

San Francisco Bay Area Rapid Transit District
EMPLOYMENT OPPORTUNITY PROGRAM



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1.0 INTRODUCTION

1.1 Purpose

The San Francisco Bay Area Rapid Transit District is committed to providing a workplace free of discrimination, harassment and retaliation. This document is a description of the District's Employment Opportunity Program (EOP). The EOP contains employment goals for women and minorities that meet Federal Transit Administration (FTA) requirements. The employment goals are the result of a comprehensive utilization analysis of the BART workforce, based on 2000 census data. Employment goals are set only where there is under-representation in the District's workforce.

The employment goals are applicable at all levels of the BART organization. This document details the employment goals at the District level. Employment goals at the Executive Office and Departmental levels are disseminated internally to executive staff. This Program is designed to assist staff in implementing the District's EOP.

Programs, activities and responsibility to achieve goals are included in this update. This EOP covers the period from 2001 – 2007 and supersedes previous EOP documents submitted to FTA. The EOP is intended to enhance the District's continued commitment to providing equal employment opportunities to all employees and applicants and to achieve the full utilization of all employees' skills and talents.

1.2 The BART Organization

The San Francisco Bay Area Rapid Transit District is a transit district established under California Public Utilities Code Sections 28500 et seq. As of December 31, 2006, there were 3,047 employees working throughout the various offices and departments that comprise the organization (Exhibit 1 – Organization Chart). The majority of District employees are covered by collective bargaining agreements and the balance are in the non-represented employee group. The represented bargaining units are:

- Amalgamated Transit Union (ATU), Local 1555.
- Service Employees International Union (SEIU), Local 1021.
- Service Employees International Union Local 1021 Professional Chapter
- American Federation of State, County and Municipal Employees (AFSCME), Local 3993.
- BART Police Officers Association (BPOA), Local 1008.
- BART Police Management Association (BPMA).

1.3 EOP Overview

The EOP includes but is not limited to the following:

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- Employment goals at the District level for women and minority employees (Blacks, Hispanics, Asians/Pacific Islanders, and American Indians/Alaskan Natives). Employment goals are also developed for males and females within each minority group.
- Employment goals for 16 job groups. Each BART job classification is categorized into one of the 17 job groups.
- A description of the analysis performed to establish the employment goals, programs and activities to achieve the employment goals.
- A description of responsibility for implementing, monitoring, and evaluating the EOP.
- A description of past and future enhancements to the EOP.

1.4 Affirmative Action Program History

BART has continually implemented an EOP in compliance with the requirements of the FTA Circular 4704.1, dated July 26, 1988, and the interim requirements of FTA Circular 1155.1, dated December 30, 1977.

The BART Board of Directors initially adopted an Affirmative Action Program and District-wide goals for minorities and women in September, 1974. Subsequent updates occurred in 1978, 1980, 1983, 1986, 1991, 1992, 1993, 1995, 1998 and 2001. The goals in this EOP are based on data from the 2000 Census.

The District has made steady progress in reducing under-representation of women and minorities in all job groups since the inception of its initial Affirmative Action Program.

2.0 PROGRAM COMMUNICATION AND DISSEMINATION

Effective implementation of an EOP requires identification of specific procedures that will be used to disseminate the Program. The District has therefore identified methods to ensure effective internal and external communication regarding the EOP and its related Employment Opportunity (EO) Policy.

2.1 Internal Dissemination

The following provides examples of the methods used to disseminate information about the District's EOP to employees:

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- A. The General Manager disseminates the District's EO Policy Statement to BART employees, annually.
- B. The Office of Civil Rights (OCR) distributes a copy of the EOP to District employee organizations and makes copies available to employees through the Office of Civil Rights.
- C. New employee orientations include a presentation by the Office of Civil Rights staff on the District's EOP and the EO Policy Statement, including the prohibition against all forms of harassment as proscribed by federal regulation, state law and District policy.
- D. OCR staff disseminates EOP information through a variety of means, e.g., newsletters, seminars, OCR sponsored training sessions, meetings, booklets, brochures and website.
- E. Official posters of the Equal Employment Opportunity Commission, Department of Fair Employment and Housing, and the District EO Policy Statement are posted on District bulletin boards and at other conspicuous and appropriate work or office locations. This information includes notice of where to file discrimination complaints internally and externally.
- F. Information on the District's EO Policy Statement and Sexual Harassment Policy Statement are included in employee handbooks, reports, personnel and operations manuals, and union contracts.
- G. Employees directly receive sexual harassment information via dissemination of the District's pamphlet "Sexual Harassment is Forbidden by Law" and through related training programs.
- H. Employees are encouraged to make suggestions in implementing and refining the EOP through the District's Office of Civil Rights.
- I. The EOP is discussed with managers and supervisory personnel in a five-day workshop for new supervisors. The presentation includes the purpose of the EOP and a review of management responsibilities for program implementation.
- J. Informal counseling is provided, as requested, to employees by the Office of Civil Rights staff.

2.2 External Dissemination

External dissemination is the communication of the District's EO Policy to various groups and organizations throughout the community through steps which include, but are not limited to, the following:

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- A. Providing information on the District's EO Policy to District recruitment sources, minority and women's organizations and training organizations.
- B. Publicizing BART as an EEO/Affirmative Action Employer in job announcements and job advertisements.
- C. Making copies of the EOP available to community groups and organizations and individuals, at their request.
- D. Sponsoring and/or participating in job fairs, recruitment luncheons and community organization events.
- E. Publicizing the District's EO Policy with public media sources, radio and television stations, newspapers, magazines, and other journals (including those oriented to women and minority populations).

3.0 PROGRAM ADMINISTRATION RESPONSIBILITY

As part of the District's efforts to ensure equal employment opportunity to all individuals, specific responsibilities have been designated to various staff to ensure that the EOP focuses on all components of the employment system. To that end, the following responsibilities have been assigned.

3.1 Office of the General Manager

The primary responsibility for development, administration and implementation of the EOP rests with the General Manager. The General Manager reports to the BART Board of Directors and is responsible for staff adherence to the District's EO Policy Statement.

The General Manager's responsibility includes, but is not limited to the following:

- A. Evaluating executive staff, except Board Appointed Officers, on their annual achievement of EOP goals.
- B. Achieving and maintaining a representative District workforce and ensuring the non-discriminatory treatment of employees and applicants for employment.
- C. Designating appropriate personnel with the responsibility for administering, coordinating, maintaining, and monitoring the EOP; ensuring these personnel are identified in writing by name and job title.
- D. Ensuring that the Department Manager, Office of Civil Rights is given the necessary

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authority, executive management support and resources required to successfully implement assigned responsibilities.

- E. Informing employees and applicants of the District's EO Policy Statement commitment.

3.2 Office of Civil Rights

The Executive Manager of Transit System Compliance (TSC) has executive oversight responsibility for the Office of Civil Rights and reports directly to the General Manager. The Department Manager of OCR is responsible for the daily management of the District's civil rights programs, including the EOP. Effective implementation of the Program is a basis for evaluating the work performance of the Office of Civil Rights staff.

The Office of Civil Rights' responsibilities include, but are not limited to the following:

- A. Recommending policy, plans, programs, activities and procedures to fully define the District's EOP and to comply with applicable federal, state and local EEO laws and requirements.
- B. Developing, maintaining and overseeing the design and effective implementation of the EOP.
- C. Serving as advisor to the General Manager on matters that relate to the accomplishing the goals and objectives of the Program.
- D. Developing and maintaining an auditing and reporting system to measure the District's effectiveness in implementing the EOP.
- E. Providing direction to District employees, as necessary, to carry out all actions required to meet their EOP responsibility, including the achievement of EOP goals.
- F. Administering a complaint handling, prevention, and investigation system to address discrimination, harassment, and retaliation complaints, in accordance with District policy, EEO laws and FTA guidelines. This responsibility includes investigating complaints, analyzing findings, providing informal counseling and/or making recommendations, and conducting training on complaint procedures.
- G. Facilitating internal and external communications to ensure that the District's EOP is publicized.
- H. Identifying problem areas, including deficiencies in utilization of women and minorities, recommending and establishing procedures, goals and objectives to resolve these deficiencies.

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- I. Ensuring that all employees receive an orientation to the District's EOP and its objectives.
- J. Participating in periodic discussions with managers, supervisors and other personnel to ensure that EOP responsibilities are being carried out.
- K. Updating management and the BART Board of Directors on the status of the EOP.
- L. Informing management of the latest developments in the Equal Employment Opportunity arena and facilitating EOP related education and training to District employees.
- M. Monitoring District employment activities and decisions involving recruitment, hiring, promotions, transfers, separation, and job classification of employees to assure compliance with the EOP.
- N. Serving as liaison between the District and enforcement agencies. This includes responding to charges of discrimination filed against District personnel and/or department actions.
- O. Maintaining contact with community groups and organizations to obtain community support for the District equal opportunity efforts.
- P. Through one-on-one contact, providing guidance to supervisors taking appropriate action to prevent or stop employees from being harassed or being subjected to discrimination.
- Q. Reviewing and commenting on offers of employment, as appropriate, particularly in relation to the impact on District's target hiring goals.
- R. Providing annual reports to the General Manager and Executive Staff on target hiring goal achievement for each executive office.

3.3 Human Resources

The Assistant General Manager of Administration and the Department Manager, Human Resources (HR) are directly responsible for the development and maintenance of Human Resource policies, procedures, and practices that are consistent with the District's EOP and for consultation with the Office of Civil Rights on this responsibility. Successful implementation of this responsibility is a basis for evaluating the HR Department's effective work performance.

Responsibilities include, but are not be limited to, the following:

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- A. Apply personnel practices that are consistent with the District's EOP, including daily communications with District personnel.
- B. Administer a non-biased job classification, compensation, and testing process.
- C. Administer selection procedures in accordance with the requirements cited in the EEOC Uniform Guidelines on Employee Selection Procedures (1978).
- D. Develop and implement an effective recruitment program. Conduct extensive and focused outreach recruitment in classifications where under-representation exists.
- E. Confer with the Office of Civil Rights on the implementation and/or revision of District personnel policies, procedures, and practices.

3.4 Department Managers, Managers and Supervisors

In their direct day-to-day contact with District employees, Department Managers, Managers and Supervisors have the responsibility of helping the District ensure compliance with equal employment opportunity laws and the effective implementation of the EOP. The responsibilities listed in this section are applicable to management employees. Management employees include executive staff, department managers, division managers and managers.

Executive staff consists of the following: four (4) Board Appointed Officers (General Manager, General Counsel, Controller-Treasurer, and District Secretary); one (1) Deputy General Manager; two (2) Assistant General Managers; six (6) Executive Managers; and, one (1) Chief of Police. Executive staff, with the exception of Board Appointed Officers, report and are accountable to the General Manager regarding their EOP responsibilities.

Department Managers report directly to an executive staff person. Division Managers and Managers report directly to a Department Manager. Supervisors are employees categorized as Supervisors-Transportation and Supervisors-Other. Foreworkers are those employees classified as Foreworkers-Transportation & Foreworkers-Other. Supervisors report and are accountable to either a division manager or manager. Foreworkers report and are accountable to a supervisor. (See Table 1 – BART EEO Job Group Definitions)

Management employees are responsible for the following:

- A. Assist in ensuring that the District, as an employer, adheres to the stated policy of equal employment opportunity and affirmative action, and monitor the application of equal employment opportunity policies.
- B. Support and assist the Department Manager, Office of Civil Rights in developing, maintaining and successfully implementing the EOP.

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- C. Achieve and maintain an executive office and department workforce that reflects workforce availability as defined by the EOP.
- D. Promote the fair and nondiscriminatory treatment of employees and job applicants with respect to all employment actions and activities.
- E. Promote a safe and friendly work environment free from discrimination, harassment and retaliation for filing a complaint.
- F. Conduct annual performance appraisals of direct report management employees on their achievement of affirmative action goals and compliance with the EOP.
- G. Initiate and/or support the efforts of direct reports to meet EO Program goals or to correct identified problems.
- H. Maintain a cooperative working relationship with the Office of Civil Rights.
- I. Respond immediately and appropriately to known harassment and discrimination complaints and protect employees from retaliation because of filing a complaint.
- J. Attend the required EEO and sexual harassment prevention training that is included in new hire orientation and the new supervisor training program.
- K. When necessary, remind employees of the District's Employment Opportunity Policy and Sexual Harassment Policy.
- L. Confer with the Office of Civil Rights and the Department of Human Resources on selection procedures, prior to beginning new hire or promotional selection processes.
- M. Be aware of and act to avoid potential problems in the workplace, e.g. removing any sexually suggestive or racially derogatory posters, pictures, etc from the work environment.

3.5 Department Managers

Additional responsibilities for department managers include:

- A. Assist the Department of Human Resources or the Office of Civil Rights with recruitment of under-represented groups for all job levels.
- B. Recommend and/or create career or training opportunities that can lead to EO Program goal achievements in areas where recruitment has not been successful.
- C. Check periodically to ensure that work locations have prominent postings of

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information on the District's EO Policy Statement, including the prohibition on sexual harassment, and state and federal nondiscrimination policies.

3.6 Trainers, Presenters, and Lead Personnel

BART personnel who directly provide training or orientation to District employees or who serve as lead workers are required to attend BART EEO and sexual harassment prevention training. This training can be obtained through new hire orientation, new supervisor training or directly from the Office of Civil Rights. The focus of such training includes, but is not limited to, treating employees fairly, avoiding inappropriate statements or behavior, and being aware of what constitutes discrimination and harassment.

3.7 District Employees

All BART employees are responsible for conducting themselves in accord with the District's EO Policy Statement, including the prohibition on sexual harassment. All newly hired employees are required to attend a new hire orientation.

4.0 SUPPORT OF COMMUNITY ACTION PROGRAMS

The District continues its active involvement in community action and community relations programs in the following ways:

1. Key members of District management, as well as personnel representatives are officers and members of community and transit organizations, including the Conference of Minority Transportation Officials (COMTO), Northern California Supplier Diversity Council (NCSDC), California Association of Equal Rights Professionals (CAERP), Women's Transportation Seminar and, the American Public Transportation Association (APTA).
2. District representatives regularly participate in events which sponsor or promote minorities, women and persons with disabilities.
3. The District contracts with or solicits contracts from minority and/or female vendors and suppliers of goods and services as part of its Disadvantaged Business Enterprise (DBE) Program.
4. District employees participate as speakers and assist in outreach programs with community organizations such as area Chambers of Commerce, Department of Transportation Economic Summit, East Bay Municipal Utility District (EBMUD) Business Forum, etc.

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5. The District served as lead agency in the first and second Bay Area Vendor Fair held February 10, 2005 and May 24, 2007. Over 100 vendors, including small and minority businesses, participated in these events, which hosted over 1000 participants.

5.0 UTILIZATION ANALYSIS

5.1 Purpose and Overview

The District conducted a utilization analysis using 2000 Census data.

The utilization analysis is used to identify those job categories where there is under-utilization of women and minorities in the District's workforce when compared to availability in the labor market. It is also used to set reasonable placement goals for under-represented groups.

The utilization analysis used by BART complies with the guidelines of the Federal Transit Administration (FTA Circular 4704.1). Guidelines issued by the Office of Federal Contract Compliance Programs (OFCCP) were also used as a reference in conducting the utilization analysis.

To conduct the utilization analysis, BART's Office of Civil Rights used Peopleclick CAAMS™, a client-server application program that is customized to meet BART standards. This software program uses official Census data and workforce information from the District's payroll system to perform the analysis. The data for the analysis were collected from payroll records as of December 31, 2006.

The District's utilization analysis was conducted for each District job group and included (a) workforce analysis, (b) an availability analysis, and (c) a comparison of the workforce and availability data to determine where there may be underutilization of minorities and women.

5.2 Steps in the Utilization Analysis

Office of Federal Contract Compliance Program regulations, passed in November 2000, reduced the number of required factors to be examined in conducting an availability analysis from eight factors to two. The following availability factors are required for consideration when developing availability estimates for each job group:

1. The percentage of minorities or women with requisite skills in the reasonable recruitment area (external factor).
2. The percentage of minorities or women among those promotable, transferable, and

trainable within the organization (internal factor).

5.3 Job Group Analysis

As part of conducting the workforce analysis, each BART job title was categorized into a District-wide job group. Job titles were grouped for the utilization analysis, setting goals and establishing timetables. BART job classifications were matched to 2000 Census Occupational Titles. These identified Census titles are then used in the availability analysis.

5.4 Job Group Guidelines

The following guidelines were followed in developing the job groups:

- The content of the jobs included in a group should be similar in job responsibility and requisite skill required.
- The wage or salary rate for the jobs included in a group should be similar and considered in conjunction with job content.
- Job titles placed in a job group should be similar in opportunity to take advantage of training, transfers, promotions, mobility to desirable situations and other reemployment benefits.
- The groups should not include jobs with clearly different utilization patterns.

The size of the District's workforce is a major factor in determining how well these criteria can be met in creating job groups. Job groups must have enough incumbents to permit meaningful utilization analysis and goal setting. District classifications were consolidated into 17 job groups. The job group definitions are provided in the attached Table 1 – BART EEO Job Group Definitions and are identified as follows:

- Executives/Managers
- Supervisors-Transportation
- Supervisors-Other
- Foreworkers-Transportation
- Foreworkers-Other
- Engineers
- Professionals
- Technicians
- Train Operators
- Station Agents
- Skilled Workers
- Semi-Skilled Workers
- Transit Vehicle Mechanics
- Clericals
- Police Officers

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- Police – Civilians
- Police Supervisors-Managers

5.5 Workforce Analysis:

The workforce analysis examined BART's actual workforce by a number of factors including race, sex, job group, job classification, lines of progression, salary code, executive office, department and cost center. A separate analysis by sex within race was also conducted. The District's workforce analysis profiled the composition of the District's workforce as of December 31, 2006. This information was compared with the availability data.

5.6 Availability Analysis:

The availability analysis consisted of the examination of 2000 Census information to identify potential applicants by sex and race based on the defined labor areas, labor markets, the occupational titles for each of the job groups identified.

5.7 Labor Market Definitions

Labor markets represent the geographical locations where BART conducts recruitment. There are two types of labor markets; "Reasonable Recruitment Area" and "Local Labor Market".

The Reasonable Recruitment Area (area from which BART usually seeks or reasonably could seek workers for a particular job group) consists of the State of California and the United States.

The Local Labor Market (area from which employees may reasonably commute to BART facilities) consists of the four counties BART serves: Alameda, San Francisco, Contra Costa and San Mateo (see map below).



5.8 Weighing Labor Markets

Each of the labor markets was given a weight as a portion of the total labor markets. The weight given each factor varied according to the factor's relevance to the job group. The weight was used to calculate an applicant availability percentage in each labor market and to produce a total applicant availability percentage by sex and race. The weight given each factor varies according to the factor's relevance to the job group.

5.9 Utilization Analysis- Any Difference Rule

The utilization analysis compared current utilization (workforce analysis) with Total Weighted Availability (the sum of all availabilities). Any workforce utilization that was less than Total Weighted Availability represents underutilization. This common practice is known as the "Any Difference Rule".

6.0 GOALS AND TIMETABLES

6.1 Overview

The District has established long-term goals and short-term interim goals, as well as timetables, for each job group where underutilization has been identified. These goals and timetables take into account the availability of qualified persons in the relevant labor market. They also take into account anticipated employment opportunities. No expansion

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in the workforce for any job group has been projected in this goal setting process. However, goals for each fiscal year will be adjusted according to staffing/contraction budget plans adopted by the BART Board of Directors.

6.2

Placement Goals

A placement percentage goal has been calculated for total minorities, total women and total males and females by race to meet FTA requirements. Table 2 – District Placement Percentage Goals, lists the placement percentage goals by job group only where under-representation exists.

6.3 **Long-Term Workforce Goals**

Long-Term (three year percentage goals) have been established by job group for achievement in a three-year period ending December 31, 2010. Long-Term percentage goals may be adjusted when the goal is achieved prior to the three-year period.

Tables 3 through 12 list District level workforce goals for total minorities, total women, and total males and females by race; percentage and numerical goals are stated only in job groups where there is under-representation.

6.4 **Short-Term Workforce Goals**

Short-term goals will be established annually. This will provide the opportunity to make goal adjustments based on turnover rates or changes in job group growth rates.

6.5 **Timetable**

The placement and workforce percentage goals are in effect for a three-year period (January 1, 2007 – December 31, 2010). Placement and workforce goal achievements will be evaluated annually in the EOP Annual Progress Report.

7.0 ACTION-ORIENTED PROGRAMS

The District utilizes various audits and reporting systems to evaluate the effectiveness of its EOP implementation. The following are examples of steps to be taken to assist the District in achieving EEO/AA goals:

- **Analyze External Recruitment Practices**
The Office of Civil Rights and Human Resources Department will review current

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external recruitment practices to identify additional methods to attract qualified women and minorities into the District's applicant pool.

- **Monitor Internal Selection Efforts**

The Office of Civil Rights will monitor internal recruitment efforts as well as the employee selection process to ensure that they meet EO Program guidelines and goals.

8.0 INTERNAL AUDIT AND REPORTING

Inherent in the EOP is the need for periodic self-assessment of problems encountered, corrective action taken and progress made. Self-evaluation requires complex record-keeping systems on applicants, employees and components of the EOP itself. Periodic reports from the Human Resources Department and Office of Civil Rights are required.

In order to help achieve Program objectives, record-keeping systems should result in feedback to managers, reallocation of resources, modifications to the EOP and the record-keeping system itself, and through appropriate recognition of personal achievements as well as remediation and/or disciplinary action for discriminatory acts.

The records that are maintained are the basis for updating the EOP, including revising the availability data and re-establishing long-range and annual numerical goals and timetables. The internal audit and reporting system is used as the basis for evaluating systemic, results-oriented programs and affirmative action efforts.

8.1 Office of Civil Rights

The Office of Civil Rights analyzes applicant and employee transactions, workforce characteristics, and employment practices in order to prepare reports on the District's progress in achieving goals and fulfilling its EOP responsibility. Progress reports are made available to the Board of Directors, executive staff, employee organizations and employees.

Employment activities are regularly monitored in areas that include test development, utilization of selection procedures, interview panel composition, and the conduct of interviews. A comprehensive assessment of employment practices is completed once every three years and submitted to the Federal Transit Administration.

The District's commitment to non-discrimination and the prevention of harassment, in particular sexual harassment, is monitored through the implementation of a complaint handling and reporting system. Reports on discrimination complaints are made available to the Office of the General Manager and other executive staff members.

8.2 Human Resources

The Department of Human Resources inputs applicant data daily into a customized applicant tracking system. Employment transactions are fed into the District's mainframe computer and the department is responsible for preparing semi-annual recruitment activity reports to assess the effectiveness of recruitment practices.

The EEOC Uniform Guidelines on Employee Selection Procedures (1978) require employers to maintain data with which a determination can be made of the impact of its selection procedures. In its Application for Employment, the District utilizes an applicant survey form designed to obtain the data needed to conduct such an analysis for external hires. This form is also used to obtain applicant residency data to further define the District's local labor market, determine if recruitment techniques are effective, identify the most effective referral sources and determine if an applicant pool, at any stage in the selection process, is equal to or greater than availability as set forth in the EOP. No employment decisions are made on the basis of data obtained through the applicant survey form.

The District utilizes an applicant tracking system to identify the selection procedure steps in which each applicant participated and the outcome at each step in the process.

8.3 Information Technology

The Information Technology (IT) Department produces weekly and monthly computer printouts on workforce composition and turnover reports for the Office of Civil Rights. Additionally, the IT Department assists with downloading data from the District's mainframe to the Office of Civil Rights' customized personal computer software. The data is used for calculating EOP goals and monitoring goal attainment. The department also assists the Office of Civil Rights with technical information needs and support.

8.4 Departments

Department managers are responsible for providing the Department of Human Resources with information about employee transactions and for providing the Office of Civil Rights a copy of each request to fill a vacant position. Management personnel are evaluated annually on their performance in achieving EOP goals.

9.0 COMPLAINT PROCEDURES

The Office of Civil Rights administers a program to process and resolve complaints of discrimination, harassment, or retaliation that allege violation of the District's EO Policy. The District works to resolve complaints promptly and at the lowest level of supervision. The Office of Civil Rights has the specific responsibility to investigate employee or

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applicant complaints of sexual harassment as well as other complaints of discrimination in the District. OCR staff offers informal consultation to employees, applicants or management employees who desire information regarding a harassment, discrimination, or retaliation concern. Management employees have the responsibility for assuring that EEO complaints are addressed. (Exhibit 2 – Procedures for Filing an Employment Opportunity Program Complaint)

10.0 PROGRAM ENHANCEMENTS

The Office of Civil Rights conducts ongoing reviews and periodic assessments of the District's employment practices to identify those that may operate as employment barriers or may contribute to the under-utilization of minorities and women. The assessment may include reviewing employment patterns in recruitment, selection, promotion, termination, transfers, layoff, disciplinary action, compensation, benefits, training, etc. The objective of the assessment is to identify problem areas and institute corrective action.

10.1 EOP Enhancements

Program enhancements to this EOP update include but are not limited to describing the responsibilities of trainers, presenters and lead personnel; describing complaint procedures; and revising of management responsibilities for administration of the EOP.

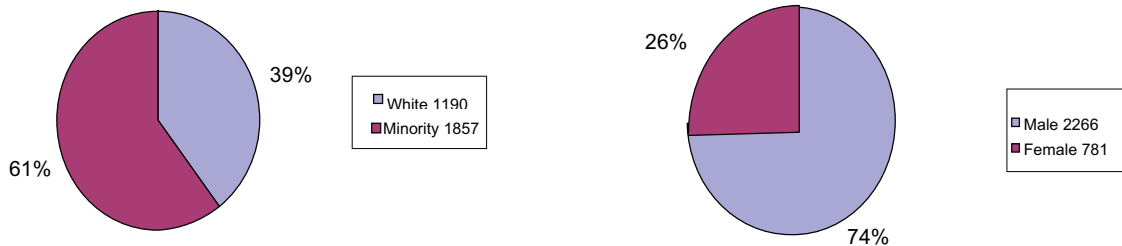
The Office of Civil Rights plans to conduct future reviews and enhancements to the EOP. The planned reviews and enhancements are as follows:

- Review recruitment strategies for women and Hispanics whose total hiring rates were below their availability percentages.
- Review recruitment efforts, sources, and strategies in selected job groups where employment goals are not being achieved for women and racial groups.
- Implement a database to enhance the Office of Civil Rights' complaint tracking.
- Determine the need for specific types of EEO related training.
- Review the procedures being used to create new and revised job classifications to ensure that the Office of Civil Rights has an opportunity to review these classifications prior to implementation.

11.0 ASSESSMENT OF PRESENT WORKFORCE

A. OVERALL SUMMARY

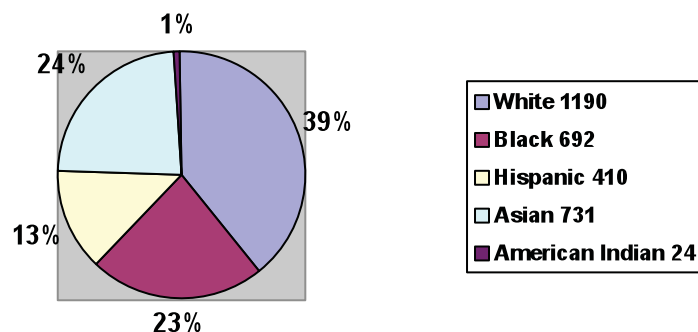
As of December 31, 2006, the District employed **3, 047** full-time employees, of which 1857 were minorities and 1190 were white. Of the 3,047 full-time employees 781 were female and 2266 were males.



B. MINORITY REPRESENTATION BY ETHNICITY AND GENDER

As of December 31, 2006, minority representation was:

- **562** Asian males and **169** Asian females;
- **415** Black males and **277** Black females;
- **307** Hispanic males and **103** Hispanic females; and
- **18** American Indian males and **6** American Indian females.



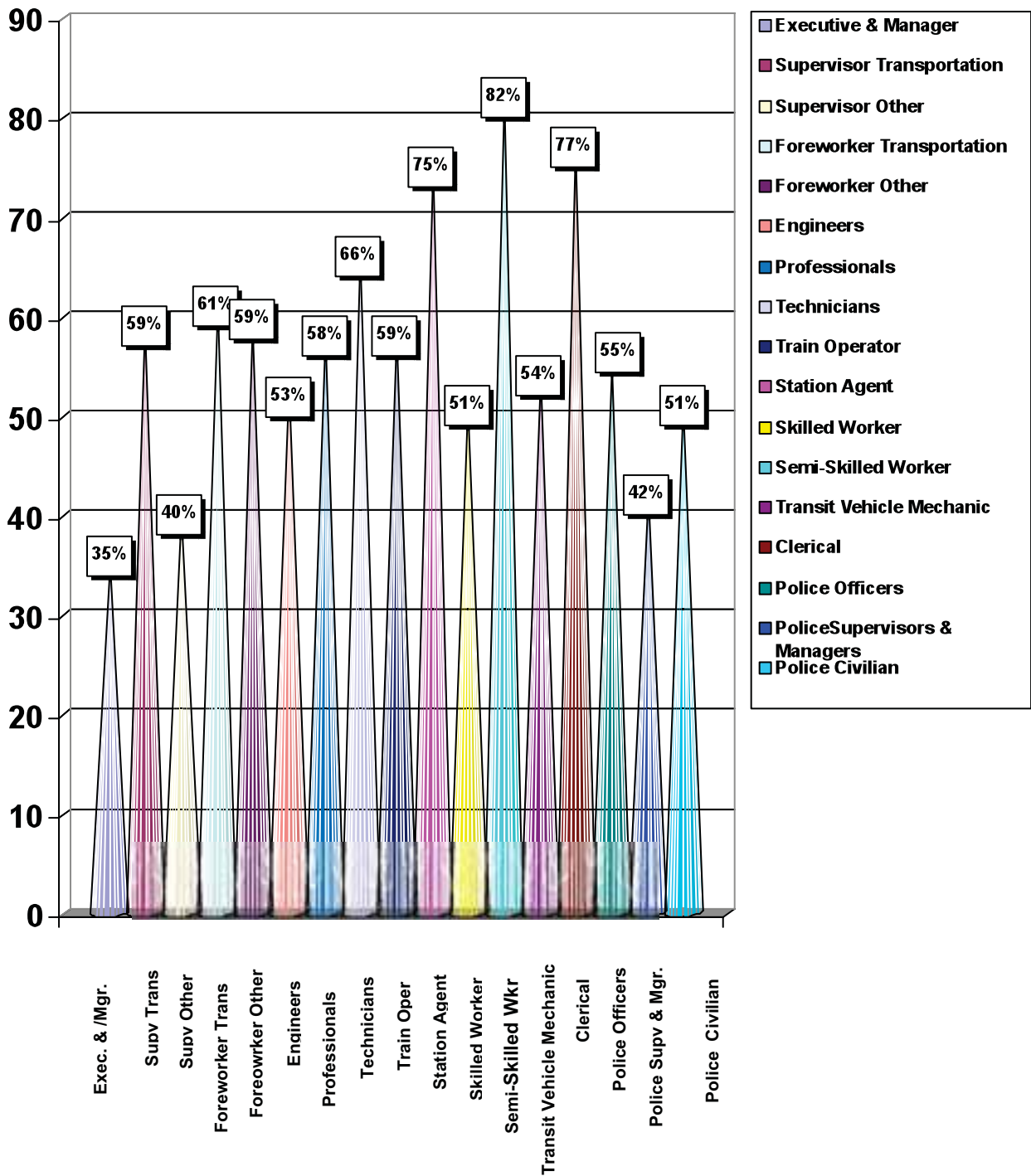
**C. WORKFORCE ANALYSIS:
MINORITY REPRESENTATION BY JOB CATEGORY**

The actual representation of minorities within the established job categories was:

Executive and Manager	35%
Supervisor Transportation	59%
Supervisor Other	40%
Foreworker Transportation	61%
Foreworker Other	59%
Engineers	53%
Professionals	58%
Technicians	66%
Train Operator	59%
Station Agent	75%
Skilled Worker	51%
Semi-Skilled Worker	82%
Transit Vehicle Mechanic	54%
Clerical	77%
Police Officers	55%
Police Supervisors and Managers	42%
Police Civilian	51%

Percent of Total Employees 57%

Employment Opportunity Program



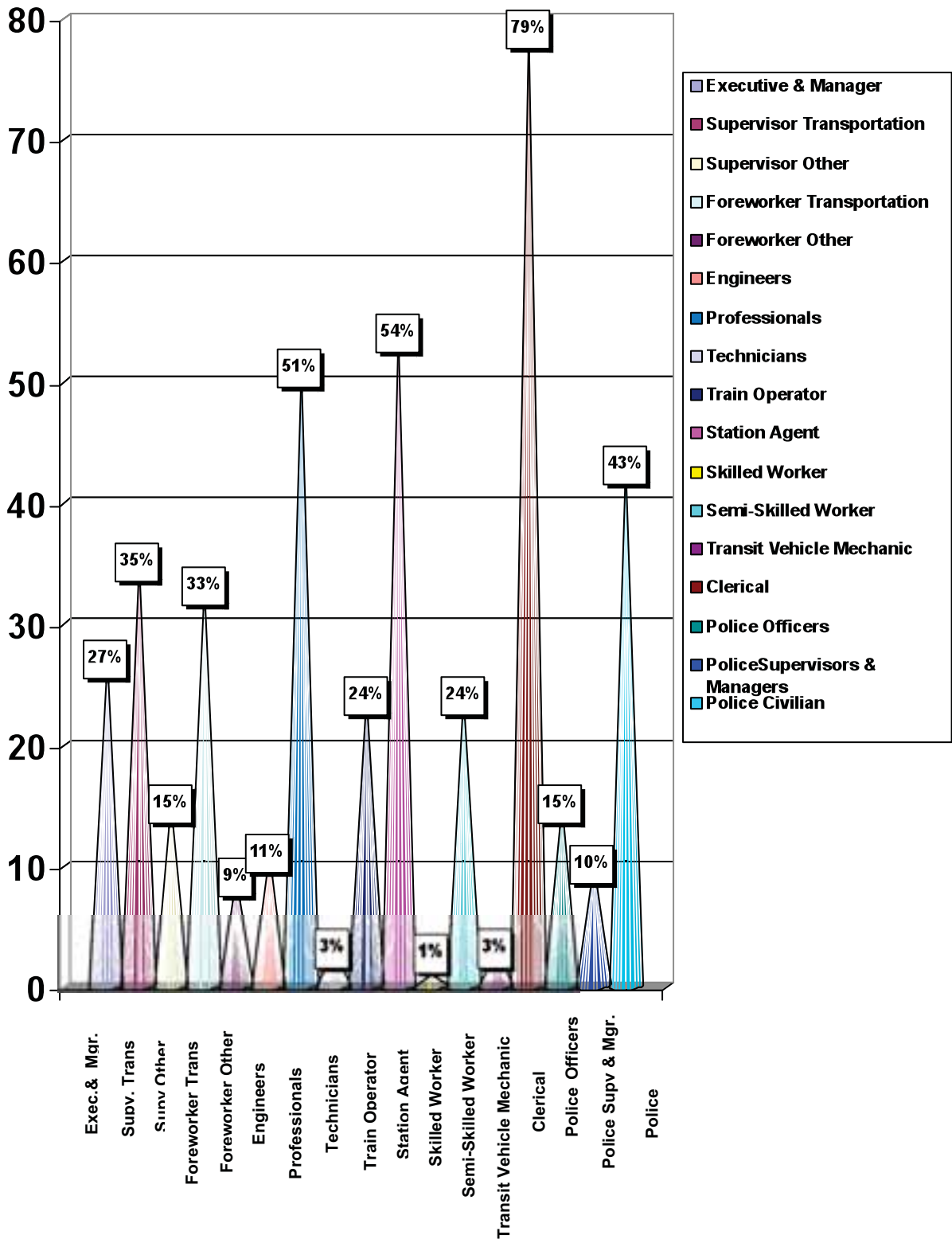
**D. WORKFORCE ANALYSIS:
FEMALE REPRESENTATION BY JOB CATEGORY**

The actual representation of females in established job categories was:

Executive and Manager	27%
Supervisor Transportation	35%
Supervisor Other	15%
Foreworker Transportation	33%
Foreworker Other	9%
Engineers	11%
Professionals	51%
Technicians	3%
Train Operator	24%
Station Agent	54%
Skilled Worker	1%
Semi-Skilled Worker	24%
Transit Vehicle Mechanic	3%
Clerical	79%
Police Officers	15%
Police Supervisors and Managers	10%
Police Civilian	43%

Percent of Total Employees 26%

Employment Opportunity Program



12.0 IDENTIFICATION OF PROBLEM AREAS

The following underutilization has been identified in the Job Groups listed below for overall females and/or minorities. Placement Percentage Goals are the sum results of the analysis of applicant availability factors using 2000 Census data and the San Francisco Bay Area Rapid Transit District's workforce composition as of December 31, 2004.

12.1 DISTRICT UNDER-REPRESENTATION

Detailed District Placement Percentage Goals are identified in the District Workforce Tables located at the end of this EOP. These Percentage Placement Goals will remain the focus of coordinated and ongoing affirmative action efforts. These items are also highlighted in the attached District Placement Goals Tables 2 – 12.

- Executives, Managers
 - Female 32.0%
 - Minority 41.5%
- Supervisor Transportation
 - Minority 61.7%
- Supervisors, Other
 - Female 25.1%
 - Minority 50.1%
- Engineers
 - Female 18.2%
- Technicians
 - Female 19.2%
- Station Agents
 - Female 72.4%
- Skilled Workers
 - Female 9.1%
 - Minority 53.0%
- Transit Vehicle Mechanics
 - Female 6.1%
- Police Officers
 - Female 16.1%
- Police Supervisors & Managers
 - Female 18.5%
 - Minority 54.8%

EXHIBITS

- Exhibit 1 San Francisco Bay Area Rapid Transit District Organization Chart
- Exhibit 2 Procedures for Filing an Employment Opportunity Program Complaint

Exhibit 2: Procedures for Filing an Employment Opportunity Program Complaint

The Office of Civil Rights has the specific responsibility of investigating employee and applicant complaints of discrimination, including complaints of sexual harassment. Office of Civil Rights staff is available for informal consultation should an employee and/or manager desire information regarding a discrimination or harassment concern.

The Office of Civil Rights staff will meet with complainant to review the allegations, clarify issues, and obtain names of witnesses, if applicable. Some complaints may be resolved through discussions with appropriate personnel of the District. If Office of Civil Rights staff determines that there are no issues of discrimination or harassment based on protected class, staff will inform the complainant. Office of Civil Rights staff may refer the complainant to other appropriate individuals, including Human Resources, department management or union representatives.

In the event Office of Civil Rights staff determines that a formal investigation is warranted, staff shall conduct a full prompt, thorough investigation of the allegations. Such investigation may include interviews with all parties named by the complainant and the respondent, as well as an analysis of relevant materials and records.

Upon completion of the investigation, the Office of Civil Rights staff shall present a written determination/finding to the complainant. This determination/finding may include a recommendation for corrective action.

Steps in the Office of Civil Rights complaint procedure include:

- Resolution of complaints at lowest level of supervision
- Resolution through union grievance process or Office of Civil Rights complaint process.
- Complaints to the Office of Civil Rights will be deferred to the appropriate bargaining unit when the same complaint is the subject of a union grievance.
- Complaint filed with the Office of Civil Rights include:
 - a) Informal Counseling: An inquiry by non-supervisory staff regarding employee conflict, policy or procedure violation, etc.
 - b) Informal Counseling Supervisor: An inquiry by supervisory staff regarding an employee conflict, policy or procedure violations, etc.
 - c) Informal Complaint: Complaint that is not presented in writing. Issue may be resolved with minimal need for formal investigation.
 - d) Formal Complaints: Complaints presented in writing. Include complainant's name, position, basis of charges and parties involved.
 - e) External Complaints: Complaints filed with external enforcement agencies, i.e., Equal Employment Opportunity Commission (EEOC), Department of Fair Employment and Housing (DFEH).

Employment Opportunity Program

- Office of Civil Rights staff determines the basis and grounds for the complaint. Preliminary investigation is conducted and respondent is notified of pending or on-going investigation.
- Office of Civil Rights staff determine the need for full investigation
- Involved parties meet with Office of Civil Rights staff to resolve charges.
- Written determination/finding of complaint provided to Complainant and any other relevant involved parties.
- General Manager issues final resolution, if necessary.

TABLES

- Table 1 BART EEO Job Group Definitions
- Table 2 District Placement Percentage Goals – Under-Represented Groups
- Table 3 District Workforce – Total Minorities
- Table 4 District Workforce – Total Women
- Table 5 District Workforce – Total Black Males
- Table 6 District Workforce – Total Black Women
- Table 7 District Workforce – Total Asian Males
- Table 8 District Workforce – Total Asian Women
- Table 9 District Workforce – Total Hispanic Males
- Table 10 District Workforce – Total Hispanic Women
- Table 11 District Workforce – Total American Indian Males
- Table 12 District Workforce – Total American Indian Women

BART EEOD JOB GROUP DEFINITIONS

Table 1

EEOD	JOB GROUP	PO CODE EXAMPLE	DESCRIPTION/TITLES/EXAMPLES	PAY BAND	BARGAINING UNIT
05	Executives/Managers	900-990	Executive Managers, Department Managers, Chief of Police, etc.	PB 9-14	Non-Represented
10	Supervisors/Transportation	880, 890	Operations Supervisors, Train Contrlr	PB 6-8	AFSCME
15	Supervisors/Other	880's, 890's	Supervising Engineers, Level I & II Supervisors	PB 5-9	AFSCME Non-Represented
20	Foreworkers/Transportation	821, 831	Operations Fwkr, Communications Spec, P&S Contr., Sr Oper Fwkr	FW II,III	ATU
25	Foreworkers/Others	814,818,825,827	Rolling Stock & Shop Fwks, Grounds Fwks, Clerical Supervisors	FP Maint, FPRS, FPSS CFI, II	SEIU
30	Engineers	724, 725, 728	Engineers, Senior Engineers, Principal Engineers	PB 5-8	Non-Represented
35	Professionals	700's, 800's	Staff Assistants, Planners, Accountants, Attorneys, Analysts, etc.	PB 2-7 (Atty-PB12), SEIU-3-13, EDS	SEIU, AFSCME, ATU, Non-Represented
40	Technicians	301, 321	All Electronic Technicians	MWIII	SEIU
45	Train Operators	621	Train Operators	TWII	ATU
47	Station Agents	521	Station Agents	TWII	ATU
50	Skilled Workers	301, 311	Inspectors, Elev/Esc Repair, Auto Mechanics, Electricians, etc.	MWIII, Inspector	SEIU
55	Semi-Skilled Workers	025, 111,201	System Service Wkrs, Cash Handlers, Utility Wkrs, Grounds Wkrs	MWII, UW, CH	SEIU
57	Transit Vehicle Mechanic	301	TVM's	MWIII	SEIU
60	Clerical	011, 021, 031, 071	Clerks and Secretaries	Clk II – SecIV	SEIU, ATU, BPOA, Non-Represented
65	Police Officers	778	Police Officers (Sworn)	PSO	BPOA
75	Police Supervisors/Mgrs	836, 888	Police Sgt, Lt, Supv, Commander	Mo Wage	BPMA
77	Police Civilians	027, 048, 098	CSA's Rev Prot Guards, Dispatchers	CSA, RPG,PD	BPOA Non-Sworn

OCR EEOD JOB GROUP DEFINITIONS

Table 2

San Francisco Bay Area Rapid Transit District
DISTRICT PLACEMENT PERCENTAGE GOALS* Percentages listed Only for Under-Represented Groups

JOB GROUP AND EEO CODE	FEMALE	MINORITY	BLACK		ASIANS		NATIVE AMERICAN		HISPANIC	
			Female	Male	Female	Male	Female	Male	Female	Male
05 Executives, Managers	32.2	41.5			7.1	14.0			2.9	
10 Supervisors, Transportation		61.7							5.5	10.6
15 Supervisors, Other	25.1	50.1	4.3		6.5	17.1			3.1	9.4
20 Foreworkers - Transportation						9.6				
25 Foreworkers -Others						24.9				16.1
30 Engineers	18.2		1.8						1.6	5.7
35 Professionals										4.9
40 Technicians	19.2		2.5	9.4	6.2				3.3	12.9
45 Train Operators					2.9		1.1			16.8
47 Station Agents	72.4				8.7		0.7		11.2	
50 Skilled Workers	9.1	53.0	0.5		2.2			1.0	3.1	28.5
55 Semi-Skilled Workers									9.6	27.9
57 Transit Vehicle Mechanics	6.1								2.6	24.3
60 Clerical									10.4	
65 Police Officers	16.1									
75 Police Supervisors & Managers	18.5	54.8	5.1			13.4				16.3
77 Police Civilians										

* Placement Percentage Goals are the sum results of analyzing applicant availability factors using 2000 Census data and the SFBARTD workforce composition make-up as December 31, 2006.

FEMALE EMPLOYEES - DECEMBER 31, 2006

District Representation and Goals In Under-Represented Job Categories

1	A CATEGORY	B		C		D		E		F		G	
		Total Number Employees 12/31/2006	Total Number Female 12/31/2006	Total Number Female 12/31/2006	Total Percent Female 12/31/2006	Percentage Goal Female Employees* 12/31/2006	Numerical Goal Female Employees* 12/31/2006	Numerical Goal Female Employees* 12/31/2006	Number of Female Employees Under-represented* 12/31/2006	Female Employees* 12/31/2006	Female Employees* 12/31/2006	Female Employees* 12/31/2006	Female Employees* 12/31/2006
2													
3													
4													
5													
6	JOB GROUP												
7	05 Executives/Managers	136	37	27.2%	32.2%	44	7						
8	10 Supervisors-Transportations	46	16	34.8%									
9	15 Supervisors-Other	72	11	15.3%	25.1%	18	7						
10	20 Foreworkers-Transportation	95	31	32.6%									
11	25 Foreworkers-Other	99	9	9.1%									
12	30 Engineers	131	15	11.5%	18.2%	24	9						
13	35 Professionals	310	159	51.3%									
14	40 Technicians	288	10	3.5%	19.2%	55	45						
15	45 Train Operators	393	95	24.2%									
16	47 Station Agents	304	165	54.3%	72.4%	220	55						
17	50 Skilled Workers	238	2	0.8%	9.1%	22	20						
18	55 Semi-Skilled Workers	347	84	24.2%									
19	57 Transit Vehicle Mechanics	209	7	3.3%	6.1%	13	6						
20	60 Clerical	103	81	78.6%									
21	65 Police Officers	150	22	14.7%	16.1%	24	2						
22	75 Police Supervisors-Managers	48	5	10.4%	18.5%	9	4						
23	77 Police Civilians	74	32	43.2%									
24	Total Employees	3043	781			429	155						
25	Percent of Total Employees	100%		25.7%			5.1%						

*Percentage and numerical goals are based on utilization analysis. Under-representation numbers are stated only where representation is below goal.

**DISTRICT WORKFORCE - Total Hispanic Female (HF) Employees
Representation and Goals In Under-Represented Job Categories
December 31, 2006**

1	A CATEGORY	B		C		D		E		F		G	
		Total Number Employees 12/31/2006	Total Number HF 12/31/2006	Total Percent HF 12/31/2006	Total Percent HF 12/31/2006	Percentage Goal HF Employees* 12/31/2006	Numerical Goal HF Employees* 12/31/2006	Numerical Goal HF Employees* 12/31/2006	Number of HF Employees Under-represented* 12/31/2006	Percentage C / B = D	Percentage E * B = F	Percentage F - C = G	
2	JOB GROUP												
3	05 Executives/Managers	135	1	0.7%				2.9%	4		3		
4	10 Supervisors-Transportations	46	1	2.2%				5.5%	3		2		
5	15 Supervisors-Other	72	0	0.0%				3.1%	2		2		
6	20 Foreworkers-Transportation	95	7	7.4%									
7	25 Foreworkers-Other	99	1	1.0%									
8	30 Engineers	131	1	0.8%				1.6%	2		1		
9	35 Professionals	310	20	6.5%									
10	40 Technicians	288	1	0.3%				3.3%	10		9		
11	45 Train Operators	393	16	4.1%									
12	47 Station Agents	304	22	7.2%				11.2%	34		12		
13	50 Skilled Workers	238	0	0.0%				3.1%	7		7		
14	55 Semi-Skilled Workers	347	14	4.0%				9.6%	33		19		
15	57 Transit Vehicle Mechanics	209	2	1.0%				2.6%	6		4		
16	60 Clerical	103	7	6.8%				10.4%	11		4		
17	65 Police Officers	150	4	2.7%									
18	75 Police Supervisors-Managers	48	1	2.1%									
19	77 Police Civilians	74	5	6.8%									
20	Total Employees	3043	103							111	62		
21	Percent of Total Employees	100%		3.4%							2.0%		

*Percentage and numerical goals are based on utilization analysis. Under-representation numbers are stated only where representation is below goal.

**DISTRICT WORKFORCE - Total Amerian Indian Female (AIF) Employees
Representation and Goals In Under-Represented Job Categories
December 31, 2006**

1	A CATEGORY	B		C		D		E		F		G	
		Total Number Employees 12/31/2006		Total Number AIF 12/31/2006	Percent AIF C / B = D	Total Percentage Goal AIF Employees* 12/31/2006	Numerical Goal AIF Employees* 12/31/2006	Percentage Goal AIF Employees* 12/31/2006	Numerical Goal AIF Employees* 12/31/2006	Number of AIF Employees Under-represented* 12/31/2006			
2													
3													
4													
5													
6	JOB GROUP												
7	05 Executives/Managers	136		0	0.0%								
8	10 Supervisors-Transportations	46		1	2.2%								
9	15 Supervisors-Other	72		0	0.0%								
10	20 Foreworkers-Transportation	95		0	0.0%								
11	25 Foreworkers-Other	99		0	0.0%								
12	30 Engineers	131		0	0.0%								
13	35 Professionals	310		1	0.3%								
14	40 Technicians	288		0	0.0%								
15	45 Train Operators	393		2	0.5%								
16	47 Station Agents	304		1	0.3%			0.7%		2		1	
17	50 Skilled Workers	238		0	0.0%								
18	55 Semi-Skilled Workers	347		1	0.3%								
19	57 Transit Vehicle Mechanics	209		0	0.0%								
20	60 Clerical	103		0	0.0%								
21	65 Police Officers	150		0	0.0%								
22	76 Police Supervisors-Managers	48		0	0.0%								
23	77 Police Civillians	74		0	0.0%								
24	Total Employees	3043		6	0.2%					2		1	
25	Percent of Total Employees	100%											0.0%

*Percentage and numerical goals are based on utilization analysis. Under-representation numbers are stated only where representation is below goal.