

## Office of the Secretary, HUD

## § 7.1

### § 6.13 Hearings and appeals.

(a) When a Recipient requests an opportunity for a hearing, in accordance with § 6.12(b)(3), the General Counsel will follow the notification procedures set forth in 24 CFR 180.415. The hearing, and any petition for review, will be conducted in accordance with the procedures set forth in 24 CFR part 180.

(b) After a hearing is held and a final agency decision is rendered under 24 CFR part 180, the Recipient may seek judicial review in accordance with section 111(c) of the Act.

## PART 7—EQUAL EMPLOYMENT OPPORTUNITY; POLICY, PROCEDURES AND PROGRAMS

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

#### GENERAL PROVISIONS

##### Sec.

- 7.1 Policy.
- 7.2 Definitions.
- 7.3 Designations.
- 7.4 Equal employment opportunity programs.
- 7.5 EEO Alternative Dispute Resolution Program.

#### RESPONSIBILITIES

- 7.10 Responsibilities of the Director of EEO.
- 7.11 Responsibilities of the EEO Officers.
- 7.12 Responsibilities of the EEO Counselors.
- 7.13 Responsibilities of the Assistant Secretary for Administration.
- 7.14 Responsibilities of the Office of Human Resources.
- 7.15 Responsibilities of managers and supervisors.
- 7.16 Responsibilities of employees.

#### PRE-COMPLAINT PROCESSING

- 7.25 Pre-complaint processing.
- 7.26 EEO Alternative Dispute Resolution Program.

#### COMPLAINTS

- 7.30 Presentation of complaint.
- 7.31 Who may file a complaint, with whom filed, and time limits.
- 7.32 Representation and official time.
- 7.33 Contents of the complaints.
- 7.34 Acceptability.
- 7.35 Processing.
- 7.36 Hearing.
- 7.37 Final action.
- 7.38 Appeals.

#### OTHER COMPLAINT AND APPEAL PROCEDURES

- 7.39 Negotiated grievance, MSPB appeal and administrative grievance procedures.

#### REMEDIES, ENFORCEMENT AND COMPLIANCE

- 7.40 Remedies and enforcement.
- 7.41 Compliance with EEOC final decisions.
- 7.42 Enforcement of EEOC final decisions.
- 7.43 Settlement agreements.
- 7.44 Interim relief.

#### STATISTICS AND REPORTING REQUIREMENTS

- 7.45 EEO group statistics and reports.

### Subpart B [Reserved]

AUTHORITY: 29 U.S.C. 206(d), 633a, 791 and 794; 42 U.S.C. 2000e note, 2000e-16, 42 U.S.C. 3535(d); E.O. 11478 of Aug. 8, 1969; 34 FR 19285, Aug. 12, 1969; E.O. 10577, 3 CFR 1954-1958; E.O. 11222, 3 CFR 1964-1965.

SOURCE: 66 FR 20564, Apr. 23, 2001, unless otherwise noted.

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

#### GENERAL PROVISIONS

### § 7.1 Policy.

The Department's equal employment opportunity policy conforms with the policies expressed in Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4); the Civil Rights Act of 1991 (Pub. L. 102-166, approved November 21, 1991); Executive Order 11478 of 1969 (34 FR 12985, 3 CFR 1966-1970 Comp., p. 803); the Age Discrimination in Employment Act of 1967 (ADEA) (29 U.S.C. 621 *et seq.*); the Equal Pay Act of 1963 (29 U.S.C. 206d); sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794); the Civil Service Reform Act of 1978 (5 U.S.C. 1101 *et seq.*); Executive Order 13087 of 1998 (63 FR 30097); and the EEOC's implementing regulations, codified at 29 CFR part 1614. It is HUD's policy to provide equality of opportunity in employment in the Department for all persons; to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, or disability in all aspects of its personnel policies, programs, practices, and operations and in all its working conditions and relationships

## § 7.2

with current or former employees and applicants for employment; to prohibit discrimination against any employee because he or she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning an equal employment opportunity complaint; and to promote the full realization of equal opportunity in employment through continuing programs of equal employment opportunity at every level within the Department. Procedures for filing EEO claims are found in the EEOC regulations at 29 CFR part 1614. HUD is committed to promoting equal employment opportunity through the removal of barriers and by positive actions at every level, including the early resolution of EEO disputes.

[69 FR 62172, Oct. 22, 2004]

### § 7.2 Definitions.

*Aggrieved individual* means a person who suffers a present harm or loss with respect to a term, condition, or privilege of employment for which there is a remedy. The terms “aggrieved individual” and “aggrieved person”, as used in this part, are interchangeable.

*Alternative Dispute Resolution (ADR)* means a variety of approaches used to resolve conflict rather than traditional adjudicatory or adversarial methods such as litigation, hearings, and administrative processing and appeals. The approaches used may include, but are not limited to: negotiation, conciliation, facilitation, mediation, fact-finding, peer review, mini-trial, arbitration, or ombudsman.

*Claim* means action the agency has taken or is taking that causes the aggrieved person to believe that he or she is a victim of discrimination. This term replaces the formerly used term “allegation” and is used interchangeably with the term “issue”.

*Comparable* means a person designated as head of an organizational unit that is analogous to that headed by an Assistant Secretary.

*Conflict-of-interest complaint* means an EEO complaint arising in the Department which names the Director of EEO or the Deputy Director of EEO, or both, as the responsible management officials.

## 24 CFR Subtitle A (4–1–13 Edition)

*Director of Equal Employment Opportunity (EEO)* means the Director of HUD’s Office of Departmental Equal Employment Opportunity who is also designated as the Director of EEO in this part.

*Disability* means the same as the term “handicap” under EEOC’s regulations at 29 part 1614.

*Discrimination Complaint Manager (DCM)* means the designee, appointed by the Assistant Secretary (EEO Officer) or the Assistant Secretary’s comparable, who assists the EEO Officer in discharging his or her EEO responsibilities and is responsible for carrying out the EEO discrimination complaint process for the organizational unit pursuant to the applicable civil rights laws, the regulations at 29 CFR part 1614 and this part.

*Diversity Program Manager* means the designee appointed by the Assistant Secretary (EEO Officer) or the Assistant Secretary’s comparable who assists the EEO Officer in promoting appreciation of the contributions of women, minorities, and persons with disabilities, and in promoting the value of all Department employees.

EEO means equal employment opportunity.

*EEO Officer Pro Tem* means the Chief of Staff or an official at a neutral federal agency designated to process an EEO claim that would be a conflict of interest for the Director of EEO or the Deputy Director of EEO or both. EEO Officer Pro Tem also refers to the Assistant Secretary or the Assistant Secretary-comparable designated by the Director of EEO to serve as the EEO Officer for an EEO claim that would be a conflict of interest for a responding Assistant Secretary or Assistant Secretary-comparable.

*EEOC and Commission* mean the Equal Employment Opportunity Commission.

*Final action* means the Department’s issuance of a final decision or final order.

*Final decision* means HUD’s determination of the findings of fact and law on the merits or the procedural issues of an EEO complaint based upon the available record.

*Final order* means the Department’s final action which states whether the Department will fully implement the