

**§ 1612.13**

**§ 1612.13 Meetings closed by regulation.**

(a) This paragraph constitutes the Commission's regulation promulgated pursuant to paragraph (d)(4) of the Government in the Sunshine Act and may be invoked by the agency to close meetings or portions thereof where the subject matter of such meeting or portion of a meeting is likely to involve:

(1) Matters pertaining to the issuance of subpoenas;

(2) Subpoena modification and revocation requests, and

(3) The Agency's participation in civil actions or proceedings pertaining thereto.

(b) When closing a meeting or portion thereof under the Commission's regulation set forth in paragraph (a) of this section, a majority of the Commission membership shall vote at or before the beginning of such meeting or portion thereof to do so. The vote to close a meeting by regulation shall be recorded and made publicly available.

(c) The Commission's determination to promulgate the regulation in paragraph (a) of this section is based upon a review of the agenda of Commission meetings for the two years prior to the promulgation of these regulations.

(1) Since the Commission's practice of conducting weekly meetings began in 1975, proposed litigation against title VII respondents has been a regular agenda item. The tenth exemption of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(10), exempts the discussion of these matters from the open meeting requirements of the Act.

(2) Thus, the Commission has determined that a majority of its meetings or portions thereof may properly be closed to the public under the tenth exemption of the Sunshine Act, and that paragraph (d)(4) of the Sunshine Act is properly relied upon in promulgating the Commission's regulation in paragraph (a) of this section.

**§ 1612.14 Judicial review.**

Any person may bring an action in a United States District Court to challenge or enforce the provisions of this part. Such action may be brought prior to or within sixty (60) calendar days after the meeting in question, except that if proper public announcement of

**29 CFR Ch. XIV (7-1-07 Edition)**

the meeting is not made, the action may be instituted at any time within sixty (60) days after such announcement is made. An action may be brought where the agency meeting was held or in the District of Columbia.

**PART 1614—FEDERAL SECTOR  
EQUAL EMPLOYMENT OPPORTUNITY**

**Subpart A—Agency Program To Promote  
Equal Employment Opportunity**

Sec.

- 1614.101 General policy.
- 1614.102 Agency program.
- 1614.103 Complaints of discrimination covered by this part.
- 1614.104 Agency processing.
- 1614.105 Pre-complaint processing.
- 1614.106 Individual complaints.
- 1614.107 Dismissals of complaints.
- 1614.108 Investigation of complaints.
- 1614.109 Hearings.
- 1614.110 Final action by agencies.

**Subpart B—Provisions Applicable to  
Particular Complaints**

- 1614.201 Age Discrimination in Employment Act.
- 1614.202 Equal Pay Act.
- 1614.203 Rehabilitation Act.
- 1614.204 Class complaints.

**Subpart C—Related Processes**

- 1614.301 Relationship to negotiated grievance procedure.
- 1614.302 Mixed case complaints.
- 1614.303 Petitions to the EEOC from MSPB decisions on mixed case appeals and complaints.
- 1614.304 Contents of petition.
- 1614.305 Consideration procedures.
- 1614.306 Referral of case to Special Panel.
- 1614.307 Organization of Special Panel.
- 1614.308 Practices and procedures of the Special Panel.
- 1614.309 Enforcement of Special Panel decision.
- 1614.310 Right to file a civil action.

**Subpart D—Appeals and Civil Actions**

- 1614.401 Appeals to the Commission.
- 1614.402 Time for appeals to the Commission.
- 1614.403 How to appeal.
- 1614.404 Appellate procedure.
- 1614.405 Decisions on appeals.
- 1614.406 Time limits. [Reserved]
- 1614.407 Civil action: Title VII, Age Discrimination in Employment Act and Rehabilitation Act.
- 1614.408 Civil action: Equal Pay Act.

## Equal Employment Opportunity Comm.

## § 1614.102

1614.409 Effect of filing a civil action.

### Subpart E—Remedies and Enforcement

- 1614.501 Remedies and relief.
- 1614.502 Compliance with final Commission decisions.
- 1614.503 Enforcement of final Commission decisions.
- 1614.504 Compliance with settlement agreements and final action.
- 1614.505 Interim relief.

### Subpart F—Matters of General Applicability

- 1614.601 EEO group statistics.
- 1614.602 Reports to the Commission.
- 1614.603 Voluntary settlement attempts.
- 1614.604 Filing and computation of time.
- 1614.605 Representation and official time.
- 1614.606 Joint processing and consolidation of complaints.
- 1614.607 Delegation of authority.

### Subpart G—Procedures Under the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act)

- 1614.701 Purpose and scope.
- 1614.702 Definitions.
- 1614.703 Manner and format of data.
- 1614.704 Information to be posted—all Federal agencies.
- 1614.705 Comparative data—all Federal agencies.
- 1614.706 Other data.
- 1614.707 Data to be posted by EEOC.

AUTHORITY: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e-16; E.O. 10577, 3 CFR, 1954-1958 Comp., p.218; E.O. 11222, 3 CFR, 1964-1965 Comp., p.306; E.O. 11478, 3 CFR, 1969 Comp., p.133; E.O. 12106, 3 CFR, 1978 Comp., p.263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p.321.

SOURCE: 57 FR 12646, Apr. 10, 1992, unless otherwise noted.

### Subpart A—Agency Program To Promote Equal Employment Opportunity

#### § 1614.101 General policy.

(a) It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or handicap and to promote the full realization of equal employment opportunity

through a continuing affirmative program in each agency.

(b) No person shall be subject to retaliation for opposing any practice made unlawful by title VII of the Civil Rights Act (title VII) (42 U.S.C. 2000e *et seq.*), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 *et seq.*), the Equal Pay Act (29 U.S.C. 206(d)) or the Rehabilitation Act (29 U.S.C. 791 *et seq.*) or for participating in any stage of administrative or judicial proceedings under those statutes.

#### § 1614.102 Agency program.

(a) Each agency shall maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. In support of this program, the agency shall:

(1) Provide sufficient resources to its equal employment opportunity program to ensure efficient and successful operation;

(2) Provide for the prompt, fair and impartial processing of complaints in accordance with this part and the instructions contained in the Commission's Management Directives;

(3) Conduct a continuing campaign to eradicate every form of prejudice or discrimination from the agency's personnel policies, practices and working conditions;

(4) Communicate the agency's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, national origin, age or handicap, and solicit their recruitment assistance on a continuing basis;

(5) Review, evaluate and control managerial and supervisory performance in such a manner as to insure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity, and provide orientation, training and advice to managers and supervisors to assure their understanding and implementation of the equal employment opportunity policy and program;

(6) Take appropriate disciplinary action against employees who engage in discriminatory practices;

(7) Make reasonable accommodation to the religious needs of applicants and