



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY GARRISON - MIAMI**  
**9301 NW 33RD STREET**  
**DORAL FL 33172-1202**

AMIM-AGG-ZA (690-12a)

MEMORANDUM FOR All U.S. Army Garrison (USAG) Miami Personnel

SUBJECT: Command Policy Memorandum #5, Retaliation for Engaging in Protected Equal Employment Opportunity (EEO) Activity

1. REFERENCES.

a. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.

b. Office of the Assistant Secretary, Manpower and Reserve Affairs Memorandum, Retaliation for Engaging in Protected Equal Employment Opportunity (EEO) Activity, 10 November 2004.

c. U.S. Army Installation Management Command Memorandum, Subject: Command Policy #6, Policy Against Retaliation for Engaging in Protected Equal Employment Opportunity (EEO) Activity, 14 April 2014.

2. PURPOSE. To establish the Garrison Manager's policy on retaliation for engaging in protected EEO activity.

3. APPLICABILITY. This policy applies to all civilian personnel, appropriated fund (APF) or non-appropriated fund (NAF), assigned to and/or under the operational control of the U.S. Army Garrison-Miami (USAG-Miami). These requirements also apply to applicants and employees in full-time, part-time, term, and temporary positions.

4. POLICY.

a. The Equal Employment Opportunity Commission (EEOC) has issued several findings of discrimination against the Department of the Army relative to discrimination based on reprisal against individuals who participated in EEO activities.

b. Protected EEO activity includes, but is not limited to, participating in an EEO complaint as an aggrieved person, complainant, or witness, reporting discrimination in the workplace or otherwise opposing discrimination, or membership in organizations that oppose discrimination. Retaliation against those who engage in protected EEO activities have a chilling effect on the due process rights of individuals to engage in the EEO complaint process and puts the agency at risk for findings of discrimination.

c. The EEOC's rules and regulations clearly state that no person will be subjected to retaliation for participating in any stage of the administrative or judicial proceeding under Title VII of the Civil Rights Act, the Age Discrimination Employment Act (ADEA), the Equal Pay Act, or the Rehabilitation Act.

d. Managers and supervisors may not fire, demote, harass, or otherwise "retaliate" against an employee for filing a claim of discrimination. Retaliation against those who seek relief from discrimination undermines the EEO process and discourages employees from addressing unlawful acts. I expect an allegation of reprisal to be treated at all levels with the seriousness it deserves. Managers and supervisors will ensure that leaders are aware of their responsibility to remain professional in all dealings with employees and ensure that their actions are not improperly motivated.

e. Managers and supervisors must not be intimidated by the protected EEO activities of their employees; however, they must be cognizant how their every action may be perceived. I encourage all supervisory personnel to contact their respective supervisory chain of command, the EEO Office, or Installation Legal Office for assistance if an employee believes they are a victim of harassment.

f. Managers and supervisors will act promptly to report and/or resolve reports of retaliation. If inappropriate conduct is found to have occurred, management will take appropriate corrective and disciplinary action. Disciplinary action may also be taken against supervisors who have not carried out their responsibilities under this policy.

g. Compliance with anti-discrimination statutes requires the initiative of individuals to freely question discriminatory behavior. Retaliation against those who seek relief from discrimination, if permitted to go unaddressed, would diminish the willingness of employees to speak out or participate in programs established to eliminate the unlawful conduct.

h. Your assistance and support ensure that we provide a workplace that does not discourage employees from exercising their rights. Your EEO, Legal, and Human Resources advisors are valuable assets who can provide assistance in this area.

5. PROPONENT. The USAG-Miami EEO Office is the proponent for this policy. Point of contact is the EEO Officer at (305) 437-1826.

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6. EXPIRATION. This policy memorandum supersedes previous policy issued and will remain in effect until superseded or rescinded.

JOANNE B. FITZGERALD  
Garrison Manager