Agenda Item No. (3)

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of February 28, 2020

From: Susan Spencer, Manager, EEO Compliance Programs  
    Kellee J. Hopper, Deputy General Manager, Administration and Development  
    Denis J. Mulligan, General Manager

Subject: APPROVE IMPLEMENTATION OF THE FOUR YEAR EQUAL EMPLOYMENT OPPORTUNITY PROGRAM/AFPIRMATIVE ACTION PLAN 2019-2023

Recommendation

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve the new Equal Employment Opportunity Program/Affirmative Action Plan (EEO/AAP) for the period of July 1, 2019 through June 30, 2023 (four year plan), and authorize submittal of the EEO/AAP to the Federal Transportation Administration (FTA), by March 1, 2020.

This matter will be presented to the Board of Directors at its February 28, 2020 meeting for appropriate action.

Background

In accordance with the requirements set forth in the latest FTA Circular 4704.1A, “Equal Employment Opportunity Program Guidelines for Grant Recipients” which was updated October 31, 2016 and revised April 20, 2017, the Golden Gate Bridge, Highway and Transportation District (District) is now required to submit its EEO Program every four years, rather than the previously required every three years. In response to these updates, the FTA set a new EEO Program submission schedule requiring that the District’s EEO Program be submitted March 1, 2020 and every four years thereafter for review and approval. In compliance with this reporting requirement, the EEO Compliance Programs Office reviewed and updated the EEO/AAP to incorporate the latest requirements from the FTA. The Board of Directors approved the previous EEO Program in October 2015. That plan was in effect through June 30, 2019 and extended due to the FTA’s change in submission schedule. The new EEO/AAP covers the four-year timeframe of July 1, 2019 through June 30, 2023. The EEO/AAP identifies underutilization in the areas of females and minorities using 2010 Census data and sets forth goals and strategies to address areas of underutilization. The snapshot date for reporting and determining goals is June 30, 2019. The review period is from July 1, 2018 to June 30, 2019. Susan Spencer, EEO Compliance Manager
also included a Progress Report to capture certain relevant data points from July 1, 2015 to December 31, 2019.

The District is committed to Equal Employment Opportunity and to complying with all applicable federal and state laws that prohibit workplace discrimination and retaliation. The District’s EEO Policy (Attached) prohibits discrimination based on race, color, religion, religious creed (including religious dress and grooming practice), national origin, ancestry, citizenship, physical and mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions) gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, political affiliation and any other status protected by state or federal law. The District also will reasonably accommodate qualified individuals with disabilities who may need a workplace accommodation or assistance with the application or interview processes. The District also offer religious accommodations so that employees may practice or observe their religion, absent undue hardship.

The District’s commitment to EEO extends to all areas of personnel actions, including but not limited to advertising, recruiting, hiring, training, evaluation, promotion, work assignments, accommodation requests, requests for leave, compensation, benefits, disciplinary actions, terminations, participation in programs or events, or any other terms, conditions, or privileges of employment.

Copies of the 2019-2023 Equal Employment Opportunity Program/Affirmative Action Plan are available for review in the Office of the District Secretary, as well as on the District’s web site.

Summary of Findings and Action Plan

Based on the analysis undertaken in compliance with the regulations, the District is doing quite well, with an overall representation of total employees showing 55% minority and 19% females. This represents a 7% increase for minorities and maintains a representation rate of 19% for females since the previous plan year (2015). Consistent with federal regulations, the District’s workforce is divided into seven EEOC designated job categories: Executives, Professionals, Technicians, Protective Service, Clerical, Skilled Crafts and Service Occupations.

We are pleased to report that the District does not have goals for Professionals, Technicians or Clerical jobs, because the race and gender of the District’s employees in these classifications mirrors the available workforce in the community. However, the District has a new goal for minorities in the Executive job category and continued underutilization for females in the Protective Services, Skilled Crafts and Service Occupations job categories. The District is not alone in its challenges to recruit and hire females into these largely non-traditional roles and now, during a time of low unemployment. However, the District remains committed to making progress against each of its established goals, including the implementation of apprentice and/or internship programs for certain classifications in these job categories.

To address the underutilization of females in certain job categories, the EEO Compliance Programs Office and the Human Resources Department will continue to review current external recruitment strategies to identify effective and innovative ways to attract qualified females and minorities to
the District’s applicant pool. The District will also outreach to minorities for job opportunities in the Executive job category. The District will continue to conduct outreach for veterans and qualified individuals with disabilities. Note that, while the District is not required under FTA to establish numerical goals for Veterans or Disabled individuals, it does take affirmative steps to outreach to those groups and to ensure equitable treatment of Veteran and Disabled applicants and employees. Recruitment, selection and testing practices will also continue to be reviewed during this new plan period. The District will continue to offer employee development and training programs to prepare employees for lateral and promotional positions. In addition, the District will continue to review disciplinary actions to ensure equal treatment.

The EEO/AAP also includes a review of employee data by residence. A majority of District employees reside in one of seven (7) counties: Sonoma, Marin, San Francisco, Alameda, Solano, Contra Costa and San Mateo. These results are not substantially different than the previous plan year. The largest decline is from employees residing in Sonoma County which decreased by 2%. This information allows the District to identify regional recruitment focus areas.

Lastly, District policies and procedures related to EEO and Affirmative Action are regularly reviewed and updated to reflect regulatory changes and to ensure alignment with legal regulations, District policies and practices. The EEO/Affirmative Action Policy Statement is updated for inclusion in the EEO/AAP and is attached to this report.

Upon approval by the Board of Directors, Susan Spencer, EEO Compliance Manager will submit the 2019-2023 EEO/AAP to the Federal Transit Administration for review and acceptance.

**Fiscal Impact**

There is no fiscal impact associated with this report. By submitting the EEO/AAP at this time, the District remains eligible for future federal grant funds.

Attachment: EEO/Affirmative Action Policy Statement
EQUAL EMPLOYMENT OPPORTUNITY
STATEMENT OF POLICY

The Golden Gate Bridge, Highway and
Transportation District ("District") has a strong
commitment to the community we serve and our
employees. As an equal employment opportunity
employer we strive to have a workforce that reflects
the community we serve. No person is unlawfully
excluded from employment opportunities based on
race, color, religion, religious creed (including
religious dress and grooming practices), national
origin, ancestry, citizenship, physical and mental
disability, medical condition, genetic information,
marital status, sex (including pregnancy, childbirth,
breastfeeding and/or related medical conditions)
gender, gender identity, gender expression, age (40
years and over), sexual orientation, veteran and/or
military status, protected medical leaves, domestic
violence victim status, political affiliation and any
other status protected by state or federal law.

The District’s Equal Opportunity Program ("EEO
Program") applies to all employment actions,
including, without limitation, recruitment, hiring,
selection for training, promotion, transfer, demotion,
layoff, termination, rate of pay and other forms of
compensation.

All applicants and employees have a right to file
complaints alleging discrimination. Retaliation
against an individual who files a charge or complaint
of discrimination, participates in an employment
discrimination proceeding (such as an investigation
or lawsuit) or otherwise engages in protected activity is
strictly prohibited and will not be tolerated.

The District is committed to providing reasonable
accommodations to applicants and employees who
need them because of a disability or to practice or
observe their religion, absent undue hardship.

As General Manager I maintain overall responsibility
and accountability for the District’s compliance with
its EEO Policy and Program. To ensure day-to-day
management, including program preparation,
monitoring and complaint investigation, I appointed
Susan Spencer, Manager of EEO compliance, (415)
257-4537 as the District’s EEO Officer. Ms. Spencer
will report directly to me and act with my authority
with all levels of management, labor unions and
employees.

District executives, management and supervisory
personnel share in the responsibility to implement
and monitor the District’s EEO Policy and Program
within their respective areas and will be assigned
specific tasks to ensure compliance is achieved. The
District will evaluate its managers’ and supervisors’
performance on their successful implementation of
the District’s policies and procedures in the same
way the District assesses their performance
regarding other agency goals.

The District is committed to undertaking and
developing a written non-discrimination program
that sets forth the policies, practices and procedures,
with goals and timetables, to which the District is
committed and make the EEO Program available
for inspection by any employee or applicant for
employment upon request.

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

Denis J. Mulligan, General Manager
January 2, 2020

An applicant or employee who believes he or she has
experienced EEO discrimination may file a discrimination
complaint by contacting:

EEO Programs Office
1011 Andersen Drive
San Rafael, CA 94901
Tel. 415-257-4537