

03 OCT 2020



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96271-5236

EACG

MEMORANDUM FOR All Eighth Army Soldiers and Civilians

SUBJECT: Eighth Army Command Policy Letter #10, Prevention and Elimination of Unlawful Discrimination and Harassment in the Workplace

1. References:

- a. DOD Instruction 1020.04, Harassment Prevention and Responses for DOD Civilian Employees, 30 June 2020.
- b. Army Regulation 690-12, Equal Employment Opportunity and Diversity, Appendix D, 12 December 2019.
- c. Army Regulation 600-20, Army Command Policy, 06 November 2014.
- d. USFK Regulation, 690-1, Regulations and Procedures Korean Nationals, Chapter 13, Grievances and Appeals, 01 July 2017.

2. Purpose. To establish policy and procedures for the prevention and elimination of unlawful Discrimination and harassment in the workplace.

3. Background.

a. Unlawful harassment includes, but is not limited to, unwelcome conduct, intimidation, ridicule, insult, offensive comments or jokes, or physical conduct based on race, color, religion, sex (whether or not of a sexual nature), national origin, age (over 40), disability, genetic information or reprisal when:

(1) An employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for a tangible employment action affecting the employee, or

(2) The conduct is sufficiently severe or pervasive as to alter the terms, conditions or privileges of the employee's employment or otherwise create a hostile or abusive work environment. This type of harassment does not involve discrete personnel actions such as denial of promotion.

b. Under Federal anti-discrimination laws, the agency is automatically liable for unlawful harassment by a supervisor that results in a tangible (negative) employment action, such as termination or a failure to promote.

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c. The agency will be liable for harassment by nonsupervisory employees or nonemployees it has control over (for example, independent contractors or customers on the premises), if it knew or should have known about the harassment and failed to take prompt and appropriate corrective action.

4. Discussion. Eighth Army is committed to preventing and eliminating all types of workplace harassment, based upon race, color, sex, sexual orientation, religion, national origin, age, disability, reprisal, marital status, political affiliation, parental status, or genetic information. Workplace harassment, including sexual harassment, is unacceptable conduct and is not tolerated.

a. If you are subjected to acts of harassment, you have an obligation to make it clear that such behavior is unwelcome, and immediately report the incident through the appropriate supervisory channel.

b. It is the responsibility of every supervisor and manager, military and civilian, to examine the reported incident and ensure swift, fair, and effective corrective action is taken when necessary. In cases of alleged severe and pervasive harassing conduct, the management official must consult with the agency's attorney/labor counselor and EEO or LMER specialist within 1 business day regarding recommendations on appropriate corrective action. Reprisal against any Soldier or Civilian who reports harassment is not tolerated.

c. Anonymous allegations of harassment, in which the identity of the reporter is unknown but there is sufficient information to warrant further inquiry will be referred to an appropriate response process. In addition, allegations of harassment in which the identity of the reporter is known, but the reporter desires anonymity, may be treated as anonymous allegations for purposes of keeping the identity of the person making the report confidential.

d. Your commitment is required in order to establish and maintain a work environment free of harassment for all personnel, whether Civilian or military. The commitment of every Soldier and Civilian to prevent all forms of harassment will ensure that the command maintains the highest level of professional behavior and courtesy that marks Eighth Army's commitment to excellence. The command will take corrective action on any violation of this policy.

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5. Proponent. The proponent for this policy is Eighth Army Equal Employment Opportunity Office. Contact the proponent at or DSN (315) 755-0320 and (315)755-0321 or commercial 050-3355-0320.



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Commanding