

# Golden Gate Bridge Highway and Transportation District

## EQUAL EMPLOYMENT OPPORTUNITY PROGRAM AFFIRMATIVE ACTION PLAN July 1, 2019 – April 30, 2024



**February 20, 2020**

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**EEO-4#: 06507270  
Due: March 1, 2020**

**GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM  
AFFIRMATIVE ACTION PLAN**

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## INTRODUCTION

Golden Gate Bridge Highway and Transportation District (the “District”) is a public transit agency founded in 1937 in the State of California and organized pursuant to the California Streets and Highways Code to operate and maintain the Golden Gate Bridge. In 1969, with the mandate from the California State Legislature to enter the public transit business, the District planned, developed, and implemented what is today a nationally renowned bus and ferry system. The District is also unique among Bay Area transit operations because it provides transit services without support from local sales tax measures or dedicated general funds. As the District does not have the authority to levy taxes, the use of surplus Bridge toll revenue is the only available local means the District has to support the District's regional transit services. Presently, Golden Gate Transit Bus and Golden Gate Ferry operations are funded nearly 50 percent by surplus Golden Gate Bridge tolls and 20 percent by transit fares. The remainder is met by federal, state and local subsidies along with advertising, concessions, and property equipment rental revenues and District reserves.

### **Mission Statement**

The Golden Gate Bridge, Highway and Transportation District's Board of Directors adopted the following mission statement on January 17, 2003:

"The mission of the Golden Gate Bridge, Highway and Transportation District (District) is to provide safe and reliable operation, maintenance and enhancement of the Golden Gate Bridge and to provide transportation services, as resources allow, for customers within the U.S. Highway 101 Golden Gate Corridor."

In carrying out this mission the District operates and maintains the Golden Gate Bridge in structurally sound condition to provide safe and efficient travel for vehicles and other modes of transportation; provide public transit services, such as buses and ferries which operate in a safe, affordable, timely and efficient manner; and carries out its activities in a cost-effective and fiscally responsible manner. The District recognizes its responsibility to work as a partner with federal, state, regional and local governments and agencies to best meet the transportation needs of the people, communities and businesses of San Francisco, California and the North Bay area.

The Equal Employment Opportunity/Affirmative Action Program (EEO/AAP) demonstrates the District's compliance with Equal Employment Opportunity provisions of Federal law. The District submits the EEO/AAP to the Federal Transit Administration (FTA) every four years. The District uses the EEO Program to ensure that employees within protected classes are hired, receive promotional opportunities and are otherwise fully utilized within the workforce. The EEO Program also requires the District to provide documentation that shows how other types of employment practices such as disciplinary actions and terminations impact employees in protected classes compared to employees in non-protected classes. The EEO Program Contains Seven Elements:

1. Statement of Policy
2. Plan for dissemination both internally and externally
3. Designation of appropriate personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer

4. Utilization Analysis of present workforce to identify jobs where minorities and women are underutilized
5. Assessment of Employment Practices
6. Development and implementation of specific programs to eliminate discriminatory barriers and achieve goals
7. Plan for monitoring and reporting on the EEO Program
8. EEO Complaint Procedure

### **Applicable Federal Laws and Regulations**

Federal Transit laws include Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); Equal Pay Act of 1963, as amended (29 U.S.C. § 206(d)); Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. § 621 et seq.); Title II of the Genetic Information Nondiscrimination Act of 2008, as amended (42 U.S.C. § 2000ff); 49 U.S.C. § 5332(b) of the Federal Transit Act; U.S. Department of Transportation (DOT) EEO implementing regulations (49 CFR Part 21), and the FTA Master Agreement.

Section 504 of the Rehabilitation Act of 1973 prohibits employment discrimination on the basis of disability for projects, programs, and activities that receive Federal funding. Military veterans employment and reemployment rights are covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4301-4335).

Federal Transit Laws, 49 U.S.C. 5332(b), provide that "no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act." In this context, the term 'sex' includes pregnancy, childbirth, or related medical conditions; gender identity; and sexual orientation.

The District is subject to the Federal Transit Laws that require equal employment opportunity and the affirmative action requirements of United States Department of Transportation Circular 4704.1A, Equal Employment Opportunity Program Guidelines for Grant Recipients of the Federal Transit Administration (FTA) because the District has employed 100 or more transit-related employees (including temporary, full-time or part-time employees either directly and/or through contractors) *and* has requested and received in excess of \$1 million in capital or operating assistance, or, in excess of \$250,000 in planning assistance in the previous federal fiscal year, it is required to submit a complete an EEO/AAP every four years. Failure to comply with these laws which are enforced by the FTA can result in debarment of the District from future contracts and subcontracts.

Affirmative Action is a term that encompasses measures adopted by an employer to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future. Affirmative Action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory EEO/AAP is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. Also, where a statistical analysis of the employee workforce reveals a numeric disparity between

incumbency and availability of minorities or women, the EEO/AAP details specific affirmative action steps taken to ensure equal employment opportunity. For minorities and women, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. It is toward this end that the following EEO/AAP was developed. This EEO Program implementation period covers the period from July 1, 2019 through April 30, 2024.

The District's EEO/AAP for minorities and women has been prepared according to FTA Circular 4704.1A. 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. The District complies with all relevant state and federal laws to ensure equitable treatment for all District employees and applicants.

### **Protected Groups**

Coverage under affirmative action laws and regulations apply to the following groups:

**White females and minority males and females who are recognized as belonging to or identifying with the following race or ethnic groups:**

Blacks/African Americans, Hispanics/Latinos, Asians, Native Hawaiian/Pacific Islanders, American Indians/ Alaskan Natives, and individuals who identify as two or more races.

**Disabled Veteran:** (1) Any veteran of the U.S. military, ground, naval, or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or (2) a person who was discharged or released from active duty because of a service-connected disability.

**Recently-Separated Veteran:** Any veteran who served on active duty in the U.S. military, ground, naval, or air service during the one-year period beginning on the date of such veteran's discharge or release from active duty.

**Active Duty Wartime or Campaign Badge Veteran:** Any veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

**Armed Forces Service Medal Veteran:** Any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209).

**An individual with a disability:** A person who (1) has a physical or mental impairment that substantially limits one or more of his/her major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.

The District complies with all relevant state and federal laws to ensure equitable treatment for all District employees and applicants.

## Race/Ethnic Categories

The race/ethnic groups used in this EEO/AAP are defined by the EEOC as follows:

**Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

**\*American Indian or Alaska Native (not Hispanic or Latino):** A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains tribal affiliation or community attachment.

**\*Asian (not Hispanic or Latino):** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**\*Black or African American (not Hispanic or Latino):** A person having origins in any of the Black racial groups of Africa.

**\*Native Hawaiian or Other Pacific Islander (not Hispanic or Latino):** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**\*White (not Hispanic or Latino):** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**Two or More Races (not Hispanic or Latino):** A person who identifies with more than one of the categories marked with an asterisk "\*" above.

## Description of Employment Statuses

**Regular:** Employees, including those represented by a collective bargaining agreement, completing the number of hours per week that represent regular employment, including regular full-time, regular limited term, and regular part-time workers. These positions are approved by the Board of Directors by way of the budgeting process or through amendments to the Table of Organization.

**Non-regular:** Employees, including any of those represented by a collective bargaining agreement, who work on a casual/on-call, hourly, temporary, seasonal, or other basis and are not in Board-authorized regular positions, are not included in this plan. Provisional workers who fill in for regular employees are included in this category.

Employees who have employment with the District but whose employment is not administered by the District or the District is not their employer of record, are not included in this plan (i.e., Ferry Division Casual Deckhands and Terminal Assistants who have access to District opportunities through the Union Hall).

## **Individuals with Disabilities and Veterans Employment Practices**

The District's Human Resources Department began manually tracking employment practices for veterans, individuals with disabilities and for persons who require accommodations. While this is not the most effective means to track this data, the District understands the need to collect and analyze data that reflects its continued efforts to increase the diversity of its workforce. In doing so, the District is upgrading its Human Resources Information System to capture accurate data during the hiring and promotion processes insofar as allowing applicants to voluntarily self-identify as veterans or individuals with disabilities at various stages of the recruitment and hiring processes. At the time of this EEO/AAP, the District has narrowed vendors and is reviewing products.

### **Terminology**

The terms, "comparison of incumbency to availability," "deficiency," and "problem area," appearing in this EEO/AAP are terms the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance whatsoever. Although the District will use the terms in good faith in connection with its EEO/AAP, such use does not necessarily signify that the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

The comparison of incumbency to availability contained herein is required by Government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with Government regulations, as interpreted by Government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this EEO/AAP. Such statistics and geographic areas are used in good faith with respect to this EEO/AAP. The grouping of job titles into a given job group does not suggest that the District believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, national origin, gender or age.

Applicants for Employment are defined according to regulatory policy decisions and EEOC guidelines. The District's definition of an applicant in this EEO/AAP is:

1. An individual whose expression of interest in employment via the employment application submittal indicates he or she possesses the qualifications for the position; and,
2. An individual who the District considered qualified for employment in a particular position; and,
3. An individual who at no point in the selection process prior to receiving an offer of employment removes himself or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

## **Reliance on EEOC Guidelines**

Although the District does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this EEO/AAP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

## **Reporting Period**

The District submitted the prior EEO/AAP to the FTA for approval on October 1, 2015. The period covered by the prior EEO/AAP was July 1, 2015 through June 30, 2018. The new EEO/AAP covers the implementation period from July 1, 2019 to April 30, 2024. The updates to FTA Circular 4704.1A extended the 2018 plan filing date to March 1, 2020. The snapshot date for this EEO/AAP is June 30, 2019; the one-year lookback period used for analysis is July 1, 2018 to June 30, 2019. The EEO Office conducted a Progress Report encompassing July 1, 2015 through December 31, 2019, to capture the most accurate data since the previous plan for its own internal progress review.

## **Statement of Purpose**

This EEO/AAP is designed to bring females, members of minority groups, covered veterans, and persons with disabilities into all levels and segments of the District's workforce in proportion to their representation in the relevant qualified labor market.

The EEO/AAP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through full utilization and equal treatment of all people. The District is subject to and must address a variety of state and federal laws and guidelines dealing with equal employment opportunity and affirmative action. The technical, legal, and mathematical aspects of the EEO/AAP all have one common purpose - to enable the District to properly identify three key concepts which collectively encompass the EEO/AAP: the District's current demographic makeup; the District's goals and objectives; and how the District may best achieve these goals and objectives.

**See Exhibit 1 for the EEO/Affirmative Action Policy Statement**

## **CHAPTER 1: Dissemination of EEO Policy**

The District has procedures in place for both the internal and external dissemination of the EEO/AAP.

### **Internal Dissemination**

- The District's EEO Policy signed by the General Manager is published and disseminated throughout the agency in print and electronically.
- The District's EEO Policy Statement, along with federal and state labor law notices, are prominently displayed on bulletin boards, in employee break rooms and other common workspaces throughout District facilities.
- The District's EEO Policy Statement is included in the District's Human Resources Guide and available on the Employee Intranet.
- The EEO Program Manager provides briefings to top management on the EEO Program.



- All new employees receive EEO training and are informed of EEO policies during new employee orientation training.
- Management and supervisory personnel are provided additional guidance concerning the EEO/AAP policies and procedures in leadership training and one on one discussions with the EEO Officer.
- Meetings are conducted with top management officials to explain the intent of the EEO Program and their responsibility for effective implementation, making clear the General Manager's commitment on behalf of the District as an employer. Discussions about EEO responsibilities and implementation are held regularly as part of the hiring approval process.
- An electronic record is kept for all employees in regards to their attendance at District training sessions, including EEO training.
- Union officials are informed of the District's EEO policy and requested to assist with achieving goals where possible. Nondiscrimination language is included in union contracts.
- The General Manager reissues and posts two memorandums annually: *Harassment-Free Workplace* and *Work Rules and Regulations*. These memos remind employees of the District's commitment to maintaining a workplace free from harassment and discrimination; as well as provide contact information for reporting concerns.
- The District holds regular meetings with its women's affinity group *Grow, Participate, Share (GPS)* to seek input on women's workplace issues related to EEO as well as other topics in an effort to help women succeed.
- Non-discrimination and harassment prevention language is incorporated into Union contracts.
- Non-discrimination language is included in contracts for services provided to the District by individuals and organizations.

### External Dissemination

The District communicates the existence of its EEO policy and program to employees, applicants and potential applicants by:

- The District regularly sends job opportunity notices to a variety of recruitment sources including minority groups, trade unions, women in trades, transit associations, local and state governmental agencies, colleges and community based organizations and veterans organizations. Job announcements are posted on the District's website at [www.goldengate.org](http://www.goldengate.org). All notices contain a statement referencing the District's status as an Equal Employment Opportunity employer.
- The District participates in job recruitment fairs and maintains communication with organizations having special interests in the recruitment of and job accommodations for minorities, women, veterans and individuals with disabilities.
- The District advertises its EEO policy with social and public media sources through journals, online advertising and other appropriate media.
- The District includes EEO/AAP policy language in advertising and job announcements which state that all qualified applicants will be considered regardless of 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 provision: "Equal Employment Opportunity and Affirmative Action Employer" is included in all recruitment advertising.
- The term "Equal Employment Opportunity and Affirmative Action Employer," is included in purchase orders and contracts.

## CHAPTER 2: Designation of Responsibilities

As part of its efforts to ensure equal employment opportunity to all individuals, the District has designated specific responsibilities to key individuals to ensure the EEO/AAP focuses on all components of the employment system. To that end, the General Manager, the Human Resources Managers and the Equal Employment Opportunity Officer and those employed as Deputy General Managers, directors, managers and supervisors have undertaken the responsibilities below:

**Board of Directors:** The Board of Directors is responsible for review, approval and adoption of the District's EEO/AAP Plan every four years.

**General Manager:** The primary overall responsibility and accountability for implementing the EEO/AAP rests with the General Manager, through the EEO Officer. The EEO Officer is ultimately responsible for adherence to the District's policy of equal employment opportunity and affirmative action. The General Manager's role includes, but is not limited to, the following:

- Designating the employee(s) who will be responsible for the oversight and administration of the District's EEO/AAP Program. Ensuring that the employee(s) is identified in writing by name and job title.
- Ensuring designated personnel responsible for implementation of the EEO/AAP Program components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- Imparting a personal direction that ensures total involvement and commitment to equal employment opportunity programs through the District's EEO/AAP.
- Participating in periodic discussions with management, supervision and all other employed personnel to ensure the EEO/AAP is being followed.

**EEO Officer/Manager of EEO Compliance Programs:** The Manager of EEO Compliance Programs is responsible for developing, implementing and monitoring the AAP and EEO policies. The Manager of EEO Compliance Programs works under the supervision of the General Manager. The Manager of EEO Compliance Programs ensures that relevant policies and procedures are understood and implemented. The Manager of EEO Compliance Programs' responsibilities include, but are not limited to, the following:

- Developing the EEO policy statement and a written EEO Program.
- Implementing policies and procedures that promote equal employment opportunity. Assisting in review and revision of all policies, procedures and rules to ensure they are compliant with federal and state laws and regulations. Collaborating with Human Resources to ensure that new employees receive training and orientation that includes EEO policies.

- Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals/timetables and developing programs to achieve goals.
- Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and progress.
- Periodically reviewing each department's EEO efforts to ensure compliance with the District's EEO policies and to ensure the policy is understood.
- Concurring in the hiring and promotion process. Conducting impact analysis to determine if any groups are experiencing adverse impact trends and ensure appropriate steps are taken to meet utilization goals. Ensuring decisions are made in a fair and consistent manner and for non-discriminatory reasons.
- In conjunction with Human Resources, periodically reviewing employment practices policies (e.g. hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures and union agreements.
- Reporting at least semiannually to the General Manager on each department's progress in relation to goals and on contractor and vendor compliance.
- Serving as liaison between the District and Federal, State, county and local governments; regulatory agencies; and community groups representing minorities, women and persons with disabilities and others.
- Maintaining awareness of current EEO laws and regulations, and ensuring that the laws and regulations affecting nondiscrimination are disseminated to responsible officials.
- Investigating complaints of EEO discrimination.
- Providing Alternative Dispute Resolution as voluntary mediation process to help employees reach a solution to their problem and arrive at an outcome with which both parties agree to comply. This program has been a highly valuable tool for resolving EEO disputes in a timely, mutually acceptable and cost-effective manner.
- Providing EEO training for employees and managers.
- In conjunction with the Human Resources Department, advising employees and applicants of District sponsored training programs and professional development opportunities that are available. Working with human resources staff in liaison efforts including guiding participation at job fairs.
- Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date.
- Ensuring that the District's EEO-4 Reporting is completed and timely submitted to the Equal Employment Opportunity Commission. Ensuring that the District's Affirmative Action Plan is properly completed and timely submitted to the Federal Transit Administration. Ensure accurate reporting for triennial FTA audit. Serve as liaison between enforcement agencies.

**District Officers, Deputy General Managers, Directors, Managers, Administrators and Supervisors:** Although the EEO Officer is primarily responsible for implementing the District's EEO Program, all officials including appointed officers, the Deputy General Managers of Administration & Development, Bridge, Bus and Ferry and various Department directors, managers, administrators and supervisors are responsible for ensuring EEO. All managers, from the supervisor of the smallest unit to the General Manager share in responsibility to ensure that EEO Program policies and programs are carried out. The Human Resources Managers are involved in reviewing qualifications of all employees to ensure equitable opportunity. EEO responsibilities for all District

officials, deputy general managers, directors, managers, administrator and supervisors include, but are not limited to, the following:

- Participating actively in periodic audits of all aspects of employment to identify and remove barriers obstructing the achievement of EEO goals and objectives.
- Holding regular discussions with other managers, supervisors, employees and affinity groups to ensure District policies and procedures are followed.
- In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program.
- Cooperating with the EEO Officer in review of information and investigation of complaints.
- Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring, etc.)
- Cooperating with the Manager of EEO Compliance Programs during EEO complaint investigations.
- Supporting District-sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with nondiscrimination policies.
- Ensuring that interviews, orders of employment and/or wage commitments are consistent with EEO policies and goals.
- Promoting a safe and friendly work environment free from discrimination, harassment and retaliation.
- Responding timely and appropriately to known harassment and discrimination complaints and protect employees from retaliation because of filing a complaint or participating in an investigation.

**Responsibilities of Every Employee:** It is the responsibility and obligation of every District employee to understand and adhere to the District's EEO/AAP policies and procedures, and to conduct themselves in a professional, responsible, and non-discriminatory manner. Employees involved in EEO complaint investigations (whether complainants, respondents, or witnesses) must cooperate fully with the Manager of EEO Compliance Programs during the complaint investigation process. An employee who violates these policies and procedures may be subject to disciplinary action, up to and including termination from employment with the District.

### **CHAPTER 3: Organizational Profile and Overview of the District's Workforce**

The District's Board of Directors is comprised of 19 members, representing 6 counties: County of San Francisco (9 Directors); County of Marin (4 Directors); County of Sonoma (3 Directors); County of Napa (1 Director); County of Mendocino (1 Director); and County of Del Norte (1 Director).

The nineteen-member Board of Directors sets policy for the District. To assist the Board of Directors in implementing policy, there are five Officers of the District (General Manager, District Secretary, Auditor/Controller, District Engineer and District Attorney). In addition, there are four Division Managers (Bridge, Bus, Ferry and Administration and Development) and various Department Heads who assist in implementing the policy of the District.

*Division Departments consist of the following:* **Bridge:** Bridge Administration, Electrical, Paint, Bridge Security & Services, Facilities & Maintenance and Ironworker & Operating Engineers. **Bus:** Bus Administration, Transit Operations, Maintenance and Scheduling. **Ferry:** Ferry Administration, Vessel Operations, Terminal Operations and Vessel Maintenance & Stores. **District:** EEO Compliance, Human Resources, Marketing & Communications, Risk Management, Information Systems and Planning.

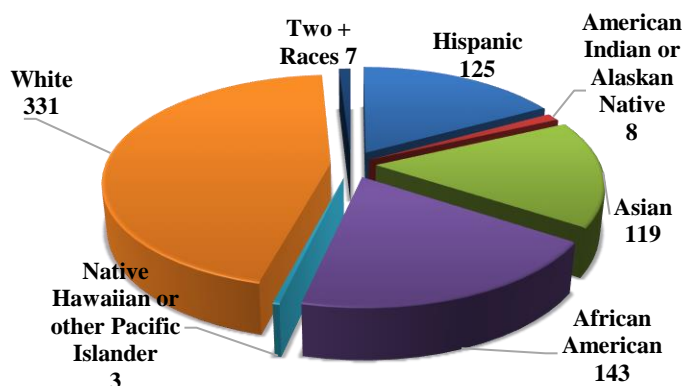
## Represented Workforce

The majority of District employees are represented through Union collective bargaining units. The representative bargaining units are as follows:

| <b><u>Bargaining Unit</u></b>  | <b><u>Union</u></b>  |
|--|--|
| <b>Allied Administrative Employees, Engineers</b>  | International Federation of Professional and Technical Engineers, Local 21, AFL-CIO  |
| <b>Bridge Service Operators, Bridge Patrol Officers, Operating Engineers</b>                         | Operating Engineers, Local 3   |
| <b>Bus Dispatchers, Customer Relations Assistants, Ferry Supervisors, Transportation Supervisors</b> | International Brotherhood of Teamsters, Local 856  |
| <b>Bus Operators</b>   | Amalgamated Transit Union, Local 1575  |
| <b>Bus Servicers, Lane Workers</b>   | Teamsters, Local 665   |
| <b>Carpenters</b>  | United Brotherhood of Carpenters and Joiners of America, Local Union No. 22 and Northern California Carpenters Regional Council                                  |
| <b>Cement Masons</b>   | Cement Masons Union, Local 580   |
| <b>Deckhands, Terminal Assistants</b>  | Inlandboatmen's Union of the Pacific   |
| <b>Electricians</b>  | International Brotherhood of Electrical Workers, Local 6   |
| <b>Ironworkers</b>   | International Association of Bridge, Structural, Ornamental, Reinforced Iron Workers, Riggers and Machinery Movers, Local 377                                    |
| <b>Laborers</b>  | Laborers' International Union of North America, Local 261, AFL-CIO   |
| <b>Mechanics</b>   | International Association of Machinists & Aerospace Workers, AFL-CIO, Machinists Automotive Trades District Lodge 190, Peninsula Auto Mechanics Local Lodge 1414 |

|                       |  |
|-----------------------|--|
| <b>Painters</b>       | Public Employees Union, Local 1  |
| <b>Plumbers</b>       | United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 |
| <b>Vessel Masters</b> | District No. 1-PCD, Marine Engineers' Beneficial Association, AFL-CIO                                |

The total number of full time employees as of June 30, 2019 was 736, made up of 597 males (81%) and 139 females (19%). Minorities represent 405 employees or 55% of the employee population, and 331 employees or 45% are non-minorities. The highest employee representation among minorities are 143 African American employees or 19.5%, 125 Hispanic employees or 17%, and 119 Asian employees or 16%.



**See Exhibit 2 for Organizational Charts**  
**See Exhibit 3 at Pages 1 through 45 for the Workforce Analysis and Summary**

### Job Group Analysis

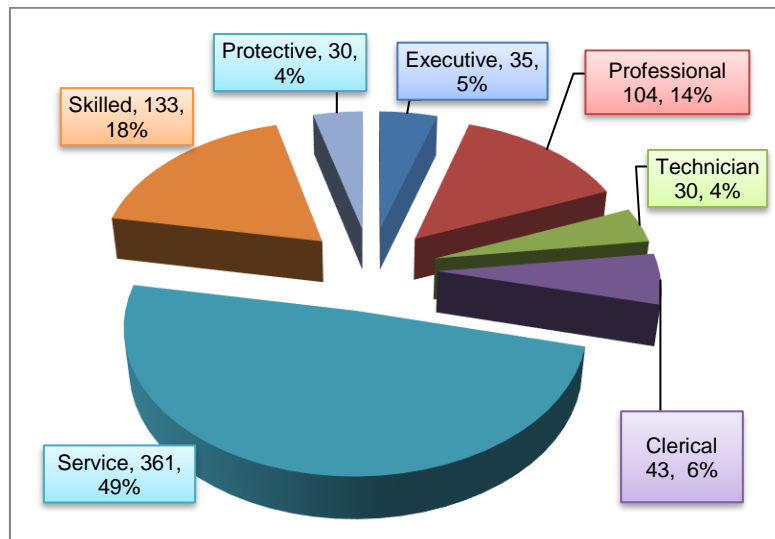
The combining of District job classifications into separate job categories conforms to EEOC guidelines. The occupations employed at the District are included in the following seven job categories as defined by the EEOC:

1. Executive Level of Officials: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies or direct individual departments of the District's operations. Includes: General Manager, Deputy General Managers, Officers, Directors, Superintendents and most Managers.
2. Professional Occupations: Occupations requiring specialized and theoretical knowledge that is most commonly acquired through college training or through work experience and/or other training that provides comparable knowledge. Includes: Program Administrators, Planners, Accountants, Analysts, some Managers, some Supervisors, Vessel Masters and Engineers.
3. Technician Occupations: Occupations that require a combination of basic scientific or technical knowledge and manual skill obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: IT Programmers, Dispatchers, Technicians and some Supervisors.

4. Protective Services: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: Lieutenants, Sergeants and Patrol Officers.
5. NONE AT DISTRICT: Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Included as example: research assistants, medical aides, child support workers, home health aides, library assistants and clerks, ambulance drivers and attendants.
6. Clerical Occupations (Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: Office Assistants/coordinators, Customer Service, Payroll staff, some Analysts, and Storekeepers.
7. Skilled Occupations: Occupations in which workers perform jobs that require special manual skill and a thorough and comprehensive knowledge of the process involved in the work as acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: Mechanics, Painters, Ironworkers, Electricians, Heavy Equipment Operators, Carpenters and Plumbers.
8. Service Occupations: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: Bus Operators, Bridge Service Operators, Deckhands, Laborers, Bus Servicers and Terminal Assistants.

The District's workforce is divided into seven EEO-4 Categories: executive level officials (35 employees/5%); professional occupations (104 employees/14%); technician occupations (30 employees/4%); protective services (30 employees/4%); clerical occupations (43 employees/6%); skilled occupations (133 employees/18%) and service occupations (361/49%).

Job Categories used for utilization analyses and goal setting are based on the U.S. EEOC Job Categories. District Job Titles were grouped based on definitions and content from the EEOC Form 164, State and Local Government Information (EEO-4) Instruction Booklet.



During the period beginning on July 1, 2015 through June 30, 2019 the District's workforce increased by ten (10) employees from 726 to 736, a 1.4% increase in the overall workforce. Female representation in the workforce (139 female employees) remained at 19% overall. Minority representation in the workforce (405 minority employees) increased from 48% in 2015 to 55% in 2019.

**See Exhibit 3 at Pages 46 through 55 for the Job Group Analysis**

#### **CHAPTER 4: Analysis of the Present Workforce to Identify Jobs Where Minorities and Women are Underutilized**

The District conducted a workforce analysis to identify employees by sex and race/ethnicity in each EEO-4 Job Category and job title. All employees, including departmental supervisors, exempt and nonexempt, were analyzed. Each EEO-4 Job Category and job title was examined in terms of the total number of employees, the number of male and female employees, the total number of employees with a disability, the total number of employees who identify as a veteran, the total number of minority employees, the male and female minority employees, the total number of White, Black, Hispanic, Asian, Native Hawaiian or Pacific Islander, American Indian or Alaskan Native and employees with two or more races. An analysis of the District's workforce as of June 30, 2019 was conducted agency-wide and by Division.

The total number of District regular employees as of June 30, 2019 was 736, with 19% female and 81% male. Overall minority representation was 55%.

#### **Lines of Progression**

Developed in conjunction with the workforce analysis is information on the District's lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments which employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.



The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns will be evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

### **Determining Availability**

After the job category analysis, workforce analysis, summary of utilization (review of hires, promotions, transfers, demotions, and terminations), and internal availability analyses were completed, an availability analysis was conducted for each job category. "Availability" is an estimate of the proportion of each sex and race/ethnic group, as well as proportion of veterans and individuals with disabilities, available and qualified for employment for a given job category in the relevant labor market during the life of the EEO/AAP. Availability indicates the approximate level at which veterans and individuals with disabilities, as well as each race/ethnic and sex group could reasonably be expected to be represented in a job category if the District's employment decisions are being made without regard to sex, race, ethnic origin, veteran status, or disability status.

Availability estimates are a way of translating equal employment opportunity into numerical terms. Correct utilization analyses, worthwhile and attainable goals, and real increases in employment for underutilized groups depend on an 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 underutilization or areas of deficiency, and establish goals and timetables to correct any problems.

### **Steps in Utilization Analysis**

**Availability Factors:** The following availability factors are required for consideration when developing availability estimates for each job category:

**Internal Factor:** The percentage of minorities, women, veterans or individuals with disabilities among those promotable, transferable, and trainable within the organization.

**External Factors:** The external requisite skills data comes from the 2010 Census of Population. The percentage of minorities, females, veterans, or individuals with disabilities with the requisite skills in the reasonable recruitment area.

**Reasonable Recruitment Area (External):** The reasonable recruitment areas were identified for each job category as the area external to the District from which the District typically recruits or draws job applicants for positions in the category: the United States, the State of California or the Local Area. The reasonable recruitment areas are weighted according to the District's traditional recruitment practices.

**Local Labor Market:** The local labor market is one component of the reasonable recruitment area. To accurately define the local labor area for those job categories recruited "locally," the counties in which District employees reside were identified. This data was then used to define the local labor area. The analysis shows that the vast majority of employees reside in the following seven

California counties: Sonoma, Marin, San Francisco, Contra Costa, Alameda, Solano and San Mateo. The labor market availability data for these seven counties was considered, and tabulated by EEO-4 category as a basis of calculating local labor market availability for the purposes of this EEO/AAP.

Weights were assigned to each factor for each job group, consistent with the relative geographic distribution of applicants, based upon their county of residence. 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.

The District used Biddle Consulting Group, Inc. for affirmative action planning to assist with the analysis for this year's plan. Biddle Consulting Group, Inc., is a well-established EEO/AAP consulting organization.

**See Exhibit 3 at Pages 57 through 64 for the Zip Code and Two-Factor Availability Computation**

### **Utilization Analysis with Goals and Timetables**

The four-fifths analysis for applicant vs. hires, promotions, discipline and terminations was conducted for each job group by ethnicity and gender for the period July 1, 2018 to June 30, 2019. The District uses the four-fifths analysis to identify areas where there is potential for adverse impact by highlighting differences in the selection rates within each job group also being mindful that unequal group sizes may indicate problem areas where no adverse impact actually exists. The EEO office reviewed the four-fifths analysis for hires, promotions, disciplines and terminations and compared the results against the District's updated utilization analysis to identify potential problem areas:

#### **Applicants vs. Hired**

*The Executives job group* had seven applicants for three job opportunities. Of those hired, two were female and one was male; two were minority and one was white. *The Professional job group* had 21 applicant for five job opportunities. Of those hired, one was female; four were male; two were minority and three were white. *The Technicians job group* had one applicant for one job opportunity. One white male was hired. *The Clerical job group* had 21 applicants for five job opportunities. Of those hired, two were female, three male; four were minority and one was white. The analysis shows no potential for adverse impact to females or minorities in the hiring process. *The Protective Services job group* did not have external competitive job opportunities during the review period. *The Skilled Craft job group* had 18 applicants for 11 job opportunities. Of those hired, three were female, eight were male; seven were minority and four were white. *The Services job group* had 90 applicants for 18 job opportunities. Of those hired, six were female, 12 were male; 14 were minority and four were white. The analysis of applicants vs. hired shows no potential for adverse impact to females or minorities in the hiring process.

#### **Promotions**

During the review period, the *Executive job group* promoted one minority male. *The Professional job group* promoted two males and one female; two were white and one was minority. *The Technicians job group* promoted two minority females. *The Protective Services job group* promoted two minority males and two white males.

*The Skilled Craft job group* promoted four minority males and five white males. *The Services job group* promoted seven minority males and four white males. *The Clerical job group* did not have promotions during the review period. An analysis of the internal promotions finds no potential for adverse impact.

### **Involuntary Terminations**

During the review period the *Technicians job group* had one involuntary termination, one white male. The *Clerical job group* had one involuntary termination, one minority male. The *Skilled Craft job group* had one involuntary termination, one white male. The *Services job group* had eight involuntary terminations, one minority female, five minority males and two white males. An analysis of the involuntary terminations finds no potential for adverse impact.

### **Discipline**

An analysis of the disciplinary actions finds no potential for adverse impact.

### **Incumbency to Availability**

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2019 and that group's final availability. The results of those comparisons are the basis for identifying underutilization, where applicable, for job groups and the establishment of a goal for that job group.

### **Placement Goals and Timetables**

The District established goals for each job category where underutilization was identified. These goals take into account the availability of qualified persons in the relevant labor market area. They also take into account anticipated employment opportunities. These goals will be reached primarily through implementation of action-oriented programs. The action-oriented programs consist primarily of a balanced mix of internal and external hiring, and succession planning. Selections will occur only from among qualified applicants. Goals do not require the hiring of persons 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 are not rigid and inflexible quotas that must be met, but are instead targets reasonably attainable by means of applying every good-faith effort to make all aspects of the entire EEO/AAP a success. A goal and its associated timetable represent a guidepost against which the District, a community group, or a compliance agency can measure progress in remedying identified deficiencies in the District's workforce. By setting realistic goals based on expected vacancies and anticipated availability of skills within the relevant labor area, and using a job-related selection system, the District should be able to meet the goals. This assumes the District conducts effective recruitment and advertising efforts to ensure an adequate pool of qualified applicants who identify as female, veterans, persons with disabilities, and/or as individuals belonging to a minority group exists from which to make selections.

In establishing goals and timetables, the District considered results that could reasonably be expected from putting forth every good-faith effort to make the overall EEO/AAP successful.

### Goals Methodology - Whole Person Rule

The following process was used to establish goals and timetables as described below:

- Goals were established for females, total minorities, individual minority groups, veterans, and individuals with disabilities in any job category where underutilization was identified.
- Goals are not ultimate and fixed.
- A goal was established for each underutilized job category. This is a percentage placement rate, which is a target percentage that is used as a guideline, not a quota, in filling positions with people in underutilized categories.
- Actions plans were established for reaching the goals using the placement rates and anticipated employment opportunities. In identifying anticipated employment opportunities, the District considered contraction in its workforce for the coming years, as well as expected turnover.
- Job category size is a factor in determining goals. Job categories with less than two incumbents rarely result in the assignment of goals. In addition, goals were not established where the difference between workforce utilization and parity was less than one whole person.
- Goals were not established that would exclude veterans, individuals with disabilities, any sex, or any race/ ethnic group. The Goals Report for each EEOC job category shows the number and percentage of representation of employees, the availability percentage and whether the job category has any underutilized protected groups. It also includes goals and the number of protected individuals needed to achieve parity within the job category.

The District established Placement Goals for the 2019-2024 plan year in the following areas: Minorities in the *Executive job group* (one whole person); females in the *Protective Services job group* (five whole persons); females in the *Skilled Crafts job group* (two whole persons) and females in the *Service Occupations job group* (48 whole persons).

**See Exhibit 3 at Pages 65 through 73 for Utilization Analysis with Goals and Timetables**

### Summary of Current and Previous Plan Goals

#### 2019 – 2024 Current EEO/AAP Plan Goals:

| Job Group  | Gender/Race | Employees # | Employees % | Availability | Goal? | Placement Goal # |
|--|-------------|-------------|-------------|--------------|-------|------------------|
| <b>01 - OFFICIAL/ADMIN</b><br><i>Total Employees: 35</i> | Females     | 13          | 37.1%       | 36%          | NO    | 0                |
|  | Minorities  | 11          | 31.4%       | 35.2%        | YES   | 1                |
| <b>02 - PROFESSIONAL</b><br><i>Total Employees: 104</i>  | Females     | 38          | 36.5%       | 35.5%        | NO    | 0                |
|  | Minorities  | 42          | 40.4%       | 36.9%        | NO    | 0                |
| <b>03 - TECHNICIAN</b><br><i>Total Employees: 30</i>     | Females     | 12          | 40%         | 39%          | NO    | 0                |
|  | Minorities  | 18          | 60%         | 48.1%        | NO    | 0                |
| <b>04 - PROT SERVICES</b><br><i>Total Employees: 30</i>  | Females     | 1           | 3.3%        | 21.6%        | YES   | 5                |
|  | Minorities  | 16          | 53.3%       | 54.6%        | NO    | 0                |
| <b>06 - ADMIN SUPPORT</b><br><i>Total Employees: 44</i>  | Females     | 28          | 65.1%       | 64.6%        | NO    | 0                |
|  | Minorities  | 19          | 44.2%       | 39.1%        | NO    | 0                |

|  |                                     |           |                |                |                         |                       |
|--|-------------------------------------|-----------|----------------|----------------|-------------------------|-----------------------|
| <b>07 - SKILLED CRAFT</b><br><i>Total Employees: 133</i> | <b>Females</b><br><b>Minorities</b> | 2<br>60   | 1.5%<br>45.1%  | 3.3%<br>45.7%  | <b>YES</b><br><b>NO</b> | <b>2</b><br><b>0</b>  |
| <b>08 - SVC/MAINT</b><br><i>Total Employees: 361</i>     | <b>Females</b><br><b>Minorities</b> | 45<br>239 | 12.5%<br>66.2% | 26.1%<br>63.1% | <b>YES</b><br><b>NO</b> | <b>49</b><br><b>0</b> |

**2015-2019 Previous District EEO/AAP Plan Goals:**

| <b>Job Group</b>   | <b>Gender/Race</b>                  | <b>Employees #</b> | <b>Employees %</b> | <b>Availability</b> | <b>Goal?</b>            | <b>Placement Goal #</b> |
|--|-------------------------------------|--------------------|--------------------|---------------------|-------------------------|-------------------------|
| <b>01 - OFFICIAL/ADMIN</b><br><i>Total Employees: 29</i> | <b>Females</b><br><b>Minorities</b> | 10<br>8            | 34.48%<br>27.59%   | 35.90%<br>30.10%    | <b>NO</b><br><b>NO</b>  | <b>0</b><br><b>0</b>    |
| <b>02 - PROFESSIONAL</b><br><i>Total Employees: 102</i>  | <b>Females</b><br><b>Minorities</b> | 36<br>34           | 35.39%<br>33.33%   | 34.50%<br>34.10%    | <b>NO</b><br><b>NO</b>  | <b>0</b><br><b>0</b>    |
| <b>03 - TECHNICIAN</b><br><i>Total Employees: 29</i>     | <b>Females</b><br><b>Minorities</b> | 14<br>10           | 48.28%<br>34.48%   | 44.90%<br>34.80%    | <b>NO</b><br><b>NO</b>  | <b>0</b><br><b>0</b>    |
| <b>04 - PROF SERVICES</b><br><i>Total Employees: 28</i>  | <b>Females</b><br><b>Minorities</b> | 3<br>13            | 10.71%<br>46.43%   | 21.40%<br>52.80%    | <b>YES</b><br><b>NO</b> | <b>1</b><br><b>0</b>    |
| <b>06 - ADMIN SUPPORT</b><br><i>Total Employees: 44</i>  | <b>Females</b><br><b>Minorities</b> | 31<br>20           | 70.45%<br>45.45%   | 67.50%<br>39.30%    | <b>NO</b><br><b>NO</b>  | <b>0</b><br><b>0</b>    |
| <b>07 - SKILLED CRAFT</b><br><i>Total Employees: 128</i> | <b>Females</b><br><b>Minorities</b> | 2<br>48            | 1.56%<br>37.50%    | 3.20%<br>43.10%     | <b>YES</b><br><b>NO</b> | <b>1</b><br><b>0</b>    |
| <b>08 - SVC/MAINT</b><br><i>Total Employees: 366</i>     | <b>Females</b><br><b>Minorities</b> | 45<br>217          | 12.30%<br>59.29%   | 26.10%<br>60.40%    | <b>YES</b><br><b>NO</b> | <b>31</b><br><b>0</b>   |

**Identification of Problem Areas**

**Terminology**

The terms “utilization analyses” and “problem area” appearing in this chapter are terms the District is required to use by Federal governmental regulations. The criteria used in relation to these terms are those specified by the relevant government authority. These terms have no independent legal or factual significance. Although the District will use the terms in total good faith in connection with its EEO/AAP, it is not an admission of non-compliance with EEO laws, regulations, and objectives. Whenever the term “goal” is used, it is expressly intended that it should not be used to discriminate against any applicant or employee.

Areas of concern based on analyses of each job category were identified and are discussed below. In addition to the identification of problem areas within job category (underutilization), the District has reviewed data to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations) as well as by organizational unit. The District will continue to monitor and update these studies during each EEO/AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs of this EEO/AAP.

Goals are established within each of the EEO-4 Job Categories at no less than the current availability data for the job category. The District has reviewed the utilization analyses by EEOC Job Category and evaluated the hires, promotions, and terminations within and among job categories during the period under review.

**Utilization Analysis:** The current utilization of minorities, females, veterans, and individuals with disabilities at the District was assessed in all job categories to identify those job categories where there was an underutilization and/or concentration of minorities, females, veterans, and individuals with disabilities in relation to their availability in the relevant labor market.

**Personnel Activity Data:** The following sources of data were used for each of the personnel activity analyses over the period July 1, 2018 through June 30, 2019. A descriptive breakdown is given for the following:

- **Hires:** Hires by job category were tabulated with further breakdown by division, sex, race/ethnicity, disability status, and veteran status. **Please see Exhibit 3 at Pages 74 and 75 for Applicants vs. Hired**
- **Promotions:** Promotions by job category were calculated with further breakdown by division, sex, race/ethnicity, disability status, and veteran status. **Please see Exhibit 3 at Pages 76 and 77 for Applicants vs. Promoted**
- **Separations:** Voluntary and involuntary separations were calculated by job category with further breakdown by division, reason for separation, sex, race/ethnicity, disability status, and veteran status. **Please see Exhibit 3 at Pages 78 through 82 for Termination vs. Retained**
- **Disciplinary Actions:** Disciplinary actions were calculated by action taken with further breakdown by sex and race/ethnicity. **Please see Exhibit 3 at Pages 83 through 89 for Four-Fifths Analysis for Disciplinary Actions**

**Impact Ratio Analysis:** An Impact Ratio Analysis compares the employment rates of minorities, females, veterans, and individuals with disabilities to the employment rates for non-minorities, men, individuals who do not identify as a veteran, and individuals who do not identify as having a disability. For hires and promotions, the “80% Rule” is used as a threshold to determine if potential “adverse impact” exists. That is, if the minority or female group’s rate of selection, or the rate of selection for veterans or individuals with disabilities, is less than 80% of the rate for non-minorities, males, those who identify as veterans, or those who identify as having a disability, “adverse impact” may be indicated. For terminations, if a protected group’s rate is more than 120% of the group with the lowest selection rate, adverse impact may exist. The following impact ratio analyses were conducted for the period of July 1, 2018 to June 30, 2019.

**See Exhibit 3 for All Workforce Analysis**

## **CHAPTER 5: Assessment of Employment Practices**

Inherent in the EEO/AAP 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 EEO/AAP itself. Periodic reports from the EEO Officer are required. The objective of all record keeping systems to be implemented is to assess:

- the results of past actions and trends
- the appropriateness of goals and objectives
- the appropriateness, and relevancy of identified solutions to problems, and the adequacy of the EEO/AAP as a whole. In addition, a further objective is to identify any proper corrective actions to be made to required components of the EEO/AAP

The records that are maintained are the basis for updating the EEO/AAP, including revising the availability data and re-establishing long-range and annual numerical goals and timetables. The internal audit and reporting system is used as the basis for evaluating systemic, results-oriented programs and affirmative action efforts.

**Recruitment and External Selection Procedures:** The Uniform Guidelines on Employee Selection Procedures (1978) requires that employers maintain data with which a determination can be made of the adverse impact their selection procedures may have. The District obtains information from its application forms to conduct such analyses for all applicants. The application form also contains applicant residency information to further define the District's local labor market area, to determine if recruitment techniques are effective, to identify the most effective referral sources, and to determine if an applicant pool, at any stage in the selection process, is equal to or greater than availability as set forth in the EEO/AAP.

The District's Human Resources Department and EEO Office carry primary responsibility for ensuring the District executes programs and activities that support effective diversity recruitment. The EEO Office provides direction to the HR Department on hiring targets for underrepresented groups. Recruiting activities support establishment of qualified candidates on eligibility lists. The EEO Office guides and partners with Human Resources to engage diversity organizations, and sponsor and participate in diversity outreach initiatives to encourage and promote diverse internal candidate pools. Human Resource recruiters are responsible for developing and conducting objective recruitment processes in compliance with applicable employment laws, regulations and District HR Policies. Human Resources Managers and staff represent the District as subject matter experts in recruiting and selecting candidates to fill vacancies.

**Application:** All candidates for District employment must complete and submit an employment application online through the District's website during the established posting timeframe. Employment opportunities post for a specified number of no less than five days and all applicants that apply using the established online application process, are established as the candidate pool. Candidates may find step-by-step instructions on how to apply using the District on-line application system, on the District's Career website: <https://www.goldengate.org/district/careers/>. Computers are available in the District's Administration Building for applicants needing access to a computer, or assistance with completing their application. All relevant information to determine adverse impact is contained in the on-line application. Gender, ethnicity, disability and veteran status information are collected in the form of voluntary, confidential questions. Employment decisions are not made based on these confidential data fields.

**Job Descriptions:** In accordance with the District's EEO/AAP, the District develops job descriptions that accurately reflect the necessary job functions of the positions. The District ensures that job descriptions are consistent when the same position exists in multiple departments (for example, Administrative Assistant, Mechanic). The District includes only job-related criteria in its specifications, such as academic, experience and other skill requirements necessary at the time of hiring. Job descriptions are available to management involved in the recruiting, screening and selection process and copies of job descriptions are being placed on the District's new 2020 Intranet Website for public access.

**Position Review:** The District's Human Resources Manager reviews position descriptions prior to posting job openings. The hiring department reviews the job specification to ensure it is accurate. If the hiring department determines that the job specification requires revision(s), the department will make necessary changes that are reviewed by Human Resources Managers and the EEO Officer for appropriate

classification and compensation. Once the hiring department, the Human Resources Managers and EEO Officer concur with the changes, the updates are made.

**Job Advertisement and Recruitment Efforts:** Advertisements for District job opportunities are posted at a variety of recruitment sources, including local job service offices as well as on the District's website, various social media sites, with applicable trade unions, transit associations, local and state government agencies, colleges and community-based organizations. All advertisements include an Equal Employment Opportunity clause. The District participates in job fairs in and around the greater San Francisco labor market area (North Bay, South Bay, and East Bay).

The District continues its active involvement in community action programs and community relations programs. Key members of District management, as well as Human Resources representatives, are members, or advisors of community groups such as YMCA, Marin Forum, California Transit Association, American Public Transportation Association, Marin Human Resources Forum, Workforce Investment Board, and Rotary Club, among others. The District will continue to participate in these groups in an effort to broaden the District's exposure and access to women and minorities.

The District also encourages employees to voluntarily contribute to the United Way Campaign, which supports numerous community programs for minorities, women, and persons with disabilities, through an annual campaign coordinated by the District.

**Hiring Standards/Methods of Selection:** All internal or external applicants must complete the District's standard Job Application online unless special circumstances exist such as it involves a seniority-based hire, Union referral or casual employee hired daily from a Union hall (for example, Ferry Deckhands).

The District's Human Resource professionals follow the procedures outlined in the *HR Recruitment Guide* to ensure that the District is conducting a fair and consistent recruitment process. HR Representatives consult with each hiring manager (who serve as technical subject matter experts) to determine selection process components. The HR recruiter ensures compliance with the District's policy, federal and state EEO and labor laws, and the federal guidelines of employee selection. Based on the recruiter and hiring manager consultation, the HR recruiter uses objective criteria to establish a qualified candidate pool. This pool is reviewed with the hiring manager and both parties then establish the candidate interview list. The total candidate evaluation process may consist of, but not be limited to, any combination of the following: standard and supplemental application information; written, multiple choice, essay, performance and/or physical agility tests, review of performance evaluation for internal candidates, and panel interviews. The selection process is competitive, objective, related to the job criteria and based on the knowledge, skills, and abilities required for the position.

The District's Human Resource professionals participate in interviews as a facilitator and help ensure consistency and fairness during the interview and selection process. Additionally, supervisors and managers have received training on recognizing and eliminating bias and promoting diversity in the workplace. The District's EEO Officer concurs with all hiring decisions during the impact analysis process for each hire.



In some cases the District, as a condition of a bargaining agreement with established unions covering certain positions, does not manage the selection, hiring, or assignment of employees. However, when the District has a bargaining agreement with a union, efforts are made to collaborate with the union in the recruitment of women, minorities, veterans and disabled persons for current and future employment opportunities.

**Interview Procedures:** The District employs a two-tier interview process for non-represented positions. The first tier involves a three to four-member evaluation panel that interviews selected applicants using objective behavioral interview questions and a five-tier quantified rating system. The second tier is established as a second interview with two members of the hiring department. A recruiter meets with interview panelists prior to the interview to explain all aspects of the interview process. Post interview, the recruiter conducts a debriefing with the interview panel to ensure that all candidates have been scored. Efforts are made in the selection of the interview panel to reflect diverse demographics. The EEO Officer is available to monitor the interview process, provide guidance and recommendations, when necessary. The recruiters ensure diverse representation of the employee selection interview panels and EEO Officer holds discussions with Human Resources to address underutilization and goals.

**Physical and Mental Qualifications:** The District ensures that all physical and mental qualifications and requirements are job-related and promote equal employment opportunity for all known protected veterans and employees and applicants with qualified disabilities. The EEO Office periodically reviews the physical and mental qualifications and requirements as they relate to employment, training and promotion to determine if they are job-related and consistent with business necessity and safe performance on the job. This process is consistent with the methodology specified in the Uniform Guidelines on Employee Selection Procedures, the Americans with Disabilities Act Amendments Act (ADAAA), and the EEOC's Technical Assistance Manual for the ADA. In addition, any previously reviewed classification are reviewed again if there is a change in working conditions that affect the job's physical or mental requirements (e.g., new requirements, new equipment, etc.)

**Reasonable Accommodation to Physical and Mental Limitations:** The District makes every effort to provide reasonable accommodations for physical and mental limitations of applicants and employees with disabilities or who are disabled veterans provided the accommodation does not pose a threat or danger to the employee or other employees or the work environment; and, provided the accommodation does not impose an undue hardship on the operations of the business.

The District confidentially reviews performance issues of employees with known disabilities to determine whether a reasonable accommodation may be needed when 1) the employee is experiencing significant difficulty performing the essential functions of the job; and 2) it is reasonable to conclude that the problem is related to the known disability.

In addition, the District continues to support assistance and rehabilitation programs for its employees who experience difficulties that prevent them from being productive employees on the job so long as such employees do not violate District policies.

Employees may contact the District's Equal Employment Opportunity Office located at 1011 Andersen Drive, San Rafael or call (415) 257-4537; or contact the Human Resources Manager to request to speak with an EEO staff member who can answer questions regarding reasonable accommodations.

**Job Testing:** The District has contracted with outside vendors to provide objective personnel testing, scoring and analysis. These vendors ensure that all tests developed for and provided to the District comply with all applicable state and federal laws for test development and validation. In developing tests for the District, vendors work with Human Resources to match the content of each test with the minimum work requirements for the position under recruitment. Both of the District's current testing vendors have extensive experience in developing, providing and analyzing tests for numerous public agencies. Although the vendors provide validated tests, the District continues to conduct adverse impact analysis on test results to ensure that no disparate impact has occurred. If disparate impact is identified, the District will take steps to eliminate the problem by lowering the score to a level that does not result in disparate impact.

No discriminatory barriers were identified in the District's procedures for developing job descriptions or job testing, which are criteria based and without bias in regard to age, race, color, religion, national origin, disability, veteran status, or other protected characteristics. However, to address any potential discriminatory barriers in its job advertisement and recruitment process, the District has increased its outreach to minority, female and community groups. The District ensures diversity on its hiring panels as part of the interview process. The District EEO Officer requires business justifications from hiring managers for hiring decisions when an applicant other than the top scoring candidate from the eligibility list is selected. This ensures selections are based on qualifications that align with the stated job criteria.

**Seniority:** Seniority is applied by the District as agreed to in collectively bargained labor agreements. Generally, seniority commences on an employee's hiring date. Seniority lists are maintained by the District and the various Unions. Seniority is not lost due to illness or vacation. In several labor agreements, seniority determines the order in which employees bid or sign up for work, as well as first preference for vacation time and the order of any layoffs (or recalls).

**Promotions and Transfers:** The District has a written policy to grant promotions without regard to race, color, religion, national origin, sex, age, disabled condition(s), sexual orientation, gender expression, gender identification, marital status, military or veteran status, genetic information or any other non-job related criteria. The District's promotional opportunities require that an internal-only promotional opportunity requires General Manager approval. Once approved, the Human Resources Department will notify all employees of the promotional opportunity. Interested employees are required to submit an application and any other requested documentation. Human Resources screens the applications to determine if an applicant meets the minimum qualifications for the position. If there is one or more qualified candidate(s), the hiring manager must carefully consider each candidate via a department-level interview and provide written justification for the selection decision. If no employees qualify under these conditions, the District may post the position externally.

If an employee becomes permanently disabled and unable to perform the essential functions of his/her position, as part of a reasonable accommodation process, the employee may be transferred into a vacant position with essential duties the employee can perform.

**Training and Counseling on Interview Techniques, Promotional Opportunities, and Leadership Training:** The District's EEO Office offers interview tips in writing and employees can request to meet with a human resource professional who is not involved in the recruitment for in-person tips. After interviews for a promotional or transfer opportunity, unsuccessful employees have the option to receive feedback and counseling on their interview to understand how they did and how they could improve. The District offers new managers and supervisors Leadership Training that includes a section on the interview process.

**Training Programs and Impact on Promotional Opportunities and Efforts to Locate and Train Protected Classes:** The District provides financial assistance for formal education for all employees up to \$2,500 annually in its *Tuition Reimbursement* program. The primary purpose of the program is for employees to obtain needed education and/or skills to enhance knowledge, skills or abilities necessary in the performance of their current job, or to obtain a career development objective within the District. A description of the program as well as the required forms are provided as part of orientation for new hires and available on the Intranet for all employees. The District also encourages employees to participate in courses, workshops and seminars designed to further their career development.

In addition, the District has created internship, apprenticeships and training programs that further support job and promotional opportunities for all applicants and employees who may otherwise not have qualified for relevant positions. For example, internships are available for Ironworker positions; apprenticeships are available for Mechanics; and, training programs exist for Bus Servicers. The District also implemented a summer internship program for students interested in various fields beginning in 2019.

No barriers to employment have been identified in the District's seniority practice, training or financial assistance for education program, which all apply equally, or are available equally, to all District employees.

**Compensation and benefits:** Wages and salary structure for union personnel are outlined in union contracts. The salary structure is seniority based and the collective bargaining agreements outline seniority practices.

Wages for non-represented classifications are determined by evaluating the education, experience, and other qualifications of an individual and comparing those qualifications to the qualifications of other individuals in the same job classification. If the candidate is being hired into a single position classification, that candidate's qualifications are compared with the qualifications of others in similar positions, salary grades and divisions. Each salary grade has a minimum, mid-point, and maximum salary. Placement on the pay range for non-represented is generally set at the first step for the job classification unless it is operationally justified to place a new employee at a higher step. If so, the Human Resources Manager will review the appropriateness of the hiring step and recommend a higher step along with the business justification in writing to the General Manager and obtains written approval.

The District complies with the Equal Pay Act that requires that males or females in the same or similar jobs be given equal pay for equal work. It also complies with Title VII which makes it illegal to discriminate based on sex in pay or benefits. As such, compensation is based on a pay range that is the same for each like position and is increased in accordance with an employee's length of service.

Newly created positions are reviewed by the Human Resources Managers and EEO Officer after approval by the General Manager or Board of Directors. The Human Resources Managers and EEO Officer determine the relative value of a new or existing classification based on job evaluation, questionnaire, factors of the job and a comparison to other District positions. This allows the assignment of an appropriate pay range commensurate with the principal duties and responsibilities of the position.

Additionally, salaried employees or a supervisor may request a job or classification study in accordance with the District's *Human Resources Guide*. Job or classification studies include job questionnaires and desk audits to determine whether an individual is significantly performing duties that are not fully encompassed within their current job description and whether the job description should be modified or if a different or new classification should be created. The job and classification study ensures that applicants, employees, and management understand job duties, responsibilities, and qualifications for positions; it also ensures equal pay for equal work and provides valuable information in organizational planning and analysis, staff development and performance management.

The District also contracts with a vendor to conduct a District-wide salary study of its positions every three years. If the District determines that a position has substantially changed or is otherwise underpaid, a new job description will be created and a salary modification will be made upon approval of the General Manager. This is the periodic process used to ensure compliance with the Equal Pay Act and that no barriers exist.

The District's compensation, benefits and review of wage and salary structure policies and procedures appear to apply neutrally to all employees and have not resulted in discriminatory barriers.

**Performance Assessments:** The District EEO Office created a Performance Appraisal form and guidelines for all non-represented and some represented employees. The Performance Appraisal components align with individual performance metrics and goals; it provides a structured evaluation tool, promotes discussions and feedback between employees and managers on performance and career goals in an effort to motivate and ensure transparency in annual performance assessments.

**Disciplinary procedures:** The General Manager and division Deputy General Managers or their designees hire, evaluate, discipline, and discharge employees. When an employee's conduct or job performance falls below acceptable standards, they may be disciplined to improve job performance and/or for failure to adhere to District policies and procedures and/or applicable negotiated Labor agreements. Generally, disciplinary action will follow a progressive sequence. The process for discipline is described in each of the Labor agreements for represented employees and in the *Human Resources Guide* for non-represented employees. The process adheres to the general principles of progressive disciplinary action.

The steps of progressive discipline corrective action generally include the following, each of which are documented:

**Verbal Warning** normally occurs for first offence unacceptable violation of established rules and regulations; an established pattern of inappropriate behavior or unsatisfactory job performance; a decline in previously acceptable conduct or work quality to levels below acceptable standards or poor performance or conduct which interferes with business operations or personnel, which is not sufficiently serious to warrant a higher level or disciplinary action.

A verbal warning is normally documented by the employee's immediate supervisor along with a discussion on expectations going forward.

**Written Warning** normally occurs when an employee fails to implement agreed upon corrective actions to maintain acceptable work or job performance after verbal counseling and/or job training; or sub-standard job performance or conduct which is serious enough to warrant more severe disciplinary action above verbal counseling.

A written warning is normally prepared by the employee's immediate supervisor, and prior to being issued to the employee, it may be reviewed by the EEO Officer or his/her designee. A copy of the written counseling will be placed in the employee's official personnel file. If the employee disagrees with the cause or content of the written warning, the employee may appeal the disciplinary action in accordance with applicable collective bargaining agreements or applicable District policy.

**Suspensions** without pay are appropriate disciplinary action when an employee continues to violate policy or unsatisfactory behavior for which a written reprimand has been previously issued or violates other serious District Work Rules or Regulations.

Department managers may issue a suspension without pay after receiving approval of the Division Deputy General Manager or his or her designee. The manager may also consult with the EEO Officer. Represented employees have grievance rights.

**Discharge** from District employment may be appropriate disciplinary action for serious policy violations as listed on the General Managers Work Rules and Regulations and Harassment Free Workplace policy Memorandums. The General Manager has final authority for all terminations.

The purpose of progressive discipline is to ensure that the employee is informed of any performance deficiencies which may exist and to provide the employee with an opportunity to correct such deficiencies. Employees are provided an opportunity to respond to any intended disciplinary action on the part of the manager either orally or in writing. Particularly egregious policy violations may result in immediate discharge. District managers, may, with approval of the Deputy General Manager, elect to begin the discipline process at any stage if in their opinion the problem cannot be corrected by a less severe form of disciplinary action.

Employees have an opportunity to respond in the event of potential discipline action, and the opportunity to appeal discipline through the grievance process, for represented employees. Non-represented employees may request a termination hearing according to the *Human Resources Guide*. Some offenses are subject to immediate termination, such as unlawful discrimination, theft, fraud or workplace violence.

Terminations may be either voluntary or involuntary as follows:

Voluntary Termination: Resignation, retirement, job abandonment, and expiration of medical disability leave.

Involuntary Termination: Discharge and reduction in force.

No discriminatory barriers were identified in the District's discipline and termination procedures. The District will review its current discipline policies and procedures periodically and/or following any updates to the policies and procedures for any potential discriminatory barriers.

## **CHAPTER 6: Development and Implementation of Programs to Eliminate Discriminatory Barriers and Achieve Goals**

External factors that may have an impact on the District's workforce include awareness of employment opportunities. To this end, the District has expanded its outreach to minority and veteran groups as well as increased its participation in job fairs and expanded its outreach for recruitment to colleges and community groups. Most recently, the District partnered with the City and County of San Francisco to implement an Automotive Pre-apprenticeship collaboration project for on-the-job training opportunities for mechanics. Outreach for this program is targeted to Tradeswomen Inc., Bayview Hunters YMCA, Jewish Vocational Services, Workforce Investment San Francisco and the Advanced Manufacturing and Transportation Apprenticeships of California.

### **Proposed program of remedial, affirmative actions to address problem areas**

Remedial efforts include periodic review of policies and procedures described above. The District also has plans to update its HRIS software to allow the District to more effectively capture EEO data on applicants, new hires, promotions, discipline and terminations. In the past, the District has been constrained in its ability to collect such information because the HRIS system used is no longer supported by the vendor with updates. This results in reduced ability to capture and run certain data and reports as required by the updated FTA Circular. This project may take two years to implement. Meanwhile, the District is tracking data such as discipline at the departmental level. The increased collection of data will allow for a greater level of monitoring by the EEO Office and the Human Resources Department. The EEO Officer will assess this data on a quarterly basis to track the District's progress towards its EEO/AAP goals and to identify any emerging disparate impact trends in the District's employment practices. This information will be shared with District management and, as necessary, will be used to reevaluate current policies and procedures to help further the District's EEO/AAP goals or respond to emerging disparate impact trends.

The District will continue to reflect diversity in published recruiting brochures where minority and female members of the workforce are included, as well as in other company literature.

### **Self-Identification**

The District attaches an EEO Survey to each employment application. The survey is the method the District uses to obtain required EEO data needed to conduct required monitoring and reporting. The data collected is for the following purposes:

1. Obtain applicant residency data to define the District's local labor areas.
2. Determine if the District recruitment efforts are effective.
3. Determine if applicant pools are equal or greater to availability as presented in the EEO/AAP.

Once an employment application is submitted, the survey is detached and maintained in a separate confidential file to be used solely for EEO and Affirmative Action recordkeeping purposes. No employment decisions are made based on the data collected from the surveys. Additionally, the EEO Office has conducted a District-wide self-identification survey asking for voluntary updates to EEO related information.

### **Internal Audits and Reporting**

The District's EEO Officer will:

- Annually monitor and update the District's Utilization Analysis and Goals timetables.
- Collect and assess data on employee training opportunities, promotions, terminations and disciplinary actions to determine EEO compliance and to identify remedial actions, if needed.
- Review report results with all levels of management on a semi-annual basis or more frequently as needed.
- Meet with the General Manager semi-annually or as needed to discuss EEO program effectiveness and recommendations for improved performance or corrective actions regarding the development of programs in an ongoing effort to further the District's EEO/AAP goals and objectives.

The EEO Office considers new EEO laws, guidelines, regulations, and court decisions, in order to establish procedures and practices to meet EEO and AAP internal audit guidelines and reporting requirements. The District's attorney will periodically notify the EEO Officer of any laws, regulations or cases that may affect the District's EEO policies or affirmative hiring goals. The District's attorney also offers annual legal in-person updates to executive staff and human resources professionals.

Human Resources professionals will continue to participate in community outreach by attending job fairs that are directed at minorities, females, persons with disabilities and covered veterans; placing recruitment advertising in media directed at minorities, females, persons with disabilities and covered veterans; and enriching the District's outreach programs to local colleges and vocational school placement counselors.

The District will continue to evaluate and consider new internal trainee, internship and apprentice programs for opportunities to include minorities and women.

EEO and Human Resources will continue to monitor employment processes for adverse impact.

EEO and Human Resources will continue to evaluate outreach and recruitment efforts for effectiveness by auditing applicant pools for diversity.

EEO and Human Resources will continue to look for ways to improve procedures that will help identify promotional and hiring opportunities for qualified minorities, women, veterans and individuals with disabilities.

## **CHAPTER 7: Monitoring and Reporting**

The District will develop and implement enhanced monitoring and reporting systems that ensure the effectiveness of its EEO/AAP through routine monitoring and measurement. While not all the EEO categories show that the District met all the labor market standards, the District is committed to making good faith efforts to achieve our goals. The District views the monitoring activities that are listed below as critical to the success of our EEO/AAP.

- The EEO Officer provides EEO progress reports to the General Manager. The EEO Officer reports on the effectiveness of the program and submits recommendations for improvement. Progress updates will be provided to the Mid-Level Management and Board of Directors.
- The EEO Office in collaboration with the Human Resources Department has increased diversity representation in interview panels and discussions in order to correct underutilization.
- The EEO Office concurs on all hires and promotions and reports the concurrences to the General Manager through the Impact Assessment process.
- EEO staff monitors and conducts EEO Title VII trainings and investigations for the District as well as collaborates, reviews and provides guidance on Title VI investigations.
- Top management is and will continue to be informed of any problems that arise in their respective areas so that immediate and appropriate steps can be taken to resolve any issues.
- The District recognizes its responsibility to affirmative action and is committed to fulfilling this responsibility by complying with all government regulations and laws pertaining to equal employment opportunity. As part of this commitment, management will be kept abreast of developments in the EEO/AAP. The primary vehicle for communication with management will be periodic discussions and/or briefings.
- EEO Office will review and report results with all levels of management as to the degree to which their affirmative action goals are being attained; and will design and implement corrective actions, including adjustments in programs, as needed.
- Progress on the District's EEO/AAP will be discussed at leadership meetings, and relevant information will be communicated to employees during regular departmental meetings as appropriate.



## **Subcontractor Monitoring**

The District is committed to ensuring that our subcontractor *Whistlestop* carries out the EEO provisions outlined in FTA CFR 4704.1A regarding Equal Employment Opportunity Program Guidelines for Grant Recipients. *Whistlestop* is a federal subcontractor through a contract with Marin Transit. *Whistlestop* provides transit services that promote the independence, well-being and quality of life for older adults and people living with disabilities in Marin County. The EEO Office oversees subcontractor compliance and will ensure an enhanced EEO/Affirmative Action Plan monitoring program which includes the following:

- A thorough review of the subcontractor's EEO/Affirmative Action Program. If the District finds deficiencies in the subcontractor's EEO program, based on our interpretation of Circular 4704.1A, the District will inform the subcontractor of the deficiencies in writing and provide a timeframe and a due date for the subcontractor to remedy the deficiency.
- Site visit of the subcontractor's worksite to ensure compliance with EEO Statement of Policy and other anti-discrimination and anti-harassment policies, posting requirements.
- Documentation of subcontractor's compliance with Circular 4704.1A.
- Provide assistance as needed for discrimination complaints and follow-up.

See Exhibit 4 for the District's Communication to Subrecipient

## **Union Contracts**

The District has 16 Unions and 26 union contracts. The EEO Office will continue to monitor and review union contracts by consulting with the District's labor attorneys and negotiating Deputy General Managers during any bargaining negotiations and whenever a change may occur in a collective bargaining agreement.

## **CHAPTER 8: Equal Employment Opportunity Policy and Discrimination Complaint Procedures**

The EEO Officer conducts EEO investigations and makes recommendations on corrective actions. The District is aware that discrimination or the perception of discrimination, can be detrimental to the work environment and therefore we strive to maintain a working environment that values diversity in which all employees are free from discrimination and harassment. EEO Office maintains a manual method for documenting EEO discrimination complaints. The District is in the process of upgrading its HRIS system to allow for a more efficient method of EEO compliant, discipline and grievance tracking. EEO also maintains a secure file area to store complaints.

The EEO Office works closely with department and division managers, supervisors and employees to resolve all EEO Title VII complaints. EEO staff thoroughly and promptly investigate the merit of each complaint in a confidential manner employing a process that is respectful to all parties involved. All employees are made aware of their EEO protections and rights at new employee orientations, sexual harassment prevention trainings, through the EEO Policies and EEO Policy Statement posted on prominent bulletin boards throughout the District.

**See Exhibit 5 for copies of the District's Harassment Free Workplace and Work Rules and Regulations Policies which are issued in addition to the Anti-Discrimination in Employment Policy stated below**

### **Anti-Discrimination in Employment Policy**

The District provides equal employment opportunity for all qualified persons in accordance with state and federal laws prohibiting discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law.

Employment decisions involving recruiting, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment are made in a nondiscriminatory manner. Employment decisions are based on individual qualifications and other non-discriminatory business reasons.

Retaliation against any employee or applicant for bringing a complaint of discrimination is prohibited. This policy also prohibits retaliation against a person who participates in any manner in an investigation or resolution of a complaint of discrimination. The District also prohibits retaliation against employees who report violations under Title I of the Affordable Care Act. Retaliation includes threats, intimidation, reprisals and other adverse employment-related actions.

The District is an affirmative action/equal employment opportunity employer. This means the District takes affirmative steps to ensure equal employment opportunity for minorities, women and persons with disabilities. The District also complies with the Americans with Disabilities Act (ADA) requiring reasonable accommodation for applicants and employees, as needed. The District also ensures that its newly constructed facilities comply with the ADA.

Responsibility for the implementation of the Equal Employment Opportunity policies and Affirmative Action plan (EEO Programs) rests with the District's EEO Compliance Programs Office. However, all Deputy General Managers (DGMs), directors, department managers, administrators and supervisors are responsible for carrying out the EEO Programs within his or her respective department(s). The Board of Directors expects the General Manager and each DGM, director, manager, supervisor, administrator and employee to ensure compliance with the EEO Programs Office.

### **Discrimination Complaints:**

All employees, represented and non-represented, may consult with District management or the EEO Compliance Programs Office concerning any issue or incident which the employee believes may involve discrimination on the basis of any protected category. District representatives will endeavor to respect a complaining employee's desire for confidentiality but must be free to act when facts suggest a violation of policy has occurred. When an employee believes this policy has been violated, the employee should submit a formal written complaint and consult directly with the EEO Compliance Programs Office at 415-257-4537 or the Human Resources Department at 415-257-4523 as soon as practicable after the incident. Employees must cooperate in

investigations and answer all questions truthfully and to the best of his or her knowledge.

### **Resolution Procedures:**

The resolution of discrimination complaints will be conducted in accordance with either of the following procedures:

#### *Informal Procedure for Resolution*

The EEO Compliance Programs Office or Human Resources Department, or his or her designee, may explore informal resolution of a discrimination complaint at the lowest level and, when necessary, conduct a fact-finding investigation concerning any complaint which the employee believes may involve issues of discrimination.

#### *Formal Procedure for Resolution*

Employees are encouraged to submit formal complaints in writing to the EEO Compliance Programs Office. The written complaint should include the complainant's name, division, department, position, basis of the discriminatory complaint and the names and positions of individuals involved in the complaint, including witnesses.

Following receipt of a complaint, a District representative will meet with the employee to review the discrimination allegation(s) to ensure that the information is accurately stated and understood. During this interview, the basis of the complaint and supporting evidence should be fully communicated. Such an investigation may include interviews with all parties named by the complainant as wholly or partially responsible for the alleged discriminatory acts as well as any witnesses. Investigations may also include the review and analysis of relevant personnel records and employee statistics. If appropriate, courses of action for an expedient resolution of the complaint will be developed by the District representative.

If the District representative determines that there are no issues of discrimination involving one or more of the protected categories, he or she will inform the employee, the manager and the department Deputy General Manager. If the District representative determines that there has been a violation of this policy, he or she will present a written determination supporting the validity of the complaint to the General Manager with a recommendation for corrective action. The General Manager shall review the record and issue a final determination which may include discipline up to termination.

### **Harassment Free Workplace Policy**

The District is committed to creating and maintaining a workplace free from all types of inappropriate conduct and discriminatory harassment. Every employee has a right to be treated with dignity and respect and further has a responsibility to treat others the same way. Certain behavior is prohibited by District policy and by law. This policy defines discriminatory harassment and sets forth procedural guidelines for the resolution of complaints. The District will take whatever action is necessary to prevent, correct, and if appropriate, discipline behavior that violates this policy.

Every department has an obligation to assure that the work environment is free from offensive and potentially harassing behavior. Prompt, appropriate action may help to avoid or minimize the occurrence of inappropriate behavior. Managers who observe or

otherwise become aware of potential harassment have a duty to assist and counsel employees in an effort to remedy such behavior and prevent its recurrence; and, to report potential unlawful harassment to the EEO Compliance Programs Office. Employees are expected to be knowledgeable about District policies. Ignorance of policy is not a defense. Individuals may be held personally liable for conduct rising to the level of unlawful harassment which can include monetary damages resulting from legal proceedings.

The District will not routinely inquire about relationships between employees that appear voluntary in nature. If such voluntary relationships result in behavior that is reasonably found to be offensive by others, such behavior may violate this policy.

### **Employee Action**

Some individuals are not aware that his or her behavior may be offensive or potentially harassing. Oftentimes simply advising someone of the offensive nature of his or her behavior can resolve the problem. Whenever possible, employees should inform the other person that his or her behavior is unwelcome, offensive, in poor taste or highly inappropriate. If this does not resolve the concern or if an employee is uncomfortable, threatened, or has difficulty expressing his or her concern, he or she should seek informal assistance from any supervisor, manager, the Human Resources Department or the EEO Compliance Programs Manager.

Any complaint which cannot be satisfactorily resolved through a discussion between the parties should be referred to the EEO Compliance Programs Manager. The EEO Compliance Programs Manager shall investigate complaints. When an employee is aware of the potential harassment of others, that employee is not only encouraged but obligated to immediately report the incident to any supervisor, manager, the Human Resources Department, a Deputy General Manager or the EEO Compliance Programs Manager, depending on which individual the employee is most comfortable contacting. Employees are required to cooperate in investigations. This means coming forward with evidence both favorable and unfavorable to a person accused of inappropriate or harassing conduct; and, fully and truthfully making a written statement and/or verbally answering questions when required to do so during the course of an investigation. Refusal to cooperate, failure to be truthful and/or knowingly providing false or misleading information may result in disciplinary action.

### **Resolution Procedures**

#### *Informal Procedure for Resolution:*

The supervisor, manager, Human Resources Managers or the EEO Compliance Programs Manager or a designee may explore informal resolution of complaints of inappropriate conduct or discriminatory harassment at the lowest level and, when necessary, assist and counsel employees and/or conduct a fact-finding investigation concerning any complaint which the employee believes may involve issues of inappropriate behavior.

#### *Formal Procedure for Resolution:*

If the informal resolution procedure does not successfully resolve the issue, the employee may submit a formal complaint to the EEO Compliance Programs Manager. In addition, if in the opinion of the General Manager, a Deputy General Manager or the EEO Compliance Programs Manager, a formal investigation is warranted, one will be

initiated. Employees are encouraged to submit a written complaint that includes the complainant's name, division, department, position, basis of the complaint, and the names and positions of individuals involved in the complaint, including witnesses. (See EEO Complaint Form)

As appropriate, a formal investigation may include meeting with the employee to review the allegation(s) to ensure that the information is accurately stated and understood. During this interview, the basis of the complaint and supporting evidence should be fully communicated. Such an investigation may include interviews with all parties named by the complainant as wholly or partially responsible for the conduct as well as any witnesses. Investigations may also include the review and analysis of relevant personnel records and other information. If appropriate, courses of action for an expedient resolution of the complaint will be jointly developed by the EEO Compliance Programs Manager and the complainant.

If the EEO Compliance Programs Manager determines that there are no issues of inappropriate behavior or discriminatory harassment, he or she will notify the complainant of such. The appropriate manager will determine final corrective action. All records and information relating to investigations and any resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process or as otherwise reasonably necessary.

### **Additional Enforcement Information**

The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment in employment. For more information, contact the nearest office of the EEOC at 415-356-5100 ([www.EEOC.gov](http://www.EEOC.gov)); or, the DFEH at 800-884-1684 ([www.DFEH.ca.gov](http://www.DFEH.ca.gov)).

### **Retaliation is Prohibited**

The District prohibits any form of retaliation against an employee who makes a complaint, raises a concern, provides information or otherwise assists in an investigation or proceeding regarding any conduct that he or she believes to be in violation of the District's policies or applicable laws, rules or regulations. Retaliation may include threats, intimidation, reprisals or adverse employment actions.

### **Discriminatory Harassment**

Discriminatory Harassment is inappropriate behavior based on the following protected categories as defined by law: race, religious creed, color, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or military or veteran status, or any other basis protected by federal, state or local law.

*Examples of discriminatory harassment include:*

Verbal Harassment: Epithets, derogatory comments, name-calling, slurs, propositioning, or otherwise offensive words or comments based on an individual's protected category. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features and sexual rumors;

**Physical Harassment:** Assault, impeding or blocking movement, leering or the physical interference with normal work privacy or movement when directed at an individual based on his or her protected category. This includes touching, pinching, patting, grabbing, brushing up against, stalking or making explicit threats;

**Visual Harassment:** Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, gestures, jokes, notes, bulletins, drawings or pictures on the basis of an individual's protected category. This applies to both posted material, or material maintained in or on District equipment or personal property in the workplace;

**Sexual Harassment:** Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexually harassing conduct need not be motivated by sexual desire.

Employees should contact Susan Spencer, Manager of the EEO Compliance Programs Office (Ext. 4537), the Human Resources Manager (Ext. 4523), or the Deputy General Manager of Administration and Development (Ext. 4580), with questions about inappropriate workplace behavior in violation of this policy. Employees may also refer to the Employee Intranet for questions on these policies or to file an EEO Complaint Form with the EEO Compliance Programs Department.

**Exhibits:**

- 1. EEO Policy Statement**
- 2. Organizational Charts**
- 3. All Workforce Analysis**
- 4. Letter to Subrecipient**
- 5. Annual General Manager Memos on Harassment and Work Rules and Regulations**