged harassment.
  - l. Appropriate data and documents for specific actions at issue. See separate data submission checklists for covered actions (e.g., disciplinary action, accommodation, non-selection).
  - m. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 15 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - NONREFERRAL (BY HR)

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING NONREFERRAL (BY HR)

a. Organization charts for the work unit where the position at issue is located and for the work units of the agency officials involved in the selection at issue.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organization segment where the position at issue is located, as of the date of the selection at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity, if applicable.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.



- (3) Identify claims, including issues and bases.
  - (4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.
  - (6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.
- d. Position description for the position at issue.
  - e. SF 52 (both sides) requesting recruitment for the position at issue.
  - f. Merit promotion or vacancy announcement for the position at issue.
  - g. Listing of all applicants, annotated to reflect protected groups.
  - h. Rating sheets documenting eligibility for each applicant.
  - i. Job analysis used by HR personnel to make qualification determinations and develop referral instrument. (The job analysis is not included in the final ROI but is returned to the activity for retention.)
  - j. Documentation identifying the personnel specialist who developed the referral list for the position at issue. Provide the specialist's position, including title, pay plan, series, and grade, protected groups, commercial telephone number, and e-mail address.
  - k. Documentation identifying rating panel members responsible for screening applicants for referral certificate. Identify the panel member's position, including title, pay plan, series, and grade, and protected groups, if applicable.
  - l. Documentation of complainant's notification of nonreferral.
  - m. Referral and selection instrument for the position at issue, annotated to reflect the candidates' protected groups.
  - n. Applications or career briefs and all other documents submitted for the position at issue by complainant and the referred candidates. (If more than 10 candidates were referred, submit these documents for the complainant and the selectees; others may be reviewed by the investigator on site.)
  - o. SF 50 effecting the selection at issue.

p. Excerpts from the pertinent agency and local guidelines or regulations concerning merit promotion in effect at the time of the selection at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

q. Applicable or pertinent excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

r. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 16 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - NONSELECTION OR NONPROMOTION

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING NONSELECTION OR NONPROMOTION CLAIMS

a. Organization charts for the work unit where the position at issue is located and for the work units of the agency officials involved in the action at issue.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity, if applicable.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

- (3) Identify claims, including issues and bases.
  - (4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).
  - (5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.
  - (6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.
- d. Data (e.g., a list, spreadsheet, or summary sheet) on competitive and non-competitive selections made within the organizations subordinate to the agency officials making the selection at issue for the prior 2-year period. Specifically provide:
- (1) Name and protected groups of selectees.
  - (2) Position, including title, pay plan, series, and grade, for which selected and date of selection.
  - (3) Name, position, including title, pay plan, series, and grade, and protected groups of the selecting and approving officials.
  - (4) An indication of which selectees had prior EEO activity, if reprisal is alleged.
- e. Information for data provided in paragraph 2d of this appendix for non-competitive selections or promotions:
- (1) Name and protected groups of the employees promoted, position held, including title, pay plan, series, and grade, before and after promotion.
  - (2) Nature of, or authority for, the noncompetitive promotion and the effective date.
- f. Position description for the position at issue.
- g. SF 52 (both sides) requesting recruitment for the position at issue.
- h. Merit promotion or vacancy announcement for the position at issue.
- i. Job analysis used by HR personnel to make qualification determinations and develop referral instrument. The job analysis will not be included in the final ROI but will be returned to the activity for retention.
- j. Referral and selection instrument for the position at issue, annotated to reflect candidates' protected groups. The certificate should clearly identify the selectee and the selecting and approving officials.

k. Applications or career briefs and all other documents submitted for the position at issue by complainant and the selectee.

l. Documentation identifying selecting or recommending panel members, and providing panel instructions, if applicable. Identify panel member's position, including title, pay plan, series, and grade, and protected groups.

m. Evaluation criteria and interview questions used by the panel, selecting official, and approving official (if one). Include notes, score sheets, and matrices.

n. SF 50 effecting the selection at issue.

o. Documentation of complainant's notification of nonselection.

p. Excerpts from the pertinent agency and local guidelines or regulations concerning merit promotion in effect at the time of the selection at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

q. Excerpts from the negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

r. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the action at issue or who can provide information about the action.

s. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 17 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - PERFORMANCE-BASED ACTIONS

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING PERFORMANCE-BASED ACTION

a. Organization charts for complainant's work unit and for the work units of the agency officials involved in the action at issue. Show organizational relationships between complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials taking the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) An indication of which employees had prior EEO activity, if applicable.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

d. Data (e.g., a list, spreadsheet, or summary sheet) on performance-based adverse actions within the organizations subordinate to the agency officials effecting the action at issue for the prior 2-year period. Specifically provide:

(1) Name, position, including title, pay plan, series, and grade, protected groups of each employee who had a performance-based action taken against them.

(2) Action taken (e.g., demotion, reassignment, removal) and date of the action.

(3) Name, position, including title, pay plan, series, and grade, and protected groups of the proposing and deciding officials involved in the action.

(4) Indicate which employees had prior EEO activity, if protected activity did not involve filing an EEO complaint.

e. Complainant's position description at the time of the action at issue.

f. Complainant's performance rating and related performance plan.

g. Notice of opportunity to improve performance.

h. Documentation of negative level of competence determination, if applicable.

i. Notice of proposed action and supporting documentation. Annotate name, position, including title, pay plan, series, and grade, and protected groups of person recommending the action.

j. Complainant's written reply to the proposed action. If an oral reply was made, provide any memorandums documenting the oral reply.

k. Decision notice effecting the action. Annotate name, position, including title, pay plan, series, and grade, and protected groups of the person making the final decision on the action.

l. SF 52 (both sides) requesting the action at issue.

- m. SF 50 effecting the action at issue.
- n. Grievance or appeal correspondence, if applicable.
  - o. Name and protected groups of the employee replacing the complainant and date of placement, if the complainant was removed from his or her position and the position was subsequently filled.
  - p. Excerpts from the pertinent agency and local guidelines or regulations regarding the performance management program that was in effect at the time of the action at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.
  - q. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.
  - r. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the action at issue or who can provide information about the action.
- s. E-mail addresses and commercial telephone numbers for all involved parties.



APPENDIX 18 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - PERFORMANCE RATINGS

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at [dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil).

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING PERFORMANCE RATINGS

a. Organization charts for the complainant's work unit and for the work units of the complainant's performance rating and reviewing officials.

b. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

c. Data (e.g., a list, spreadsheet, or summary sheet) on performance ratings within complainant's organization segment for the rating year at issue and for the prior 2 years. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organization at the time.

(2) Annotate protected groups relative to the bases of the complaint (e.g., race, sex, age, disability (if disability is alleged, provide impairment or handicap code)) of all employees and supervisors.

(3) Rating received, date of rating, and rating period.

(4) Name, position, including title, pay plan, series, and grade, and protected groups of rating and reviewing officials.

(5) An indication of which employees had prior EEO activity, if reprisal is alleged.

d. Complainant's position description or statement of duties covered by the rating at issue.

e. Complainant's performance rating in dispute and the performance plan on which the rating is based.

f. Complainant's prior two annual performance ratings and performance plans on which these were based.

g. Documentation of performance discussions held with complainant or other performance feedback provided, during the rating period.

h. Excerpts from the pertinent agency and local guidelines or regulations concerning the performance management program in effect at the time of the rating at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

i. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

j. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 19 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - SECURITY CLEARANCES

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING SECURITY CLEARANCES

a. Position description and vacancy announcement for the position at issue showing the requirement for a security clearance.

b. List of employees in the complainant's organization segment occupying the position at issue at any time during the 2-year period prior to the action at issue. Provide the name and protected groups of all such employees and indicate whether each of these employees had the required security clearance.

c. Complainant's position description.

d. The agency officials who initiated the security clearance check that resulted in the denial or revocation of the complainant's security clearance. Provide the name, position, including title, pay plan, series and grade, and protected groups of the agency officials.

e. Documentation of the initiation of the complainant's security-clearance check.

f. Notice given to the complainant of the suspension of his or her access to classified information, unescorted entry to restricted areas, and unclassified local area network (LAN) access, with supporting documentation. Annotate:

(1) Name, position, including title, pay plan, series and grade, and protected groups of the management official who issued the notice.

(2) Name, position, including title, pay plan, series and grade, and protected groups of all witnesses to each event that contributed to the suspension of access.

g. Data (e.g., a list, spreadsheet, or summary sheet) on other employees subordinate to the agency officials who suspended the complainant's access to classified information who, during the 2-year period before suspension of the complainant's access, had their access to classified information, unescorted entry to restricted areas, and unclassified LAN access suspended. Specifically provide:

(1) Name, position, including title, pay plan, series and grade, and protected groups of employees whose access was suspended.

(2) Date and reason the employee's access was suspended.

(3) Date and reason access was reinstated, if applicable.

(4) Name, position, including title, pay plan, series and grade, and protected groups of the agency officials involved in the action.

h. Excerpts from the pertinent agency and local guidelines or regulations in effect at the time of the action at issue concerning the suspension of an employee's access to classified information, unescorted entry to restricted areas, and unclassified LAN access. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

i. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

j. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the security specialist who handled the action at issue or who can provide information about the action.

k. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the adverse employment action based on the denial or revocation of the clearance at issue or who can provide information about the action.

l. E-mail addresses and commercial telephone numbers of all involved parties.

APPENDIX 20 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - TERMINATION OR EXPIRATION OF  
TEMPORARY OR TERM APPOINTMENT

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS  
REGARDING TERMINATION OR EXPIRATION OF TEMPORARY OR TERM  
APPOINTMENT

a. Organization charts for complainant's former work unit and for the work units of the agency officials involved in the action at issue, in effect on the date of the expiration of the complainant's term or temporary appointment. Show organizational relationships between complainant and the others.

b. Data (e.g., a list, spreadsheet, or summary sheet) on employment within the organizations subordinate to the agency officials involved in the action at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) Which employees had prior EEO activity, if reprisal is alleged.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.

(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade, of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

d. Data (e.g., a list, spreadsheet, or summary sheet) on employees within the organizations subordinate to the agency officials taking the action at issue who, during the 2-year period before the date of the expiration of the complainant's term or temporary appointment, were on term or temporary appointments. Specifically provide:

(1) Name, position, including title, pay plan, series, and grade, and protected groups of all such employees.

(2) Type of appointment (e.g., term or temporary), date of appointment, and expiration date of term or temporary appointment.

(3) Indicate whether or not the appointment was extended or allowed to expire, if the expiration date of the employee's term or temporary appointment was within the 2-year period before the date of expiration of complainant's term or temporary appointment

(4) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials making the decision to extend the appointment or allow the appointment to expire.

(5) Employees who had prior EEO activity, if reprisal is alleged.

e. Vacancy announcement and any other documentation citing conditions of employment for complainant's term or temporary appointment.

f. SF 50 effecting complainant's term or temporary appointment.

g. Position description for the position held by the complainant at the time his or her term or temporary appointment was allowed to expire.

h. Complainant's performance standards, performance rating of record, and any documents related to counseling sessions and performance feedback, if the non-extension of the complainant's appointment was related to performance.

i. Copy of notice to complainant, if the complainant was provided notice that his or her term or temporary appointment was not going to be extended. Annotate name, position, including title, pay plan, series, and grade, and protected groups of the person making the final decision to allow the appointment to expire.

j. SF 50 effecting the expiration of the complainant's term or temporary appointment.

k. Name and protected groups of the selectee and date of appointment, if the complainant's position was filled subsequent to his or her expiration of appointment. Provide the type of appointment given to this replacement employee.

l. Grievance or appeal correspondence related to expiration of appointment, if applicable.

m. Excerpts from the pertinent agency and local guidelines or regulations concerning term or temporary appointments, and expiration of such appointments, in effect at the time of the expiration of complainant's appointment. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

n. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

o. Name of, and contact information (e.g., commercial work phone number and e-mail address) for, the HR specialist who handled the action at issue or who can provide information about the action.

p. E-mail addresses and commercial telephone numbers for all involved parties.

APPENDIX 21 TO ENCLOSURE 3

DATA/DOCUMENTATION TEMPLATE - TIME AND ATTENDANCE

1. GENERAL

a. The list of documents normally required to be included within a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding assigned duties. The list is not inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. **Only** 8 1/2 x 11-inch Adobe formatted documents may be used. Summary data must be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the IRD Intake Services Office at dodhra.mc-alex.dcpas.mbx.ird-intake@mail.mil.

b. In certain circumstances, other data may be relevant, such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. REQUIRED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLAIMS REGARDING TIME AND ATTENDANCE

a. Organization charts for the complainant's work unit and for the work units of the agency officials involved in the actions at issue. Show organizational relationships between the complainant and the others.

b. Data on employment within the organizations subordinate to the agency officials taking the actions at issue. Specifically provide:

(1) Names and positions, including title, pay plan, series, and grade, of all employees and supervisors in the organizations at the time. If different, identify each person's organization segment.

(2) Annotations of protected groups of all employees and supervisors.

(3) An indication of which employees had prior EEO activity, if reprisal is alleged.

c. Complainant's previous protected activity, if reprisal or retaliation are alleged. Include if reprisal is identified as a basis.

(1) Provide the type of protected activity in which the complainant participated (e.g., EEO complaint, grievance with EEO basis, representation).

(2) Provide dates of protected activity.



(3) Identify claims, including issues and bases.

(4) Provide current status (e.g., in process, settled, withdrawn, and decisions issued).

(5) Provide the name and position, including title, pay plan, series, and grade of the agency officials involved.

(6) Identify the matters opposed as discrimination, if protected activity did not involve filing an EEO complaint.

d. Data (e.g., a list, spreadsheet, or summary sheet; do **not** provide time cards unless essential for the investigation) on similar actions (e.g., absence without leave, denial of annual or sick leave) within the organizations subordinate to the agency officials taking the actions at issue for the prior 2-year period. Specifically provide:

(1) Name, position, including title, pay plan, series, and grade, and protected groups of affected employees.

(2) Type of action, date of the action, and reason for the action.

(3) Name, position, including title, pay plan, series, and grade, and protected groups of the agency officials involved in the action.

(4) Which employees had prior EEO activity, if reprisal is alleged.

e. Complainant's leave request or other written record of actions at issue. Annotate name, position, including title, pay plan, series, and grade, and protected groups of agency officials taking actions at issue.

f. Documentation of any counseling provided to complainant concerning leave.

g. Summary of leave complainant used for the prior 2-year period.

h. Excerpts from the pertinent agency and local guidelines or regulations concerning leave administration in effect at the time of the actions at issue. Include the title page and index. Do not provide the entire guideline or regulation unless essential for the investigation.

i. Excerpts from the articles of negotiated union agreement, if applicable. Include the cover page to identify the source document, as well as the signature page. Do not provide the entire negotiated agreement unless essential for the investigation.

j. E-mail addresses and commercial telephone numbers for all involved parties.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADR	alternative dispute resolution
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
CLG	change to lower grade
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DCPAS	Defense Civilian Personnel Advisory Service
DoDD	DoD Directive
DoDHRA	Department of Defense Human Resources Activity
DSN	Data Source Network
EEO	equal employment opportunity
FFC	fact-finding conference
HR	human resources
IRD	Investigations and Resolutions Directorate
LAN	local area network
ROI	report of investigation
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this instruction.

ADR. A technique for resolving complaints of discrimination without resorting to formal EEO processing methods.

agency representative. An individual who is delegated the authority to present the agency's position in investigative proceedings, appeal hearings and civil actions, and who may be delegated the authority to commit the agency to resolution of the complaint.

appropriate factual record. A record that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred.

claim. The employment policy or practice that is challenged in the complaint, and the alleged basis for the discrimination (e.g., race, color, national origin, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), religion, age (40 or older)), mental or physical disability, genetic information, or reprisal).

complainant. An employee, former employee, or applicant for DoD civil service or nonappropriated fund employment who files an EEO complaint of discrimination. Also includes other individuals who file EEO complaints and who meet the legal test for “employee” status in accordance with References (e) and (g).

disability. A physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having an impairment, (regardless of whether or not it limits or is perceived to limit a major life activity). Section 501 of the Rehabilitation Act of 1973, as amended and codified at Section 791 of Title 29, U.S.C. (Reference (i)) requires all federal agencies to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. An individual “regarded as” having a disability is not entitled to reasonable accommodation.

discrimination. An unlawful employment practice that occurs when an employer fails or refuses to hire or promote, discharges, or otherwise discriminates against any individual with respect to compensation, terms, conditions or privileges of employment because of race, color, national origin, religion, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), age (40 or over), reprisal, mental or physical disability, or genetic information. It also includes situations where an employer limits, segregates, or classifies employees or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his or her status as an employee because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), national origin, age (40 or over), reprisal, mental or physical disability, or genetic information.

FFC. An administrative procedure in which the investigator takes testimony from the witnesses in the presence of the complainant, the complainant’s representative, and the agency representative. The testimony is recorded verbatim.

interrogatories. A set of questions designed to elicit responses that delineate a witness’ testimony about disputed issues.

investigation. An official review or inquiry conducted by authorized personnel to gather all of the evidence necessary to render an impartial decision as to whether or not a violation of EEO law or regulation occurred and to determine what remedial action, if any, is appropriate.

investigator. A person authorized to conduct a review or inquiry into the matters raised in an EEO complaint.

previous EEO activity. Information needed when reprisal is the basis of an EEO complaint. It includes the number and date of EEO complaints previously filed, the basis for the complaints, the activity where they occurred, and the prior involvement of any management official involved in the complaint at hand.

reprisal or retaliation. An adverse action taken against a covered individual because he or she engaged in a protected activity. This may include individuals who opposed a practice believed to be unlawful discrimination on the basis of race, color, national origin, sex, religion, age (40 or older), mental or physical disability, genetic information, or for participating in any stage of administrative or judicial proceedings involving EEO complaints; requested reasonable accommodation based on religion or disability; or have a close association with someone who has engaged in protected activity.

ROI. Documents the facts of the accepted claims in an EEO complaint. Consists of an investigative file containing documents and testimony relative to the issues and a narrative report.

verbatim testimony. A declaration or affirmation obtained from a witness that is recorded and transcribed as spoken and certified by the transcriber as accurate and complete.