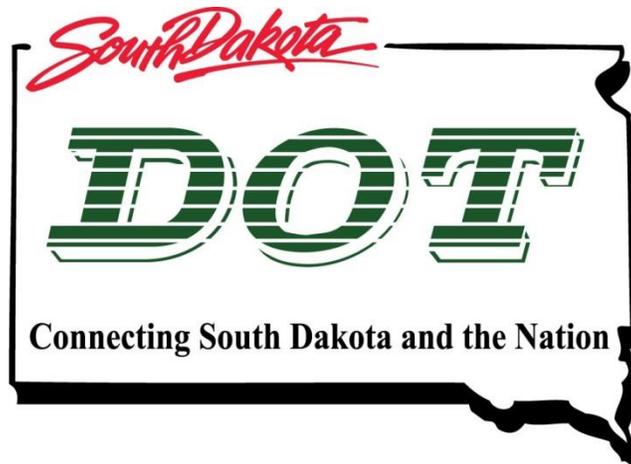


South Dakota Department of Transportation



EEO Program Template (Abbreviated)

January 2020

Office of Legal Counsel
Civil Rights Program
700 East Broadway Avenue
Pierre, South Dakota 57501-2486
(605) 773-3540

In accordance with circular FTA C 4702.1B each recipient who has 50 to 99 transit-related employees, and; requests or receives capital or operating assistance in excess of 1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year is required to submit an EEO Program. FTA requires an EEO Program be submitted every three years, as part of your Title VI review.

Below you will find a checklist for the EEO Program, as required by US-DOT Federal Transit Administration. Your EEO Program must contain each of these individual parts to be considered complete. Sample documents have been provided for your assistance. Additional samples and information found in the circular at:

<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/56501/eoo-circular-c-47041a.pdf>

1. Cover Page
 - a. *Name of sub recipient*
 - b. *EEO Program*
 - c. *Date completed*
 - d. *Contact information for EEO Officer*

2. Policy Statement
 - a. *See attachment A*
 - b. *Should express sub recipient's commitment to EEO for all persons regardless of race, creed, national origin, sex, or age.*

3. Procedure for Dissemination of Policy
 - a. *See attachment B*
 - b. *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.*
 - i. *Internal: Managers and employees should be fully informed of the agency's policy.*
 - ii. *External: The agency should disseminate its EEO policy and programs to regular recruitment sources.*

4. Designation of Personnel Responsibility
 - a. *See attachment C*
 - b. *Should establish the role and responsibilities of the EEO Officer*
 - c. *Notice of EEO Officer (See Attachment D)*

5. Assessment of Employment Practices
 - a. *See attachment E*
 - b. *Should have a detailed assessment of present employment practices to be used to identify causes of underutilization*

6. Monitoring and Reporting
 - a. *See attachment F*
 - b. *An effective and workable internal monitoring and reporting system should:*
 - i. *Assess EEO accomplishments*
 - ii. *Evaluate of the EEO program during the year*
 - iii. *Identify areas that have failed to achieve goals*
 - iv. *Provide a precise and factual data base for future projections*

SAMPLE EEO POLICY STATEMENT

_____ is an Equal Opportunity Employer. Every employee has the right to work in an environment free from all forms of discrimination. We are, therefore, committed to a policy of equal employment opportunity.

_____ is committed to equal opportunity employment for all persons regardless of race, color, creed, national origin, sex, age, or disability.

_____ is committed to undertake an affirmative action program, including goals and timetables, in order to overcome the effects of past discrimination on minorities and women.

The responsibility for the implementation of the EEO program is assigned to _____ (an agency executive).

All management personnel share in this responsibility and will be assigned specific tasks to assure compliance is achieved.

Applicants and employees have the right to file complaints alleging discrimination with the appropriate official. _____'s EEO Officer is _____.

Performance by managers, supervisors, etc., will be evaluated on the success of the EEO program the same way as their performance on other agency's goals.

_____ recognizes that successful achievement of EEO goals will provide benefits to the company through fuller utilization and development of previously underutilized human resources.

This Equal Employment Opportunity Policy of _____ shall be posted in conspicuous places within the facility, distributed to all employees, contractors, and to the persons of all advisory and policy-making groups.

Signed and dated by CEO

SAMPLE PROCEDURE FOR DISSEMINATION OF POLICY

A. Internal Dissemination

1. The policy statement and nondiscrimination posters will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment such as bulletin boards, lunch rooms, etc. throughout the place of employment and at each construction site.
2. The equal employment opportunity affirmative action policy statement will be communicated to employees in the same way that other major personnel policies or decisions are communicated to employees.
3. The equal employment opportunity affirmative action policies of _____ will be included in the company manual.
4. All executive, management, and supervisory personnel will be furnished a full copy of the affirmative action plan and any amendments.
5. Each employee will be furnished with a copy of the policy statement and have access to the affirmative action plan. This policy will be made available to all employees.
6. Orientation and training sessions will be conducted to inform all employees of _____'s commitment and of individual responsibility for effective implementation of the affirmative action plan.
7. _____ will review the equal employment opportunity affirmative action policies with minority, female, and disabled employees.
8. _____ will disseminate its equal employment opportunity affirmative action policies with all employees at least once a year.
9. _____ will include nondiscrimination clauses in all union agreements and review all contractual provisions to ensure that they are nondiscriminatory. _____ will meet with all union officials to inform them of the policy and request their cooperation as well as updating the union of any amendments.
10. Pictures of men, women, minorities, non-minorities, and disabled employees are featured in advertising, employee handbooks, and similar publications.

B. External Dissemination

1. _____ will communicate our equal employment opportunity affirmative action commitment to subcontractors and suppliers, verbally or in writing.
2. _____ will notify all recruitment sources and labor unions of our equal employment opportunity affirmative action policy and encourage them to actively recruit and refer women, minorities, and disabled persons to assist us in achieving our affirmative action objectives.
3. _____ will notify all current or potential sources of work force supply, including but not limited to subcontractors, employment agencies, schools, colleges, and news media of our equal employment opportunity affirmative action policies.
4. _____ will include the statement “Equal Opportunity Employer” or “Affirmative Action Employer” on all company stationary, purchase orders, rental agreements, contracts, employment applications, and in advertisements recruiting employees and subcontractors
5. _____ will communicate to prospective employees the existence and contents of our equal employment opportunity affirmative action policy.
6. _____ will disseminate its equal employment opportunity affirmative action policy by including it in any advertising in the news media.

SAMPLE DESIGNATION OF PERSONNEL RESPONSIBILITY

_____ has been designated as Equal Employment Opportunity Coordinator to monitor all employment related activities to ensure that _____'s equal employment opportunity policies are being carried out.

_____ 's duties may include, but are not limited to the following:

1. Developing and recommending EEO policy, a written EEO program, and internal and external communication procedures;
2. Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals;
3. 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;
4. Reporting periodically to the chief executive officer on progress of each unit in relation to the agency's goals;
5. Serving as liaison between the agency, Federal, State, and local governments, regulatory agencies, minority, disabled and women's organizations, and other community groups;
6. Assuring that current legal information affecting affirmative action is disseminated to responsible officials;
7. Assisting in recruiting minority, disabled, and women applicants and establishing outreach sources for use by hiring officials;
8. Concurring in all hires and promotions;
9. Processing employment discrimination complaints.

Although the EEO Coordinator has the primary responsibility for implementing _____'s EEO plan, managers are expected to carry out the following responsibilities:

1. Assisting in identifying problem areas and establishing agency and unit goals and objectives;
2. Being actively involved with local minority organizations, women's and disabled persons groups, community action organizations, and community services programs designed to promote EEO;
3. Participating actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives;
4. Holding regular discussions with other managers, supervisors, and employees to assure the agency's policies and procedures are being followed;
5. Reviewing the qualifications of all employees to assure that minorities, disabled persons, and women are given full opportunities 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 for all employees;
8. Participating in periodic audits to ensure that each agency unit is in compliance.

SAMPLE NOTICE OF EEO OFFICER

Date

NOTICE

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

_____ is appointed the Equal Employment Opportunity (EEO) Officer for _____. The EEO officer will handle all complaints alleging discrimination on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, or disability, which does not prevent satisfactory performance of work.

This company will abide by the provisions of the Civil Rights Act of 1964 and Executive Order 11246 relating to equal employment opportunity. Anyone who believes that he or she has been discriminated against should report this to the company EEO Officer.

_____ can be reached by calling _____.

Signed and dated by CEO

SAMPLE ASSESSMENT OF EMPLOYMENT PRACTICES

A. Job Posting and Applicant Recruitment

Comprehensive posting and recruitment procedures are necessary to ensure that persons applying for positions reasonably reflect the community's population distribution.

The Authority gives first consideration for job openings to existing employees. This is accomplished through internal posting as well as through information available from the Human Resources and Personnel Administration staff and personnel files.

Open positions are placed on designated bulletin boards at the administrative offices and mailed to each of the Authority's facilities for posting on their central bulletin board. These postings contain the job title, a brief description of the position, the division where the opening occurs, the grade (level), the wage rate or salary scale, and the date of the posting. For a minimum of five (5) full working days only current employees are eligible for consideration. Due to contract provisions only employees within certain bargaining units are eligible to be placed in some positions within the Authority.

After the internal posting period expires and the position is not filled with a current employee external applications are considered for the position. Positions for which applicants from the public are accepted are posted in the Human Resources and Personnel Administration department.

Advertisements, when warranted, are placed in the local newspapers, the Michigan Chronicle, the local minority oriented newspaper, professional journals and other publications needed to ensure a broad spectrum of applicants. Advertising states the Authority is an Equal Employment Opportunity/Affirmative Action Employer.

Counseling as well as basic information about job postings and potential job openings is available in the Human Resources and Personnel Administration department.

Close liaison with college/university work-study programs and high school co-op programs is maintained as a continuing potential source of minority and female applicants. The Manager of Employment, Training & Employee Programs, within the department of Human Resources and Personnel Administration, also maintains a close liaison with various community and civic organizations, universities and placement services for recruitment purposes.

B. Selection Procedure

_____’s selection procedure is designed to ensure non-discrimination in hiring, transfers, and promotions. It is specifically concerned with preventing selections based on stereotypical characterizations, i.e., preference of supervisors, co-workers or clients of the Authority, and other non-merit factors such as marital status, handicap, etc. Specific procedures have been designed to accomplish this goal.

They include the following:

1. The **Pool of Candidates** has been expanded through a comprehensive posting and recruitment process. Current employees and the general public are informed of employment opportunities at _____.
2. The **Application Forms**, with procedures, has been designed to evaluate job related criteria. These applications allow for considerable self-evaluation of job skill level of the applicant. In evaluating responses to questions relating to the applicant's criminal conviction record, the Authority gives full consideration to the relationship between the nature of the conviction and applicant's fitness for the job for which they are applying.
3. **Testing** instruments used by _____ include a coach operators examination and a typing examination for clerical applicants. The coach operators are given the _____ driver's examination.

The completion of the application form and the applicant interview are also part of the selection procedure for all applicants. Once hired, the probationary period is used as an additional mechanism to examine the suitability for the available position.

4. **Interviewing** – The Manager of Employment, Training & Programs has direct review of the first stage interview process. The interview is based on job-formulated inquiries. A qualified set of applicants shall be referred by the Employment Section of the Human Resources and Personnel Administration department to the department with the available position with recommendations, if any. The final interviews are conducted by the department manager within the department with the open position. After the interview period, the department manager forwards the name of the recommended applicant to the Human Resources and Personnel Administration department. The Human Resources and Personnel Administration department reviews the recommendation and upon their concurrence, makes the offer of employment. In order to assure fair and objective interviews, the Human Resources and Personnel Administration department has conducted management workshops relative to the interview process, unlawful pre-employment inquiries, and general interviewing techniques.

Special care is taken to evaluate the skills of the applicant specifically as they related to the job responsibilities.

Individuals with handicaps are hired and promoted on merit factors alone and not be arbitrary generalizations and stereotypes about handicapped or temporarily disabled individuals.

5. **Potential Lines of Progression** – Some union contracts provide for a specific promotion eligibility sequence. In other areas of _____'s organization, there are potential lines or progression. These potential lines of progression are intended only as a guide for reasonable and possible promotion sequences. They in no way limit the authority's ability to promote individuals demonstrating skills and capabilities to a job classification outside of the written lines of progression.

In nearly every position, there are three factors, which enhance promotion and advancement:

- **Lateral Moves** – An employee may have to move horizontally across the organizational chart to a position of equal standing to obtain a well rounded background to move up vertically.
 - **Education** – Any employee who fulfills the educational requirements for any open position can enter a higher level job in their present department or move to a different division.
 - **Experience** – Experience alone may be sufficient to qualify for a lateral move or advancement. This experience may have been gained while working for _____ or in jobs outside the Authority.
6. **Nepotism** – In selecting persons for employment, the applicant most suitable and available to perform in the position should, without exception, receive the offer of employment. No restriction is placed on the hiring of persons related through affinity or consanguinity. However, to avoid possible conflict of interest, an employee so related must not participate either formally or informally in decisions to hire, retain, promote or determine the salary of the kindred employee; nor may any individual (s) of the family. Relatives will not work for the same immediate supervisor without prior written approval from the General Manager. The responsibility for approving the hiring of related persons shall rest with the Authority's Human Resources and Personnel Administration department.

This policy applies to all situations in which related persons are employed by the Authority. It will not be applied retroactively to reverse personnel actions or other actions, which would have been contrary to the guidelines. Evidence should be available demonstrating that a reasonably thorough search was made for well qualified candidates and that the most suitable candidate was selected.

Employees must absent themselves from meetings devoted to discussing matters as they relate to the hiring, retention, promotion, discipline or salary setting of a related person and shall not vote on such decisions. This will take place at any level of the decision-making process and will constitute not participating "formally" in the decision. Avoiding "informal" participation means that kindred personnel must not discuss such matters with the Authority staff outside of such meetings nor use their Authority position to influence such decisions. Avoiding informal participation does not preclude referring a decision about a kindred person to a department head or to the Director of Human Resources and Personnel Administration for consideration.

Instances of violation of this policy are determined after investigation by the Human Resources and Personnel Administration department. Responsibility for violation lies, as in other matters, with the person (s) whose position is acted upon.

The application for the Authority asks whether the individual has a relative working for the Authority. If the answer to this question is "yes", the Manager of Employment, Training & Employee Programs shall ask whether the related person is within the division wherein the applicant is seeking employment. If not, no further inquiry shall be made. If so, the Manager of

Employment, Training & Employee Programs shall consult the Director of Human Resources and Personnel Administration for guidance concerning any possible conflict of interest.

C. General Personnel Policies and Procedures

1. Wage and Salary Administration

The Authority's wage and salary administration program is designed to allow for the administration of a fair and equitable compensation system. Its goals are to:

- Match job descriptions with actual job duties.
- Determine compensation parity between jobs of equal responsibility requiring comparable skills.
- Prepare in-depth job descriptions covering:
 - o Purpose and scope of job (general summary)
 - o Duties and responsibilities (details)
 - o Supervision exercised
 - o Supervision received
 - o Minimum qualifications (education, experience and other skills)
- Measure the job descriptions by a standardized system as a foundation for determining rank and compensation.
- Assure that the practices of compensation are fair and equitable and conform to _____'s EEO Policy and applicable state and federal law.

The Director of Human Resources and Personnel Administration has reviewed the wage and salary program as it relates to the following:

- Current classifications have been reviewed to encourage career growth. Employees are encouraged to apply for positions for which they deem themselves qualified.
- Every effort has been made to combine job classifications of a comparable nature; however, some job classifications are unique to a specific Authority function. In such cases education/experience requirements are available to employees interested in pursuing same.
- The compensation level for positions reflects equity in reference to degrees of responsibility and qualifications.

2. Benefits

Benefit plans and programs are administered according to _____s EEO/AA policy and in conformance with state and federal laws and regulations governing EEO/AA. The Authority treats all medical conditions affecting an employee in the same manner, including pregnancy related conditions.

Sick leave is granted to employees in accordance with the Authority's sick leave policy for salaried (non-union) employees. Members of a bargaining unit are granted sick leave under the terms of the applicable agreement.

No medical condition shall require a mandatory leave unless proper medical authorities indicate it would have a negative impact on job performance and evaluation indicates an inability to perform the duties of the position.

The Authority administers a fair and equitable retirement program in conformance with applicable state and federal laws.

3. Employee Development and Training

The Authority recognizes its responsibility to train and develop its employees. _____ shares the responsibility with employees for developing their promotion potential and recognizes that development for employees takes place in a growth oriented environment of understanding and respect for each individual's uniqueness and is based on:

- The employee's willingness to participate in self-development;
- Management's commitment to assess employee skill level and to develop employee potential for promotion through the use of available training opportunities;
- Quantity and quality of career development information provided by the Human Resources and Personnel Administration department.

_____ is available to provide information to employees regarding the Authority's job classifications and their requirements. Potential career growth and educational information is available to interested employees.

The following procedures have been implemented by the Human Resources and Personnel Administration department to enhance the equitable handling of training opportunities for individuals in the Authority's employment:

- Centralization of all training opportunity information is available through the department;
- Development of appropriate and applicable training programs that enhance an employee's ability to qualify for positions as they become available.

4. Employee Performance and Evaluation

To increase the communication between the managerial staff and those supervised, a regular system of employee evaluations has been instituted in the Authority. Probationary employees receive at least one written evaluation prior to the conclusion of the probationary period and again at the conclusion of the probationary period.

The probationary period is a continuation of the testing process. It is the most clearly job-related test devised. The probationary period gives the employee time to adjust and the department manager or supervisor time to evaluate.

The performance evaluation system is used to ensure the development and continuation of an effective Authority workforce. To assist department heads and managerial personnel in implementing these evaluation procedures, the Human Resources and Personnel Administration department has conducted workshops on performance evaluation.

After an employee has completed his/her probationary period, written performance evaluations take place on an annual basis and are placed in the employee's personnel file.

Employee performance evaluations are conducted to provide employees and supervisors with an analysis of the employee's job performance. This evaluation and sharing of information between supervisor and employee enables employees to accurately make self-development plans. It also enables supervisory personnel to maintain an awareness of the employee's skill level and plan accordingly for training and/or developmental assignments.

When a performance evaluation is conducted, the following benefits can be realized:

- Realistic assignment of work;
- Objective analysis of employee's capabilities;
- Analysis of departmental strengths and weaknesses;
- Assessment of training needs;
- Monitoring of training effectiveness and assessment of development plans;
- Employee awareness of performance.

5. Progressive Corrective Actions

If circumstances warrant the imposition of progressive discipline it will be imposed consistently and equitably for the purpose of the correcting deficiencies.

In such cases, progressive corrective procedures will normally follow the outline below, depending upon the severity of the infraction:

1. Verbal Warning
2. Written Warning

3. Disciplinary Suspension

- Prior to suspending an employee, the director, manager, or supervisor should contact the Office of Human Resources and Personnel Administration to obtain assistance in determining if this action is warranted and consistent with the Authority's policies.

4. Termination

An employee who receives disciplinary action pursuant to this procedure prior to termination and feels unjustly treated may utilize the complaint procedures outlined in this document or in their Union contract.

The application of progressive discipline is not intended to conflict with the Authority's Personnel Policies and Procedures as they relate to an individual's employment status.

6. Discrimination & Harassment Complaint Procedures

This section provides for processing and reviewing internal discrimination complaints.

General Guidelines

Any _____ employee or applicant for employment who feels he/she has been discriminated against because of race, color, religion, sex, national origin, age, handicap, marital status, or sexual preference has the right to register a complaint in accordance with procedures outlined in this section.

All employees of _____ have the unrestricted right to communicate with the Contract Compliance Officer within the Office of Contract Compliance (OCC).

_____ will ensure that each employee and his/her witness will be free from restraint, intimidation, interference, coercion or reprisal at all stages within the process.

Persons named as allegedly discriminating staff will be adequately informed of the charges made against them and will be afforded the opportunity of respond to those charges.

The primary purpose of the discrimination and harassment complaint procedure is to determine whether discrimination has occurred and, if confirmed, take appropriate action to correct the situation.

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

7. Employee Unions and the Authority

All contracts developed between _____ and employee unions include an anti-discrimination clause.

SAMPLE MONITORING AND REPORTING

_____’s Equal Employment Opportunity Officer has established an internal monitoring and reporting system. The purpose of this reporting system is to:

- a. Assess accomplishments and establish and enforce a system of accountability.
- b. Evaluate the EEO/AA Program and to take necessary corrective action.
- c. Identify areas in which EEO/AA goals or the implementation of affirmative steps have not been accomplished.
- d. Provide a precise and factual data base for future projections and compliance reviews.

Data will be collected on a yearly basis and reported quarterly to the General Manager. To assess progress toward attainment of the goals of this Equal Employment Opportunity/Affirmative Action Program, the following quantitative and qualitative measures shall be made by using statistical reports.

- a. Number of positions posted.
- b. Number of applicants offered employment for each position, by population group.
- c. Number of applications for promotion or transfer, by population group.
- d. Number of percent of positions filled by promotions, by population group.
- e. Number and percent of positions filled by transfer, by population group.
- f. Number and percent of positions filled by new employees, by population group.
- g. Number and percent of hires completing probationary period, by population group.
- h. Number and percent of grievances based on charges of discrimination filed and/or upheld, by population group.
- i. Number and percent of persons terminated.

All data will be categorized by positions and EEO codes.