

## **Arkansas National Guard TAG Policies-Current Policies**

<https://armyetaas.sharepoint-mil.us/sites/NGAR-TAG/TP/Forms/Current%20Tag%20Policies.aspx>

2024-21, Arkansas National Guard Medical Readiness Policy

2024-20, Sexual Assault Reporting and Case Management Procedures

2024-19, Suicide Reporting Procedures

2024-18, Arkansas Army National Guard Enlisted Promotions

2024-17, Procurement, Accountability, and Award of AR ARNG Military Coins Purchased with Fed App Funds

2024-16, Unit Directorate Participation on Federal Recognition Boards

2024-15, Uniform Policy for Counterdrug Personnel

2024-14, Prohibition of Surreptitious Recordings in Arkansas National Guard Installations and Instrumentalities

2024-13, Workplace Violence Policy

2024-12, Management Controls for Dual Compensation

2024-11, Arkansas Military Protective Orders (AMPOs)

2024-10, Use and Possession of Medical Marijuana

2024-09, NGAR National Guard Telework Program

2024-08, Standard Work Schedule

2024-07, Use of Official Time for Physical Fitness

2024-06, Full-Time Federal Employees Requesting and Performing Outside Employment

2024-05, Inspection of Vehicles Entering or Exiting Arkansas National Guard Military Reservations

2024-04, Use of Tobacco and Electronic Cigarettes in the Workplace

2024-03, Dress Code for Title 5 Employees

2024-02, Excused Absence for VA Medical Appointments

2024-01, Annual Notice of Right to Union Representation

2023-10, Environmental Policy Statement

2023-09, Arkansas Army National Guard Talent Management

2023-08, Guidance for Transgender Service in the Arkansas Army National Guard (AR ARNG)

2023-07, Military Key Staff Appointments

2023-06, Guidance for Arkansas Army National Guard Members Performing or Requesting to Perform Voluntary Title 10 ADOS and Title 32 FTNGD-OS

2023-05, Referral of Major Felony and Sexual Assault Investigations on ARNG Property Facilities to Local Law Enforcement

2023-04, Open Door Policy

2023-02, Social Media and Website Use

2022-15, Request and Utilization of the 106th Army Band

**2022-14, Anti-Harassment**

**2022-13, Alternative Dispute Resolution (ADR)**

**2022-12, Employee Assistance Program (EAP)**

**2022-11, Technician Equal Employment Opportunity (EEO) Complaint Procedures**

**2022-10, Equal Employment Opportunity (EEO)**

2022-09, Arkansas National Guard Accident Reporting

2022-06, Expansion of Opportunities for Female Soldiers

2022-04, Employer Support

2022-02, Mandatory Use of Head Protection While Operating Tactical Vehicles in the Field

2022-01, Substance Abuse Policy for the Arkansas National Guard

2021-23, Use of Cellular Phones in Vehicles

2021-18, Equal Employment Opportunity (EEO)

2021-17, Participating in Public Speaking Engagements and Briefing Civic Leaders

2021-16, Procedures for Scheduling Very Important Person(s) (VIP) Events and Ceremonies

2021-14, Uniform Wear Policy

2021-12, Possession of Privately Owned Firearms on NG AR Property-Facilities

2021-11, Arming of Counterdrug Personnel

**2021-10, Military Discrimination Complaint Procedures Policy**

2021-09, Equal Opportunity Command Policy

**2021-08, Professional and Unprofessional Relationships (Fraternization) Command Policy**

2021-05, Approval, Disapproval, and Elevation of Requests for Religious Accommodation Waivers

2020-26, Coordination of Visits to the United States (U.S.) Congress

2020-25, News Media Contact and Public Affairs Guidance

2020-24, CCIR and SIR for the Arkansas National Guard (AR NG)

2020-21, Use of Letterhead

2020-13 Prohibition of Arkansas National Guard Facilities Usage as Living Quarters

2020-12 Enlisted Reductions Policy

2020-11 Training During Officer- Enlisted Association Conventions

2020-07 Management of AR National Guard Performing Full Time National Guard Duty-Counterdrug

2019-09 Command Policy on Audit Follow-Up

**2018-06 Nepotism**

2017-10 Arkansas National Guard Motorcycle Safety Policy

2016-16 Suicide Prevention Policy

2016-12 Domestic Violence and Stalking

2014-14 DUI-DWI Policy

2014-01 Diversity

2013-05 Arkansas National Guard Suicide Prevention Program

2011-11 Community Relations Programs and Domestic Action Projects

2010-03 Providing a Drug Free Workplace



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**KENDALL W. PENN**  
MAJOR GENERAL  
THE ADJUTANT GENERAL

NGAR-HRO-EEM

27 May 2022

**MEMORANDUM FOR All Service Members and Employees Arkansas National Guard**

**SUBJECT: The Adjutant General's Policy 2022-14, Anti-Harassment**

**1. References.**

- a. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq., as amended
- b. Equal Employment Opportunity in the Federal Government, 08 August 1969
- c. 29 CFR, Part 1614, Federal Sector Equal Employment Opportunity, 9 November 1999
- d. DOD Directive 1440.1, Department of Defense Civilian Equal Employment Opportunity Program, 21 November 2003
- e. U.S. Equal Employment Opportunity Commission, Management Directive 110, 05 August 2015, "Federal Sector Equal Employment"
- f. Public Law 107-17 4, 15 May 2002, "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002"
- g. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020
- h. Air Force Instruction 1-1, Air Force Standards, 07 August 2012

**2. This memorandum supersedes The Adjutant General's Policy 2021-22, Anti-Harassment, dated 20 August 2021.**

**3. As the Adjutant General, it is my policy to maintain a work environment in which people are treated with dignity and respect. I am committed to the Department of Defense (DOD) policies against harassment of any kind and have zero tolerance for**

these unlawful employment practices. The Arkansas National Guard's goal is to prevent and correct all behavior that violates this policy.

4. All employees (military, civilians, Title 5, and Title 32 Technicians) are subject to this policy. Appropriate disciplinary action will be taken against any employee who violates this directive. The disciplinary action will depend on the seriousness of the offense and may include verbal or written reprimand, suspension, or termination of employment.

5. I expect every supervisor and leader to be alert for instances of inappropriate harassment or discriminatory behavior. Supervisors who knowingly tolerate violations of this policy or fail to report acts harassment will be subject to discipline.

6. Harassment is unwelcome or offensive behavior that creates an intimidating, hostile, or offensive environment to a reasonable person. Harassment can be in the form of verbal or nonverbal communication or physical actions and can occur through electronic mediums, including social media, other forms of communication, and personal interaction. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. The Arkansas National Guard's Anti-Harassment Program prohibits any of these types of behavior, including sexual harassment, and will take appropriate and immediate action in response to complaints and/or violations of this policy. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of federal law:

a. Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.

b. Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status, or other protected status.

7. Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the Arkansas National Guard's Anti-Harassment policy. The Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

8. Sexual harassment is not limited to supervisor-to-employee or employee-to-supervisor situations, and may take different forms. It may include actions of co-workers, actions of the same or opposite sex, and actions by individuals external to our organization who have contact with employees in our work environment. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

a. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, requests for any type of sexual favor (this includes repeated, unwelcome requests for dates), and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

b. Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex. It also includes suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters, notes, facsimiles, e-mails, photos, text messages, tweets, and Internet postings, or other forms of communication that are sexual in nature and offensive.

c. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

9. The Arkansas National Guard will not tolerate retaliation against any employee for making a complaint, bringing inappropriate conduct to the agency's attention or for participating in an investigation of an alleged act of harassment. No hardship, loss, benefit or penalty may be imposed on an employee in response to:

a. Filing or responding to a bona fide harassment complaint.

b. Appearing as a witness in the investigation of a complaint.

c. Serving as an investigator of a complaint.

10. Submitting a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Groundless or malicious complaints includes fabricated claims of harassment, as well as unsubstantiated claims intended to purposely disparage the reputation or credibility of the organization, supervisor, or another employee.

11. Procedures.

a. Anti-Harassment Program Administrator. The Arkansas National Guard has established the following procedures for reporting harassment complaints. The Equal Employment Opportunity (EEO) Specialist will serve as the Anti-Harassment Program Administrator. The agency will treat all aspects of the procedure confidentially to the extent reasonably possible.

b. Reporting Incidents of Harassment.

(1) Victims or witnesses of harassment will attempt to stop the unwanted behavior at the lowest possible level. If the harassment continues, the behavior should be reported to the victim's supervisor. The chain of command will take the necessary action to stop harassment at the lowest level. If the employee feels uncomfortable with reporting incidents of harassment through their chain of command, they may contact the Anti-Harassment Program Administrator directly in the EO/EEO office at 501-212-4222.

(2) All unresolved acts of harassment should be reported to the Anti-Harassment Program Administrator within three (3) days of the incident, and must be acknowledged in writing. Upon receiving notice that a violation of harassment has occurred, the Anti-Harassment Program Administrator will notify the complainant's supervisor within three (3) days and review the complaint. If the alleged offender is the supervisor or Office Director, the Director of the Joint Staff (DJS) will be notified. The alleged harasser and their supervisor, if different from the complainant, will be notified within five (5) days.

c. Notification of Procedures and Rights.

(1) Upon receiving a report or becoming aware of alleged harassing conduct, the supervisor or Anti-Harassment Program Administrator shall inform the complainant about the procedural steps pursuant to this policy.

(2) The Anti-Harassment Program Administrator or supervisor shall also advise the complainant of other avenues of redress, as set forth in the program procedures section, including the right to file a complaint under the EEO process or go through the Alternative Dispute Resolution (ADR) process, which includes informing the complainant of their respective deadlines.

d. Conducting an Inquiry.

(1) The Anti-Harassment Program Administrator or a designated official will be appointed as the Inquiry Officer to determine the scope and facts of the complaint. These determinations are fact-specific and shall be made on a case-by-case basis.

(2) The Inquiry Officer will contact the complainant within three (3) days of his/her appointment. The alleged harasser will be notified within five (5) days of Inquiry Officer's appointment. The Inquiry Officer is charged with determining, by a preponderance of the evidence, if the alleged violation of this policy occurred.

(3) A temporary reassignment of the alleged perpetrator or the victim will be processed if needed to protect employees or mitigate disruption in the workplace. The victim's wishes will be heavily considered when determining the best outcome for all parties and the organization involved.

(4) The Inquiry Officer will interview the complainant, the respondent and all key witnesses to determine whether the alleged harassment occurred. Inquiry Officers will complete an impartial and thorough inquiry within thirty calendar days.

(5) The Inquiry Officer will submit a written report of his or her findings to the appointing authority. The Director of the Joint Staff (DJS) withholds disciplinary authority over full-time employees who are the subject of a substantiated complaint. The DJS may take alternative preventive actions in the case of unsubstantiated or inconclusive inquiries. The following will be considered to determine the appropriate level of discipline:

- (a) The severity, frequency, and pervasiveness of the conduct.
- (b) Prior complaints made by the complainant.
- (c) Prior complaints made against the respondent.
- (d) The quality of the evidence (e.g., firsthand knowledge, credible corroboration).



NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2022-14, Anti-Harassment

(6) The Human Resources Officer (HRO) will staff a review of the Inquiry Officer's report and provide a recommendation to the DJS for final review and decision. The HRO will consider input from the appropriate personnel including supervisors, the Anti-Harassment Program Administrator, the Labor Relations Specialist and the Judge Advocate General.

(7) The DJS will notify the HRO of the inquiry's final disposition. The HRO will notify the complainant and respondent's respective supervisors who will notify each employee of the inquiry findings and disciplinary decisions, if any.

12. The Anti-Harassment Program Administrator will take adequate steps to ensure that all complaints and inquiries are treated confidentially to the reasonable extent possible. All information pertaining to a complaint or inquiry under this policy will be maintained in secured files within the EO/EEO office.

13. The spirit and intent of this policy is to foster an environment free from unlawful harassment. The Arkansas National Guard is committed to the establishment of an environment where our military and civilian personnel can perform to their full potential.

14. A copy of this memorandum will be posted on all units' bulletin boards and in all work areas.

15. Point of contact for the Anti-Harassment Program is the Equal Employment Opportunity Specialist, 501-212-4222 or DSN 962-4222.



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NGAR-HRO-EEM

27 May 2022

MEMORANDUM FOR All Service Members and Employees Arkansas National Guard

SUBJECT: The Adjutant General's Policy 2022-13, Alternative Dispute Resolution (ADR)

1. References.

a. 29 CFR, Part 1614, Federal Sector Equal Employment Opportunity (EEO), dated 9 November 1999

b. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq., as amended

c. Administrative Dispute Resolution Act of 1996, Pub. Law 104-320

d. Alternative Dispute Resolution Policy and Guidance, CNGBI, 9600.01

2. This memorandum supersedes The Adjutant General's Policy 2021-21, Alternative Dispute Resolution (ADR), dated 20 August 2021.

3. It is the policy of the Arkansas National Guard to maximize the use of the ADR process to resolve disputes as early, inexpensively, and expeditiously as possible. The ADR process will be managed at the lowest level. Used properly, alternative dispute resolution can provide faster, less expensive, less contentious and productive results in eliminating workplace discrimination.

4. There is not one ADR model that works for all situations. The Arkansas National Guard's program is flexible enough to respond to the variety of situations and must be adapted to fit the specific need. Generally, this organization uses mediation or facilitation. The definitions of mediation and facilitation are:

a. The preferred ADR process for EEO complaints is mediation. Mediation is a structured proceeding in which disputing parties use a trained, neutral mediator to assist them in arriving at a mutually agreeable resolution. The neutral mediator guides the process and determines when to meet with both parties in a joint session or individually, establishes a tone to help parties engage in meaningful discussion, and creates a safe environment for discussion.

b. The preferred ADR process for EO complaints is facilitation. Facilitation involves the use of techniques to improve the flow of information in a meeting between parties to a dispute. The techniques may also be applied to decision-making meetings where a specific outcome is desired (for example, resolution of a conflict or dispute). The term "facilitator" is often used interchangeably with the term "mediator," but a facilitator does not typically become as involved as the mediator in the substantive issues does. The facilitator focuses more on the communication processes involved in resolving a matter. In either case, the neutral party may not impose a decision on the disputing parties.

5. The ADR program must be available during the pre-complaint process and the formal complaint process. If the aggrieved and management agree to use ADR, the complaint process time period may be extended up to 90 days. If the ADR does not result in a resolution, the State Equal Employment Manager will notify the EEO Counselor who will issue the Notice of Right to File a Discrimination Complaint as required by 29 C.F.R. 1614.105(d). Note that if ADR is made available in a particular case, it can be attempted at any point during the complaint process.

6. The ADR proceedings are most successful where a neutral or impartial third party with no stake in the outcome of a dispute allows the parties themselves to attempt to resolve their dispute. There are trained neutral parties available to assist through either of the ADR procedures mentioned above. If there is no neutral party available locally, there are others assigned to various Arkansas National Guard elements that can assist. In the event that no neutral parties are available within the organization, contract neutral parties can be made available by the National Guard Bureau ADR office.

7. In some cases, ADR may not be appropriate because of the nature of a particular dispute. Each EO and EEO case will be evaluated to ensure it is appropriate for resolution using the ADR process. Complaints that require a formal written decision to determine precedent in a given case or that could affect the outcome of other similar, but unrelated, cases is an example of a case that is not appropriate for ADR. Cases involving potential criminal involvement such as fraud, waste, and/or abuse are usually not appropriate for ADR. The Arkansas National Guard does not exclude cases from consideration for ADR simply because of the type of EO and EEO bases (e.g. race, color, religion, sex, age, national origin, disability, genetic information, or reprisal) alleged.

8. The decision to use ADR for a particular case is voluntary. Management and the aggrieved/complainant must both agree to use ADR. Once the ADR proceeding has begun, it can be terminated by either party at any time. If the ADR process is terminated during the informal pre-complaint stage, complainants will be advised of the right to file a formal complaint. A decision to use ADR does not obligate either party to settle the complaint or to agree to any particular terms of settlement.

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2022-13, Alternative Dispute Resolution (ADR)

9. Employees have the right to representation of their choice. An employee's right to have a representative remains in effect during the ADR process. EO and EEO officials are not eligible to represent aggrieved individuals/complainants in the ADR process. The process must be fair to both parties and provide an opportunity for individuals to be heard and to develop options for resolution. Neither party can be forced to agree to any terms or outcomes if they are not satisfactory to them.

10. The Arkansas National Guard is committed to providing ADR proceedings that reflect confidentiality, neutrality, and enforceability. Confidentiality applies to ADR proceedings with regard to joint discussions between the parties where the neutral is providing information to either party, and with regard to private discussions (caucuses) held by the neutral with a respective party. Neutrality is a cornerstone of the ADR program. Neutral parties used by this organization are required to practice the highest standards of integrity and ethics in conducting ADR proceedings.

11. The Arkansas National Guard will make accessible an individual with settlement authority. No responsible management official or agency official directly involved in the case will serve as the person with settlement authority. If the parties reach an agreement, the parties will be allowed to settle as long as the proposed agreement is lawful, enforceable, and both parties are informed of their rights and remedies under the applicable statutes. Any resulting settlement agreement will, upon approval by appropriate Arkansas National Guard officials, be binding on both you and the agency.

12. An allegation that an ADR settlement agreement has been breached must be brought to the attention of the State Equal Employment Manager (SEEM). The responsible party will then review and investigate the allegation and determine if resources to seek enforcement of the agreement will be utilized.

13. The Arkansas National Guard will make every effort to comply with all requirements of the ADR process, to include adequate training to the manager and first line supervisor. An evaluation process will be used to determine the ADR process' effectiveness, identify deficiencies, and implement corrective actions.

14. Point of contact for this policy is the State Equal Employment Manager, 501-212-4231 or DSN 962-4231.



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NGAR-HRO-EEM

27 May 2022

MEMORANDUM FOR Arkansas National Guard Full-Time Federal Employees

SUJECT: The Adjutant General's Policy 2022-12, Employee Assistance Program (EAP)

1. References.

- a. Technician Personnel Regulation 792, Alcohol and Drug Abuse Program, dated 8 February 2011
- b. 5 C.F.R Part 792, Federal Employees' Health, Counseling, and Work/Life Programs
- c. Executive Order 12564, Drug-Free Federal Workplace, 51 Federal Register 32.8989 (1986)

2. This memorandum supersedes The Adjutant General's Policy 2021-20, Employee Assistance Program, dated 20 August 2021.

3. Employees are the most valuable resource of the Arkansas National Guard. When employees are working at their best, the Arkansas National Guard is operating at its best. Coping with problems is a normal part of life. We have all, at one time or another, experienced personal problems that have caused us to feel uncomfortable. Most often, with the help of family and friends, we are able to overcome these problems before they have a serious impact on our lives. However, there may be times when employees may feel overwhelmed by their problems; and if this were to happen, the Employee Assistance Program (EAP) is a resource available to help.

4. Assistance may be provided for a wide variety of personal concerns under the auspices of EAP. This service helps employees' access problem-solving resources. The EAP Manager can help employees understand governing policies, procedures, and benefits of the EAP, including but not limited to emotional counseling, family counseling, financial counseling, marital counseling, alcohol abuse and substance abuse counseling. Drug and alcohol abuse are serious, treatable health problems that may affect job performance, conduct, or efficiency of the service. Employees experiencing personal problems will be afforded the same consideration and assistance that is provided for other health issues.

5. There are two different types of EAP actions. The first is called Self-Referral: An employee simply calls the EAP office to schedule an appointment. The second is called Supervisor Referral: Supervisors may refer employees to the Employee Assistance Program when they

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2022-12, Employee Assistance Program (EAP)

notice a problem exists by observing such things as declining job performance, increased absenteeism, and/or changes in work habits. When an employee's work is affected, the supervisor must talk to that employee about their work issues. Conduct or performance issues that arise will be dealt with as the conduct or performance requires. Whether a supervisor referral or self-referral, employees are encouraged to utilize EAP resources.

6. Employees are authorized the necessary leave time for EAP visits and will need their supervisor's approval to schedule leave time from work. However, employees do not have to discuss their personal problems with their supervisor. If the employee prefers not to let anyone know they intend to use the EAP service, then the employee will need to take annual leave, sick leave, or make other arrangements. There is no cost for EAP referrals. Any cost for outside resources will be the employee's responsibility. Depending on the benefit option chosen on individual medical plans, employee coverage and steps to get help may differ. Your EAP Manager can provide information regarding individual coverage.

7. The EAP is confidential service designed to help employees resolve their personal problems before disrupting their personal or work life. No employee's job security or promotion opportunities are jeopardized by their request for counseling or referral assistance, except as limited by Title II, section 201(c)(2) of Public Law 92-255, which relates to sensitive positions. No information discussed during your EAP visits will be given to anyone, including supervisors, without written consent unless employees disclose activities that require reporting. Nothing about an employee's personal problems will be put into their personnel record. The confidential nature of medical records of employees with alcohol and/or substance abuse problems will be preserved in accordance with Section 333 of Public Law 91-616, as amended by Section 122 of Public Law 93-282 and implementing regulations.

8. Point of contact for the EAP is the State Equal Employment Manager, 501-212-4231 or DSN 962-4231.



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NGAR-HRO-EEM

27 May 2022

MEMORANDUM FOR All Directorates, Supervisors, and Title 5/Title 32 Federal Technicians

SUBJECT: The Adjutant General's Policy 2022-11, Technician Equal Employment Opportunity (EEO) Complaint Procedures

1. References:

a. 29 CFR 1613/1614 Federal Sector Equal Employment Opportunity, 9 November 1999.

b. DOD Directive 1440.1, Department of Defense Civilian Equal Employment Opportunity Program, 21 November 2003.

c. CNGBI 9601.01, National Guard Discrimination Complaint Program, 27 September 2015.

d. CNGBM 9601.01, National Guard Discrimination Complaint Process, 25 April 2017

e. Arkansas National Guard Joint Civilian Discrimination Complaint Process, 1 October 2017

2. The purpose of this memorandum is to provide equal opportunity to all employees and applicants for employment in every aspect of their employment and working conditions. This memorandum supersedes The Adjutant General's Policy 2021-19, Technician Equal Employment Opportunities (EEO) Complaint Procedures, dated 20 August 2021.

3. I enthusiastically support the goals and objectives of the Department Of Defense's Civilian Equal Opportunity Program. I am confident that supervisors and leaders at all levels will provide an environment free of unlawful discrimination and offensive behavior, thus ensuring that each individual is afforded an opportunity to achieve their full potential.

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2022-11, Technician Equal Employment Opportunity (EEO) Complaint Procedures

4. The EEO complaint procedure addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, religion, gender (includes sexual harassment), national origin, age, handicap and retaliation. As a member of the Federal Technician Program you have the right to present a complaint without fear of harassment, intimidation, or reprisal. If you feel you are being sexually harassed or discriminated against based on color, race, religion, gender, national origin, age, handicap, or retaliation, do not hesitate to report it.

5. Filing an Informal EEO Complaint:

a. All EEO complaints must be processed informally prior to becoming formal, with the exception of age-based complaints. If discrimination or sexual harassment occurs one-on-one, you are not required to have witnesses to access the complaints channel.

b. EEO complaints process through an EEO Counselor or the HR-EEO Office within 45 Calendar days of the alleged discriminatory action. A list of EEO counselors is attached to this memorandum.

c. EEO Counselor will attempt to resolve the matter informally within 30 calendar days from the date the matter is first brought to the attention of the counselor. If the counselor is close to resolving the complaint, the counselor may request an extension of 30 calendar days.

d. The complainant can request the Alternative Dispute Resolution (ADR) process and be granted an extension of 60 days from initial counsel with the EEO counselor. If the complainant elects ADR and their complaint is not resolved in 90 days after the initial contact with the EEO Counselor, he or she can use the formal complaint process.

6. Processing the Formal EEO Complaint:

a. EEO Counselor will advise the complainant of their right to file a formal complaint within 15 calendar days after conducting the final interview to close the informal complaint stage.

b. Formal complaints must be filed on NGB Form 713-5-R, National Guard Bureau Formal Complaint of Discrimination, and submitted to the State Equal Employment Manager (SEEM), HRO, Bldg #7300, Box 17, Camp Robinson, NLR, AR 72199-9600 or The Adjutant General. Formal Complaint must be filed to National Guard Bureau within 15 calendar days after counseling with the SEEM.



NGAR-HRO-EEM


SUBJECT: The Adjutant General's Policy 2022-11, Technician Equal Employment Opportunity (EEO) Complaint Procedures

c. National Guard Bureau will conduct a fact-finding process or send an investigator to conduct an investigation. National Guard Bureau will forward a final decision to both The Adjutant General and the complainant. The complainant can appeal the decision made by National Guard Bureau.

7. A copy of this Memorandum is permanently posted on the unit bulletin board and in the work areas. **POST ON THE BULLETIN BOARD.**

8. Point of contact for the Technician Equal Employment Opportunity Complaint Procedures is the State Equal Employment Manager, 501-212-4231 or DSN 962-4231.

Encl  
Counselors List



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NGAR-HRO-EEM

27 May 2022

**MEMORANDUM FOR All Arkansas National Guard Supervisors and Title 5/Title 32 Federal Technicians**

**SUBJECT: The Adjutant General's Policy Memorandum 2022-10, Equal Employment Opportunity (EEO)**

**1. References:**

- a. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended
- b. Equal Employment Opportunity Management Directive for 29 C.F.R Part 1614 (EEO- MD-110), dated 5 August 2015
- c. DOD Directive 1440.1, Department of Defense Civilian Equal Employment Opportunity Program, 21 November 2003
- d. The Age Discrimination in Employment Act (ADEA) of 1967, as amended (29 U.S.C. 633A)
- e. The Equal Pay Act (EPA) of 1963 (29 U.S.C.).206 (d)
- f. The ADA Amendments Act (ADAAA) of 2008
- g. The American with Disabilities Act (ADA) of 1990
- h. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020

**2. Applicability: Civilian members of the Arkansas National Guard serving in a Title 5 competitive or excepted status, Title 32 dual-status technicians performing in technician status and applicants for technician employment.**

**3. This memorandum supersedes Policy Memorandum# 2021-18, Subject: Equal Employment Opportunity (EEO), dated 20 August 2021.**

**4. The Arkansas National Guard is committed to finding the best qualified person by recognizing their merit, fitness and capabilities to fulfill the requirement of each available civilian position. Therefore, I am committed to prohibiting discrimination or harassment in employment practices for civilian members of the Arkansas National Guard serving in a Title 5 competitive or excepted**

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy Memorandum 2022-10, Equal Employment Opportunity (EEO)

status, Title 32 dual-status technicians performing in technician status and applicants for technician employment on the basis of race, color, age (40 or older), religion, sex (including pregnancy, gender, identity, and sexual orientation when based on sex stereotyping), national origin, disability (physical or mental), genetic information (GINA) or reprisal. This includes, but is not limited to, equal treatment in recruitment, hiring, merit promotions, transfers, reassignments, training and career development, benefits, separations and disciplinary actions.


5. Equal Employment Opportunity (EEO) is the law and I will ensure compliance with the law. The absence of EEO in an environment can have a negative impact on morale and productivity. All employees and applicants for employment have an inherent right to fair and equitable treatment. Any employee or applicants for employment who believes that he/she has been denied EEO, or is the subject of an incident of harassing conduct should report the matter promptly.

6. As the Adjutant General, I support the goals and objectives of the Department of Defense's Civilian EEO Program. I am fully committed to advancement opportunities of all personnel employed by the Arkansas National Guard. Discrimination, harassment, or reprisal against anyone who has engaged in a protected activity will not be tolerated.

7. Personnel who feel they have been victims of discriminatory actions can contact the State Equal Employment Manager or one of the EEO counselors listed in the enclosure. Initial contact must be made within 45 days of the discriminatory action. All complaints will be processed in accordance with the Equal Employment Opportunity Management Directive for 29 C.F.R Part 1614 (EEO-MD-110), dated 5 August 2015. All EEO complaints will be expeditiously, fairly, and thoroughly addressed. Confirmed offenders will be disciplined.

8. Questions regarding this policy or filing a complaint may be addressed through the State Equal Employment Manager's Office at (501) 212-4231.

Encl  
Counselors List

  
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Major General  
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NGAR-HRO-EEM

26 March 2021

**MEMORANDUM FOR All Service Members and Employees of the Arkansas National Guard**

**SUBJECT: The Adjutant General's Policy 2021-10, Military Discrimination Complaint Procedures**

**1. References.**

- a. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., as amended.
- b. Army Regulation 600-20, Army Command Policy, dated 24 July 2020
- c. National Guard Regulation (NGR) 600-21, Equal Opportunity Program in the Army National Guard, 22 May 2017
- d. Arkansas National Guard Regulation 27-10, Military Justice, 27 August 2019

**2. The purpose of this memorandum is to provide guidance in filing a National Guard discrimination complaint. This memorandum supersedes The Adjutant General's Policy 2018-07, Military Discrimination Complaint Procedures, dated 11 December 2017.**

**3. This policy memorandum applies to all Arkansas National Guard personnel serving in a Title 32 status, to include National Guard technicians when activities occur while the member is in a military pay status or concerns of fitness for duty in the reserve components.**

**4. The National Guard (NG) complaint procedure addresses complaints that allege unlawful discrimination or unfair treatment. As a member of the Arkansas National Guard, you have the right to present a complaint without fear of harassment, intimidation, or reprisal. If you feel you are the subject of harassment, including sexual harassment or unlawful discrimination on the basis of race, color, national origin,**

**NGAR-TAG**

**SUBJECT: The Adjutant General's Policy 2021-10, Military Discrimination Complaint Procedures**

religion, sex (including gender identity), or sexual orientation, you may file a request to resolve these allegations.

5. Complaints must be filed 180 calendar days from the date of the alleged discrimination, or the date the member was made aware of the alleged discriminatory event or action. Below are the processes for filing complaints.

a. Filing an Informal Resolution Request (IRR):

(1) Air National Guard members, contact your Military Equal Opportunity (MEO) staff member; Army National Guard members contact an Equal Opportunity Advisor (EOA) or your immediate supervisor to attempt resolution at the lowest level.

(a) In accordance with NGAR 27-10, the Commanding General of the Arkansas National Guard has reserved authority to handle disposition of complaints of sexual harassment under the Military Code of Arkansas to the Special Courts Martial Convening Authority (SPCMCA) in the Service Members chain of command.

(b) The SPCMCA may, on a case by case basis, return actions to lower level commanders for disposition at the request of the lower level commander or when he or she determines that such disposition at a lower level is appropriate.

(2) Informal Resolution Request (IRR) will be recorded on NGB Form 333, initialing and dating the "informal" box on the form.

(3) State NG leadership will appoint an Inquiry Official (IQO) with equal to or higher rank than the alleged discriminating official and the training to conduct an expedited inquiry into the facts.

(4) The IQO will obtain summarized witness statements and relevant documents. A Leadership Inquiry Report will be completed and forwarded to the appropriate commander through the EOA within 60 calendar days of the IQO's appointment.

(5) The commander at the lowest level will review the Leadership Inquiry Report to determine the appropriate resolution. The review process must be completed within 30 calendar days from the issuance of the Leadership Inquiry Report.

(6) Equal Opportunity Advisor (EOA) will conduct a final interview with the member, and provide them with a Notice of Proposed Resolution (NPR).

(a) NPR will inform the member of the Leadership Inquiry Report findings and

**NGAR-TAG**

**SUBJECT: The Adjutant General's Policy 2021-10, Military Discrimination Complaint Procedures**

conclusions, and the commander's proposed disposition and remedy, if any.

(b) NPR informs the member that an NGB Formal Resolution Request (FRR) must be filed within 30 calendar days for any claimed discrimination not resolved by the proposed resolution.

(c) Members will indicate on the NPR, in writing, their acceptance of the proposed resolution, withdrawal of the State IRR, or their intent to file an NGB FRR.

(7) Equal Opportunity Advisor (EOA) will forward the NPR to State Equal Employment Manager (SEEM) to be forward to NGB-EO-CMA upon completion of the process.

**b. Filing a Formal Resolution Request (FRR):**

(1) After exhausting the informal resolution request process, NG members must file an NGB FRR with the EOA, within 30 calendar days of receipt of the NPR, or the final interview. An NGB FRR will be filed on NGB Form 333, "Discrimination Complaint in the Army and Air National Guard" and must contain a signed statement from the member, or their State representative, identifying the:

(a) Individual(s) involved.

(b) NG unit/organization involved.

(c) Description of the action(s) or practice(s) forming the basis of the alleged discrimination.

(2) The EOA will forward the NGB FRR to SEEM upon receipt from the NG member with a copy of the NPR, member's State IRR, the Leadership Inquiry Report, and any accompanying documentation must be included in the package.

(3) The SEEM will forward the NGB FRR to NGB-EO-CMA within five calendar days of its receipt.

(4) Within 30 calendar days of receipt of the NGB FRR and accompanying documentation, NGB-EO-CMA will make a determination whether to accept the complaint for investigation. NGB-EO-CMA will notify the SEEM to appoint an investigating officer (IO), or have one appointed, should such a determination be made. In the event of a request denial, NGB-EO-CMA will issue a Notice of Proposed Dismissal detailing the decision to dismiss.

(5) The IO will complete an investigation and issue a report with findings to

NGAR-TAG

SUBJECT: The Adjutant General's Policy 2021-10, Military Discrimination Complaint Procedures

NGB-EO-CMA within 45 calendar days from the date of appointment.

(6) If discrimination or harassment is substantiated, and remedial measures are recommended in the NGB NPR, the member will be informed by the SEEM of the completion of remedial actions within 60 calendar days of receipt of the NGB NPR. The


member may file a hearing request to seek remedies for a State's noncompliance with NGB-EO-CMA recommendations after 60 calendar days following receipt of the NGB NPR.

(7) If discrimination or harassment is unsubstantiated, in whole or in part, the member may file a request for a hearing within 30 calendar days of receipt of the NGB NPR.

6. Commanders must ensure a copy of this memorandum is permanently posted to unit bulletin boards and in work areas.

7. This policy is punitive in nature. Failure by a commander, supervisor, or other Service Member in a complainant's chain of command to comply with this policy may subject the Service Member to disciplinary or adverse administrative actions.

8. Point of contact for the National Guard Discrimination Complaint Process is the State Equal Employment Manager, 501-212-4231 or DSN 962-4231.



KENDALL W. PENN  
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**NGAR-HRO**

**26 March 2021**

**MEMORANDUM FOR All Service Members and Employees of the Arkansas National Guard**

**SUBJECT: The Adjutant General's Policy # 2021-08, Professional and Unprofessional Relationships (Fraternization) Command Policy**

**1. References:**

a. Department of Defense Instruction 1304.33, Protecting Against Inappropriate Relationships During Recruiting and Entry Level Training, Incorporating Change 1, dated 05 April 2017

b. Army Regulation 600-20, Army Command Policy, dated 24 July 2020

c. Air Force Instruction 36-2909, Air Force Professional Relationships and Conduct, dated 14 November 2019

d. Air Force Guidance Memorandum to AFI 36-2909, Professional and Unprofessional Relationships, dated 4 January 2019

e. Arkansas National Guard Regulation 27-10, Military Justice, dated 27 August 2019

**2. This memorandum supersedes The Adjutant General's Policy 2020-04, Professional and Unprofessional Relationships (Fraternization) Command Policy, dated 1 October 2019.**

**3. Purpose.** This memorandum establishes command, supervisory, and personal responsibilities for maintaining professional relationships in the Arkansas National Guard.

**4. Commanders and supervisors of the Arkansas National Guard must adhere to the applicable service directives listed above. They are responsible for ensuring all Soldiers and Airman within their organizations are made aware of and abide by the policies set**



NGAR-HRO

SUBJECT: The Adjutant General's Policy # 2021-08, Professional and Unprofessional Relationships (Fraternization) Command Policy

forth by regulation and policy. Additionally, commanders and supervisors have the authority and responsibility to maintain good order, discipline and morale. As such they are held accountable for failing to act on inappropriate relationships. Unprofessional relationship will not be tolerated in the Arkansas National Guard.

5. Positive interpersonal relationships are essential to the successful operation of all organizations both military and civilian. Our military mission requires absolute confidence in command and adherence to orders. The following descriptions of interpersonal relationships are added for clarification:

a. Professional Relationships. Relationships that contribute to the effective operation of the Arkansas National Guard and are consistent with our core values of Integrity, Commitment, Professionalism, and Warrior Spirit. The Arkansas National Guard encourages personnel to communicate freely with their superiors regarding their careers, performance, duties and missions.

b. Unprofessional Relationships. Relationships are unprofessional, whether pursued on or off-duty, when they detract from the authority of superiors, result in or reasonably create the appearance of favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, enlisted members, officers and enlisted members, and military personnel and civilian employees, contractor personnel, or civilians not members of the National Guard. While specific details of unprofessional behaviors may be found in the above cited regulations; below are some examples of unprofessional relationships:

(1) Fraternalization

(2) Adultery

(3) Improper Recruiter/Recruit and Drill Sergeant/Trainee Relationships

(4) Improper Treatment, Care and Counseling Provider Relationships

6. All military members share the responsibility for maintaining professional relationships. Leadership requires the maturity and judgement to avoid relationships that undermine respect for authority or impact negatively on morale, discipline, or the mission of the Arkansas National Guard. The senior member is in the best position to terminate or limit the extent of a relationship. However, all members should expect to be and must be held accountable for the impact of their conduct on the Arkansas National Guard as an institution.

7. This policy is punitive in nature. When an Arkansas National Guard service member

NGAR-HRO

SUBJECT: The Adjutant General's Policy # 2021-08, Professional and Unprofessional Relationships (Fraternization) Command Policy

has been lawfully ordered to cease an unprofessional relationship or refrain from certain conduct, the service member is subject to disciplinary or adverse administrative actions for violation of the order. Additionally, all Arkansas National Guard service members may be prosecuted under the Military Code of Arkansas or applicable civilian laws for criminal offenses committed incidental to an unprofessional relationship (e.g., violations of the custom against fraternization and conduct unbecoming an officer, adultery, assault, etc.). Officers may be prosecuted for violations under the Military Code of Arkansas for specific prohibitions. If a relationship is prohibited by the aforementioned regulations or degrades morale, good order, discipline or unit cohesion, a commander or supervisor must take corrective action.

8. The point of contact for this subject is the Human Resources Office, State Equal Employment Manager at (501) 212-4231.



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NGAR-HRO-EEM

11 December 2017

MEMORANDUM FOR All Military Members and Employees of the Arkansas National Guard

SUBJECT: The Adjutant General's Policy 2018-06, Nepotism

1. Reference.

- a. Title VII of the Civil Rights of 1964, as amended
- b. 25 Code of Federal Regulation (CFR) 700.535, Subpart O- Employee Responsibility and Conduct
- c. 29 Code of Federal Regulation (CFR) Section 1614

2. This memorandum supersedes The Adjutant General's Policy 2013-10, Nepotism, dated 11 February 2013.

3. The purpose of this memorandum is to provide guidance to all full time employees of the Arkansas National Guard on the law of nepotism and other forms of favoritism on behalf of relatives in the federal workplace.

4. Nepotism is favoritism granted to relatives regardless of merit and capabilities to perform a job. Nepotism in the workplace occurs when employers favor relatives in hiring and promotion decisions, reclassification, supervision, make salary recommendations, assigning work or resources, approving leave requests, giving any benefit, or terminating employment. While family members may work in the same location they may not supervise one another.

NGAR-HRO-EEM

SUBJECT: The Adjutant General's Policy 2018-06, Nepotism

5. For purposes of this policy, the term "relative" or "family member" refers to association with individuals by blood, adoption, marriage and/or co-habitation and are defined as: spouse, fiancé', fiancée', mother, stepmother, mother-in-law, father, stepfather, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in-law, half-brother, ward(s), daughter, step daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.

6. It is the responsibility of every employee to identify any potential or existing personal relationship which falls under the definition provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.

7. The spirit and intent of the Nepotism Policy is to foster an environment free from favoritism and preferential treatment. I am personally committed to the establishment of an environment where our federal employees can perform to their full potential.

8. Point of contact for the Nepotism policy should be directed to the State Equal Employment Manager, (501) 212-4231 or DSN 962-4231.



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