



## EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEO)

Plan Effective Date: July 1, 2019

Plan Expiration Date: June 30, 2023

Four-Year  
Plan Expiration (FTA): April 30, 2023 (based on data through June 30, 2019)

Prepared by: Cesar Portillo  
EEO Program Officer  
Director of Employee Engagement

Approved by: Emmett Heath  
Chief Executive Officer



**AFFIRMATIVE ACTION PROGRAM**

**For**

**MINORITIES AND FEMALES**

**DISABLED AND VETERANS**



Community Transit is a federal grant recipient under the oversight of the Federal Transit Authority, a unit of the U. S. Department of Transportation. As such, the company complies with the provisions of the FTA's Equal Employment Opportunity Program Guidelines for Grant Recipients, described in FTA C 4704.1A as well as state and local laws regarding equal opportunity.

## ***T***ABLE OF ***C***ONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>4</b>
<b>ATTACHMENTS .....</b>	<b>5</b>
<b>PREFACE .....</b>	<b>6</b>
<b>PROGRAM COMPONENTS .....</b>	<b>8</b>
<b>OVERVIEW.....</b>	<b>8</b>
<b>ANNUAL EQUAL EMPLOYMENT OPPORTUNITY POLICY .....</b>	<b>9</b>
<b>CHAPTER 1 - BACKGROUND.....</b>	<b>10</b>
<b>SECTION I – PURPOSE.....</b>	<b>10</b>
<b>SECTION II – OBJECTIVES .....</b>	<b>10</b>
<b>SECTION III – DEFINITIONS.....</b>	<b>11</b>
<b>SECTION IV – COVERAGE.....</b>	<b>13</b>
<b>CHAPTER II – EEO PROGRAM COMPONENTS .....</b>	<b>14</b>
<b>OVERVIEW.....</b>	<b>14</b>
<b>PROGRAM REQUIREMENTS.....</b>	<b>14</b>
<b>SECTION I - POLICY STATEMENT.....</b>	<b>15</b>
<b>SECTION II – COMMUNICATION AND DISSEMINATION .....</b>	<b>12</b>
<b>SECTION III – DESIGNATION OF PERSONNEL RESPONSIBILITY AND IMPLEMENTATION.....</b>	<b>16</b>
<b>SECTION IV – UTILIZATION ANALYSIS.....</b>	<b>18</b>
<b>SECTION V – GOALS &amp; TIMETABLES .....</b>	<b>19</b>
<b>SECTION VI – ASSESSMENT OF EMPLOYMENT PRACTICES TO IDENTIFY CAUSES OF UNDERUTILIZATION: AFFIRMATIVE ACTION TO REMEDY PROBLEM AREAS.....</b>	<b>21</b>
<b>SECTION VII: MONITORING AND REPORTING SYSTEM.....</b>	<b>23</b>
<b>SECTION VIII: CONCLUSION.....</b>	<b>24</b>
<b>APPENDIX – TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990.....</b>	<b>25</b>

## **A**TTACHMENTS

- A EEO Policy Statement
- B Job Group Analysis
- C Organizational Chart
- D Goal Attainment
- E 2 Factor Availability Analysis
- F Utilization Analysis
- G Protected Veteran (PV)/Individuals with Disabilities (IWD) Data Collection Analysis by Total
- H Impact Ratio Analysis with PV & IWD Applicant/Hires by Race/Gender Breakdown
- I Job Description EEO Program Officer

## **PREFACE**

COMMUNITY TRANSIT is fully committed to equal employment opportunity and affirmative action in all aspects of employment. In the preparation of this Equal Employment Opportunity Program (EEOP) we have used terminology found in FTA (formerly UMTA) Circular 4704.1A and its implementing regulations as a guide. Therefore, the use of such terms as “underutilization,” “deficiency,” “concentration,” “affected class minority persons,” “agency or unit goals,” “problem area,” etc. should not be construed as an admission, in whole or in part, that any problem area exists or that either minorities or women have been or are presently being underutilized, concentrated, or discriminated against in any way in violation of local, state or federal employment laws. Furthermore, nothing contained in this EEOP or its supporting data should be construed as an admission, in whole or in part, that it has contravened such federal, state, or local employment practice laws.

In developing and implementing this EEOP, we have been guided by our established policy of providing equal employment opportunity. Any placement goals that have established herein are not intended as rigid, inflexible quotas that must be met, but rather, as targets reasonably attainable by applying every good faith effort in implementing this EEOP. The use of placement goals in this EEOP are not intended, nor are the effects of such placement goals intended, to discriminate against an individual or group of individuals with respect to any employment opportunities for which he, she, or they are qualified on the grounds that he, she, or they are not the beneficiaries of affirmative action themselves. Nothing herein is intended to sanction the discriminatory treatment of any person. Indeed all employment decisions are based on job-related criteria. Thus, this EEOP has been developed in strict reliance upon the Equal Employment Opportunity Program Guidelines for grant Recipients FTA C 4704.1A.

While COMMUNITY TRANSIT firmly believes in communication and wide dissemination of its affirmative action policies and equal employment practices, this EEOP contains certain proprietary information relating to our business that must be kept confidential. At a minimum, the complexity of this data is subject to misinterpretation and misuse, which again can be very harmful to business goals and objectives solely unrelated to the affirmative action and equal employment opportunity concept.

Therefore, even though we are justifiably proud of the progress that is described in the following pages, this EEOP, and its support data are to be disclosed only to individuals, companies, and government agencies where such individuals or entities have a legitimate business interest or legal entitlement to the information. COMMUNITY TRANSIT specifically requests the following:

If this information is supplied to another government contractor, recipient, EEOC representative, or any other person, it is not to be copied, reproduced, or disclosed without prior notification to COMMUNITY TRANSIT.

No information contained in this EEOP is to be copied, removed from the premises, or released to other individuals without prior notification to COMMUNITY TRANSIT. All monitoring system reports as required by federal regulations and laws have been completed. Reports that require specific data such as names of employees and salary information are not an official part of this EEOP.

The material that formed the basis for this EEOP is deemed to include personnel files, investigatory records, trade secrets, confidential operations information, confidential statistical data and other confidential commercial and financial data, within the meaning of the Freedom of Information Act (5 U.S.C., Section 552), Title VII of the Civil Rights Act of 1964 (as amended) (42 U.S.C. Sections 2000e et. Seq.), and the Trade Secrets Act (18 U.S.C. Section 1905, and 44 Section 3508), the disclosure of which is prohibited by law and would subject the individual making the disclosure to criminal and/or civil sanctions.

This EEOP does not constitute an express or implied contract between COMMUNITY TRANSIT and its employees, job applicants, or other persons. Nothing in this EEOP provides any individual or group with a private right of action against COMMUNITY TRANSIT.

## ***PROGRAM COMPONENTS***

### **OVERVIEW**

While Section 19 of the FTA C 4704.1A prohibits discrimination on the basis of race, color, creed, national origin, genetic information, sex, (including gender identity, sexual orientation and pregnancy) age, or disability and protected veteran status, this program primarily addresses and prescribes specific affirmative programmatic components to assure nondiscrimination by Community Transit and its sub recipients, contractors, subcontractors on the basis of race, national origin, sex (including gender identity, sexual orientation and pregnancy), age or disability and protected veteran status. FTA C 4704.1A requires recipients and contractors to comply with prohibitions against discrimination on the basis of age established in the Age Discrimination in Employment Act of 1967, as amended, and prohibitions against discrimination on the basis of creed, as set out in EEOC guidelines interpreting Title VI of the Civil Rights Act of 1964. It also incorporates by reference requirements for compliance with prohibitions against discrimination on the basis of disability established in DOT regulations implementing the Rehabilitation Act of 1973, as amended 49 CFR Part 27.

The EEOP submission includes the following components:

- Statement of EEO Policy
- Plan for Communication and Dissemination both internally and externally
- Designation of Personnel Responsibility
- Utilization Analysis: including a Workforce Analysis and Availability Analysis
- Goals and Timetables to correct identified areas of underutilization or concentration
- Assessment of Employment Practices
- Plan for Monitoring and Reporting on the EEO Program
- Title I of the Americans with Disabilities Act and Rehabilitation Act of 1973

**I. Equal Employment Opportunity (EEO) Policy Statement (FTA C 4704.1A)**

The EEO Policy statement is refreshed a minimum of once per year and posted on our company's bulletin boards, included in our personnel policy manual and placed where applicants can view it.

## **CHAPTER 1 - BACKGROUND**

### **SECTION I – PURPOSE**

General – No person in the United States shall, on the grounds of race, color, creed, national origin, genetic information, sex (gender identity, sexual orientation, pregnancy), age, protected veteran and disability status, shall be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through Federal assistance under Section 19 of the 1964 Urban Mass Transportation Administration (UMTA), FTA’s predecessor agency. The EEO Program Officer, Cesar Portillo, shall ensure compliance with the General purpose of this policy.

### **SECTION II – OBJECTIVES**

This policy's objectives are:

1. To ensure that Community Transit will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, genetic information, sex (including gender identity, sexual orientation and pregnancy), age, disability, veteran status,, disability, or age.
2. To ensure that Community Transit will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, genetic information,, sex (including gender identity, sexual orientation and pregnancy), age, disability, veteran status, disability. Such action shall include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Community Transit shall also include a written, affirmative action plan designed to achieve full utilization of minorities and women in all aspects of the workforce.
3. To ensure that Community Transit makes available to employees and applicants for employment, notices setting forth Community Transit’s EEO policy. In addition applicants/employees will be notified of the Community Transit’s procedures for filing complaints of discrimination internally, as well as externally with the EEOC, a local Human Rights Commission, and/or the U.S. Department of Transportation (DOT).

For purposes of this policy, the following definitions will be used:

1. **Affirmative Action Plan** – means a written, detailed, results oriented set of procedures designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the recipient’s workforce.
2. **Compliance** – refers to a condition in which the FTA will find Community Transit has met the requirements in circular FTA C 4704.1A, and there is no indication or evidence of discrimination on the basis of race, color, creed, national origin, sex, disability, or age.
3. **Concentration** – means a higher representation of a particular group (e.g., Blacks, Hispanics, women, etc.) in a job category or department as compared to their representation in the relevant labor market.
4. **Contractor** – means any entity or organization that has entered into a federally funded contract with Community Transit.
5. **Discrimination** – refers to any act, or any failure to act, that has the purpose or effect of limiting, excluding, or denying a person employment opportunity because of race, color, creed, national origin, sex (including gender identify, sexual orientation, pregnancy), protected veteran and disability, or age.
6. **FTA** - Federal Transit Administration
7. **Good Faith Efforts** – refers to those actions taken to achieve the objectives of the EEO Program. These actions may include, but are not limited to, the establishment and conduct of processes to implement specific provisions of this policy.
8. **Minority or Minority Group** Persons includes the following:
  - a. **Black** (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa;
  - b. **Hispanic**: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
  - c. **Asian or Pacific Islander**: All persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This are includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa; and,
  - d. **American Indian or Alaskan Native**: All persons having origins in any of the original people of North America, and who maintain cultural identification through tribal affiliation or community recognition.
  - e. **Multiple Racial populations**: include individuals with origins in more

than one of the federally designated racial categories.

9. **National Origin** – means the particular Nation where a person was born or where the person’s parents or ancestors were born.
10. **Noncompliance** – means a failure to meet the requirements of FTA C 4704.1A and guidance issued pursuant to the circular or failure to implement an approved EEO program.
11. **Primary Recipient** – means any recipient that is authorized or required to request Federal assistance on behalf of subrecipients and distributes financial assistance to subrecipients for the purpose of carrying out a program.
12. **Probable Noncompliance** – refers to a condition in which the FTA has found that Community Transit does not fully satisfy these requirements and has requested Community Transit to take remedial or corrective actions to achieve compliance or has initiated an enforcement action against Community Transit.
13. **Recipient** – means any state, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit, to whom financial assistance is directly extended by FTA.
14. **Reasonable accommodation** - for an individual with a disability is any change to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits and privileges available to other employees. A reasonable religious accommodation is any adjustment to the work environment that will allow an applicant or employee to practice or observe his or her religious beliefs.
15. **Secretary** – means the Secretary of the Department of Transportation.
16. **Subcontractor** – means any entity or organization that has entered into a subcontract relating to a federally funded contract with a contractor to provide a service in connection with a program or activity initiated by Community Transit
17. **Subrecipient** - means any entity that receives FTA financial assistance through a primary recipient.
18. **Transit-related employee** – is an employee of Community Transit who is involved in any aspect of an agency’s mass transit operation funded by the FTA.
19. **Underutilization** – refers to a condition where there are fewer minorities and/or women in a particular job category or department than would reasonably be expected based on their presence in the relevant labor force.

20. **Disparate treatment** -refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, religion, national origin, sex, age, genetic information, or disability.
21. **Disparate impact** - refers to policies or practices that are facially neutral, but that disproportionately affect protected classes, if such policies and practices are not job related and consistent with business necessity, or, for policies or practices that disproportionately affect individuals age 40 or older, if such policies or practices are not based on a reasonable factor other than age. This concept is sometimes referred to as “adverse impact.”

## SECTION IV – COVERAGE

1. **General** – All programs administered by the FTA are subject to Section 19 of the UMT Act. These include the assistance programs authorized by the UMT Act, 23 U.S.C. 142(a)(2), and 23 U.S.C. 103(e)(4). These programs are also covered by the implementing regulations 28 CFR Part 42, Subpart F and 49 CFR Part 21. In addition, all recipients are required to comply with Part II, Section 110(a) of the FTA Standard Grant Contract. These obligations are to be re-delegated to any contractor/subcontractor in a federally funded contract.
2. **Threshold Requirements.** Community Transit is required to comply with program requirements as outlined in this policy if it meets the following thresholds:
  - a. Employs 50 or more transit-related employees; and,
  - b. Requests and receives capital or operating assistance under Sections 2, 4(i), or 9 of the UMT Act; assistance under 23 U.S.C. 142(a)(2) or 23 U.S.C. 103(e)(4), or any combination thereof, in excess of \$1 million in the previous Federal fiscal year; or requests or receives planning assistance under Sections 8 and/or 9 in excess of \$250,000 in the previous Federal fiscal year.

## **CHAPTER II – EEO PROGRAM COMPONENTS**

### **OVERVIEW**

While Section 19 prohibits discrimination on the basis of “race, color, creed, national origin, genetic information, sex (including gender identity, sexual orientation, pregnancy), age, protected veteran and disability status, this program primarily addresses and prescribes specific affirmative programmatic components to assure nondiscrimination by Community Transit and its qualifying contractors on the basis of race, national origin, sex (including gender identity, sexual orientation, pregnancy), age, protected veteran and disability status. Circular FTA C 4704.1A requires recipients and contractors to comply with prohibitions against discrimination on the basis of age established in the Age Discrimination in Employment Act of 1967, as amended, and prohibitions against discrimination on the basis of creed, as set out in EEOC guidelines interpreting Title VI of the Civil Rights Act of 1964. It also incorporates by reference requirements for compliance with prohibitions against discrimination on the basis of disability established in DOT regulations implementing the Rehabilitation Act of 1973, as amended, 49 CFR Part 27.

### ***PROGRAM REQUIREMENTS***

#### **SECTION I - POLICY STATEMENT**

1. Community Transit has a strong commitment to the community and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, marital status, genetic information, disability, veteran status, or other protected class.
2. Community Transit’s Equal Employment Opportunity (EEO) policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay, or other forms of compensation.
3. All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated.
4. Community Transit is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.
5. As Community Transit’s Chief Executive Officer, I maintain overall responsibility

and accountability for the compliance with its EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed Cesar Portillo as the EEO Program Officer, (425) 348-7116. Cesar Portillo will report directly to me and acts with my authority with all levels of management, labor unions, and employees.

6. All Community Transit executives, management, and supervisory personnel, however, share in the responsibility for implementing and monitoring the EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. Community Transit will evaluate its managers' and supervisors' performance on their successful implementation of the policies and procedures, in the same way the Community Transit assesses their performance regarding other agency's goals.

7. Community Transit is committed to undertaking and developing a written nondiscrimination program that sets forth the policies, practices, and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request.

8. I, Emmett Heath, Chief Executive Officer, am personally committed to a workplace that acts upon its daily responsibility to treat all applicants and employees with dignity and respect, as well as equitably under the guidelines of our EEO Policy and Program.

## **SECTION II – COMMUNICATION AND DISSEMINATION**

### **Internal Dissemination**

**Internally, management is informed by various actions, including:**

1. Written communication from the Chief Executive Officer;
2. Semi-annual discussions of the EEO program and its implementation held at scheduled manager and director meetings.
3. Conducting periodic EEO training for employees and for managers.
4. Conducting EEO training for all new supervisors or managers within 90 days of their appointment.

**Non-supervisory staff is informed of the EEO policy and program by the following:**

5. Posting of EEO posters and policy statement in conspicuous and accessible locations;
6. Posting of the AAP on the Agency intranet site.
7. Inclusion of the EEO policy in the Personnel Policy Manual
8. EEO Policy statement provided to new hires at orientation with a requirement that all new employees sign to acknowledge they have read and understand the policy.

### **External Dissemination**

Externally, Community Transit disseminates EEO policy and programs to recruiting sources, such as:

1. Recruiting agencies, unions, hiring halls, educational institutions, minority, persons with disabilities groups and women's organizations, civil rights organizations, Veterans centers, Washington state job placement centers, community action groups, training organizations and others who refer applicants;
2. Public media sources, radio and television stations, newspapers; magazines and journals oriented to persons with disabilities, disabled veterans, women, and minority populations;
3. Internet recruiting sites and career bulletin boards; and
4. Community Transit's website.

All job announcements state: *Community Transit provides a tobacco-free & drug-free work environment. As a recipient of federal funds, Community Transit is an Equal Opportunity Employer & does not unlawfully discriminate on any basis prohibited by Federal, State or Local law. We value and encourage diversity in our workforce. EOE AA M/F/Vet/Disability. Qualified applicants will receive consideration for employment without regard to their race, color, religion, national origin, sex, protected veteran status or disability.*

### **SECTION III – DESIGNATION OF PERSONNEL RESPONSIBILITY & IMPLEMENTATION**

#### **A. Designation of Responsibilities of EEO Program Officer**

The EEO Program Officer has the primary management responsibility, authority, and resources for ensuring full compliance with the provisions of Executive Order #11246, as amended, and its implementing regulations. The EEO Program Officer's appointment and a description of the position's basic responsibilities have been communicated to all levels of personnel in the Agency. The responsibilities of the EEO Program Officer include, but are not necessarily limited to, the following:

1. Developing EEO policy statements, Affirmative Action Programs, and internal and external communication procedures;
2. Collecting and analyzing employment data, identifying AAP/EEO problem areas, proposing goals and time tables;
3. Designing, implementing and monitoring internal review and reporting systems that:
  - a. Measure the effectiveness of Community Transit's programs;
  - b. Determine the degree to which AAP goals and objectives are met; and
  - c. Identify the need for remedial action;
4. Reporting semi-annually to the chief executive officer on progress made toward AAP goals and objectives;
5. Concurring in the hiring and promotion processes. Periodically reviewing employment practices, and policies (e.g., hiring, promotions, and training), complaint policies, reasonable accommodation policies.
6. Serving as liaison between Community Transit, Federal, State and local governments, regulatory agencies, minority, handicapped and women's organizations and other community groups;
7. Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to responsible officials.
8. Assuring that current legal information affecting affirmative action is disseminated to responsible officials;

9. Assisting management in arriving at effective solutions to AAP/EEO problems, including outreach efforts;
10. Regularly reviewing the company's AAP for qualified minorities and women with management to ensure that the policy is understood and is followed in all personnel activities;
11. Providing EEO training for employees and managers.
12. Concurring in all systems and processes for hires and promotions as well as Training and development programs.
13. Ensuring employment discrimination complaints are processed effectively and efficiently, referring them to outside investigators when necessary.

Mr. Portillo reports directly to the CEO and also serves as Community Transit's Director of Employee Engagement. Under his management, Employee Engagement staff advises line management (supervisors, managers and directors) with respect to hiring, promotion, discipline, training and discharge and all other aspects of employment. Line management throughout the agency has decision authority in these matters; Employee Engagement performs a compliance and quality assurance function by managing processes that apply the merit principle in all phases of employment.

Mr. Portillo and his staff consult with line management, advising them on decisions they make to hire, promote, demote, train, discipline, suspend or discharge their employees. Employee Engagement staff serves the organization by monitoring compliance with relevant employment laws, particularly those addressing equal employment and non-discrimination with respect to all aspects of employment. Subject matter experts within the line organization provide knowledgeable input regarding technical job requirements and HR practitioners perform technical human resources work to analyze the input, determine its applicability to the employment activity and develop and manage associated business processes. Mr. Portillo is accountable as Officer to provide quality assurance oversight regarding recruiting, selection and other employment-related processes, and, with respect to overseeing labor relations, to negotiate and administer labor agreements by advising management and executives regarding application of contract provisions to employment decisions.

When employees raise concerns about potential discrimination in any aspect of their employment, the matter is referred to Employee Engagement staff, which performs most internal investigations. However, if it is the action of the Employee Engagement department that is in question, outside investigators will be used to enable objective review and unbiased reporting to agency executives.

## **B. The Responsibilities of the Company's Management to Ensure Implementation of the AAP**

Carrying out EEO and affirmative action is an integral function of all officials, managers and supervisors. Management – from the supervisor of the smallest unit to the chairman of the board or CEO – bears the responsibility of carrying out Community Transit's EEO policies and programs. In implementing this written Affirmative Action Program, the Agency's directors are held accountable for directing the EEO and affirmative action effort within their span of control. Specifically, working with the EEO Program Officer, directors ensure the following responsibilities are carried out:

1. Assisting in identifying problem areas, formulating solutions, and establishing departmental goals and objectives when appropriate;
2. Connecting with local minority organizations, women's and handicapped groups, community action organizations and community service programs designed to promote EEO;
3. Participating actively in periodic reviews of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives;
4. Holding regular discussions with other managers, supervisors and employees to assure Community Transit's policies and procedures are being followed;
5. Reviewing the qualifications of all candidates and employees to ensure qualified minorities, handicapped persons, and women are given full opportunities for transfers, promotions, training, salary increases and other forms of compensation and are treated in a nondiscriminatory manner when hiring, promotion, training, transfer, disciplinary and termination actions occur;
6. Participating in the review and/or investigation of complaints alleging discrimination;
7. Encouraging employee participation to support the advancement of the EEO Program (e.g. professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring as appropriate).
8. Deciding or concurring with subordinate managers in hiring decisions, and
9. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

## **IV. Utilization Analysis: Identification of Problem Areas**

The EEO Officer has prepared an analysis of the composition of the workforce within Community Transit, including race, gender, ethnicity, salaries, and job titles of the Agency's employees. This analysis compares the composition of the Agencies workforce to the makeup of the available workforce from the recruited census areas.

Underutilization is defined as having fewer minorities and females in a particular EEO job category than would reasonably be expected when compared to their availability in the area labor market. This Program is designed to help increase the representation (utilization) of affected group members when a particular affected group is under-represented (underutilized). Utilization is determined by comparing the percentage of the Agency workforce to the percent of

the available workforce. "Availability" is an estimate of qualified workers (that is, with skills required for entry in a specific job category) in a reasonable recruitment area, based on the U.S. Census Occupational Data. Underutilization occurs when the affected group's representation is less than 80% of the group's availability. It should be noted, however, that when small numbers of actual positions are present in the EEO job categories, it is difficult to interpret the level of underutilization in each job category as significant in relation to the relevant labor market.

The Utilization analysis depicts utilization of Community Transit workforce by EEO category. As the reasonable recruitment for job categories, the U.S. Census Bureau 2006-2010 shall be used.

## V – GOALS AND TIMETABLES

1. Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis. Usually, long-range goals will be designed to eliminate underutilization in job categories where it has been identified. Based on the utilization analysis, Community Transit and its contractors will establish goals and timetables designed to correct any identified deficiencies. The goals and timetables should be attainable, in terms of the analysis and the entire program of affirmative action, to remedy existing employment practices that may unjustifiably be contributing to underutilization. In establishing the size of goals and the length of the timetables, Community Transit should consider results, which can reasonably be expected from putting forth every good faith effort to make the overall affirmative action program work. If goals and timetables are not met, there is an obligation to justify this failure following Community Transit's annual evaluation of the EEO Program. The justification for failing to meet a goal(s) should address such factors as: whether the anticipated job openings materialized, the availability of persons whose employment could have resulted in the goal(s) being achieved, and the adequacy of recruitment and other affirmative actions to change existing employment practices so that the goal(s) could be achieved.
2. Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible. Such goals should consider the fact that availability of traditionally underutilized or underemployed groups is not constant. Future projections should be taken into consideration. Generally, an EEO Program will be formulated with long-range goals to be attained within a period of 4 to 5 years.
3. Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals. Short-term goals represent the net increase in minority and/or women's employment in

a particular job category within the next 12 months. Short-term goals should be stated, both as actual numbers and percentages, and should be based on anticipated job openings, job group availability, and the long-range goals set for minorities and/or women in the particular job category. Projections of vacancies should also be established in terms of a job progression chart in order to determine which vacancies can be filled immediately by underutilized persons and the possibilities of these persons being promoted into upper-level positions in terms of long-range goals.

4. Short-term or intermediate goals should be weighted and established so that they are likely to produce the greatest results. As an example, if Community Transit has no members of a specific affected group in a particular job classification, initial short-term goals should be set higher to maximize the expectation of recruitment and selection from the affected group. On the other hand, if Community Transit has good representation of traditionally underutilized groups in the lower steps of the job progressions, and members of each affected group are moving into higher steps of the job progressions with regularity, a lower allocation of openings at the upper level may be adequate. Achievement of EEO goals will benefit Community Transit, through fuller utilization and development of previously underutilized human resources.
5. In developing goals and timetables to correct underutilization, Community Transit should use the following guidelines for goal-setting:
  - a. Involve personnel staff and department managers in the process.
  - b. Set goals that are significant, measurable, and attainable.
  - c. Make goals with timetables specific for planned results.
  - d. Consider anticipated attrition, expansion, contraction (especially the impact on employment of projected contracting out and privatization/competiveness activities), turnover in the workforce, and availability of persons with required skills.
  - e. Consider how changes affect existing employment practices that may contribute to underutilization in increasing availability of minorities and women.
  - f. Goals should not be rigid and inflexible, but must be targets reasonably attainable by applying every good faith effort to make all aspects of the affirmative action program work.
  - g. Community Transit will analyze in detail all employment practices relating to recruitment, selection, salaries, promotions, terminations,

standards of discipline, seniority, maternity/paternity leave, height and weight requirements, etc. All problems will be noted and a proposed course of remedial action will be enumerated in Community Transit's EEO program.

A current workforce analysis Appendix A, utilization analysis and goals/timetables (if any) Appendix F, availability analysis Appendix E, may be found in the Appendices to this EEO Program.

## **SECTION VI – ASSESSMENT OF EMPLOYMENT PRACTICES TO IDENTIFY CAUSES OF UNDERUTILIZATION: AFFIRMATIVE ACTION TO REMEDY PROBLEM AREAS**

One of the primary goals of this affirmative action plan is to affirmatively include in all employment practices those who have been disadvantaged in the past due to oversight and/or discriminatory practices and to ensure nondiscrimination in treatment in all current aspects of employment. The comparative assessments found within have established placement goals for minorities and/or women where required. These goals will be achieved through an ongoing assessment of outreach in hiring, review of hiring decisions, promotional patterns, training, and development and a review of terminations, demotions, and lay-offs.

Community Transit shall routinely conduct detailed assessments of current employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. Any problem areas that are identified shall have a proposed remedial, affirmative action included in the EEO program. The assessment shall include:

- a) Outreach in recruitment and employment selection procedures;
- b) Seniority practices, job upgrades, and promotional opportunities and procedures;
- c) Compensation determinations and benefits administration;
- d) Disciplinary procedures and terminations (voluntary and involuntary); and,
- e) A reasonable assessment of external factors which may lead to underutilizations.

Community Transit has reviewed its employment practices (See Attachment E for copy the Adverse Impact Analysis). Specifically, Community Transit has reviewed its hiring activity, promotional activity, transfer activity, and terminations. In any instance where the statistical/numerical thresholds were met as identified in the Circular 4704.1A, a more in-depth review of that employment activity and its selection process has been

undertaken and corrective action taken as appropriate. Specifically, Community Transit has reviewed the adverse impact statistical analysis results, the underutilization results and current job group goals, and has set forth the following course of action:

**Recruitment and Hiring:** The EEO Program Officer for Community Transit shall review the composition of the applicant flow by minority group status and sex on an ongoing basis, and again annually. Community Transit maintains a register at the point of receiving applications for employment, indicating the name of the applicant, the minority group status (African American, Hispanic, American Indian, Asian, or Pacific Islander and Multi-Racial) and sex of the applicant and the job applied for. The contents of this register will be summarized according to the position for which employment applications were received and the applicant flow will be compared with the availability analysis figures. An analysis will be made to see whether any variations are due to mistakes in the availability analysis, failure to maximize minority and female applicant flow, or some other cause. Final dispositions shall be reviewed as well. Remedial actions shall be taken, if necessary, and as applicable.

Community Transit reviews all of its position descriptions, position titles, application forms, interview procedures, skills testing procedures (if any), final selection process and similar matters to determine whether they interfere with hiring and advancement of qualified minorities and women. At present, no problems were found to exist. However, in order to achieve its numerical objectives, the EEO Program Officer will coordinate strategic outreach directed toward those groups underutilized within this EEO program. Particular emphasis will be given to positions in those categories that are underutilized for the job category in which the vacancy exists. No external factors were identified that may influence the full participation of minorities, women, the disabled and veterans.

**Promotions and Transfers:** Community Transit has also analyzed its transfer and promotion practices and has found that they present no problems. Transfer and promotion practices will continue to be analyzed annually. All formal and informal training programs (when budgets permit) are reviewed for inclusion and diversity.

**Compensation:** Community Transit has evaluated its procedures and practices regarding wages, compensation, and benefits and has found that no problems exist in those areas.

**Benefits:** All facilities, sponsored recreation and social events and special programs such as educational assistance are and will continue to be available to all employees without regard to minority group status and sex.

Human Resources reviews all hiring offers. Offers exceeding the minimum of the hiring range require Director level approval.

**Turnover/Retention/Terminations:** Community Transit's human resources are its most important resource. While employees leave for a variety of reasons, turnover is always a great loss to Community Transit. The EEO Officer reviews termination data to ensure that the workplace is bias free. An exit interview is completed by a member of Human Resources to discuss with the employee the reasons they are choosing to leave. Additionally Community Transit is initiating a Stay Interview program.

**Discipline:** Managers and supervisors evaluate and will continue to evaluate in a non-discriminatory manner pursuant to Community Transit Personnel Policy. In addition, managers and supervisors will consult with the EEO Officers to ensure that any disciplinary actions for violations of the Transit's policies as stated in the personnel policy are applied in a non-discriminatory manner. Disciplinary actions include warnings, suspensions, and terminations. All employees have the right to appeal an adverse action. Employees are also informed that they have the right to file an employment discrimination complaint with the EEOC. Notices are posted on bulletin boards and give pertinent information.

**Training:** Community Transit encourages employees to seek training to develop skills and may offer different training programs as applicable and where budgets permit, to all employees in an effort to ensure the workforce can improve their skills as a means to provide greater opportunities for career development and progression. Community Transit also provides appropriate Equal Employment Opportunity and related training to all supervisors and managers within 90-days of hire or entering into such supervisory/management roles.

## SECTION VII: MONITORING AND REPORTING SYSTEM

An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should:

- Assess the results of action plans taken since the last program submission and review accomplishments;
- Enable Community Transit to evaluate the EEO program during the year and to take any necessary corrective action regarding the development and execution of programs or goals and timetables. These assessments are required to be conducted at a minimum, semi-annually;
- Provide documentation that supports actions to implement the Plan for minority and female job applicants or employees and informs managers of the program's effectiveness and or failure to achieve a goal.

The EEO Program Officer shall ensure that all sub recipients, contractors, and/or subcontractors know of their legal requirements under FTA C 4704.1A at time of contract and/or renewal, and shall review their employment practices for nondiscrimination and affirmative action through a detailed assessment of each component.

## **SECTION VIII: CONCLUSION**

This Equal Employment Opportunity Program (EEO), covering the timeframe July 1, 2019, to June 30, 2023, portrays Community Transit's commitment to equal employment opportunity and affirmative action and will be utilized as a management tool to ensure that Community Transit reaches out and includes the rich diversity of talent found in the surrounding labor market.

Numeric goals for under-utilized groups are listed below:

- 1D Supervisors – Asian Males (1)
- 2A Business Professionals – Hispanic (2) and Asian (2) Males
- 2B Technical Professionals – Black (1) and Hispanic (1) Males
- 6A Administrative Support Workers – Hispanic (1) and Asian (1) Females
- 7A Supervisors/Lead Skilled Craft – Black (3) and Hispanic (1) Males, White Females (1).
- 7B Skilled Craft Workers – Asian (1) and NHOPI (2) Males and White (2) Females
- 8A Coach Operators – White (119) and Black (3) Females
- 8B Service and Maintenance Workers – White (8) Females

## **APPENDIX – TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Community Transit is covered by Title I of the Americans with Disabilities Act of 1990 which prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

Community Transit shall make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. Reasonable accommodations are adjustments or modifications provided by to enable people with disabilities to enjoy equal employment opportunities.

### **Veteran and Disability Recruitment.**

**Protected Veterans** – The selection rate for applicants hired 7/1/2018 to 6/30/2019 was 5.8% male and 0% Female.

**Individuals with Disabilities** – The Selection rate for applicants hired 7/1/2018 to 6/30/2019 was 9.2% male and 1.4% female.

## **Attachment D - Goal Attainment**

### **Accomplishment of Prior Placement Goals - 8A – Coach Operators**

The previous EEOP reflected underutilization in Females. A numeric goal of 145 was identified (2012 to 2015). The current numeric goal of 109 reflects some success that we have had in moving towards the goal. We currently remain underutilized in comparison to the driver workforce within Snohomish County. While we have increased outreach with Marketing efforts that targeted women, particularly those that are under-employed in service sector jobs, difficult work schedules and the difficulty with work life balance and limited child care options continue to negatively impact women.

- New transit operators work split shifts spanning up to 13 ½ hours daily, with start-times that vary widely from one day to the next. Until employees attain sufficient seniority to bid stable, recurrent schedules, they must find a way to juggle personal lives to accommodate the work.
- Snohomish County still has a severe shortage of available child care options, making it difficult for any primary care-giver to find the support needed when working outside the home; a factor that seems to affect a higher percentage of women and may contribute to a lower percentage of applications from women than census data predicts.

We are pleased with the success we have had in making inroads in the hiring and promotion of minority group members and women, but are mindful of the fact that it will take the concerted efforts of management at all levels to sustain such. The goals we have set herein are reminders of where we fall short using statistical data in the hiring, development and/or retention of minority group members and women compared to that labor market. We are ready, and willing to make affirmative action both a commitment and a continued reality at Community Transit.

### **Veteran and Disability Recruitment.**

**Protected Veterans** – The selection rate for applicants hired 7/1/2018 to 6/30/2019 was 5.8% male and 0% Female.

**Individuals with Disabilities** – The Selection rate for applicants hired 7/1/2018 to 6/30/2019 was 9.2% male and 1.4% female.