



Agenda Item No. (3)

To: Rules, Policy & Industrial Relations Committee/Committee of the Whole
Meeting of January 25, 2024

From: Kellee J. Hopper, Deputy General Manager, Administration and Development
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO THE COMPLIANCE AND
EMPLOYEE RELATIONS' UNIT IN THE ADMINISTRATION AND
DEVELOPMENT DIVISION**

Recommendation

The Rules, Policy and Industrial Relations Committee recommends the Board of Directors approve the following actions relative to the establishment of an EEO Compliance and Workforce Inclusion Department, as follows:

1. Retitle and reclassify the Manager, EEO and Compliance position to Director of EEO & Workforce Inclusion with an annual salary range of \$157,269 to \$190,070, not including benefits;
2. Retitle and reclassify the DBE Administrator position to Manager, DBE and Workforce Inclusion with an annual salary range of \$133,411 to \$161,262, not including benefits;
3. Retitle and reclassify the Leaves Analyst position to Administrator, Leaves of Absence with an annual salary range of \$117,354 to \$141,876, not including benefits;
4. Establish one Senior Analyst, EEO/DBE position with an annual salary range of \$104,978 to \$126,963, not including benefits; and,
5. Adjust the Table of Organization accordingly.

The annual fiscal impact of these proposed changes is estimated at \$290,498, including benefits. Additional salary and benefit expenses associated with this recommendation will be budgeted in future fiscal year budgets accordingly.

This matter will be presented to the Board of Directors at its January 26, 2024, meeting for appropriate action.

Summary

Federal Transit Administration Rulemaking, plus changing state and federal laws regarding protected leaves, coupled with changing societal expectations and increased Board focus on diversity, equity and inclusion has increased the workload, complexity and responsibility for the District's Compliance and Employee Relations Unit. These changes necessitate organizational changes.

The Golden Gate Bridge, Highway and Transportation District (District) recognizes that our employees and customers come from many diverse backgrounds. We respect these backgrounds. We are committed to achieving a workforce that reflects the rich diversity of our region and ensuring that our employees and customers are treated fairly and free from intolerance and discrimination.

Even more so, over the past few years, the District has increasingly focused its attention on fostering an environment of understanding, awareness and acceptance. District staff has worked closely with the Board's Diversity, Equity and Inclusion Advisory Committee (DEI Committee) regarding the legal framework for diversity and equity in District activities. This has included a number of programs being implemented, including bringing amendments to the District's Procurement activities for Board approval and launching internal and external efforts aimed at fostering a deeper understanding of others, appreciating the differences of others and growing in awareness.

Moreover, the District is a founding signatory of the American Public Transportation Association's (APTA) Racial Equity Commitment Pilot Program, which calls on APTA member organizations to formally commit to racial equity by implementing a strategy to improve diversity, equity and inclusion (DEI) within a comprehensive DEI framework. This commitment requires the District to implement the following Five Core Principles:

1. Make racial equity an explicit strategic priority.
2. Undertake an annual DEI climate assessment on the perceived employee experience of existing policies, practices, and procedures from the perspective of diversity, racial equity, and inclusion.
3. Review and analyze demographic data covering internal (e.g., employees, resources, business partners) as well as external (e.g., revenue service, products and projects, ridership, community partnerships, etc.) to develop a baseline on how existing policies, practices and programs impact racial equity.
4. Put in place evidence-informed policies, practices, programs and processes for creating and maintaining an inclusive and equitable environment for workers and customers, including identifying best practices for responding to the use of hate-related behavior/language/signs.
5. Establish programs, tools and dedicated resources that engage executive and Board leadership and staff at all levels on the meaning and importance of racial equity and how they can help realize the District's racial equity strategy as part of a broader effort on diversity, equity and inclusion.

Much of this work has been and will continue to be tasked to our existing EEO Compliance Programs, DBE and Leave Management staff. They have established outreach and awareness programs consistent with DEI principles and continuously work to identify strategies to advance diversity, equity, inclusion, and accessibility. Furthermore, in this proposed organization, staff will provide guidance and/or collaborate with Human Resources, senior leadership, and department heads on hiring practices and strategies; staff performance and development; employee retention; and workplace inclusion and equity practices that adhere to DEI principles and programs.

In alignment with the APTA commitment, staff issued a Climate Assessment Survey with employee engagement and DEI components. That Survey is under review and will support a recommended Racial Equity Action Plan as required under the APTA Program. The Racial Equity

Action Plan will serve to further remove barriers and identify ways to promote understanding and shape culture for all District employees. Other opportunities to engage employees and raise awareness around the importance and value of DEI include creating and facilitating employee resource groups (e.g., women's group, race and cultural groups, etc.); offering lunch and learn sessions focused on inclusion and belonging and presenting Diversity trainings Districtwide.

Recall the District's current Equal Employment Opportunity (EEO) Program is managed by the DBE Administrator. That Program includes an EEO/Affirmative Action Plan as required by the FTA. That Program ensures non-discrimination in employment as governed by FTA Circular 4704.1A. As an example, this includes EEO assessments/analysis related to hiring, promotions, trainings, discipline, and terminations, as well as internal investigations into complex legal issues involving harassment/discrimination/bullying and employee conflict. While there is crossover in the EEO Program insofar as employment data analysis, the additional work necessary to support the APTA Commitment and the Board's DEI Committee observations regarding DEI best practices, goes beyond the current EEO Program. In order to sustain the EEO Program and support the additional Inclusion, Belonging and Racial Equity initiatives in a meaningful way, it is necessary to bring this department in line with other transit agencies by creating a more well-rounded group who, together, can maintain current EEO, DBE and Leave Management workload while increasing the District's focus on Inclusion, Belonging and Racial Equity in a way that will inspire and shape culture and not simply "check a box." The District has a responsibility to ensure that it has enough human capital focused on this important work to do it justice. This requirement comes from the FTA and APTA.

For these reasons, it is recommended that the current Manager, EEO and Compliance is retitled and reclassified to Director of EEO and Workforce Inclusion to more accurately reflect the current work and duties assigned to the position and the department. It is also recommended that the DBE Program Administrator assume a higher level of responsibility by working closely with the Director of EEO and Workforce Inclusion to identify and implement racial equity, inclusion and belonging efforts. In order to accomplish this, it is necessary to hire an additional staff member to assist with EEO tracking of complaints and disciplinary actions, reports/monitoring, and EEO trainings. Additionally, this new staff would learn DBE methodology and reporting and take a supporting role to Leave Management in order to assist with intake and backup.

Notably, in recent years, this work unit has also seen a significant uptick in DBE activities and time-consuming responsibilities. In July 2022, the U.S. Department of Transportation issued a Notice to Proposed Rulemaking to modernize and strengthen the Disadvantaged Business Enterprise Program. Some of the proposed changes include new collection of data, reporting, prompt payment monitoring and oversight requirements. If the proposed changes are adopted, staff's administrative responsibilities will be increased. The Senior Analyst staff can assist with this additional work by compiling and entering contract/DBE data, coordinating communications, community involvement, assisting with outreach events, monitoring contract compliance, providing oversight, setting DBE and Small Business Enterprise goals on specific contracts, and much more. This will allow the DBE Administrator to assume a more significant role in developing and driving Inclusion, Belonging and Racial Equity initiatives.

Further, as federal and state laws continue to evolve in the area of protected leaves, that work has also increased in complexity and quantity. Leave Management requires a subject matter expert in

order to administer full cycle leaves of absence (FMLA and Non-FMLA). This is a compliance program on its own. Staff has taken additional responsibilities in administering the Leave Program over the last few years to include researching and developing pandemic processes and related documents; facilitating interactive process meetings for ADA reasonable accommodation assessments; preparing and presenting EEO-related and team-oriented trainings; attending grievance and legal hearings as well as assisting with DEI initiatives. A Senior Analyst is greatly needed to assist with intake, eligibility determinations, data entry, educating employees, processing paperwork and providing backup support.

Importantly, the Senior Analyst position would afford current and future employees the benefit of a defined career path and advancement opportunities to progress between administrative into the managerial or director classifications. Providing a span of learning opportunities in EEO, DBE and Leave Management provides a rare opportunity to build a strong HR Compliance skillset. It would also provide improved succession planning within this department.

In order to accomplish the changing work demands, staff is recommending the following reorganization:

CURRENT POSITION	CURRENT SALARY	RECOMMENDATION	RECOMMENDED SALARY
Manager, EEO & Compliance Programs	\$142,355 to \$171,995	Director, EEO & Workforce Inclusion	\$157,269 to \$190,070
DBE Program Administrator	\$117,353 to \$141,877	Manager, DBE & Workforce Inclusion	\$133,411 to \$161,262
Leaves Analyst	\$104,978 to \$126,963	Administrator, Leaves of Absence	\$117,354 to \$141,876
--		Senior Analyst, EEO/DBE	\$104,978 to \$126,963
Total (Top Step)	\$440,835		\$620,171
		NET CHANGE	\$179,336

The District recently conducted a comprehensive salary survey of its existing classifications (at the time of the survey) to determine market competitiveness against its peer agencies. It is important to note that, while the existing positions were at or near market rate during the survey, the additional significant responsibilities, programmatic additions and changes to duties necessitate and support the recommendation for salary adjustments being made.

Fiscal Impact

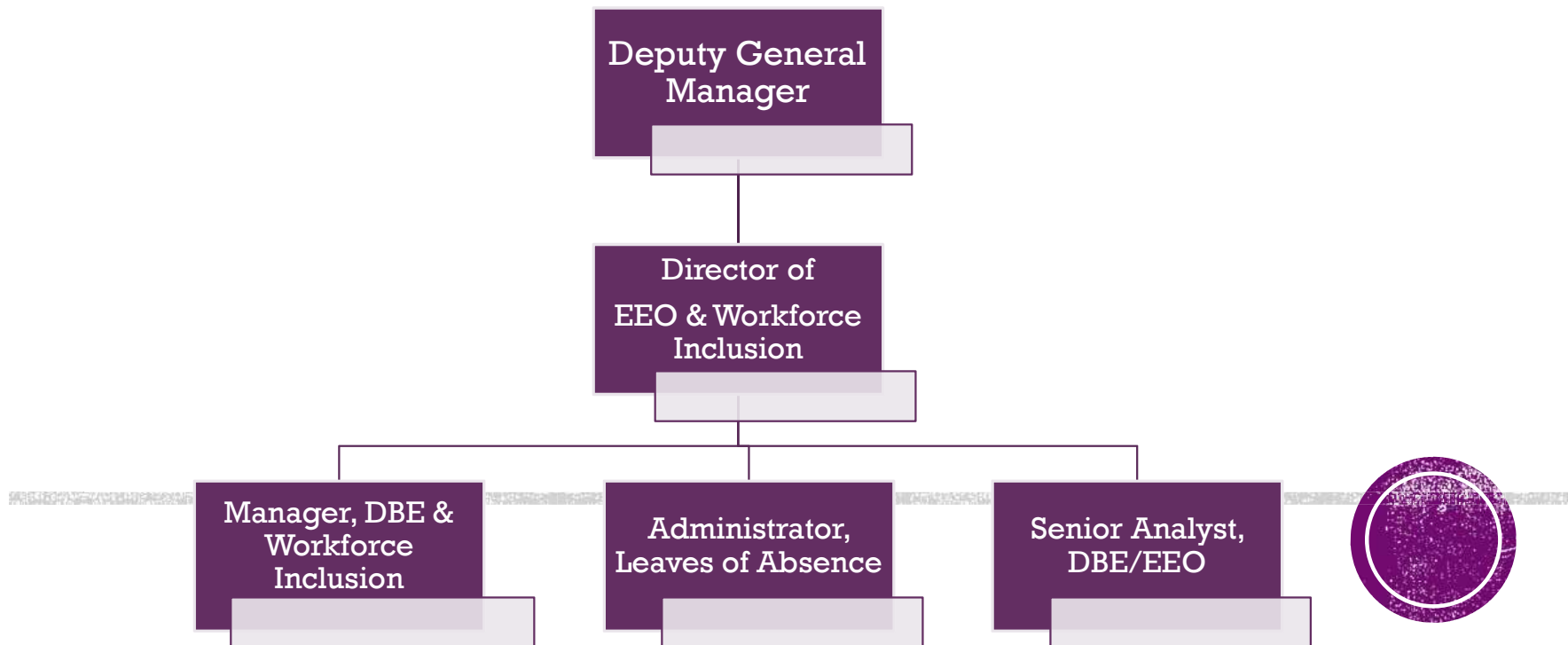
The total annual fiscal impact of these proposed changes is approximately \$290,498, including payroll and medical benefits. The total annual salary adjustment for all the proposed changes is \$179,336. Salary savings would be used in the current FY 23/24 District Division budget to fund the proposed changes. In future years, the increase would be budgeted during the District’s annual budget process.

- Attachments: A. Recommendations Based on Result Compensation Survey
 B. EEO Compliance & Workforce Inclusion Department Proposed Org Chart

Current Position	Current Salary	Compensation Study Result	Reommendation	Recommended Salary
Manager, EEO & Compliance Programs	\$142,355 to \$171,995	5.80%	Director, EEO & Workforce Inclusion	\$157,269 to \$190,070
DBE Program Administrator	\$117,353 to \$141,877	1.53%	Manager, DBE & Workforce Inclusion	\$133,411 to \$161,262
Leaves Analyst	\$104,978 to \$126,963	0.57%	Administrator, Leaves of Absence	\$117,354 to \$141,876
NA	NA	NA	Senior Analyst, EEO/DBE	\$104,978 to \$126,963

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EEO Compliance & Workforce Inclusion Department Proposed Org Chart



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