

Title: Affirmative Employment Program

Affirmative Employment Program

Office of Federal Housing Enterprise Oversight



For FY 1998

Program Completed By:

_____ [Signed] _____ Date: 7/31/98 _____
Janet Ray, Human Resources Officer
Affirmative Employment Manager

Program Approved By:

_____ [Signed] _____ Date: 7/31/98 _____
Mark Kinsey, Acting Director, OFHEO

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- I. **PURPOSE:** This guideline establishes OFHEO's policy for equal employment opportunity practices and for implementing an Affirmative Employment Program to ensure a diverse workplace, including minorities, women, and the disabled. The purpose is also to ensure nondiscrimination in all areas of employment. The creation and implementation of this Affirmative Employment Program (AEP) was developed on a voluntary basis.
- II. **SCOPE:** This guideline applies to all OFHEO employees, applicants and personnel practices.
- III. **AUTHORITY:**
- A. **Title VII of the Civil Rights Act** (42 U.S.C. §2000e, et seq.).
 - B. **Age Discrimination in Employment Act** (29 U.S.C §621, et seq.).
 - C. **Equal Pay Act** (29 U.S.C. §206(d)).
 - D. **Rehabilitation Act** (29 U.S.C §791, et seq.).
 - E. **5 U.S.C. §7201(b).**
 - F. **29 C.F.R. Part 1614.**
 - G. **Executive Order 13087** (May 18, 1998).
- IV. **POLICY:** It is OFHEO's policy and commitment to provide equal employment opportunity to all qualified persons regardless of race, color, religion, gender, sexual orientation, national origin, age, or disability. As part of its commitment to equal employment opportunity, OFHEO has established this AEP to take positive action in achieving and maintaining a diverse workforce.
- V. **RESPONSIBILITIES:**
- A. **Director, OFHEO, will:**
 - 1. promote equal employment opportunity and provide leadership in carrying out OFHEO's AEP and proactively encourage a diverse workplace that is free from unlawful discrimination and harassment;
 - 2. provide sufficient resources to carry out a positive, innovative and effective AEP;
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3. ensure compliance with OFHEO's AEP;
4. ensure that all supervisors are held accountable for compliance with the AEP;
5. coordinate, with the Human Resources Officer, availability to respond to affirmative employment-related questions; and,
6. coordinate, with the Human Resources Officer, periodic checks to ensure that OFHEO's EEO Policy is properly displayed on OFHEO bulletin boards.

B. Director, Finance and Administration will:

1. oversee the development and implementation of OFHEO's AEP, and;
2. ensure continuous monitoring and evaluation of OFHEO's Affirmative Employment Program.

C. All OFHEO Supervisors will:

1. periodically discuss affirmative employment strategies with subordinate supervisors and other employees, where appropriate, to ensure an awareness of OFHEO's programs;
2. make every good-faith effort to ensure that all individuals, including minorities, women, and the disabled are being given full opportunity with respect to hiring, promotions, and training, and;
3. encourage full participation by all staff, including minority, women, and disabled employees in career development opportunities (such as training programs or courses).

D. Human Resources Officer. The Human Resources Officer is designated as OFHEO's Affirmative Employment Manager, and as such is responsible for the development, implementation and monitoring of the AEP. The responsibilities of the Affirmative Employment Manager include the following:

1. Developing, modifying and maintaining an effective written AEP.
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2. Recommending development and modification of OFHEO's policies and procedures to ensure that the requirements of this AEP continue to be met.
3. Collecting and analyzing data and assisting management in implementing the AEP's purpose.
4. Developing action-oriented processes to help management achieve the program's purpose.
5. Designing, implementing and monitoring internal audit and reporting systems to measure the program's effectiveness.
6. Serving as liaison with minority organizations, women's organizations, community action groups for the disabled and Historically Black Colleges and Universities concerned with the employment opportunities of minorities, women and the disabled.
7. Ensuring that OFHEO's EEO Policy is properly displayed on OFHEO bulletin boards.
8. Periodically reviewing hiring patterns in an effort to ensure the removal of any impediments to achieving a diverse workforce.

VI. DEFINITIONS

- A. Disabled (Handicapped):** An individual who has a physical or mental impairment which substantially limits one or more of his or her major life activities, has a record of such impairment, or is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
 - B. Discrimination:** Discrimination in employment means that an employee is treated differently from other employees in similar situations because of the employee's race, color, gender, religion, national origin, disability, or age. Discrimination may occur when employment practices that appear neutral have a discriminatory effect, either intentionally or unintentionally, on a protected group (disparate or adverse impact).
 - C. Minority:** African-Americans, Hispanics, American Indians or Alaska Natives, Native Americans, Asian-Americans (including Pacific Islanders).
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- D. Qualified Individual with a Disability:** An individual who, with or without reasonable accommodation, can perform the essential functions of the position in questions without endangering the health and safety of himself or herself or others and who meets the experience or education requirement of the position in question.
- E. 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.
- F. 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 (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis of employment decision affecting the individual, or (3) 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.
- VII. IMPLEMENTATION:** When new employees enter on duty at OFHEO, they are asked to complete voluntary self-identification forms identifying any disabilities, race, and national origin. OFHEO maintains this information for the sole purpose of determining diversity within OFHEO. This information is kept strictly confidential within Human Resources to ensure personal privacy, and may only be disclosed in the form of gross statistics. For example, as of September 30, 1997, OFHEO's staff of 62 consisted of 33 females (53%) and 29 males (47%).
- A. OFHEO's AEP includes the following commitments:**
1. To continue to provide equal employment opportunity to all qualified persons, and to continue to recruit, hire, train and compensate persons in all jobs without regard to race, color, religion, gender, sexual orientation, national origin, age or disability.
 2. To make reasonable accommodation to the known physical or mental limitations of an applicant or employee who is a qualified individual with a disability, unless the accommodation would impose an undue hardship on the operations of OFHEO.
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3. To identify and analyze all areas of its employment process so as to further the principles of equal employment opportunity. Specific examples include:
 - a. **Recruitment and Selection** - The recruitment and selection of all personnel is accomplished without discrimination against any individual with regard to race, color, religion, gender, sexual orientation, national origin, age or disability. The Affirmative Employment Manager will continue to make vacancies known to sources of potential minority, women, and disabled applicants in order to maximize the participation of such applicants in applying for OFHEO positions. OFHEO will undertake good faith efforts to ensure that all individuals, including minority, women, and disabled employees at OFHEO who are qualified, as well as those who become qualified through training and experience, are considered equally for OFHEO vacancies.
 - b. **Merit Distributions/ Pay Adjustments** - Individuals will continue to receive merit distributions on the basis of their performance and pay adjustments on the basis of additional, higher level duties and increased responsibility. In making appraisal and coinciding merit distribution decisions, the supervisors directly involved and other appropriate personnel will ensure that decisions are based on valid performance measures relating to each individual's position.
 - c. **Reduction-In-Force (RIF)** - Should reductions in OFHEO's workforce become necessary, they will be based on nondiscriminatory factors. OFHEO will review the official personnel folders of those persons affected to ensure that RIF regulations have been utilized correctly and that all employees, including minorities, women, and the disabled are treated in a nondiscriminatory manner with respect to actions taken under the RIF.
 - d. **Upward Mobility** - Positions will be reviewed to determine if they can be recruited at a lower level and announced as an upward mobility position. These positions will be recruited at lower levels with noncompetitive promotion potential.
 3. The Affirmative Employment Manager will review OFHEO's current level of representation and develop proactive approaches to
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affirmative employment, should additional ones be required. The AEP will be reviewed and updated annually.

B. Dissemination of EEO Policy Statement

1. **Internal Dissemination.** OFHEO will publicize its EEO policy statement to its employees. To disseminate the policy, OFHEO will:
 - a. Post the OFHEO EEO Policy Statement on all OFHEO bulletin boards where they are visible to employees. See Exhibit A.
 - b. Include the EEO policy statement in OFHEO's Employee Guide and annual report.
 - c. Include an abbreviated version of OFHEO's EEO policy statement in all vacancy announcements. See Exhibit A.
 - d. Discuss the policy and individual responsibility for the policy with all new employees at the new employee orientation.
 - e. Inform and periodically remind managers and employees that OFHEO will not tolerate harassment of any employees because of race, color, religion, gender, sexual orientation, national origin, age, or disability.

 2. **External Dissemination.** OFHEO will promote its community posture as an equal opportunity employer. Specific external activities shall include:
 - a. Include the statement that OFHEO is an Equal Opportunity Employer in all employment advertisements and vacancy announcements. See Exhibit C.
 - b. Notify all recruiting sources in writing of OFHEO's commitment to equal employment opportunity, and request that recruitment sources actively recruit and refer a diverse group of qualified individuals, including minority, women, and disabled applicants for available positions. See Exhibit D.
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- c. Communicate in writing with organizations to indicate OFHEO's commitment to equal employment opportunity of minorities, women, and the disabled. See Exhibit E.

VIII. Recruitment Process.

- A. A review of OFHEO's recruitment process was conducted, which included a review of position descriptions, interview procedures, rating factors, and the final selection process. The review found that:
 1. Application review, paneling and interviewing are performed by personnel fully cognizant of OFHEO's EEO policy.
 2. OFHEO's panel membership for rating applicants includes at least one minority member where practicable.
 3. Current position descriptions identify only job-related requirements.
- B. The Affirmative Employment Manager will continually review OFHEO's recruitment process to ensure that all requisite qualifications are job-related and nondiscriminatory. The following action item will be undertaken to ensure a good faith effort to recruit from a diverse group of applicants: OFHEO will continue to announce all vacancies through the Minority On-Line Information System (MOLIS) and to the President's Committee on Employment of People with Disabilities. See Exhibit G. Also, OFHEO will be proactive in attending Job Fairs, particularly those created to assist in minority recruitment.

IX. The Development and Execution of Action-Oriented Programs. The techniques that have been established to evaluate the effectiveness of OFHEO's AEP include periodic review by the Affirmative Employment Manager of a variety of data reflecting significant personnel actions. Further, the Affirmative Employment Manager will provide an annual report to management regarding the status of the AEP and the progress being made. The following are examples of the continuing action-oriented programs or procedures designed to implement OFHEO's commitment to equal employment opportunities:

- A. New and revised position descriptions will be periodically reviewed and evaluated to ensure that all duties are job-related.
 - B. OFHEO will continually evaluate the recruitment and selection process to ensure that the recruitment process and related selection decisions are based on candidates' qualifications and experience.
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- C. OFHEO will communicate its policy to all employees who are involved in the recruiting, screening, selection, promotion, disciplinary and related personnel processes of OFHEO staff for the purpose of ensuring that personnel decisions are made without regard to race, color, religion, gender, sexual orientation, national origin, age or disability.
 - D. OFHEO will use the following techniques to encourage participation by a diverse group of qualified applicants, including minority, women, and disabled applicants:
 - 1. Recruitment resources (headhunters) are notified of our EEO Policy and are asked to refer a diverse group of qualified candidates for available positions through OFHEO's competitive service recruiting procedures (See Exhibit D).
 - 2. The Affirmative Employment Manager will make special efforts to recruit from Historically Black Colleges and Universities, Minority Affiliations/Organizations, Disabled Affiliations/Organizations, and attend minority Job Fairs (Exhibit G).
 - 3. Special employment programs such as summer employment for youth, (e.g., DC Summer Youth Program) will be utilized, when possible.
 - 4. OFHEO's EEO policy statement will be prominently displayed on OFHEO bulletin boards and included in the Employee Guide.
 - X. **Internal Review and Reporting Requirements.** OFHEO believes that one of the most important elements in effectively implementing a written AEP is an adequate internal audit and reporting system. Through this system, senior management is kept informed. For this purpose, OFHEO maintains information on the race, national origin, gender and disabilities of its employees with respect to hires, training, promotions, pay adjustments and separations.
 - XI. **Guidelines For Avoiding Discrimination Based On Gender.** OFHEO's practices are consistent with the gender discrimination guidelines set forth at 41 CFR Part 60-20 as follows. See Exhibit B for OFHEO policy statement on sexual harassment.
 - A. OFHEO's employment advertising does not express a gender preference.
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- B. OFHEO's Employee Guide expressly states that there will be no discrimination on account of gender.
 - C. OFHEO recruits employees of both genders for all positions.
 - D. OFHEO offers employees of both genders an equal opportunity for any jobs they are qualified to perform.
 - E. OFHEO does not make any distinction based upon gender with regard to employment opportunities, salary, or other terms and conditions of employment.
 - F. OFHEO does not make any distinction between married and unmarried persons of either gender.
 - G. OFHEO does not penalize women in their terms and conditions of employment because they may require time away from work for childbearing.
 - H. OFHEO's leave policy fully complies with the Federal Family and Medical Leave Act.
 - I. OFHEO's salary structure is not related to or based upon gender.
 - J. OFHEO, where appropriate, encourages all applicants, irrespective of their gender, to apply for any position within OFHEO, for which they are qualified.
 - K. OFHEO will not tolerate sexual harassment. Any complaints should be referred to an EEO Counselor. Any employee who engaged in sexual harassment will be disciplined.
 - L. EEO Counselor posters are located on every OFHEO bulletin board.
 - M. OFHEO management has been made aware of the requirements set forth above.
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Exhibit A

**The Office of Federal Housing Enterprise Oversight's
Equal Employment Opportunity Statement**

It is a fundamental policy of the Office of Federal Housing Enterprise Oversight (OFHEO) not to discriminate on the basis of race, color, religion, gender, sexual orientation, national origin, age or disability with respect to recruitment, hiring, training, pay adjustments and any other terms and conditions of employment. Further, it is the policy of OFHEO to comply voluntarily with the concepts and practices of affirmative employment. Discriminatory treatment will not be condoned or tolerated. I strongly promote the full realization of equal opportunity in employment through the Affirmative Employment Program that implements proactive outreach efforts.

All OFHEO supervisors are expected to make special efforts to assure that all employees reporting to them are aware of the EEO policy. Supervisors will be evaluated on their adherence and commitment to the Affirmative Employment Program.

We must all realize that it is the responsibility of each and every employee of OFHEO to give our policy of equal employment opportunity real meaning and full support, through his or her personal commitment, cooperation, and support.

Mark Kinsey, Acting Director, OFHEO

Date

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Exhibit B

Policy on the Prevention of Sexual Harassment

OFHEO is committed to providing a work environment free of sexual harassment. All employees will work in an environment that is free from unsolicited, unwelcome sexual overtones.

OFHEO neither condones nor tolerates employee misconduct which undermines the integrity of the employment relationship and the principle of good personnel management.

Sexual harassment takes various forms. It can be deliberate or repeated unsolicited verbal comments or physical contacts that are unwelcome to the recipient. It can also be an employment decision, or threat of a decision affecting the employee's job for the refusal or acceptance of a request for sexual intimacy. Additionally, sexual harassment may occur when an employee has created a hostile or abusive working environment for members of a specific gender.

Employees are urged to contact an EEO counselor if they believe they have been the victim of sexual harassment.

Mark Kinsey, Acting Director, OFHEO

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Exhibit C

Sample Notice To Applicants

Notice on Vacancy Announcements

To All Applicants:

The Office of Federal Housing Enterprise Oversight (OFHEO) is an equal opportunity employer. To this end, OFHEO voluntarily maintains an Affirmative Employment Program.

Sample Employment Advertisement



OFHEO *OFFICE OF FEDERAL HOUSING
ENTERPRISE OVERSIGHT*

Senior Capital Markets Specialist

OFHEO is the independent office within the Department of Housing and Urban Development responsible for overseeing the financial safety and soundness of Fannie Mae and Freddie Mac. OFHEO is a small, expert office that applies advanced risk management principles to the examination of the two largest government sponsored enterprises.

OFHEO is seeking a Senior Capital Markets Specialist for the Examination and Oversight office. The incumbent is responsible for conducting risk-focused examinations and for providing expert analysis and advice on matters relating to the capital markets activities of the enterprises. Candidates must have expert knowledge of asset/liability management, debt and structured note issuance, and derivatives. Candidates must have experience in examination practices. A Master's degree in Business Administration, Accounting, Economics, or Finance or equivalent employment experience also is a requirement of the position.

OFHEO pays competitive salaries and offers a wide range of benefits. The Office of Federal Housing Enterprise Oversight is an equal opportunity employer. To this end, OFHEO voluntarily maintains an Affirmative Employment Program.

For a copy of the vacancy announcement and application procedures, please call (202) 414-3818. Applications for this position must be postmarked by April 7, 1997.

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Sample Letter To Recruitment Sources

Dear Recruiter:

Thank you for your efforts to solicit interest in employment with the Office of Federal Housing Enterprise Oversight (OFHEO).

As you know, OFHEO's hiring decisions are made without regard to race, color, religion, gender, sexual orientation, national origin, age or disability. In addition, OFHEO attempts to recruit from a diverse pool of applicants.

Therefore, we would appreciate your efforts to refer a diverse group of applicants.

Sincerely,

Janet Ray, Human Resources Officer
Affirmative Employment Manager

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Exhibit E

Sample Notice to Organizations Representing Minorities, Women, and the Disabled

Dear Sir or Madam:

Thank you for your efforts to solicit interest in employment with the Office of Federal Housing Enterprise Oversight (OFHEO).

As you know, OFHEO's hiring decisions are made without regard to race, color, religion, gender, sexual orientation, national origin, age or disability. In addition, OFHEO attempts to recruit from a diverse pool of applicants.

Therefore, we would appreciate your efforts to refer a diverse group of applicants.

Sincerely,

Janet Ray, Human Resources Officer
Affirmative Employment Manager

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Exhibit F

Minority Outreach

The following Historically Black Colleges and Universities, and minority, women, and disability organizations receive copies of all OFHEO job vacancies:

- President's Committee on Employment of People with Disabilities
- See attached list of organizations for additional vacancy announcement recipients.

Minority Online Information System

Number Of Individuals By Minority Status Who Reviewed OFHEO's Vacancy Announcements From October 1, 1996 Through September 30, 1997.

MOLIS is an online PC based system that is utilized at various colleges and universities (see following pages) by students and faculty to review vacancies for positions currently available.

The five vacancies which were electronically posted during fiscal year 1997 went to 27,960 subscribers:

- 16,297 - White
 - 4,359 - African American
 - 2,526 - Asian
 - 2,010 - Hispanic
 - 534 - Native American
 - 36 - Alaskan
 - 1,487 - Other
 - 711 - Did not fill out form
-