

Equal Employment Opportunity

(HC4)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is committed to maintaining an environment that values diversity, in which all its employees and applicants are free from discrimination, harassment and retaliation in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other applicable Federal and State legislation.

PURPOSE

The purpose of this policy is to ensure that decisions affecting all RTA employment practices, including: recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment, are made without regard to race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes. This policy will be updated biannually.

This policy also protects employees exercising their rights under the Family and Medical Leave Act, the Pregnancy Discrimination Act and related statutes.

APPLICATION

This policy applies to all RTA employees, transportation contractors, and sub-recipients who employs 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year.

ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

APPROVED BY:

Alex Z. Wiggins
Chief Executive Officer

Effective Date: 2/23/2021
Date of Last Review: XX/XX/XXXX

1.0 GENERAL

RTA is committed to an Equal Employment Opportunity (EEO) Program, including goals and timetables, to overcome the effects of past discrimination of minorities and females. EEO principles govern all aspects of RTA's personnel policies, program practices, and operations. The Chief Diversity, Equity, & Inclusion Officer and/or Louisiana Commission on Human Rights updates and revises the EEO Program in accordance with state and federal law.

RTA's commitment to EEO extends to all job applicants and employees, and to all aspects of employment, including: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, tuition assistance and termination.

RTA is committed to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

The successful achievement of EEO goals will provide benefits to RTA through fuller utilization and development of previously underutilized human resources. The achievement of EEO goals will ensure that the diversity of the RTA workforce will reflect the community it serves.

RTA's Diversity, Equity, and Inclusion Department handles Civil Rights and Equal Employment Opportunity Unit matters and investigates allegations of discrimination, harassment, and retaliation. All complaints will be investigated in a fair, consistent and timely manner.

2.0 PROCEDURES

~~Any person~~ Any employee or applicant who believes that they may have been discriminated against, or harassed on the basis of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes, should contact the Chief Human Resources Diversity, Equity, and Inclusion Officer at (504) 827-8409 8377, or civilrights@rtafoward.org, within 365 days of the alleged violation.

In addition, or in lieu of utilizing the Office of Diversity, Equity, and Inclusion/Civil Rights complaint process at RTA, a Complainant may file a complaint of discrimination with the New Orleans Field Office of Equal Employment Opportunity Commission (EEOC) Hale Boggs Federal Building 500 Poydras Street, Suite 809, New Orleans, LA 70130. United

States, the State of Louisiana Commission on Human Rights (LCHR), The Federal Transit Administration (FTA), or the Federal Department of Transportation (DOT).

Retaliation against any individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in a protected activity is strictly prohibited and will not be tolerated. If a violation is found, disciplinary action will be taken up to and including termination.

2.1 COMPLAINT PROCESS

Any employee or applicant believing they have been discriminated against, harassed, or retaliated against ~~The employee or applicant who lodged the complaint~~ will complete a Discrimination, Harassment or Retaliation Complaint Form (Attachment 1). They may file a formal, written complaint with the Diversity, Equity, and Inclusion Officer/EEO Coordinator, ~~or work with the EEO Coordinator~~ to provide the information necessary to begin an investigation. After being notified of a complaint, an appointment will be scheduled between the employee and the Diversity, Equity, and Inclusion Officer/EEO Coordinator within 48 hours.

A complaint ~~Once a complaint is received,~~ it is reviewed for jurisdiction. A complaint may be rejected if it is not filed within the time specified above, or, if after review of the allegations, it is determined that EEO policies have not been violated. When a complaint is rejected, EEO will notify the complainant.

If it appears that the alleged action(s) violates RTA's EEO policies, an investigation will be conducted. An investigation will include a review of the following: the circumstances under which the alleged discrimination occurred; relevant policies and practices related to the complaint; statements relevant to the allegation; and pertinent legal guidance/precedents.

All documents and information acquired during the investigation are confidential.

2.2 INVESTIGATION PROCESS

The EEO investigation process includes:

- notifying the complainant to acknowledge acceptance of the complaint, and providing the assigned case investigator's name;
- notifying the person accused of discrimination, harassment, or retaliation (respondent), providing him/her with an opportunity to respond to the allegation(s);
- notifying the respondent's department head that the EEO Unit will be investigating the complaint; and

- interviewing witnesses and reviewing relevant documentation, so the EEO Investigator can research facts alleged in the complaint.

In some cases, the nature of the allegation may warrant the complainant and the respondent to be separated during the course of the investigation. Under these circumstances, it is the *respondent* that is transferred or put on leave pending the outcome of the investigation.

The **Diversity, Equity, and Inclusion Officer/EEO Coordinator** prepares a report of the investigation findings that includes a recommendation regarding a resolution to the complaint. The Chief **Human Resources Executive** Officer reviews the **Diversity, Equity, and Inclusion Officer/EEO Coordinator** report and recommendation. After final review, closing letters are sent to the complainant, respondent, and the respondent's direct supervisor. For substantiated findings, closing letters will also be sent to the respondent's department head and applicable member of the CEO's Executive Leadership Team. The DEI and Human Resources ~~units~~ **departments** retain copies.

In cases where there is sufficient evidence to substantiate the complainant's allegations, the department Chief will consult with the Chief **DEI Officer/EEO Coordinator**, who will offer advice or recommend appropriate disciplinary action to be administered. The department Chief must provide the Chief **DEI and Human Resources Officer**s with a written confirmation of discipline, no later than ten days after the disciplinary action has been taken. If disciplinary action warrants a transfer, it is the *respondent* who is transferred, not the complainant. The complainant may be transferred *only* if he/she requests to be transferred.

An "unsubstantiated" finding will be recorded if the investigation fails to find sufficient evidence to support the complainant's allegation(s). After a final "unsubstantiated" finding review by the Chief **DEI Officer/EEO Coordinator**, the complainant and respondent are notified. If the complainant accepts the findings, the matter is closed. The complainant may appeal the "unsubstantiated" finding within 20 business days of the closing letter's date. The respondent may appeal a "substantiated" finding within 10 business days of the closing letter's date. The appeal should be made to the Chief **Human Resources Executive** Officer. The Chief's decision will be final.

At any time during the complaint process, the complainant should promptly notify the Chief **DEI Officer/EEO Coordinator** in writing if they:

- decides to withdraw the complaint;
- files a lawsuit against RTA or its employees; or
- changes an address, telephone number, or other contact information.

If at any time during the course of the investigation, a complainant fails to respond to communications from the **DEI** Department after two written requests, the investigation may be completed without further input from the complainant.

All RTA employees are required to participate with the EEO investigative process. Failure to do so where there are no mitigating factors may result in discipline.

Regardless of the outcome of the complaint, the complainant has a right to consult or file a complaint with the State of Louisiana Commission on Human Rights (LCHR), the United States Equal Employment Opportunity Commission (EEOC), the Federal Transit Administration (FTA), and the Department of Transportation (DOT). If an employee or applicant files a complaint with an outside agency, a formal conciliation conference may be scheduled with the **DEI** Department and the outside agency.

An experienced, neutral outside investigator should be brought in when:

- **Allegations involve as either complaining party or target of the investigation a member of the HR Department or upper management (supervisor, director, deputy director, deputy chief, chief executive officer or a member of the board).**
- **Accusations have been made public or widely known within the agency.**
- **The situation is highly confidential or sensitive.**
- **There are allegations of criminal behavior and cooperation with law enforcement is necessary.**
- **There are reasons to question whether the in-house team is sufficiently experienced or will be viewed as unbiased and objective.**

2.3 Retaliation

RTA prohibits retaliation, as defined in the Discrimination, Harassment and Retaliation (HC21) policy, against any complainant(s) or other person who provides information during the investigation. Any employee or applicant who believes he/she has been retaliated against should immediately contact the Chief **DEI** Officer.

Any RTA employee who retaliates against anyone involved in an EEO matter will be subject to disciplinary action (see the Discipline (HC25) policy), up to and including termination.

2.4 Confidentiality

RTA will make every possible effort to assure the confidentiality of complaints made under this policy. However, complete confidentiality cannot be guaranteed, due to the need to fully investigate the complaint and duty to take effective, remedial action. RTA will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action; take remedial action; defend itself in adversarial proceedings; or comply with the law or a court order.

2.5 False Allegations and Statements

RTA considers false allegations of discrimination or harassment to be a violation of policy, and an abuse of state and federal law. Where there is clear evidence that a complainant has made false allegations of discrimination, harassment, or retaliation; or a complainant or respondent has made false statements to the EEO Investigator, disciplinary action, up to and including termination will follow.

2.6 Non-Jurisdictional Complaints

If a complaint is determined to be non-jurisdictional under EEO criteria, the **DEI** Department will refer the complaint to the appropriate entity within RTA. The **DEI and/or** Human Capital Department is also available to provide conciliation between the employee and management.

2.7 Informal Resolutions

In some instances, EEO complaints can be addressed and resolved in an informal manner, as it can be counterproductive to implement a formal investigation. For informal resolutions that result in a summary report and/or have a substantiated finding, the **DEI** Department will vet the report through the Department Chief. Once reviewed and approved, applicable managers and members of the CEO's Executive Leadership Team will be notified of the findings of the case and will be included in discussions regarding outcomes.

3.0 DEFINITION OF TERMS

Business Day – Any day RTA is open for business, excluding Saturdays, Sundays and Holidays

Complaint – Written document that states incident(s) of alleged discrimination, harassment, or retaliation, what term or condition of employment was affected, and

who is believed to have engaged in discrimination or harassment in violation of RTA's EEO policies

Complainant – Party who filed the complaint

Discrimination - any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.

Equal Employment Opportunity - the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.

False Allegations/Statements – Any intentional misrepresentation or omission of relevant information pertaining to the complaint and investigation by the complainant, respondent, or witnesses.

Information – Any and all tangible or electronically stored data or documents

Respondent – Party or parties named in the complaint that complainant believes engaged in discrimination or harassment or retaliation in violation of RTA's EEO policies

"Substantiated" Finding – Sufficient evidence found to support the complainant's allegation(s)

"Unsubstantiated" Finding – Insufficient evidence found to support the complainant's allegation(s)

~~EEO will notify all appropriate parties regarding the disposition of the complaint. If a violation of RTA's EEO policies is determined, appropriate disciplinary action will be sought against the respondent and corrective action taken to prevent recurrence.~~

- ~~• The respondent may appeal a "substantiated" finding to RTA, Chief Human Resources **Executive** Officer and or/ New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States within 10 business days of the closing letter's date. If no policy violation is found and the complainant wants to appeal the decision, they may appeal directly to RTA, Chief Human Resources **Executive** Officer and or/, New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130~~



~~United States, within 20 business days of the closing letter's date. The Chief Human Resources Officer decision will be final.~~

~~The EEO Unit investigates every case in a fair, consistent and timely manner. If at any time during the course of the investigation, a complainant fails to respond to communications from the EEO Unit after two written requests, the complaint may be closed for failure to cooperate.~~

~~**At any time during the process, the complainant should promptly notify the EEO Unit in writing if employee:**~~

- ~~• decides to withdraw the complaint;~~
- ~~• files a lawsuit against RTA or its employees~~
- ~~• changes an address, telephone number or other contact information~~

3.0 DEFINITION OF TERMS

~~Discrimination – any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.~~

~~Equal Employment Opportunity – the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.~~

4.0 RESPONSIBILITIES

The Office of Civil Rights monitors goals for effectiveness and the need for revision to overcome any underutilization or concentration of minorities or females. It maintains a database of all civil rights complaints received. The data includes the date the complaint was filed, summary of the allegations, status of the complaint and actions taken to resolve the complaint.

Chief Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States is the designated EEO Officer, who reports directly to the CEO and is responsible for the EEO Program; updating RTA EEO policies; monitoring compliance with the EEO Program goals; providing training; and implementing programs that support RTA's policy of promoting diversity, equal employment opportunity, and affirmative action.

Managers and Supervisors have an affirmative duty to:

- refer employees or applicants to the Chief **DEI** Officer if an employee or applicant alleges **they have** been a victim of discrimination, harassment, or retaliation;
- contact the Chief **DEI** Officer to investigate any discrimination, harassment, or retaliation complaint as soon as it is received;
- contact the Chief **DEI** Officer when the manager or supervisor observes behavior that appears to be in violation of RTA's EEO policies;
- document relevant discussions regarding an incident or complaint and forward original documents to the Chief **DEI** Officer for complaint file; and
- contact the Chief **DEI** Officer with any questions concerning harassment, discrimination, or retaliation.

Further, all RTA Managers and supervisors are responsible for ensuring that implementation and compliance is achieved through understanding, communicating, and active involvement in support of this policy. All supervisors and managers are responsible

for implementing their unit's EEO goals. Goals are monitored by the Chief **DEI and** Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States for effectiveness and need for revision to overcome any underutilization or concentration of minorities or females. Performance evaluations of managers and supervisors will include evaluating the success of the EEO program in the same manner as performance on other goals.

Diversity, Equity, and Inclusion, Civil Rights and Equal Employment Opportunity (EEO) designs, develops, implements and monitors RTA's EEO policies and procedures; investigates complaints of employment discrimination, harassment, and retaliation; and recommends remedies if violations of EEO policies are found.

Complainant cooperates with the **DEI** Department during all stages of the internal complaint process.

Respondent cooperates with the **DEI** Department during all stages of the internal complaint process.

Applicants and employees have the right to file complaints alleging discrimination with the Chief, Office of Civil Rights, the United States Equal Employment Opportunity Commission (EEOC), the State of Louisiana Commission on Human Rights (LCHR), The Federal Transit Administration (FTA), or the Federal Department of Transportation (DOT). The EEO Program is available for inspection by any employee or applicant for employment upon request.

All RTA employees, contractors and sub-recipients who employ 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year must comply with this and all other EEO Policies.

FLOWCHART

N/A

REFERENCES

- State of Louisiana Commission on Human Rights (LCHR)
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- (HC3) RTA Workplace Violence Prevention
- (HC25) RTA Progressive Discipline



Regional Transit Authority

7.0 ATTACHMENTS

Discrimination, Harassment, or Retaliation Complaint Form

8.0 PROCEDURE HISTORY

12/11/2020 Interim Executive Committee approval granted

12/15/2020 Interim Board approval granted

2/4/2021 Final Executive Committee approval granted

2/23/2021 Final Board approval granted

9.0 SPONSOR DEPARTMENT

~~Human Capital~~ **Diversity, Equity, and Inclusion**

Civil Rights Complaint Form

Title VII of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no person in the United States shall be discriminated against based on sex, age, disability, religion, medical condition, marital status, or sexual orientation.

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please let us know.

Complete and return this form to RTA Diversity, Equity, and Inclusion/Civil Rights Department, Regional Transportation Authority 2817 Canal Street, New Orleans, LA 70119.

1. **Complainant's Name:** _____

2. **Address:** _____

3. **City:** _____ **State:** _____ **Zip Code:** _____

4. **Telephone No.: (home/cell) (other)** _____

5. **Person discriminated against (if someone other than the complainant):**

Name: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

6. **Which of the following best describes the reason you believe the discrimination took place? Was it because of your:**

a. **Race** _____

b. **Color** _____

c. **National Origin** _____

d. **Sex** _____

e. **Age** _____

f. **Disability** _____

g. **Religion** _____

h. **Medical Condition** _____



Regional Transit Authority

i. ~~Marital Status~~ _____

j. ~~Sexual Orientation~~ _____

7. ~~What date did the alleged discrimination take place? _____~~
~~In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.~~
8. _____

9. ~~Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes ☐ No ☐~~

~~If yes, check each box that applies:~~

~~Federal agency~~ ☐

~~Federal court~~ ☐

~~State agency~~ ☐

~~State court~~ ☐

~~Local agency~~ ☐

10. ~~Please provide information about a contact person at the agency/court where the complaint was filed.~~

~~Name:~~ _____

~~Address:~~ _____

~~City:~~ _____

~~State:~~ _____

~~Zip Code:~~ _____

11. ~~Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.~~

Complainant's Signature _____

Date _____

COMPLAINT FORM

(PLEASE PRINT)

Last Name (Complainant)	First Name	Work Extension	Dept/Division	
Address	City	State	Zip Code	Cell or Home Phone
Job Title		Badge Number	Hire Date	Union
Department Supervisor's Name		Supervisor's Extension		
What is the basis of the complaint? Mark all that apply:				
<input type="checkbox"/> Disability (mental or physical)	<input type="checkbox"/> Medical Condition (incl. cancer, AIDS, HIV)	<input type="checkbox"/> Gender Identity		
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Color		
<input type="checkbox"/> National Origin	<input type="checkbox"/> Age (40 & over)	<input type="checkbox"/> Race		
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Denial of Family Care Leave	<input type="checkbox"/> Veteran Status		
<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Denial of Pregnancy Disability	<input type="checkbox"/> Retaliation		
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Other (i.e. Marital Status, Genetic Information)			
Have you filed a complaint with EEO about any prior incident? <input type="checkbox"/> Yes <input type="checkbox"/> No				
What is the status of the prior complaint? _____				
Person(s) discriminating against you currently: (Name, title, dept.) _____				
Briefly describe your complaint against the above-named person(s). Specifically, how were you discriminated against or treated differently from others on the basis of race, sex, age, etc. Cite specific examples of other examples of other employees treated differently, and specific incidents, acts, or circumstances, including dates, locations name(s) of witness(es) that support your allegation(s) (Use additional sheet(s) if necessary)				

Non-Union Employee? ☐ Yes ☐ No

Have you attempted to resolve the matter by discussing it with your Supervisor/
Manager? If "yes", what is the status of the matter? ☐ Yes ☐ No

Have you filed a report or complaint with your union? ☐ Yes ☐ No Union Name:
If "yes", what is the status?

Have you ever filed with an external agency? ☐ Yes ☐ No If "yes", name of agency?

READ BEFORE SIGNING: This complaint will be processed pursuant to RTA's Internal Complaint Process (HC38) policy. Any employee who intentionally files a false discrimination complaint or makes false statements during the investigation will be subject to disciplinary action. Every effort will be made to ensure that all documents and information acquired during the investigation are kept confidential. The complainant's cooperation is required. Retaliation is prohibited.

Signature of Employee (Complainant)

Date