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Army Regulation 600-20

Personnel—General

Army Command Policy

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30 March 1988

SUMMARY of CHANGE

AR 600-20
Army Command Policy

This revision consolidates AR 600-20, AR 600-21, AR 600-80, and HQDA Letter 600-87-1. It--

- o Changes the grade of rank of "Specialist 4" to "Specialist" (table 1-1).
- o Provides policy guidance on performance counseling (para 2-1g).
- o Clarifies the procedure on designation of junior in the same grade to command (para 2-5c).
- o Provides additional policy guidance concerning relationships between soldiers of different rank (chap 4, sec II).
- o Contains policy guidance on soldier membership and participation in extremist groups (para 4-12).
- o Contains policy guidance concerning English as the operational language of the Army, and recognizes soldiers' rights to converse in language of choice during personal conversation (para 4-13).
- o Revises policy on pregnancy and family care counseling to include all soldiers (officer and enlisted) who are pregnant, dual-service parents, or single parents (para 5-5).
- o Provides policy for the on-post distribution of non-Government printed materials (para 5-9).

* Check-out Card on Back

Effective 29 April 1988

Personnel—General

Army Command Policy

This UPDATE printing publishes a revision that is effective 29 April 1988. Because the structure of the entire revised text has been reorganized, no attempt has been made to highlight changes from the earlier regulation dated 20 August 1986.

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:

R. L. DILWORTH
Brigadier General, United States Army
The Adjutant General

Summary. This regulation is a consolidation of several regulations that prescribe policy on basic responsibilities of command, military discipline and conduct, and enlisted aspects of command. It defines the responsibilities of noncommissioned officers and provides guidance on other inherent responsibilities of command. It provides guidance on and responsibilities for the Army Equal Opportunity (EO) Program to include minimum EO staffing and training requirements. It implements DOD Directives 1000.7, 1300.17, 1354.1, and 1325.6.

Applicability. This regulation applies to the Active Army, the Army National Guard (ARNG), and the U.S. Army Reserve (USAR) as modified by National Guard Regulations 600-4 and 600-21.

Impact on New Manning System. This regulation does not contain information that affects the New Manning System.

Internal control systems. This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

Committee establishment approval. The DA Committee Management Officer concurs in the establishment of the Committee for Review of Accommodation of Religious Practices within the U.S. Army.

Supplementation. Supplementation of this regulation (except chap 6) and establishment of command and local forms are prohibited without prior approval from HQDA (DAPE-MPH), WASH DC 20310-0300. Supplementation of chapter 6 is permitted at major Army command level. A draft copy of each supplement must be provided to HQDA (DAPE-MPH), WASH DC 20310-0300, for approval before publication.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-MPH), WASH DC 20310-0300.

Distribution. Distribution of this publication is made in accordance with DA Form 12-9A-R requirements for 600 series publications. The number of copies distributed to a given subscriber is the number of copies requested in Blocks 382, 383, 384, 385, and 386 of the subscriber's DA Form 12-9A-R. AR 600-20 distribution is A, B, C, D, and E for the Active Army, the ARNG, and the USAR. Existing account quantities will be adjusted and new account quantities will be established upon receipt of a signed DA Form 12-9U-R (Subscription for Army UPDATE Publications Requirements) from the publications account holder.

Contents (Listed by paragraph number)

Chapter 1

Introduction

Purpose • 1-1

References • 1-2

Explanation of abbreviations and terms • 1-3

Responsibilities • 1-4

Command • 1-5

Military rank • 1-6

Precedence between members of the Army and other Services serving with the Army • 1-7

Precedence between foreign service officers of the Department of State and officers of the Army • 1-8

Precedence between members of the Army and members of foreign military services serving with the Army • 1-9

Chapter 2

Command Policies

Chain of command • 2-1

Staff or technical channels • 2-2

Command of installations, activities, and units • 2-3

Specialty immaterial commands • 2-4

Designation of junior in the same grade to command • 2-5

Death, disability, retirement, reassignment, or absence of the commander • 2-6

Absence or disability of all officers of a unit • 2-7

Emergency command • 2-8

Functions of an individual in temporary command • 2-9

Responsibility of successor • 2-10

Separate commands of the U.S. Army serving together • 2-11

Separate commands of the several military services of the United States serving together • 2-12

Ineligibility for command of post or activity • 2-13

Restrictions • 2-14

Relief for cause • 2-15

Chapter 3

Enlisted Aspects of Command

Delegation of authority • 3-1

Noncommissioned officer support channel • 3-2

*This regulation supersedes AR 600-20, 20 August 1986; AR 600-21, 30 April 1985; AR 600-80, 3 January 1978; and HQDA LTR 600-87-1, 30 October 1987.

Contents—Continued

- Precedence of relative rank • 3-3
- Date of rank (DOR), enlisted soldiers • 3-4

Chapter 4

Military Discipline and Conduct

- Military discipline • 4-1
- Obedience to orders • 4-2
- Military courtesy • 4-3
- Soldier conduct • 4-4
- Maintenance of order • 4-5
- Exercising military authority • 4-6
- Disciplinary powers of the commanding officer • 4-7
- Settlement of local accounts on change of station • 4-8
- Civil status of members of the Reserve Components • 4-9
- Participation in support of civilian law enforcement agencies • 4-10
- Membership campaigns • 4-11
- Extremist organizations • 4-12
- Army language policy • 4-13
- Relationships between soldiers of different rank • 4-14
- Trainee and soldier relationships • 4-15
- Fraternization • 4-16
- Standards of conduct • 4-17

Chapter 5

Other Responsibilities of Command

- General • 5-1
- Congressional activities • 5-2
- Political activities • 5-3
- Command aspects of medical care • 5-4
- Pregnancy and family care counseling • 5-5
- Accommodating religious practices • 5-6
- Prohibition of military labor unions • 5-7
- Complaints or accusations against military personnel • 5-8
- On-post distribution of non-Government printed materials • 5-9

Chapter 6

Equal Opportunity Program in the Army

- Concept • 6-1
- Responsibilities • 6-2
- Equal opportunity policy • 6-3
- Sexual harassment • 6-4
- Chain of command responsibilities • 6-5
- Staffing • 6-6
- Off-post activities, on-post activities, and off-limits actions • 6-7
- Procedures for processing complaints • 6-8
- Housing complaints • 6-9
- Evaluation report entries • 6-10
- Civilian schooling • 6-11
- Legal assistance • 6-12
- Affirmative Action Plans • 6-13
- Training • 6-14
- Authority to collect and maintain data • 6-15
- Narrative and statistical report on equal opportunity progress (RCS CSGPA-1471) • 6-16

- Attendance at the Defense Equal Opportunity Management Institute for soldiers • 6-17
- Selection requirements for soldiers • 6-18
- Training for civilian duty positions in the Military Equal Opportunity Program at the Defense Equal Opportunity Management Institute • 6-19
- Equal opportunity special/ethnic observances • 6-20

Appendixes

- A. References
- B. Examples of Types of Political Activity Permitted or Prohibited
- C. Statutory Prohibitions Pertaining to Political Activity by Members of the Armed Forces

Glossary

Chapter 1 Introduction

1-1. Purpose

This regulation prescribes the policies and responsibilities of command. It provides guidance covering military discipline and conduct, precedence of rank, and the military Equal Opportunity (EO) Program.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are listed in the glossary.

1-4. Responsibilities

a. The Deputy Chief of Staff for Personnel (DCSPER) has Army General Staff responsibilities for the formulation, management, and evaluation of command policies, plans, and programs that relate to the following:

- (1) Personnel distribution, to include grade and specialties.
- (2) Assessment of human readiness.
- (3) Discipline, law enforcement, correction, and apprehension.
- (4) Leadership development.
- (5) Professional military ethics.
- (6) Accommodation of religious practices.
- (7) Military equal opportunity.
- (8) Military labor unions.

b. Commanders at all levels are responsible for implementing and enforcing the policies addressed by this regulation.

1-5. Command

a. *Right to command.* Command is exercised by virtue of office and the special assignment of members of the Armed Forces holding military rank who are eligible to exercise command. The right to command is not limited solely by branch of Service except as set forth in chapter 2. A civilian, other than the President as Commander-in-Chief, may not exercise command. However, a civilian may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

b. *Elements of command.* The key elements of command are authority and responsibility. Formal authority for command is derived from the policies, procedures, and precedents presented in chapters 1 through 3 of this regulation. The specified and inherent responsibilities of command are discussed in chapters 4 through 6.

c. *Assignment and command.* Soldiers are assigned to stations where their services are required. The commanding officer then assigns appropriate duties. Without orders from proper authority, a soldier may only assume command when eligible according to chapter 2 of this regulation.

1-6. Military rank

a. Military rank is the relative position or degree of precedence granted military persons marking their station in military life. It confers eligibility to exercise command or authority in the military within limits prescribed by law. Rank in the military is divided into the classes and grades shown in tables 1-1 and 1-2.

b. Table 1-1 shows the grades of rank in the Army in order of their precedence or rank. It indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

c. The pay grade is an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the pay grade alone is not to be used as a form of address or title in place of the proper title of address or grade of rank. When military personnel (chaplains excepted) are addressed or referred to, orally or in writing, the grade of rank or title of address will normally be used. (See table 1-1.) All chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major) John F. Doe.

d. Rank is generally held by virtue of office or grade in the Army.

e. Conferring honorary titles of military rank upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

Table 1-1
Grades of rank, U.S. Army

General Officer
Grade of rank: General of the Army Pay grade: Special Title of address: General Abbreviation: GA ¹
Grade of rank: General Pay grade: O-10 Title of address: General Abbreviation: GEN
Grade of rank: Lieutenant General Pay grade: O-9 Title of address: General Abbreviation: LTG
Grade of rank: Major General Pay grade: O-8 Title of address: General Abbreviation: MG
Grade of rank: Brigadier General Pay grade: O-7 Title of address: General Abbreviation: BG
Field Officers
Grade of rank: Colonel Pay grade: O-6 Title of address: Colonel Abbreviation: COL
Grade of rank: Lieutenant Colonel Pay grade: O-5

Title of address: Colonel
Abbreviation: LTC

Grade of rank: Major
Pay grade: O-4
Title of address: Major
Abbreviation: MAJ

Company Officers

Grade of rank: Captain
Pay grade: O-3
Title of address: Captain
Abbreviation: CPT

Grade of rank: First Lieutenant
Pay grade: O-2
Title of address: Lieutenant
Abbreviation: 1LT

Grade of rank: Second Lieutenant
Pay grade: O-1
Title of address: Lieutenant
Abbreviation: 2LT

Warrant Officers

Grade of rank: Chief Warrant Officer, Four
Pay grade: W-4
Title of address: Mister (Mrs./Miss/Ms.)
Abbreviation: CW4

Grade of rank: Chief Warrant Officer, Three
Pay grade: W-3
Title of address: Mister (Mrs./Miss/Ms.)
Abbreviation: CW3

Grade of rank: Chief Warrant Officer, Two
Pay grade: W-2
Title of address: Mister (Mrs./Miss/Ms.)
Abbreviation: CW2

Grade of rank: Warrant Officer, One
Pay grade: W-1
Title of address: Mister (Mrs./Miss/Ms.)
Abbreviation: WO1

Cadets

Grade of rank: Cadet, U.S. Military Academy
Pay grade: Special
Title of address: Mister/Miss/Ms./Cadet
Abbreviation: CDT

Grade of rank: Cadet, Senior Advanced ROTC
Pay grade: Special
Title of address: Mister/Miss/Ms./Cadet
Abbreviation: CDT

Candidates

Grade of rank: Officer Candidate
Pay grade: Special
Title of address: Candidate
Abbreviation: OC

Grade of rank: Warrant Officer Candidate
Pay grade: Special
Title of address: Candidate
Abbreviation: WOC

Senior Noncommissioned Officers

Grade of rank: Sergeant Major of the Army
Pay grade: E9
Title of address: Sergeant Major
Abbreviation: SMA

Grade of rank: Command Sergeant Major²
Pay grade: E8
Title of address: Sergeant Major
Abbreviation: CSM

Grade of rank: Sergeant Major³
Pay grade: E9
Title of address: Sergeant Major
Abbreviation: SGM

Grade of rank: First Sergeant
Pay grade: E8
Title of address: First Sergeant
Abbreviation: 1SG

Grade of rank: Master Sergeant
Pay grade: E8
Title of address: Sergeant
Abbreviation: MSG

Grade of rank: Sergeant First Class
Pay grade: E7
Title of address: Sergeant
Abbreviation: SFC

Junior Noncommissioned Officers and Specialist⁴

Grade of rank: Staff Sergeant
Pay grade: E6
Title of address: Sergeant
Abbreviation: SSG

Grade of rank: Sergeant
Pay grade: E5
Title of address: Sergeant
Abbreviation: SGT

Grade of rank: Corporal
Pay grade: E4
Title of address: Corporal
Abbreviation: CPL

Grade of rank: Specialist
Pay grade: E4
Title of address: Specialist
Abbreviation: SP4⁵

Privates

Grade of rank: Private First Class
Pay grade: E3
Title of address: Private
Abbreviation: PFC

Grade of rank: Private
Pay grade: E2
Title of address: Private
Abbreviation: PV2

Grade of rank: Private
Pay grade: E1
Title of address: Private
Abbreviation: PV1

Notes:

1. Other abbreviations authorized for use in correspondence with the general public and agencies outside Department of Defense (DOD), on identification (ID) cards, and in personal correspondence are listed in AR 310-50.
2. Personnel formally selected by Department of the Army (DA) for participation in the Command Sergeants Major Program.
3. All E9s not formally selected for the Command Sergeants Major Program.
4. Specialist will rank immediately below Corporal. This does not require or justify change to table of organization (TOE) or table of distribution and allowances (TDA).
5. Abbreviation SP4 will change to SPC effective with the implementation of Standard Installation Division Personnel System-3 (SIDPERS-3) Version 1 scheduled for fiscal year (FY) 1988.

1-7. Precedence between members of the Army and other Services serving with the Army

Members of other Services serving with the Army have equal status with Army members of equivalent grade of rank. (Comparable ranks among the Services are shown in table 1-2.)

1-8. Precedence between foreign service officers of the Department of State and officers of the Army

Precedence between officers of the Foreign Service and other officers of the U.S. Government is set forth by Executive Order 9998, 14 September 1948.

1-9. Precedence between members of the Army and members of foreign military services serving with the Army

Members of foreign military services serving with the U.S. Army have equal status with Army members of equivalent grade of rank.

Chapter 2 Command Policies

2-1. Chain of command

a. The chain of command assists commanders at all levels to achieve their primary responsibility of accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. The command channel extends upward in the same manner for matters requiring official communication from subordinate to senior.

b. Commanders are responsible for everything their command does or fails to do. However, commanders subdivide responsibility and authority and assign portions of both to various subordinate commanders and staff members. In this way, a proper degree of responsibility becomes inherent in each command echelon. Commanders delegate sufficient authority to each soldier in the chain of command to accomplish their assigned duties and hold them accountable for their actions. The need for a commander or staff officer to observe proper channels in issuing instructions or orders to subordinates must be recognized.

c. Proper use of the chain of command is vital to the overall effectiveness of the Army. Commanders must acquaint all their soldiers with its existence and proper function. Effective communication between senior and subordinate soldiers within the chain of command is crucial to the proper functioning of all units. Therefore, soldiers are also expected to use the chain of command when communicating issues and problems to their leaders and commanders.

d. Soldiers have a responsibility to ensure their unit commander is made aware of

problems which affect the discipline, morale, and effectiveness of the unit. Unit commanders will establish an open door policy within their commands. This allows unit members to present facts, concerns, problems of a personal or professional nature, or other issues which the soldier has been unable to resolve. The timing, conduct, and specific procedures of the unit open door policy are determined by the unit commander.

e. Commanders will ensure that all members of their command receive timely performance counseling. Effective performance counseling of officer, noncommissioned officer (NCO), and enlisted soldiers helps to ensure they are prepared to efficiently carry out their duties and accomplish the mission. AR 623-105 and AR 623-205 contain counseling requirements in conjunction with the evaluation reporting systems. Unit commanders will determine the timing and specific methods used to provide guidance and direction through counseling. FM 22-101 provides advice and makes suggestions concerning effective counseling. Providing regular and effective performance counseling to all soldiers, not just those whose performance fails to meet unit standards, is a command responsibility. All commanders will ensure that their subordinate commanders have implemented and are maintaining an effective performance counseling program.

2-2. Staff or technical channels

Staff or technical channels may be used for sending reports, information, or instructions not involving variations from command policy and directives.

2-3. Command of installations, activities, and units

a. *Responsibility.* The senior regularly assigned officer present for duty normally has responsibility for the command of units, platoon level and above, except as shown in paragraphs 2-6a, 2-13, and 2-14.

(1) An installation will be assigned to the subordinate command best equipped to perform installation management. The subordinate command will be selected using the following criteria:

(a) Capability to perform installation management most efficiently and economically in terms of staff and other overhead costs.

(b) Capability to administer base operations functions most efficiently and economically.

(c) Employment and/or command of the largest number of military and civilian personnel performing mission activities.

(d) Use of the greatest amount of building square footage and/or acreage in performing mission activities.

(e) Traditional association with the installation.

(f) Commander senior in grade.

(2) Army commanders or general officers in the rank of lieutenant general or above

may not assume command of Army installations, except where the installation serves as the location for an Army Corps continental United States Army (CONUSA), or higher headquarters. When a specific situation appears to warrant an exception to this policy, prior approval is needed from HQDA (DAGOM), WASH DC 20310-0300.

(3) Command of installations and units under the Army Medical Department (AMEDD) are set forth in AR 40-1 and AR 10-6.

b. Announcement of assumption of command. Assumption of command will be announced in a memorandum or disposition form (DF) and contains the information shown in figure 2-1.

(1) *Oral assumption of command.* Oral assumption of command may be used by units not using orders or other documentation to announce assumption of command or when other circumstances necessitate.

(2) *Distribution.* Distribution will be limited to one copy each to the person concerned, subordinate commands or elements, interested commands, or agencies, and the next higher headquarters. A copy will be placed in the files of the issuing command and/or the affected command. When a general officer, or general officer designee, assumes permanent command, one copy will be furnished to HQDA (DAGOM), WASH DC 20310-0300.

(3) *Filing.* Organizations and units governed by AR 25-400-2 and DA Pam 25-400-2, will file one copy of the assumption document under Organizational History files. Disposition is shown in those documents.

(4) *Correction and amendments.* Assumption of command documents will be amended, rescinded, or revoked by publishing the correct information in another assumption of command document. The document containing the correction will properly identify (by date) the document being corrected, and state to whom it pertains. The amended document will be distributed and filed, as appropriate.

c. Installation responsibilities. Major Army commanders may relieve tactical commanders of installation responsibilities by designating a junior officer of the permanent station as installation commander.

d. Optimum length of command tours. The optimum length of command tours will be based on the needs of the Army, stability within units, the need for officers with command experience, and availability of personnel. Normal optimum command tours are as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, a minimum of 24 months. In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour. Commanders (MG or above) may extend command tours up to 6 months. Requests for exceptions to this policy will

be submitted through the MACOM commander to CDR, USTAPA (DAPC-ZA), 200 Stovall Street, Alexandria, VA 22332-0400.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

e. Command by general officers. Except as indicated in paragraph 2-6, a general officer will not be assigned without the prior approval of HQDA (DAGOM), WASH DC 20310-0300.

f. Command of medical units. The senior Medical Corps officer, assigned or attached to a medical TOE unit deployed to receive and treat patients, will assume command of that unit until properly relieved.

g. Command of dental units. The senior Dental Corps officer, assigned or attached to a dental TOE unit deployed to receive and treat patients, will assume command of that unit until properly relieved.

h. Command of veterinary units. The senior veterinary officer, assigned or attached to a veterinary unit deployed to care for Government-owned animals, for food inspection responsibilities, and/or for civic action programs, will assume command of that unit until properly relieved.

i. Command of Active Component (AC) training units. Reserve Component (RC) officers may be assigned as acting commanders of AC training units during annual training. This includes authority under the Uniform Code of Military Justice (UCMJ), unless withheld by competent authority. Installation commanders implementing the authority granted by this paragraph will ensure that—

(1) Provisions in paragraphs 3-3 and 3-4 of this regulation are complied with.

(2) RC organizations have adequately trained their commanders in accordance with the Manual for Courts-Martial (MCM) and AR 27-10 provisions.

(3) RC commanders receive orientation regarding measures normally taken against offenders at the installation and within the units concerned.

(4) Necessary attachment orders, direction of the President (DP) authority, assumption of acting command letter, administrative measures, and appeal channels are accomplished.

(5) Cases are monitored to ensure fairness and consistency, and/or procedural difficulties are identified.

2-4. Specialty immaterial commands

The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas) and similar specialty immaterial commands will assume command of the organization. (This provision applies unless the senior officer is ineligible under paras 2-13 or 2-14.)

2-5. Designation of junior in the same grade to command

a. When two or more commissioned officers of the same grade, both of whom are eligible to command, are assigned to duty in the same command or organization, the President may assign the command of forces without regard to seniority of rank.

b. General officers are authorized to announce by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof.

(1) This refers to general officers commanding major Army commands (MACOMs), armies, corps, installations, divisions, separate brigades, U.S. Army Reserve (USAR) general officer commands, and heads of DA Staff agencies. This may be done without regard to relative seniority. (See paras 2-3 and 2-6 for policy on general officers.) When an officer who is junior in grade is designated to command, a memorandum will be used to announce the appointment and will contain the information shown in figure 2-2.

(2) This appointment is used only if the duties of the position require exercising command. It is not used to assign a junior officer to a staff position that requires supervising and controlling activities of an officer senior in rank. In staff supervisory positions, commanders make such appointments merely by designation in a memorandum.

c. Commanders will not use the Presidential authority cited in this paragraph to appoint a junior member as their own successor, either temporarily or permanently. In some cases, a commander having authority under this paragraph may find it necessary to temporarily place a junior member in his or her position as acting commander. If so, a request stating the circumstances and asking for the appointment to be made will be sent to the next higher commander having authority under this paragraph. The next higher commander will review the request and make appointments deemed necessary. Commanders will not issue a blanket

SUBJECT: Assumption of Command By Authority of (appropriate subparagraph).

The undersigned assumes command of (complete unit designation and unit identification code (UIC)), effective (date).

(Signature block)

Note: Authentication/signature block will include: Name, grade, branch, and the word "Commanding."

Figure 2-1. Assumption of command

SUBJECT: Appointment of Commander.

By direction of the President, (grade, name, SSAN, and branch) is appointed commanding officer or commanding general of (complete unit designation and UIC), effective (date).

(Signature block)

Note: Authentication/signature block will include name, grade, and title.

Figure 2-2. Appointment of commander

designation without prior approval from the MACOM commander, and, in cases involving general officers, HQDA, (DAGOM), WASH DC 20310-0300. Each designation of a junior to a command position requires a separate action by the appropriate authority except when prior approval of a blanket designation has been authorized.

d. The authority in this paragraph will not be used to assign command functions to chaplains or, unless authorized by the Secretary of the Army or his appointee, to officers of the AMEDD when such assignment involves troops other than those of the AMEDD except as in paragraph 2-14.

2-6. Death, disability, retirement, reassignment, or absence of the commander

a. Commander of Army element.

(1) If a commander of an Army element, other than a commander of a headquarters and headquarters element, dies, becomes disabled, retires, is reassigned, or is temporarily absent, the senior regularly assigned Army member will assume command.

(2) If the commander of a headquarters and headquarters element dies, becomes disabled, retires, is reassigned, or is temporarily absent, the senior regularly assigned Army member of the particular headquarters and headquarters element who performs duties within the element will assume command. For example, if a division headquarters and headquarters company commander is temporarily absent, the executive officer as the senior regularly assigned Army member who performs duties within the headquarters company would assume command and not the division commander.

(3) Senior regularly assigned Army members refers (in order of priority) to officers, warrant officers (WOs), cadets, NCOs, specialists, or privates present for duty unless they are ineligible under paragraphs 2-13 or 2-14. He or she assumes command until relieved by proper authority except as provided in c below. Assumption of command under these conditions is announced per paragraph 2-3. However, the announcement will indicate assumption as acting commander unless designated as permanent by the proper authority. It is not necessary to rescind the announcement designating an acting commander to assume duties of the

commander "during the temporary absence of the regularly assigned commander" if the announcement gives the time element involved. A rescinding announcement is required if the temporary assumption of command is for an indefinite period.

b. *Head of DA Staff agency.* On the death, disability, or temporary absence of a head of a DA Staff agency, the next senior officer on duty in the office will become head until relieved by proper authority. (Exceptions may be ordered or required.) This does not apply to The Surgeon General and the Chief, National Guard Bureau. Functions of The Surgeon General are assumed by the next senior officer of the Medical Corps present and on duty in the office. Functions of the National Guard Bureau (NGB) are assumed by the senior officer of the Army National Guard of the United States (ARNGUS) on duty in the Bureau. (See section 3040, title 10, United States Code.)

c. *Commanders of MACOMs.* A commander of a MACOM may continue to discharge the functions of command while absent from the limits thereof, if—

(1) Such absence is for a short period only.

(2) The commander has reasonable communication with the MACOM headquarters.

(3) The absence is not caused by physical disability.

d. General officers.

(1) During the temporary absence of the regularly assigned commander, MACOMs are authorized to assign general officers under their command to positions of command.

(2) Where more than one MACOM is represented on an installation, the line of succession of command may pass from one MACOM to another. The major Army commanders concerned should agree to the terms of such an arrangement by a memorandum of understanding and should publish necessary documentation. HQDA (DAGOM) will be notified of the action taken.

2-7. Absence or disability of all officers of a unit

Upon death, disability, or absence of all officers of a unit normally commanded by an

officer, the appropriate commander permanently assigns an officer to command, preferably of the branch to which the unit belongs. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, NCO, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions on assuming command set forth in paragraphs 2-13 and 2-14 apply. Assumption of command will be as noted in paragraph 2-6.

2-8. Emergency command

The senior officer, warrant officer, cadet, NCO, specialist, or private among troops at the scene of an emergency will assume temporary command and control of the military personnel present. These provisions also apply to troops separated from their parent units under battlefield conditions. The senior person eligible for command, whether officer or enlisted, within a prisoner of war camp or among a group of prisoners of war, will assume command according to rank without regard to Service. Restrictions on assuming command set forth in paragraphs 2-13 and 2-14 apply.

2-9. Functions of an individual in temporary command

A commander in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher command. Temporary command is defined to include command assumed under conditions outlined in paragraphs 2-6, 2-7, and 2-8. Such commanders will be considered temporary until designated as permanent, or until replaced by the proper senior commander.

2-10. Responsibility of successor

A commander who succeeds to any command or duty assumes the duties of his or her predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

2-11. Separate commands of the U.S. Army serving together

a. When separate commands of the U.S. Army join (or perform duty) together, the senior regularly assigned officer present for duty with the commands concerned will command the forces unless otherwise directed by the President. He or she must not be ineligible under paragraph 2-14 or 2-15.

b. Section 317, title 32, United States Code states: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal services, the command of the post, airbase, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service."

c. When USAR units take part in active duty for training or annual training at a post, the command of that post remains with the officer normally in command. This provision applies regardless of the grade of the officers of the USAR unit who are temporarily taking part in training there.

2-12. Separate commands of the several military services of the United States serving together

a. When separate commands of the several military services join (or perform duty) together, or personnel of another Service serve with the Army, operational control by an officer of one Service over the units or members of the other Services may be given by agreement between the Services concerned, or by assignment to command a unified command established by the Joint Chiefs of Staff. When the different commands of the Army and the Marine Corps join or serve together, the highest ranking officer in the Army or Marine Corps on duty, who is otherwise eligible to command, will command all those forces unless otherwise directed by the President. (See section 747, title 10, United States Code.)

b. The commander of the joined forces exercises operational control of the forces of each Service. This will be done through the responsible commander of each component who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by a member of one Armed Force over members of another should be exercised only when the accused cannot be delivered to the Armed Force of which the individual is a member without injury to the Service. Commanders of joint commands or joint task forces who have authority to convene general courts-martial may convene a court-martial for the trial of members of another Armed Force when specifically empowered by the President or Secretary of Defense to refer such cases for trial by courts-martial. (See MCM, Rules for Courts-Martial.)

2-13. Ineligibility for command of post or activity

A person will be considered ineligible for command of a post or activity when—

a. Quartered there, but has a headquarters or office elsewhere.

b. A student at a Service school or civilian institution or is undergoing individual training, instruction, or in transit processing at a post where he or she is not a part of the command.

c. Not permanently assigned, and/or the unit involved is not permanently assigned to the post.

d. Assigned primarily as a permanent member of a board.

e. Prohibited from assuming command by statute (AR 600-31) or by paragraph 2-14.

f. Assigned specific duty aboard a military vessel or aircraft where the officer's

particular duty, specialty, or MOS does not technically qualify him or her to assume the duty of ship's master or aircraft commander.

g. In arrest. (A person in arrest is ineligible to exercise command of any kind.)

2-14. Restrictions

a. *General Staff officers.* An officer assigned or detailed to the Army General Staff will not command troops other than personnel on duty with the Army General Staff unless directed to do so by an authority named in paragraph 2-5. A General Staff officer with troops may assume command when he or she is the senior regularly assigned officer of the command present for duty. The officer must not be ineligible under the provisions of this paragraph or paragraph 2-13.

b. *Officers on duty in DA Staff agencies.* Officers on duty or detailed to any of the Services or Staff agencies and bureaus of DA (including heads thereof) will not normally assume command of troops other than those of the Service, staff, or bureaus where they are on duty. Exceptions must be directed by proper authority.

c. *Officers of the AMEDD.*

(1) Officers of the AMEDD may exercise command only within the AMEDD in accordance with AR 10-6 and AR 40-1.

(2) As an exception, officers of the Medical Service Corps may command troops not part of the AMEDD when authorized by the Secretary of the Army; commanders of MACOMs, Army groups, armies, corps, divisions, or comparable units; chiefs of the military Services; or heads of other DA Staff agencies.

d. *Chaplains.* A chaplain has rank without command. (See section 3581, title 10, United States Code.) Although chaplains may not exercise command, they have authority to exercise functions of operational supervision and control.

e. *Commanding officer of troops on transports.* Military personnel embarking on Military Sealift Command vessels are available for command duty unless otherwise indicated in their travel orders, or by reason of their branch of Service. General officers will be excluded from this requirement. Designation of colonels will be at the discretion of the terminal commander.

f. *USAR unit commanders.* The authority delegated under paragraph 2-5 will apply in the following cases when it is not practical to assign the senior officer to command:

(1) When the USAR officer selected to command a USAR unit, while in Reserve duty training status, is junior in date of rank (AR 624-100) to other officers of the same grade assigned to that unit.

(2) When a USAR unit is ordered to active duty, and the assigned unit commander is junior in date of rank (AR 624-100) to other assigned officers of the same grade.

g. *Warrant officers.* When assigned duties as station, unit, or detachment commander,

warrant officers are vested with all powers usually exercised by other commissioned officers. (See AR 611-112, para 1-7, for exceptions.)

h. *Partially disabled officers.* Partially disabled officers continued on active duty under AR 635-40, chapter 6, will be assigned to positions in which their special qualifications make them of particular value to the Service. Such officers will not be assigned to command positions unless the assigning authority determines that the person—

(1) Has the medical (physical) career potential to serve in combat situations.

(2) Is able to serve until the age for mandatory retirement.

i. *Inspectors general.* An officer detailed to duty as an inspector general will not assume command of troops while so detailed. However, an inspector general is not precluded from assuming temporary command of an organization if he or she—

(1) Is the next regularly assigned senior officer of the organization.

(2) Is not otherwise ineligible.

(3) Has been relieved from detail as an inspector general during the period of temporary command.

j. *Program executive officers (PEOs).* With the exception of the Commander, U.S. Army Corps of Engineers, and the Commander, U.S. Army Strategic Defense Command, an officer assigned as a program executive officer will not assume command of troops, installations, or activities while so assigned. Requests for exceptions for general officers, other than those specified above, will be submitted to HQDA (DAGOM), WASH DC 20310-0300 for approval.

2-15. Relief for cause

a. The relief of an individual for cause is one of the most serious steps taken. It is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate under the circumstances. Action to relieve an officer from any command position will not be taken until after written approval by the first general officer in the chain of command of the officer being relieved is obtained. If a general officer is the relieving official, no further approval of the relief action is required; however, the provisions of AR 623-105 and AR 623-205 concerning administrative review of relief reports remain applicable. USAR Active Guard/Reserve (AGR) personnel are governed by AR 135-18.

b. If a relief from cause action is contemplated on the basis of an informal investigation under AR 15-6, the referral and comment procedures of that regulation must be followed prior to the act of initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15-6.

Chapter 3 Enlisted Aspects of Command

3-1. Delegation of authority

Commanders and their staffs, at all levels of command, are responsible for ensuring proper delegation of authority to NCOs by their seniors. This policy applies whether the senior is an officer, WO, or another NCO.

3-2. Noncommissioned officer support channel

a. The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the command sergeants major to first sergeants and then to other NCOs and enlisted personnel of the units. Commanders will define responsibilities and authority of their NCOs to their staffs and subordinates. This NCO support channel will assist the chain of command in accomplishing the following:

(1) Transmitting, instilling, and ensuring the efficacy of the professional Army ethic. See FM 100-1 for an explanation of the professional Army ethic.

(2) Planning and conducting the day-to-day unit operations within prescribed policies and directives.

(3) Training of enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

(4) Supervising unit physical fitness training and ensuring that unit soldiers comply with the weight and appearance standards of AR 600-9 and AR 670-1.

(5) Teaching soldiers the history of the Army, to include military customs, courtesies, and traditions.

(6) Caring for individual soldiers and their families both on and off duty.

(7) Teaching soldiers the mission of the unit and developing individual training programs to support the mission.

(8) Accounting for and maintaining individual arms and equipment of enlisted soldiers, and unit equipment under their control.

(9) Administering and monitoring the NCO professional development program, and other unit training programs.

(10) Achieving and maintaining courage, candor, competence, and commitment.

b. Specific information concerning the responsibilities, command functions, and scope of duties of NCOs are contained in AR 611-201, and FM 22-600-20.

(1) *Sergeant Major of the Army*. This is the senior sergeant major grade of rank and designates the senior enlisted position of the Army. The sergeant major in this position serves as the senior enlisted adviser and consultant to the Chief of Staff, Army.

(2) *Command sergeant major*. This position title designates the senior NCO of the command at battalion or higher levels. He or she carries out policies and standards,

and advises the commander on the performance, training, appearance, and conduct of enlisted personnel. The command sergeant major administers the unit Noncommissioned Officer's Professional Development Program (NCODP).

(3) *First sergeant*. The position of first sergeant designates the senior NCO at company level. The first sergeant's principal duty is the individual training of enlisted members of the unit. The first sergeant administers the unit NCODP.

(4) *Platoon sergeant*. The platoon sergeant is the key assistant and adviser to the platoon leader. In the absence of the platoon leader, the platoon sergeant commands the platoon.

(5) *Section, squad, and team leaders*. These direct leaders are the NCOs responsible at these echelons.

c. NCO disciplinary policies are shown below.

(1) NCOs are important to maintaining discipline in the Army. The policies prescribed in this subparagraph should be considered together with the provisions of chapter 4 and the MCM.

(a) NCOs have the authority to apprehend any person subject to trial by court-martial in accordance with the MCM (Article 7, UCMJ, and para 302(b), RCM) and chapter 4 of this regulation.

(b) NCOs may be authorized by their commanders to order enlisted persons of the commanding officer's command or enlisted persons subject to the authority of that commanding officer into arrest or confinement in accordance with the MCM (para 304(b), RCM).

(2) NCOs do not have authority to impose nonjudicial punishment on other enlisted personnel under the MCM (Article 15, UCMJ.) However, the commander may authorize an NCO in the grade of sergeant first class or above, provided such person is senior to the person being notified, to deliver the DA Form 2627 (Record of Proceedings under Article 15, UCMJ) and inform the member of his or her rights. In cases of nonjudicial punishment, the recommendations of NCOs should be sought and considered by the unit commanders.

(3) As enlisted leaders of soldiers, NCOs are essential to furthering the efficiency of the company, battery, or troop. This function includes preventing incidents that make it necessary to resort to trial by court-martial or to impose nonjudicial punishment. Thus, NCOs are assistants to commanders in administering minor nonpunitive corrective actions as set forth in AR 27-10 and Part V, paragraph 1g of the MCM. "Nonpunitive corrective action" is not "nonjudicial punishment."

(4) In taking corrective action with regard to subordinates, NCOs will be guided by and observe the principles set forth in chapter 4.

d. NCO prerogatives and privileges are shown below. NCOs will—

(1) Function only in supervisory roles on fatigue duty and only as NCOs of the guard

on guard duty, except in temporary situations where grades of rank are critically short.

(2) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of their enlisted troop leaders.

(3) Be considered for assignment of quarters (NCOs with bonafide family members) by installation commanders based on AR 210-50. Assignment is based on the date of rank within pay grade.

(4) Be afforded pass privileges according to AR 630-5, chapter 11.

(5) Be afforded rooms in barracks areas under provisions of AR 210-11.

3-3. Precedence of relative rank

Among enlisted soldiers of the same grade of rank in active military service to include retired enlisted soldiers on active duty, precedence or relative rank will be determined as follows:

- According to date of rank.
- By length of active Federal Service in the Army when dates of rank are the same.
- By length of total active Federal Service when *a* and *b* above are the same.
- By date of birth when *a*, *b*, and *c* are the same—older is more senior.

3-4. Date of rank (DOR), enlisted soldiers

a. The provisions of this paragraph, unless otherwise specified, are effective 8 June 1979.

b. The DOR for enlisted soldiers in the Army, who have not had a break in active duty service and who reenlist in the same pay grade within 24 hours of discharge, is the DOR held in the pay grade prior to discharge.

c. The DOR for former enlisted soldiers or former officers (entitled to reenlist under section 3258, title 10, United States Code) who reenlist in the Regular Army (RA) is a date preceding the reenlistment date by a period equal to the length of time previously served on active duty in the same or higher grade than that in which reenlisted. Service performed prior to reduction to a pay grade lower than that in which an individual reenlists is not creditable.

d. The DOR for promotion to a higher grade is the date specified in the instrument of promotion or, when no date is specified, is the date of the instrument of promotion.

e. The DOR for a lateral appointment to a different rank within the same pay grade is the date held in the rank from which the appointment is made.

f. The DOR for the grade held during a period in which lost time occurs will be adjusted to reflect lost time accumulated for any reason. The provisions of this paragraph are retroactive to include adjustment of DOR held during previous periods of lost time.

g. The DOR in a grade to which reduced for inefficiency or failure to complete a school course is the same as that previously

held in that grade. If reduction is to a higher grade than that previously held, it is the date the soldier was eligible for promotion under the promotion criteria set forth for that grade under AR 600-200, chapter 7. (See AR 140-158, chap 4 for USAR enlisted soldiers on active duty in the Active Guard Reserve (AGR) program.)

h. Date of rank on reduction for all other reasons is the effective date of reduction. (See AR 27-10, chap 3, when a soldier is reduced under the MCM (Article 15, UCMJ).)

i. The DOR on restoration to grade of rank from which reduced following successful appeal of the reduction, is the date held before reduction. (See AR 27-10, chap 3, when a soldier is reduced under the MCM, (Article 15, UCMJ).)

j. Date of rank for enlisted Reservists or Guardsmen ordered to active duty (other than active duty for training) from the USAR or ARNG is a date preceding the date of entrance on active duty by a period spent in an active status in the grade in which ordered to active duty subject to the following conditions:

(1) Only service performed after the most recent break in service is creditable. For the purpose of this paragraph, a period during which the soldier is not a member of any component of the Armed Forces is a break in service if such period is in excess of 3 months (enlisted soldiers) or 6 months (former officers).

(2) Service performed prior to reduction to a pay grade lower than that in which a person enters on active duty is not credited.

k. The DOR for retired enlisted personnel who are recalled to active duty will be the DOR stated in the U.S. Total Army Personnel Agency orders placing him or her on active duty. Such DOR is computed by adding, at the time of retirement, the period of time between the date of retirement and the date of return to active duty. In case of additional periods of inactive service, the DOR is adjusted further.

l. The DOR for enlisted soldiers who immediately reenlist following removal from the Temporary Disability Retirement List (TDRL) is the original DOR held prior to being placed on the TDRL (section 1211, title 10, United States Code.) Soldiers who do not immediately reenlist following removal from the TDRL will have their DOR established under the provisions of c above.

m. The DOR for enlisted soldiers on restoration to the higher grade held prior to reduction to comply with requirements to attend school under an Army program will be the date of rank held prior to the reduction.

n. USAR and ARNG soldiers whose grades were reduced to enter on initial active duty for training (IADT) or to attend school will be restored upon satisfactory completion of training to their former grade with original DOR held prior to reduction.

o. The DOR of an ARNG soldier promoted to a higher grade held prior to acceptance of a reduction of one or more

grades, without prejudice, due to lack of position vacancy or unit reorganization or inactivation, will be a date preceding the promotion by a period equal to the length of time previously served in the grade to which promoted.

Chapter 4 Military Discipline and Conduct

4-1. Military discipline

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority.

b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, equity for all soldiers, regardless of race, ethnic origin, gender, or religion.

4-2. Obedience to orders

All persons in the military service are required to strictly obey and promptly execute the legal orders of their lawful seniors.

4-3. Military courtesy

a. Courtesy among members of the Armed Forces is vital to maintain military discipline. Respect to seniors will be extended at all times. (See AR 600-25, chap 4.)

b. The actions of military personnel will reflect respect to both the National Anthem and the National Colors. The courtesies set forth in AR 600-25, appendix A, should be rendered the National Color and National Anthem at public events whether the soldier is off or on duty, whether he or she is in or out of uniform. Intentional disrespect to the National Colors or National Anthem is conduct prejudicial to good order and discipline and discredits the military service.

4-4. Soldier conduct

a. Ensuring the proper conduct of soldiers is a function of command. Commanders rely upon all leaders in the Army, whether they are on or off duty or in a leave status, to—

(1) Ensure all military personnel present a neat, soldierly appearance.

(2) Take action against military personnel in any case where the soldier's conduct violates good order and military discipline.

b. The senior officer, WO, or NCO will act promptly, using such means as are available, to restore order.

c. On public conveyances in the absence of military police, the person in charge of the conveyance will be asked to notify the nearest military police and arrange to have them take custody of military personnel guilty of misconduct. If necessary, the person in charge of the conveyance will be asked to stop at the first opportunity and turn the offender over to local police. In all such cases, the local police will be advised to telephone (collect) the nearest Army post or Army headquarters. The purpose is to ensure—

(1) The accused's commanding officer is notified.

(2) The commander of the area of responsibility in which the offense occurs takes proper action.

d. When an offense endangering the reputation of the Army is committed elsewhere (not on a public conveyance), civilian police will be requested to take the offender into custody when military police are not available.

e. When military police are not present, the senior officer, WO, or NCO present will obtain the name, grade, social security number, organization, and station of the offender. This information and a statement of the circumstances will be sent to the soldier's commanding officer without delay. When the offender is turned over to the civilian police, the above information will be given to the civilian police for transmittal to the proper military authorities.

4-5. Maintenance of order

Army and Marine Corps military police, Air Force Security Police, and members of the Navy and Coast Guard shore patrols are authorized and directed to apprehend Armed Forces members who commit offenses punishable under the UCMJ. Officers, WOs, NCOs, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising this authority should do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective Services as soon as practical. Confinement of females will be according to AR 190-38, paragraph 4c, and AR 190-47.

4-6. Exercising military authority

a. Military authority is exercised with promptness, firmness, courtesy, and justice. Resorting to trial by court-martial, or to nonjudicial punishment under article 15, Uniform Code of Military Justice will not be done for trivial offenses, except when less drastic methods of administering discipline have been unsuccessful. (See part V, para 1d, Manual for Courts-Martial, United States, 1984, and AR 27-10, chap 3, sec 1.)

b. One of the most effective nonpunitive, corrective measures is extra training or instruction (including on-the-spot correction).

For example, if soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner. If soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

(1) The training, instruction, or correction given to a soldier to correct deficiencies must be directly related to the deficiency. It must be oriented to improving the soldier's performance in his or her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command.

(2) Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing nonjudicial punishment. Deficiencies satisfactorily corrected by means of training and instruction will be not noted in the official records of the soldiers concerned.

4-7. Disciplinary powers of the commanding officer

a. See Manual for Courts-Martial, United States, 1984, regarding the disciplinary powers of the commanding officer.

b. In exercising authority to use nonpunitive measures (part V, para 1g, Manual for Courts-Martial, United States, 1984, and AR 27-10, para 3-3a), if the soldier to be administratively reprimanded is no longer a member of that command, the commander concerned will send the reprimand directly to the individual at his or her current duty station. (See AR 600-37.)

c. Disciplinary measures are tailored to the nature and circumstances of specific offenses. Commanders will not restrain disciplinary powers of subordinates by limiting the number of times various types of disciplinary actions are allowed.

4-8. Settlement of local accounts on change of station

To ensure organizations and individuals have properly settled their accounts, commanders will—

a. Make every effort to settle local accounts of their organizations before movement.

b. Take action, by mail, to promptly settle organizational accounts with local firms when unable to settle before movement.

c. Take action as needed when soldiers under their command issue checks against an account with insufficient funds or fail to clear their personal accounts before departure from their stations. This includes consideration under Articles 15, 121, 123a, 133, or 134, Uniform Code of Military Justice. When indebtedness information is received after a soldier departs from the station, the

commanding officer of the station at which personal accounts remain unsettled will take action outlined in AR 600-15.

4-9. Civil status of members of the Reserve Components

a. Reserve Component members, not serving on active duty, are not considered officers or employees of the United States solely by reason of their Reserve status. They may accept and receive pay for employment in any civil branch of the public service, in addition to any pay and allowances they may be entitled to under the laws governing members of RCs.

b. A member of the RC, not serving on active duty, may practice his or her civilian profession or occupation before or in connection with any department of the Federal Government unless prohibited by law.

c. Conflict of interest laws impose limitations on activities in which persons may engage after terminating active duty or employment by the United States. The underlying principle is the real or perceived impropriety resulting when a person who has handled a Government matter leaves public service and then represents the other side in connection with the same (or a closely related) matter. (See section 207, title 18, United States Code.)

d. RC members who are officers and employees of the United States or the District of Columbia are entitled to a leave of absence from their civilian employment. This leave of absence will be granted without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises, or for instruction, for periods not over 15 days in any calendar year. As an exception, officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under section 6323, title 5, United States Code.

e. RC members may accept and be paid for civil employment with any foreign government, when approved by the Secretary of the Army and the Secretary of State. This includes any concern controlled in whole or in part by a foreign government. AR 600-291 is used for processing applications.

4-10. Participation in support of civilian law enforcement agencies

a. Commanders will not sanction the use of military personnel as sources or informants for civilian law enforcement agencies in the 50 States, the District of Columbia, or Trust Territories of the United States except when there is evidence the alleged criminal activity involves either of the following:

- (1) Persons subject to UCMJ.
- (2) Military property.

b. This will not prevent military personnel from reporting crimes or other suspicious activities to civilian police agencies or otherwise cooperating with civilian police

authorities in their capacities as private citizens. Neither does it preclude the mutual exchange of police information. AR 500-51 provides specific information concerning this matter.

4-11. Membership campaigns

DA recognizes, supports, and benefits from the activities of many worthy organizations, associations, and clubs. Many of these are quasi-military and composed largely or entirely of active or retired military personnel. Moreover, a number of them conduct meetings and other activities on military posts.

a. In supporting such organizations and associations, post commanders and heads of DA Staff agencies will—

(1) Ensure membership among personnel under their jurisdiction is truly voluntary.

(2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repeated orientations, meetings, or similar counseling of persons who have chosen not to join after given a chance to do so. It also includes using membership statistics in support of supervisory influence.

(3) Prohibit any practice that involves or implies DA sponsorship of the organization and its activities.

b. This policy will not bar reasonable efforts to inform and encourage personnel, without coercion, regarding the benefits and worthiness of such organizations and of membership therein.

4-12. Extremist organizations

The activities of extremist organizations are inconsistent with the responsibilities of military service. Active participation by soldiers is prohibited. (See para 6-3.)

a. Military personnel, duty bound to uphold the Constitution, must reject participation in organizations which—

(1) Espouse supremacist causes.

(2) Attempt to create illegal discrimination based on race, creed, color, gender, religion, or national origin.

(3) Advocate the use of force or violence, or otherwise engage in efforts to deprive individuals of their civil rights.

b. Passive activities, such as mere membership, receiving literature in the mail, or presence at an event, although strongly discouraged as incompatible with military service, are not prohibited by Army policy. Positive actions to limit soldier participation are listed in *d* below.

c. The prohibited activities concerning extremist groups include the following:

(1) Participating in a public demonstration or rally.

(2) Knowingly attending a meeting or activity while on duty, when in uniform, when in a foreign country, or in violation of off-limits sanctions or commander's order.

(3) Conducting fund-raising activities.

(4) Recruiting or training members (including encouraging other soldiers to join).

(5) Organizing or leading such a group.

(6) Distributing literature on or off a military installation.

(7) Participating in any activity that is in violation of regulations, constitutes a breach of law and order, or is likely to result in violence.

d. Commanders should take positive actions when soldiers in their units are identified as members of extremist groups and/or when they engage in extremist group activities. Some of these actions include—

(1) Educating soldiers as to the Army's policy of fair and equitable treatment for all. Commanders will point out that soldiers holding views to the contrary are not in harmony with Army goals, beliefs, and values, and should seriously reconsider their position.

(2) Counseling and advising soldiers of the incompatibility of such organizations with military service, and that their membership—

(a) Will be taken into consideration when evaluating their overall performance to include appropriate remarks on evaluation reports.

(b) Is a legitimate factor to be considered when selections for positions of leadership and responsibility are made.

(3) Removing or recommending removal of security clearances, where appropriate.

(4) Initiating reclassification actions or bar to reenlistment actions, as appropriate.

(5) Initiating UCMJ action against soldiers whose activities violate military law. Possible violations include—

(a) Article 92—Failure to obey a lawful order or violation of a lawful regulation or general order (for example, participation in nonapproved on-post meetings or demonstrations, distribution of literature without approval, or discrimination).

(b) Article 116—Three or more people whose actions cause "Public Terror."

(c) Article 117—Provoking words or gestures.

(d) Article 134—Conduct which is disorderly or service discrediting.

(6) Considering involuntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order, discipline, and morale.

(7) Denying requests for the use of on-post facilities by organizations which engage in discriminatory practice. (See para 6-7.)

(8) Imposing off-limits restrictions on off-post facilities that pose a threat to the discipline, health, morale, safety, or welfare of military personnel in accordance with AR 190-24.

(9) Ordering soldiers not to participate in specific events sponsored by extremist groups when there is a reasonable likelihood of such participation resulting in activities which are illegal or are prejudicial to good order, discipline, or morale.

e. Actions taken by commanders must be appropriate to the specific facts surrounding any incident. Not every incident warrants separation or UCMJ action. Coordination with the servicing staff Judge Advocate is strongly advised.

4-13. Army language policy

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and, therefore, must normally be English. However, commanders may not require soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications which are unrelated to military functions.

4-14. Relationships between soldiers of different rank

Relationships between soldiers of different rank that involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. It is Army policy that such relationships will be avoided.

a. Commanders and supervisors will counsel those involved or take other action, as appropriate, if relationships between soldiers of different rank—

(1) Cause actual or perceived partiality or unfairness.

(2) Involve the improper use of rank or position for personal gain.

(3) Create an actual or clearly predictable adverse impact on discipline, authority, or morale.

b. The commander will be responsible for establishing the leadership climate of the unit. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command.

c. Commanders share responsibility for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive relationship carrying over into their lives with each other.

(2) Duty is obedience and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their seniors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity provides a way of life. Demonstrated integrity is the basis for dependable information, decision-making, and delegation of authority.

d. Professionally competent leaders will add to respect for their authority by—

(1) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(2) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Article 137, Uniform Code of Military Justice.)

(3) Properly training their soldiers, and ensuring that equipment and they, themselves, will be in the proper state of readiness at all times. Soldiers must be committed to accomplishing the mission through the unit cohesions developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers.

e. All soldiers and Army civilians must understand that this policy is based on the principle of good judgment. An association between an officer and an enlisted soldier might not be considered fraternization yet still be inappropriate. Similarly, certain relationships between enlisted soldiers, or between officers, may be inappropriate. Just because a certain relationship does not break the law, does not mean it is acceptable or appropriate.

(1) Prejudgments in evaluating relationships and associations between soldiers of different rank have no place in military society. An association between soldiers of different rank who also are of different gender does not necessarily create a greater potential for impropriety than one between soldiers of the same gender. Relationships between males of different rank in the male-dominated military organization have as much potential for real or perceived partiality. Mentoring, coaching, and teaching of soldiers by their seniors should not be inhibited by gender prejudice. Strong bonds are needed to build commitment, esprit, and confidence necessary for mission accomplishment and human self-fulfillment.

(2) The policy applies to all relationships between soldiers of different rank. Any social or duty relationship may result in an impropriety. When soldiers date or marry other soldiers junior in rank, the potential for problems increases. Value conflicts may arise because the emotions and affections which draw people together are among the strongest in human society. In addition,

there is a special confidence and trust placed in our officers and noncommissioned officers which must be honored. Soldiers must remain aware that relationships between soldiers of different rank may lead to perceptions of favoritism or influence. The appearance of impropriety can be as damaging to morale and discipline as actual misconduct.

(3) Same sex relationships between soldiers of different rank may cause problems. The Army affirms managing our personal relationships to promote the health and welfare of all concerned and maintaining good order, morale, and discipline.

(4) The abuse of authority and the appearance of partiality are major causes of problems. The senior must exercise authority in such a manner as to affirm the welfare and dignity of all subordinates and limit the potential for actual or perceived abuse of authority.

(5) Certain structures within the military demand closer scrutiny because of the greater risk that they will involve partiality or an abuse of authority, or the appearance of either. These include, Initial Entry Training (IET), Advanced Individual Training, and military schools. Military commanders have always closely controlled relationships between trainers and trainees. The exercise of military authority over the life of a young soldier makes obedience the proper response to the senior. These relationships are regulated in a very restrictive manner. Also discouraged are relationships between senior and subordinate members of the same unit or between soldiers closely linked in the chain of command or supervision. They are fraught with the possibility of actual or perceived favoritism, and are, therefore, potentially destructive of discipline, authority, morale, and soldier welfare.

(6) When the senior has authority over the lower ranking soldier or has the capability to influence actions, assignments, or other benefits or privileges, there is the strongest justification for exercising restraint on social, commercial, or duty relationships. At the same time, when the senior does not have this authority or capacity regarding the lower ranking soldier, social relationships are not inherently improper and normally need not be regulated. Soldiers must be aware, however, that even these relationships can lead to perceptions of favoritism and exploitation under certain circumstances.

(7) Because determinations are often made to judge a relationship as improper, supervisors, leaders, and commanders must exercise their best leadership. The professional Army ethic of loyalty, duty, selfless service, and integrity requires leaders of all ranks to be truly professional.

(8) Commanders have the responsibility to articulate what is improper. If the commander becomes aware of a relationship which has the potential for creating an appearance of partiality or preferential treatment, counseling the soldiers concerned is usually the most appropriate initial action.

This also generally holds true for those relationships which involve only the appearance of partiality and have had no adverse impact on discipline, authority, or morale. Counseling is a most effective leadership tool. In addition, commanders may use administrative actions (for example, reassignment, oral or written admonitions, or reprimands) to assist in controlling these relationships. A close, unofficial relationship between soldiers of different rank normally should not result in an unfavorable evaluation or efficiency report, relief from command, or other significant adverse action unless it clearly constitutes a relationship that violates this policy. Even in such cases, counseling the soldiers concerned and allowing them an opportunity to terminate the improper relationship, rather than immediate imposition of disciplinary or other significant adverse administrative action, usually will be most appropriate. This is especially true if there has been no actual partiality or unfairness and no actual use of rank or position for personal gain.

(9) When an official relationship between soldiers violates this policy, the Army is firmly committed to corrective action.

4-15. Trainee and soldier relationships

Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party officers and noncommissioned officers without regard to the installation of assignment of the permanent party member or IET trainee. The above prohibition does not forbid or restrict positive instructor-student relations but precludes improper relationships such as those referred to in paragraph 4-14.

4-16. Fraternalization

Relationships in paragraph 4-14e, if between officers and enlisted soldiers, are prohibited by the customs of the Service and may constitute the offense of fraternization under the provisions of article 134, Uniform Code of Military Justice. (See Part IV, para 83, Manual for Courts-Martial, United States, 1984.)

4-17. Standards of conduct

Department of the Army personnel should place loyalty to country, ethical principles, and law above private gain and other interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government. AR 600-50 prescribes minimum standards of conduct required of all soldiers and Army civilians to enable them to avoid conflicts of interest between their private interests (including commercial and financial interests) and their official duties.

Chapter 5 Other Responsibilities of Command

5-1. General

This chapter sets forth additional responsibilities concerning certain soldier activities and practices whose regulation are inherent aspects of command. Violation of the provisions of this chapter will provide a basis for disciplinary action under the UCMJ for those subject to its provisions.

5-2. Congressional activities

a. Communicating with a Member of Congress. No person may restrict any member of the Armed Forces from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation vital to the security of the United States. (See section 1034, title 10, United States Code.) No person may be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders will be responsible for continually advising subordinates to seek advice or assistance within the chain of command, from proper staff agencies, or from an inspector general if there is a complaint. Soldiers should also be informed that a communication concerning a personal problem sent to anyone not in the local chain of command will be returned to the local commander. The commander will consider the matter before action is taken to render assistance. Soldiers should so advise members of their families.

b. Appearance before congressional committees. DA policy will be to provide maximum information about its operation and activities to congressional committees. This information is subject to the provisions of AR 380-5, paragraph 7-105. When asked to appear before a congressional committee, Army military personnel will coordinate with the Chief of Legislative Liaison, Office of the Secretary of the Army for guidance or assistance. Coordination will be accomplished with the Comptroller of the Army on matters pertaining to the budget. AR 1-20 contains additional information concerning this possibility.

5-3. Political activities

a. Obligations as a citizen. Soldiers are expected to carry out their obligations as citizens. However, while on active duty, soldiers (including full-time National Guard) are prohibited in certain cases from becoming a candidate for or holding civil office and engaging in partisan political activities. The following principles apply:

(1) Soldiers may—

(a) Register, vote, and express their personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(b) Contribute money to a political party or political committee favoring a particular candidate or slate of candidates. (These contributions are subject to the limitations of

sections 603, 606, 607, title 18, United States Code.)

(c) Attend partisan or nonpartisan political meetings or rallies, except as prohibited by this chapter.

(d) Campaign with regard to referenda, constitutional amendments, approval of municipal ordinances, or issues of similar character, except as prohibited by this chapter.

(e) Campaign in elections where none of the candidates represents a political party:

(2) Soldiers may not—

(a) Use their official authority or influence to interfere with an election, affect the course of its outcome, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.

(b) Be a candidate and hold civil office, except under the conditions set forth in this chapter.

(c) Take part in the management or conduct of partisan political campaigns or conventions. This includes fund-raising activities or giving political advice to particular campaigns or candidates.

(d) Make financial contributions to a political candidate, or authorized committee of a candidate, when the candidate is the employer or employing authority of the contributor.

b. *Examples of activities.* To help apply the foregoing general provisions to factual situations, appendix B gives examples of permissible and prohibited political activities. These guidelines do not supersede other Army policies based on DoD Directive 1325.6 dealing with dissident and protest activities among members of the Army, but are used in conjunction with them.

c. *Federal statutes.* Appendix C contains excerpts from several Federal statutes prohibiting certain types of political activities by members of the Armed Forces.

d. *Participation in political meetings or rallies, picket lines, and public demonstrations.* Taking part in partisan or nonpartisan political meetings or rallies, picket lines, or any other public demonstrations may imply Army sanction of the cause for which the demonstration or meeting is conducted. Unless sanctioned by competent authority, soldiers will be prohibited from taking part—

(1) During the hours they are required to be present for duty.

(2) When they are in uniform, on a military reservation, or in a foreign country.

(3) When their activities constitute a breach of law and order.

(4) When violence is reasonably likely to result.

e. *Candidacy for elective office.*

(1) A soldier may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, when circumstances justify, the installation commander may permit the soldier to file such evidence of nomination or candidacy for nominations as may be required by law. This permission may not authorize activity prohibited by this chapter while on active duty.

(2) A soldier may not be a nonpartisan candidate for any civil office requiring full-time service while serving an initial tour of extended active duty. This provision will also apply to tours of extended active duty resulting from schooling, or other training wholly or partly at the expense of the Government.

f. *Prohibition against election or appointment to civil office.*

(1) Regular officers on the active duty list may not hold or exercise by election or appointment the functions of a civil office, except as otherwise provided by law. (See 10 USC 973.)

(2) Officers on the active list of an RC and enlisted personnel may be retired, discharged, or released to inactive duty, as appropriate, if they are—

(a) Elected as a partisan candidate to any civil office or as a nonpartisan candidate to a civil office requiring full-time service.

(b) Appointed to a civil office requiring full-time service. Soldiers on initial extended active duty and funded schooling will not be released. In selected cases, the Secretary of the Army may release Reservists from their active duty obligations and permit them to accept the civil office to which elected.

(3) No member of the Armed Forces may be assigned or detailed to perform duties in the legislative or judicial branches of the U.S. Government, except under a scholarship, fellowship, grant, or internship, or except to perform duties for a specific duration on a specific project, as a member of the staff of a court, or of a committee of the Congress. In order to do this, the member must first agree to incur an active duty Service obligation commencing from the termination of the assignment or detail and lasting equal to the assignment or detail, or to the obligation prescribed in applicable Service regulations, whichever is greater. These obligations may be waived by the Assistant Secretary of Defense (FM&P). (DOD Directive 1000.7 prescribes the specifics for this action.)

5-4. Command aspects of medical care

a. *Necessary medical care.* A soldier on active duty or active duty for training will usually be required to submit to medical care considered necessary to preserve his or her life, alleviate undue suffering, or protect or maintain the health of others. Commanders may order the examination of any soldier in their command when warranted. The medical treatment facility commander will determine if hospitalization of the soldier is appropriate.

b. *Medical care with or without the soldier's permission.*

(1) Emergency medical care required to save the life or health of the soldier may be performed. This is determined by the attending physician. If the soldier should refuse treatment required, and the unit commander is not available, the hospital commander may order the treatment given.

(2) Immunizations required by AR 40-562 or other legal directive (subject to any limitation stated in these directives) may be given.

(a) The policy of authorizing forcible immunization is intended to protect the health and overall effectiveness of the command as well as the health of the soldier. Soldiers do not have an option as to whether they will be immunized except as prescribed in AR 40-562, paragraph 9, and paragraph 5-6 of this regulation.

(b) In performing this duty, medical personnel are expected to use only the amount of force needed to give the immunization. Any force necessary to overcome a soldier's reluctance to immunization will normally be provided by personnel acting under orders from the soldier's unit commander. Every reasonable effort should be made to avoid the need for disciplinary action. However, soldiers should be advised that they may subject themselves to disciplinary action by resisting. They should also be informed that they will be inoculated with or without their consent. Before any mandatory immunization, an explanation should be given concerning the necessity for submitting to the required inoculation.

(3) Isolation and quarantine for cases of suspected or proven communicable disease may be appropriate.

(4) Detention on closed wards may be required when needed to ensure proper medical supervision or to protect the soldier or others from harmful acts.

(5) Medical care related to the mental disorders of soldiers who are found incompetent by a medical board may be given, provided life or health is not likely to be endangered by such procedures or care. (This provision also applies if the soldier is believed incompetent and medical board action is pending.) These soldiers may also be given routine medical care needed to treat minor ailments.

(6) Medical care of a diagnostic nature may be undertaken in order to determine whether a situation exists that would authorize other medical care to be performed with or without the soldier's permission.

(7) Physical examinations and associated procedures, and dental or radiological examinations may be required when one or more of the following apply:

(a) Required by law or regulation.

(b) Authorized to be performed without consent by law or other regulations.

(c) Directed by an individual's commander or other appropriate official in order to determine the individual's fitness for duty.

(8) Nothing in this paragraph limits the authority of appropriate officials to order the performance of medical procedures for the purpose of obtaining evidence without the consent of the individual concerned, and without board action in cases where such procedures are authorized under other regulations or the Military Rules of Evidence; MCM.

c. Refusal to submit to medical care other than care described in paragraph 5-4b.

(1) Soldiers on active duty or active duty for training who refuse to submit (or whose court-appointed guardian or other legal representative objects) to recommended medical care will be referred to a medical board. (See AR 40-3, para 7-5.)

(2) Soldiers will be referred to a medical board if they refuse to submit to dental care and/or radiographic (x-ray) procedures deemed necessary by the installation dental surgeon to create dental record and panoramic records of the oral dentition—

(a) to aid in remains identification.

(b) to treat dental conditions judged to be prejudicial to military operations or deployment which may result in evacuation or treatment within the first 6 months. (See AR 40-3, para 7-5.)

(3) When a soldier refuses to submit to recommended care because of religious practices, the provisions of paragraph 5-6 apply.

d. Medical board proceedings when medical care is refused.

(1) The examining medical board's report should contain the following information:

(a) Statement that the proposed treatment will relieve the incapacity and aid the soldier's return to a duty status.

(b) Statement that the proposed treatment is an established procedure that qualified and experienced physicians ordinarily would recommend and undertake.

(c) Statement that the soldier's refusal to undergo treatment is reasonable or unreasonable. In the case of a mentally incompetent soldier, statement that compulsory treatment is warranted. Consideration should be made of the risks ordinarily associated with the proposed treatment, the soldier's age, general physical condition, and his or her reasons for refusing treatment.

(2) Generally, refusal of medical care is considered unreasonable without substantial evidence the treatment is inadvisable. However, in deciding whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider among other things—

(a) Existing evidence that the physical or mental treatment is inadvisable.

(b) Previous unsuccessful operations and procedures.

(c) Any special risks involved in the proposed medical treatment.

(3) The report of the medical board proceedings will show the need and risk of the proposed medical care refused by the soldier. Moreover, it will show that the soldier was given the chance to appear in person and will indicate if the soldier's condition permitted appearing. The report will further show that the soldier was given the chance to submit a written statement explaining the grounds for refusal. Any statement submitted will be sent with the report.

(4) Soldiers believed to be incompetent will be aided by a representative who may appear in their behalf. The representative need not be legally qualified.

(5) The soldier will be informed of the approved findings if the proposed medical care is needed—

(a) To protect the soldier's health.

(b) To protect the health of others.

(c) To enable the soldier to perform his or her duties properly.

(6) The board findings must also state that the proposed care will have a positive effect.

e. Soldiers must be given the results of the board proceedings (d above) and offered the opportunity to accept the prescribed medical care. If the soldier still refuses, the medical treatment facility commander will send the medical board proceedings to HQDA (SGPS-CP), 5111 Leesburg Pike, Falls Church, VA 22041-3258 for review. When refusal to submit to the prescribed medical care is based on religion, The Surgeon General (TSG) will refer the medical board proceedings to the Committee for Review of Accommodation of Religious Practices within the U.S. Army for review and an advisory opinion before action.

(1) TSG will either approve or disapprove the medical board proceedings and return them to the medical treatment facility commander.

(2) If TSG approves the medical board proceedings, the soldier is again given the chance to accept treatment. If the soldier persists in refusing the medical care, the medical treatment facility commander refers the matter to the proper Special Court-Martial Convening Authority. Copies of the medical board proceedings are provided. If the Special Court-Martial Convening Authority orders the soldier to submit to treatment and the soldier refuses to obey, the commander may take—

(a) Disciplinary action according to MCM.

(b) Administrative action to separate the soldier from service through retirement, discharge, or other legal means.

5-6. Pregnancy and family care counseling

a. Commanders will ensure that the soldiers defined in this paragraph are identified and counseled using DA Form 5304-R (Family Care Counseling Checklist) and, when applicable, DA Form 5305-R (Statement of Understanding and Responsibility). These will be locally reproduced on 8½ by 11 inch paper. A copy for local reproduction is at the back of this regulation.

(1) Pregnant soldiers will be counseled in accordance with AR 135-91, AR 635-100, or AR 635-200. Such counseling must include the specific information pertaining to the costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(2) Dual-service parents of all active duty and Reserve Components will be counseled by his or her commander when one or more of the following apply—

(a) Married to a member of the Army or another Service (see paragraph g(5) below).

(b) Have joint physical and legal custody of one or more children under age 18.

(c) Have family members incapable of self-care regardless of age.

(3) Single parents of all active duty and Reserve Components will be counseled when one or more of the following apply:

(a) Have no spouse or are legally separated from a spouse.

(b) Have physical and legal custody of one or more children under age 18.

(c) Have family members incapable of self-care regardless of age.

b. Soldiers must arrange for the care of their family members so as to—

(1) Be available for duty when and where the needs of the Service dictate.

(2) Be able to perform assigned military duties without interference.

(3) Remain eligible for worldwide assignment.

c. Commanders must stress the obligations in b. above. Moreover, they must ensure that soldiers know they do not receive special consideration in duty assignments or duty stations based on their responsibility for family members. The main evidence that soldiers have made adequate arrangements for the care of their dependents will be the execution of a DA Form 5305-R.

d. Enlisted soldiers are further counseled regarding—

(1) Voluntary and involuntary separation under provisions in AR 135-178, chapter 4, or AR 635-200, chapters 5 and 6, whenever parenthood interferes with military responsibilities.

(2) A bar to reenlistment for failure to provide an approved family care plan, or for failure to manage family affairs in accordance with AR 140-111, chapter 1, AR 601-280, chapter 6, or NGR 600-200, chapter 7.

e. Officers will be counseled regarding voluntary and involuntary separation under provisions in AR 135-175, chapter 2, or AR 635-100, chapters 3 and 5, whenever parenthood interferes with military responsibilities.

f. All single parent soldiers and dual-service parents will be further counseled if they receive instructions for an outside continental United States (OCONUS) assignment and plan to take their family members or if they have a child(ren) born during an OCONUS assignment that—

(1) They must arrange for a guardian to care for their dependent family members in the continental United States (CONUS) in the event their family members are evacuated from OCONUS.

(2) Prior to departure or within 60 days of the birth(s), soldiers will be required to complete a DA Form 5305-R, providing the name, address, and telephone number of a person in CONUS designated as guardian for dependent family members.

(3) The balance of the family care plan will be completed upon arrival at the new OCONUS unit.

(4) Soldiers unable to provide required names will be ineligible for family travel and

are deployed on "all others" tours. Such soldiers, if careerists, are barred from reenlistment.

(5) Enlisted personnel unable to deploy because of parental responsibilities may be processed for separation under AR 635-200, paragraph 5-8.

(6) Officers unable to deploy because of parental responsibilities may be processed for separation under AR 635-100, paragraph 5-12.

g. Procedures for completion of DA Form 5304-R and DA Form 5305-R.

(1) During inprocessing the affected soldier will sign DA Form 5304-R after proper counseling.

(2) The soldier will be informed that must complete DA Form 5305-R within 2 months of the date of counseling or within two months of the birthdate of the child for single or dual service parents.

(3) All soldiers, officers and enlisted, who are not required to sign DA Form 5304-R or submit a DA Form 5305-R under provisions of this paragraph, will be encouraged to maintain a personal family care plan.

(4) Unit commanders may approve or disapprove required family care plans based on the following:

(a) The soldier explained, to the satisfaction of the commander, his or her plans for circumstances listed on the DA Form 5305-R and that such plans are reasonable and workable.

(b) The family care plan reflects a reasonable and workable solution for each contingency listed on the DA Form 5305-R.

(c) The soldier's status as a single parent or dual-service parent has not interfered with the performance of military duties.

(d) The soldier is available for worldwide assignment.

(5) Dual-service parents are, when practicable, counseled together.

h. Plans, approved or disapproved, will be filed in the unit files within 2 months of the date of counseling. A copy will be provided to the soldier. If a plan is disapproved, the soldier will be given a chance to submit additional documentation or evidence. When the soldier departs the unit, DA Form 5304-R and DA Form 5305-R will be held in the unit files for 90 days and then destroyed.

i. DA Form 5305-R will be recertified periodically but, at a minimum, during the anniversary of the soldier's birth month. It is revised after any change of circumstances requiring a change in family care arrangements. The commander, or designated representative, indicates recertification of approval by initialing and dating DA Form 5305-R, and ensures that correct information is provided for the Family Care Counseling Report (SIDPERS AAC-C43).

j. Comments or questions concerning reenlistment or counseling requirements under this policy may be sent to HQDA (DAPE-MPS), WASH DC 20310-0300.

k. Maximum testing of the validity of family care plans should be regularly accomplished (for example, during exercises,

alerts, and other unit activities) to ensure information on a soldier's Family Care Plan is correct.

5-6. Accommodating religious practices

The Army places a high value on the rights of its soldiers to observe tenets of their respective religions. It is the Army's policy to approve requests for accommodation of religious practices when they will not have an adverse impact on military readiness, unit cohesion, standards, health, safety, or discipline, or otherwise interfere with the performance of the soldier's military duties. However, accommodation of a soldier's religious practices cannot be guaranteed at all times but must depend on military necessity. (See DA Pam 600-75 for information on procedures.)

a. The DCSPER will establish policy on the accommodation of religious practices within the U.S. Army and form the Committee for the Review of the Accommodation of Religious Practices within the U.S. Army.

(1) *Establishment.* The Committee for the Review of the Accommodation of Religious Practices within the U.S. Army is hereby established as a continuing committee.

(2) *Purpose.* It will—

(a) Meet on call to evaluate the Army's policies and procedures in implementing DOD Directive 1300.17.

(b) Provide recommendations to the DCSPER—

1. Concerning any request for accommodation of any religious practice not contained in this chapter.

2. To approve or disapprove denials by commanders concerning the wear of items of religious apparel by soldiers in uniform.

(c) Provide advice as requested by commanders and soldiers.

(3) *Composition.* The committee consists of a representative from the following Army Staff agencies:

(a) Office of the Deputy Chief of Staff for Personnel (ODCSPER).

(b) Office of the Deputy Chief of Staff for Operations and Plans.

(c) Office of the Deputy Chief of Staff for Logistics.

(d) Office of the Chief of Chaplains.

(e) Office of The Inspector General.

(f) Office of The Judge Advocate General.

(g) Office of The Surgeon General.

(4) *Direction and control.* The Chief, Human Resources Division, ODCSPER, is designated to chair the committee and to act for the DCSPER as necessary. Reporting channels and tasking authority are in (2) above. Reporting requirements are as specified in AR 5-5, paragraph 3-6.

(5) *Administrative support.* Administrative support will be provided by the Human Resources Division, ODCSPER.

b. The following should ensure that every enlisted (to include reenlistment) cadet, warrant officer, and commissioned officer

applicant is informed of the Army's policies concerning accommodation of religious practices as set forth in this regulation:

(1) Commanding General, U.S. Army Recruiting Command (for all enlisted and Nurse Corps accessions).

(2) Commanding General, U.S. Army Training and Doctrine Command (TRADOC) (for all Reserve Office Training Corps cadets and officer and warrant-officer candidates).

(3) The Surgeon General (for all AMEDD officer accessions less Nurse Corps accessions).

(4) The Judge Advocate General (for all judge advocate officer accessions).

(5) The Chief of Chaplains (for all chaplain officer accessions).

(6) Superintendent, U.S. Military Academy (for all U.S. Military Academy cadet applicants).

(7) The Deputy Chief of Staff for Personnel (for all applicants for reenlistment).

c. The applicant should acknowledge that the accommodation of religious practices cannot be guaranteed but will only be approved by commanders when the religious practice will not have an adverse impact on military readiness, unit cohesion, standards, health, safety, or discipline, or otherwise interfere with the performance of the applicant's military duties. The applicant should further be advised that the conditions of accommodation may be changed by the unit commander or other appropriate authority based on military need.

d. The Chief of Chaplains will formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.

e. The Commanding General, TRADOC, and other MACOM commanders will ensure that training on the provisions of this chapter is provided in appropriate instruction programs for individuals in the positions of commanders at the unit level through brigade chaplains and judge advocates.

f. Unit commanders will consider and approve or deny, as appropriate, requests for accommodation of the religious practices defined in this chapter. Wearing of religious apparel while in uniform is governed by paragraph h(4)(b) below. Unit commanders may rescind previously granted accommodations of religious practices when necessary. Any request for accommodation of religious practices not addressed by this regulation may be sent for consideration through command channels to HQDA (DAPE-MPH), The Committee for Review of Accommodation of Religious Practices within the U.S. Army, WASH DC 20310-0300.

g. Guidelines and procedures for commanders and soldiers are in DA Pam 600-75.

h. The following considerations apply:

(1) *Accommodation of religious worship practices.*

(a) Some religious groups have worship requirements that conflict with the soldier's

availability for duty; for example, a 25-hour sabbath, time for worship on days other than Saturday or Sunday on a normal basis, or for holy days or periods. The unit commander must determine when individuals must be available for duty. The unit commander will be charged with the creation and maintenance of unit cohesion, discipline, readiness, and operational performance. Religious worship conflicts involving these issues will be handled best at the lowest level where personal relationships and knowledge of the circumstances exist.

(b) Worship services, holy days, and sabbath observances will be accommodated except when precluded by military necessity. If the time required for religious worship is consistently during normal duty hours, the soldier may request an exception to normal duty hours. The soldier must document the need for the exception and be prepared to perform alternative duty hours to maintain individual or unit readiness requirements. Ordinary leave will be an alternative for lengthy holy periods or days.

(2) *Accommodation of religious dietary practices.*

(a) Some faith groups have religious tenets that prohibit the eating of specific foods or prescribe their preparation. These dietary restrictions are normally prohibitions against specific foods more than requirements to eat only a few select foods. Most of these needs are met in garrison with the current diet while being more difficult in a field or combat environment. Meals-ready-to-eat (MRE) should accommodate most soldiers with religious dietary concerns and may be the only ration available.

(b) A soldier with a conflict between the diet provided by the Army and the diet required by the soldier's religious practice may request an exception to policy to ration separately and take personal supplemental rations when in a field/combat environment.

(3) *Accommodation of religious medical practices.*

(a) Some religious practices conflict with normal Army medical procedures. These conflicts include the belief in self-care and prohibitions against immunizations, blood transfusions or surgery. The Army's concern is with the possible effect on the soldier's health and ability to carry out assigned tasks, on military service medical systems, and on the health of others.

(b) A soldier whose religious tenets profess self-care may request accommodation of this religious practice for nonemergency/nonlife threatening illness or injury. However, the unit commander and the medical treatment facility commander will determine the time constraints for the soldier to recuperate without requiring medical care.

(c) Soldiers who refuse to submit (or whose court-appointed guardian or other legal representative objects) to recommended medical treatment because of religious practices will be referred to a medical board. A chaplain will be appointed as a member of the board.

(d) The examining medical board's report should contain the following information:

1. Proposed treatment required to relieve the incapacity and aid the soldier's return to duty status, and expectation to do so.

2. Reasonableness of the soldier's refusal to undergo treatment as based on religious tenets. (The risks ordinarily associated with the proposed treatment and the soldier's age, general physical condition, and the reasons for refusing treatment should be considered.)

3. Need and risk of the proposed medical care refused by the soldier. Moreover, it will show the soldier was given the chance to appear in person and will indicate whether conditions permitted an appearance.

4. Evidence that the soldier was given the chance to submit a written statement explaining grounds for refusal, as well as to have representation from the soldier's religious faith group. Any statements submitted will be included with the report.

(e) Soldiers believed incompetent will be aided by an appointed counsel who may appear in their behalf. The counsel need not be legally qualified.

(f) If the examining board finds that proposed medical care is needed to protect the soldier's health or the health of others, the soldier must be informed and given the opportunity to accept the prescribed medical care. If the soldier still refuses, the medical treatment facility commander will send the medical board proceedings to TSG who will forward it to The Committee for Review of Accommodation of Religious Practices within the U.S. Army for an advisory opinion. TSG will approve or disapprove the medical board proceedings and return them to the medical treatment facility commander. If TSG approves the medical board proceedings, the soldier is again given the opportunity to accept treatment. If the soldier persists in refusing medical care, the medical treatment facility commander refers the matter to the soldier's special court-martial convening authority in accordance with paragraph 5-4 with a copy of the medical board proceedings. The special court-martial convening authority may then initiate administrative, nonjudicial, or judicial action, as appropriate.

(g) In emergency situations the medical treatment facility commander may order or the attending physician may take immediate steps to save a soldier's life regardless of religious practices.

(h) All Army personnel will receive immunizations as prescribed in AR 40-562. Persons whose religious practices conflict with the requirements of AR 40-562 may request temporary waiver of the Area I immunizations or nonessential immunizations while stationed in CONUS units that have no contingencies for deployment to areas II, IY, or IIP. Personnel in units with deployment contingencies to areas II, IY, or IIP will be required to maintain immunizations as appropriate. Assignment limitations will

not be granted for lack of immunizations due to religious practices.

(4) *Accommodation of religious dress and appearance practices.*

(a) Subject to temporary revocation due to health, safety, or mission requirements, soldiers may wear—

1. Religious apparel, articles, and jewelry that are not visible or apparent.

2. Visible or apparent religious articles, symbols, and jewelry under the same circumstances as authorized for nonreligious reasons. Hair and other grooming practices are governed by AR 670-1.

(b) Soldiers may wear an item of religious apparel while wearing the Army uniforms, except when wearing the item would interfere with the performance of the soldier's duties, or when the item is not neat and conservative.

1. "Religious apparel" is defined as articles of clothing worn as part of the observance of the religious faith practiced by the soldier.

2. Application of the term "neat and conservative" is not intended to limit the wear of religious apparel during worship services or other rites and rituals distinct to a faith or denominational group. However, commanders may for operational or safety reasons place reasonable limits on the wear of non-subdued items of religious apparel during worship services or other rites and rituals conducted in the field.

3. When a soldier is wearing an Army uniform outside of worship services or other rites and rituals, neat and conservative items of religious apparel are those that are discreet in style and design, and subdued in brightness or color; do not replace or interfere with the proper wearing of any prescribed article of the uniform; and are not temporarily or permanently affixed or appended to any prescribed article of the uniform.

4. The standards above serve as a basis for commanders to determine whether an item of religious apparel may continue to be worn while the soldier is in uniform.

5. Whether an item of religious apparel interferes with a soldier's military duties depends on the characteristics of the item, the circumstances of its intended wear, and the particular nature of the soldier's duties. Factors in determining whether an item of religious apparel interferes with military duties include, but are not limited to, whether the item may impair the safe and effective operation of weapons, military equipment, or machinery; pose a health or safety hazard to the wearer or others; interfere with the wearing or proper functioning of special or protective clothing or equipment (examples include but are not limited to helmets, protective clothing, flight suits, wet suits, protective masks, and crash and rescue equipment); or otherwise impair the accomplishment of the military mission.

6. A complete prohibition on the wearing of any visible item of religious apparel may be appropriate under unique circumstances in which the soldier's duties, the military

mission, or the maintenance of discipline require absolute uniformity. Examples of this include but are not limited to: the wear of historical or ceremonial uniforms, parades, honor or color guards (other than during designated off-duty hours) when absolute uniformity is necessary.

7. Unit commanders who deny a soldier the wearing of items of religious apparel while in uniform under the provisions of this paragraph will forward the denial and supporting documents through their chain of command to the Committee for review. Any commander in the chain of command may review and grant the wear of the religious apparel in question. The action to approve eliminates the need for review by the Committee. Denials forwarded for review must be received at HQDA not later than 25 days following initial denial in CONUS and 55 days following initial denial in OCONUS. Prompt processing and strict adherence to the above time limits are essential in order that HQDA may complete final review within the 30 and 60 day periods mandated by the DOD directive.

8. Soldiers who are denied the wearing of an item of religious apparel must comply with the prohibition pending the review of such orders by the chain of command and HQDA.

(c) Soldiers may submit requests for other exceptions to uniform wear and appearance standards to accommodate religious practices. These requests will be made in accordance with DA Pam 600-75.

(d) In addition, chaplains may wear religious attire as described in AR 670-1, CTA 50-909, and AR 165-20 in the performance of religious services.

i. As an exception to policy, religious-based exceptions to policy previously given soldiers under the provisions of this regulation prior to 1 January 1986 continue in effect as long as the affected soldiers remain otherwise qualified for retention. However, soldiers previously granted authority to wear unshorn hair, unshorn beard, or permanent religious jewelry will not be assigned permanent change of station or temporary duty out of CONUS due to health and safety considerations.

j. All personnel separated or discharged from the U.S. Army because of conflict between their religious practices and military requirements will be subject to recoupment of Federal funds as outlined in referenced directives.

5-7. Prohibition of military labor unions

a. Incompatibility with military service.

(1) Soldiers must be prepared to fight and, if necessary, place their own personal safety in jeopardy in order to defend the Constitution of the United States and their fellow citizens. Therefore, discipline and prompt obedience to the lawful orders of seniors are essential and time-honored elements of the American military tradition. From the earliest Articles of War, laws and

regulations have prohibited conduct detrimental to the military chain of command and lawful military authority.

(2) Unionization of the Army is incompatible with the military chain of command. It would undermine the role, authority, and position of the commander; it would impair the morale and readiness of the Army. Therefore, soldiers will not take part in conventional labor-management negotiation or collective bargaining with their military and civilian seniors, nor will they take part in strikes, slowdowns, picketing, or other traditional forms of job actions (Public Law 95-610).

(3) Circumstances that could constitute a threat to the ability of the Army to perform its mission are not comparable to circumstances that could constitute a threat to the ability of Federal civilian agencies to perform their functions.

b. *Responsibilities.* Installation commanders will report activities prohibited by this regulation immediately to HQDA (DAPE-MPH), WASH DC 20310-0300. Reports will be made by priority message; information copies will be sent to intermediate commanders.

c. Prohibited activities.

(1) *Enrollment and recruitment.* Enrollment and recruitment of members of the Armed Forces in military labor organizations is prohibited.

(a) Persons on military installations may not enroll members of the Armed Forces in a military labor organization; nor may they solicit or accept from members of the Armed Forces fees for such organizations.

(b) Soldiers who know of a military labor organization's activities or objectives may not—

1. Belong to that organization.

2. Attempt to get another member of the Armed Forces to join the organization.

(2) *Negotiation or collective bargaining.* Negotiations or collective bargaining about the terms or conditions of military service is prohibited.

(a) Persons on military installations may not negotiate or bargain with a DA civilian officer, DA employee, or member of the Armed Forces on behalf of members of the Armed Forces. They may not attempt through coercive acts to enter into negotiations or bargaining.

(b) No soldier, DA civilian, or DA employee may negotiate or bargain on behalf of the U.S. Government with persons who represent or purport to represent members of the Armed Forces.

(3) *Strikes or other concerted labor actions.* Strikes or other concerted labor actions involving members of the Armed Forces and directed against the U.S. Government are prohibited. This prohibition applies to organizing, trying to organize, or taking part in such actions.

(a) No soldier or other person on a military installation may take part in strikes, picketing, marches, demonstrations, or other similar forms of concerted labor actions. They may not use a military installation for

such actions or other activities prohibited by this regulation.

(b) No soldier or other person on a military installation may take part in actions to induce a DA civilian officer, DA employee, or member of the Armed Forces to—

1. Negotiate or bargain about the terms or conditions of military service.

2. Recognize a military labor organization regarding complaints against the terms or conditions of military service.

3. Make changes in the terms or conditions of military service.

(4) *Representation.* Soldiers will not be represented by a military labor organization before a DA civilian, DA employee, or member of the Army about complaints involving terms or conditions of military service.

d. Permitted activities.

(1) This regulation will not limit the rights of soldiers to—

(a) Belong to lawful organizations other than military labor organizations.

(b) Present complaints about the terms or conditions of military service through established military channels.

(c) Seek or receive information or counseling from authorized sources.

(d) Be represented by authorized counsel.

(e) Petition the Congress for redress of grievances.

(f) Take other administrative action for administrative or judicial relief.

(2) This regulation will not prevent—

(a) Commanders and supervisors from considering the views of members of the Army. They may be presented individually or collectively through command-sponsored or other authorized organizations.

(b) Civilians employed at military installations from belonging to unions.

e. Making determinations.

(1) To determine if an organization is a military labor organization and if it is in violation of this regulation the following will be evaluated:

(a) Its history and operation.

(b) Its constitution and bylaws.

(c) The evidence gathered for any suspected prohibited act.

(2) To determine if a person belongs to a military labor organization and if he or she is in violation of this regulation the following will be evaluated:

(a) His or her history and operation.

(b) The evidence gathered for any suspected prohibited act.

(3) To determine if a person acted for a military labor organization when he or she committed a prohibited act, the following will be considered:

(a) The frequency of such acts.

(b) The position of the person in the organization.

(c) If the acts were known and condemned or disavowed by the organization's leadership.

f. *Gathering information.* When gathering information about persons and organizations to make the determinations required by this chapter, strictly comply with AR

380-13. Counterintelligence or security investigation personnel may not gather such information. The organization itself should be considered the primary source of information.

5-8. Complaints or accusations against military personnel

a. *Guidelines for implementation.* The policies outlined in this paragraph are intended to provide broad and general guidance. The Inspector General Action Request System (which differs in procedure from that set forth in this paragraph) is governed by AR 20-1, chapter 3. Accusations of a criminal nature are reported and investigated according to AR 1-32 and AR 195-1. Complaints of discrimination based upon race, ethnicity, religion, national origin, and gender (including sexual harassment) follow the procedures set forth in paragraph 6-8 of this regulation. Complaints of wrongs made by soldiers against their commander pursuant to Article 138, UCMJ, should be prepared, submitted, and resolved following the guidance in AR 27-10, chapter 20.

b. *Command responsibilities.* When commanders are apprised of complaints or accusations against military personnel, they will be expected to inquire into the matter and attempt a resolution. When a written complaint or accusation is received against military personnel, commanding officers of units or installations will take action as noted below. All complaints will be acknowledged and/or documented in writing.

(1) *Complaints forwarded from higher headquarters.*

(a) When final action on a complaint received from higher headquarters for investigation and a report of findings is completed, the complaint will be returned to that headquarters. It will be accompanied by the report of investigation. Unless a higher headquarters reserved decision on the disposition of the complaint or accusation pending receipt of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. When higher headquarters has reserved the right to approve disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters normally will reserve the right of final disposition only in cases involving complex issues or cases the commander desires in the interest of justice to ensure uniform handling throughout the command.

(b) Complaints received after a soldier is transferred will be forwarded to the soldier's gaining organization. The headquarters sending the complaint will be advised of the results of the commander's investigation.

(2) *Complaints received by units or installations.*

(a) When warranted, the complaint will be investigated. Proper action will be taken as noted in b(1) above.

(b) If the commander believes the complaint does not warrant an investigation, the

statement "does not warrant investigation" will be recorded on the complaint, followed by the initials of the commander or an officer designated by the commander. The complainant will be advised a decision was made that further action on the complaint is not warranted. Such complaints will be maintained and disposed of in accordance with AR 25-400-2.

(3) *Complaints concerning retired personnel.* Complaints or accusations against retired personnel not on active duty should be referred to the servicing staff judge advocate for appropriate action under the provisions of AR 600-50.

c. *Disciplinary or adverse action.* Commanders and supervisors will be prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint—

(1) With an inspector general (including inspectors general of DOD, the other Services, or agencies).

(2) With a member of the person's chain of command or supervisor.

(3) And/or cooperated with an official Government investigation of a complaint.

d. *False statements.* Knowingly false statements by a complainant or a witness are excepted from the prohibition. A violation of this paragraph is punishable under the provisions of the UCMJ.

e. *Unfavorable information.* Unfavorable information concerning a soldier will not be filed in his or her record except as provided in AR 600-37, chapter 3.

5-9. On-post distribution of non-Government printed materials

a. *Free access to news and publications.* The maintenance of loyalty, discipline, and morale among soldiers is essential if the Army is to continue to provide a reliable and effective military force responsive to the national security missions assigned pursuant to lawful authority. At the same time, soldiers are generally entitled to the free access to news and publications.

b. *Policy.* Installation commanders will encourage and promote the availability of books, periodicals, and other printed media which present a wide range of viewpoints on public issues to service members. Such media should include those emphasizing the standards of loyalty, patriotism, and discipline which are common to the Armed Forces. However, installation commanders will not, except as provided in this paragraph, take action to control or restrict dissemination, even if these publications are believed to be in poor taste or unfairly critical of Government policies or officials. The installation commander will be guided by the principle that, except in cases in which a publication constitutes a clear danger to military loyalty, discipline, or morale, military personnel are entitled to the same free access to publications as are other citizens.

c. *Distribution outlets.* An installation commander may, at his/her discretion impose a requirement that distribution of

printed media may not be made, except through regularly established and approved distribution outlets, unless prior approval is obtained from the commander or the authorized representative. The installation commander may, without informing higher headquarters or Department of the Army in advance, take appropriate action to prevent the distribution of publications by persons who have not obtained the required approval. Except when the publication in question is published primarily for advertising or promotional purposes, a denial of a request for distribution will be reported as required in d below.

d. *Restrictions on dissemination.* If it appears that a publication presents a clear danger to the loyalty, discipline, or morale of soldiers, the installation commander may, without prior approval of higher headquarters, delay distribution on property subject to his/her control. The commander will consider whether the act of restriction will in itself result in the publication in question achieving notoriety and increased circulation to military personnel through off-post sources.

(1) The commander's directive to delay distribution will be in writing.

(2) Concurrently with imposing a delay authorized above, the installation commander will inform, by telephone the next major commander and HQDA (SAPA), WASH DC 20310, AUTOVON 227-7487.

(3) When a delay in dissemination of a publication through either official or unofficial outlets is imposed by the commander, he or she will, within 5 working days thereafter—

(a) Review the publication in question.

(b) Prepare a written recommendation to HQDA which provides the basic facts for the determination that distribution of the subject publication would present a clear danger to the loyalty, discipline, or morale of the troops on his or her installation.

(c) Send recommendation, together with a copy of the subject publication, to HQDA (SAPA) WASH DC 20310. Appropriate information copies should also be provided intermediate headquarters.

(4) Reports required in (2) and (3) above are "exempt reports" under provision of AR 335-15, paragraph 7-2y.

(5) The delay in distribution will remain in force until a determination to approve or disapprove the request is made by HQDA.

e. *Distribution of commercial publications.* All commercial publications distributed free of charge will not carry any advertisement which implies discrimination with regard to the race, creed, color, sex, age, or national origin of the purchaser, user or patron. The publication will place its readers and advertisers on notice of this requirement by including in a prominent location the following: "Everything advertised in this publication must be made available for purchase, use, or patronage without regard to the race, creed, color, sex, age or national origin of the purchaser, use, or patron."

f. *Distribution of command information newspapers.* The distribution of command information newspapers (either Army authorized or commercial enterprise) will be governed by AR 360-81. Distribution through official channels will be authorized.

Chapter 6 Equal Opportunity Program in the Army

6-1. Concept

a. The Equal Opportunity Program formulates, directs, and sustains a comprehensive effort to ensure fair treatment of all soldiers based solely on merit, fitness, capability, and potential, which supports readiness. As such, EO is a responsibility of leadership and a function of command. This philosophy is based on fairness, justice, and equity. Specifically, this program is designed to—

(1) Provide EO for military personnel and their family members both on and off post.

(2) Contribute to mission accomplishment, cohesion, and readiness.

b. This chapter does not implement the provisions of either the Age Discrimination in Employment Act of 1967 (sections 630 through 634, title 29, United States Code) or title VII of the Civil Rights Act of 1964 (section 2000e, title 42, United States Code).

6-2. Responsibilities

a. *Heads of Army Staff agencies and their field operating agencies.* These persons will—

(1) Be responsible for Army-wide policies and plans pertaining to the Army EO Program.

(2) Be responsible for overall evaluation and assessment of the Army EO Program.

(3) Formulate, maintain, and implement the HQDA Affirmative Action Plan (AAP).

(4) Establish selection criteria for Army Personnel to attend the Defense Equal Opportunity Management Institute (DEOMI).

(5) Coordinate need for training seats before allocation of quotas.

(6) Allocate quotas among the Active Army, Army National Guard (ARNG), and USAR for training at DEOMI.

b. *Chief, National Guard Bureau (CNGB) and Chief, U.S. Army Reserve (CAR).* The CNGB and CAR will—

(1) Monitor and evaluate implementation of EO policies and programs in their respective components.

(2) Establish sufficient staff positions in their respective offices and make sufficient resources available to adequately carry out EO Program requirements.

(3) Select Army Reserve Component personnel to attend the DEOMI.

(4) Develop management information and reporting requirements to determine progress toward affirmative action goals.

(5) Establish EO training consistent with HQDA policy and command needs.

c. *Commanding General, U.S. Army Forces Command (CG, FORSCOM).* The CG, FORSCOM will—

(1) Supervise and evaluate the unit EO training program conducted by the numbered armies in the continental United States (CONUSA) troop program units.

(2) Coordinate with the Office of the Chief, Army Reserve in conducting EO seminars for USAR general officers on a continuing basis.

(3) Establish adequate compliance monitoring procedures to assure the attainment of program objectives for the USAR.

d. *Commanding General, U.S. Army Training and Doctrine Command.* The CG, TRADOC will—

(1) Develop EO doctrine.

(2) Develop EO instruction and associated training materials for use in the training base and throughout the Army.

(3) Maintain liaison with DEOMI to develop EO doctrine and training materials.

(4) Conduct required EO education and training in TRADOC service schools and training centers.

(5) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC. These schools include the Judge Advocate General School, Academy of Health Sciences, and U.S. Army War College.

(6) Monitor the instruction presented by DEOMI and evaluates how well the DEOMI meets Army requirements including service-specific instruction.

(7) Develop and provide Army-unique EO instruction through correspondence courses available to all Army personnel.

e. *Commanders of major Army commands.* These commanders will—

(1) Monitor execution of the EO Program in all commands, installations, agencies, activities, and USAR units under their jurisdiction.

(2) Establish EO training consistent with HQDA policy and command needs.

(3) Provide support, as appropriate, for EO matters in host and tenant agreements developed according to AR 5-8, paragraph 5c.

(4) Ensure EO programs for military personnel and EEO programs for civilian personnel complement each other.

(5) Provide personnel, funding, and other resources to carry out the EO Program.

f. *Commanding General, U.S. Total Army Personnel Agency (CG, USTAPA).* The CG, USTAPA will—

(1) Develop statistical data concerning race and gender for personnel management purposes when required by HQDA.

(2) Select personnel, in coordination with HQDA (DAPE-MPH-E), to attend DEOMI.

(3) Control DEOMI student quotas (military and civilian) for the Army.

(4) Distribute Active Army personnel who are EOAs based upon command authorizations.

g. *Commanders at all levels.* The commanders are the EO officers for their respective units and, as such, are assisted by EO advisers and other members of the staff who can advise on EO matters in their areas of responsibility. These commanders will—

(1) Develop and implement EO programs for their organizations.

(2) Identify discriminatory practices affecting soldiers and their families and initiate corrective actions to include followup.

(3) Promote EO and interpersonal harmony for all military personnel, their family members, and civilian employees.

(4) Conduct EO training on a continuing basis for commanders and civilian and military personnel that is consistent with HQDA requirements, the MACOM, and this regulation.

(5) Monitor and assess the execution of EO programs and policies at all levels within their areas of responsibility.

(6) Ensure prompt followup and appropriate action to resolve allegations of discrimination by soldiers or their family members.

(7) Ensure involvement of public affairs personnel at every level of command in planning, executing, and monitoring equal opportunity programs.

6-3. Equal opportunity policy

a. The policy of the U.S. Army is to provide equal opportunity and treatment for soldiers and their families without regard to race, color, religion, gender, or national origin and to provide an environment free of sexual harassment. This policy—

(1) Applies both on and off post.

(2) Extends to soldiers and their families.

(3) Applies to soldiers' working, living, and recreational environments (including both on- and off-post housing).

b. Soldiers are not accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin except as—

(1) The direct combat probability coding policy applies to women. The following regulations implement this policy: AR 611-101, AR 611-112, and AR 611-201.

(2) Necessary to support established affirmative action goals.

c. Nothing in this regulation limits the prerogatives of the Chief of Chaplains to carry out responsibilities in AR 10-5, paragraph 2-35a.

6-4. Sexual harassment

Sexual harassment is a type of sex discrimination. It is not limited to the work environment and can occur at almost any place. Sexual harassment violates acceptable standards of integrity and impartiality required of all Army personnel and interferes with mission accomplishment and unit cohesion. Many of the acts and neglects that constitute sexual harassment are prohibited and punishable under civil and military law as criminal acts of a sexual nature (para 17, part IV, MCM). Army leaders at all levels are responsible for taking both preventive

and appropriate corrective action to combat this unacceptable form of behavior. Any soldier or civilian employee is engaging in sexual harassment who—

a. Through behavior of a sexual nature attempts to control, influence, or affect the career, pay, or job of a soldier or civilian employee.

b. Makes deliberate or repeated verbal comments or gestures of a sexual nature that are offensive to the person to whom addressed.

c. Makes abusive physical contact of a sexual nature.

6-5. Chain of command responsibilities

The chain of command, whether military or civilian, is the primary channel for correcting discriminatory practices and for communications on EO matters.

6-6. Staffing

a. Minimum staffing requirements.

(1) Staff military personnel with EO as a primary duty are assigned to assist commanders at installations, organizations, and agencies down to and including brigade-level and equivalent commands. Assignments as an equal opportunity adviser (EOA) are not collateral or part-time duties at brigade level or higher commands. Personnel may be assigned EO as a secondary responsibility at battalion level and lower. Primary duty positions are specified in applicable manning documents. Minimum grades for EOA are as follows:

(a) Officer: Captain (O3).

(b) Enlisted: Sergeant First Class

(2) One full-time enlisted EOA is available to each brigade level or equivalent commander, and one full-time officer EOA is available to the commander of each major combat formation (division, corps, Army) and at each MACOM. Staffing should, as a minimum, provide a sergeant major and a lieutenant colonel/major at each large MACOM such as U.S. Army, Europe and Seventh Army; FORSCOM; or TRADOC. Additionally, one full-time officer EOA is available to the commander of each major Army training center. Minimum staffing at the installation or military community level is one enlisted EOA (E7) at small installations and at least two enlisted EOAs (E7 and E8) at large installations. Civilian substitutions for these minimum staffing requirements are not authorized. Any staffing authorized beyond these minimum requirements may be either military EOAs or DA civilian employees who are officially assigned such duties. Assignment of equal opportunity duties to DA civilians is in strict accord with applicable position classification standards and guidelines.

b. *Command and staff relationship.* The principal EOA has direct access to the commander at all times. So long as the above condition is met, EO office placement within the organization is a matter of local command discretion provided it is in compliance with AR 5-3.

c. *The EO Program and the Equal Employment Opportunity (EEO) Program relationship.* The EO program for military personnel and the EEO program for civilian personnel are separate and distinct. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. However, integrating EO/EEO training, seminars, discussions, and shared use of training materials and facilities is encouraged when doing so promotes understanding, efficiency, economy, and the common interests of both programs.

d. *Roles and duties of EOAs.* The actual duties of EOAs and relative emphasis on each duty vary according to type of unit or level of command, unit composition, and location. Personnel assigned to positions as EOAs are not assigned further duties in other human development functions such as alcohol and drug abuse, Army Community Services, chaplains' programs, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), weight control. Typical roles and duties of EOAs are as follows:

(1) Understand and articulate Department of Defense and Army policies concerning equal opportunity as stated in this regulation.

(2) Recognize and assess indicators of institutional and individual discrimination in organizations.

(3) Recognize sexual harassment in both overt and subtle forms.

(4) Recommend remedies appropriate to reduce or prevent discrimination and sexual harassment.

(5) Collect, organize, and interpret demographic data concerning all aspects of EO climate assessment.

(6) Assist commanders in the development of realistic affirmative action plans and to monitor progress of plans.

(7) Train equal opportunity representatives (EORs) to assist commanders in meeting their EO responsibilities.

(8) Conduct training sessions pertaining to equal opportunity, discrimination, and prevention of sexual harassment.

(9) Plan and conduct executive seminars on affirmative action plans, equal opportunity, discrimination, and prevention of sexual harassment.

(10) Receive and act upon individual complaints.

(11) Assist in the planning and conduct of ethnic observances.

(12) Assist commanders in developing EO policy for their unit.

e. *Equal opportunity representatives.* Equal opportunity representatives are unit soldiers trained to assist commanders to carry out the EO program within units. Commanders authorized EOAs will ensure that each subordinate command (battalion and company level) has an EOR. EOAs who graduates of the Defense Equal Opportunity Management Institute and have been awarded ASI 5T or SQI Q will train EORs using the 80-hour program of instruction

(POI) published by the EO Proponent Office, Soldier Support Center, structuring the training to meet local conditions. Instruction in other subject areas related to or supportive of EO objectives may be provided by personnel from other agencies or program areas.

6-7. Off-post activities, on-post activities, and off-limits actions

a. *Off-post activities.* Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public accommodations. This includes privately owned establishments such as hotels, restaurants, gasoline stations, theaters, and places of entertainment. The commander concerned ensures the facts surrounding allegations of discriminatory practices are fully developed. The command also ensures individuals and organizations alleged to practice such discrimination are given a full and fair opportunity to challenge the particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, commanders are authorized to place the facilities off-limits. (See AR 190-24, para 2-7.) Military personnel outside the United States are not protected under the Civil Rights Act of 1964 while off-post. Nonetheless, the commander concerned will take whatever actions are available and appropriate to attempt to eliminate discriminatory practices in public accommodations outside the United States that affect members of his or her command and their families. Commanders promote awareness of the laws of the nation that pertain to this issue. All cases of discrimination and resultant action by commanders, which result in the imposition of off-limits sanctions, are reported to the HQDA (DAPE-MPH-E), WASH DC 20310-0300.

b. *Off-limits sanctions.* Off-limits sanctions may be appropriate for establishments falsely claiming to be private clubs, fraternal or otherwise, and public accommodations with discriminatory policies and practices. If discriminatory practices off-post are found directed at selected soldiers in a command and if all efforts at conciliation prove unsuccessful, off-limits sanctions are considered in accordance with AR 190-24.

c. *Off-limits sanctions and private establishments.* A commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if the following conditions exist:

(1) It is open to soldiers in general, or to soldiers who meet specific objective criteria (such as E5 and above), but segregates or discriminates against other soldiers solely on the basis of race, color, religion, gender, or national origin.

(2) It is not primarily political or religious in nature.

(3) The commander, in consultation with the inspector general, Staff Judge Advocate, and the EOA, determines that the available

facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of soldiers in the command.

d. On-post activities. All on-post facilities and official activities are open, as appropriate, to all DOD personnel and family members without regard to race, color, religion, gender, or national origin. Installation commanders have the responsibility for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The commander must assess the organization's actual membership practices and its effect upon the command. In cases where questionable practices exist or allegations of discrimination are made, the burden of proof rests with organization members. The organization must convince the commander it does not engage in de facto discrimination. Failure to substantiate absence of discriminatory practices results in denial of use of on-post facilities. (See AR 210-1.)

6-8. Procedures for processing complaints

a. Individuals will be encouraged to use command channels for redress of grievances. Commanders will ensure that soldiers are fully aware of procedures for obtaining redress of complaints including those against members of the chain of command. These procedures will be in writing and displayed at all times where all unit soldiers have access to them.

b. Individuals may present such complaints to the chain of command, inspectors general, or equal opportunity advisers. How and by whom the complaint is formally processed is a command responsibility. It is the responsibility of the chain of command or staff agency receiving the complaint to conduct an informal inquiry into the allegations, determine if the complaint has merit, and, if so, assist the commander in resolving the complaint at the lowest appropriate level. When, in the course of an informal investigation or fact-finding inquiry, the EOA suspects the person being interviewed has violated the UCMJ (for example, any case of alleged sexual harassment punishable under Articles 93, 117, 120, 125, 128, or 134 UCMJ), the EOA terminates the inquiry and notifies the appropriate member of the chain of command. EOAs will not conduct informal investigations or inquiries of criminal matters. Such issues must be referred to proper command authority.

c. If, upon completion of an informal inquiry by the commander or agency receiving the complaint, the facts indicate that a formal investigation is warranted, a recommendation is made to the commander having the authority to direct such an investigation. Those commanders then review the facts presented and if they determine a formal investigation is appropriate they cause the appointment of a disinterested officer under the provisions of AR 15-6, UCMJ, or other applicable authority to conduct the investigation. It may be inappropriate for equal opportunity advisers or their immediate supervisors who conducted the informal inquiry to formally investigate that same complaint within the organization.

6-9. Housing complaints

Complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin will be forwarded to the local housing referral office for processing. AR 210-51 provides policy for housing referral.

6-10. Evaluation report entries

When evaluating personnel, rating officials will consider the extent and effectiveness of leadership and support in EO and EEO matters according to this regulation. (See AR 623-105, para 4-13; AR 623-205, para 6-5; and DA Pam 690-25 for reporting procedures.)

6-11. Civilian schooling

Army personnel pursuing an education program at an institution that unlawfully discriminates in the admission or subsequent treatment of students will not be financially assisted from appropriated fund resources. Exceptions to this policy will be considered when the applicant has previously attended the institution in question and will suffer personal hardship through loss of earned credits if a transfer is required. Requests for exception are sent to HQDA (DAAG-ED), WASH DC 20310-0300.

6-12. Legal assistance

Within the framework of the legal assistance program, legal assistance may be provided to soldiers who believe they have been denied federally-protected rights. If the civil rights of soldiers seem endangered and an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General (HQDA (DAJA-LT), WASH DC 20310-0300) for possible referral to the Department of Justice. (See AR 27-40.)

6-13. Affirmative Action Plans

Affirmative action plans will be comprised of planned, achievable steps to eliminate practices that deny equal opportunity to soldiers and their families. These steps are as follows:

a. AAPs will be developed and implemented by heads of Army Staff agencies and

their field operating agencies and by each MACOM (see DA Pam 600-26), installation, separate unit, agency, and activity down to and including brigade or equivalent level. Plans will include conditions requiring affirmative action, remedial action steps (with goals and milestones as necessary), and a description of the end-condition sought for each condition included. AAPs will be reviewed at least annually to assess the effectiveness of action steps, to initiate new actions, and to sustain goals already achieved. Subjects for affirmative action plans will be prescribed by this headquarters plus those deemed necessary by the responsible commander.

b. Each commander required to develop an AAP will provide a copy to the next higher commander.

c. Commanders of battalions and lower level will not be required to have AAPs.

6-14. Training

a. Minimum DA criteria for local unit training programs are as follows:

(1) Members of the chain of command (including supervisors) will participate in unit EO sessions as discussion leaders or as resource persons for answering questions concerning policies and practices. At company/battery level, a representative of the leadership structure (such as first sergeant) will normally lead unit discussions.

(2) The commander will incorporate EO training into the overall training plan for the unit. Unit training will focus on—

(a) Army policies on EO, affirmative actions, and sexual harassment.

(b) Objectives of the Army EO program.

(c) Objectives of affirmative actions.

(d) Behavioral characteristics and other indicators of EO problems.

(e) The impact of individual and institutional discrimination on mission accomplishment.

(f) Identifying and countering sexual harassment.

(g) Legal consequences applicable to individuals participating in acts of sexual harassment.

(h) Individual responsibilities concerning equal opportunity and prevention of sexual harassment.

(i) The importance of honest and open interpersonal communications in promoting a healthy unit climate.

b. EO courses will be conducted through—

(1) Formal training in Army training centers, Army service schools, Reserve officer training courses, USAR School, Army area schools, and individual units.

(2) Special training of Army leaders and managers.

(3) Unit training sessions that stimulate lateral and vertical communications on EO matters.

c. Education and training by target group covers the following:

(1) *Enlisted skill level 1.* Formal training on EO subjects will be conducted during initial entry training and will include—

(a) Army policies on EO and affirmative actions.

(b) An awareness of racial, cultural, and gender-related differences and attitudes as they relate to Army missions and activities.

(c) Complaint procedures according to this regulation, AR 20-1, and AR 210-51.

(d) Legal and career consequences for those who do not comply with EO policies.

(e) Identifying and countering sexual harassment.

(2) *Enlisted skill level 2.* Education for junior noncommissioned officers will include—

(a) Review of Army policies on EO and affirmative actions.

(b) Leadership performance counseling and EO complaint procedures.

(c) Behavioral characteristics and other indicators of EO problems.

(d) The leadership role in support of EO and affirmative actions.

(3) *Officer basic and warrant officer orientation courses.* Commissioned officers and warrant officers attending the officer basic courses and warrant officer orientation courses will receive training in—

(a) Items in (1) above.

(b) The role of the supervisor in EO and affirmative actions.

(c) Effective use of the EOR.

(4) *Officer advanced level and enlisted skill levels 3 and 4.* Commissioned and warrant officers in officer advanced courses and NCOs in advanced NCO courses will receive training in—

(a) Item (3)(b) above.

(b) Program management skills for evaluating the unit EO environment to include individual and institutional discrimination and the use of the AAP.

(c) Training in the prevention of sexual harassment.

(5) *Command and staff college-level (CSC) and enlisted skill level 5.* Training conducted during CSC, the warrant officer senior course, the first sergeants' course, and the sergeants major course include—

(a) Review of Army policies on EO and affirmative actions.

(b) Specific roles and responsibilities of senior officers and NCOs in carrying out installation and MACOM EO programs.

(c) Effective employment of the staff EO adviser.

(d) Impacts of individual and institutional discrimination on mission accomplishment.

(e) Goals and objectives of the Army EO Program and the benefits derived from the program.

(f) Identifying and countering sexual harassment.

(6) *Army War College.* Education conducted at the Army War College and other professional military education for senior officers will include—

(a) The goals and objectives of the DOD and DA EO programs.

(b) The international (host nation) aspects of EO.

(c) The relationship of EO to readiness and mission capability.

(d) Army leadership responsibilities in identifying and countering sexual harassment.

(e) Roles and functions of the MACOM EOA and EO program management in large organizations.

(7) *Training for senior officials.* A continuing education program for senior personnel will be provided through the Pre-command Course, the Brigadier General Orientation Course, command and staff college-level courses, and senior service colleges. Seminars in EO for general officers, key staff personnel, and civilian supervisors are required at least annually. These seminars will be conducted as prescribed by the MACOM. Emphases will be on contemporary problems in EO, sexual harassment, and other topics as prescribed by this headquarters.

6-15. Authority to collect and maintain data

HQDA will collect, record, and maintain racial, ethnic, and gender data and statistics required to support the Army EO Program to include AAP requirements. Heads of DA Staff elements, MACOMs, separate agencies, and other activities and commands required to publish AAPs are authorized to collect, record, and maintain data and statistics. Race, population group, and gender designations for use by agencies that maintain these data and statistics are in AR 680-29, paragraphs 1-29, 1-61, and 1-71.

6-16. Narrative and statistical report on equal opportunity progress (RCS CSGPA-1471)

MACOMs and designated heads of Army Staff agencies or directorates will submit a Narrative and Statistical Report on Equal Opportunity Progress. This report covers the preceding fiscal year and is due at HQDA (DAPE-MPH-E), WASH DC 20310-0300 not later than 30 November annually. HQ FORSCOM submits reports for USAR troop program units with an information copy to the Office of the Chief, Army Reserve (HQDA (DAAR-PE), WASH DC 20310-0300). This report will outline the progress made in achieving the established EO goals as reflected in the AAP for the organization. It will assess achievements and shortfalls and includes plans or actions programmed to correct problems or conditions that currently exist. The following information will be included in the report:

a. Commander's assessment of command conditions.

b. Statistical analysis.

c. Affirmative actions including the following:

(1) Goals achieved.

(2) Goals not achieved and why.

(3) Actions planned to achieve and/or to modify goals.

d. Community issues.

6-17. Attendance at the Defense Equal Opportunity Management Institute for soldiers

a. *Selection.* Candidates for training as EOAs will be carefully selected to ensure that only qualified officers and NCOs are chosen, that is, branch qualified and competitive for promotion. Personnel assigned to active duty adviser positions will be DEOMI graduates and hold ASI 5T or SQI Q. Reserve Component EO personnel who have completed one or more phases of the Equal Opportunity Management Institute Course (resident or nonresident) will be eligible to complete the course even if reassigned to another military occupational specialty-enlisted (MOS-ENLD) or specialty skill identifier (SSI). Both officer and NCO candidates will come from branch nominees. Any officer or NCO who meets the selection criteria listed in paragraph 6-18 may volunteer for training and duty as an EOA by submitting a written request to HQDA (DAPC-EPM-A), ALEX VA 22332-0400. Requests will be submitted through the first field officer in the chain of command who will endorse the request with a statement about the suitability of the officer or NCO for EOA duties.

b. *Attendance.* The DEOMI curriculum consists of two resident courses: a 16-week regular course and a 2-week staff course. The 16-week regular course is designated to train personnel for assignment as EOAs. The staff course is intended for those programmed for assignment to corps (or equivalent) level and higher. A 1-year course consisting of resident and nonresident training is conducted for RC personnel. Reserve Component personnel may attend both the 16-week and the 2-week resident courses when space is available.

c. *Certification.* Upon successful completion of the 16-week regular course or the resident/nonresident RC course, the Institute certifies graduates for award of ASI 5T or SQI Q. The CG, MILPERCEN will award the appropriate designator to all qualified DEOMI 16-week course graduates within 60 days of graduation. Only graduates of DEOMI are designated as EOAs.

d. *Selection for training.* The CG, USTAPA selects qualified officers and NCOs for training and duty as EOAs. Quotas for attendance at DEOMI are controlled by CG, USTAPA. The following procedures will be used to acquire quotas:

(1) CG, USTAPA will select qualified officers and NCOs for training and duty as EOAs as requested through normal personnel channels.

(2) Commanders desiring to send officers and NCOs on temporary duty (TDY) to DEOMI will make application through their MACOM. Applications should be sent to CG, USTAPA, 200 Stovall Street, ALEX VA 22332-0400. For officers use (DAPC-OPB-D) for the attention line; for NCOs, use (DAPC-EPM-A). If the applicant meets the selection requirements above, commanders will be provided a quota for the soldier to attend DEOMI.

(3) A request for quota(s) must be submitted in writing and arrive at USTAPA not later than 45 days before the starting date of a requested class.

e. *EOAs*. EOAs will normally be assigned as shown below.

(1) Tour length for EOAs who are—

(a) Enlisted assigned to CONUS or long tour OCONUS is 24 months.

(b) Enlisted assigned to short tour OCONUS is the length of the assignment.

(c) Officer assignments will be determined by the MACOM.

(2) EOAs currently assigned will serve their prescribed tour.

(3) CG, MILPERCEN may approve the early release of enlisted EOAs from the EO program to serve as 1SG or CSM when—

(a) The EOA has been selected for promotion to MSG or is a CSM designee who has served at least 18 months as a full-time EOA.

(b) The EOA's commander has requested in writing through the MACOM to USTAPA to assign the EOA as a 1SG or CSM.

(4) USTAPA will select, train, and assign a replacement for the EOA reassigned in (3) above.

f. *Removal of EO ASI*. The EO ASI may be withdrawn from members of the Active Army only if approved by HQDA (DAPE-HRL-E).

6-18. Selection requirements for soldiers

Officer and NCOs who attend DEOMI will meet the following selection requirements:

a. Demonstrate outstanding performance of assigned duties and be recommended in writing by an officer in the candidate's chain of command in the rank of major or higher.

b. Exhibit stability in personal affairs and not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any Human Reliability or Personal Reliability Program during the 2 years preceding the nomination will need a waiver from HQDA (DAPE-MPH-E), WASH DC 20310-0300.

c. Must not have been punished under the provisions of the UCMJ during the 2 years preceding the nomination or have a prior history of frequent UCMJ punishments.

d. Must have a minimum of 2 years of service remaining upon completion of the DEOMI course.

e. Must meet Army fitness and weight control standards.

f. Must be competitive for further advancement.

g. In addition to the above requirements, officers must—

(1) Have a minimum of 2 years' college credit.

(2) Be in grade O-3 and branch qualified in accordance with DA Pam 600-3.

h. In addition to the above requirements, enlisted soldiers—

(1) Must be high school graduates or equivalent and possess the potential to complete college level courses.

(2) Must be in grade E-7 (or E-6 promotable) with less than 2 years time in grade.

(3) Must be advanced NCO course graduates or selected for attendance.

(4) Must be qualified in their primary MOS with an SQT score of 70 or higher.

(5) Must have had a successful tour in a leadership position.

(6) Cannot be assigned in back-to-back special duty assignments (for example, drill sergeant to EOA, or recruiter to EOA).

6-19. Training for civilian duty positions in the Military Equal Opportunity Program at the Defense Equal Opportunity Management Institute

a. *Quotas*. Civilian quotas for DEOMI will be controlled by the CG, USTAPA. The CNGB and the CG, FORSCOM will control quotas for their respective Reserve elements and will prescribe the way in which civilian requests are submitted.

b. *Application*. Commanders desiring to send civilians who are officially assigned to duties in the Army EO Program to DEOMI will make application to the appropriate MACOM. If approved, the MACOM will request a quota from HQDA (DAPC-OPA-E), ALEX VA 22332-0400. If all quotas are filled, the request will be considered for a later class if the MACOM desires. Requests for quotas must be submitted in writing to arrive at USTAPA no later than 45 days before the starting date of the requested class.

c. *Command notification of DEOMI*. When the requesting command receives an approved quota, the command will provide the Commandant, DEOMI, Patrick Air Force Base, FL 32923, the name, grade, SSAN, educational level, military mailing address of the candidate for training and the desired course number.

d. *Civilian personnel selection requirements*. Civilian personnel prerequisites for attendance at DEOMI are as follows:

(1) Be in grade GS-7 or above or be slated for promotion to GS-7 upon completion of the course.

(2) Occupy or be scheduled to occupy an officially assigned position in the military EO program in accord with applicable position classification standards and guidelines.

(3) Be considered suitable for EO duties as determined in an interview conducted by the commander on whose staff the person will be assigned.

e. *Request procedures*. MACOMs, when requesting quotas, will send the following information to USTAPA:

(1) Class desired to attend.

(2) Willingness to accept a quota in a subsequent class if the requested class is filled.

f. *Funding*. Funding for temporary duty is provided by attendee's unit of assignment.

6-20. Equal opportunity special/ethnic observances

Annual equal opportunity special/ethnic observances are designed to enhance cross-cultural awareness and promote harmony among all soldiers, their families, and the civilian work force. These activities are extensions of the Army's equal opportunity education and training objectives. They are set aside annually to recognize the achievements and contributions made by members of specific racial or ethnic groups in our society.

a. Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, has general staff responsibilities for establishing policy and identifying and outlining the period of each observance.

b. MACOM and installation commanders will—

(1) Develop, plan, and conduct annual observances consistent with the timetable in table 6-1 or as directed by HQDA.

(2) Program necessary funding to conduct annual observances activities within the established EO Program budget.

(3) Encourage all members of the military community (soldiers, family members, and civilian employees) to contribute and participate in the planning, implementation, and conduct of observance activities.

(4) Involve members of the staff elements and subordinate activities in the development and conduct of observance functions.

(5) Select and announce an appropriate theme for the observance, consistent with the spirit of the event and the needs of the local community. (However, the selection and use of a theme is not mandatory.)

c. Specific modifications in the timetable at table 6-1 will be made and disseminated by HQDA (DAPE-HRL-E) when necessary; otherwise, MACOM or installation commands and EO staffs should plan their activities according to dates and periods specified.

d. Expenditure of funds for such activities is permitted within EO Program management or education and training in accordance with policies established by the Comptroller General decisions B200017 (dated 10 March 1981) and B199387 (dated 23 March 1982). These decisions permit expenditure of funds for guest speakers, artistic or cultural activities, food exhibits or samples (the samples are not intended as meals or refreshments), publications, and so forth, as long as the intent is to promote crosscultural harmony and awareness. Commercial entertainment incident to an agency-sponsored Black History Program is legitimate if part of an educational awareness program. Commanders will ensure that the projected events amplify contributions to society made by members of the ethnic or racial group being commemorated.

e. Commanders should publicize the cultural/ethnic events in local information media (for example, bulletins and Post newspapers). Timely announcements should be made to ensure that all personnel are aware of the events.

f. Commanders are encouraged to form a standing committee representing the various units, staff activities, and special interest groups in the community to plan appropriate activities well in advance of the date. Appropriate members of such a committee include the EOA staff officer or NCO, recreation services officer, public affairs officer, education staff officer, club managers, chaplain, dependent school representative, representative from the budget office, and other appropriate representatives. Integration of the total unit or community in arranging, planning, coordinating, programming, scheduling, and staffing such activities will help ensure success.

g. Commanders should encourage maximum use of recreational facilities (libraries, recreation centers, Dependent Youth Activities, theater groups, and so forth). Suggested activities include the following:

- (1) Special displays in libraries.
- (2) Expositions and displays of arts and crafts.
- (3) Special musical or drama programs.
- (4) Programs featuring historical achievements and contributions in such fields as Government, education, industry, religion, music, and theater.

(5) Guest speakers from the chain of command to include DOD civilians.

f. Activities should be designed to afford maximum attendance of all soldiers and civilian members of the command, installation, or activity. Commanders should establish and disseminate policy that ensures all personnel desiring to participate in observance activities are given a reasonable opportunity to do so.

g. A consolidated annual observance recognizing members of all racial/ethnic groups may be conducted in addition to (but should not be in place of) the observances in table 6-1.

Month: September
Dates: 4th week
Observance: Native American Day
Authority/comment: Historically observed

Table 6-1
Special/ethnic observances timetable

Month: February
Dates: 1-28/29
Observance: Afro-American/Black History Month
Authority/comment: Historically observed

Month: March
Dates: 2d or 3d week
Observance: Women's History Week
Authority/comment: Presidential Proclamation

Month: May
Dates: 1st or 2d week
Observance: Asian Pacific Heritage Week
Authority/comment: Public Law 95-419

Month: August
Dates: 28th
Observance: Women's Equality Day
Authority/comment: Anniversary of 19th amendment ratification

Month: September
Dates: 2d week
Observance: National Hispanic Heritage Week
Authority/comment: Public Law 95-498

Appendix A

Section I Required References

AR 5-3
Installation Management and Organization. (Cited in para 6-6.)

AR 15-6
Procedures for Investigating Officers and Boards of Officers. (Cited in paras 2-15c and 6-8.)

AR 20-1
Inspector General Activities and Procedures. (Cited in paras 2-1g and 5-8.)

AR 27-10
Military Justice. (Cited in paras 2-3, 3-3b(3), 3-5h, and i, 4-6, 4-7, and 5-8.)

AR 27-40
Litigation. (Cited in para 6-12.)

AR 40-3
Medical, Dental, and Veterinary Care. (Cited in para 5-4.)

AR 140-158
Enlisted Personnel Classification, Promotion, and Reduction. (Cited in para 3-5g.)

AR 190-24
Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement. (Cited in para 6-7a.)

AR 210-1
Private Organizations on Department of the Army Installations. (Cited in para 6-7.)

AR 210-11
Billeting Operations. (Cited in para 3-2d.)

AR 600-15
Indebtedness of Military Personnel. (Cited in para 4-8.)

AR 600-50
Standards of Conduct for Department of the Army Personnel. (Cited in paras 4-7f, 4-9c, and 4-18.)

AR 600-37
Unfavorable Information. (Cited in para 4-7b.)

AR 623-105
Officer Evaluation Reporting System. (Cited in paras 2-1 and 6-10.)

AR 623-205
Enlisted Evaluation Reporting System. (Cited in paras 2-1 and 6-10.)

AR 635-100
Officer Personnel. (Cited in para 5-5c.)

AR 635-200
Enlisted Personnel. (Cited in paras 5-5c, 5-5d.)

AR 670-1
Wear and Appearance of Army Uniforms and Insignia. (Cited in paras 3-2d and 5-6d.)

DA Pam 600-26
Department of the Army Affirmative Action Plan. (Cited in para 6-13.)

DA Pam 600-75
Accommodating Religious Practices. (Cited in paras 5-6c and 5-6d(4)(b).)

DA Pam 690-25
Equal Employment in Action: An Evaluation Guide. (Cited in para 6-10.)

Manual for Courts-Martial, United States Government Printing Office, 1984.
(Cited in paras 2-12b, 3-3f(3), 4-6a, 4-7a, 4-7b, 4-16, 5-4(g)3(2), 5-4d(c)5(a), and 6-4)

Uniform Code of Military Justice (UCMJ)
(Cited in paras 3-3f(1)(a), 3-3f(2), 3-5i, 4-5, 4-6a, 4-8c, 4-10a(1), 4-12d(5), 4-12e, 4-14c(2), 4-16, 5-1, 5-8a, 5-8c(3), 6-8b, 6-8c, and 6-18c)

Section II Related References

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 1-20
Legislative Liaison

AR 1-32
Disciplinary Control of U.S. Army Personnel

AR 5-8
Host Supported Activity Relationships

AR 10-5
Department of the Army

AR 10-6
Branches of the Army

AR 25-400-2
Modern Army Recordkeeping System (MARKS)

AR 40-1
Composition, Mission, and Functions of the Army Medical Department

AR 40-562
Immunization Requirements and Procedures

AR 135-18
The Active Guard/Reserve (AGR) Program

AR 165-2
Duties of Chaplains and Responsibilities of Commanders

AR 190-38
Detention Cell Standards

AR 190-47
The U.S. Army Correctional System

AR 195-1
Army Criminal Investigation Program

AR 210-7
Commercial Solicitation on Army Installations

AR 210-10
Administration

AR 210-50
Family Housing Management

AR 210-51
Army Housing Referral Service Program

AR 310-25
Dictionary of United States Army Terms

AR 340-2
Maintenance and Disposition of Records for TOE and Certain Other Units

AR 350-1
Army Training

AR 350-100
Officer Active Duty Service Obligation

AR 360-5
Public Information

AR 360-61
Community Relations

AR 380-5
Department of the Army Information Security Program

AR 380-13
Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations

AR 500-51
Support to Civilian Law Enforcement

AR 600-9
The Army Weight Control Program

AR 600-25
Salutes, Honors, and Visits of Courtesy

AR 600-31
Suspension of Favorable Personnel Action for Military Personnel in National Security Cases and Other Investigations or Proceedings

AR 600-37
Unfavorable Information

AR 600-200
Enlisted Personnel Management System

AR 600-291
Foreign Government Employment

AR 601-280
Army Reenlistment Program

AR 611-101
Commissioned Officer Specialty Classification System

AR 611-112
Manual of Warrant Officer Military Occupational Specialties

AR 611-201
Enlisted Career Management Fields and Military Occupational Specialties

AR 614-200
Selection of Enlisted Soldiers for Training and Assignment

AR 624-100
Promotion of Officers on Active Duty

AR 630-5
Leaves and Passes

AR 635-40
Physical Evaluation for Retention, Retirement, or Separation

AR 635-120
Officer Resignations and Discharges

AR 680-29
Military Personnel—Organization and Type of Transaction Codes

DA Pam 25-400-2
Modern Army Recordkeeping System for TOE and Certain Other Units in the Army

DA Pam 310-1
Index of Administrative Publications

DA Pam 570-series
Manpower Management

DA Pam 600-3
Commissioned Officer Professional Development and Utilization

DA Pam 600-8
Military Personnel Office Management and Administrative Procedures

FM 22-101
Leadership Counseling

FM 22-600-20
The Army Noncommissioned Officer Guide

FM 100-1
The Army

CTA 50-900
Clothing and Individual Equipment

CTA 50-900
Field and Garrison Furnishings and Equipment

CPR 700
Personnel Relations and Services (General)

FPM 713
Federal Personnel Manual

NG Reg 600-4
Command, Military Courtesy, Standards of Appearance, Honors, Uniform and Insignia

NG Reg 600-21
Army National Guard Equal Opportunity Program

Section III Prescribed Forms

DA Form 5304-R
Family Care Counseling Checklist. (Prescribed in para 5-5.)

DA Form 5305-R
Statement of Understanding and Responsibility. (Prescribed in para 5-5.)

Section IV Referenced Forms

DA Form 2627
Record of Proceedings Under Article 15, UCMJ

Appendix B Examples of Types of Political Activity Permitted or Prohibited

B-1. Examples of types of political activity permitted

Under the policies set forth in paragraph 5-3, a soldier in the Army on active duty may—

a. Register, vote, and express a personal opinion on political candidates and issues, as a private citizen, but not as a representative of the Army.

b. Promote and encourage other military personnel to take part in political activity as in a above if such promotion is not an attempt to influence or interfere with the outcome of an election.

c. Join a political club and attend its meetings when not in uniform.

d. Serve in a local part-time nonpartisan civil office (appointive or elective) if the needs of the office do not interfere with military duties and the soldier receives prior approval of the installation commander.

e. Serve as an election official if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has prior approval of the installation commander.

f. Sign a petition for specific legislative action or to place a candidate's name on an official election ballot, if it—

(1) Does not obligate the soldier to engage in partisan political activity.

(2) Is signed as a private citizen and not as an Army representative.

g. Write a letter to the editor of a newspaper expressing his or her personal views on public issues if those views do not attempt to promote a partisan political cause.

h. Write a personal letter, not for publication, expressing preference for a specific political candidate or cause. This may be done if the action is not part of an organized letter-writing campaign in behalf of a partisan political cause or candidate.

i. Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates. These contributions are subject to the limitations of sections 603 and 607, title 18, United States Code.

j. Display a political decal on his or her private automobile.

B-2. Types of activities prohibited

Under the statutory restrictions set forth in appendix C and the policies established in paragraph 5-2, a member of the Army on active duty will not—

a. Use official authority or influence to—

(1) Interfere with an election.

(2) Affect the course or outcome of an election.

(3) Solicit votes for a particular candidate or issue.

(4) Require or solicit political contributions from others.

b. Be a partisan candidate for civil office (Federal, State, or local), except under the conditions set forth in paragraph 5-3. Moreover, a soldier may not engage in public or organized solicitation of others to become partisan candidates for nomination or election to civil offices.

c. Take part in partisan political management or campaigns or make public speeches in the course thereof.

d. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States to promote a political objective or cause.

e. Solicit or receive a campaign contribution as specified in d above.

f. Allow or cause to be published partisan political articles signed or authorized by the soldier to solicit votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering of any kind to promote a partisan political party or candidate.

i. Take part in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

j. Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.

k. Use contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the secretary of a military department, the Secretary of the Treasury, or the governor or legislature of any State, Territory, Commonwealth, or possession in which he or she is on duty or present.

l. Perform clerical or other duties for a partisan political committee during a campaign or on election day.

m. Solicit or otherwise engage in fund-raising activities in Federal offices or facilities for a partisan political cause or candidate. (This includes military posts.)

n. March, or ride in a partisan political parade.

o. Display a large political sign, banner, or poster on his or her private automobile (as distinguished from a political sticker).

p. Take part in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party or candidate.

q. Sell tickets for, or otherwise actively promote, political dinners and other such fund-raising event.

r. Attend partisan political events as an official representative of the Army even though he or she does not actively take part.

s. Engage in activities discussed in paragraph 4-12.

B-3. Activities not expressly allowed or prohibited

Some activities not expressly prohibited would be contrary to the spirit and intent of this regulation. In finding whether or not an activity violates the traditional concept that military personnel must not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be interpreted as associating the Department of the Army directly or indirectly with a partisan political cause or candidate must be avoided. Installation commanders should not permit the use of installation facilities for political assemblies or meetings, fund-raising dinners or like social events in on-post clubs, press conferences, or similar activities by the following:

a. Political candidates' parties or causes no matter who is the sponsor.

b. Any candidate (either incumbents or new office seekers).

b. Members of a candidate's staff or campaign representatives.

B-4. Nonpartisan political activity

A member of the Army on active duty may take part in local nonpartisan political campaigns. However, a soldier taking part in local nonpartisan political activity will not—

a. Wear a uniform while campaigning or use any property or facilities of the Government in the campaign.

b. Allow participation to interfere with or prejudice performance of military duties.

c. Engage in conduct that would in any way imply that DA is taking a position or is involved in the campaign.

B-5. Members on active duty for training

Paragraph 5-3 does not apply to soldiers on active duty for training who are serving for a period of not more than 30 days. While on active duty for training, however, a soldier is expected to—

a. Give full time and attention to performing military duties during prescribed duty hours.

b. Avoid any outside activities that would be prejudicial to performing military duties or inconsistent with the accepted traditions of the Army.

c. Refrain from taking part in any political activity while in military uniform, or using Government facilities in furtherance of political activities.

Appendix C Statutory Prohibitions Pertaining to Political Activity by Members of the Armed Forces

C-1. General

Members of the Armed Forces are prohibited from certain types of political activity by statutes that prescribe specific penalties for violation. Most directly applicable are the excerpts from the United States Code presented in this appendix.

C-2. Section 1973co-25, title 42, United States Code, Undue influence

"It shall be unlawful for commissioned, noncommissioned, warrant, or petty officer in the Armed forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting . . . but nothing in this subchapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office. Aug. 9, 1955, c. 656, Title III. Sec. 305, 69 Stat. 589."

C-3. Section 592, title 18, United States Code, Troops at polls

"Whoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States . . . This section shall not prevent any officer or member of the Armed Forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. June 25, 1948, c. 645, 62 Stat. 719."

C-4. Section 593, title 18, United States Code, interference by Armed Forces

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or Whoever, being such officer or member, prevents or attempts to prevent by force, threat intimidation, advice or otherwise any qualified voter of any State from exercising the right of suffrage at any general or special election; or whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States. This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district. June 25, 1948, c. 645, 62 Stat. 719."

C-5. Section 594, title 18, United States Code, intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential Elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. As amended September 22, 1970, P.L. 91-405, Title II, Sec. 204(d)(5), 84 Stat. 853."

C-6. Section 596, title 18, United States Code, Polling Armed Forces

"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice for his vote for any candidate or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by

any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of such answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, incorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form. June 25, 1948, c. 645, 62 Stat. 720."

C-7. Section 602, title 18, United States Code, Solicitation of political contributions

"It shall be unlawful for:

- (1) a candidate for the Congress;
- (2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;
- (3) an officer or employee of the United States or any department or agency thereof; or
- (4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both. As amended Jan 8, 1980, P.L. 96-187, Title II, Sec. 201(a)(3), 93 Stat. 1367."

C-8. Section 603, title 18, United States Code, Making political contributions

"(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in Section 802(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee (As amended Jan 8, 1980, P.L. 96-187, Title II, Sec. 201(a)(4), 93 Stat. 1367)."

C-9. Section 606, title 18, United States Code, Intimidation to secure political contributions

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

C-10. Section 607, title 18, United States Code, Place of solicitation

"(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt of a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971. (As amended Jan 8, 1980, P.L. 96-187, Title II, 201(a)(5), 93 Stat. 1367)."

C-11. Section 441a, title 11, United States Code, Limitations on contributions and expenditures—dollar limitations on expenditures

"(a)(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed \$20,000; or

(C) to any other political committee in any calendar year which in the aggregate, exceed \$5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any

election for Federal office which, in the aggregate, exceed \$5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed \$15,000; or

(C) to any other political committee in any calendar year which, in the aggregate exceed \$5,000.

(3) No individual shall make contributions aggregating more than \$25,000 in any calendar year. For the purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2) the term "multicandidate political committee" means a political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and except for any State political party organization has made contributions to 5 or more candidates for Federal office."

(5)

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidates to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with or at the request or suggestion of a candidate, his authorized political committees, or their agents, shall be considered to be contributed to such candidate;

(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contribution made to or for the benefit of the candidate of such party for

election to the office of President of the United States.

(8) For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to source and the intended recipient of such contribution to the Commission and to the intended recipient."

For purposes of paragraph (2) of subsection (a) of this section, an honorarium shall be treated as accepted only in the year in which that honorarium is received."

C-12. Section 441f, title II, United States Code, Contributions in name of another prohibited

"No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

P.L. 92-225, Title III, section 325, as added. P.L. 94-283, Title I, section 112(2), May 11, 1976, 90 Stat. 494."

C-13. Section 441g, title II, United States Code, Limitation on contribution of currency

"No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

p.l. 92-225, Title III, 326, as added. P.L. 94-283, Title I, 112(2), May 11, 1976, 90 Stat. 494."

C-14. Section 441i, title II, United States Code, Acceptance of excessive honorariums

(a) Prohibited practices

No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept any honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article.

(b) Payment of honorarium to charitable organization

Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

(c) Aggregate amount received during any calendar year

For purposes of determining the aggregate amount of honorariums received by a person during any calendar year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

(d) Time of acceptance of honorarium

Table 1-2
Comparable rank among the Services

Army	Air Force	Marine Corps	Navy
Officers			
General of the Army	General of the Air Force	—	Fleet Admiral
General	General	General	Admiral
Lieutenant General	Lieutenant General	Lieutenant General	Vice Admiral
Major General	Major General	Major General	Read Admiral (U)
Brigadier General	Brigadier General	Brigadier General	Read Admiral (L)
Colonel	Colonel	Colonel	Captain
Lieutenant Colonel	Lieutenant Colonel	Lieutenant Colonel	Commander
Major	Major	Major	Lieutenant Commander
Captain	Captain	Captain	Lieutenant
First Lieutenant	First Lieutenant	First Lieutenant	Lieutenant (junior grade)
Second Lieutenant	Second Lieutenant	Second Lieutenant	Ensign
Chief Warrant Officer, Four	Chief Warrant Officer, Four	Chief Warrant Officer, Four	Chief Warrant Officer, Four
Chief Warrant Officer, Three	Chief Warrant Officer, Three	Chief Warrant Officer, Three	Chief Warrant Officer, Three
Chief Warrant Officer, Two	Chief Warrant Officer, Two	Chief Warrant Officer, Two	Chief Warrant Officer, Two
Warrant Officer, One	Warrant Officer, One	Warrant Officer, One	Warrant Officer, One
Cadets			
Cadet	Cadet	none	Midshipman
Enlisted Soldiers			
Sergeant Major of the Army	Chief Master Sergeant of the Air Force	Sergeant Major of the Marine Corps	Master Chief Petty Officer of the Navy
Command Sergeant Major	Chief Master Sergeant	Sergeant Major	Command Master Chief Petty Officer
Sergeant Major	—	Master Gunnery Sergeant	Master Chief Petty Officer
First Sergeant	Senior Master Sergeant	First Sergeant	Senior Chief Petty Officer
Master Sergeant	—	Master Sergeant	—
Sergeant First Class	Master Sergeant	Gunnery Sergeant	Chief Petty Officer
Staff Sergeant	Technical Sergeant	Staff Sergeant	Petty Officer First Class
Sergeant	Staff Sergeant	Sergeant	Petty Officer Second Class
Corporal	Sergeant	Corporal	Petty Officer Third Class
Specialist	—	—	—
Private First Class	Airman First Class	Lance Corporal	Seaman
Private	Airman	Private First Class	Seaman Apprentice
Private	Basic Airman	Private	Seaman Recruit

Glossary

Section I Abbreviations

AAP Affirmative Action Plan	DOR date of rank	ORB Officer Record Brief
ADL active duty list	EEO equal employment opportunity	OTIG Office of The Inspector General
ADOR active date of rank	EO equal opportunity	OTRA other than Regular Army
AGR adjusted grade of rank	EOA equal opportunity adviser	OTSG Office of The Surgeon General
AMEDD Army Medical Department	EOR equal opportunity representative	PED pay entry date
ARNG Army National Guard	FORSCOM U.S. Army Forces Command	POI program(s) of instruction
ARNGUS Army National Guard of the United States	HQDA Headquarters, Department of the Army	PSC Personnel Service Center
ASI additional skill identifier	IADT initial active duty for training	RA Regular Army
AUS Army of the United States	ID identification (card)	RC Reserve Component
CAR Chief, Army Reserve	IET initial entry training	ROTC Reserve Officer's Training Corps
CG commanding general	IRR Individual Ready Reserve	SQI special qualification identifier
CHAMPUS Civilian Health and Medical Program of the Uniformed Services	JAGC Judge Advocate General's Corps	SSI specialty skill identifier
CNGB Chief, National Guard Bureau	MCM Manual for Courts-Martial	TDA tables of distribution and allowances
CONUS continental United States	MACOM major Army command	TDRL Temporary Disability Retired List
CONUSA the numbered armies in the continental United States	MOS military occupation skill	TDY temporary duty
CSC Command and Staff College	MOS-ENLD military occupational speciality—enlisted	TJAG The Judge Advocate General
DA Department of the Army	MRE meals-ready-to-eat	TOE table(s) of organization and equipment
DCSPER Deputy Chief of Staff for Personnel	NCO noncommissioned officer	TRADOC U.S. Army Training and Doctrine Command
DEOMI Defense Equal Opportunity Management Institute	NCOPD noncommissioned officer professional development	TSG The Surgeon General
DOD Department of Defense	NGB National Guard Bureau	UCMJ Uniform Code of Military Justice
DOPMA Defense Officer Personnel Management Act	OCAR Office of the Chief, Army Reserve	UIC unit identification code
	OCONUS outside continental United States	USAR U.S. Army Reserve
	ODCSPER Office of the Deputy Chief of Staff for Personnel	USMA United States Military Academy

USTAPA
U.S. Total Army Personnel Agency

WO
warrant officer

Section II **Terms**

Action step

Specific action or task undertaken to eliminate or neutralize a problem and to achieve an objective. Information needed includes the agency taking action, a completion date, and an established goal.

Active duty

Full-time duty in the active military service of the United States (10 USC 101(22)). This term includes active duty for training and annual training. It does not include inactive duty for training (drill) or duty performed in a State status (ARNG personnel only).

Active status

The status of a member of an RC not in the inactive Army National Guard, on inactive status list, or in the retired Reserve.

Affirmative Action Plan

A management document that consists of statements of attainable goals and timetables. This document is required of all Army organizations, commands, agencies, and activities down to brigade (or equivalent) level. It is designed to achieve equal opportunity for all military personnel. Affirmative Action Plans will concern conditions where—

- a. Affirmative action is needed.
- b. Practicable strategies to remedy the conditions are available and explained.
- c. The end-conditions sought are clearly expressed.

Chain of command

The sequence of commanders in an organization who have direct authority and primary responsibility for accomplishing the assigned unit mission while caring for personnel and property in their charge.

Civil office

An office that exercises powers of authority of civil government (not military in nature). It may be either an elective or an appointive office under the United States, a territory or possession, or a State, county, municipality, or official subdivisions. This term does not include offices to which military personnel may be assigned in a military status.

Complainant

A soldier, military family member, or civilian employee of the Army who submits a complaint of discrimination.

Date of rank

The date on which an officer actually or constructively was appointed in a particular grade. The date will be calculated based on criteria established in this regulation and is

the first rule for determining relative seniority for officers holding the same grade.

Equal opportunity

Consideration and treatment based upon merit, fitness, and capability irrespective of race, color, religion, gender, or national origin.

Equal opportunity advisers

Officers and noncommissioned officers serving in full-time equal opportunity positions, at brigade (or equivalent) level, or higher. In addition to military EOAs, DA civilian employees may be officially assigned to military equal opportunity program duties in accord with applicable position classification standards and guidelines.

Establishment

An entity which either recognizes itself or is recognized as such by the community at large. Specifically, any corporation, partnership, school, training center, or educational institution, club, fraternal, social, or political group.

Ethnic origin

The quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, religion, and mores. For purposes of this regulation, ethnic origin is included within the meaning of national origin. Residents of Puerto Rico may be covered under national origin in cases of discrimination.

Full-time service

Any service in connection with a civil office that is likely to interfere with regular military duties.

Goal

An objective based on realistic, measurable prospects of attainment.

Grade

A step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulations (for example, lieutenant and captain).

Housing discrimination

Denying or attempting to deny housing to Army personnel because of race, color, religion, gender, or national origin. Housing of unmarried personnel on the basis of gender (for example, female-only or male-only barracks) is not considered discriminatory within the interest of this regulation.

Institutional discrimination

Different treatment of individuals in an organization which—

- a. Occurs based on race, color, religion, gender, or national origin.
- b. Results from the normal functioning of the organization.
- c. Operates to the consistent disadvantage of a particular group.

Minority group

Any group distinguished from the general population in terms of race, color, religion, gender, or national origin.

Nonpartisan political activity

An activity in support of or related to candidates not representing national or State political parties and associated or ancillary organizations. (Issues relating to amendments to the Constitution, referendums, approval of municipal ordinances, and so forth, are deemed not specifically identified with national or State political parties.)

Original appointment

Any appointment in a Reserve or Regular Component of the Armed Forces that is neither a promotion nor a demotion. Officers may receive more than one "original appointment."

Partisan political activity

An activity in support of or related to candidates representing national or State political parties and associated or ancillary organizations. (Activities that support or relate to issues specifically identified with national or State political parties and associated or ancillary organizations are also included.)

Personal racism, sexism, or bigotry

The acting out of prejudices by an individual or group of individuals against another individual or group because of race, color, religion, gender, or national origin.

Placement on the active duty list

The date on which a commissioned officer entered on active duty on his or her current tour of service on the active duty list.

Rank

The order of precedence among members of the Armed Forces.

Sexual harassment

Any soldier or civilian employee is engaging in sexual harassment who—

- a. Through behavior of a sexual nature attempts to control, influence, or affect the career, pay, or job of a soldier or civilian employee.
- b. Makes deliberate or repeated verbal comments or gestures of a sexual nature that are offensive to the person to whom addressed.
- c. Makes abusive physical contact of a sexual nature.

Uniformed service

The Army, Navy, Air Force, Marine Corps, Coast Guard, The Commissioned Corps of the Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

FAMILY CARE COUNSELING CHECKLIST

For use of this form, see AR 600-20; the proponent agency is DCSPER

You are required to be counseled regarding the following subjects: *(The commander (or designated representative) and the service member being counseled will initial the appropriate block after each item.)*

	COM- MANDER	SERVICE MEMBER
1. The necessity for careful planning regarding care of family member(s) without sacrificing your military responsibilities. The following points must be considered.		
a. Who will care for family member(s) during duty hours, alert readiness tests, field duty, roster duty, periods of TDY, deployments?		
b. Is there adequate housing for your family member(s) and is it accessible to your duty location?		
c. Financial obligations that will accrue for such things as child care, housing, transportation, and emergency needs and how these obligations will be met.		
2. Services provided by the local Army Community Services regarding financial planning. See Chapter 4, AR 608-1.		
3. Policies governing entitlements to assignment of government quarters. See Chapter 10, AR 210-50.		
4. Policies governing entitlement to Basic Allowance for subsistence, application procedures, and payment. See Chapter 1, part 3, AR 37-104-3, and Chapter 1, part 3, DOD Military Pay and Allowances Entitlements Manual.		
5. Provisions for applying for concurrent travel of family member(s) when alerted for overseas movement. Approved joint domicile assignments do not constitute authority to move family member(s) to the overseas command at government expense. Application for family member travel must be made in accordance with AR 55-46.		
6. The entitlement to government paid transportation of family member(s) to the next permanent duty station. See Chapter 9, AR 37-106 and Chapter 7, volume 1, Joint Travel Regulations. Transportation allowances for family member movement will be paid under the following conditions:		
a. If traveling in a PCS status between CONUS permanent duty stations. <i>(Family members are not authorized to move to or from TDY stations at government expense.)</i>		
b. If traveling to, from, or between overseas duty stations in PCS status provided tour length requirements have been satisfied. See section III, Chapter 1, AR 55-46 regarding tour length requirements to qualify for family member movement to, from, or between overseas areas.		
7. The status of individually sponsored family members in the overseas command. See paragraph 1-17, AR 55-46.		

	COM-MANDER	SERVICE MEMBER
8. Eligibility requirements for shipment of household goods to next permanent duty station at government expense. See Chapter 4, AR 55-71 and Chapter 8, Volume 1, Joint Travel Regulations.		
9. Policies governing reassignment eligibility. All soldiers are expected to serve their fair share of CONUS and overseas tours (<i>including unaccompanied tours</i>). The primary needs of the service provide the basis for selecting a soldier for reassignment. See paragraph 1-4, AR 614-30, and paragraph 1-4b, AR 614-200 (<i>enlisted</i>) or Chapter 3, AR 614-101 (<i>Officers, warrant officers</i>).		
10. Policies governing deletion or deferment from assignment instructions because of personal reasons. See Chapter 3, AR 614-200 (<i>enlisted</i>) or Chapter 3, AR 614-101 (<i>officers</i>).		
11. The content and requirements of the Family Care Plan and the time frames for processing the plan. The plan must be submitted early enough so that the commander may review it and determine its adequacy within two months of the date of counseling.		
12. Provisions governing involuntary separation from service for inability to perform prescribed duties, repetitive absenteeism, or nonavailability, when directed, for worldwide assignment or unit deployment because you cannot arrange for the care of family member(s) during your absence. See paragraph 5-34, AR 635-200 for enlisted personnel or AR 635-100 for officers.		
13. Provisions governing power of attorney for individual(s) to act in your absence and providing this (<i>these</i>) individual(s) with medical releases to authorize medical care for your family member(s).		
14. Provisions for the issuance of Uniformed Services Identification and Privilege Card(s) in case the Family Care Plan must be implemented. See Chapter 3, AR 640-3.		
15. Services available from Personal Assistance points at major points of embarkation in the CONUS.		
16. Referral assistance available from Family Life Communications Lines throughout the world.		
17. Advisability of preparing a will to include instructions concerning custody of family members in case of death.		
18. Provisions of CHAMPUS Mental Health Services, if needed.		

SIGNATURE BLOCK AND SIGNATURE OF COMMANDER (or Designated Representative)

DATE

SIGNATURE BLOCK AND SIGNATURE OF SERVICE MEMBER

DATE

STATEMENT OF UNDERSTANDING AND RESPONSIBILITY

For use of this form, see AR 600-20; the proponent agency is DCSPER

I affirm that I have been counseled on all items of the Family Care Counseling checklist and that I understand my responsibilities. I further understand that if I am unable to respond to military requirements, I am subject to disciplinary action or may be separated from the Army.

I hereby acknowledge that it is my responsibility to provide care for my family members before reporting to duty.

I affirm that I have made arrangements and will maintain arrangements for the care of my family member(s) in all circumstances required by my commitment to the military service, department, including unaccompanied tours, regular duty hours, exercise, alerts, TDY, and other duties (e.g., CQ, Guard).

Check boxes as you read each statement below and sign below to indicate conformity with requirements.

I UNDERSTAND THAT

a. DD Form 1172, Application for Uniformed Service Identification Card, must be completed for my family member(s). If my Family Care Plan must be implemented, this application will be provided to the person who accepts responsibility for my family member(s).	
b. Power of attorney and medical release authority must be provided to each designated guardian.	
c. I am subject to deployment on short notice and that I will be guaranteed no special privileges based on my family member(s).	
d. Nonavailability, when directed, for world-wide assignment and/or unit deployment constitutes grounds for elimination from the service.	
e. If arrangements for the care of my family member(s) fail to work, this is not a valid excuse for absence from prescribed duties, unit deployment or reassignment.	
f. It is my responsibility to revise my Family Care Plan if circumstances change so that I will have, at all times, current family member care arrangement. This Family Care Plan will be tested. Failure to maintain a current plan can result in a bar to reenlistment.	
g. I am responsible for the adequacy of housing for my family members and the ability to meet the cost of child care, housing, transportation and emergency needs of my family.	

SIGNATURE OF SERVICE MEMBER

FILL IN APPROPRIATE INFORMATION

If assigned overseas or reassigned from overseas to another overseas area where family members are not authorized or concurrent travel is not authorized, I have designated the following person to assume care of my family member(s).

NAME	BUSINESS PHONE
ADDRESS	HOME PHONE

I have designated the following person to care for my family member(s) during duty hours, alerts, field duty, roster duty and periods of TDY.

NAME

BUSINESS PHONE

NAME

BUSINESS PHONE

SIGNATURE OF SERVICE MEMBER :

FOR PERSONNEL WITH FAMILY MEMBER(S) OVERSEAS

I have designated the following person to assume care of my family member(s) and escort them to their destination if evacuation becomes necessary.

NAME

BUSINESS PHONE

ADDRESS

HOME PHONE

I have designated the following person as guardian who, if my family member(s) are evacuated by escort, will assume care of them upon arrival at destination.

NAME

BUSINESS PHONE

ADDRESS

HOME PHONE

TYPED OR PRINTED NAME OF SERVICE MEMBER

SSN

SIGNATURE OF SERVICE MEMBER

STATEMENT OF COUNSELING AND VERIFICATION OF FAMILY CARE PLAN

I have counseled the service member whose signature appears above concerning all items on the Family Care Counseling Checklist. The service member understands his/her responsibilities to the Army and his/her family members. The service member has explained his/her plan for the care of his/her family in case of deployment, and, I find these plans acceptable.

SIGNATURE BLOCK AND SIGNATURE OF COMMANDER (or Designated Representative)

DATE

REVIEW

INITIALS OF COMMANDER OR DESIGNATED REPRESENTATIVE

DATE

INITIALS OF COMMANDER OR DESIGNATED REPRESENTATIVE

DATE

INITIALS OF COMMANDER OR DESIGNATED REPRESENTATIVE

DATE

1045
Headquarters
Department of the Army
Washington, DC
17 September 1993

Immediate Action INTERIM CHANGE

AR 600-20
Interim Change
No. I04
Expires 17 September 1995

Personnel--General

Army Command Policy

Justification. This interim change includes policy changes mandating training in equal opportunity throughout all phases of professional military education and twice annually in units. In addition, this interim change restructures the Equal Opportunity Complaint System and introduces an Equal Opportunity Complaint Form, DA Form 7279-R, and a Unit Equal Opportunity Complaint Report, DA Form 7280-R, to add structure to the quarterly and annual unit equal opportunity complaint reports.

Expiration. This interim change expires 2 years from the date of publication and will be destroyed at that time unless sooner rescinded or superseded by a permanent change.

1. Chapter 6 of Interim Change I02, AR 600-20, 1 April 1992, and chapter 6 of AR 600-20, 30 March 1988, are superseded as follows:

Chapter 6
Equal Opportunity Program in the Army

6-1. Concept

a. The Equal Opportunity (EO) Program formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment of all soldiers based solely on merit, fitness, and capability, which supports readiness. EO is a responsibility of leadership and a function of command. This philosophy is based on fairness, justice, and equity. Specifically, this program is designed to--

(1) Provide EO for military personnel, civilian employee, and their family members both on and off post and within the limits of the laws of localities, states, and host nations.

(2) Contribute to mission accomplishment, cohesion, and readiness.

This interim change supersedes chapter 6 of Interim Change I02, AR 600-20, 1 April 1992, and chapter 6 of AR 600-20, 30 March 1988.

Pentagon Library (ANR-PL)
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Room 1A518, Pentagon
Washington, DC 20310-6050

b. Civilian employees of the Department of the Army (DA) may lodge complaints under this regulation that can result in an official investigation and possible disciplinary action against the soldiers involved. They may also file discrimination complaints in accordance with Army Regulation (AR) 690-600, Equal Employment Opportunity (EEO) Discrimination Complaints. However, civilian employees who engage in discriminatory actions are not subject to discipline under AR 600-20 but are subject to the separate procedures of AR 690-700, Civilian Relations -- Personnel Relations and services (General).

6-2. Responsibilities

a. *Deputy Chief of Staff for Personnel (DCSPER)*. The DCSPER will--

(1) Be responsible for Army-wide policies, doctrine, plans, and initiatives pertaining to the Army EO Program.

(2) Be responsible for overall evaluation and assessment of the Army EO Program.

(3) Formulate, maintain, and implement the Headquarters, Department of the Army (HQDA) Affirmative Action Plan (AAP).

(4) Establish selection criteria, in coordination with the CG, PERSCOM, for Army personnel to attend the Defense Equal Opportunity Management Institute (DEOMI).

(5) Coordinate, in conjunction with the CG, U.S. Total Army Personnel Command, EO training requirements at the DEOMI.

(6) Coordinate annually the distribution of training seats at the DEOMI between the Active Army and the U.S. Army Reserve (USAR).

b. *Chief, National Guard Bureau (CNGB), and Chief, U.S. Army Reserve (CAR)*. The CNGB and CAR will--

(1) Monitor and evaluate the implementation of EO policies and programs in their components.

(2) Establish sufficient staff positions in their offices and make sufficient resources available to adequately carry out EO Program requirements.

(3) Select Reserve Component (RC) personnel to attend the DEOMI.

(4) Develop management information and reporting requirements to determine the progress made toward affirmative action goals.

(5) Establish EO training for units and professional military education courses consistent with HQDA policy and command needs.

c. *Commanding General, U.S. Army Forces Command (CG, FORSCOM)*. The CG, FORSCOM, will--

(1) Supervise and evaluate the unit EO training program conducted by the numbered armies in continental United States (CONUS) troop program units.

(2) Coordinate on a continuing basis with the Office of the

Chief, Army Reserve (OCAR), in conducting EO seminars for USAR general officers assigned to Army Reserve Commands/General Officer Commands (ARCOMs/GOCOMs) and for key military and civilian staff assigned to those commands.

(3) Coordinate with the OCAR in establishing adequate compliance monitoring procedures to assure the attainment of program objectives for the USAR.

d. *Commanding General, U.S. Army Training and Doctrine Command (CG, TRADOC).* The CG, TRADOC, will--

(1) Develop EO training doctrine.

(2) Develop EO instruction and associated training materials for use in the accession/initial entry training base, in professional military education courses throughout the Army, and in units through coordination with EO Proponency Office, Soldier Support Center.

(3) Maintain liaison with the DEOMI to develop EO doctrine and training materials.

(4) Conduct required EO education and training in TRADOC Service schools and training centers.

(5) Evaluate the effectiveness of training conducted in TRADOC Service schools and training centers.

(6) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC. These schools include The Judge Advocate General's School, Army Medical Department Center and School, and U.S. Army War College.

(7) Monitor the instruction presented by the DEOMI and evaluate how well the DEOMI meets Army requirements, including Service-specific instruction.

(8) Develop and provide EO instruction through correspondence courses available to all Army personnel.

e. *Commanders of major Army commands.* These commanders will--

(1) Monitor the execution of the EO Program in all commands, installations, agencies, and activities (to include Reserve and National Guard units when activated) under their jurisdiction.

(2) Establish EO training for units consistent with HQDA policy and command needs.

(3) Provide support, as appropriate, for EO matters in host and tenant agreements developed according to AR 5-8, paragraph 5c.

(4) Ensure that EO programs for military and civilian personnel complement each other.

(5) Provide personnel, funding, and other resources to carry out the EO Program, including a local equal opportunity representative course and staff assistance visits by headquarters personnel.

(6) Ensure installations maintain equal opportunity hotlines to provide procedural information on the filing of equal

opportunity complaints and to clarify what constitutes an act of sexual harassment. The hotline will also provide information on the complaint appeals process to include access to higher levels of authority if resolution cannot be accomplished at the installation level. The hotline may also be used to provide information to leaders on the correct procedures to follow in handling sexual harassment complaints.

f. Commanding General, U.S. Total Army Personnel Command (CG, PERSCOM). The CG, PERSCOM, will--

(1) Develop statistical data concerning race and gender for personnel management/affirmative action purposes when required by HQDA.

(2) Include equal opportunity advisor (EOA) staffing requirements in Branch proponent doctrine for personnel authorization documents.

(3) Determine the need for training seats at the DEOMI before any of the seats are allocated.

(4) Select personnel, in coordination with HQDA (DAPE-HR-L), to attend the DEOMI.

(5) Control DEOMI student training allocations (military and civilian) for the Army.

(6) Distribute Active Army personnel who are EOAs based upon command authorizations.

g. Commanders at all levels. Unit commanders are the EO officers for their commands and are assisted by EO advisors and other members of the staff, who provide advice on matters in their areas of responsibility. All commanders will--

(1) Develop and implement EO programs for their organizations.

(2) Identify discriminatory practices affecting soldiers, civilian employee, and their families, initiate corrective actions, and provide followup and feedback throughout problem resolution.

(3) Promote EO and interpersonal harmony for all soldiers, civilian employee, and their families.

(4) Conduct EO training on a continuing basis for subordinate commanders and other civilian and military personnel that is consistent with this regulation, major Army command (MACOM) directives, and local guidance.

(5) Monitor and assess the execution of EO programs and policies at all levels within their areas of responsibility.

(6) Ensure involvement of public affairs personnel at every level of command in planning, executing, and monitoring equal opportunity programs.

(7) Publish and post written command policy statements for equal opportunity, the prevention of sexual harassment, and equal opportunity complaint procedures. All statements will be consistent with Army policy and are required for each MACOM,

installation, separate unit, agency, and activity down to company/troop/battery or equivalent level.

(8) Ensure smaller-unit-level equal opportunity representatives are appointed and trained.

h. It is strongly recommended that commanders conduct a unit climate assessment and unit training needs assessment within 90 days of assuming command (180 days for Reserve Components) and annually thereafter. This assessment can be done using the Military Equal Opportunity Climate Survey (MEOCS), Department of the Army Pamphlet (DA PAM) 600-69, Unit Climate Profile: Commander's Handbook, or other survey instrument (for example, Training Diagnostic Assessment System (TDAS)). Additionally, commanders should supplement the survey instrument with individual and group interviews, the analysis of unit records (awards, promotions, reenlistment, and Uniform Code of Military Justice--UCMJ), and with complaints reports.

6-3. Equal opportunity policy

a. The U.S. Army will provide equal opportunity and treatment for soldiers, civilian employees, and their families without regard to race, color, religion, gender, or national origin and provide an environment free of sexual harassment. This policy:

(1) Applies both on and off post, during duty and nonduty hours.

(2) Extends to soldiers, civilian employees, and their families.

(3) Applies to working, living, and recreational environments (including both on- and off-post housing).

b. Soldiers are not accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. The following are exceptions to a totally nonbiased personnel management process:

(1) The assignment and utilization of female soldiers. (AR 600-13, Army Policy for the Assignment of Female Soldiers, prescribes policies, procedures, responsibilities, and the position coding system for female soldiers.)

(2) Support for established equal opportunity goals, such as to increase representation of a particular group in one or more monitored area(s) of affirmative action plans (AAPs).

c. This chapter does not implement the provisions of either the Age Discrimination in Employment Act of 1967 (sections 630 through 634, title 29, United States Code) or title VII of the Civil Rights Act of 1964 (section 2000e, title 42, United States Code). Physical disability and age controls are not addressed due to overriding concerns of medical fitness and deployability.

6-4. Sexual harassment

a. Sexual harassment is a form of gender discrimination that

involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when--

(1) Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

(2) Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

b. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a soldier or civilian employee is engaging in sexual harassment. Similarly, any soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

6-5. Chain of command responsibilities

The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate. This responsibility entails, but is not limited to, promoting positive programs that enhance unit cohesion, esprit, and morale; communicating matters with EO significance to unit personnel and higher headquarters; correcting discriminatory practices by conducting rapid, objective, and impartial inquiries to resolve complaints of discrimination; encouraging the surfacing of problems and preventing reprisal for those who complain; and taking appropriate action against those who violate Army policy.

6-6. Staffing

a. Minimum staffing requirements.

(1) *EO as a primary duty.* Military personnel with EO as their primary duty are assigned to assist commanders at installations, organizations, and agencies that are brigade-level or equivalent and higher commands. Assignments as an EOA are not collateral or part-time duties at brigade-level or higher commands. Primary duty position authorizations and requirements that comply with this guidance are to be specified in applicable unit manning documents.

(2) *Active duty staffing.* One enlisted soldier (sergeant first class or higher) with primary duty as EOA will be available full-time as the advisor for each brigade-level or equivalent and higher unit commander. Additionally, one officer EO advisor will be available full-time to the commander of each MACOM. Staffing should, as a minimum, also provide a master sergeant, sergeant major, and a lieutenant colonel or major (3 persons total) at

HQDA, each MACOM, and the EO Proponency Office at the Soldier Support Center. Beyond the above-stated unit staffing, one enlisted EOA (sergeant first class) should be assigned to support the commander for small installations or base support battalions and at least two enlisted EOAs (sergeant first class and master sergeant) should be assigned at large installations (over 10,000 soldiers/DA civilians assigned) and area support groups. Civilian substitutions for these minimum staffing requirements are not authorized. Any staffing authorized beyond these minimum requirements may be either military EOAs or DA civilian employees who are officially assigned to and trained for such duties. Assignment of equal opportunity duties to DA civilians must be in strict accordance with applicable position classification standards and guidelines.

(3) Army National Guard and USAR staffing.

(a) An EOA, officer or noncommissioned officer, will be assigned to the staff of each brigade-level unit or equivalent. One officer EOA and enlisted EOA will be assigned to the staff of each ARCOM/GOCOM and division-level or equivalent unit. At the ARCOM/GOCOM level, the minimum grade of USAR officers is major, and the minimum grade for noncommissioned officers is master sergeant. At brigade level, the minimum grade of officers is captain, and the minimum grade for noncommissioned officers is sergeant first class. ARNG staffing requirements are established by the CNGB. Civilian substitutions are not authorized.

(b) Reserve Component EOAs will obtain school quotas through the Army Training Requirements and Resource System (ATRRS) for course attendance in either the 16-week resident course or the Reserve Component course at the DEOMI within 30 days of assignment as an EOA. USAR soldiers must complete the Reserve Component course within 1 training year of completion of the initial resident phase. Requests to exceed the 1-year completion requirement must be forwarded through the chain of command to the Commandant, DEOMI, Patrick AFB, Florida 32925-3399. Each request will be handled on a case-by-case basis and will require justification of the soldier's inability to complete the course within the allotted time. However, commanders must closely monitor training status to ensure course completion is expedited to the maximum extent possible. National Guard soldiers must complete the course within 18 months of assignment to duty position. Failure to complete the course will result in removal from the EOA position.

b. Location in the organizational structure. EOA personnel will be assigned to organization TDAs with attachment to a specified unit (as described above) for duty, administration, UCMJ, rations, and quarters.

c. Command and staff relationships. The principal EOA will

have direct access to the supported commander at all times and that commander will be either the EOA's rater or senior rater. Placement of the EO office within the organization must be such as to accomplish the above provisions and to comply with AR 5-3.

d. *The EO Program and the Equal Employment Opportunity Program relationship.* The EO program for military personnel and the EEO program for civilian personnel are separate and distinct. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. However, integrating EO/EEO training, seminars, and discussions and sharing training materials and facilities are encouraged when doing so promotes the understanding, efficiency, economy, and common interests of both programs.

e. *Roles and duties of EOAs.* The actual duties of EOAs and relative emphasis on each duty vary according to type of unit or level of command, unit composition, and location. Personnel assigned to positions as EOAs will not be assigned further duties in other human resource functional areas, such as alcohol and drug abuse, Army Community Services, chaplains' programs, CHAMPUS, and weight control. Typical roles and duties of EOAs are as follows:

(1) Understanding and articulating Department of Defense (DOD) and Army policies concerning equal opportunity as stated in this regulation.

(2) Recognizing and assessing indicators of institutional and individual discrimination in organizations.

(3) Recognizing sexual harassment in both overt and subtle forms.

(4) Recommending remedies appropriate to eliminate and prevent discrimination and sexual harassment.

(5) Collecting, organizing, and interpreting demographic data concerning all aspects of EO climate assessment.

(6) Assisting commanders in the development of realistic affirmative action plans and monitoring progress of plans.

(7) Training unit equal opportunity representatives/leaders (EORs) and institutional training course/Service school instructors to assist commanders/commandants in meeting their EO responsibilities.

(8) Organizing, conducting, or assisting with training sessions pertaining to equal opportunity, discrimination, and prevention of sexual harassment.

(9) Assisting in evaluating the effectiveness of unit training conducted by commanders.

(10) Planning and conducting executive seminars on affirmative action plans, equal opportunity, discrimination, and the prevention of sexual harassment.

(11) Receiving and assisting in processing individual

complaints of discrimination and sexual harassment. EOAs may conduct inquiries in accordance with the commander's guidance.

(12) Providing advisory assistance to commanders and investigating officers in the investigation and resolution of discrimination and sexual harassment complaints.

(13) Reviewing and commenting on investigation reports of equal opportunity complaints for compliance with Department of Defense and Department of the Army policy and objectives.

(14) Assisting in the planning and conduct of ethnic observances outlined at table 6-1.

(15) Assisting commanders in developing EO policy for their unit.

(16) Maintaining, where appropriate, informal liaison with community organizations fostering civil rights. If EOA decides to become a member of such organizations in his private capacity, coordination with servicing judge advocate is strongly advised to preclude possible conflicts of interest.

(17) Conducting periodic command assessments as outlined in DA PAM 600-26.

(18) Preparing input for the Annual Narrative and Statistical Report, which supports the Army's Military Equal Opportunity Assessment.

(19) Conducting staff assistance visits.

f. Equal opportunity representatives. To assist commanders at the battalion-level and below in carrying out the EO Program within their units, EO duties may be assigned to a soldier as a part-time, secondary responsibility. Equal opportunity representatives (EORs) have not received the total program of instruction that an EOA has and are not utilized in a special duty assignment as an EOA. In addition, EORs may not conduct investigations and are not trained to advise investigating officers in the conduct of equal opportunity complaint investigations. It is recommended that commanders appoint EORs who are members of the chain of command, in the grade of staff sergeant to sergeant first class. EOAs who are graduates of the DEOMI and have been awarded enlisted special qualification identifier (SQI) Q or officer additional skill identifier (ASI) 5T can and will train EORs using the 80-hour program of instruction (POI) published by the EO Proponent Office, Soldier Support Center. EOAs are authorized to supplement that training package to meet local needs and conditions. Instruction in other subject areas related to or supportive of EO objectives may be provided by personnel from other agencies or program areas during EOR training. Typical roles and duties of EORs are as follows:

(1) Assisting commanders in the recognition of detractors from a healthy unit EO climate.

- (2) Assisting commanders in the conduct of unit climate assessments.
- (3) Preparing and assisting the commander in the conduct of EO training.
- (4) Establishing and maintaining liaison with other EORs and with the EOA at higher headquarters.
- (5) Assisting commanders in preparing and conducting ethnic observances.
- (6) Referring complainant to appropriate agency for assistance.
- (7) Serving as a resource person.

6-7. Off-post activities, on-post activities, and off-limit actions

a. *Off-post activities.* Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public establishments. These include privately owned establishments such as hotels, restaurants, gasoline stations, theaters, places of entertainment, and community housing (e.g., apartments). The installation commander concerned ensures that the facts surrounding allegations of discriminatory practices are fully developed. The commander also ensures that individuals and organizations alleged to practice such discrimination are given a full and fair opportunity to challenge particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, installation commanders are authorized to place that facility off-limits, after requesting such action through the servicing Armed Forces Disciplinary Control Board (AFDCB). Military personnel outside the United States are not protected under the Civil Rights Act of 1964 while off-post. Nonetheless, the commander concerned will take whatever actions are available and appropriate to eliminate discriminatory practices in public accommodations outside the United States that affect members of his or her command and their families. Commanders must promote awareness of the laws of the nation that pertain to this issue. All cases of discrimination in off-post activities and resultant action by installation commanders, which may include the imposition of off-limits sanctions, will be reported to HQDA (DAPE-HR-L), WASH DC 20310-0300.

b. *Off-limits sanctions.* Off-limits sanctions may be appropriate for public accommodations and establishments falsely claiming to be private clubs (fraternal or otherwise) with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected soldiers in a command and all efforts at conciliation prove unsuccessful, imposition of off-limits sanctions in accordance with AR 190-24 may be appropriate.

c. Off-limits sanctions and private establishments. An installation commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if the following conditions exist:

(1) It is open to soldiers in general or to soldiers who meet specific objective criteria (such as sergeant and above) but segregates or discriminates against other soldiers solely on the basis of race, color, religion, gender, or national origin.

(2) It is not primarily political or religious in nature.

(3) The installation commander, in consultation with his/her key staff, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of soldiers in the command.

d. On-post activities. All on-post facilities and official activities are open, as appropriate, to all DOD personnel and family members without regard to race, color, religion, gender, or national origin. Installation commanders have the responsibility for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The installation commander must assess the organization's actual membership practices and their effect upon the command. In cases where the installation commander determines that credible information of discriminatory practices by an on-post private organization has been presented, the organization has the burden of proving it did not engage in discriminatory practices. Failure to substantiate the absence of discriminatory practices will result in a denial of the use of on-post facilities. (See AR 210-1.) However, the provisions of this paragraph do not prohibit the installation commander from approving the operation of private organizations that restrict membership to one sex when the requirements of AR 210-1, paragraph 2-5 have been met.

6-8. Procedures for processing complaints of discrimination

a. Individual rights. Soldiers and their family members have the right to--

- (1) Present a complaint to the command without fear of intimidation, reprisal, or harassment;
- (2) Communicate with the commander concerning their complaints;
- (3) Receive assistance when submitting a complaint; and
- (4) Receive training on the Army's Equal Opportunity complaint and appeals process.

b. Individual responsibilities. Individuals have the responsibility to--

- (1) Attempt to resolve a complaint by first informing the alleged offender that the behavior must stop. (Depending upon the severity of the offense, this may not always be plausible);
- (2) Advise the command of the specifics of sexual harassment and discrimination complaints and provide the command an opportunity to take appropriate action to rectify/resolve the issue; and
- (3) Submit only legitimate complaints and exercise caution against unfounded or reckless charges.

c. Entering the complaints processing system.

(1) *Informal complaint.*

(a) An informal complaint is any complaint that a soldier or family member does not wish to file in writing. In attempting to solve the problem at the lowest possible level, it may not be necessary to involve the commander in the resolution of such informal complaints. These complaints may be resolved by the individual, another unit member, or a person in the complainant's chain of command; are not subject to time suspenses; and are not reportable.

(b) The informal complaint is no less important than a formal complaint, and should be addressed with a sense of urgency and a sincere intent to attain resolution.

(c) In some informal complaints, the person or agency with which the complaint is filed may be able to resolve the issue while maintaining the confidentiality of the complainant. While maintenance of confidentiality may be attempted, it will neither be guaranteed nor promised to the complainant.

(2) *Formal complaint.*

(a) A soldier or family member files a formal complaint by submitting a sworn statement on a DA Form 7279-R (Equal Opportunity Complaint Form). This form will be locally reproduced on 8 1/2-by 11-inch paper. A copy for reproduction is located in the back of this document.

(b) In Part I of DA Form 7279-R, the complainant will identify the alleged concern, provide the names of the parties involved and witnesses, describe the incident(s)/behavior(s), and specify the date(s) of the occurrence. The complainant will also state

the equal opportunity basis of the complaint (e.g., discrimination based upon gender, race, or religious affiliation).

(c) Soldiers and family members have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This time limit is established to set reasonable parameters for the investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair investigation can be conducted.

(d) Although the processing of Equal Opportunity complaints through the chain of command is strongly encouraged, it will not serve as the only channel available to soldiers and family members. Should the complainant feel uncomfortable in filing a complaint with his/her unit chain of command, or should the complaint be against a member of the chain of command, a number of alternative agencies exist through which a complaint may be processed. Commanders will not preclude soldiers or family members from using these channels (in accordance with the procedures inherent/established by these agencies):

1. Higher echelon in the chain of command.
2. Equal opportunity advisor.
3. Inspector General.
4. Chaplain.
5. Provost Marshal/Criminal Investigation Command (CID).
6. Medical agencies.
7. Staff Judge Advocate.
8. Housing referral office.

d. Actions of alternative agencies. The above-listed agencies serve as alternate channels available to soldiers and family members for registering discrimination complaints. Each of these agencies has a primary staff responsibility and provides expertise in very specific subject areas. Soldiers and family members can capitalize on that expertise toward maximum problem resolution. Any alternative agency that receives a formal complaint of discrimination or harassment has the obligation to talk with the complainant, find out as much information as possible concerning the complaint, and tell the complainant what role the agency has (action, information gathering, or referral to an action agency/commander) and what will be done with the individual's complaint. That information will be annotated on DA Form 7279-R, Part I, item 9b.

(1) If during the course of inquiry or investigation the receiving agency or commander identifies criminal activity, the complaint will be immediately referred to the proper agency (commander, Provost Marshal, or CID) for investigation.

(2) Complaints of sexual assault and rape will immediately be referred to medical agencies for the procurement of forensic evidence and for assistance in the treatment and counseling of the victim.

(3) Allegations of discrimination in housing, both on and off post, will be referred to the housing referral office for processing under the provisions of AR 210-50.

(4) Receipt of complaints will be annotated in writing on a DA Form 7279-R, Part I, item 9b. If the receiving agency decides not to investigate but to refer the complaint to another agency or, with the consent of the complainant, back to the appropriate commander, the referral must be made within 3 calendar days (at the next drill period for reserve components) with the written acknowledgement of the commander or agency receiving the referral (DA Form 7279-R, Part I, item 10a).

(5) If a complaint is filed against a promotable colonel, an active or retired general officer, inspectors general of all components, members of the Senior Executive Service, or Executive Schedule personnel, the allegation will be reported directly to the Investigations Division, U.S. Army Inspector General Agency, ATTN: SAIG-IN, Pentagon, WASH, DC 20310-1700 by rapid but confidential means within 5 calendar days of receipt.

e. Complaints filed with the Inspector General.

(1) Complaints filed through the Inspector General will be processed as Inspector General Assistance Requests (IGARS) in accordance with AR 20-1 rather than under the procedures outlined in this regulation. As such, no timelines will be imposed on the conduct of the investigation and/or on feedback to the complainant, and DA Form 7279-R will not be used.

(2) Inspector General investigations are confidential and protected from unauthorized disclosure. They will include consultations with persons or activities as deemed appropriate by the Inspector General.

(3) Notification of the receipt of the complaint is provided, along with an estimated completion date. If the action is not completed by that date, the complainant will be notified and given a new estimated completion date.

f. Actions of the commander.

(1) Upon receipt of a complaint, the commander will ensure that the soldier or family member has sworn to the complaint. For equal opportunity complaints, the commander is authorized to administer oaths on DA Form 7279-R.

(2) The unit commander will conduct an inquiry to determine if sufficient evidence exists to warrant a full investigation. The Equal Opportunity Advisor may assist the commander in conducting this inquiry. Should such evidence exist, the commander must refer the case to the battalion- or brigade-level commander for the appointment of an AR 15-6 investigating officer or refer the case to the Inspector General.

(3) The investigating officer will obtain a list of witnesses from both the complainant and alleged perpetrator at the outset of the investigation, and will interview the complainant both at the beginning and the conclusion of the investigation. The investigating officer should normally interview the alleged perpetrator after interviewing the other witnesses, so that he or she will have a complete understanding of the alleged incident. This procedure will enable the investigating officer to determine whether the alleged perpetrator is suspected of having committed a criminal offense and thus must be advised of his or her rights under Article 31, Uniform Code of Military Justice (UCMJ). If, when interviewing a soldier who is the alleged perpetrator, the investigating officer suspects that the soldier has committed an offense in violation of the UCMJ, the investigating officer must advise the soldier of his rights under Article 31, UCMJ. If the soldier being questioned asks for a lawyer (i.e., asserts his right to counsel), questioning must stop immediately and the interview must be terminated. Questioning may resume only in the presence of a lawyer; if the soldier initiates further discussion; or if the soldier has consulted with a lawyer and thereafter waives his rights pursuant to a proper rights advisement. Similarly, questioning of a soldier must stop immediately if a soldier indicates the desire to remain silent. Once this right is asserted, questioning may resume only if the soldier initiates further questioning or if, after an appropriate interval, the soldier waives his or her rights pursuant to a proper rights advisement. (See Article 31, UCMJ; Military Rules of Evidence 304 and 305, Manual for Courts-Martial, 1984). The investigating officer will provide a written report to the commander of the results of the investigation. The EOA will review and comment on the findings of the investigation to ensure compliance with DOD/DA policies and objectives.

(4) The commander who appointed the AR 15-6 investigation will review the facts as determined by the commander's inquiry and by the AR 15-6 investigation. If the commander believes further investigation is not necessary, he or she may take appropriate action against the alleged perpetrator at that time.

g. Timeliness of action. Rapid resolution of EO (including sexual harassment) complaints is in the best interest of both the person filing the complaint and of the command. After receipt of

the complaint, the commander has 14 calendar days (or three weekend drill periods for Reserve Components) in which to conduct an investigation or to refer the case to a higher echelon commander. If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within the 14 calendar days allowed (or three weekend drill periods for Reserve Components), the commander may obtain an appropriate extension (not to exceed 30 calendar days or two weekend drill periods after the initial 14-day suspense) in writing from the next higher echelon commander. Upon receipt of an extension, the commander must inform the complainant of the extension, its duration, and the reasons for which it was requested. Any additional extensions must be approved in writing by the first general officer in the chain of command.

h. EOA assistance. A commander and any investigating officer will obtain the assistance of the unit's assigned (DEOMI-trained) EOA to assess the complaint and/or the process of the inquiry or investigation. An EOA's skills in complaint handling and conflict resolution and training in the subtleties of discrimination and sexual harassment enable him or her to advise the commander or any investigating officer in this complex area.

i. Feedback to the complainant. The complainant will receive written feedback from the commander on DA Form 7279-R, Parts II and III, within 14 calendar days (within three weekend drill periods for Reserve Components) after acknowledgement of the complaint. Written feedback should incorporate and annotate any verbal updates provided to the complainant. Written feedback may state that appropriate action is being considered but will not delineate the specific actions. Whenever possible, the commander should meet with the complainant to present orally previous written feedback and discuss the findings of the investigations and actions taken to resolve the issue.

j. Actions upon a substantiated complaint. A substantiated EO discrimination complaint is a complaint that, after the completion of an inquiry or investigation, provides evidence to indicate that the complainant was more likely than not treated differently because of his or her race, national origin, gender, or religion and that corrective action must be taken.

(1) *Administrative action.* Offenders will, as a minimum, undergo counselling by a member of the chain of command, preferably the Commander. Commanders have the full range of administrative actions available to them to deal with offenders of Army policy on equal opportunity (including sexual harassment), to include discharge from the Service, bar to reenlistment, adverse performance evaluations, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, and rehabilitative transfer to another unit.

Commanders should determine whether the victim desires to be transferred to another unit, but should not subject the complainant to "double victimization" by requiring that he or she be transferred to another unit while leaving the offender in the unit.

(2) *UCMJ*. Violators of Army policies on equal opportunity and sexual harassment, whose conduct violates a punitive article of the UCMJ, may be charged and prosecuted. Nonjudicial punishments (e.g., Article 15) will be posted in the unit area in accordance with AR 27-10. Courts-martial convictions will be published in installation newspapers and posted in the unit area where appropriate.

k. Actions upon an unsubstantiated complaint. There are two types of unsubstantiated complaints--complaints for which there is no corroboration and those for which the corroborating evidence is insufficient to substantiate the allegations. In both situations, the commander should determine whether the allegations, though unsubstantiated, may be indicative of problems in the unit that require resolution through EO initiatives or other leadership actions. Should the complaint be found to be unsubstantiated, the commander will notify the complainant in writing (DA Form 7279-R, Part II) and provide the complainant with a copy of the results of the investigation. The complainant will sign and date the form to acknowledge receiving this information. This acknowledgement does not necessarily signify the complaint's agreement with the actions taken.

l. Actions to resolve complaints/issues. A complaint is resolved by action to make the complainant whole and to restore benefits and privileges lost because of the discrimination or harassment. Punitive or administrative actions against an offender do not necessarily change offending behaviors or rectify the situation for the individual or unit. Further actions (e.g., remedial EO training) may be taken by the chain of command to ensure such behaviors or situations do not recur. Likewise, such actions will be considered in the case of undetermined/unsubstantiated complaints. These actions, taken by the commander and chain of command, will be annotated on DA Form 7279-R, Part III. The complainant will sign and date the form to acknowledge receiving this information. This acknowledgement does not necessarily signify the complaint's agreement with the actions taken to resolve the complaint.

(1) *Undetermined/unsubstantiated complaints.* Commanders should be aware that an "undetermined/unsubstantiated" finding may not necessarily resolve the complainant's concerns. Additionally, the perception of unfair treatment may well be retained by the

complainant and other members of the command. Commanders should take action to resolve these issues. Unit EOAs are available to the commander to provide assistance and develop techniques and recommended courses of action to resolve these concerns.

(2) *Substantiated complaint.* Written and verbal feedback to the complainant will identify actions being taken by the chain of command. Should administrative or UCMJ action be taken, written feedback must only state that appropriate action is being taken. Other actions taken by the chain of command, excluding those listed in paragraph 6-8j would also be annotated.

m. Appeals process. Should the complaint be found to be unresolved in the mind of the complainant, the complainant has the right to appeal to the next higher commander within his or her chain of command. The complainant must do so in writing on the DA Form 7279-R, Part IV, within 7 calendar days (at the next drill period for Reserve Components) following notification of the results of investigation and acknowledgement of the actions of the command to resolve the complaint or issue.

n. Legal review. Prior to taking action against an offender, the commander will consult with the servicing Judge Advocate. Findings of investigations of equal opportunity complaints will also receive legal review under the provisions of AR 15-6 and AR 27-10.

o. Final decision authority. Complaints that are not resolved at brigade level may be appealed to the General Court Martial Convening Authority. The only exception to this is where organizations have Memorandums of Understanding or Memorandums of Support that delegate that UCMJ authority to a local commander. Decisions at this level are final.

p. Protection against reprisal.

(1) Department of Army personnel are prohibited from taking any action that discourages a soldier or family member from filing a complaint or seeking assistance when resolving EO matters. Personnel are also prohibited from taking any disciplinary or adverse action against a soldier for filing a complaint, seeking assistance, or cooperating with an investigating officer in an equal opportunity investigation. (This does not preclude taking action against individuals who file fraudulent complaints.)

(2) It is the responsibility of the chain of command to ensure that the complainant is protected from reprisal or retaliation for filing an equal opportunity complaint (including sexual harassment). Should soldiers or family members be threatened with such an act, or should an act of reprisal or retaliation occur, the circumstances of that should be immediately reported to the chain of command, to a local Inspector General, or to a higher

headquarters Inspector General. Allegations of threats or acts of reprisal or retaliation will be referred to the battalion or higher commander for appointment of an AR 15-6 investigating officer or referred to the Inspector General.

q. Actions against soldiers submitting false complaints. Soldiers who knowingly submit a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the UCMJ.

r. Documentation/reporting of formal complaints.

(1) Final disposition of complaints will be filed by the first echelon of command authority at which an EOA is authorized.

(2) Complaints will be retained on file for 2 years from the date of the final decision on the case.

(3) In addition to a copy of Form 7279-R, the following information will be retained on each case:

(a) The name, rank, and organization of the individual who conducted the inquiry/investigation;

(b) The disposition of the complaint upon completion or termination of the investigation; and

(c) The status or results of any judicial action, nonjudicial punishment, or other action taken.

s. Complaint procedures for reservists serving in the Individual Ready Reserve or not assigned to a unit.

(1) *Complaint filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. Active Army commanders, upon receiving a complaint from members of the Individual Ready Reserve (IRR) or Individual Mobilization Augmentees, from soldiers performing active duty for special work or temporary tour of active duty, or from any reservist who is not a member of a troop program unit, will make every attempt to resolve the complaint prior to the completion of the soldier's active duty tour.

(a) *Timelines.* Should the complaint be filed but not resolved prior to the soldier's release from active duty (REFRAD), the timelines will be modified. The active component commander will have 30 calendar days from the filing of the complaint to notify the complainant of the results of the investigation/actions taken to resolve the complaint.

(b) *Appeals.* The complainant will have 30 calendar days from notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final decision.* Notification of the commander's final

decision will be provided to the complainant with information copies to the next higher headquarters and U.S. Army Personnel Reserve Center (ARPERCEN) within 30 calendar days of the receipt of the appeal.

(2) *Complaint filed subsequent to REFRAD.* In the event the complaint is filed after the active duty tour has ended, the complainant will file a sworn complaint on DA Form 7279-R (Part I through item 9a) to the ARPERCEN EOSA. (Soldiers may contact the ARPERCEN EOSA for this form at Commander, ARPERCEN, ATTN: DARP-ZEO, COL 1-G2, 9700 Page Boulevard, St. Louis, MO 63132-5200.) Upon the receipt of DA Form 7279-R, ARPERCEN will forward the complaint to the appropriate commander in the complainant's active duty unit for investigation.

(a) *Timelines.* That commander will have 30 calendar days from date of receipt of the complaint to conduct an investigation and to provide feedback to the complainant. (Extensions, not to exceed an additional 45 calendar days, may be granted by higher echelon commander.)

(b) *Appeals.* Complainants will have 30 calendar days from notification of the results of investigation/to appeal/decline appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final Notification.* Within 30 calendar days of receipt of appeal, the commander will provide notification of final decision to the complainant, next higher headquarters, and ARPERCEN.

t. *Complaint procedures for Army National Guard soldiers called to active duty.* While on active duty, to include active duty training, Active Guard/Reserve (AGR) under Title 10, USC, and Active Duty Special Work (ADSW) under Title 10, USC, Army National Guard soldiers will follow the complaint procedure outlined in this regulation. When not on active duty under Title 10, USC, National Guard Soldiers will follow the complaints procedures outlined in NGR(AR) 600-22, National Guard Military Discrimination Complaint System.

(1) *Complaints filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. Commanders receiving a complaint from Army National Guard soldiers on active duty will make every attempt to resolve the complaint prior to the completion of the soldier's active duty tour.

(a) *Timelines.* When an Army National Guard unit is to be released from active duty and the commander of that unit has an unresolved complaint against a member or facility of the active duty component, the commander will turn over the complaint for processing to the first active component commander in the chain

of command. Should a complaint be filed but not resolved prior to the soldier's completion of active duty or the release of the National Guard unit from active duty, the timelines will be modified. The active component commander will have 30 calendar days from the filing of the complaint to notify the complainant of the results of the investigation. Should the complaint be filed against a member of the National Guard unit and the National Guard unit is released from active duty prior to resolution, the complaint will be processed filed in accordance with NGR(AR) 600-22.

(b) *Appeals.* The complainant will have 30 calendar days from receipt of the notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final decision.* Written notification of the final decision will be made to the complainant with information copies to the next higher headquarters, the Adjutant General of the complainant's state, and the Army National Guard Bureau Complaints Management and Support Activity (NGB CMSA) within 30 calendar days of receipt of the appeal.

(2) *Complaints filed after release from active duty.* A National Guard soldier may file a complaint with the State Equal Employment Manager (SEEM) based upon discrimination that occurred while the soldier was on active duty. The complaint must be filed within 180 calendar days of the date of the alleged discrimination or of the time that the soldier knew or reasonably should have known of the discrimination. The complainant must file a sworn statement on DA Form 7279-R, Part I. Upon the receipt of DA Form 7279-R, the SEEM will forward the complaint to the appropriate active component commander for processing with a copy to NGB CMSA.

(a) *Timelines.* The active component commander will have 30 calendar days from the receipt of the complaint to conduct an investigation and to provide feedback to the complainant. (Extensions, not to exceed an additional 45 calendar days, may be granted by higher echelon commander).

(b) *Appeals.* The complainant will have 30 calendar days from receipt of the notification of the results of the investigation to file an appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final decision.* Notification of the final decision will be provided to the complainant with information copies to the next higher headquarters, the Adjutant General of the complainant's

state, and NGB CMSA within 30 calendar days of the receipt of the appeal.

6-9. Housing complaints

Complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin will be forwarded to the local housing referral office for processing. AR 210-50 provides policy for housing referral.

6-10. Evaluation reports

a. *Entries.* When evaluating officers, soldiers, or Department of the Army employees, rating officials will consider the extent and effectiveness of the individual's involvement in support of EO, EEO, and the Army's policy concerning the prevention of sexual harassment, to include instances of reprisal/retaliation. (See AR 623-105, para 4-13; AR 623-205, paras 6-5 and 6-6; and DA PAM 690-25.)

b. *Appeals.* Appeals of officer evaluation reports due to alleged discrimination, sexual harassment, or reprisal will be conducted according to the procedures specified in AR 623-105. Appeals of Noncommissioned Officers, based on allegations of discrimination, sexual harassment, or reprisal, will be submitted in accordance with the procedures outlined in AR 623-205.

6-11. Civilian schooling

Army personnel pursuing an educational program at an institution that unlawfully discriminates in the admission or subsequent treatment of students will not be financially assisted from appropriated fund resources. Exceptions to this policy will be considered when the applicant has previously attended the institution in question and will suffer personal hardship through loss of earned credits if a transfer is required. Requests for exception will be sent to HQDA (DAAG-ED), WASH DC 20310.

6-12. Legal assistance

Within the framework of the legal assistance program, legal assistance may be provided to soldiers who believe they have been denied federally protected rights. If the civil rights of soldiers seem endangered and an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General (HQDA (DAJA-LT), WASH DC 20310-2200) for possible referral to the Department of Justice. (See AR 27-40.)

6-13. Affirmative action plans

Affirmative action plans (AAPs) will consist of planned, achievable steps that eliminate practices denying equal opportunity to soldiers and their families and that monitor progress toward these goals.

a. AAPs will be developed and implemented by each MACOM, installation, separate unit, agency, and activity down to and including brigade-level or equivalent. DA PAM 600-26 is the HQDA Affirmative Action Plan that monitors the centralized personnel management processes for which HQDA has responsibility. Heads of staff proponent agencies and their field operating agencies also provide input to AAPs at their levels. AAPs will include conditions requiring affirmative action(s), remedial action steps (with goals and milestones as necessary), and a description of the end-condition sought for each subject area included.

b. AAPs will be reviewed at least annually to assess the effectiveness of past actions; to initiate new actions; and to sustain, monitor, or delete goals already achieved.

c. Affirmative action plans will consist of certain subject areas prescribed by this headquarters in DA PAM 600-26; in addition, unit AAPs will monitor areas that are under the direct control and responsibility of the local commander, such as awards and non-DA centralized promotions.

d. Each commander required to develop an AAP will provide a copy to the next higher commander.

e. Commanders of battalion-level and lower units will not be required to have AAPs.

6-14. Training

a. *Minimum criteria for local unit training programs.*

(1) The commander will incorporate EO training into the overall training plan for the unit. The Soldier Support Center publishes training tools (DA PAM 350-20, Unit Equal Opportunity Training Guide, and TC 26-6, Commander's Equal Opportunity Handbook) that can assist commanders in developing required training.

(2) Mandatory unit EO training will be conducted at least twice a year. Training will be documented on the unit training schedule and on a memorandum in unit training records. The memorandum will include the names of the instructors or facilitators who conducted the training, roster of attendees, date, time, and length of the session, and what was covered in the session. Training topics and methodology must be current. Different issues will be of local or Army-wide importance and require special attention by unit commanders. Unit training will be interactive, discussion-based, and will focus on these topics:

- (a) Objectives of the Army EO program.
 - (b) Army and local command policies on EO, affirmative action, and sexual harassment.
 - (c) Objectives of affirmative action and AAPs.
 - (d) Behavioral characteristics and other indicators of EO problems--what are and are not appropriate and acceptable behaviors leading to unit cohesion and teamwork.
 - (e) The impact of individual and institutional discrimination on mission accomplishment.
 - (f) Proper handling of EO complaints and the EO complaint system.
 - (g) Identifying, dealing with, preventing, and eliminating sexual harassment.
 - (h) Legal and administrative consequences of participating in acts of discrimination and sexual harassment.
 - (i) Individual responsibilities of both males and females concerning equal opportunity and the prevention of sexual harassment--for instance, identifying inappropriate behaviors; handling complaints; developing techniques in dealing with sexual harassment; developing assertiveness skills; submitting complaints in the event the situation cannot be handled on-the-spot or one-on-one, and reporting incidents to chain of command.
 - (j) The importance of honest and open interpersonal communications in promoting a healthy unit climate.
 - (k) Unit climate assessment--what it is, what it is used for, what makes it important, and how it is done.
 - (l) Review of actual unit climate assessment findings and amplification of issues raised therein--including having the commander discuss issues that surface from assessment and develop an action plan with unit members.
 - (3) The chain of command (commander, first sergeant, civilian supervisors, and others) will be present and participate in unit EO sessions.
 - (4) Brigade-sized units and higher headquarters will conduct EO and prevention of sexual harassment (POSH) training twice a year specifically for the senior noncommissioned officers, officers and civilian supervisors and managers of their staffs. Training will be interactive, discussion-based, and will parallel training done in the unit, including an added emphasis on reviewing, analyzing, and revising unit AAPs based on unit assessment.
- b. Minimum training requirements for institutional training courses.*
- (1) EO/sexual harassment (SH) training conducted in institutional training courses will be based on the Army's EO policy and the skills, knowledges, and attitudes/awareness (SKA) needs that have been identified and developed by TRADOC and SSC for target groups. Training will focus on these topics:

(a) Individual (leader/soldier) responsibilities for implementing the Army's EO/POSH policies and programs.

(b) Working and living in environments that have fair and equal treatment and opportunities for leaders and soldiers of different races, ethnic groups, gender, education/experience levels, and backgrounds.

(c) Behaviors that promote cohesive, cooperative, and harmonious on- and off-duty relationships between soldiers, soldiers and leaders, and between soldiers, family members, and civilians.

(d) Detecting, preventing, and avoiding conditions and situations that foster behaviors and/or acts that could lead to discrimination and/or sexual harassment.

(e) Appropriate techniques for dealing with discrimination and/or sexual harassment.

(2) Training may be programmed (stand alone) or integrated into other appropriate topics. When training is integrated into other topics:

(a) EO/SH topics must be identifiable and quantifiable. This incorporates EO/SH into training support packages (TSP) by adding specific terminal and specific enabling training objectives for each topic.

(b) EO/SH training must maintain the proper emphasis and meet the intent of regulations.

(3) Training in precommissioning training (Reserve Officer Training Courses, United States Military Academy, Officer Candidate Schools), Warrant Officer Candidate School (WOCS), Primary Leadership Development Course (PLDC), and Basic Combat Training/One Station Combat Training (BCT/OSCT) will cover--

(a) The Army's EO/POSH policies and programs.

(b) Professional behaviors that foster cohesive, cooperative, and harmonious on- and off-duty relationships, to include the use of nonsexist and nondiscriminatory language.

(c) Unprofessional behaviors and acts that cause disharmony among soldiers from different races, ethnic groups, and sexes and lead to discrimination and sexual harassment charges, to include individual responsibility for reporting these behaviors and acts.

(d) Conditions and situations that could lead to unprofessional behaviors and acts, to include reporting these conditions and situations.

(e) Complaint procedures.

(4) Training for Basic and Advance Noncommissioned Officer Courses (BNCOC/ANCOC), Warrant Officer Basic Course (WOBC), and Officer Basic Course (OBC) will cover--

(a) Implementing the Army's EO/POSH policies and program in squad- and platoon-size units.

(b) Establishing and sustaining a professional living and working environment by--

1. Demonstrating concerns for soldiers' welfare by using techniques and procedures that show sensitivity to soldier issues.

2. Implementing actions that prevent discriminatory acts and ensure the consideration of racial, cultural, and gender differences during the decisionmaking process.

3. Instilling professional behaviors by establishing and enforcing high personal conduct standards.

4. Eliminating unprofessional behaviors and acts by taking prompt action against offenders and correcting problem conditions and situations.

5. Preventing, detecting, avoiding, and reporting conditions and situations that could lead to unprofessional behaviors and acts (e.g., preventing a "hostile" environment).

6. Building confidence and credibility in the unit complaints process (e.g., eliminating reprisals and "victim punishment," encouraging personnel to seek help for problems, and publicizing, in accordance with applicable law and regulations, actions taken to remedy problems).

(c) Gathering information for, making recommendations for action on, and following up EO/SH complaints.

(5) Training for First Sergeant Course (FSC), Warrant Officer Staff Course (WOSC), and Officer Advance Course (OAC) will cover--

(a) Implementing the Army's EO/POSH policies and program in company-size units and staff sections.

(b) Establishing and sustaining a professional living and working environment by--

1. Demonstrating concerns for soldiers' welfare by using techniques and procedures that show sensitivity to soldier issues.

2. Implementing policies that prevent discriminatory acts and ensure the consideration of racial, cultural, and gender differences during the decisionmaking process.

3. Implementing policies that ensure professional behavior and high personal conduct standards for leaders and soldiers.

4. Eliminating unprofessional behaviors and acts by conducting training that instills professional behavior by ensuring that subordinates understand their roles, duties, and responsibilities for EO/POSH and ensuring that leaders possess the SKAs needed to handle soldier issues to include racial, cultural, and gender considerations; by monitoring unit living and working environments to prevent, detect, and avoid conditions and situations that could lead to unprofessional behaviors and acts

(e.g., preventing a "hostile" environment); by conducting climate surveys and using feedback to improve living and working

environments; and by promptly investigating complaints and incident reports, taking action against offenders, correcting conditions and situations that could lead to incidents/complaints, and implementing actions to prevent recurrence.

5. Building confidence and credibility in the unit complaints process (e.g., eliminating reprisals and "victim punishment," encouraging personnel seek help for problems, and publicizing, in accordance with applicable law and regulations, actions taken to remedy problems).

(c) Using EORs to monitor unit environment, to assist in the development of unit training, and to gather information for the resolution of complaints.

(6) Training for Command and General Staff Course (CGSC), Warrant Officer Senior Staff Course (WOSSC), and Sergeant Major Course (SMC) will cover--

(a) Implementing the Army's EO/POSH policies and program in battalion- and brigade-sized units and their staff sections.

(b) Creating positive command climates that promote fair and equal treatment and that create opportunities for all soldiers, civilians, and family members by--

1. Demonstrating concerns for soldiers' welfare by using techniques and procedures that show sensitivity to soldier issues.

2. Publishing and implementing policies that prevent discriminatory acts and ensure the consideration of racial, cultural, and gender differences during the decisionmaking process.

3. Publishing policies that define professional behaviors and establish high personal conduct standards for leaders and soldiers.

4. Ensuring EO/POSH training is focused on eliminating unprofessional behaviors and acts; instilling professional behaviors; ensuring subordinates understand their role, duties, and responsibilities for EO/POSH; and providing leaders with the SKAs needed to handle soldier issues to include racial, cultural, and gender considerations.

5. Building confidence and credibility in the unit complaints process (e.g., eliminating reprisals and "victim punishment," encouraging personnel seek help for problems, and publicizing, in accordance with applicable law and regulations, actions taken to remedy problems).

(c) Monitoring unit living and working environments to prevent, detect, and avoid conditions and situations that could lead to unprofessional behaviors and acts.

(d) Conducting climate surveys and other unit assessment tools, and analyzing the data and using feedback to improve living and working environments.

(e) Promptly investigating complaints and incident reports, taking action against offenders, correcting conditions and

situations that could lead to incidents/complaints, and implementing actions to prevent recurrence.

(f) Using EOAs and EORs to monitor unit environment, to assist in the development of unit training, and to gather information for the resolution of complaints.

(g) Planning and conducting special/ethnic observance activities for units.

(h) Developing and implementing unit AAPs.

(7) The training for Army War College (AWC) and Pre-Command Course (PCC) will cover--

(a) Planning and resourcing the implementation of the Army's EO/POSH program.

(b) Creating positive command climates that promote fair and equal treatment and that create opportunities for all soldiers, civilians, and family members by--

1. Publishing policies and evaluating subordinate unit EO/POSH initiatives.

2. Ensuring that EO/POSH training is focused on the roles, duties, and responsibilities for EO/POSH; on leader SKAs needed to handle soldier issues to include racial, cultural, and gender considerations; and on preventing, detecting, and avoiding conditions and situations that could lead to unprofessional behaviors and acts.

3. Conducting unit climate assessments, analyzing the data, and using feedback to improve living and working environments.

4. Promptly investigating complaints and incident reports, taking action against offenders, correcting conditions and situations that could lead to incidents/complaints, and implementing actions to prevent recurrence.

5. Utilizing EOAs to monitor unit environment and to assist in the development of unit training and in the resolution of complaints.

6. Planning and conducting special/ethnic observance activities for AAPs.

7. Monitoring and evaluating own and subordinate unit AAPs.

(8) The Brigadier General Orientation Course and the Assistant Division Commander Course will cover--

(a) Planning and resourcing the implementation of the Army's EO/POSH program.

(b) Creating positive command climates that promote fair and equal treatment and that create opportunities for all soldiers, civilians, and family members.

(c) Contemporary issues in EO and sexual harassment.

6-15. Authority to collect and maintain data

The Office of the Deputy Chief of Staff, Personnel, HQDA, will collect, record, and maintain racial, ethnic group, and gender data and statistics needed to support the Army EO Program, to include AAP reporting requirements. Heads of DA Staff elements, MACOMs, separate agencies, and other activities and units required to publish AAPs are authorized to collect, record, and maintain data and statistics. Statistical data is maintained for the various AAP subject areas using the racial, ethnic, and gender designations found in AR 680-29.

6-16. Narrative and statistical reports on equal opportunity progress ((RCS) CSGPA-1471)

MACOMs and the designated heads of Army Staff agencies, directorates, and field operating agencies will submit an Annual Narrative and Statistical Report (ANSR) on equal opportunity progress. This report covers the preceding fiscal year and is due at HQDA (DAPE-HR-L), WASH DC 20310-0300, not later than 30 November each year. NGB and OCAR will submit their reports for all troop program units directly to Department of Defense and a copy to HQDA (DAPE-HR-L). MACOMs will submit the report for Army Reserve units directly to OCAR (DAAR-PE), 2400 Army Pentagon, WASH DC 20310-2400. The report will include the following information:

a. The progress made in achieving the established EO goals as reflected in the AAP for the organization. The report will assess achievements and shortfalls and include plans or actions programmed to correct existing problems or conditions. The report will also contain statistical analysis/assessment of data collected as part of the AAP process.

b. The equal opportunity complaints received in units by race and ethnic designation category (REDCAT), gender, type, and action taken to resolve the complaint. Use DA Form 7280-R (Unit Equal Opportunity Complaint Report) to compile this information. DA Form 7280-R will be locally reproduced on 8 1/2- by 11-inch paper. A copy for reproduction is located at the back of this document. DA Form 7280-R also denotes the methods used to resolve the complaints (i.e., no action taken, administrative action, Article 15, courts martial, Federal court prosecution, or action by state and territorial courts).

c. The number of subordinate units by echelon (company, battalion, brigade) and the number of unit climate assessments conducted by type (i.e., MEOC, TDAS, or DA PAM 600-69).

6-17. Attendance at the Defense Equal Opportunity Management Institute (DEOMI) for soldiers**a. Selection.**

(1) Candidates for training as EOAs will be carefully screened and selected to ensure that only qualified officers and noncommissioned (NCOs) are chosen (i.e., Branch qualified and competitive for promotion). Both officer and NCO candidates will come from Branch nominees. Any officer or NCO who meets the selection criteria listed in paragraph 6-18 may volunteer for training and duty as an EOA by submitting a written request to HQDA (TAPC-EPM-A) for NCOs or (TAPC-OPB-D) for officers, ALEX VA 22332-0400. Requests will be submitted through the first lieutenant colonel in the chain of command who will endorse the request with a statement about the suitability of the officer or NCO for EOA duties.

(2) Reserve Component EO personnel filling an authorized, full-time EO position in the unit who have completed one or more phases of the Equal Opportunity Management Institute Course (resident or nonresident) will be eligible to complete the course. Even if reassigned to another military occupational specialty-enlisted (MOS-ENLD) or specialty skill identifier (SSI), the reservist can complete the course.

b. Attendance. The DEOMI curriculum consists of two resident courses: a 15-week regular course and a 2-week EO Program Orientation for Managers. The 15-week regular course is designated to train personnel for assignment as EOAs. The 2-week EO Program Orientation for Managers is intended for those EO personnel programmed for assignment to corps (or equivalent) level and higher. A three-phase Reserve Component EO Management Course, consisting of two 2-week resident phases and one nonresident phase, is conducted for RC personnel. Reserve Component personnel may attend both the 15-week course and the 2-week resident course when space is available.

c. Certification. Upon successful completion of the 15-week regular course or the resident/nonresident RC course, the Institute certifies graduates for award of SQI Q (enlisted) and ASI 5T (officers). The CG, PERSCOM, will award the appropriate designator to all qualified DEOMI 15-week course graduates within 60 days of graduation. State Adjutants General or Major U.S. Army Reserve Commanders of the assigned Reserve Component EOA will award the appropriate designator upon successful completion of the DEOMI. Only graduates of the DEOMI are designated as EOAs.

d. Selection for training. The CG, PERSCOM, selects qualified active duty officers and NCOs for training and duty as EOAs. The CNGB and the CAR will select National Guard and Reserve Component

soldiers for EOA duty. Training seats for attendance at the DEOMI by active duty and USAR personnel are controlled by the CG, PERSCOM. Training seats for attendance of Army National Guard personnel at the DEOMI Reserve Component and EO Program Management Courses are controlled by the CNGB. The following procedures will be used to acquire these allocations:

(1) The CG, PERSCOM, will select qualified officers and NCOs for training and duty as EOAs as requested through normal personnel channels.

(2) Commanders desiring to send officers and NCOs on temporary duty (TDY) to the DEOMI will make application through their MACOMs. Applications should be sent to CG, PERSCOM, 200 Stovall Street, ALEX VA 22332-0400. For officers, use (TAPC-OPB-D) for the attention line; for NCOs, use (TAPC-EPM-A). If the applicant meets the selection requirements, commanders will be provided an allocation for the soldier to attend the DEOMI.

(3) A request for training seat(s) must be submitted in writing and arrive at PERSCOM not later than 45 days before the starting date of a requested class.

(4) Reserve Component personnel must have an ATRRS allocation to be considered for attendance. This is applicable to troop program unit (TPU) members, AGR and military technicians assigned to a major Army Reserve Command (MUSARC) headquarters and performing day-to-day EO duties as listed in their job descriptions or performance standards.

e. EOAs. EOAs will normally be assigned as discussed below.

(1) Enlisted personnel assigned to active duty advisor positions will be DEOMI graduates and hold SQI Q. Officers assigned to EOA positions will be DEOMI graduates and hold ASI 5T.

(2) Tour lengths for EOAs are as follows:

(a) Tours for enlisted personnel assigned to CONUS or long-tour OCONUS will be 24 months.

(b) Tours for enlisted personnel assigned to short-tour OCONUS will be for the length of the assignment.

(c) Officer tour lengths will be determined by the MACOM.

(d) USAR or NGB EOA tours will be a maximum of 6 years. (This allows a 4-year period for return on the training requirements imposed the first 2 years of assignment.)

(3) EOAs currently assigned will serve their prescribed tour.

(4) The CG, PERSCOM, may approve the early release of enlisted EOAs from the EO program to serve as first sergeant or command sergeant major when--

(a) The EOA has been selected for promotion to master sergeant or is a command sergeant major designee who has served at least 18 months as a full-time EOA.

(b) The EOA's commander has requested in writing through the

MACOM to PERSCOM to assign the EOA as a first sergeant or command sergeant major.

(5) PERSCOM will select, train, and assign a replacement for the EOA reassigned in (4) above.

f. Removal of EO ASI. The EO ASI may be withdrawn from members of the Active Army only if approved by CG, PERSCOM, in coordination with HQDA (DAPE-HR-L).

g. Recurring EOA duty. EOAs will not serve recurring EOA duties without prior approval from CG, PERSCOM, in coordination with HQDA (DAPE-HR-L).

6-18. Selection requirements for soldiers

Officers and NCOs who attend the DEOMI will meet the following selection requirements:

a. Demonstrate outstanding performance of assigned duties. This will be certified through a written endorsement as a result of a personal interview by the individual's commander and also endorsed in writing by the first officer in the individual's chain of command in the rank of lieutenant colonel or higher. This will be part of the soldier's packet upon permanent change of station or temporary duty and return processing. The soldier selected should also arrange an interview with the EOA assigned at the soldier's higher headquarters. If this is done, an endorsement by the EOA should also become part of the processing packet.

b. Exhibit stability in personal affairs and not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any Human Reliability or Personal Reliability Program during the 2 years preceding the nomination will need a waiver from HQDA (DAPE-HR-L), WASH DC 20310-0300.

c. Must not have been punished under the provisions of the UCMJ during the 2 years preceding the nomination or have a history of frequent UCMJ punishments.

d. Must have a minimum of 2 years of service remaining upon completion of the DEOMI course.

e. Must meet Army fitness and weight control standards.

f. Must be competitive for promotion.

g. In addition to the above requirements, officers must--

(1) Have a bachelors degree.

(2) Be a major and be Branch qualified in accordance with DA PAM 600-3. USAR officers must be at least the grade of captain. ARNG officer grade requirements are established by the CNGB.

h. In addition to requirements a through f above, active duty and USAR enlisted soldiers (requirements for ARNG enlisted soldiers are established by the CNGB) must--

(1) Be a high school graduate (or equivalent) and possess the potential to complete college-level courses. It is recommended that soldiers arrange to take the TABE-II test at the local education center. Soldiers who are unable to score at a 12th grade level in all measured areas should request deferment and enroll in remedial English courses to raise their proficiency to the required levels.

(2) Be a sergeant first class or staff sergeant(P) with less than 15 years of service.

(3) Be an advanced NCO course graduate or selected for attendance.

(4) Have achieved passing score in the Skill Development Test (SDT) for his or her primary MOS.

(5) Have had a successful tour in a leadership position.

(6) Not be assigned in back-to-back special duty assignments (e.g., drill sergeant to EOA or recruiter to EOA).

(7) Have a GT score of 100 or higher.

6-19. Training for civilian duty positions in the Military Equal Opportunity Program at the Defense Equal Opportunity Management Institute

a. *Allocations.* Civilian allocations for the DEOMI will be controlled by the CG, PERSCOM. The CNGB and the CG, FORSCOM, will control allocations for their respective Reserve elements and will prescribe the way in which civilian requests are submitted.

b. *Application.* Commanders desiring to send civilians who are officially assigned to duties in the Army EO Program to the DEOMI will make application to the appropriate MACOM. If approved, the MACOM will request a training seat from HQDA (TAPC-OPA-E), ALEX VA 22332-0400. If all training seats are filled, the request will be considered for a later class if the MACOM desires. Requests for allocations must be submitted in writing to arrive at PERSCOM no later than 45 days before the starting date of the requested class.

c. *Command notification of the DEOMI.* When the requesting command receives an approved training seat, the command will provide the Commandant, DEOMI, Patrick Air Force Base, Florida 32925-3399, the name, grade, SSN, educational level, military mailing address, and telephone number of the candidate for training and the desired course number.

d. *Civilian personnel selection requirements.* Civilian personnel prerequisites for attendance at the DEOMI are as follows:

(1) Be in grade GS-7 or above or be slated for promotion to GS-7 upon completion of the course.

(2) Occupy or be scheduled to occupy an officially assigned

position in the military EO program in accordance with applicable position classification standards and guidelines.

(3) Be considered suitable for EO duties as determined in an interview conducted by the commander on whose staff the person will be assigned.

e. *Request procedures.* MACOMs, when requesting allocations, will send the following information to PERSCOM:

(1) Class desired to attend.

(2) Willingness to accept an allocation in a subsequent class if the requested class is filled.

f. *Funding.* Funding for any "temporary duty and return" is provided by attendee's current unit of assignment.

6-20. Equal opportunity special/ethnic observances

Equal opportunity special/ethnic observances are conducted each year and are designed to enhance cross-cultural awareness among all soldiers, their families, and the civilian work force. These activities are extensions of the Army's equal opportunity education and training objectives. Events and activities are set aside to recognize the achievements and contributions made by members of specific racial or ethnic groups in our society. This promotes understanding, teamwork, harmony, pride, and esprit among all groups, not just the honored group/person.

a. Headquarters, Department of the Army, Deputy Chief of Staff for Personnel, has general staff responsibilities for establishing policy and identifying and outlining the period of each observance.

b. MACOM and installation commanders will--

(1) Develop, plan, and conduct observances during the designated timeframe each year outlined in table 6-1 or as otherwise directed by HQDA.

(2) Program necessary funding to conduct annual observances activities within the established EO Program budget.

(3) Encourage all members of the military community (soldiers, civilian employees, and family members) to contribute and participate in the planning, implementation, and conduct of observance activities.

(4) Involve members of the staff elements and subordinate activities in the development and conduct of observance functions.

(5) Select and announce an appropriate theme for the observance, consistent with the spirit of the event and the needs of the local community. National themes are often published that may be used to guide the activities; however, the local command can, and should, develop its own themes. The selection and use of a theme is not mandatory.

c. Specific modifications in the timetable at table 6-1 will be made and disseminated by HQDA (DAPE-HR-L) when necessary;

otherwise, MACOM or installation commands and EO staffs should plan their activities according to the dates and periods specified.

d. Expenditure of funds for such activities is permitted within EO Program management or education and training funds in accordance with policies established by the Comptroller General decisions B200017 (dated 10 March 1981) and B199387 (dated 23 March 1982). These decisions permit the expenditure of funds for guest speakers, artistic or cultural activities, food exhibits or samples (the samples are not intended as meals or refreshments), publications, and so forth, as long as the intent is to promote cross-cultural harmony and awareness. Commercial entertainment incident to a command or agency-sponsored ethnic, racial, or gender event is legitimate as part of an educational awareness program. Commanders will ensure that the projected events amplify contributions to the Army and to society made by the featured ethnic, gender, or racial group.

e. Commanders should publicize the cultural/ethnic events in local information media (for example, bulletins and Post newspapers). Timely announcements should be made to ensure that all personnel are aware of the events.

f. Commanders are encouraged to form a standing committee representing the various units, staff activities, and special interest groups in the community to plan appropriate activities well in advance of the date. Appropriate members of such a committee include the EOA staff officer or NCO, recreation services officer, public affairs officer, education staff officer, club managers, chaplain, dependent school representative, representative from the budget office, and other appropriate representatives. Integration of the total unit or community in arranging, planning, coordinating, programming, scheduling, and staffing such activities will help ensure success.

g. Commanders should encourage maximum use of recreational facilities (libraries, recreation center, Dependent Youth Activities, theater groups, and so forth). Suggested activities include the following:

- (1) Special displays in libraries.
- (2) Expositions and displays of arts and crafts.
- (3) Special musical or drama programs.
- (4) Programs featuring historical achievements and contributions in such fields as government, education, industry, religion, music, and theater.
- (5) Guest speakers from the chain of command to include DOD civilians.

h. Activities should be designed to encourage and afford maximum attendance of all soldiers and civilian members of the

command, installation, or activity. Commanders should establish and disseminate policy that ensures all personnel desiring to participate in observance activities are given a reasonable opportunity to do so.

i. A consolidated annual observance recognizing members of all racial/ethnic/gender groups may be conducted in addition to (but should not be used in place of) the observances in table 6-1.

Table 6-1
Special/ethnic observances timetable

Month: January
Dates: 3d Monday
Observance: Martin Luther King, Jr., Birthday
Authority/comment: Public Law 98-144, Nov 83 (Federal holiday)

Month: February
Dates: 1-28/29
Observance: African-American/Black History Month
Authority/comment: First Presidential Proclamation, Feb 76

Month: March
Dates: 1-31
Observance: Women's History Month
Authority/comment: Public Law 100-9, Mar 87

Month: April/May
Dates: Sunday to Sunday for Week Incorporating <i>Yom Hashoah</i>
Observance: "Days of Remembrance" for Victims of the Holocaust
Authority/comment: Public Law 96-388, Oct 80

Month: May
Dates: 1-31
Observance: Asian Pacific Heritage Month
Authority/comment: First Presidential Proclamation, May 91

Month: August
Dates: 26
Observance: Women's Equality Day
Authority/comment: First Presidential Proclamation, Aug 73

Month: September/October
Dates: 15 Sep - 15 Oct
Observance: National Hispanic Heritage Month
Authority/comment: Public Law 100-402, Aug 88

Month: November

Dates: 1-30

Observance: National Native American Indian Heritage Month

Authority/comment: Public Law 102-188, Mar 92

2. Post these changes per DA PAM 310-13.

3. File this interim change in front of the publication.

[HQDA-DAPE-HR-L]

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

DISTRIBUTION: Distribution of this publication is made in accordance with DA Form 12-09-E, block number 2389, intended for command levels A, B, C, D, and E for Active Army, Army National Guard, and U.S. Army Reserve.

UNIT IDENTIFICATION

REPORTING PERIOD

PART V - SEXUAL HARASSMENT COMPLAINTS

CATEGORY/ DISPOSITION	REDCAT/GENDER										METHOD OF RESOLUTION									
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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REMARKS																				

UNIT IDENTIFICATION

REPORTING PERIOD

PART IV - GENDER COMPLAINTS (Continued)

CATEGORY/ DISPOSITION	REDCAT/GENDER												METHOD OF RESOLUTION							
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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REMARKS

UNIT IDENTIFICATION

REPORTING PERIOD

PART IV - GENDER COMPLAINTS

REDCAT/GENDER

METHOD OF RESOLUTION

CATEGORY/ DISPOSITION	REDCAT/GENDER												METHOD OF RESOLUTION								
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS	
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UNIT IDENTIFICATION

REPORTING PERIOD

PART III - RELIGION COMPLAINTS (Continued)

CATEGORY/ DISPOSITION	REDCAT/GENDER												METHOD OF RESOLUTION							
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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REMARKS																				

UNIT IDENTIFICATION

REPORTING PERIOD

PART III - RELIGION COMPLAINTS

REDCAT/GENDER

METHOD OF RESOLUTION

CATEGORY/ DISPOSITION	REDCAT/GENDER										METHOD OF RESOLUTION									
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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UNIT IDENTIFICATION

REPORTING PERIOD

PART II - NATIONAL ORIGIN COMPLAINTS

REDCAT/GENDER

METHOD OF RESOLUTION

CATEGORY/ DISPOSITION	REDCAT/GENDER										METHOD OF RESOLUTION									
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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UNIT IDENTIFICATION

REPORTING PERIOD

PART II - NATIONAL ORIGIN COMPLAINTS (Continued)

CATEGORY/ DISPOSITION	REDCAT/GENDER												METHOD OF RESOLUTION								
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS	
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REMARKS

UNIT EQUAL OPPORTUNITY COMPLAINT REPORT

For use of this form, see AR 600-20; the proponent agency is ODCSPER

UNIT IDENTIFICATION

REPORTING PERIOD

*Requirement Control Symbol
CSGPA - 1471*

PART I - RACIAL COMPLAINTS

CATEGORY/ DISPOSITION	REDCAT/GENDER										METHOD OF RESOLUTION									
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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UNIT IDENTIFICATION

REPORTING PERIOD

PART I - RACIAL COMPLAINTS (Continued)

CATEGORY/ DISPOSITION	RDCAT/GENDER										METHOD OF RESOLUTION									
	AMER IND/AN MALE	AMER IND/AN FEMALE	ASIAN/PI MALE	ASIAN/PI FEMALE	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	WHITE MALE	WHITE FEMALE	OTHER MALE	OTHER FEMALE	TOTAL	ACTION PENDING	NO ACTION TAKEN	ADMINISTRATIVE ACTION	ARTICLE 15	COURT MARTIAL	US FEDERAL COURT	OTHER COURTS
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REMARKS

10a. ACKNOWLEDGEMENT.

I acknowledge receipt of this complaint by _____ (name/rank)
on _____ (date) .

I understand I have 14 calendar days (3 weekend drill periods for reserve soldiers) in which to investigate the complaint and to inform the complainant of the results of my investigation.

10b. NAME	10c. GRADE	10d. DATE
10e. ORGANIZATION	10f. SIGNATURE	

PART II - RESULTS OF INVESTIGATION

11a. Your complaint was investigated by _____ (name/rank) of _____ (agency).

The complaint was found to be substantiated unsubstantiated - IC unsubstantiated - NC based upon the findings listed below:

11b. ACKNOWLEDGEMENT OF THE COMPLAINANT	SIGNATURE	DATE
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PART III - ACTIONS TO RESOLVE COMPLAINT

12a. The following has been done by the command:

12b. ACKNOWLEDGEMENT OF THE COMPLAINANT	SIGNATURE	DATE
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PART IV - APPEAL

13a. As the complainant, I acknowledge I have 7 calendar days (next drill period for reserve soldiers) to appeal the investigative findings of my complaint to the next higher commander. At present I choose: (Place "X" as appropriate and initial to the left of "X")

_____ I decline appeal _____ I appeal
(Initials) (Initials)

13b. ACKNOWLEDGEMENT OF THE COMPLAINANT	SIGNATURE	DATE
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PART V - ACTIONS TAKEN ON APPEAL

14a. The following actions have been taken:

14b. SIGNATURE	14c. ORGANIZATION	14d. DATE
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PART VI - ACKNOWLEDGEMENT OF ACTIONS TAKEN ON APPEAL

I acknowledge seeing the results of my appeal.	SIGNATURE	DATE
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ETA

Headquarters
Department of the Army
Washington, DC
5 March 1992

Immediate Action
INTERIM CHANGE

AR 600-20
Interim Change
No. I03
Expires 5 March 1995

Personnel-General
Army Command Policy

Justification. This interim change implements guidance in Department of Defense Instruction 1332.19, Family Care Plans. It redefines the age of a minor child and encourages emergency-essential civilians to have a family care plan that complies with guidance set forth in AR 600-20, I02, paragraph 5-5. All changes are effective on the date of this interim change unless otherwise noted.

Expiration. This change expires 2 years from the date of its publication. It will be destroyed at that time unless sooner rescinded or superseded by a permanent change or revision.

1. AR 600-20, I02, 1 April 1992 is changed as follows:

Page 9. Para, 5-5, line 12., insert after the word 'duty':
Emergency-essential civilians are encouraged to have a Family Care Plan which follows the guidelines set forth in this regulation.

Page 10. Para 5-5a(2), line 4 change "under age 18" to "under age 19."

Page 10. Para 5-5a(5), line 4 change "under age 18" to "under age 19."

DA Form 5304-R, Mar 92, Part I. A. 2., line 3 change "under age 18" to "under age 19."

DA Form 5304-R, Mar 92, Part I. A. 5., line 3 change "under age 18" to "under age 19".

2. Post these changes per DA Pam 310-13.

3. File this Interim change in front of the Publication.

I03, AR 600-20

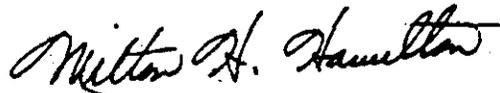
5 March 93

[DAPE-HR-S]

By order of the Secretary of the Army

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

Distribution: Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block number 2389, intended for all command levels for Active Army, Army National Guard, and U.S. Army Reserve.

*U.S. G.P.O.: 1993-342-024:60143



CG 2

Headquarters
Department of the Army
Washington, DC
12 September 1988

Immediate Action INTERIM CHANGE

AR 600-20
Interim Change
No. IO1
Expires 12 September 1989

Personnel-General

Army Command Policy

Justification. This interim change implements Department of Defense Directives 1350.2 and 1400.33 and provides additional policy guidance and clarification for commanders and other leaders to enforce Army command policies.

1. AR 600-20, 30 March 1988, is changed as follows:

Page 1. Change the Summary by deleting the last sentence and replacing it with:

It implements DOD Directives 1000.7, 1300.17, 1325.6, 1350.2, 1354.1, and 1400.33.

Page 2. Add the following to Chapter 4 of the Table of Contents:

Employment and volunteer work of a spouse o 4-18

Page 3. Insert the following in Table 1-1 preceding Grade of Rank: Chief Warrant Officer, Four.

Grade of rank: Master Warrant Officer, Four²

Pay grade: W-4

Title of address: Mister (Mrs./Miss/Ms.)

Abbreviation: MW4

Page 3. Add note number ³ at the end of Grade of rank: Chief Warrant Officer, Four.

Page 3. Change note number ² to ⁴ at the end of Grade of rank: Command Sergeant Major.

Page 4. Change note number ³ to ⁵ at the end of Grade of rank: Sergeant Major; note number ⁴ to ⁶ at the end of Junior Noncommissioned Officers and Specialist; and note number ⁵ to ⁷ at the end of Abbreviation: SP4.

Page 4. Add to the end of the sentence in Notes: 1.:

and AR 340-15.

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Page 4. Insert following Notes: 1.:

2. DA board-selected graduates of the Master Warrant Officer Training Course who are designated as MW4 by an MOS Personnel Proponent Agency.

3. All CW4 not designated as MW4.

Page 4. Change numbers following Notes: from 2 to 4; 3 to 5; and 4 to 6.

Page 4. Notes: 5 is superseded as follows:

7. Specialist and its abbreviation (SPC) will be used in written correspondence. All Standard Installation Division Personnel System (SIDPERS) transactions must be coded and entered using the present code (SP4) until SIDPERS III is fielded.

Page 5. Insert in paragraph d(2) following Commanders (MG) or above may:

in coordination with CDR, USTAPA,

Page 10. Insert in paragraph 4-9d. at the end of the first sentence:

when ordered to active duty for training (ADT) or annual training (AT).

Page 12. Add paragraph 4-18 after paragraph 4-17:

4-18. Employment and volunteer work of a spouse

a. The Army affirms the rights of a spouse of a soldier to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. No DA official shall, directly or indirectly, impede or otherwise interfere with these rights. Moreover, no DA official shall use the preferences and requirements of the Army or any other DOD Component to influence, or attempt to influence, the employment, educational, or volunteer service decisions of a spouse. Neither shall such decision of a spouse, nor the marital status of a soldier, affect, favorably or adversely, the performance evaluations, assignments, or promotion opportunities of the soldier.

(1) In discharging their responsibilities, members of military promotion, continuation, and similar personnel selection boards are prohibited from considering the marital status of a soldier, or the employment, educational, or volunteer service activities of a soldier's spouse. AR 135-155, AR 135-205, AR 140-158, AR 600-200 and AR 624-100 provide specific policies.

(2) Personnel decisions, including those related to the assignments of soldiers, shall not be affected favorably or

adversely, by the employment, educational, or volunteer service activities of a soldier's spouse, or solely by reason of a soldier's marital status. AR 140-10, AR 614-30, AR 614-100, AR 614-200 and AR 690-700 provide specific policies. Exceptions may be:

(a) Necessary to ameliorate the personnel hardship of a soldier or spouse upon the request of the soldier concerned, such as when a family member requires specialized medical treatment or educational provisions or similar personal preference accommodations. AR 614-200 provides specific policies.

(b) Needed to facilitate the assignment of dual service married couples to the same geographic area. AR 614-100 and AR 614-200 provide specific policies.

(c) Required by law, such as instances in which a prohibited conflict of interest may exist between the official duties of a soldier and the employment of the soldier's spouse. AR 600-50 provides specific policies.

(d) Made by the Assistant Secretary of Defense (Force Management and Personnel), with the concurrence of the General Counsel, on a case-by-case basis, for reasons of national security, that marital status is an essential assignment qualification for particular military billets or positions.

(3) Performance appraisals on soldiers, including officer and enlisted efficiency or fitness reports, shall not contain any information regarding the employment, educational, or volunteer service activities of the soldier's spouse, or reflect favorably or adversely on the member based solely on the soldier's marital status. AR 623-105 and 623-205 provide specific policies.

b. Violations of this policy provide a basis for disciplinary action under the UCMJ for those subject to its provisions or other appropriate administrative sanctions may be used.

Page 19. Insert in paragraph 6-2g6. following discrimination:
and harassment

Page 19. Paragraph 6-4 is superseded as follows:

6-4. Sexual harassment

a. Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when any of the following occurs:

(1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

(3) Such conduct interferes with an individual's performance

or creates an intimidating, hostile, or offensive environment.

b. Any soldier or civilian employee:

(1) In a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of another soldier or civilian employee is engaging in sexual harassment.

(2) Who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Sexual harassment is not limited to the workplace, can occur at almost any place, and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion and will not be engaged in by soldiers or Army civilians.

Page 32. Add the following term after the definition of Date of rank:

Dual-service parents

Members of the Army, Navy, Air Force, Marine Corps, or Coast Guard who are married to each other and who have children.

Page 32. Delete the term Sexual harassment and its definition and add the following:

Spouse

The husband or wife of a soldier. If such person is also in military service, see Dual-service parents.

2. Post these changes per DA Pam 310-13.

3. File this interim change in front of the publication.

(DAPE-MPH-L)

By Order of the Secretary of the Army:

CARL E. VUONO

General, United States Army
Chief of Staff

Official:

MILTON H. HAMILTON

Administrative Assistant to the
Secretary of the Army

Distribution:

To be distributed in accordance with DA Form 12-9A-R requirements for 600 series publications. Active Army, ARNG, and USAR: A, B, C, D, and E.

Headquarters
Department of the Army
Washington, DC
1 April 1992

Immediate Action INTERIM CHANGE

AR 600-20
Interim Change
No. 102
Expires 1 April 1994

Personnel - General

Army Command Policy

Justification. This interim change extends all changes published in Immediate Action Interim Change IO1, dated 13 Sep 89 except those superseded by this change. It implements DoD Directive 1344.10, DoD Instruction 5120.4 and HQDA DCSPER guidance on the Total Army Family Program. It further provides additional policy guidance and clarification for commanders and other leaders based on lessons learned from Operations Desert Shield/Storm.

Expiration. This interim change expires 2 years from date of publication. It will be destroyed at that time unless sooner rescinded or superseded by a permanent change or revision.

1. AR 600-20, 30 March 1988, is changed as follows:

Page 1. Summary is superseded as follows: This regulation is a consolidation of several regulations that prescribe policy on basic responsibilities of command, military discipline and conduct, and enlisted aspects of command. It defines the responsibilities of noncommissioned officers and provides guidance on and responsibilities for Family Care Plans, accommodation of religious practices, relationships between soldiers of different ranks, the Total Army Family Program, and the Army Equal Opportunity (EO) Program. It implements DoD Directives 1000.7, 1300.17, 1325.6, 1344.10, 1350.2, 1354.1, 1400.33, and DoD Instruction 5120.4.

Page 1. Supplementation is superseded as follows: Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAPE-HR-S), WASH, DC 20310-0300. Supplementation of Chapter 6 only is permitted at major Army command level. A draft copy of each supplement must be provided to HQDA (DAPE-HR-S), WASH, DC 20320-0300, for approval before publication.

Page 1. Suggested Improvements is superseded as follows: The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-HR-S), WASH DC 20310-0300.

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Page 2. Add the following to **Chapter 5** of the **Table of Contents**: Change title of paragraph 5-5 to **Family Care Plans**. Add **The Total Army Family Program** o 5-10.

Page 2. Change **Appendix B** title to: **Guidelines on Political Activities**.

Page 3. Paragraph 1-4, **Responsibilities** is superseded as follows:

a. Proponency and exceptions. The proponent of this regulation is the Deputy Chief of Staff for Personnel (DCSPER). The DCSPER has the authority to approve exceptions to this regulation which are consistent with controlling law and regulation. The DCSPER may delegate this authority in writing to an individual under his supervision within the proponent agency who holds the grade of colonel or the civilian equivalent. The approval authority may coordinate all questions regarding the scope of authority to approve exceptions with HQDA, OTJAG, ATTN: DAJA-AL, Washington, DC 20310-2200.

b. The Deputy Chief of Staff for Personnel (DCSPER) Army Staff responsibilities include the formulation, management, and evaluation of command policies, plans, and programs that relate to the following:

- (1) Personnel distribution to include grade of rank and specialties
- (2) Assessment of soldier and family readiness
- (3) Discipline and law enforcement
- (4) Leadership development
- (5) Professional military ethics
- (6) Relationships between soldiers of different ranks
- (7) Family Care Plans
- (8) Accommodation of religious practices
- (9) Military labor unions
- (10) The Total Army Family Program
- (11) Military equal opportunity

c. Commanders at all levels are responsible for implementing and enforcing the policies contained in this regulation.

Page 5. Paragraph 2-3b is superseded as follows: **Announcement of Assumption of Command**. Assumption of command will be announced in a memorandum, and will contain the information shown in Figure 2-1. To preclude two separate documents, appointment and assumption announcements may be included in a single memorandum as shown in Figure 2-2.

Page 5. Paragraph 2-3d(2) is superseded as follows: For field grade, normal command tour length for battalion/brigade commanders

1 April 92

I02, AR 600-20

is 24 months or coincidental with tour length for short tours. Commanders (MG or above), in coordination with Commander, PERSCOM may curtail field grade command tours up to 30 days. Chief of Staff, Army approval is required for curtailment of field grade command tours for more than 30 days or for **any** extensions of field grade command beyond the normal 24 months.

Page 5. **Figure 2-1, Assumption of Command** is superseded as follows:

DEPARTMENT OF THE ARMY
Organizational Name/Title
City, State, ZIP+4

Office Symbol (MARKS NUMBER)

Date

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command By Authority of (Appropriate subparagraph)

The undersigned assumes command of (complete unit designation and unit identification code (UIC)), effective (time/date).

(Signature block)

NAME

RANK, BRANCH

Commanding

(or the words "Acting Commander"

as appropriate [see para 2-6a(3)])

DISTRIBUTION:

Figure 2-1. Assumption of Command

Page 6. Figure 2-2, Appointment of Commander is superseded as follows:

**DEPARTMENT OF THE ARMY
Organizational Name/Title
City, State, ZIP+4**

Office Symbol (MARKS NUMBER)

Date

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Appointment of Commander

By direction of the President, (rank, name, SSAN, and branch) is appointed commanding officer or commanding general of (complete unit designation and UIC), effective (date).

AUTHORITY LINE:

(Signature block)
NAME
RANK, BRANCH
Title

Office Symbol 1st End

Action ofcr/typist intls/phone

CDR, (unit, address, ZIP+4 date)

FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command

The undersigned assumes command of (unit, UIC), effective (date)

(Signature block)
NAME
RANK, BRANCH
Commanding

DISTRIBUTION:

Figure 2-2. Appointment/Assumption of Command

Page 7. **Paragraph 2-15, Relief for Cause,** is superseded as follows: a. The relief of an individual for cause is one of the most serious steps taken. It is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval by the first general officer in the chain of command of the officer being relieved is obtained. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties rather than as a final relief from command for cause. If a general officer is the relieving official, no further approval of the relief action is required; however, the provisions of AR 623-105 and AR 623-205 concerning administrative review of relief reports remain applicable. USAR Active Guard/Reserve (AGR) personnel are governed by AR 138-18.

b. If a relief for cause action is contemplated on the basis of an informal investigation under AR 15-6, the referral and comment procedures of that regulation must be followed prior to the act of initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15-6. Any action purporting to initiate or direct a relief for cause on the basis of an informal investigation under AR 15-6 taken prior to completion of the procedural safeguards of AR 15-6 will be considered for all purposes as a temporary suspension from assigned duties.

Page 8. Paragraph 3-2b is superseded as follows: AR 611-201 and TC 22-6 contain specific information concerning the responsibilities, command function, and scope of duties of NCOs.

Page 8. The last line of paragraph 3-2b(3) is superseded as follows: The first sergeant of a separate company or equivalent level organization administers the unit NCODP.

Page 10. Paragraph 4-11a, add (4) as follows: (4) Prohibit the use of government property, facilities, or services, e.g., golf course membership, as an inducement to join a private organization.

Page 12. **Paragraph 5-3, Political Activities,** is superseded as follows:

a. Obligations as a Citizen. Soldiers are expected to carry out their obligations as citizens. However, while on active duty, soldiers (including full-time National Guard) are prohibited in certain cases from engaging in certain political activities. The following policies apply:

(1) A soldier on active duty may:

(a) Register, vote, and express his or her personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(b) Make monetary contributions to a political organization.

(c) Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform.

(2) A soldier on active duty shall not:

(a) Use his or her official authority or influence for interfering with an election; affecting the course or outcome of an election; soliciting votes for a particular candidate or issue; or requiring or soliciting political contributions from others.

(b) Be a candidate for, or hold, civil office except under the conditions set forth in this chapter.

(c) Participate in partisan political management, campaigns, or conventions.

(d) Make campaign contributions to another member of the Armed Forces serving on active duty or an employee of the Federal Government.

(3) To assist in applying the foregoing general policies to particular situations, Appendix B provides guidelines and examples of permissible and prohibited political activities.

(4) Appendix C provides selected Federal statutes restricting certain types of political activities by members of the Armed Forces.

b. Participation in political meetings or rallies, picket lines, and public demonstrations. Taking part in partisan or nonpartisan political meetings or rallies, picket lines, or any other public demonstration may imply Army sanction of the cause for which the demonstration or meeting is conducted. Unless sanctioned by competent authority, soldiers are prohibited from taking part --

(1) During the hours they are required to be present for duty.

(2) When they are in uniform, on a military reservation, or in a foreign country.

(3) When their activities constitute a breach of law and

order.

(4) When violence is reasonably likely to result.

c. Candidacy for Elective Office. A member on active duty may not:

(1) Campaign as a nominee, or as a candidate for nomination, for civil office, except as authorized in this chapter. When circumstances warrant, the installation commander (or general court martial convening authority) may permit a soldier to file such evidence of nomination or candidacy for nomination, as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by this regulation, DoD Directive, or Federal statutes.

(2) Become a candidate for any civil office while serving an initial tour of extended active duty (EAD) or a tour of EAD that the member agreed to perform as a condition of receiving schooling or other training wholly or partly at U.S. Government expense.

d. Election or Appointment to Civil Office.

(1) Except as authorized by this chapter, or otherwise provided for by law, no member on active duty may hold or exercise the functions of civil office:

(a) In the U.S. Government that:

-- Is an elective office.

-- Requires an appointment by the President by and with the advice and consent of the Senate.

-- Is a position on the executive schedule under sections 5312 through 5317 of Title 5, United States Code.

(b) In the government of a State; the District of Columbia; a territory, possession, or commonwealth of the United States; or in any political subdivision thereof.

(2) A member may hold or exercise the functions of a civil office in the U.S. Government that is not described in this chapter when assigned or detailed to such office or to perform such functions.

(3) As long as they are not serving on EAD, enlisted members and Reserve officers may hold partisan or nonpartisan civil office if such office is held in a private capacity and does not interfere with the performance of military duties. Additionally, enlisted members on EAD may seek and hold nonpartisan civil office as a notary public or member of a school board, neighborhood planning commission, or similar local agency, as long as such office is held

1 April 92

in a private capacity and does not interfere with the performance of military duties.

(4) A soldier on active duty may serve as a regular or reserve civilian law enforcement officer or as a member of a civilian fire or rescue squad. Such service shall be in a private capacity, shall not involve the exercise of military authority, and shall not interfere with the performance of military duties.

(5) A soldier elected or appointed to a prohibited civil office may request retirement and shall be retired if eligible for retirement. If said soldier does not request or is not eligible for retirement, the soldier shall be discharged or released from active duty, as determined by the Secretary of the Army.

(6) The separation and retirement requirements above, do not apply if the member declines to serve in the prohibited office; if the Secretary of the Army determines that the member should not be released from active duty based on the needs of the Army; or if the member is:

- (a) Obligated to fulfill an active duty service commitment.
- (b) Serving or has been issued orders to serve in an area that is overseas, remote, a combat zone, or a hostile fire pay area.
- (c) Ordered to remain on active duty while subject of an investigation or inquiry.
- (d) Accused of an offense under the Uniform Code of Military Justice (UCMJ), 10 USC, chapter 47, or serving a sentence or punishment for such offense.
- (e) Pending administrative separation action or proceedings.
- (f) Indebted to the United States.
- (g) On active duty during a period of declared war, a national emergency, or other period when a unit of the Reserves or National Guard has been called to active duty.
- (h) In violation of an order or regulation prohibiting said soldier from assuming or exercising the function of civil office.

(7) A soldier who refuses to decline to serve in a prohibited civil office after being denied separation or retirement in accordance with this chapter, may be subject to disciplinary or adverse administrative action.

(8) No actions undertaken by a soldier in carrying out

assigned military duties shall be invalidated solely by virtue of said soldier having assumed or exercised the functions of a civil office in violation of this chapter.

Page 14. Paragraph 5-5 is superseded as follows:

5-5 Family Care Plans.

The Army assists the soldier in providing for the care of his or her dependent family members. Mission, readiness, and deployability needs especially affect Active Component (AC) and Reserve Component (RC) single parents and dual military couples with dependent family members. Plans must be made to ensure dependent family members are properly and adequately cared for when the soldier is deployed, on TDY, or otherwise not available due to military requirements. RC soldiers are subject to these policies and regulations, and will implement plans during any periods of absence for Annual Training, regularly scheduled unit training assemblies, emergency mobilization and deployment, or other types of active duty. The DA Form 5305-R (Family Care Plan) is the means by which soldiers provide for the care of their family members when military duties prevent the soldier from doing so. It will include proof that guardians and escorts have been thoroughly briefed on the responsibilities they will assume for the sponsor/soldier and on procedures for accessing military and civilian facilities and services on behalf of the dependent family members of the sponsor/soldier. It will attest that guardian and escorts agree to provide care and have been provided all necessary legal authority and means to do so. Proof will consist of (as a minimum) attachments to the DA Form 5305-R such as: DA Form 5841-R (Power of Attorney) or equivalent delegation of legal control, DA Form 5840-R (Certificate of Acceptance as Guardian or Escort), DD Form 1172 (Application for Uniformed Service Identification Card Deers enrollment) for each dependent family member (**note: AR 600-8-14 directs that ID cards will be issued for children under age 10 who reside with a single parent or dual military couple**), and a DD Form 2558 (Authorization to start, stop, or change an allotment for Active Duty or Retired Personnel) or other proof of financial support arrangements (see Figure 5-1). It is the primary responsibility of the soldier to implement the Family Care Plan and thus ensure the care of his/her dependent family members. When operational or security considerations prevent the soldier from implementing the plan, it will be used by appropriate military or civilian authorities to obtain care for such dependent family members. DA Form 5305-R may be executed at any time when conditions warrant and family care is necessary due to the required military absence of the soldier. DA Forms 5304-R (Family Care Counseling Checklist), 5305-R, 5840-R, and 5841-R will be locally reproduced on 8.5 x 11 inch paper. A copy for local reproduction is at the back of this regulation.

a. Commanders of AC and RC soldiers, regardless of the soldier's rank, will conduct or arrange for Family Care Plan counseling and require a Family Care Plan be completed when any of the following apply:

(1) A pregnant soldier who--

(a) Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.

(b) Is married to another service member of AC or RC of any Service (Army, Air Force, Navy, Marines, or Coast Guard).

(2) A soldier who has no spouse; is divorced, widowed, or separated or is residing apart from his or her spouse; who has joint or full legal and physical custody of one or more dependent family members under age 18 or who has adult dependent family member(s) incapable of self-care regardless of age.

(3) A soldier who is divorced (not remarried) and who has liberal or extended visitation rights by court decree which would allow dependent family members to be solely in the soldier's care in excess of 30 consecutive days.

(4) A soldier whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care or assistance.

(5) A soldier categorized as half of a dual-military couple of the AC or RC of any Service (Army, Air Force, Navy, Marines, Coast Guard) who has joint or full legal custody of one or more dependent family members under age 18 or who has adult dependent family member(s) incapable of self-care regardless of age.

b. Soldiers must arrange for the care of their dependent family members so as to be --

(1) Available for duty when and where the needs of the Army dictate.

(2) Able to perform assigned military duties without interference of family responsibilities.

c. Enlisted soldiers will be counseled whenever parenthood interferes with military responsibilities on voluntary and involuntary separation (see Figure 5-2) under provisions for --

(1) AC according to AR 635-200

(2) U.S. Army Reserve (USAR) and Army National Guard (ARNG) according to AR 135-178.

1 April 92

I02, AR 600-20

(3) ARNG according to NGR 600-200.

d. Officers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities (see Figure 5-2) under provisions for --

(1) AC according to AR 635-100 and AR 635-120.

(2) USAR and ARNG according to AR 135-175.

(3) ARNG according to NGR 635-101.

e. Pregnant soldiers will be counseled --

(1) In the AC according to AR 635-100 for officers and AR 635-200 for enlisted soldiers.

(2) In the USAR and ARNG according to AR 135-91.

(3) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(4) Using DA Form 5304-R as soon as pregnancy is identified but not later than 90 days prior to the expected date of birth of the child. Pregnant soldiers should receive Family Care Plan counseling at the time of pregnancy counseling to ensure the soldier is informed of responsibilities if she chooses to remain on active duty.

(5) That they must complete and have an approved DA Form 5305-R showing their intentions for family care not later than 60 days prior to the date of birth of the child. DA Forms 5840-R and 5841-R or other guardianship documents, DD Forms 1172, and DD Form 2558 will be completed and the DA Form 5305-R recertified not later than 45 days following the date of birth of the child.

f. The unit commander --

(1) May designate an authorized representative to conduct Family Care Plan counseling using DA Form 5304-R and to initial and sign the counseling form in the commander's behalf.

(2) Is the sole approving authority for DA Form 5305-R. This responsibility will **not** be delegated.

(3) May authorize an additional 30 days (60 days total from date of counseling) to all AC soldiers and 60 days (90 days total from date of counseling) to all RC soldiers for completion, including submission and final approval of the DA Form 5305-R with attendant documents.

(4) Must ensure that all required documents are in order, and must be satisfied that the Family Care Plan meets the requirements and appears to be workable and durable.

(5) Should disapprove the DA Form 5305-R if the required attachments are not present unless extenuating circumstances exist.

(6) May consider extenuating circumstances in approving the DA Form 5305-R, but must understand that the soldier is considered non-deployable until a Family Care Plan is validated and approved.

(7) Must adequately test the validity and durability of the Family Care Plan, to include contacting the designated guardian(s) prior to final approval.

(8) Will provide the soldier 30 days from date of first disapproval to submit additional documentation or evidence to support the Family Care Plan.

(9) Will provide the soldier a reasonable period of time to attempt to rework a Family Care Plan found to be deficient at time of mobilization, processing for overseas movement, or deployment. Ordinarily, a soldier will be afforded at least 30 days to correct deficiencies in a plan unless a shorter period is specified by the unit commander due to the urgency and/or nature of the deployment, or due to the nature of the deficiencies.

(10) May authorize leave per AR 630-5, chapter 6, for a deployed soldier to return home when circumstances beyond the soldier's control preclude the designated guardian from exercising those responsibilities (see Figure 5-3).

(11) Should consider initiating involuntary separation proceedings against soldiers who fail to provide and maintain adequate Family Care Plans.

(12) Should consider initiating a bar to reenlistment against soldiers who fail to properly manage personal, marital, or family affairs; or who fail to provide or maintain adequate Family Care Plans.

(13) Should take action to ensure that they are aware of other situations which may create changes in the status of their soldiers with regards to their responsibility to support dependent family members. These include but are not limited to the following:

(a) Death or disability of spouse.

(b) Legal separation when initial agreements have identified the soldier as custodial parent or guardian of one or more dependent family members.

1 April 92

I02, AR 600-20

(c) Divorce proceedings awarding joint or full custody of dependent family members to the soldier.

(d) Court decrees awarding visitation rights to the soldier, for more than 30 consecutive days at a time, and the soldier has not remarried.

(e) Adoption.

(f) Assumption of foster care responsibilities.

(g) Guardianship agreement for children or adults incapable of self-care to temporarily or permanently reside with the soldier.

(h) Extended periods of absence by the spouse for schooling, hospitalization, employment, etc.

(i) Expiration of current power of attorney, change in guardianship due to PCS, change of temporary care provider, etc.

g. IRR, IMA, Standby Reserve, category I and II retirees, and inactive National Guard personnel who meet the criteria outlined in para 5-5a (1) through (5) are required to maintain valid Family Care Plans in order to ensure their availability for active duty during a mobilization. Therefore --

(1) Commander, ARPERCEN will establish specific procedures for counseling, submission, validation, and recertification of Family Care Plans for USAR personnel and category I/II retirees.

(2) Director, Army National Guard will establish specific procedures for counseling, submission, validation, and recertification of Family Care Plans for inactive National Guard personnel.

h. All married soldiers who have dependent family members are encouraged to complete and maintain a Family Care Plan even if not specifically required to do so by this regulation. To do so assists the spouse, commander, rear detachment commander, Family Assistance Center, or next of kin in providing care for dependent family members in the event the spouse were injured, ill, incapacitated, or otherwise unable to provide care for the dependent family members. Counseling of such is also encouraged.

i. Soldiers must consider designation of guardians very carefully. Guardians should be persons whom the soldier would have no reservations entrusting the total welfare of his/her child(ren) or other dependent family members. Guardians should be persons who are able to exercise that responsibility over extended periods of time if necessary. Soldiers have the responsibility to

1 April 92

thoroughly brief guardians on arrangements made by the soldier, location of all pertinent documents, and procedures for accessing military and civilian facilities, services, entitlements and benefits on behalf of the dependent family members. Guardians should be made aware that such designation does not authorize them access to any military facilities, services, entitlements, or benefits for personal use, but only as agent for the dependent family members for which they have been designated guardian. Installation commanders are authorized to issue agents' letters to designated guardians upon request and presentation of proper documentation (such as power of attorney, certificate of acceptance as guardian, child(ren)'s ID cards or applications for same). **Note:** If the guardian is located in an overseas area other than where the soldier is stationed, dependent family member's attendance at DODDS and other schools may require an exception to policy due to lack of command sponsorship. The soldier and/or guardian must request the exception; it is not automatic.

j. Procedures for completing DA Form 5304-R and DA Form 5305-R for CONUS and OCONUS assignments:

(1) DA Form 5304-R will be used for counseling soldiers who fall into categories outlined in paragraph 5-5a as soon as possible upon arrival at the unit of assignment, and/or will be initialed and signed --

(a) During unit inprocessing, after any event requiring adoption of a Family Care Plan, or at the preparation of replacements (POR) or processing for overseas movement (POM).

(b) By pregnant soldiers not later than 90 days prior to the expected date of birth of the child.

(c) By single parents and dual-military couples with dependent family members.

(d) By **both** members of the dual-military couple and, if possible, their respective commanders. This assures both unit commanders that soldiers and their military spouse have made necessary arrangements for the escort, temporary, and principal guardianship responsibilities for dependent family members. Dual-military couple soldiers with dependent family members will be counseled together when practicable.

(e) By unit commander or designated representative and held in the unit suspense files pending completion of DA Form 5305-R. It will be returned to the soldier when no longer needed for suspense action.

(2) DA Form 5305-R will be --

1 April 92

I02, AR 600-20

(a) Completed and approved within 30 days for AC soldiers and 60 days for RC soldiers from date of counseling.

(b) Signed by both members of a dual-military couple and, if possible, both commanders. The same plan should be submitted by both members of the dual-military couple, and neither member should be identified in the plan as the temporary or long-term guardian. Once both commanders have approved and signed the plan, the commander whose soldier is least likely to deploy should retain the original plan and forward a copy of the complete plan to the other commander. If both members are equally likely to deploy, but one is an Army soldier and the spouse is a member of another Service, the original plan should be kept on file in the Army soldier's unit and a copy forwarded to the spouse's unit. If both are Army soldiers and equally likely to deploy, it is inconsequential which commander has the original copy of the plan.

(c) Recertified at least annually by initialling and dating the DA Form 5305-R. This must be done during the anniversary of the soldier's birth month, after any change of circumstance requiring a change in the Family Care Plan, or whenever the soldier is mobilized, deployed, or processed for overseas movement. Commanders should ensure that all information is current and all documents are still up-to-date and legally valid.

(3) OCONUS assignment and deployment procedures are as follows:

(a) All single parents and dual-military couples with dependent family members who receive assignment instructions for an OCONUS assignment must be re-counseled and must have their DA Form 5305-R recertified not later than 30 days prior to final outprocessing date at losing installation. **If an adequate Family Care Plan is not submitted within 30 days, the soldier is not considered deployable, will not depart the command, and the commander will consider initiating involuntary separation proceedings.** If the plan is approved, a copy of the plan will be filed in the soldier's outprocessing file with other clearance papers, placed in the MPRJ as a transfer document, and a copy retained by the losing unit commander for a period of 90 days after the departure of the soldier.

(b) Soldiers must arrange for an escort and transportation for dependent family members and a guardian in CONUS or United States territories to care for their dependent family members in the event their family members are evacuated from OCONUS. If Noncombatant Evacuation Operation (NEO) procedures are not initiated, and soldiers are alerted for deployment, soldiers residing in government quarters may request approval for guardians to reside in those quarters in their absence. Soldiers may also request that they, as single parent or one member of a dual-

1 April 92

military couple, be authorized to personally escort dependent family members back to CONUS-located guardian, provided time allows and advanced return or early return of family member paperwork is initiated per local command policies and JFTR guidance.

(c) Soldiers unable to provide the unit commander with the required Family Care Plan and attendant documents will be ineligible for overseas assignment and should be considered for processing for separation from military service. Policies regarding eligibility for overseas assignment are contained in AR 614-30.

(d) Enlisted soldiers without adequate Family Care Plans should be considered for processing by their unit commander for separation under provisions for --

1. AC according to AR 635-200.
2. USAR and ARNG according to AR 135-178.
3. ARNG according to NGR 635-200.

(e) Officers without adequate Family Care Plans should be considered for processing by their unit commander for separation under provisions for --

1. AC according to AR 635-100.
2. USAR and ARNG according to AR 135-175.
3. ARNG according to NGR 635-101.

(f) Reserve component soldiers performing duty on an active duty status (AT, ADT, ADSW, TTAD, etc.,) OCONUS must recertify their DA Form 5305-R with attendant documents prior to embarkation in order to show that adequate care for their dependent family members has been provided for during their absence and in the event that their return to CONUS is delayed. **Soldiers unable to provide the required documentation will not deploy to perform AT OCONUS.**

(g) NEO standing operating procedures should make maximum use of Family Care Plans to ensure successful operations (see (b) above).

k. DA Form 5305-R with attachments will be filed in the unit files and destroyed 90 days after soldier departs on PCS orders.

(1) Provide a copy of the plan to the soldier, dual-military couple spouse, and dual-military spouse's commander.

1 April 92

I02, AR 600-20

(2) Place a copy of the plan in the Military Personnel Records Jacket which accompanies the departing soldier to the gaining unit.

(3) **Ensure that in the event of deployment, the Family Care Plan files remain with the rear detachment,** or if no rear detachment remains, with the Family Assistance Center servicing the departing unit. RC units must ensure Family Care Plan files are transferred to STARC/MUSARC prior to departing home station.

1. A copy of the DA Form 5305-R with copies of DA Form 5840-R, 5841-R, and/or other appropriate documents will be provided to Child Development Center if a CDS certified home care provider is designated as temporary guardian. AR 608-10 requires that a copy of the DA Form 5305-R be on file at the military Child Development Center if the soldier's dependent family members are enrolled in the day care or extended care program.

m. Commanders must stress the soldier's obligation to both the military and to his/her dependent family members. Moreover, they must ensure that soldiers understand that they will not receive special consideration in duty assignments or duty stations based on their responsibility for dependent family members unless enrolled in the Exceptional Family Member Program (EFMP). See AR 600-75 for more information. The main evidence that soldiers have made adequate arrangements for the care of their dependent family members will be the execution of DA Form 5305-R with its attendant documents:

(1) DA Form 5841-R, special power of attorney or other legal documents designating escorts, temporary, and principal guardian(s).

(2) DA Form 5840-R from person(s) named in powers of attorney. This document must be notarized.

(3) Completed DD Form 1172 for each dependent family member.

(4) Completed DD Form 2558 or proof of other adequate financial arrangements for care of dependent family members.

(5) Letters of Instruction containing additional pertinent information for escorts, temporary or long-term guardians.

n. Commanders will encourage soldiers to consult with a legal assistance attorney about having a will prepared. The Family Care Plan does not require a will, and soldiers will not be ordered to obtain a will. When a will is prepared, it will not be retained in the unit files. Soldiers will be encouraged but not required to ensure that information regarding the location of a soldier's will is contained in the Family Care Plan.

1 April 92

o. AC commanders will suspend generation/use of the Family Care Counseling Report (SIDPERS AAC-C43) until such time as SIDPERS 3 comes on line.

p. Maximum feasible testing of the validity and durability of Family Care Plans will be accomplished (for example, during exercises, alerts, POR/POM, mobilization, deployment, annual training, and other unit activities) to ensure information in a soldier's DA Form 5305-R is correct, up-to-date, and workable. Family Care Plans found to be invalid during the above testing will be revised/recertified within 30 days of the finding (within 60 days for reserve component personnel unless mobilization mission requirements preclude authorizing that amount of time).

DOCUMENT	COMMANDER	SOLDIER	OTHER
DA FORM 5304-R (Family Care Plan Counseling)	INITIATES (May delegate responsibility for counseling only)	RECEIVES	Military spouse and spouse's commander
DA FORM 5305-R (Family CaarePlan)	APPROVES (Shall not delegate)	INITIATES, PREPARES, SUBMITS TO COMMANDER	Spouse and spouse's commander
DA FORM 5841-R (Special Power of Attorney for guardianship)	REQUIRES [Or other legally sufficient authority]	EXECUTES	SJA prepares guardian/escort receives
DA FORM 5840-R (Certificate of Acceptance as Guardian/Escort)	REQUIRES	SECURES FROM GUARDIAN AND/OR ESCORT	Guardian/escort completes, notarizes, and returns to soldier
DD FORM 1172 (ID Card Application)	REQUIRES	EXECUTES	1 per child
DD FORM 2558 (Allotment Form) or other proof of financial support	REQUIRES	EXECUTES	
LETTER OF INSTRUCTION (To guardian(s)/escort)	REQUIRES	EXECUTES	Escort, Temp, and Long-term guardian
WILL	RECOMMENDS	EXECUTES	SJA prepares

Figure 5-1. Family Care Plan procedures for pregnant soldiers, single parents and dual-military couples with dependent family members

ACTION	AUTHORITY	COMMAND AUTHORITY	RESULT
SEPARATION FROM AC, USAR, OR ARNG			
UNIT COMMANDER INITIATES			
OFFICER	NOTE: Consult appropriate regulation for more complete information		
INVOLUNTARY			
AC	AR 635-100, Ch 5	HQDA	
USAR and ARNG	AR 135-175, Ch 2	Area CDR, HQDA (ARPERCEN)	
ARNG	NGR 635-101	State AGs/HQDA (NGB)	
VOLUNTARY			
AC	AR 635-100, Ch 3	HQDA (PERSCOM)	
USAR and ARNG	AR 635-120, Ch 6	HQDA (PERSCOM)	
ARNG	AR 135-175, Ch 6	Area CDR/HQDA (ARPERCEN)	
	NGR 600-100, 635-101	State AGs/HQDA (NGB)	
ENLISTED			
INVOLUNTARY			
AC	AR 601-280, Ch 6	SPCMCA/GCMCA/HQDA	BAR TO RNLS
USAR/ARNG	AR 140-111, Ch 1	(See Fig. 1-1)	BAR TO RNLS
ARNG	NGR 600-200, Ch 7	(See Sec. IV)	BAR TO RNLS
AC	AR 635-200, Ch 5	SPCMCA	SEPARATED
USAR/ARNG	AR 635-200, Ch 11	SPCMCA/BN CDR	SEPARATED
ARNG	AR 135-178, Ch 4	Area CDR/HQDA (ARPERCEN)	SEPARATED
	NGR 600-200, Ch 8	State AGs/HQDA (NGB)	SEPARATED
VOLUNTARY			
AC	AR 635-200, Ch 6	SPCMCA	SEPARATED
USAR/ARNG	AR 635-200, Ch 8	SPCMCA/BN	SEPARATED
ARNG	AR 135-178, Ch 4	Area CDR	SEPARATED
	NGR 600-200, Ch 8	State AGs/HQDA (NGB)	SEPARATED
XThis list does not restrict commanders from using authority other than those cited here to separate soldiers unable or unwilling to comply with provisions of AR 600-20, paragraph 5-5.			

Figure 5-2. Separation procedures for pregnant soldiers, single parents, and dual military couples with dependent family members (parental responsibility)

When Family Care Plans of Deployed Soldiers Fall Apart

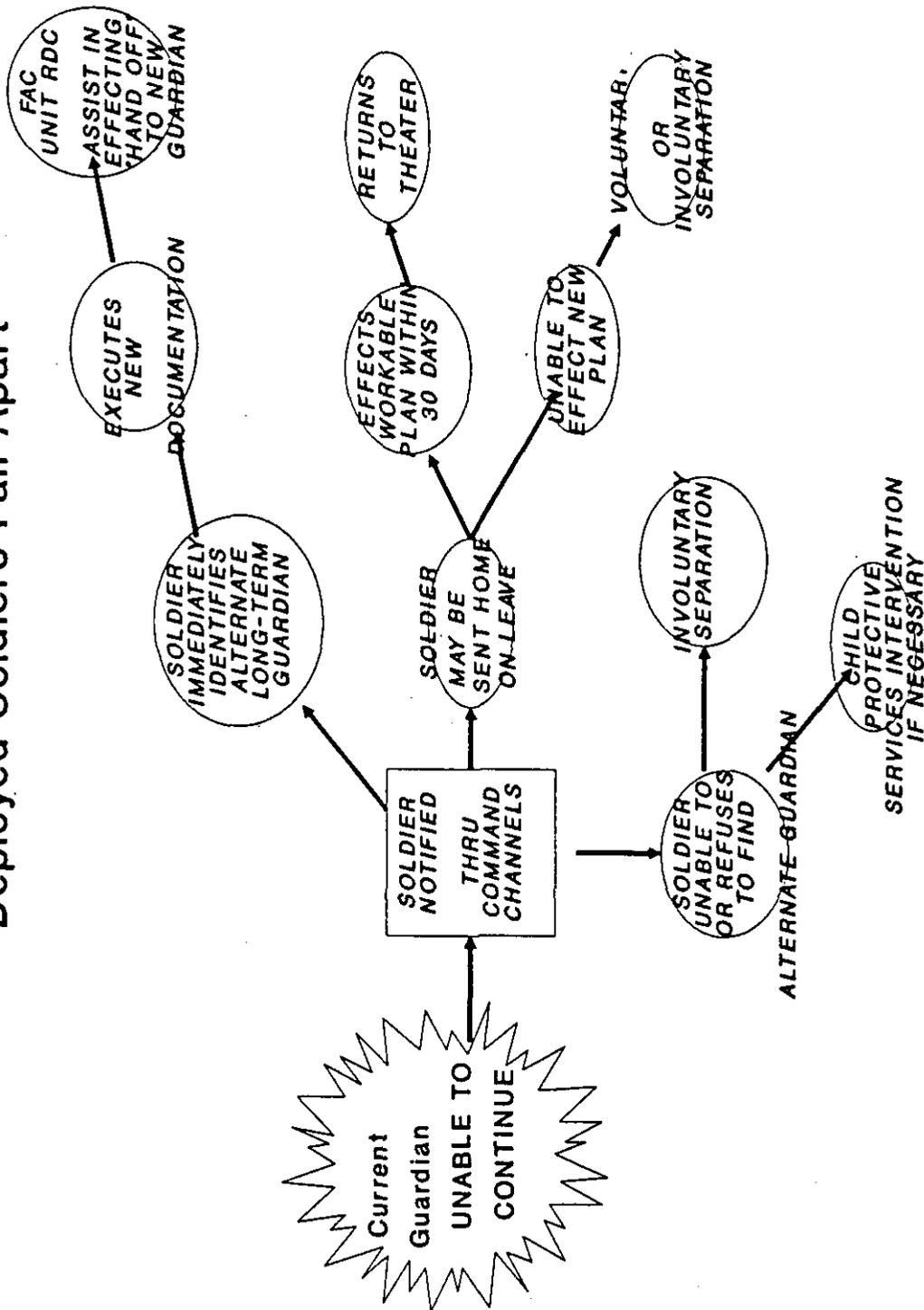


Figure 5-3. Options/alternatives for commanders to consider when Family Care Plans fail while soldier is deployed

**SAMPLE LETTER OF INSTRUCTION
FOR GUARDIANS AND ESCORTS**

I/We [Name of parent(s)], parent(s) of [Name of child(ren)], have made the following arrangements for the care of my/our dependent family members in the event I am/we are not available to provide the proper care due to absence for military service or emergency which would require me/us to be away from them for an extended period of time:

1. [Name of daily CDS child care provider or temporary guardian] has been given legal authority to care for my/our child(ren) until [the designated OCONUS escort can transport the child(ren) or] the long-term guardian(s) can arrive to care for them in this location or can arrive to transport them to the guardian's residence where they will remain until my/our return.

2. I/We have established a special account in [name and location of financial institution] or made other appropriate arrangements to cover the expenses of the escort/guardian(s). [Name, address and phone number of person] has access to that account and will ensure that funds are available.

3. Should it be necessary to contact any of the persons involved in the transportation, support, or care for my/our child(ren), the following information is provided:

[Name, address, phone number],
Designated escort (OCONUS only)

[Name, address, phone number, relationship to sponsor or child(ren)],
Designated local, short-term child care provider or child development center

[Name, address, phone number, relationship to sponsor or child(ren)],
Designated long-term guardian(s)

4. [Child(ren)'s name(s)] is/are cared for by the local child care provider listed above during the week between the hours of [insert time] and [insert time].

5. Funds required to provide financial support for my/our dependent family member(s) will be provided by allotment to be initiated immediately upon my/our departure, or by financial arrangements outlined in the attached documents.

6. Special documents pertaining to my/our child(ren) such as ID cards, medical records, school records, passports, as well as special instructions on medical prescriptions, allergies, or

Figure 5-4. SAMPLe Letter of Instruction

1 April 92

I02, AR 600-20

other pertinent information will accompany my/our child(ren), if they are not already in the possession of the escort/guardian(s).

7. Those persons acting in my/our behalf for care of my/our child(ren), and who have sufficient legal authority, copies of certificates of acceptance, and either ID cards or applications for same, should apply to the commander of the nearest military installation for an agent's letter allowing them to access military facilities and services in behalf of my/our child(ren).

8. If, for any reason, the persons designated as escorts or guardians are unable to exercise their responsibilities after my/our departure, please ensure that a Red Cross message is immediately transmitted to my/our unit commander, so that the situation can be rectified as soon as possible. Additional assistance may be obtained from my/our unit rear detachment commander or the Family Assistance Center which services my/our unit. Those addresses are listed below:

Rear Detachment Commander:

[Complete unit address, phone numbers, etc.]

Family Assistance Center

[Complete installation address, phone numbers, etc.]

9. [Optional] Should it be necessary to settle my/our estate, my/our will(s) and other important documents are located with [name and location of will(s) and other documents].

10. Finally, a complete copy of my/our Family Care Plan with all required attachments is on file in my/our unit headquarters which is located at the same address as shown above for the Rear Detachment Commander.

(Signature block)

NAME

RANK, BRANCH/MOS

SSAN:

Unit:

Figure 5-4. (Continued) SAMPLE Letter of Instruction

Page 18. Paragraph 5-9 is superseded as follows:

5-9 On post distribution of non-government printed materials

a. Access to news and publications. The maintenance of loyalty, discipline, and morale among soldiers is essential if the Army is to continue to provide a reliable and effective military force responsive to the national security missions assigned pursuant to lawful authority. At the same time, soldiers are generally entitled to the access to news and publications.

b. Policy. Installation commanders will encourage and promote the availability of books, periodicals, and other printed media which present a wide range of viewpoints on public issues to soldiers. Such media should include those emphasizing the standards of loyalty, patriotism, and discipline which are common to the Armed Forces. However, installation commanders will not, except as provided in this paragraph and in AR 360-81, take action to control or restrict dissemination, even if these publications are believed to be in poor taste or unfairly critical of Government policies or officials. The installation commander will be guided by the principle that, except in cases in which a publication constitutes a clear danger to military loyalty, discipline, or morale or specifically violates the law or regulatory authority, military personnel are entitled to the same access to publications as are other citizens.

c. Distribution outlets. An installation commander may impose a requirement that distribution of printed media may not be made except through regularly established and approved distribution outlets, unless prior approval is obtained from the commander or the authorized representative. AR 210-7, AR 210-10 and AR 360-81 provide further explanation and guidance. The installation commander may, without informing higher headquarters, or Department of the Army in advance, take appropriate action to prevent the distribution of publications by persons who have not obtained the required approval or have not complied with this regulation, AR 210-7, AR 210-10, and AR 360-81. Except when the publication in question is published primarily for advertising or promotional purposes, a denial of a request for distribution will be reported as required in paragraph d below.

d. Restrictions on dissemination. If it appears that a publication presents a clear danger to the loyalty, discipline, or morale of soldiers, the installation commander may, without prior approval of higher headquarters, delay distribution on property subject to his/her control. The commander will consider whether the act of restriction will in itself result in the publication in question achieving notoriety and increased circulation to military personnel through off-post sources.

(1) The commander's directive to delay distribution will be in

1 April 92

I02, AR 600-20

writing.

(2) Concurrently with imposing a delay authorized above, the installation commander will inform, by telephone, the next major commander and HQDA (SAPA), WASH, DC DSN 227-7478.

(3) When a delay in dissemination of a publication through either official or unofficial outlets is imposed by the commander, he/she will, within 5 working days thereafter:

(a) Review the publication in question.

(b) Prepare a written recommendation to HQDA which provides the basic facts for the determination that distribution of the subject publication would present a clear danger to loyalty, discipline, or morale of the troops on his/her installation.

(c) Send recommendation, together with a copy of the subject publication, to HQDA (SAPA), WASH, DC 20310. Appropriate information copies should also be provided intermediate headquarters.

(4) Reports required in (2) and (3) above are "exempt reports" under provision of AR 335-15.

(5) The delay in distribution will remain in force until a determination to approve or disapprove the request is made by HQDA.

e. Distribution of commercial publications. On-post distribution of commercial publications will be restricted as outlined in AR 360-81. All commercial publications distributed free of charge will not carry any advertisement which implies discrimination with regard to the race, creed, color, sex, age, or national origin of the purchaser, user or patron. The publication will place its readers and advertisers on notice of this requirement by including in a prominent location the following: "Everything advertised in this publication must be made available for purchase, use, or patronage without regard to the race, creed, color, sex, age or national origin of the purchaser, user, or patron."

f. Distribution of command information newspapers. The distribution of command information newspapers (either Army funded or civilian enterprise) will be governed by AR 360-81. Distribution through official channels will be authorized.

Page 19. Add paragraph 5-10 as follows:

5-10 The Total Army Family Program

The Army places a high value on both military and personal

preparedness. Commanders have an obligation to provide assistance to establish and maintain personal and family affairs readiness.

a. Concept

(1) The Total Army Family (TAF) consists of soldiers (active, guard, and reserve), civilian employees, and retirees, (regardless of marital status), and their legal dependent family members (if any).

(2) The Total Army Family Program (TAFP) includes those family assistance services and related programs which support quality of life, readiness, and retention; and meet the Army's obligation to soldiers and their families by ensuring the effective interface between:

(a) FAMILY ASSISTANCE -- that contractual or statutory obligation the Army has with its soldiers/civilian employees/retirees, regardless of marital status, with or without any legal dependent family members to provide assistance (e.g., identification cards, Defense Enrollment Eligibility Reporting System [DEERS], Civilian Health and Medical Program of the Uniformed Services [CHAMPUS], and the programs and services available to assist commanders in fulfilling their morale, welfare and quality of life responsibilities to soldiers and their families such as Army Community Service [ACS]; Child Development Services [CDS]; Youth Services [YS]; and Morale, Welfare, and Recreation [MWR] programs, etc.) and

(b) FAMILY SUPPORT -- the mutual reinforcement provided soldiers/civilian employees/retirees, regardless of marital status, and family members -- both immediate and extended (e.g., Family Support Groups [FSGs], newsletters, telephone trees, and other volunteer programs and activities).

(3) Single individuals are full participants in the Total Army Family Program. In quality of life issues, they should be provided the same opportunities as any other members of the Total Army Family.

b. Responsibilities

(1) Deputy Chief of Staff for Personnel (DCSPER)

(a) DCSPER will establish policy and ensure coordination and integration of the TAFP.

(b) DCSPER, through the US Army Community and Family Support Center (USACFSC), will foster family assistance and support initiatives by --

1 April 92

I02, AR 600-20

1. Providing guidance, technical assistance, and consultation to support the development and implementation of Family initiatives, programs, and services.

2. Identifying needs, and where appropriate, designing and conducting Army-wide soldier and family member training and awareness events.

3. Determining and developing training packages for individuals responsible for family program execution.

4. Providing consultation and liaison with Army National Guard and U.S. Army Reserve to ensure integration of active and reserve component family assistance and support issues.

(2) Heads of other HQDA staff agencies (and Field Operating Agencies [FOAs], if appropriate) will be responsible for Army-wide policies, plans and initiatives within their area of proponenty pertaining to the TAFP.

(3) Director, Army National Guard

(a) The Army National Guard is the Army's lead agency for the execution of family assistance for Total Army families at all levels of contingency and mobilization.

(b) The National Guard Bureau (NGB), through the NGB Family Program Manager:

1. Provides policy, guidance, technical assistance, and consultation to support the development and implementation of the TAFP within the National Guard.

2. Identifies, and where appropriate, designs and provides Guard soldier and family member training and awareness support.

3. Determines and develops desired training for individuals responsible for family program execution.

(4) Chief, Army Reserve (CAR)

The Chief, Army Reserve through the United States Army Reserve (USAR) Family Program Manager and the United States Army Reserve Command (USARC):

(a) Provides policy, guidance, technical assistance, and consultation to support the development and implementation of the TAFP within the USAR.

(b) Identifies and, where appropriate, designs and provides USAR soldier and family member training and awareness support.

(c) Determines and develops desired training for individuals responsible for family program execution.

(5) MACOM Commanders

Commanders at all levels will provide an environment which encourages an effective family program. At a minimum, MACOM commanders will:

(a) Ensure command emphasis to the unit level.

(b) Ensure that USARC as well as each CONUSA/installation/Major United States Army Reserve command (MUSARC) establish a full-time Family Program Coordinator (FPC), and assist State Area Commands (STARC) to establish similar positions when requested. The FPC will not be assigned other duties unrelated to the TAFP (e.g., Army Drug and Alcohol Abuse Prevention and Control Program [ADAPCP]). Ensure designation of the FPC from existing resources until additional resources are authorized.

(c) Identify and input fiscal and manpower resource requirements for the TAFP as part of the command operating budget process.

(d) Provide for soldier, civilian, retiree and family member participation in quality of life matters. Ensure inclusion of single soldiers in quality of life programs/initiatives.

(6) USARC/CONUSA/Installation/STARC/MUSARC Commanders

Commanders at all levels will provide an environment which encourages an effective family program. At a minimum, USARC/CONUSA/Installation/STARC/MUSARC commanders will:

(a) Ensure command emphasis to the unit level.

(b) Establish a full-time Family Program Coordinator (FPC). The FPC will not be assigned other duties unrelated to the TAFP (e.g., ADAPCP). Ensure designation of the FPC from existing resources until additional resources are authorized.

(c) Ensure, at a minimum, the designation of a TAFP point of contact (POC) as an additional duty in each unit below installation/STARC/MUSARC level.

(d) Identify and input fiscal and manpower resource requirements for the TAFP as part of the command operating budget process.

(e) Ensure soldier, civilian, retiree, and family member awareness of the Total Army Family Program.

1 April 92

I02, AR 600-20

(f) Ensure soldier, civilian, retiree, and family member access to entitlements, family programs, and family services.

(g) Provide for soldier, civilian, retiree, and family member participation in quality of life matters. Ensure inclusion of single soldiers in quality of life programs/initiatives.

(h) Installations/STARCs will ensure/facilitate appropriate coordination of TAFP elements for all components within their geographical area of responsibility during peacetime or any levels of contingency or mobilization. USARC/CONUSAs/MUSARCs will ensure/facilitate appropriate coordination of TAFP elements for all components within their geographical area of responsibility during peacetime or any level of contingency up to full mobilization.

(7) Unit Commanders

Commanders at all levels will provide an environment which encourages an effective family program. At a minimum, unit commanders will:

(a) Appoint a TAFP point of contact (POC) as an additional duty.

(b) Provide predeployment briefings, as required.

(c) Ensure soldier and family member awareness of the Total Army Family Program.

(d) Ensure soldier and family member access to entitlements, family programs, and family services.

(e) Ensure the proper documenting and monitoring of personal affairs readiness of soldiers, to include Family Care Plans (para 5-5).

(f) Ensure inclusion of single personnel in quality of life programs/initiatives.

(8) Family Program Coordinator will:

(a) Advise the commander concerning the impact of the TAFP on retention, readiness, training, and mobilization/deployment.

(b) Coordinate the development of the TAFP.

(c) Coordinate the development of resource requirements to support the TAFP.

(d) Coordinate public/community/employer awareness and support of the TAFP.

(e) Serve as command liaison with military and civilian agencies involved in resourcing and supporting the TAFP.

(9) Soldiers

Soldiers bear primary responsibility for their family and personal affairs readiness. They should support and participate in the TAFP. At a minimum, they are expected to:

(a) Keep the command informed of any change in family status (e.g., marriage, births, deaths, divorce, etc.).

(b) Keep appropriate mobilization/deployment documents (such as Family Care Plans - see para 5-5, etc.) and required emergency data updated in their personnel files.

(c) Keep themselves and their families informed concerning key (unit) personnel information, benefits, programs, etc. Ensure that information regarding the TAFP is provided to family members.

(d) Support, and where appropriate, encourage their family members to support the programs, services and activities designed to maintain and/or enhance the quality of life and well-being of all members of the Total Army Family. Many of those programs, services and activities are primarily dependent upon volunteers to ensure their success and continued effectiveness.

Page 19. Chapter 6, all references to MILPERCEN or USTAPA will be changed to U.S. Army Total Personnel Command (PERSCOM). All references to DAPE-MPH-E will be changed to DAPE-HR-L. All references to ASI 5T will be deleted.

Page 19. Paragraph 6-2g, add (8) as follows: (8) Develop and publish written equal opportunity policy statements consistent with Army policy for each MACOM, installation, separate unit, agency, and activity down to brigade or equivalent level.

Page 19. Paragraph 6-4. is superseded as follows:

6-4 Sexual harassment

a. Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

(1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(2) submission to or rejection of such conduct by a person is

used as a basis for career or employment decisions affecting that person; or

(3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

b. Any soldier or civilian employee:

(1) In a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job of another soldier or civilian employee is engaging in sexual harassment.

(2) Who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Sexual harassment is not limited to the workplace, can occur at almost any place, and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion. Such behavior by soldiers or Army civilians will not be tolerated.

Page 20. Paragraph 6-6 is superseded as follows:

6-6. Staffing

a. Minimum staffing requirements.

(1) Staff military personnel with EO as primary duty are assigned to assist commanders at installations, organizations, and agencies down to and including brigade-level and equivalent commands. Assignments as an equal opportunity adviser (EOA) are not collateral or part-time duties at brigade-level or higher commands. Personnel may be assigned EO as a secondary responsibility at battalion-level and lower. Primary duty positions are specified in applicable manning documents.

(2) One full-time enlisted EOA will be available to each brigade-level or equivalent commander, and one full-time officer EOA will be available to the commander of FORSCOM, TRADOC, and USAREUR. Staffing should, as a minimum, provide a sergeant major and a lieutenant colonel/major at HQDA, USAREUR, FORSCOM, and TRADOC. Minimum staffing at the small installation or base support battalion is one enlisted EOA (SFC) and at least two enlisted EOAs (SFC and MSG) at large installations (over 10,000 soldiers/DA civilians assigned) and area support groups. Civilian substitutions for these minimum staffing requirements are not authorized. Any staffing authorized beyond these minimum requirements may be either military EOAs or DA civilian employees

1 April 92

who are officially assigned such duties. Assignment of equal opportunity duties to DA civilians must be in strict accord with applicable position classification standards and guidelines.

b. EOA personnel will be assigned to organization TDAs, with attachment to the supported brigade or equivalent command for duty, administration, UCMJ, rations, and quarters.

c. Command and staff relationships. The principal EOA will have direct access to the commander at all times and the commander will be in the principal EOA's rating chain. Placement of the EO office within the organization must be such as to accomplish the above provision and to comply with AR 5-3.

d. The EO Program and the Equal Employment Opportunity Program relationship. The EO program for military personnel and the EEO program for civilian personnel are separate and distinct. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. However, integrating EO/EEO training, seminars, discussions, and shared use of training materials and facilities is encouraged when doing so promotes understanding, efficiency, economy, and the common interest for both programs.

e. Roles and duties of EOAs. The actual duties of EOAs and relative emphasis on each duty vary according to type of unit or level of command, unit composition, and location. Personnel assigned to positions as EOAs will not be assigned further duties in other human development functions such as alcohol and drug abuse, Army Community Services, chaplains' programs, CHAMPUS, weight control, etc. Typical roles and duties of EOAs are as follows:

(1) Understand and articulate Department of Defense and Army policies concerning equal opportunity as stated in this regulation.

(2) Recognize and assess indicators of institutional and individual discrimination in organizations.

(3) Recognize sexual harassment in both overt and subtle forms.

(4) Recommend remedies appropriate to reduce or prevent discrimination and sexual harassment.

(5) Collect, organize, and interpret demographic data concerning all aspects of EO climate assessment.

(6) Assist commanders in the development of realistic affirmative action plans and monitor progress of plans.

(7) Train equal opportunity representatives (EORs) to assist

commanders in meeting their EO responsibilities.

(8) Conduct or organize training sessions pertaining to equal opportunity, discrimination, and prevention of sexual harassment.

(9) Plan and conduct executive seminars on affirmative action plans, equal opportunity, discrimination, and prevention of sexual harassment.

(10) Receive and act upon individual complaints.

(11) Assist in the planning and conduct of ethnic observances outlined at Table 6-1.

(12) Assist commanders in developing EO policy for their unit.

(13) Maintain, where appropriate, informal liaison with community organizations fostering civil rights. Coordination with servicing judge advocate is strongly advised to preclude conflict of interest.

(14) Conduct periodic command assessments as outlined in DA Pam 600-26, The Army Affirmative Action Plan.

f. Equal Opportunity Representatives. Equal Opportunity Representatives (EORs) are unit soldiers trained to assist commanders to carry out the EO program within units. Commanders authorized EOAs will ensure that each subordinate command (battalion and company-level) has an EOR. EOAs who are graduates of the Defense Equal Opportunity Management Institute and have been awarded SQI Q will train EORs using the 80-hour program of instruction (POI) published by the EO Proponent Office, Soldier Support Center. EOAs are authorized to structure the training to meet local needs and conditions. Instruction in other subject areas related to or supportive of EO objectives may be provided by personnel from other agencies or program areas.

Page 21. Paragraph 6-8 is superseded as follows:

6-8. Procedures for processing complaints

a. The chain of command has the primary responsibility to resolve grievances in the Army. Accordingly, soldiers are encouraged to use command channels for redress of grievances. Commanders at all levels will ensure that soldiers are fully aware of procedures for obtaining redress of complaints including those against members of the chain of command. These procedures will be in writing and displayed at all times where all soldiers have access to them. A guide for developing these procedures is at Figure 6-1.

1 April 92

b. How and by whom the complaint is formally processed is a command responsibility. Leaders and supervisors who receive a complaint will conduct an informal inquiry into the allegations, determine if the complaint has merit, and if so, assist the commander in resolving the complaint at the lowest level.

c. EOAs are the commander's principal technical expert in this human resource area. EOAs are trained to advise the commander in the sensitive area of EO as it contributes to mission accomplishment, cohesion, and readiness. They are specifically trained to recognize, assess, and recommend remedies to prevent discrimination and sexual harassment. They are not, however, empowered to do investigations. They are trained to do informal fact-finding inquiries in response to a complaint of an individual soldier or at the direction of their commander.

(1) If upon completion of an informal inquiry by the EOA, the facts indicate that an investigation is warranted, a recommendation will be made to the commander having the authority to direct such investigations. This commander will then review the facts presented and determine whether or not an investigation is warranted. If an investigation is needed, the commander will appoint an officer under the provision of AR 15-6, or refer the case to the command Staff Judge Advocate, the Inspector General, or other applicable authority to conduct the investigation. The EOA then assumes the role of consultant and provides the investigating official technical advice in the areas of discrimination and sexual harassment.

(2) When, in the course of an informal inquiry, the EOA suspects that persons involved have violated the UCMJ or applicable Army regulations, the EOA will terminate the inquiry and notify the chain of command.

d. MACOM commanders and heads of Army Staff agencies will report those complaints of discrimination and harassment processed on a quarterly basis. The report will be sent to HQDA (DAPE-HR-L), Washington, DC 20310-0300, not later than the last duty day of the month following the end of the reported quarter. A yearly summary of this data will be included in the Annual Narrative and Statistical Report on EO Progress (RCS CSGPA-1471 (R)) paragraph 6-16.

e. After completion of the informal inquiry or investigation of a complaint, the commander or EOA should provide the soldier who made the complaint with informal and generic feedback on the results of the inquiry/investigation. Commanders will consult with their local Staff Judge Advocate office concerning what information may or may not be released.

Page 22. Paragraph 6-16 is superseded as follows:

6-16. Narrative and statistical reports on equal opportunity progress ((RCS) CSGPA-1471)

a. Annual. MACOMs and designated heads of Army Staff agencies or directorates will submit a Narrative and Statistical Report on Equal Opportunity Progress. This report covers the preceding fiscal year and is due at HQDA (DAPE-HR-L), WASH, DC 20310-0300, not later than 30 November annually. HQ, FORSCOM submits reports for USAR troop program units with an information copy to the Office of the Chief, Army Reserve, HQDA (DAAR-PE), Wash, DC 20310-0300. This report will outline the progress made in achieving the established EO goals as reflected in the AAP for the organization. It will assess achievements and shortfalls, and will include plans or actions programmed to correct problems or conditions that currently exist.

b. Quarterly. A quarterly complaint report will be provided HQDA (DAPE-HR-L) (RCS CSGPA-1471).

Page 23. Paragraph 6-17, add the following:

g. Recurring EOA Duty. EOAs will not serve recurring EOA duties without prior approval from HQDA.

Page 23. Paragraph 6-18, is superseded as follows:

6-18. Selection requirements for soldiers

Officers and NCOs who attend DEOMI will meet the following selection requirements:

a. Demonstrate outstanding performance of assigned duties and be recommended in writing by an officer in the candidate's chain of command in the rank of major or higher.

b. Exhibit stability in personal affairs and not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any Human Reliability or Personal Reliability Program during the 2 years preceding the nomination will need a waiver from HQDA (DAPE-HR-L), Wash DC 20310-0300.

c. Must not have been punished under the provisions of the UCMJ during the 2 years preceding the nomination or have a history of frequent UCMJ punishments.

d. Must have a minimum of 2 years of service remaining upon

1 April 92

I02, AR 600-20

completion of the DEOMI course.

e. Must meet Army fitness and weight control standards.

f. Must be competitive for promotion.

g. In addition to the above requirements, officers must:

(1) Have a bachelors degree.

(2) Be a MAJ and be branch qualified in accordance with DA Pam 600-3.

h. In addition to requirements a-f above, enlisted soldiers must:

(1) Be a high school graduate (or equivalent) and possess the potential to complete college-level courses.

(2) Be a SFC or SSG(P) with less than 15 years of service.

(3) Be an advanced NCO course graduate or selected for attendance.

(4) Have verified his/her SQT in his/her primary MOS.

(5) Have had a successful tour in a leadership position.

(6) Not be assigned in back-to-back special duty assignments (i.e., drill sergeant to EOA or recruiter to EOA).

(7) Have a GT score of 110 or higher.

i. Attendance at DEOMI is controlled by CG, PERSCOM. The following procedures will be used to acquire a training seat allocation:

(1) CG, PERSCOM will select qualified officers and NCOs for training and duty as EOAs as required through normal personnel channels.

(2) Commanders desiring to send officers and NCOs on temporary duty (TDY) to DEOMI will make application through their MACOM. Applications should be sent to CG, PERSCOM, 200 Stovall Street, Alexandria, VA 22332-0400. For officers, use (TAPC-OPB-D) for the attention line; for NCOs, use (TAPC-EPM-A). If the applicant meets the selection requirements above, commanders will be provided a training seat for the soldier to attend DEOMI.

(3) A request for training must be submitted in writing and

1 April 92

arrive at PERSCOM no later than 45 days before the starting date of a requested class.

Page 24. **Table 6-1, Special/ethnic observances timetable** is superseded as follows:

Table 6-1	
Special/ethnic observances timetable	
Month:	January
Dates:	3rd Monday
Observance:	Martin Luther King, Jr. Birthday
Authority/comment:	Public Law 98-144 (est. Federal holiday)
Month:	February
Dates:	1-28/29
Observance:	African-American/Black History Month
Authority/comment:	(First Presidential Proclamation 1976)
Month:	March
Dates:	1-31
Observance:	Women's History Month
Authority/comment:	(First observed by Public Law 100-9 1987)
Month:	May
Dates:	1-31
Observance:	Asian Pacific Heritage Month
Authority/comment:	(First Presidential Proclamation 1991)
Month:	August
Dates:	26
Observance:	Women's Equality Day
Authority/comment:	(First Presidential Proclamation 1973)
Month:	September/October
Dates:	15 Sep - 15 Oct
Observance:	National Hispanic Heritage Month
Authority/comment:	(First observed by Public Law 100-402)
Month:	November
Dates:	1-30
Observance:	National Native American Indian Heritage Month
Authority/comment:	(First observed by Public Law 101-343)

Page 25. **Section I Required References**, add:

AR 360-81

Command Information Program (cited in para 5-9)

1 April 92

I02; AR 600-20

AR 600-75

Exceptional Family Member Program (cited in para 5-5)

AR 600-8-14

Identification Cards, Tags, and Badges (cited in para 5-5)

AR 630-5

Leaves and Passes (cited in para 5-5)

NGR 635-101

Efficiency and Physical Fitness Boards

Page 25. **Section II Related References**, add:

AR 335-15

Management Information Control Center

AR 614-30

Overseas Service

Page 26. **Section II Related References**, delete:

AR 630-5

Leaves and Passes (moved to Section I)

NGR 600-4

Command, Military Courtesy, Standards of Appearance,
Honors, Uniform and Insignia

Page 26. **Appendix B, Examples of Types of Political Activity Permitted or Prohibited** is superseded as follows:

Appendix B
Guidelines on Political Activities

B-1 Purpose

This appendix provides specific guidance on those political activities which are permitted or prohibited.

B-2 Examples of Permissible Political Activities

A soldier on active duty may:

1. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

2. Promote and encourage other military members to exercise their voting franchise, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

3. Join a political club and attend its meetings when not in

uniform.

4. Serve as an election official, if such is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the installation commander.

5. Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, if the signing does not obligate the soldier to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.

6. Write a letter to the editor of a newspaper expressing the soldier's personal views on public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political cause or candidate.

7. Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, subject to the limitations under section 441a, title 2, United States Code (2 USC 441a) and section 607, title 18, United States Code (18 USC 607).

8. Display a political sticker on the soldier's private vehicle.

B-3 Examples of prohibited political activities

Per the statutory restrictions in section 973 (b), title 10, United States Code (10 USC 973(b)) and the policies established in section d of DoD Directive 1344.10, and implemented in chapter 5 of this regulation a soldier on active duty shall not:

1. Use official authority or influence to interfere with an election, affect the course or outcome of an election, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.

2. Be a candidate for civil office in Federal, State, or local government, except as authorized in this regulation, or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.

3. Participate in partisan political management or campaigns, or make public speeches in the course thereof.

4. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for promoting a political objective or cause.

1 April 92

I02, AR 600-20

5. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.

6. Allow or cause to be published partisan political articles signed or written by the soldier that solicit votes for or against a partisan political party or candidate.

7. Serve in any official capacity or be listed as a sponsor of a partisan political club.

8. Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.

9. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

10. Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature.

11. Use contemptuous words against the officeholders described in section 888, title 10, United States Code (10 USC 888).

12. Perform clerical or other duties for a partisan political committee during a campaign or on an election day.

13. Solicit or otherwise engage in fund-raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

14. March or ride in a partisan political parade.

15. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.

16. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate.

17. Sell tickets for, or otherwise actively promote, political dinners and similar fund-raising events.

18. Attend partisan political events as an official representative of the Armed Forces.

B-4 Political activities not expressly permitted or prohibited

Some activities not expressly prohibited may be contrary to

the spirit and intent of this policy. In determining whether an activity violates the traditional concept that soldiers should not engage in partisan political activity, rules of reason and common sense shall apply. Any activity that may be viewed as associating the Department of the Army or any components of the Department of the Army directly or indirectly with a partisan political cause or candidate shall be avoided.

B-5 Local nonpartisan political activities

This policy does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A soldier taking part in local nonpartisan political activity, however, shall not:

1. Wear a uniform or use any Government property or facilities while participating.
2. Allow such participation to interfere with, or prejudice, the soldier's performance of military duties.
3. Engage in conduct that in any way may imply that the Department of the Army has taken an official position on, or is otherwise involved in, the local political campaign or issue.

B-6 Additional requirements

Members of the United States Army on active duty engaging in permissible political activities shall:

1. Give full time and attention to the performance of military duties during prescribed duty hours.
2. Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the United States Army.
3. Refrain from participating in any political activity while in military uniform, as proscribed by AR 670-1, or using Government facilities or resources for furthering political activities.

Page 27. **Appendix C Statutory Prohibitions Pertaining to Political Activities By Members of the Armed Forces** is superseded as follows:

Appendix C Statutory Restrictions Pertaining to Political Activities By Members of the Armed Forces

C-1 General

Members of the Armed Forces are prohibited by various provisions

1 April 92

I02, AR 600-20

of Titles 10, 2, and 18, United States Code, from engaging in certain types of political activities. The statutory provisions most directly applicable to members of the Armed Forces are as follows:

C-2 Section 973, 10 United States Code, Duties: Officers on Active Duty; Performance of Civil Functions Restricted

"(a) No officer of an armed force on active duty may accept employment if that employment requires him to be separated from his organization, branch, or unit, or interferes with the performance of his/her military duties.

(b) (1) This subsection applies --

(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

(2) (A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States

(i) that is an elective office;

(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

(iii) that is a position in the Executive Schedule under Sections 5312 through 5317 of Title 5.

(B) An officer to whom this subsection applies may hold or exercise the function of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties."

(c) An officer to whom subsections (b) applies may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation.

C-3 Section 441a, 2 United States Code, Limitations on Contributions and Expenditures

"(a) Dollar limits on contributions

(1) No person shall make contributions --

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate in any calendar year which, in the aggregate, exceed \$20,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed \$5,000.

(2) No multi-candidate political committee shall make contributions --

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed \$15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed \$5,000.

(3) No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made is considered to be made during the calendar year in which such election is held...

...(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or

indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient..."

C-4 Section 441f, 2 United States Code, Contributions in the Name of Another Prohibited

"No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such contribution, and no person shall knowingly accept a contribution made by one person in the name of another person."

C-5 Section 441g, 2 United States Code, Limitation on Contribution of Currency

"No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office."

C-6 Section 592, 18 United States Code, Troops at Polls

"Whoever, being an officer of the Army or Navy, or other person in the ~~civil~~, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such forces be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the ~~United~~ States.

This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

C-7 Section 593, 18 United States Code, Interference by Armed Forces

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties --

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office or honor, profit or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

C-8 Section 594, 18 United States Code, Intimidation of Voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he/she may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

C-9 Section 596, 18 United States Code, Polling Armed Forces

"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

The word 'poll' means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form."

C-10 Section 597, 18 United States Code, Expenditures to Influence Voting

"Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote --

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both."

C-11 Section 602, 18 United States Code, Solicitation of Political Contributions

"It shall be unlawful for --

- (1) a candidate for the Congress;
- (2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;
- (3) an officer or employee of the United States or any department or agency thereof; or
- (4) a person receiving salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit any contribution within the meaning of Section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both."

C-12 Section 603, 18 United States Code, Making Political Contributions

"(a) It shall be unlawful for an officer or employee of the

United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States, to make any contribution within the meaning of Section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in Section 302(e) (1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee."

C-13 Section 606, 18 United States Code, Intimidation to Secure Political Contributions

"Whoever, being one of the officers or employees of the United States mentioned in Section 602 of this title, discharges or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both."

C-14 Section 607, 18 United States Code, Place of Solicitation

"(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of Section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in Section 603, or in any navy yard, fort or arsenal. Any person who violates this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of Section 302(e) of the Federal Election Campaign Act of 1971."

C-15 Section 608, 18 United States Code, Absent Uniformed Services Voters and Overseas Voters

"(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both

(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both."

C-16 Section 609, 18 United States Code, Use of Military Authority to Influence Vote of Member of Armed Forces

"Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office."

Page 32. **Glossary Section II Terms** are revised as follows:

Active Duty (AD) Full-time duty in the active Military Service of the United States without regard to duration or purpose, including full-time training duty; annual training duty; attendance, while in the active Military Service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned; and National Guard duty, as defined in 10 USC 101(42).

Civil Office A nonmilitary office involving the exercise of the powers or authority of civil government, to include elective and appointive office in the U.S. Government, a U.S. territory or possession, State, county, municipality, or official subdivision thereof.

Dual-Military Couple A soldier (AC or RC) married to another service member (AC or RC) of the Army, Air Force, Navy, Marines, or Coast Guard. A dual-military parent is one who shares with his/her military spouse all parental responsibilities for family members acquired through birth or legal decrees who are in physical custody of the service members and who are under the age of 18

years or who are beyond 18 years of age but are mentally or physically incapable of self-care.

Extended Active Duty (EAD) AD under a call or order for a period in excess of 180 days.

Nonpartisan Political Activity Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations. Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of similar character are not considered under this regulation as specifically being identified with national or State political parties.

Partisan Political Activity Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations.

Single Parent A soldier who is the responsible adult who by reason of birth or legal decree, has physical custody of and the legal and moral responsibility to provide for the care and well-being of a child under the age of 18 years or for a person beyond 18 years of age who is mentally or physically incapable of self-care. Persons who fit this category are generally regarded as a parents with full or joint custody of children, and who are unmarried, divorced, widowed, or residing apart from their spouse.

Pages 33-39. Forms are superseded as follows.

2. Post these changes per DA Pam 310-13.
3. File this interim change in front of the previous interim change IO1 dated 13 Sep 89 which has been extended, and in front of AR 600-20, dated 30 Mar 88.

(DAPE-HR-S)

FAMILY CARE PLAN COUNSELING CHECKLIST

For use of this form, see AR 600-20; the proponent agency is DCSPER

Careful planning is required to ensure adequate care of dependent family members while performing required military duties. Pregnant soldiers, single parents, and dual-military couples with dependent family members will be counseled in accordance with AR 600-20. The soldier and the commanding officer (or designated representative) will initial each item on the checklist.

PART I - ACTIVE AND RESERVE COMPONENT	SOLDIER	COMMANDER
A. I am receiving Family Care Plan counseling by my commander (or designated representative) because my current family status is:		
1. A pregnant soldier who:		
a. Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.		
b. Is married to another service member of AC or RC of any service (Army, Air Force, Navy, Marines, Coast Guard).		
2. A soldier who has no spouse; is divorced, widowed, or separated or is residing apart from his/her spouse; who has joint or full legal and physical custody of one or more dependent family members under age 18 or who has adult dependent family members incapable of self-care regardless of age.		
3. A soldier who is divorced (<i>not remarried</i>) and who has liberal or extended visitation rights by court decree which would allow dependent family members to be solely in the soldier's care in excess of 30 consecutive days.		
4. A soldier whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care or assistance.		
5. A soldier categorized as half of a dual-military couple of the AC or RC of any service (Army, Air Force, Navy, Marines, Coast Guard) who has joint or full legal custody of one or more dependent family members under age 18 or who has adult dependent family members incapable of self-care regardless of age.		
B. I understand that I must arrange for the care of my dependent family member(s) so as to be: (1) Available for duty when and where the needs of the Army dictate; (2) Able to perform my assigned military duties without interference of family responsibilities.		
C. I have been counseled on the importance of:		
1. Selecting qualified, reliable, and stable guardians (<i>temporary and long-term</i>), whom I would have no reservations about entrusting the sole care of my dependent family members, and who are both capable and willing to care for them in my absence.		
2. Providing maximum information to guardians on the full extent of their responsibilities and on procedures for gaining access to military/civilian facilities, services, entitlements and benefits on behalf of my dependent family member(s).		
3. Providing all necessary documentation and financial support so that the designated guardians have everything necessary to act in that capacity.		
D. I understand that designated guardians must be able to assume responsibility for my dependent family member(s) during any periods of absence to include: during duty hours, alerts, field duty, roster duty, TDY, deployments, AT, MUTAs, ADT, or in the event of hospitalization, or other periods of absence for military duty, emergencies or unexpected circumstances.		
E. I understand that I am fully responsible for making all necessary arrangements (<i>housing, educational, legal, transportation, financial, religious, special, etc.</i>) to ensure a smooth, rapid turnover of dependent family member care responsibilities in case the plan is implemented.		
F. I understand that I must initiate legal documentation such as the power of attorney for guardianship (DA Form 5841-R) which will authorize guardian(s) to act in loco parentis; to perform any and all acts as fully to all intents and purposes as I might or could if personally present; to authorize for the care and treatment of my dependent family member(s) regardless of whether on an emergency basis, or for routine care, including all major surgery deemed necessary by a duly licensed staff physician at any military or civilian hospital; to register my child(ren) in school, and to grant or to withhold permissions as my attorney shall deem appropriate.		
G. I understand that designated guardians must submit notarized certificates of acceptance (DA Form 5840-R), agreeing to accept full responsibility for my dependent family member(s); attesting that they have received all necessary and essential documents; and attesting to the fact that they have been provided information on how to gain access to military/civilian facilities, services, entitlements and benefits on behalf of my dependent family member(s).		
H. I understand that I must maintain in my Family Care Plan, a DD Form 1172 for each dependent family member to ensure the issue/renewal of Uniformed Services Identification Cards in my absence.		
I. I understand that my Family Care Plan must be updated and recertified by my commander at least annually (<i>more often if required by my commander or mission of my unit</i>), or in the event of any change in my family status, guardians, legal custody, duty station, etc.		
J. I understand that it is strongly encouraged (<i>though not mandatory</i>) that I ensure that I have an updated will which specifies my desires concerning custody of my dependent family member(s) in the event of my death.		
K. I understand that there are voluntary and involuntary procedures for my separation from military service when my parental responsibilities interfere with the performance of my military duties.		

PART I - ACTIVE AND RESERVE COMPONENT (Continued)	SOLDIER	COMMANDER
L. I understand that I will receive no special consideration in duty assignments or duty stations based on my responsibility for my dependent family member(s) unless enrolled in the Exceptional Family Member Program (EFMP) in accordance with AR 600-75.		
M. I understand that I am fully responsible for all transportation arrangements and costs pertaining to transportation of dependent family member(s) to guardian or guardian to dependent family member(s).		
N. If I am assigned OCONUS, I understand that I must identify an escort for my dependent family member(s) in the event that Noncombatant Evacuation Operations (NEO) are put into effect.		
O. If NEO procedures are not initiated at the time I am required to implement my Family Care Plan, I understand that I may request the opportunity to personally escort my dependent family member(s) back to CONUS if time and the nature of the military situation permits, and my commander approves. I also understand that I may request approval for the designated guardian to reside in my government quarters in my absence. I further understand that the Army will not be responsible for reimbursement of any travel costs incurred by the guardian or escort unless they are otherwise eligible under their own military dependent family member status.		
P. I understand that members of a dual-military couple may submit the same basic Family Care Plan to both commanders, provided that neither military member is identified as the long-term guardian in the plan. The original Family Care Plan will be maintained by the commander of the military member least likely to deploy, with a copy of the plan forwarded to the spouse's commander. If both military members are equally likely to deploy, the original will be filed with the Army member's commander and a copy with the commander of the other service. If both are Army members and equally likely to deploy, it is inconsequential which commander has the original, so long as both commanders have copies in the unit files.		
Q. I understand that I should provide letters of instruction outlining all special arrangements and instructions the guardians or escort should be aware of (See Figure 5-4, AR 600-20).		
R. I have received copies of all the required forms and documentation, and know whom to contact in the event I have additional questions or need additional assistance in preparing the Family Care Plan.		
S. I understand that I must submit the complete Family Care Plan with all attendant documents to my commander within the time limits specified by my commander (or designated representative): <input type="checkbox"/> AC 30 days from date of this counseling session. <input type="checkbox"/> RC 60 days from date of this counseling session.		
T. I understand that it is my responsibility to notify my commander in advance if I am aware of any circumstances beyond my control that might prevent me from meeting the submission deadlines. The commander is authorized to grant a one-time extension of 30 days based on extenuating circumstances.		
PART II - ACTIVE AND RC SERVING ON ACTIVE DUTY		
Policies, Provisions, Entitlements, Benefits, and Services:		
A. Policies governing deletion or deferment from assignment instructions because of personal reasons. See Chapter 3, AR 614-200 (AC enlisted) or Chapter 6, AR 614-100 (AC officers) or AR 135-91 (RC).		
B. Policies governing reassignment eligibility. All soldiers are expected to serve CONUS and OCONUS tours (including unaccompanied tours). The needs of the Service provide the basis for selecting a soldier for reassignment in accordance with AR 614-30, AR 614-200, and AR 614-100.		
C. Entitlements to assignment of government or pay of basic allowances for quarters. See Chapter 10, AR 210-50.		
D. Policies governing entitlement to basic allowance for subsistence, application procedures, and payment. These are contained in Chapter 1, part 3, AR 37-104-3; and Chapter 20, DoD Military Pay and Allowances Entitlements Manual.		
E. Provisions for applying for concurrent travel of dependent family members when alerted for overseas movement. Approved joint domicile assignments do not constitute authority to move dependent family members to the overseas command at government expense. Application for dependent family member travel must be made in accordance with AR 55-46.		
F. Eligibility requirements for shipment of household goods to the next permanent duty station at government expense. See chapter 4, AR 55-71 and Part D, Chapter 5, Volume 1, Joint Federal Travel Regulation (JFTR).		
G. The entitlement to government paid transportation of dependent family members to the next permanent duty station. See chapter 9, AR 37-106 and Part C, JFTR. Transportation allowances for dependent family member movement will be paid for under the following conditions: 1. If traveling in a PCS status between CONUS permanent duty stations. However, dependent family members are not authorized to move to or from TDY stations at government expense. 2. If traveling to, from, or between OCONUS duty stations in PCS status provided tour length requirements have been satisfied. See Section III, chapter 1, AR 55-46 regarding tour length requirements to qualify for dependent family member movement, to, from and between overseas areas.		

B. I (We) have designated the following individual(s) as principal long-term guardian(s) for my(our) dependent family member(s). The designated guardian(s) reside in the continental United States or United States territories.

1. TYPED OR PRINTED NAME	2. COMPLETE ADDRESS (including street, apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	

C. I (We) have designated the following individual(s) as escort for my(our) dependent family member(s) if evacuation from OCONUS becomes necessary (applies only to persons assigned OCONUS):

1. TYPED OR PRINTED NAME	2. COMPLETE ADDRESS (including street, apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	

**PART III - DUAL MILITARY COUPLES ONLY
MILITARY SPOUSE AND COMMANDER CERTIFICATION**

A. **Spouse:** We have made arrangements and will maintain arrangements for the care of our dependent(s) in all circumstances required by our commitment to the military and our dependent(s).

1. SIGNATURE OF SPOUSE		2. DATE	
3. TYPED OR PRINTED NAME OF SPOUSE		4. SSN	
5. Recertification	a. INIT. DATE	b. INIT. DATE	c. INIT. DATE
	d. INIT. DATE	e. INIT. DATE	

B. **Commander:** I have counseled the military spouse assigned to my unit, reviewed the Family Care Plan, and I am satisfied that the members have made adequate dependent care arrangements.

1. SIGNATURE OF COMMANDER		2. DATE	3. UNIT ADDRESS	
4. TYPED OR PRINTED NAME OF COMMANDER				
5. Recertification	a. INIT. DATE	b. INIT. DATE	c. INIT. DATE	d. INIT. DATE
	e. INIT. DATE			

PART IV - SOLDIER AND COMMANDER CERTIFICATION

A. **Soldier:** I (We) have made arrangements and will maintain arrangements for the care of my(our) dependent(s) in all circumstances required by my(our) commitment to the military and my(our) dependent(s).

1. SIGNATURE OF SOLDIER		2. DATE	
3. TYPED OR PRINTED NAME OF SOLDIER		4. SSN	
5. Recertification	a. INIT. DATE	b. INIT. DATE	c. INIT. DATE
	d. INIT. DATE	e. INIT. DATE	

B. **Commander:** I have reviewed the Family Care Plan, and I am satisfied that the members have made adequate dependent care arrangements that will allow for a full range of military duties and for worldwide availability as defined here.

1. SIGNATURE OF COMMANDER		2. DATE	3. UNIT ADDRESS	
4. TYPED OR PRINTED NAME OF COMMANDER				
5. Recertification	a. INIT. DATE	b. INIT. DATE	c. INIT. DATE	d. INIT. DATE
	e. INIT. DATE			

PART II - ACTIVE COMPONENT (Continued)		SOLDIER	COMMANDER
H. The status of noncommand sponsored dependent family members in the overseas command. See paragraph 1-17, AR 55-46.			
I. Services provided by the Army Community Services (ACS) regarding financial planning. See chapter 9, AR 608-1.			
J. Services available from Personal Assistance Points at major points of embarkation in the CONUS.			
K. Maternity counseling for pregnant single soldiers on the costs of child bearing and raising.			
L. Provisions of CHAMPUS			

PART III - MILITARY SPOUSE AND SPOUSE'S COMMANDER CERTIFICATION

A. **Military spouse:** *We have been counseled on our responsibilities to the military service and our dependent family member(s).*

1. SIGNATURE OF SPOUSE	2. DATE	
3. TYPED OR PRINTED NAME OF SPOUSE		

B. **Spouse's commander:** *I have provided counseling for the military spouse assigned to my unit concerning Family Care Plan requirements.*

1. SIGNATURE OF SPOUSE'S COMMANDER	2. DATE	3. UNIT ADDRESS
4. TYPED OR PRINTED NAME OF SPOUSE'S COMMANDER		

PART IV - SOLDIER AND COMMANDER CERTIFICATION

A. **Soldier:** *I have been counseled on my responsibilities to the Army and to my dependent family member(s).*

1. SIGNATURE OF SOLDIER	2. DATE	
3. TYPED OR PRINTED NAME OF SOLDIER		

B. **Soldier's commander:** *I have provided counseling to the soldier on his/her responsibilities to the military service and to his/her dependent family member(s).*

1. SIGNATURE OF SOLDIER'S COMMANDER	2. DATE	3. UNIT ADDRESS
4. TYPED OR PRINTED NAME OF SOLDIER'S COMMANDER		

FAMILY CARE PLAN

For use of this form, see AR 600-20; the proponent agency is DCSPER

PART I - SOLDIER'S FAMILY CARE

<p>A. I was counseled on _____ (date), and fully understand the policy on dependent family member care responsibilities. I understand that I must arrange for care of my dependent family members, remain available for deployment and training, and report for duty as required without interference of responsibility for dependent family members. I assume responsibility for all obligations for such things as child care, food, adequate housing, transportation, and emergency needs of my dependent family members regardless of age.</p>	INITIALS														
<p>B. I have made and will maintain arrangements for the care of my dependent family members during all the following:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Duty</td> <td style="width: 50%;">8. Active Duty Training</td> </tr> <tr> <td>2. Exercises/field duty</td> <td>9. Unaccompanied Tours</td> </tr> <tr> <td>3. Permanent Change of Station</td> <td>10. Mobilization</td> </tr> <tr> <td>4. Alerts</td> <td>11. Deployment</td> </tr> <tr> <td>5. Annual Training</td> <td>12. Other Military Duty</td> </tr> <tr> <td>6. Temporary Duty</td> <td>13. Emergencies</td> </tr> <tr> <td>7. Unit Training Assembly</td> <td>14. Leave/non-duty Time</td> </tr> </table>	1. Duty	8. Active Duty Training	2. Exercises/field duty	9. Unaccompanied Tours	3. Permanent Change of Station	10. Mobilization	4. Alerts	11. Deployment	5. Annual Training	12. Other Military Duty	6. Temporary Duty	13. Emergencies	7. Unit Training Assembly	14. Leave/non-duty Time	
1. Duty	8. Active Duty Training														
2. Exercises/field duty	9. Unaccompanied Tours														
3. Permanent Change of Station	10. Mobilization														
4. Alerts	11. Deployment														
5. Annual Training	12. Other Military Duty														
6. Temporary Duty	13. Emergencies														
7. Unit Training Assembly	14. Leave/non-duty Time														
<p>C. I understand the importance of ensuring the proper care for my dependent family members, and ensuring my own readiness and deployability as well. I further understand that in light of the critical nature of both these requirements:</p>															
<p>1. Failure to make and maintain adequate dependent family member care arrangements in accordance with the Army's policy is grounds for disciplinary action or separation.</p>															
<p>2. Nonavailability for worldwide assignment and/or unit deployment may lead to my separation from the Army.</p>															
<p>3. If arrangements for the care of my dependent family members fail to work, I am not automatically excused from prescribed duties, unit deployment, or reassignment.</p>															
<p>4. If I fail to maintain a Family Care Plan or provide false information regarding my plan, I am subject to separation, administrative action, or disciplinary action under UCMJ.</p>															
<p>5. I must maintain an up-to-date Family Care Plan and revise my Plan when circumstances change. I understand that Family Care Plans may be tested at the discretion of the commander.</p>															
<p>6. I will receive no special consideration in duty assignments or duty stations based on my responsibilities for my dependent family members unless enrolled in the Exceptional Family Member Program (EFMP) in accordance with AR 600-75.</p>															
<p>D. I have made all necessary arrangements (legal, educational, financial, religious, special, etc.) to ensure a smooth, rapid turnover of dependent family member care responsibilities in case this plan is implemented.</p>															
<p>E. I have arranged for necessary travel required to transfer my dependent family members to a designated person. If my principal designee is not in the local area, I have arranged with a nonmilitary person in the local area to assume temporary guardianship of my dependent family members until they are transferred to my principal care designee, or that designee arrives to assume responsibility for their care.</p>															
<p>F. A copy of DA Form 5841-R (Power of Attorney) or equivalent documents and a copy of DA Form 5840-R (Certificate of Acceptance as Guardian) for each escort or guardian whether temporary or long-term is attached to this plan.</p>															
<p>G. The following additional required documents are completed, included in this plan, and will be put into effect as part of my Family Care Plan:</p>															
<p>1. DD Form 1172 (Application for Uniformed Services Identification Card) for each dependent family member whether they have a currently valid ID card or not.</p>															
<p>2. DD Form 2558 (Authorization to Start, Stop or Change an Allowment for Active Duty or Retired Personnel) or other proof of financial support for expenses incurred by guardian and dependent family members.</p>															
<p>3. Copies of Letters of Instruction (which have been forwarded to designated escorts or guardians along with powers of attorney and other pertinent documents), outlining all special instructions concerning the care of my dependent family members have also been included in my Family Care Plan.</p>															
<p>H. I have thoroughly briefed escorts and guardians on the full extent of their responsibilities and on procedures for gaining access to military/civilian facilities, services, entitlements and benefits on behalf of my dependent family members.</p>															
<p>I. I am confident that my Family Care Plan is workable, and to the best of my knowledge, the guardian(s) and escort(s) I have designated will be both willing and able to carry out the responsibilities of caring for my dependent family members.</p>															

PART II - DESIGNATION OF GUARDIANS/ESCORTS

<p>A. I (We) have designated the following temporary guardian to care for my (our) dependent family member(s) until responsibility is transferred to escort or principal (long-term) guardian.</p>	
<p>1. TYPED OR PRINTED NAME</p>	<p>2. COMPLETE ADDRESS (including street, apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)</p>
<p>3. TELEPHONE NUMBER (include Area Code)</p>	

SPECIAL INSTRUCTIONS RELATED TO EXECUTION OF POWERS OF ATTORNEY

The DA Form 5841-R is a special power of attorney (POA) that may be used to authorize a person to take care of your child(*ren*) in your absence. It is important that you understand that you are not required to use **this** POA for your Family Care Plan. You may seek legal assistance to have a different POA drafted that better provides for your dependent family members if you so desire. You must also understand that depending on the law or other requirements where your child(*ren*) will be living, a POA may not always be effective for your designated guardian to care for your child(*ren*) under any or all circumstances. You may seek legal assistance to advise you about the effectiveness of DA Form 5841-R, other POAs or any other matters in your Family Care Plan.

It is very important that the following persons be shown the POA or other appropriate documentation for the purpose of determining whether they will honor it:

Doctors, dentists, and hospital officials or other health care providers who may be called upon to treat your child(*ren*).

Any school officials or other officials who may need your permission to provide services for your child(*ren*) or register your child(*ren*) in school.

If the persons identified above will not honor the POA, you must ask to be provided powers of attorney or other documents that will be honored. You should show this POA or other documentation to all facilities, institutions, and individuals to ensure they will recognize it for the purposes you have intended.

You must understand that a POA will **not** prevent another person, such as a non-custodial parent or relative of your child(*ren*), from petitioning a court of competent jurisdiction to obtain temporary or permanent custody of your children.

POWER OF ATTORNEY

For use of this form, see AR 600-20; the proponent agency is DCSPER

KNOW ALL PERSONS BY THESE PRESENTS:

That I, _____, Social Security Number _____, of the state of _____, a member of the United States Armed Forces, currently residing in _____, pursuant to Military Orders, do hereby appoint _____, presently residing at _____, my true and lawful attorney-in-fact to do the following acts or things in my name and in my behalf:

To assume and maintain guardianship of my child(ren),

_____ ;
to do all acts necessary or desirable for maintaining health, education, and welfare; and to maintain customary living standards, including, but not limited to, provision of living quarters, food, clothing, medical, surgical and dental care, entertainment and other customary matters; and, specifically, to approve and authorize any and all medical treatment deemed necessary by a duly licensed physician and to execute any consent, release or waiver of liability required by medical or dental authorities incident to the provision of medical, surgical or dental care to any of them by qualified medical or dental personnel.

I hereby give and grant individually unto my said attorney full power and authority to do and perform all and any act, deed, matter and thing whatsoever in and about any of the aforementioned specified particulars as fully and effectually to all intents and purposes as I might and could do in my own person if personally present; and in addition thereto. I do hereby ratify and confirm each of the acts of my aforesaid attorneys lawfully done pursuant to the authority herein above conferred.

I HEREBY AUTHORIZE MY ATTORNEY TO INDEMNIFY AND HOLD HARMLESS ANY THIRD PARTY WHO ACCEPTS AND ACTS UNDER OR IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

I intend for this to be a DURABLE Power of Attorney. This Power of Attorney will continue to be effective if I become disabled, incapacitated, or incompetent.

I authorize my attorney-in-fact to hire legal counsel in order to carry out the provisions of this document or determine the existence of legal requirements, such as required filing or placement of notices, which may affect the validity of this document.

I HEREBY RATIFY ALL THAT MY ATTORNEY SHALL LAWFULLY DO OR CAUSE TO BE DONE BY THIS DOCUMENT.

This Power of Attorney shall become effective when I sign and execute it below. Further, unless sooner revoked or terminated by me, this Power of Attorney shall become NULL and VOID on.

Notwithstanding my inclusion of a specific expiration date herein, if on the above-specified expiration date, or during the sixty (60) day period preceding that specified expiration date, I should be or have been determined by the United States Government to be in a military status of "missing," "missing in action," or "prisoner of war," then this Power of Attorney shall remain valid and in full effect until sixty (60) days after I have returned to United States military control following termination of such status UNLESS OTHERWISE REVOKED OR TERMINATED BY ME.

IN WITNESS WHEREOF, I sign, seal, declare, publish, make and constitute this as and for my Power of Attorney in the presence of the Notary Public witnessing it at my request this date _____, State of _____, County of _____.

I, the undersigned, certify that I am a fully commissioned, qualified, and authorized notary public. Before me personally, within the territorial limits of my warrant of authority, appeared _____, who is known by me to be the person who is described herein, whose name is subscribed to, and who signed the Power of Attorney as Grantor, and who, having been duly sworn, acknowledged that this instrument was executed after its contents were read and duly explained, and that such execution was a free and voluntary act and deed for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my seal this ____ day of _____, 19____.

GRANTOR'S SIGNATURE

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

Acknowledged before me this ____ day of _____, 19____.

(Notary Public)

My commission expires:

CERTIFICATE OF ACCEPTANCE AS GUARDIAN OR ESCORT

For use of this form, see AR 600-20; the proponent agency is DCSPER

I _____ was provided an original DA Form 5841-R

(Power of Attorney) or other legally sufficient authority naming me as guardian/escort for:

NAME(S)/AGE(S) OF DEPENDENT FAMILY MEMBERS

dependent family members of:

NAME(s)	SSN(s)

I agree to accept responsibility for these dependent family members. I have received all necessary documents required to provide financial, medical, educational, quarters, and subsistence support for these dependent family members. I have been briefed on procedures for accessing military/civilian facilities, services, benefits, and entitlements on behalf of these dependent family members.

TYPED OR PRINTED NAME OF GUARDIAN		ADDRESS (Include ZIP Code)
SIGNATURE	DATE	
TELEPHONE NUMBER (Include Area Code)		

NOTARY:

STATE OF

COUNTY OF

Acknowledged before me this ____ day of _____ ,
19____.

(Notary Public)

My commission expires:

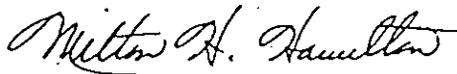
1 April 92

I02, AR 600-20

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

Distribution. Distribution of this publication is made according to the requirements on DA Form 12-09-E, block number 2389 intended for command levels A, B, C, D, and E, for Active Army, ARNG, and USAR.

PIN: 003351-902

Headquarters
Department of the Army
Washington, DC
13 September 1989

Immediate Action INTERIM CHANGE

AR 600-20
Interim Change
No. 101
Expires 13 September 1991

Personnel--General

Army Command Policy

Justification. This interim change implements Department of Defense Directives 1350.2 and 1400.33 and provides additional policy guidance and clarification for commanders and other leaders to enforce Army command policies.

Expiration. This interim change expires 2 years from date of publication. It will be destroyed at that time unless sooner rescinded or superseded by a permanent change or revision.

1. AR 600-20, 30 March 1988, is changed as follows:

Page 1. Change the Summary by deleting the last sentence and replacing it with:

It implements DOD Directives 1000.7, 1300.17, 1325.6, 1350.2, 1354.1, and 1400.33.

Page 2. Add the following to Chapter 4 of the Table of Contents: Employment and volunteer work of a spouse o 4-18

Page 3. Insert the following in Table 1-1 preceding Grade of Rank: Chief Warrant Officer, Four.

Grade of rank: Master Warrant Officer, Four²

Pay grade: W-4

Title of address: Mister (Mrs./Miss/Ms.)

Abbreviation: MW4

Page 3. Add note number 3 at the end of Grade of rank: Chief Warrant Officer, Four.

Page 3. Change note number 2 to 4 at the end of Grade of rank: Command Sergeant Major.

Page 4. Change note number 3 to 5 at the end of Grade of rank: Sergeant Major; note number 4 to 6 at the end of Junior Noncommissioned Officers and Specialist; and note number 5 to 7 at the end of Abbreviation: SP4.

Page 4. Add to the end of the sentence in Notes 1.:
and AR 25-50.

Page 4. Insert following after Notes 1.:

2. DA board selected graduates of the Master Warrant Officer Training Course who are designated as MW4 by an MOS Personnel Proponent Agency.

3. All CW4 not designated as MW4.

Page 4. Change numbers following Notes: from 2 to 4; 3 to 5; and 4 to 6.

Page 4. Notes: 5 is superseded as follows:

7. Specialist and its abbreviation (SPC) will be used in written correspondence. All Standard Installation Division Personnel System (SIDPERS) transactions must be coded and entered using the present code (SP4) until SIDPERS III is fielded.

Page 5. Insert in paragraph d(2) following Commanders (MG) or above may:

in coordination with CDR, PERSCOM,

Page 10. Insert in paragraph 4-9d. at the end of the first sentence:

when ordered to active duty for training (ADT) or annual training (AT).

Page 12. Add paragraph 4-18 after paragraph 4-17:
4-18. Employment and volunteer work of a spouse

a. The Army affirms the rights of a spouse of a soldier to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. No DA official shall, directly or indirectly, impede or otherwise interfere with these rights. Moreover, no DA official shall use the preferences and requirements of the Army or any other DOD component to influence, or attempt to influence, the employment, educational, or volunteer service decisions of a spouse. Neither shall such decision of a spouse, nor the marital status of a soldier, affect, favorably or adversely, the performance evaluations, assignments, or promotion opportunities of the soldier.

(1) In discharging their responsibilities, members of military promotion, continuation, and similar personnel selection boards are prohibited from considering the marital status of a soldier, or the employment, educational, or volunteer service activities of a soldier's spouse. AR 135-155, AR 135-205, AR 140-158, AR 600-200, and AR 624-100 provide specific policies.

(2) Personnel decisions, including those related to the assignments of soldiers, shall not be affected favorably or adversely, by the employment, educational, or volunteer services activities of a soldier's spouse, or solely by reason of a soldier's marital status. AR 140-10, AR 614-30, AR 614-100, AR 614-200, and AR 690-700 provide specific policies. Exceptions may be--

(a) Necessary to ameliorate the personnel hardship of a soldier or spouse upon the request of the soldier concerned, such as when a family member requires specialized medical treatment or educational provisions or similar personal preference accommodations. AR 614-200 provides specific policies.

(b) Needed to facilitate the assignment of dual service married couples to the same geographic area. AR 614-100 and AR 614-200 provide specific policies.

(c) Required by law, such as instances in which a prohibited conflict of interest may exist between the official duties of a soldier and the employment of the soldier's spouse. AR 600-50 provides specific policies.

(d) Made by the Assistant Secretary of Defense (Force Management and Personnel), with the concurrence of the General Counsel, on a case-by-case basis, for reasons of national security, that marital status is an essential assignment qualification for particular military billets or positions.

(3) Performance appraisals on soldiers, including officer and enlisted efficiency or fitness reports, shall not contain any information regarding the employment, educational, or volunteer service activities of the soldier's spouse, or reflect favorably or adversely on the member based solely on the soldier's marital status. AR 623-105 and 623-205 provide specific policies.

b. Violations of this policy provide a basis for disciplinary action under the UCMJ for those subject to its provisions or other appropriate administrative sanctions may be used.

Page 14. Paragraph 5-5 is superseded as follows:

5-5. Family care

The Army assists the soldier in providing for the care of his or her dependent family members. Mission, readiness, and deployability needs especially affect Active Component (AC) and Reserve Component (RC) single and dual-service couple soldiers with dependent family members. Plans must be made to ensure dependent family members are properly and adequately cared for when the soldier is not available. RC soldiers are subject to these policies and regulations during periods of absence for Annual Training, regularly scheduled unit training assemblies, emergency deployment and mobilization, or other types of active duty. The DA Form 5305-R (Family Care Plan) is the means by which soldiers provide for the care of their family members when military duties prevent the soldier from doing so. It will include proof that guardians agree to provide care and have the legal authority and means to do so. Proof will consist of attachments to the DA Form 5305-R such as: DA Form 5841-R (Special Power of Attorney for Guardianship) or equivalent delegation of legal control, DA Form 5840-R (Certificate of

13 September 1989

Acceptance as Guardian), a DD Form 1172 (Application for Uniformed Service Identification Card) if needed, and a DA Form 1341 (JUMPS Allotment Authorization) or other support plan (See Figure 5-1). It is the primary responsibility of the soldier to implement the Family care Plan and thus insure the care of his/her dependent family members. When operational or security considerations prevent the soldier from implementing the plan, it will be used by appropriate military or civilian authorities to obtain care for such dependent family members. DA Form 5305-R may be executed at any time when conditions warrant and family care is necessary due to the absence of the soldier. DA Forms 5304-R, 5305-R, 5840-R and 5841-R will be locally reproduced on 8½ by 11 inch paper. A copy for local reproduction is at the back of this regulation.

a. Commanders of AC and RC soldiers, regardless of the soldier's rank, will conduct or arrange for Family Care Plan Counseling and require a Family Care Plan be completed when any of the following apply:

(1) A pregnant soldier who--

(a) Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.

(b) Is married to another service member of the AC or RC of any Service.

(2) A soldier who has no spouse; is divorced, widowed, or separated or is residing without his or her spouse; who has joint or full legal and physical custody of one or more children under age 18 or who has adult, nonspouse dependent family member(s) incapable of self-care regardless of age.

(3) A soldier categorized as half of a dual-service couple of the AC or RC who has joint or full legal and physical custody of one or more children under age 18 or who has adult, nonspouse dependent family member(s) incapable of self-care regardless of age.

b. Soldiers must arrange for the care of their dependent family members so as to be--

(1) Available for duty when and where the needs of the Service dictate.

(2) Able to perform assigned military duties without interference of family responsibilities.

c. Enlisted soldiers will be counseled whenever parenthood interferes with military responsibilities on voluntary and involuntary separation (See Figure 5-2) under provisions for--

(1) AC according to AR 635-200.

(2) U.S. Army Reserve (USAR) and Army National Guard (ARNG) according to AR 135-178.

(3) ARNG according to NGR 600-200.

d. Officers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities (See Figure 5-2) under provisions for--

(1) AC according to AR 635-100 and AR 635-120.

(2) USAR and ARNG according to AR 135-175.

(3) ARNG according to NGR 635-102.

e. Pregnant soldiers will be counseled--

(1) In the AC according to AR 635-100 for officers and AR 635-200 for enlisted soldiers.

(2) In the USAR and ARNG according to AR 135-91.

(3) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(4) As soon as pregnancy is identified on DA Form 5305-R but not-later-than 90 days prior to the expected date of birth of the child. Pregnant soldiers should receive Family Care Plan counseling at the time of pregnancy counseling to ensure the soldier is informed of responsibilities if she chooses to remain on active duty.

(5) Complete and have approved a DA Form 5305-R showing their intentions for family care not-later-than 60 days prior to the date of birth of the child. DA Forms 5840-R and 5841-R or other guardianship documents and, when necessary, DD Form 1172, and DA Form 1341 will be completed and the DA Form 5305-R recertified not-later-than 45 days following the date of birth of the child.

f. The unit commander--

(1) Is the approving authority for DA Forms 5304-R and 5305-R.

(2) May authorize an additional 30 days (60 days total from date of counseling) to all AC soldiers and 60 days (90 days total from date of counseling) to all RC soldiers for completion, including approval, of the DA Form 5305-R.

(3) Must be satisfied that the Family Care Plan meets the requirements and appears to be workable.

(4) Should disapprove the DA Form 5305-R if the required attachments are not present unless extenuating circumstances

exist.

(5) May consider extenuating circumstances in approving the DA Form 5305-R.

(6) Will provide the soldier 30 days from date of disapproval to submit additional documentation or evidence to support the Family Care Plan.

(7) Should initiate involuntary separation proceedings against soldiers who fail to provide and maintain adequate Family Care Plans.

(8) Should initiate a bar to reenlistment against soldiers who fail to manage personal, marital, or family affairs; or who fail to provide or maintain a Family Care Plan.

(9) Should be aware of other situations which may create changes in the dependency status of their soldiers. These include the following:

(a) Death of spouse.

(b) Divorce proceedings awarding full custody of a child to the soldier.

(c) Custody involving extended visitation rights to the soldier, for example, child resides with soldier 3 months out of the year.

(d) Adoption.

(e) Foster care.

(f) Guardianship for children/adults to reside with the soldier.

(g) Extended periods of absence by the spouse for schooling, hospitalization, etc.

g. All married soldiers who have dependent family members are encouraged to complete and maintain a DA Form 5305-R to assist the spouse, commander, or next of kin in providing care for dependent family members. Counseling is not required.

h. Procedures for completing DA Form 5304-R and DA Form 5305-R for CONUS and OCONUS assignments.

(1) DA Form 5304-R will be signed--

(a) During unit inprocessing, after any event requiring adoption of a Family Care Plan, or at the preparation of replacements (POR).

(b) By pregnant soldiers not-later-than 90 days prior to the expected date of birth of the child.

(c) By single and dual-service couple soldiers with dependent family members.

(d) By both members of the dual-service couple and their unit commander(s). This assures both unit commanders that service members have made necessary arrangements for the escort and temporary and principal guardianship care of dependent family members. Dual-service couple soldiers with dependent family members will be counseled together when practicable.

(e) By unit commander and held in the unit files pending completion of DA Form 5305-R. It will be returned to the soldier when no longer needed for suspense action.

(2) DA Form 5305-R will be--

(a) Completed and approved within 30 days for AC soldiers and 60 days for RC soldiers from the date of counseling.

(b) Signed by dual-service couple spouse and spouse's commander.

(c) Recertified periodically by initialing and dating the DA Form 5305-R. This will be done during the anniversary of the soldier's birth month or after any change of circumstances requiring a change in family care arrangements. (See para f above.)

(3) OCONUS assignment procedures are as follows:

(a) All single parent and dual-service couple soldiers with dependent family members who receive assignment instructions for an OCONUS assignment should be recounseled and recertify their DA Form 5305-R not-later-than 30 days prior to final outprocessing date at losing installation. If an adequate Family Care Plan is not submitted within 30 days, the soldier will not depart, and the commander will consider initiating involuntary separation proceedings. If the plan is approved, a copy of the plan will be filed in the soldier's outprocessing file with other clearance papers, placed in the MPRJ as a transfer document, and retained by the losing unit commander for a period of 90 days after the departure of the soldier.

(b) Soldiers must arrange for an escort for dependent family members and a guardian in CONUS or United States territories to care for their dependent family members in the event their family members are evacuated from OCONUS. Proof will be copies of DA Form 5841-R or equivalents authorizing escorts or guardians to act on behalf of the soldier and notarized acknowledgement by the persons so named.

(c) Soldiers unable to provide the unit commander with the

required Family Care Plan and attendant documents (copy of DA Form 5841-R and DA Form 5840-R completed by persons named on the power of attorney) will be ineligible for family travel and should be processed for separation from the military service.

(d) Enlisted soldiers unable to deploy because of parental responsibilities should be processed by their unit commander for separation under provisions for--

1. AC according to AR 635-200.
2. USAR and ARNG according to AR 135-178.
3. ARNG according to NGR 635-102.

(e) Officers unable to deploy because of parental responsibilities should be processed by their unit commander for separation under provisions for--

1. AC according to AR 635-100.
2. USAR and ARNG according to AR 135-175.
3. ARNG according to NGR 600-200.

(f) Reserve Component soldiers performing Annual Training (AT) OCONUS must recertify their DA Form 5305-R with attendant documents prior to embarkation in order to show care for their dependent family members during their absence and in the event that their return to CONUS is delayed. Soldiers unable to provide the required documentation will not deploy to perform AT OCONUS.

(4) DA Pam 600-8 provides further instructions and examples for soldiers and commanders to ensure consideration of the welfare of dependent family members and the effective development of the Family Care Plan.

i. Noncombatant Evacuation Operation (NEO) standing operating procedures should make maximum use of Family Care Plans to ensure successful operations.

j. DA Form 5305-R with attachments (DA Form 5840-R, DA Form 5841-R, DD Form 1172, and DA Form 1341) will be filed in the unit files and destroyed 90 days after soldier departs on PCS orders. The unit will--

(1) Provide a copy of the plan to the soldier, dual-service couple spouse, and dual-service spouse's commander.

(2) Place a copy of the plan in the Military Personnel Records Jacket which accompanies the departing soldier to the gaining unit.

k. In addition, a copy of the DA Form 5305-R will be given to

the Child Development Center or home care provider by the soldier according to AR 608-10.

l. Commanders must stress the soldier's obligation to both the military and dependent family members. Moreover, they must ensure that soldiers understand they will not receive special consideration in duty assignments or duty stations based on their responsibility for dependent family members unless enrolled in the Exceptional Family Member Program (EFMP). See AR 600-75 for more information. The main evidence that soldiers have made adequate arrangements for the care of their dependents will be the execution of a DA Form 5305-R with its attendant documents:

- (1) DA Form 5841-R designating escort and temporary and principal guardian(s).
- (2) DA Form 5840-R from person(s) named in power of attorney.
- (3) Completed DD Form 1172 (when applicable).
- (4) Completed DA Form 1341.
- (5) Letter of Instruction and Family Financial Care Plan. (See fig 5-3.)

m. Commanders will encourage soldiers to consult with a legal assistance attorney about having a will prepared. The Family Care Plan does not require a will and soldiers will not be ordered to obtain a will. When a will is executed, it will not be retained in the unit files. The Family Care Plan may contain information regarding the location of a soldier's will.

n. AC commanders will ensure that correct information is provided for the Family Care Counseling Report (SIDPERS AAC-C43).

o. Maximum testing of the validity of Family Care Plans will be done (for example, during exercises, alerts, and other unit activities) to ensure information on a soldier's DA Form 5305-R is correct and workable. Family Care Plans found to be invalid during the above testing will be revised/recertified within 30 days of the finding.

p. Family Care Plan procedures are listed below.

- (1) Procedures for unit and escort:

- (a) Family Care Plan is filed [location].
 - (b) Power(s) of Attorney are filed [location].
 - (c) Name and address of individual with access to will (optional).
 - (d) Location of will (optional)
 - (e) Medical records are located at [location].
 - (f) Local child care provider's address and phone number is [insert info].
 - (g) Financial arrangement instructions are located at [state location].
 - (h) Special care instructions for dependent(s):
 - (i) Spouse's name, address, phone number, unit address, and unit phone number:
- (2) Procedures for guardians:
- (a) Family Care Plan copy attached.
 - (b) Power(s) of attorney attached.
 - (c) Name, address, and phone number of local child care provider:
 - (d) Financial arrangement instructions:
 - (e) Medical records are located at [state location].
 - (f) Special care instructions for dependent(s):
 - (g) Spouse's name, address, phone number, unit address, and unit phone number:
 - (h) Commander's name, unit address, and phone number. (both commanders for dual-service couples)
 - (i) Address of nearest military installation and medical facility.
 - (j) Instructions for securing military identification cards for my dependent(s).
 - (k) Other important information.

DOCUMENT	COMMANDER	SOLDIER	OTHER INVOLVEMENT
DA FORM 5304-R (Family Care Plan Counseling)	INITIATES	RECEIVES	Spouse, and Spouse's Commander SJA/HRO/PSNCO/Medical
DA Form 5305-R (Family Care Plan)	APPROVES	INITIATES/ PROVIDES	Spouse, and Spouse's Commander
DA Form 5841-R (Special Power of Attorney for Guardianship)	REQUIRES	EXECUTES	SJA Prepare Guardian receives
DA Form 5840-R (Certificate of Acceptance as Guardian)	REQUIRES	SECURES FROM GUARDIANS	Guardian completes, notarizes, and returns to soldier.
DD Form 1172	REQUIRES (When necessary)	EXECUTES	
DA Form 1341 (Or other proof of support)	REQUIRES	EXECUTES	
WILL	RECOMMENDS	EXECUTES	SJA Prepares

Figure 5-1. Family Care Plan procedures for pregnant, and single and dual-service couple soldiers with dependent family members

ACTION	AUTHORITY	COMMAND AUTHORITY	RESULT
SEPARATION FROM AC, USAR, OR ARNG	AR 600-20	UNIT COMMANDER INITIATES	
OFFICER			
INVOLUNTARY			
AC	AR 635-100, Ch 5	HQDA	
USAR and ARNG	AR 135-175, Ch 2	Area CDR/HQDA (ARPERCEN)	
ARNG	NGR 635-102, Ch	State AGs/HQDA (NGB)	
VOLUNTARY			
AC	AR 635-100, Ch 3	HQDA (PERSCOM)	
USAR and ARNG	AR 635-120, Ch 6	HQDA (PERSCOM)	
ARNG	AR 135-175, Ch 6	Area CDR/HQDA (ARPERCEN)	
	NGR 600-100, Ch 5	State AGs/HQDA (NGB)	
ENLISTED			
INVOLUNTARY			
AC	AR 601-280, Ch 6	SPCMCA/GCMCA/HQDA	BAR TO REENLISTMENT
USAR and ARNG	AR 140-111, Ch 1	(See Fig. 1-1, ref AR)	BAR TO REENLISTMENT
AC	AR 635-200, Ch 5	SPCMCA	DISCHARGED
USAR and ARNG	AR 635-200, Ch 11	SPCMCA/Battalion Commander	DISCHARGED
ARNG	AR 135-178, Ch 4	Area CDR/HQDA (ARPERCEN)	DISCHARGED
	NGR 600-200, Ch 8	State AGs/HQDA (NGB)	DISCHARGED
VOLUNTARY			
AC	AR 635-200, Ch 6	SPCMCA	DISCHARGED
USAR and ARNG	AR 635-200, Ch 8	SPCMCA/Battalion Commander	DISCHARGED
ARNG	AR 135-178, Ch 12	Area Commander	DISCHARGED
	NGR 600-200, Ch 6	State AGs/HQDA (NGB)	DISCHARGED

Note: This list does not restrict commanders from using authorities other than those cited here to separate soldiers unable or unwilling to comply with provisions of AR 600-20, paragraph 5-5.

Figure 5-2. Separation procedures for single and dual-service couple soldiers with dependent family members

LETTER OF INSTRUCTION

I/We [Name of parent(s)], parent(s) of [Name of child(ren)] have made the following arrangements for the care of my/our dependent(s) if I am/we are not available to provide the proper care due to absence for military service or emergency which would require me/us to be gone for an extended period of time.

1. [Name of child care provider] has been given power of attorney to care for my child(ren) until the long-term guardians can come to get them from this area.

2. I/we have established a fund in our local hometown bank to cover the expenses of the guardians to travel to this location to pick up the child(ren).

3. Should it be necessary to contact these people, the following telephone numbers and addresses are provided for your use:

[Designated escort if applicable]

[Designated local child care provider]

[Designated long-term guardian(s)]

4. [Child(ren)'s name] is/are cared for by the local child care provider listed above during the week between the hours of [insert time] and [insert time].

5. Should it be necessary to settle my/our estate, will(s) is/are located in a safety deposit box in [financial institution], along with other important documents to include stocks, bonds, insurance policies, etc.

6. Funds required to financial support for my/our dependent family member(s) will be provided by allotment to be initiated immediately upon my/our departure.

[Signature]

Note: The above should be modified to fit soldier's individual situation.

Figure 5-3. Sample letter of instruction

Page 19. Insert in paragraph 6-2g(6) following, discrimination:
and harassment

Page 19. Paragraph 6-4 is superseded as follows:

6-4. Sexual harassment

a. Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when any of the following occurs:

(1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

b. Any soldier or civilian employee who:

(1) In a supervisory or command position, uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job, of another soldier or civilian employee is engaging in sexual harassment.

(2) Makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Sexual harassment is not limited to the workplace; can occur at almost any place; and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion and will not be engaged in by soldiers or Army civilians.

Page 32. Add the following term after the definition of Date of rank:

Dual-service parents

Members of the Army, Navy, Air Force, Marine Corps, or Coast Guard who are married to each other and who have children.

Page 32. Delete the term Sexual harassment and its definition and add the following:

Spouse

The husband or wife of a soldier. If such person is also in military service, see Dual-service parents.

13 September 1989

Pages 33-39. Forms are superseded as follows.

2. Post these changes per DA Pam 310-13.
3. File this interim change in front of the publication.

(DAPE-MPH-S)

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

Distribution. Distribution of this publication is made according to the requirements on DA Form 12-09-E, block number -2389 intended for command levels A, B, C, D, and E for Active Army, ARNG, and USAR.

FAMILY CARE PLAN COUNSELING CHECKLIST

For use of this form, see AR 600-20; the proponent agency is DCSPER

Careful planning is required concerning care of your dependent family members without sacrificing your military responsibilities. Soldiers who are pregnant or who are single or married to another Service member and have dependent family members will be counseled in accordance with AR 600-20. **The soldier being counseled and the commanding officer (or designated representative) will initial the appropriate block after each item.**

PART I - ACTIVE AND RESERVE COMPONENT	SOLDIER	COMMANDER
A. The DA Form 5305-R (<i>Family Care Plan</i>) must be submitted by the soldier and approved by the commander not later than 30 days after the date of this counseling.		
B. Provisions governing involuntary separation from the service for inability to perform prescribed duties, repetitive absenteeism, or non-availability, when directed, for worldwide assignment or unit deployment because you cannot arrange for the care of dependent(s) during your absence. See AR 635-200 (AC); AR 135-178 (USAR & ARNG); and NGR 600-200 (ARNG) for enlisted personnel or AR 635-100 (AC) or AR 135-175 (USAR & ARNG) for officers.		
C. Dependent family members are persons for whom you have legal and physical custody. The Army expects you to provide physical and financial care regardless of their age.		
D. Dependent family care considerations:		
1. Who will care for dependent family members during duty hours, alerts, field duty, roster duty, TDY, deployments, AT, MUTAs, ADT, or in the event of hospitalization, absence for military duty, emergencies, or death?		
2. Do you have adequate housing for your dependent family members? Is it reasonably accessible to your duty location (<i>Active components only</i>)?		
3. Have you executed a DA Form 5841-R (<i>Special Power of Attorney for Guardianship</i>) designating a guardian to care for your dependent family members and act for you in your absence and has the designated guardian(s) acknowledged their selection?		
4. Have you arranged to meet financial obligations for such things as child care, food, housing, transportation, and emergency needs? How will these obligations be met?		
5. Have you completed DD Form 1172 to issue a Uniformed Services Identification Card(s) and DA Form 1341 for establishment of dependent support allotment in case the Family Care Plan must be implemented (<i>see Chapter 3, AR 640-3</i>)?		
6. You will have to provide escorts and guardians with a copy of DA Form 5305-R, with its attendant documents (<i>DA Form 5841-R, DD Form 1172, DA Form 1341, and Will (Will is optional)</i>)?		
7. Have you prepared a will to include instructions concerning custody of dependent family members in case of death (<i>optional</i>)?		
E. Policies governing deletion or deferment from assignment instructions because of personal reasons. See Chap. 3, AR 614-200 (AC <i>enlisted</i>) or Chap. 6, AR 614-100 (AC <i>officers</i>) or AR 135-91 (RC).		
F. Failure to complete a Family Care Plan is cause of involuntary separation.		
PART II - ACTIVE COMPONENT (<i>This Part is Applicable to Reserve Components upon Mobilization</i>)		
A. Policies governing reassignment eligibility. All soldiers are expected to serve CONUS and OCONUS tours (<i>including unaccompanied tours</i>). The needs of the service provide the basis for selecting a soldier for reassignment in accordance with AR 614-30, AR 614-200, and AR 614-100 (<i>officers</i>).		
B. Entitlements to assignment of government quarters or pay of basic allowance for quarters (<i>see Chap. 10, AR 210-50</i>).		
C. Policies governing entitlement to basic allowance for subsistence, application procedures, and payment. These are contained in Chap. 1, part 3, AR 37-104-3; and Chap. 1, part 3, DOD Military Pay and Allowances Entitlements Manual.		
D. Provisions for applying for concurrent travel of dependent(s), when alerted for overseas movement. Approved joint domicile assignments do not constitute authority to move dependent(s) to the overseas command at government expense. Application for dependent family member travel must be made in accordance with AR 55-46.		
E. Eligibility requirements for shipment of household goods to the next permanent duty station at government expense. See Chap. 4, AR 55-71 and Part D, Chap. 5, Volume 1, Joint Travel Regulations (JTR).		
F. The entitlement to government paid transportation of dependent family member to the next permanent duty station. See Chap. 9, AR 37-106 and Part C, JTR. Transportation allowances for dependent family member movement will be paid for under the following conditions:		
1. If traveling in a PCS status between CONUS permanent duty station. However, dependent family members are not authorized to move to or from TDY stations at government expense.		
2. If traveling to, from, or between OCONUS duty stations in PCS status provided tour length requirements have been satisfied. See Section III, Chap. 1, AR 55-46 regarding tour length requirements to qualify for dependent(s) movement to, from, or between overseas areas.		
G. The status of Non-Command sponsored dependent(s) in the overseas command. See para 1-17, AR 55-46.		

PART II - ACTIVE COMPONENT (Continued)		SOLDIER	COMMANDER
H.	Services provided by the Army Community Services regarding financial planning. See Chap. 4, AR 608-1.		
I.	Services available from Personal Assistance Points at major points of embarkation in the CONUS.		
J.	Maternity counseling for pregnant single soldier on the costs of child bearing and raising.		
K.	Provisions of CHAMPUS.		

PART III - MILITARY SPOUSE AND SPOUSE'S COMMANDER CERTIFICATION			
A. Spouse: <i>We have been counseled on our responsibilities to the military service and our dependent(s).</i>			
1. SIGNATURE OF SPOUSE		2. DATE	
3. TYPED OR PRINTED NAME OF SPOUSE		4. SSN	
B. Commander: <i>I have counseled the spouse assigned to my unit of their responsibility for dependent family member(s).</i>			
1. SIGNATURE OF COMMANDER	2. DATE	3. UNIT ADDRESS	
4. TYPED OR PRINTED NAME OF COMMANDER			

PART IV - SOLDIER AND COMMANDER CERTIFICATION			
A. Pregnant, single and dual-service soldier: <i>I have been counseled on my responsibilities to the military service and my dependent family member(s).</i>			
1. SIGNATURE OF SOLDIER		2. DATE	
3. TYPED OR PRINTED NAME OF SOLDIER		4. SSN	
B. Soldier's Commander: <i>I have counseled the soldier on the responsibilities to the Military and dependent family member(s).</i>			
1. SIGNATURE OF COMMANDER	2. DATE	3. UNIT ADDRESS	
4. TYPED OR PRINTED NAME OF COMMANDER			

FAMILY CARE PLAN

A. DATE COUNSELED

For use of this form, see AR 600-20; the proponent agency is DCSPER

APPLIES TO PREGNANT, SINGLE AND DUAL-SERVICE SOLDIERS WITH DEPENDENT FAMILY MEMBER(S) OF THE ACTIVE AND RESERVE COMPONENTS

PART I - SOLDIER'S FAMILY CARE

INITIALS

- B. I was counseled on the date stated in item A above and fully understand the policy on dependent family member care responsibilities. I understand that I must arrange for care of my dependent family members, remain available for deployment and training, and report for duty as required without dependent family members when directed. I am responsible to meet the financial obligations for such things as child care, food, adequate housing, transportation, and emergency needs of my dependent family members whatever their age.
- C. I have made and will maintain arrangements for the care of my dependent family members during all the following:

1. Duty	7. Unit Training Assembly
2. Exercises	8. Active Duty Training
3. Permanent Change of Station	9. Non-duty
4. Alerts	10. Unaccompanied Tours
5. Annual Training	11. Other Military Duty
6. Temporary Duty	
- D. I understand that:
 1. Failure to make and maintain adequate dependent family member care arrangements in accordance with the Army's policy is grounds for disciplinary action or separation.
 2. Nonavailability for worldwide assignment and/or unit deployment may lead to elimination from the Armed Forces.
 3. If arrangements for the care of my dependent family members fail to work, I am not excused from prescribed duties, unit deployment, or reassignment.
 4. If I fail to maintain a Family Care Plan or provide false information regarding my plan, I am subject to disciplinary action under UCMJ.
 5. I must maintain an up-to-date Family Care Plan and revise my Plan when circumstances change. Family Care Plans are tested at the discretion of the Unit Commander. Failure to maintain a current Plan may result in involuntary separation.
 6. I am subject to deployment on short notice and I will be guaranteed no special privileges based on my dependent family members.
- E. I have made all necessary arrangements (legal, educational, monetary, religious, etc.) to ensure a smooth, rapid turnover of dependent family member care responsibilities in case this plan is implemented.
- F. I have arranged for necessary travel required to transfer my dependent family members to a designated person. If my principal designee is not in the local area, I have arranged with a nonmilitary person in the local area to assume temporary custody of my dependent family members until they are transferred to my principal care designee. A copy of the DA Form 4841-R (*Special Power of Attorney for Guardianship*) acknowledged by the guardian(s) is attached to this Plan.
- G. When serving outside the continental United States (OCONUS), I have arranged for the escort and care of my dependent family members if a noncombatant evacuation operation (NEO) or other evacuation is implemented. I will remain in place and perform my military duties.
- H. The following DA Form are completed and will be put into effect as part of this Plan:
 1. DD Form 1172 (*Application for Uniformed Service Identification Card*).
 2. DA Form 1341 (*JUMPS-Army Allotment Authorization, Voluntary Support of Dependents*).
- I. I have given a copy of this Plan and the attached DA Form 4841-R to the designated guardian.

PART II - DESIGNATION OF GUARDIAN

A. I (We) have designated the following temporary guardian to care for my (our) dependent family member(s) until responsibility is transferred to the principal escort or guardian. This may be executed for periods of short duration or emergency, for example, regular duty, extended duty, alerts, field duty, roster duty, TDY, AT, ADT, MUTAs, exercises, other military duty, or hospitalization.

1. TYPED OR PRINTED NAME	2. ADDRESS
3. TELEPHONE NUMBER (Include Area Code)	

B. I (We) have designated the following individual as principal guardian(s) for my(our) dependent family member(s). The guardian resides in the continental United States or United States territories.

1. TYPED OR PRINTED NAME	2. ADDRESS
3. TELEPHONE NUMBER (Include Area Code)	

PART III - CONUS SOLDIERS ACCOMPANIED BY DEPENDENT FAMILY MEMBERS

I (We) have designated the following individual(s) as escort for my(our) dependent family member(s) if evacuation from OCONUS becomes necessary.

1. TYPED OR PRINTED NAME	2. UNIT ADDRESS
3. TELEPHONE NUMBER (Include Area Code)	

PART IV - MILITARY SPOUSE AND COMMANDER CERTIFICATION

A. Spouse: We have made arrangements and will maintain arrangements for the care of our dependent(s) in all circumstances required by our commitment to the military and our dependent(s).

1. SIGNATURE OF SPOUSE						2. DATE					
3. TYPED OR PRINTED NAME OF SPOUSE						4. SSN					
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

B. Commander: I have counseled the military spouse assigned to my unit, reviewed the Family Care Plan, and I am satisfied that the members have made adequate dependent care arrangements.

1. SIGNATURE OF COMMANDER				2. DATE		3. UNIT ADDRESS					
4. TYPED OR PRINTED NAME OF COMMANDER											
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

PART V - SOLDIER AND COMMANDER CERTIFICATION

A. Soldier: I (We) have made arrangements and will maintain arrangements for the care of my(our) dependent(s) in all circumstances required by my(our) commitment to the military and my(our) dependent(s).

1. SIGNATURE OF SOLDIER						2. DATE					
3. TYPED OR PRINTED NAME OF SOLDIER						4. SSN					
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

B. Commander: I have reviewed the Family Care Plan, and I am satisfied that the members have made adequate dependent care arrangements that will allow for a full range of military duties and for worldwide availability as defined here.

1. SIGNATURE OF COMMANDER				2. DATE		3. UNIT ADDRESS					
4. TYPED OR PRINTED NAME OF COMMANDER											
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

CERTIFICATE OF ACCEPTANCE AS GUARDIAN

For use of this form, see AR 600-20; the proponent agency is DCSPER

_____ was provided an original DA Form 5841-R
(Special Power of Attorney for Guardianship) naming me as guardian(s) for:

NAME(S) OF DEPENDENTS

dependent family members of:

NAME(S)	SSN(S)

I agree to accept responsibility for these dependents. I have received all necessary and essential documents required to provide financial, medical, educational, quarters, and substance support for these dependents.

TYPED OR PRINTED NAME OF GUARDIAN		ADDRESS (Include ZIP Code)
SIGNATURE	DATE	
TELEPHONE NUMBER (Include Area Code)		

NOTARY:

STATE OF

COUNTY OF

Acknowledged before me this ___ day of _____, 19__.

(Notary Public)

My commission expires:

SPECIAL POWER OF ATTORNEY FOR GUARDIANSHIP

For use of this form, see AR 600-20; the proponent agency is DCSPER

That I, _____, a legal resident of the State of _____, and currently stationed, or residing at _____, have made, constituted and appointed, and by these presents do make, constitute, and appoint _____ whose address is _____

_____ my true and lawful attorney, to do and execute, or to concur with persons jointly interested with myself therein in the doing or execution of all or any of the acts, deeds, things, and purposes which are hereinafter expressed:

To act in loco parentis for the hereinafter named child/children, to perform any and all acts as fully to all intents and purposes as I might or could if personally present; to authorize and provide for their care, maintenance, well being, discipline, education, and health, included, but not limited to, authorizing any and all medical care and treatment regardless of whether on an emergency basis, or for routine care, including any and all major surgery deemed necessary by a duly licensed staff physician at any military or civilian hospital, whether within or without the territorial limits of the United States; to register my said child/children in school, and to grant or to withhold, as my said attorney shall deem appropriate, permission to participate in school activities.

CHILD/CHILDREN:

(_____ Child/Children described above). Military sponsor's SSN (if applicable) _____

GIVING AND GRANTING unto my said attorney full power and authority to perform every act, deed, matter, and thing whatsoever that shall be necessary, desirable, or convenient to accomplish the ends and purposes for which this Power of Attorney is granted as fully and effectually as I might or could do in my own proper person if personally present, and thereby ratifying all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

FURTHER, unless sooner revoked or terminated by me, this Special Power of Attorney shall become NULL and VOID from and after _____ DAY OF _____, 19 _____.

Notwithstanding my insertion of a specific expiration date herein, if on the above specified expiration date I shall be, or have been, carried in a military status of "missing," "missing in action", or "prisoner of war", then this Power of Attorney shall automatically remain valid and in full effect until sixty (60) days after I have returned to United States military control following termination of such status.

THIS POWER OF ATTORNEY SHALL NOT TERMINATE UPON THE DISABILITY OF THE PRINCIPAL.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____,

19 _____.

GRANTOR'S SIGNATURE

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

Acknowledged before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires: _____