



Ohio National Guard



Equal Employment Opportunity (EEO) Briefing

MODULE 5

NATIONAL GUARD TECHNICIAN PERSONNEL MANAGEMENT COURSE



- **EQUAL EMPLOYMENT OPPORTUNITY**
- **DIVERSITY**
- **SEXUAL HARASSMENT**
- **SEXUAL ASSAULT**



The Ohio National Guard Strategy Map

Vision:

"To be a relevant operational reserve powered by a diverse team of engaged Soldiers, Airmen and Civilians, and to be respected for its leadership and ability to produce and employ ready units that epitomize the values of integrity, excellence, reliability and trust."

Mission: "When called, we respond with ready units to execute federal, state and community missions."

1.0 External Stakeholders Core Competencies – what we must deliver

1.1 Deliver federal mission capability

1.2 Provide DSCA capability

1.3 Be a trusted organization

2.0 Internal Processes – what we must excel at

Operational Readiness

2.1 Manage readiness for the federal mission (Title 10)

2.2 Manage readiness for the Defense Support to Civil Authorities Mission (Title 32/SAD)

Enhanced Capabilities

2.3 Improve measurements, analysis and knowledge management

2.4 Develop and strengthen key relationships

Maintain Relevancy

2.5 Deliver flexible and relevant future capabilities

2.6 Develop and maintain a strategic communications program

2.7 Improve organizational results

3.0 People, Learning, & Growth – how we develop our human, organizational, and information resources

3.1 Build an engaged diverse workforce to achieve organizational success

3.2 Ensure well being

3.3 Ensure we have qualified personnel and develop skills and competencies for the future

4.0 Resources – the physical resources we need to obtain and manage

4.1 Equip the force to meet Title 10 & Title 32 requirements

4.2 Optimize available financial resources

4.3 Seek new external funding sources

4.4 Optimize infrastructure to meet future needs

Foundations

Purpose: "To serve the citizens of Ohio and America by fulfilling our state and federal military role of providing public safety when ordered by the Governor or support of the National Military Strategy when ordered by the President."

Core Values: Integrity | Excellence | Reliability | Diversity | Global Team Work | Trust



EQUAL EMPLOYMENT OPPORTUNITY

- The Constitution of the United States
- Civil Rights Act of 1964, 1991
- DOD Directive 1350.2
- Army Regulation 600-20 (Active Duty)
- NGR (AR) 600-22
- TPR 752
- State Affirmative Employment Plan
- Ohio NGR 600-22
- Executive Orders 0948, 13171
- Civil Service Reform Act of 1978
- Title 32 and Title 5 USC



Military versus Civil Jurisdiction

Title VI vs. VII

Pursuant to Rule 206, United States Court of Appeals for the Sixth Circuit, July 21, 2010

Whether in Technician, Guardsman, AGR, or ADOS, you serve the National Guard in accomplishing it's mission. The National Guard's function is irreducibly military in nature, and therefore subject to military law, not civil law.

[Bowers v. Wynne](#) *(SECAF) (10a0210 p.06)*

[Precedes previous and similar ruling from Fisher v. Peters](#) *(2001)*

Currently, a new state policy on streamlining the discrimination complaint process is being drafted and reviewed.



EEO – THE CONCEPT

Seven forms of *Illegal* discrimination

Race

Religion

Color

National Origin

Gender

Age – *Military Excluded*

Disability – *Military Excluded*

DADT issues through IG (not an EO protected class)



EEO POLICY



All individuals must be treated fairly and participate in a work environment free from discriminatory practices. We must build an inclusive culture that values and utilizes the diversity our employees bring to the organization. Discrimination is illegal and will not be tolerated in the Ohio National Guard.

MG Deborah Ashenhurst
The Adjutant General



EEO
Goal For The
Ohio National Guard



ALL forms of
Discrimination, Sexual Harassment, Assault



EEO Complaints

Ohio National Guard members who believe that they have been illegally discriminated against should seek assistance:

- **Full-Time Employees** (Technicians, AGRs, ADOS) –
Seek assistance from the JFHQ State EEO Staff (SEEM).
- **Military Status** (DSGs) –
Seek assistance from their unit EO Staff, EOLs/EOAs, or the JFHQ State EEO Staff
- ***Intent is to resolve all complaints at the lowest level.***



Ohio National Guard



EQUAL OPPORTUNITY PROGRAM

Discrimination is illegal and detrimental to unit readiness.

The Equal Opportunity Office
manages the civilian and military discrimination complaint system as it relates to
RACE, RELIGION, COLOR, NATIONAL ORIGIN, GENDER.

All individuals are entitled to be treated fairly and work in an environment free from discriminatory practices.

If you have questions, or believe you have been discriminated against, then contact your EO Representative.

**Military Members – please contact your Unit EO Office (Air), EOL or EOA (Army), or JFHQ EO Staff.
Full-Time Members – please contact your JFHQ EEO Staff at Beightler Armory, Columbus, Ohio**



Captain Warren Van Overbeke
State Equal Employment Manager
(614) 336-4224/DSN: 346-4224



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Equal Opportunity Advisor
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EEO Program Responsibilities

The State Equal Employment Manager (SEEM)

manages and directs the program through EEO specialists who...

- are trained to serve as a bridge between management and employees for EEO matters
- primary objective is to attempt an informal resolution of all complaints brought before them
- must be perceived by both parties as neutral
- provide mediation process for both parties to resolve issues.



EEO Program Responsibilities

Supervisors and Commanders

- are responsible for the EEO climate in their organizations.
- must understand the goals of the EEO Program.
- must create a culture of excellence and one that is free of discrimination and harassment.
- must develop and practice a direct approach to discrimination.
- must allow individuals the time and opportunity to schedule and meet with the EEO staff to resolve issues.



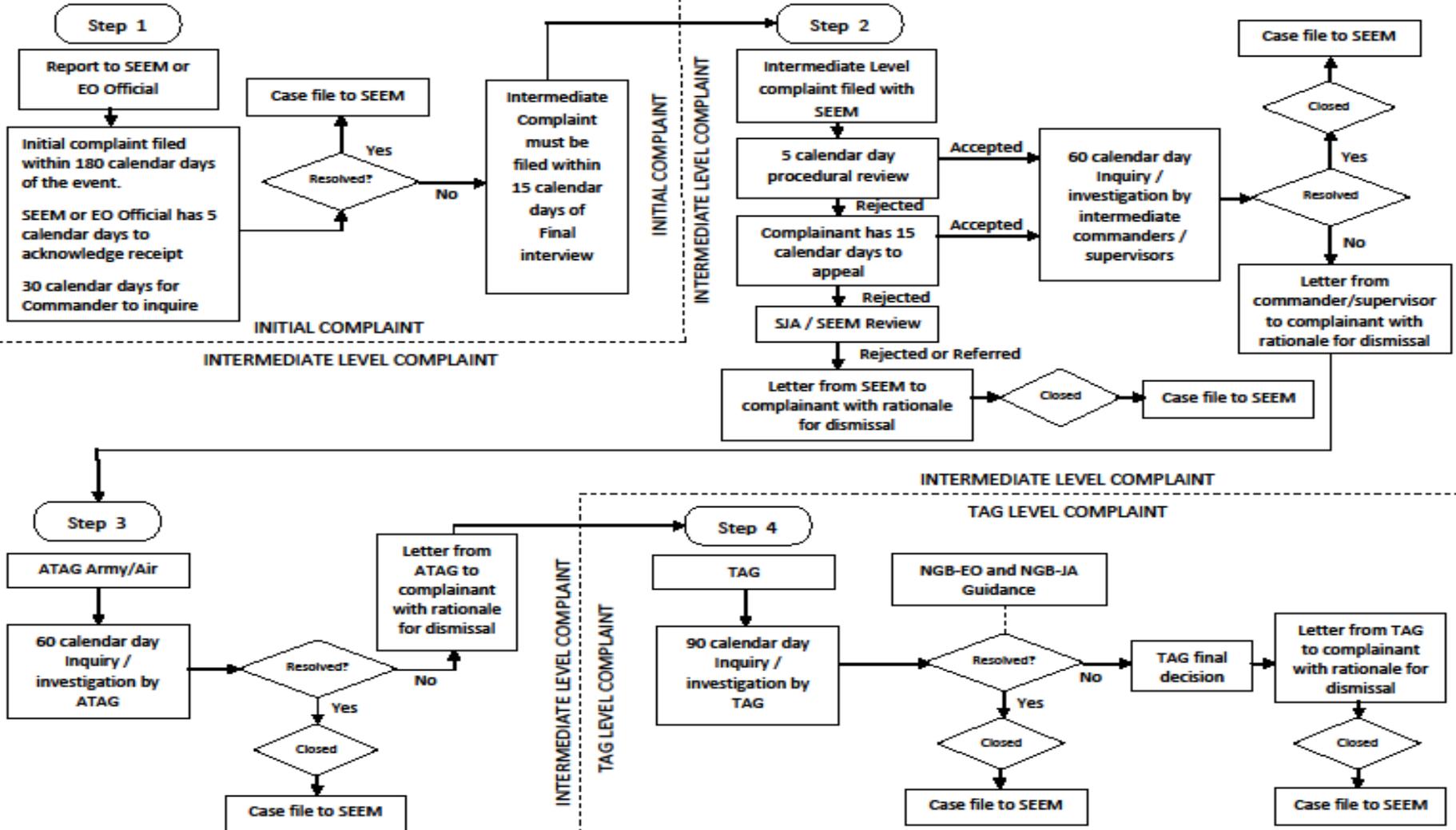
EEO Complaint Process

- Members have 180 days from the alleged discrimination to file a complaint with EEO
- Complaints are documented and filed on OHNGR Form 333
- Worked at the lowest level of command first for resolution
- Informal complaint elements:
 - Fact-finding and resolution of the issue so that a complainant of discrimination is made whole



EEO Complaint Process

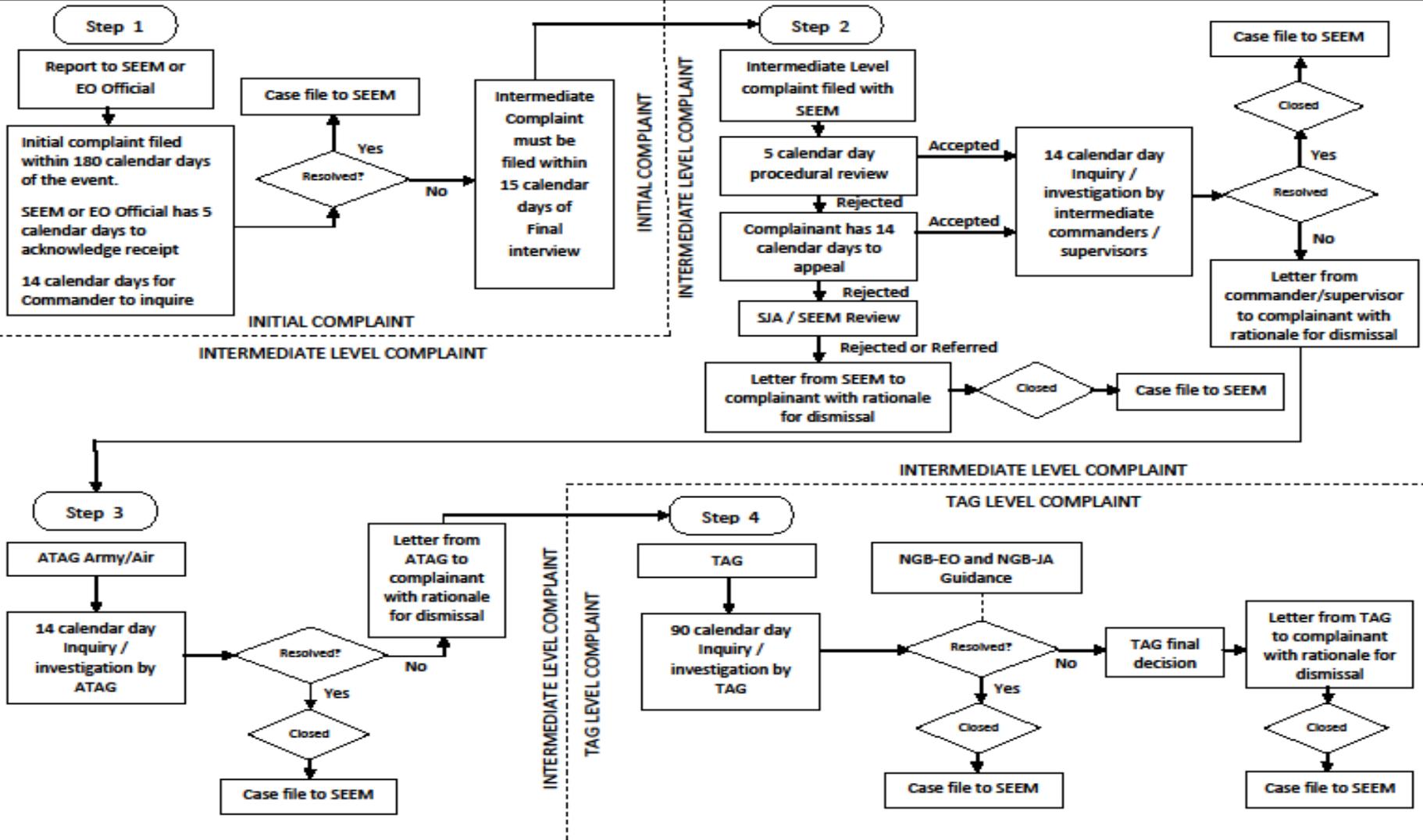
Title 32 Technician, IADT and AT Grievance Process





EEO Complaint Process

Title 32 FTNGD and ADOS Grievance Process





Diversity





Diverse members serving in diverse units for the Ohio National Guard



 ***When called,
we respond
with ready units.***





What is Diversity?

- DOD: *The different characteristics and attributes of individuals.*
- Recognition that the workforce is changing
- Recognition of differences in our self and each other
- Valuing, allowing, and respecting our differences
(one does not have to like or agree with the differences)
- Each culture and generation has distinct attitudes, behaviors, expectations, habits and motivational buttons.
- To meet the mission, we must adapt to the opportunities that a diverse workforce presents and can achieve.



Diversity

- Hispanics are the nation's largest minority group

White= 65.1% / Hispanic=16.3% / Black=12.6% / Asian=4.8% / Indian=1% / Pacific Islander=0.2%

- The aging workforce is growing
- Caucasians are having fewer children
- Increased flow of foreign born workers
- High divorce rates in America (America#1 & Sri Lanka#34)

1st Marriage=41% / 2nd Marriage=60% / 3rd Marriage=73%

- 51% of population is female
- Four generations in the workforce today

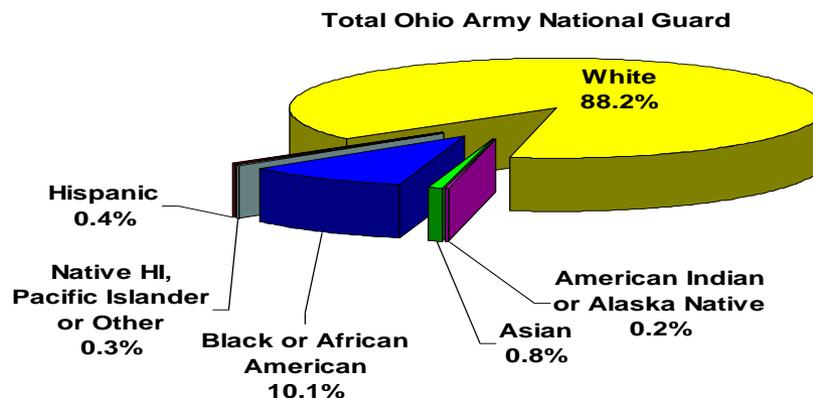
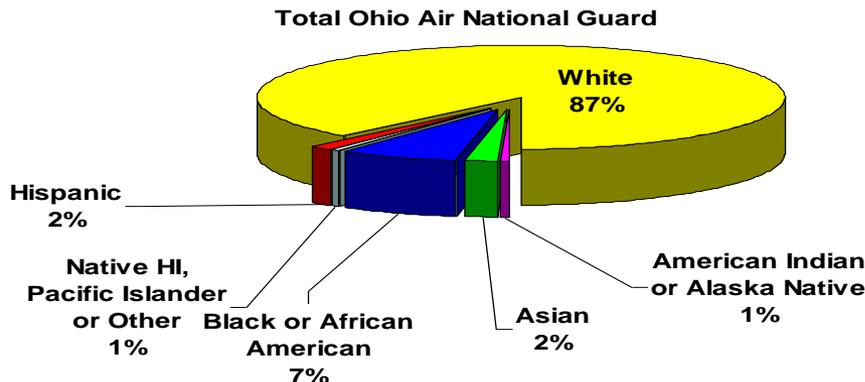
* Boomers (1946 – 1964)

* Gen Xs (1965 - 1980)

* Gen Ys (1981 - 2000)

* Millennials (2001 - 2020)

- ONG has low retention rates for minorities – why?



STATE of OHIO

Population: 11,536,000

Female: 51.2%, Male: 49.8 %,

White: 82.7%, Black / African American: 12.2% , Hispanic: 3.1%,
Asian: 1.6%, Native Hawaiian/Pacific Islander: .2%, American Indian: .2%



Military Members in the OHARNG and OHANG

ARMY GUARD GRADE	MALE	FEMALE	%OF FEMALES	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HI, PACIFIC ISLANDER OR OTHER	HISPANIC	WHITE	TOTAL MINORITY	MINORITY % OF TOTAL FORCE	TOTAL FORCE
E1 - E4	4585	948	17.1%	11	49	667	9	13	4784	749	13.5%	5533
E5 - E7	3633	447	11.0%	8	24	350	17	24	3657	423	10.4%	4080
E8 - E9	260	29	10.0%	0	0	16	0	2	271	18	6.2%	289
O1 - O3	489	67	12.1%	2	14	41	5	3	491	65	11.7%	556
O4 - O6	256	26	9.2%	0	1	15	2	0	266	18	6.3%	284
W1 - W3	140	16	10.3%	2	1	13	1	0	139	17	10.9%	156
W4 - W5	45	1	2.2%	0	0	0	0	0	46	0	0.0%	46
TOTAL	9408	1534	14.0%	23	89	1102	34	42	9654	1290	11.8%	10944

AIR GUARD GRADE	MALE	FEMALE	%OF FEMALES	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HI, PACIFIC ISLANDER OR OTHER	HISPANIC	WHITE	TOTAL MINORITY	MINORITY % OF TOTAL FORCE	TOTAL FORCE
E1 - E4	1308	355	21.3%	10	32	119	10	25	1467	196	11.8%	1663
E5 - E7	2304	464	16.8%	17	24	144	42	124	2413	351	12.7%	2764
E8 - E9	264	37	12.3%	1	1	6	2	8	283	18	6.0%	301
O1 - O3	185	44	19.2%	0	0	12	2	10	205	24	10.5%	229
O4 - O6	283	51	15.3%	1	5	12	9	20	286	47	14.1%	333
TOTAL	4344	951	18.0%	29	62	293	65	187	4654	636	12.0%	5290



Equal Employment Opportunity (EEO) Briefing

DVD

Amateur Night



Sexual Harassment

- A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it is:
 - **A condition of a person's job, pay, or career**
 - **Used as a basis for career or employment decisions affecting that person**
 - **The purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.**
- Reasonable person standard
- Perception of the victim



Types of Sexual Harassment

- Quid Pro Quo - related to terms or conditions of employment and/or an employment decisions; “something for something” or “this for that.”
- Hostile Work Environment - relates to a disruptive and/or offensive work environment, one that is unproductive or people don't want to come to work.



Examples of Quid Pro Quo Harassment

- Demanding or suggesting sexual favors from others in return for less training, more benefits, higher ratings, etc.
- Disciplining someone who refuses to “cooperate” with such demands or suggestions.
- Withholding additional training, TDYs, advancements, pay.
- Changing military performance ratings, standards, or expectations after someone refuses requests for favors/date.



Verbal, Non-Verbal, and Physical Examples

- Unwelcome gestures or pressure for sexual favors or dates
- Sexually oriented teasing, jokes, questions or discussions
- Sexually suggestive looks, gestures, whistles, movements
- Displaying sexually suggestive visuals (pictures, websites, magazines, calendars, cartoons, figurines, etc.)
- Hanging around, standing near, or brushing against a person
- Deliberate touching, leaning over, cornering, pinching, or caressing



What do I do if...

...I am aware of questionable behavior ???

- Look for evidence of illegal or improper behavior.
- Take immediate and corrective action.
- Document for reference.
- Communicate action taken to the victim and explain what he or she should do if problem repeats.
- Complete the Form 333 discrimination for EEO.
- Supervisors and leaders should seek to know if harassment is occurring in their units – then correct it and eliminate it.



Prevention begins with all of us

- Examine your own personal and professional behavior
- Demonstrate respect for all individuals regardless of position
- Ensure a work environment free of intimidation, hostility, psychological stress, inappropriate remarks, jokes or symbols
- Manage work environments so that they do not interfere with productivity and mission success
- Take corrective action whenever sexual behavior is displayed
- Embrace the Core Values



Sexual Assault

- Defined as “offenses of a sexual nature” committed without the lawful consent of the victim
- Crime punishable under the UCMJ and other federal/local laws
- Types of Sexual Assault:
 - Rape - sexual intercourse by force and without consent
 - Forcible Sodomy - oral or anal sex by force and without consent
 - Indecent Assault - non-consensual touching with intent to gratify lust or desires
 - Carnal Knowledge - sexual intercourse with a child under age 16
- Must be referred to a trained Unit Victim’s Advocate (UVA) or Sexual Assault Response Coordinator (SARC)

JFHQ: Lt. Myers (614) 336-7159/DSN346-7159/Cell: (614)376-5034

THIS IS NOT AN EO ISSUE TO PROCESS



Sexual Harassment and Sexual Assault is

Illegal

Immoral

Inappropriate

Dishonorable

Disrespectful

There is a **ZERO TOLERANCE** level issue
in the Ohio National Guard



Workplace Integrity

IF YOU
WOULD NOT WANT IT SAID OR DONE
TO YOU
OR
TO ANY OF YOUR...

PARENTS - CHILDREN - SIBLINGS - FRIENDS - SPOUSE

THEN DON'T SAY IT OR DON'T DO IT.



EMBRACE THE CORE VALUES

Air Force

- * Integrity
- * Service
Before Self
- * Excellence
in All We Do

Army

Ldrship

- * Loyalty
- * Duty
- * Respect
- * Selfless Service
- * Honor
- * Integrity
- * Personal Courage

ONG

- * Integrity
- * Excellence
- * Reliability
- * Diversity
- * Global Teamwork
- * Trust



Equal Employment Opportunity

WHAT WE JUST COVERED TODAY

EQUAL EMPLOYMENT OPPORTUNITY

f

DIVERSITY

f

SEXUAL HARASSMENT

f

SEXUAL ASSAULT

f



Ohio National Guard



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GROUP EXERCISE

4 LENSES

or

It's Not Enough To Know Better

DVD Q & A