

Worcester Regional Transit Authority

EEO Compliance Review

Final Report

August 2012

FTA Report No. 0000

Federal Transit Administration



**PRE PA RE D BY**

The DMP Group, LLC

Washington, DC





Table of Contents

I. GENERAL INFORMATION 1

II. JURISDICTION AND AUTHORITIES 2

III. PURPOSE AND OBJECTIVES 3

IV. BACKGROUND INFORMATION 5

V. SCOPE AND METHODOLOGY 9

VI. FINDINGS AND RECOMMENDATIONS 14

1. Program Submission 14

2. Statement of Policy 16

3. Dissemination 17

4. Designation of Personnel Responsibility 20

5. Utilization Analysis 22

6. Goals and Timetables 24

7. Assessment of Employment Practices 26

8. Monitoring and Reporting System 29

VII. SUMMARY OF FINDINGS………………………………………………31

VIII. ATTENDEES 33

1. General Information

Grant Recipient: Worcester Regional Transit Authority

(WRTA)

City/State: Worcester, Massachusetts

Grantee Number: 1380

Executive Official: Stephen F. O’Neil

Administrator

Worcester Regional Transit Authority

287 Grove Street

Worcester, MA 01605

On Site Liaison: Donna Novelli

Director of Risk Management and   
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Site Visit Dates: March 27–29, 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 Worcester Regional Transit Authority (WRTA) 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 WRTA’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 WRTA’s Equal Employment Opportunity Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct this EEO Compliance Review of WRTA. The primary purpose of the EEO Compliance Review was to determine the extent to which WRTA 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 WRTA’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 and 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 WRTA 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 WRTA’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 WRTA’s employment practices, including recruitment, hiring, training, promotion, compensation, retention, and discipline from a variety of sources, including Human Resources Department staff and other WRTA management and staff.

1. Background information

The Worcester Regional Transit Authority (WRTA) was established in 1974 as a transit authority under the laws of the Commonwealth of Massachusetts to provide fixed-route and paratransit services to its 35 member communities within the central and southern portions of Worcester County and a portion of Middlesex County. WRTA contracts with Professional Transit Management, Ltd. (PTM) for management services. In turn, PTM contracts with Regional Transit Authority (RTA) Transit Services, Inc. for fixed-route operations and PTM Brokerage Services, Inc. (PBSI) for ADA paratransit services. WRTA also purchases paratransit services from nine area Councils on Aging (Auburn, Clinton, Grafton, Holden, Leicester, Northborough, Oxford, Shrewsbury, and West Boylston) and from South Central Mass Elderbus, Inc., Friends of the Millbury Seniors, as well as local taxi operators through PTM Brokerage Services, Inc., a paratransit broker.

The day-to-day affairs of the WRTA are conducted by an Administrator who is appointed by the Advisory Board. The Advisory Board is made up of representatives from the 35 member communities of the WRTA. The Advisory Board consists of the City Manager or Mayor of each city, the Chairman of the Board of Selectmen of each town having such a board, or the Town Manager or Town Administrator of each town. Advisory Board members may appoint designees to act on their behalf. The population of WRTA’s service area is approximately 798,552 persons.

WRTA’s mission is “to provide convenient, comfortable, safe, reliable, cost-effective mobility services contributing to the economic vitality of the region.”

According to WRTA’s most recent workforce statistics, dated April 1, 2011, WRTA had 158 employees, and minorities represented 25.3 percent (40) of the total workforce as follows:

* White – 74.7 percent
* Hispanic – 13.3 percent
* Black – 12 percent

Females represented 28.5 percent of the workforce. Approximately 135 (85.4 percent) of the 158 in WRTA’s workforce belonged to the Amalgamated Transit Union, Local 22.

WRTA’s Assistant Administrator had the ultimate responsibility for the implementation of WRTA’s EEO program. The Assistant Administrator delegated the responsibility for implementation of the EEO Program to Regional Transit Authority Transit Services, Inc./PBSI’s Director of Risk Management and Administrative Services as the Affirmative Action (AA)/ EEO Officer. The EEO Officer reported and was directly responsible to PTM’s General Manager. At the time of the Compliance Review and according to WRTA’s most recent organization chart, the following positions reported directly to the PTM’s General Manager:

* Assistant General Manager
* Director of Risk Management and Administrative Services
* Chief Financial Officer
* Director of HR–Risk and Legal Services
* Executive Assistant

The following table provides a demographic profile of WRTA’s service area using data from the 2000 and the 2010 Census. The table 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.

From 2000 to 2010, the total population of the WRTA service area increased 6.3 percent. During this period, the White population increased 1.6 percent, while the Black population increased 65.5 percent, the Hispanic population increased 48.3 percent, the Asian population increased 61.5 percent, Hawaiian/Pacific Islander population decreased 11.2 percent, and the American Indian/Alaskan Native population increased 4.2 percent.

In 2010, 85.6 percent of the total population was White, 4.2 percent was Black, 9.4 percent was Hispanic, 4 percent was Asian, Hawaiian/Pacific Islander was less than one tenth of a percent, and 0.2 percent was American Indian/Alaskan Native.

**Table 1 - Demographics of the Worcester Metro Area:   
Racial/ Ethnic Breakdown**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | **2000 Metro Area** | | **2010 Metro Area** | | **Changes** | |
| **#** | **%** | **#** | **%** | **#** | **% Change** |
| White | 672,915 | 89.6% | 683,361 | 85.6% | 10,446 | 1.6% |
| Black | 20,498 | 2.7% | 33,314 | 4.2% | 12,816 | 65.5% |
| American Indian and Alaska Native | 1,896 | 0.3% | 1,976 | 0.2% | 80 | 4.2% |
| Asian | 19,700 | 2.6% | 31,815 | 4.0% | 12,115 | 61.5% |
| Hawaiian/ Pacific Islander | 277 | 0.0% | 246 | 0.0% | (31) | (11.2)% |
| Other Race | 22,037 | 2.9% | 29,078 | 3.6% | 7,041 | 32.0% |
| Two or More | 13,640 | 1.8% | 18,762 | 2.3% | 5,122 | 37.6% |
| Hispanic Origin1 | 50,864 | 6.8% | 75,422 | 9.4% | 24,558 | 48.3% |
| **Total** | **750,963** | **100%** | **798,552** | **100%** | **47,589** | **6.3%** |

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

| FTA Circular 4704.1 Requirement/Documentation to Be Provided to Prior to Site Visit |
| --- |
| **0. Background** |
| 1. Description of WRTA’s Services and Organization. |
| 1. Summary Listing of EEO complaints and lawsuits against WRTA, RTA, or PBSI during the period from January 1, 2009–January 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, if applicable. |
| **1. Program Submission (FTA C. 4704.1.II, 5.)** |
| No documents requested, if the August 2011 submission is most recent. |
| **2. Statement of Policy (FTA C. 4704.1.III, 2.a.)** |
| Copy of EEO Policy Statement, if updated since August 2011. |
| 3. Dissemination (FTA C. 4704.1.III, 2.b.) |
| Documentation of internal dissemination of EEO Policy |
| Documentation of external dissemination of EEO Policy |
| **4. Designation of Personnel Responsibility for EEO (FTA C. 4704.1.III, 2.c.)** |
| 1. Copy of position/job description for EEO Officer. |
| 1. Organization chart for WRTA showing EEO Officer reporting relationship. |
| **5. Utilization Analysis (FTA C. 4704.1.III, 2.d.)** |
| 1. Utilization Analysis for the past two years, prepared in accordance with FTA Circular 4704.1 Chapter III 2. d. |
| **6. Goals and Timetables (FTA C. 4704.1.III, 2.e.)** |
| 1. Goals and timetables for past two years, prepared in accordance with FTA Circular 4704.1 Chapter III 2 e., including justification for not meeting goals, if applicable. |
| **7. Assessment of Employment Practices (FTA C. 4704.1.III, 2.f.)** |
| 1. Copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices. |
| 1. Quantitative and qualitative analyses of employment practices conducted for the past two years, using data similar to that included in Tables 1–3 and in Attachments A, B, and C of your August 2011 EEO submission. For example, have you hired minorities and females at a rate comparable to the applicant pool during the past two years? If not, please explain. Are you obtaining minority and female applicants at a rate comparable to their availability in the Worcester MSA? Are you promoting and/or disciplining and/or terminating employees at a rate comparable to the current workforce utilization? |
| 1. List of all recruitment sources used during the last year, including names and telephone numbers of contact persons. |
| 1. List of all job titles for which written examinations are conducted. |
| **8. Monitoring and Reporting System (FTA C. 4704.1.III, 2.g.)** |
| 1. Procedures and documentation of WRTA’s EEO monitoring and reporting system, as described in FTA C. 4704.1.III, 2.g. |

WRTA 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.

WRTA’s site visit occurred March 27–29, 2012. The entrance conference was conducted at the beginning of the Compliance Review with WRTA’s senior management staff, the FTA EEO Equal Opportunity Specialist, and the contractor review team. During the entrance conference, the review team explained the goals of the review and the need for cooperation of staff members. A 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 WRTA’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 WRTA’s Human Resources staff to learn about WRTA’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 requested.

Throughout the three-day site visit, interviews were also conducted with selected employees and managers in WRTA’s Administrative Offices and Operations facilities at 287 Grove Street.

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

Following the site visit, WRTA provided additional data and documents to the review team that were used to complete this Compliance Review 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 whose tenure with WRTA ranged from 2 to 40 years.

The general consensus was that there was little or no knowledge of the EEO Officer or EEO’s role within the organization. A couple of staff members mentioned that the Maintenance Department did not have adequate female and/or minority representation. No one indicated that they had experienced any barriers or noted any perceived barriers at WRTA. A few individuals questioned the recent changes to the requirements for various positions, such as the ASE certification requirements for mechanics or the driving experience requirements for operators. A majority of the employees had noted seeing WRTA’s EEO policy statement posted in the WRTA facilities. Several employees expressed an interest in receiving periodic updates and additional information about EEO from the EEO Officer.

When asked about the procedures for filing complaints and an awareness of any EEO-related complaints, several individuals shared varying stories about individuals and groups of individuals who had filed complaints. Most of the complaints were filed as grievances through the local union. There was little awareness of how the complaints were resolved. One individual indicated that there was no follow-up to a complaint they filed. When asked about training opportunities to ensure that employees were afforded training in an equitable manner, most stated that they had received some training in technical training, and others had attended a sexual harassment or diversity appreciation class.

1. Findings and recommendations

The EEO Compliance Review focused on WRTA’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 four areas: Dissemination, Goals and Timetables, Assessment of Employment Practices, and Monitoring and Reporting System. An Advisory Comment was issued in the area of Designation of Personnel.

Following the site visit, WRTA submitted a revised EEO Program and other supporting documents to correct the deficiencies and advisory comments in the areas of Goals and Timetables, Assessment of Employment Practices, Monitoring and Reporting System and Designation of Personnel.

In response to the Draft Report, WRTA submitted documents to correct the deficiency in the area of Dissemination. There are no outstanding deficiencies.

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 WRTA, no deficiencies were found with FTA requirements for program submission. Prior to the site visit, WRTA provided its most recent EEO Program Plan submission, entitled “Equal Employment Opportunity Program 2011 (EEO Program),” to FTA in February 2012. WRTA’s EEO Program comprised the following areas:

* Introduction
* Statement of Policy
* Dissemination of Affirmative Action/Equal Employment Opportunity Policy
* Designation of Personnel Responsibility
* Utilization Analysis
* Goals and Timetables
* Assessment of Current Employment Practices
* Internal Monitoring and Reporting
* Attachments

The EEO Program addressed all of the requirements of FTA C. 4704.1.III. At the time of the site visit, the EEO Program had not yet been approved by FTA.

Following the site visit, on May 1, 2012, WRTA submitted a revised 2011 EEO Program. The EEO Program had been updated to reflect WRTA’s revised EEO categories, changes in underutilization in the Utilization Analysis and to the Employment Practices Chart discussed during the site visit.

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 WRTA, no deficiencies were found with FTA requirements for Statement of Policy. Prior to the site visit, WRTA provided the review team with its Statement of Policy (AA/EEO Policy), dated January 31, 2012, which was signed by WRTA’s Administrator. This Policy was posted on WRTA bulletin boards throughout the facility. WRTA’s EEO Program contained a revised AA/EEO policy dated February 12, 2012 that contained 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 | **AA/EEO Policy January 31, 2012** | **Revised AA/EEO Policy**  **February 12, 2012** |
| Issued by CEO | Yes | Yes |
| Commitment to EEO | Yes | Yes |
| Undertake an Affirmative Action Program | Yes | Yes |
| EEO Program assignment to agency executive | Yes | Yes |
| Management personnel share responsibility | Yes | Yes |
| Applicants/employees right to file complaints | Yes | Yes |
| Performance by managers/supervisors evaluated | No | Yes |
| Successful achievement provides benefits | Yes | Yes |

Following the site visit, WRTA provided a revised 2011 EEO Program that included an updated Statement of Policy that was signed and dated March 28, 2012. WRTA identified an alternate EEO Officer, so the Policy was revised to reflect the change.

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 WRTA, deficiencies were found with FTA requirements for Dissemination. Included in the Dissemination of Policy section of WRTA’s EEO Program was the following list of methods used to disseminate its AA/EEO Policy internally and externally:

Internal Communications

Management personnel are fully informed by:

* Written communication from the Chief Executive Office
* EEO Program and policy is included in the Policy and Procedures Manual
* Meetings and other forms of communication weekly

Non-supervisory staff is informed of the agency’s EEO policy and program by:

* AA/EEO policy statement posted on employee bulletin boards
* The EEO policy is included in policy manuals, and union contracts
* The EEO Program is incorporated as part of employee orientation

External Communications

The RTA/PBSI AA/EEO policy is communicated to the general public in the following manner:

* Advertisements for job openings indicate RTA/PBSI is an Affirmative Action/Equal Employment Opportunity Employer.
* The RTA/PBSI informs local female and minority publications, organizations, and community action groups of its EEO policy when informing them of current and future employment activity. Outreach groups may include the *Worcester Telegram and Gazette*, the Division of Employment Services and the WRTA website.
* RTA/PBSI Requests for Proposals and advertisements for bids indicate WRTA’s commitment of AA/EEO.
* Any firm with which RTA/PBSI enters into contract will be required to practice a policy of affirmative action in equal employment opportunity.
* Consumer advertisements featuring RTA/PBSI employees will picture minority and/or female employees as well as members from the non-minority/female groups.

Prior to the site visit, WRTA provided copies of two of WRTA’s newspaper job advertisements that included the statement “Equal Employment Opportunity Employer” in the notices.

During the site visit, the review team observed that the AA/EEO Policy was posted throughout WRTA’s facilities. WRTA provided a copy of its Policy and Procedures Manual that had been distributed to its managers and included a copy of the AA/EEO policy. WRTA also provided the documentation distributed at new employee orientation that included the AA/EEO policy.

WRTA was not able to provide documentation that it had disseminated its AA/EEO Policy according to its EEO Program. WRTA could not provide documentation of meetings held regarding the AA/EEO policy or written communication from the CEO distributed to employees regarding its AA/EEO policy. WRTA’s AA/EEO policy had not been distributed externally. WRTA’s EEO Program did not include posting the policy statement on its Internet or intranet site as one of the methods for disseminating the policy, nor was it posted on either. Furthermore, WRTA’s EEO Program did not include a policy or procedures for employees on how to file an EEO complaint.

Following the site visit, on May 1, 2012, WRTA submitted copies of its Policy Statement posted on its Internet and intranet site. WRTA further noted that it was developing its website to include the complaint process along with its complaint form. WRTA also made arrangements for the EEO Officer and the designated alternate EEO Officer to meet with all employees within the next year to provide information on how to file a complaint. WRTA noted that the complaint procedures would be available on the company website within the next two months. The Policy Statement would be distributed internally through payroll attachments and/or employee meetings within the next month.

In response to the Draft Report, on July 20, 2012, WRTA provided documentation that it had disseminated its Policy Statement internally and externally. WRTA also provided copies of its EEO Complaint Procedures and EEO Complaint Form. For external dissemination, the Policy Statement was sent to the Colleges of Worcester Consortium and the *Worcester Telegram and Gazette*. The review team confirmed that the EEO Policy Statement and complaint procedures and complaint form were posted on the career page of the WRTA’s website at <http://www.therta.com/> about/careers/. Finally, job advertisements to other organizations in the future will also include the Policy Statement. For internal dissemination, the Policy Statement had been added to the agency’s intranet.

The deficiencies in this area are closed.

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 WRTA, 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.

WRTA’s EEO Program contained a section entitled “Designation of Personnel Responsibility” that detailed who was designated as WRTA’s EEO Officer, the essential requirements for the position, the EEO Officer’s responsibilities, and management’s responsibility to WRTA’s EEO Program.

Prior to the site visit, WRTA provided its recently-developed job descriptions for an EEO Officer. It indicated that the Director of Risk Management and Administrative Services serves as the AA/EEO Officer. The job description, however, did not include the collateral duties related to the Director of Risk Management and Administrative Services position. WRTA also provided a copy of its most recent organization chart showing that the Director of Risk Management and Administrative Services was the designated AA/EEO Officer.

The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c provide for nine program responsibilities, summarized in the table below, that the EEO Officer was expected to carry out as part of their job. The following table identifies the responsibilities of an EEO Officer included in the job description for the AA/EEO Officer as outlined in FTA Circular 4704.1 III.2.c.

|  |  |
| --- | --- |
| **EEO Officer Program Responsibilities**  (FTA Circular 4704.1 III.2.c) | **WRTA AA/EEO  Officer Duties** |
| Develop EEO Policy/Program | Yes |
| Assist management with data needs, goal-setting, timetables, etc. | Yes |
| Oversee internal monitoring and reporting system | Yes |
| Report periodically to CEO on EEO progress | Yes |
| Serve as liaison to outside organizations/groups | Yes |
| Disseminate current information | Yes |
| Provide recruitment assistance, establish outreach sources | Yes |
| Concur in all new hires/promotions | No |
| Process employment discrimination complaints | Yes |

During the site visit, WRTA was able to demonstrate that the AA/EEO Officer had been carrying out the functions of the EEO Officer as detailed in the EEO Program and according to FTA C 4704.1 III 2.c. While the AA/EEO job description did not include concurrence on hires as a responsibility, documentation provided by WRTA demonstrated that the AA/EEO Officer had been concurring on all new hires. WRTA was advised to update the job description list of responsibilities to include concurrence on new hires.

The AA/EEO Officer’s collateral duties as the Director of Risk Management and Administrative Services included oversight of the Manager of Human Resources. WRTA did not have a procedure to allow for alternate means for handling complaints for perceived conflict of interest due to the Manager of Human Resources reporting to the Director of Risk Management and Administrative Services. Furthermore, the AA/EEO Officer did not have any training or practical knowledge of EEO laws or precepts. WTRA was advised to identify an alternative EEO Officer to address complaints and to mitigate potential conflicts of interest. It was also recommended that the AA/EEO Officer obtain training in performing the required duties of an EEO Officer.

Following the site visit, WRTA appointed an alternate EEO Officer. The alternate EEO Officer was identified in its updated EEO Program and the EEO/AA Policy statement. The EEO Officer and the alternate EEO Officer were scheduled for EEO training within the year.

The deficiencies in this area are closed.

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 WRTA, no deficiencies were found with FTA requirements for Utilization Analysis. WRTA’s EEO Program contained its Utilization Analysis dated as of December 31, 2011. The Workforce Analysis included a statistical breakdown of WRTA’s workforce by job group. The workforce was cross-referenced by race, national origin, and gender. WRTA’s current workforce was compared to the available workforce for the relevant labor market to identify areas of underutilization. WRTA identified the relevant labor market to be the Worcester MA–CT Primary Metropolitan Statistical Area. WRTA obtained population and employment figures for the Worcester MA–CT PMSA from the U.S. Census Bureau’s Census 2000 EEO Data Tool. The workforce analysis was categorized into the following job groups:

* Officials and Managers
* Professionals
* Technicians
* Office and Clerical
* Craftsmen (Skilled)
* Operators
* Laborers
* Service Workers
* Trainees
* Other

Key findings of the WRTA’s 2011 workforce analysis showed:

* WRTA’s total workforce was 158 employees.
* Total Hispanic representation was 13.3 percent.
* Total Black representation was 12 percent.
* Total female representation was 28.5 percent.

Prior to the site visit, WRTA provided its most recent 2011 Utilization Analysis. WRTA also provided a list of the job titles that were included in each job category. As a result of discussions held during the site visit with the review team, WRTA reclassified several job titles to other, more relevant job categories. WRTA was advised to revise its analysis based on the reclassification of EEO job categories and labor market changes to reassess its areas of underutilization.

Following the site visit, on May 1, 2012, WRTA submitted its revised EEO Program dated March 28, 2012. The EEO Program had been updated to reflect WRTA’s revised EEO categories and changes in underutilization in the Utilization Analysis. According to the revised Utilization Analysis in the EEO Program, the following categories were identified as underutilized by one or more persons:

* Officials and Managers – minorities 7.1% ; females 10.5%
* Professionals – minorities 12.8%
* Craft Workers – minorities 9.6%; females 4.9%

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 WRTA, 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.

WRTA’s EEO Program contained a Goals and Timetables section that presented narrative discussions for each of the job categories detailing whether there was underutilization, the potential dynamics that had impacted the makeup of WRTA’s workforce, and the steps WRTA was taking to address the disparities in the number of minorities and/or females in the workforce. For the job categories where a goal was established, it was presented as the number of positions to be filled over the coming year. The Utilization Analysis section for WRTA’s EEO Program also included an evaluation of each job category.

Numerical goals were established to correct the underutilization for the following areas as follows:

* Operators: 2 females
* Service Workers: 1 female

WRTA’s goals did not include a timetable with percentage goals to eliminate underutilization in job categories where it was identified.

Following the site visit, on May 1, 2012, WRTA submitted a revised 2011 EEO Program. The EEO Program had been revised to include WRTA’s updated Goals and Timetables Section. For the job categories with underutilization, there was a narrative discussion of the short-term and long-term goals established and the approach to meeting those goals.

The deficiencies in this area are now closed.

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 operate as employment barriers and unjustifiably contribute to underutilization.

**Finding:** During this Compliance Review of WRTA, deficiencies were found with FTA requirements for Assessment of Employment Practices. WRTA did not provide documentation that it had regularly conducted qualitative or 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 in the past year.
* Number of disciplinary actions and terminations (by type).

WRTA’s EEO Program contained a section titled “Assessment of Current Employment Practices” that contained a narrative description of employment practices, such as seniority practices, promotion and transfer, wages and benefits, disciplinary and termination procedures, and general assessment. Prior to the site visit, WRTA provided a copy of its Harassment and Sexual Harassment policy, Employment Practices charts, a list of recruitment sources, workforce analysis, and a listing of job titles that require written exams.

During the site visit, WRTA did not provide documentation that it had performed qualitative assessments of employment practices. The narratives included in the EEO Program did not determine if the employment practices created barriers that may have contributed to underutilization of minorities and women.

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

|  |  |
| --- | --- |
| **WRTA’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. | No |
| Procedures and practices regarding wages, salary levels, other forms of compensation/benefits. | No |
| Disciplinary procedures and discharge and termination practices. | No |
| Assessment of impact of external factors (not knowing where to apply for jobs, availability of bilingual materials and information) | Yes |
| Proposed program of remedial, affirmative actions to address problem areas | No |
| **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 |

During the site visit, the review team provided technical assistance for performing the required qualitative assessments of employment practices.

Following the site visit, on May 1, 2012, WRTA submitted a revised assessment of employment practices that included both a narrative assessment on areas of underutilization and the factors that could create barriers, such as recruitment, selection and educational requirements. WRTA also submitted updated quantitative analyses of employment practices, such as promotions and transfers, wages and benefits, and disciplinary actions and terminations. Where a disparity appeared to exist regarding disciplinary actions for minorities and females, WRTA’s analysis revealed that and a plan of action was proposed to correct the disparity. Due to its progressive disciplinary policy, some of the discipline recorded reflected multiple disciplinary actions against the same individual. The revised 2011 EEO Program had been updated to include WRTA’s Employment Practices chart in the Assessment of Employment practices section as part of its qualitative analysis.

The deficiencies in this area are now closed.

1. Monitoring and Reporting System

**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.

**Finding**: During this Compliance Review of WRTA, deficiencies were found with FTA requirements for a Monitoring and Reporting System. 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:

* Assess EEO accomplishments.
* Enable the agency to evaluate the EEO Program during the year and take corrective actions, as necessary.
* Identify those units that have failed to achieve a goal or implement affirmative action.
* Provide precise and factual database for future projections.

WRTA’s EEO Program included a section entitled “Internal Monitoring and Reporting” that detailed WRTA’s procedures for reporting on and periodic review of employment levels, to evaluate progress made in ensuring affirmative action in equal opportunity employment, and to identify employment areas and practices requiring improvement.

Prior to the site visit, WRTA provided a summary list of all internal and external complaints received in the past three years. The list included one external complaint. During the site visit, while conducting employee interviews, the review team was made aware of several EEO complaints that had been filed by various employees. It was explained that many of the complaints were filed as grievances with the local union. WRTA did not have a formal complaint procedure or a system for tracking complaints.

During the site visit, WRTA was unable to demonstrate that it had been consistently reviewing EEO accomplishments and reporting on these to management on a periodic basis according to procedures outlined in its EEO Program. WRTA was unable to provide documentation of the items reviewed or discussed during meetings held with management to discuss the progress toward meeting EEO goals.

Following the site visit, in a letter dated May 1, 2012, WRTA explained its proposed plan for tracking and reporting on EEO goals annually and for discussing EEO goals with the management staff. WRTA also discussed its approach to begin tracking informal EEO complaints. The revised 2011 EEO Program described the changes to WRTA’s internal monitoring and reporting system.

The deficiencies in this area are now closed.

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 | D | No documentation of adequate internal or external dissemination, as per WRTA’s EEO Program | WRTA must submit to FTA Office of Civil Rights documentation of:  Internal and external dissemination of its EEO Policy in accordance with WRTA’s EEO Program  Arrangements for EEO Officer to meet with employees  Development and distribution of EEO complaint procedure | Closed  7/20/12  Closed  05/01/12  Closed  7/20/12 |
| 1. Designation of Personnel Responsibility | AC | WTRA was advised to:   * Identify an alternative EEO Officer to address complaint to mitigate potential conflict of interest * Obtain AA/EEO Officer training in performing required duties |  | Closed 05/01/12 |
| 1. Utilization Analysis | ND |  |  |  |
| 1. Goals and Timetables | D | No short-term goals | WRTA must submit to the FTA Office of Civil Rights revised Goals and Timetables for 2012 presented in terms of long-range percentage goals and short-term numerical goals in accordance with FTA C. 4704.1. | Closed 05/01/12 |
| 1. Assessment of Employment Practices | D | No qualitative assessment of employment practices | WRTA must submit to the FTA Office of Civil Rights a qualitative assessment of employment practices, as described in FTA Circular 4704.1 III.2.f. | Closed 05/01/12 |
| 1. Monitoring and Reporting System | D | * No report or timetable for monitoring accomplishment of EEO goals * No system for tracking informal EEO complaints | WRTA must submit to the FTA Office of Civil Rights:   * System for monitoring and reporting accomplishments, including specific time period for reporting, e.g., quarterly or semi-annually as detailed in its EEO Program * Procedures developed for tracking informal EEO complaints. | Closed 05/01/12 |

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

1. attendees

| **NAME** | **TITLE/**  **ORGANIZATION** | **PHONE** | **E-MAIL** |
| --- | --- | --- | --- |
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