

along with an analysis in support of the recommendation.

(4) A copy of the EEO counselor's report.

§ 588.11 Complaints involving the U.S. Army Civilian Personnel Center (CIVPERCEN).

(a) The Chief, CIVPERCEN will render the proposed disposition if a complaint challenges all of the following:

(1) The rating, ranking, and referral process at the Army-wide referral level.

(2) Actions taken by DA Career Program administrators and/or Career Program screening panels.

(3) The complainant was not included on the referral list.

(b) The Activity Commander responsible for the nonselection will render the proposed disposition if a complaint challenges all of the following:

(1) The rating, ranking, and referral process at the Army-wide referral level.

(2) Actions taken by DA Career Program administrators and or Career Program screening panels.

(3) The complainant was included on the referral list but not selected.

(c) Pertinent information will be provided by CIVPERCEN or other DA level referral offices, as appropriate, to include in the Activity Commander's proposed disposition.

Subpart B—Individual Complaints of Discrimination

§ 588.12 Who may file a complaint?

Any employee, former employee, or applicant for employment covered by this regulation, who believes he or she has been discriminated against because of race, color, religion, sex, national origin, physical or mental handicap, age, and/or reprisal in an employment matter subject to the control of the Army, may file an individual complaint of discrimination. The complaint may also be filed for the complainant, by a representative designated in writing by the complainant. (The summarized, step-by-step complaint procedure at appendix A and the flow chart at appendix C may be repro-

duced locally and given to the complainant.)

§ 588.13 Precomplaint processing.

(a) Before a formal complaint can be filed, the complainant must first present the matter to an EEO counselor for inquiry within 30 calendar days from the date of the alleged discriminatory event, the effective date of a personnel action, or the date that the aggrieved person became aware or reasonably should have become aware, of the discriminatory event or personnel action. Matters raised after the 30-day time limit will be counseled by the EEO counselor even though a formal complaint may later be rejected for untimeliness.

(b) At the initial interview, the EEO counselor will inform the aggrieved person of the following matters:

(1) The aggrieved person may be accompanied, represented, and advised at all counseling interviews by a representative designated in writing in accord with § 588.71.

(2) The aggrieved person will waive the right to file a formal complaint under this regulation and its procedures if he or she files or has already filed a grievance on the same allegations of discrimination under a negotiated grievance procedure or an appeal with the MSPB. The counselor will give the aggrieved person a handout similar to that contained in appendix D which informs the individual of the other procedures available for filing allegations of discrimination. If the aggrieved person has already filed an appeal with the MSPB or a written grievance under a negotiated procedure on the same issue, the EEO officer will reject a formal complaint under this regulation.

(3) The counselor will not reveal the aggrieved person's identity to anyone unless the aggrieved person gives written permission or a formal complaint is accepted.

(4) The counselor will define and record the dates and facts of the specific incidents or personnel actions that are the basis of the discrimination complaint. The aggrieved person must cooperate with the counselor in clearly defining issues for investigation.