

FTA

FEDERAL TRANSIT ADMINISTRATION

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

***Background, Changes, and
What It Means For You***



U.S. Department of Transportation
Federal Transit Administration

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



U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 4704.1A

October 31, 2016

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

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

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

- 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

Conflict of Interest

A much overlooked, under-estimated, yet highly prevalent factor in the execution of any responsibility or activity, where an organization is subject to incompatible demands, opportunities, incentives, or responsibilities, etc.

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 4/5th 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





Questions?

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.