



# CDBG-DR Equal Opportunity Employment Policy

**NEW MEXICO HOME RECOVERY PROGRAM  
DEPARTMENT OF HOMELAND SECURITY AND  
EMERGENCY MANAGEMENT**

This policy is effective as of 3/20/2026 and may be updated periodically to reflect program implementation and evolving guidance from the U.S. Department of Housing and Urban Development (HUD).

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## Table of Contents

I. PURPOSE AND SCOPE.....	1
II. BACKGROUND .....	1
III. POLICY STATEMENT .....	1
IV. DEFINITIONS.....	2
V. PROCEDURES.....	2
VI. SCOPE OF WORK AND EVALUATION CRITERIA.....	4
VII. ROLES AND RESPONSIBILITIES .....	4
VIII. COMPLIANCE & ENFORCEMENT .....	6
A. Internal Reporting.....	6
B. State Reporting.....	7
C. Federal Reporting.....	7
IX. CONFLICTS OF INTEREST AND MODIFICATIONS.....	8
X. DOCUMENTATION & RECORDKEEPING .....	8
XI. REFERENCES .....	9
XII. APPENDIX.....	10



## **I. PURPOSE AND SCOPE**

**Purpose:** This policy affirms DHSEM’s compliance with all federal and state Equal Employment Opportunity (EEO) laws. It covers all DHSEM employees, as well as the employment-related activities of subrecipients, contractors, and other entities receiving CDBG-DR funds. Employment decisions, including recruitment, hiring, training, promotion, compensation, benefits, discipline, and termination, will be made without regard to race, color, religion, sex (including sexual orientation and gender identity), national origin, familial status, age, disability, genetic information, or any other status protected by law. The EEO policy notice shall be placed in plain sight on the job location for the benefit of interested parties. All required EEO posters will be prominently displayed as mandated by state and federal guidelines.

**Scope:** This policy applies to DHSEM and all entities involved in CDBG-DR programs, whether they are directly employed or working under a subgrant or contract. This includes employees and applicants of subrecipients, contractors, and subcontractors. The policy covers all aspects of employment and aims to ensure that equal opportunity principles are incorporated into everyday practice.

The EEO policy guarantees that employment decisions—such as recruitment, hiring, training, promotion, compensation, and termination—are made without regard to any status protected by applicable federal, state, or local law. In doing so, the State fulfills its responsibility to promote equal opportunity, prevent discrimination, and ensure compliance with federal CDBG-DR civil rights and labor standards requirements.

## **II. BACKGROUND**

The State of New Mexico’s Department of Homeland Security and Emergency Management (DHSEM) is committed to ensuring that all individuals have equal access to employment and advancement opportunities related to programs and activities supported by Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. This dedication goes beyond legal requirements, reflecting the State’s values of fairness, respect, and inclusion. This policy applies to all DHSEM employment practices and all employment-related activities funded in whole or in part with CDBG-DR funds.

## **III. POLICY STATEMENT**

New Mexico DHSEM affirms its commitment to Equal Opportunity Employment by ensuring all hiring, promotion, and contracting decisions are free from discrimination based on race, color, religion, sex, national origin, familial status, genetics, or disability. This policy applies to all state and federally funded programs, requiring proactive outreach, transparent recruitment, and compliance with HUD Section 3 regulations. DHSEM and its partners must maintain documentation, provide reasonable accommodations, and display EEO notices prominently. Through rigorous enforcement and continuous improvement, DHSEM guarantees fairness, fosters



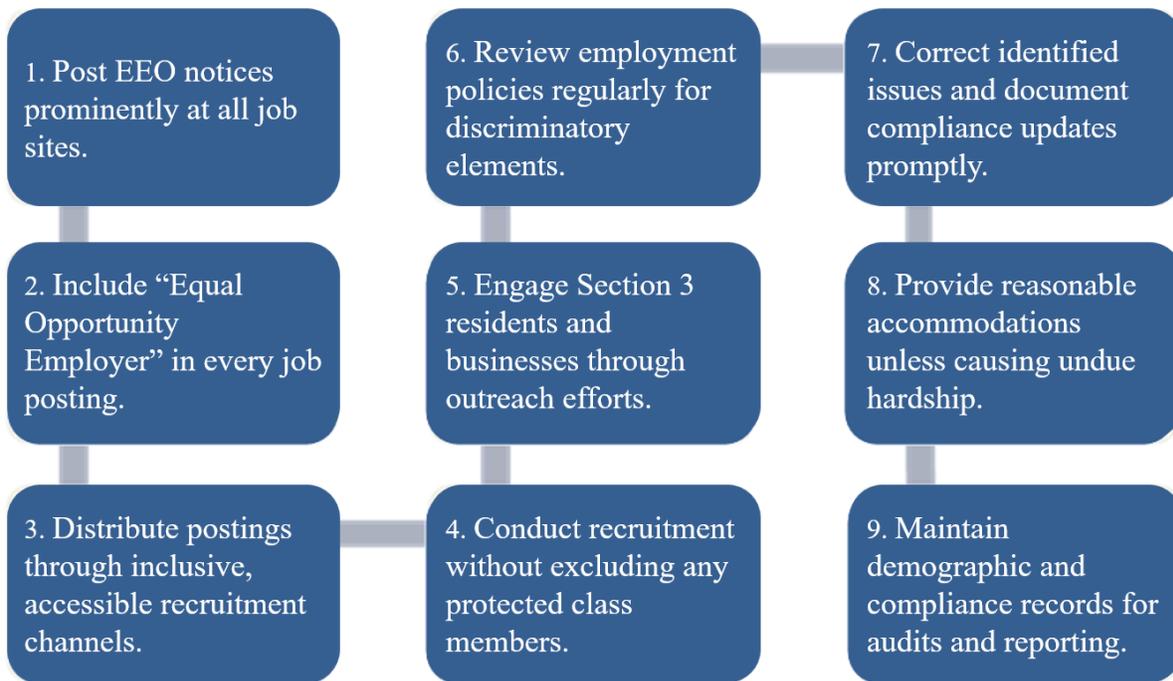
diversity, and upholds public trust by ensuring employment opportunities are based solely on merit and equal access.

#### IV. DEFINITIONS

Term	Definition
<b>Discrimination</b>	Any action or policy that results in unequal treatment of individuals based on protected characteristics, whether intentional or unintentional.
<b>Equal Employment Opportunity (EEO)</b>	The principle that all individuals have equal access to employment opportunities without discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or familial status.
<b>Protected Class</b>	Groups safeguarded under federal and state law from employment discrimination, including but not limited to race, color, religion, sex, national origin, age, disability, and genetic information.
<b>Reasonable Accommodation</b>	Adjustments or modifications provided to enable individuals with disabilities to perform essential job functions, unless such accommodations impose undue hardship on the employer.
<b>Section 3 Business Concern</b>	A business that is at least 51% owned by Section 3 residents, employs Section 3 residents for at least 30% of its workforce, or commits to subcontracting more than 25% of its contracts to Section 3 businesses.
<b>Section 3 Resident</b>	An individual who resides in public housing or whose household income does not exceed HUD's income limits for low- or very low-income families, as defined under 24 CFR Part 135.
<b>Undue Hardship</b>	Significant difficulty or expense incurred by an employer when providing accommodations, considering factors such as cost, resources, and operational impact.

#### V. PROCEDURES

Below is a general flowchart illustrating the Equal Opportunity Employment process:



Below is a detailed, step-by-step process for Equal Opportunity Employment:

Step	Process
1.0	Post EEO notices prominently at all job sites.
2.0	Include “Equal Opportunity Employer” in every job posting.
3.0	Distribute posting through inclusive, accessible recruitment channels.
4.0	Conduct recruitment without excluding any protected class members.
5.0	Engage Section 3 residents and businesses through outreach efforts.
6.0	Review employment policies regularly for discriminatory elements.
7.0	Correct identified issues and document compliance updates promptly.
8.0	Provide reasonable accommodations unless causing undue hardship.
9.0	Maintain demographic and compliance records for audits and reporting.



## VI. SCOPE OF WORK AND EVALUATION CRITERIA

The scope of DHSEM’s Equal Opportunity Employment policy encompasses all hiring, promotion, contracting, and procurement activities funded by state or federal programs, ensuring equitable access for protected classes and Section 3 residents and businesses. Compliance is measured through documented evidence of inclusive recruitment practices, accurate demographic reporting, and adherence to accommodation requirements. Success indicators include timely posting of EEO notices, verified outreach to Section 3 communities, and maintenance of employment and procurement records for audit readiness.

Evaluation will rely on periodic internal reviews, third-party audits, and analysis of complaint trends to identify gaps and drive corrective action. By embedding measurable standards—such as diversity in applicant pools, transparency in decision-making, and documented outreach efforts—DHSEM transforms policy into practice, reinforcing accountability and public trust in its commitment to fairness.

## VII. ROLES AND RESPONSIBILITIES

Stakeholder	Roles & Responsibilities
<p><b>New Mexico Department of Homeland Security and Emergency Management (DHSEM)</b></p>	<p>DHSEM will take proactive measures to prevent discrimination in hiring and the workplace, including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Advertise that the State is an Equal Opportunity employer in all job postings.</li> <li>• Conduct recruitment activities in a way that does not intentionally or unintentionally restrict participation from any protected class member.</li> <li>• Review employment policies and procedures to identify and change any elements that could lead to intentional or unintentional discrimination.</li> <li>• Provide reasonable accommodations or modifications for employees with disabilities unless it would cause undue hardship. A reasonable accommodation is any change in the work environment or how a job is performed that allows a person with a disability to have equal employment opportunities. DHSEM will engage in an interactive process with the applicant or employee to identify an effective accommodation. Reasonable accommodations generally fall into three categories: changes to the job application process; changes to the work environment or how a job is typically performed; and modifications that allow an employee with a disability to enjoy the same benefits and</li> </ul>



	<p>privileges of employment as other employees, such as equal access to training and professional development (see Appendix).</p> <ul style="list-style-type: none"> <li>• Maintain employment records that detail staff composition by race, sex, disability status, and national origin. This data will be reviewed regularly to identify and resolve any disparities in employment practices.</li> <li>• Display the Equal Opportunity “Know Your Rights” Poster in English and Spanish in a prominent location (see Appendix).</li> </ul>
<p><b>EEO Point of Contact</b></p>	<p>The DHSEM Human Resources Department will act as the primary point of contact for all EEO-related matters. The DHSEM Human Resources Department will provide guidance to DHSEM management, subrecipients, and contractors on EEO compliance and will coordinate with the State Personnel Office on complaint resolution, workforce reporting, and other compliance matters. All EEO-related records will be maintained in accordance with applicable retention standards, and periodic reports will be prepared for submission to SPO, HUD, or other oversight agencies as required. The DHSEM Human Resources Department will also ensure this policy is reviewed annually and updated as required to maintain compliance. The DHSEM Human Resources Department is authorized to investigate complaints, recommend corrective actions, and has direct access to DHSEM senior leadership to ensure independence and maximize effectiveness.</p>
<p><b>Subrecipients and Contractors</b></p>	<p>All subrecipients and contractors participating in the CDBG-DR program are expected to adopt and maintain written EEO policies that are consistent with this policy. Responsibilities include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Advertise that they are an Equal Opportunity Employer in all job postings.</li> <li>• Conduct recruitment activities in a manner that does not intentionally or unintentionally limit participation from any protected class.</li> <li>• Review employment policies and procedures to identify and modify any elements that could result in an intentional or unintentional discriminatory act.</li> <li>• Subrecipients and contractors with fifteen (15) or more employees must provide reasonable accommodation for individuals with disabilities in the workplace unless it would cause undue hardship.</li> </ul>



	<ul style="list-style-type: none"><li>• Maintain employment data that indicates staff composition by race, sex, disability status, and national origin.</li><li>• Display the Equal Opportunity “Know Your Rights” Poster in English and Spanish in a prominent location at all worksites (See Appendix).</li></ul> <p>Subrecipients and contractors must maintain documentation of EEO-related recruitment, hiring, accommodation requests, and complaint resolution activities, and make such documentation available to DHSEM upon request.</p>
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## VIII. COMPLIANCE & ENFORCEMENT

DHSEM is committed to addressing complaints of discrimination, harassment, or retaliation promptly, fairly, and in compliance with both state and federal laws, including the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity (FHEO). The monitoring and compliance process aims to provide clear pathways for internal resolution and access to external enforcement agencies at both the state and federal levels. DHSEM will review EEO compliance as part of routine subrecipient monitoring and may require corrective action plans if deficiencies are found. A complaint can be filed by any individual or authorized representative who believes they have been denied opportunities or treated unfairly due to their race, ethnicity, gender, disability, or age.

### A. *Internal Reporting*

Any DHSEM employee, applicant, subrecipient, contractor, or member of the public who believes they have been subjected to unlawful discrimination or retaliation is encouraged to seek resolution at the earliest possible stage. The State Personnel Office (SPO) encourages informal resolution when possible but also provides a formal process to ensure that concerns are fully addressed.

Within DHSEM, complaints may be made by the affected individual or by an authorized representative. The process is as follows:

- Report the concern to a supervisor or the DHSEM Human Resources Department as the designated EEO point of contact.
- Submit a written complaint detailing the incident(s), including relevant dates, locations, individuals involved, and any witnesses.
- The DHSEM Human Resources Department will acknowledge receipt of the complaint, initiate a prompt and impartial investigation, and maintain the confidentiality of all parties to the extent possible.



- Upon conclusion of the investigation, findings will be documented, and any necessary corrective action will be taken.
- Retaliation against any person for filing a complaint or participating in an investigation is strictly prohibited.

DHSEM will not interfere with or discourage any individual from exercising their rights under EEO laws.

### ***B. State Reporting***

It is the State's policy to promote informal resolution of issues, encourage voluntary compliance, and take corrective action. Noncompliance may eventually lead to the termination of or denial of federal assistance.

If an individual wants to pursue their complaint through the State of New Mexico, they can file directly with the New Mexico Human Rights Bureau (HRB). The HRB enforces the New Mexico Human Rights Act and accepts complaints alleging discrimination based on race, color, national origin, ancestry, sex, sexual orientation, gender identity, religion, age, disability, or other protected classes under state law.

- Complaints must be filed within 300 days of the alleged incident.
- Complaints may be submitted online at <https://www.dws.state.nm.us/Filing-a-Charge-of-Discrimination>, or by calling 1-800-566-9471 or (505) 827-6838.
- The State's policy is to encourage voluntary compliance and corrective action whenever possible; however, noncompliance may result in termination or denial of state or federal assistance.

Filing with one agency may affect filing deadlines with another; individuals are encouraged to review agency-specific timelines.

### ***C. Federal Reporting***

Individuals can also seek remedies through federal agencies. The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit employment discrimination based on race, color, religion, sex, national origin, age, disability, or genetic information.

- Complaints to the EEOC must generally be filed within 180 to 300 days of the alleged incident, depending on whether state law also applies.
- Complaints may be filed through the EEOC Public Portal at <https://www.eeoc.gov> or by calling 1-800-669-4000.

For matters involving HUD-funded activities, individuals may also submit filings with the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity at [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](https://www.hud.gov/program_offices/fair_housing_equal_opp).



For issues involving federal contractors or subcontractors, complaints can be filed with the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) at <https://www.dol.gov/agencies/ofccp>.

Remedies available through federal enforcement or court action may include back pay, reinstatement, policy changes, attorney's fees, or injunctive relief. The identity of the complainant will be kept confidential unless written authorization is provided.

The remedy through court action may include the award of damages, back pay, seniority and as with any equal opportunity action, attorney fees, or injunction against the noncomplying project. The complainant's identity will be held in confidence unless written authorization is given.

Filing with one agency may affect filing deadlines with another; individuals are encouraged to review agency-specific timelines.

## **IX. CONFLICTS OF INTEREST AND MODIFICATIONS**

To maintain the highest standards of integrity, all stakeholders, including DHSEM staff, subrecipients, contractors, and partners, must adhere to strict conflict of interest guidelines. Individuals involved in the decision-making or procurement processes must disclose any personal or financial interests that might influence their objectivity in fulfilling EEO objectives. This requirement is crucial to ensuring that all actions taken under the Equal Opportunity Employment Policy are impartial and align with the principles of fairness and equity. Regular training will reinforce these standards and help identify and address potential conflicts proactively.

The Equal Opportunity Employment Policy is subject to continuous evaluation and refinement to adapt to changing legal requirements and community needs. Annual reviews, based on comprehensive feedback from stakeholders and affected communities, facilitate necessary modifications to enhance policy effectiveness. Modifications are implemented in a structured manner, ensuring alignment with both federal mandates and local objectives. All changes are documented, disseminated across all levels of involvement, and incorporated into subsequent training sessions, preserving the policy's integrity and responsiveness to emerging challenges.

## **X. DOCUMENTATION & RECORDKEEPING**

All records related to the CDBG-DR Program must be retained for a minimum of three years from the date of submission of the final expenditure report, or longer if required due to audits, litigation, or other federal mandates. Records include financial documents, programmatic files, beneficiary data, and correspondence. Subrecipients must maintain organized and accessible files to support compliance with 2 CFR §200.334. Records related to real property and equipment must be retained for three years after final disposition. Electronic and physical records must be protected against unauthorized access and maintained in accordance with applicable privacy and security standards. Extensions to retention periods will be honored when formally requested by federal oversight entities.



## XI. REFERENCES

[List of relevant laws, regulations, or internal documents]

Executive Order, Federal and State Laws and Regulations	Description
<b>HUD CDBG-DR Universal Notice</b> ( <i>90 FR 1754</i> )	A set of standardized waivers and alternative requirements for the Community Development Block Grant Disaster Recovery (CDBG-DR) program.
<b>24 CFR Part 8</b>	The federal regulation concerning nondiscrimination based on handicap in programs and activities that receive financial assistance from the Department of Housing and Urban Development (HUD).
<b>24 CFR Part 91.115 or 91.105</b>	Require a citizen participation plan that includes provisions for public hearings, providing information and comment periods, offering language assistance and technical aid, and handling complaints, though the specific requirements differ based on the entity's role and responsibilities.
<b>CDBG Program Regulations</b> ( <i>24 CFR Part 570</i> )	The regulations for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program, which provides annual grants to states and local governments for community development activities.
<b>Uniform Guidance</b> ( <i>2 CFR 200</i> )	A set of government-wide regulations that standardizes administrative requirements, cost principles, and audit rules for federal awards to non-federal entities.
<b>Title VI of the Civil Rights Act of 1964</b>	Prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance.
<b>Title VII of the Civil Rights Act of 1964</b>	Prohibits employment discrimination based on race, color, religion, sex, or national origin.
<b>Section 504 of the Rehabilitation Act of 1973</b>	A civil rights law that prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.



<b>Title II of the Americans with Disabilities Act (ADA) of 1990</b>	Prohibits discrimination by state and local governments, ensuring that qualified individuals with disabilities have an equal opportunity to participate in or benefit from their services, programs, and activities.
<b>Age Discrimination in Employment Act (ADEA) of 1967</b>	Protects workers and job applicants aged 40 and older from age-based discrimination in hiring, firing, promotions, and other aspects of employment.
<b>Equal Pay Act of 1963</b>	Prohibits employers from paying men and women different wages for substantially equal work.
<b>Fair Housing Act (Title VIII of the Civil Rights Act of 1968)</b>	Prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, sex, familial status, national origin, and disability
<b>New Mexico Human Rights Act (NMHRA)</b>	Prohibits discrimination in employment, housing, credit, and public accommodations based on protected characteristics like race, sex, age, religion, and disability.

## XII. APPENDIX

The appendix contains supplementary material which forms a part of this document but is not essential for its completeness, containing supporting information and will appear in this section.

<b>Form Name, Process Map Name, OR Document Name</b>	<b>Link to Document</b>
<b>EEOC Small Employers and Reasonable Accommodation, Notice Concerning the Americans with Disabilities Act Amendments Act of 2008</b>	<a href="https://www.eeoc.gov/publications/small-employers-and-reasonable-accommodation">https://www.eeoc.gov/publications/small-employers-and-reasonable-accommodation</a>
<b>Equal Employment Opportunity Poster for the State, Subrecipients, and Contractors</b>	<a href="https://www.eeoc.gov/poster">https://www.eeoc.gov/poster</a>
<b>EEOC Discrimination Form</b>	<a href="https://www.eeoc.gov/know-your-rights-workplace-discrimination-illegal">https://www.eeoc.gov/know-your-rights-workplace-discrimination-illegal</a>