

(b) The Department of Housing and Urban Development may settle or compromise a personal damage claim against a Department employee by the payment of available funds, at any time, provided the Secretary or his or her designee determines that:

(1) The alleged conduct giving rise to the personal damage claim was taken within the scope of employment; and

(2) That such settlement or compromise is in the interest of the United States.

(c) Absent exceptional circumstances, as determined by the Secretary or his or her designee, the Department will not entertain a request either to agree to indemnify or to settle a personal damage claim before entry of an adverse verdict, judgment or monetary award.

(d) When an employee of the Department becomes aware that an action has been filed against the employee in his or her individual capacity as a result of conduct taken within the scope of his or her employment, the employee should immediately notify his or her supervisor that such an action is pending. The supervisor shall promptly notify the head of his or her operating component and the Associate General Counsel for Litigation and Fair Housing Enforcement, if the supervisor is located at headquarters, or Field Assistant General Counsel—who shall promptly notify the Associate General Counsel for Litigation and Fair Housing Enforcement—if the supervisor is located in the field. As used in this section, the term “principal operating component” means an office in the Department headed by an Assistant Secretary, the General Counsel, the Inspector General, or an equivalent departmental officer who reports directly to the Secretary. Questions regarding representation of the employee will be determined by the Department of Justice pursuant to 28 CFR 50.15 (Representation of Federal officials and employees by Department of Justice attorneys or by private counsel furnished by the Department in civil, criminal, and congressional proceedings in which Federal employees are sued, subpoenaed, or charged in their individual capacities).

(e) The employee may, thereafter, request indemnification to satisfy a verdict, judgment or monetary award entered against the employee or to compromise a claim pending against the employee. The employee shall submit a written request, with appropriate documentation including a copy of the verdict, judgment, award or other order or settlement proposal, in a timely manner to the head of the employee’s principal operating component. The head of the employee’s principal operating component shall submit the written request and accompanying documentation, together with a recommended disposition of the request, in a timely manner to the General Counsel.

(f) The General Counsel shall seek the views of the Department of Justice on the request. Where the Department of Justice has rendered a decision denying representation of the employee pursuant to 28 CFR 50.15, the General Counsel shall seek the concurrence of the Department of Justice on the request. If the Department of Justice does not concur in the request, the General Counsel shall so advise the employee and no further action on the employee’s request shall be taken.

(g) In all instances except those where the Department of Justice has non-concurred in the request, the General Counsel shall forward for decision to the Secretary or his or her designee the employee’s request, the recommendation of the head of the employee’s principal operating component, the views of the Department of Justice, and the General Counsel’s recommendation.

(h) Any payment under this part, either to indemnify a Department employee or to settle a personal damage claim, is contingent upon the availability of appropriated funds of the Department that are permitted by law to be utilized for this purpose.

PART 20—OFFICE OF HEARINGS AND APPEALS

Sec.

20.1 Establishment of the Office of Hearings and Appeals.

20.3 Location, organization, and officer qualifications.

20.5 Jurisdiction of Office of Appeals.

§ 20.1

AUTHORITY: 42 U.S.C. 3535(d).

SOURCE: 72 FR 53878, Sept. 20, 2007, unless otherwise noted.

§ 20.1 Establishment of the Office of Hearings and Appeals.

There is established in the Office of the Secretary the Office of Hearings and Appeals.

§ 20.3 Location, organization, and officer qualifications.

(a) *Mailing address.* The Office of Hearings and Appeals is located at the U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room B-133, Washington, DC 20410.

(b) *Location.* For deliveries, the Office of Hearings and Appeals is physically located at 409 Third Street, SW., Suite 201, Washington, DC 20024. The telephone number of the Office of Hearings and Appeals is 202-254-0000. Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 800-877-8339. The facsimile number is 202-619-7304.

(c) *Organization.* The Office of Hearings and Appeals consists of two divisions: the Office of Administrative Law Judges and the Office of Appeals. Its administrative activities are supervised by the Director of the Office of Hearings and Appeals.

(d) *Officer qualifications.* The Director, Administrative Judges, and Administrative Law Judges of the Office of Hearings and Appeals shall be attorneys at law duly licensed by any state, commonwealth, territory, or the District of Columbia.

[72 FR 53878, Sept. 20, 2007, as amended at 74 FR 4635, Jan. 26, 2009]

§ 20.5 Jurisdiction of Office of Appeals.

The Office of Appeals shall, consistent with statute and regulation, have jurisdiction over matters assigned to it by the Secretary or designee. Determinations shall have the finality provided by the applicable statute, regulation, or agreement.

24 CFR Subtitle A (4-1-10 Edition)

PART 21—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Subpart A—Purpose and Coverage

Sec.

- 21.100 What does this part do?
- 21.105 Does this part apply to me?
- 21.110 Are any of my federal assistance awards exempt from this part?
- 21.115 Does this part affect the federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 21.200 What must I do to comply with this part?
- 21.205 What must I include in my drug-free workplace statement?
- 21.210 To whom must I distribute my drug-free workplace statement?
- 21.215 What must I include in my drug-free awareness program?
- 21.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 21.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 21.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 21.300 What must I do to comply with this part if I am an individual recipient?
- 21.301 [Reserved]

Subpart D—Responsibilities of HUD Awarding Officials

- 21.400 What are my responsibilities as a HUD awarding official?

Subpart E—Violations of This Part and Consequences

- 21.500 How are violations of this part determined for recipients other than individuals?
- 21.505 How are violations of this part determined for recipients who are individuals?
- 21.510 What actions will the federal government take against a recipient determined to have violated this part?
- 21.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 21.605 Award.
- 21.610 Controlled substance.
- 21.615 Conviction.
- 21.620 Cooperative agreement.