



City of Santa Rosa
Transportation and Public Works Department, Transit Division

Equal Employment Opportunity Program

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

Revised July 2019
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I. Overview

As a recipient of funding from the Federal Transit Administration (FTA), the City of Santa Rosa Transit Division must comply with applicable Federal civil rights laws and regulations including Federal Transit Laws, 49 U.S.C. Chapter 53 as well as related guidance. This Equal Employment Opportunity (EEO) Program lays out the policies and procedures that ensure the Transit Division's compliance with several federal statutes and regulations that prohibit employment discrimination. This document has been prepared to fulfill the guidance and requirements laid out in FTA Circular 4704.1A ("Equal Employment Opportunity Requirements and Guidelines for Federal Transit Administration Recipients").¹ As an FTA recipient employing between 50-99 transit-related employees, the Transit Division is required to prepare and maintain an abbreviated EEO Program as provided in the FTA Circular. The abbreviated EEO Program must include the following elements:

- State of Policy
- Dissemination Plan
- Designation of Personnel Responsibility
- Assessment of Employment Practices
- Monitoring and Reporting Plan
- Required attachments

II. Statement of Policy

FTA requires an agency's EEO Program to include an EEO policy statement issued by the agency's CEO covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, and other terms and conditions of employment. Because the Transit Division is a division of a municipality, the City of Santa Rosa City Manager serves as the transit system CEO. Appendix A provides the signed EEO Statement of Policy as well as the City's Equal Employment Opportunity Policy (EEO Policy) and Harassment, Discrimination and Retaliation Prohibition and Prevention Policy (Anti-Harassment Policy).

¹ For more information, see <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eoo-guidance>.

III. Dissemination Plan

FTA requires grant recipients to publicize their EEO policy statement by posting it in conspicuous locations and disseminate the policy statement both internally and externally.

Internal Dissemination

The City of Santa Rosa will communicate the existence of its EEO Policy, Anti-Harassment Policy, and Transit Division EEO Program to employees, applicants, and potential applicants using the following measures:

- Providing written communication regarding the City's EEO-related policies and Transit Division EEO Program from the City Manager and Transit Division Deputy Director
- Posting EEO materials such as federal and state labor law posters and the EEO Policy and Anti-Harassment Policy in prominent locations at the Transit Operations Building (e.g., bulletin boards in the operator break room and administrative office copy room)
- Providing links to the City's EEO policies and the Transit Division EEO Program from the City of Santa Rosa's website
- Semiannual meetings between Human Resources and Transit Division staff to review implementation of the EEO Program
- Including dissemination of the EEO-related policies in the employee onboarding process and in the Standard Operating Procedures for the Transit Division
- Conducting training on EEO policies for all new supervisors and managers within 90 days of their appointment
- Conducting regular EEO training for all Transit Division employees, including managers
- Meeting with employees and affinity groups to seek input on implementation of the EEO Program

As required by FTA, the City of Santa Rosa will maintain appropriate documentation demonstrating that the EEO policies and EEO Program have been brought to the attention of employees and manager (e.g., agendas and sign-in sheets for meetings in which EEO policies and implementation of the EEO Program are discussed).

External Dissemination

The City of Santa Rosa's EEO policies will be disseminated when outreach or advertising occurs to recruitment entities such as employment agencies, educational institutions, and minority and women's organizations. All recruitment ads (including those placed in print or online via website or social media will state that the City of Santa Rosa is "an equal employment opportunity employer".

IV. Designation of Personnel Responsibility

EEO Officer

FTA requires funding recipients to designate an executive with a direct reporting relationship to the CEO as the EEO Officer for the agency. The Director of Human Resources serves as the EEO Officer for the City of Santa Rosa. Following a reorganization of City staff implemented in July 2019, the Director of Human Resources reports directly to the Assistant City Manager for Internal Services. However, the Director of Human Resources retains a direct reporting relationship to the City Manager for EEO-related matters. While the EEO Officer maintains overall responsibility and oversight of EEO Program implementation, some program responsibilities are implemented by the Deputy Director of the Department of Transportation and Public Works who manages the Transit Division (the Deputy Director-Transit). As required by FTA, the EEO Officer, in collaboration with Department of Human Resources staff and the Deputy Director-Transit, will implement the following activities:

- Developing the EEO policy statement and written EEO Program
- Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals
- Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed
- Reviewing the agency's non-discrimination plan with all managers and supervisors to ensure that the policy is understood
- Concurring in the hiring and promotion process to ensure that the actions of the City of Santa Rosa are not discriminatory in nature
- Periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements
- Reporting at least semiannually to the City Manager regarding progress in relation to the agency's goals and on contractor and vendor compliance
- Serving as liaison between the City of Santa Rosa and federal and state government, regulatory agencies, and community groups representing minorities, women, and persons with disabilities, and others
- Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to responsible officials
- Investigating complaints of EEO discrimination
- Providing EEO training for employees and managers
- Advising employees and applicants of available training programs and professional development opportunities and the entrance requirements

- Auditing postings of EEO policies to ensure compliance information is posted and up to date

The EEO Officer's contact information will be publicized in all external and internal communications regarding the EEO Program, including print and electronic communications and the City of Santa Rosa website.

Responsibilities of Officials, Supervisors, and Managers

All supervisors and managers involved with Transit Division activities have a responsibility to participate in carrying out the EEO Program including by:

- Participating actively in periodic audits of all aspects of employment to identify and remove barriers obstructing the achievement of specified goals and objectives
- Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed
- In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program
- Cooperating with the EEO Officer in review of information and investigation of complaints
- Encouraging employee participation to support the advancement of the EEO Program (e.g., by providing professional development and career growth opportunities, posting promotional opportunities, or supporting shadowing or mentoring programs)

V. Assessment of Employment Practices

FTA requires funding recipients to document their employment practices in both narrative and statistical formats with sufficient detail to identify trends and any practices that may operate as employment barriers, as well as corrective actions.

The following EEO Program requirements are provided in **Appendix B**:

- A narrative describing and analyzing the City's current recruitment and selection policies and procedures
- Identification and description of any written, formal, or scored tests used in the employment selection process; test administration procedures; and discussion of any test validation to predict job performance as well as an assessment of the test's nondiscriminatory impact with a description of the validation study test and selection procedures
- A narrative describing and analyzing the City's current policies and standard procedures for promotions and transfers, and explaining the criteria for advancements and how employees are made aware of the standards to meet
- A narrative discussing the City's current seniority policies and procedures

- A description of training programs that foster promotion potential; policies and procedures for selection of training candidates; and efforts to locate, qualify, and train employees in protected classes
- A description of salaries, wages, and benefits policies and procedures, and evaluation of the impact of the City's compensation and benefits practices on any protected class to ensure discrimination is not occurring with respect to compensation
- A description and analysis of the City's disciplinary procedures and termination practices, including progressive discipline procedures

Appendix B also includes statistical data demonstrating any potential impact of employment practices on minorities and women since the last EEO Program submission in February 2016.

This data includes:

- The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race
- The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race
- The number of types of disciplinary actions (e.g., suspension, loss of pay, demotion)
- The number of voluntary/involuntary terminations, cross-referenced by sex and race
- Job training that fosters promotion potential, cross-referenced by sex and race.

Finally, Appendix B includes information regarding the potential impact of the City's employment practices on persons with disabilities and veterans.

VI. Monitoring and Reporting Plan

The City of Santa Rosa has established an internal monitoring and reporting system to assess the results of any actions taken since the EEO Program submission, evaluate the EEO Program semi-annually to identify corrective actions needed to improve program implementation and outcomes, and document actions to implement the plan.

Monitoring

FTA requires EEO Programs to describe:

- Methods to monitor the EEO components identified in this chapter
- Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.
- Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact
- Process for monitoring complaints

FTA requires agencies to:

- Maintain a clearly-described complaint process that includes employees knowing where and how to file a complaint.
- Maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.
- Maintain cumulative records on applicants, hires, transfers, promotions, trainings that foster promotion potential, and terminations.

These elements of the City's monitoring program are described in **Appendix C**.

Reporting

FTA requires EEO Programs to describe frequency and results of:

- Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)
- All EEO-related meetings held between the EEO Officer and management, including topics covered and follow-up actions
- The EEO Officer's meetings with human resources and hiring officials to review current EEO goals and statistics on employment practices and policies

FTA additionally requires agencies to maintain records documenting progress and efforts to ensure nondiscrimination.

These elements of the City's reporting practices are described in **Appendix C**.

VII. Required Attachments

Appendix D contains the following required attachments:

- List of subrecipients/contractors the City is monitoring and the services they provide
- Proof of review of subrecipient/contractors' EEO Program
- Organizational chart showing reporting relationships of all directors, department heads, and executive leadership
- A copy of the goals and timetables chart from the previous program submission

Appendix A: Equal Employment Opportunity Policy Statement

- City of Santa Rosa Equal Employment Opportunity Policy
- City of Santa Rosa Harassment, Discrimination and Retaliation Prohibition and Prevention Policy

City of Santa Rosa Transit Division EEO Program Equal Employment Opportunity Policy Statement

As an equal opportunity employer, the City of Santa Rosa has a strong commitment to the community we serve and our employees. The City's Equal Employment Opportunity Policy (EEO Policy) and Harassment, Discrimination and Retaliation Prevention Policy (Anti-Harassment Policy) provide that employment practices shall be based on non-discrimination of the applicant's race; color; religion; national origin; age; gender; sexual orientation; gender identify, characteristics or expression; disability or any other characteristic protected by state or federal law. The City of Santa Rosa Equal Employment Opportunity policy applies to 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.

All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an 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 protected activity is strictly prohibited and will not be tolerated.

The City of Santa Rosa is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

As City Manager, I maintain overall responsibility and accountability for the City of Santa Rosa's compliance with its EEO Policy, Anti-Harassment Policy, and the Transit Division EEO Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed Amy Reeve, Director of Human Resources, as the City of Santa Rosa's EEO Officer.

Amy Reeve will report directly to me regarding all EEO-related matters and acts with my authority with all levels of management, labor unions, and employees. All City of Santa Rosa management and supervisory personnel, however, share in the responsibility for implementing and monitoring the City of Santa Rosa's EEO Policy, Anti-Harassment Policy, and the Transit Division EEO Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved.

The City of Santa Rosa will evaluate its managers' and supervisors' performance on their successful implementation of the City of Santa Rosa's policies and procedures, in the same way the City of Santa Rosa assesses their performance regarding other agency's goals.

The City of Santa Rosa Transit Division EEO Program sets forth the policies, procedures, and practices to which the agency is committed as a recipient of federal transit funding. The Transit Division EEO Program is available online at <https://srcity.org/2848/Equal-Employment-Opportunity-Program-EEO> and will be made available for inspection by any employee or applicant upon request.

Sean McGlynn, City Manager

Date

COUNCIL POLICY			
Subject	Policy Number	Effective Date	Number of Pages
EQUAL EMPLOYMENT OPPORTUNITY POLICY	700-01	2/15/05	10 of 3

PURPOSE:

In accordance with Federal and State law, the City has established an Equal Employment Opportunity Policy.

POLICY:

1. It is and has been the policy of the City of Santa Rosa that employment shall be based on the candidates' qualifications and competency. Employment practices shall be based on non-discrimination of the applicant's race; color; religion; national origin; age; gender; sexual orientation; gender identity, characteristics or expression; disability or any other characteristic protected by state or federal law.
2. All persons having the authority to appoint, discipline, or govern working conditions of employees, shall comply with this non-discriminatory policy.
3. In order to assure compliance with this policy, the City Manager may periodically review with the Director of Human Resources and the Personnel Board the City's policies and practices to assure compliance with Title VII of the Civil Rights Act of 1964, as amended, and the Equal Employment Opportunity Act of 1972, as amended, the Americans with Disabilities Act, the Fair Employment and Housing Act and the Federal Uniform Guidelines on Employee Selection Procedures and any other state or federal laws relating to discrimination.

PROGRAM:

1. Responsibility and Authority

The Equal Employment Opportunity Officer may be appointed by the City Manager, or his or her designee.

The duties of the EEO Officer are as follows:

- a. Review policies covering recruitment, placement, employment and promotion to insure compliance with the City's Equal Employment Opportunity Policy and Program.
- b. Recommend applicable City regulations, procedures and training relative to Equal Employment Opportunity.
- c. Advise the Director of Human Resources and the City Manager on Equal Employment Opportunity matters.

d. Perform such other duties, as assigned by the Director of Human Resources or the City Manager.

2. Education and Orientation of Department Heads and Supervisors

One of the basic concepts of an Equal Employment Opportunity Program is that it is a fundamental and continuing management responsibility. Since it is the involvement of department heads and supervisors that determines the degree of success of the City's Equal Employment Opportunity Program, activities shall be directed to the education and orientation of responsible management and supervisory personnel.

3. Job Requirements

Entry level positions shall be periodically reviewed to determine the most realistic and necessary requirements.

Medical standards shall realistically relate to position requirements. Applicants will be assessed as to whether they can perform the essential functions of the position with or without reasonable accommodation.

Classification specifications shall be periodically reviewed with appropriate department heads and supervisors to ensure that selection criteria are related to position requirements.

4. Validation of Tests

Any and all testing procedures shall be reviewed for job relatedness.

5. Recruiting, Interviews and Certifications

Those responsible for recruiting applicants shall initiate whatever contacts are necessary to assure appropriate applicant flow. An inventory of applicant flow will be maintained by the Human Resources Department. All personnel involved in recruiting, screening, selection, promotion and related processes will be instructed in methods of avoiding and/or eliminating bias in personnel actions.

Procedures are established and necessary directives have been issued whereby interviewers and those delegated appointing authority by the City Manager shall base the selection and non-selection of any applicant upon the job performance requirements for which the applicant is being considered without regard to race; color; religion; national origin; age; gender; sexual orientation; gender identity, characteristics or expression; disability or any other characteristic protected by state or federal law.

6. Represented Personnel

Those employee organizations that are recognized representatives of employees of the City of Santa Rosa and who are responsible for meeting and conferring with regard to matters of wages, hours and working conditions shall be required to comply with the City's policy of non-discrimination.

All agreements with said organizations shall be reviewed to ensure that practices of clauses contained therein are non-discriminatory and will not have a discriminatory effect.

Modified by Resolution No. 26192	Dated: February 15, 2005
Modified by Resolution No. 23224	Dated: August 12, 1997
Modified by Resolution No. 22624	Dated: April 2, 1996
Modified by Resolution No. 22236	Dated: May 30, 1995
Modified by Resolution No. 21711	Dated: April 12, 1994
Modified by Resolution No. 18685	Dated: December 22, 1987
Modified by Resolution No. 15188	Dated: July 21, 1981
Adopted by Resolution No. 10829	Dated: April 9, 1974

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
HARASSMENT, DISCRIMINATION AND RETALIATION PROHIBITION AND PREVENTION POLICY	700-03	8/30/2016	13 of 8

PURPOSE:

1. Purpose

The purpose of this Policy is to prohibit and prevent discrimination, harassment, and retaliation in the City of Santa Rosa (“City”) workplace and to set forth procedures for reporting, investigating and resolving complaints of the same. This policy is not intended to create a right of action or entitlement to damages or an expansion of legal rights or remedies provided by either state or federal law.

2. Definitions

- A. Protected Person(s): includes City employees, City volunteers, unpaid City interns, City Council members, appointed City board, commission and committee members, City contractors, and applicants for City employment.
- B. Protected Classification: includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, childbirth, or a condition related to pregnancy or childbirth, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, age, medical condition, genetic characteristics or information, military and veteran status, and physical or mental disability, and any other classification protected by law.
- C. Discrimination: means to treat a Protected Person less favorably because the Protected Person is in a Protected Classification.
- D. Harassment: includes, but is not limited to, the following types of conduct:
 - 1. Speech, such as epithets, derogatory comments or slurs, and propositioning; inappropriate comments on appearance, including dress or physical features or dress consistent with gender identification, or race-oriented stories and jokes.

2. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement; pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
3. Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings.
4. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

*Harassment does not include reasonable management actions taken to supervise and direct the performance of work, by setting reasonable goals and standards, monitoring and assessing work performance, and by taking appropriate remedial actions where warranted.

- E. Retaliation: means discipline, demotion, discharge, or other discriminatory action against a Protected Person because the Protected Person has opposed any conduct prohibited by this Policy, by State Law or Federal law, or because the Protected Person has filed a complaint, testified, or assisted in investigation of a complaint alleging a violation of this Policy, State Law or Federal law.
- F. Director: means the Director of Human Resources.
- G. State Law: includes State of California statutory and common law.

3. **Policy**

It is the policy of the City of Santa Rosa to:

- A. Protect and safeguard the right and opportunity of all Protected Persons to seek, obtain, and hold employment with the City without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;
- B. Prohibit Discrimination, Harassment, and Retaliation in the workplace; and

- C. Protect Protected Persons who oppose or report Discrimination, Harassment, or Retaliation in the workplace.

4. Responsibilities

Managers, Supervisors and Lead Workers (as appropriate) shall:

- A. Inform employees, interns, and volunteers of this Policy.
- B. Model appropriate behavior.
- C. Take all steps necessary to prevent Harassment, Discrimination, and Retaliation from occurring.
- D. Receive complaints in a fair and serious manner, and document steps taken to resolve complaints.
- E. Monitor the work environment and take immediate appropriate action to stop potential Policy violations, such as removing inappropriate pictures or correcting inappropriate language.
- F. Follow up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- G. Inform Protected Persons who complain of Harassment or Discrimination of the option to contact the EEOC or DFEH regarding alleged Policy violations.
- H. Assist, advise and consult with City employees and the Director regarding this Policy and complaint procedures.
- I. Assist in the investigation of complaints and, if a complaint is substantiated, recommend appropriate corrective or disciplinary action in accordance with City Personnel Rules.
- J. Implement appropriate disciplinary and remedial actions.
- K. Report potential violations of this Policy of which he or she becomes aware to Human Resources or the department head, regardless of whether a complaint has been made.
- L. Participate in periodic training and schedule subordinate City employees for training.

City employees, City Council members, and appointed City board, commission and committee members shall:

- A. Treat other City employees, City volunteers, unpaid City interns, applicants for City employment, City Council members, boards, commission and committee members, and City contractors with respect and consideration.
- B. Model appropriate behavior.
- C. Participate in mandatory periodic training, where appropriate or required.
- D. Tell the offending person that the offensive behavior is unwelcome, offensive or inappropriate, if possible.
- E. Fully cooperate with the City's investigators by responding fully and truthfully to all questions pertaining to the allegations underlying the investigation posed during an investigation.
- F. Report, in accordance with Section 5, any act he or she believes, in good faith, constitutes Harassment, Discrimination, or Retaliation as defined in this Policy.

5. Guidelines for Identifying Harassment

To help clarify what constitutes Harassment in violation of this Policy, the following guidelines are provided:

- A. Harassment includes any conduct which would be "unwelcome" to a person of the recipient's same Protected Classification and which is taken because of the recipient's Protected Classification.
- B. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- C. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- D. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of another person who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular person.
- E. Conduct can constitute harassment in violation of this Policy even if the person

engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a Protected Classification, and if a person of the recipient's same Protected Classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

6. Reports of Policy Violations

- A. Supervisors and Officials. Managers, Supervisors, and Lead Workers. City Council members and appointed City board, commission and committee members shall immediately report any incident of Discrimination, Harassment or Retaliation against any Protected Person to the Human Resources Department. Human Resources shall promptly review all such incidents and take appropriate action.
- B. Protected Persons. Any City employee, City volunteer, unpaid City intern, City Council member, appointed City board, commission and committee member, applicant for City employment, or City contractor who believes that he or she has been subjected to Discrimination, Harassment or Retaliation should promptly report the incident(s) to a supervisor, or alternatively, Human Resources.

7. Complaint Procedures

- A. Informal Complaint Procedure: Protected Persons are encouraged to tell the offending person that the offensive behavior is unwelcome, offensive or inappropriate. If the offended person is reluctant to make such a statement to the offending person and/or the offending conduct continue, the offended person should inform a supervisor, manager, or Human Resources of the incident or incidents. Supervisors and managers shall immediately advise and consult with Human Resources when an informal complaint has been received. If the complainant is not satisfied with the resolution of the matter, then a formal written complaint may be filed by the complainant. Nothing in this section shall be construed as a requirement to make an informal complaint before filing a formal written complaint as set forth below.
- B. Formal Complaint Procedure: Formal complaint procedures are set forth below:
 - 1. Formal written complaints of Harassment, Discrimination or Retaliation may be filed by or on behalf of any Protected Person. A formal written complaint shall be a signed account of what occurred including a description of the incident(s) and the names of all persons who were present. The formal complaint shall be filed promptly but in no event later than one (1) year after the alleged incident(s). Such complaints shall be filed with the Director of Human Resources (Director) who shall then, where appropriate, contact the respective department director. The department director and the Director shall then determine the scope of the investigation. Any corrective action taken shall be determined by the

department director in consultation with the Director.

2. Notwithstanding anything in this Policy to the contrary, if the formal complaint is against the Director, it shall be filed with the Deputy City Manager who shall determine the scope of the investigation.
 3. If the formal complaint is against a department head or the Deputy City Manager, the Director shall determine the scope of the investigation.
 4. If the formal complaint is against the City Manager, the Director shall determine the scope of the investigation in consultation with the City Attorney and outside counsel. Any investigation shall thereafter be conducted by outside counsel.
 5. If the formal complaint is against the City Attorney, the Director shall determine the scope of the investigation in consultation with outside counsel who shall conduct any required investigation.
 6. If the formal complaint is against a City Council member or appointed City board, commission or committee member, the Director shall refer the complaint to the City Manager. If the City Manager determines an investigation is warranted, the City Manager shall refer the matter to an outside investigator.
- C. Upon receiving a formal written complaint of Harassment, Discrimination or Retaliation from or on behalf of a Protected Person, the Director, or where the Director is the subject of the complaint, the Deputy City Manager, shall:
1. Authorize and supervise an investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: (1) the complainant; (2) the accused person(s); and (3) other persons who have relevant knowledge concerning the allegations in the complaint.
 2. Review the factual information gathered through the investigation to determine whether the alleged conduct violates this Policy, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
 3. Report a summary of the determination as to whether this Policy was violated to appropriate parties, including the complainant, the offending person(s), the supervisor, and the department head. If discipline is imposed it shall be in accordance with Personnel Rule 7.

4. Due to privacy rights, discipline will not be communicated to the complainant or other Protected Persons.
 5. If conduct in violation of this Policy occurred, take or recommend to the appropriate parties prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
 6. Take reasonable steps to protect the complainant and other Protected Person(s) from Harassment, Discrimination, or Retaliation.
- D. The City takes a proactive approach to potential Policy violations and will conduct an investigation if Harassment, Discrimination, or Retaliation may be occurring, regardless of whether it receives a complaint of a Policy violation.
- E. Impartiality. The complainant and the accused are entitled to an investigation conducted by an impartial investigator. Therefore, if the person(s) charged with overseeing or investigating a complaint have an actual or potential conflict of interest with respect to the complaint, the person(s) shall recuse themselves from the investigation except as a witness or complainant.

8. Right of Appeal

The findings of the investigation may be appealed by the complainant, the Protected Person, or the offending person(s) to the City Manager, or where the complaint is against the City Manager or the City Attorney, to the City Council. Any such appeals shall be filed in writing with Human Resources within ten (10) working days from receipt of the findings. Appeals shall be heard within a reasonable time following the filing of the appeal. Appeals by a City Council member, or an appointed City board, commission or committee member, shall be governed by the Code of Conduct for Council Members and Board and Commission Members. Notwithstanding the foregoing, nothing in this section shall be construed to afford a right of appeal to City contractors or applicants for City employment.

9. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

10. Dissemination of the Policy

All City employees, interns, and volunteers shall receive a copy of this Policy from Human Resources upon hire or retention. All City Council members, and appointed City board, commission and committee members shall receive a copy of this Policy from Human Resources prior to assuming office or membership. Please contact the Human Resources Department regarding any questions concerning this Policy.

11. Discipline and Sanction

City employees who violate this Policy are subject to appropriate discipline, including the termination of City employment. City volunteers and unpaid City interns who violate this policy are subject to sanction, including the termination of volunteership and internship. City Council members, appointed board, commission and committee members who violate this Policy are subject to the sanctions set forth in the “Code of Conduct for Council Members and Board and Commission Members,” as deemed appropriate by the City Council, or as provided by State Law, the City Code or Policy.

12. Right to File EEOC and DFEH Complaints

Protected Persons may have the right to file complaints of harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These agencies offer a complaint process and legal remedies. Contact information for these agencies is available at posted notices on City bulletin boards and at www.eeoc.gov and www.dfeh.ca.gov.

Modified by Resolution No. 28852
Modified by Resolution No: 26192
Modified by Resolution No: 20685
Adopted by Resolution No: 20424

Dated: August 30, 2016
Dated: February 15, 2005
Dated: February 18, 1992
Dated: July 2, 1991

Appendix B: Assessment of Employment Practices

Appendix B: Assessment of Employment Practices

Current Recruitment and Selection Policies

The City of Santa Rosa passed resolution 8855 on December 12, 1968, adopting the *City of Santa Rosa Personnel Rules & Regulations* to guide City employees. The rule and regulations have had various sections amended, revised or repealed on seven occasions since its initial adoption.

The City of Santa Rosa recruits to fill vacant positions in a manner which is fair, efficient, and results in a list of the most qualified candidates for departmental consideration. All recruitment and examination activities are designed to assess the job-related qualifications of each applicant and ensure that these activities are consistent with merit system principles.

The Human Resources Department, in cooperation with the hiring department, determines what type of recruitment will be conducted. A recruitment may be conducted on a “promotional” basis, including probationary and permanent employees; on a “limited” basis, including current probationary, permanent, and temporary personnel; and/or on an “open” basis, including all City personnel and the public. Prior to conducting a promotional and/or limited recruitment, the Human Resources Department determines whether there are enough qualified individuals to result in a competitive examination. Prior to conducting a limited recruitment, the Director of Human Resources consults with the hiring department and the bargaining unit representing the vacant position to determine if a limited recruitment will be conducted.

Recruitments may utilize a variety of techniques depending on the type of position, availability of qualified candidates, economic climate, and other considerations which may exist.

The Human Resources Department coordinates the recruitment and examination process when it is determined that there is a need to establish a candidate list. The Department also conducts and designs all recruitment and examination activities in a competitive, fair, valid and impartial manner. Tests used in this process measure job-related knowledge, skills and abilities. Test materials are thoroughly safeguarded throughout their development and/or administration.

In addition, Human Resources staff oversee the recruitment, perform or oversee the initial screening, conduct or oversee testing and interviewing process, and certify the most qualified candidates to the hiring department(s). When necessary, Human Resources staff oversee recruitments which are contracted to private personnel search firms.

When an open recruitment is conducted, notices shall be posted and/or distributed in a manner that is likely to provide for a qualified applicant pool. When a promotional or limited

recruitment is conducted, notices shall be posted for a minimum of two weeks. All recruitment announcements shall describe the available position(s) and indicate steps a prospective applicant must take to be considered.

The Human Resources Department may also disqualify the scores given by any individual examiner involved in the process or nullify a recruitment or any part or all of an examination process if it is determined that any individual examiner involved in the process has compromised the requirement to be fair, and/or it is determined that any individual examiner made job-related decisions that are inconsistent with merit system principles.

All applicants are advised of their status in the recruitment process as soon as practical. Information regarding the next step(s) in the process are included as appropriate. An examination is considered complete when the results have been finalized, issued, and the list of the most qualified candidates has been established by the Human Resources Department and made available to the hiring department for consideration.

Candidates who successfully complete the testing process are placed on a candidate list either designated as eligible for referral, or in ranks based on the scores attained through the testing process. The method to be used for placing candidates on a candidate list shall be determined by the Human Resources Department. A candidate list remains in effect for a length of time determined by the Human Resources Department, in consultation with the hiring department(s).

Section 16 of the *Rules and Regulations* apply to all promotional recruitments conducted for public safety positions within the Police and Fire Departments. Whenever practical, vacancies are to be filled by promotion. Individuals holding permanent and probationary positions shall be eligible to compete. Recruitment, examination, and certification shall include:

1. The Human Resources Department, in cooperation with the hiring department, shall determine when a recruitment shall commence.
2. Recruitment notices announcing the promotional opportunity shall be printed and posted on official bulletin boards within the hiring department and may be advertised by any other means deemed appropriate by the Human Resources Department.
3. Applications for the announced position shall be accepted for at least fifteen (15) calendar days following notice of the recruitment.
4. Recruitment notices shall contain the following information:
 - a. The title and rate of pay for the position to be filled;
 - b. Some typical duties expected of the position;
 - c. Minimum qualifications;

- d. Methods of securing application forms and final dates on which applications will be accepted;
 - e. Method of scoring;
 - f. The relative weights assigned to the various parts of the examination; and
 - g. The minimum passing score(s).
5. Applicants taking an examination shall be notified of their test scores as soon as practical.
 6. Failure to appear for any scheduled portion of an examination shall constitute failure of the examination.
 7. The final examination score for each candidate shall be a whole number, or points, not to exceed 100. For this purpose, each score shall be rounded in accordance with standard rounding procedures.
 8. Upon completion of an examination, the Human Resources Department shall prepare an eligible list consisting of the names of candidates who passed the examination, in numerical order by their final examination score.
 9. If two or more candidates attain the same final score in any examination for the same classification, their names shall be placed in the same standing on the eligible list.
 10. Whenever a candidate is rejected, notice of such rejection with reason therefore shall be given to the candidate in writing.
 11. Names from the established eligible list shall be certified to the hiring department utilizing the "Rule of 3". That is, the number of ranks certified shall exceed by two (2) the number of position vacancies indicated by the hiring department.
 12. The hiring department may select for appointment any eligible candidate from among those certified. The hiring department shall notify the Human Resources Department as to whether or not a candidate was selected.
 13. The Human Resources Department shall remove the name of a candidate from the eligible list if the candidate has been certified and not selected four (4) times by the hiring department.
 14. Eligible lists shall remain in effect for six (6) months from the date of publication and may be extended up to one (1) additional year by the Human Resources Department. Extensions may be made in increments of one (1) month.

In the event an eligible list contains fewer than three (3) names, the hiring department shall interview the remaining candidates prior to requesting a new recruitment.

In addition, the City of Santa Rosa Human Resources Department works closely with all City departments and routinely monitors the entire recruitment and hiring process to ensure that the recruitment, application, examinations, and appraisal process are based only upon established job specifications and qualifications that meet established legal standards. This necessarily includes an appraisal of our applicant pool, labor recruitment trends to advance diversity in our workforce, and the hiring process, to ensure that there is no adverse impact on protected group applicant. If, and when, any such adverse impacts are identified, we stand ready to consider alternatives to diminish these effects as a matter of public policy.

Testing and Test Validation

The City of Santa Rosa utilizes internal and outside resources for testing and scoring material that meet or exceed industry standards. Examination processes are conducted primarily by the Human Resources Department. One external resource, CPS HR Consulting, has a highly-regarded reputation for professionally-developed, reliable employment tests. Their tests are developed to meet the most stringent psychometric standards and are frequently updated to ensure content relevance as well as to prevent overexposure to the applicant pool. CPS testing experts provides full-service test rental support to governmental agencies such as the City of Santa Rosa, from the initial test selection process, through test scoring and any follow-up consultation that may be required.

Their test rental catalog offers more than 50 types of entry-level and promotional employment tests for a wide range of public agency positions including law enforcement, fire service, clerical, professional, skilled trades and many others. These outside sources are used for their professional expertise in designing employment testing, test validation, detailed scoring results and the secure delivery of test material and results.

The City also uses industry-specific testing for Bus Operators. Candidates are tested using video by ERGO and Applied Personnel Research Inc., with test material from BOSS and BOSS PLUS (Bus Operator Selection Survey). Tests are scored using NCS Pearson General Purpose Scantron Answer sheets that are sent out and independently scored.

Policies, Procedures, and Criteria for Promotions and Transfers

The City of Santa Rosa adopted the *City of Santa Rosa Personnel Rules and Regulations* which apply to employees across all departments and bargaining units to address the administration of the employment relationship. These rules and regulations address employment-related situations in areas of hiring, transfers, promotions, probationary periods, layoffs, reinstatement, employment standards, salary administration, and the filing and processing of grievances and the disciplinary process.

Generally, and when practical, the City will attempt to fill vacancies utilizing the promotion process. All employees are afforded the opportunity to promote and transfer in accordance with City policies and procedures. Notifications of vacant positions are immediately posted electronically to both the City intranet system, INET, which hosts all information considered important to service operations by employees, and the city-wide email system on MS Outlook . In addition, routine job opportunities open to both the public and employees, and promotional and transfers opportunities open only to current employees, are posted separately on NEOGOV®, the current human resources software system utilized by the City of Santa Rosa. The Transit Division also posts all opportunities in hard copy in the drivers' lounge/break room at the Transit Operations Building.

Found In the rules and regulations is *Rule 2 Transfers, Voluntary Demotions, and Out of Class Assignments, Section 1-General Provision*, that provides for a formal process to address transfers.

The Human Resources Department may authorize the transfer of an employee from one position to another in the same class but in a different department. The Human Resources Department may also authorize the transfer of an employee from a position in one class to a position in another comparable classification of work when the following conditions are met:

- a. The top of the salary range of the comparable classification is within $\pm 3\%$ of the top of the salary range of the employee's current class;
- b. The employee possesses the minimum qualifications for the comparable classification;
- c. The same general qualifications are examined for entrance to the comparable classification; or, if different qualifications are examined, when the employee takes and passes the examination for the comparable classification.

With the written request or concurrence of the employee, the Human Resources Department may authorize the voluntary demotion without examination of an employee to a position in a classification with a lower salary range for which s/he meets the requirements of 2-b and 2-c, above.

Transfers or voluntary demotions without examination are not permitted to Trainee classifications, only to the parent class. Transfers or voluntary demotions from one department to another can only be made only with the consent of both department heads involved, unless a transfer is ordered by the City Manager for purposes of economy or efficiency.

Upon transfer or voluntary demotion, a probationary employee shall be required to complete only the balance of his/her initial probationary period; however, this initial probationary period may be extended in accordance with these rules. A new probationary period shall not be

required of a permanent employee, unless such transfer or demotion is made to underfill a position on a Trainee basis. Employees transferring or demoting to underfill a position as a Trainee will serve on a probationary basis during their training period.

An employee may be reassigned to a position in the same class and within the same department at the discretion of the department head.

With the agreement of both of the affected departments and the employee, a trial period of 30 to 90 days in length may be negotiated. The length of the trial period shall be specified in writing prior to the transfer taking place.

The employee may return to his or her former position prior to the end of the trial period at the request of either the receiving department or the employee.

The employee will assume permanent status in the new department either before or at the conclusion of the trial period if both the employee and the receiving department agree.

Seniority Policies and Procedures

The City of Santa Rosa reserves, retains and is vested with any management rights not expressly granted to any of the employee association by written agreement, the Personnel Rules and Regulations, or the Employer-Employee Relations Ordinance. These City-reserved rights within their labor agreements include such rights as the right to:

- a. Determine and modify the organization of City government and its constituent work units.
- b. Determine the nature, standard, levels and mode of delivery of City services.
- c. Determine the methods, means, number and kind of personnel by which services are provided.
- d. Lay off employees, subject to the Personnel Rules and Regulations and the City's Layoff Procedures dated August 8, 2008.

Should the City desire to exercise any of these rights, it will, except in cases of emergencies, give the impacted employee association advance, written notice of its intentions and afford the association an opportunity to meet and confer on the impact of the exercise of such rights upon represented employees before the decision is implemented.

The City generates seniority lists by *Job Classification Seniority* and *City Seniority*. These lists may be used to determine the least senior employee within the classification, first by job classification seniority, and then by City seniority. For example, in the event of layoffs, the least senior employee within the job classification will be impacted by the decision to eliminate the position. The City shall determine if the least senior employee within the job classification has previously held other classifications within the City. If so, consideration will be made to retain the employee with the highest City Seniority by offering "bumping". If two or more employees are the least

senior and have the same City seniority date, the employee who was at a lower rank on eligible list from which the employees were hired will be laid off. If the employees with the same City seniority date were from a tied rank, or hired from an unranked eligible list, the method for determining which employee will be laid off will be determined in meet and confer.

Job Classification Seniority is defined as time served in a probationary or regular status within a regular full time or part time job classification. City Seniority is defined as time served in a probationary or regular status regardless of job classification.

Bumping is defined as a lateral transfer or voluntary demotion, in lieu of layoff, to an occupied position that the affected employee previously held in a regular or probationary status. If the position to which the employee transfers or demotes is occupied, and the incumbent employee has less City seniority, the incumbent employee will be displaced.

Further practices related to seniority are defined in memoranda of understanding with bargaining units representing City staff. For the Transit Division, these include MOUs for Unit 3 (Maintenance), Unit 4 (Support Services), Unit 8 (Transit Employees), and Unit 18 (Misc. Mid-Management).²

Training Programs and Practices

The City of Santa Rosa adopted Resolution No. 14032 on August 28, 1979, establishing a trainee program for all classifications employed by the City of Santa Rosa. The stated purpose of this resolution was to provide upward mobility opportunities for the then current employees, and to provide employment opportunities for minorities and females in non-traditional job classifications.

One of the current and successful programs is the Bus Operator Trainee Program within the Transit Division. All new Bus Operators are part-time and start as Trainees at \$17.09 per hour. Successful candidates advance to \$18.74 per hour based upon completion of classroom training, obtaining a valid Class B driver's license with Passenger Endorsement, and the recommendation of the training supervisor. Part-time Bus Operator Trainees operate buses in route training with another CityBus employee for up to 90 days or until deemed to be fully competent to operate the bus. Upon completion of training, Part-time Bus Operator Trainees transition to regular Part-Time Bus Operator position status at a starting salary of \$22.31 per hour.

The availability of the Bus Operator Trainee position is widely advertised to encourage individuals who do not yet possess a Class B license or previous transit/bus operation experience to consider a career as a bus operator, and to reduce barriers to accessing this employment opportunity.

In addition, the City of Santa Rosa offers a robust training program with a wide range of offerings to improve employees' skill in a variety of areas and to prepare them to promote into

² Current employment contracts can be found at: <https://srcity.org/468/Employment-Contracts-MOUs>.

higher-skill or supervisory roles. Transit Division staff are encourage to participate in these training opportunities, which are commonly identified as part of annual goals for employee development.

Salary, Wage, and Benefits Policies and Procedures

The City of Santa Rosa offers a generous salary and benefit plan commensurate with our location, economic market, workforce availability and the overall financial state of the city government. (See *Employee Benefits Overview 2019* booklet) In general, the following benefits example applies except where negotiated labor agreements are in effect:

Summary for Miscellaneous Employees

VACATION: Eighty (80) hours of vacation for one (1) to four (4) years of service; additional days are earned with additional years of service. Part-time employees shall accrue vacation on a prorated basis. An annual sell back option is available.

HOLIDAYS: Employees receive 10 paid holidays per year (8 hours each), plus 2 to 3 floating holidays (8 hours each) per fiscal year. Part-time employees shall accrue holiday leave on a prorated basis based on hours in paid status.

ADMINISTRATIVE LEAVE: All management employees not entitled to overtime are provided between 20 to 80 hours of administration leave annually, based on department recommendation.

SICK LEAVE: Sick leave is accrued at the rate of 8 hours per month. Any employee who retires and has completed 10 consecutive years of service will receive payment for one-half of accumulated sick leave up to a maximum of 600 hours, remaining may be converted to CalPERS service credit. Part-time employees shall accrue sick leave on a prorated basis based on hours in paid status.

HEALTH PLANS: The City provides a choice of three plans--City PPO, City EPO, or Kaiser Permanente. City contributes a portion of the monthly premium for employee and dependents, including qualified state registered domestic partners; employee contributes monthly premium difference. Part-time employees may elect to participate in health insurance plans and premium contributions will be prorated based on hours in paid status.

DENTAL & VISION: The City provides and contributes the monthly premium for Delta Dental and **INSURANCE:** VSP vision plans for employee and dependents, including qualified domestic partners. Part-time employees may elect to participate in the dental and vision insurance plans. The City will contribute a percentage of the monthly premium based on the employee's full-time equivalent (FTE).

LIFE INSURANCE: The City provides and contributes the monthly premium for term life insurance. Employee has the option to apply for additional life insurance.

LONG TERM DISABILITY: The City provides and contributes the monthly premium for Long Term Disability Coverage.

RETIREMENT:

Classic Tier I: Employees hired prior to July 8, 2012 receive the Tier 1 CalPERS: formula of 3% @ 60, single highest year final compensation.

Classic Tier II: Employees hired on/after 7/8/2012 or have worked for a PERS (or reciprocal) agency within the last six months will receive the Tier II formula of 2.5% @55, single highest year final compensation.

New Member Tier III:* New employees hired on/after 1/1/2013 will receive the Tier Three formula of 2% @ 62, with a three-year final compensation. (*AB 340, California Pension Reform Act).

DEFERRED COMP.: Deferred compensation plans are available.

CREDIT UNION: Employees may participate in the benefits of the Redwood Credit Union which provides loans and systematic savings through payroll deduction.

The above list of benefits and descriptions has been edited due to space limitations; the Memorandum of Understanding for each bargaining unit contains the specific contract provision. It does not include any additional benefits negotiated in individual contracts. The information contained herein is subject to change and does not constitute either an expressed or an implied contract. More detailed benefits information on each of the management groups can be found by visiting: http://ci.santa-rosa.ca.us/departments/hr/benefits/Pages/Benefit_Summaries.asp .

All employees are evaluated, hired, promoted through the variety of job class and specifications based on their individual merits as outlined in established personnel policies and procedures within the City of Santa Rosa. The Human Resources department routinely examines and analyzes employee data to track recruitment and employment activity, and monitors trends relating to underrepresented groups and protected classes employed by the City of Santa Rosa to ensure non-discrimination or disparate treatment.

The City of Santa Rosa does not collect prior salary information from applicants in compliance with California state law. AB 168 was introduced on January 17, 2017 and passed the state legislature on October 12, 2017. The stated purpose of the bill's author was to address gender wage discrimination present throughout our entire economy and closing the wage gap starts with barring employers from asking questions about salary history so that previous salary discrimination is not perpetuated.

This new law, among the toughest in the nation, intends to fight wage discrimination regardless of industry, occupation or education level and particularly among women of color where the disparity is even larger. The City of Santa Rosa supports the intent of the bill to ensure that job applicants, who have historically been victims of lower wages, will not continue to be plagued by unequal wages throughout their careers and thus will eliminate the possibility of wage suppression and to promote wage equality.

Disciplinary Procedures and Termination Practices

The City of Santa Rosa has adopted formal disciplinary procedures that comply with current federal and state laws, protecting employee's rights while enabling the City to take the appropriate disciplinary action when necessary.

This written policy, the *City of Santa Rosa Discipline Procedures*, (attached at the end of this appendix) provides a detailed description of the disciplinary process, and includes topics such as: the policy, definition of discipline, performance evaluations and the disciplinary system, non-disciplinary actions, personnel files, progressive discipline, due process and rights of employees, rights relating to discipline, good cause, steps in the formal disciplinary process, the appeals process, appropriate discipline, and available resources. This document provides a step-by-step description of the disciplinary process.

The Disciplinary Policy and the process wherein have been adopted by inclusion of language accepting such policy and process by the various unions and associations representing the employees during the bargaining process. The importance of understanding discipline and the disciplinary process is critical to the success of supervisory employees and is the focus in the new supervisor training mandated by the City.

The *City of Santa Rosa Discipline Procedures* note in the first paragraph of the policy, "Disciplinary actions are intended to be corrective and progressive in nature, unless a single infraction, on its own, warrants significant discipline. The objective of disciplinary action is to obtain compliance with rules, order, procedures, standards of conduct and/or expected job performance."

Section VI- Progressive Discipline states, "An effective and reasonable system of disciplinary action is founded on the premise that the actions are to:

- a. Be corrective rather than punitive;
- b. Be progressively more severe; and
- c. Fit the nature the nature of the problem.

However, the response to certain first-time serious offenses may not be the usual action prescribed as an initial step in the normal progressive discipline process. A serious offense that could endanger the public, the employee, fellow employees or others may call for immediate suspension pending further investigation."

Serious and/or continuous violations of policies and procedures may also call for termination. All cases of discipline, up to and including termination, require a showing of good cause, a thorough and fair investigation, with multiple levels of review during the process. The formal disciplinary process also ensures that the rights of the employee to due process are adhered to throughout the entire process.

Statistical Data

The following statistical data is included to demonstrate any potential impact of employment practices on minorities and women since the last EEO Program submission in February 2016. This data includes:

- 1) The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race

The data gathering methodology in the hiring process is as accurate as possible given the number of applicants who decline to provide any of the information requested. Since most applicants complete the application process on-line there is no method for data collection other than that which is provided voluntarily.

		Number of Applicants - 2017														
		(Report employees in only one category)														
		Race / Ethnicity														
		Hispanic or Latino		Not Hispanic or Latino												
		Male						Female								
Job Categories		Male	Female	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	Total of Columns A-N
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
OFFICIAL/ADM		5	4	38	2	0	0	1	3	23	3	1		1	1	82
PROFESSIONALS		91	55	483	40	90	0	5	55	335	23	45	0	10	52	1284
TECHNICIANS		92	20	306	18	43	0	8	33	174	5	27	0	3	26	755
PROTECT/SRVCS		127	28	288	25	26	0	6	32	48	5	4	0	1	6	596
PARAPROFESSIONAL		28	35	60	9	13	0	3	6	111	7	16	0	2	14	304
ADMIN-SUPPORT		71	144	174	22	27	0	6	19	410	25	32	0	13	50	993
SKILLED CRAFT		17	0	27	1	3	0	1	2	0	0	0	0	0	0	51
SERV/MAINT		104	36	201	17	21	0	8	35	64	7	5	0	3	9	510
Total Applicants		535	322	1577	134	223	0	38	185	1165	75	130	0	33	158	4575
Total New Hires																0

Number of Applicants - 2018															
(Report employees in only one category)															
Race / Ethnicity															
Hispanic or Latino															
Not Hispanic or Latino															
Job Categories	Hispanic or Latino		Male						Female						Total of Columns A-N
	Male	Female	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
OFFICIAL/ADM	2	1	22	2	3	0	0	2	12	0	3	0	0	1	48
PROFESSIONALS	55	37	277	19	38	0	2	32	199	10	21	0	3	19	712
TECHNICIANS	160	34	437	46	64	0	13	65	166	6	16	0	1	24	1032
PROTECT/SRVCS	83	27	236	19	33	3	0	16	34	3	4	0	3	4	465
PARAPROFESSIONAL	9	10	17	3	4	0	0	2	40	3	1	0	0	4	93
ADMIN-SUPPORT	29	107	100	13	13	2	0	10	253	23	19	9	0	36	614
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SERV/MAINT	60	0	154	19	13	0	8	15	10	4	0	0	0	2	285
Total Applicants	398	216	1243	121	168	5	23	142	714	49	64	9	7	90	3249
Total New Hires															0

2) The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race

Number of Promotional Applicants - 2017															
(Report employees in only one category)															
Race / Ethnicity															
Hispanic or Latino															
Not Hispanic or Latino															
Job Categories	Hispanic or Latino		Male						Female						Total of Columns A-N
	Male	Female	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
OFFICIAL/ADM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROFESSIONALS	2	1	21	0	3	0	0	1	13	0	0	1	0	0	42
TECHNICIANS	14	2	41	1	6	0	0	2	38	0	1	0	2	0	107
PROTECT/SRVCS	1	0	14	0	1	0	0	1	1	0	0	0	0	0	18
PARAPROFESSIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ADMIN-SUPPORT	2	2	5	0	0	0	0	0	16	2	2	0	2	2	33
SKILLED CRAFT	1	0	4	0	1	0	0	0	0	0	0	0	0	0	6
SERV/MAINT	1	0	6	0	0	0	0	0	0	0	0	0	0	0	7
Total Applicants	21	5	91	1	11	0	0	4	68	2	3	1	4	2	213

Number of Promotional Applicants - 2018															
(Report employees in only one category)															
Race / Ethnicity															
Job Categories	Hispanic or Latino		Not Hispanic or Latino												Total of Columns A-N
	Male	Female	Male						Female						
			White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Two or more Races	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
OFFICIAL/ADM	1	7	1	0	0	0	0	0	2	1	0	0	0	0	12
PROFESSIONALS	10	0	54	1	1	0	0	6	20	0	0	0	0	1	93
TECHNICIANS	19	3	32	0	2	2	3	14	0	0	0	0	0	0	75
PROTECT/SRVCS	2	0	9	0	1	0	0	2	1	0	0	0	0	0	15
PARAPROFESSIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ADMIN-SUPPORT	2	6	7	0	0	0	0	0	18	2	1	0	1	1	38
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SERV/MAINT	1	0	9	1	0	0	1	0	0	0	0	0	0	0	12
Total Applicants	35	16	112	2	4	2	4	22	41	3	1	0	1	2	245

3) The number and types of disciplinary actions (e.g., suspension, loss of pay, demotion)

Disciplinary Actions 2017	MALE								FEMALE								
	W	B	H / L	A	AI/AN	NHOPI	U/K	Total	-	W	B	H / L	A	AI/AN	NHOPI	U/K	Total
Written Reprimand	12	0	0	2	0	0		14		4	0	0	0	0	0		4
Suspension	3	0	0	0	0	0		3		1	0	0	0	0	0		1
Reduction in Salary	3	0	0	0	0	0		3		1	0	0	0	0	0		1
Disciplinary Demotion	1	0	0	0	0	0		1		0	0	0	0	0	0		0
Dismissal	6	0	2	0	0	0		8		3	0	0	0	0	0		3
*Resignation	2	0	0	0	0	0		2		0	0	0	0	0	0		0
*No Discipline	19	0	0	0	0	0		19		0	0	0	0	0	0		0
Totals:	46	0	2	2	0	0		50		9	0	0	0	0	0		9

Disciplinary Actions 2018	MALE								FEMALE								
	W	B	H / L	A	AI/AN	NHOPI	U/K	Total	-	W	B	H / L	A	AI/AN	NHOPI	U/K	Total
Written Reprimand	3	0	1	0	0	0		4		1	0	0	0	0	0		1
Suspension	9	0	0	1	0	0		10		0	0	0	0	0	0		0

Reduction in Salary	6	0	1	1	0	0		8	1	0	0	0	0	0	0	1
Disciplinary Demotion	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0
Dismissal	1	0	0	0	0	0		1	0	0	0	0	0	0	0	0
*Resignation	1	0	0	0	0	0		1	0	0	0	0	0	0	0	0
*No Discipline	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0
Totals:	20	0	2	2	0	0		24	2	0	0	0	0	0	0	2

* Note: Categories not in formal disciplinary action; captured for reporting purposes only.

4) The number of voluntary/involuntary terminations, cross-referenced by sex and race

Disciplinary Actions 2017	MALE								FEMALE									
	ALL Total	W	B	H / L	A	AI/AN	NHOPI	U/K	Total	-	W	B	H / L	A	AI/AN	NHOPI	U/K	Total
Dismissal	11	6	0	2	0	0	0		8		3	0	0	0	0	0	0	3
*Resignation	2	2	0	0	0	0	0		2		0	0	0	0	0	0	0	0
Total:	13	8	0	2	0	0	0		10		3	0	0	0	0	0	0	3

Disciplinary Actions 2018	MALE								FEMALE									
	All Total	W	B	H / L	A	AI/AN	NHOPI	U/K	Total	-	W	B	H / L	A	AI/AN	NHOPI	U/K	Total
Dismissal	1	1	0	0	0	0	0		1		0	0	0	0	0	0	0	0
*Resignation	1	1	0	0	0	0	0		1		0	0	0	0	0	0	0	0
Total:	2																	

5) Job training that fosters promotion potential, cross-referenced by sex and race

Data is not currently collected on job training participation by sex and race. However, the City of Santa Rosa is committed to inclusivity and diversity in the workplace and has adopted programs such as the Career Development and Enrichment Program, (CDEP) designed to mentor members of underrepresented groups in learning pathways to achieving success in the organization. The purpose is to:

- Invest in and retain employees.

- Raise morale, levels of engagement and encourage teamwork.
- Create a support, development, and recognition network across departments.
- Develop future leaders and cultivate the next group of employees to fill key positions in the organization.
- Transfer knowledge and “know how” among City employees.
- Raise skill levels, encourage teamwork and accelerate leadership development.
- Give the employee the opportunity to focus on specific career goals and their next potential promotion.
- Provide self-assessment tools to create a game plan.

6) Impact of Employment Practices on Persons with Disabilities and Veterans

Data is not currently collected to demonstrate the effect of employment practices on persons with disabilities and veterans. However, the City of Santa Rosa is an equal opportunity employer, and employment is based on qualifications and competency. We prohibit discrimination based on race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), and any other status protected by state or federal law.

The City does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Requests for reasonable accommodation may be made by submitting a Request for Reasonable Accommodation Form to the Human Resources Department within five business days of being noticed that an event requiring accommodation is occurring. Employees may also contact the Human Resources Department at 707-543-3060 or TDD 707-543-3063.

Pursuant to state and federal law, the City of Santa Rosa provides Veteran’s Preference to applicants for employment who meet all of the following criteria:

- The applicant is not currently in a permanent position with the City of Santa Rosa;
- The applicant has served in the United States armed forces for at least 18 consecutive months, unless discharged earlier due to a service related injury or illness;
- The applicant was not dishonorably discharged from military service;
- The applicant provides a copy of the DD214 military papers verifying military service; and
- The applicant successfully completes the examination process and is placed on a candidate list.

Candidate lists establish priority for hiring consideration based on exam results. Veteran's Preference means that candidates who are qualified for Veteran's Preference and are in the rank or group immediately below the lowest rank or group certified for final selection interviews shall also be certified to the hiring department for a final selection interview.

Applicants requesting Veteran's Preference should complete this form and submit it to the Human Resources Department with a copy of their DD214. Each time a City of Santa Rosa employment application is filed, applicants should check the box on the application form requesting Veteran's Preference and submit this form with a copy of the DD214. More information on Veteran's Preference is available from the Human Resources Department at (707) 543-3060.

Data Collection Considerations

The City of Santa Rosa is committed to advancing the collection of accurate data to meet our policy of equal employment opportunities by identifying under-utilization of women, underrepresented groups through utilization of resources such as NeoGov and MS Power BI. These tools allow the City of Santa Rosa to select specific modules designed to gather data focused on human capital and import-export real-time data to examine and analyze demographics specific to our city, county and state.

The current data collection methodologies required by federal and state agencies often result in data that may not closely correlate or may conflict with data collection required by law. For example, in the state of California, the Gender Identity bill ([SB-179](#)) was signed by Governor Jerry Brown and went into effect in January 1, 2019. For the first time in state history, California will legally recognize a third gender option, nonbinary, for residents who do not identify as male or female.

The law defines nonbinary as an "umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male," including but not limited to some transgender individuals and those born with intersex traits.

This creates a contradiction for data collection where the employers are mandated to report only two of the gender choices for their employees and job applicants, but the employee provides a third legal choice. Additionally, this issue may be exacerbated by embracing new technology to improve data collection and diminish any bias in the employment application process wherein applicant voluntarily self-identify as to their gender and race/ethnicity. Candidates decline to self-identify thus leaving the employer to collect important data.

Nonetheless, utilizing the data we are able to collect, and comparing this to other resources allow to us analyze data trends to ascertain whether they are unique to the City of Santa Rosa, our metropolitan area, or the state and country when compared to other data available from the sources such as the U.S. Department of Labor, Bureau of Labor Statistics, U.S. Census Bureau, the U.S. EEOC, and various California state agencies. This results in improved planning

for increased or better utilization of limited resources to focus recruitment efforts toward a more successful conclusion.

The City of Santa Rosa endeavors to develop a much more detailed monitoring and reporting plan during this next reporting period, that will bring together a broad range of data gathering methodologies, and bridge different platforms into one which will output the required reporting data in a much more standardized format to comport with that required by federal law.

We believe that this is an important step in determining the impact of possible discrimination or bias and to immediately develop and implement corrective actions to ameliorate them.

Appendix C: Monitoring and Reporting Plan

Appendix C

Monitoring and Reporting Plan

Monitoring Implementation of the EEO Program

An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.

The City of Santa Rosa has established an internal monitoring and reporting system to assess the results of any actions taken since the EEO Program submission, evaluate the EEO program to identify corrective actions needed to improve implementation and outcomes, and document actions to implement the plan.

The City of Santa Rosa will maintain an “EEO Program Implementation Checklist” including all activities required to implement the components of this EEO Program. This checklist will clearly identify the parties responsible for fulfilling the range of EEO-related activities, as well as the intervals at which these activities will take place. This checklist will be reviewed at semi-annual meetings between Human Resources and Transit Division staff to ensure that required activities are being completed in a timely fashion and identify any additional actions or activities that need to be added to the implementation checklist to fulfill the City’s EEO responsibilities.

Contractor/Subrecipient Compliance

The City of Santa Rosa monitors EEO compliance for its ADA paratransit contractor, currently MV Transportation, Inc. Appendix D contains documentation of the most recent review of MV’s EEO Program. In addition, the City’s paratransit contract manager includes EEO compliance activities in quarterly meetings with MV management staff, including visiting MV’s facility to ensure proper posting of EEO information.

The City of Santa Rosa does not have any subrecipients of FTA funds.

Union Contracts

Human Resources staff are directly involved in the process of negotiating and developing memoranda of understanding with the bargaining unites representing City employees. This process includes continual evaluation to ensure that no provisions of union contracts result in discriminatory practices or disparate impacts.

EEO Complaint Process

The City’s complaint process is documented in the Harassment, Discrimination and Retaliation Prohibition and Prevention Policy (provided in Appendix A; see Section 7: “Complaint Procedures”). The policy and the associated procedures are posted prominently in Transit Division offices and on the Transit Division’s EEO webpage, and are provided to new employees as well as reissued to current employees at regular intervals.

The policy clearly identifies the process for filing both informal and formal complaints. Informal complaints may be made to any supervisor, manager, or the Human Resources Department. Formal complaints are to be directed in writing to the Human Resources Director for investigation and identification of corrective actions; however, the policy provides for complaints to be directed to other executive staff as appropriate to the situation. The steps to be followed in investigating complaints and identifying corrective actions are clearly delineated in the policy, along with provisions for an impartial investigator to be used in circumstances in which an actual or potential conflict of interest exists. The policy includes a provision for appeal of findings within 10 working days.

Finally, the policy provides information regarding the right to file complaints of harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). Contact information for these agencies is provided in the policy as well as on City bulletin boards, including those location in the Transit Division offices.

EEO complaints are logged by the Human Resources Department. The log documents the name of the complainant, the basis of the complaint, the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.

Reporting

In order for City of Santa Rosa staff to effectively monitor implementation of the EEO Program, regular meetings are scheduled among staff responsible for implementation activities. These include:

- Quarterly meetings between the EEO Officer (Director of Human Resources) and the City Manager
- Quarterly “HR Partners” meetings involving the EEO Officer and citywide human resources and hiring officials
- Quarterly meetings of the Deputy Director-Transit and Human Resources Analyst assigned to the Transportation and Public Works Department
- Regular staff meetings within the Transit Division during which EEO-related activities and issues will be discussed.

The City of Santa Rosa will maintain records documenting implementation of the EEO Program, including the following:

- Completed “EEO Program Implementation Checklist” for each year, covering EEO-related activities overseen or coordinated by both the Human Resources Department and the Deputy Director-Transit
- Agendas and sign-in sheets for EEO-related trainings or meetings
- Outcomes from meetings related to EEO Program implementation conducted by the EEO Officer and other managers with EEO responsibilities
- Job postings and related advertisements

- Cumulative records on applicants, hires, transfers, promotion, trainings, and terminations
- Documentation of EEO complaints and monitoring of the EEO complaint process.

Appendix D: Required Attachments

- 1) List of subrecipients
- 2) Proof of review of contractor's EEO Program
- 3) Organization Chart
- 4) Goals and Timetables from previous submission

Appendix D.1: List of Subrecipients and Contractors

Contractors: The City of Santa Rosa Transit Division monitors MV Transportation, Inc., the City's contractor for provision of complementary ADA paratransit services.

Subrecipients: The City of Santa Rosa has no subrecipients of FTA funding.



June 18, 2019

Mr. Peter Edwards
General Manager
MV Transportation, Santa Rosa Division
3250 Dutton Ave
Santa Rosa, CA 95407

Dear Mr. Edwards,

Thank you for providing us with a copy of MV Transportation's updated EEO Program for the Santa Rosa Division. We have reviewed the Program against FTA's checklist for EEO Program contents and find that MV's program contains all required elements.

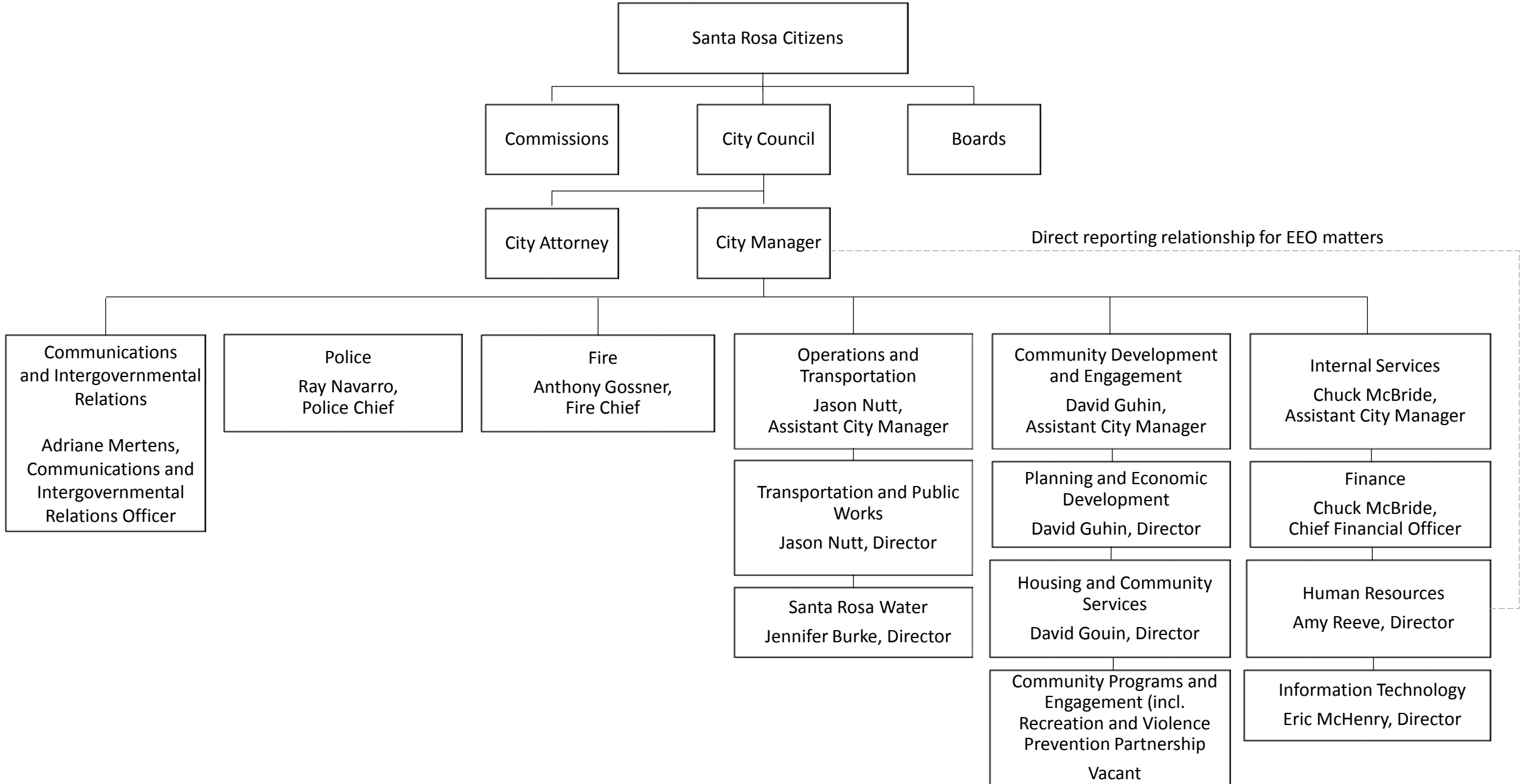
Our only comment is that the Statistical Analysis section appears to be short on information related to training that fosters promotion potential, as well as data related to employment applications by individuals with disabilities and Veterans. We request that attention be given to these areas during MV's next update of the EEO Program.

Sincerely,

Rachel Ede
Deputy Director-Transit

CC:
Jason Nutt, Director of Transportation and Public Works
Yuri Koslen, Transit Planner

Appendix D.3 City of Santa Rosa Organization Chart



Appendix D.4: Copy of Goals and Timetables Chart from FFY 2016-2019 EEO Program

City of Santa Rosa Transit Division Equal Opportunity Program

F. GOALS AND TIMETABLES

Using the Whole Person Analysis, the Transit Division has established a percentage placement goal whenever it was found that minority or female representation within a job group was less than would reasonably be expected given their availability (see Table 5).

These goals take into account the availability of qualified persons in the relevant recruiting area. They also take into account anticipated employment opportunities with our organization. The Transit Division believes these goals are attainable. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter G).

Selections will occur only from among qualified applicants. Goals do not require the hiring of persons when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified") under valid selection procedures. Goals do not require that the Division hire a specified number of minorities, females, or veterans or individuals with disabilities. Goals are not rigid and inflexible quotas that must be met, but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire AAP work.

By setting realistic goals, based on expected vacancies and anticipated availability of skills within the relevant labor area, and using a job-related selection system, the Transit Division should be able to meet the goals within the following guidelines:

- General goals are designed to encourage the development of short-term and long-term recruitment plans and to achieve a more diversified work force. The Transit Division reviews and updates the information and commitments noted in this EOP annually to ensure the Transit Division maintains an effective and meaningful equal employment opportunity program.
- In all employment decisions, selection decisions are made in a nondiscriminatory manner. Placement goals are not a justification to extend a preference to any individual, select an individual, or adversely affect an individuals' employment status, on the basis of that person's race, color, religion, sex or national origin.
- The Transit Division does not use placement goals to create set-asides for specific groups, nor are they intended to achieve proportional representation of equal results.
- These placement goals do not supersede merit and MOU selection principles.

City of Santa Rosa Transit Division Equal Opportunity Program

F. GOALS AND TIMETABLES, CONTINUED

- The goals are designed to distribute minority and female employment proportionately throughout job classes in the Division.
- The Transit Division works to eliminate artificial barriers to employment and to prevent occurrence of arbitrary discrimination practices relating to employment or access to promotion within the Division.
- The Transit Division works to provide an atmosphere of acceptance and understanding in which differences of race, gender, creed, religion, color, national origin, age or sexual orientation contribute to, rather than distract from effective job relations.
- The Transit Division works to eliminate physical barriers and constraints in both facilities and job composition which work against employment of the disabled.
- In developing the goals and timetables, the Transit Division considered the guidelines contained in to UMTA C 4704.1, Ch. III, 2, e. (1) through (6).

In general, the Transit Division will continue to attempt to place females and persons from all minority groups in positions in all job groups through external hiring or promotion. We are cognizant of the need to attract, select and retain ethnic minorities and females in all job groups.

Specific short term goals and long range percentage goals have been set for Women Managers, Asian/Pacific Islander Professionals and Hispanic Professionals.

Table 5

2016 TO 2019 PLACEMENT GOALS

WOMEN							
JOB GROUP	TOTAL EMPLOYEES	WOMEN AVAILABILITY	WOMEN INCUMBENCY	WOMEN LONG RANGE GOAL %	ANTICIPATED 2016 JOB OPENINGS	WOMEN GOAL # IN 2016 PLAN YEAR	WOMEN JOB PROGRESSION OPPORTUNITIES
Transit Workers	61	29%	25%	29%	11	29%: 3 women	Bus Operator Part Time Bus Operator Trainee
ASIAN/PACIFIC ISLANDERS							
JOB GROUP	TOTAL EMPLOYEES	A/PI AVAILABILITY	A/PI INCUMBENCY	A/PI LONG RANGE GOAL %	ANTICIPATED 2016 JOB OPENINGS	A/PI GOAL # IN 2016 PLAN YEAR	A/PI JOB PROGRESSION OPPORTUNITIES
Professionals	6	11%	0%	11%	1	11%	Senior Administrative Asst. Transit Field Supervisor
HISPANICS							
JOB GROUP	TOTAL EMPLOYEES	HISPANICS AVAILABILITY	HISPANICS INCUMBENCY	HISPANICS LONG RANGE GOAL %	ANTICIPATED 2016 JOB OPENINGS	HISPANICS GOAL # IN 2016 PLAN YEAR	HISPANICS JOB PROGRESSION OPPORTUNITIES
Professionals	6	16%	0%	16%	1	16%	Senior Administrative Asst. Transit Field Supervisor