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Public Comments on Minority and Women Inclusion Amendments: =====

Title: Minority and Women Inclusion Amendments
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Submitter Info:

First Name: EEOC

Last Name: Office of Legal Counsel

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Comment: Dear Ms. Levine, Mr. Howard, and Mr. Jordan:

Thank you for the opportunity to comment on the Federal Housing Finance Agency's (FHFA's) notice of proposed rulemaking (NPRM) on minority and women inclusion, published in the Federal Register on October 27, 2016. 81 Fed. Reg. 74,730 (Oct. 27, 2016). We reviewed the NPRM with interest.

We noticed that the current and proposed regulations include provisions regarding reasonable accommodation procedures for individuals with disabilities. See 12 C.F.R. 1207.21(b)(4) (current regulations); 12 C.F.R. 1207.21(b)(5) (proposed regulations). As you know, in addition to the right to reasonable accommodations under the Rehabilitation Act, Title VII of the Civil Rights Act of 1964 entitles applicants and employees to reasonable accommodations to observe their religious beliefs or practices, absent undue hardship. 42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; see also EEOC, Compliance Manual 12: Religious Discrimination 12-IV (2008), <https://www.eeoc.gov/policy/docs/religion.html>. Consistent with Title VII, 12 U.S.C. 1833e, and Executive Order 11478, as amended, we recommend that FHFA further amend 12 C.F.R. 1207.21 to address reasonable religious accommodations.

We also noticed that the proposed regulation requires regulated entities to amend their policies on equal opportunity in employment and contracting to include, among other things, sexual orientation and gender identity as protected bases. See 12 C.F.R. 1207.21(a) (proposed regulations). We support this requirement, which is consistent with EEOC's interpretation of Title VII's prohibition of sex discrimination as forbidding employment discrimination based on gender identity or sexual orientation. See generally EEOC, What You Should Know About EEOC and the Enforcement Protections for LGBT Workers, https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm (last visited Dec. 20, 2016).

Again, thank you for the opportunity to comment. Please feel free to contact us with questions or comments.

Sincerely,

Lisa Schnal
Senior Attorney Advisor
Office of Legal Counsel
U.S. Equal Employment Opportunity Commission
131 M St, NE
Washington, DC 20507

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