



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

EACG (600)

19 APR 2022

MEMORANDUM FOR All Eighth Army Assigned Soldiers and Civilians

SUBJECT: Eighth Army Command Policy Letter #10, Prevention of Unlawful 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, 24 July 2020.
- d. USFK Regulation, 690-1, Regulations and Procedures Korean Nationals, Chapter 13, Grievances and Appeals, 01 July 2017.

2. Purpose. To establish policy for the prevention of unlawful harassment in the workplace.

3. Background

a. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964 and 1990, the Age Discrimination in Employment Act (ADEA) of 1967, the Americans with Disabilities (ADA) of 1990, and the Rehabilitation Act of 1973, as amended.

b. Harassment is defined as unwelcome conduct based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), age (40 or older), disability (physical/mental), genetic predisposition, and 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.

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Unlawful harassment includes, but is not limited to:

(a) Verbal Conduct could include

- Racial or sexual epithets
- Foul language
- Unwanted sexual flirtations
- Ethnic jokes
- Derogatory statements or slurs

(b) Physical conduct that includes improper touching or sexual assault; or

(c) Visual harassment that could include racially or sexually explicit or derogatory posters, cartoons or drawings, obscene gestures, or items such as a noose.

c. Sexual Harassment is also a form of harassment that is based on sex and is an equal employment opportunity violation under the law.

d. An employee harassed by his/her supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee is protected by the law. The victim does not have to be the person harassed but can be anyone affected by the offensive conduct. Complainants, witnesses, and others who provide information concerning claims of harassment will be protected from retaliation.

e. 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.

f. Eighth Army 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. Eighth Army will not tolerate retaliation against any employee for making a good-faith report of harassing conduct or assisting in an inquiry about such a report.

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a. Each Eighth Army employee is responsible for promptly reporting any behavior he/she views as harassment before it becomes as severe or pervasive as to constitute a hostile environment. No employee shall be a bystander of harassing conduct. If you hear something or see something that creates a work environment that is intimidating, hostile or offensive to a reasonable people, do something. An employee may raise an allegation of harassment with his/her immediate supervisor, the supervisor of the harasser, or any other management official in the chain of command. The employee may also report the matter to other officials, including the Inspector General, Equal Employment Opportunity (EEO), Civilian Personnel Advisory Center (CPAC) Labor Management Employee Relations (LMER) personnel, or Chaplain Office.

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. An employee that believes he/she has been a victim of unlawful harassment based on race, color, sex, religion, national origin, disability, or retaliation, must contact the servicing Garrison EEO office or HQ EEO office within 45 calendar days of the alleged discriminatory action. Once a determination that harassment is an issue and the complainant is a covered employee, the command will be advised of the allegations and the command will commence an investigation pursuant to 10 U.S.C § 1561.

d. 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.

e. All information, including any investigations into the allegations of harassing conduct, will be maintained on a confidential basis to the greatest extent possible. The maintenance of records and any disclosure of information from these records shall be in compliance with the Privacy Act, 5 U.S.C. 552a.

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f. 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.

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



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Commanding