



**DEPARTMENTS OF THE ARMY AND THE AIR FORCE**

HEADQUARTERS, KANSAS NATIONAL GUARD  
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TOPEKA, KS 66611-1263

NGKS/TAG

12 August 2020

MEMORANDUM FOR DISTRIBUTION

SUBJECT: TAG Policy Letter No. 9, Equal Employment Opportunity (EEO) Program

- References:
- (a) 10 U.S. Code § 10508
  - (b) 42 U.S. Code § 2000e-16
  - (c) Title VII of the Civil Rights Act of 1964, as amended
  - (d) The Pregnancy Discrimination Act of 1978 (PDA)
  - (e) The Equal Pay Act of 1963 (EPA)
  - (f) The Age Discrimination in Employment Act of 1967 (ADEA)
  - (g) Title I of the Americans with Disabilities Act of 1990 (ADA)
  - (h) The Genetic Information Nondiscrimination Act of 2008 (GINA)
  - (i) Title 29, Code of Federal Regulations, Part 1614
  - (j) DoDD 1020.02E, June 01, 2018, *Diversity Management and Equal Opportunity in the DoD*
  - (k) CNGBN 9600, 10 March 2017, *State National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting Guidance*
  - (l) KSNGI 9600, 22 September 2017, *Kansas National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting Guidance*
  - (m) Management Directive-110, *Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614*

1. **Applicability:** This policy is applicable to all Kansas National Guard (KSNG) employees (Title 5 and Title 32 Technician) and applicants for employment who are managed under the designation of the Kansas Adjutant General.
2. The core mission of the KSNG is to provide a ready force trained and equipped to respond to the security of our nation and preserving the life and property of the State of Kansas. To meet these responsibilities, we must recruit, develop and retain a superior military and civilian workforce. Our diverse full-time workforce expects a culture built on trust and transparency. Unlawful discrimination, sexual harassment and other forms of harassment will not be tolerated or condoned as these actions and behaviors damage an environment of trust.
3. The KSNG will afford equal employment opportunities for all employees and applicants, regardless of their race, color, religion, sex (including sexual harassment, gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. These protections apply to all personnel programs, management practices and decisions including, but not limited to, recruitment, hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation.

4. Unlawful harassment includes creating an intimidating, hostile working environment for another person on any of the above stated bases. Unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, particularly when submission to such conduct is made directly or indirectly a term or condition of employment, or when an employment decision is based on the person's submission to or rejection of such conduct. Harassment can occur through both verbal and written communications, to include all forms of social media, which is actionable whether an employee is on or off duty.

5. Resolving concerns of harassment and discrimination at the lowest level is critical. Employees are encouraged to report or address incidents of harassment or discrimination without fear of retaliation. All leaders and supervisors are responsible for responding and resolving concerns of harassment, discrimination and retaliation in accordance with Equal Employment Opportunity Commission (EEOC) and the KSNG State Equal Opportunity Office (SEOO) guidance without delay. Leaders, supervisors, Human Resource personnel and employees will consult with trained EEO staff to respond to issues of unlawful discrimination and harassment to ensure regulatory compliance. Any founded incidents of discrimination, harassment and/or retaliation shall be promptly addressed with assistance of the KSNG Labor Relations Specialist.

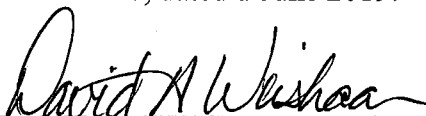
6. Employees who believe they have been subjected to discrimination, harassment or retaliation may initiate an informal complaint with the SEOO at (785) 646-0025, (785) 646-0026 or (785) 646-0027 within 45 days of the incident or knowledge of the incident. The use of mediation, facilitation or other approved Alternative Dispute Resolution techniques are encouraged for an early resolution.

7. All employees and military members are required to participate in the EEO complaint administrative process. This includes producing documentary and testimonial evidence as deemed necessary by appointed KSNG representative(s), outside appointed representative(s) or the EEOC within the prescribed laws and regulations. Any employee or member who refuses to participate in the EEO process may be subject to appropriate administrative actions and other consequences outlined by regulation. Any employee or member who intentionally obstructs an investigation or provides false or malicious information may also be subject to appropriate administrative actions and other consequences outlined by regulation.

8. This policy shall be prominently posted in all personnel offices, shops, EO/EEO boards, EEO offices, and the Agency's internal and external websites.

9. Point of contact for this policy is the State Equal Employment Manager (EEO Director) at (785) 646-0025.

10. This policy letter supersedes TAG Policy Letter #10, dated 1 June 2019.

  
DAVID A. WEISHAAR, Major General, KSNG  
The Adjutant General

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