

Rhode Island Public

Transit Authority

EEO Compliance Review

Final Report

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Federal Transit Administration



**PRE PA RE D BY**

The DMP Group, LLC

Washington, DC





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1. General Information

Grant Recipient: Rhode Island Public Transit Authority (RIPTA)

City/State: Providence, Rhode Island

Grantee Number: 1388

Executive Official: Charles Odimgbe

Chief Executive Officer

Rhode Island Public Transit Authority

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Site Visit Dates: July 11–13, 2012

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1. 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.”

The Rhode Island Public Transit Authority (RIPTA) 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 RIPTA’s EEO Program and were the basis for the selection of compliance elements that were reviewed in this document.

## PURPOSE AND OBJECTIVES

**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 , as represented by certification to FTA, to comply with their responsibilities under 49 U.S.C. Section 5332, FTA Circular 4704.1, and 49 CFR Part 27. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of RIPTA’s Equal Employment Opportunity Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC, to conduct this EEO Compliance Review of RIPTA. The primary purpose of the EEO Compliance Review was to determine the extent to which RIPTA has met its EEO program goals and objectives, as represented to FTA, in its EEO Program Plan. This Compliance Review was intended to be a fact-finding process to: (1) examine RIPTA’s EEO Program Plan 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.

**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, creed, 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 are employed, and that employees are treated during employment without regard to race, color, creed, 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/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 RIPTA 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 RIPTA’s EEO Program Plan 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 RIPTA’s employment practices, including recruitment, hiring, training, promotion, compensation, retention, and discipline from a variety of sources, including Human Resources Department staff and other RIPTA management and staff.

1. Background information

The Rhode Island Governor named the Rhode Island Public Transit Authority (RIPTA) to be the designated recipient for the urbanized and rural area portions of grants for FTA Sections 5307, 5310, 5311, 5316, and 5317 program funds. Rhode Island is a small state with a central urban area centered around its capital city, Providence. RIPTA is the state’s only public transit system, with the responsibility for public transit service throughout Rhode Island. RIPTA’s goal is to provide an integrated system of public transit and provide a mixture of coordinated public transit service modes to meet the needs of the state’s various passenger groups and geographic areas.

RIPTA is a quasi-public agency of the state of Rhode Island, governed by an eight-member board. RIPTA operates a variety of transportation services, including fixed-route bus service, zone-based community transportation, and brokered demand-response service for three state programs that provide human services transportation. RIPTA also provides ADA complementary service for persons who, because of their disabilities, are unable to use RIPTA’s fixed-route service. By state law, RIPTA participates in an on-going agreement with the Rhode Island Department of Administration and the Rhode Island Department of Transportation (RIDOT) that establishes the conditions for administration and oversight of state funds allocated to RIPTA.

RIPTA staff is responsible for supporting the work of statewide planning programs and planning transit services for fixed-route, demand-response, neighborhood circulator, and special public transit services.

RIPTA’s mission is “to provide safe, reliable, and cost-effective transit service with a skilled team of professionals responsive to our customers and the environment and committed to transit excellence.”

According to RIPTA’s most recent workforce statistics, dated June 30, 2011, RIPTA had 813 employees, and minorities represented 18.6 percent (151) of the total workforce as follows:

* Black — 11.1 percent
* Hispanic — 7.1 percent
* American Indian — less than one percent
* Asian — less than one percent
* Hawaiian/Pacific Islander — zero

Females represented 24.1 percent of the workforce. Approximately 98 percent of the 813 positions in RIPTA’s workforce were represented by three unions: the Amalgamated Transit Union (ATU) Local 618, the ATU Local 618A, and the Laborers’ International Union of North America (LIUNA) Local 808.

The Chief Executive Officer (CEO) had the ultimate responsibility for the implementation of RIPTA’s EEO program. The Assistant General Manager of Planning and Marketing was designated as the EEO Officer and was responsible for the implementation of the EEO program. The EEO Officer reported to RIPTA’s CEO. At the time of the Compliance Review and according to RIPTA’s most recent organization chart, the following positions reported directly to the CEO:

* Executive Assistant/Office Manager
* Planning/Marketing EEO Officer
* Finance
* Chief Information Officer
* Transportation Operations
* Attorney
* Administration
* Human Resources
* Maintenance

The following table represent a demographic profile of the state of Rhode Island, RIPTA’s service area, using data from the 2000 and the 2010 Census. Table 1 shows the 2000 and 2010 population by racial/ethnic group, the increase (or decrease) in population from 2000 to 2010, and the percentage of the racial/ethnic group population to the total population in both 2000 and 2010.

According to the 2010 Census, 81.4 percent of the total service area was White, 5.7 percent was Black, 12.4 percent was Hispanic, 2.9 percent was Asian, Hawaiian/Pacific Islander was 0.1 percent, and 0.6 percent was American Indian/Alaskan Native.

From 2000 to 2010, the total population of the RIPTA service area increased 0.4 percent. The White population decreased 3.9 percent, Blacks increased 28.3 percent, Hispanics increased 43.9 percent, Asians increased 28.7 percent, Hawaiian/Pacific Islanders decreased 2.3 percent, and American Indian/Alaskan Natives increased 18.3 percent.

**Table 1 – Demographics of Rhode Island Racial/ Ethnic Breakdown**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | **Population 2000** | | **Population 2010** | | **Change** | |
| **#** | **%** | **#** | **%** | **#** | **%**  **Change** |
| White | 891,191 | 85.0% | 856,869 | 81.4% | (34,322) | (3.9)% |
| Black | 46,908 | 4.5% | 60,189 | 5.7% | 13,281 | 28.3% |
| American Indian/Alaska Native | 5,121 | 0.5% | 6,058 | 0.6% | 937 | 18.3% |
| Asian | 23,665 | 2.3% | 30,457 | 2.9% | 6,792 | 28.7% |
| Hawaiian/ Pacific Islander | 567 | 0.1% | 554 | 0.1% | (13) | (2.3)% |
| Other Race | 52,616 | 5.0% | 63,653 | 6.0% | 11,037 | 21.0% |
| Two or More | 28,251 | 2.7% | 34,787 | 3.3% | 6,536 | 23.1% |
| Hispanic Origin\* | 90,820 | 8.7% | 130,665 | 12.4% | 39,845 | 43.9% |
| **Total** | **1,048,319** | **100%** | **1,052,567** | **100%** | **4,248** | **0.4%** |

\*Per the 2000 and 2010 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

Source: U.S. Census

1. scope and methodology

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 both employs 50 or more transit-related employees (including temporary, full-time or part-time employees) 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. 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.

**METHODOLOGY**

The initial step of this EEO Compliance Review consisted of consultation with the FTA Region I Civil Rights Officer and Civil Rights Headquarters staff regarding the decision to conduct a Compliance Review of RIPTA. Relevant documents from FTA’s files were reviewed as background. Next, an agenda letter was prepared and sent to RIPTA by FTA’s Office of Civil Rights. The agenda letter notified RIPTA of the planned Compliance Review, requested preliminary documents, and informed RIPTA of additional documents needed and areas that would be covered during the on-site portion of the review. It also informed RIPTA of the staff and other organizations and individuals that would be interviewed. The following documents were requested:

| FTA Circular 4704.1 RequirementDocumentation to Be Provided Prior to Site Visit |
| --- |
| **0. Background** |
| 1. Summary Listing of EEO complaints and lawsuits against RIPTA during the period from January 1, 2009–March 31, 2012, 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. |
| 1. Collective Bargaining Agreements for each bargaining unit. |
| 1. RIPTA Employment Application |
| **1. Program Submission (FTA C. 4704.1.II, 5.)** |
| No documents requested. |
| **2. Statement of Policy (FTA C. 4704.1.III, 2.a.)** |
| No documents requested. |
| 3. Dissemination (FTA C. 4704.1.III, 2.b.) |
| Documentation of Internal Dissemination of EEO Policy, such as annual memo to all employees, new employee acknowledgement form, EEO training materials, etc. |
| 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.)** |
| 1. RIPTA position descriptions for EEO Counselors. |
| 1. Description of EEO training, if any, provided to the EEO Officer and EEO Counselors. |
| **5. Utilization Analysis (FTA C. 4704.1.III, 2.d.)** |
| 1. Workforce Availability/Utilization Analysis for 2009 and 2010 using the same format as shown on Page 24 of Appendix A of RIPTA’s EEO Plan, dated March 1, 2012. It is not necessary to provide the supporting tables for these years, as shown on pages 25–32. |
| **6. Goals and Timetables (FTA C. 4704.1.III, 2.e.)** |
| No documents requested. |
| **7. Assessment of Employment Practices (FTA C. 4704.1.III, 2.f.)** |
| 1. A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices. |
| 1. A list of all recruitment sources used during the last year, including the name and telephone numbers of contact persons. |
| 1. A listing of all job titles for which written examinations are conducted. |
| 1. Statistics on separations, disciplinary actions, promotions, and new hires for FY 09 and FY 10, similar to that provided in Appendix D of RIPTA’s EEO Plan, dated March 1, 2012. |
| 1. Data on average salaries or wages paid to all employees as of June 2011 by EEO job category, as well as the average salaries or wages paid to minority and female employees. |
| 1. Summary report of exit interview findings for the past three years. |
| **8. Monitoring and Reporting System (FTA C. 4704.1.III, 2.g.)** |
| 1. Documentation of RIPTA’s EEO monitoring and reporting system as described in RIPTA’s EEO Plan dated March 1, 2012. |

RIPTA 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.

RIPTA’s site visit occurred July 11–13, 2012. The Entrance Conference was conducted at the beginning of the Compliance Review with RIPTA’s senior management staff, FTA’s Regional Civil Rights Officer, FTA Headquarters’ Civil Rights EEO 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.

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

On the second day, a group interview was conducted with members of RIPTA’s Human Resources staff to learn about RIPTA’s employment practices, including recruitment, testing, hiring, promotions, transfers, disciplines and terminations. Files and records of employment actions such as new hires, promotions, demotions, and terminations were reviewed.

Throughout the three-day site visit, interviews were also conducted with selected employees and managers in RIPTA’s Administrative Offices and Operations facilities located on Elmwood Avenue in Providence.

At the end of the site visit, an Exit Conference was held with RIPTA’s senior managementstaff, FTA’s EEO Equal Opportunity Specialist, and the contractor review team. At the Exit Conference, initial findings and corrective actions were discussed with RIPTA. A complete list of attendees at the EEO Compliance Review is included in Section VIII of this report.

**Staff Interviews**

Twelve staff members were independently selected by the review team for interviews. The staff members selected were an ethnically and gender diverse group and included hourly and salaried employees. Staff members’ tenure with RIPTA ranged from 6 to 25 years.

The general consensus was that there was little or no knowledge of who the EEO Officer was or their responsibilities within the organization. There was also a general consensus that there were no job classifications within the agency that did not have adequate female and/or minority representation and that hiring/promotion barriers did not exist within the organization. Everyone interviewed felt that the information regarding the EEO Program could be better disseminated, and several employees mentioned that the information should be reinforced periodically.

1. Findings and recommendations

The EEO Compliance Review focused on RIPTA’s compliance with eight specific requirements of FTA Circular 4704.1. This section describes the requirements and findings at the time of the Compliance Review site visit.

Deficiencies were identified in the following three areas: Designation of Personnel Responsibility, Goals and Timetables, and Monitoring and Reporting Systems.

1. Program Submission

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

**Finding**: During this Compliance Review of RIPTA, no deficiencies were found with FTA requirements for program submission. RIPTA submitted its EEO Plan to FTA in July 2010. FTA reviewed the program in March 2011 and granted conditional approval, identifying a number of critical elements that were missing or were not adequately addressed. These elements included:

* EEO Policy Statement
* Internal and external dissemination mechanisms
* Designation of EEO Officer and identification of responsibilities
* Utilization analysis
* Narrative of employment practices
* Statistical data regarding the impact of employment practices
* Plan of action to address underutilization
* System for monitoring and reporting

RIPTA submitted an acceptable EEO Plan on March 1, 2012. FTA approved the EEO Plan through May 1, 2013. Prior to the site visit, the review team examined the Rhode Island Public Transit Authority Equal Employment Opportunity Plan. RIPTA’s EEO Plan comprised the following areas:

* Statement of Policy
* RIPTA EEO Policy Dissemination
* Designation of Responsibility
* Overview of RIPTA Employment Practices
* RIPTA Workforce Utilization Analysis
* Assessment of RIPTA Employment Practices
* Record Keeping, Monitoring, and Reporting
* Review of 2007 Affirmative Action Goals
* Affirmative Action Goals for FY 12–FY 14

The March 1, 2012, EEO Plan (approved through May 1, 2013) served as the basis for this Compliance Review.

1. Statement of Policy

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, no deficiencies were found with FTA requirements for Statement of Policy. Prior to the site visit, RIPTA provided the review team with its EEO Plan, dated March 1, 2012. Included in the EEO plan was a Statement of Policy, also dated March 1, 2012, that was signed by RIPTA’s Chief Executive Officer (CEO). The EEO Statement of Policy in the EEO Plan contained all of the required elements of a Statement of Policy as described in FTA Circular C 4704.1 III 2.a as indicated in the table below.

|  |  |
| --- | --- |
| FTA C. 4704.1 III 2.a Policy Statement Requirements | **RIPTA EEO Policy March 2012** |
| Issued by CEO | Yes |
| Commitment to EEO | Yes |
| Undertake an Affirmative Action Program | Yes |
| EEO program assignment to agency executive | Yes |
| Management personnel share responsibility | Yes |
| Applicants/employees right to file complaints | Yes |
| Performance by managers/supervisors evaluated | Yes |
| Successful achievement provides benefits | Yes |

1. Dissemination

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, no deficiencies were found with FTA requirements for Dissemination. Included in the Dissemination of Policy sections of RIPTA’s EEO Plan was the following list of methods RIPTA used to disseminate its EEO Policy internally and externally:

Internal Communications

* Posting of EEO Policy on employee bulletin boards.
* Annually distributed EEO Policy to all employees via an internal memorandum.
* Posting the EEO Policy on the RIPTA website.
* Inclusion of the EEO Policy and Program in the RIPTA Policy and Operations Manual.
* Addressing Equal Employment Opportunity in union contracts.
* New employees are provided with a copy of RIPTA’s EEO Policy during orientation.
* An EEO training plan was developed to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning EEO-related rights and responsibilities.
* Forums are held quarterly in which the EEO Policy and Program will be reviewed.

External Communications

* Including the statement that RIPTA is an “Equal Employment Opportunity Employer” on all advertising.
* As necessary and appropriate, RIPTA will distribute its Affirmative Action Plan, EEO policy, and other civil rights procedures to those providing contractual services to the Authority.
* Including the statement that RIPTA is an “Equal Employment Opportunity Employer” on all RIPTA employment applications.

Prior to the site visit, RIPTA provided documentation showing that its job postings included the statement that RIPTA is an Equal Opportunity Employer. RIPTA also provided a copy of its new employee orientation presentation that included a slide on EEO that described RIPTA’s Statement on Non-Discrimination and noted that RIPTA maintained an Affirmative Action Plan to comply with federal and state requirements. The orientation presentation did not include RIPTA’s EEO Policy. RIPTA’s labor agreements did include non-discrimination provisions.

During the first day of the site visit, RIPTA had not disseminated its EEO Policy internally as described in its EEO Plan. The EEO Policy had not been distributed to employees within the past year, posted on employee bulletin boards, posted on RIPTA’s intranet, or distributed during new employee orientation. RIPTA did meet the guidelines described in its EEO Program for external dissemination.

Prior to the exit conference, RIPTA took steps to disseminate its EEO Policy internally. The review team confirmed that RIPTA had posted its EEO Policy to its website, both for the public and employees (intranet). In addition, RIPTA’s training department was instructed to distribute its EEO Policy to new employees during the orientation. Further, the review team observed that the EEO Policy was posted to various employee bulletin boards throughout the administrative and operations facilities.

1. Designation of Personnel Responsibility

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, deficiencies were found with FTA requirements for Designation of Personnel Responsibilities. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c states:

An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency’s CEO. Since managing the EEO Program requires a major commitment of time and resources, the Manager/Director of EEO should be given top management support and assigned a staff commensurate with the importance of this program.

Prior to the site visit, RIPTA provided its EEO Plan, which contained a section entitled “Designation of Responsibility” that detailed who was designated as RIPTA’s EEO Officer, the essential requirements for the position, the EEO Officer’s responsibilities, and management’s responsibility to RIPTA’s EEO Plan. As of March 1, 2012, the Assistant General Manager of Planning and Marketing was the designated EEO Officer. Prior to March 1, 2012, RIPTA’s EEO Officer was the Director of Human Resources, which presented a conflict of interest. RIPTA also provided a job description for the recently-created position of ComplianceOfficer, dated June 2012. This position had been created in response to a FY 2012 Triennial Review deficiency regarding the DBE Liason Officer and in anticipation of a need to reassign the EEO Officer duties. RIPTA’s Board of Directors approved the new position; however, the position had not been filled as of the time of the site visit.

The following table identifies the EEO responsibilities outlined in FTA Circular 4704.1 III.2.c, and denotes which of these duties were carried out by the current EEO Officer and those duties included in the job description for the recently approved position of Compliance Officer.

|  |  |  |
| --- | --- | --- |
| **EEO Officer Program Responsibilities**  (FTA Circular 4704.1 III.2.c) | **RIPTA EEO Officer Duties** | **RIPTA Compliance Officer Duties** |
| Develop EEO Policy/Program | Yes | Yes |
| Assist management with data needs, setting goals and timetables, etc. | No | Yes |
| Internal monitoring and reporting system | No | Yes |
| Reporting periodically to CEO on EEO progress | No | Yes |
| Liaison to outside organizations/groups | No | No |
| Current information dissemination | No | Yes |
| Recruitment assistance/establish outreach sources | No | Yes |
| Concur in all hires/promotions | No | No |
| Process employment discrimination complaints | No | “When directed” |

During the site visit, RIPTA was not able to demonstrate that the Assistant General Manager of Planning and Marketing had been carrying out the functions of the EEO Officer as detailed in the EEO Plan and according to FTA C 4704.1 III 2.c. It should be noted that RIPTA reported during the site visit that the Assistant General Manager of Planning and Marketing in the capacity as the EEO Officer had not been performing many of the applicable duties with the exception of developing the EEO Program.

During the site visit, the review team provided RIPTA with technical assistance for assuring that the newly-created position of Compliance Officer adheres to FTA requirements according to FTA Circular 4704. 1, III.2.c for an EEO Officer. RIPTA was advised to update the position description for the Compliance Officer to include all the responsibilities of an EEO Officer. RIPTA was also provided a sample of a position description that included all the responsibilities.

**Corrective Action and Schedule**: No later than December 31, 2012, RIPTA must submit to the FTA Office of Civil Rights documentation that EEO (Compliance) Officer has been hired and that he/she is responsible for all of the required duties.

1. Utilization Analysis

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, no deficiencies were found with FTA requirements for Utilization Analysis. RIPTA’s EEO Plan contained a section entitled “RIPTA Workforce Utilization Analysis” that provided information as of June 30, 2011. Prior to the site visit, RIPTA also provided Utilization Analyses for the periods ending June 30, 2009, and June 30, 2010. These workforce analyses included statistical breakdowns of the workforce by department, job group and job title. The workforce was cross-referenced by race, national origin, and gender. RIPTA’s current workforce was compared to the available workforce for the relevant labor market to identify areas of underutilization. RIPTA identified the relevant labor market to be the state of Rhode Island civilian workforce. The workforce analyses were categorized into the following job groups:

* Officials and Managers
* Professionals
* Technicians
* Administrative Support
* Skilled Craft
* Service /Maintenance

Key findings of the RIPTA’s workforce analysis for the period ending June 30, 2011, showed:

* Total workforce was 813 employees.
* Total Hispanic representation was 7.1 percent
* Total Black representation was 11.1 percent
* Total Female representation was 24.1 percent

During the site visit, the review team examined the annual utilization analyses that RIPTA prepared for 2009, 2010, and 2011. It was noted that the availability numbers in the 2011 Utilization Analysis in the EEO Plan were different from the availability numbers in the 2010 Utilization Analysis. According to RIPTA’s EEO Plan, the 2000 US Census data was used to determine the available workforce for the relevant labor market. During the site visit, RIPTA explained that the available workforce presented in its 2011 utilization analysis in the EEO Plan was actually obtained from the 2008 American Community Survey (ACS). RIPTA was advised to indicate in its next plan the change in the source used to determine the available workforce.

1. **Goals and Timetables**

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, deficiencies were found with FTA requirements for Goals and Timetables. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2e state:

Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis.

Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible.

Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals.

RIPTA’s EEO Plan contained a narrative discussion of the goals for each job group in the section entitled “Affirmative Action Goals for FY 12–FY 14.” There was also a discussion of RIPTA’s performance of its 2007 goals that included the status of the goals and an explanation of why the goals were not met in a section entitled “Review of 2007 Affirmative Action Goals.” RIPTA’s EEO Plan also included a table entitled “Comparison of RIPTA Workforce to RI Civilian Labor Force (100%) Availability.”The table included the following details about the underutilization of RIPTA’s workforce relative to the Rhode Island’s civilian workforce.

|  |  |  |  |
| --- | --- | --- | --- |
| **Job Category** |  | **Underutilization** | |
| **%** | **#** |
| **Total RIPTA Workforce** | Female | 24.3% | 197 |
| **Officials and Managers** | Female | 25.7% | 3 |
| **Professionals** | Female | 26.1% | 8 |
| Minority | 9.4% | 2 |
| **Technicians** | Female | 50.4% | 21 |
| Minority | 2.6% | 1 |
| **Administrative Support** | Female | 11.3% | 8 |
| **Skilled Craft Workers** | Female | 5.4% | 4 |
| Minority | 8.1% | 6 |
| **Service and Maintenance** | Female | 32.5% | 187 |

The chart showed the calculation for the percentage of underutilization and the resulting numerical goals for each job category for females and minorities. RIPTA’s Utilization Analysis provided prior to the site visit included its short-term numerical and percentage goals for 2009, 2010, and 2011. The goals established as of June 30, 2011 for FY 2012–2014 were as follows:

* Overall: Increase minority representation from 18.6 percent to 20 percent and increase female representation from 24 percent to 26 percent
* Officials/Managers: Increase female representation by two employees.
* Professional: Increase female and minority representation by one employee.
* Service/Maintenance: Increase female representation by 30 employees.

These may be acceptable as short-term goals, but they are not sufficient to correct the underutilization identified for each job category. There had been little movement in the percentage of females in the RIPTA workforce (24.1 percent) over the previous three years, even though several of the short-term goals for those periods had been achieved. RIPTA did not establish long-term percentage goals as required by FTA Circular 4704.1.

**Corrective Action and Schedule**: No later than December 31, 2012, RIPTA must submit to the FTA Office of Civil Rights long-range percentage goals in accordance with FTA Circular 4704.1, Chapter III, 2e.

1. Assessment of Employment Practices

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

**Finding**: During this Compliance Review of RIPTA, no deficiencies were found with FTA requirements for Assessment of Employment Practices. RIPTA provided documentation that it had regularly conducted qualitative and quantitative assessments of employment practices.

FTA Circular 4704.1 III.2.f requires grantees to undertake a qualitative and quantitative analysis of employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization, as follows:

Qualitative analyses should include narrative descriptions of the following:

* Recruitment and employment selection procedures from the agency’s last EEO submission.
* Seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the last EEO submission.
* Procedures and practices regarding wages, salary levels, and other forms of compensation and benefits.
* Disciplinary procedures and discharge and termination practices.
* Assessment of the impact of external factors.

Quantitative analyses should include the following statistical data by race, national origin, and sex:

* Number of job applicants and the number of individuals offered employment.
* Number of employees in each job category that applied for a promotion or transfer, and the number of employees who were promoted or transferred.
* Number of disciplinary actions and terminations (by type).

RIPTA’s EEO Plan contained a section entitled “Assessment of RIPTA Employment Practices” that contained a narrative description of employment practices, such as recruiting and hiring; retention efforts, training opportunities, and promotions; disciplinary actions; and external factors. In the utilization section of RIPTA’s EEO plan, there is a discussion of the underutilization of each job category and an analysis of termination data. Appendix D of the EEO Plan contained statistical analysis of employment practices for Fiscal Year 2011. The charts contained in that appendix reported information on separations, disciplinary actions, hires, and promotions broken down by race/ethnicity and gender.

Prior to the site visit, RIPTA provided statistical reports on employment practices covering separations and disciplinary actions, hiring, and promotion for 2009 and 2010. RIPTA also provided a report on average salaries for the agency, a list of all jobs that required written exams, and a list of its recruitment resources used within the previous year.

The table below summarizes the qualitative and quantitative analysis of employment practices required per FTA C. 4704.1 III.2.f found in the reports provided by RIPTA.

|  |  |
| --- | --- |
| **RIPTA’s Assessment of Employment Practices** | |
| **Quantitative and Qualitative Assessment**  (FTA Circular 4704.1 III.2.f) | |
| **Narrative Description and Analysis** | |
| Recruitment and employment selection procedures from the agency’s last EEO submission. | Yes |
| Seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the last EEO submission. | Yes |
| Procedures and practices regarding wages, salary levels, and other forms of compensation and benefits. | Yes |
| Disciplinary procedures and discharge and termination practices. | Yes |
| Assessment of the impact of external factors (not knowing where to apply for jobs, the availability of bilingual materials and information) | Yes |
| Proposed program of remedial, affirmative actions to address problem areas | Yes |
| **Statistical Data** | |
| Number of job applicants and the number of individuals offered employment. | Yes |
| Number of employees in each job category that applied for a promotion or transfer, and the number of employees who were promoted or transferred in the past year. | Yes |
| Number of disciplinary actions and terminations (by type) in the past year. | Yes |

1. Monitoring and Reporting Systems

**Requirement**: 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.

**Finding**: During this Compliance Review of RIPTA, deficiencies were found with FTA requirements for Monitoring and Reporting Systems. FTA Circular 4704.1, Chapter III, 2.g, states:

An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should serve the following basic purposes:

* Assessing EEO accomplishments.
* Enabling the agency to evaluate the EEO program during the year and to take necessary corrective actions, as necessary.
* Identifying those units which have failed to achieve a goal or implement affirmative action.
* Providing precise and factual database for future projections.

RIPTA’s EEO Plan included a section entitled “Recordkeeping, Monitoring and Reporting” that discussed its electronic record keeping system for the monitoring of applicants, promotions, training, transfers, complaints, and terminations and its procedures for determining the effectiveness of its Affirmative Action Plan. In the “Designation of Responsibility” section of the EEO Plan, there were additional details about RIPTA’s monitoring and reporting system and the various quarterly reports that were to be prepared and presented to the management team. As described in the EEO Plan, the quarterly reports covered:

* Any internal and external dissemination of EEO policy/statements
* Any hiring, terminations, and discipline EEO reports
* Any EEO related complaints filed and the progress of same
* Summary of EEO underutilization goals and where RIPTA scores in achieving those goals and identifying any problem areas
* Trend and analysis of the Affirmative Action goals

During the site visit, RIPTA disclosed that it had not monitored and reported on its EEO Program as detailed in its EEO Plan. The review team was provided a copy of a semi-annual report that RIPTA prepares for the State EEO Office. This semi-annual report covers all of the areas required by FTA. RIPTA was advised that the semi-annual reports submitted to the State could be regularly presented to the management of RIPTA as part of its monitoring and reporting system.

**Corrective Action and Schedule**: No later than December 31, 2012, RIPTA must submit to the FTA Office of Civil Rights a system for monitoring and reporting on its accomplishments, including a specific time period for reporting (e.g., quarterly or semi-annually) as detailed in its EEO Plan.

1. SUMMARY OF FINDINGS

| **Requirements of**  **FTA Circular 4704.1** | **Site Review Finding** | **Description of Deficiencies** | **Corrective Actions** | **Response Days/ Closed Date** |
| --- | --- | --- | --- | --- |
| 1. Program Submission | ND |  |  |  |
| 1. Statement of Policy | ND |  |  |  |
| 1. Dissemination | ND |  |  |  |
| 1. Designation of Personnel Responsibility | D | EEO Officer does not perform required duties | RIPTA must submit to the FTA Office of Civil Rights documentation that EEO Officer has been hired and that he/she is responsible for all of the required duties. | 12/31/12 |
| 1. Utilization Analysis | ND |  |  |  |
| 1. Goals and Timetables | D | No long-term percentage goals | RIPTA must submit to the FTA Office of Civil Rights long-range percentage goals in accordance with FTA Circular 4704.1. Chapter III, 2e. | 12/31/12 |
| 1. Assessment of Employment Practices | ND |  |  |  |
| 1. Monitoring and Reporting System | D | No monitoring and reporting system | RIPTA must submit to the FTA Office of Civil Rights a system for monitoring and reporting on its accomplishments, including a specific time period for reporting (e.g., quarterly or semi-annually) as detailed in its EEO Plan. | 12/31/12 |

ND = No Deficiency; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC=Advisory Comments

1. attendees

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| --- | --- | --- | --- |
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