



Casco Bay Island Transit District

Equal Employment Opportunity Program

2024-2027

12.20.2023

I. Introduction

Casco Bay Island Transit District (CBITD) is a body corporate and politic created under State Enabling Legislation in 1981 to serve residents and visitors of six Casco Bay islands: Peaks Island, Little Diamond Island, Great Diamond Island and Cliff Island (which are within the City of Portland), and the towns of Long Island and Chebeague Island. The CBITD Board is composed of 12 Directors — 10 elected from the islands, 1 appointed by the City of Portland, and 1 appointed by the Commissioner of the Maine Department of Transportation. Please see Page 3 for the current organization chart.

II. Mission Statement and Commitment

The mission of the CBITD is to provide safe, efficient, and reliable means for the movement of people, goods, and services within the Casco Bay region. CBITD recognizes its responsibility to work as a partner with Federal, state, regional and local governments, and agencies to best meet the transportation needs of the people, communities, and businesses of the Casco Bay region.

Relative to its commitment to equal employment opportunity, CBITD will establish a strong agency policy and assign responsibility and authority to top company officials for the program.

III. Purpose and Intent

Under Federal Transit Laws, FTA is responsible for ensuring that its recipients do not engage in employment discrimination:

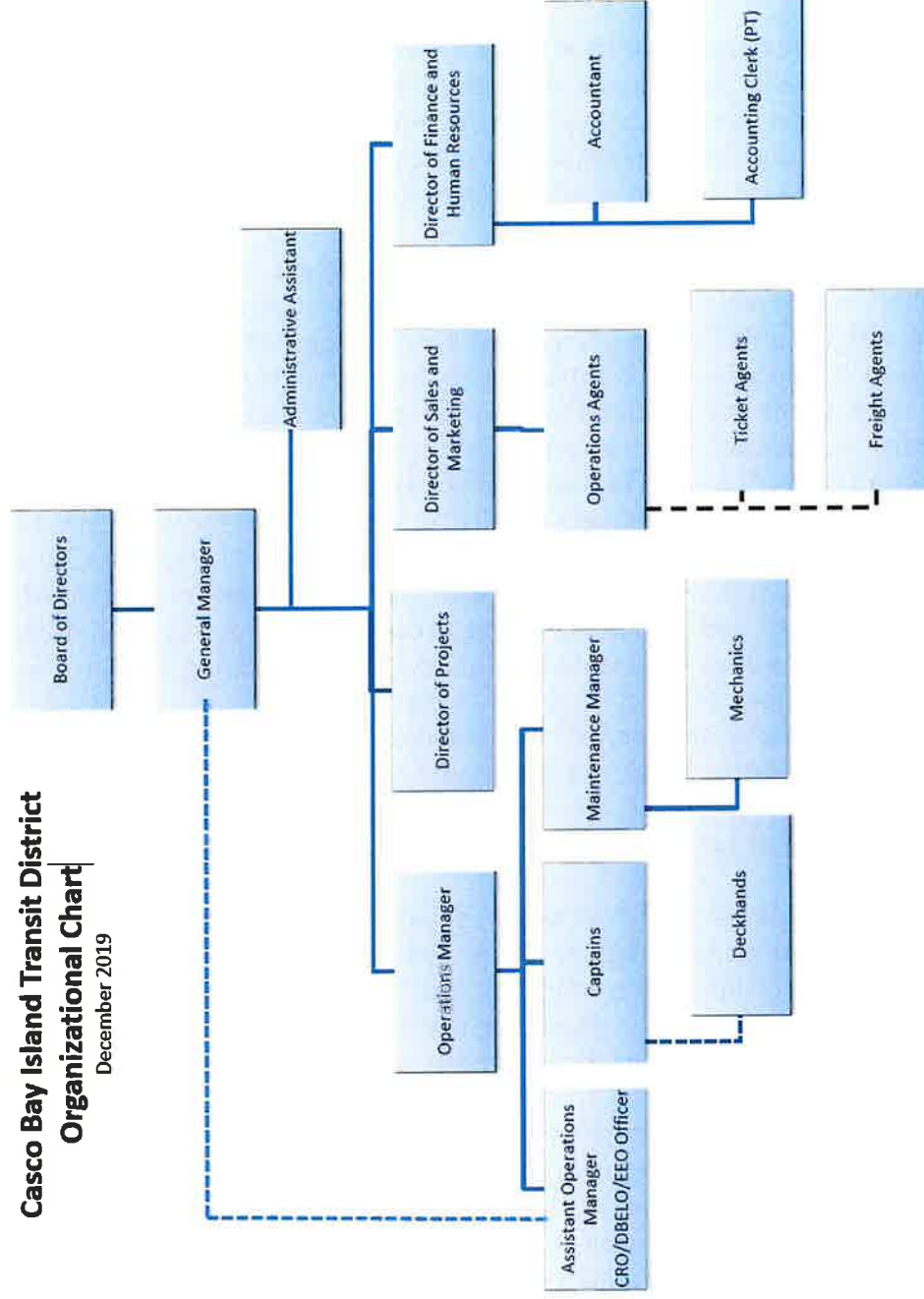
“A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age. (49 U.S.C. § 5332(b))”.

This provision applies to employment opportunities and supplements employment protections found in Title VI of the Civil Rights Act of 1964 (Title VI). The Title VI regulations prohibiting employment discrimination are found at 49 CFR § 21.5(c) – Nondiscrimination in Federally Assisted Programs of the Department of Transportation. It is important to note that while Title VI and 49 CFR Part 21 only prohibit discrimination based on race, color, and national origin, Federal Transit Laws (49 U.S.C. § 5332) includes protections on the basis of religion, sex, disability, and age. In this context, the term ‘sex’ includes pregnancy, childbirth, or related medical conditions; gender identity; and sexual orientation. Retaliation of any kind is strictly prohibited and shall not be tolerated. Reasonable accommodation shall be made for all applicants and employees.

Within the previous federal fiscal year and at maximum employment levels, CBITD employed 50 or more, but less than 99 transit-related employees (including seasonal, full-time, or part-time employees) and received in excess of \$1 million in capital or operating assistance or in excess of

IV. Organization Chart

**Casco Bay Island Transit District
Organizational Chart**
December 2019



Equal Employment Opportunity Program (EEO Program) refers to a written, detailed, results-oriented set of procedures designed to achieve prompt and full utilization of people within a protected class at all levels and in all parts of the recipient's workforce, including compensation.

Equal Employment Opportunity statutes and regulations refer to all statutes and regulations that prohibit employment discrimination and provide employees and job applicants protections and remedies against employment discrimination.

Federal financial assistance includes:

- Grants and loans of Federal funds
- The grant or donation of Federal property and interests in property
- The detail of Federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.
- Any Federal agreement, arrangement, or other contract that includes provision of assistance as one of its purposes.

FTA activity means any program of assistance authorized by Federal law that FTA administers.

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 which is less than four-fifths (4/5) (or 80 percent) of the rate for the group with the highest rate 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 Federal enforcement agencies as evidence of disparate impact. (See the Uniform Guidelines on Employee Selection Procedures at [29 CFR Part 1607](#).)

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.

Minority persons include:

- American Indians and Alaska Natives, which 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, which 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, which refers to individuals with origins in any of the Black racial groups of Africa.
- Hispanics or Latinos, which 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, which refers to people with origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- Multiracial populations, which include individuals with origins in more than one of the Federally designated racial categories.

VI. Policy Statement

CBITD EQUAL EMPLOYMENT OPPORTUNITY

Policy Statement

The Casco Bay Island Transit District (“District”) affirms its commitment to the goals of Equal Employment Opportunity (EEO) employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment. The District is committed to the principles of equal employment opportunity in order to achieve a workforce reflective of the diversity of our region and to ensure applicants and employees are treated fairly and free from discrimination.

The District will ensure that employment practices involving recruiting, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment are made in a nondiscriminatory manner. These efforts will provide benefits to the District through fuller utilization and development of previously underutilized human resources.

The District commits to undertaking an affirmative action program consistent with Federal laws, court decisions, executive orders and regulations in order to overcome the past effects of discrimination against minorities and women.

The responsibility for implementation of the EEO program is assigned to Michael Bryand, Assistant Operations Manager/Complaint Resolution Officer.

All District managers and supervisors share the responsibility for ensuring compliance is achieved through understanding, communicating, and actively supporting the District’s EEO policy.

Management and supervisory personnel will be evaluated on the success of the EEO program the same way as their performance is evaluated on other District goals.

Job applicants and current employees have the right to file complaints alleging discrimination with the EEO Officer, General Manager, any supervisor or manager and with the federal and/or state civil rights commissions.

District management and supervisors share in the understanding that the successful achievement of EEO goals will provide benefits to the District through fuller utilization and development of previously underutilized human resources.

This policy will be reviewed annually and updated as required.

General Manager
Casco Bay Island Transit District

Date

6. Including the provision: “Equal Employment Opportunity Employer” in all recruitment advertising.
7. Including “Equal Employment Opportunity Employer,” or “Civil Rights- Title VI, ADA, EEO” in all purchase orders and contracts.

VIII. Program Administration Responsibility

The General Manager has designated Mr. Michael Bryand, Assistant Operations Manager, as CBITD’s Complaint Resolution Officer responsible for CBITD’s Civil Rights and the primary position responsible for implementing the EEOP. As shown in CBITD’s organizational chart, this position has direct access to the General Manager for all Civil Rights responsibilities. While this position has other duties to perform, those duties do not involve developing human resource management policies. Therefore, the Complaint Resolution Officer’s responsibilities can be carried out with clear and unobstructed fashion, with no conflicts of interest, in order to safeguard the principles of CBITD’s EEOP.

General Manager: Responsibilities include:

- Imparting the leadership and direction that ensures total involvement and commitment to equal employment opportunity programs through CBITD's EEOP.
- Providing appropriate staff resources for the development, implementation, management, monitoring, reporting, and updating CBITD's EEOP
- Ensuring that appropriate policies and procedures, job descriptions, job titles, and reporting relationships are developed and maintained.
- Ensuring that those designated personnel responsible for all EEOP components are given the necessary authority, management support, staffing, and training to successfully implement their assigned responsibilities.
- Issuing CBITD’s EEO Statement of Policy to restate CBITD’s commitment to EEO and to undertake an Affirmative Action in accordance with the requirements of the Federal Transit Administration Circular 4704.1A.

Assistant Operations Manager: Serving as CBITD’s Complaint Resolution Officer and reporting directly to the General Manager for all EEO matters, this position is responsible for:

- Monitoring the implementation of the EEOP
- Developing and recommending an EEO policy and program, including internal and external communication procedures, setting goals and timetables

- Holding regular discussions with other managers, supervisors, and employees to ensure CBITD’s policies and procedures are being followed.
- Reviewing the qualifications of all employees to ensure that minorities, persons with disabilities and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation.
- Participating in the review and/or investigation of complaints alleging discrimination
- Participating in periodic audits to ensure that each department is in compliance (e.g., EEO posters are properly displayed on all employee bulletin boards)

Employees:

All District employees are responsible for conducting themselves in a professional, responsible, and non-discriminatory manner. All employees involved in EEO complaint investigations (whether complainants, respondents, or witnesses) must cooperate fully with the EEO Officer during the complaint investigation process. Any employee who violates these policies and procedures will be subject to disciplinary action.

IX. Current Workforce Analysis

CBITD’s organization is comprised of a total of 78 positions. 38 of these positions are seasonal or part-time. The following chart summarizes those positions identified as having underutilization of minorities and females as found within the studied geographical area.

Methodology: In order to identify accurate workforce availability, CBITD matched each internal job title with the corresponding EEO Job Category and cross-referenced each with its own corresponding job code. For example, CBITD has positions known as Operations Agents and Captains/Deckhands. These job titles, according to EEO-1, are identified as *Operatives*. As illustrated below, in order to identify accurate information as to workforce availability, CBITD utilized the EEO-1 Job Title and cross-referenced the information to the Six-Level Standard Occupational Classification (SOC) system.

<u>CBITD Job Title</u>	<u>EEO Job Category</u>	<u>SOC Job Code</u>	<u>SOC Description</u>
Operations Agent	Operatives	53-1021	First line supervisors
Captain/Deckhand	Operatives	53-5021	Captains, Mates, Pilots of Water Vessels

CBITD’s analysis utilizes two sources of statistics relative to workforce availability: EEO Job Categories and EEO Detailed Census Occupation.

Applicants who meet the requirements of the job may have a formal interview scheduled. This is not always required. If an employee is a good fit for the position and all agree, CBITD may waive the formal interview process. The hiring manager will evaluate, interview, and recommend applicants for hire. Depending upon the position being recruited, the hiring manager may include the Operations Manager, Sales Director, Finance Director, and/or General Manager. However, the Complaint Resolution Officer will oversee all interviews to ensure the recruiting, selection, and recommendation activities comply with CBITD's EEO.

The hiring manager will choose the best candidate for the position by evaluating the candidate's responses to interview questions, reviewing work history, and assessing the candidate's skill set with that of the requirements of the position.

XII. Monitoring and Reporting

CBITD monitors its hiring and promotion process to ensure compliance with its EEO policy. Whenever an existing position becomes available or a new position has been budgeted, the Complaint Resolution Officer will inform the hiring managers of CBITD's EEO policy and goals. The Complaint Resolution Officer will review all applications and the applications of those selected for interviews to ensure a nonbiased process.

As documented within this Program, CBITD's workforce is relatively small. As such, the H.R Officer or His or Her designee will maintain EEO records for the organization. These records will include cumulative information as to hiring, training, transfer, promotions for the entire organization, and areas of underutilization. For grant compliance purposes, CBITD will maintain spreadsheets on separations, discipline, promotions, hiring, and recruiting.

The Complaint Resolution Officer will schedule semi-annual meetings with hiring Managers to review the data and discuss progress in implementing the EEO program. The first meeting will occur during the budget preparation cycle (mid-September) to enable CBITD to take necessary corrective action regarding the development and execution of programs or goals and timetables. The second meeting will typically occur one to two months before recruiting for seasonal positions.

The Complaint Resolution Officer also maintains files for complaints and uses a tracking system to ensure each complaint is managed in accordance with established procedures as found under Appendix B of this document.

XIV. Appendix B: EEO Complaint Resolution Procedures

Upon receipt of a complaint, the Complaint Resolution Officer will log the complaint into the tracking system.

The resolution of EEO discrimination complaints will be conducted in accordance with either of the following procedures:

- Informal Procedure for Resolution
- Formal Procedure for Resolution

A. Informal Procedure for Resolution

Employees and applicants who believe that they have been subjected to discrimination, also known as aggrieved persons, must contact the CBITD Complaint Officer within 45 calendar days of the alleged act of discrimination; within 45 calendar days of the time when the complainant first became aware of the alleged act(s) of discrimination; or, if it is a personnel action, within 45 calendar days of its effective date.

CBITD uses a wide range of problem-solving options that include the use of neutral third parties to resolve disputes. Alternative Dispute Resolution (ADR) provides mediation, facilitation, and other collaborative problem-solving techniques that often produce outcomes that are more efficient and effective than traditional, adversarial methods of dispute resolution.

CBITD uses an impartial and neutral third party that does not have authoritative decision-making power but is present to assist concerned parties in voluntarily reaching a mutually acceptable settlement of the issues in dispute. Mediation is voluntary for the complainant and designed to improve communications and workplace relationships during the pre-complaint and formal EEO complaints process.

CBITD will determine on a case-by-case basis if mediation is appropriate. Although there are few circumstances in which the agency may decline to participate, ADR is not offered in cases where there is no remedy to be gained.

Under ADR, disputing parties have the right to bring a representative if they choose; however, the employee, not their representative, will be expected to speak on his/her own behalf. Confidentiality is essential to the success of all ADR proceedings. Information obtained in ADR proceedings may not be used later by or against the employee.

B. Formal Procedure for Resolution

1. Filing the Complaint

Formal complaints must be presented in writing to the Complaint Resolution Officer. The written complaint must include the complainant's name, division, department, position, basis of the discriminatory complaint, and the

2. Closure Letter – No Violation Found: This letter notifies the complainant that no violation of CBITD’s EEO Program was found after the complaint was reviewed and investigated. The letter states that no additional action will be taken by CBITD and that the complaint has been closed. In addition, the letter provides information regarding the process to follow should the complainant wish to appeal the decision.
3. Letter of Finding: This letter is used to notify the complainant that a violation of CBITD’s EEO Program was found after the complaint was reviewed and investigated. This letter summarizes the allegations and the investigation methods used to determine the violation. The letter further explains what action CBITD will take to address the violation.

I. APPEAL AND FILING CONCURRENT COMPLAINTS

If a complainant wishes to appeal any decision made by CBITD, such appeal must be submitted to CBITD no later than 10 days after receipt of either the Closure Letter or Letter of Finding.

A person may also file a complaint directly with the Federal Transit Administration:

FTA Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

II. COMPLAINT TRACKING

The tracking system provides control points for each complaint. The tracking system captures the following information:

- Date complaint was received and by whom.
- Status of complaint (complete/incomplete) and if additional information is needed.
- Details of alleged discrimination action
- Date complaint was assigned for investigation and investigator’s name.
- Finding determination and date
- Date when CBITD notified complainant of finding results.
- Requirements, if any, for follow-up action to be taken by CBITD and by what date
- Confirmation statement that follow-up action was taken.