

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SALARIES AND EXPENSES, HOUSING AND URBAN DEVELOPMENT

BUDGET ACTIVITY 15: DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY

SCOPE OF ACTIVITY

The Office of Departmental Equal Employment Opportunity (ODEEO) was established in 2003 as an independent office in the Office of the Secretary. The ODEEO is responsible for ensuring the enforcement of Federal laws relating to the elimination of all forms of discrimination in the Department's employment practices. The applicable laws include Title VII of the Civil Rights Act of 1964 (as amended), the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Equal Pay Act, and the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002. In addition, activities of the ODEEO are subject to Executive Order 11478, regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC) at 29 CFR §1614, EEOC Management Directives MD-110 and MD-715, and Departmental regulations promulgated at 24 CFR Part 7. The Office has nationwide responsibility for the Department's Equal Employment Opportunity Programs. ODEEO is responsible for planning and implementing the Department's Equal Employment Opportunity/Affirmative Employment (EEO/AE) activities pursuant to the HUD regulation at 24 CFR Part 7 and Federal Regulation at 29 CFR 1614. The activities of the ODEEO are carried out through the functions of three Divisions: the Equal Employment Opportunity Division, the Affirmative Employment Division, and the Alternative Dispute Resolution Division.

The staff is comprised of Equal Employment/Affirmative Employment/Alternative Dispute Resolution (EE/AE/ADR) Specialists in Headquarters, support personnel, and permanent full-time EEO Counselors in the Field and one in Headquarters. This staff is supplemented with collateral duty EEO Discrimination Complaint Managers, Affirmative Employment Program Managers and Diversity Managers located in the HUD Program Offices.

WORKLOAD

Equal Employment Opportunity Division

In accordance with regulations promulgated by the Equal Employment Opportunity Commission (EEOC) and the Department, the Equal Employment Opportunity Division performs a number of functions including complaint processing, counseling and managing the conduct of the investigation of discrimination complaints filed by HUD employees, former employees and applicants for employment. The Division provides training for EEO Counselors and Program Office Discrimination Complaint Managers, and drafts final decisions for the Director of EEO including remedial orders and recommendations for disciplinary action. The Division also maintains the Department's Equal Employment Opportunity Tracking System and provides assistance to EEO Officers and Discrimination Complaint Managers (DCMs).

Affirmative Employment Division

The Affirmative Employment Division (AED) is responsible for the management of the Department's Affirmative Programs of Equal Employment Opportunity (EEO) for all employees and applicants, including persons with disabilities. The Division monitors the Department's work force diversity and utilization; analyzes work force demographics and employment trends, and prepares and submits annual assessments and EEO Program status reports and plans, as required by the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM). The AED is also responsible for: (1) developing and issuing Department-wide policy, procedures, guidance and training on HUD's EEO programs, including the prevention of unlawful harassment, the provisions for providing reasonable accommodation, and disabled veteran employment; and (2) providing oversight, coordination, and funding of all Nationally recognized Special Emphasis Program observances.

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Alternative Dispute Resolution Division (ADR)

The Alternative Dispute Resolution (ADR) Division is responsible for resolving EEO discrimination complaints informally and early in the dispute. The ADR Program is established in accordance with The EEO Commission regulation published at 29 CFR 1614.102 (b)(2). The objectives of the program are to reduce the number of HUD EEO cases, reduce expenses incurred through the traditional administrative complaint process, reduce employees'/managers' time spent in litigation and away from the job, improve overall organizational ability to resolve conflict early in the dispute and at the lowest level possible, improve morale, and improve productivity and performance. The core principles of the ADR Program are volunteerism, neutrality, confidentiality, and enforceability.

TRAVEL

The table below identifies travel requirements unique to this activity.

| | <u>ACTUAL</u> <u>2006</u> | <u>ESTIMATE</u> <u>2007</u> | <u>ESTIMATE</u> <u>2008</u> | INCREASE + DECREASE - <u>2008 vs 2007</u> |
|--------------|------------------------------|--------------------------------|--------------------------------|---|
| | (Dollars in Thousands) | | | |
| Travel | <u>\$25</u> | <u>\$26</u> | <u>\$30</u> | <u>+\$4</u> |
| Total | 25 | 26 | 30 | +4 |

The travel funding requested for fiscal years 2007 and 2008 will enable the ODEEO to provide quality services in embracing high standards of ethics, management, and accountability as it directly supports the President's agenda. ODEEO staff will be required to attend training conferences sponsored by EEOC, FDR Conferences, Inc., FPMI Solutions, OPM and HUD contractors to be fully briefed on the latest techniques. It will enable staff to obtain regulatory required training and certification and allow attendance at annual conferences to keep staff abreast of the latest developments in procedures, laws and interpretations related to EEO. The Director of ODEEO will travel to Field Offices to meet with the Regional Directors and program office directors to provide technical assistance and guidance in support of the administration of the Department's EEO Program. EE Specialists will travel within their jurisdictions to monitor EEO complaint processing activities, and monitor performance of contract investigations and ADR activities. Funding is required for travel to the Field to monitor and evaluate implementation of EEO/AE efforts as part of HUD's Management Plan. Additional funding is requested for ODEEO staff to travel to the Field to educate all managers and employees in two mandatory diversity initiatives: conflict management and reasonable accommodation. Implementation of the ADR Program requires ADR staff to travel to the Field for training and monitoring of the program. In order for the Diversity Program to be successful, it must be administered through the use of effective strategies for the development and management of qualified minorities, women and persons with disabilities.

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CONTRACTS

The table below identifies contract requirements unique to this activity.

| | ACTUAL <u>2006</u> | ESTIMATE <u>2007</u> | ESTIMATE <u>2008</u> | INCREASE + DECREASE - <u>2008 vs 2007</u> |
|--------------------------|------------------------|-------------------------|-------------------------|---|
| | (Dollars in Thousands) | | | |
| Technical Services | <u>\$303</u> | <u>\$380</u> | <u>\$434</u> | <u>+\$54</u> |
| Total | 303 | 380 | 434 | +54 |

Technical Services. Funding is requested in fiscal years 2007 and 2008 for EEO contract investigations and for the continuation of the Department's Diversity Program. In addition to the contracting of investigations, funding is requested for contracting of the preparation of Final Agency Decisions (FADs) and for ADR activities needed to reduce the backlog of EEO complaints. Also, adequate funding will reduce the number of HUD EEO cases and significantly reduce the expenses incurred through investigating EEO complaints. The reduction of EEO cases will also decrease employees'/managers' time spent in litigation and away from the job. Funding is required to continue the support of the Interagency Agreement (IAA). Due to the award of the IAA with the United States Postal Service, ODEEO has significantly reduced the number of processing days for the EEO investigations. The EEOC has mandated in their latest regulations that all agencies have in place an ADR Program and provide diversity training (conflict management and reasonable accommodation) to all its managers, supervisors and employees. ODEEO's objective is to eliminate unwarranted complaints due to the lack of knowledge in the areas of conflict management and reasonable accommodation. It is the policy of the Department to use ADR in the settlement of all appropriate workplace disputes, consistent with ADR's core principles of neutrality, confidentiality, voluntariness and enforceability. Funding is needed for ODEEO to maintain and enhance its automated complaint and correspondence tracking system and to integrate applicant flow data to ensure compliance with the Uniform Employment Guidelines issued by the EEOC. Also included in the funding are the seven observed special emphasis programs sponsored by ODEEO. The special emphasis programs observed are: Blacks History Month, Martin Luther King, Jr. Holiday, National Women's Month, Asian Pacific American Heritage Month, National Disability Employment Awareness Month, National Hispanic Heritage Month, and the American Indian Heritage Month.

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OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY
 Personal Services
 Summary of Change
 (Dollars in Thousands)

| <u>Personal Services</u> | <u>FTE</u> | <u>S&E Cost</u> |
|---------------------------------|------------|---------------------|
| 2006 Actual..... | 26 | \$2,701 |
| 2007 Estimate..... | 26 | 2,921 |
| <u>Changes Due To</u> | | |
| Additional Workdays (2)..... | | 22 |
| 2008 January Pay Raise..... | 0 | 50 |
| 2007 January Pay Raise..... | 0 | 17 |
| Staffing increase/decrease..... | 0 | 0 |
| Other benefit changes..... | 0 | -44 |
| 2008 Request..... | 26 | \$2,966 |

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OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY
 Summary of Requirements by Grade
 Salaries and Expenses
 (Dollars in Thousands)

| | <u>2006</u> <u>Actual</u> | <u>2007</u> <u>Estimate</u> | <u>2008</u> <u>Request</u> | <u>Increase/</u> <u>Decrease</u> |
|-------------------|------------------------------|--------------------------------|-------------------------------|-------------------------------------|
| <u>Grade:</u> | | | | |
| Executive Level | 0 | 0 | 0 | 0 |
| Executive Service | 0 | 0 | 0 | 0 |
| GS-15 | 5 | 6 | 5 | -1 |
| GS-14 | 2 | 1 | 2 | +1 |
| GS-13 | 11 | 11 | 11 | 0 |
| GS-12 | 2 | 0 | 2 | 2 |
| GS-11 | 2 | 1 | 2 | +1 |
| GS-10 | 1 | 1 | 1 | 0 |
| GS-9 | 1 | 1 | 1 | 0 |
| GS-8 | 1 | 2 | 1 | -1 |
| GS-7 | 0 | 0 | 0 | 0 |
| GS-6 | 0 | 1 | 0 | -1 |
| GS-5 | 0 | 0 | 0 | 0 |
| GS-4 | 1 | 2 | 1 | -1 |
| GS-3 | 0 | 0 | 0 | 0 |
| GS-2 | 0 | 0 | 0 | 0 |
| GS-1 | 0 | 0 | 0 | 0 |
| Total Positions | 26 | 26 | 26 | 0 |
| Average ES Salary | \$0 | \$0 | \$0 | 0 |
| Average GS Salary | \$85,662 | \$85,322 | \$87,370 | +\$2,048 |
| Average GS Grade | 12.4 | 11.0 | 12.4 | +0.6 |

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OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY
Summary of Requirements by Object Class
Salaries and Expenses
 (Dollars in Thousands)

| <u>Object Class</u> | <u>2006 Actual</u> | <u>2007 Estimate</u> | <u>2008 Request</u> | <u>Increase/Decrease</u> |
|---|--------------------|----------------------|---------------------|--------------------------|
| Personal Services..... | \$2,701 | \$2,921 | \$2,966 | +45 |
| Travel and Transportation of Persons..... | 25 | 26 | 30 | +4 |
| Transportation of Things..... | 0 | 0 | 0 | 0 |
| Rent, Communication & Utilities..... | 0 | 0 | 0 | 0 |
| Printing and Reproduction..... | 0 | 0 | 0 | 0 |
| Other Services..... | 303 | 380 | 434 | +54 |
| Supplies and Materials..... | 9 | 7 | 7 | 0 |
| Furniture & Equipment..... | 0 | 0 | 0 | 0 |
| Insurance Claims & Indemnities..... | 10 | 0 | 0 | 0 |
| Total Obligations..... | \$3,048 | \$3,334 | \$3,437 | +\$103 |

**Departmental Equal Employment Opportunity
 Performance Measurement Table**

| Program Mission: The mission of the Office of Departmental Equal Employment Opportunity is to ensure the enforcement of Federal laws relating to the elimination of all forms of discrimination in the Department's employment practices. | | | | | |
|---|---|--------------------|----------------|------------------|-----------|
| Performance Indicators | Data Sources | Performance Report | | Performance Plan | |
| | | 2006 Plan | 2006 Actual | 2007 Enacted | 2008 Plan |
| Monitor and report improvements in the representation of all groups in the Department | Equal Employment Opportunity Automated System | NA | NA | NA | 100% |
| Ensure EEO program compliance | Equal Employment Opportunity Automated System | 100% | 100% | 100% | 100% |

NA= Not Applicable.

EXPLANATION OF PERFORMANCE

The functions of the Office of Departmental Equal Employment Opportunity (ODEEO) support Strategic Goal: Embrace high standards of ethics, management and accountability that directly supports the President's Management Agenda. ODEEO fully intends to maintain its current level of performance, adequately address emerging forms of employment discrimination, prepare for the retirement of skilled employees, and to fully carry out all of its responsibilities as required under the Civil Right Act of 1964 (as amended) and other related regulations.

INDICATOR: Monitor and report improvements in the representation of all groups in the Department

A workforce that is diverse and free of discrimination based on race, color, sex, age, national origin, religion and disability is essential to maximizing the strategic management of human capital. Accordingly, the mission of the ODEEO is to ensure the enforcement of Federal laws relating to the elimination of all forms of discrimination in the Department's employment practices. The applicable laws include Title VII of the Civil Rights Act of 1964 (as amended), the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967 and the Equal Pay Act. The office has nationwide responsibility for the Department's Equal Employment Opportunity Programs. The mission of the Office is carried out through the functions of three Divisions, the Affirmative Employment Division, the Alternative Dispute Resolution Division, and the Equal Employment Opportunity Division. Strategy will include:

- Develop and begin implementation of Departmental management training (Overall management training including an EEO/ADR Component) with input from ODEEO, OGC, HR and the HTA;
- Collect and analyze data on the applicant pool for all vacancies;
- Collect and analyze EEO work force demographics and employment trends to ensure the inclusion of all human capital at all levels of the Department;¹
- Develop and implement a special recruitment program for persons with "targeted" disabilities;²

¹ This goal requires coordination with the Office of Administration and each Program Office.

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- Provide oversight and coordination of all Nationally recognized Special Emphasis Programs; and
- Prepare and submit annual assessments and EEO Program status reports and plans, as required by EEOC and OPM.

INDICATOR: Ensure EEO program compliance

- Process 90 percent of all Alternative Dispute Resolution cases within 90 days of receiving the cases.
- The achievement of this goal will result in a significant reduction in the amount of time and resources the Department expends on EEO matters.
- Increase the Department's pre-complaint resolution rate (no formal complaint filed) to 25 percent.
- The achievement of this goal will reduce the number of HUD EEO cases and significantly reduce the expenses incurred through investigating EEO complaints. The reduction of EEO cases will also decrease employee/manager time spent in litigation and away from the job.
- Complete the investigation of newly filed cases within 180 days of the filing of the formal complaint;
- Complete the pre-complaint phase of the Alternative Dispute Resolution (ADR) process in 90 days or less;
- Provide Departmental management training;
- Reduce by 25 percent the average age of the EEO complaint inventory through the elimination of the EEO complaint backlog and the timely processing of newly filed EEO complaints ²
- Close at least 85 percent of the aged cases that have been in the discrimination complaint inventory of cases in excess of 270 days; and
- Prepare and submit annual assessments and EEO Program status reports and plans, as required by EEOC and OPM.

¹ This goal requires coordination with the Office of Administration and each Program Office.

² This goal requires coordination with the Office of Administration.

Overall Summary of Departmental Equal Employment Opportunity Staff Requirements

| | FTE | | | Increase + Decrease - 2008 vs 2007 |
|--------------------|------------------|------------------|------------------|--|
| | Estimate 2006 | Estimate 2007 | Estimate 2008 | |
| Headquarters..... | 26.0 | 26.0 | 26.0 | 0.0 |
| Field | 0.0 | 0.0 | 0.0 | 0.0 |
| Total | 26.0 | 26.0 | 26.0 | 0.0 |

Summary of Departmental Equal Employment Opportunity Staff Requirements

| | FTE | | | Increase + Decrease - 2008 vs 2007 |
|--------------------------------|------------------|------------------|------------------|--|
| | Estimate 2006 | Estimate 2007 | Estimate 2008 | |
| <u>Headquarters Employment</u> | | | | |
| ODEEO | 26.0 | 26.0 | 26.0 | 0.0 |
| Total | 26.0 | 26.0 | 26.0 | 0.0 |

Detail of Departmental Equal Employment Opportunity Staff Requirements

| Workload Guideline | Workload Indicator | Fiscal Year 2006 | | | Fiscal Year 2007 | | | | Fiscal Year 2008 | | | |
|---|---|--------------------------|---------------------------|-------------|---------------------------------|--------------------------|---------------------------|-------------|---------------------------------|--------------------------|---------------------------|-------------|
| | | Projected Accomplishment | Projected Unit Cost (Hrs) | FTE | Underfunded Workload/Allocation | Projected Accomplishment | Projected Unit Cost (Hrs) | FTE | Underfunded Workload/Allocation | Projected Accomplishment | Projected Unit Cost (Hrs) | FTE |
| Headquarters Employment | | | | | | | | | | | | |
| Departmental Equal Employment Opportunity - Director's Office | NA | | | 0.0 | | | | 2.0 | | | | 2.0 |
| Administrative Support | NA | | | 3.1 | | | | 3.0 | | | | 3.0 |
| Affirmative Employment Program | N/A | | | 4.2 | | | | 4.0 | | | | 4.0 |
| Perform EEO Counseling | Number of counseling session conducted during the month | 205 | 75.08 | 7.4 | | 145 | 57.38 | 4.0 | | 145 | 101.00 | 4.0 |
| * Manage EEO Complaint Process | Number of complaints in process at the end of the month | 0 | | 0.7 | | ... | ... | ... | | ... | ... | ... |
| Manage EEO Complaint Process | Number of complaints in process at the end of the month | 95 | 116.92 | 5.3 | | 95 | 175.16 | 8.0 | | 120 | 138.67 | 8.0 |
| Manage ADR Program | Number of ADR cases processed at the end of the month | 378 | 29.16 | 5.3 | | 375 | 27.73 | 5.0 | | 375 | 27.73 | 5.0 |
| Subtotal | | | | 26.0 | | | | 26.0 | | | | 26.0 |

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HEADQUARTER EMPLOYMENT

EXPLANATION OF CHANGES FROM 2007 BUDGET ESTIMATE TO 2008 ESTIMATE

There is no change in the FTE level between fiscal years 2007 and 2008.