



U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 4704.1A

**October 31, 2016
Rev. 1, April 20, 2017**

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

1. **PURPOSE.** This Circular is a re-issuance of guidance to all applicable Federal Transit Administration (FTA) grantees for complying with the Equal Employment Opportunity (EEO) provisions of Federal law. This revision incorporates edits specified in the FTA Fiscal Year 2017 Apportionments, Program Information, and Interim Guidance document published in the Federal Register on January 19, 2017, and includes the most current guidance as of the date of publication.

The purpose of this Circular is to set out requirements and provide guidance to recipients and subrecipients of Federal Transit Administration (FTA) financial assistance necessary to carry out the Equal Employment Opportunity (EEO) provisions of Federal law, including Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); Equal Pay Act of 1963, as amended (29 U.S.C. § 206(d)); Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. § 621 et seq.); Title II of the Genetic Information Nondiscrimination Act of 2008, as amended (42 U.S.C. § 2000ff); 49 U.S.C. § 5332(b) of the Federal Transit Act; U.S. Department of Transportation (DOT) EEO implementing regulations (49 CFR Part 21), and the FTA Master Agreement.

Section 504 of the Rehabilitation Act of 1973 prohibits employment discrimination on the basis of disability for projects, programs, and activities that receive Federal funding. Military veterans employment and reemployment rights are covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4301–4335). The requirements of these statutes are also covered by this Circular.

2. **CANCELLATION.** This Circular cancels UMTA Circular 4704.1, “Equal Employment Opportunity Program Guidelines for Grant Recipients,” dated July 26, 1988.
3. **SCOPE.** This Circular applies to all assistance authorized by Federal Transit Laws (49 U.S.C. Chapter 53) and all programs or activities administered by FTA.
4. **AUTHORITIES.**
 - a. Federal Transit Laws, 49 U.S.C. Chapter 53
 - b. 49 CFR § 1.51
5. **WAIVER.** FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.

6. FEDERAL REGISTER NOTICE. In conjunction with the publication of this Circular, a *Federal Register* notice was published on September 29, 2016, addressing comments received during the development of the Circular.
7. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our website at www.transit.dot.gov. The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on “sign up for email updates” for more information.
8. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. To obtain paper copies of this Circular as well as information regarding these accessible formats, call FTA’s Administrative Services Help Desk at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.

Matt Welbes
Executive Director

FTA CIRCULAR 4704.1A
EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS AND GUIDELINES
TABLE OF CONTENTS

CHAPTER 1 – INTRODUCTION AND APPLICABILITY	1-1
1.1 Introduction	1-1
1.2 Organization of this Circular	1-1
1.3 Authorities.....	1-1
1.4 Applicability.....	1-3
1.5 State-Administered Programs.....	1-4
1.6 Definitions	1-4
CHAPTER 2 – EEO PROGRAM REQUIREMENTS.....	2-1
2.1 Frequency of Update	2-1
2.2 EEO Program Elements	2-1
2.2.1 Statement of Policy	2-1
2.2.2 Dissemination	2-2
2.2.3 Designation of Personnel Responsibility	2-3
2.2.4 Utilization Analysis	2-5
2.2.5 Goals and Timetables.....	2-7
2.2.6 Assessment of Employment Practices	2-8
2.2.7 Monitoring and Reporting.....	2-11
CHAPTER 3 – EEO COMPLIANCE OVERSIGHT, COMPLAINTS, AND ENFORCEMENT	3-1
3.1 Compliance Oversight.....	3-1
3.1.1 EEO Compliance Review Selection Factors.....	3-1
3.1.2 Scope.....	3-2
3.1.3 Compliance Reporting and Follow-up.....	3-2
3.2 Complaints	3-2
3.2.1 How to File a Complaint.....	3-3
3.2.2 EEOC Referrals	3-3
3.2.3 Complaint Acceptance	3-3
3.2.4 Investigations	3-3
3.2.5 Findings.....	3-3
3.2.6 Administrative Closure	3-3
3.3 Effecting Compliance	3-4
3.3.1 Procedures for Securing Voluntary Compliance	3-4
3.3.2 Proceedings	3-5
3.3.3 Hearings	3-6
3.3.4 Judicial Review	3-7

ATTACHMENTS

Attachment 1

- Sample Policy Statement

Attachment 2

- Sample Concurrence Checklist

Attachment 3

- EEO-4 Form

Attachment 4

- Sample Employment Practices and Utilization Analysis Excel Charts

Attachment 5

- Sample EEO Program Format Checklist

Attachment 6

- Sample EEO Program Contents Checklist

Attachment 7

- References

Chapter 1 – Introduction and Applicability

1.1 Introduction

The Federal Transit Administration (FTA) is one of 12 operating administrations within the U.S. Department of Transportation (DOT) headed by an Administrator who is appointed by the President of the United States. FTA functions through a Washington, DC, headquarters office, 10 regional offices, and 5 metropolitan offices that assist transit agencies in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

Since 1977, DOT has required recipients of transit funding meeting certain criteria to establish Equal Employment Opportunity (EEO) Programs and to comply with applicable laws and regulations.

This Circular reflects changes in the laws, regulations, and guidance since the Urban Mass Transportation Administration, FTA's predecessor agency, issued Equal Employment Opportunity Program Guidelines for Grant Recipients (Circular 4704.1) in 1988.

This Circular explains FTA's EEO Program requirements, elaborates on FTA's specific reporting requirements, and explains the complaint and oversight process.

FTA recommendations and examples of optional practices are included throughout the Circular. Good practices, while encouraged, are not requirements. Agencies that do not utilize these practices are not subjecting themselves to findings in oversight reviews.

1.2 Organization of this Circular

Chapter 1 explains the authorities for EEO Program requirements, statutory and regulatory authorities, executive orders, and regulations that establish the context for ensuring nondiscrimination in employment on the basis of race, color, religion, national origin, sex, age, genetic information, disability, veteran status or retaliation. This chapter also explains the applicability of the Circular to FTA recipients, discusses state-administered programs, and provides definitions of terms used throughout the Circular.

Chapter 2 explains the seven required elements of an EEO Program and explains what must be included in the EEO Program materials for FTA review.

Chapter 3 explains how FTA exercises oversight and enforcement responsibilities related to EEO.

1.3 Authorities

Under Federal Transit Laws, FTA is responsible for ensuring that its recipients do not engage in employment discrimination:

A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age. ([49 U.S.C. § 5332\(b\)](#))

This provision applies to employment opportunities and supplements employment protections found in Title VI of the Civil Rights Act of 1964 (Title VI). The Title VI regulations prohibiting employment discrimination are found at [49 CFR § 21.5\(c\)](#) – Nondiscrimination in Federally Assisted Programs of the

Department of Transportation. It is important to note that while Title VI and 49 CFR Part 21 only prohibit discrimination based on race, color, and national origin, Federal Transit Laws (49 U.S.C. § 5332) includes protections on the basis of religion, sex, disability, and age. In this context, the term ‘sex’ includes pregnancy, childbirth, or related medical conditions; gender identity; and sexual orientation. See *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Macy v. Dep’t of Justice*, EEOC Appeal No. 0120120821, 2012 WL 1435995 (April 20, 2012); *Baldwin v. Dep’t of Transportation*, EEOC Appeal No. 0120133080, 2015 WL 4397641 (July 15, 2015).

Title VII of the Civil Rights Act of 1964 (Title VII), as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 1991, prohibits discrimination on the basis of race, color, religion, national origin, or sex in all institutions with 15 or more employees—including state and local governments and labor organizations. ([42 U.S.C. §§ 2000e et seq.](#)) Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) applies to private employers and state and local government employers with at least 15 employees, regardless of whether they receive federal financial assistance. It prohibits covered employers from discriminating on the basis of an applicant’s or employee’s genetic information (such as the results of genetic tests or family medical history), generally prohibits employers from acquiring genetic information of applicants and employees, and requires employers to keep genetic information confidential, with very limited exceptions. The U.S. Equal Employment Opportunity Commission (EEOC) is the enforcement authority for Title VII and provides official interpretation of employment laws that prohibit discrimination as outlined in 29 CFR Part 1600. EEOC enforces not only Title VII and GINA, but also the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973. FTA defers to the most current regulations and guidance issued by EEOC when making complaint and compliance determinations. EEOC regulations and guidance are incorporated by reference.

Section 503 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1993, requires firms holding Federal contracts or subcontracts in excess of \$10,000 to “take affirmative action to employ and advance in employment qualified individuals with disabilities.” ([29 U.S.C. § 793](#))

Section 504 of the Rehabilitation Act of 1973 states, “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” ([29 U.S.C. § 794](#))

DOT regulations implementing provisions of the Rehabilitation Act are contained in 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance:

No qualified person with a disability shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance administered by the Department of Transportation. ([49 CFR § 27.7\(a\)](#))

Other nondiscrimination laws may also apply to recipients of Federal assistance. The Equal Pay Act of 1963, as amended, requires employers to provide equal pay to men and women who perform substantially equal work in the same establishment. ([29 U.S.C. § 206\(d\)](#)) The Age Discrimination in Employment Act of 1967, as amended, prohibits employment discrimination against employees based on age. ([29 U.S.C. §§ 621 et seq.](#)) Title IX of the Education Amendments of 1972, as amended, prohibits discrimination based on sex in education programs or activities receiving federal assistance. ([20 U.S.C. §§ 1681 et seq.](#)) The Americans with Disabilities Act of 1990, as amended, prohibits discrimination against persons with disabilities. ([42 U.S.C. §§ 12101 et seq.](#)) Military veterans’ employment and reemployment rights are covered under the Uniformed Services Employment and Reemployment Rights Act of 1994. ([38 U.S.C. §§ 4301 et seq.](#))

These laws prohibit 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.

In this Circular, the nondiscrimination statutes and regulations will be referred to, collectively, as “EEO statutes and regulations.” The implementing regulations for the statutes discussed above are included in Attachment 7.

1.4 Applicability

The FTA Master Agreement requires all applicants, recipients, subrecipients, and contractors receiving FTA funding to comply with applicable Federal civil rights laws and regulations and to follow applicable Federal guidance. Any FTA applicant, recipient, subrecipient, and contractor who meet both of the following threshold requirements must implement all of the EEO Program elements:

- Employs 100 or more transit-related employees,¹ 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.

Any FTA applicant, recipient, subrecipient, and contractor who meets both of the following threshold requirements must prepare and maintain an abbreviated EEO Program:

- Employs between 50-99 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.

An abbreviated EEO Program includes the Statement of Policy, dissemination plan, designation of personnel, assessment of employment practices, and a monitoring and reporting system. (See Attachment 5 for an EEO Program Format Checklist.) These smaller agencies are not required to conduct a utilization analysis with goals and timetables or to submit the EEO Program to FTA every four years. Instead, these agencies will be required to provide the EEO Program to FTA if requested by the Office of Civil Rights or for any State Management Review or Triennial Review.

Only direct recipients and State DOTs who cross the EEO Program threshold above are required to submit an EEO Program to FTA every four years. All subrecipients and contractors who cross the EEO Program threshold must submit EEO Programs to the entity from which they receive funds, generally the transit agency or the State DOT, as appropriate. FTA requires the direct recipient to request EEO Programs from their subrecipients and contractors who meet the EEO Program threshold, as specified in Chapter 2 of this Circular. This will enable agencies to determine and document that subrecipients and contractors comply with EEO statutes and regulations, in accordance with their monitoring responsibilities.

FTA applicants, recipients, subrecipients, and contractors who do not meet the EEO Program threshold above are not required to submit an EEO Program to FTA, but are still required to comply with all Equal Employment Opportunity statutes and regulations.

¹ When calculating the total number of transit-related employees, agencies are required to include all part-time employees and employees with collateral duties that support the transit program. For example, a budget analyst who processes payments for the transit program would be considered a transit-related employee.

1.5 State-Administered Programs

This Circular applies to state-administered programs covered by Federal Transit Laws and FTA Master Agreement funding categories such as seniors, persons with disabilities, and rural assistance programs funded under Enhanced Mobility of Seniors and Individuals with Disabilities (49 U.S.C. § 5310), Formula Grants for Rural Areas (49 U.S.C. § 5311), Bus and Bus facilities (49 U.S.C. § 5339), and other specialized grant programs funded through FTA.

This Circular also applies to states that administer FTA planning and formula capital/operating assistance program funds under Urbanized Area Formula Grants (49 U.S.C. § 5307) and Metropolitan and Statewide Planning funds (49 U.S.C. §§ 5303, 5304, and 5305).

Pursuant to a Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA), FHWA and FTA will jointly review, monitor, and approve the State DOT's EEO Program in accordance with FHWA and FTA's regulations, policies, and guidance every four years. FHWA will review, monitor and approve the annual updates of the State DOT's EEO program.

FTA requires state agencies to administer their EEO Programs as follows:

- State DOTs are subject to the same threshold requirements for FTA EEO Program submissions as other recipients. A State DOT must submit, or prepare and maintain, an EEO Program based on Circular Chapter 2 only if it meets the thresholds specified in Circular Section 1.4. State DOTs that meet the threshold to submit a full EEO Program must submit its program to FTA every four years.
- All state-designated agencies are responsible for ensuring and documenting that their subrecipients and contractors comply with Equal Employment Opportunity statutes and regulations.
- FTA requires state DOTs to collect EEO Programs from their subrecipients and contractors, who meet the EEO Program threshold, as specified in Chapter 2 of this Circular. This will enable agencies to determine and document that subrecipients and contractors comply with Equal Employment Opportunity statutes and regulations.

1.6 Definitions

This Circular uses the following definitions:

Age for the purposes of the Age Discrimination in Employment Act of 1967 means an individual who is 40 years or older.

Agency means a recipient or subrecipient of financial assistance from FTA.

Applicant means a person or entity that submits an application, request, or plan that requires approval by the FTA Administrator or by a recipient as a condition of eligibility for financial assistance from FTA.

Complainant refers to a party that makes a complaint that he or she or any specific individual or class of person has been subjected to discrimination or retaliation prohibited by this Circular and relevant legal authorities.

Compliance refers to a status wherein FTA finds an applicant, recipient, subrecipient, or contractor meets the requirements in this Circular and there is no indication or evidence of employment discrimination.

Concentration means a higher participation of a particular group (e.g., African Americans, Hispanics, or women) in a job category or department as compared with their participation in the relevant labor market.

Contractor refers to any entity or organization that has entered into a contract to perform work or provide services relating to transit service delivery with an applicant, recipient, or subrecipient.

Direct recipient means an entity that receives Federal financial assistance directly from FTA.

Disability with respect to an individual means (a) physical or mental impairment that substantially limits one or more major life activities, (b) a record of such an impairment, or (c) being regarded as having an impairment that is not transitory and minor. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions. ([42 U.S.C. §§ 12101 et seq.](#))

Discrimination means any action or inaction, whether intentional or unintentional, in any program or activity of a recipient, subrecipient, or contractor that results in disparate treatment or perpetuating the effects of prior discrimination based on race, color, religion, national origin, sex, age, genetic information, or disability, or results in disparate impact based on race, color, religion, national origin, sex, age, or disability.

Disparate impact refers to policies or practices that are facially neutral, but that disproportionately affect protected classes, if such policies and practices are not job related and consistent with business necessity, or, for policies or practices that disproportionately affect individuals age 40 or older, if such policies or practices are not based on a reasonable factor other than age. This concept is sometimes referred to as “adverse impact.” See also the Uniform Guidelines on Employee Selection Procedures at [29 CFR Part 1607](#).

Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, religion, national origin, sex, age, genetic information, or disability. (29 CFR § 1607.11)

Employee means an individual employed by an employer. People who are not employed by the employer, such as independent contractors, are not employees.

Employer means, in general, a person engaged in an industry affecting commerce that has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

Equal Employment Opportunity Program (EEO Program) refers to a written, detailed, results-oriented set of procedures designed to achieve prompt and full utilization of people within a protected class at all levels and in all parts of the recipient’s workforce, including compensation.

Equal Employment Opportunity statutes and regulations refer to all statutes and regulations that prohibit employment discrimination and provide employees and job applicants protections and remedies against employment discrimination. These statutes and regulations are referenced in Section 1.3 of this chapter. (See Attachment 7 for References.)

Federal financial assistance includes:

- Grants and loans of Federal funds
- The grant or donation of Federal property and interests in property
- The detail of Federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient

- Any Federal agreement, arrangement, or other contract that includes provision of assistance as one of its purposes

FTA activity means any program of assistance authorized by Federal law that FTA administers.

Four-fifths rule is a disparate impact analysis which measures the effect an employment practice has on a protected class. When the selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (or 80 percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of disparate impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of disparate impact. (See the Uniform Guidelines on Employee Selection Procedures at [29 CFR Part 1607](#).)

Good faith efforts are documented actions taken to achieve EEO Program objectives. These actions may include, but are not limited to, establishing and conducting processes to implement specific provisions of this Circular.

Minority persons include:

- American Indians and Alaska Natives, which refers to individuals with origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment
- Asians, which refers to individuals with origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- Blacks or African Americans, which refers to individuals with origins in any of the Black racial groups of Africa
- Hispanics or Latinos, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race
- Native Hawaiians or Other Pacific Islanders, which refers to people with origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- Multiracial populations, which include individuals with origins in more than one of the Federally designated racial categories

As used in this Circular, the term “minorities” may mean these groups in the aggregate or an individual group.

National origin means the particular nation where a person was born or where the person’s parents or ancestors were born, or the common language, culture, ancestry, or other similar social characteristics associated with an ethnic group.

Noncompliance refers to a failure to meet the requirements of Equal Employment Opportunity statutes and regulations or failure to implement an approved EEO Program.

Programs or activities means all the operations of any entity receiving DOT financial assistance, as described in 49 CFR § 21.23(e).

Protected class means any category of person or status protected by any Equal Employment Opportunity statute or regulation.

Reasonable accommodation for an individual with a disability is any change to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits and privileges available to other employees. A reasonable religious accommodation is any adjustment to the work environment that will allow an applicant or employee to practice or observe his or her religious beliefs.

Recipient means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a direct recipient. The term does not include any ultimate beneficiary under any such assistance program.

Retaliation means firing, demoting, or otherwise taking adverse action against an applicant or employee because the person filed a charge of discrimination, complained to his or her employer or other covered entity about discrimination, participated in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engaged in protected activity.

Secretary refers to the Secretary of the U.S. Department of Transportation or any person to whom he or she has delegated authority in a particular matter.

Sex-based discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex, including pregnancy, childbirth, or related medical conditions. Discrimination against an individual on the basis of gender identity, including transgender status, or because of sexual orientation is also considered discrimination on the basis of sex in violation of Title VII.

Subrecipient means an entity that receives Federal financial assistance from FTA through a direct recipient.

Subcontractor means any entity or organization that has entered into a subcontract relating to transit service delivery with a contractor to provide a service in connection with a program or activity initiated by an applicant, recipient, or subrecipient.

Transit-related employee refers to an employee of an FTA applicant, recipient, subrecipient, or contractor who is involved in any aspect of an agency's public transit operation funded by FTA. For example, a city planner involved in planning bus routes would be counted as part of the recipient's workforce, but a city planner involved only in land use would not be counted.

Underutilization refers to a condition in which women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool.

Whole-person rule is an analysis that determines underutilization. Underutilization is declared if the number of females/minorities in a job group is as much or more than one person below the number that would cause the job group participation percentage to match exactly the availability percentage.

Chapter 2 – EEO Program Requirements

This chapter describes the elements of an Equal Employment Opportunity (EEO) Program and explains how to prepare EEO Program materials for FTA review. (See Attachment 6 for a Sample EEO Program Contents Checklist.)

2.1 Frequency of Update

FTA requires each applicant, recipient, subrecipient, or contractor² that meets the EEO Program threshold requirements outlined in Section 1.4 of this Circular to submit an updated EEO Program every four years or as major changes occur in the workforce or employment conditions, whichever comes first.

Only direct recipients and State DOTs who cross the EEO Program threshold in Circular Section 1.4 are required to submit an EEO Program to FTA every four years. All subrecipients and contractors who cross the EEO Program threshold must submit EEO Programs to the entity from which they receive funds, generally the transit agency or the State DOT, as appropriate.

FTA's Office of Civil Rights may request additional information from an applicant, recipient, subrecipient, or contractor 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 the agency has complied or is complying with EEO statutes and regulations for a minimum of four years.

At the discretion of FTA, less information may be requested where the agency's previously submitted EEO Program has not changed significantly.

2.2 EEO Program Elements

FTA requires an EEO Program to contain the following seven elements:

1. Statement of Policy
2. Plan for dissemination both internally and externally
3. Designation of appropriate personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer
4. Utilization analysis
5. Goals and timetables to correct identified areas of underutilization or concentration
6. Assessment of an agency's employment practices
7. Plan for monitoring and reporting on the EEO Program

2.2.1 Statement of Policy

FTA requires an agency's EEO Program to include a signed and dated EEO policy statement issued by the agency's CEO/GM covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, and other terms and conditions of employment. (See Attachment 1 for a Sample EEO Policy Statement.)

² Throughout this chapter, applicant, recipient, subrecipient and contractor are referred to as "an agency" or as "agencies."

FTA requires written policy statements to:

- Express the agency’s commitment 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
- Commit 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
- Explain that the responsibility for implementing the EEO Program is assigned to an agency executive who reports directly to the CEO/GM
- State that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office
- State that 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
- State the agency’s commitment 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
- State that all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance
- State that the agency 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

The 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.

FTA requires that the agency provides the name and contact information for the EEO Officer in the policy statement. FTA expects agencies to review and update their EEO policy, at a minimum, every four years, at the time of the agency’s EEO Program submission or after the naming of a new CEO/GM or EEO Officer.

2.2.2 Dissemination

FTA requires agencies to 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 state they will communicate the existence of its EEO policy and program to employees, applicants, and potential applicants by:

- Providing written communications from the CEO/GM
- 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’ breakrooms, 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 top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO Program and its implementation
- Meeting with all employees and affinity groups to seek input on the program implementation
- Conducting periodic EEO training for employees and for managers
- Conducting EEO training for all new supervisors or managers within 90 days of their appointment

In addition to posting and publicizing the EEO policy statement, an optional good practice is to include the policy statement in employee orientation materials and require new employees to sign a form acknowledging they have read and understand the policy. The policy can also be included with other core agency policies or the strategic plan.

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

External Dissemination

When there is outreach or advertising to recruitment entities (e.g., employment agencies, educational institutions, and minority and women’s organizations), FTA requires agencies to disseminate their EEO policy to those entities. All recruitment ads (e.g., newspapers, magazines, websites, and social media) must state that the agency “is an equal employment opportunity employer.”

2.2.3 Designation of Personnel Responsibility

The designation of an agency’s EEO Officer responsible for EEO Program management and oversight reflects the agency’s EEO commitment. As such, FTA requires agencies to designate an executive as EEO Officer who will report to and is directly responsible to the agency’s CEO/GM. Since managing the EEO Program requires a commitment of time and resources, FTA requires agencies and their senior managers to give the EEO Officer support and assign sufficient staff to successfully carry out the EEO Program, as appropriate.

FTA requires agencies to name the EEO Officer and publicize the individual’s contact information in all internal and external communications regarding the agency’s EEO Program. This will include publishing the EEO Officer’s contact information prominently in both print and electronic communications, such as the agency’s website. An optional good practice is to provide the EEO Officer with a generic e-mail address, such as *EEO.Officer@xyzcorp.com*, in addition to a name-based e-mail address. Doing so may help ensure that e-mails sent to the EEO Officer are received during times of transition (when an EEO Officer leaves and before a new EEO Officer is hired, for example, or when a new EEO Officer comes onboard), as there may be a delay between the new EEO Officer’s hire and the subsequent update and dissemination of EEO policies and other material that include the EEO Director’s specific contact information. FTA encourages agencies to compensate the EEO Officer at the same level as other agency executives.

Independence and impartiality are hallmarks of a strong EEO function; therefore, FTA requires agencies to ensure that no conflicts of position or conflicts of interest occur, or appear to occur, with respect to the EEO Officer’s role. This means agencies may need to separate the EEO Officer from human resources (HR) official(s) and HR functions in order to maintain the integrity of the EEO investigative and decision-making process. If the EEO Officer is a part of HR, the agency then must include in its EEO Program a detailed method for eliminating conflicts of interests in complaint investigations, including a narrative describing how independence and integrity of the EEO process will be achieved and maintained. To avoid

conflicts of interests, it is an optional good practice to hire a contractor or designate someone outside of HR to investigate complaints.

Maintaining distance between the fact-finding and defensive functions of an agency enhances the EEO Officer's credibility and the integrity of the EEO complaint process. FTA requires that the attorney who provides legal expertise to the EEO Officer in the investigation of a case cannot be the same attorney who represents the agency in an EEO complaint arising from the same case. Impartiality and the appearance of impartiality are important to the credibility of the EEO Program.

Essential Characteristics for EEO Officers

Effective EEO Officers have:

- Sensitivity to, and subject-matter expertise of, the varied ways in which discrimination occurs
- Total commitment to EEO goals and objectives
- Knowledge of civil rights laws, policies, rules, regulations, and guidelines
- Sufficient authority and ability to work and communicate with others (e.g., department heads) to achieve EEO goals and objectives

EEO Officer's Program Responsibilities

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

- Developing the EEO policy statement and a written EEO Program
- Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, 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 proactive action is needed
- Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood
- Concurring in the hiring and promotion process
- 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 CEO/GM 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; and community groups representing minorities, women, and persons with disabilities, and others
- Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to responsible officials
- Investigating complaints of EEO discrimination
- Providing EEO training for employees and managers
- In conjunction with human resources, advising employees and applicants of 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

Concurring in the hiring and promotion process means the EEO Officer has reviewed employment documents to ensure the actions of the agency are not discriminatory (i.e., do not result in disparate

treatment or disparate impact). A good practice is to factor in additional time for the EEO Officer to review documents and provide the concurrence. (See Attachment 2 for a Sample Concurrence Checklist.)

To ensure complaints are investigated effectively, FTA requires all individuals investigating EEO complaints to have EEO investigative training. The training can be provided by any qualified instructor, and it can focus on the important aspects of a quality investigation, such as: issue spotting (including legal standards and key fact issues relevant to various types of EEO complaints); investigation planning; reviewing documents; interviewing witnesses; and analyzing the evidence, drawing conclusions, and making recommendations.

An optional good practice is to implement an Alternative Dispute Resolution (ADR) program (e.g., mediation). Mediation is a voluntary process that helps parties reach a solution to their problem and arrive at an outcome with which both parties agree to comply. ADR has proven to be a highly valuable tool 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 EEO Program, all officials, managers, and supervisors are responsible for ensuring EEO and must not discriminate based on a protected class. All managers—from the supervisor of the smallest unit to the Board Chair or CEO/GM—bear responsibility for ensuring that agency EEO Program 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 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 promotional opportunities, shadowing, mentoring)

An optional good practice is to establish an advisory committee that reflects all segments of the community and the agency's workforce. Though broader than EEO, another optional good practice is to implement diversity and inclusion strategies. This can include work with affinity groups or diversity advisory committees, or use of suggestion boxes (written or electronic).

2.2.4 Utilization Analysis

FTA requires agencies who meet the EEO Program threshold requirements (See Attachment 4 for a Sample Utilization Analysis Excel Chart.) to complete a utilization analysis as part of their EEO Program submission. A completed utilization analysis identifies job categories that have an underutilization or concentration of minorities and women in relation to their availability in the relevant labor market. The analysis also establishes the framework for goals and timetables to correct employment practices that contributed to any identified underutilization or concentration.

This analysis, which is based on categories and data used in the [EEOC EEO-4 report](#), consists of a workforce analysis and an availability analysis. (See Attachment 3 for a copy of the EEO-4 Form.)

Workforce Analysis

The workforce analysis includes the number of employees and salary ranges for each job category in the EEO-4 report for the following subcategories for men and women:

- White (not Hispanic or Latino)
- American Indian/Alaska Native (not Hispanic or Latino)
- Black or African American (not Hispanic or Latino)
- Hispanic or Latino
- Asian (not Hispanic or Latino)
- Native Hawaiian and Other Pacific Islander (not Hispanic or Latino)
- Two or more races (not Hispanic or Latino)

Table 2-1 summarizes the EEO job categories for EEO-4 reports.

Number	Category
1	Officials and Administrators
2	Professionals
3	Technicians
4	Protective Service Workers
5	Paraprofessionals
6	Administrative Support Workers
7	Skilled Craft Workers
8	Service-Maintenance Workers

Table 2-1 EEO-4 Job Categories State and Local Governments

FTA has developed an example reporting table with completion instructions. The Microsoft Excel chart is available for download from the FTA [website](#). (See Attachment 4 for a Sample Utilization Analysis Excel Chart.) Pursuant to an MOU with FTA and EEOC, agencies that submit EEO-4 reports to EEOC will be able to access their current utilization numbers and complete the rest of the analysis in FTA’s electronic database system. For agencies that use alternate formats for reporting the utilization analysis, FTA requires such reports to contain the information provided in Attachment 4 of this Circular.

Although FTA requires utilization data summarized for each job category, agencies are encouraged to compile workforce statistics for each department, job category, grade/rank of employee (e.g., Road Supervisor I or II, Mechanic A or B, etc.), and job title to include salary ranges and primary duties for the jobs in each subcategory. In such analyses, FTA encourages agencies to organize job categories into structured lines of progression by departmental units showing promotional opportunities.

Availability Analysis

Agencies must also compile information on the availability of minorities and women in the workforce at large and analyze participation rates of minorities and women at the various levels of the workforce in comparison with their availability in the relevant labor market. A labor market has both geographic and occupational components. FTA requires agencies to use relevant geographic areas and labor force data for different job categories. For example, executive management and professional positions would likely have a regional or national recruiting area compared with a local recruiting area for the lower-skilled jobs. Agencies have the discretion to identify the reasonable recruiting area for their job groups. However, agencies must explain in their EEO Program submission why they selected specific recruiting areas. In addition to considering general population and unemployment information, FTA encourages agencies to consider training and promotional opportunities in determining the employment groups with low participation rates.

The availability data is an input to the utilization analysis and is required for all of the job categories as well as the racial/ethnic subcategories for men and women. The results of the analysis will identify any underutilized subcategories in specific job categories. The analysis will also show the concentration of minorities and women in specific job categories. FTA requires agencies showing underutilization or concentration to quantify plans over the next four years by entering this information into the chart (either the downloaded spreadsheet or a separate chart) and providing an accompanying narrative.

2.2.5 Goals and Timetables

The completed utilization analysis will show where problems may exist in the agency. Based on this analysis, the agency will be able to set numerical goals within an established time frame. FTA requires agencies to provide percentage and numerical goals (using the whole-person rule), along with timetables for the next four-year period, for any categories of underutilization identified in the utilization table. (See Attachment 4 for a Sample Utilization Analysis Chart.)

Failure to Meet Previous Goals and Timetables

FTA requires agencies that fail to meet their goals from the previous program submission to justify the reasons for this failure. This justification will include efforts made by the agency to reach the goal and any new efforts based on the results of the utilization and employment practices analysis.

Long-Term Goals and Short-Term Goals

FTA recommends the following for establishing long-term and short-term goals:

- Long-term goals look ahead two years or more. FTA encourages agencies to consider both the current and future projected availability of traditionally underutilized groups and opportunities to add employees due to increases in capital or operating funds
- Short-term goals represent anticipated net changes in the number and percentage of women and minority employees by job category in the next year. FTA encourages agencies to base short-term goals on anticipated job openings and job group availability in the context of the long-term goals. FTA also encourages agencies to identify and forecast vacancies in a job progression chart that indicates which vacancies underutilized employees can immediately fill and explain the potential for these employees to be promoted

In developing goals and timetables, FTA expects agencies to use the following guidelines:

- Involve human resources, department and division heads, and district/unit managers in the process. Since they will ultimately be responsible for achieving the goals, they are in the best position to know the potential job openings in their departments. For agencies that have multiple facilities or districts, and analyses point to specific locations with utilization issues, FTA recommends including these managers in the process
- Set goals that are realistic and measurable
- Ensure that goals and associated timetables are specific and linked to planned results
- Consider anticipated levels of attrition, expansion, and succession planning in the context of the availability of people with required skills
- Consider effects of changes in existing employment practices
- Create goals that are not rigid and inflexible, but are reasonably attainable targets by applying every good faith effort to make all aspects of the nondiscrimination program work

FTA requires agencies to use the monitoring and reporting system discussed in Section 2.2.7. Further, FTA requires agencies to prescribe and revise short-term goals in a manner that will lead to meeting long-term goals.

2.2.6 Assessment of Employment Practices

Although the utilization rates will identify where problem areas exist in an agency, they will not help to determine why they exist. To achieve short- and long-term goals, agencies must identify and correct the causes of underutilization and concentration of minorities and women in the agency.

Agencies can use self-analysis to ascertain whether their employment practices are contributing to underutilization or concentration. FTA requires agencies to document their employment practices in both narrative and statistical formats with sufficient detail to identify trends and any practices that may operate as employment barriers.

FTA requires agencies to identify all problem areas and propose a program of corrective actions as part of their EEO Program. A proper assessment and identification of problem areas evaluates the impact of an agency's evaluation of external factors (e.g., applicants not knowing where to apply for jobs or the unavailability of bilingual materials and information) and internal factors (e.g., recruitment, testing, hiring, promotions, transfers, seniority, training, compensation, benefits, disciplinary procedures, and terminations). These required assessment elements, along with requirements for individuals with disabilities and veterans, are discussed below. Proper analyses evaluate the impact of an agency's practices on any identified underutilization or concentration.

Recruitment and Selection

FTA requires a narrative in the EEO Program that describes and analyzes an agency's current recruitment and selection policies and procedures. A careful evaluation and review of every step of the employee selection process is necessary to ensure that job requirements, hiring standards, and methods of selection and placement are nondiscriminatory. (See EEOC's [Uniform Guidelines on Employee Selection Procedures](#).)

It is a good practice for everyone in the agency who recruits, interviews, hires, promotes, trains, or takes disciplinary actions to have training in the use of objective, job-related standards and obtain a solid understanding of recruitment practices that yield pools of diverse candidates. It is also a good practice to conduct job analyses to identify actual tasks performed and the importance of specific employee skills or traits needed for the job. Agencies must ensure that job descriptions and hiring standards reflect major job functions and do not require qualifications that are higher than needed.

Testing

When agencies use written, formal, or scored tests in the employment selection process, FTA requires the agency to identify the test and to describe their test administration procedures. This includes weighting test scores (including setting individual question cut-off scores) and establishing threshold scores for passing the test.

FTA requires agencies to explain whether they have had the test validated to predict or measure job performance and, if so, provide an assessment of its nondiscriminatory impact with a description of the validation study test and selection procedures. A properly-conducted validation study can help an employer determine to what extent the information obtained from testing job applicants is predictive of future job performance, and accordingly what weight is given to the results of such tests. Further testing guidance is available on EEOC's [website](#).

Promotions and Transfers

FTA requires a narrative that describes and analyzes an agency's current policies and standard procedures for promotions and transfers, and explains the criteria for advancement and how employees are made aware of the standards to meet.

Good practices include offering:

- 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 training for identified talent

Seniority Practices

FTA requires agencies to provide a narrative of their agency's current seniority policies and procedures for union and non-union workers if the seniority policies are different.

Both agencies and unions are responsible for nondiscrimination under federal equal employment opportunity laws and regulations. An agency cannot evade nondiscrimination responsibilities on the basis of union contract terms covering employees. When agencies are negotiating or amending union agreements, FTA requires agencies to review and revise the agreements wherever current provisions are identified as barriers to equal employment.

Training

FTA requires agencies to provide a description of their training programs that foster promotion potential, including descriptions of formal and informal training programs and policies and procedures for selection of training candidates. The discussion must evaluate the impact of an agency's training practices on promotion opportunities. FTA requires agencies to describe efforts to locate, qualify, and train employees in protected classes. A good practice is to periodically review employees' training and promotion potential of minority and female employees, and to encourage eligible employees to apply when openings are available.

Compensation and Benefits

FTA requires agencies to provide a description of wages, salary levels, and other forms of compensation and benefits policies and procedures. The analysis will evaluate the impact of the agency's compensation and benefits practices on any protected class.

FTA requires agencies to review their wage and salary structure to make sure discrimination is not occurring with respect to compensation. Such reviews compare job descriptions and actual job functions of jobs held by employees in protected classes, the length of service, and other factors affecting pay rates. FTA requires agencies to review all benefits (e.g., retirement plans, medical and hospital plans) and conditions of employment to see that they are equally available to all employees.

Further compensation guidance is available on EEOC's [website](#).

Disciplinary Procedures and Termination Practices

FTA requires agencies to provide a description and analysis of their disciplinary procedures and termination practices. The standard for determining when a person will be terminated, demoted, disciplined, or laid off must be the same for all employees.

FTA requires agencies to provide a description of their progressive discipline procedures. For analysis purposes, this means placing employees in similarly situated groupings (e.g., subject to the same schedule of disciplinary charges or by labor contract). FTA requires separate analyses for employees subject to different disciplinary processes (e.g., represented employees, non-represented employees, at-will employees).

Many agencies have layoff guidelines or clauses in union contracts that are based on "last hired, first fired". While this practice appears to be neutral, it can have a disparate effect on employees within a protected class who were only recently employed or were blocked out of seniority due to discrimination.

Similar to seniority practices, when agencies are negotiating or amending union agreements, FTA requires agencies to review and revise the agreements wherever current provisions are identified as barriers to equal employment.

FTA requires agencies to review and chart the various forms of discipline imposed on employees, cross-referenced by demographic category. FTA requires agencies to maintain personnel action logs (e.g., applicant flow, promotion, termination, and training) to be used in completing the required statistical employment practices and in evaluating and monitoring any potential disparate impact.

Statistical Impact of Employment Practices on Minorities and Women

FTA requires agencies to provide statistical data that show any potential impact of employment practices on minorities and women since the last EEO Program submission. 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/involuntary terminations, cross-referenced by sex and race
- Job category training that fosters promotion potential, cross-referenced by sex and race

FTA requires agencies to establish privacy protocols that protect self-identifying information, including self-identification for veterans and persons with disabilities, to keep this information separate from application materials, and to clearly explain such protocols to applicants and employees invited to self-identify. This includes having procedures that strictly limit access, such as using a separate sheet for self-identifying information. For online applications, this includes ensuring that the self-identifying section remains separate from the application.

FTA has developed a sample four-fifths rule (or 80 percent) disparate impact analysis in a Microsoft Excel workbook available for download from FTA's [website](#). (See Attachment 4 for a Sample Employment Practices Chart.) FTA requires agencies to complete the spreadsheets (or alternate documentation containing the same information) by providing current, accurate, and relevant data accompanied by a narrative explaining the source of the data and the results of the analysis. Raw data is not acceptable. FTA notes that determining disparate impact is not a pure arithmetic exercise since other factors contribute to a proper analysis of employment practices. In addition, FTA does not require analysis for any groups constituting less than 2 percent of the applicable workforce.

Individuals with Disabilities and Veterans

FTA requires statistical data that show any potential impact of an agency's employment practices on persons with disabilities and veterans. This includes the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race. Having this data will assist in measuring the effectiveness of outreach and recruitment efforts for persons with disabilities and veterans. Example summary tables are included in the sample Microsoft Excel workbook on the "Hires" and "Promotions" tabs. (See Attachment 4 for a Sample Employment Practices Chart.) As the sample chart shows, the agency is not required to conduct a four-fifths rule analysis. The agency can set its own specific aspirational goals, but FTA asks agencies to track raw numbers; for example, the number applied, number hired, number applied for promotion, and number promoted.

2.2.7 Monitoring and Reporting

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

- Assess the results of action plans taken since the last program submission
- Enable agencies to evaluate their EEO Program during the year and to take any necessary corrective action regarding the development and execution of programs, goals, and timetables. 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

Agency Monitoring

FTA requires EEO Programs to describe:

- Methods to monitor the EEO components identified in this chapter (e.g., dissemination, utilization analysis, statistical employment practices, timeframe to reach goals, all identified barriers and the progress of the action plan)
- Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.
- Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact
- Process for monitoring complaints (e.g., describe the tracking system, monitoring of trends, timeliness of investigations, resolutions, reporting to management)

FTA requires agencies to have a clearly described complaint process that includes employees knowing where and how to file a complaint. FTA requires agencies to maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.

FTA requires agencies to maintain cumulative records on applicants, hires, transfers, promotions, trainings that foster promotion potential, and terminations. Such records provide current information needed to prepare yearly targets and to identify where the program isn't working or is working effectively enough to meet the goals.

Agency Reporting

FTA requires EEO Programs to describe frequency and results of:

- Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)
- All EEO-related meetings held between the EEO Officer and management, including topics covered and follow-up actions
- The EEO Officer's meetings with human resources and hiring officials to review current EEO goals and statistics on employment practices and policies (e.g., verifying that job descriptions contain legitimate position requirements and that all testing has been validated)

FTA requires agencies to maintain records documenting progress and efforts to ensure nondiscrimination (e.g., agendas and sign-in sheets for official EEO training or meetings with management, job postings published, advertisements placed, a log of recruitment locations and dates). This information is not

required to be part of the EEO Program submission, but the information must be available at FTA's request.

FTA requires that EEO Programs include the following attachments:

- List of subrecipients or contractors the recipient is monitoring and the services they provide
- Proof of review of subrecipients or contractors' EEO Program (e.g., letter or memo to the subrecipient)
- Organizational chart showing reporting relationships of all directors, department heads, and executive leadership (include names and titles)
- A copy of the goals and timetables chart from the previous program submission

Chapter 3 – EEO Compliance Oversight, Complaints, and Enforcement

This chapter describes how FTA monitors applicants and recipients that receive Federal transit funding. The chapter also describes procedures individuals are to follow for filing complaints alleging employment discrimination, and FTA's process for initiating corrective actions for noncompliance or probable noncompliance with Equal Employment Opportunity statutes and regulations.

FTA is charged with ensuring that applicants and recipients receiving Federal transit funding develop and implement an effective EEO Program that will prevent discrimination against employees or applicants for employment based on a protected class. FTA is also charged with ensuring that applicants and recipients require their subrecipients and contractors to develop an effective EEO Program and that the applicants and recipients monitor the implementation of these EEO Programs.

FTA's EEO oversight role falls under 49 CFR Part 21, 49 U.S.C. § 5332, and the FTA Master Agreement. FTA's compliance authority is described in 49 CFR § 21.11 and 49 U.S.C. § 5332(c), while 49 CFR § 21.13 and 49 U.S.C. § 5332(d) describe the Department of Transportation's available legal remedies. For those Equal Employment Opportunity statutes and regulations for which FTA does not have direct enforcement authority, FTA coordinates and cooperates with the appropriate agency.

In discussing oversight, complaint, and enforcement procedures, this chapter often references obligations under Title VI of the Civil Rights Act of 1964. However, its general guidance will be applied to oversight, complaint, and enforcement of other Equal Employment Opportunity statutes and regulations as appropriate.

3.1 Compliance Oversight

Each recipient annually signs FTA's Master Agreement, thus agreeing it will comply with Federal law, including Equal Employment Opportunity statutes and regulations. In addition, each recipient annually signs FTA's certifications and assurances, self-certifying that it is complying with Federal law. FTA assesses compliance through recipient self-certification, as well as grant reviews, complaint investigations, and site visits such as:

- [Triennial Reviews](#) of recipients receiving § 5307 Urbanized Area Formula Grants
- [State Management Reviews](#) of recipients receiving § 5311 Non-Urbanized Area Formula Grants and § 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grants
- [Civil Rights Specialized Reviews](#) of recipients' EEO Program implementation

49 CFR § 21.11(a) requires FTA to conduct compliance reviews of its recipients. The review may cover all or a portion of the recipient's compliance with EEO. FTA conducts Triennial or State Management Reviews of all § 5307, § 5310, and § 5311 funding recipients on a rotating basis. Civil rights Specialized Reviews are conducted following the criteria outlined below.

3.1.1 EEO Compliance Review Selection Factors

The following factors contribute to the selection of a recipient for a Civil Rights Specialized Review:

- Risk factors identified by the FTA annual Recipient Oversight Assessment

- FTA complaints (triggered either by the volume of complaints or the scope of a specific complaint, requiring an in-person investigation)
- EEO findings or recommendations on prior triennial, state management, or planning certification reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning EEO
- An incomplete or insufficient EEO Program submitted by the recipient
- Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with Equal Employment Opportunity statutes and regulations
- Alleged noncompliance brought to the attention of FTA by other entities

3.1.2 Scope

In general, EEO compliance reviews will assess the information and documentation required and submitted as part of the EEO Program. These requirements and standards are set forth in Chapter 2 of this Circular.

3.1.3 Compliance Reporting and Follow-up

After conducting a site visit, FTA issues a report that includes advisory comments and findings of deficiency or no deficiency for each of the relevant requirements.

Recipients of Federal funding are required to undertake corrective actions to address findings of deficiency within a specified timeframe following finalization of the report. FTA works with agencies to confirm implementation of corrective actions.

If a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in actions taken by the Department of Transportation to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient; make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States; or other means authorized by law.

3.2 Complaints

DOT describes the conditions for filing a complaint in [49 CFR § 21.11\(b\)](#):

Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by [Part 21] may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination unless the time for filing is extended by the Secretary.

FTA requires applicants and recipients to adopt local procedures consistent with Equal Employment Opportunity statutes and regulations for the disposition of EEO complaints. FTA investigates systemic charges of discrimination involving a transit agency's employment policies and practices. All individual complaints of discrimination must be directed to the EEOC. 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.

3.2.1 How to File a Complaint

Individuals or any specific class of individuals, personally or through a representative, may submit a complaint to FTA. Persons wishing to submit a complaint may do so independent of an applicant's or recipient's complaint process. FTA provides an optional [Civil Rights Complaint Form](#) on its website for complainants to complete within 180 days from the date of the alleged discrimination. FTA's practice is to encourage riders and others to resolve issues with local agencies when possible before filing a complaint with FTA.

3.2.2 EEOC Referrals

FTA refers individual complaints of employment discrimination to the EEOC. In instances when a complaint alleges both individual discrimination and systemic discriminatory employment practices, FTA may join the EEOC in the complaint investigation.

3.2.3 Complaint Acceptance

Upon accepting a complaint for investigation, FTA will notify the applicant or recipient that it is the subject of an EEO complaint and ask the applicant or recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the applicant or recipient, FTA will provide the agency with the complaint. If the complainant does not agree to release the complaint to the applicant or recipient, FTA may choose to close the complaint.

3.2.4 Investigations

FTA will undertake a prompt investigation whenever a complaint indicates a possible failure to comply with Equal Employment Opportunity statutes and regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the applicant or recipient, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether the applicant or recipient has failed to comply with Equal Employment Opportunity statutes and regulations.

As part of its EEO oversight responsibilities, FTA investigates complaints it receives alleging applicant or recipients' discriminatory employment practices. FTA's investigation considers the facts and circumstances based on evidence. FTA does not represent the interests of individual complainants but rather the interests of the Federal government.

3.2.5 Findings

After FTA has concluded its investigation, FTA's Office of Civil Rights will transmit to the complainant and the applicant or recipient one of the following letters based on its findings:

- A letter indicating FTA did not find a violation according to Equal Employment Opportunity statutes and regulations
- A letter indicating the applicant or recipient is in violation of Equal Employment Opportunity statutes and regulations, including required corrective actions

3.2.6 Administrative Closure

Generally, FTA will administratively close EEO complaints shortly after the intake stage or later in the investigative process, under any of the following circumstances:

- The complainant decides to withdraw the complaint

- The complainant is not responsive to FTA’s requests for information or to sign a consent release form
- FTA obtains credible evidence that the allegations raised by the complaint have been resolved
- FTA has conducted or plans to conduct a related compliance review of the recipient against which the complaint has been lodged
- The complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards
- The complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or DOT’s Office of Civil Rights
- The complaint is part of a pattern of multiple complaints involving the same or substantially similar allegations against the same applicant, recipient or other recipients that have already been found factually or legally insubstantial by FTA
- The same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards
- Litigation has been filed stating the same claim as in the administrative complaint
- The death of the complainant or injured party makes it impossible to investigate the allegations fully

Most administrative closures do not involve outreach to the affected recipient.

3.3 Effecting Compliance

Corrective actions are required in cases where FTA has determined that an applicant or recipient of Federal transit funding is in noncompliance or probable noncompliance with the requirements in Equal Employment Opportunity statutes and regulations. FTA asks applicants or recipients who are in noncompliance or probable noncompliance with Equal Employment Opportunity statutes and regulations to undertake corrective actions informally. If noncompliance or probable noncompliance cannot be corrected informally the applicant or recipient may be subject to corrective action or proceedings under 49 CFR §§ 21.13–21.19, or 49 U.S.C. § 5332(d), as discussed in this section.

3.3.1 Procedures for Securing Voluntary Compliance

FTA may determine an applicant or recipient is in noncompliance or probable noncompliance with Equal Employment Opportunity statutes and regulations after FTA completes an investigation in response to an EEO complaint, or after a compliance review or other audit. Prior to taking formal measures to effect compliance, FTA will attempt to resolve the matter informally by using the procedures described below.

Notification to the Applicant or Recipient

When FTA has determined that an applicant or recipient is in noncompliance or probable noncompliance with Equal Employment Opportunity statutes and regulations, it will transmit a letter to the applicant or recipient that describes FTA’s determination and requests the applicant or recipient to voluntarily take necessary and appropriate corrective action(s).

Applicant or Recipient Response

The applicant or recipient must submit a corrective action plan, typically within 60 days of receiving FTA’s letter, that includes a list of planned actions and, if necessary, sufficient reasons and justification

for FTA to reconsider any of its findings or recommendations. FTA will require the applicant or recipient's plan to:

- List all corrective action(s) accepted by the applicant or recipient
- Describe how the corrective actions will be implemented, including a timeline for compliance and a plan for reporting progress to FTA
- Include a written assurance that the applicant or recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan
- Include a copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the corrective action plan

FTA Review of the Response

After receiving the applicant or recipient's response, FTA will promptly review the submitted corrective action plan and any request for reconsideration and decide what corrective action(s) are necessary and appropriate to bring the applicant or recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to obtain evidence or statements and corroborate assertions contained in the applicant or recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final corrective action plan which will be sent to the applicant or recipient for review and consent. Consent means the applicant or recipient agrees to initiate the action(s) specified in the plan.

Conditions for Declining the Corrective Action Plan

The applicant or recipient has 15 days from the date of notification by FTA to agree or disagree with the final corrective action plan. If an applicant or recipient disagrees with this plan, FTA requires a written statement of its reasons for not agreeing to the corrective actions contained in the plan. Under those circumstances, the applicant or recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreement(s).

3.3.2 Proceedings

When FTA and the applicant or recipient cannot agree on a final corrective action plan and the applicant or recipient continues to be in noncompliance or probable noncompliance with Equal Employment Opportunity statutes and regulations, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the applicant or recipient. This will generally occur when all means of informal resolution have failed to get the applicant or recipient to comply with the law. FTA may refer a matter to the Department of Justice (DOJ) with a recommendation for appropriate proceedings to be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking. ([49 CFR § 21.13](#) and [49 U.S.C. § 5332\(e\)](#))

Termination of, or Refusal to Grant or to Continue Federal Financial Assistance

In accordance with 49 CFR § 21.13(c), FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance after:

- FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means
- FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with DOT statutes and regulations
- The Secretary of Transportation has approved the action

- Thirty days have passed after FTA has filed a full written report of the circumstances and the grounds for such action with the Transportation and Infrastructure Committee of the House of Representatives and the Banking, Housing, and Urban Affairs Committee of the Senate

In accordance with 49 U.S.C. § 5332(d), FTA will not exercise enforcement actions until the applicant or recipient has not regained compliance within a reasonable amount of time after notice of noncompliance.

Other Means Authorized by Law

In accordance with 49 CFR § 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:

- FTA has determined that compliance cannot be secured by voluntary means
- FTA has notified the applicant or recipient of its failure to comply and the action FTA intends to take
- At least 10 days have passed since the notice was mailed to the applicant or recipient. During this 10-day period, FTA will make additional efforts to persuade the applicant or recipient to comply with the regulation and to take appropriate corrective action

FTA will not refer the matter to DOJ until the applicant or recipient has not come into compliance within a reasonable amount of time after the notice of noncompliance.

3.3.3 Hearings

Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, FTA will provide the applicant or recipient with an opportunity for a hearing prior to such action. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the proposed action, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:

- Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request the FTA Administrator to schedule a hearing, or
- Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause

FTA will advise the complainant (if any) of the time and place of the hearing. (See [49 CFR § 21.15.](#))

Waiver of Hearing

An applicant or recipient may waive a hearing and submit written information and argument for the record. FTA will deem the failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR § 21.13(c), and consent for FTA to make a decision on the basis of the available information.

Time and Location of Hearing

Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless another location is required for the convenience of the applicant, recipient, or FTA.

Hearing Officer

Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with 5 U.S.C. § 3105.

Right to Counsel

In all proceedings carried out under the authority of 49 CFR § 21.15, the applicant or recipient, and FTA have the right to be represented by counsel.

Procedures, Evidence, and Record

Pursuant to 49 CFR § 21.15(d), the hearing, decision, and any administrative review thereof will be conducted in conformity with 5 U.S.C. § 554–557 and in accordance with proper rules of procedure relating to the conduct of the hearing, giving of certain notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient will be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

3.3.4 Judicial Review

Pursuant to 49 CFR § 21.19, when FTA or DOT issues a final order after a hearing on the record, such final action is subject to judicial review. Pursuant to 49 U.S.C. § 5332(e), the Attorney General may bring a civil action for appropriate relief under certain circumstances. All other judicial review is governed by the respective Equal Employment Opportunity statutes and regulations.

Attachment 1 – Sample EEO Policy Statement

[Agency Name] has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

[Agency Name] Equal Employment Opportunity (EEO) policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation.

All applicants and employees have the right to file complaints alleging discrimination. 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.

[Agency Name] is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

As [Agency Name]'s [President, General Manager/CEO, Executive Director], I maintain overall responsibility and accountability for [Agency Name]'s compliance with its EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed [Name, title and contact information] as [Agency Name]'s EEO Officer. [Name] will report directly to me and acts with my authority with all levels of management, labor unions, and employees.

All [Agency Name] executives, management, and supervisory personnel, however, share in the responsibility for implementing and monitoring [Agency Name]'s EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. [Agency Name] will evaluate its managers' and supervisors' performance on their successful implementation of [Agency Name]'s policies and procedures, in the same way [Agency Name] assesses their performance regarding other agency's goals.

[Agency Name] is committed to undertaking and developing 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.

I am personally committed to a workplace that acts upon its daily responsibility to treat all applicants and employees with dignity and respect, as well as equitably under the guidelines of our EEO Policy and Program.

Signature

[President, General Manager/CEO, Executive Director]

Date

Attachment 2 – Sample Concurrence Checklist

This optional checklist provides a format for EEO Officers to use to ensure concurrence with the hiring and promotion process. Concurring in the hiring and promotion process means the EEO Officer has reviewed employment documents to ensure the actions of the agency are not discriminatory (i.e., do not result in disparate treatment or disparate impact).

New Hire and Promotions Package Checklist Sheet

To: EEO Officer

From: Human Resources

Requisition/Job Posting # _____

Date received from HR: _____

Date returned to HR from EEO Officer: _____

EEO Officer Comments:

<i>For EEO Use Only</i>	EEO Concurrence Compliance Checklist
-----------------------------	---

Proper Posting

- ___ Checked requisite posting period
- ___ Compared posting to job description
- ___ Reviewed justification for internal or departmental only posting (if applicable)
- ___ Verified Recruitment Plan – Ensure memo/e-mail is a part of the packet

Job Description Review

- ___ Determine whether this is an (1) *existing position* title or a (2) *newly created* position title
- ___ Examine whether the hiring department currently has incumbents in this position
- ___ Check the reporting relationship to ensure it is appropriate for the position
- ___ Ascertain whether the position title is appropriate for the overall nature of the duties described
- ___ Review job descriptions for similar positions to check for consistency

_____ Review the salary grade; and confirm that it is appropriate for the job/position title

_____ Confirm the position has been placed in the proper EEO category

_____ Review general summary section to ascertain whether the description accurately reflects the core essence of the position. Examine each essential duty to determine whether the highest priority duties are consistent with duties ordinarily performed by an employee in this position. The most essential duty will be one which the position would not exist but for that function. It will be the function most frequently performed. Essential functions will be listed in order of priority

_____ Review the education and experience required by the job description. Verify that it is consistent with level of education and amount of experience typically required by incumbents in this position or similar positions. Determine whether the requisite qualifications are justified by business necessity for performance of this position

_____ For a supervisory or management position, review the organization chart and confirm that the position is appropriately titled by (a) comparing with similar positions, and (b) identifying the positions which are direct reports and reviewing the level of experience and education required for the subordinate staff. Identify whether supervisory or management experience is required; if so, determine whether the supervisory or management experience is specific and consistent with the nature of the position

_____ Review exempt/non-exempt status.

Applicant Pool Analysis

_____ Qualification verification of (a) candidates selected for interview, or (b) audit/re-screen all applicants

_____ Confirm whether all candidates interviewed are eligible; justification for eligible candidates not interviewed

_____ Diversity check/utilization reviewed

Compensation Analysis

_____ Determination of internal salary parity

_____ Justification for placement level in range

Interview Review Process Examination

_____ Diversity in interview panel

_____ Interview packet review (questions, ranking, inappropriate remarks)

Finalizing Review

_____ Identify EEO concerns, if any

_____ **If rejected, discuss issue with HR representative, if appropriate** — Note concurrence on packet or attach justification for rejection if unable to resolve EEO concerns

Attachment 3 – EEO-4 Form

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION				APPROVED BY OMB 3046-0008 <small>EXPIRES</small> <small>5/31/2018</small>	
STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4)					
<small>EXCLUDE SCHOOL SYSTEMS AND EDUCATIONAL INSTITUTIONS</small> <small>(Read attached instructions prior to completing this form)</small>					
DO NOT ALTER INFORMATION PRINTED IN THIS BOX				MAIL COMPLETED FORM TO: EEO-4 Reporting Center PO Box 8127 Reston VA 20195	
A. TYPE OF GOVERNMENT (Check one box only)					
<input type="checkbox"/> 1. State <input type="checkbox"/> 2. County <input type="checkbox"/> 3. City <input type="checkbox"/> 4. Township <input type="checkbox"/> 5. Special District <input type="checkbox"/> 6. Other (Specify) _____					
B. IDENTIFICATION					
1. NAME OF POLITICAL JURISDICTION (If same as label, skip to Item C)					
2. Address--Number and Street		CITY/TOWN	COUNTY	STATE/ZIP	EEOC USE ONLY A B
C. FUNCTION					
<small>(Check one box to indicate the function(s) for which this form is being submitted. Data should be reported for all departments and agencies in your government covered by the function(s) indicated. If you cannot supply the data for every agency within the function(s) attach a list showing name and address of agencies whose data are not included.)</small>					
1. Financial Administration. Tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and GENERAL CONTROL. Duties usually performed by boards of supervisors or commissioners, central administration offices and agencies, central personnel or planning agencies, all judicial offices and employees (judges, magistrates, bailiffs, etc.)		8. HEALTH. Provision of public health services, outpatient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation service, etc.			
2. STREETS AND HIGHWAYS. Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges.		9. HOUSING. Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.			
3. PUBLIC WELFARE. Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals and sanatoriums should be reported as item 7.)		10. COMMUNITY DEVELOPMENT. Planning, zoning, land development, open space, beautification, preservation.			
4. POLICE PROTECTION. Duties of a police department sheriff's, constable's, coroner's office, etc., including technical and clerical employees engaged in police activities.		11. CORRECTIONS. Jails, reformatories, detention homes, halfway houses, prisons, parole and probation activities			
5. FIRE PROTECTION. Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities as item 6.)		12. UTILITIES AND TRANSPORTATION. Includes water supply, electric power, transit, gas, airports, water transportation and terminals.			
6. NATURAL RESOURCES. Agriculture, forestry, forest fire protection, irrigation drainage, flood control, etc., and PARKS AND RECREATION. Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoos, etc.		13. SANITATION AND SEWAGE. Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.			
7. HOSPITALS AND SANATORIUMS. Operation and maintenance of institutions for inpatient medical care.		14. EMPLOYMENT SECURITY STATE GOVERNMENTS ONLY			
		15. OTHER (Specify on Page Four)			

D. EMPLOYMENT DATA AS OF JUNE 30																
(Do not include elected/appointed officials. Blanks will be counted as zero)																
1. FULLTIME EMPLOYEES (Temporary employees are not included)																
JOB CATEGORIES	ANNUAL SALARY (In thousands 000)	RACE/ETHNICITY														Total Col A-N
		HISPANIC OR LATINO		NON-HISPANIC OR LATINO								FEMALE				
		Male	Female	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or more	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or more	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
OFFICIALS-ADMINISTRATORS	1. \$0.115.9															
	2. 16.019.9															
	3. 20.024.9															
	4. 25.032.9															
	5. 33.042.9															
	6. 43.054.9															
	7. 55.069.9															
	8. 70.0 PLUS															
PROFESSIONALS	9. \$0.115.9															
	10. 16.019.9															
	11. 20.024.9															
	12. 25.032.9															
	13. 33.042.9															
	14. 43.054.9															
	15. 55.069.9															
	16. 70.0 PLUS															
TECHNICIANS	17. \$0.115.9															
	18. 16.019.9															
	19. 20.024.9															
	20. 25.032.9															
	21. 33.042.9															
	22. 43.054.9															
	23. 55.069.9															
	24. 70.0 PLUS															
PROTECTIVE SERVICE	25. \$0.115.9															
	26. 16.019.9															
	27. 20.024.9															
	28. 25.032.9															
	29. 33.042.9															
	30. 43.054.9															
	31. 55.069.9															
	32. 70.0 PLUS															
PARA-PROFESSIONALS	33. \$0.115.9															
	34. 16.019.9															
	35. 20.024.9															
	36. 25.032.9															
	37. 33.042.9															
	38. 43.054.9															
	39. 55.069.9															
	40. 70.0 PLUS															
ADMINISTRATIVE SUPPORT	41. \$0.115.9															
	42. 16.019.9															
	43. 20.024.9															
	44. 25.032.9															
	45. 33.042.9															
	46. 43.054.9															
	47. 55.069.9															
	48. 70.0 PLUS															

D. EMPLOYMENT DATA AS OF JUNE 30 (Cont.)																	
(Do not include elected/appointed officials. Blanks will be counted as zero)																	
1. FULLTIME EMPLOYEES (Temporary employees are not included)																	
CATEGORIES	ANNUAL SALARY (In thousands 000)	RACE/ETHNICITY															Total Col A-N
		HISPANIC OR LATINO		NON-HISPANIC OR LATINO													
		Male	Female	MALE				FEMALE									
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
SKILLED-CRAFT	49. \$0.115.9																
	50. 16.019.9																
	51. 20.024.9																
	52. 25.032.9																
	53. 33.042.9																
	54. 43.054.9																
	55. 55.069.9																
56. 70.0 PLUS																	
SERVICE MAINTENANCE	57. \$0.115.9																
	58. 16.019.9																
	59. 20.024.9																
	60. 25.032.9																
	61. 33.042.9																
	62. 43.054.9																
	63. 55.069.9																
64. 70.0 PLUS																	
65. TOTAL FULL TIME (LINES 1 - 64)																	
2. OTHER THAN FULLTIME EMPLOYEES (Including temporary employees)																	
66. OFFICIALS/ADMIN																	
67. PROFESSIONALS																	
68. TECHNICIANS																	
69. PROTECTIVE SERVICE																	
70. PARAPROFESSIONAL																	
71. ADMIN. SUPPORT																	
72. SKILLED CRAFT																	
73. SERVICE/MAINTENANCE																	
74. TOTAL OTHER THAN FULL TIME (LINES 66 - 73)																	
3. NEW HIRES DURING FISCAL YEAR Permanent full time only JULY 1 - JUNE 30																	
75. OFFICIALS/ADMIN																	
76. PROFESSIONALS																	
77. TECHNICIANS																	
78. PROTECTIVE SERVICE																	
79. PARAPROFESSIONAL																	
80. ADMIN. SUPPORT																	
81. SKILLED CRAFT																	
82. SERVICE/MAINTENANCE																	
83. TOTAL NEW HIRES (LINES 75 - 82)																	

REMARKS (List National Crime Information Center (NCIC) number assigned to any Criminal Justice Agencies whose data are included in this report)		
LIST AGENCIES INCLUDED ON THIS FORM		
CERTIFICATION. I certify that the information given in this report is correct and true to the best of my knowledge and was reported in accordance with accompanying instructions. (Willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.)		
NAME OF PERSON TO CONTACT REGARDING THIS FORM		TITLE
ADDRESS (Number and Street, City, State, Zip Code)		TELEPHONE NUMBER extension:
		FAX NUMBER
DATE	TYPED NAME/TITLE OF AUTHORIZED OFFICIAL	SIGNATURE
E-MAIL		

Attachment 4 – Sample Employment Practices and Utilization Analysis Excel Charts

The following charts display an optional format for agencies to submit their utilization and employment practices analyses.

FTA requires agencies to complete the spreadsheet in the Microsoft Excel workbook (or alternate documentation containing the same information) by providing current, accurate, and relevant data accompanied by a narrative explaining the source of the data and the results of the analysis. Agencies that submit EEO-4 reports to EEOC can access their current utilization numbers and complete the rest of the analysis in FTA's electronic database system. For agencies that use alternate formats for reporting the utilization analysis, FTA requires such reports to contain the information displayed in the below chart; however, this chart itself is not required.

This chart includes tabs for hires, promotions, terminations, and training, and the utilization analysis itself. Each page is divided by sex and race along the horizontal axis, and job category along the vertical axis.

The Microsoft Excel workbook is available for download from the FTA [website](#).

Job Category (Use EEO-4)	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2 - Professionals																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 - Technicians																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 - Protective Service																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5 - Paraprofessional																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 - Administrative Support																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7 - Skilled Craft																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Notes:																
Persons with Disabilities																
	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Veterans																
	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Notes:																

Figure 1 - Hires

Job Category (Use EEO-4)	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2 - Professionals																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 - Technicians																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 - Protective Service																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5 - Paraprofessional																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 - Administrative Support																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7 - Skilled Craft																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

Persons with Disabilities	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Total		W		AI/AN		B		H/L		A		NHOPI		M	
Veterans	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number Applied	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

Figure 2- Promotions

Job Category (Use EEO-4)	Total		W		A/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2 - Professionals																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 - Technicians																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 - Protective Service																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5 - Paraprofessional																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 - Administrative Support																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7 - Skilled Craft																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number Retained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retention Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

Figure 3 - Terminations

Job Category (Use EEO-4)	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2 - Professionals																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 - Technicians																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 - Protective Service																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5 - Paraprofessional																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 - Administrative Support																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7 - Skilled Craft																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Trained	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Notes:																

Figure 4 - Training

Job Category Use EEO-4	Salary Range (\$XX,000-XX,000)	Total Workforce					Male								Female							
		All	WM	MM	WF	MF	W	AI/AN	B	H/L	A	NHOPI	Multi	W	AI/AN	B	H/L	A	NHOPI	Multi		
1 - Officials & Administrators																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
2 - Professionals																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
3 - Technicians																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
4 - Protective Service																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
5 - Paraprofessional																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
6 - Administrative Support																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
7 - Skilled Craft																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
8 - Service-Maintenance																						
Current Workforce		0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Percent in Category	[*] Entry						0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent of Availability							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	No	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						

Notes:

Figure 5 - Utilization Analysis

Attachment 5 – Sample EEO Program Format Checklist

Every four years, on a date determined by FTA, each direct recipient who meets the threshold described in section 1.4 of this Circular, must submit the following information to FTA as part of its EEO Program. Subrecipients and contractors who meet the threshold must submit the required information to its direct recipient (the entity from whom the subrecipient receives funds directly, generally a transit agency or State DOT).

EEO Program General Requirements (Chapter 2)

Full EEO Program Requirements

Any FTA applicant, recipient, subrecipient, and contractor who: 1) Employs 100 or more transit related employees and 2) 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, must submit the a full EEO Program, including the following elements, every four years, either to FTA or to its direct recipient, as required:

- Statement of Policy
- Dissemination Plan
- Designation of Personnel Responsibility
- Utilization Analysis
- Goals and Timetables
- Assessment of Employees Practices
- Monitoring and Reporting Plan

Abbreviated EEO Program Requirements:

Any FTA applicant, recipient, subrecipient, and contractor who: 1) Employs 50-99 transit-related employees and 2) 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, must prepare and maintain the following abbreviated EEO Program elements:

- Statement of Policy
- Dissemination Plan
- Designation of Personnel Responsibility
- Assessment of Employees Practices
- Monitoring and Reporting Plan

Attachment 6

Sample EEO Program Contents Checklist

Recipient Name:				
TRAMS ID:				
Date EEO Program Was Reviewed:				
Review Conducted By:				
<p>This form serves as a sample internal checklist of the legal requirements and responsibilities of Federal Transit Administration (FTA) recipients under guidance provided in FTA Circular 4704.1A with regards to the Equal Employment Opportunity (EEO) Program Guidelines for Grant Recipients for purposes of regional Civil Rights Officer program review. This document is not intended to provide a comprehensive explanation of all requirements and responsibilities of FTA recipients related to EEO, nor is it intended to replace EEO guidance issued by the FTA or other related Federal Agencies. Refer to FTA Circular 4704.1A for specific and detailed guidance on preparing EEO Programs for FTA. This Circular can be found on FTA's website. This chart displays the main subject matter areas of Circular 4704.1A. Whenever possible, the numbering and lettering organization of this chart align with the organization of the Circular. Recipients are required to consider each of these topics in preparing their EEO Program documents.</p>				
2.2 EEO PROGRAM ELEMENTS	Addressed	Not Addressed	Inadequate	Review Comments
STATEMENT OF POLICY—C. 4704.1A 2.2.1				
Is there a written Statement of Policy by the CEO/GM:				
Does the statement:				
Express the agency's commitment 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				
Commit 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				
Explain that the responsibility for implementing the EEO Program is assigned to an agency executive who reports directly to the CEO/GM				
State that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office				
State that 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				
State the agency's commitment 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				

State that all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance				
State that the agency 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				
Provide the name and contact information for the EEO Officer				
Provide the Signature and Date of GM or CEO				
DISSEMINATION—C. 4704.1A 2.2.2				
Does the dissemination section include:				
Providing written communications from the CEO/GM (i.e., policy statement)				
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 top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO Program and its implementation				
Meeting with all employees and affinity groups to seek input on the program implementation				
Conducting periodic EEO training for all employees and for managers				
Conducting EEO training for all new supervisors or managers within 90 days of their appointment				
Externally, does the agency state:				
When there is outreach or advertising to recruitment entities (e.g., employment agencies, educational institutions, minority, and women organizations), the agency will disseminate their policy to those entities				
All recruitment ads (e.g., newspapers, magazines, websites, and social media) must state that the agency “is an equal employment opportunity employer”				
DESIGNATION OF PERSONNEL—C. 4704.1A 2.2.3				
Do the EEO program office responsibilities include:				
Developing the EEO policy statement and a written EEO Program				
Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and time tables, 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 proactive action is needed				
Reviewing the agency’s nondiscrimination plan with all managers and supervisors to ensure that the policy is understood				
Concurring in the hiring and promotion process				
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 CEO/GM 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 complaints of EEO discrimination				
Providing EEO training for employees and managers				
In conjunction with human resources, advising employees and applicants of 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				
Do the agency officials, supervisors and managers' responsibilities 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 promotional opportunities, shadowing, mentoring)				
UTILIZATION ANALYSIS—C. 4704.1A 2.2.4				
Does the work force analysis include a statistical breakdown of the recipients' workforce by each department job category?				
Is the aforementioned cross-referenced by sex and race?				
Is the current percent of employees for each category cross-referenced by group?				
Is there an availability percentage identified for each category cross-referenced by group?				
Is the percentage of underutilization for each category cross-referenced by group?				
GOALS AND TIMETABLES—C. 4704.1A 2.2.5				
Are there specific and detailed percentage and numerical goals with timetables set to correct any underutilization of specific affected classes of persons identified in the utilization analysis? There are long-term (in percentages) and short-term (numbers and percentages).				
Are previous goals that were not met discussed and a justification given for not meeting those goals?				
EMPLOYMENT PRACTICES—C. 4704.1A 2.2.6				
Is there a detailed narrative assessment of present employment practices (e.g., hiring, recruitment, training)?				

Do the analyses contain statistical data to document the impact of the employment practices by sex and race?				
Does the statistical analysis contain:				
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/involuntary terminations, cross-referenced by sex and race				
Job category training that fosters promotion potential, cross-referenced by sex and race				
Individuals with Disabilities and Veterans, the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race				
MONITORING AND REPORTING SYSTEMS–C. 4704.1A 2.2.7				
Is there a monitoring system that describes:				
Methods to monitor the EEO components identified in this chapter (e.g., dissemination, utilization analysis, statistical employment practices, timeframe to reach goals, all identified barriers and the progress of the action plan)				
Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.				
Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact				
Process for monitoring complaints (e.g., describe the tracking system, monitoring of trends, timeliness of investigations, resolutions, reporting to management)				
Is there a reporting system that describes:				
Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)				
All program EEO-related meetings held between the EEO Officer and management, including topics covered, follow-up actions				
EEO Officer’s meetings with human resources and hiring officials to review current EEO goals and statistics on employment practices and policies (e.g., verifying that job descriptions contain legitimate position requirements and that all testing has been validated)				
REQUIRED EEO PROGRAM ATTACHMENTS				
List of subrecipients and contractors who are being monitored and the services they provide				
Proof of review of subrecipients and contractors’ EEO Program (e.g., letter or memo to the subrecipient)				
Organization chart showing the reporting relationships of all directors, department heads, and executive leadership (include names and titles)				
A copy of the goals and timetables from the previous program submission				

Attachment 7 – References

- a. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq.
- b. Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d)
- c. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 et seq.
- d. Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 793 and 794
- e. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, 38 U.S.C. §§ 4301 et seq.
- f. Americans With Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.
- g. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq.
- h. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.
- i. Title II of the Genetic Information Nondiscrimination Act of 2008, as amended, 42 U.S.C. § 2000ff et seq.
- j. Federal Transit Laws, 49 U.S.C. § 5301 et seq.
- k. 28 CFR Part 42, Subpart F, Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs
- l. 29 CFR Part 1605, Guidelines on Discrimination Because of Religion
- m. 29 CFR Part 1606, Guidelines on Discrimination Because of National Origin
- n. 29 CFR Part 1607, Uniform Guidelines on Employee Selection Procedures
- o. 29 CFR Part 1620, The Equal Pay Act
- p. 29 CFR Part 1625, Age Discrimination in Employment Act
- q. 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
- r. 29 CFR Part 1604, Guidelines on Discrimination Because of Sex
- s. 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964
- t. 49 CFR Part 27, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Financial Assistance
- u. Executive Order 11246, Equal Opportunity in Federal Employment (September 24, 1965)
- v. DOT Order 1000.12, “Implementation of the Department of Transportation Title VI Program” (January 19, 1977)
- w. DOT Order 1000.18, “External Civil Rights Complaint Processing Manual” (September 2007)
- x. FTA Master Agreement