



South Dakota

DEPARTMENT OF THE MILITARY
OFFICE OF THE ADJUTANT GENERAL

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NGSD-TAG

20 October 2022

MEMORANDUM FOR All Personnel of the South Dakota National Guard (SDNG)

SUBJECT: South Dakota National Guard Equal Employment Opportunity Command Policy for all Federal Technician Employee's, (Title 32 or 5), former Federal Employee's and Applicants for Federal Technician Employment in the South Dakota National Guard.

1. References: See Enclosure 1. Definitions: See current SDNG Joint Civilian/Technician Discrimination Complaint Instruction Guide.
2. Purpose: To provide equal opportunity and prohibit discrimination in all employment actions initiated and processed by the South Dakota National Guard. To ensure all employee's support, foster a positive workplace climate, and champion equal opportunity compliance IAW all applicable laws, regulations, and procedures as identified in paragraph 1 above.
3. The mission of the South Dakota National Guard is to provide ready forces in response to state and federal missions. Fundamental to our mission is our obligation to honor our workforce and ensure all employees are treated with respect. I fully understand and support the value of diversity in improving organizational efficiency and effectiveness. I continue to promote a climate of innovation, opportunity and success, so the South Dakota National Guard capitalizes on the cultural, professional and personal diversity of our workforce and great state. I am equally committed to the full and meaningful implementation of Equal Employment Opportunity (EEO) policies for all SDNG employees, former employees and applicants. My aim is to ensure this organization embodies a model organization committed to preventing, stopping and remedying all forms of discrimination or harassment that may occur in our workplace and distracting us from fully focusing on our mission.
4. Policy.
 - a. I fully expect our work environment across the SDNG organization to be free of discrimination and any form of harassment. To be a workplace where all employees work without fear of reprisal, where qualified employees and applicants can be successful at their work, in their career, and recognized for the individual performance and contributions to the SDNG. I will not tolerate discrimination or harassment in employment practices **for National Guard Federal Technician Employees (Title 5 or 32), former technicians/employees, or applicants for federal technician employment** on the basis of race, color, religion, sex (including pregnancy, gender identity, sexual harassment or orientation), national origin, age (40 years of age or older), disability (physical or mental) or genetic information (GINA). It is also SDNG policy to prohibit discrimination based on parental/marital status, political affiliation, veterans' status, any other non-merit based factor or retaliation for previous complaint activity or participation in the complaint process. These protections extend to management practices and decisions, including recruitment and hiring practices, incentives, appraisal programs, promotions, training and career development programs. Managers, leaders, supervisors or employees who engage in or permit unlawful discrimination *and/or* harassment without taking immediate positive corrective action, or fail to protect an employee/complainant during working hours, will be subject to appropriate disciplinary action.

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b. People are our most important and vital resource to ensure mission accomplishment. All managers, leaders, supervisors and employees are responsible for the prevention of discrimination and harassment and allowing personnel to work and mature through positive affirmative and equal employment actions and practices. All employees, including leaders, supervisors and management personnel, are expected to respond promptly and appropriately to allegations of discrimination and harassment, upholding governing laws and this policy. To that end, all employees, including leaders, managers and supervisors, will complete periodic required training, such as No FEAR Act training, to ensure a clear understanding of everyone's role and responsibility in addressing and eliminating all forms of discrimination and harassment.

c. Employee's, former employee's or applicants who believe they experienced unlawful discrimination or harassment should bring their concerns to the attention of their supervisor, a member of their management team, one of the Equal Opportunity Counselors (EOC) listed in Enclosure 2 or to the EDI Office within **45 days** of the incident or as soon as they are aware of being discriminated or harassed. **Additionally, retaliation in any form, against an employee who reports unlawful discrimination or harassment is strictly prohibited.** All employees and applicants must be afforded time and the opportunity to exercise their right to elect the EEO process, oppose discriminatory and harassing practices, engage in whistleblowing, or exercise any other appeal right provided by law without fear of retaliation. All complaints will be processed IAW the current SDNG Joint Civilian/Technician Discrimination Complaint Instruction Guide and the references in enclosure 1.


5. I fully expect all employees, leaders, managers and supervisors to strive to meet our overarching goal to be a model organization, committed to ensuring equal opportunity, innovation and success in our mission by abiding by this policy and creating a positive workplace for all. Equal opportunity and our diversity are two of our greatest strengths we can leverage to ensure we have a positive work climate and are ready and focused for the next mission.

6. Mrs. Carstin Jerzak, the SDNG Equal Employment Manager, is my POC for this policy and manages the complaint processes. She can be reached at (605)-737-6635 or via email at carstin.k.jerzak.civ@mail.mil.

7. This policy statement will be posted to all official facility bulletin boards, websites and filed in accordance with command policy guidance.

Enclosures:

1. References
2. EO Contacts


JEFFREY P. MARLETTE
MG, SDNG
The Adjutant General

Enclosure 1

1. References:

- a. Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C § 2000E-16).
- b. The Civil Rights Act of 1991 (P.L. 101-336) applicable to National Guard personnel.
- c. The Age Discrimination in Employment Act (ADEA) of 1967, as amended (29 U.S.C. § 633A).
- d. The Rehabilitation Act of 1973, as amended (29 U.S.C. 791 and 794a).
- e. The Equal Pay Act (EPA) of 1963 (29 U.S.C. 206 (d)).
- f. The Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 *et seq.*, P.L. 101-336).
- g. The ADA Amendments Act (ADAAA) of 2008 (42 U.S.C. § 12101 *et seq.*, P.L. 110-325).
- h. The Genetic Information Nondiscrimination Act (GINA) of 2008 (P.L. 110-233).
- i. 29 C.F.R. §1614.
- j. Equal Employment Opportunity Commission Management Directive 110 (EEOC MD-110), and 715
- k. Department of Defense (DOD) Directive 1440.1, The DOD Civilian Equal Employment Opportunity (EEO) Program, as changed; and related case law and decisions and interpretation of EEOC, November 21, 2003.
- l. Public Law 114-328, 23 December 2016, "National Defense Authorization Act for Fiscal Year 2017"
- m. SDNG Joint Civilian/Technician Discrimination Complaint Guard.
- n. Fiscal Year 2021 NDAA/Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020.
- o. 5 U.S.C. §2302(b)(1-14) Prohibited personnel Practices.
- p. Chief National Guard Bureau Notice 9600, State National Guard Civilian Equal Employment Opportunity Complaint Processing and Reporting guidance, 10 May 2017.
- q. Chief National Guard Bureau Instruction 9600.01, Alternative Dispute Resolution Policy and Guidance, DTD: 9 June 2013.

Enclosure 2

South Dakota National Guard Equal Employment Contacts and Counselors

EEO Counselors are available to all employees, applicants for employment and supervisors to discuss/advise and counsel on issues related to equal opportunity, discrimination, harassment (includes sexual, gender, non-sexual or hostile work environment related) and retaliation. The following personnel have attended the initial EEO counselors training and receive eight hours of refresher training on an annual basis. They are available to assist employee's and supervisors/managers with the types of issues mentioned above.

<u>EO Counselor (EOC)</u>	<u>Phone</u>	<u>Email</u>
	Rapid City (605) 737-	
Dwight Kelly	extension 6802	dwight.j.kelly.mil@army.mil
	Sioux Falls (605) 357-	
Chad Vickers	605-357-2998	chad.a.vickers.mil@army.mil
	Sioux Falls (605) 988-	
Matt Sly	extension 5474	matthew.sly.1@us.af.mil
Nicole Franklin	extension 5407	nichole.r.franklin.1@us.af.mil
	Mitchell (605) 995-	
Rick Wagner	extension 2652	richard.l.wagner8.mil@army.mil

SDNG Equal Employment Manager (EEM)

State Wide Support (605) 737-

Carstin Jerzak	extension 6635	carstin.k.jerzak.mil@army.mil
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The SDNG Equal Employment Manager is available for all employees, applicants, supervisors and managers to discuss and advise on issues related to equal employment opportunity, discrimination, harassment (including sexual, gender, non-sexual or hostile work environment related) and retaliation. The SDNG EEM attends the EEO counselors training, conducts the eight-hour annual refresher training and attends annual refresher training conducted by the Equal Employment Opportunity Commission (EEOC).

Contact information is to be posted on all facility and unit/wing bulletin boards and its recommended posting the information in locker rooms/latrines/restrooms and unit websites.