

CHAPTER 1. PROGRAM BASIS, STRUCTURE, AND OBJECTIVES

1-1 LEGAL AUTHORITY. This Handbook is issued under provisions of Executive Order 11478 and in accordance with EEOC (29 CFR 1613) and OPM (5 CFR 720) regulations implementing Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the provisions of the Civil Service Reform Act of 1978, HUD Regulations (24 CFR Part 7), and Federal Personnel Manual (FPM) Letters No. 713-18, 713-23, 713-37, and 713-41 which implement the Hispanic Employment Program.

A. The executive order and regulations emphasize the use of affirmative employment programs to assure equal employment opportunity regardless of race, color, religion, sex, age, national origin, or disability. They obligate Federal departments and agencies to provide sufficient resources to administer their equal employment opportunity programs in a positive and effective manner.

B. The following is a synopsis of significant EEO legislation from 1964 to the present:

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| 1964 | Civil Rights Act (P.L. 88-352). Defined discrimination and identified protected group members. This law focused on the issues and effects of discrimination in areas such as employment, loans, education, and public facilities. |
| 1967 | Executive Order 11375. Added sex as a basis to other existing forms of prohibited discrimination in the Federal Government. |
| 1967 | Age Discrimination in Employment Act. Protects individuals 40 years or older from discrimination based on age. |
| 1969 | Executive Order 11478. Dealt exclusively with Federal Government employment. Applied the concept of |

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EEO to the Federal Government, enunciated affirmative action, and emphasized upward mobility.

- 1972 Equal Employment opportunity Act (P.L.92-261). Amended the Civil Rights Act of 1964 to include the provisions of Executive Order 11478.
- 1974 Vietnam Era Readjustment Assistance Act, as amended by Public Law 101-237, Section 407. Required the establishment of affirmative action plans to employ disabled and Vietnam era veterans. Refer to FPM Bulletin 307-27.
- 1978 Civil Service Reform Act. Established the Federal Equal Opportunity Recruitment Program (FEORP) mandating Federal agencies to develop recruitment plans and conduct targeted recruitment of minorities and women.
- 1990 The Americans with Disabilities Act 1990. A key provision of the Act prohibits employment discrimination against qualified individuals with disabilities.

- C. The Equal Employment opportunity Commission (EEOC) Regulation (29 CFR 1613.204) provides in part, that each agency head shall "Designate a Director of Equal Employment Opportunity and as many Equal Employment Opportunity (EEO) officers, Equal Opportunity Counselors, Federal Women's Program Coordinators, and other persons as may be necessary to assist the head of the agency to carry out...the policy of equal employment opportunity." Also, FPM Letter 713-18 Equal Employment Opportunity - Implementing the Spanish-Speaking Program, January 23, 1973, states that "each agency shall appoint a Coordinator...on the staff of the Director of Equal Employment Opportunity." Such actions

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assure that the Hispanic Employment Program /3 is fully implemented as an integral part of the Agency's overall Federal Equal Employment Opportunity Program.

1-2 PROGRAM PURPOSE. The ultimate goal of the Hispanic Employment Program is to attain work force parity in the Federal sector, and at HUD in particular, with the respective Hispanic Civilian Labor Force. The principal purpose of the Hispanic Employment Program is to identify any internal agency barriers that may exclude Hispanics in the participation of government employment and programs, and to implement actions through which any inequities or absence in employment may be addressed. This Handbook outlines the activities and procedures by which the HUD Hispanic Employment Program objectives are to be accomplished. The key initiatives in implementing this effort are:

- A. Assisting the Department through analysis of its work force, to attain equal opportunity for Hispanics in all personnel management policies, programs, and practices including recruitment, selection, placement, training, counseling, career development, promotion, and participation in internal agency programs.
- B. Creating a climate for change whenever barriers to employment are identified. Assisting supervisors and managers in developing sensitivity to Hispanic issues to ensure that Hispanic employees achieve full participation in the work force. Providing opportunities for Hispanic employees occupying jobs with limited advancement to seek further career opportunities commensurate with their ability, potential, and self commitment, and assisting them in developing realistic career goals consistent with the needs of the agency.
- C. Promoting the employment of Hispanics throughout the Department in professional, administrative, technical, clerical, and other

/3 FPM Letter, 713-41, New Title: Hispanic Employment Program Office, February 23, 1978.

occupational (PATCOB Categories) job series, through the recruitment of qualified Hispanics in any area where parity does not exist. HUD managers and supervisors will encourage the participation of Hispanic employees in training programs to help facilitate their career advancement within the stated categories.

- D. Encouraging the consideration and appointment of Hispanics to decision-making positions that have an impact on formulating and developing Departmental policy.
- E. Assisting management in the development and implementation of Affirmative Employment Plans (AEP).
- F. Developing programs and proposals which will improve the participation of Hispanics in all aspects and levels of agency programs.

1-3 PROGRAM MANAGEMENT. The Secretary has the ultimate responsibility for all equal employment opportunity (EEO) programs within the Department. The Assistant Secretary for Fair Housing and Equal Opportunity (FHEO), is designated as the Director of EEO for the Department. The General Deputy Assistant Secretary for FHEO is designated the Deputy Director of EEO for the Department.

- A. Location of the Hispanic Employment Program (HEP). The HEP is located in the immediate Office of the Deputy Director of EEO and under the Director, Office of Affirmative Action and Equal Employment Opportunity. The HEP is a Special Emphasis Program established to promote equality of opportunity for the employment of Hispanics throughout HUD. An organizational chart is found at Appendix 2. At the Departmental level, the HEP is administered by a Hispanic Employment Program Manager (HEPM). He/she has overall responsibility for providing a continuing and active equal employment opportunity and affirmative employment program for Hispanics throughout HUD. In addition, he/she provides advice to the Principal Staff, managers, and supervisors in implementing an effective HEP throughout the Department.

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Similarly, Regional Administrators shall designate an HEPM to administer the Regional Program, and collateral duty HEP Coordinators (HEPC) to provide program oversight at all Category A Field office locations. Appointments at other than Category A Field Offices will be made at the discretion of the Regional Administrators considering population, size of the Office, work force distribution of

the Office, and other individual factors.

B. Management Responsibilities. All managers and supervisors have the responsibility of supporting equal employment opportunity policies and programs. Special responsibilities are placed upon the Assistant Secretaries for Fair Housing and Equal Opportunity, and Administration in carrying out EEO policies Department wide.

1. Assistant Secretary for Fair Housing and Equal Opportunity. As the Director of Equal Employment opportunity, the Assistant Secretary for Fair Housing and Equal Opportunity is responsible for enforcing the provisions of all relevant laws, executive orders, regulations and policies, and for advising the Secretary on all matters pertaining to EEO. The Assistant Secretary is also charged with: implementing, monitoring, and evaluating affirmative employment initiatives Department wide; monitoring and helping to meet the objectives and goals of the Department's Federal Equal Opportunity Recruitment Program (FEORP); designating EEO Counselors; receiving, investigating, and rendering final decisions on discrimination complaints; and recommending or taking remedial action when necessary and/or appropriate.
2. Assistant Secretary for Administration. The Assistant Secretary for Administration is responsible for providing the necessary resources and leadership by developing and maintaining responsive personnel management policies, programs, and procedures. The Assistant Secretary is

charged with promoting a continuing affirmative employment program, and ensuring equal opportunity in the recruitment, selection, placement, training, promotion, and participation of Hispanics and other employees in internal programs. This includes the opportunity to serve on merit selection and performance panels, and other Departmental/Regional boards, panels and committees. The above actions are

executed through the leadership of the Director, Office of Personnel and Training (OPT). That Office is responsible for activating FEORP strategies that assist in meeting identified AEP goals.

3. Each Assistant Secretary, the General Counsel, the Chief Financial officer, the Inspector General, the President of GNMA, the Chief of Staff, each Regional Administrator-Regional Housing Commissioner, and any other Primary Organization Head, is responsible for insuring that EEO/AEP policies and principles are carried out within their organizational units by providing adequate administrative and clerical support for implementing the Hispanic Employment Program. The EEO Officers support the HEPMs/HEPCs in performing their functions, and through them consult with appropriate outside organizations to enlist their cooperation in implementing the aims of the Hispanic Employment Program. Further, all EEO Officers with personnel performing collateral assignment functions as HEPMs/HEPCs must ascertain that such duties and responsibilities are recorded as an amendment to their official Position Description. In addition, use of a Memorandum of Understanding to facilitate intra-organizational understanding and communication, as identified in FPM Letter 713-37, Documenting EEO Collateral Duties in Official Position Description, May 20, 1977, is instrumental in program implementation.

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4. FHEO Regional Directors assist with the development of the AEP and have the principal responsibility for reviewing, monitoring, and evaluating the EEO program, and for insuring that the goals and objectives of their respective Regional EEO Affirmative Employment Program Plans are fulfilled within their offices. They also are responsible for supporting Regional HEPMs, Field Office HEPCs and/or Committees in performing their functions.
5. Regional Personnel Officers (RPO)s have

the principal responsibility for developing the Regional Affirmative Employment Program (AEP) Plan, and for activating and implementing the action items identified under each of the eight program elements (see Chapter 3, paragraph 3-2) which constitute the Plan during the fiscal year. It is in the planning and development phase of the Regional AEP that the HEPMs must be consulted to assist in the formulation of action items (Chapter 2, paragraph 2-1 B.5)

In addition, RPOs have responsibility for implementation of the Regional Federal Equal Opportunity Recruitment Program (FEORP) and for reporting accordingly. HEPMs/HEPCs should be utilized effectively in helping to recruit Hispanics in occupational series where a work force imbalance exists, or where Hispanic employees are conspicuously absent, as identified in the Affirmative Employment Plan.

6. Supervisors and Managers are responsible for matters concerning recruitment, selection, placement, promotion, career development, counseling, and training opportunities within their organization. They are also charged with providing the necessary leadership in establishing and maintaining a working atmosphere which is free from discrimination and in which

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Hispanics are given equal opportunity to perform work assignments, participate in training and compete for advancement. Communicating with, and seeking advice and assistance from HEPM/HEPCs, as necessary, will facilitate the role of the manager or supervisor. Encouraging employees to participate in multicultural and work force diversity programs is considered essential in today's environment.

7. Affirmative Employment Program Managers (AEPMs) are Regional Office employees who are given the collateral duty assignment and responsibility for supporting RPOs in the analysis and development of the

Regional Affirmative Employment Program Plans (AEP) for their respective Regions. They provide instruction and guidance to the Regional Hispanic Employment Program Manager, Federal Women's Program Manager, and the EEO Program Staff. They are directly responsible to the EEO Officers or their designee for performance of their EEO functions.

8. HEP Managers and Coordinators are members of the management team, and serve as action officers and program advisors to management in promoting and implementing the Hispanic Employment Program at HUD. As representatives of management in outside functions, they are required to maintain the highest levels of integrity in order to further enhance the image of the Department. HEPMs/HEPCs also counsel and assist Hispanic and other employees, as appropriate. They are directly responsible to the EEO Officers or their designee for performance of their EEO functions.

- C. Employee Responsibilities. Hispanic and other employees have a responsibility for their own self-development and advancement by making their career interests known to their supervisors and others, and by actively working toward identifying and implementing those

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interests and goals. All employees also have a responsibility for supporting equal employment opportunity, and are encouraged to become familiar with the Department's, Headquarters' or Region's Affirmative Employment Program Plan, as appropriate.

- 1-4 HISPANIC EMPLOYMENT PROGRAM ADMINISTRATION. In order to support managers in the fulfillment of their responsibilities for the EEO program, which includes administration of the HEP, the following steps should be taken:

- A. Selection of HEP Managers and Coordinators. The appointment or designation of employees as Hispanic Employment Program Managers (HEPMs) and Field Office Coordinators (HEPCs) should follow the guidelines stated in FPM Letter 713-23, Equal Employment Opportunity - Spanish-Speaking

Program, /4 April 5, 1974. These guidelines provide that those who are appointed to positions or collateral assignments as an HEPM or HEPC should be:

1. Knowledgeable about employment problems affecting Hispanics.
 2. Firmly committed to the objectives of management's HEP.
 3. Sensitive to and aware of the needs of the Hispanic community.
 4. Bilingual and bicultural. /5
- B. A Full-Time Permanent National (Department Level) HEPM provides continuing program leadership, advice, and guidance to executives, managers and supervisors, and to the

/4 Title changed to Hispanic Employment Program on February 28, 1978 - FPM Letter 713-41.

/5 It is desirable that the HEPM/HEPC be bilingual/bicultural, particularly in areas with a significant Hispanic population.

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Headquarters and Regional level HEPMs. (See Appendix 2.) Day-today total program oversight and monitoring is provided by the National HEPM.

- C. A Headquarters Level HEPM is appointed to this collateral duty assignment to administer and provide leadership to the Headquarters HEP and render any necessary advice and guidance to its managers and supervisors. In the absence of the National HEPM, the Headquarters HEPM will temporarily assume those responsibilities.
- D. Regional HEPMs. Regional Administrators shall designate an employee to serve on a collateral basis for a period of time appropriate to the needs of the Region, taking into consideration the local issues and conditions that have an impact on the Region. It is recommended that such assignments should not be less than 20% (FPM Letter 713-37, paragraphs 3 and 4), nor exceed 50% of the employee's time for effective management of the Program, as well as, comply

with the time requirements of a collateral assignment.

Regional HEPMs are expected to provide regular and continuous management of the HEP in order to keep abreast of continuing developments throughout the Region and the Department. Although the HEPM will remain in his/her regular position, all duties performed relevant to equal opportunity for Hispanics are under the direct supervision of the EEO Officer (RA) or his/her designee, with guidance received from the Regional Director, Office of Fair Housing and Equal Opportunity; the Regional Personnel Officer; the Affirmative Employment Program Manager; and the National HEPM.

When considering the appointment of an HEPM/HEPC, the Regional Administrator (RA) may solicit input from the Director, FHEO; the RPO; AEPM; and Hispanic employees in the Region. Prior to selection, the RA is encouraged to coordinate the proposed appointment with the Director of EEO and the National HEPM. Oversight of Field Offices not having an HEPC will be the responsibility of the Regional HEPM. (See paragraph 1-3A.)

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- E. Field Office Hispanic Employment Program Coordinators (HEPCs) are appointed on a collateral basis using the criteria listed above for the HEPMs. Field Office HEPCs assist the Regional HEPMs and their respective Field Office Managers in carrying out the policy and activities of the HEP. The RAs may delegate the selection authority for the HEPCs to the Field Office Managers. The AEPM and HEPM may be called upon for input.
- F. Internal Hispanic Employment Program Subcommittees at the Headquarters, Region, and Field Offices, act as further support for Management and the HEPMs and HEPCs, and their establishment is encouraged.
 - 1. At the Headquarters, an Equal Employment Opportunity Committee is established (see Appendix 5). The Committee is composed of management representatives, Union representatives, and includes the Special Emphasis Program Managers. A Hispanic Employment Program Subcommittee will be

established in support of the overall EEO Committee and EEO effort of the Department. The HEP Subcommittee is an extension of the organization's EEO Advisory Committee and will be chaired by an employee other than the HEPM/HEPC who would serve as a resource person to the group.

2. At the Region and Field Office levels a similar committee structure may be established.
3. Committees should provide a cross section of their component population and should include both genders, minorities, as well as non-minorities in a range of grades and occupations. The purpose of such committee representation is to render a broader focus to actions being recommended for accomplishing identified objectives.

1-5 AMENDMENT TO POSITION DESCRIPTION. If an employee is appointed as a HEP Manager/Coordinator on a collateral duty assignment, an amendment to the

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official individual position description detailing HEP duties is required. The amendment should specify the percentage of the employee's time that is allotted to perform the assigned HEP duties.

A. Memorandum of Understanding

The Office of Personnel Management FPM Letter 713-37, dated May 20, 1977 recommends that a Memorandum of Understanding (MOU) be issued specifying the conditions of assignments and appraisal of the collateral EEO duties of Special Emphasis Program Managers. This recommendation has been very effective in helping to prevent misunderstandings between the collateral duty HEP Managers/Coordinators and their immediate supervisors.

The MOU should specify the conditions involving how and when work will be assigned, adjusted, and appraised by the immediate supervisor and the EEO Officer or his/her designee, and should detail the following information:

1. Assignment of Work

Initially, it is recommended that the EEO officer, the immediate supervisor, and HEPM/HEPC meet to discuss HEP assignments. HEP assignments need not flow to the employee through the immediate supervisor. However, the HEPM/HEPC should keep the immediate supervisor informed of all HEP assignments. It is also recommended that the HEPM/HEPC not be given multiple EEO assignments (i.e., EEO Counselor, Federal Women's Program Manager).

2. Percentage of Time

Initially, it is recommended that, as a minimum, the HEP assignment be 20% of the employee's work time in order to allow sufficient time for the HEPM/HEPC to perform the duties of the position. After the initial assignment of collateral duties, program results should be periodically reviewed by the EEO Officer or his/her designee to determine the

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adequacy of achievements in relation to the amount of time devoted to the collateral work. Any increase or decrease in the percentage of time devoted to the collateral duties can be made based on these reviews.

3. Performance Appraisal

An element covering HEP performance must be included in the performance plan of the HEPM/HEPC (Title 5, U.S. Code, Chapter 43, and Title 5 CFR Part 420).

4. Obtaining Clerical Support and Office Facilities

Clerical support and office facilities needed to perform HEP duties (i.e., typing, filing, and counseling sessions) are important for the success of the Region's HEP program. Under Executive Order 11478, it is the responsibility of each department and agency head to provide sufficient resources to implement and administer the EEO program.

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