The Updated FTA Equal Employment Opportunity (EEO) Circular 4704.1A: 

Background, Changes, and What It Means For You
Overview

• Background
• Updated Circular
• Circular format
• What’s updated?
• How does this affect you?
• Questions
Background

• The law
• Purpose of an EEO program
• Benefits for you
Updated Circular

• FTA EEO Circular C 4704.1A went into effect on Oct. 31, 2016
• Had not been updated since 1988
• Will better align with EEOC submissions, procedures, and requirements

CIRCULAR

U.S. Department of Transportation
Federal Transit Administration

FTA C 4704.1A

Subject: EQUAL EMPLOYMENT OPPORTUNITY (EEO) REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS

October 31, 2016
Circular Format: Chapters of the EEO Circular

- Chapter 1 – Introduction and Applicability
- Chapter 2 – EEO Program Requirements
- Chapter 3 – EEO Compliance Oversight, Complaints, and Enforcement
Circular Format: Attachments to the EEO Circular

Sample Documents:
- Policy Statement
- Concurrence Checklist

Sample Charts:
- Employment Practices and Utilization Analysis Excel Charts

Checklists:
- EEO Program Format Checklist
- EEO Program Contents Checklist
What’s Updated?

- Four-year EEO Program submission
- Threshold changes
- EEO conflicts
- Training requirements
- Monitoring requirements
- Tracking charts
- General updates
Four-year Submission

• Programs must be submitted every four years

• New submission dates begin in March 2018
  – Submission schedule available on FTA website
Threshold Changes

Quick Guide to Updated EEO Program Thresholds

<table>
<thead>
<tr>
<th>If you have...</th>
<th>...AND...</th>
<th>...OR...</th>
<th>...then you must...</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 99 transit-related employees</td>
<td>You request or receive over $1 million in capital</td>
<td>You request or receive over $250k in planning</td>
<td>Maintain an abbreviated EEO program</td>
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<tr>
<td></td>
<td>or operating assistance in previous fiscal year</td>
<td>assistance in previous fiscal year</td>
<td></td>
</tr>
<tr>
<td>100 or more transit-related employees</td>
<td></td>
<td></td>
<td>Submit a complete EEO program to FTA every four years</td>
</tr>
</tbody>
</table>

- Only direct recipients submit programs to FTA
  - Contractors and subrecipients submit to the direct recipient they receive funds from
- Recipients with 50 to 99 transit-related employees are not required to submit programs, but FTA may request any program for its review
Conflicts of Interest

• Conflicts of interest:
  – Requires agencies to review potential HR/EEO conflict of interest
  – Discusses potential legal office and EEO office conflicts
Training

- Training:
  - Employees responsible for EEO complaint investigations must have training
  - Training for supervisors required within 90 days of appointment
Monitoring

- Direct recipients are required to monitor subrecipients and contractors for EEO Program compliance
- If a subrecipient/contractor crosses the new submission threshold, it must submit programs to the direct recipient for review
- More detailed information on monitoring requirements
Tracking Charts Background

- FTA requires some of you to conduct analyses of your workforce and employment practices
- We have automated Excel charts to assist you with these analyses

Utilization Analysis

- Analyzes your workforce to see if it is representative of the larger labor force in your area
- Helps to determine aspirational hiring goals to eliminate any underutilizations that may exist

Employment Practice Assessment

- Analyzes your various practices to identify possible barriers to employment
- Specifies which ethnic and gender groups may be disparately impacted by your employment practices
Tracking Charts Changes

- Utilization Analysis/Goals and Timetables
  - Minorities are separated out
  - Tables are updated to set goals for each group

- Employment Practices Charts
  - Employment Practices charts have $4/5^{th}$ percent rule formulas

- Tracking veterans and individuals with disabilities
  - Tracking does not include goals and timetables
  - Only required to track hire and promotion rates
What Does This Mean For You?

• New submission dates:
  – Either March 2018 or March 2020
  – Then every four years
What Does This Mean For You?

• Resources:
  – Frequently Asked Questions
  – Utilization Analysis and Employment Practices Charts
  – Federal Register Notice
  – Submission Schedule
  – Contact Us

• All can be found on:
  www.transit.dot.gov/eeo
Note: The presenters are providing technical assistance. Answers that are provided may not represent official FTA or DOT policy. Individuals seeking formal determinations or opinions are invited to submit their requests in writing to the agency.