
**BRAZOS TRANSIT DISTRICT
(THE DISTRICT)**

**EQUAL OPPORTUNITY &
AFFIRMATIVE ACTION PLAN**

July 2008

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Equal Employment Opportunity Policy Statement

The District supports equal employment opportunities without discrimination as to age, sex, color, race, national origin, religion or non-religion, or disability in compliance with state and federal laws. This policy is reflected in all of The District's practices and policies regarding hiring, training, promotions, transfers, layoffs, organizing the work force, rates of pay, and other forms of compensation.

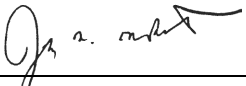
To implement these practices and policies, The District will continue to:

- \$ Recruit, hire, train, and promote persons in all job classifications based on qualifications and abilities without regard to age, sex, color, race, national origin, religion or non-religion, or disability.
- \$ Base decisions on employment so as to further the principle of equal employment opportunity.
- \$ Insure that all personnel actions, including, but not limited to, compensation, benefits, transfers, layoffs, return from layoffs, company sponsored training, are administered without regard to age, sex, color, race, national origin, religion or non-religion, or disability.
- \$ Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotion.
- \$ Insure disciplinary actions are based entirely on employee conduct without regard to age, sex, color, race, national origin, religion or non-religion, or disability.
- \$ Make all facilities, services, activities, and benefits available to all employees.

Defamatory remarks regarding any individuals age, sex, color, race, national origin, religion or non-religion, or disability will not be tolerated. Violation of this policy will be subject to prompt disciplinary action up to and including termination.

Retaliation of any type against any employee or applicant that files a complaint regarding unlawful employment practices is strictly prohibited.

Equal employment opportunity is not only the law, but it is a principle of The District's operation. I expect each employee to cooperate to achieve this goal and I personally stand behind this principle.



John McBeth, General Manager

July 1, 2008

Date

Definitions

Individual with a Disability - An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities are activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working.

Qualified Individual with a Disability - A qualified employee or applicant with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation - Reasonable accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. An employer is not required to lower production standards to make an accommodation. An employer generally is not obligated to provide personal use items such as eyeglasses or hearing aids.

Undue Hardship - An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.

Prohibited Inquiries and Examinations - Before making an offer of employment, an employer may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in the same job category. Medical examinations of employees must be job-related and consistent with business necessity.

Drug and Alcohol Use - Employees and applicants currently engaging in the illegal use of drugs are not protected by the ADA when an employer acts on the basis of such use. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the ADA's restrictions on medical examinations. Employers may hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees.

Purpose

The purpose of this plan is to insure that The District will recruit, employ and promote persons most qualified to render District business. To attract such people, employment and promotional opportunities will be given to the best qualified individuals on the basis of ability and dedication. Race, color, religion, gender, age, marital status, national origin, or physical disability will not be considered in determining the people best qualified for such employment and promotion.

Communication of the Plan

Internal Communications

A memo from the General Manager will be sent annually to all employees regarding the Equal Opportunity Policy.

The EEO policy is included in all of The District personnel policy manuals.

A written memorandum will be sent to all supervisors informing them of their general responsibilities regarding the affirmative action program.

Special meetings will be held annually with supervisory personnel to discuss progress and problems relative to the program.

Required equal employment opportunity posters, The District EEO policy, EEO contact information, along with periodic notices regarding the program will be posted in conspicuous places in the offices and facilities of The District.

External Communications

All employment advertisements will contain the words "An Equal Opportunity/Affirmative Action Employer."

All employment applications will contain the following clause:

The District is an equal opportunity employer and will not discriminate against an employee or applicant for employment because of race, color, religion, gender, age, marital status, national origin, or physical disability unless based upon a bona fide occupational qualification. If you believe you have been discriminated against, you should notify the Equal Employment Officer or the Equal Employment Opportunity Commission.

A notification letter will be sent to all vendors, suppliers, and supply contractors with whom The District does business informing them of the affirmative action commitment and soliciting their cooperation.

Management Responsibility

General Responsibility

The actions of every employee are important to achieving the plan's objectives. Disciplinary actions will be taken against any employee found to be deliberately obstructing implementation of the plan.

The District will make reasonable accommodations to qualified applicants with disabilities and employees so that qualified individuals can perform the essential functions of a job.

Every supervisor is critically important to program success. Performance in meeting affirmative action objectives will be carefully included in all future performance reviews.

Appointment of Equal Employment Opportunity Officer

Margie Lucas, Executive Vice President & Chief Administrative Officer (CAO) is the designated Equal Employment Opportunity Officer for The District. Individuals who would like to discuss and/or file a complaint alleging discrimination should contact Mrs. Lucas. Mrs. Lucas may be reached by phone at 979-778-0607, e-mailed at mlucas@btd.org, or in person at 1759 N. Earl Rudder Freeway, Bryan, Texas.

The Equal Employment Opportunity Officer has the responsibility to:

- Annually review and revise the affirmative action plan as appropriate.
- Set general goals for implementation of the affirmative action plan.
- Assist and counsel all department heads, managerial, and supervisory personnel regarding their affirmative action responsibilities.
- Investigate and resolve allegations of discrimination against The District.

Under the direction of the EEO Officer the Director of Human Resources has the responsibility to:

- Set up goals, and procedures for implementing the review and redesign of current personnel practices and correcting any underutilization of women, minorities, older workers, veterans, or the disabled.
- Annually audit and evaluate the affirmative action program and prepare a report concerning the performance of The District, its departments, and its management personnel regarding the affirmative action program.
- Conduct regular discussions with supervisors and employees to insure implementation of the affirmative action program.
- Maintain a liaison with the Equal Employment Opportunity Commission, and other government compliance agencies, as well as with all community organizations with an interest in affirmative action.

- Keep management informed of the latest developments in the entire EEO area.
- Assist in identifying problem areas and establishing local goals and objectives.
- Review the qualifications of all employees to ensure that minorities and women have full opportunities for transfers and promotions.

The District department and division heads will be responsible for:

- Analyzing their work force relative to identifying possible utilization of women, minorities, older workers, veterans, or the disabled.
- Setting goals and timetables for bringing their unit into compliance with the overall affirmative action program.
- Actively promoting a positive climate in the department or division concerning affirmative action.

Review and Revision of Personnel Practices

Recruitment

All job positions that come available will be posted on the Brazos Transit District web site (www.btd.org), placed in the local newspaper and will be posted at all of The District facilities naming the posting description and job qualifications. All job postings will contain the following statement: "An Equal Opportunity/Affirmative Action Employer."

Efforts to employ women, minority, older workers, veterans, or the disabled for part time positions will be made to encourage their interest in full time employment opportunities with The District.

Job Analysis and Restructuring

Position descriptions will be reviewed annually to accurately reflect the function and duties of the jobs described. Position descriptions will be set at the minimum level needed for entrance into the job.

Career ladders and logical lines of progression within and between job classes will be identified to facilitate the training and promotion of women, minorities, older workers, veterans, or the disabled.

Promotions, Job Assignments, and Termination

No applicant will be denied a promotion or job assignment on the basis of gender, age, race, disability, or any other prohibited criteria. Applicants will be given a trial on the job to prove their capability if they are otherwise eligible for the promotion or assignment.

Records will be kept indicating the movement of minorities and women within the jurisdiction

relative to promotion, job assignments, layoff, and recall.

Employees will be terminated only for just cause or their own volition.

Training

Whenever any training activity is sponsored, special attention and consideration will be given to securing the participation of women, minorities, older workers, veterans, or the disabled.

Where jobs can be learned in a short period of time, formal on-the job training programs will be instituted to facilitate the movement of women, minority, older workers, veterans, or the disabled into these positions with minimum qualifications.

Where formal training is necessary to qualify for a job, in-house training programs will be established whenever feasible.

Work scheduled will be adjusted so as to permit the participation in relaxant training programs.

Records will be maintained as to the numbers and percentages of women, minority, older workers, or the disabled applying for and participating in all training programs.

Compensation and Fringe Benefits

Pay rates will be reviewed particularly in light of the results of the job analysis, reclassification, and redesign efforts described in previous sections.

Within competitive market conditions pay rates will be equalized where jobs require substantially equal skill, effort, and responsibility.

All fringe benefit programs will be reviewed and revised where necessary to assure that they are equally available to every employee. Particular attention will be paid to the availability to fringe benefits to all employees, especially in areas such as disability, health insurance, leave for childbirth, retirement systems, and insurance programs.

Working conditions will be reviewed to ensure that for each job or job classification substantially similar conditions prevail. Specifically this will include review of work schedules, opportunities for overtime work, scheduling of vacations, and other similar items.

Facilities

Our current facilities will be examined annually to ascertain if they in any way discriminate on the basis of race, color, religion, gender, age, marital status, national origin, or physical disability. Appropriate steps will be taken to correct any inequities. All property owned by The District meets all ADA requirements.

Work Force and Labor Market Analysis

The District will conduct a census of its employees by job class and submit to assess current utilization patterns for women, minorities, older workers, veterans, or the disabled. As a part of this survey The District will also seek to identify currently promotable or transferable women, minority, older workers, veterans, or the disabled.

The District will conduct a study of relevant labor markets to determine the availability of women, minority, older workers, veterans, or the disabled with skills and qualifications particularly as they relate to its labor needs.

The District will review the training capabilities of area educational institutions as a step toward increasing the availability of qualified women, minority, older workers, or the disabled.

Goals and Timelines

Every District division will annually be required to analyze their work force and to set goals for the employment of women and minorities. Departments will also be required to identify specific steps they are taking to improve the promotability of current women, minority, older workers, or disabled employees and to identify any that are ready for possible promotion in other areas of the agency.

Department goals and timetables will be reviewed by the EEO Officer to assure compliance with the overall goals and timetables for The District. Goals should reflect the results that reasonably could be expected from putting forth every good faith effort to make the Company's affirmative action program work.

The EEO Officer will annually review the progress of The District affirmative action program and make necessary revisions to the goals, timetables, and priorities established.

Annually the Director of Human resources will summarize the contents of the register. The contents of the register will be summarized according to the positions for which employment applications were received, and the applicant flow and will be compared with the availability analysis figures.

The District will annually analyze all position descriptions & titles, application forms, interview procedures, final selection processes, and similar matters to determine whether they are interfering with the hiring and advancement of qualified minorities and women.

EEO Complaint Process

Individuals who would like to discuss and/or file a complaint alleging discrimination should contact the Executive Vice President & Chief Administrative Officer. The Executive Vice President may be reached by phone at 979-778-0607, e-mailed at mlucas@btd.org or in person at 1759 N. Earl Rudder Freeway, Bryan, Texas. The EEO Officer should be contacted

immediately when you believe you have been discriminated against.

The following procedures will be used to process discrimination complaints.

Counseling

The first step in resolving discrimination complaints is counseling. The purpose of counseling is to determine whether there is a problem, and if there is, to correct it as soon as possible. Emphasis at this point is on early resolution.

The EEO Officer is responsible for clarifying the problem(s), and attempting to resolve it to everyone's satisfaction. The EEO Officer will:

- \$ Clarify the issues
- \$ Identify whether the problems are covered by the EEO Office's Discrimination Complaint Process
- \$ Outline alternative procedures
- \$ Identify options
- \$ Attempt to work out a resolution agreeable to all concerned, if possible
- \$ Provide information on external enforcement agencies (i.e., the EEOC, the Texas Commission on Human Rights, FTA and the DOT).

The EEO Officer will also inform the Complainant(s) of the Brazos Transit District Employee Handbook which addresses our policy on Equal Employment Opportunity. The EEO Officer will inform the Complainant(s) that if he/she decides to pursue their complaint based on discrimination with the EEO Office, the discrimination allegations will be processed according to these procedures.

The Complainant(s) must sign the EEO Discrimination Complaint Form issued by the EEO Officer before an informal process can begin. The EEO Officer has fifteen (15) working days to counsel and make efforts to resolve the issue informally. However, if at the end of this time period, there is no resolution in sight, the Complainant(s) will be informed of their right to proceed with a formal complaint, if they wish to continue to pursue their allegations and have the EEO Officer begin a formal investigation. Complainant may proceed to file a formal complaint within 5 working days.

Filing a Formal Complaint

The Complainant(s) must sign the Internal Discrimination Complaint Form issued by the EEO Officer before a formal investigation can begin. The Complainant(s) should be prepared to support any allegations claimed to be discriminatory by furnishing all pieces of pertinent evidence: letters, memos, dates, times, and/or witnesses to the alleged claim in the complaint. A mere allegation of discrimination maybe insufficient in order to make a determination. Be aware that the investigative part of the process is designed to establish the facts once clear basic information is provided.

Rejecting a Complaint

If the EEO Officer decides to reject a complaint, the Complainant(s) will be notified in writing within ten (10) working days after filing a formal complaint.

It is within the authority of the EEO Officer to reject any claim, if the officer determines that the allegations are not within the realm of the discrimination guidelines. If the EEO Officer makes this determination, then such notice of rejection will be final and cannot be appealed unless new evidence can be presented to the EEO Officer and such evidence falls within the discrimination guidelines of race, color, religion, national origin, disability, sex or age.

Investigation

If a formal complaint is accepted, the EEO Officer will investigate it. The investigation will be completed within twenty-five (25) working days of receiving formal. An investigation may be extended beyond the twenty-five (25) working days if it is deemed necessary in order to conduct a more thorough and in-depth investigation. The EEO Officer will conduct interviews, take affidavits as needed from Complainant(s) and other apparent witnesses, and will gather any other pertinent information from various sources.

In order to properly investigate any allegation of discrimination, it will be imperative that any employee with relevant knowledge assist in the investigation. Such participation may be in the form of verbal communications, written statements or providing other records that may be determined to be of a relevant matter. All employees deemed to have relevant knowledge of the allegations shall participate to the best of his or her ability during these investigations.

Informal Resolution

During and at the conclusion of the investigation, the EEO Officer, when feasible and consistent with Brazos Transit District policies and procedures, will continue to attempt to resolve the complaint on an informal basis. Prior to a resolution discussion with the Complainant(s), any resolution offer developed must be discussed with the appropriate department head(s) whose department(s) would be impacted. The Complainant(s) must sign and date any resolution offered that has been accepted. Such acceptance constitutes settlement of the complaint, however, any resolution offered and acceptance does not constitute an admission of any wrong doing by Brazos Transit District or any of its agents.

One of the major objectives of the complaint process is fairness and early resolution of complaints. Consequently, Brazos Transit District regards the efforts made by all parties in early resolution attempts as extremely important and crucial to the integrity and intent of this process.

Complaint Disposition

At the conclusion of the investigation, the EEO Officer will issue findings of fact and conclusion and will make recommendations for corrective action if required or other resolutions. The Complainant will be contacted to receive and sign-off their acknowledgment of receipt of the EEO Officer's disposition of their complaint. Thereafter, the accused person(s) will be notified of the EEO Officer's recommendations.

Appeal of Disposition

If the Complainant(s) is not in agreement with the EEO Officer's findings and determination contained in the disposition, he or she may appeal the EEO Officer's decision in writing within ten (10) working days to the President/CEO.

The President/CEO will then investigate the alleged violation and review relevant facts and upon completion of the investigation, the President/CEO will issue a decision within ten (10) working days in consultation with the EEO Officer.

If the Complainant(s) is not in agreement with the President/CEO's finding and determination, he or she may appeal the President/CEO's decision in writing within seven (7) working days to the Brazos Transit District Board of Directors.

Complainant(s) will be advised that if the final decision is unacceptable, appeal may be made to the EEOC, Texas Commission on Human Rights, or FTA.

Special Provision

If any allegation of discrimination arises with the EEO Officer and/or against the EEO Officer, such allegations will be referred to the President/CEO to process and investigate accordingly. Any attempts of resolution will be according to the above stated procedures.

The District

EEO Discrimination Complaint Form

This information on this form is to be completed for all alleged discrimination and sexual harassment complaints. The completed copy is to be signed by the complainant. Upon completion, please forward to the EEO officer.

Complainant's Name:	Work Phone:	Home Phone:
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Department/Division:	Job Title:	Date of Hire:	Employee ID #:
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Are you currently employed by The District?: Yes No	Supervisor's Name:	Date of the alleged discriminatory practice:
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The discrimination occurred in connection with:						
Interview	Hiring Selection	Promotion	Layoff	Transfer	Disciplinary Action	
Compensation	Training	Other (specify)				

Basis of the alleged discriminatory practice:						
Race	Sex	Color	National Origin	Religion	Age	Disability
Retaliation	Sexual Harassment		Other (specify)			

Have you made an effort to resolve this issue with your supervisor?: Yes No	If no, do you give the EEO Officer your permission to speak to your supervisor?: Yes No
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If yes, what action if any was taken?:

Person(s) who you believe discriminated against you:		
Name	Title	Location

Facts of the alleged discrimination are (attach additional sheets if necessary):

Resolution you are seeking:

Complainant's Signature	Date
EEO Officer's Signature	Date