

Estuary Transit District (ETD)

Equal Employment Opportunity Program
(EEO)

FY2022

91 N Main Street
Middletown, Connecticut 06457

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EEO Program Requirements & Elements

FTA requires each applicant, recipient, sub-recipient, or contractor that meets the threshold requirements of FTA Circular 4704.IA (all recipients and state DOTs with 100 or more transit-related employees) to submit an updated Equal Employment Opportunity (EEO) Program on a four-year basis, or as major changes occur in the workforce or employment conditions-whichever comes first.

This program complies with Titles VI & VII of the Civil Rights Act of 1964, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), 49 U.S.C. Chapter 53 (the Federal Transit law), other Federal civil rights statutes, and the U.S. Department of Transportation (DOT) regulations in 49 CFR part 21.

FTA's Office of Civil Rights may request additional information from the agency to resolve questions concerning EEO compliance. Failure to submit information requested by FTA may delay the award of FTA funds or the processing of grant applications. FTA requires agencies to retain all records that would enable FTA to ascertain whether they have complied-or is complying-with Equal Employment Opportunity statutes and regulations for a minimum of three years.

FTA requires the EEO Program to contain the following seven (7) elements:

1. EEO Policy Statement
2. Dissemination of the EEO Plan
3. Designation of Personnel Responsibility
4. Assessment of Employment Practices
5. Monitoring and Reporting

Agencies meeting the threshold requirement {100 or more transit-related employees} must also submit:

6. Utilization Analysis
7. Goals & Timetables

ETD does not currently meet the threshold requirement of 100 or more transit-related employees, and therefore, will follow the requirements outlined in FTA Circular 4704.IA for agencies between 50-99 transit-related employees. As a smaller agency, ETD is currently not required to conduct a utilization analysis with goals and timetables or to submit the EEO Program to FTA every four years-although all other requirements remain applicable.

The EEO Program must be provided to FTA if requested by the Office of Civil Rights or for any State Management Review or Triennial Review; the format of the Utilization Analysis data sheet, though, will be used for tracking area labor availability by EEO-4 Job Category.

EEO Policy Statement

ETD commits that all employment actions, including but not limited to recruitment or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation, and treatment of employees will be administered without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class

ETD commits to develop a written nondiscrimination program that sets forth the policies, practices, and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request.

Implementation of ETD's EEO Policy is the responsibility of the Human Resources Manager who is the EEO Officer.

Applicants and employees have the right to file complaints alleging discrimination with the EEO Officer.

Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated.

ETD is committed to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

Although the ETD EEO Policy is administered by the Human Resources Manager, all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance.

ETD evaluates the performance of managers, supervisors, and others based on the success of the EEO Program in the same manner that the agency evaluates their performance in other agency programs. This policy statement expresses the agency's commitment to EEO. It is a reminder that all employees are protected under the EEO laws and those employees may seek assistance if they believe they have been subject to unlawful employment discrimination.

Questions or concerns may be directed to the Human Resources Manager, Lisa Gibson. She may be contacted by email at: LGibson@estuarytransit.org. Alternatively, Lisa can be reached by phone at [\(860\) 510-0429 x 130](tel:(860)510-0429x130)

Dissemination of the EEO Plan

FTA requires agencies to formally publicize and disseminate their EEO policy statement by posting it in conspicuous locations so that employees, applicants, and potential applicants are aware of the agency's commitment to EEO.

Agencies are required to disseminate their EEO policy internally and externally.

Internal Dissemination

FTA requires each agency to communicate the existence of its EEO policy and program to employees, applicants, and potential applicants. ETD will accomplish this requirement through:

- Providing written communications from the Executive Director (e.g., policy statement), and routinely printing the EEO policy statement in the organizational newsletter.
- Posting official EEO materials (e.g., Federal and state labor laws poster(s)) and the agency's policy statement on bulletin boards, near time clocks, in employees' break rooms, and in the employment/personnel office.
- Including the EEO policy statement in the agency's personnel and operations manual, employee handbooks, reports, and manuals.
- Meeting with employees and affinity groups to seek input on the program implementation.
- Issuing a written memorandum annually to all supervisors informing them of their general responsibilities regarding the EEO program.
- Conducting EEO training for all new supervisors or managers within 90 days of their appointment.
- Posting the EEO statement, background information, and complaint process on the organizational website.
- Conducting periodic EEO training and program review for all employees and for managers.
- Meeting with top management officials at least semiannually to discuss the EEOP and its implementation.
- Conducting a review of the organization's EEO policy with all employees, and a formal assessment with Management at least once per year.

The EEO policy statement is included in the ETD Employee Handbook as part of the orientation materials provided to new staff. New employees are required to sign a form acknowledging they have read and understand the EEO and other core agency policies. Additionally, the EEO policy statement is reviewed and included in the new hire orientation packets, describing key aspects and components of the agency's EEO plan.

FTA requires appropriate documentation that the EEO policy and program have been brought to the attention of employees. This includes maintaining agendas and sign-in sheets for meetings conducted when the EEO policy and its implementation are explained.

External Dissemination

The EEO policy and program will be shared outside the organization by:

- Including in all, newspaper, and recruitment outreach a statement that ETD is *"An Equal Opportunity Employer."*
- Providing our EEO policy annually for awareness purposes and public comment, and/or job advertising for vacancies posted externally to recruitment entities.
- Attention will be given to advertising in sources and media that reach minorities and females.
- Posting the EEO statement, policy, and program information, and EEO complaint process on the organizational website.
- Displaying the phrase *"ETD is an Equal Opportunity Employer"* on the *ETD Employment* page of the organizational website.

Designation of Personnel Responsibility

The designation of an agency's EEO Officer responsible for EEOP management and oversight reflects the agency's EEO commitment. The EEO Officer reports directly to the Executive Director. Contact information for the EEO Officer will be publicized, and the individual's name and contact information will be included on all internal and external communications regarding the agency's EEOP.

ETD will ensure no conflicts of position or conflicts of interest occur or appear to occur with respect to the EEO Officer's role in order to maintain the integrity of the EEO investigative and decision-making process. FTA requires the functional unit that reviews EEO matters be separate and apart from the unit that represents the agency in EEO complaints. Impartiality and the appearance of impartiality are important to the credibility of the EEOP.

EEO Officer's EEOP Responsibilities

FTA requires the EEO Officer's EEOP responsibilities to include, at a minimum:

- Developing the EEO policy statement and a written EEOP.
- Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables (should the threshold be met), and developing programs to achieve goals.
- Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.
- Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood and is followed in all personnel activities.
- In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements.
- Reporting at least semiannually to the Executive Director on each department's progress in relation to the agency's goals, and on contractor and vendor compliance.
- Serving as liaison between the agency, Federal, state, county, and local governments, regulatory agencies, minority, women, disability organizations, and other community groups.
- Maintaining awareness of current EEO laws and ensuring the laws affecting nondiscrimination are disseminated to responsible officials.
- Investigating/processing complaints of EEO discrimination.
- Monitoring complaint logs for claims of discrimination relating to EEO and/or Title VI regulations.
- Providing EEO training for employees and managers.

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- In conjunction with human resources, advising employees and applicants of any available training programs and professional development opportunities and the entrance requirements.
- Auditing postings of the EEO policy statement to ensure compliance information is posted and up-to-date.
- Assisting in recruiting minority, disabled, and women applicants, and establishing outreach sources for use by hiring officials.
- Concurring in the hiring and promotion process.

ETD will provide investigative training and educational resources to all individuals involved with investigating EEO complaints and will seek to implement and utilize an Alternative Dispute Resolution (ADR) program of mediation in resolving discrimination disputes in a timely, mutually acceptable, and cost-effective manner.

Agency EEO Responsibilities

Although the EEO Officer is primarily responsible for implementing an agency's EEOP, all officials, managers, and supervisors are responsible for carrying out EEO, and are not to discriminate based on protected class. All managers-from the supervisor of the smallest unit to the Executive Director-bear the responsibility for ensuring that agency EEO policies and programs are carried out.

EEO responsibilities for agency officials, supervisors, and managers include:

- Participating actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives.
- Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed.
- In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program.
- Cooperating with the EEO Officer in review of information and investigation of complaints.
- Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career-growth opportunities, posting available promotional opportunities, shadowing, mentoring).

ETD will consider establishing an advisory committee-in the practice of good faith-that reflects all segments of the community and the agency's workforce, as well as implementing diversity and inclusion strategies. The use of written suggestion boxes is currently being utilized.

Assessment of Employment Practices

FTA requires agencies to provide narrative and statistical data that show any potential impact of employment practices on minorities and women. This includes:

- The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race.
- The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race.
- The number and types of disciplinary actions (e.g., indefinite suspension, loss of pay, demotion), tailored to the language used in union contracts and agency policies and procedures.
- The number of voluntary separations/involuntary terminations, cross-referenced by sex and race.
- Job category training that fosters promotion potential, cross-referenced by sex and race.

The EEO policy applies to ETD's recruitment and hiring efforts and reflects our commitment to recruit and promote the most qualified persons available. All employment practices and procedures shall be conducted in compliance with existing federal and state equal opportunity laws.

Employment Practices

1. Recruitment & Selection

Everyone at ETD who recruits, interviews, hires, promotes, trains, or takes disciplinary actions will be trained in the use of objective, job-related standards. Job descriptions and hiring standards reflect major job functions and do not require qualifications that are higher than needed.

Individuals and community-based organizations shall be used for the purposes of soliciting minority and female applicants. Special emphasis shall be placed on the dissemination of information to female and minority groups in the community.

2. Testing:

ETD does not currently utilize any written, formal, or scored tests in the employment selection process. Should such testing be used, it shall be identified in this section along with a description of test administration procedures. An explanation related to test validation to predict or measure job performance will also be included.

Other items related to testing include:

- Background check, driver license/driving record verifications are required prior to any employment offer.
- Medical evaluation including drug screen is required for safety-sensitive positions requiring a CDL.

3. Advertisements

Advertisements for open positions shall be conducted at all times by:

- Internally: In general, open positions will be made available through notices to all departments to offer employees the opportunity to apply for positions they may be qualified to perform. The District does reserve the right not to post a particular job opening.
- Externally: open positions not filled from available ETD employees shall be advertised.

4. Seniority Practices

- ETD does not have seniority practices or provisions in place. Open positions are posted for all employees to see and to apply, however, ETD reserves the right not to post a particular opening. Any interested candidate who applies for a position is interviewed and provided the same opportunity to prove their capabilities of being the best candidate for the open position.

5. Training

Formal trainings are held routinely for all staff (depending on job classification) during quarterly safety meetings. Additionally, refresher trainings are offered to staff to sharpen skills in areas of need to help

avert potential infractions. More informal training also exists for temporary "fill-in" positions, which often later allow for promotional opportunities through such cross-training tactics. ETD ensures protected classes are given equal opportunity to participate in such cross-trainings, with potential candidates identified as a key part of the annual EEO review with the management staff.

ETD records both supervisory and non-supervisory staff trainings and course objectives and verifies staff participation through attendance lists.

6. Selection Standards & Procedures

- Selection-in selecting potential employees it shall be the policy to avoid, and eliminate where needed, standards or procedures which tend to screen out minority and female applicants. Selection processes are specifically concerned with preventing selections based on derogatory stereotypical characterizations of individuals based on religion, race, color, national origin, age, sex, height, weight, marital status, sexual orientation, or disability.
 - Additional mechanisms such as probationary periods may be used to further examine the suitability of the employee. Probationary periods are clearly defined in employment offer letters, labor contracts, and are applied equally to all employees assigned to positions requiring them.
 - Individuals with disabilities are hired and promoted on merit factors alone and not by arbitrary generalizations, stereotypes, or preconceived notions about "handicapped" or temporarily disabled individuals.
- Use of EEOC Guidelines-it shall be the policy of ETD to subscribe and comply with the Equal Employment Opportunity Commission's (EEOC) guidelines on employee selection. If testing takes place, tests shall be job related and consistent with the EEOC guidelines on employee selection.
- Application Forms-application forms and pre-employment inquiries shall be conducted in a manner that is neutral and non-discriminatory. Traditional discriminatory barriers-except for bona fide requirements-shall be avoided and corrected when found. ETD provides electronic applications as well as traditional paper application forms.
- Interviews-interviews shall be conducted in an objective manner. It shall be the policy of the ETD that the interviewer be qualified and sensitive to the goals and objectives of the Equal Employment Opportunity Policy and Plan.
- Monitoring Process-all steps in the selection process shall be evaluated and monitored by the EEO Officer.

7. Promotions & Transfers

It shall be the responsibility of the EEO Officer and supervisors to ensure minorities and females are given equal opportunity for new jobs, promotions, transfers, and training.

- Removal of Employment Barriers-it shall be the EEO Officer's responsibility to work with the ETD Director and supervisors in the identification and removal of any employment barriers which might impede horizontal and vertical movement of minorities and females.
- Record Keeping-to monitor and ensure that progressive employment practices take place, the EEO Officer shall maintain records to monitor upward mobility.

Good practices under consideration or currently utilized include:

- Training to employees, personnel, and management staff on proper interview techniques.
- Counseling to assist employees in identifying promotional opportunities.
- Training and educational programs to increase promotion and transfer opportunities.
- Leadership mentoring, shadowing, or training for identified talent.

8. Compensation & Benefits

Wages, salary levels, and other forms of compensation shall be consistent with the Equal Pay Act of 1963, as amended, and administered in a non-discriminatory manner. The Equal Pay Act means equal pay for equal work. ETD will review its compensation and benefit structure on a regular basis to ensure protected classes do not fall risk to discrimination. Compensation information is additionally described in the ETD Employee Handbook.

Reviews will also be made to compare job descriptions with actual job functions of positions held by employees of protected classes, comparing length of service and pay rates. All additional benefits, such as retirement plans and medical benefits, will also be reviewed to ensure they are being equally available to all employees.

9. Disciplinary Procedures & Termination Process

Employees of ETD are required to always conduct themselves in a manner that reflects a positive image for ETD. Staff are expected to perform their duties safely with honesty and integrity. Disciplinary actions (e.g., termination, demotion, discipline, or layoff) will be administered consistently and equitably.

The objective is correcting an employee's deficiencies. The level of discipline is based on the totality of the circumstances surrounding the issue. Depending on the nature of the infraction or performance deficiency as determined by investigation, the following progressive action may be taken:

- Verbal Warning
- Written Warning

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- Suspension Without Pay
- Termination

Layoff guidelines or other clauses in union contracts will be monitored for disparate effects on employees within protected classes. Should any barriers to equal employment be identified, ETD will work to revise any future union agreements within this area.

Monitoring and Reporting

The EEO Officer will cumulatively monitor all employment actions, including new hires, promotions/transfers, voluntary separations/involuntary terminations, and trainings, and all identified barriers to ensure that the Equal Employment Opportunity Program is carried out in its entirety.

An important part of any successful EEO Program is establishing an effective and workable internal monitoring and reporting system to:

- Assess EEO status, document accomplishments or the lack of accomplishments to Management.
- Enable agencies to evaluate their EEO Program during the year and to take any necessary corrective action regarding the development and execution of programs. FTA requires agencies to conduct such evaluations semiannually, at a minimum.
- Produce documentation that supports actions to implement the plan for minority and female job applicants or employees and informs management of the program's effectiveness.

The following EEO-related monitoring and reporting actions will be utilized by the EEO Officer, with results and needed follow up actions documented in the form of meeting minutes and will include any related handouts or data tables. Such actions will occur according to the following scheduled frequencies:

- DAILY/ONGOING-database updates reflecting key EEO data fields: applications, hires, disciplinary actions, separations, etc.
- DAILY/ONGOING-documentation log updates related to job postings published, advertisements placed, recruitment locations and dates, etc., including documentation for any EEO-related meetings between the Executive Director and/or Human Resources personnel, and the EEO Officer (e.g., statistics on employment practices and policies, verifying that job descriptions contain legitimate position requirements, that any testing used has been validated, etc.).
- BI-YEARLY-Management Committee review of fiscal year-to-date data, including to but not limited to, hiring, promotions, status of EEO complaints, etc.
- YEARLY-a fiscal year-end review with all data accumulated, with any areas of concern reviewed in detail. Annual EEO report with findings submitted to managerial staff and the ETD Board, and made available to all employees.
- YEARLY-a written reminder to all supervisory staff informing them of their general responsibilities regarding the EEO program.
- YEARLY-a submission of the EEO Program & Policy to potential recruitment entities (e.g., employment agencies, educational institutions, minority, civil rights, and women's organizations) for awareness purposes and public comment.

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- YEARLY-an EEO audit that ensures:
 - EEO materials such as posters and statements are up-to-date and remain posted in appropriate locations.
 - The EEO statement, program and contact information, and complaint process remain posted on the ETD website-with live links and current, relevant information.
 - EEO information is reviewed in the new employee orientation process and remains included with current and relevant information in the ETD Employee Handbook.
 - The EEO phrase "ETD is an Equal Opportunity Employer" is used in television, radio, newspaper, or other recruitment outreach, such as social media *blasts*, and is included on the agency's website's *Employment* page, and in any related printed materials.
- YEARLY-a review of the EEO program with all staff during a quarterly safety meeting; the EEO policy statement will be highlighted in the employee newsletter.
 - Sign-in sheets will be documented, listing each attendee.

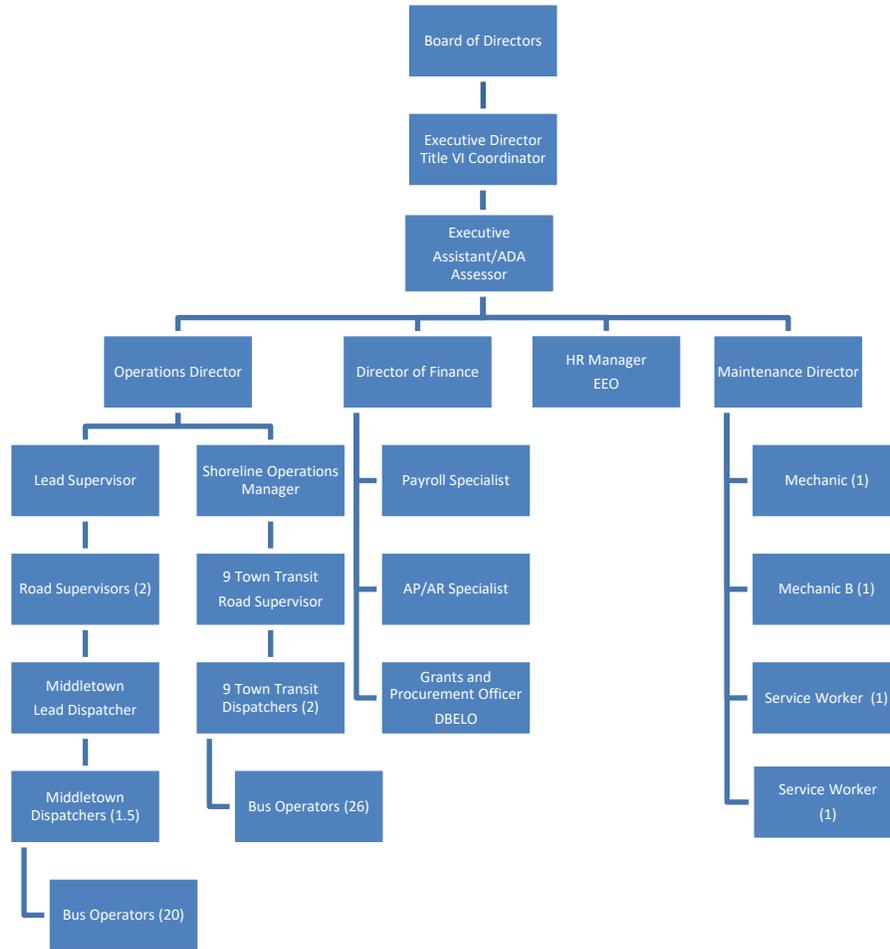
Data will be monitored and tabulated by the EEO Officer with breakdowns on race, color, and sex; breakdowns will also be monitored in required areas for veterans and persons with disabilities.

Layoff guidelines or other clauses in union contracts will be monitored as needed for disparate effects on employees within protected classes. Should any barriers to equal employment be identified, ETD will work to revise any future union agreements within this area.

Additionally, all EEO complaints will be monitored and documented by the EEO Officer. A database exists that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, resolution reached, and the name of the investigator.

Union contracts will be reviewed at the time of their formation to ensure disparate impacts do not result.

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EEO Complaints

Equal Employment Opportunity discrimination complaints may be filed on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), age, national origin, disability, veteran status, or genetic information, or any other basis prohibited by local, state, or federal law, whether made in general, directed to an individual, or to a group of people regardless of whether or not the behavior was intended to harass. Types of complaints include unfair or inequitable treatment with regards to job retention, promotion, demotion, training opportunities, classification, pay, or other employee relations problems including harassment and retaliation by supervisors or other employees. A complaint must be submitted within 180 days from time of occurrence.

FTA requires applicants and recipients to adopt local procedures consistent with EEO statutes and regulations for the disposition of EEO complaints. FTA also encourages complainants to seek resolution locally and to file complaints with FTA only when dissatisfied with how the complaint was resolved or when the case is not being resolved in a timely manner.

For complaints other than discrimination and harassment, bargaining unit employees should follow the grievance procedures outlined in their union contract.

ETD has established a systematic and orderly method of hearing complaints arising out of violation of EEO statutes. The following procedural steps shall be utilized by those seeking recourse for any violation of the Equal Employment Opportunity Policy:

STEP 1-Anyone having an EEO complaint shall meet with the EEO Officer for a confidential consultation.

STEP 2-After consultation, the person bringing the complaint may decide to file a written complaint which shall be documented by the EEO Officer. A copy of the EEO complaint shall be issued to appropriate supervisory staff.

STEP 3-Once the written complaint is filed, the EEO Officer shall conduct an investigation and interview witnesses. This investigation shall be completed as soon as possible, in a timely manner.

STEP 4-Once the investigation is completed, the EEO Officer shall schedule a meeting as soon as possible to attempt to resolve the complaint. Persons at the meeting shall include the person who made the complaint, the appropriate supervisory staff, and the Executive Director.

STEP 5-A summary of the meeting will be documented by the EEO Officer. A copy of this summary shall be distributed to all who attended the meeting.

STEP 6-If the complaint is not resolved at this level, the EEO Officer will schedule another meeting with all parties involved in attempt to resolve the complaint.

STEP 7- The EEO Officer shall review the facts of the case and examine the entire record and make a decision which shall constitute the final decision in the matter. The decision will be communicated in writing to the individual making the complaint, the supervisory staff involved in the matter, and the Executive Director. Every effort will be to provide this written decision within 30 days from the date that the written complaint was filed, unless extenuating circumstances exist-such as additional time needed to obtain information which would provide for the most equitable handling of the case.

Resolution of Complaint

The EEO Officer will seek to resolve the issue on the lowest level through mediation with the complainant, their department head, and Executive Director, if necessary. Should the findings-if any-show that a violation occurred, the EEO Officer may recommend disciplinary action, if warranted. If the complainant is represented and is not satisfied by the outcome of the mediation, he/she may also file a grievance through their respective union.

Although it is FTA's practice to encourage employees and applicants to resolve issues with local agencies when possible before filing a complaint, persons unsatisfied by the outcome of EEO mediation may file a complaint within 180 days from the date of the alleged discrimination with the U.S. Department of Transportation Office of Civil Rights, or the U.S. Equal Employment Opportunity Commission:

U.S. Department of Transportation
Attention: Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
888-446-4511

<http://www.transit.dot.gov/regulations-and-guidance/civi1-rights-ada/civil-rightsada>

U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507
800-669-4000

<http://www.eeoc.gov>