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), 2 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 unlawful discrimination. Army commanders and supervisors will 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 steps 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

DISTRIBUTION:
Principal Officials of Headquarters, Department of the Army
Commander
- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Pacific
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Africa/Southern European Task Force
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigative Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

(CONT)

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

DISTRIBUTION: (CONT)
Superintendent, United States Military Academy
Director, U.S. Army Acquisition Support Center
Executive Director, Arlington National Cemetery
Commander, U.S. Army Accessions Support Brigade
Commandant, U.S. Army War College
Commander, Second Army

CF:
Director, Army National Guard
Director of Business Transformation
Commander, Eighth Army
Commander, U.S. Army Cyber Command