

Williamsburg Area Transit Authority

Equal Employment Opportunity Program

12/17/2019

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Statement of Policy

WATA is an Equal Opportunity Employer and has a strong commitment to the community we serve and to our employees. The development and adoption of the following Equal Employment Opportunity (EEO) Program is an affirmation of the promotion and adherence to the policy of nondiscrimination in all action affecting WATA employees. This written program sets forth the policies, procedures, and goals to which WATA is committed. The Program will accomplish the following:

- All employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation will be administered without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.
- Inform applicants and employees of their rights and the process to file complaints alleging discrimination.
- Prohibit retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding, or otherwise engages in a protected activity.
- Provide reasonable accommodations to applicants and employees who need them due to disability or religious purposes, absent undue hardship.

All management and supervisory personnel are responsible and expected under the EEO Program to perform their duties in a way that is not discriminatory or retaliatory. The success of the Program is important to the overall successful performance of WATA. All supervisory personnel are evaluated on their performance in compliance with the EEO plan during their annual evaluation and any person employed by WATA who fails to comply with this policy is subject to disciplinary action.

The Equal Employment Opportunity Officer that is responsible for implementation of the EEO Program is Deputy Executive Director, Josh Moore, who reports directly to the Executive Director. He can be reached at 757-220-5547 or jmoore@gowata.org. Again, all employees or applicants should be confident that they will not be retaliated or discriminated against if they feel it necessary to file a concern or complaint. Anyone who would like to request a copy of the EEO Program for inspection, please contact the EEO Officer.



Zach Trogdon
Executive Director

December 17th, 2019
Date

Authority

As a recipient of federal financial assistance, WATA is responsible for ensuring it does not engage in employment discrimination. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on race, color, and national origin. Federal Transit Laws (49 U.S. Code, Sec. 5332) includes further protections on the basis or religion, sex, disability, and age. Title VII of the Civil Rights Act of 1964 (Title VII), as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 1991, prohibits discrimination on the basis of race, color, religion, national origin, or sex in all institutions with at least 15 employees, regardless of whether they receive federal assistance. FTA Circular 4704.1A includes reference to other nondiscrimination statutes and regulations that are referred to collectively as “EEO statutes and regulations.”

Applicability

WATA is required to prepare and maintain an “abbreviated EEO Program” due to meeting both of the following threshold requirements:

- Employs between 50-99 transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

An abbreviated EEO Program need only include the Statement of Policy, dissemination plan, designation of personnel, assessment of employment practices, and a monitoring and reporting system. The abbreviated EEO Program does not require a recipient to submit the Program to the FTA every four years, but the recipient must be able to provide the EEO Program to FTA if requested or for any State Management Review or Triennial Review.

Dissemination Plan

The WATA Equal Employment Opportunity Program will be communicated in the following manner:

Internal

1. Copy of full EEO Program to each department head and to each employee requesting one.
2. EEO policy in employee handbooks and manuals.
3. Discussion at supervisory meetings at minimum semiannually to address the subject of recruitment, employment, training, promotion and transfer of employees.
4. Non-supervisory staff will be informed of EEO policy and program by actions such as:
 - a. Posting of official EEO posters and the policy statement on employee bulletin boards at WATA for non-supervisor staff to read and understand. A copy is

posted on WATA's employee information board above the timeclock in the Dispatch Office and Driver Break room.

- b. Including the WATA EEO policy in employee policy manuals and reports.
- c. Meeting with minority and female employees to get their suggestions in implementing and refining the EEO program.
- d. Presenting and discussing the EEO program as part of employee orientation and employee training programs. Any new management or supervisory personnel will have EEO training within ninety days of their appointment.

External

1. Notification to recruitment sources and community groups.
2. Employment advertising includes EEO statement.
3. EEO policy posted on the WATA website.
4. Statement included on employment application

The dissemination of WATA's EEO policy is not limited to the above-referenced items. As appropriate, WATA utilizes whatever means necessary to convey the organization's commitment to equal employment opportunity.

Designation of Personnel Responsibility

WATA is committed to providing the support in the form of time and resources necessary to fulfill its EEO responsibilities. Each member of management and supervision is responsible within their area of responsibility for conducting activities in a manner which will ensure compliance with policy and any related programs. The following roles and responsibilities are intended to carry out the organization's commitment.

Executive Director

- Ensure the appointment of an EEO Officer that is directly responsible to the Executive Director.
- Ensure that the EEO Officer is free of conflicts and is invested with the necessary degree of independence and impartiality
- Work with marketing and operations staff to conduct outreach and involvement with community organizations that are representative of protected classes
- Participate in periodic audits of all aspects of employment to identify problem areas or barriers obstructing the achievement of the EEO Program
- Conduct regular discussions with the EEO Officer and other managers and employees to ensure that EEO policies are being followed

- When approving the selection of candidates for hire, ensure that EEO requirements are considered and met
- Encourage employee participation to support the EEO Program (development and promotional opportunities)

Deputy Executive Director

- Serve as EEO Officer
- Develop, implement, and evaluate the written EEO Program
- Practice independent, impartial, and ethical administration of the EEO Program
- Investigate EEO complaints of discrimination or retaliation
- Design and implement an internal auditing and reporting system to measure program effectiveness and determine in what areas proactive action is needed
- Maintain awareness of EEO statutes and provide an annual update of the EEO Program to disseminate any changes
- Collect, analyze, and report employment data and develop strategies for program success
- Review the EEO Program with all managers and supervisors semiannually
- Review annually, in conjunction with Human Resources, employment practices (e.g., hiring, recruiting), complaint policies, reasonable accommodation policies, performance evaluations, and grievance procedures
- Provide training to employees and managers on the EEO Program
- Advise employees and applicants, in conjunction with Human Resources, of available training and development opportunities and the entrance requirements
- Report semiannually to the Executive Director on the progress of each unit in relation to EEO compliance.
- Review and concur in hiring and promotion decisions for EEO compliance
- Serve as a liaison to Federal, State and local governments, regulatory agencies, minority, disabled and women's organizations, and other community groups
- Audit current EEO policy postings to ensure up-to-date compliance information

Operations Director

- Participate in periodic audits of all aspects of employment to identify problem areas or barriers obstructing the achievement of the EEO Program
- Ensure hiring, retention, and discipline are conducted in accordance with the EEO program

- Work with EEO Officer to ensure front-line supervisors are informed of EEO policies and using accordingly
- Periodically discuss EEO Program with direct reports
- Review the qualifications of all employees and applicants to ensure that protected classes are provided equal opportunity for benefits such as transfers, promotions, training, or salary increases.
- Encourage employee participation to support the EEO Program (development and promotional opportunities)
- Cooperate fully in review and/or investigation of complaints alleging discrimination or retaliation.

Supervisors

- Participate in periodic audits of all aspects of employment to identify problem areas or barriers obstructing the achievement of the EEO Program
- Periodically discuss EEO Program with direct reports
- Cooperate fully in review and/or investigation of complaints alleging discrimination or retaliation
- Encourage employee participation to support the EEO Program (development and promotional opportunities)

James City County Human Resources

- Per a Memorandum of Understanding (MOU) with WATA, assist in employee recruitment and selection, the discipline, grievance, and termination process, and compensation and benefit offerings
- In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the EEO Program

Assessment of Employment Practices

Proper assessment of employment practices will identify if there are problem areas or employment barriers in WATA's employment actions and why they exist. An assessment will identify what internal and/or external factors may be problem areas and corrective actions to address these areas.

Recruitment

The recruitment of persons to fill vacancies will be accomplished without regard to race, sex, color, national origin, disability, ancestry, age or religion. WATA will maintain contacts with

various minority, women and other groups and organizations (including those serving disabled and handicapped individuals) concerning manpower resources and requirements when necessary.

1. The EEO Officer will continue to have primary responsibility for recruitment activities with direct assistance from WATA's Executive Director and James City County Human Resources.
2. Whenever practical and financially feasible, all job openings will be advertised in the news media. They will also be advertised in the minority news media as well as with those organizations and institutions catering predominantly to females and minorities. Where visual media is used, all pictures shall include minorities and females. As per James City County policy, advertising in the news media may not be done when a sufficient candidate pool exists from a previous opening, or the opening is limited to internal candidates only.
3. James City County HR will serve as a job information center to provide equal access to job information and opportunities.
4. Provide a variety of ways that employment applications may be obtained, including in person, by mail, by fax, and online.
5. Positions will be advertised in accordance with James City County Employment procedures.
6. WATA will make minority and female employees available to participate in career fairs and related activities in the community.

Selection

The selection of persons to fill job vacancies will be made without regard to non-merit factors following a completely objective appraisal of each eligible individual interested in the position.

1. WATA will continue to develop position descriptions that accurately reflect position functions and are consistent for the same position from one location to another.
2. WATA will continue to develop job or classification specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination and will develop specifications that are free from bias regarding age, race, color, religion, national origin, disability, sexual orientation; or veteran status.
3. WATA will continue to use only classification specifications that include job-related criteria.
4. The process of screening applications will be administered consistently using valid requirements of the job, by either HR or the hiring supervisor

5. Train employees involved in selection of employees to be aware of and eliminate bias
6. Train employees involved in interviewing to develop skills necessary to interview and evaluate applicants in non-discriminatory manner

Promotion

Promotions will be conducted in accordance with applicable rules, on a nondiscriminatory basis. The procedure used in selecting persons for promotion will be evaluated periodically to ensure that they are relevant and nondiscriminatory. Any employee who feels he or she has not been accorded fair and impartial treatment regarding employment will be offered an opportunity to discuss their concerns.

1. The process of screening applications will be administered consistently using valid requirements of the job, by either HR or the hiring supervisor
2. Train employees involved in promotion of employees to be aware of and eliminate bias
3. Train employees involved in interviewing to develop skills necessary to interview and evaluate applicants in non-discriminatory manner
4. On-the-job training will be designed so that employees have an opportunity to acquire skills needed to advance within WATA.
5. Employees with managerial ability will be encouraged to acquire skills on-the-job or through more formalized training prior to their advancement into a management position.

Training

1. Training and educational programs sponsored or supported by WATA or James City County will be available to all employees, appropriate to the employee's position, without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation.
2. Training and educational programs sponsored or supported by WATA or James City County will be publicized through various media such as WATA and County intranet, flyers, brochures, email announcements, and supervisor reports.
3. Training programs shall be designed to upgrade the skills of employees so that they can improve performance in their present position and/or to prepare for future promotional opportunities.

Compensation and Benefits

WATA complies with all Federal and State laws/regulations including the Fair Labor Standards Act.

1. Salary ranges for each position will be assigned based on James City County's established classification and compensation plan, without regard to the incumbent.

2. Benefits will be offered to all eligible employees based on employment status and without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation.
3. Tuition assistance will be awarded to eligible WATA employees, without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation

Disciplinary Procedures and Termination Practices

All WATA employees are afforded the progressive discipline process. Per MOU with JCC, this is governed by their policies. This procedure is described as follows:

- An employee may resign by presenting a written notice of resignation to the employee's supervisor.
- An employee may be dismissed for unsatisfactory performance of duties in accordance with James City County's applicable policies and procedures and WATA's Professional Code of Conduct. This may include disciplinary reasons, other just causes, or for reduction in workforce. Public employees have a right to due process if an adverse action is to be taken against them.
- In accordance with JCC HR policies, employees may be paid upon termination for all their accumulated vacation leave and accumulated sick leave on a pro-rata basis. Medical and life insurance will also be paid in accordance with JCC policy.
- Any WATA Full Time or Part time regular employee who has successfully completed their Introductory Period has a right to file a grievance, in accordance with James City County policies and procedures.
- An employee has the right to contact the WATA EEO Officer in writing at any time if they do not agree with a recommended adverse employment action prior to the recommended action being finalized. The EEO Officer shall respond to the employee in writing within five (5) working days. Should the action be finalized, then the employee may have grievance rights where applicable to County policies and procedures.
- The EEO Officer will be apprised of any adverse employee actions.

Reasonable Accommodation

WATA takes affirmative action to employ, advance in employment and otherwise treat qualified individuals with known disabilities without discrimination based upon their physical or mental disability in all employment practices. WATA will attempt to provide reasonable accommodations for employees with disabilities, unless such accommodation would impose an undue hardship on the conduct of its business. WATA also commits to engaging in an interactive process with the person requesting the accommodation (or their representative), as needed, to determine an appropriate accommodation.

It is the policy of WATA to not discriminate against employees for the practice or observation of their religion, absent undue hardship on the conduct of its business.

Monitoring and Reporting Plan

WATA and JCC HR maintain demographic records on the following:

- a) Applicants
- b) Hiring
- c) Terminations
- d) Promotions, demotions, and transfers
- e) Training
- f) Discriminatory harassment complaints

The above records are maintained by James City County HR and are available to the EEO Officer and other staff as necessary and appropriate. WATA's Monitoring and Reporting Plan focuses on several key areas:

- WATA reviews its demographic records annually in January of each year for assessing regulatory compliance and during its update of strategic plans and objectives. Semi-annual updates are provided in January and July to the Executive Director.
- Annual training for all department heads and supervisors is provided as well, to include interviewing techniques. Files of all job advertisements and records of correspondence with various minority recruitment contacts are kept by James City County HR. Exit interviews are scheduled and conducted by James City County Human Resources with Full-time and Part-time Regular employees who terminate from WATA.
- All management and supervisory personnel will assist in monitoring employee placement, assignment of duties, and work sites to ensure that assignments are made on a non-discriminatory basis. Staff are informed of any EEO-related complaints or issues that arise in their respective areas so that immediate and appropriate steps can be taken to resolve any issues. EEO complaints are tracked by both the EEO officer and JCC HR in their Human Resources database (HRIS).
- Progress on WATA programs is discussed at supervisor training and meetings, and at least semi-annually at the WATA Administrative staff meetings. This information is communicated to WATA employees during meetings as appropriate and will be documented by WATA staff and filed with JCC HR.

- Monitoring of the EEO Programs of subrecipients and contractors is included in the semi-annual oversight process. These are conducted in January and July during WATA's EEO program review. This may include site visits, electronic, or written communications with each agency to provide their approved EEO Program and any required documentation.
- The WATA Executive Director reports information in relation to the WATA EEO program and its progress to the WATA Board in August of each year. The EEO Officer and the Deputy Executive Director/EEO Office meet weekly to discuss WATA business. Any EEO related issues will be discussed during this time and a memo will be submitted to the file to account for any topics covered and their follow-up actions.

Complaints

As the first step in an EEO complaint, WATA utilizes an approved Grievance Procedure (assisted by James City County HR) that is open to all permanent employees of WATA.

In addition, any employee who feels that he/she has been discriminated against may register a complaint with the EEO Officer. Employees will be advised of additional avenues of redress, including but not limited to, the Commonwealth of Virginia Human Relations Commission and the U.S. Equal Employment Opportunity Commission.

A report including corrective action taken, if appropriate, will be given the employee after an investigation has been completed.

Appendix A – Human Resource Services MOU

The Memorandum of Understanding (MOU) with James City County Human Resources (JCC HR) was signed on September 15t, 2015 and may be renewed annually until September 16th, 2020. This MOU allows for WATA to utilize James City County’s payroll and employee benefit systems as well as having trained Human Resources staff to help WATA officials ensure compliance with all local, state, and federal employment laws.

Appendix B – James City County Employee Handbook

The James City County Employee Handbook is available to all employees through request or the county intra-net at: <https://en.calameo.com/read/004529642082338c3d5cc>

Appendix C – WATA Subrecipients and Contractors

Included here is a list of WATA's subrecipients and contractors who are monitored for EEO Program compliance.

First Vehicle Services (First Transit – Maintenance Contractor