DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
2511 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3926

REPLY TO
ATTENTION OF

IMAH-EEO

MAR 16 2006

MEMORANDUM FOR All US Army Installation Management Agency Personnel

SUBJECT: US Army Installation Management Agency Policy Memorandum # 50, Policy for Implementation of 10 U.S. Code Section 1561

1. REFERENCE. Army Regulation 690-600, dated February 4, 2004, Equal Employment Opportunity Discrimination Complaints.

2. PURPOSE. To provide guidance to all US Army Installation Management Agency (IMA) personnel on the implementation of 10 U.S.C. Section 1561.

3. APPLICABILITY. This policy applies to all personnel assigned to or under the operational control of IMA in addition to applicants for employment with IMA and former employees of IMA.

4. POLICY.

a. Army Regulation 690-600, dated February 4, 2004, Chapter 3, Section IV, subparagraph 3-11, Counseling Sexual Harassment Complaints (10 USC Section 1561), specifically addresses the right to pursue an allegation of sexual harassment simultaneously under Section 1561 and 29 Code of Federal Regulations (CFR) Part 1614. Filing a complaint under Section 1561 will not exhaust administrative remedies with respect to 29 CFR 1614. Command decisions under Section 1561 are final, with no right of appeal to the courts or the awarding of compensatory damages.

b. Commanders must designate a point of contact (POC) to receive Section 1561 complaints, ensure that appropriate investigations occur and that reports relative to the investigations are prepared. To avoid potentially conflicting responsibilities, commanders should not assign individuals in the offices of Equal Employment Opportunity (EEO), legal or inspector general as the POC for Section 1561 complaints. It is recommended that a senior level military or civilian official, e.g., Deputy to the Garrison Commander or Garrison Executive Officer, be designated as the POC to ensure that appropriate actions are taken expeditiously to address these allegations. When an aggrieved civilian employee initiates contact with the command designated POC for Section 1561 complaints, the following steps must be followed:

(1) Within 72 hours of receipt of written notification from a designated Section 1561 POC, a Commander (CDR) or military officer in charge (OIC) will:

(a) Forward a copy of the POC's written notification through the chain of command to the general court-martial convening authority (GCMCA);

(b) Investigate the allegations; and

(c) Advise the aggrieved person of the start of the investigation.

(2) A CO or OIC will ensure, to the extent practicable, the investigation of the allegation is completed not later than 14 days after the start of the investigation. If the investigation is not completed within the statutory time lines, the CO or OIC will submit an interim report to the GCMCA. An interim report will be submitted every subsequent 14 days until the investigation is completed. Upon receipt of the investigation report, the CO or OIC will:

(a) Determine, within 3 days of receipt of the report, if allegations have been substantiated.

(b) Notify aggrieved person, in writing, within 6 days after receipt of the report of the (1) findings, (2) the decision made on substantiation of the allegations, and (3) to the extent practicable, the decision on corrective actions taken or proposed.

(c) Submit to the GCMCA a final report on the results of the investigation, to include any action taken as a result of the investigation within 20 days after the date the investigation is commenced.

c. Aggrieved person may elect to continue pursuant to 29 CFR 1614, if such a complaint has been filed, or to withdraw the complaint.

d. A copy of this Policy Memorandum will be posted on all official bulletin boards and made available to IMA military and civilian personnel.

5. PROCEDURES. Effective immediately, Commanders will designate and identity a 1561 POC.

6. PROPONENT. HQ, IMA, Equal Employment Opportunity Office, is the proponent for this Policy. POC is Ms. Seema E. Salter, Chief, EEO, commercial 703-602-4308 or DSN 332-4308.

MICHAEL D. ROCHELLE
Major General, U.S. Army
Director