

Title: Equal Employment Opportunity Policy

Approved By: Mark Kinsey [signed] Date: 7/16/1999

1. **PURPOSE:** This guideline, Equal Employment Opportunity (EEO) Policy, sets forth the policy of the Office of Federal Housing Enterprise Oversight (OFHEO) with respect to the OFHEO EEO Program. The OFHEO EEO Program includes this guideline, the Affirmative Employment Program, and the EEO Complaint Resolution Procedures.
2. **SCOPE:** The policy set forth in this guideline applies to OFHEO employees, former OFHEO employees, and applicants for employment by OFHEO.
3. **AUTHORITY AND REFERENCES:** Title VII of the Civil Rights Act of 1964; Rehabilitation Act of 1973; Age Discrimination in Employment Act (ADEA); Equal Pay Act of 1963 (EPA); Americans with Disabilities Act; Civil Rights Act of 1991; Alternative Dispute Resolution Act of 1996; 29 C.F.R part 1614; 5 C.F.R. part 1200; 12 U.S.C. §§ 4513(b)(9) and 4515(e); Executive Order 11478; Executive Order 13087; EEOC Management Directive No. 110.
4. **POLICY:** It is OFHEO policy to:

provide equal employment opportunities for all OFHEO employees and applicants for employment;

prohibit discrimination based on race, color, religion, age, national origin, gender, disability, or sexual orientation in all aspects of its personnel policies, program, practices, and operations;

prohibit in the workplace harassment based on race, color, religion, age, national origin, gender (including sexual harassment), disability, or sexual orientation;

prohibit reprisal against employee or applicants who have filed a complaint of discrimination; testified, assisted, or participated in any manner with an investigation, proceeding, or hearing; or opposed prohibited discrimination;

promote the equal employment opportunity through continuing programs of affirmative employment; and

provide alternative dispute resolution methods whenever appropriate to resolve complaints in conformity with EEOC regulations and guidance.

This policy is an integral part of every aspect of the personnel management practices of OFHEO and is intended to help resolve, overcome, and/or eradicate problems affecting the employment of qualified applicants and the advancement and treatment of all employees. All OFHEO supervisors are expected to actively support and promote this policy and remain informed of and sensitive to the EEO impact of all decisions made in their respective areas of responsibility.

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5. DEFINITIONS:

Discrimination. Discrimination in employment means that an employee or applicant for employment is treated differently from other employees or applicants in similar situations because of his or her race, color, gender, religion, national origin, disability, or age (40 and older), or sexual orientation. Discrimination may also occur when employment practices that appear neutral have a discriminatory effect, either intentionally or unintentionally, on a protected group.

Disability. An individual has a disability if he or she has a physical or mental impairment that substantially limits one or more of an individual's major life activities, and has a record of the impairment or is regarded as having the impairment. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Equal employment opportunity (EEO). EEO means equitable and fair treatment in recruitment, employment, promotions, training, reassignment, evaluation, working conditions, and other personnel actions or matters without regard to race, color, national origin, gender, religion, age (40 and older), disability, or sexual orientation and freedom from reprisal for EEO complaint and other protected activities.

Harassment. Harassment means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age (40 and older), disability, or sexual orientation, or that of his or her relatives, friends, or associates, and that (a) has the purposes or effect of creating an intimidating, hostile, or offensive work environment, (b) has the purposes or effect of unreasonably interfering with an individual's work performance, or (c) otherwise adversely affects an individual's employment opportunities.

Reasonable accommodation. Reasonable accommodation includes making facilities readily accessible to and usable by individuals with disabilities; job restructuring, part-time or modified work schedules, the provision of readers and interpreters, and other similar actions.

Sexual harassment. Sexual harassment is a type of discrimination based on gender. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made explicitly or implicitly a term or condition of employment, (b) submission to or rejection of such conduct is used as the basis of employment decisions affecting the individual, or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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6. RESPONSIBILITIES:

OFHEO Director. The OFHEO Director promotes equal employment opportunities and provides leadership in carrying out a program designed to promote EEO in every aspect of OFHEO's policies and practices. He or she approves EEO policies and provides overall policy guidance to the EEO Director.

EEO Director. The OFHEO Deputy Director is designated the EEO Director. He or she reports directly to the OFHEO Director. The EEO Director:

designates an EEO Officer and a Deputy EEO Officer;
advises the OFHEO Director, with respect to all matters pertaining to EEO;
provides oversight and guidance to the EEO Officer in the development and implementation of all plans and procedures necessary to carry out the OFHEO EEO policy, which shall address counseling, alternative dispute resolution, and complaint processing;
makes the final agency decision on discrimination complaints after consultation with the General Counsel, and recommends to the OFHEO Director corrective measures as may be necessary, including disciplinary action when an employee has been found to have engaged in a discriminatory practice (If the EEO Director has a conflict of interest in a discrimination complaint, the final agency decision will be made by the EEO Officer or Deputy EEO Officer, as appropriate.);
executes settlement agreements, as appropriate, to resolve discrimination complaints after consultation with the OFHEO Director and the General Counsel; and
evaluates from time to time the sufficiency of the OFHEO EEO program and provides the OFHEO Director with recommendations as to any improvement or correction needed.

EEO Officer. The EEO Officer reports directly to the EEO Director on all matters related to the OFHEO EEO program. The EEO Officer:

advises the EEO Director on all matters affecting the implementation of the OFHEO EEO program;
advises the Affirmative Employment Manager on EEO matters with respect to the OFHEO Affirmative Employment Program;
publicizes to all employees the name, address, and telephone number of the EEO Director, the EEO Officer, the Deputy EEO Officer, and the EEO Counselors;

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informs all employees of the responsibilities and objectives of the EEO Counselors, the EEO complaint resolution process, and the importance of cooperating with EEO Counselors and EEO Investigators;
arranges for EEO counseling services and ensures that they conform with EEOC regulations and guidelines;
arranges for alternative dispute resolution services, as needed;
receives formal EEO complaints and determines, after consultation with the General Counsel and with the approval of the EEO Director, whether to accept or dismiss all or portions of an EEO complaint;
arranges for the investigation of the complaint, as appropriate;
recommends a final agency decision on formal discrimination complaints to the EEO Director;
drafts the final agency decision for review and approval by the EEO Director;
establishes and implements special emphasis programs, as appropriate; and
coordinates with the Manager, Human Resources, to arrange for EEO and diversity training of OFHEO staff.

Deputy EEO Officer. The Deputy EEO Officer reports directly to the EEO Officer on EEO matters and assists the EEO Officer in carrying out his or her responsibilities. He or she performs the duties of the EEO Officer, in his or her absence, or with respect to a complaint that is received from an employee in the EEO Officer's immediate organization, or where the EEO Officer's involvement may represent a conflict of interest.

EEO Counselors. The names and telephone numbers of EEO Counselors are posted by the EEO Officer on all OFHEO bulletin boards. EEO Counselors may be Federal employees of other agencies or contractors, as recommended by the EEO Officer and approved by the EEO Director. EEO Counselors shall provide EEO counseling services in accordance with EEOC regulations and guidelines. As part of the counseling services, EEO Counselors:

advise individuals of their rights and responsibilities;
determine the issues and bases of the complaint;
attempt to resolve the matter informally;
conduct a final interview with the aggrieved; and
prepare an EEO Counselor's Report and Letter of Final Interview for submission to the EEO Officer.

EEO Investigator. The EEO Investigator is authorized by the EEO Officer to conduct an inquiry into matters raised in EEO complaints in accordance with EEOC regulations and guidance. The EEO Investigator may be a Federal employee of

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another agency or a contractor, as recommended by the EEO Officer and approved by the EEO Director.

General Counsel. The General Counsel or designee provides legal guidance to the EEO Director, EEO Officer, and Deputy EEO Officer. He or she reviews for legal sufficiency all determinations whether to dismiss or accept all or part of a formal complaint, final agency decisions, and formal and informal settlement agreements.

Supervisors. Supervisors are expected to:

- maintain and foster a work environment that provides equal employment opportunities to all persons regardless of race, color, gender, national origin, age, religion, sexual orientation, or disability;
- maintain a work environment that is free of reprisal and harassment by recognizing employees' rights to utilize the EEO complaint process;
- employ EEO principles in all employment decisions and actions and minimize complaints through sound management practices;
- encourage and authorize staff participation in diversity program observances;
- make reasonable accommodation to the religious and disability needs of applicants and employees when those accommodations can be made without undue hardship on the business of OFHEO;
- cooperate in resolving complaints of discrimination early in the EEO process;
- provide full and fair opportunity for all employees and applicants in obtaining employment and career advancement;
- encourage and take positive steps to ensure respect for and acceptance of all employees in the workforce; and
- evaluate subordinate supervisors on the performance of their EEO responsibilities.

not retaliate against employees or any participant in the EEO process for exercising their rights, obligations, and responsibilities under the EEO Complaint Resolution Procedures.

OFHEO Employees. OFHEO employees are expected to:

- cooperate fully with EEO counselors, investigators, agency representatives, and administrative judges by providing any information requested by them in connection with their EEO duties;
- maintain an attitude of mutual respect, courtesy, and cooperation toward all employees;
- provide equal treatment to all persons;
- keep informed of all policies and procedures, including the EEO program.