

SECRETARY OF THE ARMY
WASHINGTON



30 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-25 (Civilian Employee Redress for Sexual Orientation and Gender Identity Discrimination)

1. References:

- a. Department of Defense (DoD) Directive 1020.02E (Diversity Management and Equal Opportunity in the DoD), June 8, 2015.
- b. Army Regulation 690-12 (Equal Employment Opportunity and Affirmative Action), 4 March 1988.
- c. Army Regulation 690-600 (Equal Employment Opportunity Discrimination Complaints), 9 February 2004.

2. It is Army policy to provide equal employment opportunity to all employees and applicants for employment. This directive clarifies that Army civilian employees, former employees, applicants, and certain contract employees who experience harassment or unlawful discrimination on the basis of sexual orientation or gender identity may seek redress through the Army Equal Employment Opportunity (EEO) Program. The Equal Employment Opportunity Commission has recognized that the prohibition on sex discrimination in Title VII of the Civil Rights Act of 1964 provides protections for persons who have been discriminated against based on sexual orientation and gender identity. Claims of harassment and discrimination on the basis of sexual orientation and gender identity will be reviewed and investigated to determine if unlawful employment discrimination has occurred.

3. In addition to the protections afforded through the Army EEO Program, other administrative avenues of redress are available, including the Office of Special Counsel, the Merit Systems Protection Board, and, in some cases, negotiated grievance procedures pursuant to a collective bargaining agreement. Employees should review the rules and processes associated with the different avenues of redress before deciding whether and how to proceed.

4. All Army employees—including lesbian, gay, bisexual, and transgender employees—should be able to perform their jobs in an environment free from any

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unlawful discrimination. Army commanders and supervisors will continue to promote a work environment that is free from sexual orientation and gender identity discrimination. Supervisors will notify employees about avenues of redress and encourage them to report instances of discrimination to their supervisors and the servicing EEO office. When made aware of problems, commanders and supervisors should consult with their human resources office, servicing Civilian Personnel Advisory Center, or agency legal counsel to ensure that appropriate steps are taken. All reports of sexual orientation or gender identity discrimination should be taken seriously and addressed promptly and properly. In some circumstances, this may involve taking corrective action or disciplining those who discriminate.

5. The provisions of this directive are effective immediately and apply as outlined in references 1b and 1c. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and will ensure it is incorporated into references 1b and 1c no later than 30 June 2017. This directive is rescinded upon publication of the revised regulations.



Eric K. Fanning

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