



STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

NGOH-HRO-EO

19 April 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Equal Opportunity Policy # CS-16-009

1. Equal Opportunity (EO) in our employment programs at all levels of the workforce, is a firm commitment of the Adjutant General and the Ohio National Guard. Discrimination is illegal and will not be tolerated. All individuals are entitled to be treated fairly and participate in a work environment free from illegal discriminatory practices. Equitable treatment and equal access to employment opportunities is the standard. We must build and perpetuate a culture that values and leverages the diversity that our employees bring to this organization.

2. EO sets the stage for a successful and open workplace. We will achieve our EO, and Diversity & Inclusion goals when our collective mindset moves us beyond mere tolerance and accommodation of individual differences to truly appreciate and embrace the value these differences bring to mission success.

3. Commanders and supervisors, at all levels, are responsible for establishing work environments, for military members and civilian employees, free of discrimination based on:

- a. Race.
- b. Color.
- c. National origin.
- d. Religion.
- c. Gender (including sexual harassment).
- e. Sexual orientation.
- f. Reprisal for having engaged in a protected EO activity.

4. Civilian employees are also protected against illegal discrimination based on age or disability. All individuals must be informed of their rights and responsibilities annually. All leaders will ensure this policy is effectively communicated to all personnel

NGOH-HRO-EO
SUBJECT: Equal Opportunity Policy # CS-16-009

under their supervision. Individuals who encounter illegal discrimination must know that they may receive assistance by addressing any perceived issues to their respective supervisory chains or by otherwise following our established complaint procedures contained in OHNGR 600-22.

5. All commanders and supervisors will ensure that employees who lodge discrimination complaints are protected from reprisals and retaliation and that each complaint which is brought to their attention is thoroughly addressed and expeditiously resolved. Commanders and supervisors will use the Reprisal Plan and Individual Reprisal Counseling memorandum (enclosed) to counsel all involved individuals.

6. For assistance with complaints of illegal discrimination, notify your supervisor or unit EO professional. For complaint procedures, prevention, or training assistance, call our State Equal Employment Office at (614) 336-7245/DSN 346-7245 or 614-336-7497/DSN 346-7497. Appropriate action will be taken where violations are found and may include administrative, non-judicial, judicial, or civilian personnel action.



MARK E. BARTMAN
Major General
The Adjutant General

- Encls
1. Complaint Reprisal Plan
2. Reprisal Plan Individual Counseling

DISTRIBUTION:
A, D

YOUR UNIT LETTERHEAD

NGOH-XXX-XXX

XX January 20XX

MEMORANDUM FOR RECORD

SUBJECT: Commander's/Supervisor's EO Complaint Reprisal Plan

1. This reprisal plan is for a basis of complaint complaint filed by complainant rank and name. The following individuals were counseled as part of this plan:

Complainant: Rank and Name

Subject of Complaint: Rank and Name (if more than one list all)

Witness: Rank and Name (if more than one list all)

2. Points Covered

a. Rules of retaliation as listed in OHNGR 600-22.

b. Provide a definition of reprisal and potential actions which could be construed as retaliation (see below). Any changes to (complainant rank and name) personnel status must be approved by me.

(1) Assigning (complainant rank and name) any special or unorthodox assignments or tasking.

(2) Any unannounced or short notice changes to duty rosters which involve (complainant rank and name.)

(3) Any threats or derogatory statements made to either the (complainant rank and name) or to others about the incident or participants of the incident fall under the reprisal or retaliation as listed in AR 600-20.

c. Consequences of reprisal.

d. Possible sanctions against violators.

e. Roles and responsibilities of leadership in the prevention of acts of reprisal.

f. Command or supervision's support of a thorough unbiased investigation and good faith in attempting to resolve the complaint.

g. The need to treat all parties in a professional manner both during and following the investigation.

NGOH-XXX-XXX

SUBJECT: Commander's / Supervisor's EO Complaint Reprisal Plan

h. Actions to take if one feels they are being retaliated against report to me at (614) 336-XXXX or the BDE EOA at (614) 336-XXXX.

3. POC for this memorandum is the undersigned, (614) 336-XXXX.

STANDARD BLOCK SIGNATURE
OF COMMANDER /
SUPERVISOR

CF:
BDE EOA

YOUR UNIT LETTERHEAD

NGOH-XXX-XXX

XX January 20XX

MEMORANDUM FOR RECORD

SUBJECT: Individual Counseling for Commander's/Supervisor's Reprisal Plan & Whistleblower Protection

1. IAW OHNGR 600-22, the commander will establish and implement a plan to protect the complainant, any named witness, and the subject from acts of reprisal on or off duty.
2. Airmen, Soldiers, and employees of the Ohio National Guard (ONG) have a right to present their complaint to their leaders or supervisors without fear or intimidation and harassment of reprisal. All parties will be treated with dignity and respect and in a professional manner both during and following the inquiry or investigation.
3. Reprisal is —"Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action against an ONG member for making or preparing a protected disclosure." There are three forms of reprisal: threatening, intimidation, and harassment. Any complainant alleging reprisal for having engaged in a protected Equal Opportunity activity, i.e., for having filed a complaint of discrimination, for preparing to file a complaint of discrimination, for testifying as a witness in a discrimination complaint investigation, or any other protected communication related to equal opportunity matters. Individuals may file such a complaint through Inspector General channels if he/she wishes full protection under the Whistleblowers Protection Act (10 U.S.C. 1034, to the extent applicable). Such complaints must be filed with the ONG Inspector General in accordance with DoD Directive 7050.6, —Military Whistleblower Protection, within 60 days of the complainant's awareness of the alleged reprisal action. If the complainant desires to file within EO channels or directly to the commander, the official receiving the complaint will have the complainant sign and date NGB Form 335, Reprisal Complaint Advisement and Election Form shown in OHNGR 600-22 Figure 1-1. The original will be filed in the case file and a copy will be immediately forwarded to the State IG for information and reporting requirements through IG channels. Possible sanctions for violations of the Whistleblower Protection Act are civilian federal criminal prosecution, non-judicial punishment, court martial, and/or administrative actions.
4. The Military Whistleblower Protection: Section 1034, Title 10, United States Code (U.S.C), requires an expeditious investigation of all allegations of reprisal for whistleblowing submitted by military members. (DOD Directive 7050.6, Military Whistleblower Protection, implements Section 1034, Title 10m U.S.C).
5. As commander, I will ensure the command support of a thorough, expeditious, and unbiased investigation in good faith in attempting to resolve the complaint; and the need to treat all parties in a professional manner, both during and following the conduct of the investigation. The investigating officer will treat all individuals they interview both professionally and courteously.

NGOH-XXX-XXX

SUBJECT: Individual Counseling for Commander's / Supervisor's Reprisal Plan & Whistleblower Protection

6. Fear of reprisal sometimes makes it very difficult for individuals to come forward. Reprising against individuals for making protected communications undermines Military Values, the good order and discipline and the Command Authority. Any changes to your personnel status must be approved by me or a commander higher in the chain of command. Potential actions that could be construed as reprisal or retaliation are as follows:

a. Assigning (complainant rank and name) any special or unorthodox assignments or tasking.

b. Any unannounced or short notice changes to duty rosters which involve (complainant rank and name.)

c. Assigning or taken away of legitimate work duties that have the unintentional or intentional effect of either overwhelming or underutilizing (complainant rank or name.)

d. Any threats or derogatory statements made either to (complainant rank and name) or to others about the incident or participants of the incident fall under the reprisal or retaliation as listed in OHNGR 600-22.

7. I have counseled all individuals associated on the above plan.

Commander / Supervisor Rank, Name and Signature

Date

I have reviewed and understand the information contained in the above reprisal plan.

Individual Concerned Rank, Name and Signature

Date

CF:
BDE EOA