



Defense Logistics Agency **INSTRUCTION**

DLAI 1440.02

Effective Date: September 13, 2017

Accountable Office: DLA Equal Employment Opportunity, (DO)

SUBJECT: Equal Employment Opportunity Complaints Program

References:

- (a) 29 Code of Federal Regulations Part 1614, Federal Sector Equal Employment Opportunity)
- (b) Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110
- (c) Department of Defense (DoD) Directive 1440.1, "The DoD Civilian Equal Employment Opportunity Program," May 21, 1987, as amended Nov 21, 2003
- (d) DoD Directive 5145.5 Alternative Dispute Resolution (ADR) and Conflict Management, May 27, 2016
- (e) Defense Logistics Agency (DLA) Instruction 7406, "EEO Complaint Process", September 10, 2009 (hereby canceled)
- (f) DLA Instruction 7412, "RESOLVE – Reach Equitable Solutions Voluntarily and Easily", September 24, 2009 (hereby canceled)

1. PURPOSE. This Instruction:

- a. Implements DLA policy and assigns responsibilities for processing Equal Employment Opportunity (EEO) complaints filed against the Agency promptly, fairly, and impartially, in accordance with references (a) through (d).
- b. Promotes active prevention of EEO complaints through a program that identifies and removes discriminatory practices.

2. APPLICABILITY. This Instruction:

- a. Applies to all DLA Activities.
- b. Does not apply to military personnel covered by the Department of Defense Military Equal Opportunity Program.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DLA policy to:

a. Treat all individuals in the workplace with respect and dignity, regardless of race, color, national origin, religion, sex, age, disability, genetic information, pregnancy, sexual orientation and gender identity.

b. Ensure Agency officials do not retaliate against anyone filing an EEO complaint, is a witness, or is engaging in EEO matters.

c. Process employees and applicant complaints promptly, fairly, and impartially.

5. RESPONSIBILITIES. See Enclosure 1.

6. PROCEDURES. Refer to the EEO Complaints enterprise Standard Operating Procedures 1440.02.

7. INFORMATION REQUIREMENTS. None.

8. INTERNAL CONTROLS. EEO officials must:

a. On a regular basis, review all related complaint processing for compliance.

b. Ensure access to complaint information is limited to those with a need to know.

c. Conduct monthly quality assurance reviews on the complaints database.

d. Review the program after a change in the law, and for improvement to procedures as needed, not to exceed five years.

9. RELEASEABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DLA Issuance Internet Website.

10. EXPIRATION DATE. We will reissue or cancel this Instruction by the fifth anniversary of the effective publication date. If not reissued or canceled, it will automatically expire effective September 13, 2027.

For/

WILLIAM M. BOWERS
Director, DLA Transformation

Enclosures:

Enclosure 1 – Responsibilities
Glossary

ENCLOSURE 1
RESPONSIBILITIES

1. DIRECTOR, DEFENSE LOGISTICS AGENCY must:

- a. Implement and enforce EEO policies to comply with EEO laws, Presidential Executive Orders, EEOC, and DoD instructions.
- b. Sign EEO and Diversity policy statements at the beginning of their tenure, and each year after that, to communicate the Agency's position against discrimination.
- c. Ensure the EEO program has the necessary staff and budget to run efficiently and effectively.
- d. Oversee and supervise the EEO Director.
- e. Be personally responsible and accountable for the EEO climate within the Agency.
- f. Ensure that legal defense and personnel functions are separate and distinct from the EEO complaint process.

2. VICE DIRECTOR, DEFENSE LOGISTICS AGENCY (DV).

Under the authority, direction, and control of the DLA Director, the DV must:

- a. Sign final Agency actions when discrimination is found in EEO complaints.
- b. Order appropriate remedies and relief when discrimination is found.

3. DIRECTOR, DLA HEADQUARTERS (HQs) EEO AND DIVERSITY OFFICE must:

- a. Advise the DLA Director on all matters on the EEO Complaints and Adjudications Management Program and operations.
- b. Prepare strategic EEO plans and Agency reports.
- c. Evaluate Agency programs, policies, and practices for EEO complaint trends, risk factors, and compliance with laws and regulations.
- d. Publish operational standards and performance measures for EEO complaint processing.
- e. Regularly assess and report quality and effectiveness of field activity complaints and compliance programs.

- f. Establish and manage an EEO Alternative Dispute Resolution program.
- g. Take part in action and oversight committees, boards, or workgroups to prevent and address discrimination.

4. DIRECTORS AND COMMANDERS OF PRIMARY LEVEL FIELD ACTIVITIES (PLFAs) must:

- a. Publish an EEO policy statement within 90 days of taking command, and reissue as needed.
- b. Stay informed on all complaint activity within your Activity through briefings with the Activity EEO Director.
- c. Ensure the EEO program has enough personnel and resources to perform its mission.
- d. Directly supervise the PLFA EEO Director.
- e. When aware of individual or systemic discrimination, order or support prompt corrective actions, which includes disciplining subordinates found to have discriminated, and providing remedies for individuals harmed.
- f. Ensure management officials fully cooperate during all phases of the EEO complaint process.
- g. Appoint appropriate settlement officials to represent the PLFA during mediation or other efforts to resolve EEO complaints.
- h. Ensure the legal defensive and human resources/personnel functions are separate and distinct from the EEO complaint process.

5. DIRECTORS OF J CODES AND D STAFFS must:

- a. Stay informed on all complaint activity within their organization through direct briefings with the Headquarters EEO Director.
- b. When aware of individual or systemic discrimination, order or support prompt corrective actions to include disciplining subordinates found to have discriminated, and providing remedies for individuals harmed.
- c. Ensure management officials fully cooperate during all phases of the EEO complaint process.
- d. Appoint settlement officials to represent the organization during mediation and other efforts to resolve EEO complaints.

6. DIRECTORS OF EQUAL EMPLOYMENT OPPORTUNITY must:
 - a. Establish local procedures to ensure compliance with this Instruction.
 - b. Brief their Commander or Director on the status of complaints and trends.
 - c. Offer and promote ADR, when appropriate, to resolve disputes at the earliest stage of the conflict.
 - d. Ensure prompt and thorough investigation of all formal complaints, and that all Reports of Investigation meet EEOC MD-110 requirements.
 - e. Evaluate PLFA programs, procedures and practices for EEO complaint trends, risk factors, and compliance with laws and regulations.

7. GENERAL COUNSEL (DG). Upon request DG attorneys, not assigned to defend the Agency in EEO or personnel matters, must provide legal review and opinions on EEO complaint processing matters.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DLAI	DLA Instruction
DO	DLA HQs, Office of Equal Opportunity and Diversity
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
PLFA	Primary Level Field Activity

PART II. DEFINITIONS

ADR. Use of any procedure as an alternative to formal legal proceedings to resolve conflicts in the workplace. Forms of ADR include facilitation, conciliation, partnering, mediation, arbitration, or the use of ombuds.

Defensive Function. The role and responsibility of litigating and defending the agency. DLA's Legal Counsel typically performs this function.

Discrimination. Illegal treatment of a person or group based on race, color, national origin, religion, sex, age, disability, genetic information, and retaliation against individuals that have engaged in protected EEO activity. Discrimination occurs when an individual, or group of individuals are singled out and treated differently because of their diverse characteristics. These characteristics include race, color, religion, sex, national origin, age, disability, and genetic information. Sex-based discrimination also includes pregnancy, sexual orientation, sex stereotyping, and gender identity, to include transgender status. Retaliation against individuals that have engaged in protected EEO activity is also strictly prohibited.

DLAI. An instruction that establishes policy, assigns responsibilities, and prescribes procedures.

MD-110. EEOC's Management Directive that provides federal agencies with Commission policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 C.F.R. Part 1614.

Settlement Official. A settlement official is management official appointed to take part in settlement discussions or mediation. A settlement authority is presumed to be objective, have actual authority over the matters in dispute, and can enter a binding settlement agreement for the Agency. Usually, the responsible management official or Agency official directly involved in the complaint should not be the settlement official.