



F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Delaware Transit Corporation
EEO Compliance Review

April 2016
Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

This report details the findings of a Compliance Review of Delaware Transit Corporation's (DTC) EEO program implementation. The Compliance Review examined this agency's EEO program procedures, management structures, actions, and documentation. Documents and information were collected from the Federal Transit Administration (FTA) and DTC. In addition, the following entities were interviewed as part of this review: DTC officials and employees, and other stakeholders. The three-day review included interviews, assessments of data collection systems, and a review of program and contract documents.

Delaware Transit Corporation's EEO Program includes the following administrative deficiencies:

Administrative Deficiencies

- The EEO policy statement does not indicate the EEO Officer by name or advise employees and applicants of their right to file complaints alleging discrimination with the appropriate official.
- DTC has not sufficiently informed employees, applicants, and the general public of its EEO policy.

The Program has the following substantive deficiencies:

Substantive Deficiencies

- DTC was unable to provide documentation that the EEO Officer currently reports to, and is directly responsible to, the agency's Chief Executive Officer.
- The utilization and availability analysis conducted was not completed in accordance with requirements.
- The review team could not conclusively determine whether goals adequately address minority and female underutilization in the workforce due to errors in DTC's utilization analysis.
- DTC does not currently have a reporting and monitoring system in place to assess EEO accomplishments.

1. General Information

This chapter provides basic information concerning this Compliance Review of the Delaware Transit Corporation (DTC). Information on DTC, the review team, and the dates of the review are presented below.

Grant Recipient:	Delaware Transit Corporation, subsidiary of the Delaware Department of Transportation
City/State:	Wilmington, Delaware
Grantee Number:	1396
Executive Official:	John Sisson
On-site Liaison:	Diana Williams
Report Prepared By:	Milligan and Company, LLC
Dates of On-site Visit:	November 10-12, 2015
Compliance Review Team Members:	Kristin Szwajkowski, Valerie Piper, and Allison Reed

2. Jurisdiction and Authorities

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct Civil Rights Compliance Reviews. The Equal Employment Opportunity (EEO) Reviews are undertaken to ensure compliance of applicants, recipients, and sub-recipients with 49 U.S.C. Section 5332, “Non-Discrimination” and the program guidelines of FTA Circular 4704.1, “Equal Employment Opportunity Guidelines for Grant Recipients.” Further, FTA recipients are required to comply with 49 CFR Part 27, “Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.”

DTC is a recipient of FTA funding assistance and is therefore subject to the EEO compliance conditions associated with the use of these funds pursuant to 49 U.S.C. Section 5332, FTA Circular 4704.1 and 49 CFR Part 27. These regulations define the components that must be addressed and incorporated in DTC’s EEO Program and were the basis for the selection of compliance elements that were reviewed in this document.

3. Purpose and Objectives

3.1 Purpose

The FTA Office of Civil Rights periodically conducts EEO Compliance Reviews of grant recipients and sub-recipients to determine whether they are honoring their commitment to complying with their responsibilities under 49 U.S.C. Section 5332, FTA Circular 4704.1, and 49 CFR Part 27, as represented by certification to FTA. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of DTC's Equal Employment Opportunity Program was necessary.

The Office of Civil Rights authorized Milligan and Company to conduct this EEO Compliance Review of DTC. The primary purpose of the EEO Compliance Review was to determine the extent to which DTC has met its EEO program goals and objectives in its EEO Program, as represented to FTA. This Compliance Review was intended to be a fact-finding process to (1) examine DTC's EEO Program and its implementation, (2) provide technical assistance, and (3) make recommendations regarding corrective actions deemed necessary and appropriate.

This Compliance Review did not directly investigate any individual complaints of discrimination in employment activities by the grant recipient or its sub-recipients, nor did it adjudicate these issues on behalf of any party.

3.2 Objectives

The objectives of FTA's EEO requirements, as specified in FTA Circular 4704.1, are:

- To ensure that FTA applicants, recipients, sub-recipients, contractors and/or subcontractors will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or disability.
- To ensure that FTA applicants, recipients, sub-recipients, contractors and/or subcontractors will take affirmative action to ensure that applicants and employees are treated without regard to race, color, religion, national origin, sex, age, or disability. Such action shall include, but not be limited to, hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. It shall also include a written Affirmative Action Plan designed to achieve full utilization of minorities and women in all parts of the work force; and
- To ensure that FTA applicants, recipients, sub-recipients, contractors, and/or subcontractors will post in conspicuous places and make available to employees and applicants for employment, notices setting forth the recipient's EEO policy. In addition, applicants and employees will be notified of the recipient's procedures for filing complaints of discrimination internally, as well as externally with the Federal Equal Employment Opportunity Commission, the local human rights commission, and/or the U.S. Department of Transportation (DOT).

The objectives of this EEO Compliance Review were:

- To determine whether DTC is honoring its commitment represented by the certification to FTA that it is complying with its responsibilities under 49 U.S.C. Section 5332, “Non-Discrimination.”
- To examine the required components of DTC’s EEO Program against the compliance standards set forth in the regulations and to document the compliance status of each component.
- To gather information and data regarding all aspects of DTC’s employment practices, including recruitment, hiring, training, promotion, compensation, retention, and discipline from a variety of sources, including Human Resources Department staff and other DTC management and staff.

4. Background Information

Delaware Transit Corporation (DTC) of Dover, Delaware, is the 50th largest transit agency in the U.S. DTC, a public benefit corporation created by the State of Delaware as a subsidiary corporation of the Delaware Transportation Authority, operates and manages transit service in each of the State's three counties – New Castle, Kent, and Sussex. DTC's transit service is known by its brand name, DART First State (commonly referred to as DART). DTC provides fixed route bus, seasonal resort transit service, and ADA complementary paratransit service. Approximately 885,000 people live in the DTC service area, which covers approximately 2,500 square miles.

4.1 Introduction to Services and Organizational Structure

DTC services operate seven days a week. DTC provides a broad range of public transportation services that include commuter rail, fixed route bus, paratransit, specialized, and rideshare services. Fixed route bus, paratransit, specialized, and rideshare services are funded under both the nonurbanized and urbanized programs; commuter rail service is funded only under the urbanized program.

In New Castle County, which includes the cities of Wilmington and Newark, DTC operates a network of 44 fixed routes. Service is largely oriented to serving the cities of Wilmington and Newark and the Christiana Mall area. Connectivity is provided to SEPTA rail service and SEPTA bus route 113. Buses operate weekdays from 5:00 a.m. to 11:00 p.m., Saturdays from 6:00 a.m. to 9:00 p.m., and Sundays from 7:00 a.m. to 8:00 p.m. Connections to Elkton, Maryland from DART's Newark and Glasgow bus service are provided via Routes #1 & #4 run by Cecil County, Maryland. These routes operate weekdays only.

In Kent County, DTC operates a network of 14 routes. Service is centered on the City of Dover. Weekdays, buses operate from 6:00 a.m. to 9:00 p.m. Saturdays, buses operate on five routes from 9:00 a.m. to 6:00 p.m.

DTC operates three intercounty routes and a park and ride route. Route 301 between Dover and Wilmington runs weekdays between 4:30 a.m. and 8:30 p.m. Route 303 between Dover and Georgetown runs weekdays between 5:00 a.m. and 9:00 p.m. Route 305, an express bus between Wilmington, Dover, and Rehoboth Beach, runs Friday evenings, Saturdays, Sundays and holidays during the summer. Route 45, the park and ride service, runs weekdays during peak hours.

DTC directly operates most of the fixed-route service. Currently, it contracts with MV, and THG Transport, Inc. for the Route 43 and First Transit NCC for Routes 61, 62, 64, and 59 Rail bus. DTC and its contractors operate a fleet of 244 buses for fixed-route service. Its bus fleet consists of standard 30-, 35-, and 40-foot transit coaches, 45 foot over the road coach buses for Intercounty Services and minibuses (29 foot). The current peak requirement is 199 vehicles.

DTC contracts with the Southeastern Pennsylvania Transportation Authority (SEPTA) to extend service on the Wilmington/Newark (formerly R2) line to serve four stations in Delaware--Claymont, Wilmington, Fairplay (Churchmans Crossing), and Newark--on Amtrak's Northeast Corridor (NEC) to Philadelphia. Commuter rail service to Claymont and Wilmington operates all day with the first and last trains departing Wilmington at 6:03 a.m. and 10:48 p.m., respectively. Commuter rail service to Fairplay and Newark operates weekdays during the morning and evening rush hours. DTC

operates a mid-day express bus to the stations, once in each direction. Saturdays, the first and last departures from Wilmington are 8:36 a.m. and 8:36 p.m., respectively. No service is provided Saturdays to Fairplay and Newark.

DTC provides statewide paratransit service. DTC operates most of the service directly and contracts with First Transit to supplement the directly operated service, largely to serve subscription trips. ADA complementary paratransit service operates the same days and hours as fixed route service within three-quarters of a mile of all fixed routes, including commuter and intercounty routes. In addition to the ADA complementary paratransit service, DTC provides paratransit service statewide for ADA eligible individuals, dialysis patients, and elderly persons (65 and older). Trips for elderly persons are provided on a space available basis. Service operates weekdays and Saturdays, starting at 6:00 a.m. and ending as late as 10:00 p.m. in parts of New Castle County. DTC has a fleet of 290 paratransit vehicles.

In selected areas of Dover, DTC provides Flex bus stops, providing customers access to designated flex zones served by paratransit serving as a general feeder service during the weekdays based on space available.

In Sussex County, DTC provides a new service delivery, flex routes. The three new flex routes 901, 902, and 903 provide service within Georgetown and Millsboro, and within Seaford and offer regularly scheduled service to established bus stops. Off route curbside pick-ups/drop-offs are available to everyone within one mile of the regular route on a space/time available basis by calling our 800 number. Flag zones on these routes are areas where a customer can wave down the bus to stop. The driver will determine the safest stop location within the approved zone.

DTC operates six operations and maintenance facilities and operates three transit centers, one each in Newark, Dover and Georgetown, and 37 park and ride lots and 12 park and pool lots.

Table 1 – State of Delaware Demographic Comparison 2000 and 2010

Racial/ Ethnic Group	Population 2000		Population 2010		Change	
	#	%	#	%	#	%
White	584,773	74.6%	618,617	68.9%	33,844	5.5%
Black	150,666	19.2%	191,814	21.4%	41,148	21.5%
American Indian/Alaska Native	2,731	0.3%	4,181	0.5%	1,450	34.7%
Asian	16,259	2.1%	28,549	3.2%	12,290	43.0%
Hawaiian/Pacific Islander	283	0.0%	400	0.0%	117	29.3%
Other Race	15,855	2.0%	30,519	3.4%	14,664	48.0%
Two or More	13,033	1.7%	23,854	2.7%	10,821	45.4%
Hispanic Origin*	37,277	4.8%	73,221	8.2%	35,944	49.1%
Total by Racial/ Ethnic Group	783,600	100.0%	897,934	100.0%	114,334	12.7%
Gender						
Male	380,541	48.6	434,939	48.4	54,398	12.5%
Female	403,059	51.4	462,995	51.6	59,936	12.9%
Total by Gender	783,600	100.0%	897,934	100.0%	114,334	12.7%

*Persons of Hispanic origin are counted in two or more race categories; therefore the total population is the total as stated in the U.S. Census data and not the sum of each ethnic group.

Source: U.S. Census Summary File 1: DEC_00_SF1_DP1 and DEC_10_SF1_SF1DP1

5. Scope and Methodology

5.1 Scope

The following EEO program components required by FTA are reviewed in this report:

1. **Program Submission** – A formal EEO program is required of any recipient that employs 50 or more transit-related employees (including temporary, full-time or part-time employees) and that 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. Program updates are required every three years.
2. **Statement of Policy** – An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment.
3. **Dissemination** – Formal communication mechanisms should be established to publicize and disseminate the recipient's EEO policy, as well as appropriate elements of the program, to its employees, applicants, and the general public.
4. **Designation of Personnel Responsibility** – The importance of an EEO Program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO.
5. **Utilization Analysis** – The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.
6. **Goals and Timetables** – Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis.
7. **Assessment of Employment Practices** – Recipients, sub-recipients, contractors, and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.
8. **Monitoring and Reporting System** – An internal monitoring and reporting system should enable the agency to assess EEO accomplishments, evaluate the EEO program during the year, identify those units that have failed to achieve a goal, and provide a precise and factual database for future projections.

5.2 Methodology

The initial step of this EEO Compliance Review consisted of consultation with the FTA Region III Civil Rights Officer and Civil Rights Headquarters staff regarding the decision to conduct a Compliance Review of DTC. Relevant documents from FTA's files were reviewed as background. Next, an agenda letter was prepared and sent to DTC by FTA's Office of Civil Rights. The agenda letter notified DTC of the planned Compliance Review, requested preliminary documents, and informed DTC of additional documents needed and areas that would be covered during the on-site

portion of the review. It also informed DTC of the staff and other organizations and individuals that would be interviewed. The following documents were requested:

FTA Circular 4704.1 Requirement Documentation to Be Provided Prior to Site Visit	
0. Background	
a)	Summary Listing of EEO complaints and lawsuits against DTC during the period from August 2012 through August 2015 alleging discrimination towards an employee or job applicant. The summary shall indicate the date of the complaint, if the complaint was filed internally or externally, the basis for discrimination, and comments describing the resolution or active status of the complaint.
b)	Collective Bargaining Agreements for each bargaining unit.
c)	DTC Employment Application
1. Program Submission (FTA C. 4704.1.II,3.)	
	A copy of the EEO Program
2. Statement of Policy (FTA C. 4704.1.III, 2.a.)	
	A copy of the Policy Statement
3. Dissemination (FTA C. 4704.1.III, 2.b.)	
a)	Documentation of Internal Dissemination of EEO Policy, such as annual memo to all employees, new employee acknowledgement form, EEO training materials, etc.
b)	Documentation of External Dissemination of EEO Policy, such as EEO policies and procedures included in all contract bid documents, sample employment ads, sample outreach efforts to minority media and/or organizations.
4. Designation of Personnel Responsibility for EEO (FTA C. 4704.1.III, 2.c.)	
a)	DTC position descriptions for EEO Manager/Director.
b)	List of local minority, women and disability organizations DTC is involved with.
5. Utilization Analysis (FTA C. 4704.1.III, 2.d.)	
a)	A copy of Workforce Availability/Utilization Analysis for DTC.
6. Goals and Timetables (FTA C. 4704.1.III, 2.e.)	
a)	A copy of DTC's goals and the time tables which may be a part of the Utilization Analysis.
7. Assessment of Employment Practices (FTA C. 4704.1.III, 2.f.)	
a)	A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices.
b)	A list of all recruitment sources used during the last year, including the names and telephone numbers of contact persons.
c)	A listing of all job titles for which written examinations are conducted.
d)	Statistics on separations, disciplinary actions, promotions, and new hires for DTC during the period of August 2012 through August 2015.
e)	Data on average salaries or wages paid to all employees as of August 2015 by EEO job category, as well as the average salaries or wages paid to minority and female employees.
f)	Summary report of exit interview findings for the past three years.
8. Monitoring and Reporting System (FTA C. 4704.1.III, 2.g.)	
a)	A list of all sub recipients who meet the EEO threshold outlined in FTA C. 4704.1 II.2.
b)	Agendas from meetings with management
c)	A copy of DTC's complaint procedures

DTC assembled the documents prior to the site visit and provided them to the Compliance Review team for advance review. Additional documents were provided during the site visit.

The DTC site visit occurred on November 10 to 12, 2015. The Entrance Conference was conducted at the beginning of the Compliance Review with DTC's senior management staff, FTA's Regional Civil Rights Officer, FTA Headquarters' Equal Opportunity Specialist, and the contractor review team. During the Entrance Conference, the review team explained the goals of the review and the needed cooperation of staff members. The detailed schedule for conducting the on-site visit was discussed. Attending the conference were:

Delaware Transit Corporation

- John Sisson, Chief Executive Officer
- Diana Williams, Compliance Officer
- Bonnie Hitch, Director of Civil Rights
- Mary Beth Palermo, Chief of Human Resources Officer
- James Woodruff, Employment Services Manager
- Edward Taylor, Chief Financial Officer
- Richard Paprcka, Chief Operating Officer
- Julie Theyerl, Marketing & Public Affairs Officer
- Luther Wynder, Chief Performance Officer

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- Anita Heard, FTA Equal Opportunity Specialist
- Stacie Parkins, FTA Regional Civil Rights Officer

Milligan and Company, LLC

- Kristin Szwajkowski Tighe, Lead Reviewer
- Valerie Piper, Reviewer
- Allison Reed, Reviewer
- Sandra Swiacki, Subject Matter Expert

Following the Entrance Conference, the review team conducted a detailed examination of documents submitted by DTC's EEO Officer on behalf of the agency. The review team also held discussions with the EEO Officer regarding the implementation of the EEO Policy/Program.

On the second day, a group interview was conducted with members of DTC's Human Resources staff to learn about DTC's employment practices, including recruitment, testing, hiring, promotions, transfers, disciplines, and terminations. Files and records of employment actions, such as new hires, promotions, disciplines, demotions, and terminations, were reviewed. Throughout the three-day site visit, interviews were also conducted with selected employees and managers in Wilmington and Dover, DE.

At the end of the site visit, an Exit Conference was held with DTC's senior management staff, FTA's EEO Equal Opportunity Specialist, and the contractor review team. At the Exit Conference, initial findings and corrective actions were discussed with DTC. Attending the conference were:

- John Sisson, Chief Executive Officer, DTC
- Diana Williams, Compliance Officer, DTC
- Bonnie Hitch, Director of Civil Rights, DTC
- Mary Beth Palermo, Chief of Human Resources Officer, DTC
- Richard Paprocka, Chief Operating Officer, DTC
- Julie Theyerl, Marketing & Public Affairs Officer

Federal Transportation Administration

- Anita Heard, FTA Equal Opportunity Specialist
- Stacie Parkins, FTA Regional Civil Rights Officer

Milligan and Company, LLC

- Kristin Szwajkowski Tighe, Lead Reviewer
- Valerie Piper, Reviewer
- Allison Reed, Reviewer
- Sandra Swiacki, Subject Matter Expert

5.3 Stakeholder Interviews

Prior to the site visit, the review team contacted recruitment sources from a list provided by DTC. The purpose of this activity was to verify that DTC is publically posting job announcements, the frequency of use of these sources, to determine external knowledge of DTC's EEO policy, and identify practices that would require further attention and analysis during the review.

The following three organizations were contacted to participate in the stakeholder interviews:

- Delaware National Guard: recruitment source for veteran applicants
- Delaware State News: statewide newspaper in Delaware
- Cape Gazette: recruitment source for the resort region (Lewes, Rehoboth Beach, Milton, and Dewey , Delaware)

The representatives were asked questions regarding:

- organization's role
- frequency of contact with DTC
- knowledge of the DTC's Equal Employment Opportunity policy

Two of the three recruitment sources interviewed stated that DTC provides job postings regularly. The third source stated that to their knowledge DTC had not provided a posting in two years. None of the representatives interviewed were aware of DTC's EEO policy except for the "Equal Opportunity Employer" statement on the job postings. None of the sources interviewed provided recommendations for DTC to improve the implementation of its EEO program.

Throughout the three-day site visit, 29 employees, both supervisory and non-supervisory, were interviewed either as part of a group interview or individually. Of the 29 employees interviewed, 72 percent were minority and 45 percent were female. Interviews were conducted in the Wilmington and Dover offices.

Managers – Summary of Individual Interviews

Seven managers were individually interviewed by the review team. All managers stated they had no involvement with establishing DTC's EEO goals. None of the managers interviewed were aware that they had any accountability for the attainment of EEO goals or timetables. One manager stated that he was aware of the goals and objectives. Places where DTC made the EEO policy known to them included the Delaware Department of Transportation intranet and new hire training. All managers mentioned they had received general EEO refresher training in the last one to two years. The training covered cultural sensitivity and updates to the EEO policy. The level to which each manager is involved in the hiring and recruitment process becomes more extensive as they move into higher levels of management. One manager stated that he sat on a hiring interview panel. Managers stated that interview panels are set up to have a diverse group of individuals on them; however, the hiring manager has the final say. Some believe that the input of minority representatives on the panels is not always taken into consideration.

Non-Supervisory Employees

Nine non-supervisory employees were individually interviewed by the review team. All employees appeared to be aware that DTC has an EEO policy, primarily through employee orientation, EEO refresher training, and the employee handbook. Three-quarters of the employees interviewed were aware that there is an EEO complaint policy. One employee mentioned the website integrity hotline where an employee can submit a complaint that goes directly to Diana Williams. Two of nine employees stated that if they had a complaint, they would go directly to Diana Williams. The other employees were unsure of the complaint process and stated they would go to, or consult, their supervisor first. Of the nine employees interviewed, three of them stated they filed discrimination complaints with DTC, one was related to harassment and the others were related to a lack of advancement within the organization. One of these employees also submitted a follow-up letter to the Secretary of the Delaware Department of Transportation because the internal complaint was not satisfactorily resolved. All employees, except one, spoke of receiving new hire orientation, EEO and diversity training.

A majority of the comments during the group interviews concerned salary and compensation. All employees interviewed were unsure how compensation and pay grades are determined beyond awareness of the pay grade scale of 80 percent to 120 percent of the average. Employees were confused regarding who sets the pay grades for each position and how the percentage is determined when individuals are hired and promoted. The DTC policy states that the percentage of the grade awarded to an employee is based upon skills and experience. It was alleged that new hires are receiving 100 percent of the pay grade when long standing more experienced employees in the same positions are making less and have not received a raise. Many employees stated they are being treated unfairly and have been asked to take on more responsibility without additional compensation. It was alleged that some employees have received salary increases when DTC stated that no raises would be given.

Managers and employees provided other comments regarding alleged discriminatory practices at DTC related to hiring, promotions, and training. Regarding hiring, several interviewees stated that DTC personnel select who they want for open jobs rather than placing the most qualified candidates with the required skills and knowledge in the position. Managers stated that minorities are asked to participate on hiring panels to provide the illusion of diversity, that the hiring manager makes

decisions without considering the input of the other panel members. Several employees stated they wanted to see a standard process utilized for hiring and promotion decisions.

Many employees expressed concern regarding promotions and lack of opportunity for advancement. It was stated that positions were not posted internally or externally despite the DTC's policy of posting all open vacancies. Many employees stated there is no policy for growth within the organization for non-contract employees. Employees expressed concerns of the lack of training opportunities. There is also a concern that current position descriptions do not reflect actual work being performed.

Employees also expressed concern about confidential information being shared. Employees question unauthorized employees having access to DTC's PeopleSoft system, a system that contains salary information.

6. Findings and Recommendations

6.1 Program Submission

Requirement

A formal EEO Program is required of any recipient that employs 50 or more transit-related employees (including temporary, full-time or part-time employees) and that 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. Program updates are required every three years.

Discussion

During this compliance review, no deficiencies were found with Program Submission. DTC prepared and submitted an EEO Program to FTA on June 28, 2013. In an August 13, 2013 letter to DTC, FTA requested additional information in five areas. The EEO Program was revised and resubmitted to FTA on November 12, 2013. FTA provided concurrence on DTC's EEO Program on November 13, 2013. The current program expires on June 14, 2016 and the next EEO Program submission update is due to FTA by April 4, 2016.

6.2 Statement of Policy

Requirement - FTA C. 4704.1.III, 2.a.

An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment. The written EEO policy statement must:

1. Express the agency's commitment to EEO regardless of race, color, religion, national origin, sex or age
2. Commit to develop a written affirmative action program that include goals and timetables
3. Explain that the responsibility for implementing the EEO program is assigned to an agency executive who reports directly to the CEO/GM
4. State that all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance
5. State that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office
6. State that the agency evaluates the performance of managers, supervisors, and others based on the success of the EEO program in the same manner that the agency evaluates their performance in other agency programs
7. State that the successful achievement of goals will benefit the recipient through the development of previously underutilized human resources

Discussion

During this compliance review, deficiencies were found with Statement of Policy.

Prior to the site visit, DTC provided the review team with its EEO program dated June 2013. Included in the program was a Statement of Policy signed by Richard Paprcka, Acting Chief Executive Officer, dated November 7, 2013. DTC also provided a revised policy statement dated August 12, 2015. This policy was signed by DTC's current Chief Executive Officer, John T. Sisson. The revised policy statement did not contain all of the required elements as described in the FTA Circular. The statement includes: DTC's commitment to EEO regardless of race, color, religion, national origin, sex or age; commitment to develop a written affirmative action program that include goals and timetables; a statement that the agency evaluates the performance of managers, supervisors, and others based on the success of the EEO program in the same manner that the agency evaluates their performance in other agency; and a statement that the successful achievement of goals will benefit the recipient through the development of previously underutilized human resources. The policy statement identifies the EEO Officer as the agency representative responsible for administration of the EEO program but does not indicate the representative by name. In addition, the policy statement does not advise employees and applicants of their right to file complaints alleging discrimination with the appropriate official.

On February 19, 2016, DTC submitted a revised draft Equal Employment Opportunity/Affirmative Action Statement of Policy that includes all seven of the required elements and names the designated EEO Officer. This deficiency is now closed.

6.3 Dissemination

Requirement - FTA C. 4704.1.III, 2.b.

Formal communication mechanisms should be established to publicize and disseminate the agency's EEO policy as well as appropriate elements of the program, to its employees, applicants and the general public by:

1. Posting of the EEO policy statement in conspicuous work locations and in the employment/personnel office
2. Providing written communication from the CEO
3. Including the EEO program and policy in the agency's manuals, employee handbooks, and union contracts
4. Meeting with managers to discuss the EEO program and its implementation
5. Meeting with minority and female employees to gather suggestions on implementing and refining the EEO program
6. Presenting and discussing the EEO program during orientation and training programs

The policy should be disseminated externally to regular recruitment sources and include a statement on all advertisements for personnel that the agency is an "EEO employer".

Discussion

During this compliance review, deficiencies were found regarding Dissemination. DTC has not sufficiently informed employees, applicants, and the general public of its EEO policy.

DTC's EEO Program states that DTC will disseminate the EEO policy statement on bulletin boards, in break rooms, in application and job posting areas and include the policy statement in the employee handbook and the DTC Policy Manual. The EEO program is to be provided to all senior management, unions, and subcontractors. Prior to the site visit, DTC provided documentation showing that its job postings include the statement that DTC is an Equal Opportunity Employer. A copy of the EEO policy statement was sent to all employees from the CEO via email in August 2015 and the review team verified that the EEO policy is included in the employee handbook and labor agreements. The EEO policy and diversity are discussed at new employee orientation sessions and a copy of the policy is provided during orientation.

During the site visit, the review team verified that the EEO Policy is posted on the employee intranet and included in the DTC Policies and Procedures manual. DTC also provided a copy of its diversity refresher training for both employees and managers, and a list of employees who received training was provided during the site visit. DTC has 1,110 employees and managers. The review team confirmed that between September 2013 and September 2015, 745 employees and managers received diversity refresher training. The refresher training presentation discussed discrimination but did not include discussion of DTC's EEO Policy or review specific elements of the policy.

The efforts described above do not sufficiently meet the requirements of Circular 4704.1. While on-site, the review team observed that the EEO policy statement is not posted in conspicuous locations for employees in the Lower Beech Street or Dover facilities. Additionally, the EEO policy statement is not posted on the DTC website so that the general public is informed of the agency's EEO commitment.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights evidence that the DTC EEO policy statement is visibly posted in employee and applicant areas in all of DTC's facilities and that the policy statement is posted on the DTC website. Additionally, DTC must submit to the FTA Office of Civil Rights copies of its EEO presentations given to employees and managers, and plan for meeting with minority and female employees to gather suggestions on implementing and refining the EEO program.

6.4 Designation of Personnel Responsibility

Requirement - FTA C. 4704.1.III, 2.c.

The importance of an EEO Program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO. The essential requirements for the EEO Officer include sensitivity and awareness of the ways discrimination occurs; total commitment to EEO program and goals; knowledge of civil rights policies, regulations,

and guidelines; and sufficient authority and ability to work with managers to achieve EEO goals and objectives.

The EEO Officer's responsibilities include:

1. Developing the EEO policy statement and a written EEO program
2. Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals
3. Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed
4. Reporting periodically to the CEO/GM on each department's progress in relation to the agency's goals
5. Serving as liaison between the agency, Federal, state, county, and local governments, regulatory agencies, minority, women, disability organizations, and other community groups
6. Assuring that current legal information affecting affirmative action are disseminated to responsible officials
7. Assisting in recruiting minority, disability and women applicants
8. Concurring in all hires and promotions; and
9. Processing complaints of discrimination

Discussion

During this compliance review, deficiencies were found with Designation of Personnel Responsibility. DTC was unable to provide documentation that the EEO Officer currently reports to and is directly responsible to the agency's Chief Executive Officer.

The position description for the Compliance Officer provided by DTC, revised on December 3, 2012, states that the Compliance Officer is responsible for the overall management of DTC's EEO/AA and Title VI programs. The position description includes the following EEO responsibilities:

1. Reviewing all relevant DTC policies, practices and procedures to ensure compliance with EEO
2. Providing technical assistance to departments in regard to EEO
3. Preparing the EEO/AA program for submission to FTA
4. Annual reporting including the workforce utilization analysis
5. Responsibility for internal and external EEO complaint process including tracking, investigation of complaints, and recommendations to the CEO of investigative findings and complaint responses
6. Reviewing quarterly reports, identifying and analyzing trends
7. Maintaining permanent records of EEO/AA compliance activities
8. Providing concurrence for all hires

The review team was able to verify through interviews and documentation provided that the EEO officer is implementing six of the nine required EEO Officer requirements. The review team could not verify during the site visit that the EEO Officer identifies problem areas toward the achievement of goals (#2), designs, implements or monitors internal audit and reporting systems to measure program effectiveness (#3), or assists in recruiting minority, disability and women applicants (#7).

The position description dated December 2012 states that the Compliance Officer reports to the Chief Performance Officer with direct reporting via dotted line to the CEO on matters related to EEO/AA. The EEO policy statement included in DTC's June 2013 plan states that Diana L. Williams, Compliance Officer, is the designated Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer and reports directly to the CEO on matters related to EEO/AA. During the compliance review, Ms. Williams provided meeting agendas and meeting sign-in sheets to demonstrate that EEO matters were discussed with the CEO on a regular basis through March 2015.

As of September 2015, Ms. Williams stated that she reports to a newly created position, Director of Civil Rights. Under the current agency organizational chart, as of September 2015, the EEO Officer does not appear as a direct report to the CEO or have a dotted line reporting relationship to the CEO. The EEO Officer is shown to have a direct reporting relationship to the Director of Civil Rights only. Due to the recent changes in the organization, the review team was unable to verify during the on-site review that DTC's current EEO Officer, Diana Williams, has a direct reporting relationship to the CEO after September 2015.

On December 28, 2015, DTC submitted revised job descriptions, dated December 9, 2015, for the Director of Civil Rights and the EEO/AA Compliance Specialist and a revised organization chart. The EEO/AA Compliance Specialist replaces the job title and description for the Compliance Officer, the position held by Diana Williams at the time of the review. The revised description indicates that the Director of Civil Rights is the designated EEO Officer reporting directly to the CEO. According to the job description, the Director is responsible for the internal and external Civil Rights Programs for DTC to include Affirmative Action, Equal Employment Opportunity, the Americans with Disabilities Act, and the Disadvantaged Business Enterprise Program. The revised position description for the Director of Civil Rights and the EEO/AA Compliance Specialist, who is a direct report, include responsibility for the nine required elements of an EEO Officer. The revised DTC organization chart shows the EEO Officer as having a direct reporting relationship to the CEO and shows the staff assigned to support the EEO Officer position.

On February 19, 2016, DTC submitted revised organization charts that the EEO Officer reports directly to the CEO on matters related to EEO and has sufficient staff to implement the program. The revised position descriptions provided encompass the nine required elements of the EEO Officer's responsibilities. This deficiency is now closed.

6.5 Utilization Analysis

Requirement - FTA C. 4704.1.III, 2.d.

The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. A utilization analysis consists of work force analysis and availability analysis. The work force analysis requires a statistical breakdown of the recipient's workforce by each department, job category. Each of the above should be cross-referenced by race, national origin, and sex. This analysis should be structured in lines of progression by departmental units to ensure that promotional opportunities will be considered. An availability analysis compares the participation rates of minorities and women at the various levels in the work force with their availability in relevant labor markets.

Discussion

During this compliance review, deficiencies were found with the Utilization Analysis.

DTC's EEO Program dated June 2013 contained its Utilization Analysis. The analysis included a statistical breakdown of the workforce by job category. According to the EEO program, DTC has 148 different job titles that fall within nine EEO-1 job categories. These include: Officials and Managers, Professionals, Technicians, Administrative and Support (Office and Clerical), Craft Workers, Operatives and Laborers. DTC utilizes PeopleSoft Human Resource Management system to capture the data. As of December 2012, DTC had a total of 877 full time employees.

The EEO program identified specific job titles within each of the EEO-1 categories. It was noted that various job titles based on their job content and responsibility were not placed in the correct EEO category impacting DTC's utilization analysis. The table below indicates a number of supervisory and managerial positions that should have been classified under the EEO category, Officials and Managers, but appear in other categories.

EEO Category	Job Titles
Professionals	Assistant Customer Service Manager; Contract Supervisor; Accounting Supervisor; Chief Paratransit Supervisor; Chief Transportation Supervisor; Transportation Operations Supervisor; Resort Supervisor; Assistant Transportation Supervisor; Grant Manager; Transit Systems Data Manager
Office and Clerical	Customer Information Supervisor; Inventory Supervisor; Ticket Store Supervisor; Reservations Supervisor; Equipment Management System Supervisor
Craft Workers	Maintenance Supervisor; Equipment Foreman
Operatives	Service Supervisor; Street Supervisor; Dispatch/Relief Supervisor; Demand Response Street Supervisor

For each job category, the workforce was cross-referenced by race, national origin and gender. To determine areas of underutilization, DTC compared their current workforce to the available workforce in the Delaware labor market. The review team verified that the availability statistics being used for the utilization analysis are from the 2000 US Census instead of the more recent 2010 Census data.

According to the EEO program, the relevant labor market for all EEO categories is both the State of Delaware and the Mid-Atlantic Region (Delaware, New Jersey, Pennsylvania, and Maryland). Based on the interview with Human Resources personnel, DTC confirmed that it recruits employees from New Jersey and Pennsylvania and uses national sources, such as Transit Talent, APTA, and Monster.com for professional and management level positions. However, during the review, the Compliance Officer stated that the census data utilized for the availability analysis only includes the State of Delaware and does not reflect DCT's actual recruitment efforts for all positions. The utilization analysis needs to be revised to include, at a minimum, 2010 Census availability data and the applicable geographic recruitment areas for each EEO category.

On February 8, 2016, DTC submitted a revised Workforce Analysis to FTA. DTC's last EEO-4 report was filed using the EEOC's "Prior Form" and not the revised "Alternative Form". Therefore, the race/ethnic information is reflected in five categories rather than seven categories as required by the revised Alternative Form. Census data from 2010 was utilized; including surrounding counties for the labor market availability. The revised Workforce Analysis also showed various job titles based on their job content and responsibility were not placed in the correct EEO category; therefore, DTC's utilization analysis remains impacted. For example, inventory manager, labor relations manager were placed under "professionals;" fleet & equipment foreman and maintenance supervisor were placed under "skilled craft worker."

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights a revised utilization analysis. This includes:

- A revised statistical breakdown of all employees by correct EEO category cross-referenced by race, national origin and sex.

6.6 Goals and Timetables

Requirement - FTA C. 4704.1.III, 2.e

Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis. If goals and timetables are not met, there is an obligation to justify this failure following the recipient's annual evaluation of the EEO program.

Discussion

During this compliance review, deficiencies were found with Goals and Timetables.

Although the EEO program does not specifically indicate, it appears that a goal is established for any job category where utilization is less than what is expected by their availability. The EEO program states that the comparison of utilization to availability is made using the "100 percent rule". Thus DTC strives to achieve utilization for minorities and females within its own workforce that meets 100 percent of the availability for each job category. DTC counts full people in its utilization analysis and goals. A summary of goals referenced in Chart 1 of the plan as of December 21, 2012 is as follows:

EEO Category	Current Percent		Availability Percent		Underutilized		Goal Percent*	
	Minority	Female	Minority	Female	Minority	Female	Minority	Female
Officials and	17.1	42.9	16.0	42.0	No	No	No Goal	No Goal

Managers								
Professionals	39.4	49.3	20.0	62.0	No	Yes	No Goal	62.0%
Technicians	0.0	50.0	21.0	52.0	Yes	Yes	21.0%	52.0%
Administrative Support Workers	48.5	72.7	27.0	76.0	No	Yes	No Goal	76.0%
Craft Workers	25.7	2.7	18.0	7.0	No	Yes	No Goal	7.0%
Operatives	62.9	31.3	32.0	17.0	No	No	No Goal	No Goal
Laborers	52.5	10.0	38.0	14.0	No	Yes	No Goal	14.0%

*The goals presented in the 2013 DTC EEO program stated the number of minorities or female employees needed in each underutilized category to reach availability. DTC endeavors to mirror its workforce against availability in the labor pool. Therefore, for clarity, the goals presented in this table are the total percentage of minorities and females needed in each category to reach parity. The goal equals the availability.

Based on the above, DTC has determined that minorities are underutilized for one job category, Technicians, and females are underutilized for Professionals, Technicians, Administrative Support Workers, Craft Workers, and Laborers. The goals provided in the EEO program contain 12 month, two year, three year, and four year goal projections with all goals being achieved by year four. However, based on the finding discussed under Section 6.5 of this report above, it cannot be conclusively determined whether these goals adequately address minority and female underutilization in the workforce due to the errors cited regarding DTC's utilization analysis.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights the goals and timetables based on the revised utilization analysis.

6.7 Assessment of Employment Practices

Requirement - FTA C. 4704.1.III, 2.f.

Recipients, sub-recipients, contractors, and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. The assessment must include:

1. The number of people by race, national origin, and sex, applying for employment within the past year and the number hired;
2. The number of employees in each job category, by race, national origin, and sex, who have applied for promotion or transfer within the past year and the number promoted and
3. The number of disciplinary actions and terminations, by race, national origin, and sex.

Discussion

During this compliance review, deficiencies were found with Assessment of Employment Practices.

DTC did not provide documentation that it conducts an assessment of employment practices to identify those practices that operate as employment barriers and contribute to underutilization. This includes both a description of their employment practices in detail and statistical analysis to

determine the impact of employment practices. DTC stated it does not currently have a mechanism in place to provide a reasonable assessment of internal and external factors that may inhibit the employment of minorities and women.

DTC's EEO program contains a brief description regarding some of its employment practices to include recruitment, the application and selection process, discipline, and promotion. However, the practices described in the program primarily focus on collective bargaining positions and do not fully address practices involving non-union employees. Although it appears that DTC has the capability to generate the data needed for the statistical analysis through its PeopleSoft Human Resource Management system, the data will not accurately reflect DTC's workforce until the utilization analysis has been revised.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights detailed narrative and statistical assessments of present employment practices to identify those practices that operate as employment barriers. A plan of action must also be submitted detailing how DTC will address areas of underutilization identified in the revised utilization analysis and practices that create a disparate impact on minority and female employment. DTC must also submit copies of its policies and procedures regarding hires, promotions, transfers, hiring and selection panels, performance evaluations, and compensation including the determination of pay grades and any revision of position descriptions.

6.8 Monitoring and Reporting Systems

Requirement - FTA C. 4704.1.III, 2.g.

An internal monitoring and reporting system should enable the agency to assess EEO accomplishments, evaluate the EEO Program during the year, identify those units which have failed to achieve a goal, and provide a precise and factual database for future projections.

Discussion

During this compliance review, deficiencies were found for Monitoring and Reporting Systems.

According to the EEO program, the Compliance Officer is responsible for developing the EEO policy and EEO program, collecting and analyzing data, regularly reviewing progress against program goals and timetables, and reporting progress toward the achievement of goals annually to DTC management. Additionally, it indicates that the Compliance Officer will hold quarterly meetings with its officers, managers and supervisors to discuss goals and to evaluate their progress. Lastly, the Compliance Officer will generate a *5-year EEO written statistical goal* utilizing data compiled each April, August, October and January to evaluate program effectiveness.

During the site visit, the team requested documentation of these efforts. The Compliance Officer stated that DTC does not currently have a reporting and monitoring system in place to assess EEO accomplishments and the items outlined in the Plan of Action in the EEO program have not been completed.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights an effective internal monitoring and reporting system to assess its accomplishments. The monitoring system should include, at a minimum:

- evaluation of the EEO Program goals and timetables
- identification of units that have failed to achieve a goal
- collection of data for future projections
- evaluation of adverse impacts in employment practices
- complaint procedures, complaint tracking, and reports on complaint status to management
- frequency of meetings held with the CEO and management personnel on EEO matters
- frequency and method of disseminating the EEO policy statement
- a summary of orientation sessions, training, and presentations held to discuss DTC's EEO policy

7. Summary of Findings

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
1. Program	ND			
2. Statement of Policy	D	Two critical elements are missing from the statement of policy: Designated EEO Officer is not identified by name. Applicants and employees are not informed of the right to file complaints alleging discrimination.	DTC must submit to the FTA Office of Civil Rights a revised EEO statement of policy that includes all seven of the required elements and names the designated EEO Officer.	Deficiency is now closed.
3. Dissemination	D	The EEO policy statement is not posted in conspicuous locations including employee or applicant areas. The EEO policy statement is not posted on the DTC website so that the general public is aware of the agency's EEO commitment.	Within 60 days of the issuance of the final report, DTC must submit to the FTA Office of Civil Rights evidence that the DTC EEO policy statement is visibly posted in employee and applicant areas in all of DTC's facilities and that the policy statement is posted on the DTC website. Additionally, DTC must submit to the FTA Office of Civil Rights copies of its EEO presentations given to employees and managers, and plan for meeting with minority and female employees to gather suggestions on implementing and refining the EEO program.	Within 60 days of the issuance of the final report.
4. Designation of Personnel Responsibility	D	No evidence currently that the EEO Officer reports to and is directly responsible to the agency's Chief Executive Officer.	DTC must submit to the FTA Office of Civil Rights evidence that the designated EEO Officer reports directly to DTC's CEO on matters related to EEO, performs the nine essential requirements for an effective EEO Officer, and has sufficient staff to	Deficiency is now closed.

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
			implement the program.	
5. Utilization Analysis	D	<p>The utilization analysis was not completed in accordance with the regulations.</p> <p>Job titles are not correctly grouped into appropriate EEO-1 categories.</p> <p>The availability statistics used are from the 2000 Census not the 2010 Census.</p> <p>Census data does not accurately reflect DTC's recruitment efforts for all positions.</p>	<p>DTC must submit to the FTA Office of Civil Rights a revised utilization analysis. This includes:</p> <p>A statistical breakdown of all employees by correct EEO category cross-referenced by race, national origin and sex; and</p> <p>A comparison of the participation rates of minorities and women for each job category with their availability in their relevant labor market utilizing 2010 census data.</p>	<p>Within 60 days of the issuance of the final report.</p> <p>This part of the deficiency is now closed.</p>
6. Goals and Timetables	D	Current goals are based on incorrect utilization and availability data.	DTC must submit to the FTA Office of Civil Rights the goals and timetables based on the revised utilization analysis.	Within 60 days of the issuance of the final report.
7. Assessment of Employment Practices	D	No evidence that DTC conducts an assessment of employment practices to identify those practices that operate as employment barriers and contribute to underutilization. This includes both a description of their employment practices in detail and statistical analysis to determine the impact of employment practices.	DTC must submit to the FTA Office of Civil Rights detailed narrative and statistical assessments of present employment practices to identify those practices that operate as employment barriers. A plan of action must also be submitted detailing how DTC will address areas of underutilization identified in the revised utilization analysis and those practices that create a disparate impact on minority and female employment. DTC must also submit copies of its policies and procedures regarding hires, promotions, transfers, hiring and selection panels, performance evaluations and compensation including the determination of pay grades and any revision of position descriptions.	Within 60 days of the issuance of the final report.

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
8. Monitoring and Reporting System	D	DTC does not have a reporting or monitoring system in place to assess EEO accomplishments.	<p>DTC must submit to the FTA Office of Civil Rights an effective internal monitoring and reporting system to assess its accomplishments. The monitoring system should include, at a minimum:</p> <ul style="list-style-type: none"> • evaluation of the EEO Program goals and timetables • identification of units that have failed to achieve a goal • collection of data for future projections • evaluation of disparate impacts in employment practices • complaint procedures, complaint tracking, and reports on complaint status to management • frequency of meetings held with the CEO and management personnel on EEO matters • frequency and method of disseminating the EEO policy statement • a summary of orientation sessions, training, and presentations held to discuss DTC's EEO policy 	Within 60 days of the issuance of the final report.

Findings at the time of the site visit: ND = No Deficiencies Found; D = Deficiency;
NA = Not Applicable; AC = Advisory Comment



U.S. Department
Of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

September 4, 2015

John Sisson, Chief Executive Officer
Delaware Transit Corporation
119 Lower Beech Street, Suite 100
Wilmington, DE 19805-4440

Dear Mr. Sisson:

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring compliance with the Equal Employment Opportunity program (EEO) pursuant to 49 U.S.C. Section 5332, "Non-Discrimination" as it relates to public transportation. As part of its ongoing oversight efforts, the FTA Office of Civil Rights conducts a number of on-site EEO compliance reviews of these grant recipients. For this reason, the Delaware Transit Corporation (DTC) has been selected for a review of its overall EEO program to take place from November 10-12, 2015.

The purpose of this review will be to determine whether DTC is honoring its commitment, as represented by certification to FTA, to comply with all the provisions of Circular 4704.1.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of EEO program implementation (including, but not limited to discussions to clarify items previously reviewed and interviews with staff), and an exit conference. The reviewers will complete the on-site portion of the review within a three-day period. FTA has engaged the services of the Milligan and Company, LLC (Milligan) of Philadelphia, PA to conduct this compliance review. The Milligan team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled at **10 a.m. EST on Tuesday, November 10, 2015** to introduce the Milligan team and FTA representatives to DTC. Attendees should include you, the EEO Officer, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. The review team will need adequate working space and the use of privately controlled offices with internet access to conduct interviews and review documents. Please let us know if you will designate a member of your staff to serve as DTC's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive within 21 days of the date of this letter.

Electronic copies of documents are preferred. Please upload them to Milligan's file transfer protocol (FTP) site. Your reviewer will reach out to you concerning the use of the FTP site. Please be prepared to designate a point of contact for your agency, for which user access should be provided. You also have the option of sending the documents via email to Sandra Swiacki at sswiacki@milligancpa.com.

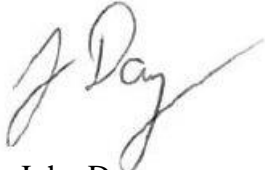
We request the exit conference be scheduled for **12 p.m. EST on November 12, 2015** to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you, the EEO Officer, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual inconsistencies before FTA finalizes the report. The Draft and Final Report, when issued to DTC will be considered public documents subject to release under the Freedom of Information Act, upon request.

DTC representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Brian Whitehead, Program Manager for this compliance review, at 202-366-3051 or via e-mail at brian.whitehead@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Day", with a long, sweeping horizontal stroke extending to the right.

John Day
Program Manager for Policy & Technical Assistance

cc: Terry Garcia-Crews, FTA Region III Administrator
Stacie Parkins, FTA Region III Civil Rights Officer

Delaware Transit Corporation
Equal Employment Opportunity Program Compliance Review

Enclosure 1

You must submit the following information to the Milligan contact person within 21 calendar days from the date of this letter.

1. Summary listing of EEO complaints and lawsuits against DTC during the period of August, 2012 through August 2015, alleging discrimination towards an employee or job applicant. The summary shall indicate the date of the complaint, if the complaint was filed internally or externally, the basis for complaint, and comments describing the resolution or active status of the complaint.
2. Collective Bargaining Agreements for each bargaining unit.
3. Employment Application.
4. Documentation of Internal Dissemination of EEO Policy, such as: annual memo to all employees, new employee acknowledgement form, EEO training materials, etc.
5. Documentation of External Dissemination of EEO Policy, such as EEO policies and procedures included in all contract bid documents, sample employment ads, and sample outreach efforts to minority media and/or organizations.
6. Position descriptions for EEO Counselors.
7. Documentation of methods used to communicate short and long term goals to supervisory personnel and their progress toward goal attainment.
8. Documentation of methods used to hold supervisory personnel accountable for the attainment of goals.
9. Description of EEO training, if any, provided to the EEO Officer and EEO Counselors.
10. A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices.
11. A list of all recruitment sources used during the last year, including the name and telephone numbers of contact persons.
12. A listing of all job titles for which written examinations are conducted.
13. Statistics on separations, disciplinary actions, promotions, and new hires during the period of August 2012 through August 2015.
14. Data on average salaries or wages paid to all employees, as of August 2015, by EEO job category, as well as the average salaries or wages paid to minority and female employees.
15. Summary report of Exit Interview findings for the past three years.
16. Documentation of DTC's EEO monitoring and reporting system as described in the latest

Delaware Transit Corporation
Equal Employment Opportunity Program Compliance Review

EEO Plan for the past three years.

17. A list of all subrecipients who meet the EEO threshold.



February 19, 2016

Ms. Anita Heard
Federal Transit Administration
East Building, 4th Floor
ATTN: Office of Civil Rights
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Ms. Heard:

Thank you for the opportunity to review the draft report for the FTA EEO Compliance Review that was conducted in November 2015.

While it is difficult for me to acknowledge that DTC has not met its obligations relevant to EEO, please be assured that it is my commitment in moving forward that the deficiencies be corrected and policies and procedures put in place to ensure compliance in the future. DTC has continued to work to make improvements that were identified during the Exit Conference and, as finalized, will provide that information upon receipt of the Final Report to address the deficiencies.

DTC staff have reviewed the draft report and provided the following comments regarding the facts presented in the report as of November:

4.1 Introduction to Services and Organizational Structure

- See attached changes regarding services

6.1 Program Submission – No comments

6.2 Statement of Policy

- A revised Statement of Policy poster was forwarded to Milligan January 5, 2016

6.3 Dissemination – No comments

6.4 Designation of Personnel Responsibility

- Revised job descriptions were forwarded to Milligan December 28, 2015
- Revised organizational charts were forwarded to Milligan January 5, 2016 with corrections as suggested by Milligan to include EEO Officer along with Director of Civil Rights for Bonnie Hitch on the organizational chart.

6.5 Utilization Analysis

- The Workforce Analysis was forwarded to FTA on February 8, 2016.
- On December 10, 2015 FTA requested DTC use EEO-4 categories instead of EEO-1.
- DTC utilized the EEO-1 worksheet, changing the job categories to represent EEO-4 job categories. DTC's last EEO-4 report was filed using the EEOC's "Prior Form" and not the revised "Alternative Form". Therefore, our race/ethnic information is reflected in five categories rather than seven categories as required by the revised Alternative Form.
- As per request by FTA, census data from 2010 was utilized; including surrounding counties for the labor market availability.

6.6 Goals and Timetables – No comments

6.7 Assessment of Employment Practices – No comments

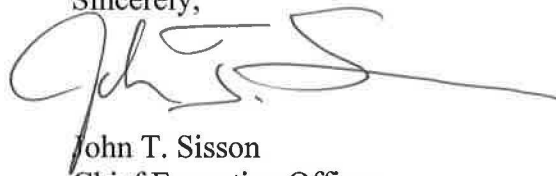
6.8 Monitoring and Reporting Systems – No comments

Since the review, DTC has continued to work to make improvements that were identified during the Exit Conference and, as finalized, will provide that information upon receipt of the Final Report to address the deficiencies.

Please be advised that moving forward, Bonnie Hitch, Director of Civil Rights and designated EEO Officer, will be responsible for all correspondence and submissions regarding the review.

Please do not hesitate to contact either Bonnie or myself if you have any questions.

Sincerely,



John T. Sisson
Chief Executive Officer

JT:bh
Attachments