

Office of the Secretary, HUD

§ 7.4

7.37 Rights of appeal.

7.38 Relationship to other HUD appellate procedures.

Subpart B [Reserved]

AUTHORITY: 42 U.S.C. 3535(d); E.O. 11478, 3 CFR, 1969 Comp. p. 306; 42 U.S.C. 2000e note.

SOURCE: 61 FR 14228, Mar. 29, 1996, unless otherwise noted.

Subpart A—Equal Employment Opportunity Without Regard to Race, Color, Religion, Sex, National Origin, Age, or Disability

GENERAL PROVISIONS

§ 7.1 Policy.

In conformity with the policy expressed in Executive Order 11478 (34 FR 12985, 3 CFR, 1966-1970 Comp., p. 803) and with implementing regulations of the Equal Employment Opportunity Commission, codified under 29 CFR part 1614, it is the policy and the intent of the Department of Housing and Urban Development to provide equality of opportunity in employment in the Department for all persons; to prohibit discrimination because of race, color, religion, sex, national origin, age or disability in all aspects of its personnel policies, program, practices, and operations and in all its working conditions and relationships with employees and applicants for employment; and to promote the full realization of equal opportunity in employment through continuing programs of affirmative employment at every management level within the Department.

§ 7.2 Definitions.

For purposes of this subpart A—
AE means Affirmative Employment.

EEO means Equal Employment Opportunity.

Organizational unit means the jurisdictional area of the Office of the Secretary, the Assistant to the Deputy Secretary for Field Management, each Assistant Secretary, the General Counsel, the Inspector General, the President of the Government National Mortgage Association, the Chief Financial Officer, the Director of Lead-Based Paint Abatement and Poisoning Pre-

vention, and the Office of Federal Housing Enterprise Oversight.

Person with a disability means the same as handicap under EEOC's regulations at 29 CFR part 1614.

§ 7.3 Designations.

(a) *Director of Equal Employment Opportunity*. The Director of the Office of Departmental Equal Employment Opportunity is designated the Director of EEO, except that with respect to complaints naming the Director and/or Deputy Director of Departmental EEO as the alleged discriminating official(s) and complaints arising in the Office of Departmental EEO, the Chief of Staff shall be Director of EEO.

(b) *Deputy Director of Equal Employment Opportunity*. The Deputy Director of the Office of Departmental Equal Employment Opportunity is designated as the Deputy Director of Equal Employment Opportunity and acts for the Director of EEO.

(c) *Equal Employment Opportunity Officers*. The Director of Equal Employment Opportunity shall designate appropriate HUD officials to be Equal Employment Opportunity Officers for their respective organizational units.

§ 7.4 Affirmative employment programs.

The Office of the Secretary, the Assistant to the Deputy Secretary for Field Management, each Assistant Secretary, the General Counsel, the Inspector General, the President of the Government National Mortgage Association, the Chief Financial Officer, the Director of Lead-Based Paint Abatement and Poisoning Prevention, and the Director, Office of Federal Housing Enterprise Oversight shall establish, maintain and carry out a plan of affirmative employment to promote equal opportunity in every aspect of employment policy and practice. Each plan shall identify instances of underrepresentation of minorities, women and persons with disabilities, recognize situations or barriers that impede equality of opportunity, and include objectives and action items targeted to eliminate any employment, training, advancement, and retention issues which adversely affect minorities, women and persons with disabilities.

§7.10

Each plan must be consistent with 29 CFR part 1614 and the governing Management Directive issued by the Equal Employment Opportunity Commission, and is subject to approval by the Director of Equal Employment Opportunity and shall be developed within the framework of Departmentwide guidelines published by the Director of EEO.

RESPONSIBILITIES

§7.10 Responsibilities of the Director and Deputy Director of EEO.

The Director and Deputy Director of EEO are assigned the functions of:

(a) Advising the Secretary with respect to the preparation of plans, procedures, regulations, reports, and other matters pertaining to the Government's equal employment opportunity policy and the Department's EEO/AE programs;

(b) In coordination with other officials, developing and maintaining plans, procedures, and regulations necessary to carry out the Department's EEO programs, including a Departmentwide program of affirmative employment developed in coordination with other officials; approving programs of affirmative employment established throughout the Department;

(c) Evaluating from time to time the sufficiency of the Department's EEO/AE programs and reporting thereon to the Secretary with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibility;

(d) Appraising the Department's personnel operations at regular intervals to insure their conformity with the policy of the Government and the Department's equal employment opportunity program;

(e) Making changes in programs and procedures designed to eliminate discriminatory practices and improve the Department's EEO/AE programs;

(f) Selecting EEO Counselors;

(g) Providing for counseling by an EEO Counselor of an aggrieved employee or applicant for employment who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age

24 CFR Subtitle A (4-1-00 Edition)

or disability and for attempting to resolve on an informal basis or through a formal alternative dispute resolution process, the matter raised by the employee or applicant before a complaint of discrimination may be filed under §7.31;

(h) Providing for the prompt, fair and impartial processing of individual complaints involving issues of discrimination within the Department subject to 29 CFR part 1614;

(i) Making the final decision on discrimination complaints and ordering such corrective measures as may be necessary, including disciplinary action as is warranted by the circumstances when an employee has been found to have engaged in a discriminatory practice; and

(j) Executing settlement agreements to resolve EEO complaints.

§7.11 Responsibilities of the EEO Officers.

Each EEO Officer shall:

(a) Advise the Director of EEO on all matters affecting the implementation of the Department's EEO/AE policies and programs in the organizational unit;

(b) Develop and maintain a program of affirmative employment for the organizational unit and insure that it is carried out in an exemplary manner;

(c) Publicize to all employees of the organizational unit the name and address of the Director of EEO, the EEO Officer, and the EEO Counselor(s), the EEO Discrimination Complaint Manager, the Affirmative Employment Program (AEP) Manager, the Diversity Program Manager, and the EEO complaint procedures;

(d) Inform all supervisors in the organizational unit of the responsibilities and objectives of the EEO Counselors and the EEO complaint process and the importance of cooperating with the Counselors to informally find solutions to problems brought to the officer's attention by employees and applicants;

(e) Evaluate the performance by the managers and supervisors in the organizational unit in carrying out their responsibilities under this subpart and taking appropriate action;

(f) Seek a resolution of EEO matters alleging discrimination within their