

San Francisco Bay Area Rapid Transit Equal Employment Opportunity Program

January 1, 2020 - December 31, 2023



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This document has been prepared
in accordance with the requirements of the
Federal Transit Administration Circular 4704.1A

**San Francisco Bay Area Rapid Transit
Equal Employment Opportunity Plan**

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I. Narratives

A. Introduction

The San Francisco Bay Area Rapid Transit (“BART” or “District”) is a rapid transit public transportation agency currently serving four counties: Alameda, Contra Costa, San Francisco, and San Mateo with service to Santa Clara scheduled to begin in late 2020. BART connects the San Francisco Peninsula with Berkeley, Oakland, Fremont, Walnut Creek, Dublin/Pleasanton and other cities in the East Bay. The District is an independent agency created in 1957 by the legislature of the State of California for the purpose of providing an adequate, modern, interurban mass rapid transit system in the various portions of the metropolitan area surrounding the San Francisco Bay. The District started its revenue operations in September 1972.

For more than 45 years BART has provided fast, reliable transportation to downtown offices, shopping centers, tourist attractions, entertainment venues, universities and other destinations for Bay Area residents and visitors. BART’s Administration Office is located in Oakland, California and operates under the direction of an elected board of nine officials from nine BART districts (see Figure 1 on the following page for BART’s organizational chart).

As an FTA recipient employing 100 or more transit-related employees, BART is required to prepare and maintain an EEO Program on a quadrennial basis. This document has been prepared to fulfill the guidance and requirements published in FTA Circular 4704.1A (“Equal Employment Opportunity Requirements and Guidelines for Federal Transit Administration Recipients”)¹, effective October 31, 2016, and revised April 20, 2017.

BART’s Equal Employment Opportunity (EEO) Program² demonstrates its commitment to and compliance with the EEO provisions of the FTA. This EEO Program contains placement goals for the period January 1, 2020 – December 31, 2023, and includes the following required EEO Program components:

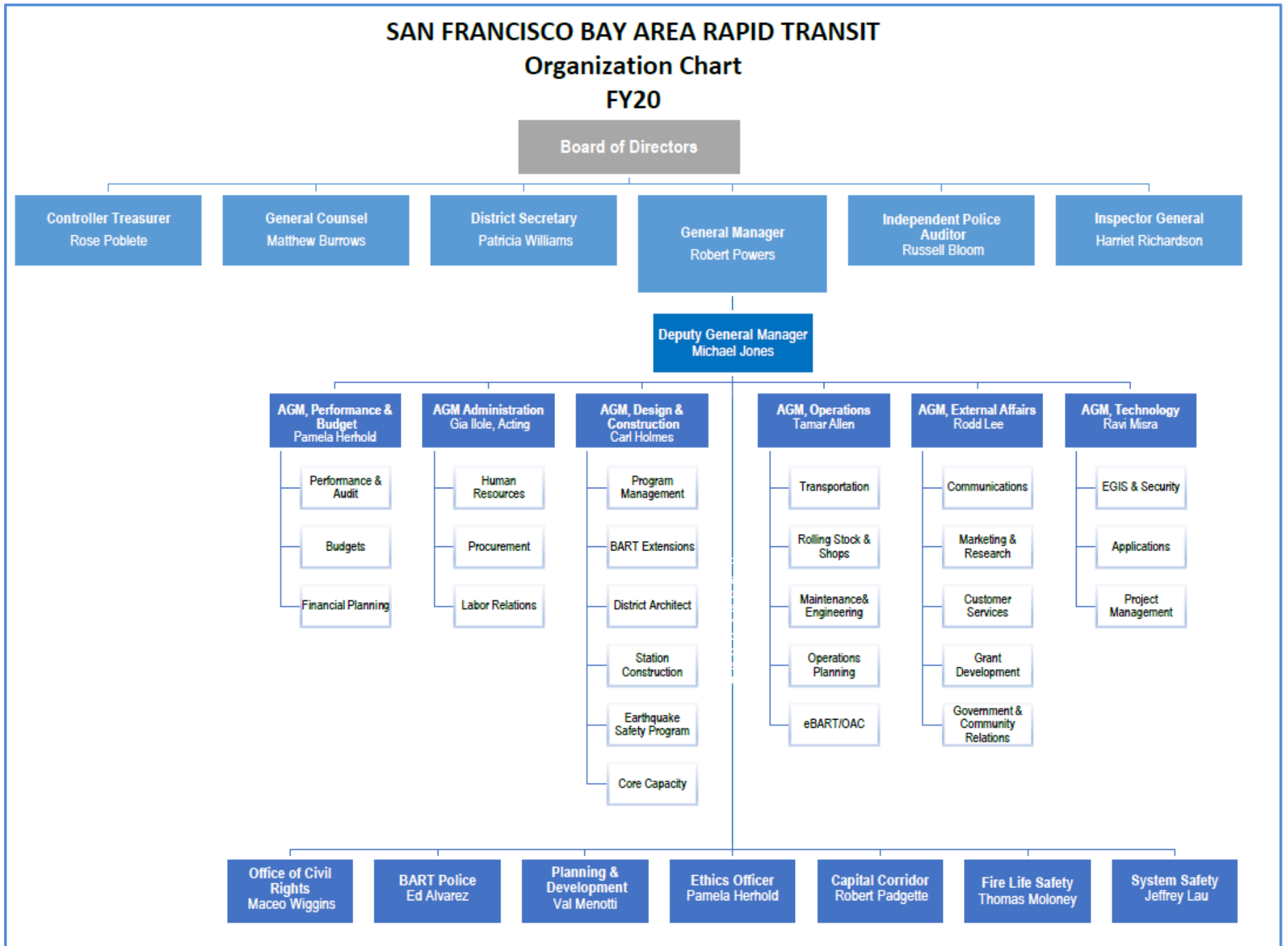
1. Statement of Policy
2. Plan for dissemination
3. Designation of appropriate personnel responsible for carrying out the EEO Program, including designation of an EEO Officer
4. Utilization Analysis
5. Goals and timetables to correct identified areas of underutilization or concentration
6. Assessment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

BART is committed to providing a workplace free of discrimination, harassment and retaliation for its employees and applicants and strives to hire a qualified and diverse workforce through inclusive recruitment and employment practices.

¹ <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eoo-guidance>

² BART’s adoption of this EEO Program shall not be construed as an admission that BART has violated any provisions of Title VII of the Civil Rights Act or the nondiscrimination provisions of its various grant entitlements.

Figure 1: BART Organizational Chart FY20

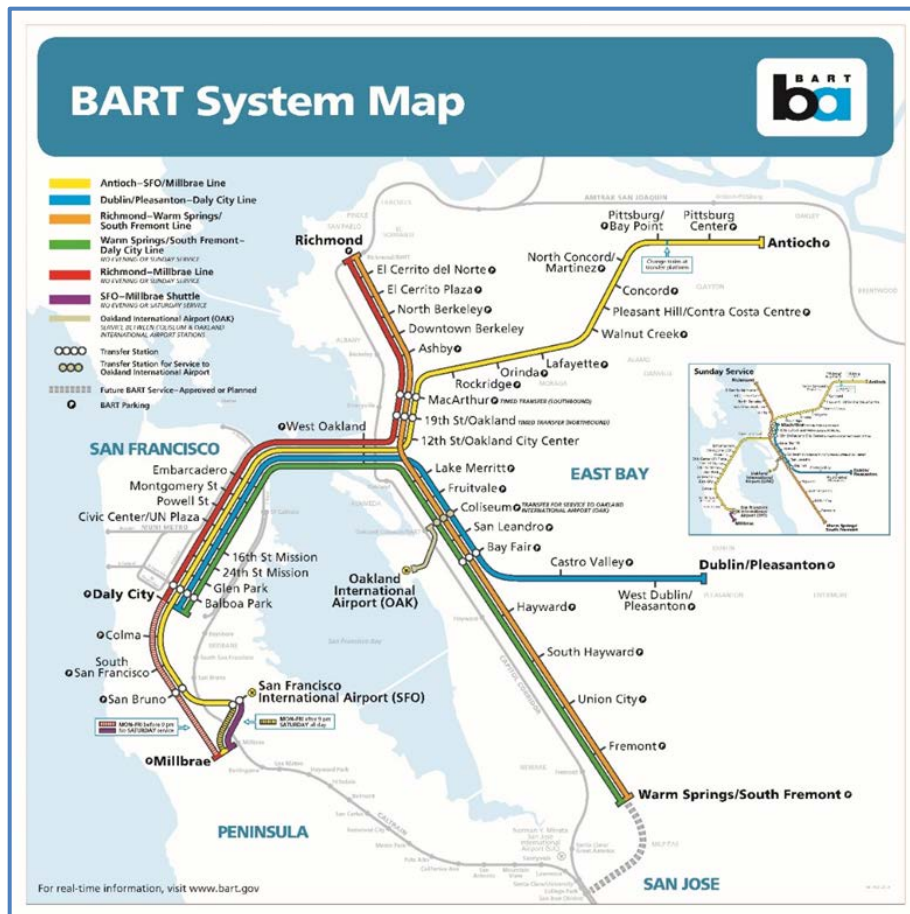


B. Data Collection Considerations

BART is committed to the collection of accurate data to meet our FTA EEO data reporting requirements. The current data collection methodologies required by federal and state agencies often result in data that may not closely correlate or may conflict with data collection required by law.

For example, effective January 1, 2019, the State of California’s Gender Identity Bill (SB-179) went into effect legally recognizing a third gender option, nonbinary, for individuals who do not identify as male or female. Nonbinary is an “umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male,” including but not limited to some transgender individuals and those born with intersex traits. BART’s FTA data collection requirement is to report only a male or female gender choice for employees and job applicants. To address this issue, effective 2019, BART collects gender data based on CA’s gender options. For those who identify as nonbinary, BART additionally request applicants and employees to self-identify as male or female for federal reporting purposes.

Finally, BART staff has revised its applicant tracking and human resources information systems to ensure that applicants and employees can correctly self-identify their personal information with the race/ethnicity category changes (separating Asians from Pacific Islanders and the addition of Multiple/2 or More Races), along with disability status and veteran status. Therefore, the data collection for the EEO Program 2016-2019 is limited to the applicants and employees who self-identified at the time of the revised EEO gender, race/ethnicity, disability and veteran categories. See [Exhibit 1](#): Self Identification Information. BART is committed to utilizing the data collected to analyze the District’s workforce demographics and will continue to improve methodologies of data collection for applicants and employees.



C. Statement of Purpose

BART's EEO Program was designed to bring females, members of minority groups, individuals with disabilities, and veterans into all levels and segments of BART's workforce in proportion to their representation in the relevant labor market. The EEO Program is a detailed, results-oriented recruitment tool for BART, which, when implemented, results in full compliance with equal employment opportunity requirements through full utilization and equal treatment of all people. BART is subject to and must address a variety of state and federal laws and guidelines dealing with equal employment opportunity.

D. Applicable Affirmative Action Laws and Regulations

BART is subject to the equal employment opportunity and affirmative action requirements of Circular 4704.1A, Equal Employment Opportunity (EEO) Program Guidelines for Grant Recipients, of the Federal Transit Administration (FTA) of the United States Department of Transportation (U.S. DOT). Since it meets the threshold requirements of 100 or more transit-related employees and receives financial assistance from U.S. DOT, BART is mandated to comply with FTA's EEO Program requirements.

Affirmative Action is a term that encompasses any measure adopted by an employer to correct, to compensate for past or present discrimination, or to prevent discrimination from occurring in the future. Affirmative Action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory EEO Program is the evaluation of opportunities for the utilization of protected group members, as well as identification and analysis of problem areas inherent in their employment. Also, where a statistical analysis of the employee workforce reveals a numeric underutilization of minorities or females greater than would reasonably be expected by their availability, a comprehensive EEO Plan details specific affirmative action steps to ensure equal employment opportunity. These steps are focused on the problems and needs of protected group members. For minorities and females, such steps include the development of hiring and promotion goals to rectify underutilization where found. It is toward this end that this EEO Plan was developed.

E. Terminology

Four-fifths rule is a disparate impact analysis which measures the effect an employment practice has on a protected class. When the selection rate for any race, sex or ethnic group is less than four-fifths (4/5) or 80 % of the rate for the group with the highest rate, this will generally be regarded by the Federal enforcement agencies as evidence of disparate impact, while a greater than four-fifths rate will generally not be regarded by the Federal enforcement agencies as evidence of disparate impact.

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

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

Utilization Analysis³ refers to the current utilization of minorities, females, veterans, and individuals with disabilities at BART and was performed for all job categories to identify those job categories where there was an underutilization and/or concentration of minorities, females, veterans, and individuals with disabilities in relation to their availability in the relevant labor market.

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

³ The terms “utilization analysis” or “underutilization” appearing in this EEO Program are terms required by relevant governmental regulations. The criteria used in relation to these terms are those specified by law. Although BART applies those terms in good faith in connection with this EEO Program, such use does not necessarily signify that BART agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

F. Description of Race/Ethnic Categories

The Minority race/ethnic groups used in this EEO Plan are defined by the FTA Circular as follows:

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

G. Protected Groups

Coverage under the EEO Program laws and regulations apply to:

Females includes white females and minority females belonging to or identifying with the following race or ethnic groups: American Indians/ Alaskan Natives, Asians, Blacks/African Americans, Hispanics/Latinos, Native Hawaiian/Pacific Islanders, and Two or More Races.

Minorities as defined above, regardless of gender.

Individuals with Disability (IWD): A person who (1) has a physical or mental impairment that substantially limits one or more of his/her major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.

Veterans are defined as "eligible veteran"⁴ which means a person who: served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; was discharged or released from active duty because of a service-connected disability; as a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized, and was discharged or released from such duty with other than a dishonorable discharge; or was discharged or released from active duty by reason of a sole survivorship discharge.

BART complies with all relevant state and federal laws to ensure equitable treatment for all BART employees and applicants.

⁴ Department of Labor, 42 U.S.C. Sections 12101 et seq

II. Organizational Profile

A. BART Job Groups

The FTA Circular allows agencies to use alternate formats for reporting the utilization analysis. The following guidelines were used in the formation of BART 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. See [Exhibit 2](#) - List of BART Salary Ranges and Wage Schedules.
- Job titles placed in a job group should be similar in opportunity to take advantage of training, transfers, promotions, job mobility and other employment benefits.
- A job group should not include jobs with clearly different utilization patterns.

In analyzing BART’s workforce using the guidelines above, a total of 17 BART Job Groups were formed (see Figure 1 below). In July 2019, BART’s Human Resources staff partnered with Segal Waters Consulting to conduct a classification and compensation study. Following this study, the Office of Civil Rights’ Workforce and Policy Compliance staff conducted a review of the District job classifications, corresponding job group assignments and census code designations. BART job classifications, job groups and census codes were revised accordingly. See [Exhibit 3](#): BART Job Classifications by Job Group and Census Code. Staff will continue to review and monitor workforce changes to ensure positions are assigned to the appropriate job groups.

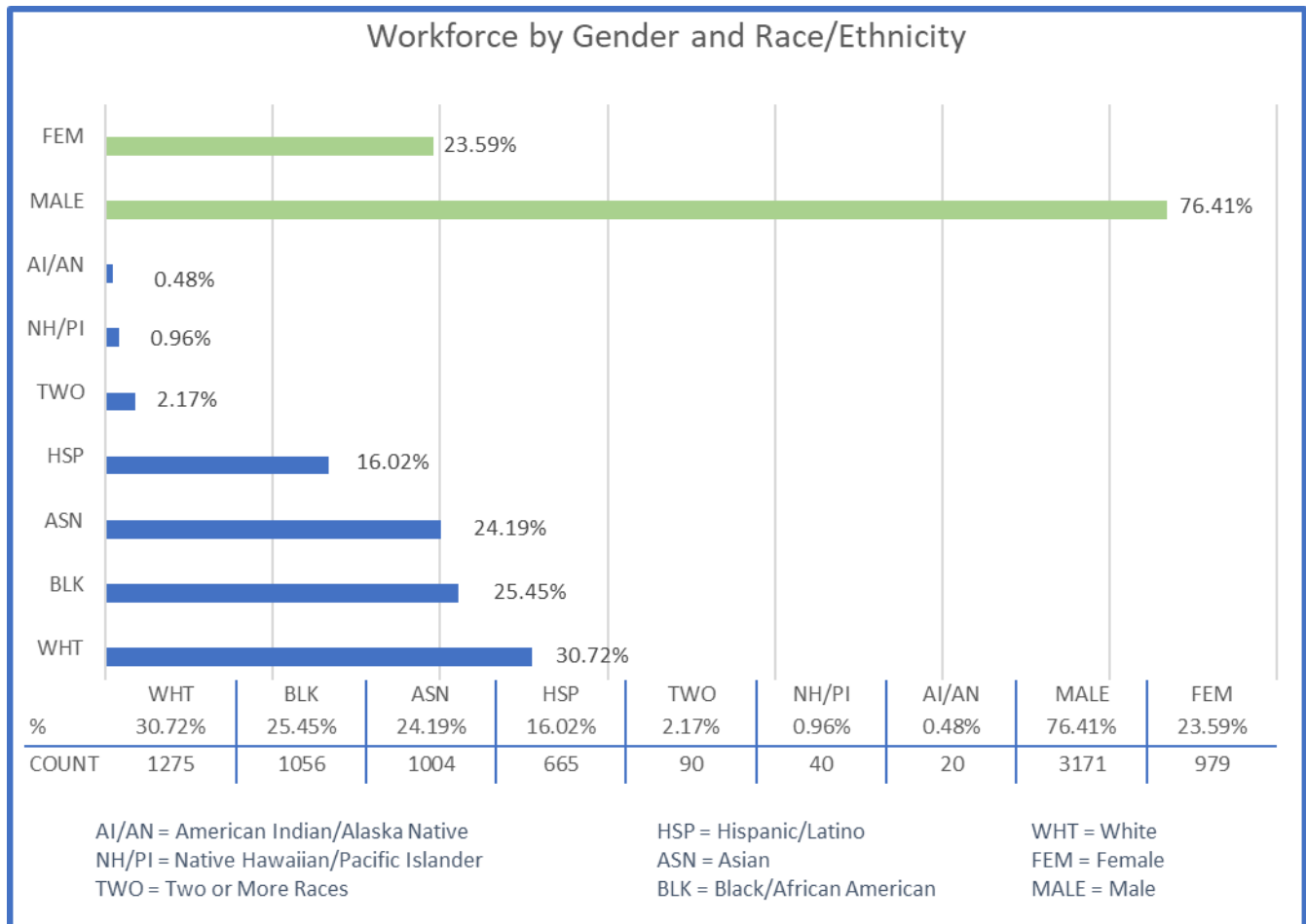
Figure 2: BART Job Groups

No	JOB GROUP	EXAMPLES
1	Executives & Managers	Executive Managers, Department Managers, etc.
2	Supervisors -Transportation	Operations/Transportation Supervisors, Train Controllers
3	Supervisors - Other	Non-Transportation Supervisors and Managers
4	Foreworkers -Transportation	Operations & Sr. Operations Foreworkers, Communication Specialists, etc.
5	Foreworkers - Other	Non-Transportation Foreworkers
6	Engineers	Engineers, Senior Engineers, Principal Engineers, etc.
7	Professionals	Analysts, Planners, Accountants, Attorneys, etc.
8	Technicians	All Electronic Technicians
9	Train Operators	Train Operators
10	Station Agents	Station Agents
11	Skilled Workers	Inspector, Elevator/Escalator Repair, Electrician, Carpenter, etc.
12	Semi-Skilled Workers	System Service Workers, Utility Workers, etc.
13	Transit Vehicle Mechanic	Transit Vehicle Mechanics
14	Clerical	Receptionist, Survey Takers, Clerks, Secretaries, etc.
15	Police Officers	Police Officers (Sworn)
16	Police Supervisors/Managers	Police Sergeant, Lt, Supervisor, Commander
17	Police Civilians	Community Service Assistants, Revenue Protection Guards, Dispatchers

B. BART's Gender and Race/Ethnicity

BART is a very diverse organization. The total number of BART employees as of December 31, 2019 was 4,150 consisting of 76.41% males and 23.59% females. Minorities represent 69.28% of the employee population, and 30.72% are non-minorities. The highest employee representation among minorities are Black or African American (25.45%), followed by Asian (24.19%) and Hispanic (16.02%).

Figure 3: BART Workforce by Gender and Race/Ethnicity



From the previous EEO Program period ending on December 31, 2015 and thru the beginning of this EEO Program, BART's workforce increased by 695 employees from 3,460 to 4,150, a 20% increase in the overall workforce. Female representation in the workforce increased by 7.58% overall. Minority representation in the workforce increased by 26.93% overall. A summary of changes in BART's workforce can be found in [Exhibit 4](#).

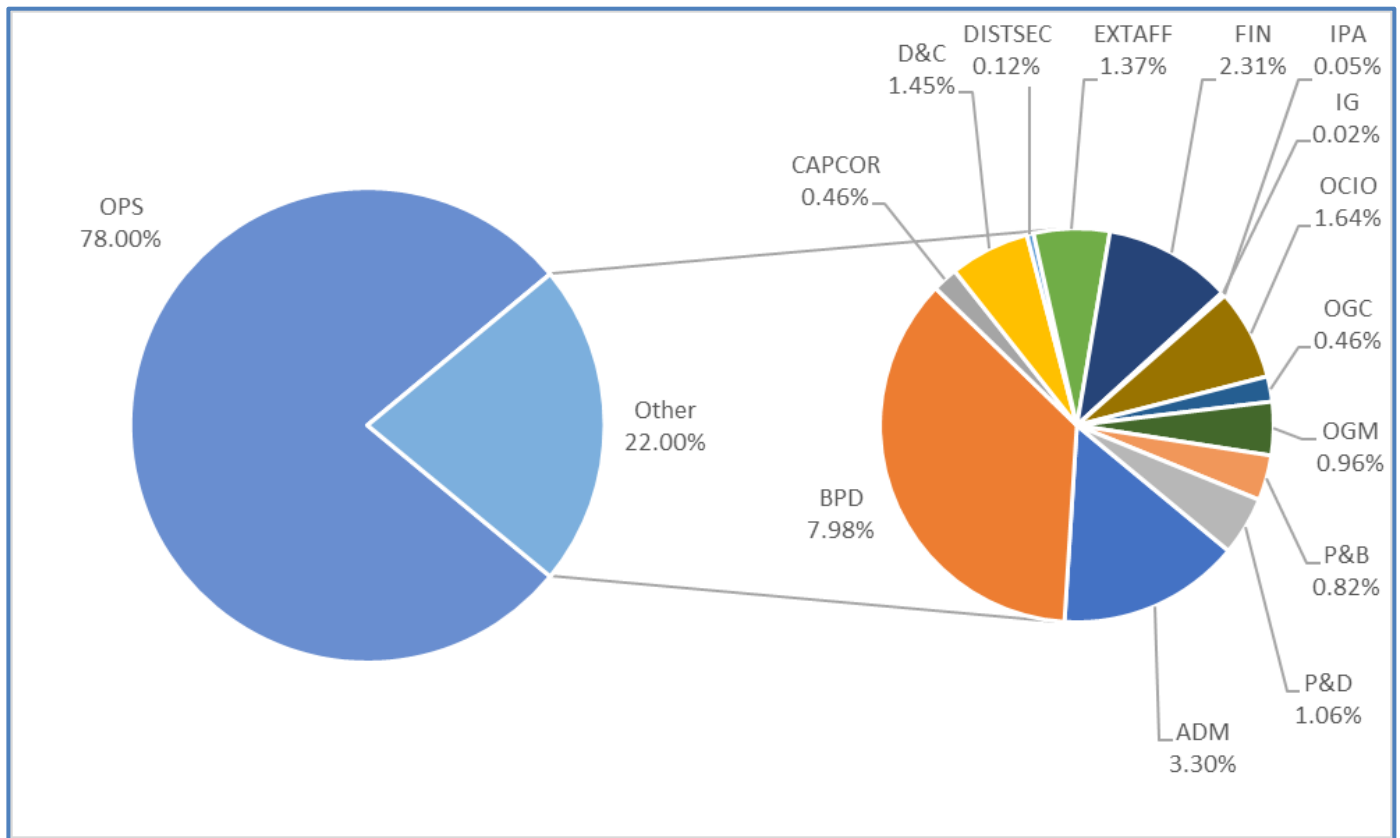
C. BART's Executive Offices

The District has 15 Executive Offices:

1. Administration Office (ADM)
2. Capital Corridor (CAPCOR)
3. Design & Construction (D&C)
4. District Secretary's Office (DSO)
5. External Affairs Office (EXTAFF)
6. Finance (FIN)
7. Independent Police Auditor (IPA)
8. Inspector General (IG)
9. Office of the Chief Information Officer (OCIO)
10. Office of the General Counsel (OGC)
11. Office of the General Manager (OGM)
12. Operations (OPS)
13. Performance & Budget (P&B)
14. Planning and Development (P&D)
15. Police (BPD)

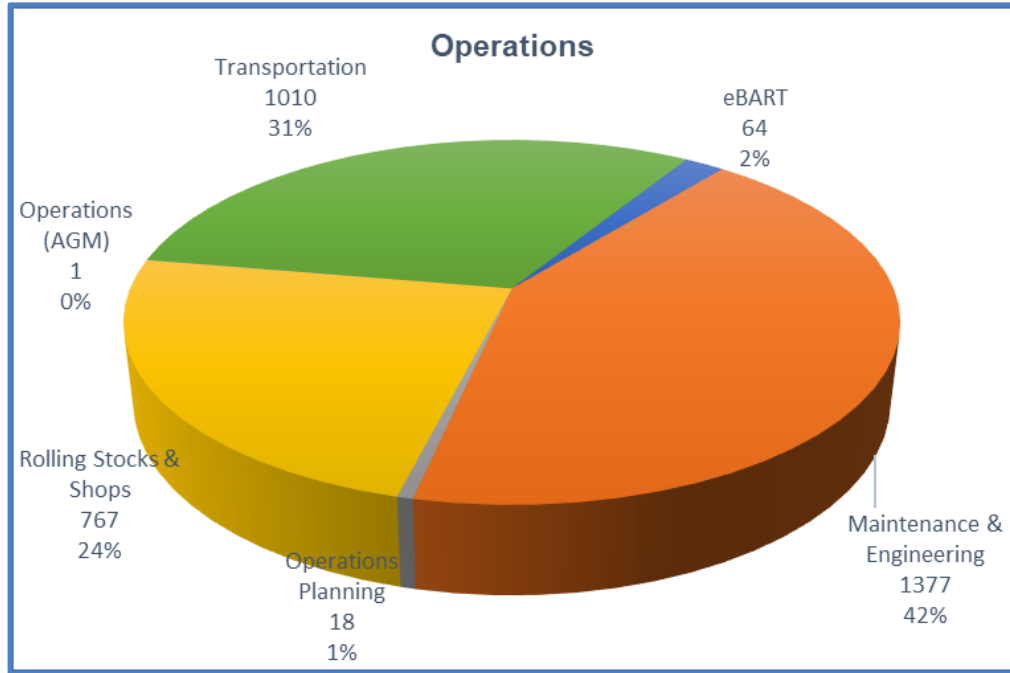
The largest Executive Office is Operations, making up 78% of the total employee workforce.

Figure 4: BART's 15 Executive Offices



The figure below shows the representation of Operations, further segmented into Administration, Maintenance & Engineering, Rolling Stocks & Shops, eBART, Operations Planning and Transportation Departments.

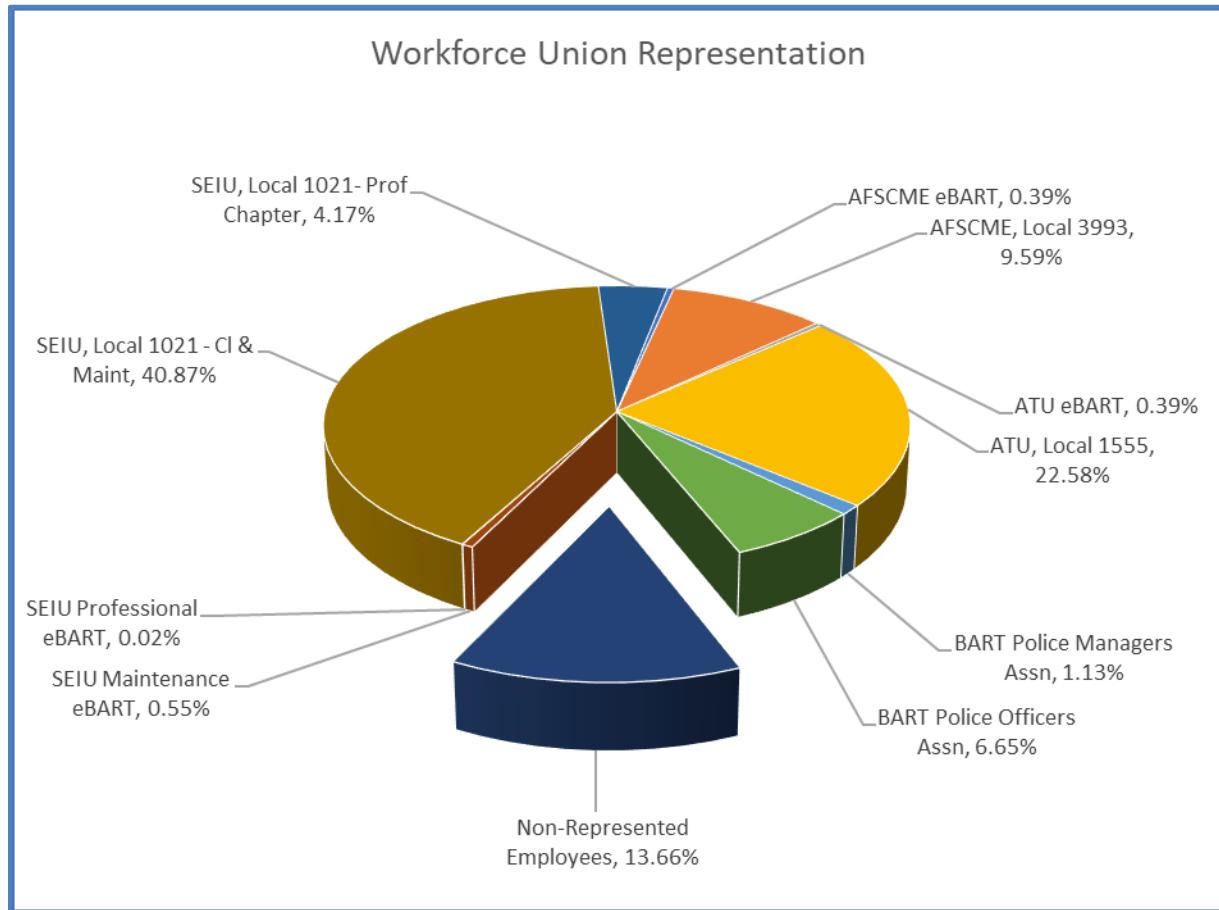
Figure 5: Operations



D. BART's Union Representation

Of those employed at BART as of December 31, 2019, 86.34% were represented by Labor Organizations while 13.66% are non-represented. The represented employees are segmented below.

Figure 6: BART Workforce by Union Representation



E. Workforce Reductions

There were no reductions in the BART workforce during the prior EEO Program reporting period (January 1, 2016 through December 31, 2019).

F. Reliance on EEOC Guidelines

Although BART is confident that no violation of Title VII of the Civil Rights Act exists at BART, it has developed this EEO Program in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

G. Reporting Period

The prior EEO Program covered the time period January 1, 2013 to December 31, 2015 and was submitted to the FTA for approval on April 8, 2016. This new EEO Program covers the time period from January 1, 2016 to December 31, 2019.

III. EEO Program Requirements

A. Statement of Policy

FTA requires an agency's EEO Program to include an EEO policy statement issued by the agency's CEO/GM covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, and other terms and conditions of employment.

[Exhibit 5](#) provides the most current EEO and Prevention of Sexual Harassment in the Workplace Policies at the time of submittal of this EEO Program, including a letter from the General Manager stating the District's commitment to the enforcement of the EEO Policies and Program.

B. Dissemination Plan

FTA requires grant recipients to publicize their EEO policy statement by posting it in conspicuous locations and disseminate the policy statement both internally and externally. BART's internal and external dissemination methods include:

- EEO policies, as well as federal and state compliance posters are posted throughout the District in conspicuous and accessible locations, including break rooms, near time keeping machines and in the Human Resources Department
- EEO Policy Statements are mailed to all employee home addresses and includes a letter from BART's General Manager reaffirming commitment to EEO (see [Exhibit 6](#) for 2018 mailout)
- EEO Policy Statements are included in personnel and operations manual (see [Exhibit 7](#))
- EEO Policy Statements are posted on WebBART (BART intranet) and on BART.gov (BART website)
- EEO Policy Statements are distributed to all new hires during mandatory EEO training within New Hire Orientation (see [Exhibit 8](#))
- EEO Policy Statements are distributed to all newly hired/promoted foreworkers, lead personnel, supervisors and managers within 90 days of appointment at required EEO training session (see [Exhibit 9](#))
- Meetings are held with executive management to discuss the EEO Program and its implementation
- EEO clauses are incorporated in employment applications, outreach and advertising for recruitment, purchase orders, leases and contracts (see sample [Exhibit 10](#))
- Meetings are held with Human Resources Talent & Acquisition staff and BART's Diversity Employee Resource Group to seek input on the EEO program implementation
- Notification of BART's EEO Policy Statements is provided to local organizations, educational institutions and community-based organizations, including those supporting females, minorities, individuals with disabilities and veterans, as required (see [Exhibit 11](#))

C. Designation of Responsibility

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

General Manager

BART's General Manager maintains overall responsibility and accountability for compliance with the EEO Policy and Program. As part of its efforts to ensure equal employment opportunity for all individuals, the General Manager has designated the Director of the Office of Civil Rights as the EEO Officer responsible for daily management of its EEO Policy Statement and EEO Program (see [Exhibit 12](#)). The EEO Officer reports directly to the General Manager for matters specific to equal employment opportunity compliance.

EEO Officer

The daily management of the EEO/AAP rests with the EEO Officer and designee, Senior Manager of Workforce Policy & Compliance (WPC), who ensures adherence to all relevant EEO Program requirements. The WPC Division staff is responsible for developing, recommending and monitoring the EEO Program and EEO Policies. The following staff report to the Senior Manager WPC: (1) Supervisor of EEO Programs, (1) Senior EEO Analyst, and (1) EEO Analyst I/II.

Successful implementation of this program is a basis for evaluating the EEO Officer and designee's effective work performance. The EEO Officer and designee's responsibilities include, but are not limited to, the following:

- Developing the EEO policy statement and a written EEO Program
- Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed (BART uses CAAMS, an affirmative action program management software)
- Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood
- Concurring in the hiring and promotion process
- Meeting with human resources, labor relations, and legal on a monthly basis to review employment practices and policies (e.g., hiring, promotions, training, complaint policies, performance evaluations, grievance procedures, and union agreements)
- Reporting at least semiannually to the GM on progress in relation to the agency's goals and on contractor and vendor compliance (see [Exhibit 13](#))
- Serving as liaison between the agency, federal, state, county, and local governments; regulatory agencies; and community groups representing minorities, women, and persons with disabilities, and others
- Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations

affecting nondiscrimination are disseminated to responsible officials (see [Exhibit 14](#))

- Investigating complaints of EEO discrimination
- Developing and providing EEO training for employees and managers (see [Exhibit 15](#) and [Exhibit 16](#) respectively)

BART Managers, Supervisors, Foreworkers and Lead Personnel

These employees are expected to carry out the following responsibilities, as part of their job, in implementing BART's EEO Program:

- Performance evaluation of managers, supervisors and others based on compliance with the District's Office of Civil Rights' EEO, Title VI, DBE policies and procedures (see [Exhibit 17](#))
- Assist in identifying problem areas and establishing agency and unit goals and objectives
- Be actively involved with local minority organizations, female and disabled groups, community action organizations and community service programs designed to promote EEO
- Participate actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives
- Hold regular discussions with other managers, supervisors and employees to assure the agency's policies and procedures are followed
- Review the qualifications of all employees to assure that minorities, people with disabilities, and females are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation
- Participate in the review and/or investigation of complaints alleging discrimination
- Support career counseling for all employees and encourage professional development and career growth opportunities by posting training and promotional opportunities (see [Exhibit 18](#) for BART 2016-2019 Professional Development Trainings).
- Participate in periodic audits to ensure that each agency unit is complying (e.g. EEO posters are properly displayed on all employee bulletin boards; ensure communication of any new/relevant policies, etc.)

D. Utilization Analysis

Workforce Analysis

The workforce analysis examined BART's workforce using several factors including race, gender, job group, job classifications, lines of progression, salary, executive office, department and cost center.

BART Workforce Analyses profiled BART's workforce composition as of December 31, 2019:

- [Exhibit 19](#) for Workforce Analysis Summary by Job Group, cross-referenced by gender and race
- [Exhibit 20](#) for Workforce Analysis Summary by various BART departments, cross-referenced by gender and race

Availability Analysis

The availability analysis uses 2010 Census information to identify potential qualified applicants by race and sex, based on the defined labor areas, labor markets, and occupational title for each of the job groups identified. With valid availability data, BART compared the percentages of those who could reasonably be expected to be employed with those of current BART employment (workforce analysis) to identify problem areas or areas of deficiency and establish goals to address problem areas.

Availability Factors

Internal Factors: The percentage of females and minorities among those promotable, transferable, and trainable within the organization. For BART's Internal Availability Analysis, please see:

- [Exhibit 21](#) Internal Availability Analysis

External Factors: The percentage of females and minorities with the requisite skills in the reasonable recruitment areas. For BART's External Availability Analysis, please see

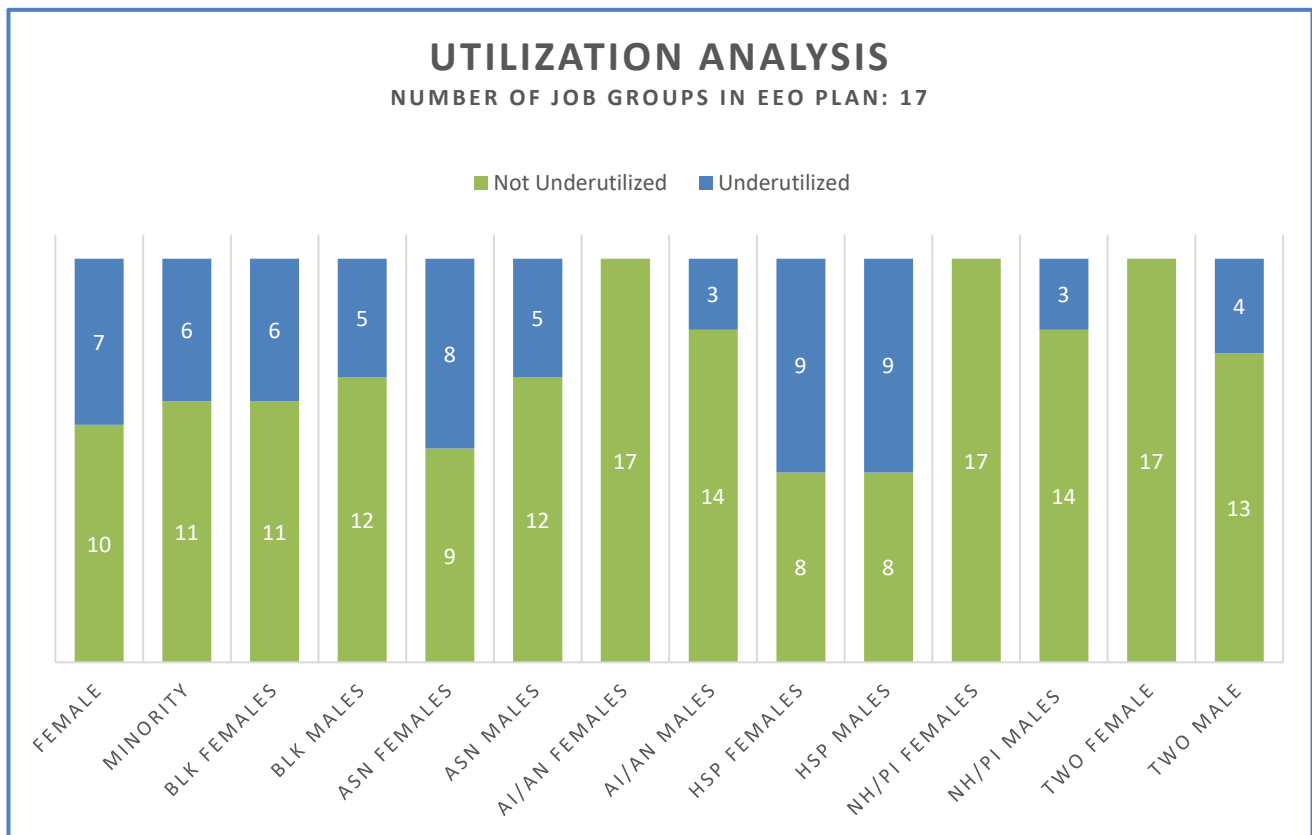
- [Exhibit 22](#) External Availability Analysis

Comparing Incumbency to Availability

Once final availability estimates were determined for each group, the percentages of incumbents in each job group were compared to their corresponding availability. A comparison was made between the percentage employed as of December 31, 2019 and the combined weighted internal and external availability for each job group. Where the identified underutilization⁵ was not significant, that job group was excluded from underutilization goal setting.

Based on the analysis, BART identified 7 placement goals for females, 6 placement goals for minorities and several placement goals for gender across race groups that will be the focus for EEO Program Period 2020-2023.

Figure 7: BART Summary Utilization Analysis



To see BART’s detailed utilization analysis for each job group, please see [Exhibit 23](#).

⁵ Under the law, a determination of underutilization is not a finding of discrimination. BART does not discriminate in any of its employment practices.

E. Placement Goals⁶ & Timetables

Using the whole-person threshold as required by the FTA Circular, BART established percentage placement goals whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. These goals take into account the weighted availability of qualified persons within the organization and within the relevant labor area.

BART believes these goals are attainable and will be reached primarily through recruitment to increase the pool of qualified minority and female applicants and through implementation of action-oriented programs. The goals established are targets reasonably attainable by means of applying good faith efforts to make all aspects of the EEO work. The established goals are a guidepost and may be used as a measure of BART's progress in remedying identified underutilization in the workforce. By setting realistic goals, based on expected vacancies and anticipated availability of skills within the relevant labor areas and using job-related selection criteria, BART should be able to meet goals, assuming effective recruitment to include an adequate pool of qualified minority and/or female applicants.

For BART's agency-wide percentage placement goals by job group for EEO Program 2020 – 2023, please see [Exhibit 24](#). Refer to the following page for BART's summary table of placement goals for females, minorities, and gender across race.

For the underutilization analysis with shortfall in persons, percentage and numerical goal timetable, please see [Exhibit 25](#). For interpretive purposes, the underutilization is expressed as an estimate of headcount shortfalls. The goals are expressed as a placement rate, which is a target percentage that is used as a guide, not a quota, in filling positions in underutilized categories. The intent is to try to hire at least one goal achieving hire each year through recruitment and outreach efforts as vacancies occur.

⁶ Whenever the term "goal" is used, it is expressly intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, sex, national origin, disability status, or veteran status.

Figure 8: Percentage Placement Goals for EEO Program Period 2020 – 2023

% PLACEMENT GOALS 2020-2023

EEO CODE/ JOB GROUP	FEMALE	MINORITY	BLACK		ASIAN		NATIVE AMERICAN		HISPANIC		PACIFIC ISLANDER		2 OR MORE RACES	
			F	M	F	M	F	M	F	M	F	M	F	M
05 Executive, Manager		49.22				15.82				11.64				0.91
10 Supervisor, Transportation	25.51	70.95			3.82				4.12	17.21				
15 Supervisor, Other				8.48		18.78			2.92					
20 Foreworker, Transportation			19.73	23.68										1.90
25 Foreworker, Other			2.80			23.70					0.80			
30 Engineers	16.87				8.26				1.05					
35 Professionals										7.91				0.99
40 Technicians	15.43		1.63		4.52				3.61	26.69				
45 Train Operator		77.20	20.87	27.18				3.74		20.16				
47 Station Agent					8.15	12.35			14.38					
50 Skilled Worker	15.03	62.37	3.53		1.16			1.03	2.26					
55 Semi-Skilled Worker									11.66	47.83				
57 Transit Vehicle Mechanics	6.70	75.70	1.14		0.78				4.09	47.18				
60 Clerical	65.51				19.40	11.66								
65 Police Officers	18.07				2.31			0.68	4.55					
75 Police Supervisors & Managers		61.27		14.76						21.25		2.32		2.52
77 Police Civilian				10.05						11.87		1.05		

F. Assessment of Employment Practices

Recipients, sub recipients, 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.

Application Procedures

Candidates for District positions must complete an online application for employment in compliance with District policy. Represented employees may be required to complete Bid forms in accordance with applicable collective bargaining agreements.

Recruitment Process

The Human Resources Department is committed to attracting and selecting the most qualified candidates. Hiring managers and supervisors are accountable for ensuring compliance with the District's recruitment and selection guidelines and procedures. Additionally, the District is committed to meeting EEO objectives while recruiting and retaining a diverse workforce that reflects the surrounding communities. This is accomplished, in coordination with OCR, by regularly assessing the demographic make-up of the District's workforce to determine which job classifications are underutilized.

Recruitment and selection processes are intended to comply with applicable statutes including:

- Age Discrimination in Employment Act
- Americans with Disabilities Act
- California Fair Employment and Housing Act
- Civil Rights Act of 1964, Title VII
- Civil Rights Act of 1991
- Uniform Guidelines on Employee Selection Procedures
- California Investigative Consumer Reporting Agencies Act
- Fair Credit Reporting Act

Position/Job Description

A job analysis is the first step in the selection process when a new position is added or when an existing position has a substantial change in content. Upon determination of a need to fill a position, the manager/supervisor works with Talent & Acquisition Staff in Human Resources to conduct the job analysis.

A job analysis collects information about the duties, responsibilities, necessary skills, outcomes, and work environment of a particular job. The purpose of the job analysis is to establish and document the job content as a foundation against which the "job relatedness" of employment procedures such as training, selection, compensation and performance expectations will be established. Additionally, the job analysis assesses the frequency and importance of duties, the percentage of time an employee spends performing the duties, whether the duties constitute a fundamental part of the job, the extent to which duties can readily be assigned to other employees, and other aspects of the work. The job analysis is used to create or confirm the Job Description as well as assist with the development of the selection process.

Selection Standards and Procedures

The selection techniques used in the examination process are job related, impartial and assess the relative capabilities of the persons examined to execute the duties and responsibilities of the position. The examination process may consist of selection techniques including achievement and aptitude test, review of work history and/or education, personal interviews, performance tests, physical ability tests, work samples, or any combination of these or other tests. The District also purchases validated tests for some technical tests. Applicants meeting minimum qualifications are not guaranteed advancement through any portion of this phase of the selection process.

Concurrence

Office of Civil Rights Review and Concurrence

A review of the selection process by the Office of Civil Rights is important in the checks and balances of the hiring/selection process. Once the examination process is complete, all documentation including exam and interview scores are reviewed by the Office of Civil Rights. Office of Civil Rights concurrence is required before making a job offer to ensure compliance with anti-discrimination and equal employment opportunity procedures, policies and regulations.

General Manager Review and Concurrence

To further ensure diversity and transparency in District recruitments, effective July 1, 2015, BART's General Manager (GM) implemented a process requiring a review and concurrence of selections of executive managers or equivalent positions including, Chiefs, Deputy Chiefs, Assistant Chiefs, Department Managers and Group Managers. The GM concurrence process includes a review of any placement goals, recruitment efforts, selection panel characteristics and the overall selection process, prior to position posting (see sample of GM concurrence on [Exhibit 26](#)).

Wage and Salary Structure

While compensation for many BART jobs is established through collective bargaining, non-represented employees, as well as members of the American Federation of State, County and Municipal Employees (AFSCME) are part of a classified compensation system, which is market driven. The expectation is that periodic market studies will provide the information needed to maintain a competitive compensation posture for these positions. Refer to [Exhibit 2](#) for current BART wage and salary schedule.

During this review period, BART partnered with Segal Waters Consulting to review the current AFSCME and non-represented classification and compensation structure. The objective was to ensure the compensation program was accurate, equitable and market sensitive.

BART's classification system is designed to establish equitable relationships among different jobs through the measurement of certain qualities and characteristics of work to which values are assigned.

To recruit and retain a highly qualified workforce, BART's compensation objectives include elements such as the following:

- cost effectiveness,
- fosters internal career development,

- maintains a balance between internal equity and the external marketplace.

Seniority Practices

Seniority practices affecting the union-represented employees are agreed to in each Collective Bargaining Agreement (CBA). Please see each exhibit list below for the rules regarding seniority in the following collective bargaining unions:

- American Federation of State, County & Municipal Employees (AFSCME)
 - *AFSCME eBART* Please see [Exhibit 27](#)
 - *AFSCME Local 3993* Please see [Exhibit 28](#)
- Amalgamated Transit Union (ATU)
 - *ATU eBART* Please see [Exhibit 29](#)
 - *ATU Local 555* Please see [Exhibit 30](#)
- BART Police Management Association
 - *BPMA* Please see [Exhibit 31](#)
- BART Police Officers Association
 - *BPOA* Please see [Exhibit 32](#)
- Service Employees International Union Local 1021 CI & Maintenance
 - *SEIU* Please see [Exhibit 33](#)

Terminations

In general, terminations are voluntary or involuntary, as follows:

- a. *Voluntary Termination* - Employees may decide to terminate their employment with the District at any time, for any reason. The following circumstances are most common:
 1. Resignation/Retirement
 2. Failure to return from Leave of Absence
 3. Job Abandonment (i.e. no call/no show)
- b. *Involuntary Termination* - At times it may be necessary for the District to initiate the termination of an employee. Some of the most common causes include:
 1. Layoff/Reduction in Force
 2. Misconduct
 3. Performance
 4. Position Elimination
 5. Reorganization

Reductions in Force (Layoffs)

Reductions in Force (Layoffs) take place in a very specific procedural context. This type of termination is a displacement of employees from their position or from District employment due to fiscal matters, changes in organizational structure and/or processes.

Transfers

A transfer is defined as the appointment of an employee to a position in a different classification than the one to which he/she is presently assigned, but at the same pay grade. No change in compensation is indicated when an employee transfers, unless the position transferred to is subject to a market adjustment, in which case the market adjustment is to be applied.

Types of Disciplinary Actions

BART management is responsible for the orderly and efficient operation of the transit system, including the establishment and enforcement of rules, instructions and procedures. In turn, it is reasonable to expect a good, productive effort and the recognition of responsibility on the part of each employee. In addition, all employees have the responsibility to their fellow co-workers to conduct themselves according to certain rules of good behavior, conduct and performance.

Failure to comply with any District work rule, instruction, regulation, guideline or procedure may result in disciplinary action. Formal disciplinary measures including those identified in CBA provisions may include the following:

- Oral Reminder/Reprimand
- Written Reminder/Reprimand
- Decision Making Leave/Suspension
- Discharge from District

Promotion Procedures

One of the goals of the District's Equal Employment Opportunity Program is to achieve an inclusive work force where the District's employees represent the diversity of the labor market at all levels of the organization. The District encourages its employees and makes every effort to promote from within by providing developmental opportunities to qualify them for promotional opportunities. Developmental programs include training and tuition reimbursement programs. It is the responsibility of management to provide developmental assistance by which diverse employees can advance within the company. Information regarding new job opportunities is disseminated weekly to all employees. It is the District's policy and practice that anyone interested in employment needs to submit an application for employment in response to a posted position. Selection is determined by work performance and qualifications for the new job. Positions within management are based on qualifications and potential to handle added responsibilities.

Testing Programs

In addition to the job interview, the District may utilize additional measures including the following tests in the selection process:

Cognitive Tests: Assess reasoning, memory, perceptual speed and accuracy, and skills in arithmetic and reading comprehension, as well as knowledge of a particular job function.

Physical Ability Tests: Measure the physical ability to perform a particular task.

G. Assessment of Personnel Activity

The following sources of data were used for each of the personnel activity analyses over the period January 1, 2016 through December 31, 2019.

Hires

New hires by job category were tabulated for BART by gender and race (minority/non-minority) (see [Exhibit 34](#)). See [Exhibit 35](#) for chart of hires against known gender and known race applicant data by job group.

Promotions

Promotions by job category were calculated for BART with further breakdown by gender, minority/non-minority (see [Exhibit 36](#)). See [Exhibit 37](#) for chart of promotions against current workforce by job group.

Separations

Separations by job category were calculated for BART with further breakdown by gender and race (minority/non-minority).

- *Total Separations* Please see [Exhibit 38](#). Please see [Exhibit 39](#) for chart of terminations by termination reasons by job group with breakdown by gender and race (minority/non-minority).
- *Voluntary Separations* Please see [Exhibit 40](#).
- *Involuntary Separations* Please see [Exhibit 41](#).

Disciplinary Actions

Disciplinary actions for each union and non-represented employee group were tabulated for BART with further breakdown by gender and race. Please see [Exhibit 42](#).

Training

Formal and informal types of training were calculated for BART with further breakdown by training type, gender and race/ethnicity. Please see [Exhibit 43](#).

H. Statistical Analysis

Compares the employment rates of females and minorities to the employment rates for males, non-and minorities. For hires and promotions, the “80% Rule” is used as a threshold to determine if potential “adverse impact” exists. That is, if the minority or female group’s rate of selection is less than 80% of the rate for non-minorities and males, adverse impact may be indicated. For terminations, if a protected group’s rate is more than 120% of the group with the lowest selection rate, adverse impact may exist.

See [Exhibit 44](#) for BART’s Personnel Activity (Hires, Promotions, Transfers, Involuntary Terminations and Voluntary Terminations) for the period of January 1, 2016 to December 31, 2019 for Females, Minority and Gender across Race information by job group.

I. EEO Program for Individuals with Disabilities (IWD) and Individuals with Veteran Status

*“FTA requires statistical data that show any potential impact of an agency’s employment practices on persons with disabilities and veterans. This includes the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race. Having this data will assist in measuring the effectiveness of outreach and recruitment efforts for persons with disabilities and veterans. ...[T]he agency is **not** required to conduct a four-fifths rule analysis. The agency can set its own specific aspirational goals, but FTA asks agencies to track raw numbers; for example, the number applied, number hired, number applied for promotion, and number promoted.”⁷*

BART began collecting IWD and veteran status self-identification information from applicants and employees effective February 2019 through its applicant tracking system and human resources information system. The collection of this information is confidential and kept separate from employment applications, applications for promotions, or documents that allow for promotions through reclassification. By allowing current employees to self-identify their status as veterans and/or disabled (status can change over time), BART can better determine how its employment practices affect persons in those protected categories.

As of December 31, 2019, 0.67% of District employees self-identified as IWD and 3.29% self-identified as veterans. To view the current utilization of employees by job group who self-identified as disabled and veterans, please see [Exhibit 45](#) and [Exhibit 46](#) respectively. BART plans to use this information to establish a baseline for availability and continue to track the utilization of IWD and veterans, crossed referenced by gender and race.

For personnel activity analyses of IWDs and Veteran applications, hires, promotions, and terminations from the prior EEOP (period ending 2015) and current EEOP (period ending 2019), see [Exhibit 47](#) and [Exhibit 48](#) respectively.

For BART hires and promotions of individuals with veteran status as of December 31, 2019, see Figures 9 and 10 on the following pages



⁷ Federal Transit Administration, *Circular 4704.1A* (October 31, 2016, Rev. 1, April 20, 2017), 2-10

Figure 9: BART Veteran Hires 01/01/2016 – 12/31/2019

Job Group	Veteran	Not a Vet	Unknown	Grand Total	Veteran Rate of Hire ⁸
500 Executive, Manager	6	27	85	118	5.08%
1000 Supv Transportation	7	6	22	35	20.00%
1500 Supv Other	1	7	30	38	2.63%
2000 FW Transportation			1	1	0.00%
2500 FW Other			1	1	0.00%
3000 Engineer	3	48	134	185	1.62%
3500 Professionals	7	49	134	190	3.68%
4000 Technicians	7	48	104	159	4.40%
4500 Train Operator	6	31	103	140	4.29%
4700 Station Agent		6	87	93	0.00%
5000 Skilled Worker	7	18	142	167	4.19%
5500 Semi-Skilled Worker	8	116	167	291	2.75%
5700 Transit Veh Mech	2	6	42	50	4.00%
6000 Clerical		33	29	62	0.00%
6500 Police Officers	12	42	41	95	12.63%
7500 Pol Supv & Mgrs	1		3	4	25.00%
7700 Police Civilians	1	17	28	46	2.17%
Grand Total	68	454	1153	1675	4.06%

⁸ According to the Department of Labor’s Office of Federal Contract Compliance Programs website, effective March 31, 2019, the most current hiring benchmark for veterans is 5.9%. Based on this information, the District appears to have made significant (>5.9%) veteran hires and promotions in several job groups since the data collection in February 2019.

Figure 10: Workforce Veteran Promotions 01/01/2016 – 12/31/2019

Job Group	Veteran	Not a Vet	Unknown	Grand Total	Veteran Rate of Promotion ⁹
500 Executive, Manager	2	3	107	112	1.79%
1000 Supv Transportation	2	3	60	65	3.08%
1500 Supv Other	5	1	46	52	9.62%
2000 FW Transportation	1	1	38	40	2.50%
2500 FW Other	4		69	73	5.48%
3000 Engineer	2	4	63	69	2.90%
3500 Professionals	9	6	126	141	6.38%
4000 Technicians	1	2	14	17	5.88%
4500 Train Operator		1	116	117	0.00%
4700 Station Agent		1	74	75	0.00%
5000 Skilled Worker	2		73	75	2.67%
5500 Semi-Skilled Worker	3	27	115	145	2.07%
5700 Transit Veh Mech			8	8	0.00%
6000 Clerical			3	3	0.00%
6500 Police Officers	4		38	42	9.52%
7500 Pol Supv & Mgrs	2		19	21	9.52%
7700 Police Civilians	1		13	14	7.14%
Grand Total	38	49	982	1069	3.55%

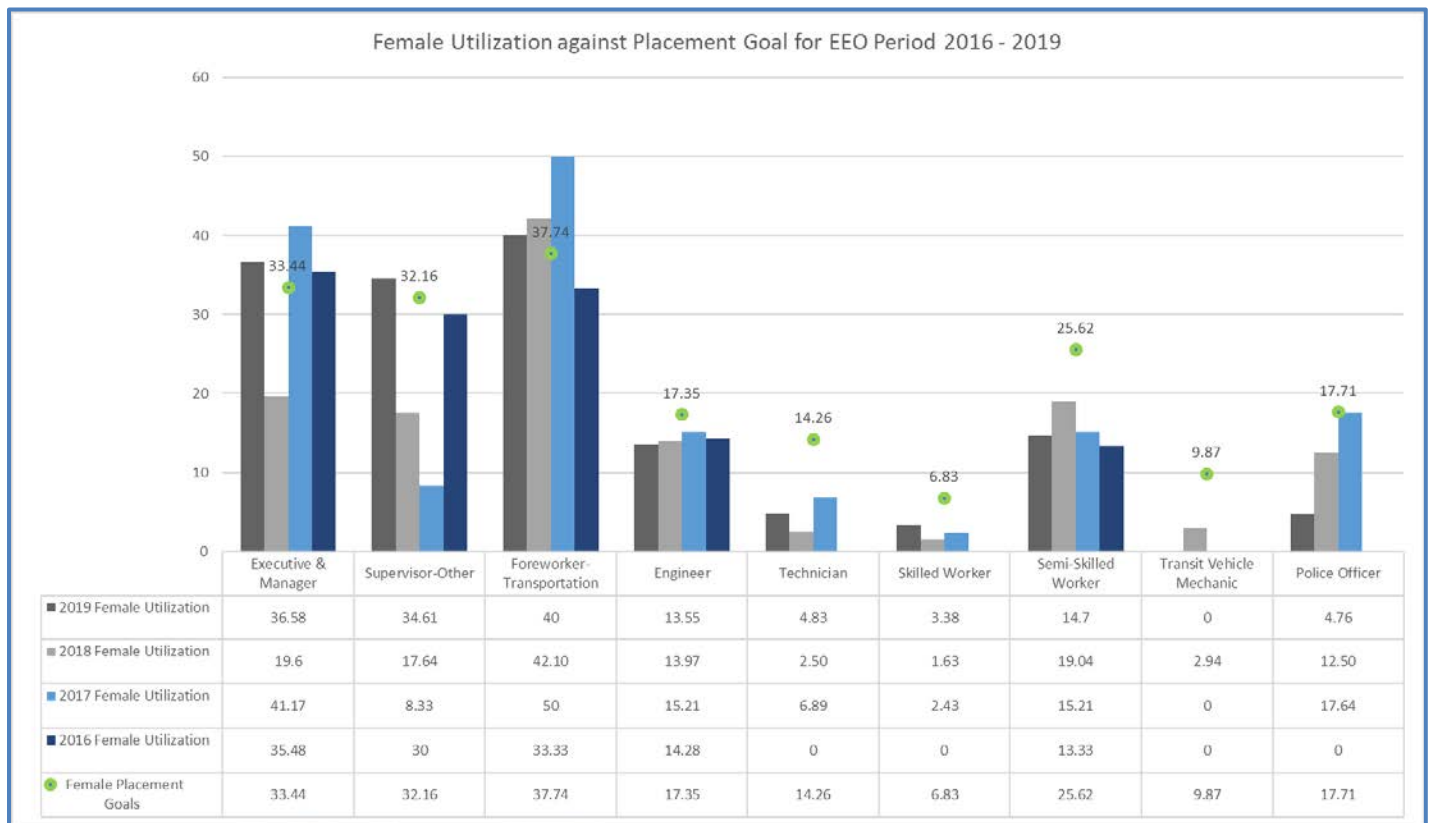
While the preliminary data provides some insight on how BART’s employment practices impact veterans and IWDs, BART understands the need to continue to collect and analyze data that reflects the agency’s continued efforts to increase the diversity of its workforce.

⁹ According to the Department of Labor’s Office of Federal Contract Compliance Programs website, effective March 31, 2019, the most current hiring benchmark for veterans is 5.9%. Based on this information, the District appears to have made significant (>5.9%) veteran hires and promotions in several job groups since the data collection in February 2019.

J. 2016-2019 EEO Program Progress to Goals Analysis

The placement goals established for the EEO Program Period 2016 – 2019 were established as a guidepost and used as a measure to evaluate District progress in remedying identified underutilization in the workforce (see [Exhibit 49](#) for 2016-2019 EEO Program summary placement goals). Based on employment data, the District met 33 of its 69 placement goals. See [Exhibit 50](#) for summary report of progress towards placement goals for females, minorities, and gender across race goals in each job group for the combined 2016 – 2019 period. Below are summary charts of the District’s annual placement rates for females and minorities in applicable underutilized job groups.

Figure 11: EEO Program Year 2016, 2017, 2018 & 2019 Placement Rate for Females (regardless of race/ethnicity)

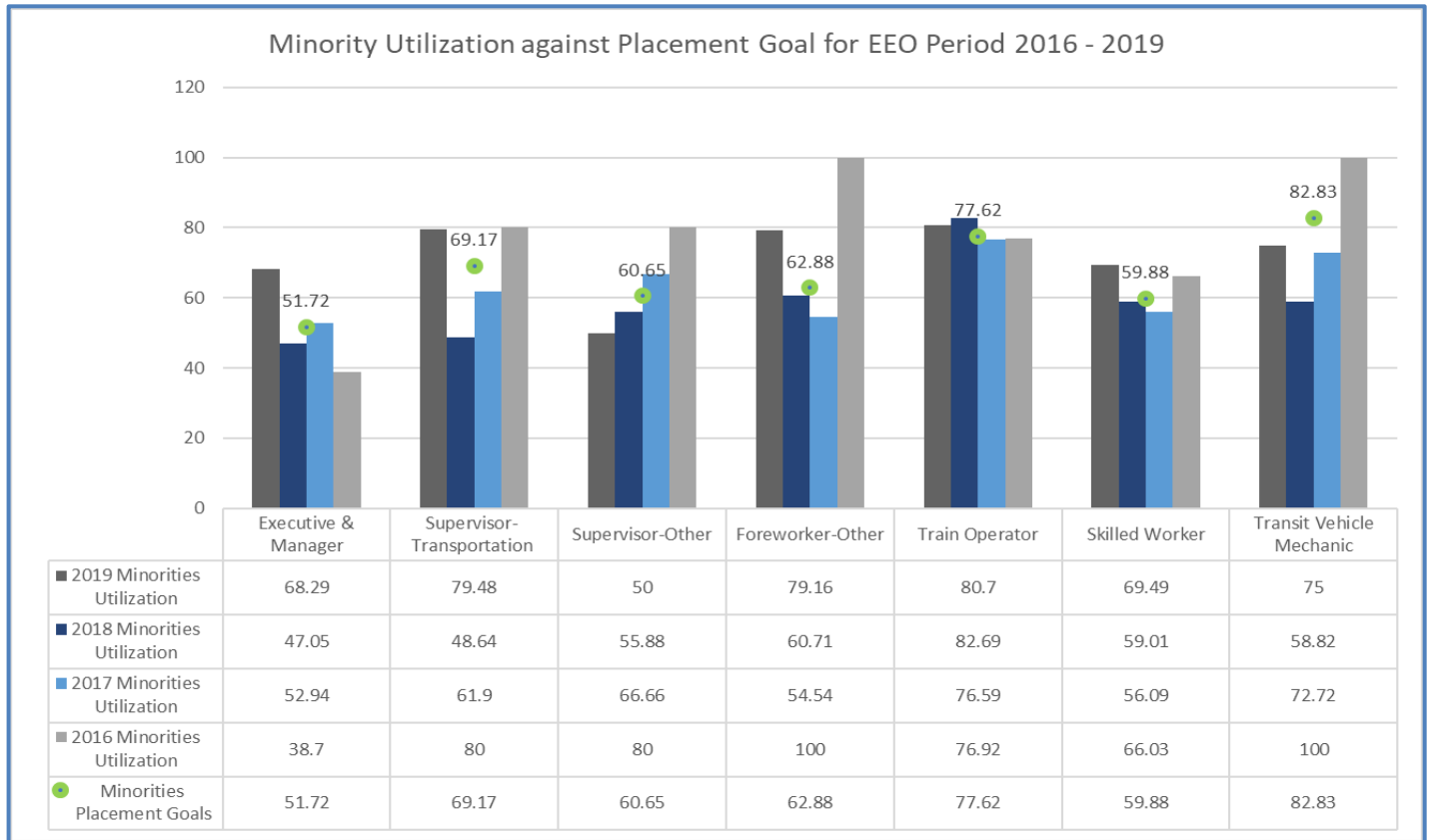


Based on District employment data, in year 2019, the District met/exceeded in 3 out of 9 placement goals for females in the following job groups:

- Executive & Manager
- Supervisor – Other
- Foreworker Transportation

The District recognizes the need to better promote its future job postings with external agencies that specifically train or recruit females particularly in Engineering, Police and Trades positions; therefore, will continue efforts to conduct effective recruitment and outreach strategies to attract qualified female candidates.

Figure 12: EEO Program Year 2016, 2017, 2018 & 2019 Placement Rate for Minorities (regardless of gender)



The District had 7 placement goals for minorities (regardless of gender), 5 of which were attained in year 2019 in the following job groups:

- Executive & Manager
- Supervisor – Transportation
- Foreworker – Other
- Train Operator
- Skilled Worker

In year 2019, the District came close to meeting the Supervisor - Other goal (11/23 hires were minorities). Also, for Transit Vehicle Mechanic (9/12 hires were minorities). Throughout the EEO Program period, good faith efforts were made to meet established placement goals. The District will continue its efforts to conduct effective recruitment and outreach strategies to attract qualified minority candidates particularly in trade and supervisory positions.

K. Good Faith Efforts

During the EEO Program Period 2016-2019, the District continued its outreach and recruitment of qualified females, minorities, individuals with disabilities and individuals with veteran status. Several of the recruitment strategies to increase and foster a diverse and qualified applicant pool included, but were not limited to, the following:

- In partnership with Human Resources staff and several hiring departments, District staff provided information to prospective applicants, professional organizations, community-business organizations, veterans support organizations, etc. to educate them about the District's application process and prepare them to be successful candidates (see [Exhibit 51](#) for sample of outreach efforts, including participation in several local job fairs, and accomplishments).
- Strategically communicated entry-level trades/trainee opportunities to local community colleges, veterans support organizations and other community business organizations who can refer diverse, qualified candidates within the community via localjobnetwork.com (see [Exhibit 52](#)).
- Effective April 2019, the District began providing information on employment openings to a privately-run job service (localjobnetwork.com) which then provided the job information to CalJobs, California's employment service delivery system (see [Exhibit 53](#)).
- The District continued its Veteran's Preference Policy to support the employment of individuals who have served the country as members of the United States Armed Forces. Accordingly, it is the policy of the District to provide preference in hiring eligible veterans (see [Exhibit 54](#) as described in the District's Veteran's Preference Policy).
- In August 2015, the District was awarded a \$750,000 grant toward training and development in transportation. Human Resources along with stakeholders developed and implemented the District's [Transit Career Ladders Training Program](#) that promoted transportation careers in low-income areas, unemployed and underemployed communities, and among minorities, veterans and women to fill positions such as Electricians, Transit Vehicle Electronic Technicians (TVET) and Transit Communication Electronic Technicians (TCET) through year 2017 (see [Exhibit 55](#) for TCLT Brochure). This program led to the hiring of several minorities and a few females in District entry-level trades positions.
- BART annually provides Summer Engineering Internships to engineering students to gain valuable training and experience that will enhance the student's educational goals and provide them invaluable experience in a dynamic work environment. Interns partner with highly skilled engineers in planning, design and execution of Engineering projects at various BART facilities. Intern assignments directly contribute to BART's commitment to excellence in Engineering.
- Human Resources staff also annually partners with various local high school and colleges to provide opportunities to explore a variety of career paths in transportation while gaining "real-life" work experience. Participation includes hosting interns, mentoring interns and serving on career panels.
- Human Resources' Workforce Development staff administers various training programs for District employees to prepare our workforce for different career pathways and promotional opportunities (see [Exhibit 56](#)).

For the EEO Program period 2020-2023, the District will continue its good faith efforts to conduct effective recruitment and outreach strategies to attract qualified, diverse candidates, particularly for hard-to-fill trades, police and engineer positions. In addition, we will continue to offer training opportunities to further develop our workforce.

L. Monitoring and Reporting Systems

Monitoring Systems

The District has monitoring systems in place to communicate the EEO Program components, including but not limited to:

- **EEO Compliance of Subrecipients and Contractors**

The District has developed a checklist to determine Subrecipient and Contractor EEO compliance. See [Exhibit 57](#): BART Sub-Recipient Pre-Authorization/Assurance Checklist. Once it is determined that a subrecipient/contractor meets the threshold requirements, a procedure is in place to review, collect and monitor their EEO Program, including visits to facilities to ensure proper posting of the EEO Policy Statement, etc.

As of February 2020, the District is reviewing one (1) potential subrecipient in connection with the Gateway to Oakland Uptown (GO Uptown) Project.

- **Procedure for Reviewing Union Contracts**

The District has drafted a Standard Operating Procedure (SOP) that allows for the review of union contracts, in conjunction with Human Resources, to ensure there is no disparate impacts on protected populations. See [Exhibit 58](#) for SOP. The EEO review language is excerpted below:

*Once BART Labor Relations (LR) and District management have determined what changes will be sought in bargaining, LR prepares proposals to address the District's concerns in each contractual area. Proposals will be circulated amongst bargaining team members, and BART Legal to ensure they do not violate the agreement, any District policies or guidelines, or the law. **In particular, if BART Legal identifies any potential violation of any Equal Employment Opportunity ("EEO") law, or a provision that may lead to disparate impact based on an EEO protected category, Legal will forward that proposal to the Office of Civil Rights ("OCR") for additional review.** Once the proposals have been reviewed and approved by all who must weigh in, the District may propose them in negotiations with the Union.*

- **Procedure for Monitoring Complaints**

BART has an EEO Complaint Procedure posted on WebBART, BART intranet (see EEO Complaint Process on the following page). In addition, the EEO Officer is provided monthly KPI reports on EEO complaints received and addressed by Workplace and Policy Compliance staff to ensure timely and thorough investigations. See Slide 7 of [Exhibit 59](#).

Reporting Systems

The District has reporting systems in place to communicate progress to the EEO Program goals:

- Meetings are held between the General Manager and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring. See sample of semi-annual report provided by the EEO Officer during a regularly scheduled meeting with the General Manager (See [Exhibit 13](#)).
- All program EEO-related meetings held between the EEO Officer and management.
- EEO Officer and/or designee, Sr. Manager of Workforce Policy and Compliance and staff, regularly meet and communicate with Human Resources staff and hiring departments to review current EEO placement goals (see sample communications between Office of Civil Rights staff and HR/hiring manager [Exhibit 60](#)).

M. EEO Complaint Process

Addressing EEO complaints has been a priority for the Office of Civil Rights because discrimination (perceived or real) can have a significant impact on the morale of employees and BART's reputation. OCR staff continues to work closely with District managers, supervisors and employees to resolve EEO complaints. In addition to formal complaint investigations, resolution of EEO complaints by supervisors provides timely closure to conflicts and increases employees' confidence in the District's commitment to equal employment opportunity. Managers and supervisors have been encouraged to consult with the Office of Civil Rights to increase their proactive responses to employees' concerns. Please see [Exhibit 61](#) for EEO Complaint Procedures.

Internal Resources

Applicant, employees, contractors or subrecipients alleging a violation of BART's EEO Policies can file complaints with:

- Any District Manager, Supervisor, Lead Personnel or Foreworker
- Office of Civil Rights

External Resources

Individuals have several external resources available should they exhaust all internal alternatives available to resolve their issue, feel more comfortable going outside the organization or prefer to file externally. BART cooperates with investigations initiated by external agencies/parties. The following external resources include:

- U.S. Equal Employment Opportunity Commission (Federal regulatory agency for civil rights complaints)
- California Department of Fair Employment and Housing (State regulatory agency for civil rights complaints)
- Federal Transit Administration Region IX Office of Civil Rights 90, 7th Street, Suite 15-300 San Francisco, CA 94103 (415) 734-9490