

March 16, 2001

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Installation–Civilian Personnel Operations Center (CPOC)
Coordination on Grievances, and Equal Employment Opportunity
Complaints (EEO) Involving CPOC Actions

References:

- a. OASA (M&RA) memorandum, dated December 9, 1996, subject: Processing Grievances Concerning CPOC Actions.
- b. OASA (M&RA) memorandum, dated July 7, 1997, subject: Processing EEO Complaints Concerning CPOC Actions.

This memorandum reemphasizes the requirements for coordination between installations and CPOCs when processing grievances and EEO complaints involving CPOC actions. All formal grievances challenging CPOC actions must be coordinated with the appropriate CPOC upon receipt. Coordination is also required before settling or resolving EEO complaints or grievances if the terms of the agreement or the remedy require action by a CPOC or have the effect of changing or overruling a CPOC action. These requirements are specifically described in paragraphs 1 and 4 of reference 1.a and paragraph 3 of reference 1.b.

Army personnelists, EEO officers and labor counselors are strongly encouraged to review the above references and ensure compliance in processing and settling grievances and complaints. The references are available at http://cpol.army.mil/library/armyregs/memos2k/mer_cpoc_griev.html and <http://www.cpol.army.mil/library/armyregs/memos/eeocpoc9.html>, respectively.

A summary of the guidance follows:

- a. Grievances: When a grievance is filed stemming from a CPOC action, a representative of the Civilian Personnel Advisory Center (CPAC) where the grievance was filed should immediately inform the CPOC point of contact of the specifics of the filing. The CPOC should gather and/or develop pertinent background material (for which it is responsible) for the installation's processing of the grievance in a timely manner. The CPOC may also communicate to the

installation its views on the merits of the grievance as it relates to the CPOC's processing of the personnel action(s). **Close, timely coordination between the installation and the CPOC is essential for proper processing and successful resolution of the grievance.**

b. EEO Complaints: When a CPOC is acting for a serviced commander/director and an employee or applicant alleges discrimination that involves action taken by the CPOC, the EEO Office servicing the commander/director is responsible for counseling and complaint processing. EEO counselors, EEO officers, and labor counselors must be given direct access to CPOC records and CPOC personnel to carry out their respective responsibilities in the EEO complaint process. EEO counselors, EEO officers, and labor counselors are encouraged to coordinate with their servicing CPAC before requesting records directly from the CPOC. CPOC directors will designate an individual within the CPOC to serve as the EEO liaison/point of contact.

c. Settlements and Remedies: If the activity is considering entering into a settlement agreement, the terms of which require action by the CPOC (e.g., processing an action by a certain date, purging the Official Personnel Folder, etc.) or have the effect of changing or overruling a CPOC action, the activity must coordinate the proposed agreement with the CPOC. The same is true when the activity is considering a remedy in a grievance. Normally, this coordination will be accomplished by the CPAC. Where time is of the essence (e.g., proposed settlement reached during a hearing before an EEOC Administrative Judge), the labor counselor or EEO officer may contact the CPOC directly. The CPOC should immediately raise any concerns regarding any proposed personnel action or the legality/feasibility of the proposed settlement/remedy.

d. Disputes Between CPOC and the Installation: Where there is a dispute concerning a proposed remedy/settlement (e.g., legality, unexpected conflict with other benefits, insufficient time for CPOC to process, etc.), the CPOC will immediately detail its concerns to the CPAC representative/labor counselor/EEO officer or the commander concerned. Under these circumstances, the concerned commander (after consulting with the labor counselor, CPAC director and, for EEO complaints, the EEO officer) will make a final determination concerning the remedy/settlement. [The commander may delegate the authority to settle an EEO complaint over the objections of the CPOC to his or her immediate subordinate (deputy commander or chief of staff). For negotiated grievances, the authority to implement a settlement or remedy over the objections of the CPOC can be delegated by the installation commander to individuals above the directorate level at the installation.] The CPOC will then process the matter as decided by the commander/designee.

e. Develop a Coordination Process: Installations should work with their CPOCs in developing a process of coordination that meets the requirements of the above references and this memorandum.

Though not specifically addressed in the above references, as necessary or appropriate, CPOCs should provide feedback to the installation staff office, indicating execution of the personnel action directed by or for the installation commander. For example, for completion of the EEO complaint case file, CPOCs should provide the necessary documentation showing accomplishment of the required personnel action to the installation/activity identified official responsible for monitoring compliance with the terms of EEO settlement agreement. (See reference 1b, para 3e.) Additionally, each CPOC will identify and publish its point of contact for coordinating grievances, appeals or EEO complaints and settlements.

Finally, though also not specifically addressed in the above references, installations should follow the same coordination and consultation process before resolving employment disputes that are not grievances or EEO complaints. For example, if an activity is considering settling an MSPB appeal or an Office of the Special Counsel complaint and the terms of the proposed settlement require action by the CPOC or have the effect of changing or overruling a CPOC action, the activity should coordinate with the CPOC before entering into the agreement.

This policy has been developed in coordination with the Labor and Employment Law Division, Office of The Judge Advocate General, the Department of Army Equal Employment Opportunity Agency, and the Department of Army Equal Employment Opportunity Compliance and Complaints Review Agency. This information should be provided to your Civilian Personnel Advisory Centers, Equal Employment Opportunity Offices, and Labor Counselors.

Questions concerning this guidance or the referenced policies should be raised through appropriate chains of command.

/s/ David L. Snyder

David L. Snyder
Deputy Assistant Secretary
(Civilian Personnel Policy)

NOTE: Pacific, Korea and Europe may modify this policy only as necessary given their distinct CPOC/MACOM relationship. A copy of the changes must be sent to HQDA (SAMR-CPP).

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