

**EQUAL EMPLOYMENT OPPORTUNITY
COMPLIANCE REVIEW
OF
Triangle Transit
Durham, North Carolina**

Final Report

October, 2010

**Prepared For
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
OFFICE OF CIVIL RIGHTS**

**Prepared By
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I. GENERAL INFORMATION

Grant Recipient: Triangle Transit

City/State: Durham, NC

Grantee Number: 5527

Executive Official: Mr. David King
CEO & General Manager
Triangle Transit
P.O. Box 13787
Durham, NC 27709

On Site Liaison: Sylvester Goodwin
Director of Equal Employment Opportunity and
Disadvantaged Business Enterprise

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Site Visit Dates: June 29 – July 1, 2010

Compliance Review Team: Maxine Marshall, Lead Reviewer
Clinton Smith, Reviewer
Khalique Davis, Reviewer

II. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct Civil Rights Compliance Reviews. The Equal Employment Opportunity (EEO) Reviews are undertaken to ensure compliance of applicants, recipients, and subrecipients with 49 U.S.C. Section 5332, "Non-Discrimination" and the program guidelines of FTA Circular 4704.1, "Equal Employment Opportunity Guidelines for Grant Recipients". Further, FTA recipients are required to comply with 49 CFR Part 27, "Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance".

The Triangle Transit Authority (Triangle Transit) is a recipient of FTA funding assistance and is therefore subject to the EEO compliance conditions associated with the use of these funds pursuant to 49 U.S.C. Section 5332, FTA Circular 4704.1 and 49 CFR Part 27. These regulations define the components that must be addressed and incorporated in Triangle Transit's EEO program and were the basis for the selection of compliance elements that were reviewed in this document.

III. PURPOSE AND OBJECTIVES

PURPOSE

The FTA Office of Civil Rights periodically conducts EEO Compliance Reviews of grant recipients and subrecipients to determine whether they are honoring their commitment, as represented by certification to FTA, that they are complying with their responsibilities under 49 U.S.C. Section 5332, FTA Circular 4704.1, and 49 CFR Part 27. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of Triangle Transit's "Equal Employment Opportunity Program" was necessary.

The Office of Civil Rights authorized The DMP Group to conduct this EEO Compliance Review of Triangle Transit. The primary purpose of the EEO Compliance Review was to determine the extent to which Triangle Transit has met its EEO program goals and objectives, as represented to FTA, in its EEO Program Plan. This Compliance Review was intended to be a fact-finding process to: (1) examine Triangle Transit's EEO Program Plan and its implementation, (2) provide technical assistance, and (3) make recommendations regarding corrective actions deemed necessary and appropriate.

This Compliance Review did not directly investigate any individual complaints of discrimination in employment activities by the grant recipient or its subrecipients, nor did it adjudicate these issues on behalf of any party.

OBJECTIVES

The objectives of FTA's EEO regulations, as specified in FTA Circular 4704.1, are:

- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability;
- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, sex, age or disability. Such action shall include, but not be limited to, hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. It shall also include a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force; and
- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will post in conspicuous places and make available to employees and applicants for employment, notices setting forth the recipient's EEO policy. In addition, applicants/employees will be notified of the recipient's procedures for filing complaints of discrimination internally, as well as externally with the Federal Equal Employment Opportunity

Commission, the local human rights commission, and/or the U.S. Department of Transportation (DOT).

The objectives of this EEO Compliance Review were:

- To determine whether Triangle Transit is honoring its commitment represented by the certification to FTA that it is complying with its responsibilities under 49 U.S.C. Section 5332, “Non-Discrimination.”
- To examine the required components of Triangle Transit’s EEO Program Plan against the compliance standards set forth in the regulations and to document the compliance status of each component.
- To gather information and data regarding all aspects of Triangle Transit’s employment practices, including recruitment, hiring, training, promotion, compensation, retention and discipline from a variety of sources: Human Resources Department staff, other Triangle Transit management and staff, and community representatives.

IV. BACKGROUND INFORMATION

The Triangle Transit Authority (Triangle Transit) was chartered by the Secretary of State of North Carolina in 1989 as a regional public transportation authority serving Wake, Durham and Orange Counties. Triangle Transit's services include regional bus and shuttle service, paratransit, vanpools, rideshare matching, trip planning, and transportation demand management. Triangle Transit directly operates its fixed route bus and paratransit service. The service area includes the cities of Apex, Cary, Chapel Hill, Durham, Garner, Hillsborough, and Raleigh, the Research Triangle Park, and Raleigh-Durham International Airport. Triangle Transit's service area encompasses 1,525 square miles and a population of nearly one million persons.

Triangle Transit provides a bus network of 25 fixed routes. Service is provided weekdays from 6:00 a.m. to 10:30 p.m. Saturday service is operated from 8:00 a.m. to 5:30 p.m. There is no service on Sundays. The Triangle Transit's complementary paratransit service, known as "t-linx," operates during the same days and hours of service as the fixed routes.

Triangle Transit's administrative offices are located at 2600 Emperor Boulevard in Durham, North Carolina. The buses operate from a single operations and maintenance facility located at 5201 Nelson Road in Morrisville. This facility was recently expanded with FTA funds. Its service is oriented around the locally funded Regional Transit Center located at 901 Slater Road in Durham.

At the time of the Compliance Review and according to the most recent organization charts, the Triangle Transit Chief Executive Officer (CEO) and General Manager

(GM) reported to the Board of Triangle Transit. Triangle Transit was organized under the following management structure that reported directly to the GM:

- CFO/ Director, Finance and Administrative Services
- Director, Capital Development
- Director, Bus Operations
- Director, Commuter Resources
- Director of EEO/ DBE

The Equal Employment Opportunity function was performed primarily by the Director of Equal Employment Opportunity and Disadvantaged Business Enterprise (Director of EEO/DBE). The EEO function of the Director of EEO/DBE was to ensure compliance with all federal, state and local laws related to non-discrimination and affirmative action in employment. The Director of EEO/DBE reported directly to the CEO/GM who reported to the Board.

As of June 1, 2009, Triangle Transit's workforce was comprised of 184 employees. A total of 141 of those employees or 71 percent were minorities and 76 employees or 41 percent were female.

Triangle Transit's service area is largely non-minority, as shown in Table 1. White residents represent 68.1 percent of the total population. Blacks are the largest minority group at 23.5 percent. Hispanics follow at 5.8 percent, and Asians represent 3.5 percent of the population. American Indians/Alaska Native and Native Hawaiians/Pacific Islanders each represent less than one percent of the total population.

Table 1
Racial/Ethnic Breakdown of the Triangle Transit Service Area

Racial/ Ethnic Group	Durham County		Orange County		Wake County		Triangle Transit Service Area	
	Number	%	Number	%	Number	%	Number	%
White	113,698	50.9	92,272	78.0	454,544	72.4	660,514	68.1
Black	88,109	39.5	16,298	13.8	123,820	19.7	228,227	23.5
American Indian and Alaska Native	660	0.3	457	0.4	2,152	0.3	3,269	0.3
Asian	7,350	3.3	4,845	4.1	21,249	3.4	33,444	3.5
Hawaiian/Pacific Islander	79	0.0	20	0.0	212	0.0	311	0.0
Other Race	9,404	4.2	2,312	2.0	15,548	2.5	27,264	2.8
Two or More	4,014	1.8	2,023	1.7	10,321	1.6	16,358	1.7
Hispanic Origin ¹	17,039	7.6	5,273	4.5	33,985	5.4	56,297	5.8
Total Population	223,314	100%	118,227	100%	627,846	100%	969,387	100%

¹ Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

V. SCOPE AND METHODOLOGY

SCOPE

The following required EEO program components specified by FTA are reviewed in this report:

1. Program Submission – A formal EEO program is required of any recipient that both employs 50 or more transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors) *and* received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous federal fiscal year. Program updates are required every three years.
2. Statement of Policy – An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment.
3. Dissemination – Formal communication mechanisms should be established to publicize and disseminate the recipient's EEO policy, as well as appropriate elements of the program, to its employees, applicants and the general public.
4. Designation of Personnel Responsibility – The importance of an EEO program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be

appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO.

5. Utilization Analysis – The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.
6. Goals and Timetables – Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources.
7. Assessment of Employment Practices – Recipients, subrecipients, contractors and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.
8. Monitoring and Reporting System – An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.
9. Title I – ADA – All recipients of federal financial assistance are required to prohibit employment discrimination on the basis of disability, and whenever a complaint is made, to have a process to make a prompt investigation whenever a Compliance Review, report, complaint, or any other information indicates a possible failure to comply with the ADA.

METHODOLOGY

The initial step of this EEO Compliance Review consisted of consultation with the FTA Region IV Civil Rights Officer and Civil Rights Headquarters staff regarding the decision to conduct a Compliance Review of Triangle Transit. This Review was scheduled and conducted concurrently with a FTA Title VI Compliance Review. The results of that Review are provided in a separate report.

Relevant documents from FTA's files were reviewed as background. Next, an agenda letter was prepared and sent to Triangle Transit by FTA's Office of Civil Rights. The agenda letter notified Triangle Transit of the planned Compliance Review, requested preliminary documents, and informed Triangle Transit of additional documents needed and areas that would be covered during the on-site portion of the Review. It also informed Triangle Transit of the staff and other organizations and individuals that would be interviewed. The following documents were requested:

Background

- a) Description of Triangle Transit Organization
- b) Summary Listing of EEO Complaints and Lawsuits against Triangle Transit during the last three years (January 1, 2007 – December 31, 2009) alleging discrimination towards an employee or job applicant. The summary shall indicate the date of the complaint, if the complaint was filed internally or externally, the basis for discrimination, the date the complaint was resolved or if the complaint is still open.
- c) A list of organizations in the community representing minorities, women, persons with disabilities, and low-income persons, including the name and telephone numbers of contact persons.
- d) Collective Bargaining Agreements covering the past three years for each bargaining unit, if applicable.

1. **Program Submission (FTA C. 4704.1.II, 5.)**
 - a) Copy of Affirmative Action/ EEO Program most recently submitted to FTA
 - b) Copy of Triangle Transit Submittal Letter
 - c) Copy of FTA Approval Letter, if available
2. **Statement of Policy (FTA C. 4704.1.III, 2.a.)**
 - a) Copy of EEO Policy issued by CEO
3. **Dissemination (FTA C. 4704.1.III, 2.b.)**
 - a) Documentation of Internal Dissemination of EEO Policy
 - b) Documentation of External Dissemination of EEO Policy
4. **Designation of Personnel Responsibility for EEO (FTA C. 4704.1.III, 2.c.)**
 - a) Copy of Position/Job Description for EEO Officer and EEO Staff
 - b) Organization Chart showing EEO Officer Reporting Relationship
5. **Utilization Analysis (FTA C. 4704.1.III, 2.d.)**
 - a) Utilization Analysis for the past two years prepared in accordance with FTA Circular 4704.1 Chapter III 2.d.
6. **Goals and Timetables (FTA C. 4704.1.III, 2.e.)**
 - a) Goals and Timetables for the past two years prepared in accordance with FTA Circular 4704.1 Chapter III 2 e.
7. **Assessment of Employment Practices (FTA C. 4704.1.III, 2.f.)**
 - a) A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices.
 - b) A list of all recruitment sources used during the last year, including the name and telephone numbers of contact persons.
 - c) A copy of the information given to employees regarding employer-sponsored training.
 - d) A listing of all job titles for which written examinations are conducted.
 - e) A listing of all job titles for which medical or physical examinations are conducted.
 - f) Data on new hires for the past three years for each job title or job group. Provide the total number of applicants and the total number of hires, by job title, as well as the number of minority group and female applicants and hires, for the past three years.
 - g) Data on competitive promotions for the past three years for each job title or job group. Provide the total number of promotions, as well as the number of minority group and female employee promotions. Indicate the departments from which and to which the employees were promoted.

- h) Data on terminations for the past three years for each job title or job group. Provide the total number of employee terminations, as well as the number of minority group and female employee terminations. Indicate if the terminations were voluntary or involuntary.
 - i) Data on all demotions, suspensions, and disciplinary actions above the level of oral warning for the past three years for each job title or job group. Provide the total number of demotions, suspensions, and disciplinary actions, as well as the number of minority group and female employee demotions, suspensions, and disciplinary actions. Indicate the departments in which these employees worked when they were demoted, suspended or disciplined.
- 8. Monitoring and Reporting (FTA C. 4704.1.III, 2.g.)**
- a) Procedures describing Triangle Transit's EEO Monitoring and Reporting System.
 - b) A report on the results of Triangle Transit's goals for the 2009 affirmative action plan (AAP) year. For goals not attained, a description of the specific good faith efforts made to achieve them.
 - c) A description of the procedures and criteria used by Triangle Transit to monitor its subrecipients and contractors to determine compliance with FTA EEO requirements.
 - d) Copies of EEO Programs from subrecipients and contractors that employ 50 or more transit-related employees.
- 9. Title I of the Americans with Disabilities Act (Section 102.b.5)**
- a) A copy of notices utilized by Triangle Transit to inform employees of their right to obtain reasonable accommodation and any formal procedures to make such accommodation.
 - b) A list of requests for reasonable accommodation during the past three years and whether the requests were granted or denied.

Triangle Transit assembled the documents prior to the site visit and provided them to the Compliance Review team for advance review.

Triangle Transit's site visit occurred June 29 – July 1, 2010. As previously noted, the EEO Compliance Review was conducted concurrently with a Title VI Compliance Review. The findings from the Title VI Compliance Review are presented in a separate report. A joint Entrance Conference was conducted at the

beginning of the Compliance Reviews with Triangle Transit's senior management staff, an Equal Opportunity Specialist from FTA's Office of Civil Rights, and the contractor Review teams. During the Entrance Conference, the Review teams explained the goals of the Reviews and the needed cooperation of staff members. The detailed schedule for conducting the on-site visit was discussed.

Following the joint Entrance Conference, the EEO Review team conducted a detailed examination of documents submitted by Triangle Transit's Director of EEO/DBE on behalf of the agency. The Review team also held discussions with Triangle Transit's Director of EEO/DBE regarding Triangle Transit's EEO Program and its implementation.

The next day, an interview was conducted with Triangle Transit's Human Resources Manager to learn about Triangle Transit's employment practices, including recruitment, testing, hiring, promotions, transfers, discipline and terminations. Files and records of employment actions, such as new hires, promotions, demotions, and terminations, were requested and reviewed.

Throughout the three-day Site Visit, interviews were also conducted with selected employees and managers and with interested parties who were not Triangle Transit employees but who may have been familiar with employment practices and complaints of discrimination. Interviews were also carried out with representatives of social service agencies and community-based organizations.

Community Interviews

Several community representatives were interviewed including minority business owners, organizers of community centers, and representatives of organizations representing persons with disabilities and minorities. Most of the individuals stated that they did not recall receiving a copy of Triangle Transit's EEO Policy and they were not aware of Triangle Transit's involvement in community outreach efforts such as job fairs within the last year. One representative indicated that while he was not aware of a specific job fair, he was knowledgeable of Triangle Transit's efforts to recruit and promote persons with disabilities. Several of the representatives knew who the EEO Officer was at Triangle Transit. Some had received notifications from Triangle Transit regarding available job opportunities. Those who had received job notifications also appeared to have an independent association or relationship with the transit agency or a management employee. Most community representatives were aware that Triangle Transit posted job notices on its website.

Most of those interviewed believed that Triangle Transit hired, promoted, and disciplined persons without regard to race, color, age, sex, disability or national origin; however, several questioned whether the hiring and promotion practices were equitable at all levels of the organization. Most of those viewed the transit agency as a very diverse organization and stated that they would like to receive direct notifications on available employment opportunities to better disseminate the information to their constituents.

Staff Interviews

Ten Triangle Transit staff members were independently selected by the Review team for interviews. The staff members interviewed were an ethnically diverse group consisting of both men and women, and hourly and salaried employees. All of the staff members had been with Triangle Transit for several years. Many said that Triangle Transit was a very diverse organization that provided opportunities for promotion with no significant barriers. Many had received promotions during their time at Triangle Transit.

The general consensus was that most employees had knowledge of who the EEO Officer was and generally how the EEO Program operated. Most knew the agency was required to have an EEO Officer and that the Officer was responsible for ensuring a diverse workforce and promoting acceptable gender interaction in the workplace. While many believed the agency was diverse, most employees expressed a reluctance to file an internal complaint. No one stated that they had filed a complaint but several indicated they would have if they believed a fair and impartial remedy was achievable. There was an underlying fear that if a complaint was filed, the administration would retaliate with increased disciplinary action or termination. All were concerned about losing employment in the current economic environment. While most employees knew who the EEO Officer was, many were not aware that he had an independent reporting relationship to the CEO or that he was the person responsible for handling discrimination complaints. None of the employees were aware that external discrimination complaints could be filed with an external agency but again expressed a reluctance to file for fear of retaliation.

Some were aware of the EEO Posters, seen at various areas throughout the facility, but few had seen or were aware of the agency's EEO Policy Statement. Most expressed a desire to know the agency's statement on discrimination and the procedure to file a complaint.

Everyone recalled having received training on sexual harassment within the last three years and they knew that EEO training was part of the orientation for new employees. Management employees appeared to receive additional EEO training periodically. However, most other employees had no knowledge of receiving any additional EEO or diversity training other than at new employee orientation.

Clarifying complaint procedures was the number one issue most employees suggested would be very helpful. Many thought that updated diversity training would also be helpful. Almost all employees indicated Triangle Transit's diverse workforce actually increased the need for this training.

Most believe that supervisory positions did not have barriers but specific concerns were raised regarding promotions and harassment in the bus operations and service management departments.

Following the site visit, Triangle Transit provided additional data and documents to the Review team that was used to complete this Compliance Review report.

VI. FINDINGS AND RECOMMENDATIONS

The EEO Compliance Review focused on Triangle Transit's compliance with nine specific requirements of FTA Circular 4704.1 and Title I of the ADA. This section describes the requirements and findings at the time of the Compliance Review Site Visit. No deficiencies were identified in eight of the nine requirements reviewed. Deficiencies were identified in the area of *Personnel Responsibility*. Triangle Transit was asked to provide additional information in the areas of *Dissemination*, and *Monitoring and Reporting*. Following the Site Visit and the issuance of the Draft Report, Triangle Transit provided documentation to address the areas of deficiency. The Final Report incorporates those submittals.

1. Program Submission

Requirement: A formal EEO program is required of any recipient that both employs 50 or more transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors) *and* received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous federal fiscal year. Program updates are required every three years.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Program Submission. Triangle Transit submitted its most recent EEO Program Update, entitled *Triangle Transit Equal Employment Opportunity Affirmative Action Program, (EEO Program Update – 2010)* to FTA in January 2010. The *EEO Program Update – 2010*, which reported on employment data as of July 1, 2006 – June 30, 2009 was comprised of the following sections:

- Equal Employment Opportunity (EEO) and Affirmative Action Statement
- Affirmative Action
- Triangle Transit Staff Responsibilities
- Workforce Analysis
- Assessment of Employment Practices
- Monitoring and Reporting Systems
- Appendices

The *EEO Program Update – 2010* contained all of the elements required in FTA Circular 4704.1 and was approved by FTA’s EEO Program Analyst on May 25, 2010. The approval expires on May 25, 2013. Triangle Transit must submit its next update by April 25, 2013.

2. Statement of Policy

Requirement: An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Statement of Policy. Triangle Transit provided its official EEO Policy Statement dated February 3, 2010 entitled *Equal Employment Opportunity (EEO) Policy Statement*. The following table shows that each of the elements required in an EEO Statement of Policy, according to FTA Circular 4704.1 Chapter III, 2a, were found in Triangle Transit’s EEO Policy Statement as shown in the table below:

FTA C. 4704.1 Policy Statement Requirements	Triangle Transit's EEO Policy Statement
Issued by CEO	Yes
Commitment to EEO	Yes
Undertake an Affirmative Action Program	Yes
EEO Program Assignment to Agency Executive	Yes
Management Personnel Share Responsibility	Yes
Applicants/Employees Right to File Complaints	Yes
Performance by Managers/Supervisors Evaluated	Yes
Successful Achievement Provides Benefits	Yes

The Policy Statement was observed during the Site Visit, posted in conspicuous locations, so that employees, applicants, and the general public were aware of Triangle Transit's EEO commitment.

3. Dissemination

Requirement: Formal communication mechanisms should be established to publicize and disseminate the agency's EEO policy as well as appropriate elements of the program, to its employees, applicants and the general public.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Dissemination. Prior to the Site Visit, Triangle Transit provided a copy of its *EEO Program Update – 2010*. In the Affirmative Action section of the document, there were two subsections, entitled *Internal Dissemination* and *External Dissemination* that detailed Triangle Transit's procedures for disseminating its procedures for internal and external dissemination of its EEO policy/program.

Triangle Transit's *EEO Program Update – 2010* listed the following methods used by the EEO Officer for communicating the EEO policy statement internally and externally:

- *Posts relevant EEO material on bulletin boards, employment applications;*
- *Ensures that an EEO statement is on the Triangle Transit Intranet*
- *Discusses EEO policy and making employees sensitive to violations during training sessions*
- *Maintains a schedule to conduct annual and as needed meetings to keep Senior Managers up to date on compliance activities;*
- *Reports EEO/Affirmative Action quarterly progress during Board of Trustee committee meetings to the full Board on an annual basis*
- *Posts EEO language on the Triangle Transit website;*
- *Making sure, through Human Resources, that all advertisements carry the EEO "equal opportunity" wording;*
- *Participation in external job fairs and other community activities;*
- *Writing non-discriminatory language in leases, purchase orders, contracts, etc.;*
- *Attendance at network meetings and using avenues of opportunities for heightening awareness;*
- *Promoting awareness in the Go Triangle marketing materials.*

During the Compliance Review Site Visit, Triangle Transit was able to document that it used the following methods to disseminate its EEO policy internally:

- Posted on bulletin boards
- Posted on Triangle Transit Intranet
- Discussed during employee training sessions
- Included in the Triangle Transit Policy Manual, dated November 2008
- Quarterly reports to the Board Personnel Committee

During the Site Visit, Triangle Transit was able to document that external dissemination included:

- EEO Policy posted on the Triangle Transit website
- EEO Language included in all job advertisements

- EEO Policy posted at Triangle Transit transfer center
- Non-discrimination clause included in leases, purchase orders, etc.

Following the Site Visit, on August 10, 2010, Triangle Transit provided documentation that it had disseminated the EEO Policy Statement to community groups such as the Hispanic Chamber of Commerce.

4. Designation of Personnel Responsibility

Requirement: The importance of an EEO program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO.

Finding: During this Compliance Review of Triangle Transit, deficiencies were found with FTA requirements for Designation of Personnel Responsibilities. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c states:

An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO. Since managing the EEO program requires a major commitment of time and resources, the Manager/Director of EEO should be given top management support and assigned a staff commensurate with the importance of this program.

The Director EEO/DBE for Triangle Transit reported directly to the CEO/General Manager. The position did not include any collateral duties that would conflict with the role of EEO Officer.

The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c also provide for nine program responsibilities that the EEO Officer should, at a minimum, have. The table below summarized the FTA required elements of an EEO Officer, the duties contained in Triangle Transit's *Program Update – 2010*, and the duties and responsibilities listed in the Triangle Transit Job Description for the Director of EEO/DBE:

EEO Officer Program Responsibilities (FTA Circular 4704.1, III.2.c)	Duties in <i>EEO Program Update - 2010</i>	Duties in Job Description
Develop EEO Policy/Program	X	X
Assist Management in Data Needs, Setting Goals and Timetables, etc.	X	X
Internal Monitoring and Reporting System	X	X
Reporting Periodically to CEO on EEO Progress	X	X
Liaison to Outside Organizations/Groups	X	Not Included
Current Information Dissemination	X	X
Recruitment Assistance/Establish Outreach Sources	X	X
Concur in All Hires/Promotions	X	Not Included
Process Employment Discrimination Complaints	X	X

The Director EEO/DBE acknowledged that his actual duties reflected those in the job description and that he did not concur on all new hires or promotions, nor did this position serve as a liaison to outside organizations/groups for EEO matters. Interviews with employees also revealed that the EEO Director had limited interaction with employees. Some, but not all employees could identify who the EEO Officer was and how to file discrimination complaints.

Following the Site Visit, on August 10, 2010, Triangle Transit provided documentation that it had revised its job description for Director EEO/DBE, to include the responsibility to concur on all new hires and promotions and to serve as a liaison to outside organizations/groups for EEO matters. Triangle Transit also

provided documentation that effective July 10, 2010 it had added the Director EEO as a required approval signature on the *New Employee Transaction Form*. This form is required to implement payroll actions for new hires and re-hires.

Triangle Transit also provided documentation that the Director EEO/DBE had implemented initiatives to be more visible, both internally and externally. These actions included:

- Participating in New Employee Orientation programs, beginning with the July 26, 2010 session.
- Continuing to conduct Harassment and Diversity training for all employees on a regular basis. The next training was scheduled for August 26, 2010.
- Serving as a liaison to community groups and local colleges to recruit women and minorities for available employment opportunities.

Following the issuance of the Draft Report, Triangle Transit provided documentation that concurrence by the Director of EEO/DBE was added to promotion decisions. The *Employee Transfer Form*, which must be completed for promotions, lateral transfers, or demotions, includes a signature line for the Director of EEO/DBE.

Corrective Action and Schedule: Triangle Transit must submit to the FTA Headquarters Office of Civil Rights, no later than January 31, 2011, documentation that the EEO Director has concurred on *all new hires and promotions* for the period of July 15, 2010 through December 31, 2010.

5. Utilization Analysis

Requirement: The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Utilization Analysis. The *EEO Program Update – 2010* provided utilization analyses for July 1, 2006 to June 30, 2009 that detailed the work force analysis and availability analysis. The Triangle Transit's utilization analyses showed the workforce by:

- EEO – 1 Categories/Job Groups
- Gender
- Ethnicity
- Number of Employees in each Category/Job Group
- Current Utilization
- Class Goals
- Underutilized

The utilization analysis revealed that as of June 30, 2009, minorities were not underutilized in any job categories. However, women were underutilized in four categories:

- Officials and Managers
- Professionals
- Craft Workers
- Operatives

6. Goals and Timetables

Requirement: Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Goals and Timetables. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2e state:

Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis.

Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible.

Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals.

Prior to and during the Site Visit, Triangle Transit provided information regarding its goals and timetables established in its *EEO Program Update – 2010*. Short-term goals were presented for each job category with underutilization. The *EEO Program Update – 2010* included the following short and long term goals:

- Officials and Managers – add two females (long term)
- Professionals – add two females (long term)
- Craft Workers – add one female (short term)
- Operatives – add one female (short term)

7. Assessment of Employment Practices

Requirement: Recipients, subrecipients, contractors and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Assessment of Employment Practices. Triangle Transit documented in its *EEO Program Update – 2010* that it had conducted qualitative and quantitative assessments of employment practices.

FTA Circular 4704.1 requires grantees to undertake a qualitative and quantitative analysis of employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization:

Qualitative analyses should include narrative descriptions of the following:

- *Recruitment and employment selection procedures from the agency's last EEO submission.*
- *Seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the last EEO submission.*
- *Procedures and practices regarding wages, salary levels, and other forms of compensation and benefits.*
- *Disciplinary procedures and discharge and termination practices.*
- *Assessment of the impact of external factors (not knowing where to apply for jobs, the availability of bilingual materials and information)*

Quantitative analyses should include the following statistical data by race, national origin, and sex in the past year:

- *Number of job applicants and the number of individuals offered employment.*
- *Number of employees in each job category that applied for a promotion or transfer, and the number of employees who were promoted or transferred in the past year.*
- *Number of disciplinary actions and terminations (by type) in the past year.*

Triangle Transit documented that it had conducted qualitative and quantitative analyses of its practices in accordance with FTA Circular 4704.1. Triangle Transit provided information regarding its assessments of Human Resources practices and procedures and the impact on equal employment opportunities in its *Program Update – 2010*. Narrative assessments discussed recruitment, selection, promotion, compensation, disciplinary actions, and training. The assessment concluded that there were no barriers identified that inhibited the hiring or promotion of women or minorities.

Additionally, Triangle Transit was also able to document that it conducted qualitative analyses of hiring, promotions, and disciplinary actions, including terminations. The data showed that minorities and women are generally hired, promoted and disciplined at rates comparable to their representation in the workforce.

A review of selected employment and disciplinary files by the Compliance Review team did not reveal a pattern or practice of discriminatory practices; however two employment practices by Triangle Transit should be monitored to determine if the practices could have a disparate impact on minorities and women. The first is the administration of discipline, including suspensions and written warnings. It should be noted that Triangle Transit had a very limited number of suspensions and written warnings for a transit system of its size, which limited the Reviewers from

identifying trends. A review of two disciplinary actions (the only in three years that resulted in suspensions) identified that a single infraction (insubordination) by a minority female bus operator resulted in a two-day suspension, while a non-minority male bus operator received a two-day suspension after the third offense for violation of safe driving rules. Triangle Transit work rules did not specify the discipline associated with either of these infractions. The second employment practice involved the promotion of operators from the position of Bus Operator I to Bus Operator II and Bus Operator III positions. These promotions are not based on seniority. The Transportation Department can select operators to promote to these positions (which include limited dispatching and/or supervisory responsibilities) without first posting the vacancies internally. This practice was identified by several bus operators as unfair because all operators do not have an opportunity to express interest and be considered for the promotion. While neither of these practices appeared to be intentionally discriminatory, the results of the practices should be continually assessed to assure that the policies do not result in a disparate impact.

8. Monitoring and Reporting System

Requirement: An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for a Monitoring and Reporting System. FTA Circular 4704.1, Chapter III, 2.g, states:

An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should serve the following basic purposes:

- *Assessing EEO accomplishments*
- *Enabling the agency to evaluate the EEO program during the year and to take necessary corrective actions, as necessary*
- *Identifying those units which have failed to achieve a goal or implement affirmative action*
- *Providing precise and factual database for future projections.*

At the Site Visit, Triangle Transit was able to demonstrate that it had consistently reviewed EEO accomplishments and reported to Triangle Transit management and the Board (Triangle Transit Personnel Committee) on a quarterly basis. The most recent report, presented on May 11, 2010 included the following items for the first quarter of 2010:

- Applicants, new hires, and terminations by race
- Current workforce composition, agency wide
- Total workforce by EEO categories
- Current utilization analysis

The agenda package for the May meeting included minutes from the prior meeting, held on February 2, 2010, documenting that an EEO Report had been presented. The next EEO Report was scheduled for the September 7, 2010 meeting of the Personnel Committee of the Board.

9. Title I of the Americans with Disabilities Act

Requirement: Title I of the Americans with Disabilities Act (ADA) requires all recipients of federal financial assistance to prohibit discrimination on the basis of disability, and whenever a complaint is made, to have a process to make a “prompt investigation whenever a Compliance Review, report, complaint, or any other information indicates a possible failure to comply” with the ADA.

Finding: During this Compliance Review of Triangle Transit, no deficiencies were found with FTA requirements for Title I of the ADA. Triangle Transit has included persons with disabilities as a protected class in its EEO Policy Statement. The Policy also includes the statement: *Triangle Transit also makes reasonable accommodations for individuals with disabilities.....* Triangle Transit also has a policy for employees and applicants to request reasonable accommodation. One request for reasonable accommodation was granted.

VII. SUMMARY OF FINDINGS

Requirements of FTA Circular 4704.1	Site Review Finding	Description of Deficiencies	Corrective Actions	Response Due/ Closed Date
1. Program Submission	ND			
2. Statement of Policy	ND			
3. Dissemination	ND			
4. Designation of Personnel Responsibility	D	<p>EEO Director does not concur in hires or serve as liaison to community groups on EEO matters.</p> <p>Role and identify of EEO Officer is not known to all employees.</p>	<p>Triangle Transit must submit to the FTA Office of Civil Rights:</p> <ul style="list-style-type: none"> • A revised job description, to include the responsibility to concur on all new hires and promotions and to serve as a liaison to outside organizations/ groups for EEO matters • Documentation that the EEO Director has concurred on all new hires and promotions for the period of July 15, 2010 through December 31, 2010. • Documentation that the EEO Director has met with employees and community 	<p>Closed 08/10/2010</p> <p>Due 01/31/2011</p> <p>Closed 08/10/2010</p>

Requirements of FTA Circular 4704.1	Site Review Finding	Description of Deficiencies	Corrective Actions	Response Due/ Closed Date
			groups regarding EEO matters, including training, participation in job fairs or other activities.	
5. Utilization Analysis	ND			
6. Goals and Timetables	ND			
7. Assessment of Employment Practices	ND			
8. Monitoring and Reporting System	ND			
9. Title I of the ADA	ND			

ND = No Deficiency; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC=Advisory Comments

VII. ATTENDEES

Name	Title	Phone Number	Email
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