

**EQUAL EMPLOYMENT OPPORTUNITY
PLAN (EEOP)**

for

**SAN MATEO COUNTY TRANSIT DISTRICT
1250 San Carlos Avenue
San Carlos, CA 94070
650-508-6200**

Plan Effective: 01/01/2020 – 12/31/2023

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Plan Effective: 01/01/2020 – 12/31/2023

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SAN MATEO COUNTY TRANSIT EEOP

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INTRODUCTION

This document was prepared pursuant to the Federal Transit Administration Circular 4704.1 Equal Employment Opportunity (EEO) Program Requirements and Guidelines for Federal Transit Administration Recipients. San Mateo County Transit District is a recipient of federal grant funds administered through the Federal Transit Administration and is therefore subject to the Circular requirements.

This document references specific policies and administrative actions of the San Mateo County Transportation District, incorporated herein by reference, that comply with the federal Equal Employment Opportunity requirements.

**CHAPTER 1: POLICY STATEMENT
SAN MATEO COUNTY TRANSIT DISTRICT
EQUAL EMPLOYMENT OPPORTUNITY POLICY
FTA C 4704.1A (2.2.1)**

San Mateo County
TRANSIT DISTRICT

Equal Employment Opportunity Policy

The San Mateo County Transit District (the District) is fully committed to equal employment opportunity. As such the District has developed an affirmative action program, including goals and timetables, in order to overcome the effects of past discrimination against minorities and women. It is the policy of the District to plan, implement and administer all personnel and employment policies, procedures and programs without regard to race, color, ancestry, national origin, religion, gender, marital status, age, disability, medical condition or sexual orientation to the extent required by law. This policy shall apply to employees and applicants for employment and to all aspects of employment including, but not limited to, recruitment hiring, promotions, demotions, transfers, layoffs, compensation, benefits, training, disciplinary action, termination and other terms and conditions of employment. Applicants and employees have the right to file a complaint alleging discrimination with Juliet Nogales-DeGuzman, the Director, Human Resources.

When all levels of supervision undertake the responsibility of affirmative action in employment with the same leadership and zeal as other organizational responsibilities, the result is a system of equal opportunity as required by law. Equal employment opportunity/affirmative action is one of several critical elements of managerial performance at the District. Performance by directors, managers, and supervisors will be evaluated on the success of the EEO/Affirmative Action Program the same way as their performance on other company goals. The successful achievement of EEO/Affirmative Action goals will provide benefits to the District and all of its business associates through fuller utilization and development of previously underutilized human resources.

Juliet Nogales-DeGuzman, Director, Human Resources reports and is directly responsible to the General Manager/CEO regarding the District's EEO/AA Program. She ensures the EEO/AA policies and procedures are implemented and adhered to. All directors, managers and supervisors share in this responsibility and are accountable for achieving and maintaining equal employment opportunity in their areas of supervision. Successful fulfillment of equal employment opportunity/affirmative action goals provides benefits to all concerned because it results in more effective utilization and development of human resources.

The District's EE-0/Affirmative Action Plan is available to all employees on the Depot.



Jim Hartnett
General Manager/CEO
San Mateo County Transit District
March 5, 2020

CHAPTER 2: DISSEMINATION

FTA 4704.1A (2.2.2)

External Dissemination:

The District has implemented specific procedures to disseminate its EEO Policy and EEO/Affirmative Action Program both internally and externally to the company. The following procedures ensure the effective communication of the District's EEO policy and Affirmative Action Program.

1. Any advertisement, posting, or bulletin distributed for employment recruitment purposes will indicate that San Mateo County Transit District is an Equal Employment Opportunity Employer.
2. The policy statement will be posted on the official website www.smctd.com/jobs.
3. Whenever possible, San Mateo County Transit District will utilize female / minority / physically disabled / veteran recruiting sources.
4. San Mateo County Transit District will utilize regular sources of employment or other agencies such as schools, colleges and universities, community agencies, employment services, for recruitment and communication of its EEO policy.
5. Include diverse group of employees when they are pictured in consumer, promotional, or help wanted advertising.
6. Send written notification of San Mateo County Transit District's equal employment opportunity policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.
7. When there is outreach or advertising to recruitment entities (e.g., employment agencies, educational institutions, minority, and women organizations) the agency will disseminate our policy to those entities.

Internal Dissemination:

In order to gain positive support and understanding for the equal employment opportunity program, San Mateo County Transit District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Human Resources Director. The following policies and procedures are designed to foster support and understanding from San Mateo County Transit District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid San Mateo County Transit District in meeting its obligations.

1. Include the EEO policy statement in San Mateo County Transit District's policy manual, personnel and operations manual, employee handbooks, and other in-house

publications.

2. Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the CEO's personal commitment and support. Meetings to discuss the EEO Program and its implementation occur at a minimum semiannually.
3. Hold periodic EEO training sessions for all employees and managers involved in recruiting, selection, promotion, and other related employment issues for women and minorities.
4. Discuss the policy during employee onboarding and management training programs.
5. In all of its collective bargaining agreements the District and its unions have agreed to a non-discrimination clause.
6. San Mateo County Transit District will post the EEO policy statement conspicuously on bulletin boards along with other federal, state, and local notices.
7. San Mateo County Transit District will update management personnel annually of the progress made during the preceding year and will provide information for the current year.
8. Meetings with all employees and affinity groups to seek input on the program implementation.
9. On a periodic basis, as part of supervisory training, the District provides interactive training regarding sexual harassment, the prohibition against discrimination, harassment and retaliation, and the District's Affirmative Action Plan.

**CHAPTER 3: ESTABLISHMENT OF RESPONSIBILITIES FOR IMPLEMENTATION
OF THE EEOP
FTA C 4704.1A (2.2.3)**

As part of its efforts to ensure equal employment opportunity to all individuals, San Mateo County Transit District has designated specific responsibilities to various staff to ensure the EEOP focuses on all components of the employment system. To that end, the General Manager/CEO, the Deputy GM/CEOs, the Human Resources Director, and those employed as supervisors and managers have undertaken the responsibilities described below.

General Manager/CEO

The primary responsibility and accountability for implementing this EEOP rests with the Jim Hartnett General Manager/CEO, San Mateo County Transit District. He is responsible, through the Human Resources Director, for adherence to San Mateo County Transit District's policy of equal employment opportunity. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring San Mateo County Transit District's EEOP. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all EEOP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart the personal direction that ensures total involvement and commitment to equal employment opportunity programs through San Mateo County Transit District's EEOP.

Human Resources Director

The CEO is responsible for the overall administration of the EEOP. The Human Resources Director ensures, through the San Mateo County Transit District department managers and supervisors that all relevant policies and procedures are adhered to. Successful implementation of this program is a basis for evaluating his/her effective work performance. Human Resources Director/Civil Rights Manager responsibilities include, but are not limited to, the following:

1. Develop, review at least annually and update as needed the EEOP and Policy Statement. This includes reporting semiannually to the CEO the results of the review and any progress made towards goals and on vendor/contractor compliance.
2. Responsible for the design and effective implementation of the EEOP. This includes assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals.
3. Responsible for the development, implementation, and maintenance of audit and

reporting systems to measure effectiveness of equal employment opportunity programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.

4. Advise management in the modification and development of San Mateo County Transit District's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines. This includes periodic review of employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and any union agreements.
5. Conduct periodic audits of: 1) training programs and hiring and promotion patterns to remove impediments to the attainment of EEOP goals and objectives, 2) facilities to ensure they are maintained for the use and benefit of all employees and integrated both in policy and practice, and 3) sponsored educational and training activities to ensure that all employees are encouraged to participate in accordance with policies on non-discrimination.
6. Serve as the liaison between the agency; Federal, state, county, and local governments; regulatory agencies; and community groups representing minorities, women, persons with disabilities, and others.
7. Review the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood.
8. Concurring in the hiring and promotion process
9. Maintaining awareness of current EEO laws, and ensuring the laws affecting nondiscrimination are disseminated to responsible officials.
10. Providing EEO training for employees and managers.
11. In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements.

Civil Rights Manager (currently vacant)

The Civil Rights Manager is responsible for ensuring that the directives of the CEO are implemented. The duties include, but are not limited to, the following:

1. Provide direction to San Mateo County Transit District's employees, as necessary, to carry out all actions required to meet the San Mateo County Transit District's equal employment opportunity commitments.
2. Investigate complaints of EEO discrimination filed against the agency by an

applicant or past/current employee.

3. Review, report on, and update San Mateo County Transit District's EEOP at least on an annual basis in accordance with stated policy.
4. Participate in periodic discussions with management, supervision, and all other employed personnel to ensure EEOP and equal employment opportunity policies are being followed.
5. Review the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
6. Conduct periodic audits to ensure all required posters and those advertising San Mateo County Transit District's equal employment opportunity policies and EEOP are displayed, up to date, and that San Mateo County Transit District's equal employment opportunity and EEOP policies are being thoroughly communicated to all appropriate personnel, including managers and supervisors.
7. Responsible for the review and revision of all policies, procedures, and rules to ensure they are in compliance with federal, state and local laws and regulations and the coordination of EEO training for employees and managers.
8. Ensure that all new employees receive an orientation to the equal employment opportunity policy and are thoroughly informed with regard to the EEOP and its objectives.
9. Periodically analyze applicant flow to determine the mix of persons applying for employment by race/ethnic origin and gender.
10. Review all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.

NOTE: San Mateo County Transit District understands and is committed to the importance of independence and impartiality in the EEO function. Fiscal and capacity constraints necessitate that the HR Director serves as the Civil Rights Manager. However, to ensure that independence and integrity of the EEO process are achieved and maintained, outside legal counsel will be involved in ALL EEO complaints and investigations.

Director, Managers and Supervisors

In their direct day-to-day contact with San Mateo County Transit District's employees, managers have assumed certain responsibilities to help the agency ensure compliance with equal employment opportunity programs and effective implementation of the EEOP. These include, but are not limited to, the following:

1. Assertively adhere to San Mateo County Transit District's equal employment opportunity policy.
2. Ensure that all interviews, offers of employment and/or wage commitments are consistent with San Mateo County Transit District's policy.
3. Participate actively in periodic reviews and audits of all aspects of employment to identify and remove barriers obstructing the achievement of specified goals and objectives.
4. Encourage employee participation to support the advancement of the EEO programs (i.e. professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring).
5. Assist in identifying problem areas and provide needed information for establishing and meeting equal employment opportunity goals and objectives.
6. Cooperate with the Civil Rights Manager in review of information and investigation of complaints.
7. Hold regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed.

**CHAPTER 4: ANALYSIS OF THE PRESENT WORKFORCE TO IDENTIFY JOBS
WHERE MINORITIES AND WOMEN ARE UNDERUTILIZED
FTA C 4704.1A (2.2.4)**

WORKFORCE OVERVIEW:

As of December 31, 2019, San Mateo County Transit District employed 733 persons in its workforce.

Permanent

- 26.74% (196) are women
- 76.53% (561) are minorities

PLAN METHODOLOGY:

- The 2010 Census data was used for the availability analysis of this plan
- Training and promotion data were obtained from San Mateo County Transit District personnel records
- The database of employees and the resultant employee count used in this plan were obtained from the San Mateo County Transit District's human resource information system that included permanent and temporary employees on the roster at the time.

Workforce Analysis:

FTA C 4704.1A (2.2.4)

The San Mateo County Transit District conducted a workforce analysis to identify employees by gender and race/ethnicity in each job EEO-4 classification. The data was collected from payroll records dated December 31, 2019.

For each job EEO-4 classification, the San Mateo County Transit District identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native employees, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups, as well as overall salary ranges.

See the *Workforce Analysis* for the results per Job EEO-4 Classification/Job Group.

Availability Analysis:

FTA C 4704.1A (2.2.4)

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at San Mateo County Transit District for a given job group in the relevant labor market during the life of the EEOP. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if the San Mateo County Transit District's employment decisions are being made without

regard to gender, race, or ethnic origin, assuming qualified individuals exist in each group. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for underutilized groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify areas of underutilization, and establish goals to narrow or eliminate the gaps.

Identify Availability Factors: The FTA requires agencies to use relevant geographic areas and labor force data for different job categories. For the purposes of the San Mateo County Transit District, the following were used when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2010 Census of Population.
 - A. Local labor area: An employee Zip Code Analysis was used to identify the most precise local labor market. The final local labor area met the following two (2) conditions: 1) it includes all counties where 5% or more of the employees resided, and 2) when summed, those counties accounted for at least 78% of the total employees within the at-issue workforce. Smaller contributing counties are removed unless they are necessary to reach 78%. The weights for the remaining counties were proportionately increased to reach 100%.
 - i. The result of the analysis identified the local labor area as: San Mateo County (52.23%), Alameda County (18.30%), San Francisco County (11.90%), Santa Clara County (11.90%, and Contra Costa County (5.65%)
 - B. Reasonable labor area: National
2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the agency's organization.

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each sex and race/ethnic group, as well as for minorities in the aggregate.

See the *Two Factor Availability Analysis* for the availability breakdown for each Job EEO-4 Classification/job group.

Utilization Analysis:
FTA C 4704.1A (2.2.4)

Once final availability estimates were made for each job group, San Mateo County Transit

District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of December 31, 2019 and that group's final availability.

See the *Utilization Analysis with Goals and Timetables* for the results per Job EEO-4 Classification/Job Group.

Setting of Placement Goals and Timetables:
FTA C 4704.1A (2.2.5)

San Mateo County Transit District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. These goals assume the availability of qualified persons in the relevant labor area. They also take into account anticipated employment opportunities with the organization. Goals are not rigid and inflexible quotas which must be met but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire EEOP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter 6). Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that San Mateo County Transit District hire a specified number of minorities or women.

A goal is a guidepost against which San Mateo County Transit District, a community group, or a compliance agency can measure progress in remedying identified underutilization in San Mateo County Transit District's workforce.

See the *Utilization Analysis with Goals and Timetables* report for each Job EEO-4 Classification/Job Group.

Based on the current financial situation SAN MATEO COUNTY TRANSIT DISTRICT has no plans to expand or increase staffing in the foreseeable future. However, if turnover does occur the Agency will continue utilizing affirmative recruitment and hiring techniques for all positions, with a particular emphasis on those categories with identified underutilization.

Specifically, short-term goals (within in the next year) include:

- Job Category – Service Maintenance- This category is comprised of our largest employee group, motor coach operator. Through turnover it is anticipated that some hiring will occur within the next 12 months. Attention will be paid to increasing female and minority utilization. It is highly unlikely that the numerical goals indicated on the utilization analysis are achievable solely because there will not be that number of positions needing filled. However, as a guideline, we will work to hire qualified female and minority applicants.

Long -term goals (within the next 4 years) include:

- If turnover occurs in the Administrative Support ranks to engage recruiting efforts that will result in an increase in qualified Asian and female applicants
- To hire a minimum of 1 qualified minority within the skilled craft worker category.
- If turnover occurs in the Technician category, attention will be paid in recruitment to attract minority candidates with the intent of hiring a qualified minority candidate.
- Recruitment efforts will be directed toward female and minority populations when hiring service maintenance positions within the next 4 years. Scrutiny of the data throughout the recruiting and hiring process will occur also in order to ensure equal opportunity throughout all phases of recruitment.

Analysis of Personnel Transactions:

FTA C 4704.1A (2.2.6)

In addition to comparing incumbency to availability within job groups, San Mateo County Transit District has conducted studies of each of its selection procedures (i.e., hires, promotions, and terminations) to identify and correct the causes of underutilization and concentration of minorities and women if they occur.

CHAPTER 5: ASSESSMENT OF EMPLOYMENT PRACTICES

FTA C 4704.1A (2.2.6)

Workforce Analysis, Recruiting, Hiring, and Separations

In an effort to embrace diversity and create a workforce that is representative of the communities we serve; the District has analyzed our seven (7) job groups to determine if there are barriers for minorities or women within the District's employment operations.

The District used the "Four-Fifths Analysis" to determine any shortfalls.

Officials and Administrators (127 employees)

The District's 2015 review found no underutilization for the overall female or total minority populations in this job group and continues to show no underutilization for these groups through 2019. There are, however, some areas of opportunity for the individual male minority groups.

The District has projected 30 vacancies over the next four years and will continue to make progress in the areas where the incumbency has fallen short of the availability for those individual male minority groups.

Professionals (68 employees)

The District's 2015 review found underutilization of women in this job group. As of 2019, the District improved its ratio of female employees in this job group and is no longer underutilized in the overall category. There are a few opportunities for the individual male minority groups and the District will continue to invest in these roles and make progress through the 30 projected vacancies planned.

Technicians (14 employees)

The District's 2015 review found underutilization of women in this job group. As of 2019, the District continues to have underutilization of women. There are five projected vacancies over the next four years and the District intends on conducting positive outreach and recruitment in order to increase the number of qualified female applicants for Technician positions.

Paraprofessionals (58 employees)

The District's 2015 review found an underutilization Hispanic and Asian/Pacific Islander employees in this job group. As of 2019, the District has made progress towards the Asian/Pacific Islander underutilization but maintains an underutilization of Hispanic and overall Female employees. The District has set realistic goals that can be attainable over the long-term period as there are vacancies projected for various roles within the job group.

Administrative Support (63 employees)

The District's review found underutilization of Hispanic males in this job group and will set hiring goals appropriately. There are 10 vacancies forecasted and the District will take the necessary actions in order to attract qualified Hispanic candidates to apply for the open positions.

Skilled Craft Workers (58 employees)

The District's 2015 review found underutilization of female and Black employees in this job group. As of 2019, the District has made strides to meet their utilization goals and is no longer finding underutilization of female or Black employees in this job group. There is, however, an opportunity identified for Hispanic males, so the District has set both a short-term and long-term goal to make progress towards the male Hispanic representation.

Service and Maintenance (345 employees)

As of 2019, the District has identified that female representation within the Service and Maintenance job group is lower than expected. Progress towards the improvement of these deficiencies will be made through increased positive outreach and recruitment for women leading up to the 49 projected vacancies.

Minority Employment

Overall, the District employs more minority employees than expected based on area availability. Our minority employees are very well represented at the high levels of our organization, Officials/Managers and Professionals, as well as at the heart of our organization, Service and Maintenance workers. The District receives applications from minorities and hires minorities in these job groups equal to or greater than area availability.

Female Employment

Employment of women is an area where the District seeks to improve. Historically, the District has been unable to attract female Service and Maintenance workers and that trend has continued through this review period. However, there has been marked improvement through the District's efforts since the last review period. As of 2019, the female availability for the Service and Maintenance job group was 24.7% and the female applications received was only slightly less at 23%. The District will review the selection process for these positions to ensure there are no barriers in the process that are adversely impacting females.

Based on the statistical data, the District will set hiring goals of three female Professionals, two female Technicians, one female Skilled Craft Worker, and forty-two female Service and Maintenance employees.

Black Employment

The District maintains a utilization of Blacks in five out of seven job groups above the identified availability utilization goals. Although there are fewer incumbent Black employees than expected in the Officials and Administrators and Service and Maintenance job groups, there has

been significant progress made in other job groups since the last review, to the degree that underutilization no longer exists.

Hispanic Employment

The District has received fewer than expected Hispanic applicants in the majority of the job groups. This appears to correlate to fewer than expected Hispanic employees and fewer than expected Hispanic new hires in six of the seven job groups.

The District will review the overall selection process for the impacted positions, ensure there are no barriers to employment, and begin a stronger outreach and recruitment campaign in order to attract qualified Hispanic applicants.

Asian and Pacific Islander Employment

It appears that incumbency rates are notably high for Asian and Pacific Islander employees due to very low rates of attrition. There are only two areas of opportunity where the District fell minimally short of the expected incumbency and has set hiring goals accordingly.

American Indian and Alaskan Native Employment

Although the District employs only four American Indian and Alaskan Native (AI/AN) workers, that number is consistent with the availability of AI/AN workers in our recruitment area. There do not appear to be any significant barriers to AI/AN workers through the recruitment, hiring, or separation processes.

Native Hawaiian or Pacific Islander

Even though the availability for NHOPI employees is reasonably low, the District has still managed to hire and retain a number of NHOPI workers. As of 2019, there is only one area where there is underutilization identified and so the District has set a hiring goal of one in order to make progress.

Summary

In general, the District is attracting minority employees across all ethnic backgrounds. The District needs to focus on attracting, hiring, and retaining more female and Hispanic employees to better reflect the availability of female and Hispanic workers in our recruitment area.

Disciplinary Procedures and Termination (Separations) Procedures

1. Disciplinary Procedures

San Mateo County Transit District's disciplinary procedures are administered without regard to race, color, creed, religion, national origin, sex/gender, age, sexual orientation, physical or mental disability, veteran status or any other status protected by applicable federal laws or San Mateo County Transit District policy. Salaried employees are governed by the San Mateo County Transit District Management Personnel Handbook (or "MPH"). Chapter 1, Section 1.03 of the MPH entitled "Equal Employment Opportunity"

Introduction

Administrative (nonunion) employees serve at the pleasure of the General Manager/CEO and can have their employment separated at any time with or without cause. Union employees may only be disciplined or separated for "just cause" as defined in their collective bargaining agreement.

In particular circumstances, an employee may be temporarily removed from the job by the District, with or without pay, pending the completion of investigation and fact finding necessary to determine whether any disciplinary or other corrective action is appropriate.

In general, the District practices progressive discipline in order to persuade employees to modify their behavior. However, there are those instances where discharge is warranted for a single act of egregious misconduct. Examples of discipline include verbal or written warning, reprimand, suspension, demotion, transfer and termination of employment.

Resignation/Retirement

A resignation and/or retirement is a voluntary termination of employment by the employee. Resignations and retirements must be submitted in writing on the District's Resignation of Employment form. The resignation form should contain a brief statement of the reason for, and effective date of, the resignation.

Layoff

A layoff is an involuntary termination of employment initiated by the District when the District determines that a reduction in force is necessary. Employees who are selected for layoff will be notified in writing and will be given a minimum of two (2) weeks' notice, or two (2) weeks' pay in lieu of notice and shall receive one (1) week of pay for each full year of regular service with the District. Employees who are rehired within eighteen months of the date of layoff shall be reemployed as if there was no break in service.

Layoffs involving members of the Amalgamated Transit Union Local 1574 and the International Brotherhood of Teamsters Local 856 are governed by the collective bargaining agreements with the District.

Discharge

A discharge is an involuntary termination of employment initiated by the District. For administrative employees, the District is an “at will” employer. Supervisors should identify potential discharge situations as early as possible and should immediately notify the Director, Human Resources or designee of the situation. While employees serve at the pleasure of the General Manager/CEO and can be discharged at any time, without prior notice, with or without cause, supervisors should act promptly to identify and correct a problem situation to avoid the necessity of discharge. Prior to discharging any employee and before the Skelly Hearing, the General Manager/CEO or designee shall review the facts and circumstances that led to the Intent to Terminate and determine whether the proposed termination action should proceed.

Discipline for Members of Amalgamated Transit Union Local 1574 and the International Brotherhood of Teamsters Local 856

Disciplinary action taken against members of Amalgamated Transit Union Local 1574 (ATU) and the International Brotherhood of Teamsters Local 856 must meet the “just cause” standard.” Prior to the issuance of discipline employees are afforded an interview, with their union officials present, to present their explanation of events, facts, and circumstances. Each case is evaluated based upon the unique facts and circumstances involved. However, generally speaking, similar incidents should result in similar consequences to the employee. Superintendents consult with Human Resources to ensure fairness and consistency of corrective action.

Discipline for Administrative Employees

When a supervisor determines that an employee’s conduct or performance violates District policies and/or procedures or is otherwise unsatisfactory, the supervisor should immediately contact the Director, Human Resources or designee who will evaluate the situation to recommend the appropriate course of action.

Skelly Hearing Prior to Decision to Discharge

Employees are given an opportunity to present evidence and argument at a Skelly hearing prior to a manager’s tentative decision to separate their employment becomes final. The employee is given notice of the specific reasons for the tentative decision to separate their employment five working days in advance of the Skelly Hearing.

Discharge/Termination

If the employee, after the Skelly Hearing, does not dissuade the manager to reverse their tentative decision to separate his/her employment, the termination becomes final.

Termination Pay

Unless the employee gives less than 72 hours’ notice of resignation, the District must make a final paycheck available to an employee on his/her last day of employment. Employees are also given information on COBRA benefits available to them.

Disciplinary Action Analysis

During this reporting period there were a total of 238 disciplinary actions. At the District,

all proposed disciplinary actions are first reviewed by the EEO Officer, the Manager, Employee Relations and Civil Rights and the Employee Relations staff. In some situations proposed disciplinary actions are reviewed by the Director, Human Resources and the Deputy CEOs. In addition to ensuring that there is no discriminatory intent in issuing discipline, the purpose of the review is to also determine if the District conducted a prompt, thorough and fair investigation, affording the employee due process, and that there is ample cause to issue discipline.

Significantly, 145 of all actions (61 percent) were for a “Miss-out” or “Tardy.” Both terms are defined in a collective bargaining agreement (CBA) between the District and the Amalgamated Transit Union Local 1574 (ATU). The term Miss-out is only utilized for bus operators and the term Tardy is only used for customer service employees. A bus operator or customer service employee gets a Miss-out or Tardy if he/she is late to work under terms specified in his/her CBA. For each Miss-out or Tardy, the employee gets discipline that progresses from a written warning up to and including termination. The District does not believe that discrimination has a significant effect on the Miss-out or Tardy processes since the discipline is set forth in the CBA and is not subject to supervisor discretion.

Of the remaining 93 disciplinary actions, 85 involved Service and Maintenance employees while only 8 involved the other seven job groups.

The District analyzed all disciplinary actions based on action type and EEO Category. There were minimal areas where potential adverse impact was identified. In reviewing those areas, the District has determined that there is no pattern of discrimination that impacts one particular gender/race group.

**CHAPTER 6: DEVELOPMENT AND IMPLEMENTATION OF SPECIFIC PROGRAMS
TO ELIMINATE DISCRIMINATORY BARRIERS AND ACHIEVE GOALS
FTA C 4704.1A (2.2.7)**

San Mateo County Transit District tailors our employment practices and EEO goals and objectives to ensure they address identified deficiencies.

The processes designed to address the underutilization of women and minorities are listed below. These plans will be carried-out throughout the EEOP year. The Human Resources Director, and managers will be responsible in ensuring that the following are implemented.

A. Job Restructuring and Upward Mobility:

San Mateo County Transit District will continue to do the following:

1. Perform periodic review to ensure that position descriptions are accurate and are allocated to the appropriate classification;
2. Ensure that all job qualification requirements are closely related to the job;
3. Provide counseling and guidance to employees;
4. Widely publicize upward mobility programs and opportunities within each work unit and within the total organizational structure.

B. Recruitment, Placement, and Hiring Applicant Flow Analysis:

San Mateo County Transit District will continue to do the following:

1. Ensure active recruitment efforts to support and supplement those of the Human Resources Department, reaching all appropriate sources to obtain qualified employees on a nondiscriminatory basis.
2. Maintain contacts with organizations representing minority groups, women, professional societies, and other sources of candidates for technical, professional and management level positions.
3. Ensure that recruitment literature is relevant to all employees, including minority groups and women.
4. Review and monitor recruitment and placement procedures so as to assure that no discriminatory practices exist.
5. Cooperate with the Human Resources Department on the review and validation of written tests and other selection devices.
6. Analyze the flow of applicants through the selection and appointment process, including

an analytical review of reasons for rejections.

7. Monitor the placement of employees to ensure the assignment of work and workplace on a nondiscriminatory basis.

C. Promotions

San Mateo County Transit District will continue to do the following:

1. Develop employees so as to match employee skills with available job advancement opportunities.
2. Evaluate promotion criteria (supervisory evaluations, oral interviews, written tests, qualification standards, etc.) and their use by hiring managers to identify and eliminate factors which may lead to improper "selection out" of employees or applicants, particularly minorities and women, who traditionally have not had not been hired into certain jobs.
3. Assure that all job vacancies are posted conspicuously and that all employees are encouraged to bid on all jobs for which they feel they are qualified.
4. Publicize career achievements/promotions by highlighting breakthrough promotions, i.e. advancement of minorities and women to key jobs, new career heights, etc.

D. Training

San Mateo County Transit District will continue to do the following:

1. Require managers and supervisors to participate in EEO seminars covering the EEOP, the overall EEO program and the administration of the policies and procedures incorporated therein, and on Federal, State and local laws relating to EEO.
2. Train in proper interviewing techniques of employees who conduct employment selection interviews.
3. Provide training and education programs designed to provide opportunities for employees to advance in relation to the present and projected manpower needs of the agency and the employees' career goals.
4. Review the profiles of training course participants to ensure that training opportunities are being offered to all eligible employees on an equal basis and to correct any inequities discovered.

E. Layoffs, recalls, discharges, demotions, and disciplinary actions

The standards for deciding when a person shall be terminated, demoted, disciplined, laid off or recalled should be the same for all employees, including minorities and females. Seemingly neutral practices are re-examined to see if they have a disparate effect on such groups.

When employees, particularly minorities and females, are disciplined, laid off, discharged or downgraded, the Human Resources Director in collaboration with the CEO review the actions before they become final.

1. Any punitive action (i.e. harassment, terminations, demotions), taken as a result of employees filing discrimination complaints, is illegal.
2. The following records are kept in order to monitor this area of the internal EEO program:
 - a. On all terminations, including layoffs and discharges: indicate total number, name, (home address and phone number), employment date, termination date, recall rights, sex, racial/ethnic identification (by job category), type of termination and reason for termination.
 - b. On all demotions: indicate total number, name, (home address and phone number), demotion date, sex, racial/ethnic identification (by job category), and reason for demotion.
 - c. On all recalls: indicate total number, name, (home address and phone number) recall date, sex, and racial/ethnic identification (by job category).
3. Exit interviews should be conducted with employees who leave the employment of the San Mateo County Transit District.

F. Other personnel actions

San Mateo County Transit District will continue to do the following:

1. Provide assurance that information on EEO counseling and grievance procedures is easily available to all employees. Assert the seven tests of just cause have been met before employees are disciplined. Disciplinary actions are reviewed and recommended on a race and gender neutral basis.
2. Develop, implement and support a system for processing complaints alleging discrimination because of race, color, religion, sex or national origin to an impartial body.
3. Develop, implement and support a system for processing grievances and appeals (i.e. disciplinary actions, adverse actions, adverse action appeals, etc).
4. Review and monitor the performance appraisal program periodically to determine its objectivity and effectiveness.
5. Ensure the equal availability of employee benefits to all San Mateo County Transit District employees.

CHAPTER 7: MONITORING AND REPORTING

FTA C 4704.1A (2.2.7)

Inherent in the EEOP is the need for periodic self-assessment of problems encountered, corrective action taken, and progress made. Self-evaluation requires complex record keeping systems on applicants, employees, and components of the EEOP itself. Periodic reports from San Mateo County Transit District executive leadership, managers, the Human Resources Director, and relevant persons are required.

The objective of all record keeping systems to be implemented is to assess the results of past actions, trends, the appropriateness of goals and objectives, the appropriateness and relevancy of identified solutions to problems, and the adequacy of the Plan as a whole. In addition, a further objective is to identify the proper corrective actions to be made to all components.

In order to fully achieve the objectives of such a record keeping system, the results of it must lead to follow-up through feedback to managers, supervisors, and staff, through reallocation of resources, through modifications to plans and the record keeping system itself, through appropriate recognition of personal achievements as well as punitive actions for discriminatory acts. For any identified deficiencies, appropriate corrective action will be identified and implemented.

The records that are maintained are the basis for updating the equal employment opportunity plan, including revising the availability data and establishing annual numerical goals. The internal audit and reporting system are used as the basis for evaluating systemic, results-oriented programs and equal employment opportunity efforts.

San Mateo County Transit District's auditing and reporting system periodically measures the effectiveness of its total equal employment opportunity program. The Human Resources Director:

1. Monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out;
2. Reviews internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
3. Meets with the CEO at least on a semi-annual basis to report program effectiveness, underutilization, and recommendations for improvement.
4. Reviews report results with management; and with HR and hiring officials.
5. Advises top management of program effectiveness and submits recommendations to improve unsatisfactory performance.

6. Works with Procurement to collect EEOPs from contractors meeting the EEO Circular threshold, and reviews contractor EEOPs for compliance.
7. Reviews union contracts to ensure there is not a disparate impact.

CHAPTER 8: EEO COMPLAINT PROCEDURE

General

The District is committed to providing an environment in which employees are treated with respect and dignity and which is free from unsolicited and unwelcome overtures from employees and others. Sexual and other forms of harassment have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment is against the law.

Employees who feel that they are being harassed should inform their immediate supervisor, the Director, Human Resources or his/her designee. The District will promptly investigate all allegations of harassment and, if applicable, take appropriate corrective action.

Anyone who violates this policy, retaliates or attempts to retaliate against someone who has alleged misconduct or participated in an investigation into misconduct is subject to termination.

Zero Tolerance

The District will not tolerate sexual harassment or harassment of any kind. This includes but is not limited to harassment on the basis of sex, race, color, religion, gender, age, mental or physical disability, medical condition, national origin, marital status, veteran status, sexual orientation, or any other characteristic protected under federal or state law or local ordinance.

Abuse of Authority

No employee with supervisory authority shall threaten or suggest, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, hours, or any condition of employment or career development.

Voluntary Relationships

The District does not wish to disrupt congenial and voluntary relationships between and among employees or to invade any individual's privacy. The District has not and will not routinely inquire about relationships or social contacts that appear voluntary and welcome.

Sexual Harassment

Sexual harassment includes conduct such as suggestive or obscene letters; derogatory comments; unwelcome touching or assault; and leering or sexually oriented gestures, pictures. It includes harassment of women by men, of men by women, and same-sex gender-based harassment.

- a) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature when:
- i) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - ii) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

No Retaliation

Retaliation against any employee for reporting an incident of possible sexual or other form of harassment, or against any employee participating in the investigation of an allegation of harassment also is prohibited.

Internal Reporting/Complaint Procedures

When an employee feels that he or she is being harassed, there are two ways to address the problem. The Informal Procedure would only be appropriate if the harassment is minor and in an early phase. When an employee is sure that he or she is being harassed, it is best to file a Formal Complaint.

Informal Procedure

Tell the offending individual that his/her behavior is unwelcome, offensive, or inappropriate. Whenever possible, the employee must put the person on notice that his/her behavior is unwelcome. If advising the individual is not effective, or when an employee is reluctant to make such a statement to the offending individual, the employee should inform his or her immediate supervisor or the Director, Human Resources or his/her designee.

Formal Procedure

Employees should immediately file a written complaint with their immediate supervisor, or the Director, Human Resources or his/her designee. A complete investigation will be conducted, and any individual found to have engaged in harassment will be counseled and is subject to discipline, up to and including termination, depending on the facts and circumstances of the violation.

Internal Reporting

Any supervisor receiving any complaint, either formal or informal, who observes or is made aware of behavior that could involve harassment, shall immediately notify the Director, Human Resources or his/her designee of the situation. Human Resources will coordinate a prompt and

thorough investigation into the matter.

Legal Rights

Sexual harassment is against the law. Employees or job applicants who feel they have been sexually harassed may, within one year of the harassment, file a complaint with the California Department of Fair Employment and Housing (DFEH). The DFEH can be reached at 1-800-884-1684 or at www.dfeh.ca.gov.

Supervisory Training

On a periodic basis and in compliance with applicable law, in addition to professional development training, the District will provide interactive training to supervisors regarding sexual harassment, discrimination and retaliation. The training shall include information and practical guidance regarding the prohibition against and the prevention and correction of sexual harassment, the remedies available to victims of sexual harassment in employment and the District's procedures for responding to harassment complaints.