

EEO is for Everyone

Building on the founding of the Housing Act of 1949, the U.S. Department of Housing and Urban Development (HUD) is a civil rights agency that adheres to all federal laws and policies which prohibit discrimination against all HUD employees, former employees and applicants (hereafter individual/person) on the basis of **race, color, national origin, religion, sex (gender identity and sexual orientation), age (age 40 or older), disability, the Equal Pay Act of 1963** (prohibiting agencies from paying different wages to men and women performing equal work in the same work place), **genetic information (GINA)** and **reprisal**. HUD is committed to an equal opportunity work environment for all by employing a zero-tolerance standard for all types of discrimination, civil rights violations, and harassment in the workplace. All employees are held accountable for compliance with EEO laws and policies that promote professionalism, dignity, and respect. These laws are administered by the Equal Employment Opportunity Commission (hereafter EEOC).

Title VII of the Civil Rights Act of 1964

Race discrimination involves treating an individual unfavorably because of one's racial identity or because of personal characteristics associated with race (e.g., skin color, certain facial or bodily features, hair texture). Racial discrimination can also occur because a person treats another unfavorably because that individual is married to or associated with a person of a different race or color. Racial discrimination can also occur between two people of the same race or color; they do not have to be different races.

Color is not synonymous with race even though there are some conditions that overlap. Color discrimination can take place between persons of the same race, color, or ethnicity just as commonly as it can occur between persons of different races. Color is understood to mean skin tone/shade, pigmentation, and complexion. Discrimination occurs when there is a bias against a person's darkness, lightness, or other trait of a person's color.

National Origin discrimination involves treating a person unfavorably because they are from a particular country or region of the world, or because of their ethnic background/ethnicity or accent (even if that person happens to not be of that origin). This type of discrimination can occur even if an individual is married or associated with someone of a certain national origin. Discrimination can also occur between people of the same national origin.

Religion is protected as an employer cannot treat a person unfavorably because of their religious beliefs. The law protects all religious beliefs not just those who belong to religions that are commonly known (e.g., Judaism, Christianity, Islam, Buddhism, Hinduism). A person who has sincerely held religious, moral, or ethical beliefs is covered under the statutes. An employer is also prohibited from discriminating against a person who is married or associated with another of a particular religion.

Sex discrimination involves several dynamics. An employer cannot treat a person unfavorably because of that person's sex/gender, gender identity and/or expression, transgender status, or sexual orientation. It is also unlawful to harass someone because of their sex. This form of harassment includes sexual harassment, requests for sexual favors, unwelcome sexual advances and all other forms of sexual harassment that is verbal, non-verbal, or physical. Harassment also includes offensive remarks about a person's sex. The victim and the harasser can be either a man or a woman and can be of the opposite sex or the same sex. In addition, the **Equal Pay Act of 1963** requires that men and women in the same workplace be given equal pay for equal work. All forms of pay are covered under this law. The EEOC prohibits all violations of the Equal Pay Act.

The Age Discrimination in Employment Act of 1967

Age discrimination involves treating a person unfavorably because of their age and is forbidden against people who are **age 40 or older** as according to the Age Discrimination in Employment Act (ADEA). Currently there is no federal protection for persons under the age of 40. Harassment can include offensive remarks about a person's age. The harasser can be the victim's supervisor, a co-worker, a non-employee of the employer (e.g. customer of the Agency, client), or a supervisor of another department.

Title I & Title V of the Americans with Disabilities Act of 1990 as amended/Americans with Disabilities Act Amendments Act 2008

Disability (Physical or Mental) discrimination occurs when an employer treats a qualified individual with a disability unfavorably because that person has a physical or mental disability, or when a covered person is treated unfavorably because they have a history of a disability (e.g., cancer that is in remission). An individual who has a relationship with someone with a disability (e.g., discrimination against a person who tends to a spouse, child, parent, etc.) is also covered. The law requires an employer to provide reasonable accommodation to a person with a disability unless doing so causes a significant difficulty or expense for the employer. This is known as an undue hardship.

Title II of the Genetic Information Nondiscrimination Act of 2008

Genetic Information (GINA) discrimination occurs when an employer treats a person unfavorably because they learn about a genetic test(s) of that person, or information about their family in which they discover a family medical history of a condition, disorder, syndrome, or disease. Family medical history is often used by physicians to assist in discovering if their patient has an increased risk of getting a disease, disorder, condition, or syndrome but it is illegal for an employer to request, attain or use this information.

Reprisal is retaliation against an individual for filing a complaint of discrimination, participating in a discrimination complaint of another individual, or any other action in which an individual participates in the opposition of discrimination. The EEOC has reported that federal employees have filed more complaints based on reprisal than any other protected basis for the past decade. A manager is prohibited from firing, harassing, demoting, or retaliating in any other form against an individual who participates in the EEO process.

Procedures Regarding EEO Counseling

A request for EEO Counseling must be made within forty-five (45) calendar days of the date of an alleged discriminatory act, or in the case of a personnel action, within forty-five (45) calendar days of the effective date of the personnel action or within (45) calendar days of when the person became (or becomes) aware of the action. Employees, former employees and applicants in need of EEO Counseling **MUST** *contact the Office of Departmental Equal Employment Opportunity (ODEEO) to initiate the EEO process. ODEEO can be accessed via <http://hudatwork.hud.gov/HUD/eo/po/u> and click on the E-File link, or call (202) 708-5921.*

An aggrieved person has the option to pursue informal resolution through Alternative Dispute Resolution or Traditional Counseling. These options are discussed during the initial counseling session. EEO counseling may be conducted for a 30-day period. If circumstances warrant and if the aggrieved person agrees, in writing, the counseling phase may be extended for an additional period of no more than 60 days. At the conclusion of the 30-day counseling period, if the matter is not voluntarily resolved by both parties, the EEO Counselor will issue the aggrieved person a "Notice of Right to File a Discrimination Complaint." If the aggrieved person intends to file a formal complaint, the complaint must be filed, in writing, within fifteen (15) calendar days from the date of receipt of the "Notice." The formal complaint must name the Secretary of HUD as defendant and must be filed with:

**U.S. Department of Housing and Urban Development
Equal Employment Opportunity Division
451 7th Street, S.W., Suite 2106
Washington, DC 20410**

[For additional EEO resources or further information, please contact us at \(202\) 708-5921, or email us at \[eeo@hud.gov\]\(mailto:eeo@hud.gov\). Equal Employment Opportunity makes the workplace better and is the law. Please do your part to make the U.S Department of Housing and Urban Development an ideal workplace.](#)