



**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT (METRO)
PERSONNEL/HUMAN RESOURCES STANDING COMMITTEE MEETING AGENDA**

FEBRUARY 11, 2022 – 1:00 PM

**DUE TO COVID-19, THIS MEETING WILL BE CONDUCTED VIA
TELECONFERENCE ONLY (NO PHYSICAL LOCATION)
PURSUANT TO ASSEMBLY BILL 361
(GOVERNMENT CODE SECTION 54953)**

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

Directors, staff and the public may participate remotely via the Zoom website [at this link](#) and following the posted instructions or by calling 1-669-900-9128 Meeting ID 844 3044 2293 - Passcode: 839788

Public comment may be submitted via email to boardinquiries@scmttd.com. Please indicate in your email the agenda item to which your comment applies. Comments submitted before the meeting will be provided to the Directors before or during the meeting. Comments submitted after the meeting is called to order will be included in the Board's weekly correspondence that is posted online at board meeting packet link.

The Personnel/Human Resources Standing Committee Meeting Agenda Packet can be found online at www.SCMTD.com.

The Committee may take action on each item on the agenda. The action may consist of the recommended action, a related action or no action. Staff recommendations are subject to action and/or change by the Board of Directors.

COMMITTEE ROSTER

Director Jimmy Dutra
Director Donna Lind
Director Bruce McPherson
Director Kristen Petersen
Director Mike Rotkin

City of Watsonville
City of Scotts Valley
County of Santa Cruz
City of Capitola
County of Santa Cruz

Dawn Crummié
Julie Sherman

METRO Interim CEO/General Manager
METRO General Counsel

MEETING TIME: 10:00AM

NOTE: THE COMMITTEE CHAIR MAY TAKE ITEMS OUT OF ORDER

1 CALL TO ORDER

2 ROLL CALL

3 ADDITIONS/DELETIONS FROM AGENDA/ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

4 ORAL AND OTHER COMMUNICATIONS TO THE PERSONNEL/HUMAN RESOURCES STANDING COMMITTEE

This time is set aside for Directors and members of the public to address any item not on the Agenda, but which is within the matter jurisdiction of the Committee. If you wish to address the Committee, please follow the directions at the top of the agenda. If you have anything that you wish distributed to the Committee and included for the official record, please include it in your email. Comments that require a response may be deferred for staff reply.

5 REVIEW AND RECOMMEND TO THE FULL BOARD, REQUEST FOR CONSIDERATION OF RESOLUTION TO ADOPT SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM, EFFECTIVE JANUARY 1, 2022 THROUGH DECEMBER 31, 2025

Dawn Crummié, Interim CEO/General Manager and HR Director

6 ADJOURNMENT

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Public Comment

If you wish to address the Board, please follow the directions at the top of the agenda. If you have anything that you wish distributed to the Board and included in the official report, please include it in your email. Comments that require a response may be deferred for staff reply.



DATE: February 11, 2022

TO: Personnel/Human Resources Standing Committee

FROM: Monik Delfin, Human Resources Deputy Director

SUBJECT: **REVIEW AND RECOMMEND TO THE FULL BOARD THE REQUEST FOR CONSIDERATION OF RESOLUTION TO ADOPT SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM, EFFECTIVE JANUARY 1, 2022 THROUGH DECEMBER 31, 2025.**

I. RECOMMENDED ACTION

That the Personnel/Human Resources standing Committee review the request to approve a resolution adopting METRO's Equal Employment Opportunity Program (EEO Program).

II. SUMMARY

- The Federal Transit Administration (FTA) requires the Santa Cruz Metropolitan Transit District (METRO) to submit an updated EEO Program every four years for review and approval as part of the federal funding requirements.
- The last EEO Program was updated in 2018, so METRO is required to submit an updated Program to the FTA at this time.
- METRO's EEO Program for 2022 has been updated based on January 1, 2018 through December 31, 2021 workforce data.
- The goal of METRO's EEO Program is to achieve a workforce that is represented in all occupational areas consistent with the percentage of females and minorities in the area workforce.
- METRO's Board of Directors must adopt the EEO Program for 2022 prior to submission to the FTA.
- Staff recommends the Board approve a resolution adopting METRO's EEO Program for 2022.

III. DISCUSSION/BACKGROUND

The FTA requires agencies that receive federal funding to submit an updated EEO Program every four years for review and approval as part of federal funding requirements. The Board of Directors approved METRO's last EEO Program in 2018, which Program reviewed METRO's workforce analysis for January 1, 2015

through December 31, 2017. Following Board approval, the EEO Program was submitted to the FTA.

It is now time to submit an updated EEO Program for the 2022. The updated EEO Program is attached for Board review. Once the Board approves the EEO Program, it will be submitted to the FTA for review.

The goal of METRO's EEO Program is to achieve a workforce that is represented in all occupational areas consistent with the percentage of females and minorities in the area workforce. The EEO Program examines data gathered from METRO's current workforce statistics, recruitment and hiring efforts and identifies groups in each EEO occupational category that may be underutilized, and establishes employment goals for the next EEO Program cycle. The EEO Program also examines METRO's accomplishments in recruiting and hiring, training and development, and employee disciplinary actions taken over a four year cycle in support of efforts to achieve equity and fairness in employment practices in the workplace.

During the past four years, the HR department hired 124 individuals and has processed:

- 359 applicants within the Officials/Administrators job group, hiring twelve individuals (5 female and 7 males).
- 76 applicants within the Professionals job group, hiring six individuals (2 males and 4 females). There is a goal to hire 2 White females and 1 Hispanic female in the 2022-2025 EEOP.
- 482 applicants within the Administrative Support job group, hiring 22 individuals (11 males and 11 females). There is a goal to hire 4 Hispanic females and 1 Asian female in the 2022-2025 EEOP.
- 238 applicants within the Skilled Crafts job group, hiring 13 individuals (men). There is a goal to hire 1 White female and 1 Hispanic female in the 2022-2025 EEOP.
- 519 applicants within the Service/Maintenance job group, hiring 71 individuals (54 men and 17 women). There is a goal to hire 8 White females, 39 Hispanic females and 4 Asian females in the 2022-2025 EEOP.
- There were 304 employees trained across all job categories. No adverse impact was found.

- There were 23 terminations during the four-year period. Adverse Impact was found for Hispanic male under Administrative Support category and Black male under Skilled craft category. A training and coaching program goal has been established for all workers.
- There were 29 disciplinary actions issued during the four-year reporting period. There were 2) terminations based on progressive discipline and no demotions. The discipline rate for females in the Service Maintenance category was about half of that of male incumbents. Potential Adverse Impact was found for Asian female under Officials Administrators and Professionals. Ongoing training for supervisors, which includes evaluating performance, motivating employees toward success, and coaching, and new professional development tools for supervisors are expected to have a positive impact on future disciplinary rates.

Placement goals provided in section VI of the EEO Program will be used as a guide for hiring and promotional activity during the EEO Program time frame. METRO will continue to strive to meet the appointment goals as stated in the 2022 through 2025 EEO Program by emphasizing equal employment opportunities in all advertising and recruitment efforts, as well as in promotional opportunities. Additionally, Section VI data will be used as a guide for providing ongoing development and training opportunities for METRO's workforce.

Staff recommends the Board approve a resolution adopting METRO's EEO Program for 2022 through 2025.

IV. STRATEGIC PLAN PRIORITIES ALIGNMENT

This item aligns to the following Strategic Plan Priorities:

- Service Quality and Delivery
- Employee Engagement: Attract, Retain and Develop

V. FINANCIAL CONSIDERATIONS/IMPACT

While there is no cost associated with producing the EEO Program, if it is not submitted and accepted by the FTA, federal funding may be delayed or denied.

VI. ALTERNATIVES CONSIDERED

- No alternative, as adoption of the EEO Program is a condition precedent to receiving FTA funds.

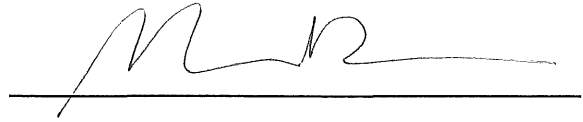
VII. ATTACHMENTS

Attachment A: Resolution Adopting the EEO Program

Attachment B: EEO Program

VIII. APPROVALS:

Monik Delfin, HR Deputy Director



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Approved as to fiscal impact:
Chuck Farmer, Chief Financial Officer



A handwritten signature in black ink, appearing to read 'C Farmer', written over a horizontal line.

Dawn Crummié
Interim CEO/General Manager



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Attachment A

BEFORE THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Resolution No. _____
On the Motion of Director: _____
Duly Seconded by Director: _____
The Following Resolution is Adopted: _____

A RESOLUTION ADOPTING THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEO PROGRAM) FOR JANUARY 1, 2022 THROUGH DECEMBER 31, 2025

WHEREAS, the Santa Cruz Metropolitan Transit District was created pursuant to the "Santa Cruz Metropolitan Transit District Act of 1967" as codified in Public Utilities Code sections 9800 et seq.; and

WHEREAS, the Board of Directors of the Santa Cruz Metropolitan Transit District may take all actions necessary for the proper administration of the affairs of the District; and

WHEREAS, the Santa Cruz Metropolitan Transit District is an agency that receives federal funds and is required to submit an updated Equal Employment Opportunity Plan (EEO Program) every three years to the Federal Transit Administration (FTA); and

WHEREAS, the Board of Directors desires to adopt the EEO Program, effective January 1, 2022 through December 31, 2025;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, as follows:

The EEO Plan of the Santa Cruz Metropolitan Transit District, effective January 1, 2022 through December 31, 2025, is adopted by the Board of Directors as set forth in "Exhibit A" to this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz Metropolitan Transit District on February 25, 2022, by the following vote:

AYES: DIRECTORS –

NOES: DIRECTORS –

Attachment A

ABSTAIN: DIRECTORS –

ABSENT: DIRECTORS-

CHAIR
Chair

ATTEST:

DAWN CRUMMIÉ
Interim CEO/General Manager

APPROVED AS TO FORM:

JULIE A. SHERMAN
General Counsel

2022-2025

EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN



Administrative Offices:

110 Vernon Street
Santa Cruz, CA 95060
831-426-6080

EEO Officer:

Monik Delfin, HR Deputy Director
831-420-2541

**ADOPTED BY THE BOARD OF
DIRECTORS:**

February 25, 2022

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APPENDIX E: REASONABLE ACCOMODATION PROCESS AND PROCEDURES FOR METRO EMPLOYEES AND APPLICANTS.

APPENDIX F: POLICY AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION.

APPENDIX G: OCCUPATIONAL VIOLENCE POLICY

APPENDIX H: SEXUAL AND GENDER DISCRIMINATION AND RETALIATION PREVENTION.

SECTION I: INTRODUCTION

BACKGROUND

The Santa Cruz Metropolitan Transit District (Santa Cruz METRO) is the sole public transit operator in Santa Cruz County, and operates its transit services through four (4) transit centers located at:

- Pacific Station in downtown Santa Cruz, 920 Pacific Avenue, Santa Cruz, CA 95060;
- Watsonville Transit Center, 475 Rodriguez Street, Watsonville, CA 95076;
- Bart Cavallero Transit Center, 246 Kings Village Drive, Scotts Valley, CA 95066;
- Capitola Mall, 1855 41st Avenue, Capitola, CA 95010.

It has a fleet of 100 buses and operates 28 routes. Santa Cruz METRO also provides paratransit services utilizing a fleet of shuttles and mini-vans. Santa Cruz METRO's service area is the entire county, an area of 441 square miles, with a population of 270,861 (according to the 2020 United States Census). Santa Cruz METRO was formed in 1968. Santa Cruz METRO serves our community with pride and has a strong commitment to a workforce that reflects the rich diversity of the region it serves.

Santa Cruz METRO is required to submit its Equal Employment Opportunity Program (EEO) to the Federal Transit Administration (FTA) triennially because it is a recipient of federal assistance funding and meets the threshold of employing 50 or more transit-related employees; and it has requested or received capital or operating assistance under Sections 3, (4i), or 9 of the Urban Mass Transit (UMT) Act; assistance under 23 U.S.C. 142(a) (2) or 23 U.S.C. 103(e) (4), or any combination thereof, in excess of \$1 million in the previous federal fiscal year; or requests or receives planning assistance under Sections 8 and/or 9 in excess of \$250,000 in the previous federal fiscal year.

Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP) and the Federal Transit Administration (FTA), can result in Santa Cruz METRO's debarment from future contracts and subcontracts.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory EEO Plan is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. In addition, where a statistical analysis of the employee workforce reveals a numeric disparity between incumbency and availability of minorities or females, an adequate EEO Plan details specific affirmative action steps to guarantee equal employment opportunity. These steps are keyed to the problems and needs of protected group members. For minorities and females, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. It is toward this end that Santa Cruz METRO's EEO Plan was developed.

Section II: EEO PROGRAM REQUIREMENTS

FTA C4704.1A

Federal Transit Administration (FTA)/Equal Employment Opportunity Commission (EEOC) Guidelines

This EEOC is developed following the guidelines and requirements set forth by the FTA necessary to carry out the 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 1967, as amended (29 U.S.C. § 621 et seq.); Title II of the Genetic Information Nondiscriminatory Act of 2008, as amended (29 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 FTA Master Agreement.

Section 504 of the Rehabilitation Act of 1973 prohibits employment discrimination on the basis of disability from 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).

Frequency of Update/Reporting Period

FTA C 4704.1A (2.1)

Santa Cruz METRO will submit an updated EEO Program every four years or as major changes occur in the workforce or employment conditions, whichever comes first.

EEO Program Elements

FTA C 4704.1A (2.2)

As required by FTA, this EEO Program contains the required seven elements:

- Statement of Policy
- Plans for dissemination both internally and externally
- Designation of appropriate personnel responsible for carrying out the EEO Program
- Utilization analysis
- Goals and timetables to correct identified areas of underutilization or concentration
- Assessment of the agency's employment practices
- Plan for monitoring and reporting on the EEO Program

Attachment B

Statement of Policy

FTA C 4704.1A (2.2.1)

An essential component of Santa Cruz METRO EEOP is a comprehensive policy prohibiting discrimination and harassment in the workplace on the basis of EEO protected status. The policy statement expresses Santa Cruz METRO's commitment to EEO and 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.

In developing and implementing this EEO Program, Santa Cruz METRO has been guided by an established policy of providing equal employment and advancement opportunities to all. Any goals that have been established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets reasonably attainable by applying good faith efforts in executing the EEO Program.



Santa Cruz Metropolitan Transit District EEO Policy Statement

Santa Cruz Metropolitan Transit District 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.

Santa Cruz METRO's 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.

Santa Cruz METRO 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 Santa Cruz METRO's CEO/General Manager, I maintain overall responsibility and accountability for Santa Cruz METRO's compliance with its EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed Monik Delfin HR Deputy Director at (831) 420-2541 as Santa Cruz METRO's EEO Officer. Ms. Delfin will report directly to me and acts with my authority with all levels of management, labor unions, and employees.

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

Santa Cruz METRO 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.



Interim CEO/General Manager



Date

Attachment B

SECTION III: DISEMINATION PLAN

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 that agencies state that they will communicate the existence of its EEO policy and program to employees, applicants, and potential applicants through multiple forms of media. Santa Cruz METRO will internally disseminate the EEO policy statement by:

- Providing a copy of the written EEO Policy Statement from the CEO/GM to the staff, Board of Directors, and the public, electronically by posting on Santa Cruz METRO's website;
- Posting official EEO materials (e.g., Federal and state labor law poster(s) and Santa Cruz METRO's policy statement on bulletin boards located in the employee break rooms and other locations such as common areas where other legal notices are posted;
- Including the EEO policy statement in Santa Cruz METRO's employee handbook and operators manual;
- Meeting with the executive management team semi-annually to discuss the EEO Program and its implementation;
- Meeting with all employees and affinity groups to seek input on the program implementation;
- Conducting annual EEO training for all employees and managers;
- Conducting interview panel training for all interview panel members;
- Conducting EEO training as a part of all new supervisor and managers within 90 days of their appointment.
- Including the policy statement in all new employee orientation materials and requiring that all new employees sign a form acknowledging that they have read and understand the policy.

Santa Cruz METRO will maintain appropriate documentation that the EEO policy and program have been brought to the attention of employees and managers. Additionally, Santa Cruz METRO will maintain all agendas and sign-in sheets for meetings conducted when the EEO policy and its implementation are explained.

Attachment B

External Dissemination

External dissemination of Santa Cruz METRO's EEO Policy Statement will occur during all outreach or advertising to recruitment entities (e.g. employment agencies, educational institutions, and minority and women's organizations).

- All recruitment advertisements (e.g. newspapers, trade publications, magazines, websites, and social media) will state that Santa Cruz METRO is an equal employment opportunity employer.
- Posting the EEO Policy on Santa Cruz METRO's website.
- Santa Cruz METRO regularly collaborates with organizations such as Walnut Avenue Family & Woman's Center, Veteran Transition Center, Disabled Person.com, Santa Cruz Veterans Resource Center/ now "Nations Finest", to promote diversity of its workforce. When doing so, Santa Cruz METRO regularly disseminates its EEO Policy to those entities.

Attachment B

SECTION IV: DESIGNATION OF PERSONNEL RESPONSABILITY

FTA C 4704.1A (2.2.3)

As part of its efforts to ensure equal employment opportunity to all individuals, Santa Cruz METRO has designated specific responsibilities to various staff to ensure the EEO Program focuses on all components of the employment system. To that end, the CEO/General Manager, the Human Resources Deputy Director/EEO Officer, and those employed as supervisors and managers have undertaken the responsibilities described below.

Per FTA requirements, Santa Cruz METRO's CEO/General Manager has designated Monik Delfin, HR Deputy Director as Santa Cruz METRO's EEO Officer.

CEO/General Manager

The primary responsibility and accountability for implementing the EEO Program rests with the CEO/General Manager. The CEO/General Manager is responsible, through the Human Resources Manager, for adherence to Santa Cruz METRO's policy of equal employment. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring METRO's EEO Plan and Program. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all EEO Program components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart the personal direction that insures total involvement and commitment to equal employment opportunity programs through Santa Cruz METRO's EEO Program.
4. Participate in periodic discussions with management, supervision, and all other employed personnel to ensure equal employment opportunity policies are being followed.
5. Ensure that EEO compliance reporting is completed and submitted on time.

EEO Officer/ HR Deputy Director

The Human Resources Deputy Director/EEO Officer is responsible for overall direction of the EEO Program. The EEO Officer with the assistance from the HR Director and Santa Cruz METRO's department directors, managers and supervisors, ensure that all relevant that all relevant policies and procedures are adhered to.

The EEO Officer will have a sensitivity to, and subject matter expertise of, the varied ways in which discrimination occurs, and total commitment to the EEO goals and objectives. The EEO Officer is knowledgeable in civil rights laws, policies, rules, regulations, and guidelines. The EEO Officer has been granted sufficient authority and has the ability to work and communicate with other managers, supervisors, and the executive leadership team to achieve EEO goals and objectives.

Attachment B

Independence and impartiality are hallmarks of a strong EEO function. Independence and integrity of the EEO process will be achieved and maintained for the investigation of EEO complaints by one of two ways:

- 1) HR personnel may conduct EEO investigations, however such personnel would not disclose the details of and ongoing investigation with the HR Deputy Director, and investigation files will be segregated from other HR files; OR
- 2) Santa Cruz METRO will refer EEO complaints to an outside third party investigator. Legal counsel as appropriate will oversee EEO complaint investigations. Santa Cruz METRO understands that impartiality and the appearance of impartiality are important to the credibility of the EEO Program.

The role of the EEO Officer includes, but is not limited to, the following:

1. Developing the EEO Policy Statement and a written EEO Program.
2. Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals.
3. Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed.
4. Reviewing Santa Cruz METRO's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood.
5. Concurring in the hiring and promotion process. (This means that the EEO Officer has reviewed employment documents to ensure the actions of the agency are not discriminatory.)
6. Periodically reviewing employment practices (e.g. hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements.
7. Reporting semi-annually to the CEO/GM on each department's progress in relation to the agency's goals and on contractor and vendor compliance.
8. Serving as liaison between Santa Cruz METRO, Federal, State, county, and local governments, regulatory agencies, and community groups representing minorities, women, persons with disabilities, and others.
9. Maintaining awareness of current EEO laws, and ensuring the laws affecting nondiscrimination are disseminated to responsible officials.
10. Processing EEO complaints, in accordance with the conflict of interest mitigation procedures set forth herein.
11. Providing EEO training for all employees and managers.
12. Advising employees and applicants of available training programs and professional development opportunities and the entrance requirements.
13. Auditing postings of the EEO Policy Statement to ensure compliance information is posted and up to date.
14. Provide training to all new managers and supervisors within 90 days of appointment.

Attachment B

Human Resources Director

1. Ensuring that recruitment entities (employment agencies, educational institutions and minority and women's organizations) are provided METRO's EEO Policy when contacted regarding job announcements or recruitment efforts.
2. Ensuring that job descriptions are free of discriminatory provisions and artificial barriers.
3. Ensuring that all requirements are job related, realistic, and reflect actual work requirements and essential job duties.

Directors, Managers, Administrators, and Supervisors

In their direct day-to-day contact with Santa Cruz METRO's employees, Directors, Managers, Administrators, and Supervisors have assumed certain responsibilities to help facilitate METRO's compliance and effective implementation of the equal employment opportunity program. These include, but are not limited to, the following:

- 1) Actively participate in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives.
- 2) Hold regular discussions with other managers, supervisors, employees, and affinity groups to ensure Santa Cruz METRO policies and procedures are being followed.
- 3) In conjunction with the EEO Officer, help provide information to maintain and update the personnel database in Epicor for generating reports required for the non-discrimination program.
- 4) Cooperate with the EEO Officer in review of information and investigation of complaints.
- 5) Encourage employee participation to support the advancement of the EEO Program (e.g., professional development planning, career growth opportunities, posting promotional opportunities, job shadowing, and mentoring and coaching).
- 6) Ensuring nondiscrimination in any employment practice including, but not limited to, recruitment, selection, assignment, transfer, promotion, discipline, layoff, termination, compensation, benefits, social and recreational programs, training and commendation.

Responsibilities of All Employees

It is the responsibility and obligation of all Santa Cruz METRO employees to understand and strictly adhere to Santa Cruz METRO's EEO Program and affirmative action policies and procedures, and to conduct themselves in a professional, courteous, responsible, and non-discriminatory manner.

All employees involved in EEO complaint investigations (whether complainants, respondents, or witnesses) must cooperate fully with the EEO Office during the complaint investigation process. Any employee who violates these policies and procedures will be subject to disciplinary action, up to and including termination of employment.

SECTION V: UTILIZATION ANALYSIS

FTA C 4704.1A (2.2.4)

FTA requires agencies who meet the EEO Program threshold requirements to complete a utilization analysis as a part of their EEO Program submission. Santa Cruz METRO's utilization analysis identifies job categories that have an underutilization or concentration of minorities and women in relation to their availability in Santa Cruz METRO's relevant labor market. The analysis also establishes the framework for Santa Cruz METRO's goals and timetables to correct employee practices that have contributed to identified underutilization and concentration. The analysis is based on categories and data used in the EEOC EEO-4 report, and consists of a workforce analysis by job categories and an availability analysis derived from Santa Cruz METRO's relevant labor market.

Workforce Analysis

Santa Cruz METRO carefully analyzed the Workforce Analysis to identify problem areas needing correction, such as concentrations or segregation of minorities or females by organizational unit, job, or compensation. Information was compiled on the availability of minorities and women in the workforce in comparison with their availability in the relevant geographic areas and labor force data for occupational components.

Santa Cruz METRO uses relevant geographic areas and labor force data for different job categories to identify its recruiting area for its job groups. Rationale for these specific recruiting areas are provided in the Employment Practices section of this report. In addition to considering the general population and unemployment information, Santa Cruz METRO uses training programs and promotional opportunities in determining the employment groups with low participation rates.

This following analysis was used to identify problem areas and develop programs to correct the identified problems discussed in the Goals and Timetables section of this report.

Lines of Progression (Job Families)

Lines of progression identify the job titles through which an employee can move to the top of a line. Some lines of progression are limited to only one department, while others are found throughout several departments. The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout Santa Cruz METRO's workforce. These patterns will be evaluated to ascertain whether they provide to Santa Cruz METRO's employees the optimum career mobility and opportunities for advancement.

Attachment B

Some lines of progression are identified by Collective Bargaining Agreement (CBA) or Memorandum of Understanding (MOU), and are determined by contractual right, and historical precedent (i.e. internal promotional opportunities) has established others.

Santa Cruz METRO line of progression job families include:

- Custodial Service Worker Lead/Custodial Supervisor
- Facilities Maintenance Worker I/II/Lead/Supervisor
- Vehicle Service Worker I/II/Detailer/Lead
- Upholsterer I/II
- Mechanic I/II/III/Lead/Fleet Maintenance Supervisor
- Parts and Materials Clerk/Lead/Supervisor
- Customer Service Representative/Senior/Supervisor
- Administrative Clerk/Assistant/Specialist/Supervisor
- Accounting Technician/Senior/Accounting Specialist
- Payroll Specialist/Senior
- Transit Supervisor/Assistant Safety & Training
- Coordinator/Safety & Training Coordinator
- Accountant I/II
- Information Technology Support Analyst I/II
- Systems Administrator/Senior
- Transportation Planner I/II/Senior/Transportation
- Planning Supervisor
- Claims Technician I/II
- Buyer/Purchasing Agent
- Financial Analyst/Senior
- Paralegal I/II
- HR Clerk/HR Specialist

The workforce analysis include 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)

The information is collected voluntarily from all applicants on the Employment Opportunity Questionnaire (Appendix B).

Table 5.1 summaries the EEO job categories for the EEO-4 reports.

Table 5.1

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

Using HRIS data, the Workforce Analysis of Santa Cruz METRO's nine functional divisions includes:

Administration
Customer Service
Human Resources
Finance
Informational Technology
Maintenance
Operations
Planning
Purchasing

The first step of the Workforce Analysis was to establish the assigning of job categories to each job classification. This was conducted by assigning similar or related job titles to the EEO-4 job categories (Table 5.1) By assigning job classifications into job categories, sufficient data enables the development of meaningful comparisons of incumbency to availability for goal setting. The analysis is used to identify problem areas and establish targeted goals to correct underutilization.

Job Grouping and Categorization Guidelines

Based on guidelines established by the OFCCP and the Federal Transit Administration (FTA Circular 4704.1A), job category analyses were used to identify areas of underutilization and to set appropriate goals and timetables. These guidelines include the following:

1. The jobs included in a group must be similar in content and requisite skills.
2. Wage rates or pay grades for the jobs included in a group should be similar. Pay should be considered in conjunction with job content. Large differences in pay,

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when associated with differences in job title and/or location within an organization, may suggest an unacceptable job grouping.

3. Job titles placed in a job group should be similar in opportunity. This refers to the ability to take advantage of training, promotions, job mobility, and other employment benefits.
4. The groups should not include jobs with clearly different representation patterns. For example, jobs predominately filled with males should not be combined in the same group with jobs predominately filled with females.
5. Many job groups, if appropriately constructed, should cut across departmental or organizational units, but not across EEO Categories.

Finally, the size of the employer's workforce is also a major factor in determining how well the above criteria can be met in creating job groups.

Each job group appears on a Job Group Analysis (Table 5.2)

The Equal Employment Opportunity Commission has delineated the job groups for public sector (EEO-4), which are as follows:

EEO-4 Cat	EEO Job Group Name	EEO Job Code	Used by METRO
1.	Officials/Administrators	OA	YES
2.	Professionals	P	YES
3.	Technicians	T	YES
4.	Protective Service Workers	PW	NO
5.	Paraprofessionals	PP	NO
6.	Administrative Support	AD	YES
7.	Skilled Craft Workers	SC	YES
8.	Service-Maintenance	SW	YES

1. Officials and Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and- housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
2. Professionals: Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training, which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses,

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economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

3. Technicians: Occupations requiring a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.
4. Protective Service Workers: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.
5. Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included are research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers' aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.
6. Administrative Support (Including Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.
7. Skilled Craft Workers: Occupations in which workers perform jobs that require special manual skill and a thorough and comprehensive knowledge of the process involved in the work, which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.
8. Service-Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public

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property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

The groups are coded in the following manner:

Group Codes	
W	White
AI/AN	American Indian/Alaska Native
B	Black or African American
H/L	Hispanic or Latino
A	Asian American
NHOPI	Native Hawaiian and Other Pacific Islander
Multi	Multiracial

Total Workforce Codes	
WM	White Male
MM	Minority Male
WF	White Female
MF	Minority Female

The Utilization Analysis by Job Code (table 5.2) provides a statistical breakdown of Santa Cruz METO's departmental workforce by job category. The aforementioned data is also cross-referenced by sex and race. The current percentage of employees for each category is cross-referenced by group. An availability percentage is identified for each category cross-referenced by group. Finally, the percentage of underutilization for each category cross-referenced group is provided.

Officials Administrators

The analysis indicates that the total Officials & Administrators workforce is comprised by 57.2% male and 42.8% female workers. Of this, 46.4% are minorities. Underutilization was not found in this category.

Professionals

The analysis indicates that the total Professionals workforce is comprised of 55% male and 45% female workers. Of this, 45% are minorities. Underutilization was identified in (2) groups, 12% White females and 8% Hispanic females. (2) White females and (1) Hispanic females are needed to reach parity. 37.1% of the available relevant workforce in this category are White females and 13.1% are Hispanic females.

Technicians

Underutilization was not found in this category.

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Administrative Support

The analysis indicates that the total Administrative Support workforce is comprised of 41.1% male and 58.9% female workers. Of this, 57.2% are minorities. Underutilization was identified in (2) groups, 8% Hispanic female, and 3% Asian female.

Skilled Craft

The analysis indicates that the total Skilled Craft workforce is comprised of 100 % male workers. Underutilization was found in (2) groups, 3% White female, and 3% Hispanic female.

Service Maintenance

The analysis indicates that the total Service Maintenance workforce is comprised of 78.9% male workers and 21.1% female workers. Underutilization was identified in (3) groups, 3% for white females, 15% Hispanic females and 2% Asian females. Only 2.2% of the available relevant workforce in this category are Asian female and 12.1% White females.

Table 5.2
Utilization Analysis by Job Code

Job Category Use EEO-4	(\$XX,000- XX,000)	Total Workforce					Male								Female							
		All	WM	MM	WF	MF	W	AI/AN	B	HL	A	NHOPI	Multi	W	AI/AN	B	HL	A	NHOPI	Multi		
1 - Officials & Administrators																						
Current Workforce	\$52,811.2- \$272,937.6	56	16	16	14	10	16	-	2	13	1	-	-	14	-	1	6	2	-	1		
Percent in Category	*Entry	28.6%	28.6%	25.0%	17.9%		28.6%	0.0%	3.6%	23.2%	1.8%	0.0%	0.0%	25.0%	0.0%	1.8%	10.7%	3.6%	0.0%	1.8%		
Percent of Availability							44.1%	0.3%	2.8%	13.5%	2.4%	0.4%	1.6%	18.8%	0.1%	1.8%	7.5%	1.5%	0.1%	1.1%		
Percent Underutilized											1%					0%						
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	\$154,252.8	20	6	5	5	4	6	-	1	3	-	-	1	5	1	1	1	1	-	-		
Percent in Category	*Entry	30.0%	25.0%	25.0%	20.0%		30.0%	0.0%	5.0%	15.0%	0.0%	0.0%	5.0%	25.0%	5.0%	5.0%	5.0%	5.0%	0.0%	0.0%		
Percent of Availability							30.1%	0.1%	1.2%	6.2%	3.5%	0.1%	1.3%	37.1%	0.2%	0.8%	13.1%	4.8%	0.2%	1.8%		
Percent Underutilized														12%			8%					
Underutilized (Yes/No)							No	No	No	No	No	No	No	Yes	No	No	Yes	No	No	No		
Number Needed to Reach Parity							-	-	-	-	-	-	-	2	-	-	1	-	-	-		
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						
3 - Technicians																						
Current Workforce	\$85,904	3	1	1	0	1	1	-	-	1	-	-	-	-	-	-	-	-	1	-		
Percent in Category	*Entry	33.3%	33.3%		33.3%		33.3%	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%	0.0%		
Percent of Availability							19.4%	0.1%	0.5%	28.8%	2.7%	0.2%	1.4%	19.7%	0.0%	1.3%	22.0%	3.9%	0.5%	1.7%		
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%	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																						
Male Employees																						
Enter the current number of male employees in this																						

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Utilization Analysis by Job Code Continued

Job Category Use EEO-4	(\$XX,000- XX,000)	Total Workforce					Male								Female							
		All	WM	MM	WF	MF	W	All/AN	B	H/L	A	NHOPI	Multi	W	All/AN	B	H/L	A	NHOPI	Multi		
Planned percent increase Year 4																						
5 - Paraprofessional																						
Current Workforce		0	0	0	0	0																
Percent in Category	*Entry																					
Percent of Availability																						
Percent Underutilized																						
Underutilized (Yes/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	\$95,638.4	56	6	17	18	15	6	-	3	13	1	-	-	18	-	2	10	-	-	-	3	
Percent in Category	*Entry						10.7%	0.0%	5.4%	23.2%	1.8%	0.0%	0.0%	32.1%	0.0%	3.6%	17.9%	0.0%	0.0%	5.4%		
Percent of Availability							18.5%	0.0%	0.9%	13.8%	2.5%	0.1%	1.1%	30.6%	0.1%	0.8%	28.2%	3.2%	0.2%	2.4%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No	
Number Needed to Reach Parity																	4	1				
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	\$95,392	37	10	27	0	0	10	-	1	24	2	-	-	-	-	-	-	-	-	-	-	
Percent in Category	*Entry						27.0%	0.0%	2.7%	64.9%	5.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Percent of Availability							40.9%	0.3%	0.6%	46.2%	2.6%	0.3%	2.0%	3.3%	0.0%	0.1%	2.3%	1.1%	0.0%	0.1%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	Yes	No	No	Yes	No	No	No	No	No	
Number Needed to Reach Parity													1			1						
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	\$75,628.8	255	57	144	22	32	57	-	6	126	6	1	5	22	-	2	26	1	-	-	3	
Percent in Category	*Entry						22.4%	0.0%	2.4%	49.4%	2.4%	0.4%	2.0%	8.6%	0.0%	0.8%	10.2%	0.4%	0.0%	1.2%		
Percent of Availability							14.3%	0.1%	0.6%	39.9%	2.4%	0.2%	0.9%	12.1%	0.1%	0.5%	25.7%	2.2%	0.2%	1.3%		
Percent Underutilized																						
Underutilized (Yes/No)							No	No	No	No	No	No	Yes	No	No	Yes	Yes	No	No	No	No	
Number Needed to Reach Parity													8			39	4					
Planned percent increase Year 1																						
Planned percent increase Year 2																						
Planned percent increase Year 3																						
Planned percent increase Year 4																						

Notes:

Determining Workforce Availability

After the workforce analysis, lines of progression, and job group analyses were completed, the availability analysis for each job group was completed. Workforce availability is an estimate of the proportion of each gender and race/ethnic group available and qualified for employment at METRO for a given group in the relevant labor market during the life of the EEO Program.

Availability indicates the approximate level at which each race/ethnic and sex group could be reasonably be expected to be represented in a job group if Santa Cruz METRO's employment decisions are being made without regard to gender, race , or ethnic origin. Availability estimates are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses.

With valid availability data, Santa Cruz METRO can compare the percentages of those who could reasonably be expected to be employed, versus current employment (from the workforce analysis), identify problem areas or areas of deficiency, and establish goals to correct the problems.

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Identifying Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

External Data: The percentage of minorities or female with the requisite skills in the reasonable recruitment area. The reasonable recruitment area is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question. Data considered for this factor includes: a) requisite skills data from the 2020 Census Special EEO Tabulation for the local labor area; and b) requisite skills from the 2020 Census Special EEO Tabulation for the reasonable recruitment area.

Internal Data: The percentage of minorities or female among those promotable, transferable, and/or trainable within the contractor's organization. Trainable refers to those who could, with appropriate training that Santa Cruz METRO is reasonably able to provide, become promotable or transferable during the EEO Plan years. Data considered for this factor includes the composition of feeder job groups and employer-provided training designed to facilitate upward mobility of female and minorities.

Defining the Labor Market

The local labor market is one component of the reasonable recruitment area. To define the local labor area accurately, an analysis was conducted to identify the areas in which employees live. In Santa Cruz METRO's 2022-2025 EEOP, this data was used in a Zip Code analysis (i.e., residence analysis) to define the local labor area as Santa Cruz and Monterey counties. This defined local labor market remains the same for this reporting period.

The reasonable recruitment area (other than local) was identified as the area external to Santa Cruz METRO from which Santa Cruz METRO occasionally recruits or draws job applicants. The Human Resources Manager reviewed the hiring activity over the period to determine that for most job groups, the reasonable recruitment area was the same as the local labor as defined by the U. S. Census Bureau.

However, for the Officials/Administrators job group, for example there were five hires from out of the area, three from states outside of California. This necessitated an adjustment to the reasonable recruitment area for this job group.

Obtaining Availability Data

Source 1: Reasonable Recruitment Area (External)

Requisite skills data from the reasonable recruitment area was obtained from the U. S. Census Bureau, 2020 Census Special EEO Tabulation. The data selected for each job group was matched and/or weighted to the available list of Census 2020 Occupational Categories. The Job Group Analysis (Exhibit 4) identifies census occupation codes and categories for each job title in each job group within Santa Cruz METRO.

Source 2: Promotable, Transferable, and Trainable (Internal)

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Internal factors require data on the percentages of promotable and transferable minorities and female within Santa Cruz METRO's workforce. To identify these percentages, identification was made of the "feeder" job groups for each "target" job group. Feeder job groups were defined as those from which employees can reasonably be promoted or transferred. Historical data was generally used to identify these patterns. In some circumstances, judgment was applied using forecasts of future business activity. When two or more occupations were selected, they were weighted. Weights were identified based on the percentage of positions in the job group to which each occupation applied. Once the feeders were identified, all employees in them as of December 31, 2021 were counted toward the internal availability.

Conducting the Availability Analysis

Once the data described above was collected, it was entered into the FTA Utilization Analysis Excel Templates, which provided the mathematical weighting of the data sets (occupation and feeder data) within each labor area. When more than one labor area applied, it conducted the mathematical weighting of the labor areas. The calculated weights for the internal and external components provided the availability set of statistics for each job group.

Assigning Internal and External Factor Weights

Guidelines listed below were used in identifying how much weight to assign to each availability component in a job group.

The components remaining among which to distribute the 100% weighting were external local labor area data, external reasonable recruitment area data, and promotable/transferable employee data.

Next, the number of opportunities for each job group during the previous EEO Program years, and the percentage that were external hires versus promotions or transfers, was identified. The percentage of promotions or transfers was assigned to the promotable/transferable data. In some cases, judgment was applied when business planning and budgeting indicated a more appropriate number.

To establish the relative weights for the remaining two components, (external local and reasonable recruitment data) the percentage of jobs in the job group within a local labor area and the percentage within a broader labor area were identified. These percentages were then applied to the remaining weight (e.g., if 38.4% weight remained and 80% of the jobs in the group filled through external hires had a local labor area, the 80% of 38.4%, or 30.72%, was assigned to the local requisite skills data and the remaining 7.68% was assigned to reasonable area requisite skills data).

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SECTION VI: GOALS AND TIMETABLES

Using the Whole Person method (when incumbency is less than one whole person than availability within a particular category in a job group—female, minority, or total minority), a percentage placement goal was assigned whenever it was found that minority or female representation within a job group was less than would reasonably be expected given their availability. These goals take into account the availability of qualified persons in the relevant labor area. They also take into account anticipated employment opportunities with our organization. *

The following long-term and short-term numerical goals with timetables to correct underutilization of specific affected classes of persons identified in the utilization analysis have been established:

Officials & Administrators

There was no underutilization found in the Officials and Administrators group.

Prior goal: The prior program goal for this category was to hire (1) Asian male. The goal was exceeded as 3 employees were hired. (2) Females and (1) male.

Professionals

Within the Professionals workforce, underutilization of 12% was identified for the white female group and underutilization of 8% was identified for the Hispanic or Latino female group.

Short-term goal: Hire (1) white female and (1) Hispanic female.

Timeline to achieve: By December 31, 2023.

Long-term goal: Hire (2) white female

Timeline to achieve: By December 31, 2025

Continue to prepare incumbent workforce over the next (5) years for succession of incumbent female workers over 50.

Rationale: Two white females and one Hispanic females are needed to reach parity. 37.1% of the available relevant workforce in this category are white females and 13.1 % of the available relevant workforce in this category are Hispanic females. 45% of the group is comprised of women. With many women in this category nearing retirement, a succession plan should be established to prepare internal candidates for advancement.

Technicians

There was no underutilization found in the Technicians group.

Administrative Support

Within the Administrative Support workforce, underutilization was identified in (2) groups, 8% Hispanic female, and 3% Asian female.

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Short-term goal: Hire (4) Hispanic and (1) Asian female.

Timeline to achieve: By December 31, 2025.

Long-term goal: Prepare incumbent workforce over the next (5) years for succession of incumbent female workers over 50.

Rationale: The analysis indicates that this group is currently comprised of 58.9% female workers. Of the female workers, 57.2% are minorities. (4) Hispanic females and (1) Asian female are needed to reach parity. 3.2% of the available relevant workforce in this category are Asian females, and 26.2% Hispanic females.

A plan should be established for recruitment advertisements to women's groups, including those at the local universities. This will ensure that Santa Cruz METRO maintains its female workforce in this area, with an additional goal that it can establish greater ethnic diversity.

Prior goal: The prior program goal for this category was to hire (4) white and (1) Asian female. The goal was exceeded as (5) white females, (2) Hispanic females and (1) Black females were hired. In addition, the available relevant workforce in this category for Asian females reduced from 5% to 3.2%.

Skilled Craft

Within the skilled craft work force, underutilization was identified in (2) groups, 3% for White females and 3% for Hispanic females.

Short Term goal: (1) White female and (1) Hispanic female

Timeline to achieve: By December 31, 2025

Long-term goal: Continue to engage, over the EEO Program period, the business and academic communities to seek ways to attract women to this group.

Prior goal: The prior goal was to engage, over the EEO Program period, the business and academic communities to seek ways to attract women to this group. During the program period, Santa Cruz METRO has established partnerships with apprenticeship programs and trade schools.

Service Maintenance

Within the Service Maintenance workforce, underutilization was identified in (3) groups, 2% for Asian females, 15% for Hispanic females, and 3% for White females.

Short-term goal: Hire (8) White females, (39) Hispanic females, and (4) Asian females.

Timeline to achieve: By December 31, 2025.

Long-term goal: Engage, over the EEO Program period, the business and academic communities to seek ways to attract women to this group.

Rationale: Only 2.2% of the available relevant workforce in this category are Asian females, 12.1% White females and 25.7% are Hispanic females. The analysis indicates that the total Service Maintenance workforce is comprised of 78.8% male and 21.2% female workers. Of this, 69% are minorities.

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Prior goal: The prior program goal for this category was to hire (2) Asian male, (13) Hispanic females and (2) Asian females.

There was a total of 71 hired into this category and 23% were females. (2) Asian male and (9) Hispanic females were hired during the program period.

Santa Cruz METRO believes these goals are attainable. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of persons when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified") under valid selection procedures. Goals do not require that Santa Cruz METRO hire a specified number of minorities, females, or veterans.

Goals are not rigid and inflexible quotas that must be met, but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire EEO Plan work. A goal is a guidepost against which Santa Cruz METRO or a compliance agency can measure progress in remedying identified deficiencies in Santa Cruz METRO's workforce. By setting realistic goals, based on expected vacancies and anticipated availability of skills within the relevant labor area, and using a job related selection system, Santa Cruz METRO should be able to meet the goals, assuming it conducts effective recruitment and advertising efforts to ensure an adequate pool of qualified minority and/or female qualified applicants from which to make selections.

* The phrases "comparison of incumbency to availability," and "problem area" appearing in this report are terms Santa Cruz METRO is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although Santa Cruz METRO will use the terms in good faith in connection with its EEO Program, such use does not necessarily signify that Santa Cruz METRO agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives. Whenever the term "goal" is used, it is expressly intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin," as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e).

SECTION VII: EMPLOYMENT PRACTICES

Statistical Analysis

The following section provides qualitative and quantitative data relevant to Santa Cruz METRO's employment practices over the reporting period. Analysis contains statistical data to document the impact of employment practices by sex and race.

Applicants and Hires by Job Category/Sex/Race

Table 7.1 provides a statistical breakdown of applicants and hires by workforce by each job category. Santa Cruz METRO hired 125 employees hired between January 1, 2018-December 31, 2021. Potential adverse impact was found in the following areas:

Officials and Administrators

The selection rate for females in the job category was 5.2% with a ratio to highest rate of 100%. This shows an improvement from previous plan. Potential adverse impact exists for White males and females, Black males, Hispanic males and females, and Asian males.

Assessment/Recommendation: *Whites represent the largest available pool of candidates in the relevant labor market. Outreach recruitment and networking to minority groups through local business networks, employment centers, and local colleges and universities may help generate awareness of job opportunities. As a part of Santa Cruz METRO's new Professional Development Planning and training academies, more females and minorities will be encouraged to participate.*

Professionals

The selection rate for females in the job category was 10.5%. Potential adverse impact exists for White males, Black females, and Hispanic males and females.

The selection rate for Asian females was 20% and 31.3% for White males.

Assessment/Recommendation: *White and Hispanic females represent the largest available pool of candidates in the relevant labor market. Outreach recruitment and networking to minority groups through local business networks, employment centers, and local colleges and universities may help generate awareness of job opportunities. As a part of Santa Cruz METRO's new Professional Development Planning and training academies, more females and minorities will be encouraged to participate.*

Administrative Support

The selection rate for females in the job category was 3.3 %. Potential adverse impact exists for (4) groups in this category. White male and female, Black Female, Hispanic male and female and Asian male and female. Asian male and female experienced just a .0% selection rate. This indicates that Santa Cruz METRO has an opportunity to provide training and development broadly across this group to help prepare minority and female incumbents for promotional opportunities as they arise.

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Assessment/Recommendation: *White and Hispanic females represent the largest available pool of candidates in the relevant labor market. Outreach recruitment and networking to minority groups through local business networks, employment centers, and local colleges and universities may help generate awareness of job opportunities. As a part of Santa Cruz METRO's new Professional Development Planning and training academies, more females and minorities will be encouraged to participate.*

Skilled Craft

The selection rate for females in this category is 0%. Potential adverse impact exists for White male, American Indian /Alaska Native male, Black male, Hispanic female and Native Hawaiian and other Pacific Islander male.

Hispanic and Native Hawaiians and Other Pacific Islander female experienced just a 0% selection rate.

Assessment/Recommendation: *Hispanic males represent the largest available pool of candidates in the relevant labor market so the rate of selection is aligned with the labor market. Unfortunately, when selection rate out-performs the available labor market, parity suffers. Outreach recruitment and networking to other minority and women's' groups through local business networks, employment centers, and local colleges and universities may help generate awareness of job opportunities. As a part of Santa Cruz METRO's new Professional Development Planning and training academies, more females and minorities will be encouraged to participate.*

Service Maintenance

The selection rate for females was 37% for this category. Hispanic Females were selected at a rate of 39.1%. Based on the availability of Hispanics females in the workforce for this category, the number of female Hispanics needed to reach parity in this category is (39).

Assessment/Recommendation: *Hispanic males represent the largest available pool of candidates in the relevant labor market so the rate of selection is aligned with the labor market. Unfortunately, when selection rate of males to females outperforms the available labor market. Outreach recruitment and networking to other minority and women's' groups through local business networks, employment centers, and local colleges and universities may help generate awareness of job opportunities. As a part of Santa Cruz METRO's new Professional Development Planning and training academies, more females and minorities will be encouraged to participate.*

Table 7.1

Four-Fifths Adverse Impact Analysis by Job Category- Hire

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Job Category (Use EEO-4)	Total		W		AI/AN		B		H/L		A		NH/PI		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Number Applied	206	97	101	50	-	1	26	8	56	24	22	14	1	-	-	-
Total Hires	7	5	4	2	-	-	1	1	1	-	1	2	-	-	-	-
Selection Rate	3.4%	5.2%	4.0%	4.0%	N/A	N/A	3.8%	12.5%	1.8%	0.0%	4.5%	14.3%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	65.9%	100.0%	27.7%	28.0%	N/A	N/A	26.9%	87.5%	12.5%	0.0%	31.8%	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	Yes	No	Yes	Yes	N/A	N/A	Yes	No	Yes	Yes	Yes	No	N/A	N/A	N/A	N/A
2 - Professionals																
Number Applied	22	38	16	15	-	-	-	8	5	9	1	5	-	1	-	-
Total Hires	2	4	1	3	-	-	1	-	-	-	-	1	-	-	-	-
Selection Rate	9.1%	10.5%	6.3%	20.0%	N/A	N/A	N/A	0.0%	0.0%	0.0%	N/A	20.0%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	86.4%	100.0%	31.3%	100.0%	N/A	N/A	N/A	0.0%	0.0%	0.0%	N/A	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	Yes	No	N/A	N/A	N/A	Yes	Yes	Yes	No	N/A	N/A	N/A	N/A	N/A
3 - Technicians																
Number Applied	1	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Total Hires	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Selection Rate	100.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100.0%	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	100.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No	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	211	338	79	131	2	5	16	35	92	128	17	35	5	4	-	-
Total Hires	11	11	1	7	-	-	2	1	8	2	-	-	-	-	-	1
Selection Rate	5.2%	3.3%	1.3%	5.3%	N/A	N/A	12.5%	2.9%	8.7%	1.6%	0.0%	0.0%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	62.4%	10.1%	42.7%	N/A	N/A	100.0%	22.9%	69.6%	12.5%	0.0%	0.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	Yes	Yes	Yes	N/A	N/A	No	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A
7 - Skilled Craft																
Number Applied	165	7	46	2	4	-	8	1	101	4	2	-	4	-	-	-
Total Hires	13	-	3	-	-	-	-	-	10	-	-	-	-	-	-	-
Selection Rate	7.9%	0.0%	6.5%	N/A	0.0%	N/A	0.0%	N/A	9.9%	0.0%	N/A	N/A	0.0%	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	N/A	65.9%	N/A	0.0%	N/A	0.0%	N/A	100.0%	0.0%	N/A	N/A	0.0%	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	Yes	N/A	Yes	N/A	Yes	N/A	No	Yes	N/A	N/A	Yes	N/A	N/A	N/A
8 - Service-Maintenance																
Number Applied	223	46	58	16	1	1	9	4	143	23	9	2	3	-	-	-
Total Hires	54	17	15	8	-	-	1	-	34	9	2	-	-	-	2	-
Selection Rate	24.2%	37.0%	25.9%	50.0%	N/A	N/A	11.1%	N/A	23.8%	39.1%	22.2%	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	65.5%	100.0%	51.7%	100.0%	N/A	N/A	22.2%	N/A	47.6%	78.3%	44.4%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	Yes	No	Yes	No	N/A	N/A	Yes	N/A	Yes	Yes	Yes	N/A	N/A	N/A	N/A	N/A

Outreach Process

1. Santa Cruz METRO will continue to place advertisements on job opportunities through local job service offices. The applicable local job service office will be notified concurrent with the placement of other external posting(s).
2. Due to the extensive technical education and experience required for some positions, Santa Cruz METRO will also continue to place job opportunity announcements on its website, and in statewide periodicals when appropriate.
3. Advertisements, purchase orders, and contracts will always carry the Equal Employment Opportunity clause.
4. Minority and female applicants will be considered for all posted positions for which they are qualified.
5. Santa Cruz METRO will participate in job fairs if there are sufficient numbers of openings to warrant participation.
6. Santa Cruz METRO will continue to employ interns who work during the summer and part-time during the school year.

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7. Santa Cruz METRO will continue to publish recruiting brochures where minority, female, and veteran members of the workforce are included, as well as in other company literature.

Promotions/Transfers by Job Category/Sex/Race

Santa Cruz METRO's labor agreements include language provisions for internal promotional and transfer opportunities that engender advancement in career ladders for incumbents based on incumbent status or completion of requisite skills necessary to advance. Internal promotion/transfer opportunities, where clear entry level to journey level career lines of progression exist, are offered first to the incumbent pool. If a sufficient pool of internal candidates is not achieved, external recruitment activities commence.

Job Advancement

1. Santa Cruz METRO will make minority and female employees available to participate in Career Days, Youth Motivation Programs, and related activities in the community, as necessary. These include representation at the Santa Cruz County Fair, First Friday, Leadership Santa Cruz and other opportunities that provide opportunities for visibility and advancement.
2. Santa Cruz METRO will continue to post job opportunities. Santa Cruz METRO's Job Posting Policy requires postings of all positions governed by a collective bargaining agreement (CBA) or memorandum of understanding (MOU). While the posting process and time limits vary, depending on the classification and under which bargaining unit it is governed by, all job opportunities are subject to a competitive hiring process.
3. Santa Cruz METRO will require Hiring Managers to submit justification for all hiring decisions, and will meet with any employee upon request to discuss when he/she is passed over for a promotional opportunity.
4. Santa Cruz METRO will continue to encourage all employees to participate in company sponsored social and recreational activities and provide equal access to company-owned facilities.
5. Santa Cruz METRO will provide employees access to training courses for inclusion in their career development plans.
6. Santa Cruz METRO has integrated coaching and professional development planning as a part of its annual evaluation process. It is believed that the implementation of proactive development of staff will help better prepare staff for promotional and transfer opportunities in the future.

Job Specifications/Selection Process

1. Santa Cruz METRO develops and maintains position descriptions that accurately reflect position functions, and are consistent with the knowledge, skills, abilities, competencies, education, and experience required to perform the job.
2. Santa Cruz METRO develops job or classification specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. Specifications are free from bias with regard to age, race, color, religion, national origin, disability, or veteran status.

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3. METRO makes approved classification specifications available to all members of management involved in the recruiting, screening, selection, and promotion process.
4. Santa Cruz METRO will continue to use only classification specifications that include job-related criteria.

Santa Cruz METRO will continue to carefully select, counsel, and train all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in all personnel actions.

Table 7.2 provides a statistical breakdown of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred by sex and race. Five job categories experienced potential adverse impact: 1) Officials & Administrators, 2) Professionals, 3) Administrative Support, 4) Skilled Craft and 5) Service Maintenance.

Males were promoted or transferred nearly two times more often than females. This report shows that the amount of female being promoted during this reporting period increased significantly. Additionally, Hispanics were promoted or transferred 2 times more often than any other group.

Professional development and training opportunities are anticipated to increase for all groups to increase equal opportunities for advancement and reverse potential adverse impact problem areas.

Table 7.2
Four-Fifths Adverse Impact Analysis by Job Category- Promotions

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	70	33	10	11	-	-	1	2	58	16	-	2	-	-	1	2
Total Promotions	16	11	5	4	-	-	-	-	10	6	-	1	-	-	-	-
Selection Rate	22.9%	33.3%	50.0%	36.4%	N/A	N/A	N/A	N/A	17.2%	37.5%	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	68.6%	100.0%	100.0%	72.7%	N/A	N/A	N/A	N/A	34.5%	75.0%	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	Yes	No	No	Yes	N/A	N/A	N/A	N/A	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A
2 - Professionals																
Number Applied	3	1	1	1	-	-	-	-	2	-	-	-	-	-	-	-
Total Promotions	2	1	1	1	-	-	-	-	1	-	-	-	-	-	-	-
Selection Rate	66.7%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	50.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	66.7%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	50.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	Yes	No	No	No	N/A	N/A	N/A	N/A	Yes	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	6	14	1	7	-	-	1	-	4	6	-	-	-	-	-	1
Total Promotions	3	6	1	1	-	-	1	-	1	4	-	-	-	-	-	1
Selection Rate	50.0%	42.9%	100.0%	14.3%	N/A	N/A	100.0%	N/A	25.0%	66.7%	N/A	N/A	N/A	N/A	N/A	100.0%
Ratio to Highest Rate	100.0%	85.7%	100.0%	14.3%	N/A	N/A	100.0%	N/A	25.0%	66.7%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	Yes	N/A	N/A	No	N/A	Yes	Yes	N/A	N/A	N/A	N/A	N/A	No
7 - Skilled Craft																
Number Applied	28	-	7	-	-	-	-	-	19	-	1	-	-	-	-	1
Total Promotions	11	-	3	-	-	-	-	-	7	-	1	-	-	-	-	-
Selection Rate	39.3%	N/A	42.9%	N/A	N/A	N/A	N/A	N/A	36.8%	N/A	100.0%	N/A	N/A	N/A	0.0%	N/A
Ratio to Highest Rate	100.0%	N/A	42.9%	N/A	N/A	N/A	N/A	N/A	36.8%	N/A	100.0%	N/A	N/A	N/A	0.0%	N/A
Potential Adverse Impact (Yes/No)	No	N/A	Yes	N/A	N/A	N/A	N/A	N/A	Yes	N/A	No	N/A	N/A	N/A	Yes	N/A
8 - Service-Maintenance																
Number Applied	11	4	1	3	-	-	-	-	9	-	1	1	-	-	-	-
Total Promotions	6	-	1	-	-	-	-	-	5	-	-	-	-	-	-	-
Selection Rate	54.5%	0.0%	100.0%	0.0%	N/A	N/A	N/A	N/A	55.6%	N/A	0.0%	0.0%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	NA	100.0%	0.0%	N/A	N/A	N/A	N/A	55.6%	N/A	0.0%	0.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	Yes	N/A	N/A	N/A	N/A	Yes	N/A	Yes	Yes	N/A	N/A	N/A	N/A

Types of Disciplinary Actions

The types and number of disciplinary actions recorded are reflected in Table 7.3. These types have been tailored to capture the actions detailed in the language of the union contracts and Santa Cruz METRO's policies and procedures. No adverse impact was identified. Disciplinary actions were categorized into four (4) categories:

- Written Reprimands
- Suspensions
- Demotions (non-voluntary)
- Terminations (Based on progressive discipline-not released at probation)

In total, 9 written reprimands and 20 suspensions were issued. There were (23) terminations based on progressive discipline and no demotions. The discipline rate for females in the Service Maintenance category was about half of that of male incumbents.

Table 7.3
Types of Disciplinary Actions Continued

Job Category (Use EEO-4)	Total		W		AI/AN		B		H/L		A		NHOPI		M	
	Male	Femal	M	F	M	F	M	F	M	F	M	F	M	F	M	F
6 - Administrative Support																
Total Workforce	23	33	6	18	-	-	3	2	13	10	1	-	-	-	-	-
<Enter Discipline Type>	2	2	1	-	-	-	-	-	1	1	-	-	-	-	-	-
Discipline Rate	8.7%	6.1%	16.7%	0.0%	N/A	N/A	0.0%	0.0%	7.7%	10.0%	N/A	N/A	N/A	N/A	N/A	33.3%
Ratio to Lowest Rate	69.7%	100.0%	0.0%	100.0%	N/A	N/A	100.0%	100.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	Yes
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7 - Skilled Craft																
Total Workforce	37	-	10	-	-	-	1	-	24	-	2	-	-	-	-	-
<Enter Discipline Type>	2	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-
Discipline Rate	5.4%	N/A	10.0%	N/A	N/A	N/A	0.0%	N/A	4.2%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	0.0%	N/A	N/A	N/A	100.0%	N/A	0.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	N/A	0.0%	N/A	N/A	N/A	0.0%	N/A	0.0%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	100.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	N/A	0.0%	N/A	N/A	N/A	0.0%	N/A	0.0%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	100.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	N/A	0.0%	N/A	N/A	N/A	0.0%	N/A	0.0%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	100.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	N/A	0.0%	N/A	N/A	N/A	0.0%	N/A	0.0%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	100.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Attachment B

Table 7.3
Types of Disciplinary Actions Continued

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
8 - Service-Maintenance																
Total Workforce	201	54	57	22	-	-	6	2	126	26	6	1	1	-	5	3
<Enter Discipline Type>	19	1	1	-	-	-	-	-	17	1	1	-	-	-	-	-
Discipline Rate	9.5%	1.9%	1.8%	0.0%	N/A	N/A	0.0%	N/A	13.5%	3.8%	16.7%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	19.6%	100.0%	0.0%	100.0%	N/A	N/A	100.0%	N/A	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	N/A	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	N/A	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	N/A	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	N/A	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	N/A	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	N/A	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A
<Enter Discipline Type>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Discipline Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	N/A	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	N/A	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A

Voluntary/Involuntary Terminations by Sex/Race

There were (23) terminations during the program period. Santa Cruz METRO's top reason to terminate an employee is that the employee fails to meet performance standards required for the job at the completion of the probationary period. For bus operators, whom Santa Cruz METRO provides vocational, on-the-job training, a failure of the operator training results in termination of the employee.

21% of the involuntary terminations were females during this reporting period. Adverse Impact was found for Hispanic male under Administrative Support category and Black male under Skilled craft category.

Table 7.4
Four-Fifths Adverse Impact Analysis by Job Category- 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	32	24	16	14	-	-	2	1	13	6	1	2	-	-	-	1
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Involuntary Termination Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	0.0%	N/A	0.0%	0.0%	N/A	0.0%	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	N/A	100.0%	N/A	100.0%	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	N/A	No	N/A	N/A	N/A	N/A
2 - Professionals																
Total Workforce	11	9	6	5	-	1	1	1	3	1	-	1	-	-	1	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Involuntary Termination Rate	0.0%	0.0%	0.0%	0.0%	N/A	0.0%	0.0%	0.0%	0.0%	0.0%	N/A	0.0%	N/A	N/A	0.0%	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	100.0%	N/A	100.0%	100.0%	100.0%	100.0%	100.0%	N/A	100.0%	N/A	N/A	100.0%	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	No	No	No	No	No	N/A	No	N/A	N/A	No	N/A
3 - Technicians																
Total Workforce	2	1	1	-	-	-	-	-	1	-	-	1	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Involuntary Termination Rate	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	0.0%	N/A	N/A	0.0%	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%	N/A	N/A	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	N/A	N/A	N/A	N/A	N/A	No	N/A	N/A	No	N/A	N/A	N/A	N/A
4 - Protective Service																
Total Workforce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Involuntary Terminations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Involuntary Termination 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 Lowest 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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Involuntary Termination 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 Lowest 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

Table 7.4
Four-Fifths Adverse Impact Analysis by Job Category- Terminations Continued

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
6 - Administrative Support																
Total Workforce	23	33	6	18	-	-	3	2	13	10	1	-	-	-	-	3
Total Involuntary Terminations	4	3	1	2	-	-	-	-	3	1	-	-	-	-	-	-
Involuntary Termination Rate	17.4%	9.1%	16.7%	11.1%	N/A	N/A	0.0%	0.0%	23.1%	10.0%	N/A	N/A	N/A	N/A	N/A	0.0%
Ratio to Lowest Rate	52.3%	100.0%	0.0%	0.0%	N/A	N/A	100.0%	100.0%	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	Yes	No	N/A	N/A	N/A	N/A	N/A	No
7 - Skilled Craft																
Total Workforce	37	-	10	-	-	-	1	-	24	-	2	-	-	-	-	-
Total Involuntary Terminations	5	-	-	-	-	-	1	-	4	-	-	-	-	-	-	-
Involuntary Termination Rate	13.5%	N/A	0.0%	N/A	N/A	N/A	100.0%	N/A	16.7%	N/A	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	100.0%	N/A	100.0%	N/A	N/A	N/A	0.0%	N/A	0.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	Yes	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Total Workforce	201	54	57	22	-	-	6	2	126	26	6	1	1	-	5	3
Total Involuntary Terminations	9	2	3	-	-	-	-	-	6	2	-	-	-	-	-	-
Involuntary Termination Rate	4.5%	3.7%	5.3%	0.0%	N/A	N/A	0.0%	N/A	4.8%	7.7%	0.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Lowest Rate	82.7%	100.0%	0.0%	100.0%	N/A	N/A	100.0%	N/A	0.0%	0.0%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A

Notes:

Job Category Training by Sex/Race

Santa Cruz METRO has a comprehensive employee-training program. Santa Cruz METRO has partnered with various training firms that specialize in both soft skills and technical skills training, and serves as a host agency to the outside firm's training programs. Through this partnership, Santa Cruz METRO is now able to provide its staff convenient and relevant professional development training opportunities.

Potential adverse impact was not found. Coaching and professional development planning by management for Santa Cruz METRO's workforce in all categories has helped foster promotion potential by increasing the knowledge, skills, abilities, and competencies of the organization's workforce.

Adverse impact was eliminated during this reporting period with the addition of Santa Cruz METRO's training partnership and enhanced professional development activities of its staff.

Attachment B

Table 7.5
Four-Fifths Adverse Impact by Job Category- Training

Job Category (Use EEO-4)	Total		W		A/IAN		B		H/L		A		NHOPH		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1 - Officials & Administrators																
Total Workforce	32	24	16	14	-	-	2	1	13	6	1	2	-	-	-	1
Total Trained	31	22	15	12	-	-	2	1	13	6	1	2	-	-	-	1
Training Rate	96.9%	91.7%	93.8%	85.7%	N/A	N/A	100.0%	N/A	100.0%	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	94.6%	93.8%	85.7%	N/A	N/A	100.0%	N/A	100.0%	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	N/A	No	N/A	N/A	N/A	N/A
2 - Professionals																
Total Workforce	11	9	6	5	-	1	1	1	3	1	-	1	-	-	1	-
Total Trained	10	9	5	5	-	1	1	1	3	1	-	1	-	-	1	-
Training Rate	90.9%	100.0%	83.3%	100.0%	N/A	100.0%	100.0%	100.0%	100.0%	100.0%	N/A	100.0%	N/A	N/A	100.0%	N/A
Ratio to Highest Rate	90.9%	100.0%	83.3%	100.0%	N/A	100.0%	100.0%	100.0%	100.0%	100.0%	N/A	100.0%	N/A	N/A	100.0%	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	No	No	No	No	No	N/A	No	N/A	N/A	No	N/A
3 - Technicians																
Total Workforce	2	1	1	-	-	-	-	-	1	-	-	1	-	-	-	-
Total Trained	2	1	1	-	-	-	-	-	1	-	-	1	-	-	-	-
Training Rate	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%	N/A	N/A	100.0%	N/A	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	100.0%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%	N/A	N/A	100.0%	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	N/A	N/A	N/A	N/A	N/A	No	N/A	N/A	No	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

Table 7.5
Four-Fifths Adverse Impact by Job Category- Training

Job Category (Use EEO-4)	Total		W		A/IAN		B		H/L		A		NHOPH		M	
	Male	Female	M	F	M	F	M	F	M	F	M	F	M	F	M	F
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	23	33	6	18	-	-	3	2	13	10	1	-	-	-	-	3
Total Trained	21	30	6	15	-	-	3	2	11	10	1	-	-	-	-	3
Training Rate	91.3%	90.9%	100.0%	83.3%	N/A	N/A	100.0%	100.0%	84.6%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Ratio to Highest Rate	100.0%	99.6%	100.0%	83.3%	N/A	N/A	100.0%	100.0%	84.6%	100.0%	N/A	N/A	N/A	N/A	N/A	100.0%
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	No	No	No	N/A	N/A	N/A	N/A	N/A	No
7 - Skilled Craft																
Total Workforce	37	-	10	-	-	-	1	-	24	-	2	-	-	-	-	-
Total Trained	35	-	8	-	-	-	1	-	24	-	2	-	-	-	-	-
Training Rate	94.6%	N/A	80.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	100.0%	N/A	80.0%	N/A	N/A	N/A	100.0%	N/A	100.0%	N/A	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	N/A	No	N/A	N/A	N/A	No	N/A	No	N/A	No	N/A	N/A	N/A	N/A	N/A
8 - Service-Maintenance																
Total Workforce	201	54	57	22	-	-	6	2	126	26	6	1	1	-	5	3
Total Trained	186	51	48	21	-	-	5	2	121	24	6	1	1	-	5	3
Training Rate	92.5%	94.4%	84.2%	95.5%	N/A	N/A	83.3%	N/A	96.0%	92.3%	100.0%	N/A	N/A	N/A	N/A	N/A
Ratio to Highest Rate	98.0%	100.0%	84.2%	95.5%	N/A	N/A	83.3%	N/A	96.0%	92.3%	100.0%	N/A	N/A	N/A	N/A	N/A
Potential Adverse Impact (Yes/No)	No	No	No	No	N/A	N/A	No	N/A	No	No	No	N/A	N/A	N/A	N/A	N/A

Notes:

Individuals with Disabilities/Veterans Hire/Promoted by Sex and Race

Few new hires during the program period at Santa Cruz METRO have self-identified as having a disability or veteran status. A selection rate of 100% for male veterans was identified for new hires. Table 7.6 provides the statistical breakdown of the number of hires and the associated selection rate by sex and race.

Santa Cruz METRO has established a relationship with local and regional veteran placement agencies with which it regularly post recruitment notices. The EEO Officer will continue to work with the County Health Department during this program period to identify potential recruitment outreach opportunities to disabled job seekers.

A statistical analysis of individuals with disabilities and veterans promotional activities is provided in Table 7.7. No promotions occurred.

Table 7.6
Individuals with Disabilities/Veterans- Hires

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	46	26	22	6	-	-	-	5	19	12	5	2	-	1	-	-
Total Hires	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	0.0%	0.0%	0.0%	0.0%	0.0%	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	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Hires	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	100.0%	N/A	100.0%	N/A	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:

Table 7.7
Individuals with Disabilities/Veterans- Promotions

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	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	0.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.0%	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	-	2	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Total Promotions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Selection Rate	N/A	0.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.0%	N/A	N/A	N/A	N/A	N/A	N/A

SECTION VIII: MONITORING AND REPORTING

Monitoring System

Monitoring System methods are in place to monitor EEO dissemination, utilization analysis, statistical employment practices, and timeframe to reach goals, and identified barriers and the progress of the action plan. Additionally, procedures used to determine EEO compliance of sub-recipients and contractors such as collection and review of their EEO Programs, including visits to their facilities to ensure proper posting of the EEO Policy statement exist. Santa Cruz METRO's HR Department has union contract reviewing procedures in place to ensure that there is not disparate impact. Finally, Santa Cruz METRO has a process for monitoring complaints and analyzing trends, the timeliness of investigations, resolutions, and the reporting to management.

Internal Audit and Reporting

Inherent in the any EEO Program is the need for periodic self-assessment of problems encountered, corrective action taken, and progress made. Additionally, the Uniform Guidelines on Employee Selection Procedures (1978) require that employers maintain data with which to determine adverse impact for any of its employment-related Processes and procedures. Self-evaluation requires complex record keeping systems on applicants, employees, and components of the EEO Program. Santa Cruz METRO's internal auditing and reporting systems are used as the basis for evaluating systemic results-oriented programs, and effective affirmative action. The EEO Officer is also

Attachment B

responsible for working with other management personnel to guide them in attaining full compliance. Monitoring includes:

Dissemination- Every recruitment flyer/brochure, web posting, and job advertisement includes the EEO Policy Statement. Santa Cruz METRO's online applicant system page includes the policy statement. The policy statement is provided to every new employee at employee onboarding, wherein the new employee signs that they are in receipt. The policy statement is issued internally during management trainings and EEO Program update meetings with executive management.

Utilization Analysis- Underutilization is monitored with all employee actions including: hiring, promotions, separations, discipline, and training. As any underutilization is realized, this is reported to the Senior Leadership Team for discussion and strategic solution development.

Statistical Employment Practices- Santa Cruz METRO is becoming a data-driven agency that uses key performance indicators (KPIs) to support decision-making. Employment statistics are provided on a monthly basis from the EEO Officer to the CEO/GM. Strategic action plans are made around any deficient KPI areas.

Timeframe to Reach Goals- A goal matrix is developed of all EEO program goals. These are linked to the monitoring of the KPIs. Goal progress is reported to the CEO/GM on a semi-annual basis or sooner.

Identified Barriers to Action Plan Progress- Barriers that are identified (e.g., unexpected funding loss impacting hiring projections) are recorded and reported to the CEO/GM monthly along with the KPI's and any potential impact to the timeframe to reach goals. A strategic action plan to mitigate barriers is discussed at weekly Senior Leadership Team meeting. Follow up activities including reporting to the CEO/GM results of corrective action plans.

Compliance of Contractors- Compliance procedures to determine EEO compliance of sub-recipients and contractors include:

- Review of sub-recipient/contractor EEO Programs.
- Visits to sub-recipient/contractor facilities to ensure the proper posting of the EEO Policy Statement

Our current contractors or subrecipients do not meet the thresholds requirements. At this time, the FTA does not require EEO oversight. However, the contractors we use are committed to follow EEO laws and have an EEO Statement in their website, HR office and breakrooms.

Union Contract Review- Union contracts are negotiated every four years. The EEO Officer and legal counsel ensure that language is not added that would contribute to disparate impact. Additionally, Senior Leadership Team meets prior r to negotiations to review the contract for areas of concern. The EEO Officer and legal counsel are a part of this group.

Attachment B

Complaint Monitoring- EEO Complaints are logged with the Human Resources Department and process in accordance with the conflict of interest mitigation procedures set forth herein.

The EEO officer tracks and monitor all complaints. All complaint records are retained in strict confidence. All investigative files are stored in a secure, confidential location in electronic and/or paper format to allow access for review only by the Director of Human Resources, the CEO/General Manager or Santa Cruz METRO's General Counsel.

EEO Officer examines complaint data quarterly and the results are provided to CEO/General Manager and HR Director.

Employment Practices contributing to EEO Programs

Many employment practices within the HR Department contribute to the successful implementation of the EEO Program. The new Human Resources Information System (HRIS) provides for better tracking of applicants' referral sources, as candidates are provided the ability to enter their own data, including the EEO Survey data. The system has customized reporting functionality so that data sets for any changes to EEO reporting requirement can be added or changed.

Self-Identification

Santa Cruz METRO attaches an Equal Opportunity Survey to each Employment Application (Exhibit B) this survey is designed to obtain EEO data needed to conduct required analyses for the EEO Program.

The survey is also used for the following purposes:

1. Obtain applicant residency data to define Santa Cruz METRO's local labor area.
2. Determine if Santa Cruz METRO's recruitment efforts are effective.
3. Identify the most effective referral sources.
4. Determine if applicant pools, at any stage in the selection process, are equal or greater to availability set forth in this EEO Program.
5. Once an Employment Application is submitted, the Equal Opportunity Survey is detached and maintained in a private file to be used for recordkeeping purposes only. No employment decisions are made based on the data collected from the surveys. Once an employee is hired,(s) he has an additional opportunity during the new employee orientation to submit the Equal Opportunity Survey. The same rules set forth above apply to the use and maintenance of these surveys.

Compensation Plan

The majority of Santa Cruz METRO's employees are covered by collective bargaining agreements (CBA) or memorandum of understandings (MOU). As a result, Santa Cruz

METRO has exercised little or no discretion in setting their wages, other than through the bargaining process.

Under the current Service Employees International Association (SEIU) MOU, Santa Cruz METRO employees have a Reclassification Request process wherein an employee may, in accordance with the terms of his/or her bargaining agreement, may request a classification study, a wage study, or both. This has been a long-standing practice; however, issues of internal equity and salary scale misalignments and salary compression and compactions issues have arisen as a result.

Wage and classifications studies performed in the past did not allow for a strategic review of the organization. Classification and wage surveys in the past were conducted as required by contractual language contained in the agreements with the unions. Over time, factors such as operational, program, technological, regulatory, and staffing changes may have resulted in class specifications and pay becoming misaligned from the actual nature, level and scope of work performed by incumbents.

In 2019, Santa Cruz METRO performed a District-wide classification and compensation study in hopes of developing updated and revised classifications specifications, a manageable compensation structure, and a sound salary administration program. A comprehensive Compensation Plan was developed during the classification/compensation study.

This plan provides detailed information on Santa Cruz METRO's compensation philosophy, methodology, achieving internal/external equity, elimination salary compaction/compression, and benchmarking of positions for compensation analysis. When offering employment or promotional opportunities, the compensation offered by Santa Cruz METRO is not reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.

Accommodation

It is the policy of Santa Cruz METRO that equal employment opportunities are provided in the employment and advancement of covered veterans and persons with disabilities at all levels of recruitment, selection, employment, and advancement. Santa Cruz METRO does not, and will not, discriminate against any applicant or employee because he or she is a covered veteran, or because of a physical or mental disability with regard to any position for which the applicant or employee is qualified.

Decisions related to personnel policies and practices will be made based on an individual's capacity to perform a particular job, the individual's knowledge, skills, abilities, competencies, education, and experience, and the feasibility of any necessary job accommodation. Santa Cruz METRO will make every effort to provide reasonable accommodation to any physical and mental limitations of individuals with disabilities and to disabled veterans.

Santa Cruz METRO's Reasonable Accommodation Policy is provided an appendix for reference on how to request a reasonable accommodation.

Reporting System

Santa Cruz METRO's EEO reporting systems include regular meetings between the CEO/GM, the EEO officer, legal counsel, and management to discuss the progress of the EEO Program and results of the monitoring (including hiring, promotions, evaluations, training, and EEO complaints). Meetings held between the CEO/GM, the EEO Officer are ajenized, and follow-up action documentation is maintained. The Human Resources division, including the EEO Officer hold regular meetings with hiring Officials in each department as a part of the recruitment planning process, to review current EEO goals and statistics on employment practices and policies. During these meetings job descriptions are reviewed to ensure legitimate position requirements and that all testing has been validated.

Appendix A: Glossary of Terms

This EEOP uses the following definitions for the terms used:

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 sub-recipient 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 EEOP and relevant legal authorities.

Compliance refers to a status wherein FTA finds an applicant, recipient, sub-recipient, or contractor meets the requirements in this EEOP 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 sub-recipient.

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, sub recipient, 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.”

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.

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.

Good faith efforts are documented actions taken to achieve EEO Program objectives.

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 report, 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 in addition, 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 because 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.

Sub-recipient 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 sub-recipient.

Transit-related employee refers to an employee of an FTA applicant, recipient, sub-recipient, 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.

Appendix B



EMPLOYMENT OPPORTUNITY QUESTIONNAIRE (VOLUNTARY)

The Santa Cruz Metropolitan Transit District (METRO) is an equal opportunity/affirmative action employer. Qualified applicants are considered for employment without regard to race, color, ancestry, national origin, religious creed, sex, medical condition or disability, age, marital status, veteran status or sexual orientation.

To demonstrate that we meet equal employment opportunity requirements, periodically we must report statistical information to the federal government. To aid the District in its commitment to equal employment opportunity, applicants are asked to voluntarily provide the following information. This form will be separated from your application prior to administration of the examination and will be kept confidential.

Your Name: _____ Sex: Male _____ Female _____

Position Applying For: _____

Today's Date: _____ Your Birth Date: _____ Social Security Number: _____

How did you learn of the job opportunity for which you are applying?

- | | |
|--|--|
| <input type="checkbox"/> Recruitment flyer on a District bulletin board (location) _____ | <input type="checkbox"/> Recruitment flyer on a non-District bulletin board (location) _____ |
| <input type="checkbox"/> Telephone inquiry | <input type="checkbox"/> Newspaper (name) _____ |
| <input type="checkbox"/> District employee | <input type="checkbox"/> Community service agency (name) _____ |
| <input type="checkbox"/> School (name and office) _____ | <input type="checkbox"/> Friend or relative |
| <input type="checkbox"/> Web Advertisement _____ | <input type="checkbox"/> State employment office |
| <input type="checkbox"/> Metro Website | <input type="checkbox"/> Other (please specify) _____ |

Race and Ethnic Identification: (If you are of mixed racial/ethnic background, choose the category with which you most closely identify yourself)

___ **Hispanic or Latino (H)** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

___ **White (Not Hispanic or Latino) (W)** - A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

___ **Black or African American (Not Hispanic or Latino) (B)** - A person having origins in any of the black racial groups of Africa.

___ **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) (NHOPI)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

___ **Asian (Not Hispanic or Latino) (A)** - A person having 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.

___ **American Indian or Alaska Native (Not Hispanic or Latino) (AI/AN)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

___ **Two or More Races (Not Hispanic or Latino) (M)** - All persons who identify with more than one of the above five races.

Please indicate if the following definition applies to you:

___ Disabled individual: A person who (1) has a physical or mental impairment which substantially limits one or more of such person's life activities, (2) has record of such impairment, or (3) is regarded as having such an impairment.

What is the nature of the disability: ___ Visual ___ Physical ___ Hearing ___ Speech ___ Developmental

Other (please explain): _____

Do you require special testing arrangements because of a physical impairment? Yes No If yes, call (831) 423-5582

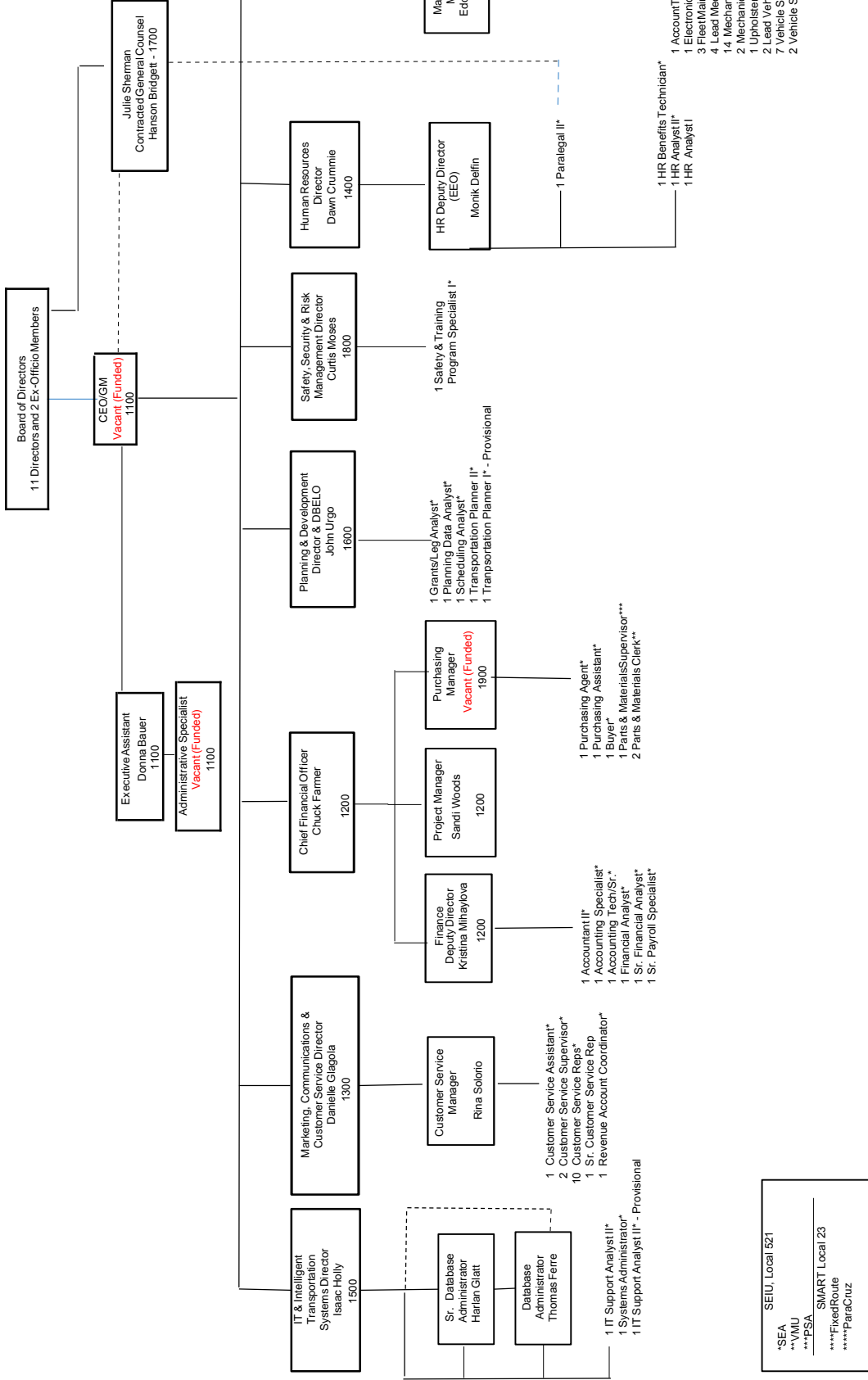
Veteran Status: Choose all that apply to you:

___ I am NOT a Veteran ___ Disabled Veteran ___ Recently Separated Veteran ___ Active Wartime or Campaign Badge Veteran

___ Armed Forces Service Medal Veteran ___ I am a protected veteran, but I choose not to self-identify the classifications to which I belong.

Board of Directors

- Rebecca Downing, County Appointment
- Jimmy Dutra, Watsonville
- Shebreh Kalantari-Johnson, Santa Cruz
- Manu Koenig, County Supervisor
- Donna Lind, Chair, Scotts Valley
- Donna Meyers, Santa Cruz
- Bruce McPherson, Vice Chair, County Supervisor
- Larry Pageler, County Appointment
- Art Parker, Watsonville
- Kristen Petersen, Capitola
- Mike Roikin, County Appointment
- Dan Henderson, Ex-Officio, UCSC
- Alta Northcutt, Ex-Officio, Cabrillo College



*SEA
 **VMU
 ***PSA
 ****FixedRoute
 *****ParaCruz

5B.47



**BEFORE THE BOARD OF DIRECTORS OF THE
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

Resolution No. 20-02-03
On the Motion of Director John Leopold
Duly Seconded by Director Cynthia Mathews
The following Resolution is adopted:

**ADOPTION OF SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S AMENDED
PERSONNEL RULES AND REGULATIONS**

WHEREAS, the Santa Cruz Metropolitan Transit District has found it useful to maintain Personnel Rules and Regulations to provide a fair and equitable system of personnel management;

WHEREAS, in 1976, the Personnel Rules and Regulations were adopted by the Board of Directors with approval of Resolution No. 76-1-2;

WHEREAS, the Personnel Rules and Regulations were last amended on July 24, 1987;

WHEREAS, METRO's General Counsel has reviewed the amended Personnel Rules and Regulations and has approved the recommended changes to reflect current law, position titles and practices; and

WHEREAS, Staff recommends that the Board of Directors approve the amended Personnel Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, that it hereby resolves, determines and orders as follows:

1. The Personnel Rules and Regulations previously adopted on July 24, 1987, are hereby rescinded.

2. The amended Personnel Rules and Regulations attached and labeled "Exhibit A", is hereby adopted.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz Metropolitan Transit District on February 28, 2020, by the following vote:

AYES: Directors Coffman-Gomez, Leopold, Lind, Mathews, Meyers, McPherson, Pageler, Rothwell and Rotkin

NOES: None

ABSENT: Directors Bottorff and Gonzalez

ABSTAIN: None



Mike Rotkin, Chairperson

ATTEST:



ALEX CLIFFORD
CEO/General Manager

APPROVED AS TO FORM:



JULIE A. SHERMAN
General Counsel

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Resolution # 20-02-03
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EXHIBIT A, SANTA CRUZ METROPOLITAN TRANSIT DISTRICT RESOLUTION NO. _____

PERSONNEL RULES AND REGULATIONS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

(Attached)

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PERSONNEL RULES AND REGULATIONS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

SECTION 1: DEFINITIONS

For the purpose of these Rules and Regulations, certain words and phrases shall be construed as herein set forth:

1. **APPLICANT** - A person who has made application for a vacancy with Santa Cruz METRO.
2. **APPOINTING AUTHORITY** - The group or person having the lawful power to make appointments and to remove persons from METRO positions.
3. **CHARGEABLE ACCIDENT** - An accident which is determined by METRO to be the fault of the employee.
4. **CLASSIFIED POSITIONS** - Those positions established and classified by the Santa Cruz METRO Board of Directors.
5. **DEMOTION** - A personnel action taken by the appointing authority to assign an employee to another classification with a lower salary range than the position to which the employee was previously assigned.
6. **DISCIPLINARY ACTION** - An action pursuant to Section 29 of these Personnel Rules and Regulations taken by the appointing authority or his/her delegated representative to reprimand in writing, suspend, demote or terminate an employee for any disciplinary cause pursuant to Section 30 of these Personnel Rules and Regulations.
7. **DISCIPLINARY CAUSE** - Any ground for disciplinary action set forth in Section 30 of these Personnel Rules and Regulations.
8. **DISCIPLINARY DEMOTION** - A disciplinary action demoting an employee for disciplinary cause. All other demotions shall be non-disciplinary and so noted in the employee's Personnel File.
9. **DISTRICT**- The Santa Cruz Metropolitan Transit DISTRICT.
10. **ELIGIBILITY LIST** - A list of applicants for a vacant position or anticipated vacant position who meet the requirements set forth in a position specification, have passed all required examinations, and have been certified by the appointing authority as qualified to be appointed to the position.

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11. **EMPLOYEE** - A person filling a classified or unclassified, position with METRO.
12. **EMPLOYEE WORK STATION** - The METRO facility to which an employee regularly reports for work assignments.
13. **EVALUATION** - A compulsory, periodic performance review for each employee assigned to a classified position. An evaluation is intended to be a summary of the performance of the employee and to reflect the ongoing communication between the rating supervisor and the employee.
14. **EXEMPT EMPLOYEE** - An employee who is exempt from overtime and other benefits specified under provisions established by the Fair Labor Standards Act.
15. **INTERMITTENT APPOINTMENT** - A recurring appointment for a specified period of time to a classified or unclassified position. Said appointments shall be made from an Intermittent Employment Eligibility list
16. **LAYOFF** - A reduction of the work force of METRO.
17. **NARCOTICS** - Narcotics shall include all drugs specified as narcotics in the California Uniform Controlled Substances Act, all drugs in the pharmacological classification of narcotics and all designer drugs or other substances determined to be illegal by California State law.
18. **NON-EXEMPT EMPLOYEES** - An employee who is entitled to overtime and other benefits specified under provisions established by the Fair Labor Standards Act
19. **POSITION SPECIFICATION** - A job description for classified positions which includes examples of duties, qualifications, knowledge and abilities for said position.
20. **PROBATIONARY STATUS** - A status on which an employee is placed for a specified period of time immediately after appointment to a particular classified position. The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's performance.
21. **PROMOTION** - A personnel action taken by the appointing authority to assign an employee to another classification with a higher salary range than the one previously occupied by the employee. Promotion may occur as a result of an open recruitment or a closed promotional recruitment.
22. **PROPERTY** - Any equipment, vehicles, tools, supplies, materials, real estate, facilities, or other tangible or intangible thing, owned, leased or possessed by METRO.

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23. **PROVISIONAL APPOINTMENT** - An appointment made to a classified position for a specified period of time longer than six months and less than two years.
24. **RECLASSIFICATION** - A determination by METRO that there has been a change of duties, responsibilities, authority and/or employment requirements in a position classification in accordance with Section 6 of these Personnel Rules and Regulations.
25. **RECRUITMENT** - A personnel action taken by the appointing authority to obtain applicants for vacant classified positions.
 - A. Open Recruitment - Those job opportunities available to employees and the public.
 - B. Closed Promotional Recruitment - Those job opportunities available to present employees occupying classifications in METRO as designated by the appointing authority.
26. **REGULAR EMPLOYEE** - An employee who has satisfactorily completed their probationary period in the classified position that they are occupying.
27. **REINSTATEMENT** - The rehiring of an employee who was previously laid off because of the abolition of a position or work force reduction, into the position they held prior to layoff.
28. **REPRIMAND** - A written notice issued for any minor disciplinary cause.
29. **RESIGNATION** - The notification to METRO by an employee that they shall cease their employment with METRO.
30. **SEPARATION** - The non-disciplinary departure of an employee from METRO service.
31. **SPECIAL EVALUATION STATUS** - Placement of an employee on a monthly evaluation schedule.
32. **SUPERVISOR**- An employee who has supervisory duties listed in his/her job description and who is authorized by the appointing authority to direct and evaluate the work performance of one or more employees assigned to be supervised by them.
33. **SUSPENSION** - A disciplinary action in which an employee is placed on a status wherein an employee is precluded from performing work activities for a specified period of time.

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34. **TEMPORARY APPOINTMENT** - Any appointment for a special or temporary purpose not to exceed six months. Temporary appointments may be made to classified positions, or unclassified positions.
35. **TERMINATION** - The involuntary discharge of an employee from METRO service for cause set forth in Section 30 of these Personnel Rules and Regulations or for failure to complete satisfactorily the probationary period.
36. **TRANSFER** - An action taken by the appointing authority to reassign an employee from one position to another position having substantially similar duties, responsibilities, qualifications and substantially the same salary range.
37. **UNCLASSIFIED POSITION** - A job position not existing in METRO's established Classified Personnel List.
38. **WORK STANDARDS** - Written job performance requirements specified in an employee's job specification and in METRO and/or Department rules, regulations and procedures, and/or in written instructions to the employee.

SECTION 2: AMENDMENTS

These Rules and Regulations may be amended by a majority vote of the Santa Cruz METRO Board of Directors at any regular or special meeting of said Board.

SECTION 3: APPOINTING AUTHORITY

The appointing authority shall be defined as follows: for the positions of CEO/General Manager, and General Counsel, the appointing authority shall be the Santa Cruz METRO Board of Directors. For all other positions, the appointing authority shall be the CEO/General Manager of METRO or their designee as specified in writing by the CEO/General Manager.

SECTION 4: PERSONNEL COVERED

These Rules and Regulations shall be applicable to all employees of METRO. Employees shall be defined as all persons assigned to positions listed in the Classified Personnel List or occupying an unclassified position. The only limitation of the application of this section is outlined in Section 5.

SECTION 5: PERSONNEL RULES AND REGULATIONS APPLICABILITY

These Personnel Rules and Regulations are valid, in full force and govern the Personnel matters of METRO. A conflict between a particular provision of these Personnel Rules and Regulations and any existing collective bargaining agreement shall not affect any other provision of these rules and regulations. Where a specific provision of these rules and regulations is in conflict with a provision of a collective bargaining agreement, the provision of the collective bargaining agreement shall prevail.

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SECTION 6: CLASSIFIED POSITIONS

The Human Resources Department shall establish all employee classified positions. The Human Resources Department shall make periodic studies of classifications, job specifications and/or compensation of all positions and shall submit for approval to the CEO/General Manager any changes, which they deem desirable to better classify or describe positions. Changes shall be called reclassification.

SECTION 7: ALLOCATION OF POSITIONS AND SALARY

The Human Resources Department shall establish the necessary position title and the salary range for each position contained within the Classified Personnel List

SECTIONS 8: CLASSIFIED PERSONNEL LIST

A record to be known as the Classified Personnel List of METRO shall be kept in the office of the Human Resources Department, and shall contain the name of every person employed in a classified position and receiving compensation from METRO. This list shall show respectively every officer or employee, the title of the position held, the salary or compensation as approved by the Board of Directors, the date of appointment to such office or employment and the term thereof, if any, and the positions filled, suspensions, layoffs, transfers, promotions, demotions, reclassifications, separations, terminations and any classification actions.

SECTION 9: POSITION SPECIFICATIONS

A job specification for each position in the Classified Personnel List shall be prepared by the Human Resources Department and adopted by the CEO/General Manager. Said specification shall include examples of duties, all qualifications, knowledge and abilities required for said position. The Human Resources Department shall maintain a list which specifies all examinations, if any, (and including any medical examinations) which must be successfully completed as part of the selection process for the position.

SECTION 10: SALARY PLAN

The CEO/General Manager shall maintain a salary plan for all employees. Said salary plan shall be set for each specified group to which the employee belongs consistent with each compensation plan or collective bargaining agreement. The first step shall be the entry level salary except that unusually qualified individuals may be entered on Step 2 or higher upon written authorization from the CEO/General Manager. Employees shall advance to Step 2 upon satisfactory completion of the probationary period. In the event that an employee is entered at Step 2 or higher, said employee shall advance to the next highest step after satisfactory completion of the probationary period. Thereafter, employees shall be evaluated for advancement to the remaining steps upon satisfactory completion of 2080 hours worked of service on the

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previous step. Step increases shall be consistent with Section 27 of these Personnel Rules and Regulations.

SECTION 11: OVERTIME AND COMPENSATORY TIME OFF

Non-exempt employees in paid status are entitled to overtime for: authorized work in excess of 8 hours per day when assigned to an 8-hour shift; authorized work in excess of 10 hours per day when assigned to a 10-hour shift; or authorized work in excess of 40 hours per week. Said overtime shall be compensated as additional salary based on 1 1/2 times the employee's regular hourly rate at which they are employed.

Non-exempt employees in paid status are entitled to overtime for all work performed on the seventh consecutive day of that pay week at a rate of 2 times the employee's regular hourly rate of pay.

SECTION 12: NOTICE OF VACANCIES

All vacancies shall be publicly advertised by posting and also may be advertised by publication at the discretion of METRO. If said advertising is done by posting, then the posting of the advertisement on the official bulletin boards of METRO shall be for not less than ten (10) calendar days. Said notice shall contain the job duties, qualifications and range of compensation for the position.

SECTION 13: APPLICATION FOR VACANCIES

Application for current vacancies and future employment opportunities may be completed online at www.scmt.com. Anticipated vacancies shall be kept in the office of the the Human Resources Department. Applications shall be readily available to all employees and interested members of the public.

SECTION 14: NOTICE OF ELIGIBILITY LIST EXAMINATIONS

Where deemed necessary, the Human Resources Department may accept applications and set examinations for anticipated vacancies. Said examinations shall be noticed in the same manner as for vacancies described in Section 12.

SECTION 15: CERTIFICATION OF ELIGIBLE APPLICANTS

The CEO/General Manager, or their designee, shall review all applications for vacancies or anticipated vacancies in the Classified Personnel List and shall certify as eligible, all applicants who meet the requirements set forth in the position specification for the position and who have passed all required examinations.

Fraudulent conduct or false statements by an applicant on their application or examination shall be deemed cause for disqualification.

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METRO shall make reasonable accommodation for persons with disabilities as appropriate for the position. METRO will provide a reasonable accommodation to disabled applicants if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

Eligible applicants shall be placed on a Certified Eligibility List. Said list of eligible applicants shall be submitted to the appointing authority for final selection and appointment.

Said Eligibility List shall be valid for six months following the date of examination. However, the CEO/General Manager, or their designee may extend the period of time that the list is valid for up to six additional months when more than two names remain on the list at the time the list is due to expire.

Appointments to vacancies in the Classified Personnel List shall be made from the Certified Eligibility List if one exists for the vacant position, except when the Certified Eligibility List shall consist of less than two names. In such case, the vacancy shall be noticed and a new list prepared.

SECTION 16: APPOINTMENT PROCEDURES

All vacancies in positions in the Classified Personnel List shall be filled by reinstatement, selection from a Certified Eligibility List, transfer, promotion, demotion or from eligible applicants. METRO shall hire the applicant who best meets the needs of METRO. METRO, to the extent practicable, shall encourage current employees to apply for all vacancies in METRO.

SECTION 17: APPOINTMENT

After interview and investigation by the appointing authority, or selection committee chosen by the appointing authority, the appointing authority shall make appointments from among the list of eligible applicants. Examinations, if required, shall be performed prior to review by the appointing authority. The CEO/General Manager or their designee shall notify the applicant of their appointment. If the applicant accepts the appointment and reports for duty at the prescribed time, they shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

SECTION 18: ANNIVERSARY DATE

The date of an employee's first reporting for duty with METRO shall be the anniversary date and shall be used as the beginning date for the computation of benefits and METRO seniority. The appointing authority may adjust an employee's anniversary date to avoid inequities.

SECTION 19: EMERGENCY APPOINTMENTS

To meet the immediate requirements of any emergency conditions such as natural disaster which threatens human life or property, or labor disputes which threaten the continuation of transit

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service by METRO, the CEO/General Manager may employ such persons as may be needed for the duration of the emergency without regard to adopted Personnel Rules and Regulations, or

other rules affecting appointments. All such appointments must be reported to the Santa Cruz METRO Board of Directors as soon as possible and shall be limited to a thirty day prior from the start of said emergency or until the next METRO Board meeting (whichever occurs first) unless otherwise approved by the Santa Cruz METRO Board of Directors.

SECTION 20: TEMPORARY APPOINTMENTS

The appointing authority may authorize temporary appointments for a special or temporary purpose.

Temporary appointments to classified positions shall receive the benefits denied in the collective bargaining agreement which applies to the position. Temporary appointments to unclassified positions shall not receive benefits except for those required by Federal, State and local laws.

SECTION 21: INTERMITTENT APPOINTMENTS

The appointing authority may authorize intermittent appointments. Intermittent appointments shall be consistent with Section 20 of these Personnel Rules and Regulations. The term of employment shall be specified at the time of appointment.

SECTION 22: PROVISIONAL APPOINTMENTS

Provisional appointments shall be made whenever programmatic requirements for the position dictate that the position be filled other than by a temporary appointment for a defined term longer than six months but not to exceed two years. The term of employment shall be specified at the time of appointment.

SECTION 23: TRANSFERS

The appointing authority may at any time transfer any employee under their jurisdiction from one position to another in the same classification or in another classification having substantially similar duties, responsibilities and qualifications, and substantially the same salary range.

SECTION 24: LAYOFFS

The Board of Directors shall have the right to reduce the work force and lay off employees due to lack of work.

SECTION 25: PROMOTIONS

Whenever a classified personnel vacancy exists, unless such vacancy is filled by competitive application, reinstatement or transfer, it shall be filled by closed promotional recruitment. If filled by closed promotional recruitments, vacancies shall be filled by any employee holding a position with a lower salary range meeting the job qualifications and serving in a position designated by

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the appointing authority as appropriate for promotional purposes. Closed promotion shall be based on performance, effectiveness, conduct, seniority, needs of the department (including

Affirmative Action Goals) and ability to perform properly the work of the higher position as determined through examination of employee's credentials, qualifications, and performance evaluations. Vacancies eligible to be filled by closed promotion shall be posted at all METRO offices, including the employee's normal workstation.

SECTION 26: PROBATIONARY PERIOD

All employees shall work in probationary status for 26 weeks following their anniversary date or until such other date as specified in the compensation plan or the executed collective bargaining agreement which applies to the position. During said period, employees may be terminated without notice or cause. Probationary employees shall otherwise accrue all other benefits specified in these Rules and Regulations for regular employees of METRO. The probationary period may be extended in an amount of time equal to periods of absence, provided written notification has been given to the employee.

The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work and for rejecting any probationary employee whose performance does not meet the required work standards of the position.

SECTION 27: EVALUATIONS

Evaluations shall be completed as specified below.

Standardized rating forms shall be designed for all classifications in order to accurately measure the job performance of employees. The evaluation system shall be reviewed periodically by the Human Resources Department

Evaluations shall be recorded only on METRO standardized rating forms by the supervisor of the employee. The purpose of the evaluation shall be to measure the quality and quantity of work performed, the conduct and work habits of the employee, and other factors having a bearing on their work performance, and shall establish performance goals and objectives for the next rating period.

The performance evaluation of all employees shall be completed in accordance with this section. The evaluation shall be part of the ongoing communication between the rater and the employee.

Evaluations shall be consistent with all the provisions of this section and shall be conducted as follows:

1. Probationary Period: Employees shall be evaluated just prior to the mid-point and near the end of their probationary period.
2. Annual Evaluation: All regular, non-probationary employees shall be evaluated at least annually prior to their anniversary date.

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3. Special Evaluation: An employee may be placed on special evaluation status at any time when performance problems exist. Regular employees receiving an annual performance evaluation with an overall rating of unsatisfactory, or otherwise determined not to meet the standards of the job, shall be placed on a special monthly evaluation schedule for a specified period of time. Once the employee attains an overall performance rating of satisfactory, they shall be removed from special evaluation status. The maximum time period than an employee can remain on special evaluation status is six consecutive months.

Employees who are unsuccessful in attaining an overall performance rating of satisfactory or better during the special evaluation period shall be subject to disciplinary action.

Special evaluations are in addition to, and do not replace the annual evaluation process.

Employees placed in special evaluation status shall be entitled to an administrative review of such action by the CEO/General Manager or their designee. Request for administrative review shall be submitted in writing to the CEO/General Manager within ten working days of placement of such status or any evaluation given thereunder.

Step increases, dependent upon satisfactory completion of the evaluation period, will be implemented only when the evaluation has an overall satisfactory or better performance rating.

SECTION 28: COMMENDATIONS AND COUNSELING

The purpose of a commendation shall be to recognize and encourage an employee's positive job performance. Employees may be commended orally or in writing. Written commendations shall be placed in the employee's Personnel File.

The purpose of counseling shall be to inform and advise employees of ways to improve job performance.

Counseling of employees, including counseling for which written records are kept by METRO, shall not be considered disciplinary action. Written records of counseling may only be placed in the official Personnel File of the employee as part of a formal disciplinary action, or as documentation to an evaluation.

SECTION 29: ADMINISTRATION OF COUNSELING, EVALUATION AND DISCIPLINARY ACTION

METRO shall employ a system of counseling, evaluations and progressive discipline to advise employees of their strengths and weaknesses and to ensure employees are performing the work required of them.

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This system shall include:

- A. Counseling and Evaluations:
 - 1. Counseling/Verbal Warning
 - 2. Periodic evaluations
 - 3. Placing an employee in special evaluation status

- B. Disciplinary Actions:
 - 1. Written reprimands
 - 2. Suspensions
 - 3. Demotions (non-voluntary)
 - 4. Terminations

These elements may be used together or independently to meet needs of METRO.

1. Disciplinary Actions

A. WRITTEN REPRIMAND

The appointing authority shall have the right to reprimand in writing an employee for any minor disciplinary cause as set forth in Section 30 of these Rules and Regulations. Such letters shall be filed in the employees Personnel File.

B. SUSPENSION

The appointing authority shall have the right to suspend an employee for a period of time appropriate for the cause of such action as set forth in Section 30. A suspension is a disciplinary action in which an employee is precluded from performing work activities for a specified period of time. A suspension may be with or without pay at the discretion of the appointing authority. While an employee is on suspension status, the

appointing authority may order that said employee shall receive no salary.

C. DEMOTION

The appointing authority may demote an employee. Said demotions may be disciplinary or non-disciplinary. A disciplinary demotion shall be one which occurs for disciplinary cause as set forth in Section 30. All other demotions shall be non-disciplinary, (e.g., voluntary or as the result of a reduction of force).

No employee shall be demoted to a classification for which they do not possess the minimum qualifications unless METRO provides training

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for the employees. If the demotion is a disciplinary action, the employee shall have all procedural rights set forth in Sections 29 and 33 hereof.

D. TERMINATION

The appointing authority may terminate an employee for any single serious violation of METRO policy or for any cause, or combination of causes, identified in Section 30 of these Personnel Rules and Regulations.

2. Application of Disciplinary Action

Any employee may be subjected to disciplinary action for just cause. Disciplinary action shall include being reprimanded in writing, being placed on suspension, being demoted and/or being terminated and/or any combination thereof:

Where the disciplinary action is for a suspension of more than five days, a demotion, or termination, the employee shall be given a written notice of the intent to take disciplinary action, including notice of the proposed effective date of said disciplinary action, the reasons for said action, charges, copies of materials relied upon, and notice of opportunity to respond prior to the imposition of said disciplinary action. The employee shall be given a written notice of action after the employee has been given the opportunity to respond. For a suspension of five days or fewer, the foregoing procedure shall apply except that the opportunity to respond need only be given within a reasonable time after the imposition of the disciplinary action.

Except as otherwise provided herein, discipline shall be administered as provided below:

- A. Written letters of reprimand may be issued for any minor disciplinary cause.
- B. An employee may be suspended, demoted or terminated for repeated minor disciplinary causes or for more major disciplinary causes for a period not exceeding six months.
- C. An employee may be suspended, demoted or terminated as a disciplinary action when job performance falls below satisfactory standards, or for other major disciplinary causes. An employee may be demoted for cause for a disciplinary action in lieu of or in addition to a suspension or termination. If demotion occurs as a result of unsatisfactory work performance, such demotion shall follow a minimum period of not less than three months of documented, less than satisfactory job performance while on special evaluation status.

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3. Failure to perform assigned duties or failure to meet satisfactory work standards for the position.
4. Carelessness or misconduct in the discharge of assigned duties, which shall include (without limitation) recurrence of chargeable accidents.
5. Selling, trading, exchanging, distributing, or providing to any person, any narcotics, drugs or alcohol while on duty or on METRO property or while wearing a METRO uniform off-duty and observable by the public.
6. Possession of any narcotics or hallucinogenic substances or open containers of alcohol while on duty or on METRO property or while wearing a METRO uniform off-duty and observable by the public.
7. Reporting to work intoxicated or under the influence of alcohol, prescribed or over-the-counter medications in excess of prescribed dosages or other non-prescribed hallucinogenic substances, or becoming intoxicated or influenced by narcotics, drugs or alcohol while on duty, or on METRO property, or while wearing a METRO uniform. If there is a reasonable suspicion that an employee is so intoxicated or under the influence and the employee refuses to take a sobriety test in accordance with established METRO procedures or refuses to release sobriety test results, they shall be considered to be under the influence.
8. The possession or use of any non-prescribed drug or use of a prescribed drug or narcotic which jeopardizes the safe operation of METRO equipment, or in any way endangers METRO employees or patrons or which violates any local ordinance or State or Federal law.
9. The consumption of alcohol or use of any narcotic, prescribed or non-prescribed, or hallucinogenic substance while in METRO uniform and observed by or observable by the public.
10. Actions, including misconduct, willful malfeasance or misfeasance, which reasonably could have an adverse effect on the public or on other METRO employees.
11. Possession or use of a weapon not authorized in writing by METRO while on duty or on METRO property.
12. Conviction of a felony while employed by METRO where the CEO/General Manager determines that continued employment of said employee would not be beneficial to METRO.
13. Conviction of any crime involving moral turpitude, immoral acts or crimes of an immoral nature, crimes involving the sale of illicit drugs

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and/or crimes involving children, or conviction of any crime performed while on duty.

14. Disobedience of any written METRO rule or regulation, policy, procedure or written department rule or regulation.
15. Violation of sick leave privileges, including use of sick leave for any reason other than those established in written operational procedures, collective bargaining agreements, or leave subject to statutory protection; an unscheduled absence that would otherwise violate METRO's attendance policy; or excessive absenteeism.
16. Dishonesty which shall include but not be limited to falsifying one's time card, falsifying claims for reimbursement, or lying on application forms.
17. Misrepresentation of the employee's authority to represent METRO.
18. Theft, or unauthorized use, or taking of METRO property including, but not limited to: tools, supplies, vehicles and equipment
19. Failure to maintain a neat, clean personal appearance as established in writing by the department and/or to dress in clothing appropriate for the employee's assigned duties including the proper wearing and maintenance of any uniform prescribed by METRO.
20. Failure to comply with written safety rules and procedures, including failure to use appropriate personal protective safety equipment.
21. Where employees are required as a part of their duties to represent METRO or to interact with the public or other employees, any act, habit, behavior, appearance, or combination of factors either on or off duty, that impairs the trust, safety or confidence, of the public or other employees as required of the employees to effectively perform their duties.
22. Mishandling, theft, or misappropriation of METRO fares, revenues, funds or monies.
23. For positions that require operation of METRO vehicles, loss of privilege of, suspension of, or failure to obtain or maintain appropriate driver's license required by local ordinance or state or federal law, except, however, where the loss of privilege of, or suspension of such license is for medical reasons and the employee is out on an approved medical leave.
24. Use of abusive or offensive language directed toward an employee or the public while on duty.
25. Violation of the California State Vehicle Code while operating a METRO vehicle.

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26. Failure to follow the orders of a police, fire protection, or peace officer while conducting METRO business or performing job duties.
 27. Where an employee functions in a supervisory capacity, failure to employ reasonable and accepted management or supervisory practices in the supervision and management of employees assigned to the supervisor.
 28. Assault and battery on another person while on duty or on METRO property.
 29. Unauthorized absence from duty or work station or failure to be in attendance at the employee's assigned work station at the time and place prescribed for the employee as defined in Section 30B of these regulations.
- B. Unauthorized absence from duty or work station shall include but not be limited to unexcused absence and unexcused lateness as defined in this section.
1. Unexcused absence is defined as being absent from duty for an entire work shift without prior authorization. An employee who remains out on an unexcused absence for 48 hours (two work shifts) or more without notification to their supervisor shall be considered to have voluntarily resigned.
 2. Unexcused lateness shall be defined as failure to be in attendance at the employees assigned work station at the time prescribed for the employee.

To ensure that a fair and equitable policy is established to control unexcused lateness consistent with the overall mission of METRO and its various subdivisions, the following rules shall be in effect. These rules shall apply to disciplinary action only, and shall be independent of the application of payroll procedures.

- a. For employees required to be on time to ensure continuity of bus service to the public the following policy shall be in effect.

Employees must report for their assignments within one (1) minute of their schedule report time or they will be charged with a miss-out. Employees calling in sick must notify their workstation at least sixty (60) minutes prior to their scheduled report time or they will be charged with a miss-out.

Disciplinary action for miss-outs shall be based on the following schedule. Miss-outs shall remain on an employee's record for six (6) months.

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One	(1)	Miss Out	Counseling/(non disciplinary)
Two	(2)	Miss Outs	Letter of Reprimand
Three	(3)	Miss Outs	One Day Suspension
Four	(4)	Miss Outs	Three Day Suspension
Five	(5)	Miss Outs	Subject to Termination

Employees who fail within one hundred eighty (180) minutes of their scheduled report time to report to work shall be charged with an additional miss-out for that day and shall be assessed an additional day's suspension.

Miss-Outs may be waived if an employee provides proof that they could not report on time due to the following:

1. Inability to report due to a statutorily protected absence
2. Involvement in automobile accident
3. Natural disaster (excluding power failures)
4. Scheduled failure of public transit
5. Traffic congestion due to accident or temporary construction.

Employees who fail to report as a result of METRO scheduling errors shall not be charged with a miss-out

- b. For employees required to be on time to ensure continuity of work products including the provision of vehicle servicing, maintenance of vehicles, maintenance of METRO facilities and equipment, and provision of dispatch and public information services, the following policy shall be in effect

Employees must report to their assignments within five minutes of their scheduled report time or they will be charged with a late arrival. Employees calling in sick are required to notify their department, or designated representative at least 60 minutes prior to their scheduled report time or they will be charged with a late arrival.

Disciplinary action for late arrivals should be based on the following schedule. Late arrivals shall remain on the employee record for six months.

One	(1)	Late Arrival	Counseling
Two	(2)	Late Arrivals	Counseling
Three	(3)	Late Arrivals	Written Reprimand
Four	(4)	Late Arrivals	One Day Suspension
Five	(5)	Late Arrivals	Three Day Suspension
Six	(6)	Late Arrivals	Subject to Termination

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Employees who fail within one hundred eighty (180) minutes of their scheduled report time to report to work or who fail to call in sick, or who fail to call in and obtain permission to come in later than one hundred eighty minutes, shall be charged with an additional late arrival for that day.

Late arrivals may be waived if an employee provides proof that they could not report on time due to one of the following:

1. Inability to report due to a statutorily protected absence
2. Involvement in an automobile accident
3. Natural disaster (excluding power failures)
4. Schedule failure of public transit
5. Traffic congestion due to an accident or temporary construction

Employees who fail to report as a result of METRO scheduling errors shall not be charged with a late arrival.

- c. For all other employees:

Employees who establish a pattern of unexcused lateness may be subject to disciplinary action.

- d. The unexcused lateness rule for each department or subdivision thereof as appropriate, shall be written and posted at or near the applicable employee workstation

SECTION 31: SEPARATION

Employees may be separated from service with METRO for reasons other than cause for disciplinary action. Separation may be by resignation, death, lay-off, retirement, work completion by provisional or temporary employees, or for other reasons.

SECTION 32: MEDICAL SEPARATION

The CEO/General Manager may separate employees from service with METRO in cases where the employee, due to physical disability or mental incapacity is unable to perform the duties of the position to which they are assigned; or in the cases where the employee has a protracted absence due to illness where the prospect of recovery within a reasonable period of time is not probable.

METRO shall make reasonable accommodation for an employee's physical disability or mental incapacity if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If the employee believes

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they need an accommodation because of their disability; the employee is responsible for requesting a reasonable accommodation from the Human Resources Department. The employee may make the request orally or in writing. After receiving the employee's oral or written request, the Human Resources Department will engage in an interactive dialogue with the employee to determine the precise limitations of the employee's disability and explore potential reasonable accommodations that could overcome those limitations. Individuals will not be retaliated against for requesting an accommodation in good faith. METRO expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith.

SECTION 33: APPEAL OF DISCIPLINARY ACTION TO THE BOARD OF DIRECTORS

A regular employee who is suspended, demoted or terminated and who is not covered by a separate appeal process of an existing collective bargaining agreement, shall have the right to file a written notice of appeal of said suspension, demotion or termination with the Secretary to the Santa Cruz METRO Board of Directors within ten (10) days after mailing of the notice of disciplinary action. The Santa Cruz METRO Board of Directors shall hear the appeal or may delegate the authority to conduct the hearing to an appointed personnel committee composed of members of the Santa Cruz METRO Board of Directors or to a hearing officer, but final determination shall be made by the Board of Directors. The determination of the Santa Cruz METRO Board of Directors shall be final. The judicial review of the Board of Directors' action shall be pursuant to the Code of Civil Procedure Section 1094.5 and subject to the time, limitations for filing set forth in the Code of Civil Procedure, Section 1094.6.

SECTION 34: SERVICE OF THE CEO/GENERAL MANAGER

The Board of Directors shall appoint the CEO/General Manager who shall have the responsibility for proper administration of METRO in accordance with state laws and such ordinances, resolutions and policies as may be established by the Board. The performance of the CEO/General Manager shall be evaluated annually by the Board of Directors.

The CEO/General Manager shall serve at the pleasure of the Board of Directors.

The Powers and duties of the CEO/General Manager shall include the authority and responsibility of administering these Personnel Rules and Regulations and of serving as the appointing authority for all METRO employees. The CEO/General Manager may designate in writing, in accordance with adopted METRO job descriptions, the authority to appoint, evaluate and discipline METRO employees.

SECTION 35: BENEFITS

Each employee of the Santa Cruz Metropolitan Transit District appointed to a classified personnel position shall receive, in addition to the salary or wage rate adopted for said position, benefits as identified in the executed Collective Bargaining Agreement, compensation plan or the specified group to which the employee belongs.

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SECTION 36: CONFLICT OF INTEREST/INCOMPATIBLE ACTIVITY

METRO is committed to achieving the highest standards of professionalism and ethical conduct in its operations and expects its employees to conduct their business according to the highest ethical standards of conduct and to comply with all applicable laws.

No employee of METRO shall engage in any arrangement or business, which constitutes a conflict of interest or incompatible activity in regard to said employee's position. A designated employee, as defined in METRO's adopted Conflict of Interest Code, shall disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee (except sources of gifts less than \$50) or upon any business entity in which the designated employee holds a position of management or is a director, officer, partner, trustee, or employee. METRO further prohibits all employees from using their position with METRO and its relationship with its customers, vendors, suppliers, or contractors for private gain or to obtain benefits for themselves or members of their family. No designated employee shall be prevented from making or participating in the making of any decision to the extents that their participation is legally required for the decision to be made.

If you become aware of any potential conflict of interest or ethical concern regarding your employment or another employee at METRO, you must promptly speak to, write or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, the next level above your direct supervisor as soon as possible. You should be as detailed as possible. METRO will investigate all concerns regarding conflicts of interest, determine whether a conflict of interest exists, and what action should be taken. METRO prohibits any form of discipline, reprisal, intimidation or retaliation for reporting a potential conflict of interest or violation of this policy or cooperating in related investigations.

SECTION 37: AFFIRMATIVE ACTION PROGRAM

The Santa Cruz METRO Board of Directors has adopted an Affirmative Action Program, which insures compliance with the Civil Rights Act of 1964, and Equal Opportunity Act of 1972.

It shall be the policy and practice of METRO to plan, implement and administer all personnel and employment policies, procedures and programs without regard to race, religion (including religious beliefs, observance and practice, and dress or grooming), color, national origin, ancestry, gender, sex (including pregnancy, childbirth, breastfeeding, or medical conditions related to pregnancy), sexual orientation, marital status, military or veteran status, age, genetic information, medical condition, or physical or mental disability when, with reasonable accommodation, the individual can perform the duties of the job. This policy shall apply to all employees, interns, and applicants for employment and to all aspects of employment including recruitment, selection, appointment, training, promotion, reclassification, transfer, demotion, termination, layoff, reinstatement, compensation and discipline.

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SECTION 38: REVIEW BY CEO/GENERAL MANAGER

Any employee who is dissatisfied with the application of the Personnel Rules and Regulations may submit in writing to the CEO/General Manager such notice of dissatisfaction or concern for review.

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-3018

Computer Title: RsAccmd

Effective Date: February 25, 2013

Pages: 21

TITLE: REASONABLE ACCOMMODATION PROCESS AND PROCEDURES FOR METRO EMPLOYEES AND APPLICANTS

Procedure History

NEW POLICY
February 25, 2013

SUMMARY OF POLICY
New Policy

APPROVED



I. POLICY

- 1.01 The Santa Cruz Metropolitan Transit District (METRO) prohibits discrimination against a qualified individual with a disability in all aspects of employment, including recruitment, selection, assignment, transfer, promotion, discharge, compensation, benefits, and training. The duty to make reasonable accommodations is an essential component of the duty not to discriminate. It is founded on a recognition that mere equal treatment may have unequal results—because many (but not all) persons with disabilities need reasonable accommodations to receive equal opportunities.
- 1.02 METRO has implemented this Reasonable Accommodation Process and Procedures for METRO employees and job applicants in order to meet its obligations under Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990, the California Fair Employment and Housing Act (FEHA), and any other applicable State or Federal legislation. It is METRO's intent to comply with federal and state laws.
- 1.03 This policy will assist METRO in processing requests for reasonable accommodation in a prompt, fair and efficient manner, while informing METRO employees and job applicants about their rights and responsibilities pursuant to the applicable federal and state laws and regulations.
- 1.04 METRO's determination to provide a reasonable accommodation to a qualified individual with a disability, a qualified individual with a medical condition as defined by this regulation, and/or a qualified individual who is a member of a protected class and is entitled by virtue of that class to a reasonable accommodation will be made on a case-by-case basis.

II. APPLICABILITY

- 2.01 This Policy applies to all METRO employees and METRO job applicants.

III. DEFINITIONS

- 3.01 **“Essential Functions”** means the fundamental job duties of the employment position the individual with a disability holds or desires. “Essential Functions” does not include the marginal functions of the position. A function is considered essential if: (1) the position exists to perform that function; (2) there are a limited number of employees available to whom the job function can be distributed; or (3) the function is highly specialized.
- 3.02 **“Impairment”** means a disability that limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, and caring for oneself, learning or working.
- 3.03 **“Individual with a Disability”** means an individual who has a physical or mental impairment that makes performance of one or more major life activities difficult; a person with a record of such impairment; or a person who is regarded as having such impairment.
- 3.04 **“Interactive Process”** means consulting with a qualified individual with a disability (see Section 3.08) to ascertain the precise job-related limitations and how these limitations could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness.
- 3.05 **“Medical Condition”** means any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic.
- 3.06 **“Mental Disability”** means having a mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities that limit major life activities. “Mental Disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- 3.07 **“Physical Disability”** means having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of several body systems and limits a major life activity. The body systems affected include the neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine systems. A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity such as working, if it makes the achievement of the major life activity difficult. “Physical Disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or

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psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

- 3.08 **“Qualified Individual with a Disability”** means an individual with a disability who (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the position that such individual holds or desires with or without a reasonable accommodation.
- 3.09 **“Reasonable Accommodation”** is any change or adjustments to a job or work environment that enables a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.
- 3.10 **“Undue Hardship”** means that a specific accommodation would require significant difficulty or expense. Factors to be considered in determining whether an accommodation would cause undue hardship include:
- a) Nature and cost of the accommodation needed;
 - b) Overall financial resources of METRO in the provision of the reasonable accommodation, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of METRO business;
 - c) Overall financial resources of METRO, the overall size of the business with respect to the number of employees, and the number, type, and locations of its facilities;
 - d) The type of operations, including the composition, structure, and functions of the workforce of the employer; and
 - e) The geographic separateness, administrative or fiscal relationship of the facility or facilities.
- 3.11 **“Working Days”** any day the Santa Cruz METRO Administrative offices are open for business.

IV. STANDARDS

- 4.01 METRO will make reasonable accommodations to the known physical and mental limitations of otherwise qualified applicants or employees with disabilities, unless METRO can demonstrate that the accommodation would cause an undue hardship.
- 4.02 METRO provides reasonable accommodations in the following employment areas: (1) to insure equal opportunity in the application process; (2) to enable a qualified individual with a disability to perform the essential functions of a job; and (3) to enable an employee with a disability to enjoy equal benefits and privileges of employment.

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- 4.03 METRO may ask an employee/job applicant who requests an accommodation to provide reasonable documentation about his/her disability and functional limitations from an appropriate professional (i.e., a licensed doctor, social worker, or rehabilitation counselor). METRO is entitled to know that an employee/job applicant has a covered disability that requires a reasonable accommodation. METRO may request supplemental documentation when the information already submitted is insufficient to document the disability and/or the functional limitations it causes. Failure to provide necessary documentation where it has been properly requested could result in a denial of reasonable accommodation. METRO may choose to have the medical information received reviewed by a medical expert chosen by METRO, at METRO's expense.
- 4.04 METRO may request information or documentation from an individual requesting a reasonable accommodation regarding the following:
- 1) The nature, severity, and duration of the individual's impairment;
 - 2) The activity or activities that the impairment limits;
 - 3) The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or
 - 4) Why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.
- 4.05 METRO will not provide an accommodation for individuals with sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs, as these are specifically excluded and are not protected physical or mental disabilities under the ADA or FEHA.
- 4.06 A reasonable accommodation must be an effective accommodation. However, METRO is not obligated to choose the best accommodation or the accommodation the employee seeks i.e. the employee is not entitled to the accommodation that he/she deems ideal. If there are two reasonable accommodations available, one of which is more costly or burdensome than the other, METRO may choose the less costly or less burdensome accommodation so long as it is effective.
- 4.07 METRO may select the reasonable accommodation that is easiest to provide from among two or more accommodations, which are effective. When more than one reasonable accommodation is effective, and both are similar as they relate to cost and burden on METRO, then the "preference" of the individual with a disability will be given primary consideration.
- 4.08 When possible and not an undue hardship, METRO has to reduce only those barriers related to the person's disability for him/her to be able to participate in the employment

application process, perform the essential functions of the job, or to enjoy a benefit of the workplace. METRO does not have to provide other adjustments simply because the individual prefers them. METRO does not have to provide an accommodation that is primarily for personal use. For example, METRO is not required to provide a guide dog, wheelchairs, glasses or hearing aids.

- 4.09 The duty to provide a Reasonable Accommodation is ongoing and may arise or change whenever there is a change in a person's job duties or disability. Reasonable Accommodation should be considered a process, rather than an event. METRO encourages those who have been granted a reasonable accommodation to maintain an ongoing dialog with the HR Manager or his/her designee regarding the disability and his/her ongoing need for a reasonable accommodation.
- 4.10 METRO will maintain all Reasonable Accommodation documentation, medical examinations and information from inquiries about a disability in a confidential manner, as required or permitted by law.
- 4.11 METRO will not release or disclose any information in files, except in accordance with State and Federal laws. METRO may disclose information in files to supervisors and managers who need to be aware of necessary restrictions on the work or duties of the employee and about the necessary accommodations that the employee requires.

V. REASONABLE ACCOMMODATION PROCESS

- 5.01 The reasonable accommodation process is a 'good faith interactive process' in which the Human Resources (HR Manager) or his/her designee and the qualified individual with a disability discuss and arrange (if possible) for the necessary and reasonable accommodations that the qualified employee/job applicant may require in order to be able to perform the essential functions of the job, or in order to participate in the employment application process. The purpose of the interactive process is to bring the two parties together to speak freely and to determine whether a reasonable, mutually satisfactory accommodation is possible to meet their respective needs. Generally, the affected Manager or Supervisor participates in the meetings in order to more fully explore the essential functions of the job. An employee may choose to bring a representative (i.e., union representative, family member, or attorney) to the reasonable accommodation meetings.
- 5.02 METRO utilizes a 6-step process for determining reasonable accommodation as follows:

STEP 1: IDENTIFICATION/VERIFICATION OF DISABILITY

The employee or job applicant identifies his/her disability as a covered disability under Federal and/or State law, and requests a reasonable accommodation in order to perform his/her position and/or participate in the employment application process (see attached *Reasonable Accommodation Request Form*). *Medical verification of disability is usually required.

STEP 2: DETERMINE ESSENTIAL FUNCTIONS OF POSITION

The HR Manager or his/her designee, and the employee together analyze the particular job involved, determine its purpose and identify and distinguish between essential and nonessential or marginal job tasks. A job analysis may be helpful in this process. The HR Manager or his/her designee and the job applicant analyze the application process.

STEP 3: DETERMINE HOW THE DISABILITY LIMITS THE INDIVIDUAL'S ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS

The HR Manager or his/her designee, together with the employee/job applicant will determine how the individual's disability limits his/her performance of the essential functions required for the position and/or his/her participation in the employment application process. This interactive process allows METRO to learn the nature and type of disability and to fully understand the specific abilities and limitations of the individual. It is the employee's and/or applicant's responsibility to understand his/her own physical and/or mental condition well enough to present METRO at the earliest opportunity with a concise list of restrictions, which must be met to accommodate the employee.

The ADA requires a highly fact specific analysis whether a particular employee/ applicant with a disability can perform the essential functions required for the position with or without a reasonable accommodation.

STEP 4: IDENTIFY POSSIBLE REASONABLE ACCOMMODATIONS

A reasonable accommodation is one that effectively enables an individual with a disability to perform the essential functions of the job or participate in the employment application process. METRO's HR Manager or his/her designee, and the employee/job applicant will identify possible reasonable accommodations. METRO will assess the reasonableness of each accommodation identified. What are the degrees of effectiveness for the disabled individual and of hardship imposed on METRO? If the qualified individual with a disability refuses a necessary reasonable accommodation, the individual may be considered not qualified for that position. If METRO determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his/her position, reassignment to a vacant position will be considered as a reasonable accommodation.

STEP 5: SELECT AND IMPLEMENT AN ACCOMMODATION THAT IS REASONABLE, EFFECTIVE, AND WILL NOT CREATE AN UNDUE HARDSHIP ON METRO

In conjunction with the affected Manager, METRO's HR Manager will select and implement the reasonable accommodation and will continue to monitor the effectiveness of the reasonable accommodation and determine if a re-evaluation of the reasonable accommodation is necessary due to changes in the employee's condition or workplace factors.

STEP 6: ASSESS THE EFFECTIVENESS OF THE SELECTED ACCOMMODATION

METRO's reasonable accommodation process is an interactive process in which the employee must also continue to engage to advise METRO regarding the effectiveness of the accommodation provided, identify possible alternatives, or additional accommodations, as necessary.

- 5.03 Once a reasonable accommodation has been approved for an individual employee with a disability, the employee may obtain the accommodation by notice to his/her Manager/ Supervisor or to the HR Manager without submitting an additional written request for the same accommodation.

VI. TYPES OF REASONABLE ACCOMMODATION

- 6.01 Examples of reasonable accommodations include, but are not limited to:

- 1) Making existing facilities accessible to and usable by individuals with disabilities;
- 2) Restructuring the job;
- 3) Modifying the work schedule;
- 4) Acquiring or modifying equipment or devices;
- 5) Installing new equipment or devices;
- 6) Providing qualified readers or interpreters;
- 7) Appropriate modification of the application and examination procedures and training materials;
- 8) Reassignment to a vacant position for which the employee is qualified; or
- 9) Authorizing a Leave of Absence.

- 6.02 Accommodations that would *not be considered reasonable accommodations* in accordance with this policy include:

- 1) Eliminating a primary job responsibility;
- 2) Lowering productivity standards that are applied to all employees;
- 3) Excusing a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity.

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- 6.03 METRO will consider reassignment as a reasonable accommodation, if METRO determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his/her position.
- 6.04 Reassignment will be made only to vacant positions and to METRO employees who are qualified for the new position. If the employee is qualified for the position, he/she may be reassigned to the job and will not have to compete for it. METRO will consider not only those contemporaneously available positions but also those that will become available within a reasonable period. Reassignment may be to a lower position at lower pay if nothing comparable is available. An employee's requested accommodation will ordinarily be considered unreasonable if METRO can show that the accommodation conflicts with its seniority rules.
- 6.05 If METRO finds that a particular accommodation would cause an undue hardship on METRO, then the HR Manager and the individual with a disability will try to identify another accommodation that will not pose such a hardship upon METRO.
- 6.06 If cost causes the undue hardship, METRO will consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by State or Federal tax credits or deductions.
- 6.07 METRO will also provide the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.
- 6.08 The Job Accommodation Network (JAN) is a free, confidential information and consulting service from the U.S. Department of Labor's Office of Disability Employment Policy that provides individualized solutions for accommodating employees and applicants with disabilities. JAN's website lists numerous ideas for reasonably accommodating a wide variety of physical and mental disabilities. METRO staff and the affected employee are encouraged to utilize this website.

VII. PROCEDURES FOR REQUESTING AN ACCOMMODATION

- 7.01 An individual with a disability, his/her family member, his/her representative, an employee's supervisor, or an employee's Manager may initiate requests for reasonable accommodation. Reasonable accommodation requests may be made orally or in writing to an employee's Supervisor, Manager, the Human Resources Department, the Assistant General Manager or the General Manager. Upon receipt of a reasonable accommodation request, the recipient shall immediately report the matter to the HR Manager or his/her designee.
- 7.02 Usually, the person needing an accommodation must request one. However, if a METRO Manager/Supervisor knows that an employee has a disability that prevents performance of current job duties, he/she has an affirmative duty to report the situation to the HR

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Manager or his/her designee so that the Reasonable Accommodation Process can be explored.

- 7.03 METRO will determine whether to grant or deny an employee's request for accommodation as soon as practicable, but no later than 15 working days (absent extenuating circumstances) from the date METRO receives all information necessary to make the determination.
- 7.04 *A Reasonable Accommodation Request Form (Attachment A)* may be completed and returned to the HR Manager. If an employee requires assistance to complete the *Reasonable Accommodation Request Form*, please contact the Human Resources Department for assistance. Thereafter, the Reasonable Accommodation Process will be followed. The HR Manager may use *Attachment B* to assist with the interactive process.
- 7.05 All denials for a reasonable accommodation will be in writing and will specify the reasons for the denial in plain language with as much specificity as possible and shall identify the employee who made the decision. If a reasonable accommodation is denied due to undue hardship, METRO will explain how the requested accommodation creates an undue hardship.
- 7.06 Where METRO has denied a specific requested reasonable accommodation but offered to make a different one in its place, the notification shall explain both the reason for the denial of the requested accommodation and the reasons that it believes that the chosen accommodation will be effective.
- 7.07 Any METRO denial must notify the individual that he/she has a right to file a complaint with the Equal Employment Opportunity Commission and the Fair Employment and Housing Commission. METRO will also include its own complaint appeals process.

VIII. APPEAL OF METRO'S REASONABLE ACCOMMODATION DECISION

- 8.01 Any METRO employee or job applicant, who has requested a reasonable accommodation and believes that he/she has been wrongly denied an accommodation, may appeal METRO's reasonable accommodation decision by filing a formal complaint with METRO within 10 working days of receiving the final Reasonable Accommodation determination. Attached is an *Appeal Form for Reasonable Accommodation (Attachment C)* that may be used when filing an appeal with METRO.
- 8.02 The METRO employee or job applicant shall include his/her name, a brief description of the disability/limitation, the job function that cannot be performed, the requested accommodation, and the reasons that the individual feels that the accommodation should be reconsidered. The employee or job applicant shall sign and date the document to attest to the accuracy of the information. The complaint should be directed to any of the following individuals who are required to keep the information confidential:

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1. Santa Cruz METRO
110 Vernon Street
Santa Cruz, CA 95060
Attn: General Manager
(831) 426-6080 phone (TDD 711 (TTY/Voice))
(831) 426-6117 fax
lwhite@scmtd.com

2. Santa Cruz METRO
110 Vernon Street
Santa Cruz, CA 95060
Attn: Human Resources Manager
(831) 426-6080 phone
(831) 426-6117 fax

- 8.03 If an individual is unable to submit a written appeal, because of a disability, he/she may contact Santa Cruz Metro's Claims Investigator at (831) 426-6080 extension 1603, who will tape record the conversation with the individual's knowledge and consent. The individual making the appeal must identify himself/herself (for verification purposes only) and provide all other necessary information in order for the appeal to be processed. The appeal will be mailed to the individual for verification and signature (if possible). The appeal will not be processed until the appeal is received back by Santa Cruz Metro, signed by the individual or, if unable because of a disability to sign the form, by the representative, as verification of its accuracy. Santa Cruz METRO encourages employees to file their appeal as soon as possible, but no later than 180 days from the date of the reasonable accommodation or denial.
- 8.04 If the appeal for a reasonable accommodation request is received by anyone besides the General Manager, the individual in receipt of the appeal shall forward it to the General Manager or his/her designee within 2 working days of receipt. The General Manager or his/her designee shall immediately provide a copy to the HR Manager and the Santa Cruz METRO Manager who supervises the employee, or interviewed the job applicant.
- 8.05 The General Manager shall promptly review the appeal and investigate the employee or job applicant's requested accommodation. The General Manager will review the original *Reasonable Accommodation Request Form (Attachment A)*, all medical documentation, the completed *Reasonable Accommodation Worksheet (Attachment B)*, and any other relevant documentation provided by the employee/applicant. The General Manager may cause interviews of persons' having relevant information to be conducted in order to obtain any other necessary information. Thereafter, the General Manager shall prepare a written response within 10 working days of his/her receipt of the appeal. The General Manager may consult with the appropriate Santa Cruz METRO Manager in preparation of his/her response to the employee or job applicant's appeal.

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- 8.06 If the employee/job applicant is not satisfied with the findings and/or action of the General Manager or his/her designee, then the employee/job applicant may file his/her complaint together with any other supporting documentation within 5 working days of his/her receipt of the results of the General Manager's investigation, with the Chair of the Board of Directors by providing it to the Administrative Services Coordinator, 110 Vernon Street, Santa Cruz, CA 95060. The Chair of the Board of Directors, upon review of the requested accommodation, shall take appropriate action, as necessary. The employee/job applicant shall be notified of what actions, if any, will be taken as a result of the review by the Chair within 10 working days of the Chair's notification that the employee/job applicant is not satisfied with the results of the General Manager's investigation.
- 8.07 The timelines applicable to this procedure may be waived by the General Manager if he/she finds that there is good cause for a waiver.
- 8.08 METRO shall retain documents arising out of the grievance procedure for at least three (3) years and the General Manager or his/her designee shall maintain relevant information in a database in a confidential manner.
- 8.09 Any METRO employee or job applicant who feels that his/her request, or appeal for a reasonable accommodation was not handled in a fair and efficient manner may file a charge with the appropriate state or federal agency as listed in Section 10 of this regulation.

IX. DISCRIMINATION IN EMPLOYMENT

- 9.01 A METRO employee who believes that he/she has not been treated in accordance with this policy or any applicable law relating to accommodating an individual with a disability should immediately contact his/her Manager, the HR Manager, the Assistant General Manager or the General Manager.
- 9.02 A METRO employee, who believes that he/she has been discriminated against based on his/her disability, including not being provided with an effective reasonable accommodation policy, can file a charge with the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC is responsible for the provisions of the ADA, which prohibit discrimination in employment. Complaints are generally required to be filed within 180 days of the alleged incident. The EEOC will then "dual file" the charge with the Department of Fair Employment and Housing (DFEH).

X. REASONABLE ACCOMMODATION RESOURCES

- 10.01 **U.S. Equal Employment Opportunity Commission (EEOC)** has many free documents on the provisions of the ADA and the reasonable accommodation process. The local EEOC office is located at: 96 N. Third Street, Suite 250, San Jose, CA 95112.

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You can contact the EEOC office to seek information or to file a charge at:

1-800-669-4000 (Voice) 1-800-669-6820 (TTY)
or go to their website <http://www.eeoc.gov>

10.02 **Department of Fair Employment and Housing (DFEH)** forbids employment discrimination against an individual because of his/her disability. The DFEH handles complaints for alleged violations of the Fair Employment and Housing Act. There are three options available to file your complaint. You can:

1. Use the Department's online system to file immediately www.dfeh.ca.gov, if you have a visual impairment, please call (800) 884-1684; or
2. Call the communication Center at (800) 884-1684; or
3. Request the appropriate complaint form to print and mail. Allow additional time for mail and processing.

You can contact the DFEH to seek information or to file a charge at:

800-884-1684 (Voice) 800-700-2320 (TTY)

10.03 **Job Accommodation Network (JAN)** can provide free information about many types of reasonable accommodation.

You can contact JAN at:

1-800-526-7234 (Voice) 1-877-781-9403 (TTY)
or go to their website <http://askjan.org/>

10.04 **Registry of Interpreters for the Deaf** offers information on locating and using interpreters and translation services.

For further information, contact:

(703) 838-0030 (Voice) (703) 838-0459 (TTY)
Hours: (Mon-Fri) 9:00 am to 5:00 pm EST
or by email: info@rid.org

10.05 **Rehabilitation Engineering and Assistive Technology Society of North America (RESNA)** can refer individuals to projects in all 50 states. Contact RESNA at:

(703) 524-6686 (Voice) (703) 524-6630 (Fax)
Hours: (Mon-Fri) 9:00 am to 5:00 pm EST
or go to their website <http://www.resna.org/>

XI. ADMINISTRATION OF REGULATION

11.01 In accordance with this policy and direction from the Human Resources designee, each METRO Department Manager is responsible to administer within his/her department the Reasonable Accommodation Process and Procedures.

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- 11.02 The HR Manager will process and/or oversee all requests for accommodation from METRO employees and applicants, in accordance with this policy.
- 11.03 The HR Manager will ensure that METRO's systems of record keeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulations. Any confidential medical records shall be segregated from personnel files and kept separately.
- 11.04 The HR Manager must be able to identify the following information:
- a) the number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied;
 - b) the jobs for which reasonable accommodations have been requested;
 - c) the types of reasonable accommodations that have been requested for each of those jobs;
 - d) the number and types of reasonable accommodations for each job, that have been approved, and the number and types that have been denied;
 - e) the number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
 - f) the reasons for denial of requests for reasonable accommodation;
 - g) the amount of time taken to process each request for reasonable accommodation; and
 - h) the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
- 11.05 METRO will integrate the Reasonable Accommodation Process and Procedures into its policies and procedures.

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT



Date Stamp:

Attachment A

REQUEST FOR REASONABLE ACCOMMODATION

*The Human Resources Manager can assist you in completing this form. Just Ask

A. Personal Information.

Employee Name:

Job Title:

Manager's Name:

Phone No. at which you would like to be contacted:

B. Questions to document the Disability.

What limitation/impairment is interfering with your ability to perform your job or access an employment benefit? *(Please explain)*

Is your condition progressive, stable or unpredictable? *(Please explain)*

What essential functions of your job are you unable to perform or having difficulty performing?
(Please explain)

Have you spoken about your needs to a Supervisor or Manager? Yes No
If yes, please describe the conversation.

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C. Questions to document the reason for the requested accommodation.

What, if any job functions/tasks are you having difficulty performing? *(Please explain)*

What, if any, employment benefits are you having difficulty accessing? *(Please explain)*

D. Questions to clarify accommodation requested.

What specific accommodation are you requesting? *(Please explain)*

If you are requesting a *specific accommodation*, how will that accommodation assist you?
(Please explain)

If you are not sure what accommodation is needed, do you have any suggestions about possible accommodations we can explore? Yes No

If yes, please explain.

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Is your accommodation request time sensitive? Yes No

If yes, please explain.

Have you had any accommodation in the past for this same limitation?

Yes No

If yes, what were the accommodations, and how effective were they?

E. Other.

Please provide any additional information that might be useful in processing your accommodation request:

Signature of Employee

Date

***When complete, please return this form to the Human Resources Manager by interoffice mail, or U.S. Mail.**

Cc: Legal Dept

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REASONABLE ACCOMMODATION WORKSHEET

EMPLOYEE NAME: _____

DATE: _____

Good Faith Interactive Process: You have requested an accommodation in connection with your work based on a physical or mental impairment. METRO believes the best way to determine if a reasonable accommodation exists is to engage in a good faith interactive process in the hope that an effective accommodation will be identified. Options may include, but are not limited to: a modified work schedule; a leave of absence; reassignment; modified equipment; assistive devices; modification of existing facilities and restructuring of the job. This process cannot guarantee that an effective accommodation will be identified. However, by your participation in this process, we can be assured that all alternatives have been fairly considered.

The process involves six steps:

- STEP 1:** Identification/Verification of the Disability.
- STEP 2:** Determine Essential Functions of Position.
- STEP 3:** Determine how Disability Limits the Individual's Ability to Perform the Essential Functions.
- STEP 4:** Identify Possible Reasonable Accommodations.
- STEP 5:** Select and Implement an Accommodation that is Reasonable, Effective, and will not create an undue hardship on METRO.
- STEP 6:** Assess the Effectiveness of the Selected Accommodation.

Below is a worksheet that will focus on each of these Steps. The information collected will assist us in identifying a reasonable accommodation for you. METRO thanks you for your cooperation.

STEP 1 – Identification/Verification of Disability

A. What is the disability/impairment? _____

B. Attach Health Care Provider Certificate that verifies disability.

STEP 2 – Determine Essential Functions of Position

- A. Attach Job Analyses/Job Description.
- B. List additional job functions that should be included or excluded:
 - 1. _____
 - 2. _____
 - 3. _____
 - 4. _____

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C. Does this accurately describe the functions of your job? Yes No

STEP 3 – Determine How Disability Limits the Individual’s Ability to Perform the Essential Functions

A. Identify what job functions you are currently unable to perform.

1. _____
2. _____
3. _____
4. _____

B. Identify any barriers to job performance.

1. _____
2. _____
3. _____
4. _____

C. Attach Health Care Provider Certificate that verifies these limitations. The employee is responsible for providing medical documentation to assist in understanding the nature of the employee’s functional limitations. *When necessary, METRO may require that the employee be examined by a METRO appointed healthcare provider at METRO’s expense.

STEP 4 – Identify Possible Reasonable Accommodations

A. What suggestions do you have that will accommodate your limitations so you can perform the essential functions of the job? _____

B. What suggestions does METRO have that will accommodate you limitations so you can perform the essential functions of the job? _____

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C. Additional ideas and suggestions to be considered. _____

D. Outside resources consulted. _____

STEP 5 – Select and Implement an Accommodation that is Reasonable, Effective and will not create an undue hardship on METRO

A. The accommodations identified above are either effective or ineffective because: _____

B. The accommodations selected are as follows:

1. _____
2. _____
3. _____
4. _____

C. The accommodations proposed are not acceptable for the following reasons. _____

Manager's Signature

Date

Employee's Signature

Date

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STEP 6 – Assess the Effectiveness of the Selected Accommodation

A. Within 2-3 weeks, the Manager and the employee meet and determine the actual effectiveness of the accommodation as follows: _____

B. The implemented accommodation is effective? Yes No

C. If the implemented accommodation is not effective, then obtain a new **Reasonable Accommodation Worksheet** and go through the Six Steps in the Reasonable Accommodation process.

Manager's Signature

Date

Employee's Signature

Date

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Attachment C

APPEAL FORM FOR REASONABLE ACCOMMODATION

EMPLOYEE NAME: _____ DATE: _____

JOB TITLE: _____ TELEPHONE: _____

1. Please provide a brief description of your disability/limitation and the requested accommodation and the reasons you feel that the accommodation should be reconsidered by METRO. _____

2. What job functions/tasks are you having difficulty performing?

a. _____

b. _____

c. _____

3. Have you had any accommodation in the past for this same disability/impairment?

Yes No If yes, please describe the accommodation that was previously provided:

4. Is there any additional information that might be useful in processing this appeal for a reasonable accommodation? Anything further that METRO should be aware of prior to reviewing your appeal?

Employee's Signature

Date

***Please attach all relevant documentation.**

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-3017

Computer Title: Discrim-Harass.doc

Effective Date: February 16, 2010

Pages: 10

**TITLE: POLICY AGAINST UNLAWFUL DISCRIMINATION,
HARASSMENT AND RETALIATION**

Procedure History

REVISION DATE	SUMMARY OF REGULATION	APPROVED
February 26, 2010	New Policy	L.W.
September 25, 2013	Update DFEH Address	L.W.

I. POLICY

- 1.01 The Santa Cruz Metropolitan Transit District (hereinafter METRO) believes in respecting the dignity of every employee and expects every employee to show respect for all of METRO's employees, passengers, customers and vendors. Respectful, professional conduct furthers METRO's mission, promotes productivity, minimizes disputes, and enhances METRO's reputation. Accordingly, this policy forbids any unwelcome conduct in the workplace that is based on an individual's age, ancestry, citizenship, color, genetic characteristics, marital status, national origin, political affiliation, pregnancy, childbirth or related medical conditions, race, religion, sex or gender, perceived sex or gender, sexual orientation (including homosexuality, heterosexuality, or bisexuality), military or veterans' status, physical or mental disability, or medical condition. This policy also includes unwelcome conduct based on a perception that the individual is associated with a person who has/is perceived to have any of the above characteristics. This includes any unwelcome conduct against a METRO employee, contractor or applicant because of his/her participation in protected activities, or participation in a METRO investigation or hearing.
- 1.02 In addition, this policy prohibits discrimination and harassment on any other basis protected by federal, state or local law, ordinance or regulation. METRO is committed to providing a work environment that is free of discrimination/harassment/retaliation and, therefore, METRO strongly disapproves of and will not tolerate discrimination/harassment/retaliation of any person in the workplace.
- 1.03 Unlawful discrimination/harassment/retaliation are prohibited and will not be tolerated by METRO. Complaints of unlawful discrimination/harassment/retaliation will be promptly investigated and if confirmed, appropriate disciplinary action up to and including termination will be taken.

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- 1.04 Each METRO employee, including managers and supervisors, shall refrain from unlawful discrimination/harassment/retaliation against other METRO employees and/or members of the public based on race, religion, color, national origin, ancestry, physical or mental disability, genetic characteristics, medical condition, marital status, sex, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or pregnancy, childbirth or related medical conditions or because of participation in protected activities. Each METRO employee shall make good faith efforts to prevent and/or stop unlawful discrimination and harassment from taking place.
- 1.05 Federal and state laws and this METRO regulation also prohibit retaliation against anyone who has exercised his/her rights in accordance with federal, or state laws or under this Regulation, and/or has provided information, assistance or testimony because someone else is exercising his/her rights under this Regulation and/or federal and state laws. Any adverse conduct/action taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited.
- 1.06 METRO will not tolerate, condone or trivialize unlawful discrimination/harassment/retaliation in any form. METRO has a zero tolerance for any conduct that violates this Regulation. Conduct need not arise to the level of a violation of law in order to violate this Regulation. Instead, a single act can violate this Regulation and provide grounds for discipline or other appropriate sanctions.
- 1.07 The objectives of this Regulation are to promote equal opportunity and to assist all persons in understanding their rights, duties and obligations so as to facilitate achievement of compliance with this Regulation and federal and California laws and regulations.

II. APPLICABILITY

- 2.01 This regulation is applicable to all METRO employees, applicants for METRO employment, and METRO contractors.
- 2.02 If a METRO employee engages in unlawful discrimination/harassment/retaliation in violation of this regulation he/she shall be subject to disciplinary action up to and including employment termination.
- 2.03 If an individual who is not a METRO employee engages in unlawful discrimination/harassment/retaliation against a METRO employee, METRO will take such action as is allowed given METRO's control and other legal responsibilities METRO has with respect to the conduct of such non-employee.
- 2.04 This regulation applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.
- 2.05 This regulation is applicable at all METRO locations, and facilities, including all forms of METRO correspondence (i.e.: email, phones, and interoffice mail), METRO-sponsored meetings, public hearings, social or other events, as well as activities at which an

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employee represents METRO. METRO employees are required to follow this regulation while performing their duties and responsibilities for METRO, while in METRO uniform, and when providing services to the public on METRO's behalf.

- 2.06 METRO takes a proactive approach to potential violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

III. DEFINITIONS:

- 3.01 **Discrimination** This regulation prohibits treating individuals differently because of the individual's protected classification as defined in this regulation.

- 3.02 **Harassment** may include, but is not limited to, the following types of behavior that is taken because of a persons' protected classification. Note that harassment is not limited to conduct that METRO's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or members of the public.

a.) **Offensive verbal conduct** such as epithets, derogatory jokes, comments or slurs, insulting sounds, unwanted sexual innuendos, advances, or propositions and/or graphic, suggestive or obscene comments, letters, notes or invitations, or propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification or race-oriented stories and jokes.

b.) **Offensive or Otherwise Unwelcome Physical Conduct** such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement on the basis of a protected classification. This includes pinching, brushing against another's body, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts or otherwise interfering with another's work based on any protected basis.

c.) **Offensive Visual Conduct** derogatory and/or sexually suggestive images, posters, pictures, photography, cartoons, emails, drawings or gestures, related to a protected classification.

d.) **Unwanted sexual advances** requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to, or rejection of, the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment, act of systematic, and/or continued unwanted and annoying actions of one party or a group, including threats and demands, consisting of verbal, physical or visual threats and demands. Harassment can include jokes, slurs, innuendoes, and the display of cartoons, posters, or other materials. Harassment can include nonviolent and/or violent events that can be interpreted as degrading,

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threatening, and offensive that can be perceived to create an abusive and/or hostile work environment.

- 3.03 **Protected Classifications** This Regulation prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, national origin, ancestry, physical or mental disability, genetic characteristics, medical condition, marital and parental status, sex, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or pregnancy, childbirth or related medical conditions or because of participation in protected activities.
- 3.04 **Retaliation** Any adverse action taken because an applicant, employee, contractor or a member of the public has reported harassment or discrimination or has participated in the complaint and/or investigation process described herein or the investigation/complaint process proscribed by Federal or California law.

IV. STANDARDS:

- 4.01 Guidelines for Identifying Harassment: To help clarify what constitutes a violation of this Regulation the following guidelines must be followed:
- a.) Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
 - b.) It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
 - c.) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
 - d.) Visual, verbal, and/or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee or contractor who observed the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- 4.02 Managers and Supervisors are responsible for:
- a.) Informing employees of this Regulation;
 - b.) Modeling appropriate behavior;
 - c.) Taking all steps necessary to prevent harassment/discrimination/retaliation from occurring;
 - d.) Receiving complaints in a fair and serious manner and reporting the complaint to the Human Resources Manager, or METRO's District Counsel, as appropriate.

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- e.) Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language;
- f.) Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals;
- g.) Informing those who complain of harassment/discrimination/retaliation of his/her option to contact the Equal Employment Opportunity Commission (EEOC) or Department of Fair Employment and Housing (DFEH) regarding alleged violations;
- h.) Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Regulation and the Complaint Procedure;
- i.) Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with METRO's Personnel Rules and Regulations, up to and including discharge;
- j.) Implementing appropriate disciplinary and remedial actions;
- k.) Reporting potential violations of this Regulation of which he/she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Manager; and
- l.) Participating in periodic training and scheduling employees for training.

4.03 Each Employee and/Contractor is responsible for:

- a.) Treating all employees, applicants, contractors and members of the public with respect and consideration;
- b.) Modeling appropriate behavior;
- c.) Participating in periodic training;
- d.) Fully cooperating with METRO's investigations by responding fully and truthfully to all questions posed during the investigation;
- e.) Maintaining the confidentiality of any investigation that METRO conducts by not disclosing the substance of any investigatory interview, except as directed by the department manager, the Human Resources Manager or METRO's District Counsel; and
- f.) Reporting any act he or she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Regulation.

4.04 Each employee is responsible for helping to ensure that the work environment is free from prohibited discrimination/harassment/retaliation. If an employee believes he/she has been subjected to a violation of this regulation, you should immediately report the matter to your Supervisor, your Department Manager, the Human Resources Manager, the Assistant General Manager, the General Manager, or METRO's District Counsel. **An employee is not required to complain to any particular supervisor or manager.**

4.05 Federal and state laws and this METRO Regulation prohibit unlawful discrimination against applicants for employment and/or employees and/or other individuals on the basis

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- of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, or pregnancy, childbirth or related medical conditions or because of participation in protected activities.
- 4.06 METRO employees are prohibited from unlawfully discriminating and/or harassing and/or retaliating against another employee, an applicant for METRO employment and any other individual on the basis of a perception that a person has any of the characteristics set forth in Section 1.01, or that a person is associated with a person who has or is perceived to have any of the characteristics set forth in Section 1.01.
- 4.07 METRO employees are prohibited from unlawfully discriminating against another employee, an applicant for METRO employment and any other individual in all employment practices including but not limited to advertisements, applications and interviews, hiring, transferring, promoting or leaving a job, and working conditions.
- 4.08 Unlawful harassment by METRO employees based on the characteristics set forth in Section 1.01 (whether actual, perceived or by association) is also prohibited. METRO will not tolerate harassing conduct based on the characteristics set forth in Section 1.01 that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment.
- 4.09 Retaliation against an individual for his/her involvement in a complaint or investigation under this regulation is prohibited by law and constitutes a separate violation of METRO regulation.
- 4.10 No METRO employee shall, on the grounds of race, religion, color, national origin, ancestry, physical or mental disability, genetic characteristics, medical condition, marital status, sex, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or pregnancy, childbirth or related medical conditions or because of participation in protected activities or any other arbitrary basis exclude an individual from lawful participation in, deny the benefits of, or subject such individual to unlawful discrimination/harassment/retaliation under any METRO program, service or activity.
- 4.11 Discrimination/Harassment/Retaliation by METRO employees is also prohibited against any person providing service to METRO pursuant to contract.

V. ADMINISTRATION OF REGULATION

- 5.01 The Human Resources Manager or designee is responsible for the following:
- a) Ensuring that this regulation and the complaint procedures are disseminated to all employees on a regular basis.
 - b) Ensuring that this regulation is made known to contractors, vendors and customers who come in contact with METRO employees or work on METRO premises.

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- c) Providing guidance, training and assistance to department managers, supervisors, and employees on preventing and stopping discrimination and harassment within their areas of responsibility;
- d) Investigating, resolving and making findings and recommendations on complaints filed with federal and/or state agencies;
- e) Informing employees of their rights and responsibilities under this regulation;
- f) Investigating and resolving complaints involving departmental personnel in accordance with the complaint procedures set forth herein; and
- g) Investigating and resolving complaints involving contractors or others.

VI. COMPLAINT PROCEDURE

- 6.01 A) An employee who believes he/she has been discriminated against, harassed, and/or retaliated against based on any of the characteristics set forth in Section 1.01 of this policy, **is encouraged to file a complaint in writing or orally to any of the following individuals: the employee's immediate supervisor, department manager, Human Resources Manager, Assistant General Manager or the General Manager.** An employee who has witnessed discrimination, harassment, and/or retaliation towards another employee, contractor, or applicant, based on the characteristics set forth in Section 1.01 of this policy, is encouraged to file a written or oral complaint.
- B) A Complaint Form (Attachment A) may be used to report discrimination/harassment/retaliation. Please provide as much factual detail as you can.
- 6.02 The supervisor or manager who receives a discrimination, and/or a harassment, and/or a retaliation complaint shall:
- a) Notify the Human Resources Manager immediately, if he/she is not the subject of the complaint;
 - b) If the Human Resources Manager is the subject of the complaint then the supervisor or manager shall refer the individual to METRO's District Counsel who shall take appropriate steps to follow the guidelines set forth in Section 6.03.
- 6.03 The Human Resources Manager or designee, once notified of a complaint shall take the following actions, as appropriate:
- a) Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with (1) the complainant; (2) the accused; and (3) other persons who have relevant knowledge concerning the complaint.
 - b) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment/discrimination/retaliation, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

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- c) Report a summary of the determination to appropriate persons, including the complainant, the accused, the supervisor and the manager of the department. If discipline is imposed, the level of discipline will not be communicated to the complainant.
 - d) If conduct in violation of this Regulation occurred, take and/or recommend to the appropriate supervising authority prompt and effective remedial action. The action will be commensurate with the severity of the offense.
 - e) Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.
 - f) Take reasonable steps to protect the complainant from harassment/discrimination/retaliation as a result of communicating the complaint.
- 6.04 Employees have the option to report discrimination/harassment/retaliation to the following federal and/or state agencies. These administrative agencies offer legal remedies and a complaint process.
- a) Federal Transit Administration
201 Mission Street, Room 2210, San Francisco, CA 94105-1926
(415) 744-3133
 - b) The Office of the Secretary, U.S. Department of Transportation
1200 New Jersey Avenue SE, Washington, D.C. 20590
(202) 366-4000
 - c) U.S. Equal Employment Opportunity Commission
96 N. Third Street, Suite 200, San Jose, CA 95112
1-800-669-4000
* (Complaint generally required to be filed within 180 days of the incident); and
 - d) California Department of Fair Employment and Housing, San Jose District Office
2218 Kausen Drive, Suite 100, Elk Grove, CA 95758
(916) 478-7251
* (Complaint generally required to be filed within 1 year of the date of the incident).
- 6.05 Every possible effort will be made to assure the confidentiality of complaints made under this Regulation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, both during and after the completion of the investigation, except as otherwise directed by a supervisor, the Human Resources Manager or METRO's District Counsel. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate action. METRO will not disclose a completed investigation report except, as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings or to comply with the law or court order.

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VII. TRAINING

- 7.01 In accordance with California law, all Supervisors/Managers will receive sexual harassment training from METRO's District Counsel or designee who shall provide the required training and education regarding discrimination/harassment/retaliation and subsequent training every two years thereafter.
- 7.02 All new supervisory employees shall within six months of their assumption of a supervisory position receive the training set forth in Section 7.01.
- 7.03 METRO designates the odd years commencing with 2007 as training years for purposes of the training described in Section 7.01.
- 7.04 All METRO employees shall be provided with discrimination/harassment/retaliation training due at the new hire orientation by the Human Resources Department.

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Attachment A

EMPLOYEE COMPLAINT FORM

***Refer to Section 6.02(b). (Once completed, provide to the Human Resources Dept.)**

Please use this form to describe any workplace problem that you want management to investigate and resolve. Management will use the information you provide to conduct an investigation into your concerns and attempt to resolve them. Information about the complaint may be disclosed to others to the extent necessary to complete the investigation.

No adverse action will be taken against you for making a complaint, provided that the complaint is made in good faith.

Please be as complete and accurate as you can in describing the problem: (Please use additional sheets if necessary)

1. Date(s) of the event or problem: _____

2. Time(s) of the event or problem: _____

3. Location(s) of the event or problem: _____

4. Description of the event or problem (continue on the reverse side of this form or on a separate sheet of paper, if necessary): _____

5. Witnesses to the event or problem, including employees and other persons:

I verify that the above information is true and correct to the best of my knowledge.

Employee Signature: _____ Date: _____

Employee Name (printed): _____

For Office Use Only

Complaint Received By: _____

Date: _____

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-3014


Computer Title: Ocviolnc.doc

Effective Date: November 1, 2001

Pages: 6

**TITLE: POLICIES, PROCEDURES, RULES AND REGULATIONS
RELATING TO OCCUPATIONAL VIOLENCE**

Procedure History

REVISION DATE	SUMMARY OF REVISION	APPROVED
11/01/01	New Policy	L. W.
05/24/04	Policy modifications	L.W.
02/11/10	Update wording to include "METRO", add definitions, and changes to sections 2.01, 4.01, 4.02 and 5.04. Add sections 8.01 and 8.02.	

I. POLICY

- 1.01 The Santa Cruz Metropolitan Transit District (METRO) is committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, METRO has established a "zero tolerance" policy for actual or threatened violence against employees, co-workers, passengers, visitors, or any other persons who are either on METRO property or have contact with METRO employees in the course of their duties or when utilizing METRO transit services or facilities. Security and safety in the workplace is every employee's responsibility. Therefore, it is essential that every employee understand the importance of workplace safety and security. This policy is being implemented because METRO employees should be free from actual or threatened violence at the workplace.
- 1.02 This Policy is also intended to promote workplace security by addressing situations in which non-METRO employees enter the workplace and/or METRO transit services or facilities and engage in violent acts or threaten employees with violence. Although some kinds of violence result from societal issues that are beyond METRO's control, METRO has adopted these measures to increase security and protection for METRO's employees. In order to accomplish this objective, METRO requires the cooperation of all employees.

II. APPLICABILITY

- 2.01 These policies and procedures are applicable to all METRO employees on all METRO property, including every METRO vehicle and/or while wearing a METRO uniform. Employees must conduct themselves in a mature and professional manner at all times

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while performing their duties and responsibilities as a METRO employee. Compliance with this Policy is a condition of employment and will be evaluated, together with other aspects of an employee's performance. Due to the importance of this Policy, employees who violate any of its terms, who engage in or contribute to violent behavior, or who threaten others with violence shall be subject to disciplinary action, up to and including employment discharge.

III. DEFINITIONS

- 3.01 **“Bully” or “Bullying”** means to act like a bully towards, intimidate, or domineer another individual. To be cruel, loudly arrogant and overbearing to other individuals.
- 3.02 **“Intimidate”** means to coerce another individual into compliance by the use of threats, force or fear.

IV. PROHIBITED CONDUCT

- 4.01 Employees shall not engage in the following prohibited conduct on METRO property, including within METRO vehicles, or while performing METRO duties or business, or while in a METRO uniform:
 - a. A verbal or nonverbal act or threatened act of violence;
 - b. A verbal or nonverbal act or threatened act of intimidation;
 - c. A verbal or nonverbal act or threatened act of retaliation;
 - d. A verbal or nonverbal act of bullying another individual or making personal insults to, or directed at another individual; or
 - e. An act or threatened act of carrying or using a weapon of any kind or any type of material as a weapon.
- 4.02 Every threat of violence is serious and must be treated as such. Threatening behavior can include but is not limited to such actions as:
 - a. Throwing objects;
 - b. Making a verbal threat to harm another individual or destroy property;
 - c. Making menacing gestures;
 - d. Expressing significant grudges against co-workers;
 - e. Displaying an intense or obsessive romantic interest that exceeds the normal bounds of interpersonal interest;
 - f. Attempting to intimidate or harass other individuals;
 - g. Yelling, screaming, and/or cursing;
 - h. Verbal or nonverbal threats and/or intimidation, including invading one's personal space or uninvited physical contact;
 - i. Teasing or sarcastic jokes;
 - j. Public displays of shaming or belittling;
 - k. Behavior indicating that the individual may pose a danger either to himself, herself or to others;

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- l. Bringing a weapon onto METRO premises or inside a METRO facilities or METRO vehicles;
 - m. Bringing, making, possessing, disseminating or drawing a picture of a violent act on METRO property, including METRO vehicles;
 - n. Other behavior that suggests a propensity towards violence; or
 - o. Defacing METRO property or intentionally causing physical damage to a METRO facility or vehicle or sabotage.
- 4.03 An employee may carry a legal pocketknife on his/her person as long as it is not visible, displayed or shown to others or used for any purpose on METRO property including METRO vehicles, or while performing METRO duties or business, or while in a METRO uniform.

V. REPORTING

- 5.01 Employees who become aware of any threat of workplace violence must report the threat immediately to their supervisor, manager, or METRO's Human Resources Manager. The supervisor or manager will, in turn, be responsible for notifying the Human Resources Manager, who will consult with appropriate resources in order to complete an assessment of the incident, the surrounding circumstances, and shall take appropriate preventative actions. The Human Resources Manager shall acknowledge receipt any such report to the reporting employee.
- 5.02 If an employee becomes aware of any actual violence, imminent violence, or threat of imminent violence, obtaining emergency assistance is a matter of first priority. The employee should immediately contact Dispatch at Operations or ParaCruz. If Dispatch is closed, contact the local law enforcement authorities by dialing 911. As soon as practicable after contacting the law enforcement authorities for emergency assistance, the employee must report the incident to his or her supervisor or manager, if available, and the Human Resources Manager. The supervisor or manager must then notify the Human Resources Manager immediately. If the supervisor or manager is not immediately available, the employee shall contact the Human Resources Manager or General Manager or his/her designee directly after contacting the law enforcement authorities.
- 5.03 During emergency situations, employees shall follow the directions and/or instructions of their supervisor, manager, the Human Resources Manager and law enforcement officials.
- 5.04 All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly.
- 5.05 Any METRO employee who reports or files a Report regarding an act or threatened act of violence shall be advised by the Human Resources Manager of the investigation and its results, unless to do so would violate an individual's right to privacy.
- 5.06 All employees are prohibited from retaliating against any individual who makes a report pursuant to this policy.

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VI. SYSTEM SAFETY & INJURY PREVENTION PROGRAM

- 6.01 The Human Resources Manager shall also implement, maintain and administer Metro's Occupational Violence Program. Metro's Occupational Violence Program, as established by the Human Resources Manager, shall include meetings, training programs, the posting of safety notices and safety tips, and providing written communications to employees regarding safety, security and anti-violence matters.
- 6.02 Full cooperation by all employees is necessary for METRO to accomplish its goal of maximizing the security and safety of its employees. Employees should direct any questions they have regarding their obligations and rights under this policy to the Human Resources Manager. Employees can report violations of this policy and/or raise any questions regarding their obligations or rights under this policy without fear of reprisal of any kind.
- 6.03 The System Safety and Injury Prevention Program Committee shall analyze in detail any Report filed with the Human Resources Manager regarding violence at the workplace, to determine whether the reaction to the Report was appropriate.
- 6.04 One member each from Salaried Employees Association (SEA), Professional Supervisors Association (PSA) and Vehicle Maintenance Unit (VMU) and two members from the United Transportation Union, Local 23 (UTU) shall be invited to attend the System Safety and Injury Prevention Program meetings on a quarterly basis to review and discuss the Occupational Violence Policy and Procedures, including its implementation, training and education program provided to employees. This quarterly group shall prepare written records of the committee's meetings, review results of the periodic scheduled workplace security inspections, review investigations of workplace violence and make suggestions to management for the prevention of future incidents, review threats and incidents, and submit recommendations for improving the Occupational Violence Program and Procedures and its implementation.
- 6.05 METRO recognizes that to maintain a safe, healthy and secure workplace it must have open, two-way communication between all employees including managers and supervisors, on all workplace safety, health and security issues. METRO has a communication system designed to encourage a continuous flow of safety, health and security information between management and employees without fear of reprisal and in a form that is readily understandable. METRO's communication system, implemented and maintained by the Human Resources Manager, consists of the following:
- a. New employee orientation on METRO's workplace security policies, procedures and work practices.
 - b. Employee review of METRO's Occupational Violence Program and the System Safety and Injury Prevention Program.
 - c. Training programs designed to address general and specific aspects of workplace security.
 - d. Regularly scheduled safety meetings to discuss workplace security.

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- e. Effective communication of safety, health and security concerns between employees, supervisors and managers, including translation where appropriate.
 - f. Posted or distributed workplace security information.
 - g. A system for workers to inform management about workplace security hazards and verbal or physical threats of violence that includes protecting employees from retaliation by the person making the threats.
 - h. A system for immediately and safely communicating a warning to law enforcement authorities, management, and other employees about an imminent act of violence or threat of imminent violence.
- 6.06 METRO believes that employees may be better prepared to avoid or prevent violence if they are able to recognize early warning signs in advance and follow appropriate response procedures. Employees will therefore play a crucial role in the administration of this anti-violence policy. METRO employees will receive training in order to identify and report actual and threatened acts of violence at the workplace.
- 6.07 Periodic inspections to identify and evaluate workplace security and threats of workplace violence shall be performed by the Human Resources Manager. Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices. In addition, he/she shall provide for the correction of any hazards that are identified and the investigation of any incidents of prohibited conduct as described herein.
- 6.08 Hazards, which threaten the security of employees, shall be corrected by the Human Resources Manager in a timely manner when they are first observed or discovered. Immediate corrective action includes:
- a. Notification of law enforcement authorities when a criminal act has occurred;
 - b. Emergency medical care provided in the event of any violent act upon an employee; and
 - c. Post-event trauma counseling for those employees desiring such assistance.
- 6.09 When appropriate, the Human Resources Manager shall request that District Counsel obtain a restraining order to prevent the perpetrator of a violent act or threatened act to enter METRO property, including METRO vehicles and/or come within contact of affected employees.

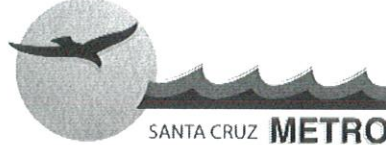
VII. POLICY VIOLATIONS

- 7.01 In cases where it is determined that an employee has violated this policy, the Human Resources Manager will determine the appropriate corrective action, if any, including whether disciplinary action is warranted. If it is determined that prohibited conduct has occurred, disciplinary action will be imposed, up to and including employment discharge.

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VIII. ADMINISTRATION OF REGULATION

- 8.01 Each METRO Department Manager is responsible for administering within his/her department the Policies, Procedures, Rules and Regulations Relating to Occupational Violence in accordance with this policy.
- 8.02 METRO will integrate the Policies, Procedures, Rules and Regulations Relating to Occupational Violence into its policies and procedures.



Human Resources Department

Angela C. Kien, Interim HR Mgr
 Department Manager/Title

ADP
 CEO

SEXUAL AND GENDER DISCRIMINATION AND RETALIATION PREVENTION

Policy #: AP-3005 **Origination Date:** May 24, 2004 **Revised Date:** April 2017

I. PURPOSE

- 1.1 The Santa Cruz Metropolitan Transit District (hereinafter Santa Cruz METRO) is committed to creating and maintaining a workplace environment free of discrimination, harassment, and retaliation based on one's sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity (including transgender identity), gender expression, and sex stereotyping. Discrimination, harassment and retaliation based on one's sex, gender identity and gender expression are prohibited by federal and state law and will not be tolerated in Santa Cruz METRO's workplace. Complaints of discrimination, harassment and retaliation because of one's sex, gender, gender identity and/or gender expression will be investigated and appropriate disciplinary action, up to and including termination, may be taken.
- 1.2 All Santa Cruz METRO employees, including managers, supervisors, and employees, are responsible for preventing discrimination, harassment and retaliation based on one's sex, gender, gender identity and gender expression. Retaliation against an individual for the filing of a complaint of discrimination, harassment or retaliation, for the participation in the investigation into a complaint of discrimination/harassment/retaliation, for the participation in any investigative hearing or disciplinary action or for assisting or supporting an individual who files a complaint or participates in an investigation is prohibited by law and constitutes a separate violation of Santa Cruz METRO policy.
- 1.3 Santa Cruz METRO will not tolerate, condone or trivialize discrimination, harassment or retaliation because of sex, gender, gender identity or gender



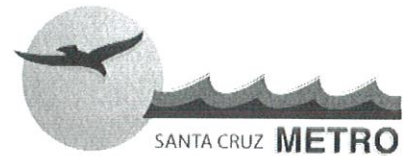
expression in any form against applicants, employees, interns, or volunteers by managers, supervisors, co-workers, or third parties with whom employees come into contact. Similarly, Santa Cruz METRO will not tolerate harassment by its employees of vendors with whom Santa Cruz METRO employees have a business, service, or professional relationship.

II. APPLICABILITY

- 2.1 This policy applies to all Santa Cruz METRO employees and all Santa Cruz METRO facilities. If a Santa Cruz METRO employee engages in any discriminatory and/or harassing conduct including acts of retaliation in violation of this policy he/she shall be subject to disciplinary action up to and including employment termination.
- 2.2 If the harasser is determined to be a non-Santa Cruz METRO employee, Santa Cruz METRO will take such action as appropriate, taking into account the extent of Santa Cruz METRO's control over the conduct of such non-employee and any other legal responsibility that the employer may have with respect to the conduct of those non-employees.
- 2.3 Failure of a Santa Cruz METRO employee to follow this policy and procedure shall subject such employee to disciplinary action up to and including employment termination.

III. DEFINITIONS

- 3.1 **Examples of Sexual Harassment:** Slurs, jokes, statements, gestures, assault, impeding or blocking another's movement, or otherwise physically interfering with normal work, pictures, drawings, cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, unwanted or offensive letters or poems, offensive emails or voicemail messages, texts or social media.
- 3.2 **Gender:** Means sex, and includes a person's gender identity and gender expression.
- 3.3 **Gender Expression:** Means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.



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- 3.4 **Gender Harassment:** Conduct, whether blatant or subtle, that discriminates against a person solely because of that person's sex, gender, gender identity, or gender identification or sexual orientation. See definition of "**Sex**"
- 3.5 **Gender Identity:** Refers to an individual's identification as male, female, a gender different from the individual's sex at birth, or transgender.
- 3.6 **Harassment Because of Sex:** Includes but is not limited to verbal harassment, physical harassment and visual forms of harassment. Harassment because of sex includes sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions.
- 3.7 **Hostile Work Environment Harassment:** A hostile work environment occurs when unwelcome conduct or comments based on sex unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive work environment.
- 3.8 **Motivation for Sexual Harassment:** Either sexual desire or general hostility to the plaintiff's gender.
- 3.9 **Quid Pro Quo Harassment** is characterized by explicit or implicit conditioning of a job or promotion on an applicant or employee's submission to sexual conduct or other conduct based on sex. In a hostile work environment the employee may be either a) personally subjected to offensive remarks and inappropriate visual displays or touching, or b) he/she may personally witness the harassing conduct toward other employees even if he/she is not personally subjected to the harassment.
- 3.10 **Physical Harassment:** Includes assault, battery, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on the basis of gender or sex.
- 3.11 **Sex:** Includes but is not limited to pregnancy, childbirth or medical conditions related to pregnancy or childbirth. "Sex" also includes but is not limited to an employee's gender which means the employee's actual sex or the perception of the employee's sex, and includes the



perception of the employee's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the employee's sex at birth.

- 3.12 **Sexual Harassment:** Sexual harassment is discrimination and violates the Federal Civil Rights Act of 1964, the California Fair Employment and Housing Act, and this policy. Sexual harassment is defined as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature if: a) submission is a condition of employment, or b) submission affects employment decisions, or c) the purpose or effect is to unreasonably interfere with the employee's work performance or d) it creates an intimidating, hostile, or offensive environment. This definition includes many forms of offensive behavior.

Sexually harassing conduct can be physical, verbal, visual or written, and can occur between people of the same or opposite sex. Sexual harassment can occur between peers, supervisors to subordinate, subordinate to supervisor, within or across departments. The two basic elements of sexual harassment are: 1) the behavior is unwelcome; and 2) it is sexual in nature, as perceived by the recipient or it is behavior that ridicules, denigrates or harasses a person because of his or her gender.

Types of sexual harassment include "quid pro quo" sexual harassment and hostile environment sexual harassment.

- 3.13 **Sexual Orientation:** Means heterosexuality, homosexuality, and bisexuality.
- 3.14 **Sex Stereotype:** An assumption about a person's appearance or behavior, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectations, or generalization about the person's sex.
- 3.15 **Same-sex Harassment:** Harassment from one individual to another, both of the same gender.
- 3.16 **Retaliation:** Any adverse action taken against an employee because of his/her participation in the complaint or investigation or hearing relating to this policy or the provision of federal or state law



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- 3.17 **Verbal Harassment:** Includes epithet, derogatory comments or slurs on the basis of gender or sex.

IV. PROCEDURES

- 4.01 N/A

V. STANDARDS

- 5.1 Harassment because of sex including sexual and gender harassment of any kind is prohibited by every Santa Cruz METRO employee in the workplace, in a Santa Cruz METRO facility, vehicle, while in Santa Cruz METRO service or while in uniform.
- 5.2 Retaliation of any kind in violation of this policy by any Santa Cruz METRO employee is prohibited.
- 5.3 Retaliating against the complainant, the accused, or any other employee assisting the complainant or participating in a sexual harassment investigation is prohibited.
- 5.4 Employees have the right to raise the issue of sex discrimination including sexual and/or gender harassment at any time without fear of reprisal or retaliation.
- 5.5 An employee who feels that he or she has been sexually harassed or who has witnessed others being harassed should immediately bring the matter to the attention of their Supervisor or Manager either orally or in writing and may file a complaint as set forth in Section VII, of this Policy.
- 5.6 Supervisors and Managers immediately shall report to their department manager, the Human Resources Manager or the General Manager/CEO if he/she becomes aware of harassment because of sex, or sexual or gender harassment in violation of this policy.
- 5.7 The Human Resources Manager shall provide copies of this policy to each employee and extra copies will be available in the following offices:
- a) Human Resources Manager, 110 Vernon Street, Santa Cruz, California, 95060;



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- b) Manager of Operations, 1200 River Street, Santa Cruz, California, 95060;
 - c) Paratransit Superintendent, ParaCruz, 2880 Research Park Drive, Suite 160, Soquel, California, 95073; and
 - d) Fleet Maintenance Manager; 138 Golf Club Drive, Santa Cruz, CA 95060.

VI. HARASSMENT-FREE ENVIRONMENT

- 6.1 To maintain an environment free from sexual and gender harassment is critical to the operation of Santa Cruz METRO. To provide this environment, the following actions shall be required:
 - a) Managers and Supervisors shall inform all employees that harassment because of sex including sexual and gender harassment is prohibited;
 - b) This Sexual and Gender Discrimination and Harassment Prevention Policy shall be emphasized by the General Manager/CEO and explained by District General Counsel or his or her designee to the Managers of each department;
 - c) Those who have concerns, or feel victimized by sexual or gender harassment shall be referred to the Human Resources Manager if he/she is not the subject of the complaint. If he/she is the subject of the complaint then the referral shall be made to the General Manager/CEO; and
 - d) Anti-sexual and gender harassment posters shall be displayed at each worksite and the Department of Fair Employment and Housing pamphlets regarding this issue shall be made available in the Human Resources Department.

VII. COMPLAINT PROCEDURE

- 7.1 An employee who believes he/she has been harassed because of sex, gender, gender identity, or gender expression; witnessed another being harassed or retaliated against because of the filing of a sexual harassment complaint; or the participation in an investigation or hearing involving a sexual harassment complaint is encouraged to file a complaint in writing or

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orally to any of the following individuals: immediate Supervisor, Department Manager, Human Resources Manager or the General Manager/CEO. An employee may bring his or her complaint to any of these individuals.

- 7.2 The Supervisor or Manager who receives a harassment complaint shall:
- a) Notify the Human Resources Manager immediately or;
 - b) If the Human Resources Manager is the subject of the complaint then the Supervisor or Manager shall refer the individual to the General Manager / CEO who shall take appropriate steps to follow the guidelines set forth in Section 7.3.
- 7.3 The Human Resources Manager or his/her designee, once notified of a complaint shall take the following actions as soon as possible:
- a) Meet with the complainant and inform the complainant of his/her rights and any obligations to secure those rights;
 - b) Fully and effectively investigate the complaint. The investigation shall be timely, fair, thorough, and objective. Generally, all persons with information regarding the matter shall be interviewed. Santa Cruz METRO will reach reasonable conclusions based on the evidence collected.
 - c) Complaints will be:
 - 1. Responded to in a timely manner;
 - 2. Kept confidential to the extent possible;
 - 3. Investigated impartially by qualified personnel in a timely manner;
 - 4. Documented and tracked for reasonable progress;
 - 5. Given appropriate options for remedial action and resolution;
 - 6. Closed in a timely manner. The results of the investigation will be communicated to the complainant and to the alleged harasser.
 - d) Santa Cruz METRO will maintain confidentiality to the extent possible. However, Santa Cruz METRO cannot promise complete confidentiality. Santa Cruz METRO's duty to investigate and take



corrective action may require the disclosure of information to individuals with a need to know.

- e) If Santa Cruz METRO determines that harassment, discrimination, or retaliation has occurred, Santa Cruz METRO will take prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment by the accused and anyone else.

7.4 Employees who believe that they have been harassed because of their sex, sexually harassed or harassed because of their gender, gender identity, or gender expression may file a written complaint of discrimination with the following federal and/or state agencies :

- a) Federal Transit Administration, 201 Mission Street, Suite 1650, San Francisco, CA 94105- 1839, (415) 744-3133;
- b) The Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE. Washington, D.C. 20590 , (202) 366-4000;
- c) U.S. Equal Employment Opportunity Commission, eeoc.gov, 96 N. Third Street, Suite 250, San Jose, CA 95112 , 1-800-669-4000 ; TTY 1-800-669-6820; and Fax: (408) 291-4539 (Complaint generally required to be filed within 180 days of the incident); and
- d) California Department of Fair Employment and Housing

To file a complaint with the California Department of Fair Employment of Housing please call one of the toll free numbers below or visit www.dfeh.ca.gov. Complaint generally required to be filed within one year of the incident.

1. Employment/Public Accommodations:

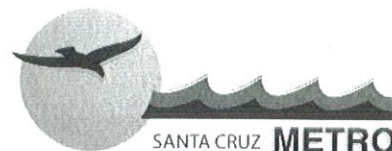
1-800-884-1684

2. Hate Violence:

1-800-884-1684

3. TTY:

1-800-700-2320 (within California)



VIII. TRAINING

- 8.1 District General Counsel or his/her designee shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment as required by California law and regulations to all Santa Cruz METRO's supervising employees and members of Santa Cruz METRO's Board of Directors every two years.
- 8.2 All new supervisory employees and new members of the Board of Directors shall within six months of their assumption of a supervisory position or taking office receive the training set forth in Section 8.1.
- 8.3 Santa Cruz METRO designates the odd years commencing with 2007 as training years for purposes of the training described in Section 8.1.
- 8.4 All Santa Cruz METRO employees are provided with sexual harassment prevention training at the time of the new hire orientation at the beginning of his/her employment with Santa Cruz METRO and when needed as required.

IX. ADMINISTRATION OF POLICY

- 9.1 Each Department Manager is responsible for administering this policy and procedures within their department in accordance with this policy.
- 9.2 Santa Cruz METRO will integrate this policy and procedures into the agency's policies and procedures.
- 9.3 The Human Resources Manager or his/her designee is responsible for the following:
 - a) Ensuring that this policy, its definitions of harassment and the complaint procedures are disseminated to all employees on a regular basis;
 - b) Ensuring that this policy and its definitions of harassment are made known to contractors, vendors, customers, and Santa Cruz METRO's Board of Directors who come in contact with Santa Cruz METRO employees or work on Santa Cruz METRO premises;



- c) Providing guidance, training and assistance to Department Managers, Supervisors, and employees on preventing and stopping harassment within their areas of responsibility;
- d) Investigating, resolving and making findings and recommendations on complaints filed with federal and/or state agencies;
- e) Informing employees of their rights and responsibilities under this policy;
- f) Investigating and resolving complaints involving departmental personnel in accordance with the complaint procedures set forth herein;
- g) Investigating and resolving complaints involving contractors or others.

X. REVISION HISTORY

Date	Action	Approved By
May 24, 2004	Major revisions to existing Sexual Harassment procedures and incorporation into Regulation format	Leslie R. White
May 25, 2007	Updated addresses and included training component	Leslie R. White
August 4, 2009	Update addresses on page 6, and wording change on pages 4 & 5	Leslie R. White
February 10, 2011	Revise title, update Santa Cruz METRO facility locations and address changes	Leslie R. White
April 20, 2012	Revisions to include protected classes	Leslie R. White
April, 2017	Revise format, update policy	Alex Clifford

END OF POLICY

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