

RESOLUTION NO. 1999-114

A RESOLUTION ADOPTING THE TRIENNIAL UPDATE OF THE AFFIRMATIVE ACTION PROGRAM FOR 1999 FOR THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, the Civil Rights Act of 1964, as amended, provides: Section 601. "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance"; and

WHEREAS, the Mass Transit System Transfer Agreement and the Bylaws of the Greater Cleveland Regional Transit Authority both provide that the Authority shall take affirmative action to insure that there is no discrimination in employment and in contractual business relationships; and

WHEREAS, on February 22, 1977, the Board of Trustees of the Greater Cleveland Regional Transit Authority adopted an affirmative action program for the Authority (Resolution No. 1977-67) which was amended on September 5, 1978 by Resolution No. 198-252; and

WHEREAS, on July 26, 1988, the U.S. Department of Transportation, Federal Transportation Administration published Circular 4704.1, entitled Equal Employment Opportunity Program Guidelines for Grant Recipients, and Circular 4702.1, dated May 26, 1988, entitled Title VI Program Guidelines for Federal Transportation Administration Recipients; and

WHEREAS, it became necessary to update the Affirmative Action Program, Part I, that was adopted on September 5, 1978 in order that the Authority may more fully comply with the requirements and guidelines published in the aforementioned circulars, by and including employment statistics and action program information; and

WHEREAS, each applicant, recipient, or sub-recipient meeting the Equal Employment Opportunity Circular threshold requirements shall submit to the Federal Transportation Administration an updated Equal Employment Opportunity submission on a triennial basis or as major changes occur in the work force or employment conditions; and

WHEREAS, pursuant to the U.S. Department of Transportation's Federal Transportation Administration Circular 4704.1, the General Manager has met with executive staff to update the Affirmative Action Program on a triennial basis; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. That the Triennial Update of the Affirmative Action Program for 1999 for the Greater Cleveland Regional Transit Authority, be and is hereby adopted.

Section 2. That this resolution is effective immediately upon its adoption.

Attachment A - Executive Summary of the Triennial Update

Adopted: August 24, 1999



President

Attest:



General Manager/ Secretary-Treasurer

**THE GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY**

**TRIENNIAL UPDATE
OF THE
AFFIRMATIVE ACTION PROGRAM
1996 - 1998**

EXECUTIVE SUMMARY

I. INTRODUCTION

On a Triennial basis, all recipients of Department of Transportation funds are required to submit an "Affirmative Action Program" to the FTA. The Affirmative Action Program (AAP) must be developed pursuant to the Federal Transportation Administration's Circular 4704.1 and Code of Federal Regulation Title 41, Parts 60-2, et seq.

The Affirmative Action Program sets forth goals, and details the progress achieved during the triennial period (1996 – 1998). The AAP also details the action-oriented programs which will be undertaken to ensure equal employment opportunity, and facilitate the recruitment, hire, and promotion of members of protected classes who are not sufficiently represented in the Greater Cleveland Regional Transit Authority work force. The ultimate goal of these efforts will be to improve the representation of minorities and women at all levels in the work force commensurate with their availability in the appropriate external labor market. In addition, interim numerical goals will be set and periodic evaluations of these goals will be performed.

In the area of contracting for goods and services, the Greater Cleveland Regional Transit Authority Affirmative Action Program requires all contractors, vendors, and suppliers to comply with appropriate federal and state laws, rules and regulations and the equal employment policies of the Authority. This policy requires the submission of an affidavit by the supplier that the supplier does not and will not discriminate in its employment practices because of race, color, national origin or ancestry, religion, sex, age, disability, or status as a Vietnam-era veteran.

II. IMPLEMENTATION RESPONSIBILITY

Overall responsibility for the program rests with the General Manager. Direct responsibility for development implementation and enforcement of the Authority's Affirmative Action Program lies with the Director, Office of Equal Opportunity, who reports to the General Manager. To that end, all administrative personnel and supervisors are expected to cooperate in this effort, and their performance relative to ensuring equal employment opportunity and affirmative action will be evaluated.

The Director of the Office of Equal Opportunity is also directly responsible for the implementation of the policies of the Authority regarding affirmative action as it relates to third party contractors. At the Greater Cleveland Regional Transit Authority, the responsibility for implementation of the AAP lies with five entities:

- 1) General Manager;
- 2) Director, Office of Equal Opportunity;
- 3) Affirmative Action Committee;
- 4) Personnel Services; and
- 5) Supervisors.

- 1) **General Manager:**

The General Manager has the overall responsibility for overseeing the development and implementation of the Affirmative Action Program. The General Manager delegates day to day responsibility to the Equal Opportunity Officer.

2) Director of the Office of Small Business & Employment Opportunity

The primary Equal Opportunity Officer for the Greater Cleveland Regional Transit Authority is the Director of the Office of Small Business & Employment Opportunity who reports directly to the General Manager. The Director's responsibilities fall into two (2) general areas: 1) equal employment opportunity and affirmative action; and 2) contract compliance. Among the duties of the Director of the Office of Small Business & Employment Opportunity are to:

Develop, monitor the implementation of, and provide continuing evaluation of the GCRTA Equal Opportunity and Affirmative Action Programs. These tasks include maintaining relevant statistics on minorities and women in the external labor force and internally within GCRTA. In developing the AAP, the Director will coordinate with other staff members as necessary;

Provide assistance to GCRTA's various departments and divisions in order to resolve specific problems related to the implementation of the AAP and the achievement of the stated goals and timetables;

Advise the General Manager, Deputy General Managers and other appropriate personnel of the most recent laws, regulations, and guidelines from federal and state agencies as they affect equal employment opportunity and affirmative action within GCRTA;

Maintain liaisons with the appropriate enforcement agencies at the federal and state level, and ensure timely submission of civil rights and equal employment opportunity reports and other documents required by the U.S. Department of Transportation, Equal Employment Opportunity Commission, Office of Federal Contract Compliance, and others;

Maintain liaisons with minority and women's organizations, agencies concerned with the employment of the disabled and other community groups;

Consult with and provide assistance to the Personnel Services Department regarding all aspects of personnel procedures and procedures, and employee relations practices, including those which appear neutral on their face but which may, in fact, have a disparate impact on minorities, women, and disabled employees and applicants for employment;

Participate in the orientation of new employees and in other employee relations workshops for the purpose of explaining GCRTA's equal employment opportunity policy and affirmative action efforts, and to counsel all employees on matters related to equal employment opportunity;

Review employee appointments, promotions, terminations and other data pertinent to the effective implementation of GCRTA's Affirmative Action Program;

Advise prospective contractors and others on the steps necessary to bring them into compliance with GCRTA's requirements regarding equal employment opportunity;

Provide for and conduct compliance reviews necessary to ensure effective program implementation; and

Report periodically to the General Manager on the progress being made in the implementation of the Affirmative Action Program and to recommend program modifications.

3) Affirmative Action Committee

The Affirmative Action Committee appointed by the General Manager consists of the General Manager, the Deputy General Managers, the Director of the Office of Equal Opportunity, and others deemed appropriate by the General Manager. The Director of the Office of Equal Opportunity is responsible for maintaining a record of all the proceedings of the meetings. The Committee is responsible for:

Reviewing all personnel and employee relations policies and procedures, prior to their approval, adoption, or publication, to ensure that they provide equal treatment to all employees and comply with the equal employment opportunity and affirmative action policies of the Authority;

Monitoring formal and informal personnel practices to ensure that equal treatment is, in fact, afforded to all employees of the Authority without regard to race, national origin or ancestry, color, religion, sex, age, disability, or status as a Vietnam-era veteran;

Making recommendations to the General Manager for modifications of GCRTA's policies and practices in order to enhance affirmative action and equal employment opportunity efforts; and

Reviewing quarterly department/division reports on goals and timetables, and recommending approval and/or revisions to the General Manager.

The Committee will meet not less than semi-annually.

3) Personnel Services:

The Authority's Office of Personnel Services is charged with the functional day to day administrative responsibility to ensure that the Affirmative Action Program is complied with. More specifically; Personnel Services shall ensure that equal opportunity is afforded to all current and prospective employees in regard to recruitment, appointment, compensation, promotion, and benefits. Personnel services shall provide reports, statistics and other relevant information to the Office of Equal Opportunity to ensure that the program goals are being met and can be reported to the affirmative action committee.

4) Supervisors

All administrative and supervisory personnel share the responsibility for ensuring the effectiveness of the Authority's Affirmative Action Program and are evaluated on their performance in this area. They are expected to give their full cooperation and active support of the Affirmative Action Program to the General Manager and Director of the Office of Equal Opportunity. Among the specific requirements of the administrative and supervisory personnel are to:

Assist in identifying qualified minority, female, disabled and Vietnam-era veteran candidates for vacancies or new positions in the Authority's work force;

Ensure equal opportunity for all employees and applicants for employment under his/her direct or indirect supervision with regard to training, work assignments, promotions, transfers, compensation, assignment of overtime and additional duties, and all other terms and conditions of employment;

Establish employment goals and timetables in the form prescribed by the Director of the Office of Equal Opportunity and to prepare quarterly reviews of his/her unit's performance against established goals and make recommendations for revisions of the Affirmative Action Program; and

Ensure that grievance procedures are strictly adhered to without retaliation against any person filing a grievance or a formal discrimination complaint, or against any person giving testimony or aiding in the resolution of such a complaint.

III. INTERNAL AND EXTERNAL DISSEMINATION

Formal dissemination, both internally and externally, of the Authority's equal employment opportunity and affirmative action policies is a critical component for meeting the goal of equal opportunity. Internal dissemination of information regarding the equal employment opportunity policy and affirmative action efforts is necessary for applicants, employees, and others in understanding GCRTA's activities in this area. Similarly, dissemination of information concerning equal employment opportunity and affirmative action to the general public is important in eliciting the support and cooperation of those external audiences.

The methods which will be used to communicate GCRTA's stance on these matters both internally and externally are set forth below.

Internal

The General Manager's Policy Statement on equal employment opportunity and other pertinent information about the Affirmative Action Program will be included periodically in employee newsletters and as handouts.

The Policy Statement, as well as other equal employment opportunity policies and procedures, and other information about affirmative action activities will be included in the employee handbook.

All administrative personnel and supervisors will be kept up to date on the Authority's efforts to ensure equal employment opportunity by written communications from the General Manager and/or the Director of the Office of Equal Opportunity. In addition, as the need arises, meetings will be held with groups of these personnel to discuss implementation of the equal opportunity and affirmative action programs.

The Affirmative Action Program will be available for review in the Personnel Services Department and in the Office of Equal Opportunity.

Equal employment opportunity posters supplied by the Equal Employment Opportunity Commission and other federal and state agencies will be prominently displayed in all buildings and facilities operated by GCRTA.

Information on the Affirmative Action Program will be incorporated into all new employee orientation sessions.

External

All recruitment sources will be informed, in writing, of GCRTA's equal employment opportunity policy.

All advertisements of job openings and all announcements of upcoming examinations will include the phrase, "An Equal Opportunity Employer."

Pertinent information regarding the Affirmative Action Plan, programs instituted as a result of it, and progress made in implementation will be made available to print and electronic media, especially those most likely to reach minorities and women.

IV. INTERNAL AUDIT AND REPORTING SYSTEMS

The Office of Equal Opportunity continuously monitors information regarding various personnel activities and their impact on both equal employment opportunity and affirmative action. Specifically, GCRTA's Office of Equal Opportunity collects data on recruitment efforts, applicant flow, transfers, promotions, disciplinary actions, terminations, and participation in training programs.

In addition, supervisory personnel are required to submit to the Director of the Office of Equal Opportunity a quarterly review of each department's performance, measured against established goals. Supervisors may recommend modifications in the Affirmative Action Program. This information, together with other data collected, is used by the Director of Equal Opportunity to prepare a quarterly report to the General Manager. The report includes detailed information on the progress made toward attainment of goals, problems identified, and recommendations for modifications in GCRTA's personnel practices and/or Affirmative Action Program. The entire Affirmative Action Program is reviewed annually with necessary revisions being made at that time.

The Director of the Office of Equal Opportunity also insures that record keeping systems provide the required information to government regulatory agencies. He is also responsible for the compilation and timely submission of reports required by such agencies.

V. RECRUITMENT, EMPLOYMENT & COMPENSATION

A. Recruitment

Personnel activities are carried out primarily in accordance with the Greater Cleveland Regional Transit Authority Personnel Policies and Procedure Manual (Manual) as adopted by the Board of Trustees. A copy of this Manual is attached as Appendix B. The provisions of Personnel Policies and Procedures Manual are applied equally throughout the Authority, thus eliminating opportunities for disparate treatment.

Under the Manual, all positions, except those requiring a high degree of expertise in a particular field and those, which are filled directly by the Board of Trustees, are filled through competitive examinations. These examinations are of two (2) types: appointment and promotional.

Job announcements are distributed widely in the community, including being sent to numerous organizations that might be expected to refer minorities, women, the disabled, and Vietnam-era veterans. A complete listing of the organizations is attached as Appendix. In addition, announcements of these examinations are placed in the Plain Dealer, the daily local newspaper, as well as various newspaper directed to the minority community as determined by the Director, Office of Equal Opportunity. Job announcements are also distributed throughout the Authority so that current employees have the opportunity to apply for any job for which they may qualify. In 1996, 1997, and 1998, the Authority posted 78, 107, and 122 job announcements, respectively.

Written tests, which are administered by GCRTA, include standardized psychological, aptitude and skills tests purchased from external sources and specific job-related examinations developed by staff from the Personnel Services Department.

All applicants who are being considered for positions with GCRTA are interviewed by staff from the Personnel Services Department. Furthermore, those persons who have applied for highly skilled jobs or administrative positions are also interviewed by the appropriate supervisory or management personnel.

B. Employment

In addition to the Personnel Policies and Procedures Manual, employees at GCRTA are governed by a variety of other rules, codes, and policies. One such set of rules that employees are also governed by are the Merit System Rules. These Rules which were first adopted in 1944, cover a variety of topics for employees such as pay rates and scales, examinations, promotion, appointment, demotion, resignations, layoff and retirement, and discharge and suspension.

Two other newly instituted employment policies, which affect all employees, are the Employee Performance Code and Positive Discipline Program. These two policies not only assist employees in understanding what type of behavior is and is not acceptable, but also help contribute to a work environment, which fosters equal employment opportunity and affirmative action. The Employee Performance Code makes it clear that the use of racial or ethnic slurs or offensive remarks will not be tolerated. Moreover, the Positive Discipline Policy requires that supervisors get permission before issuing formal discipline thereby minimizing the possibility of disparate or discriminatory treatment by supervisors towards employees.

Another newly-revised policy designed to guide employee behavior is the Sexual Harassment Policy. This policy clearly sets forth the law regarding unlawful discriminatory conduct, assists employees on how to report these matters, and explains the investigation process and confidentiality.

C. Compensation

In accordance with the Personnel Services Department' Pay Plan, GCRTA has a Pay Plan for hourly and salaried employees in Grades 1 through 6, which is modified periodically per labor contract requirements with the Amalgamated Transit Union, Local 268.

GCRTA also has a separate Pay Plan for the classification of Transit Police, which are covered under a labor agreement with the Fraternal Order of Police. Copies of all such plans shall be periodically reviewed by the Office of Equal Opportunity.

VI. DEFICIENCIES

While GCRTA continues to strive to achieve parity across its job groups and classifications, and within the organization as areas for improvement continue to exist. These areas, or deficiencies, are readily identifiable from the employment data, Work Force Analysis and Work Force Profile.

Accordingly, while the totality of the information indicates that the Authority's Equal Employment Opportunity Policy has been effective and that personnel practices are free from discriminatory impact, additional efforts must be made to include a diversity of racial minorities and women in the work force. The action-oriented programs described in Chapter III of this document are specifically designed to address these deficiencies.

VII. FUTURE GOALS & OBJECTIVES

A. 1999 – 2001 GOALS

The Authority has established 1999 Affirmative Action Goals for GCRTA. These goals are not designed to be rigid or inflexible quotas, which must be met by the year's end, but are considered reasonably attainable targets by the Authority. Furthermore, these goals take GCRTA's recent reorganization into consideration as well as other anticipated work force variations such as the number of projected vacancies.

The 1999 Affirmative Action Goals directly address GCRTA's deficiencies with regard to its numbers of minorities of women and attempt to identify under utilization of those groups in the EEO job categories. All good faith efforts will be made by the Authority to reach these goals during the 1999 year. 2000 and 2001 goals will be developed based on the results of the prior year goals.

B. ACTION-ORIENTED PROGRAMS

The following programs are viable options for addressing the identified deficiencies at GCRTA of lack of racial diversity and under-utilization of women in most job categories. GCRTA is committed to putting forth its best efforts in these action-oriented programs to reach its established goals and edge closer towards parity in all job classifications. Furthermore, while these enumerated programs will help GCRTA move closer to its goals, the Authority is ever open to new and alternative ideas, which will work towards achieving parity within its work force.

C. Recruitment

Recruitment is the primary way in which affirmative action goals can be met. Simply, effective recruitment will increase the number of persons in protected classes who are available to fill vacancies.

Accordingly, GCRTA must expand its recruitment efforts so as to maximize the opportunities to receive applications from qualified minorities, women and disabled individuals for positions throughout the system. The primary responsibility for these efforts lies with the Personnel Services Department and is subject to review by the Director of the Office of Equal Opportunity.

The Authority's recruitment efforts will include, but are not limited to:

1. Outreach and active support of local community action programs and services designed to improve the employment opportunities of minorities and women. For example, contact with Hard Hatted Women for laborer and skilled craft positions which are currently underutilized and traditionally held by males and improve outreach to the Hispanic community through job fairs and job announcements in Hispanic publications.

2. Use of affirmative action measures, such as job fairs, to recruit minorities and women not currently in the work force and having the requisite skills.
3. Notices of vacancies and job opportunities with the Authority will be routinely sent to diverse agencies and individuals. This mailing list has been developed specifically informed more persons in protected classes of job opportunities with GCRTA, and it is revised and updated on an on-going basis.
4. All job announcements are reviewed and rewritten so as to assure standards which do not exclude minorities, women, and members of the protected classes. For example, all job requirements and standards are job-related.
5. Personnel are encouraged to participate in career day programs at local schools, colleges and university.

GCRTA's recruitment efforts are and will continue to be done on an on-going basis. Any and all recommendations designed to enhance the likelihood of improving or achieving these efforts, and ultimately GCRTA's affirmative action goals, are welcomed and considered.

Employee Advancement

Employees should be encouraged to compete for promotions, and apply and take advantage of educational and training opportunities. This is of particular interest to women and minorities who are more likely to be concentrated in entry-level positions or traditional positions with lower pay rates.

GCRTA will continue to post and promote promotional opportunities for all of its employees assuring that postings are readily available and timely placed within all buildings and facilities. Furthermore, GCRTA will continue to encourage employees to take advantage of programs, such as GCRTA's Tuition Reimbursement program and other internally sponsored educational programs and workshops, to increase both skills and knowledge.

The Personnel Services Department will be responsible for the thorough and timely posting of promotional opportunities at all buildings and facilities. Moreover, the Office of Organizational Planning and Development will be responsible for sponsoring and organizing in-house educational and training opportunities and promoting the Tuition Reimbursement Program.

GCRTA's efforts towards notifying employees of promotional opportunities, and increasing employees' skills and education are and will continue to be done on an on-going basis. The dates of specific training classes will be disseminated in advance so employees will have ample opportunity to enroll.

D. EEO Training

Because of the continual changes in federal and state regulations, and case law, it is necessary for GCRTA to provide annual training to its supervisory and management personnel. In addition, new employees to GCRTA must be aware of its equal employment opportunity and affirmative action policies and the expectations these policies have for their behavior.

Accordingly, the Office of Equal Opportunity will provide training to all new employees at New Employee Orientation sessions held periodically throughout the year.

Training to supervisory and management personnel will also be conducted on no less than an annual basis. This training will offer a refresher course in equal employment and will include a review of the Affirmative Action Program as well as updates on federal or state regulations or law and relevant internal policies. We will provide additional training on an as needed basis or in response to changes in regulations or court decisions.

Additionally, training will be conducted for any department or division of GCRTA which requests it from the Office of Small Business & Employment Opportunity or as the need arises.

Counseling and Complaint Procedures

Every employee at GCRTA retains the right to file both an external and internal complaint alleging discrimination. External complaints are typically filed with either the Equal Employment Opportunity Commission (EEOC) or the Ohio Civil Rights Commission (OCRC). Additionally, GCRTA has a formal internal complaint procedure which is responsible for the prompt, fair and impartial resolution of complaints and/ or problem situations. This internal complaint procedure also identifies areas where corrective action is needed and makes effective recommendations with regard to those areas.

GCRTA will continue to expand, modify, and correct its existing internal complaint procedure by critically reviewing the process on a periodic basis and making adjustments.

Employees who have been discriminated against on the basis of race, color, religion, sex, national origin or ancestry, age, disability or status as a Vietnam-era veteran are encouraged to consult with the Director of the Office of Equal Opportunity to file a complaint. In the processing of the complaint, the Director of the Office of Equal Opportunity, or his representative will:

Maintain the confidentiality of the complainant to the extent permitted under the law.

Analyze the allegations of discrimination in order to identify conditions or circumstances that may exist beyond the individual case which require further investigation.

Assure that the complainant is aware of his/her rights at all stages of the complaint process.

Make necessary inquiries to seek a resolution of the matter.

Have access to all GCRTA personnel/employee files as needed

Have access to GCRTA officials at all levels.

Discuss with the appropriate official(s) the findings and his/her recommendations regarding the complaint, and make periodic checks as necessary to assure that any agreed upon corrective action has been taken or is continuing.

Process the complaint within a reasonable amount of time after the matter is brought to his/her attention.

The Director of the Office of Equal Opportunity is responsible for implementing the complaint procedure. Management and supervisory personnel will provide the Director or his representative, with complete cooperation in investigating and resolving these formal EEO complaints.

If the complaint brought by the employee does not allege discrimination on the basis of race, color, religion, sex, national origin or ancestry, age, disability or status as a Vietnam-era veteran, the employee may be referred to the appropriate grievance procedure as provided in an applicable collective bargaining agreement or as provided in the Personnel Policies and Procedures Manual.

In addition, the Office of Equal Opportunity will implement a formal in-house mediation program to handle employee disputes arising out of the course and scope of their employment.