

Tri-State Transit Authority

EEOC Program



**Tri-State Transit Authority
(TTA)
P.O. Box 7965
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EEO Contact
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Tri-State Transit Authority
EEOC Program
U.S. Equal Employment Opportunity Commission

Section 1: Policy Statement

1. Tri-State Transit Authority (TTA) affirms its commitment to treat all applicants for employment and employees equally without regard to race, religion, creed, color, national origin, sex, age, disability, veterans status, marital status or other class prohibited by local, state or federal law. TTA is an Equal Employment Opportunity employer. It is prohibited for TTA or any of its employees to discriminate against an applicant for employment or another employee on the basis of race, color, and religious creed, sex, age, national origin, or any other basis prohibited by local, State or Federal law, or to 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 financial assistance.
2. The Tri-State Transit Authority (TTA) supports the concept of an active affirmative action program consistent with Federal laws, court decisions, Executive Orders, and regulations, including goals and timetables, in order to overcome the effects of past discrimination on minorities and women.
3. The responsibility for the implementation of the EEO Program is assigned to the CEO, as EEO Director. The management and the day-to-day responsibilities of the EEO Program shall be the responsibility of the General Manager as EEO Officer/Coordinator. All TTA managers and supervisors share in the responsibility of ensuring compliance is achieved through understanding, communicating, and active involvement in the support of this policy. Performance evaluations of managers and supervisors shall include evaluating the success of the EEO program in the same manner as performance on other goals.
4. Applicants and employees have the right to file complaints alleging discrimination with the CEO, General Manager, Supervisor, and Federal or State Civil Rights Commissions, and EEOC.
5. This policy extends to all areas of employment including recruitment, selection and placement, compensation, promotion, transfer, discipline, demotion, lay-off, termination, training, daily working conditions, benefits and all other terms and conditions of employment:

Authorities

- Equal Pay Act of 1963, 29 U.S.C. 201
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e
- UMT Act of 1964, as amended, 49 U.S.C. 1601
- Age Discrimination in Employment Act of 1967, 29 U.S.C. 633a
- Title IX of the Education Amendments of 1972, Public Law 92-318
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
- 28 CFR Part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs"
- 29 CFR Part 1605, "Guidelines on Discrimination Because of Religion:
- 29 CFR Part 1606, "Guidelines on Discrimination Because of National Origin.
- 29 CFR Part 1607, "Uniform Guidelines on Employee Selection Procedures:
- 29 CFR Part 1620, "The Equal Pay Act"
- 29 CFR Part 1625, "Age Discrimination in Employment Act"
- 49 CFR Part 21, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"
- 49 CFR Part 27, "Nondiscrimination on the Basis of Handicap in Financial Assistance Programs"
- DOT Order 1000.12, "Implementation of the Department of Transportation Title VI Program," dated 1-19-77
- Part II, Section 110(a) of the FTA Standard Grant Contract, dated 9-87

This policy will be updated a minimum of every 3 years. Supervisors & Management will meet at least twice a year to discuss the compliance of this program & any implementations. TTA will meet yearly with minority and female employees to obtain suggestions on the program. All new hires will receive training on EEOC during their new hire orientation. A copy of this policy is in the employee personnel policies & procedures manual, on employee notice boards, recruiting application package, and posted on TTA's website.

Approved by: _____
Vickie Shaffer, CEO

Chapter I – Background

Section I – Purpose

General – No person in the United States shall on the grounds of race, color, creed, national origin, sex, disability, or age 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 UMT Act.

Affirmative Action – The General Manager shall take affirmative action to assure compliance with the “General” purpose of this policy.

Section II – Objectives

To ensure that TTA will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability.

To ensure that TTA 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, sex, disability, or age. 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. TTA shall also include a written, affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force.

To ensure that TTA makes available to employees and applicants for employment, notices setting forth the TTA’s EEO policy. In addition applicants/employees will be notified of the TTA’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).

Section III – Definitions

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

- a. 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 work force.
- b. Compliance – refers to a condition in which FTA will find TTA has met the requirements in circular FTA C 4704.1, and there is no indication or evidence of discrimination on the basis of race, color, creed, national origin, sex, age, or disability.
- c. 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.

- d. Contractor – means any entity or organization that has entered into a Federally funded contract with TTA.
- e. 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, age, or disability.
- f. 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.
- g. Minority or Minority Group Persons includes the following:
 - 1. Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa;
 - 2. Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 - 3. Asian or Pacific Islander: All persons having origins in any of the original peoples 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
 - 4. 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.
- h. National Origin – means the particular Nation where a person was born or where the person’s parents or ancestors were born.
- i. Noncompliance – means a failure to meet the requirements of circular FTA C 4704.1 and guidance issued pursuant to the circular or failure to implement an approved EEO program.
- j. Probable Noncompliance – refers to a condition in which FTA has found that TTA does not fully satisfy these requirements and has requested TTA to take remedial or corrective actions to achieve compliance or has initiated an enforcement action against TTA.
- k. 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 TTA.

- I. Transit-related employee – is an employee of TTA who is involved in any aspect of an agency's mass transit operation funded by FTA.

- m. FTA Activity (formally UMTA) – means any program of assistance authorized by sections of the UMT Act; the Federal Aid Urban Systems Program, 23 U.S.C. 142(a)(2); and the Interstate Transfer Program 23 U.S.C. 103 (4)(e). For this document FTA and UMTA may be used interchangeably.

- n. 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.

Section IV – Coverage

1. General:

All programs administered by 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:

TTA is required to comply with program requirements in 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 3, 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.

3. State-Administered Programs.

- a. The FTA EEO objectives apply to those programs that are administered by designated State agencies. Generally, these programs include the FTA elderly and handicapped and rural assistance programs funded under Sections 16(b)(2) and 18 of the UMT Act, respectively. In addition, some States administer the FTA planning and formula capital/operating assistance programs funded under Sections 8 and /or 9 of the UMT Act for urbanized areas under 200,000 population.
- b. Pursuant to a Memorandum of Understanding, the Federal Highway Administration (FHWA) has been delegated the lead responsibility to review and approve EEO programs submitted by State DOT's. In coordination with FHWA, FTA reviews these programs and those of other State agencies to assure that EEO is provided to the work force related to mass transportation. In the Memorandum of Understanding, FTA has the lead responsibility for reviewing EEO programs submitted by Metropolitan Planning Organizations (MPO's) that meet the thresholds as listed above.
- c. State agencies must administer their EEO programs in the following manner:
 - i. All designated State agencies will have the responsibility for assuring that their subrecipients are in compliance with the FTA EEO objectives.
 - ii. All designated State Agencies will maintain and provide data and report to FTA as required or at the discretion of the FTA Area Civil Rights Officer. Data may be requested, especially in those cases where the designated State agency or subrecipient in the subject of an "onsite" compliance review by FTA.
 - iii. FTA will be responsible for complying with the EEO objectives contained in this policy. FTA recommends that designated State agencies request EEO programs from their subrecipients. This will enable designated State Agencies to determine if subrecipients are in compliance with FTA EEO objectives.
 - iv. During the triennial review or at the discretion of the FTA Area Civil Rights Officer, FTA may request from designated State agencies the procedures and criteria used to determine the EEO compliance of subrecipients. FTA may conduct independent onsite EEO compliance reviews of subrecipients to examine their records and to determine compliance with the FTA EEO objectives and requirements.

- 4. Contracting Out & Privatization/Competitiveness Programs**
In the planning and development of TTA's contracting out and privatization/competitiveness programs, full consideration must be given to the EEO ramifications of such program planning and development. Such decisions must be justified on the basis of sound business planning. Disparate impact on minority and female employees must be considered and appropriate steps taken to mitigate any hardships which might result from such decisions.
- 5. Frequency of Update**
TTA shall submit to FTA an updated EEO submission on a triennial basis or as major changes occur in the work force or employment conditions. At the discretion of the FTA Office of Civil Rights, less information may be requested where TTA's previously submitted EEO program has not changed significantly.
- 6. Other Information**
The FTA Area Civil Rights Officer may request information, in addition to that required by this policy, from TTA or its subrecipients to resolve questions concerning EEO compliance. In certain instances, less information will suffice. In cases in which additional information is needed, this request will be made in writing to TTA. Failure to submit information requested by FTA may delay completion of a compliance review or delay the further consideration of a pending grant application(s). Failure by TTA to comply with the terms of this policy may result in the finding by FTA of noncompliance with Section 19 and Section 110(a) of the FTA Standard Grant Contract and the imposition of appropriate sanctions.

Chapter II – EEO Program Components

Overview

While Section 19 prohibits discrimination on the basis of “race, color, creed, national origin, sex, or age, this program primarily addresses and prescribes specific affirmative programmatic components to assure nondiscrimination by TTA and its contractors on the basis of race, national origin, and sex. Circular FTA C 4704.1 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 1 - Policy Statement

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1. Tri-State Transit Authority (TTA) affirms its commitment to treat all applicants for employment and employees equally without regard to race, religion, creed, color, national origin, sex, age, disability, veterans status, marital status or other class prohibited by local, state or federal law. TTA is an Equal Employment Opportunity employer. It is prohibited for TTA or any of its employees to discriminate against an applicant for employment or another employee on the basis of race, color, and religious creed, sex, age, national origin, or any other basis prohibited by local, state or Federal law, or to 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 financial assistance.
2. Tri-State Transit Authority (TTA) supports the concept of an active

affirmative action program consistent with Federal laws, court decisions, Executive Orders, and regulations, including goals and timetables, in order to overcome the effects of past discrimination on minorities and women.

3. The responsibility for the implementation of the EEO Program is assigned to the General Manager, as EEO Director. The management of the EEO Program shall be the responsibility of the Assistant General Manager, as EEO Officer. All TTA managers and supervisors share in the responsibility of ensuring compliance is achieved through understanding, communicating, and active involvement in the support of this policy. Performance evaluations of managers and supervisors shall include evaluating the success of the EEO program in the same manner as performance on other goals.
4. Applicants and employees have the right to file complaints alleging discrimination with the CEO or General Manager and Federal or State Civil Rights Commissions, and EEOC.
5. This policy extends to all areas of employment including recruitment, selection and placement, compensation, promotion, transfer, discipline, demotion, lay-off, termination, training, daily working conditions, benefits and all other terms and conditions of employment

Section II – Dissemination

1. Managers and Supervisors shall be fully informed of the agency's policy through:
 - a. Written communication from the General Manager or their designee.
 - b. Inclusion of the EEO program and policy in TTA's personnel and operations manual; and
 - c. Meeting held (e.g., at a minimum semiannually) to discuss the EEO program and its implementation.
2. Non-supervisory staff shall be informed of the agency's EEO policy and program through:
 - a. Posting official EEO posters and the policy statement on bulletin boards, in the lunch room, and in the HR office.
 - b. Including the EEO policy in the employee handbooks, reports, and employee manuals.
 - c. Meeting with minority and female employees to get their suggestions in implementing and refining the EEO program; and

- d. Presentation and discussion of the EEO program as part of the employee orientation and in all training programs.

Section III – Responsibilities

1. The CEO shall be the EEO Director and the ultimate authority and responsibility for the implementation of the EEO Program. The EEO Director shall delegate duties to achieve the policy goals as necessary.
2. The General Manager shall be delegated as the EEO Officer. In that capacity, this manager is responsible for managing and implementing all aspects of the EEO Program.

Section IV – Administration

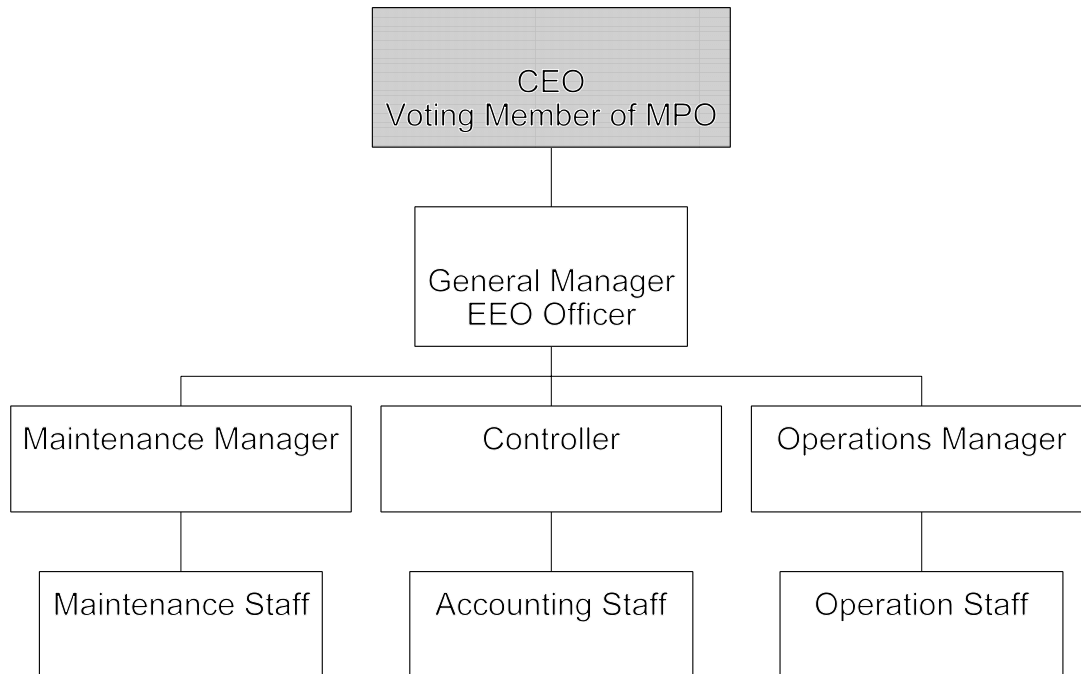
1. EEO Director duties:
 - a. The CEO shall be the EEO Director.
 - b. The EEO Director shall have the final authority and responsibility for compliance with the EEO Program.
 - c. The EEO Director shall delegate to the General Manager the responsibility for coordinating the overall administration of the EEO Program.
2. EEO Officer duties:
 - a. The General Manager shall be the EEO Officer.
 - b. Shall develop and recommend an EEO policy and program, including internal and external communication procedures, setting goals and timetables.
 - c. Supervise the EEO Coordinator who is charged with the responsibility of implementing, monitoring, and ensuring TTA's compliance with EEO regulations in the day-to-day administration and reporting requirements of TTA's EEO Program.
 - d. Shall be responsible for checking and signing all related reports.
 - e. Ensure that all department managers and supervisors are aware of the details of the EEO Program.
 - f. Shall concur in all hires and promotions for compliance with policy.
 - g. Develop long range plans with TTA's Metropolitan Planning Organization (MPO) that are consistent with EEO requirements.
 - h. Incorporate into the Transportation Improvement Plan (TIP) any corrective actions taken in response to deficiencies found by FTA audit.
 - i. Disseminate to the MPO EEO compliance issues that must be taken into consideration during the planning process.
 - j. Ensure that the MPO planning process is conducted with equal access public participation.

- k. Report to the EEO Director on a minimum of once a year, on the progress of the program.
- l. Advise the TTA Board of Directors and Citizen's Advisory Committee (CAC) on EEO compliance issues.
- m. Ensure equal participation on TTA's CAC. This will involve evaluating the CAC membership selection criteria and make-up of the committee in regards to race, gender and position within the committee.
- n. Ensure that CAC and other public meetings are periodically held in predominately minority communities.
- o. Visit CAC meetings as well as other public meetings to assess and verify the level of participation of the EEO group members.

3. All Managers duties:

- a. Assist in identifying problem areas and establishing TTA goals and objectives.
- b. Being actively involved with local minority organizations, women's and disability groups, community action organizations and community service programs designed to promote EEO.
- c. Participating actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives.
- d. Holding regular discussions with other managers, supervisors, and employees to assure TTA's policies and procedures are being followed.
- e. Reviewing the qualifications of all employees to assure that minorities, disabled persons, and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation.
- f. Participate in the review and/or investigation of complaints alleging discrimination.
- g. Conduct and support career counseling for all employees; and
- h. Participate in periodic audits to ensure that each department is in compliance (e.g., EEO posters are properly displayed on all employee bulletin boards).

Section V – Organizational Chart



Section VI – Utilization Analysis

The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. It is also to establish the framework for goals and timetables and other affirmative actions to correct employment practices that contributed to any identified absence, underutilization, or concentration.

1. A utilization analysis consists of a work force analysis and an availability analysis. The work force analysis requires a statistical breakdown of TTA's work force by each department, job category (e.g. Road Supervisor, Mechanic I or II, etc.), and job title. Each of the above should be cross-referenced by race, national origin, and sex. This analysis should be structured in lines of progression by departmental units to ensure that promotional opportunities will be considered. A table or chart is recommended for formulating this analysis. Also, principal duties and

rates of pay must be indicated for each job category, grade/rank of employee, and job title for each employee. Where auxiliary duties are assigned, or where more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where TTA or its contractors operate more than one shift or assigns employees within each shift to varying locations, indicate the number by race, national origin, and sex on each shift and in each location.

2. An availability analysis is a comparison of the participation rates of minorities and women at various levels in the work force with their availability in relevant labor markets. A labor market has both geographic and occupational components. Different geographic areas and labor force data should be used for different job categories. As an example, professional positions would likely have a regional or national recruiting area as opposed to a local recruiting area as would be the case for less skilled jobs. Moreover, recruiting areas should reflect nearby concentrations of minority-group persons who may have been historically excluded from consideration.
3. Occupational data (in addition to general population and unemployment information), along with training and promotional opportunities, should be considered in determining the availability of persons for those employment opportunities from which minorities and women have traditionally been excluded. In determining availability for job categories not requiring special skills or abilities, general population or work force age data may be suitable. Community and area labor statistics by race, national origin, and sex can be obtained from the U.S. Department of Commerce, Bureau of the Census, and its publications; U.S. Department of Labor, Bureau of Labor Statistics, and the Women's Bureau; State and local governments, especially State employment services and MPO's. Detailed occupational data by race, national origin and sex in categories required for EEO reports (E.g., Professionals, Officials, Managers, Technicians, etc.) is available in special affirmative action data packages from many State employment services. Similar data is available from the Research and Analytical Services staff of the EEOC.
4. TTA and its contractors should present this data in a table or chart form for the job categories and job titles being analyzed. Data used should be the most recent, accurate, and relevant. Also, in assessing availability and projecting goals from such availability, the program should also indicate the data given the greatest weight and reasons underlying the decision.
5. In performing the work force and availability analyses, TTA or contractors should have racial data cross-classified by sex to ascertain the extent to which minority-group women or minority-group men may be underutilized. Likewise, minority-group data should be broken down by specific racial

groups (i.e., Black, Hispanics, Asian, Pacific Islander, and American Indian or Alaskan Native.)

Section VII – Goals & 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, TTA 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, TTA 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 TTA'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 TTA 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 TTA has a 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.
5. In developing goals and timetables to correct underutilization, TTA 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/competitiveness activities), turnover in the work force, and availability of persons with required skills.
 - e. Consider effects of changes in 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.

TTA 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 TTA's EEO program.

Section VIII – Assessment of Employment Practices to Identify Causes of Underutilization: Affirmative Action to remedy problem areas.

The detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization are covered in TTA's Affirmative Action Plan.

Section IX – Non-Compliance & Remedial Action Procedures

In the event that TTA is found to be in non-compliance or probable non-compliance with Section 19 of the Urban Mass Transportation Act of 1964 (UMT

Act) or where FTA has found evidence of discrimination prohibited under Section 19 and remedial action is required, the following procedures will be followed.

1. Upon receipt of a non-compliance, probable non-compliance, or discrimination finding, TTA will formulate and submit a Remedial Action Plan for correcting the deficiencies cited in the Letter of Finding.
2. Within 30 days of the receipt of the FTA Letter of Finding, TTA will submit a Remedial Action plan, and if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The Remedial Action Plan shall:
 - a. List all corrective actions accepted by TTA or its contractors;
 - b. Describe how the corrective actions will be implemented;
 - c. Include a written assurance that TTA will implement the accepted corrective action(s) and has the capability to implement the accepted corrective actions(s) in the manner discussed in the plan; and
 - d. All requests for reconsideration shall:
 - i. State which of the findings or recommendations TTA requests FTA to reconsider;
 - ii. Provide a justification for the request to reconsider, including any evidence or information supporting such a request; and
 - iii. Include a written assurance that on the basis of the requested reconsideration, TTA will be in compliance.
3. Within an additional 30 days, FTA will review and submit the Final Remedial Action Plan to TTA.
 - a. TTA will review and consent or respond to this plan within 15 days of receipt.
 - b. If TTA does not agree with the Final Remedial Action Plan, it will submit a written statement of its reasons for not agreeing to the remedial action contained in the plan.

Section X - Monitoring and Reporting System

TTA will adhere to the following to establish an effective and workable internal monitoring and reporting system. This system will serve the following basic purposes:

1. Assessing EEO accomplishments;
2. Enabling TTA 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;
3. Identifying those units which have failed to achieve a goal or to implement affirmative action; and
4. Providing a precise and factual database for future projections.

The reporting system will provide documentation to support actions that affect minority and women job applicants or employees. Management will be kept informed of program effectiveness.

The creation of an EEO advisory committee, reflective of all segments of the community and the agency's work force, can be an effective tool in this regard. TTA 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 must be enumerated in TTA's EEO program.

Section – XI Discrimination Complaints

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, creed, national origin, sex, age, or disability may file a written complaint with FTA or the Secretary of Transportation. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary. FTA recommends that EEO complaints be initially filed with the TTA for resolution. In those cases where the complainant is dissatisfied with the resolution by the TTA, or the case is not being resolved in a timely manner, the same complaint may be submitted to FTA, the Secretary, EEOC, or a State agency for investigation.

Unless otherwise permitted, the final determination of all EEO complaints affecting programs administered by FTA will be made by the Office of the Secretary, DOT.

SUBMISSION OF COMPLAINTS

- A. Filing Complaints of Discrimination:

1. Complainants may submit written complaints to TTA, West Virginia Department of Transportation, the local EEOC office, FTA Director, Office of Civil Rights, the FTA Area Civil Rights Officers, and/or the Departmental Director of Civil Rights.
2. In cases where the complainant is unable or incapable of providing a written statement, but wished TTA to investigate alleged discrimination, a verbal complaint of discrimination may be made to TTA's General Manager. The complainant will be interviewed by a civil rights official authorized to receive complaints. If necessary, the civil rights official will assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.

B. Complaint Format:

1. All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
2. The EEOC Officer for TTA will provide the complainant or his/her representative with a written acknowledgement that TTA has received the complaint within 10 working days. Concurrently, TTA will transmit the complaint to FTA and the Departmental Office of Civil Rights

C. Request for Additional Information from Complainant and/or Respondent.

1. In the event that the complainant or respondent has not submitted sufficient information to make a determination of jurisdiction or investigative merit, TTA may request additional information from either party.
2. This request shall be made by registered mail within 15 working days of the receipt of the complaint by TTA and will require that the party submit the information within 60 working days from the date of the original request.
3. Failure of the complainant to submit additional information within the designated time frame may be considered good cause for a determination of no investigative merit.

D. Notification of Disposition

The General Manager of TTA shall notify within 5 days, by registered letter the complainant, party charged and primary recipient (if not the respondent) of the disposition:

1. In the event of a decision not to investigate the complaint, the notification shall specifically state the reason for the decision.
2. In the event the complaint is to be investigated, the notification shall state the jurisdiction, inform the parties that an investigation will take place, and request any additional information needed to assist the investigator in preparing for the investigation.

E. Referral to Other Agencies

In the event that TTA lacks the jurisdiction, the complaint will be referred to other State or Federal agencies, informing the parties of the action.

F. Complaint Investigation

1. TTA Investigation TTA may elect to conduct its own investigation of the complaint. The investigation may be conducted by “desk audit” or an “onsite” investigation.
2. Referral of Complaint to FTA. Cases determined by TTA to have investigative merit may be sent back to FTA to conduct an “onsite” investigation or may be recommended for a comprehensive EEO review of the recipient.
3. Priority Complaints All incoming complaints shall be examined to determine if the discrimination alleged would be irremediable if not dealt with promptly. If such a determination is made, the complaint shall be given priority status. The processing, investigation, and determination of such complaints shall be accelerated to advance significantly the normal completion date of the process.
4. Investigator’s Preparation Before beginning the investigation, the investigator shall send a letter of introduction, establishing the times and dates for the investigation and interviews. This preparation shall be completed within 30 working days after the assignment has been given to the investigator, contingent upon the investigator’s workload and resources.

G. Investigative Report - A written report will be prepared by the responsible investigator at the conclusion of the investigation. This report will be reviewed by the General Manager for thoroughness. The investigative report will include the following:

1. Summary of the complaint, including a statement of the issues raised by the complainant and TTA’s reply to each of the allegations;
2. Citations of relevant Federal, State, and local laws, rules, regulations, and guidelines, etc,
3. Description of the investigation, including a list of the persons contacted by the investigator and a summary of the interviews conducted; and
4. A statement of the investigator’s findings and recommendations.

H. Disposition of Complaints

1. Approval and Notice of Disposition TTA will approve or disapprove the findings and recommendations made by the investigator in the investigative report. The consequent disposition of the complaint will be communicated to the complainant and recipient by letter. In addition, a rationale

supporting the disposition made and any recommendations to any party will be included in the letter.

2. Informal Resolution If the Notice of Disposition is issued and finds TTA in noncompliance, TTA is required to initiate voluntary remedial actions agreeable to the Office of Civil Rights.
3. Enforcement Procedure In cases in which all required means of remedial action have failed to bring the recipient into compliance, enforcement procedures will be initiated by the Departmental Office of Civil Rights in conjunction with FTA.
4. Request for Reconsideration TTA may request reconsideration findings within 30 days of the Notice of Disposition. This request should include any additional information or analysis TTA considers relevant. The Office of Civil Rights will inform the recipient of its decision to accept or reject the request within 30 days after its receipt.

In cases in which a request for reconsideration is approved, the responsible investigator will reopen the investigation and proceed to process the complaint in the same manner described above.

Any violations of this policy may result in disciplinary action, up to and including termination.

All applicants and employees should follow the above procedures in dealing with possible discrimination. Applicants and employees also have other legal rights, established by law, for investigation of any discriminatory allegations through the West Virginia Human Rights Commission, City of Huntington Human Rights Commission, the Federal Office of Equal Employment Opportunity, the U.S. Department of Transportation, and/or the Office of Federal Contract Compliance Programs.

Laws Enforced by the EEOC

- Title VII of the Civil Rights Act
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967 (ADEA)
- Rehabilitation Act of 1973, Sections 501 and 505
- Titles I and V of the Americans with Disabilities Act of 1990 (ADA)
- Civil Rights Act of 1991

Policy Format

Alternative accessible formats of this policy will be provided to applicants or employees upon request.

Directory of Contacts for filing complaints:**General Manager**

Tri-State Transit Authority
P.O. Box 7965
Huntington, WV
304-529-6094
304-523-7300 (fax)

EEOC

The Bourse Building
21 S. Fifth Street, Suite 400
Philadelphia, PA 19106
215-440-2600
215-440-2632 (Fax)
215-440-2610 (TTY)

Federal Transit Administration

Region III
Office of Civil Rights
1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215 656-7100
215 656-7260 (Fax)