

# FTA

FEDERAL TRANSIT ADMINISTRATION

## **Sacramento Regional Transit District** Equal Employment Opportunity (EEO) Compliance Review

Final Report  
March 2017



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



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## Executive Summary

Objective and Methodology – This report details the findings of a Compliance Review of the Sacramento Regional Transit District (RT) Equal Employment Opportunity (EEO) program implementation. The Compliance Review examined this agency’s EEO program procedures, management structures, actions, and documentation. The Federal Transit Administration (FTA) and RT provided documents and information. In addition, representatives of the following entities were interviewed as a part of this Compliance Review: Asian Resources, Careers Now, and El Hispano. The three-day Compliance Review included interviews of staff and managers, assessments of data collection systems, and a review of program and contract documents.

### RT’s EEO Program includes the following positive program elements –

#### Positive Program Elements

- Designation of Personnel Responsibility – The EEO Administrator had substantial knowledge and experience and appeared to have earned the trust of the General Manager/CEO and RT employees.
- Statement of Policy - RT adopted a new EEO Policy Statement using the sample in the updated FTA EEO Circular (4704.1A). The Policy was mailed to all employees by the EEO Administrator. The updated Policy had been posted in all RT facilities and was uploaded to RT’s website.
- Utilization Analysis - RT’s Utilization Analysis, dated 12/31/2014, fully complied with the requirements of the EEO Circular.

### The Program has the following administrative weakness -

#### Administrative Weaknesses

- Program Submission – RT’s EEO Program was lacking in key areas.

### The Program has the following substantive deficiencies –

#### Substantive Deficiencies

- Goals and Timetables – RT did not set short or long term goals. There were no timetables associated with the *Placement Goals* in the EEO Program.
- Assessment of Employment Practices - RT’s EEO Program contained a narrative description of selected employment practices but contained no quantitative or qualitative analysis of these practices. The Program did not identify causes of underutilization or validate or justify practices that had an adverse impact on women or minorities.
- Monitoring and Reporting System - RT did not prepare or submit periodic reports assessing EEO accomplishments. The EEO Administrator met with the CEO, but did not regularly meet with the Executive Management Team to discuss EEO issues or concerns.

## I. General Information

This chapter provides basic information concerning this Compliance Review of the Sacramento Regional Transit District (RT). The table below includes information on RT, the review team, and the dates of the Compliance Review.

<b>Grant Recipient:</b>	Sacramento Regional Transit District (RT)
<b>City/State:</b>	Sacramento, CA
<b>Grantee Number:</b>	1659
<b>Executive Official:</b>	Henry Li, General Manager/Chief Executive Officer (CEO)
<b>On-site Liaison:</b>	Kim Holman, EEO Administrator
<b>Report Prepared by:</b>	The DMP Group, LLC
<b>Dates of On-site Visit:</b>	December 13–15, 2016
<b>Compliance Review Team Members:</b>	Maxine Marshall, Lead Reviewer Khalique Davis, Reviewer Danielle Slattery, Reviewer

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## 2. Jurisdiction and Authorities

The Secretary of Transportation authorized the Federal Transit Administration (FTA) Office of Civil Rights to conduct Civil Rights Compliance Reviews. Accordingly, the FTA conducts Equal Employment Opportunity (EEO) Reviews 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 Sacramento Regional Transit District (RT) 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 RT must address and incorporate in its EEO Program, and were the basis for the selection of compliance elements reviewed and included in this document.

It should be noted that FTA issued an updated EEO Circular (4704.1A) on October 31, 2016. The updated EEO Circular includes new threshold requirements and a few other changes to the EEO Program requirements.

This Compliance Review was based on FTA Circular 4704.1. However, corrective actions required as a result of deficiencies are expected to be completed in line with the updated EEO Circular, FTA Circular 4704.1A. Additionally, technical assistance was provided to the grantee on the requirements of the updated Circular that differed from previous requirements.



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## 3. Purpose and Objectives

### 3.1 Purpose

The FTA Office of Civil Rights periodically conducts EEO Compliance Reviews of grant recipients and subrecipients 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 the Sacramento Regional Transit District (RT) Equal Employment Opportunity Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct this EEO Compliance Review of RT. The primary purpose of the EEO Compliance Review was to determine the extent to which RT had met its EEO program goals and objectives in its EEO Program Plan, as represented to FTA. This Compliance Review was a fact-finding process to (1) examine RT'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 subrecipients, 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, subrecipients, 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, subrecipients, 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, subrecipients, 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, recipients will notify applicants/employees of the recipients' 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.

The objectives of this EEO Compliance Review were:

- To determine whether RT was 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 RT's EEO Program against the compliance standards set forth in the regulations and document the compliance status of each component.
- To gather information and data regarding all aspects of RT employment practices, including recruitment, hiring, training, promotion, compensation, retention, and discipline from a variety of sources, including Human Resources Department staff and other RT management and staff.

## 4. Background Information

The Sacramento Regional Transit District (RT) was created by the California State Legislature in 1971 and began operations in April 1973. It constructs, operates, and maintains a comprehensive transit system that is authorized to provide service within approximately 418 square miles in Sacramento County, with a service area population of approximately 2.2 million people. The RT Board of Directors consists of four members from the City of Sacramento, three members from the County of Sacramento, and one member each from the Cities of Rancho Cordova, Citrus Heights, Elk Grove, and Folsom. The fiscal year 2015 operating budget was \$147.5 million, with a capital budget of \$51 million.

### 4.1 Introduction to Services and Organizational Structure

At the time of the site visit, RT operated a fixed-route bus network of 69 routes, one general public dial-a-ride service, a light rail system of 42.9 miles and an ADA complementary paratransit service. Bus and rail service were operated directly by RT. A contractor, Paratransit, Inc., operated the ADA complementary paratransit service. Complementary paratransit service was available to origins and destinations within a  $\frac{3}{4}$  mile radius of Sacramento RT's bus routes or light rail stations during regular service hours and throughout the majority of the service area. The basic adult fare for bus and light rail service was \$2.50. A reduced fare of \$1.25 was offered to students, seniors, persons with disabilities, and Medicare cardholders. RT also offered daily and monthly passes and pre-paid ticket books. RT operated a fleet of 205 buses and 76 light rail cars that provided fixed-route service. The primary bus operations and maintenance facility was located at 1323 28th Street in Sacramento, with a light maintenance satellite facility at 3701 Dudley Boulevard in McClellan Park. Light rail service was operated from a 12-acre site at 2700 Academy Way in Sacramento.

The administrative offices were located at 1400 29th Street in Sacramento. All of these facilities have been funded in part by FTA. RT has 25 light rail stations that provided bus connections and eight bus-only transit centers throughout its service area.

RT's EEO Administrator was responsible for administration of the EEO Program, including the resolution of any complaints of discrimination. The EEO Administrator reported to the Vice President of Accountability and Performance and had direct access to the General Manager/CEO. At the time of the site visit, the EEO Administrator had been with RT for less than two years.

As of December 31, 2014, RT had 944 employees. Women represented 33.7 percent of the workforce, and the overall minority representation was 57 percent. Of the minority groups, African-Americans had the largest representation of 29 percent, followed by Hispanics at 15 percent and Asians at eight percent.

As shown below, according to the 2010-2014 American Community Survey, of the U. S. Bureau of Census, women represented 51 percent, African-Americans 7.2 percent, Asians 12.4 percent, and Hispanics were 20.6 percent of the population of the recruiting area.

**Demographics of Sacramento Metropolitan Area  
Racial/ Ethnic and Gender Breakdown**

Racial/ Ethnic Group	2010-2014 Total	
	Number	Percent
White	1,462,571	66.6%
African-American	157,983	7.2%
American Indian/Alaska Native	18,490	0.8%
Asian	272,017	12.4%
Hawaiian/ Pacific Islander	16,589	0.8%
Other Race	140,767	6.3%
Two or More	129,005	5.9%
<b>Total</b>	<b>2,197,422</b>	<b>100%</b>

Hispanic Origin <sup>1</sup>	453,394	20.6%
Male	1,076,441	49%
Female	1,120,981	51%

**Source: 2010-2014 U.S. Bureau of Census, American Community Survey, Demographic Profile Data for Sacramento, Roseville, Arden-Arcade, CA Metropolitan Area**

<sup>1</sup> Per the U.S. Bureau of Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

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## 5. Scope and Methodology

### 5.1 Scope

This report documents the following EEO program components required in FTA Circular 4704.1, and reviewed by FTA:

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 either directly employed and/or through contractors) 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. The recipient should appoint an executive 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, subrecipients, 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.

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## 5.2 Methodology

The initial step of this EEO Compliance Review consisted of consultation with the FTA Civil Rights Headquarters staff regarding the decision to conduct a Compliance Review of RT. The review team reviewed relevant documents from FTA's files as background. Next, the FTA Office of Civil Rights prepared and sent an agenda letter to RT. The agenda letter notified RT of the planned Compliance Review, requested preliminary documents, and informed RT of additional documents needed and areas the review team would cover during the on-site portion of the review. It also informed RT of the staff and other organizations and individuals that the review team would interview. The FTA requested the following documents:

1. Current EEO/AA Program Plan.
2. Current organization chart showing location of EEO responsibilities.
3. Summary Listing of EEO Complaints and Lawsuits against RT during the period from October 1, 2013 through September 30, 2016, 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.
4. Collective Bargaining Agreements for each bargaining unit.
5. Employment Application.
6. Documentation of Internal Dissemination of EEO Policy, such as: annual memo to all employees, new employee acknowledgement form, EEO training materials, etc.
7. 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.
8. Position description for EEO Administrator.
9. Description of EEO training, if any, provided to the EEO Administrator.
10. The most recent Workforce Availability/Utilization Analysis, if done after 12/31/2014.
11. A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices.
12. A list of all recruitment sources used during the last year, including the name and telephone numbers of contact persons.

13. A listing of all job titles for which written examinations are conducted.
14. Statistics on separations, disciplinary actions, promotions, and new hires by gender and ethnicity from October 1, 2013 through September 30, 2016.
15. Data on average salaries or wages paid to all employees, as of September 30, 2016, by EEO job category, as well as the average salaries or wages paid to minority and female employees.

RT assembled most of the documents prior to the site visit and provided them to the Compliance review team for advance review. The review team reviewed additional documents during the site visit.

Prior to and following the site visit, the review team interviewed representatives of the following independently selected organizations representing women and minorities to understand their awareness and perceptions of RT's EEO Program and its employment practices:

- Careers Now ([www.careersnow.online](http://www.careersnow.online))
- El Hispano
- Asian Resources ([www.asianresources.org](http://www.asianresources.org))

The review team asked representatives the following questions:

1. In what manner, do you interact with Sacramento Regional Transit District (RT)?
2. Have you ever received or seen a copy of RT's EEO/Affirmative Action Policy?
3. Do you know who is responsible for EEO at RT (i.e., name of EEO/AA Officer)?
4. Has RT participated in job fairs or recruitment events in your area in the past three years?
5. Have you received job vacancy notices from RT in the past three years?
6. Do you believe that RT hires, promotes, and disciplines persons without regard to race, color, age, sex, disability, or national origin?
7. Are you aware of any employment-related discrimination complaints against RT?
8. Do you have any other comments or suggestions regarding ways that RT can better serve or communicate with minority communities?

The most frequent interaction between RT and the organizations interviewed was that RT shared job vacancy notices with the organizations. Careers Now is an online job website that recruits for African-Americans, Hispanics and Pacific and Asian job seekers. RT had



advertisements for job openings in each Careers Now journal during this Compliance Review. Asian Resources, Inc., was established in 1980 and is based in Sacramento. It is a non-profit community-based organization dedicated to empowering disenfranchised communities by assisting them in becoming proactive citizens and achieving self-sufficiency. Its Employer Services Division holds job fairs and other activities to identify qualified candidates for jobs. El Hispano is a local weekly print newspaper. The RT Human Resources Department typically sent out job notifications to El Hispano for positions that were underutilized for minorities. None of these organizations reported receiving RT's EEO Policy Statement, nor were they aware of who held the position of EEO Officer or Administrator.

The site visit occurred December 13–15, 2016. The review team conducted the Entrance Conference at the beginning of the Compliance Review with RT senior management staff, FTA's Region 9 Civil Rights Officer, FTA Headquarters' Civil Rights staff, and the contractor review team. During the Entrance Conference, the review team explained the goals of the Compliance Review and the needed cooperation of staff members. The review team also discussed the detailed schedule for conducting the on-site visit.

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

On the second day, an interview was conducted with RT's Human Resources Administrator to learn about RT employment practices, including recruitment, testing, hiring, promotions, transfers, disciplinary actions, and terminations. The review team reviewed selected files and records of employment actions, such as new hires, promotions, disciplinary actions, demotions, and terminations. The review team also examined the qualifications of candidates interviewed and selected by race/ethnicity and gender. The hiring decisions did not reveal any disparate treatment of women and minority candidates or employees. Similarly, based on a review of several files of disciplinary actions such as suspensions and terminations, it appeared that RT administered the actions fairly for women and minorities.

Throughout the three-day site visit, the review team interviewed also interviewed 15 independently selected employees and managers in RT. The review team made the selections by visiting "report" or "break" rooms for operating personnel and by using a RT telephone directory for administrative personnel.

The staff members selected were an ethnically and gender-diverse group that included hourly and salaried employees. The tenure of these staff members ranged from less than one year to over 25 years. The review team told the employees that their individual responses would be confidential and were asked the following questions:

1. What is your position at RT? How long have you been employed by RT?
2. Are you aware of any job classifications at RT that have not had adequate minority or female representation?
3. What barriers do you think exist at RT with respect to hiring and promotion?

4. How would you characterize the EEO program efforts at RT?
5. What things do you think RT can do to enhance/improve its EEO program?
6. What types of complaints regarding EEO matters have you been aware of, and do you know of RT's efforts to resolve the complaints?
7. What types of training classes have you taken since you have been with RT?
8. Is there anything else you would like to add?

In addition to the questions listed above, the review team asked employees with management or supervisory responsibilities the following additional questions:

1. Were you involved in the development of the EEO Program?
2. What has been your participation in achieving RT's EEO goals?
3. How would you resolve an EEO-related complaint in your department?
4. What activities, if any, have you been involved in with outside organizations to assist in EEO outreach?

In general, the 15 employees interviewed expressed that they knew RT's EEO Administrator, but did not know exactly what the EEO program's purpose was within the organization. Staff members could not identify departments that did not have adequate female and/or minority representation. Also, most of the employees indicated that they had not experienced any barriers or noted any perceived barriers at RT. Most mentioned that seniority or friendships was the basis for promotions. The majority of the employees interviewed did not recall seeing RT's EEO policy statement posted in the RT facilities. Most employees knew how to file an EEO-related complaint with the EEO Administrator. The interviewees attended technical or supervisory training every 24 months, which included a section led by the EEO Administrator. New employees recalled a presentation by the EEO Administrator at new employee orientation. Most of the supervisors interviewed were not aware of EEO goals in their departments. None of the employees or supervisors knew of any EEO recruitment outreach for employment opportunities.

At the end of the site visit, the review team held an Exit Conference with RT senior management staff, FTA's EEO Program Coordinator, and the contractor review team. At the Exit Conference, the review team discussed initial findings and corrective actions with RT. A complete list of attendees at the EEO Compliance Review is included in Section 8 of this report.

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## 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 either directly employed and/or through contractors), and requested or 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

The Program Guidelines of FTA Circular 4704.1, III.1 describe the components that a recipient must address and incorporate in its EEO Program.

RT submitted its most recent Equal Employment Opportunity Program (EEO Program) for the period of January 1, 2015 to December 31, 2017, to FTA on May 15, 2015. RT received approval from the FTA to submit its EEO Program later than the original due date of April 15, 2015. RT's prior EEO Program was submitted on April 15, 2012. RT's EEO Program contained a utilization analysis and goals as of December 31, 2014, and was comprised of the following areas:

- Part I: Affirmative Action Plan for Minorities and Women
  - Organizational Profile
  - Job Group Analysis
  - Determining Availability
  - Placement Goals
  - Designation of Responsibilities
  - Identification of Problem Areas
  - Action Oriented Programs
  - Internal Audit and Reporting
- Part II: Affirmative Action Plan for Protected Veterans and Individuals with Disabilities
  - Policy Statement
  - Review of Personnel Process
  - Physical and Mental Qualifications
  - Reasonable Accommodations to Physical and Mental Limitations
  - Harassment
  - External Dissemination of Policy, Outreach and Positive Recruitment
  - Internal Dissemination of Policy
  - Audit and Reporting System
  - Responsibility for Implementation
  - Training
- Part III: Exhibits
  - Workforce Analysis Summary

- RT Organization Chart
- Job Group Analysis Summary with supporting documentation
- Availability Analysis
- Comparison of Incumbency to Availability Analysis
- Placement Goals Analysis
- Placement Goal Summary Report
- Personnel Transactions Summary
- Glossary

## Finding

During this Compliance Review of RT, the EEO Program addressed most of the seven requirements of FTA Circular 4704.1, II.5. However, deficiencies were found with some of the FTA EEO Program elements. These deficiencies are listed in the sections below.

## Corrective Actions and Schedules

Within 60 days of the issuance of the Final Report, RT must submit to the FTA Headquarters Office of Civil Rights an EEO Program that addresses all of the deficiencies listed in this report, following the requirements of the updated FTA Circular 4704.1A, Section 2.2.

## 6.2 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.

### Discussion

The Program Guidelines of FTA Circular 4704.1, III.2.a, describe the required elements of the EEO Policy Statement.

RT's EEO Program included a Policy Statement, dated April 3, 2012, that was signed by RT's previous General Manager/CEO. RT posted its Policy Statement on its website and on bulletin boards throughout its facilities. The Policy Statement substantially met the required elements of a Statement of Policy as described in FTA Circular 4704.1, III.2.a, as indicated in the table below.

<b>FTA Circular 4704.1, III.2.a Policy Statement Requirements</b>	<b>RT Policy Statement</b>
Is issued by CEO	Yes
States commitment to EEO	Yes
States commitment to undertake an Affirmative Action Program	Yes

Assigns EEO Program implementation to agency executive	Yes
Affirms shared responsibility by management personnel	Yes
States applicants' and employees' right to file complaints	Yes
States performance by managers/supervisors will be evaluated	Yes
Affirms successful achievement of EEO goals will provide benefits to the recipient	Yes

On November 14, 2016, RT adopted a new EEO Policy Statement using the sample provided in Attachment 1 of FTA Circular 4704.1A. The Policy Statement was signed by the current General Manager/CEO, however, it was distributed to employees by the EEO Administrator, not the CEO, as required. Issuance by the CEO provides an assurance to all employees that the EEO Policy is a priority of top management.

### Finding

During this Compliance Review of RT, FTA found no deficiencies with the requirements for Statement of Policy. However, FTA advised RT to ensure that the General Manager/CEO issues the Policy Statement, at the time of the publication of the updated EEO Program.

## 6.3 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.

### Discussion

The Program Guidelines of FTA Circular 4704.1, III.2.b describe requirements to disseminate the EEO Policy both internally and externally. The suggested dissemination methods are as follows:

- 1) *Internally – Managers and supervisors should be fully informed of the agency's policy by actions such as:*
  - a) *Written communication from the chief executive officer;*
  - b) *Inclusion of the EEO program and policy in the agency's personnel and operations manual; and*
  - c) *Meetings held (e.g., at a minimum semiannually) to discuss the EEO program and its implementation.*
  - d) *Non-supervisory staff should be informed of the agency's EEO policy and program by actions such as:*

1. *Posting official EEO posters and the policy statement on bulletin boards, near time clocks, employees' cafeteria and snack bars, and in the employment/personnel office;*
  2. *Including the EEO policy in employee handbooks, reports, manuals, and union contracts;*
  3. *Meeting with minority and female employee to get their suggestions in implementing and refining the EEO program; and*
  4. *Presentation and discussion of the EEO program as part of employee orientation and in all training programs.*
- 2) Externally – *The agency should disseminate its EEO policy and programs to regular recruitment sources, such as:*
- a) *Employment agencies; hiring halls; unions; educational institutions; minority, persons with disabilities, and women's organizations; civil rights organizations; community action groups; training organizations (e.g., Opportunities Industrialization Centers of America, Inc.); and others who refer applicants.*
  - b) *Public media sources, especially radio and television stations, newspapers, magazines, and other journals (especially those oriented to the handicapped and minority populations). All advertisements for personnel should include a statement that the recipient is an "EEO employer."*

RT's EEO Program did not describe the methods used to disseminate its Policy Statement internally and externally. Prior to the site visit, RT provided its revised Policy Statement signed by new General Manager and dated November 14, 2016. RT also provided a copy of a memo from the EEO Administrator to all RT employees for the distribution of the new Policy Statement.

During to the site visit, RT provided documentation of other internal dissemination, including:

- Distribution of the Policy Statement to managers and supervisors at its state required sexual harassment training (AB 1825) every two years.
- Materials used as part of its new employee orientation on the EEO program.
- Employee manuals and labor agreements, most of which referenced the EEO Policy.
- Bulletin board postings of RT's EEO Policy Statement throughout RT's facilities.

Regarding external dissemination, the review team observed that RT's EEO Policy Statement was posted on its website. Additionally, all job advertisements, both those published in newspapers and those posted on the website included "Equal Opportunity Employer" in the notices.

## **Finding**

During this Compliance Review of RT, FTA found no deficiencies with the requirements for Dissemination. FTA advised RT to include procedures in its next EEO Program submission

describing its methods for disseminating its Policy Statement both internally and externally, in accordance FTA Circular 4704.1A, Section 2.2.2.

## 6.4 Designation of Personnel Responsibility

### Requirement

The individual the agency has named to manage the programs and the authority this individual possesses indicates the importance of an EEO Program. Recipients should appoint an executive as Manager/Director of EEO who reports and is directly responsible to the agency's CEO.

### Discussion

The Program Guidelines of FTA Circular 4704.1, III.2.c state in part:

*An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's chief executive officer. 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.*

The Program Guidelines of FTA Circular 4704.1, III.2.c also provide for nine program responsibilities, summarized in the table below, which FTA expects EEO Officers to carry out as part of their job.

RT's EEO Program contained a section titled *Designation of Responsibility, EEO Administrator* that detailed who RT designated as its EEO Officer, the EEO Officer's responsibilities, and management's responsibility to RT's EEO/AA Program.

Prior to the site visit, RT provided its job description for the EEO Administrator. The EEO Program also described the duties of the EEO Administrator. The following table identifies the responsibilities of the EEO Administrator as compared to the requirements in FTA Circular 4704.1, III.2.c.



<b>EEO Officer Program Responsibilities</b> (FTA Circular 4704.1, III.2.c)	<b>EEO Administrator Job Description</b>	<b>EEO Program EEO Administrator Duties</b>
Develop EEO Policy/Program	Yes	Yes
Assist management in data needs, setting goals and timetables, etc.	Yes	Yes
Maintain internal monitoring and reporting system	Yes	Yes
Report periodically to CEO on EEO progress	<b>No</b>	<b>No</b>
Liaise with outside organizations/groups	Yes	Yes
Disseminate current information	Yes	Yes
Provide recruitment assistance and establish outreach sources	Yes	Yes
Concur in all hires/promotions	<b>No</b>	<b>No</b>
Process employment discrimination complaints	Yes	Yes

The EEO Administrator possessed the essential experience and skills for an effective EEO Officer as described in the EEO Circular. The EEO Program contained an outdated organization chart and reporting relationship for the EEO Administrator. Prior to the site visit, RT provided an updated organization chart. The EEO Administrator reported to the Vice President Accountability and Performance with direct access to the General Manager/CEO. During the site visit, RT was able to demonstrate that the EEO Administrator was performing most of the functions of the EEO Officer as indicated according to the EEO Program. The frequency of contact and the content of the meetings with the General Manager/CEO were not documented.

At the time of the site visit, the EEO Administrator did not concur on all hires and promotions. This required responsibility was not included in job description. RT stated that it was working on implementing this requirement using sample forms contained in FTA C. 4704.1A.

The EEO Administrator was not serving as a liaison with community groups representing minorities, women, and persons with disabilities.

Additionally, FTA Circular 4704.1, III.2.c states that:

*Managers are expected to carry out the following responsibilities, as part of their job, in implementing the agency's EEO program:*

1. *Assisting in identifying problem areas;*
2. *Being actively involved with local minority organizations;*
3. *Participating actively in periodic audits of all aspects of employment in order to identify and remove barriers;*
4. *Holding regular discussions with other managers, supervisors, and employees regarding the implementation of the EEO Program;*
5. *Reviewing the qualifications of all employees to ensure minorities and women are given full opportunity for transfers, promotions, training, salary increases, and other forms of compensation;*

6. *Participating in the review and/or investigation of complaints alleging discrimination;*
7. *Conducting and supporting career counseling; and*
8. *Participating in periodic audits to ensure each agency unit is in compliance.*

According to RT's EEO Program, managers and supervisors were expected to carry out certain responsibilities, as part of their job, in implementing the agency's EEO program. RT Managers did not appear (based on interviews and a review of job descriptions) to assist in identifying problem areas or establishing agency and unit goals to address underutilization. Performance evaluations for managers and supervisors did not include accomplishment on EEO goals as a factor. Managers and supervisors also did not participate in identifying problem areas or comment on EEO goals.

RT's Human Resources Administrator was aware of EEO goals in certain job groups and included targeted advertising in developing a recruitment plan for vacancies that had underutilization for women and/or minorities.

### **Finding**

During this Compliance Review of RT, deficiencies were found with requirements for Designation of Personnel Responsibility. The EEO Administrator was not concurring on all hires and promotions, and was not serving as a liaison with community groups representing minorities, women, and persons with disabilities.

Additionally, managers and supervisors:

- Did not assist in identifying problem areas or establishing goals to address underutilization,
- Were not evaluated on the accomplishment of EEO goals,
- Did not participate in identifying problem areas or comment on EEO goals.

### **Corrective Action**

Within 60 days of the issuance of the Final Report, RT must submit documentation to the FTA Headquarters Office of Civil Rights, including:

- Information supporting that the EEO Administrator concurs in all hires and promotions, and has begun to represent RT as a liaison with community groups representing minorities, women, and persons with disabilities.
- Information supporting that RT managers are made aware of and carry out the required activities in support of the EEO Program.
- A revised Performance Evaluation form including an assessment of the accomplishment of EEO goals, in accordance with RT's EEO Policy Statement.

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## 6.5 Utilization Analysis

### Requirement

The purpose of the utilization analysis is to identify those job categories in which there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.

### Discussion

The Program Guidelines of FTA Circular 4704.1, III.2.d describe the following elements of a utilization analysis:

1. *A utilization analysis consists of a work force analysis and an availability analysis. The work force analysis requires a statistical breakdown of the recipient's work force by each department, job category and job title. Each of the above should be cross-referenced by race, national origin, and sex.*
2. *An availability analysis is a comparison of the participation rates of minorities and women at various levels in the work forces with their availability in relevant labor markets. A labor market has both geographic and occupational components. Different geographic areas and labor force data should be used for different job categories.*
3. *Occupational data (in addition to general population and unemployment information), along with training and promotional opportunities, should be considered in determining the availability of persons for those employment opportunities from which minorities and women have traditionally been excluded.*
4. *Applicants, recipients, subrecipients, or contractors should present this data in a table or chart form for the job categories and job titles being analyzed. Data used should be the most recent, accurate, and relevant.*
5. *In performing the work force and availability analyses, the applicant, recipient, or subrecipient should have racial data cross-classified by sex to ascertain the extent to which minority-group women or minority-group men may be underutilized. Likewise, minority-group data should be broken down by specific racial groups (i.e., African-American, Hispanic, Asian and Pacific Islander, and American Indian or Alaskan Native).*

RT's EEO Program contained its Utilization Analysis, as of December 31, 2014, which was composed of the following reports:

- *Workforce Analysis,*
- *Job Group Analysis Summary with supporting documentation,*
- *Availability Analysis,*
- *Comparison of Incumbency to Availability Analysis,*

The Workforce Analysis included a statistical breakdown of RT's workforce by organizational unit summarized into nine job groups. RT cross-referenced the workforce by race, national origin, and gender. RT identified the relevant labor market to be the following counties: Sacramento, Yolo, El Dorado and Yuba. RT obtained availability data for the labor market from the US Bureau of Census five-year American Community Survey 2006 - 2010. Prior to the site visit, RT provided an updated Utilization analysis dated for the period ending September 30, 2016. RT also provided a report that detailed the job title, salaries, gender and ethnicity for each employee, and the salary minimum and maximum for each job title.

RT determined the available workforce by using the external availability of women and minorities with the requisite skills in the immediate and expanded recruiting areas and the internal availability of promotable and transferable women and minorities. RT's Availability Analysis showed the three factors; number of employees, employee percentage, and availability percentage, and the resulting difference for each job group cross-referenced by female and minority. The Utilization Analysis (by Job Group) compared RT's current workforce to the estimated available workforce to determine the job groups with underutilization.

The Utilization Analysis for the period ending September 30, 2016, identified the following groups as underutilized:

	<b>Availability</b>	<b>Workforce</b>
Women	51%	33.7%
Asians	12%	8%
Hispanics	20%	15%

## **Finding**

During this Compliance Review of RT, FTA found no deficiencies with the requirements for Utilization Analysis.

## **6.6 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.

### **Discussion**

The Program Guidelines of FTA Circular 4704.1, III.2.e, state in part:

*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.*

Chapter 4 of RT's EEO Program, entitled *Placement Goals*, along with Exhibits 6 and 7, showed by job group, a breakdown of each minority group and females where underutilization occurred (using the whole person test), and the number of persons needed to eliminate underutilization.

RT determined that its goals were obtainable primarily through recruiting and advertising to increase the pool of qualified minority and female applicants.

### **Finding**

During this Compliance Review of RT, deficiencies were found with the requirements for Goals and Timetables. RT did not set short or long term goals. There were no timetables associated with the *Placement Goal*. RT also did not analyze its performance on prior goals.

### **Corrective Action**

Within 60 days of the issuance of the Final Report, RT must submit to the FTA Headquarters Office of Civil Rights:

- Detailed short-term and long-term percentage and numerical goals with timetables to correct any underutilization of specific affected classes of persons identified in the utilization analysis
- Justification of performance on prior goals.

## **6.7 Assessment of Employment Practices**

### **Requirement**

Recipients, subrecipients, 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.

### **Discussion**

The Program Guidelines of FTA Circular 4704.1, III.2.f require 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.

*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; and*
- *Assessment of the impact of external factors (e.g., not knowing where to apply for jobs, the availability of bilingual materials and information).*

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

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

RT's EEO Program, included Exhibit 8 titled *Personnel Transactions Summary*, which included the following quantitative data for the 2014 calendar year: hires, involuntary terminations, voluntary terminations, and promotions. The data did not appear to be complete. For example, the chart showed 20 terminations in the Service job group, but only three new hires, and three promotions. The data on applicants showed zero for each category and job group. The EEO Program contained a narrative description of selected employment practices but contained no analysis of these practices. The EEO Program did not identify causes of underutilization or validate or justify practices that have an adverse impact on women or minorities. (e.g., hiring, promotion, testing, discipline, termination, compensation, etc.).

Prior to the site visit, RT provided detailed listings for the period of October 2013 to September 2016 for new hires, promotions, disciplines and separations. The data was not summarized or analyzed to identify any disparate results. The review team analyzed the data to determine if minorities or women were hired or promoted or terminated either in line with, above, or under the workforce or availability. This data showed, for example, that women represented 33 percent of new hires, while they represented 51 percent of availability in the area and nearly 50 percent of all applicants.

During the site visit, RT provided a *Four-Fifths Analysis* of promotions, involuntary terminations, and all terminations, by job group and by race and ethnicity, for the period of October 2013 to September 2016. This analysis identified that promotion rates had adverse impacts in every job group. The analysis of terminations showed fewer adverse impacts, most of which were related to a 2015 Reduction in Force (RIF) that primarily impacted the

Executive job group. RT conducted a Four-Fifths Analysis prior to implementing its RIF and concluded that the positions eliminated were justified.

RT did not receive any formal EEO complaints as a result of the RIF, however, the [local newspaper](#) reported on concerns from RT labor unions about the discriminatory impact of the RIF.

Chapter 6 of the EEO Program, *Identification of Problem Areas*, described underutilization in job groups. It did not discuss why there was underutilization. Chapter 7, *Action-Oriented Programs*, contained a description of hiring practices that were currently in place, but were not targeted to any identified barriers limiting the advancement of minorities and women. As an example, a review of data on applications, by the review team, for the calendar year 2015, showed that RT's applicant pool reflected the availability of women and minorities in the recruitment area. However, women, Hispanics and Asians were underrepresented in new hires. The qualitative analysis might conclude that RT was doing a good job in recruiting women and minorities to apply for jobs, however, there may be barriers during the selection process that resulted in a disparity in new hires. Similarly, women, Hispanics, and Asians were promoted at a rate that is lower than their representation in RT's workforce. Since RT seemed to be adequately recruiting a diverse pool of applicants for positions, other factors could contribute to the lower hiring and promotion rates, such as:

- Job descriptions that might require qualifications that are higher than needed.
- The use of testing or supplemental questionnaires to eliminate candidates.
- Training offered to employees.
- Initial interview screening process.
- Bias of hiring managers in making selections.

While the review team did not identify any obvious issues with the job descriptions reviewed during the site visit, a detailed analysis was not conducted comparing the qualifications to the actual work performed. The review team did learn that RT used testing in the selection process for certain positions. The following positions required testing to screen and eliminate candidates:

- Accountant II
- Administrative Assistant I and II
- Accounting Technician
- Bus Operator
- Clerk
- Customer Service Representative II & III
- Facilities Technician
- Facilities Maintenance Mechanic
- Facilities & Grounds Worker I & II
- Payroll Technician
- Route Checker
- Rail Laborer

- Rail Maintenance Worker
- Senior Clerk
- Service Worker (Bus/LR/Facilities)
- Storekeeper
- Transit Agent

RT also used supplemental questionnaires to be submitted with employment applications for selected positions. During the review, the following positions posted on RT's website required supplemental questionnaires:

- Light Rail Vehicle Technician
- Information Technology Business Systems Analyst
- Senior Information Technology Business Systems Analyst -Trapeze

RT did not provide documentation that the tests or the supplemental questionnaires had been validated to predict or measure job performance or that any assessments had been conducted to determine if the tests resulted in a discriminatory impact.

RT did not maintain records of participation in training programs that fostered promotion potential to determine if women and minorities were offered opportunities for training that could increase their promotional chances. This is of particular concern, given that RT agreed to a Consent Decree in 2003 to resolve claims and complaints of gender discrimination filed by a group of salaried women employees in the late 1990's. One of the issues of the Consent Decree was that women were discouraged from seeking training opportunities.

During discussions with the Human Resources Administrator it was learned that RT employed an interview process that involved using outside subject matter experts to conduct panel interviews and score candidates. The top two to three candidates were referred to the hiring manager for a decision. One of the factors in selecting panel members was diversity. This approach would seem to reduce the opportunity for bias. However, RT had not analyzed the data to determine if this was in fact the case. RT could compare the gender and ethnicity of the candidates interviewed with the top-ranked candidates referred to the hiring manager. Similarly, RT could compare the same factors with the candidates referred to the hiring manager with those who were offered the position.

The table below summarizes the qualitative and quantitative analyses of employment practices required per FTA Circular 4704.1 found in the documentation provided by RT.

<b>RT's Assessment of Employment Practices</b>	
<b>Quantitative and Qualitative Assessment</b> (FTA Circular 4704.1, III.2.f)	
<b>Narrative Description and Analysis of the following areas:</b>	
Recruitment and employment selection procedures from the agency's last EEO submission.	<b>No</b>



Seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the last EEO submission.	No
Procedures and practices regarding wages, salary levels, and other forms of compensation and benefits.	No
Disciplinary procedures and discharge and termination practices.	No
Assessment of the impact of external factors (e.g., not knowing where to apply for jobs, the availability of bilingual materials and information).	No
Proposed program of remedial, affirmative actions to address problem areas.	No
<b>Statistical Data:</b>	
Number of job applicants and the number of individuals offered employment in the past year.	No
Number of employees in each job category who applied for a promotion or transfer and the number of employees who were promoted or transferred in the past year.	No
Number of disciplinary actions and terminations (by type) in the past year.	Yes

RT did not provide documentation that it performed qualitative assessments or analyses of the summary data included in its reports. Additionally, the statistical data was not complete. There was no discussion of trends or explanations for discrepancies in the information. RT did not perform any analysis to identify those practices that served as employment barriers and unjustifiably contributed to underutilization.

### Finding

During this Compliance Review of RT, deficiencies were found with FTA requirements for Assessment of Employment Practices. RT did not provide documentation that it had regularly conducted quantitative or qualitative assessments of employment practices in accordance with FTA Circular 4704.1, III.2.f.

### Corrective Actions and Schedules

Within 60 days of the issuance of the Final Report, RT must submit to the FTA Headquarters Office of Civil Rights quantitative and qualitative assessments of employment practices (i.e., recruitment, testing, promotions, disciplinary actions, terminations, and compensation) for the past three years in accordance with the updated FTA Circular 4704.1A, Section 2.2.6.

## 6.8 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 that have failed to achieve a goal, and provide a precise and factual database for future projections.

### Discussion

The Program Guidelines of FTA Circular 4704.1, III.2.g state in part:

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*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; and*
- *Providing a precise and factual database for future projections.*

RT's EEO Program contained *Chapter 8, Internal Audit and Reporting* section. The section detailed the following measures the EEO Administrator would take

1. *Monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out;*
2. *Publishes internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;*
3. *Reviews report results with all levels of management; and*
4. *Advises top management of program effectiveness and submits recommendations to improve unsatisfactory performance.*

Chapter 8 also included the following responsibilities for the EEO Administrator:

*The EEO Administrator reviews and updates the EEO/AAP triennially. During the AAP review process, the EEO Office considers new EEO laws, guidelines, regulations, and court decisions.*

*The EEO Office is responsible for establishing procedures and practices to meet EEO and AAP internal audit guidelines and reporting requirements.*

*RT participates in community outreach by attending job fairs that are directed at minorities, females, persons with disabilities and covered veterans; placing recruitment advertising in media directed at minorities, females, persons with disabilities and covered veterans; and enriching RT's outreach program to local colleges and vocational school placement counselors.*

RT had a clearly described complaint process that included employees knowing where and how to file complaints. Prior to the site visit, RT provided a listing of EEO complaints and lawsuits for the past three years. A review of the list and a discussion of the complaints during the site visit with the EEO Administrator and the Chief Counsel did not identify any pattern or practice of discrimination. It was positive to note that most of the complaints were filed internally, showing confidence that employees felt they would receive fair consideration of their complaints, and did not have to seek external support, such as from the Equal Employment Opportunity Commission. Additionally, the complaints were distributed fairly

evenly among the EEO complaint bases and were not clustered in a single category, such as racial, gender or disability complaints.

During the site visit, technical assistance was provided on FTA requirements (contained in the new FTA EEO Circular 4704.1A, 2.2.3.) regarding the need for impartiality in handling EEO complaints and lawsuits:

*FTA requires that the attorney that provides legal expertise to the EEO Officer in the investigation of a case cannot be the same attorney who represents the agency in an EEO complaint arising from the same case.*

Prior to the site visit, RT provided a chart, titled *EEO Goal Achievement Plan*, showing the underutilized job groups, the target ethnic or gender group, anticipated placement opportunities, the number of hires needed to eliminate underutilization, and the number of minority and female hires made, in six-month intervals, during the period from 7/1/2015 to 7/1/2016. The chart used data from RT *Recruitment Status Reports*, but did not take into account turnover in the job groups, that would affect utilization. An updated Utilization Analysis, dated 10/1/2016 showed that of the seven job groups that had underutilization in 2014, only one group, Service Workers, had met the *Placement Goal* as of 7/1/2016.

RT could not demonstrate that the EEO Administrator submitted periodic reports assessing EEO accomplishments. The EEO Administrator did not regularly meet with the Executive Management Team (EMT) to discuss EEO issues or concerns. The EEO Administrator was a member of the Senior Management Team (SMT) but did not make periodic presentations to that group of managers on the status of accomplishing EEO goals.

Prior to the site visit, RT provided the EEO Program for two of its subrecipients, Paratransit, Inc. and G4S. It was determined that G4S did not have enough employees to meet the threshold requirement for submission on an EEO Program.

The EEO Program for Paratransit, Inc. was obtained in 2015 and contained partial data on employment activities (e.g. new applicant, new hires, promotion and termination data for a three-month period). The Program did identify a few areas of underutilization, including numeric and percentage goals needed to eliminate the underutilization. At the time of the site visit, the contractor had nearly 300 employees. Since this group represented nearly 25 percent of the entire RT work force, RT should periodically monitor the contractor to ensure that it did not have a pattern or practice of discriminatory behavior. Minimally, the contractor is required to submit an updated EEO Program that meets FTA requirements. Other best practices include requiring the contractor to provide EEO training to supervisors and disseminate its EEO Policy both internally and externally. RT should provide technical assistance to its contractor in implementing the EEO Program and RT should consider requiring the contractor to report periodically on EEO complaints, and on progress against goals.

## **Finding**

During this Compliance Review of RT, deficiencies were found with the requirements for a Monitoring and Reporting System. RT did not prepare or submit periodic reports assessing

EEO accomplishments. The EEO Administrator did not regularly meet with the Executive Management Team or the Senior Management Team to discuss EEO issues or concerns.

FTA advised RT to be proactive in monitoring its paratransit contractor for EEO issues and to be more descriptive in its monitoring and reporting activities of its subrecipients in its updated EEO Program.

**Corrective Action**

Within 60 days of the issuance of the Final Report, RT must submit to the FTA Headquarters Office of Civil Rights, as a part of its updated EEO Program, a monitoring and reporting system in accordance with the updated FTA EEO Circular 4704.1A, Section 2.2.7.

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## 7. Summary of Findings

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies/Advisory Comments	Corrective Action(s)	Response Days/Date
1. Program Submission	D	The EEO Program addressed six of the seven requirements of FTA Circular 4704.1, II.5. The Dissemination section of Part II of RT's EEO Program only detailed the dissemination of RT's Affirmative Action Policy for Protected Veterans and Individuals with Disabilities. Additionally, the EEO Program did not reflect the current reporting relationship of the EEO Administrator, or include quantitative or qualitative analyses in its assessment of employment practices.	RT must submit to the FTA Headquarters Office of Civil Rights an EEO Program that addresses all the requirements of the updated FTA Circular 4704.1A, Section 2.2.	60 Days
2. Statement of Policy	ND	FTA advised RT to ensure that the General Manager/CEO issues the Policy Statement, at the time of the publication of the updated EEO Program.		
3. Dissemination	AC	FTA advised RT to include procedures in its next EEO Program submission describing its methods for disseminating its Policy Statement both internally and externally, in accordance FTA Circular 4704.1, III.2.b.		

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies/Advisory Comments	Corrective Action(s)	Response Days/Date
4. Designation of Personnel Responsibility	D	<p>The EEO Administrator was not concurring on all hires and promotions, and was not serving as a liaison with community groups representing minorities, women, and persons with disabilities.</p> <p>Managers and supervisors:</p> <ul style="list-style-type: none"> <li>• Did not assist in identifying problem areas or establishing goals to address underutilization,</li> <li>• Were not evaluated on the accomplishment of EEO goals,</li> <li>• Did not participate in identifying problem areas or comment on EEO goals.</li> </ul>	<p>RT must submit documentation to the FTA Headquarters Office of Civil Rights:</p> <ul style="list-style-type: none"> <li>• Information supporting that the EEO Administrator concurs in all hires and promotions, and has begun to represent RT as a liaison with community groups representing minorities, women, and persons with disabilities.</li> <li>• Information supporting that RT managers are made aware of and carry out the required activities in support of the EEO Program</li> <li>• A revised Performance Evaluation form including an assessment of the accomplishment of EEO goals, in accordance with RT's EEO Policy Statement.</li> </ul>	60 Days
5. Utilization Analysis	ND			
6. Goals and Timetables	D	<p>RT did not set short or long term goals. There were no timetables associated with the Placement Goal. RT did not analyze its performance on prior goals.</p>	<p>RT must submit to the FTA Headquarters Office of Civil Rights:</p> <ul style="list-style-type: none"> <li>• Detailed short-term and long-term percentage and numerical goals with timetables to correct any underutilization of specific affected</li> </ul>	60 Days

Requirements of FTA Circular 4704.1	Site Review Finding	Deficiencies/Advisory Comments	Corrective Action(s)	Response Days/Date
			classes of persons identified in the utilization analysis, <ul style="list-style-type: none"> <li>• Justification of performance on prior goals.</li> </ul>	
7. Assessment of Employment Practices	D	RT did not provide documentation that it had regularly conducted quantitative and qualitative assessments of employment practices in accordance with FTA Circular 4704.1, III.2. f.	RT must submit to the FTA Headquarters Office of Civil Rights quantitative and qualitative assessments of employment practices (i.e., recruitment, testing, promotions, disciplinary actions, terminations, and compensation) for the past three years in accordance with the updated FTA Circular 4704.1A, Section 2.2.6.	60 Days
8. Monitoring and Reporting Systems	D  AC	RT did not prepare or submit periodic reports assessing EEO accomplishments. The EEO Administrator did not regularly meet with the Executive Management Team or the Senior Management Team to discuss EEO issues or concerns.  FTA advised RT to be proactive in monitoring its paratransit contractor and to be more descriptive in its monitoring and reporting activities in its updated EEO Program.	RT must submit to the FTA Headquarters Office of Civil Rights, as a part of its updated EEO Program, a monitoring and reporting system in accordance with the updated FTA EEO Circular 4704.1A, Section 2.2.7.	60 Days

Note: Findings at the time of the site visit: ND = no deficiencies found; D = deficiency; NA = Not Applicable; AC = advisory comment.



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## 8. Compliance Review Attendee List

**Grantee: Sacramento Regional Transit District**

Henry Li, General Manager/CEO

Tim Spangler, Chief Counsel

Laura Ham, Vice President of Accountability and Performance

Kim Holman, EEO Administrator

Donna Bonnel, Director, Human Resources

Janelle Montoya, Human Resources Administrator

Leslyn Syren, Consultant (Legal and EEO)

**Federal Transit Administration**

Alana Kuhn, Equal Opportunity Specialist

Marisa Appleton, Civil Rights Officer for Oversight

Lynette Little, Region 9 Civil Rights Officer

**Compliance Review Team: The DMP Group, LLC**

Maxine Marshall, Lead Reviewer

Khalique Davis, Reviewer

Danielle Slattery, Reviewer