MIAMI-DADE TRANSIT

OFFICE OF CIVIL RIGHTS
AND LABOR RELATIONS

Equal Employment Opportunity Plan

FISCAL YEAR 2009 – 2010

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IV
Alabama, Florida, Georgia,
Kentucky, Mississippi,
North Carolina, Puerto
Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St., N.W.,
Suite 800
Atlanta, GA 30303
404-865-5600
404-865-5605 (fax)

APR 19 2011

Ms. Maria Fajardo
Equal Employment Opportunity
Miami-Dade Transit-Civil Rights Office
701 N.W. 1st Court, 17th Floor
Miami, FL 33136

Re: Approval of EEO Program
Grantee ID# 1089

Dear Ms. Fajardo:

This letter is to inform you that we received the Miami-Dade Transit's Equal Employment Opportunity (EEO) program on April 4, 2011. This submission is required pursuant to Title VII of the Civil Rights Act of 1964; Title 49, Chapter 53, Section 5332 of the United States Code; and the Federal Transit Administration's (FTA) Circular 4704.1, "Equal Employment Opportunity Program Guidelines for Grant Recipients," dated July 26, 1988.

We have reviewed your program and determined that it meets the requirements set out in the FTA's EEO Circular 4704.1. Your EEO program will expire on May 4, 2014. Submission of a revised and corrected EEO program in advance of its expiration date will mean that when the program expires and you need to resubmit, your new program should receive speedy approval if all of the critical elements have been addressed. Please plan to submit an updated EEO program within thirty (30) days of the expiration date or by April 4, 2014.

If you have any questions regarding this approval, please do not hesitate to contact me directly at 404-865-5628 or at Frank.Billue@dot.gov.

Sincerely,

Frank M. Billue
Civil Rights Officer

cc: Director, Miami-Dade Tranist
Yvette Taylor, Regional Administrator TR04

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

Transit
701 NW 1 Court • Suite 1700
Miami, Florida 33136
T 786-469-5486

miamidade.gov

April 14, 2011

Frank M. Billue, Civil Rights Officer
Federal Transit Administration – Region IV
61 Forsyth Street, S.W.
Suite 17T50
Atlanta, GA 30303

Dear Mr. Billue:

Pursuant to FTA Circular 4704.1, "Equal Employment Opportunity Program Guidelines for Grant Recipients" and our recent conversation, enclosed please find additional information to be included with the MDT Equal Employment Opportunity Plan submitted to your office April 4, 2011.

2a – Statement of Policy

Response

Attached.

2b (1) c. – Meeting held at least semiannually to discuss the program and its implementation?

Response

In an effort to effectively disseminate information, OCR/LR uses the following methods:

- OCR/LR staff meets on a quarterly basis with respective managers regarding the EEO Plan.
- Quarterly reports are prepared for the Director containing current EEO data and observations.
- Department's scorecard containing information specific to EEO is updated on a monthly basis and provided to senior management staff.
- The department director holds bi-weekly meetings with his Steering Council to discuss policies and procedures which include EEO. The EEO Officer is also a part of the Steering Council.
- EEO at a Glance on the internal TRANSITNET website is updated quarterly to include data and observations from the EEO Quarterly Report.

2b (1) d. 3 – Meeting with minorities, and females for program suggestions.

Response

- The OCR/LR through the MDT Human Resources division informs potential recruiting sources, including trade schools, colleges and employment agencies; organizations for women, minorities and disabled individuals; civil rights and training organizations; verbally and in writing, of the Department's policy.

- The OCR/LR in conjunction with Transport Workers Union, Local 291, based on assessment of employment practices has developed a FOCUS Group to assist in identifying causes that contribute to the level of disciplinary processes given to the Black females. Surveys will be conducted and the information analyzed to develop tools to reduce the amount of incidents.

2b (1) d. 4 – Presentation of EEO program as part of employee orientation and in all training programs.

Response

Miami-Dade Transit conducts orientation for all newly hired employees. In addition to incorporating the EEO program policies and procedures as part of the Orientation manual, staff from the EEO unit participates in the program delivery and discuss the department's discrimination and/or unlawful harassment policies.

2b (2) b – public media sources, radio, television stations, newspapers, magazines and other journals (oriented to the handicapped and minority populations)

Response

- Advertise employment opportunities in local newspapers such as the Miami Herald, the Miami Times, El Nuevo Herald, the Sun Sentinel and the Diario de las Americas, and in community newspapers, as needed. Advertise employment opportunities in local newspapers such as the *Miami Herald, the Miami Times, El Nuevo Herald, the Sun Sentinel and the Diario de las Americas,* and in community newspapers, as needed.
- The South Florida Workforce, which is an extension of Miami-Dade County, is used by the department as an outreach center which has offices that cater to every minority sector of the community. Also catering to the English, Spanish and Creole speaking applicants for employment. During the Bus Operator recruitments, pamphlets and application information have been forwarded to assist in recruiting all race and gender groups.
- Although we have not advertised in the radio during the current year, in the past radio ads have been used for special recruitments. MDT has purchased radio spots on both Spanish and Creole stations to ensure outreach to all minority groups.

Utilization Analysis – Does the analysis contain the number of individuals by race and sex that apply for employment within the past year?

Response

All advertisements are conducted by the Miami-Dade County Human Resources department. Applications are electronically collected and forwarded to the individual departments for processing. Currently Miami-Dade County does not capture this voluntary information, but are in the process of creating queries to application system which will allow us to obtain this necessary data.

Tracking of EEO complaints

Response

The EEO unit of OCR/LR has an internal complaint tracking system where we maintain complaints by their source of notification. For example, EEOC, FCHR, or internal complaints/inquiries. EEO staff monitors the tracking system for status completion and, if recommendations have been made, compliance with recommendation.

If you have any questions or need additional information, please let me know.

Sincerely,

Cathy Lewis
Chief
MDT Office of Civil Rights & Labor Relations

Attachment

cc: Harpal S. Kapoor, Director Miami-Dade Transit

MIAMI-DADE COUNTY TRANSIT

MDT Equal Employment Opportunity Policy Statement

MDT management and staff pledge their continued support to the Federal Transit Administration's (FTA) program on equal employment opportunity affecting employment practices, to include recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions as set forth under the requirements of Circular 4704.1; approved on July 26, 1988.

MDT is firmly committed to a policy of equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner that results in treatment based on merit, experience and other work related criteria, without regard to race, color, creed, religion, sex, national origin, age, disability or any other protected characteristic under relevant state and federal laws.

MDT is further committed to undertake an affirmative action program, including recommended goals and timetables, to effectively advance program objectives.

Employee conduct, whether intentional or not, that discriminates against another employee due to race, color, creed, religion, sex, national origin, age, disability or any other protected characteristic under relevant state and federal laws will not be tolerated. Such conduct is cause for disciplinary action up to and including dismissal.

Cathy Lewis, the Chief of MDT's Office of Civil Rights and Labor Relations, has been delegated responsibility for developing and monitoring equal employment opportunity programs. However, management personnel at every level shares in the responsibility for promoting equal employment opportunity and ensuring requisite compliance. Officials, managers and supervisors will be evaluated on the efforts they expend to insure the success of the EEO program the same as their performance on other organizational goals.

The Office of Civil Rights and Labor Relations is located on the 17th floor of the Overtown Transit Village, 701 N.W. 1st Court, and their telephone number is (786) 469-5470. Any employee or applicant for employment who wishes to file a discrimination complaint is encouraged to do so.

Successful achievement of EEO goals will provide benefits to recipients, sub-recipients, and contractors through fuller utilization and development of previously underutilized human resources.

Harpal Kapoor
Director
Miami-Dade Transit

04/14/11
Date

Supersedes Statement Signed January 26, 2011

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

Transit
Overtown Transit Village
701 NW 1 Court • 17th Floor
Miami, Florida 33136
T 786-469-5675 F 786-469-5587

miamidade.gov

April 4, 2011

Frank M. Billue, Civil Rights Officer
Federal Transit Administration – Region IV
61 Forsyth Street, SW
Suite 17T50
Atlanta, Georgia 30303

Dear Mr. Billue:

Pursuant to FTA Circular 4704.1, "Equal Employment Opportunity Program Guidelines for Grant Recipients", enclosed please find the Miami-Dade Transit Equal Employment Opportunity Program for Fiscal Years 2009-2010, submitted for approval.

Should you require further information or have any questions, please feel free to contact me directly at (786) 469-5487.

Sincerely,

Cathy Lewis, Chief
MDT Office of Civil Rights
and Labor Relations

c: Harpal Kapoor, Director
Miami-Dade Transit

MIAMI-DADE TRANSIT
OFFICE OF CIVIL RIGHTS & LABOR RELATIONS
EQUAL EMPLOYMENT OPPORTUNITY PLAN
October 1, 2007 through September 31, 2010

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MIAMI-DADE TRANSIT
OFFICE OF CIVIL RIGHTS & LABOR RELATIONS
EQUAL EMPLOYMENT OPPORTUNITY PLAN
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MIAMI-DADE TRANSIT (MDT)

INTRODUCTION

Miami-Dade Transit (MDT) is the 14th largest public transit system in the nation and the largest in Florida. It is the second largest of 62 departments within Miami-Dade County. MDT was created by county ordinance in 1960 and has since existed in various forms. The main product or service MDT provides is the delivery of public transit services via four transportation modes: Metrobus, Metrorail, Metromover, and Paratransit.

- Metrobus provides bus service throughout Miami-Dade County and some parts of Monroe and Broward Counties. MDT's total bus fleet is comprised of 863 buses.

- Metrorail is a 22.6-mile elevated double-track heavy rail system with 136 vehicles, 22 stations and 182 trips daily.

- Metromover is a fully automated people mover system consisting of 4.4 miles of elevated dual-lane track and guideway with 21 stations. It offers convenient access to a variety of government, businesses, entertainment and cultural centers in the Central Downtown, Omni and Brickell areas.

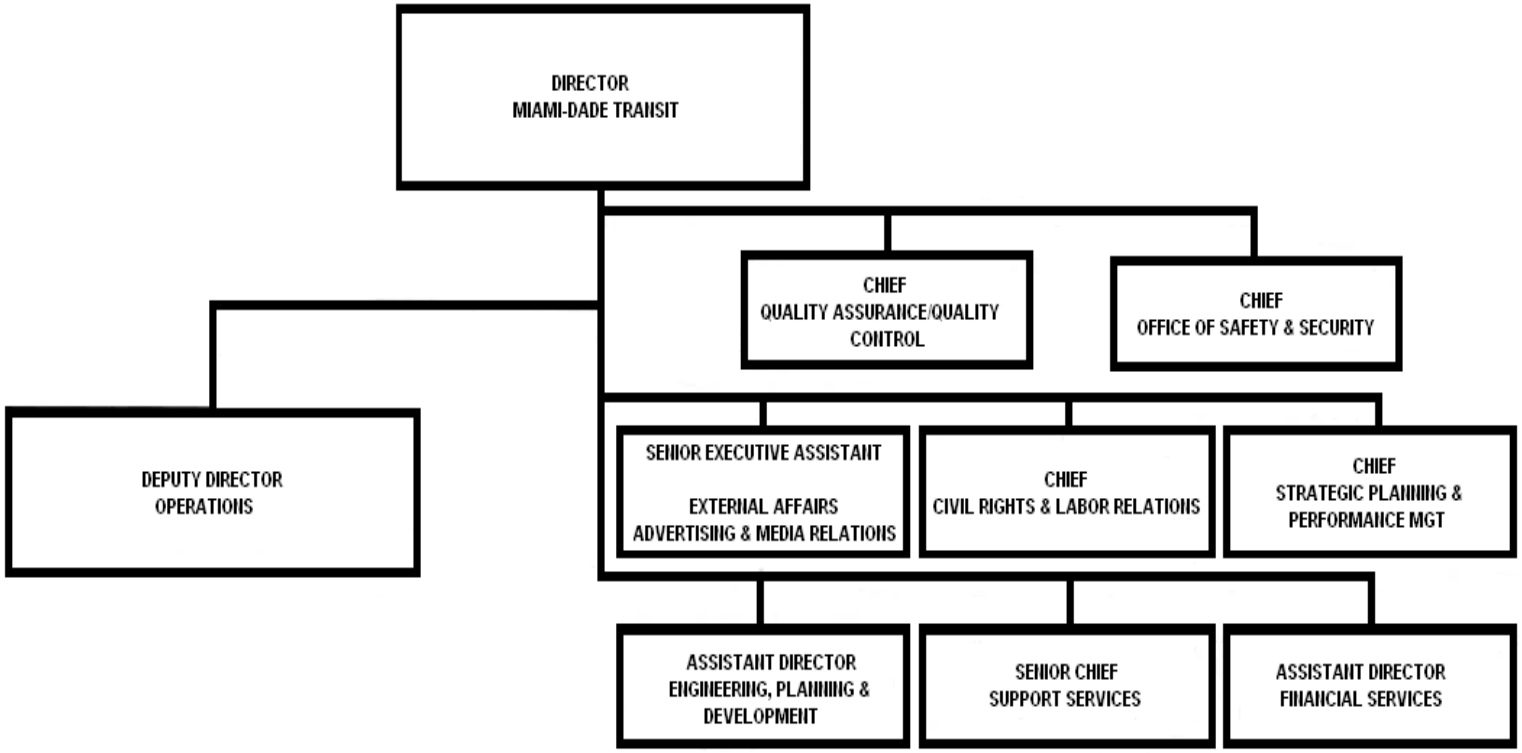
- Paratransit is comprised of the Special Transportation Services (STS) program, providing approximately 125,000 trips on a monthly basis.

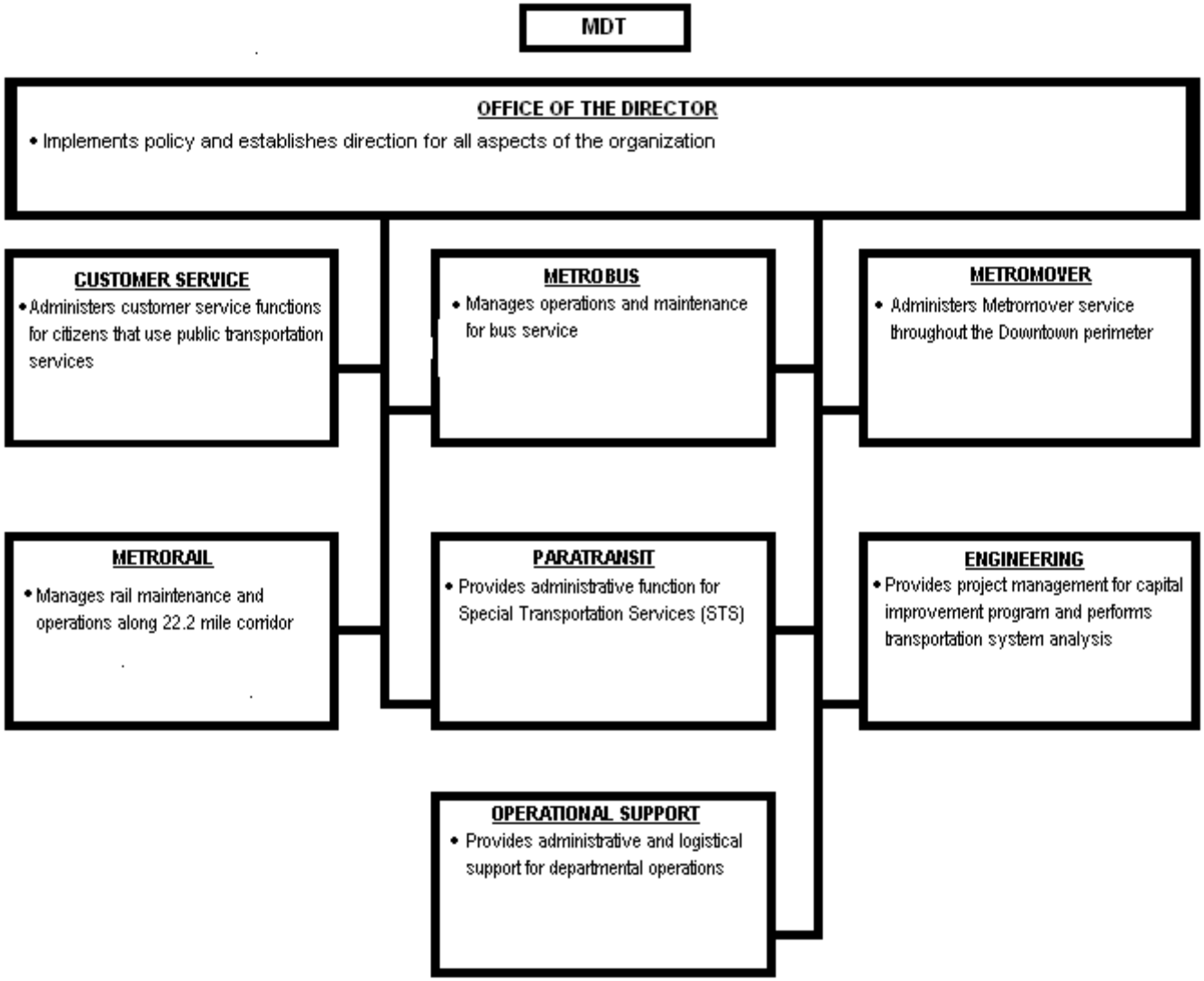
Annual ridership on all modes reached 103.4 million as of September 30, 2009, 9.0% lower than previous fiscal year's 113.7 million primarily reflecting economic factors such as lower retail gas prices.

Miami-Dade Transit's organizational structure is comprised of a Director, a Deputy Director and eight additional direct reports responsible for leading distinct functional areas. There are a total of 3,201 budgeted positions in the Department for fiscal year 09-10.

The attached table of organization establishes leadership through a department Director. Responsibilities continue to be aligned along MDT's mission and its traditional service modes. In an effort to streamline the workforce, access to the Director comes through one Deputy Director and eight direct reports. The Deputy Director is responsible for operations and maintenance of Bus and Rail. The eight direct reports consist of: External Affairs, Quality Assurance, Safety and Security, Strategic Planning & Performance Management, Office of Civil Rights and Labor Relations, Support Services, Engineering Planning and Development, and Financial Services.

MIAMI-DADE TRANSIT
TABLE OF ORGANIZATION




MDT
OFFICE OF THE DIRECTOR
• Implements policy and establishes direction for all aspects of the organization
CUSTOMER SERVICE
• Administers customer service functions for citizens that use public transportation services
METROBUS
• Manages operations and maintenance for bus service
METROMOVER
• Administers Metromover service throughout the Downtown perimeter
METRORAIL
• Manages rail maintenance and operations along 22.2 mile corridor
PARATRANSIT
• Provides administrative function for Special Transportation Services (STS)
ENGINEERING
• Provides project management for capital improvement program and performs transportation system analysis
OPERATIONAL SUPPORT
• Provides administrative and logistical support for departmental operations

As Director of MDT since 2007, Harpal S. Kapoor has worked with officials from the three unions that represent MDT employees to build harmonious labor relations. The Director enforces Miami-Dade Transit's Purpose and Mission, which include:

Purpose: "Provides public transportation services."

Vision: "To be the #1 Transportation Choice in Miami-Dade County."

Mission: "To meet the needs of the public for highest quality transit service: Safe, Reliable, Efficient and Courteous."

Values:
Customer Focus
Honesty and Integrity
Diversity
Respect, Trust and Fairness
Empowerment
Employee Well-Being
Winning Attitude

In regard to Human Capital, the department makes an effort to attract new talent while retaining experienced employees. In this process, MDT has encountered various challenges. For example,

1. The demand for certain skills outpaces supply.
2. A large portion of the operational staff will be retiring in the next few years (specific details will be provided later in this plan).
3. The present economic conditions have required staff reductions.
4. The aging rail fleet and modernized bus technology requires constant training of existing staff.
5. Union 13C agreement severely restricts the recruitment of qualified candidates for certain critical technical positions, and in turn requires extended training periods for selected staff.

MIAMI-DADE COUNTY TRANSIT

MDT Equal Employment Opportunity Policy Statement

MDT management and staff pledge their continued support for the County's policies on equal employment opportunity as set forth in Administrative Order 7-6 (Personnel Policy on Equal Employment Opportunity) and County Ordinance 98-170 (Amending Chapter 11 A of the Code of Miami Dade County to Prohibit Discrimination based on Sexual Orientation).

MDT management and staff also pledge their continued support to the equal employment opportunity provisions of the Federal Transit Act of 1964, as amended, as they relate to all Federal Transit Administration programs.

MDT is firmly committed to a policy of equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner that results in treatment based on merit, experience and other work related criteria, without regard to race, color, creed, religion, sex, national origin, age, disability, sexual orientation or any other protected characteristic under relevant state and federal laws.

MDT is further committed to undertake an equal employment opportunity program, including recommended goals and timetables, to effectively advance program objectives.

Employee conduct, whether intentional or not, that discriminates against another employee due to race, color, creed, religion, sex, national origin, age, disability, sexual orientation or any other protected characteristic under relevant state and federal laws will not be tolerated. Such conduct is cause for disciplinary action up to and including dismissal.

Cathy Lewis, the Chief of MDT's Office of Civil Rights and Labor Relations, has been delegated responsibility for developing and monitoring equal employment opportunity programs. However, management personnel at every level shares in the responsibility for promoting equal employment opportunity and ensuring requisite compliance. Officials, managers and supervisors will be evaluated on the efforts they expend to insure the success of the EEO program the same as their performance on other organizational goals.

The Office of Civil Rights and Labor Relations is located on the 17th floor of the Overtown Transit Village, 701 N.W. 1st Court, and their telephone number is (786) 469-5470. Any employee or applicant for employment who wishes to file a discrimination complaint is encouraged to do so. For the complaint filing procedure, please see attached.

Successful achievement of EEO goals will provide benefits to all MDT employees through full utilization and development of previously underutilized human resources.

Harpal Kapoor
Director
Miami-Dade Transit

01/26/2011
Date

Supersedes Statement Signed April 1, 2008

Memorandum

MIAMI-DADE COUNTY

Date: April 4, 2011

To: All Employees
Miami-Dade Transit

From: Cathy Lewis, Chief
MDT Office of Civil Rights & Labor Relations

Subject: Office of Civil Rights & Labor Relations
We Are Here For You

The Office of Civil Rights and Labor Relations is tasked with ensuring that our employees are afforded the opportunity to work in an environment free of unlawful harassment and discrimination. It is also important that all employment actions are conducted in a manner consistent with MDT's Equal Employment Opportunity Plan. However, we recognize that our success is dependent on the collective support we receive from our managers, and fellow employees.

Our common goal is to promote a positive work environment that values diversity and fosters respect for a myriad of cultural differences which are the cornerstones of creating a fair, unbiased workplace free of unlawful harassment, discrimination, and any other Civil Rights violations. In that regard, my staff and I stand ready to assist you in addressing your employment issues, including the provisions of the Americans with Disabilities Act of 1990 (ADA), Labor Relations, Disadvantaged Business Enterprises (DBE), Title VI and Equal Employment Opportunity (EEO). We solicit your cooperation and full support as we work collectively towards the achievement of MDT's mission of "Meeting the needs of the public for the highest quality transit service, safe, reliable, efficient and courteous".

Should you have a need to contact the Office of Civil Rights and Labor Relations, Monday thru Friday, from 8:00 a.m. to 5:00 p.m., our telephone number is (786) 469-5486; after hours, you can leave a confidential message at (305) 375-1952. Our office is located on the 17th floor, Overtown Transit Village, 701 N.W. 1st Court, Miami, Florida 33136.

POLICY IMPLEMENTATION

MDT's EEO policy statement, approved by the FTA, includes the seven statements required by FTA Circular 4704.1. Specifically, it addresses the Agency's commitment to an environment where there is equal employment opportunity for all persons without regard to race, color, creed, religion, sex, national origin, age, disability, pregnancy, veteran status or sexual orientation. The policy statement mentions proactive employment efforts to achieve diversity in the workforce and identifies an individual, by name, who has responsibility for implementing the EEO program. Management personnel are reminded that their performance in the achievement of good faith efforts in practicing equal employment will be included in their performance evaluations. Applicants and employees are told of their right to file discrimination complaints. How a successful EEO program is beneficial to the agency is also addressed.

- MDT's EEO policy statement includes the name and current phone number for the responsible official.

- MDT commits to having each official, manager, and supervisor assume commensurate accountability for the implementation of the EEO program, as spelled out in the EEOP and will be held responsible for compliance therewith.

- MDT's Office of Civil Rights and Labor Relations will identify barriers to the accomplishment of its EEOP, initiate effective employment activities to achieve a diverse workforce reflective of the community and monitor the effectiveness.

- MDT Senior Staff will continue to hold regular meetings with its respective managers, supervisors and employees to assure policies, procedures and program goals are properly established and are being followed.

- MDT Office of Civil Rights and Labor Relations will in accordance with the FTA guideline of Circular 4704.1:

    1. Investigate what internal barriers exist that impact management's ability to hire and promote qualified minorities and women.

    2. Continue to provide quarterly and annual EEO progress reports to the Department Director for evaluation.

    3. Evaluate managers' performance relative to the success of its EEO program.

    4. Enhance its recruitment efforts in conjunction with Human Resources Staff. Analyze the applicant flow data. The evaluation should determine whether minorities and women are applying for positions and are being hired, as well as who is not applying for positions and, therefore, are not being considered for appointment.

    5. Ensure that employees are confident that complaints of employee discrimination will be fairly and promptly handled. The Director of MDT has issued a statement which stresses

the provision of MDT's EEO policy which states that, "employees have the right to file complaints alleging discrimination with the appropriate official" and give assurances those complaints will be handled in a fair and equitable manner.

6. An assessment of the EEOP identified the need to focus on the White and Hispanic females in all job categories and the Black males and females in the Engineering field. Special focus will be made to address the specific causes for the underutilization of these groups and to develop and implement specific proactive measures to address our goals. In addition, a Focus Group on Women has been created to address the issues behind the high level of discipline and termination of the Black female. Details are provided in the EEO Job Category analysis and Assessment of Employment Practices.

7. Compile and evaluate its EEO activities as recommended by FTA circular 4704.1; maintain a record of EEO outreach activity; and evaluate MDT's outreach efforts in terms of results.

- MDT Human Resources Division Responsibilities Regarding EEO

1. To ensure that all positions accurately reflect the functions and duties of the job, position descriptions are reviewed tri-annually and Essential Job Functions Forms are reviewed bi-annually.

2. In order to provide promotional opportunities for MDT employees, when funding avails, the Office of Civil Rights and Labor Relations sponsors a Management Internship Program.

3. Career ladders and logical lines of progression within and between job classifications have been identified to facilitate the training and promotion of women, minorities, older workers, veterans and the disabled. Records are kept indicating the movement of minorities and women within the department.

MDT EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT FILING PROCEDURE

Scope

Any employee or applicant for employment may use these procedures to file an Equal Employment Opportunity (EEO) complaint alleging violations in the workplace or in the course of seeking employment at MDT. A person filing a complaint with the MDT Office of Civil Rights and Labor Relations under this procedure should do so as soon as possible after the incident that led to the complaint.

Confidentiality

While investigations are confidential, to the extent possible, individuals other than the immediate parties may be contacted during the fact-finding process. Everyone contacted is required to cooperate fully and to refrain from discussing the case outside the formal process.

Complaint Filing and Resolution

Reporting Responsibility

All employees, supervisors or managers shall immediately report to the Chief, Office of Civil Rights and Labor Relations, or his/her designee, any evidence of EEO violations received directly or witnessed by the reporting party. Failure to do so may result in disciplinary action up to and including dismissal.

Complaints can be filed with your supervisor, his or her supervisor or by calling one of the following Office of Civil Rights and Labor Relations staff:

Cathy Lewis	(786) 469-5486
Allison Aristide	(786) 469-5473
Maria Fajardo	(786) 469-5470

Since personnel in the Office of Civil Rights and Labor Relations are only available during regular business hours, a dedicated telephone line has been installed for those who need to call the office during off hours or weekends. That telephone number is (305) 375-1952.

EEO complaints may also be filed with the Miami-Dade County Office of Human Rights and Fair Employment Practices by calling (305) 375-2784.

Additionally, if an employee or applicant for employment believes he or she has been subjected to EEO violations, a complaint can be filed with either or all of the agencies listed below. Using the internal complaint process is encouraged; however, it is not required and does not prevent an employee from filing a complaint with one of the following agencies.

Equal Employment Opportunity Commission (EEOC)
One Biscayne Towers
Two South Biscayne Blvd., Suite 2700
Miami, FL 33131
(305) 536-4491

Florida Commission on Human Relations
2009 Apalachee Parkway. Suite 200
Tallahassee, FL 32301
1-800-342-8170

U.S. Department of Transportation
Federal Transit Administration
Director, Office of Civil Rights
East Building, 4th Floor
Attn: Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
1-866-377-8842

Mr. Frank Billue
Civil Rights Officer, Region IV
Federal Transit Administration
230 Peachtree, N.W., Suite 800
Atlanta, GA 30303
(404) 865-5605

MDT Investigation Process

When a complaint is received, the allegations will be investigated promptly in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent possible under the circumstances. The investigation may include review of documents, interviews, assessment of evidence and other actions relevant to the circumstances of each case.

In determining whether alleged conduct constitutes an EEO violation, consideration shall be given to facts and circumstances, including the context in which the alleged incident occurred.

If it is determined that a violation has occurred, action to eliminate the offending conduct will be taken promptly. Where appropriate, disciplinary action will be taken up to and including dismissal.

- **Filing a Formal Complaint**

  - Complaint filing instructions and form can be found in the MDT internal website (TRANSITNET), as well as in the Miami-Dade County website which is available for access outside the department.
  - Complaints may also be filed in person, by telephone or in a statement form.
  - Anonymous letters will also be investigated to the extent possible.

- When contacted, complainants should be able to provide corroborating information to support the allegation. For example, names of witnesses, letters, memos, dates and times the incident took place.
- Complainants will be given information on external enforcement agencies (i.e., the EEOC, the Florida Commission on Human Relations, or the Miami-Dade County Office of Human Rights and Fair Employment Practices.

- **For allegations that are not covered by EEO discrimination process will be handled as follows:**

  - Clarify the issues
  - Identify options
  - Attempt to work out a resolution agreeable to all concerned.

- **Timeliness**

  A complainant is to report the incident as soon as possible.

  The FTA, EEOC and Florida Commission on Human Relations may have their own deadlines to file complaints. Employees and applicants for employment may contact either or all offices for additional information regarding their requirements.

- **Disciplinary Action**

  If it is determined that an MDT employee engaged in inappropriate conduct, disciplinary action will be taken as appropriate, up to and including dismissal.

  Employees will not be disciplined or otherwise retaliated against for reporting in good faith what he or she believes to be a possible violation of MDT's EEO policies, even if he or she is not sure a violation has occurred. However, any employee who is in receipt of a complaint or has knowledge of a potential violation and fails to take action by reporting the matter may be subject to disciplinary action up to and including dismissal.

- **Posting**

  All policies relevant to Equal Employment Opportunity are to be reproduced and posted on bulletin boards, in the Human Resources Division and in areas where employees normally congregate.

DEFINITIONS – FTA EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

The definitions of terms associated with the Federal Transit Administration (FTA) Equal Employment Opportunity Program are:

a. Equal Employment Opportunity Program (EEOP) Plan means a written, detailed, results oriented set of procedures designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the recipient's work force.

b. Agency refers to an applicant, recipient, sub recipient or contractor.

c. Applicant means an eligible public entity or organization that submits an application for financial assistance under any FTA program.

d. Compliance refers to a condition in which the FTA has found that the applicant, recipient or sub recipient has met the requirements in circular UMTA C 4704.1, and there is no indication or evidence of discrimination on the basis of race, color, creed, national origin, sex, age or disability.

e. Concentration means a higher representation of a particular group (e.g., Blacks, Hispanics, women, etc.) in a job category or department as compared to their representation in the relevant labor market.

f. Contractor means any entity or organization which has entered into a contract with an FTA applicant, recipient or sub recipient.

g. Discrimination refers to any act, or failure to act, which has the purpose or effect of limiting, excluding or denying a person employment opportunity because of race, color, creed, national origin, sex, age or disability.

h. Good faith efforts refer to those actions taken to achieve the objectives of the EEO program. These actions may include, but are not limited to, the establishment and conduct of processes to implement specific provisions of circular FTA C 4704.

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

j. Minority or minority group persons includes the following: Black (not of Hispanic origin) - all persons having origins in any of the Black racial groups of Africa; Hispanic - all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race; Asian or Pacific Islander - all persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands (e.g., China, Japan, Korea, the Philippine Islands, Samoa); American Indian or Alaskan Native - all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

k. National origin means the particular nation where a person was born or where the person's parents or ancestors were born.

l. Noncompliance means a failure to meet the requirements of circular FTA C 4704.1 and guidance issued pursuant to the circular or failure to implement an approved EEO program.

m. Primary recipient means any recipient that is authorized or required to request Federal assistance on behalf of sub recipients and distributes such financial assistance to sub recipients for the purpose of carrying out a program.

n. Probable noncompliance refers to a condition in which the FTA has found that the applicant, recipient or sub recipient does not fully satisfy these requirements, and has requested the applicant, recipient or sub recipient to take remedial or corrective actions to achieve compliance, or has initiated an enforcement action against the applicant, recipient or sub recipient.

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

p. Reasonable Accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. An employer is not required to lower production standards to make an accommodation.

q. Recipient means any State, political subdivision, instrumentality, or any public or private agency, institution, department or other organization unit to whom financial assistance is directly extended by FTA.

r. Secretary means the Secretary of the U.S. Department of Transportation.

s. Subcontractor means any entity or organization which has entered into a subcontract relating to the transit service delivery with a contractor to provide a service in connection with a program or activity initiated by an applicant, recipient or sub recipient.

t. Transit related employee is an employee of an FTA applicant, recipient or sub recipient who is involved in any aspect of an agency's mass transit operation funded by FTA.

u. Underutilization refers to a condition where there are fewer minorities and/or women in a particular job category or department comparative to their presence in the relevant labor force.

DISSEMINATION ISSUES

All job positions that become available are advertised as follows: Miami-Dade County is an Equal Opportunity Employer". Employment announcements are posted on the internet and can be accessed at www.miamidade.gov/jobs/. Job openings are published in community newspapers as determined by Miami-Dade County and in the Miami Times, Miami Herald, and Diario de las Americas.

In an effort to effectively disseminate information, OCR/LR staff meets on a regular basis with respective mangers regarding the EEOP. These meetings serve as follow-ups to the Director's Steering Council Meetings and the EEO Advisory committee to provide management staff with comprehensive information regarding the department's workforce.

In TRANSITNET, under "EEO at a Glance", the OCR/LR posts the department workforce utilization statistics which are updated on a quarterly basis. A requirement of final approval for the Proposed Interview Process is confirmation that the hiring manager has reviewed the information and, if possible, utilized it for selection of a qualified applicant.

MDT's OCR/LR, Human Resources and Marketing divisions will conduct in work in groups to address all underutilization identified throughout the department. The first workgroup will be addressing the Bus Operator recruitment; which is expected to take place in November of 2011. Efforts will be made to encourage the Hispanic community to participate in this recruitment. Presently, MDT has 27.0% Hispanic as a whole in the Service Maintenance EEO job category and the Miami-Dade County Census workforce statistics identifies 66.0% of availability.

Portions of the EEO Plan to include all policies and procedures are incorporated into the New Hire Employee Manual. (Note: this manual is voluminous and available upon request)

Miami-Dade County is also involved in a Think Green initiative and encourages staff to find ways to consider other means to disseminate information rather than printing a hard copy. With this in mind, MDT has replaced its customary practice of providing an abridged copy of this EEOP to each employee. The copy is available upon request. Employees are directed to contact their supervisors or call the Office of Civil Rights and Labor Relations if they wish to see or obtain a copy of the entire plan. The complete EEOP is posted on the TRANSITNET, MDT's employee website which is available to all employees. In addition, all new employees receive a copy at their new hire orientation.

In addition:

- A copy of the Department's EEO policy statement is posted on bulletin boards, in employee lounges and throughout all work locations in areas where employees congregate, and in the Human Resources Division.

- An audio/visual PowerPoint presentation of EEO policies and procedures is available on TRANSINET, Office of Civil Rights and Labor Relations.

- The Equal Employment Opportunity Program (EEOP) is posted on MDT's website as an Employee Resource on the Office of Civil Rights and Labor Relations' divisional website.

MDT recognizes the importance of communicating its EEO policies and procedures to employees and prospective employees. To ensure the dissemination of these policies, MDT has taken the following actions.

The Chief, Office of Civil Rights and Labor Relations, is responsible for disseminating information regarding the EEOP to persons and/or organizations within and outside the department.

Internal Dissemination

- A copy of the Department's EEO policy statement is posted on bulletin boards, in employee lounges and throughout all work locations in areas where employees congregate, and in the Human Resources Division.

- A copy of the Department's EEO policy statement is incorporated into the new employee orientation manual, posted on the internal website in the "Meet the Director" section, under the MDT mission statement.

- On a quarterly basis the workforce statistics are posted in our website in a new area called *EEO at a Glance*.

- Bulletin boards bear the appropriate federal EEO posters.

- An EEO advisory committee whose role is to suggest improvements in the program has been established and will meet quarterly. Notes are kept and distributed to officials, and managers, upon request.

- Status reports on the EEOP are submitted quarterly to the Director and yearly to the Miami-Dade County Manager through the Office of Human Rights and Fair Employment Practices Office.

- EEO policies and procedures are discussed during new employee orientation sessions.

- The EEOP is distributed to members of the Steering Council and other chiefs for distribution within their areas of responsibility.

- Non-discrimination clauses are included in all collective bargaining agreements.

- Included in all training opportunity announcements, career path notices, internal job postings and other such notices a statement that MDT is an equal opportunity employer.

- The Chief of Human Resources will ensure that advance notices for career planning published by their division include the statement that MDT is an "equal opportunity employer".

External Dissemination

- Inform potential recruiting sources, including trade schools, colleges and employment agencies; organizations for women, minorities and disabled individuals; civil rights and training organizations; verbally and in writing, of the Department's policy.

- Advertise employment opportunities in local newspapers such as the *Miami Herald, the Miami Times, El Nuevo Herald, the Sun Sentinel and the Diario de las Americas,* and in community newspapers, as needed.

- Include in all employment advertisements a statement that Miami Dade County is an equal opportunity employer.

- Appropriate equal employment opportunity references and clauses are incorporated in contracts, purchase orders and leases.

- Whenever employment opportunities are advertised in local newspapers such as *The Miami Herald*, *The Miami Times*, *El Nuevo Herald*, the *Sun Sentinel* and the *Diario de las Americas*, and in community newspapers, as needed, all employment advertisements include a statement that Miami Dade County is an equal opportunity employer.

- A statement indicating that Miami Dade County is an equal opportunity employer is displayed on the "County Jobs" website at www.miamidade.gov.

- A statement regarding equal opportunity employer is displayed on the South Florida Workforce One-Step Career Center's website, which is utilized as MDT's primary source of community outreach for such employment opportunities as Bus Operator recruitments.

- Whenever MDT prepares any specialized career opportunity literature, a statement indicating that Miami Dade County is an equal opportunity employer is included.

- Appropriate equal employment opportunity references and clauses are incorporated in County contracts.

DESIGNATION OF PERSONNEL

EEO Officer

The Chief of the MDT Office of Civil Rights and Labor Relations serves in the capacity of the Department's EEO Officer reporting directly to the Department Director. Their responsibilities include, but are not limited to:

- Developing and recommending policy statements, EEO program and both internal and external communication programs.
- Ensuring the consistency and completeness of MDT's EEOP with federal, state and local agencies' rules and regulations.
- Reporting periodically to the MDT Director on the progress of each division in relation to the Department's goals.
- Assisting officials and managers in collecting and analyzing employment data, identifying problem areas, and developing the programs to achieve diversity.
- Providing feedback to officials and managers on their EEO progress.
- Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is required.
- Serving as a liaison between the Department, government regulatory agencies, minority and women's organizations and other community groups serving women and minorities.
- Ensuring that current legal information affecting Affirmative Action is disseminated to appropriate personnel.
- Concurring in all hires and promotions.
- Processing employment discrimination complaints.
- Assists in recruiting minority, handicap and women applicants and establishes outreach sources for use by hiring officials.

EEO Manager & Support Staff

- Conducts the review in the review and/or investigation of complaints alleging discrimination
- Assist EEO Officer with attainment of their responsibilities.
- Assist EEO Officer with investigations, internal audits and monitoring systems.

- Assist EEO Officer in identifying problems areas and establishing agency and unit goals and objectives.
- Be actively involved with local minority organizations, women's and disabled groups, community action organizations and community service programs designed to promote EEO.
- Participating actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives.
- Holds regular discussions with other managers, supervisors and employees to assure the agency's policies and procedures are being followed.
- Reviewing the qualifications of all employees to assure that minorities, people with disabilities, and women are given full opportunities for transfers, promotions, training, salary increases and other forms of compensation.
- Conducts and supports career counseling for all employees.
- Participates in periodic audits to ensure that each agency unit is in compliance (i.e. ensuring that all EEO posters are properly displayed on all employee bulleting boards).

EEO Table of Organization

MDT Director

Chief, Office of Civil Rights & Labor Relations

Manager, Office of Civil Rights & Labor Relations

Personnel Specialist 3

Personnel Specialist 2

Personnel Technician

Senior Staff

- Ensuring that hiring, training, promotion, and development opportunities at all levels of his or her area of responsibility are made without regard to race, creed, color, religion, national origin, sex, age or disability.

- Assisting in identifying problem areas.

- Reviewing qualifications of employees in areas of responsibility to ensure minorities and women are given full opportunity for transfers and promotions.

- Taking action to prevent discriminatory behavior in their areas of responsibility, including, but not limited to, sexual harassment.

- Ensuring that posters and notices are properly displayed in areas of responsibility.

- Ensuring that minority and female employees in areas of responsibility are encouraged to participate in MDT or County-sponsored educational and training activities.

- Ensuring that management and supervisory personnel in their areas of responsibility comply with the spirit and policies of the EEO.

- Reporting any claim of discrimination to the Chief, Office of Civil Rights and Labor Relations.

- Cooperating with compliance reviews, government funding agencies, government investigation agencies, and/or the Office of Civil Rights and Labor Relations relative to the discharge of their duties.

GOALS AND TIME TABLES

A review of the MDT workforce statistics identifies three areas of concern for the Females in specific EEO job categories; the Professional, Technician and Skilled Craft EEO job categories. The *"addition rate"* is the percentage of the total increase needed to eliminate underutilization of the group by the end of a specific period. Areas of concentration, or areas that already meet the requirements, have been given a 0.0% projected goal. MDT had established the following goals:

EEO Job Category	**Rate of Addition**		**2 yr Goals**		**3 yr Goals**		**4 yr Goals**	
	MIN	**FEM**	**Min**	**FEM**	**MIN**	**FEM**	**MIN**	**FEM**
Officials & Administrators	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Professionals	0.0%	4.2%	0.0%	1.4%	0.0%	1.4%	0.0%	1.4%
Technicians	0.0%	11.7%	0.0%	3.9%	0.0%	3.9%	0.0%	3.9%
Protective Services	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Para-Professionals	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Office/Clericals	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Skilled Craft	0.0%	3.2%	0.0%	1.1%	0.0%	1.1%	0.0%	1.1%
Service Maintenance	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

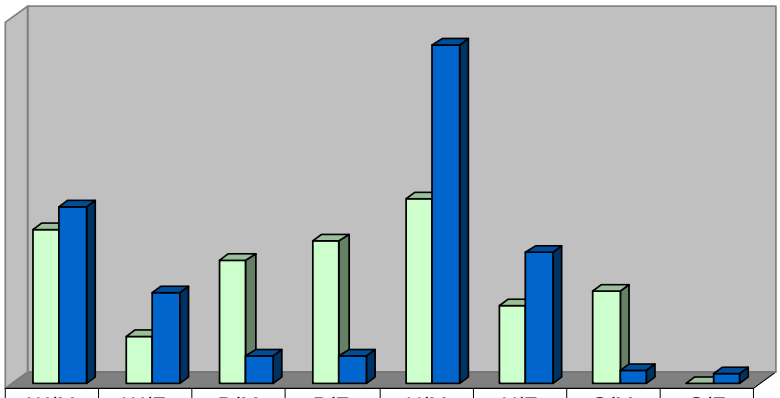
OFFICIALS AND ADMINISTRATORS JOB CATEGORY (A)

DEFINITION

Occupations in which employees set broad policies, exercise overall responsibilities for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners, assessors, tax appraisers, coroners, and kindred workers.

Directors, Deputy Directors, Assistant Directors, Chiefs, Special Project Administrator 2's, Accountant 4, System Support Manager, General Superintendents of Bus and Rail and some manager positions are included in this EEOC job category.

Officials & Administrators EEO Job Category End of FY' 09-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	18.9%	5.7%	15.1%	17.6%	22.6%	9.4%	11.3%	0.0%
Census Workforce	21.8%	11.2%	3.3%	3.4%	41.7%	16.0%	1.6%	1.0%

According to the 2000 Census Workforce, 75.6% of the Miami Dade County Workforce in the Officials & Administrators Category is Minority. Consequently, minorities comprise 69.8% of the Officials and Administrators at Miami Dade Transit. Of that group, females make up a little less than half (32.1%). When comparing Census data to MDT Workforce statistics, White females, Hispanic males and females are underutilized.

In the next five years, (2016) MDT is projected to lose fourteen employees due to retirement. Of that group half (7) will be minority.

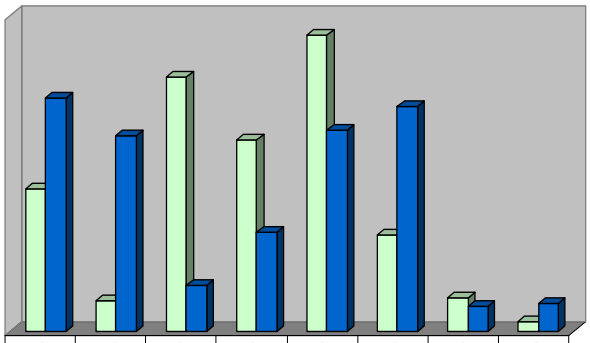
MDT's long range goal to address the projected retirement of minority employees in this category include participation in the Miami-Dade County Succession Planning Program www.miamidade.gove/jobs/. MDT staff has worked in conjunction with County personnel to identify key positions and continues to encourage employees to participate in the program.

PROFESSIONALS JOB CATEGORY (B)

DEFINITION

Occupations that require specialized and theoretical knowledge usually acquired through college training or work experience and other training that provides comparable knowledge. Includes personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, management analysts, airplane pilots and navigators and kindred workers.

Some of the classifications at MDT that belong to this EEO job category are: Administrative Officer 1, 2 and 3; Personnel Specialists 1, 2, and 3; Special Project Administrator 1's, Accountants 1, 2, 3 and 4; Quality Assurance Engineers; Managers; Engineers; Transit Operations Supervisors; Rail and Bus Traffic Controllers, Bus Superintendents; Chief Supervisors; Principal Planner, Rail Yard Masters, and a myriad of other classifications. This EEO job category contains the greatest variety of classifications and the majority belongs to the Government Supervisory Association of Florida (GSAF) collective bargaining union.



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	13.5%	2.9%	24.2%	18.2%	28.2%	9.1%	3.1%	0.9%
Census Workforce	22.2%	18.6%	4.4%	9.4%	19.1%	21.4%	2.3%	2.6%

According to the 2000 Census Workforce, 72.9% of the Miami Dade County Workforce in the Professionals Category is Minority. Consequently, minorities comprise 82.6% of the Professionals Category and are slightly overrepresented at Miami Dade Transit. 52% of the available workforce in Miami-Dade County is female; however females comprise 31.1% at Miami Dade Transit. As a result, Professional females are underutilized by 20.9%.

Records indicate that Black males are promoted at a higher rate than Black females at MDT, and it is expected that within the next few years, the rate of promotions will equalize due to expected promotional opportunities within this job category.

For example, a large percentage of MDT's Professional positions are 'Supervisory', a rank that is filled by Service Maintenance employees which employ a large number of Black females i.e., Bus

Traffic Controllers, Rail Traffic Controllers, Transit Operations Supervisors, Transit Supervisors, Transit Mechanic Shop Supervisors. These positions are generally promotional opportunities seldom filled with transfers from other Miami-Dade County departments or new hires.

When comparing Census data to MDT Workforce statistics, White females, Hispanic males and females are underutilized.

In the next five years, (2016) MDT is projected to lose seventy-three (73) employees in this job category due to retirement. Over half of the group (41) will be minority, which includes seventeen (17) females.

In an effort to address future needs, MDT will actively participate in the County's Succession Planning Program, however; internally, MDT will reinstitute their own succession program which specifically targets employees in the Professional job category. MDT has also collaborated with the Miami-Dade County Human Resource Department to provide ongoing training opportunities that will equip successful participants with the skills necessary to compete for promotional opportunities.

Outreach efforts coordinated by MDC Human Resource Department for specialized positions, (MDT Engineering) include targeted advertisements in trade specific websites to appropriately increase the applicant pool.

TECHNICIANS JOB CATEGORY (C)

DEFINITION – TECHNICIANS

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: Cadastral Technicians, Graphic Technicians, Information Technology Specialists, Metromover Technicians, Transit Electronic Technicians, Transit Schedule Makers, Senior Transit Telecommunications Technicians, Computer Technicians and Transit Facilities Maintenance personnel.

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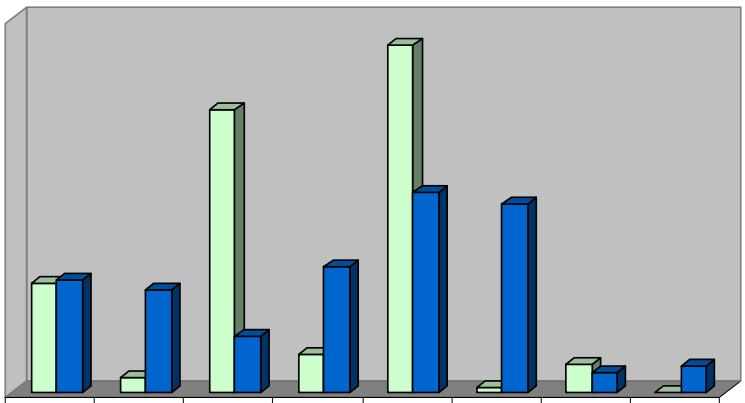


	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	13.1%	1.7%	34.1%	4.5%	42.0%	0.6%	3.4%	0.0%
Census Workforce	13.5%	12.3%	6.7%	15.2%	24.1%	22.7%	2.3%	3.2%

According to the 2000 Census Workforce, 81 % of the Miami Dade County Workforce in the Technicians Category is Minority, which is almost statistically equal (82.9%) to that of the MDT workforce. It is important to note that 64.4% of the Miami Dade County Workforce is female, while only 6.8% of the MDT workforce is female.

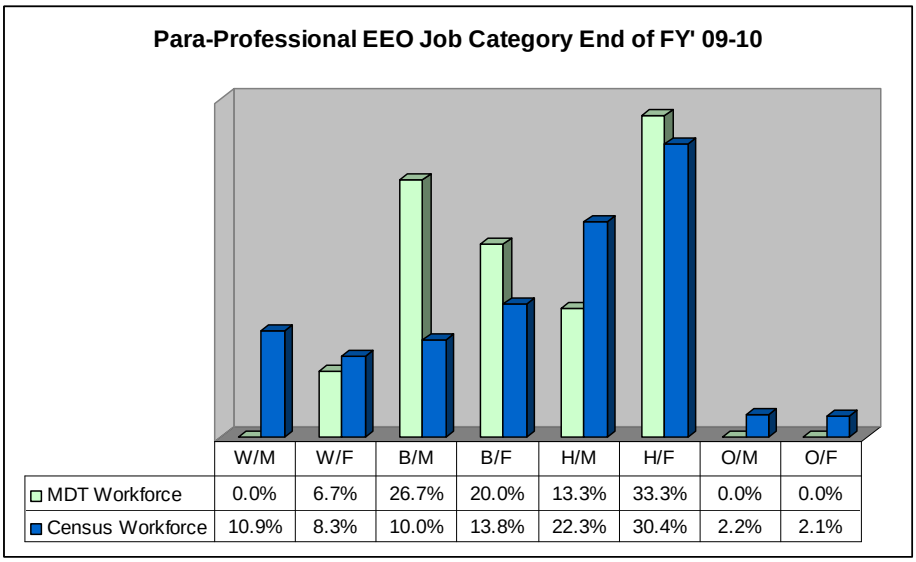
This deviation can be attributed to the types of positions categorized as Technicians (Rail Maintenance and Communications). Records indicate that females historically do not apply for these types of positions, thus making the applicant pool almost exclusively male. MDT is aware of this ongoing issue, and has made a commitment to work diligently with outside sources to increase the applicant pool, as well as conduct targeted advertising with national trade websites for specific recruitments.

In the next five years, (2016) MDT is projected to lose thirty-six (36) employees in this job category due to retirement. Over half (30) will be minorities. All but one of the minority employees retiring will be males.

PARA-PROFESSIONALS JOB CATEGORY (E)

DEFINITION

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern or staff development and promotion under a "New Careers" concept. Includes: Eligibility Interviewers.



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	0.0%	6.7%	26.7%	20.0%	13.3%	33.3%	0.0%	0.0%
Census Workforce	10.9%	8.3%	10.0%	13.8%	22.3%	30.4%	2.2%	2.1%

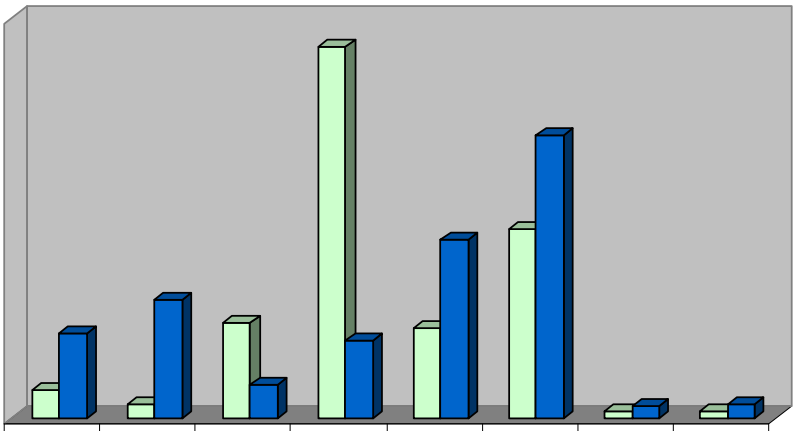
According to the 2000 Census Workforce, 84 % of the Miami Dade County Workforce in the Para-Professional Category is Minority. It is interesting to note that 100% of the MDT workforce in this category is minority. Of this group 60% of the MDT workforce is female.

As a result, there are no utilization issues in this category.

OFFICE/CLERICAL JOB CATEGORY (F)

DEFINITION

Occupations in which workers are responsible for internal and external communication, recording and retrieving of data and/or information and other paperwork required in an office. Includes: Senior Executive Secretary, Administrative Secretary, Account Clerks, Personnel Technicians, Clerk 2, Bus Stock Clerks, Rail Stock Clerks, and Rail Maintenance Control Clerks.



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	3.5%	1.6%	12.0%	46.6%	11.2%	23.7%	0.8%	0.8%
Census Workforce	10.6%	14.7%	4.2%	9.7%	22.3%	35.5%	1.4%	1.6%

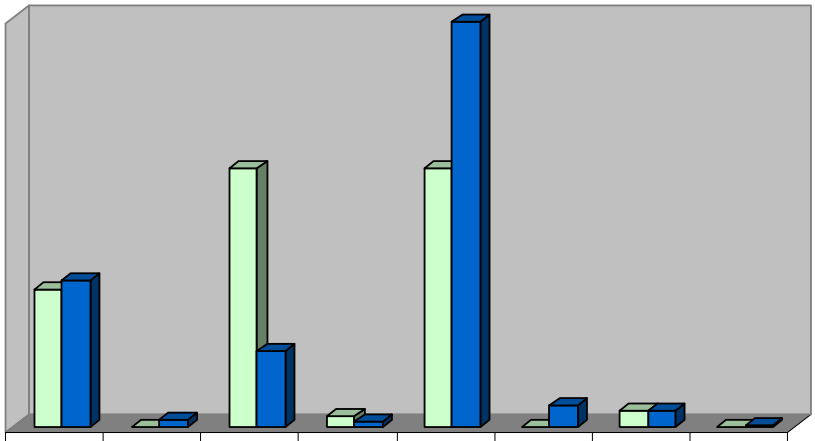
According to the 2000 Census Workforce, 61.5% of the Miami Dade County Workforce in the Office/Clerical Job Category is Minority, while 95.1% of the MDT Workforce is minority. Comparatively, 61.5% of the Miami Dade County's workforce is female, while 72.7% of the MDT workforce is female.

As a result, there are no utilization issues with this job category.

SKILLED CRAFT WORKERS

DEFINITION – SKILLED CRAFT WORKERS (G)

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: Track Equipment Operators, Bus Body Technicians, Transit Painters, Rail Structure Inspector Specialists, MDT Electrical Supervisors, Transit Mechanic Shop Supervisors, Transit Facilities Supervisors, Transit Facilities Superintendent, Rail Structure Inspector Supervisors, and Rail Structure/Track Supervisors.



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	20.1%	0.0%	38.1%	1.5%	38.1%	0.0%	2.2%	0.0%
Census Workforce	21.4%	1.0%	11.2%	0.8%	59.7%	3.2%	2.4%	0.1%

According to the 2000 Census Workforce, 74.9% of the Miami Dade County Workforce in the Skilled Craft Workers Category is Minority. Minorities comprise 77.7% of the Skilled Craft Workers at Miami Dade Transit. Interestingly, 5% of the Miami-Dade County workforce is female, while 1.5% of MDT's workforce is female, indicating a slight underutilization in this area by 3.5%.

In the next five years, (2016) MDT is projected to lose twenty-nine (29) employees due to retirement. Of that group half (18) will be minority, of which one is female.

To date, recruitment efforts have not yielded a female applicant pool for this job category. MDT will continue their efforts with the Miami-Dade County Human Resources Department to tap all available labor agencies which target female employees.

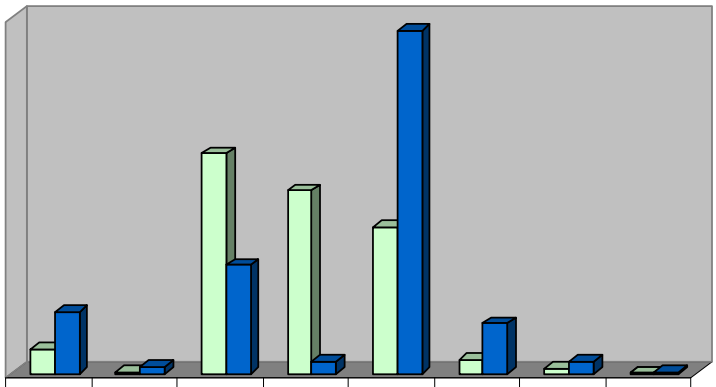
SERVICE MAINTENANCE

DEFINITION – SERVICE MAINTENANCE (H)

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: Bus Operator, Train Operator, Bus Maintenance Technicians, Bus Hostlers, Bus General Helpers, Track Repairers, Rail Vehicle Mechanics, Laborers, Transit Revenue Collectors and Driver Messengers.

Note that the Bus Operator classification, which in Miami-Dade Transit is the feeder classification tor other positions in the department, belongs to this job category.

Service Maintenance EEO Job Category End of FY 09-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
MDT Workforce	4.2%	0.3%	37.0%	30.7%	24.7%	2.3%	0.8%	0.1%
Avaiable Census Workforce	10.3%	1.2%	18.2%	2.0%	57.6%	8.4%	2.1%	0.2%

According to the 2000 Census Workforce, 87.4% of the Miami Dade County Workforce in the Service Maintenance Category is Minority. Minorities exceed this percentage and make up 95% of the Service Maintenance at Miami Dade Transit. Miami Dade Transit fully utilizes the County's available workforce (33.4%) in this job category.

Although MDT fully utilizes the available minority workforce, as a whole, there are specific race/gender groups that are underutilized.

The groups are as follows:
-0.9 % White females
-32.9 Hispanic females
-6.1 Hispanic females

In the next five years, (2016) MDT is projected to lose sixty-four (64) employees due to retirement. Of that group, the majority (51) will be minority, of which four (4) are female.

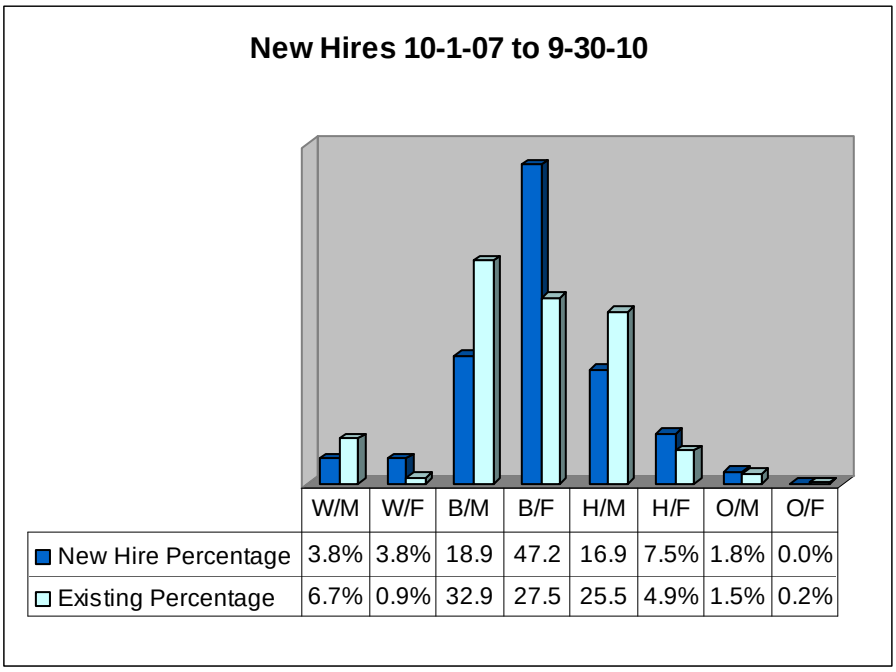
In an effort to prepare for the expected attrition, over the next five years MDT plans to incorporate findings from a 2007 Bus Operator Focus Group study. The study identified barriers and challenges attributed to the success of the Bus Operator classification. Presently, MDT employs over 2000 Bus Operators, which indicates that the Service Maintenance EEO job category is the largest in the department. It is expected that a new recruitment for the classification will take place near the end of 2011. MDT will focus on increased advertisement through various media outlets as an increased vehicle for attracting a more diverse pool of qualified applicants.

ASSESSMENT OF EMPLOYMENT PRACTICES

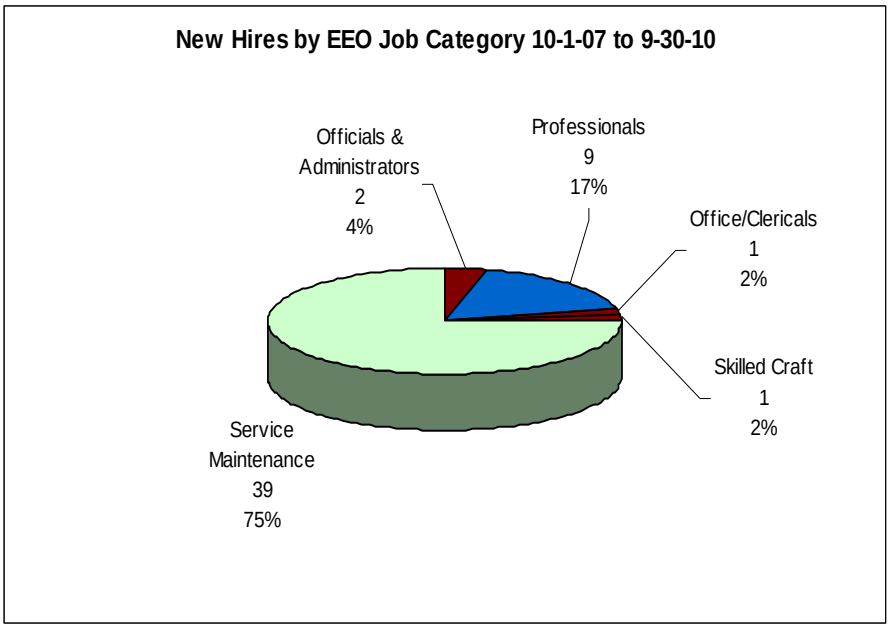
New Hires

As it is illustrated, MDT's recruitment efforts garnered a higher percentage of Black females compared to other minority and female groups. However, a review of new hires indicated that 75% of new hires were employed in the Service Maintenance EEO job category; specifically, the Bus Operator position. Bus Operators are hired from an eligibility list, in ranking order, based on tests scores. It should be noted that during Bus Operator recruitments, MDT partners with South Florida Workforce to promote and ensure equal employment opportunity throughout all minority and economic sectors of Miami Dade County. During this period new hires represented:

- 94.3% minority
- 58.5% female (47.2%, Black)



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
New Hire Percentage	3.8%	3.8%	18.9	47.2	16.9	7.5%	1.8%	0.0%
Existing Percentage	6.7%	0.9%	32.9	27.5	25.5	4.9%	1.5%	0.2%



Overall, the County experienced a considerable reduction of its labor force during this period. MDT's hiring authority was limited to operationally critical positions, required to maintain agency goals and objectives in accordance with the County's strategic plan. Additionally, the two (2) bargaining units which comprise the largest number of MDT employees, Transport Workers' Union and Government Supervisors Association of Florida, negotiated no layoff contractual provisions for the duration of their respective Collective Bargaining Agreements, ending September 30, 2011. This also impacted the labor force and restricted MDT's hiring authority. During the referenced period MDT filled 52 positions with the majority number stemming from the Service Maintenance EEO job category.

To encourage the increase of Hispanic Female applicants for the Bus Operator position, MDT launched a comprehensive outreach campaign which included:

- Marketing brochures which featured Hispanic Female MDT Bus Operators on the cover
- The brochures were disseminated throughout all South Florida Work Force locations within the County
- The Bus Operator position was advertised in the customary Miami-Dade and Transit websites
- The brochures were also distributed at the Metro-Rail Information Kiosk

Despite these efforts, the current Bus Operator new hire class reflects no Hispanic Female Bus Operator trainee. MDT will continue its outreach efforts.

PROMOTIONS

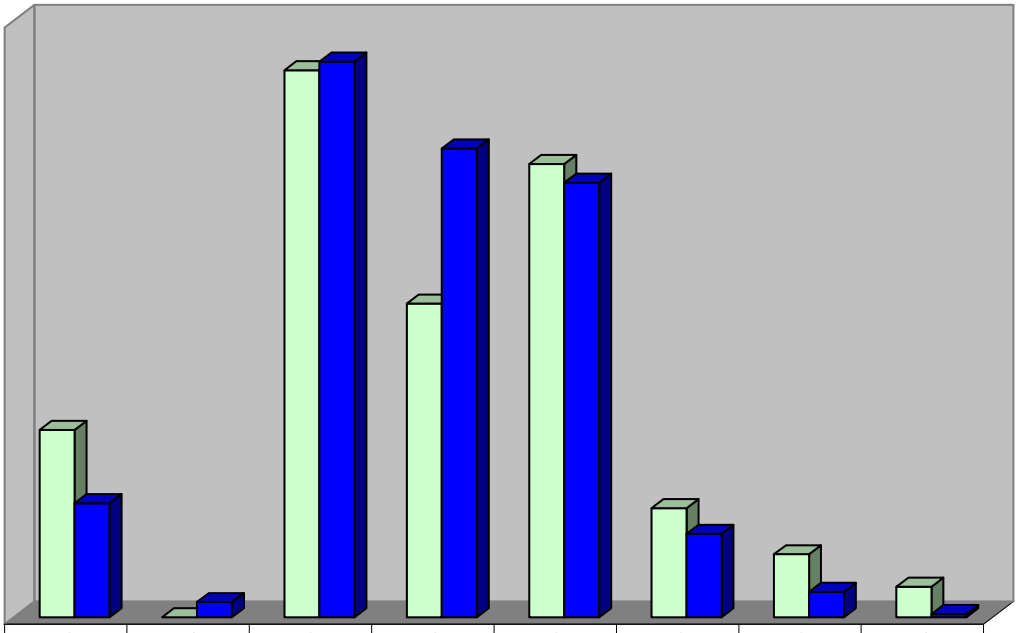
A review of the data provided below reflects Black Females promoted at a disproportionately lower percentage rate as compared to other minority and female groups. However, during this period 4 Black Females received promotions as follows:

- 2 from Service Maintenance EEO Job Category to Professionals
- 2 from Professionals EEO Job Category to higher level positions within the Professionals EEO Job Category

It should also be noted, from the review of the below analysis of Black Females by EEO Job Category, that Black Females predominately comprise the Service Maintenance EEO Job Category. This includes the Bus Operator position. Career ladder opportunities from the Bus Operator position include Transit Supervisor and Transit Instructors, which have had limited opportunities given the no-lay off provisions of the GSAF Collective Bargaining Agreement. As a result, promotional opportunities have been limited.

Within 30 days, MDT will initiate a forensic review of promotions to identify and address the underlying cause of Black Females being promoted at a disproportionately lower percentage rate as compared to other minority and female groups.

PROMOTIONS COMPARED TO MDT WORKFORCE 10-1-07 TO 9-30-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
PROMOTIONS	11.0%	0.0%	32.1%	18.4%	26.6%	6.4%	3.7%	1.8%
AVAILABLE MDT WORKFORCE	6.7%	0.9%	32.6%	27.5%	25.5%	4.9%	1.5%	0.2%

To afford employees an opportunity for promotion to other positions in the department, MDT has developed a Career Ladder program which allows individuals to apply for and be selected for positions based on their TWU and County service seniority. The minimum qualifications for the positions are posted throughout the department to allow employees to receive the education or skills necessary for attaining the minimum qualifications to apply for the positions. The identified positions for Career Ladder afford applicable employees with a training opportunity so that they can successfully carry out the duties of the new position. Once the candidate successfully completes the training, they will be put in probationary status for the remainder of the probationary period.

TRANSFERS

Transfer actions as the result of lay-offs are administered by the County's Human Resources Department, in accordance with the County's Layoff Procedures for Classified Services. The lay-off procedures provide a consistent, fair and nondiscriminatory process for implementing layoffs, Countywide, based on seniority order and performance evaluations.

TRANSFERS-IN - During this period, Miami-Dade County experienced three lay-off processes. Positions were eliminated and individuals who had classified rights to lower classifications began to bump the employees in their own department or in other departments. Miami-Dade Transit

experienced a high number of bumps into the department as a result of Miami-Dade County employee exercising their classified rights to lower classification when their position is being cut. The practice resulting in the following Transfers-In to specific EEO job categories.

Officials & Administrators

- 2 Black females
- 1 Other male

Professionals

- 1White male
- 2 White females
- 2 Black males
- 11 Black females
- 7 Hispanic males
- 11 Hispanic females

Technicians

- 1 Hispanic male

Para-Professionals

- 1 Hispanic male
- 1 Black female
- 2 Hispanic females

Office Clerical

- 2 Black males
- 6 Black females
- 2 Hispanic males
- 4 Four Hispanic females

Technicians

- 1Black female

Service Maintenance

- 2 Black males
- 1 Hispanic male
- 1 Hispanic female

TRANSFERS-OUT

The employees who were bumped out of their positions transferred to other department positions or to other departments to a position where they had classified rights. This resulted in the following Transfers-Out from specific EEO job categories.

Officials & Administrators

- 2 White males
- 2 Black males
- 1 Hispanic male
- 1 Hispanic female

Professionals

- 1 White male
- 4 Four Black males
- 8 Black females
- 2 Hispanic males
- 1 Hispanic female

Technicians

- 1 Black male
- 3 Hispanic males

Protective Services

- 2 Black females
- 1 Hispanic male
- 2 Hispanic females

Para-Professionals

- 1 Black male
- 2 Hispanic females

Office/Clericals

- 11 Black females
- 5 Hispanic males
- 14 Hispanic females
- 1 Other male

Skilled Craft

- 3 Black males
- 1 Hispanic male
- 1 Hispanic female

Service Maintenance

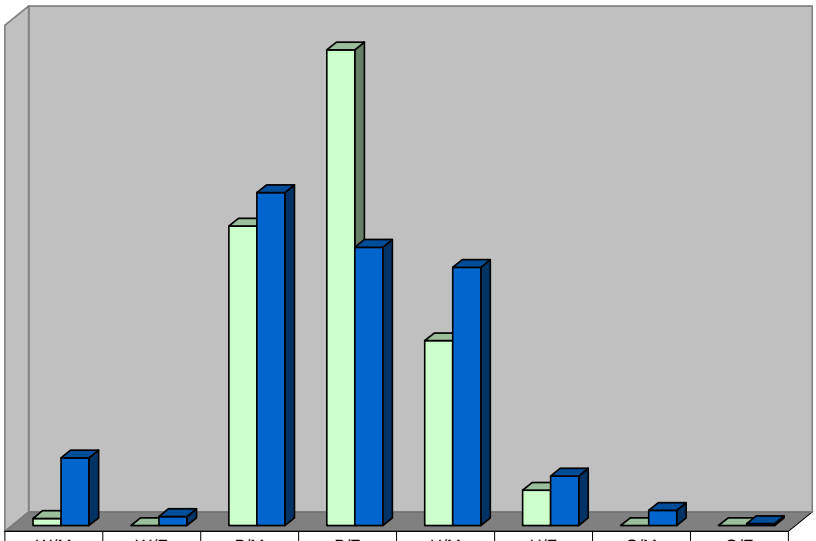
- 1 White male
- 15 Black males
- 14 Black females

- 8 Hispanic males
- 2 Hispanic females

TERMINATIONS

Terminations

Terminations Based on Discipline 10-1-07 to 9-30-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
Terminations	0.7%	0.0%	29.6%	47.0%	18.3%	3.5%	0.0%	0.0%
AVAILABLE MDT WORKFORCE	6.7%	0.9%	32.9%	27.5%	25.5%	4.9%	1.5%	0.2%

As reflected, the Black Female was terminated at a substantially higher percentage rate as compared to other minority and female groups. It has been determined that the majority of terminations originated from Division 71, Bus Operations; specifically, Bus Operators.

A further review of the termination cases indicated that the predominant cause of termination was long term absenteeism. MDT's Long Term Absenteeism Policy was implemented to address long term absences, including employees who become medically unable to perform their essential job functions. The policy includes a series of preliminary provisions preceding termination, including light duty assignments, benefits counseling, FMLA, leave of absences and ADA accommodations. There were a total of 22 Black Females terminated during this period as a result of long term absenteeism.

During the referenced period, the Long Term Absenteeism stemmed from both on-the-job and non-on the job injuries.

Additionally, a review of the most recent (1/3/11 – 1/14/11) Long Term Absenteeism Matrix indicates that of the 35 Bus Operators currently reflected as long term absentees (absences greater than 60 days) 63% are Black Females:

- 22 Black Females 63%
- 7 Black Males 20%
- 2 Hispanic Females 6%
- 4 Hispanic Males 11%

The current Bus Operator workforce (1718) reflects:

- 678 Black Females 39%
- 594 Black Males 35%
- 43 Hispanic Females 2%
- 360 Hispanic Male 21%

To identify and effectively address the underlying causes of long term absenteeism among Black Females, within 30 days, MDT will implement a multi-prong approach which will include:

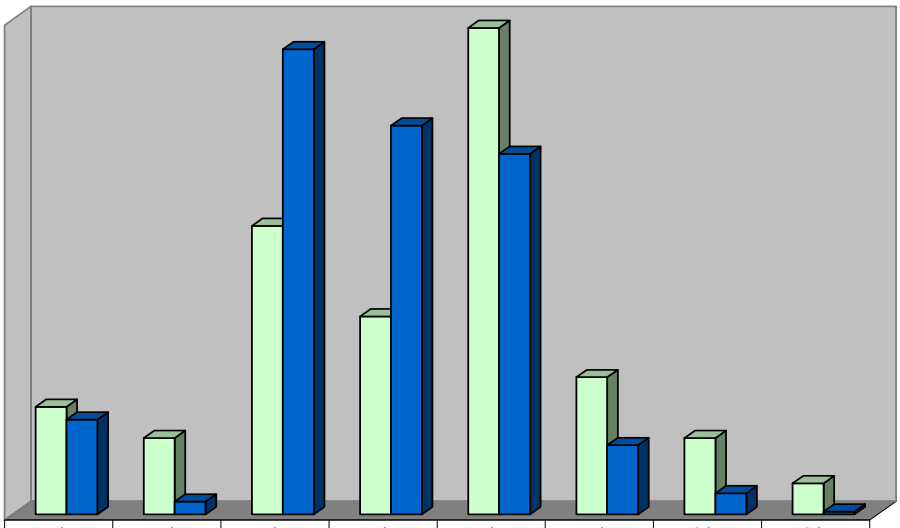
- Partnering with Transport Workers' Union to conduct a series of focus groups
- Partnering with Transport Workers' Union to conduct employee surveys
- Partnering with Office of Safety and Security; Loss Prevention and Risk Management to conduct employee safety training to reduce on-the-job injuries
- Advancing MDT's Fitness and Wellness Program to promote employee health
- Initiate a forensic review of Bus Operator absenteeism to ensure consistent and non-discriminatory application of MDT's Long Term Absenteeism Policy

RECLASSIFICATIONS

Reclassification Compensation Actions (RCA's) are used to evaluate an employee's classification as it relates to their actual work duties. RCA's include: promotions, lead worker status, establishment of new positions and, in some instances, demotions and abolishment of positions. RCA's can be employee and/or management initiated. Additionally, the County's Human Resources Department may also initiate a classification review.

During this period, Black Males and Females were reclassified at a substantially lower percentage level as compared to Hispanic Male and Females, and Other Male and Females. For the purpose of this analysis, it should be noted that the majority of all RCA's resulted in promotions, lead worker, and/or title changes, with no increase in compensation. However, during this period there were 3 downgrades in Division 43 which consisted of (1) Other Male and (2) Hispanic Males.

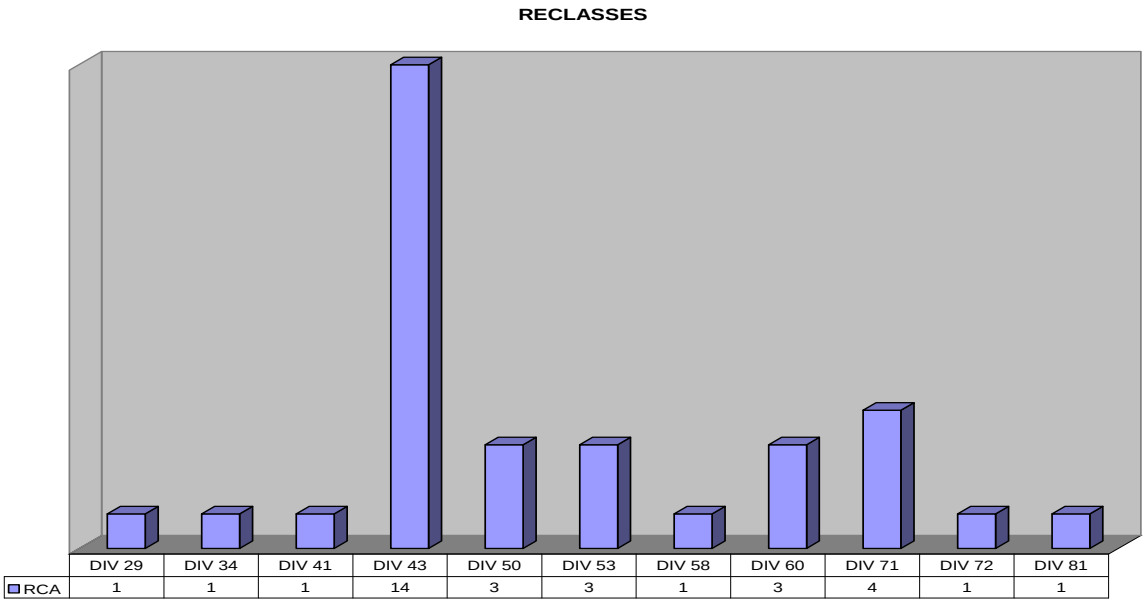
RECLASSES 10-1-07 TO 9-30-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
RECLASSES	7.6%	5.4%	20.4%	14.0%	34.4%	9.7%	5.4%	2.2%
AVAILABLE MDT WORKFORCE	6.7%	0.9%	32.9%	27.5%	25.5%	4.9%	1.5%	0.2%

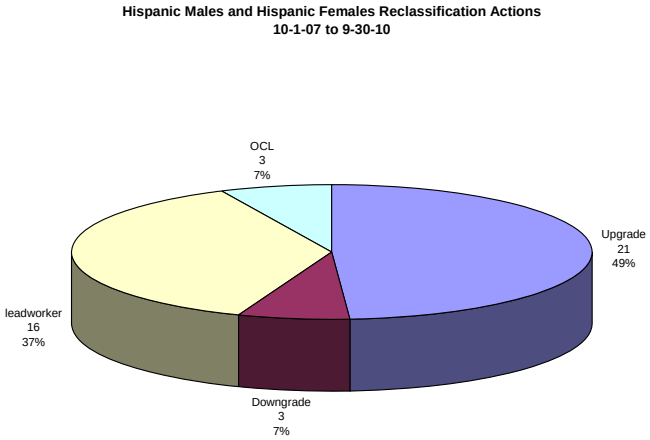
Reclassification Actions per Division

10-1-07 to 9-30-10



- A closer review of the RCA's indicates that Division 43, Information Technology, received the highest number of reclassification actions
- The reclassifications were employee initiated and primarily resulted in promotions
- The reclassification actions were predominately Hispanic Males which is reflective of the divisional workforce

Within 30 days, MDT will initiate a forensic review of reclassification actions to identify and address the underlying cause of a disproportionate lower number of reclassification actions for Black Males and Females compared to other minority and female groups.



- 42 employees were approved for lead worker status
    - 37 males
    - 6 females

- 43 employees were upgraded to a higher classification
    - 28 males
    - 15 females

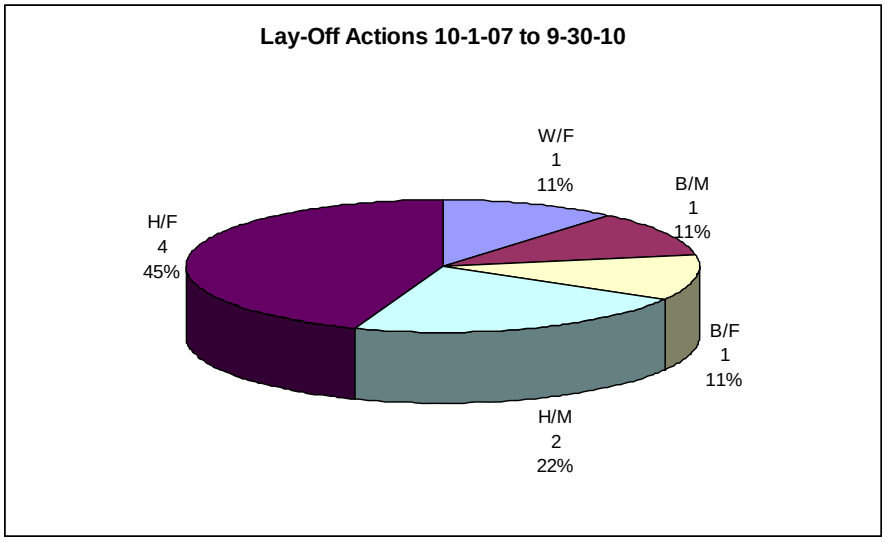
- 5 employees received out of classification/higher level (OCL) status
    - 4 males
    - 1 female

- 3 male employees were downgraded from their classification

LAY-OFF ACTIONS

Layoffs are administered in strict accordance with the County's Layoff Procedures, based on classified service rights. MDT does not calculate lay-off retention scores. All scores are calculated and certified by the County's Human Resources Department without regard to race and gender. It should be noted that the two (2) bargaining units which comprise the largest number of MDT employees, Transport Workers' Union and Government Supervisors Association of Florida, negotiated no layoff contractual provisions for the duration of their respective Collective Bargaining Agreements (CBA), ending September 30, 2011.

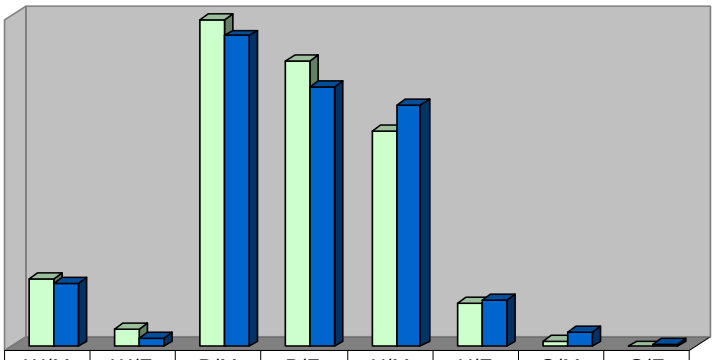
While the data below reflects a highly disproportionate number of Hispanic Females impacted by lay-offs, these actions were predominately in the Office/Clerical EEO job category, which is primarily a part of the American Federation of County, State and Municipal Employees (AFCSME) bargaining unit. AFCSME did not negotiate lay-off provisions in their CBA.



VOLUNTARY TERMINATIONS

A review of data regarding voluntary terminations reflects percentage levels relative to MDT's workforce as detailed below. The leading cause of voluntary terminations was employee retirements.

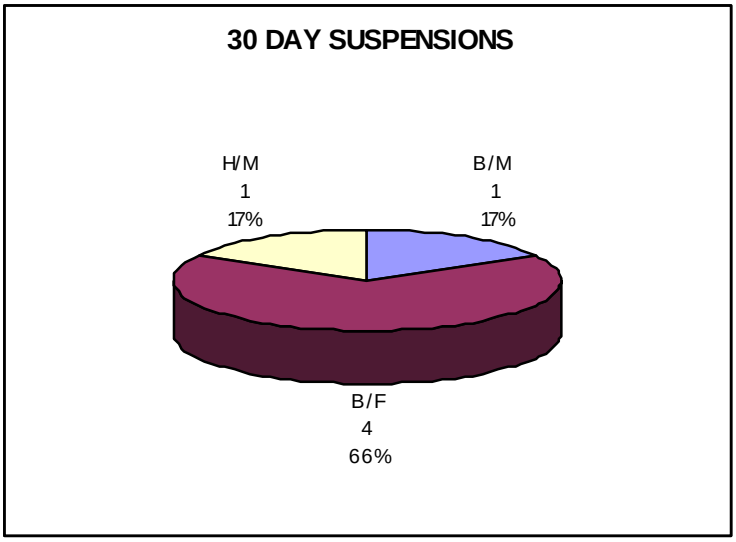
Voluntary Terminations by Race and Gender 10-1-07 to 9-30-10

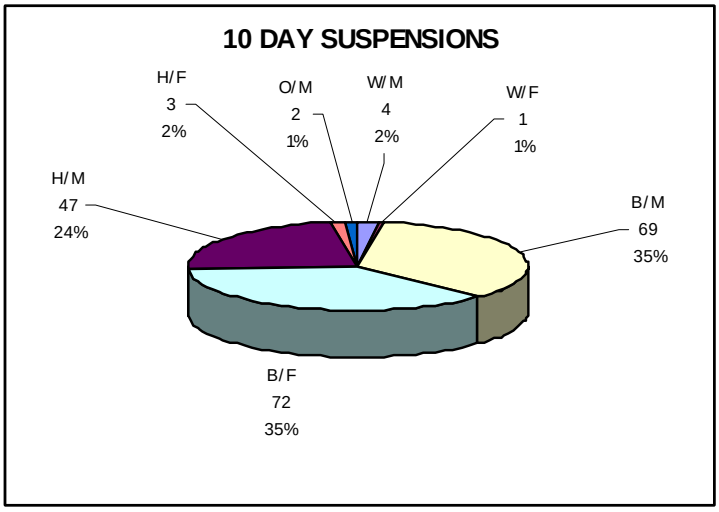


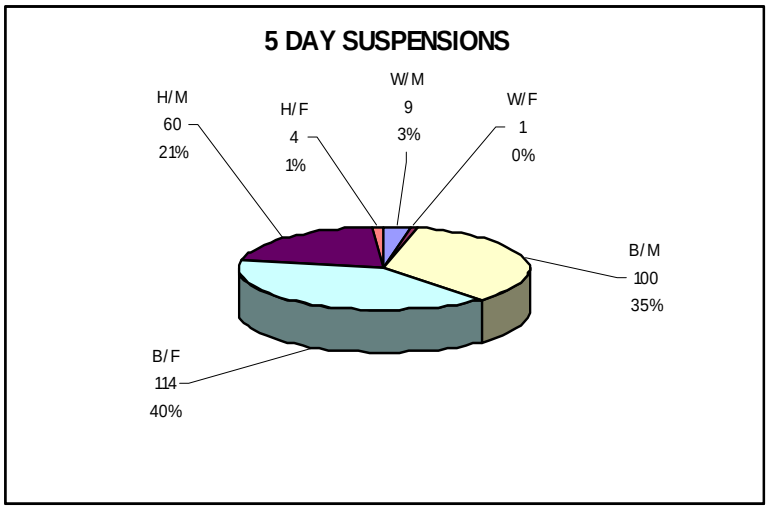
	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
Percentage	7.2%	1.8%	34.6%	30.2%	22.8%	4.6%	0.6%	0.0%
Workforce Percentage	6.7%	0.9%	32.9%	27.5%	25.5%	4.9%	1.5%	0.2%

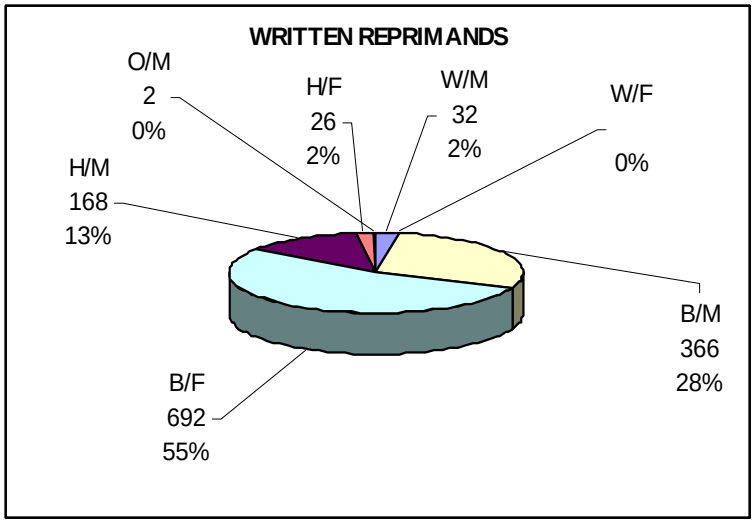
DISCIPLINE

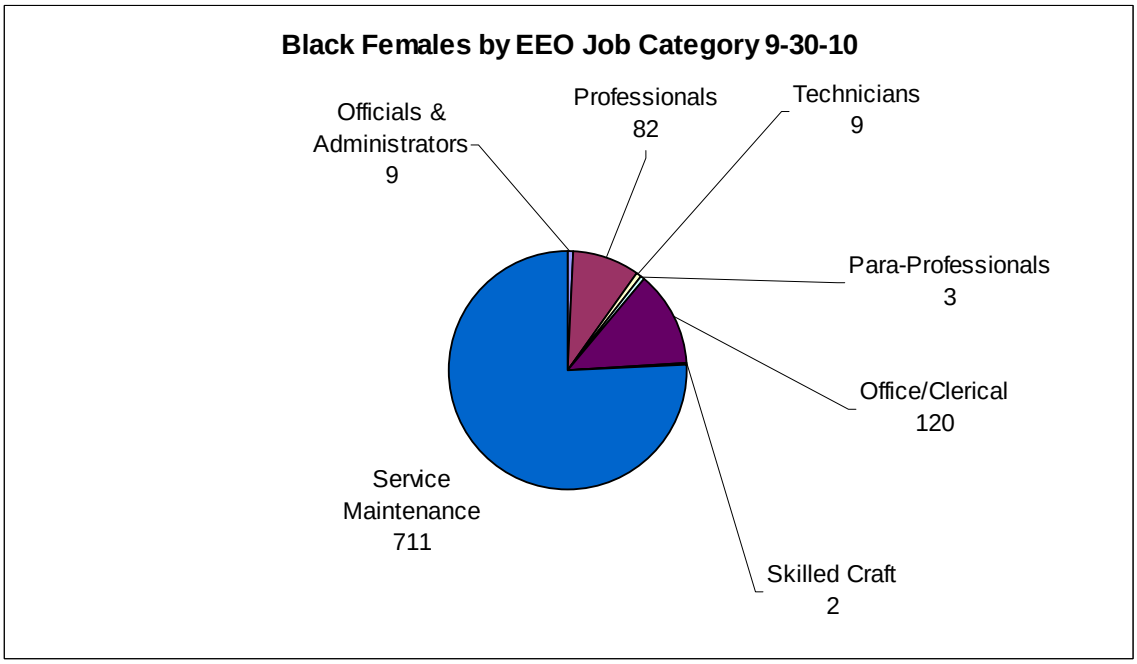
MDT believes that discipline should be administered in a manner that preserves the employee's self esteem and adheres to the concept of due process. Application of discipline should be cumulative and progressive taking into consideration the employees' work history during the last three (3) years, unless special circumstances, e.g. drugs, second positives. Additionally, in cases of recommendations for termination, the employees' entire work history shall be reviewed by the Director. The charts below portray the different levels of discipline according to race. Three (3) day suspensions and Records of Counseling are not included.



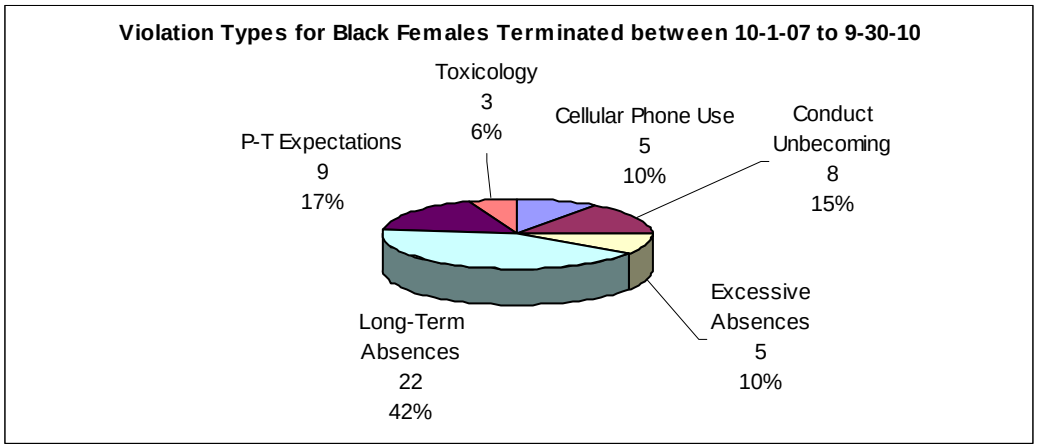



5 DAY SUSPENSIONS
H/M
60
21%
H/F
4
1%
W/M
9
3%
W/F
1
0%
B/M
100
35%
B/F
114
40%


WRITTEN REPRIMANDS
O/M
2
0%
H/F
26
2%
W/M
32
2%
W/F
0%
H/M
168
13%
B/M
366
28%
B/F
692
55%



Additional violations which led to termination actions of the Black Females are detailed below.



TRAINING AND DEVELOPMENT

As a result of the challenges MDT faces in trying to keep a diversified, knowledgeable and safety oriented workforce, training is at the forefront of employee development. To address the department's specific needs, MDT encourages employees ton take full advantage of opportunities for continuing education and ensures that everyone is aware of changes in the department, as well as new trends in Transportation as they become available. For example, MDT provides its employees with:

- Supervisory Certification Program, offered by Miami-Dade County University. This program is required of all newly promoted MDT supervisory level employees.

- Miami-Dade Transit has signed a partnership agreement with the Miami-Dade County Human Resources Department (HRD) to promote employee development. All MDT employees have unlimited access to HRD's course library, which includes 66 courses covering the 16 leadership competencies outlined in the leadership development framework. Miami-Dade County Human Resources Department's goal is to be a strategic partner with Miami-Dade Transit in achieving specific goals and objectives outlined in Transit's Business Plan, which are: 1) Attract, develop and retain an effective, diverse and dedicated team of employees, and 2) Deliver on promises and be accountable for performance.

- Diversity Matters e-Learning training, an incentive of Miami-Dade County Office of Fair Employment Practices, was provided to MDT's 3,600 plus employees. Administrative staff was given online training and special instructional classes were prepared and given to operations staff. Additional training on EEO was given to 600 plus supervisory staff during this period.

- Develop and maintain a succession planning program to target key positions requiring specific skills and knowledge. This program is handled on a larger scale by the Miami-Dade County Human Resources Department, but MDT has developed a succession planning program available to MDT employees only. Currently, we have two employees enrolled in this program.

- The Director initiated a program for senior management and administrative staff to participate in the Director's Quarterly Meetings. At the MDT Director's Quarterly Meetings, senior management and administrative staff participate in a day of presentations and valuable information from the different areas of the department and visiting staff from areas of Miami-Dade County. All materials presented at these meetings are fully explained and later posted on (the MDT internal website). Quarterly Meetings were started in February 8, 2008, and the most recent meeting was held July 23, 2010. Attendance at each Quarterly Meeting was as follows:

  February 8, 2008 – 172 employees attended
  77.3% minorities
  29.1% females

  June 20, 2008 – 193 employees attended
  80.3% minorities
  38.3% females

  November 7, 2008 – 172 employees attended

93.0% minorities
37.8% females

August 14, 2009 – 196 employees attended
83.7% minorities
37.2% females

February 5, 2010 – 214 employees attended
83.2% minorities
43.5% females

July 23, 2010 – 190 employees attended
82.5% minorities
39.5% females

MANDATORY

TOTAL EMP	MALES					FEMALES					MINORITY Percentage of Trainees	FEMALES Percentage of Trainees
	TOTAL	W	B	H	O	TOTAL	W	B	H	O		
17346	10896	2154	864	4531	156	5289	46	4828	402	13	61.5%	30.5%
3637	3485	269	1798	1367	51	152	10	96	46	0	91.2%	4.2%
7320	5472	656	2300	2377	139	1848	110	1455	274	11	89.0%	25.2%
28303	19853	3079	4962	8275	346	7289	166	6379	722	24	72.4%	25.8%

The mandatory training involves specialized training for positions belonging to the Technician and Skilled Craft job categories. There remains an underutilization of females in these two areas, therefore explaining the disproportion of training opportunities. Regardless, MDT will be focus on increasing the female workforce and in developing new specialized training in their selected fields.

NON-MANDATORY (ELECTIVE)													
	TOTAL EMP	MALES					FEMALES					MINORITY Percentage of Trainees	FEMALES Percentage of Trainees
		TOTAL	W	B	H	O	TOTAL	W	B	H	O		
40732	1240	789	105	376	288	20	451	7	366	78	0	89.9%	36.4%
40764	613	462	81	177	187	17	151	10	96	46	0	84.2%	24.6%
40796	2410	1749	255	645	786	63	661	27	489	132	14	86.3%	27.4%
TOTAL	4263	3000	441	1198	1261	100	1263	44	951	256	14	87.0%	29.6%

As depicted in the table above, the department will encourage the females to participate in the available non-mandatory training that is offered through Miami-Dade Transit Training and Development, as well as the Miami-Dade County Human Resources area. During the next fiscal year, the department will focus on targeting the female workforce to prepare them for promotional opportunities. MDT has signed a

Memorandum of Understanding (MOU) with the County Human Resources training division to encourage MDT employees to continue with their education. Miami-Dade County also offers all county employees 50% tuition reimbursement for continuing education. With this in mind, MDT has the Management Internship Program to encourage MDT employees to achieve a higher education.

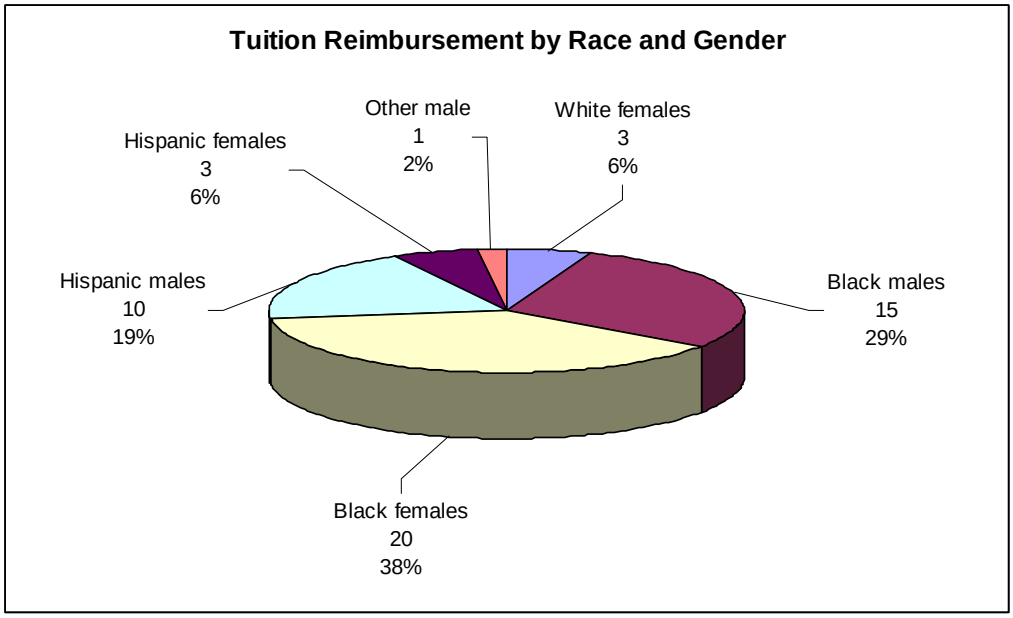
TUITION REIMBURSEMENT

Miami-Dade Transit encourages employees to achieve higher levels of education which will prepare them for management positions throughout the department. Incentives are the Management Internship Program, the County's Succession Program, Divisional Mentoring Program, and the Tuition Reimbursement Program.

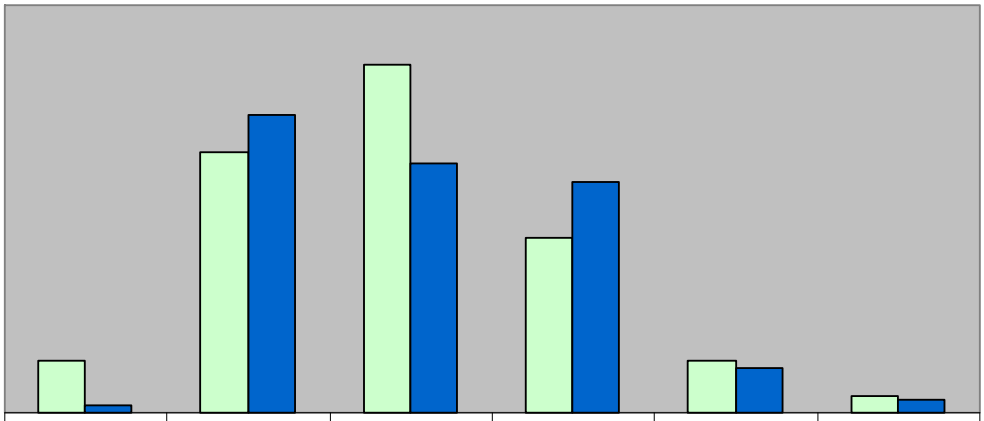
During this period MDT employees requested tuition reimbursement to achieve the following degrees:

Associate in Criminal Justice	2
Associate of Arts	4
Associates of Science	3
Bachelor in Business Admin	2
Bachelor in Criminal Justice	1
Bachelor in Public Admin	1
Bachelors of Science	10
BPA	5
Computer Science	4
Master in Human Resources	2
Master in Professional Studies	1
Master in Religious Studies	1
Masters in Management	1
Masters in Professional Studies	1
Master's in Science	3
Masters Mental Health Counseling	1
Masters of Religion	1
MPA	10

The chart below shows the race and gender of the employees requesting tuition reimbursement:



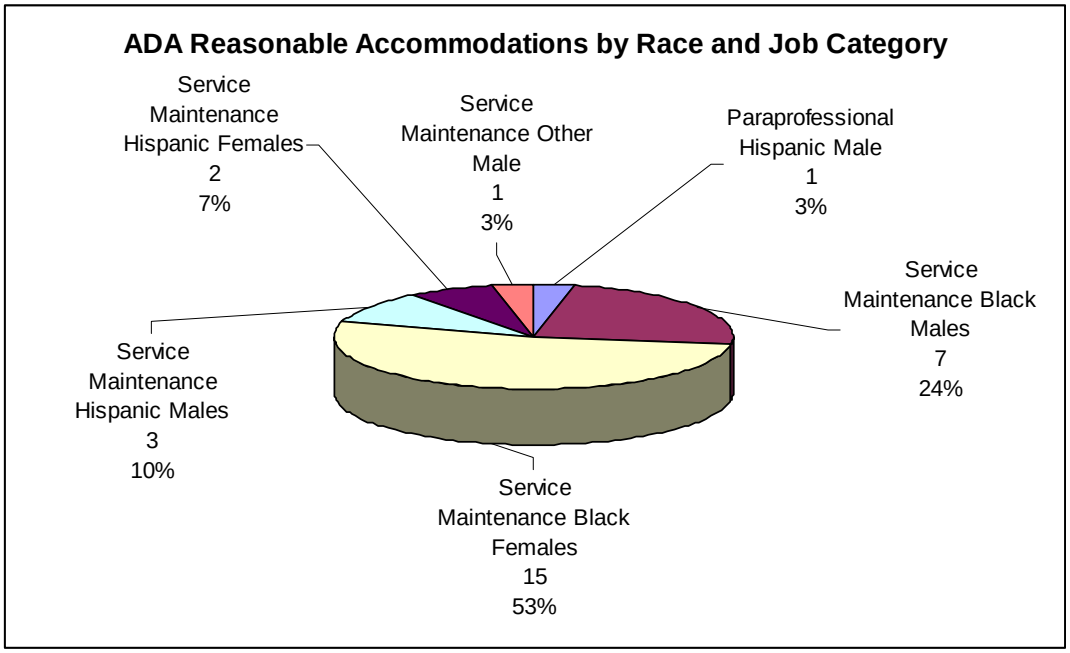
As you can see White and Black females requested refunds at a much higher rate than the available workforce. White men and Other females did not participate in the program



	White females	Black males	Black females	Hispanic males	Hispanic females	Other male
Series1	5.8%	28.8%	38.5%	19.3%	5.8%	1.9%
Series2	0.9%	32.9%	27.5%	25.5%	4.9%	1.5%

AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATIONS

Miami Dade Transit (MDT) provides the requisite posting of federal regulations, throughout all MDT facilities, including notice of employee rights pursuant to Sections 503 and 504 of the Rehabilitation Act of 1973. Additionally, MDT's, Employee Resources section provides a link to the County's Reasonable Accommodation website. This link is augmented by the Office of Civil Rights and Labor Relations' (OCR/LR) ADA unit's website which provides extensive information and resource center regarding Reasonable Accommodations. The agency's Long Term Absentee Policy incorporates a procedural referral to MDT's ADA unit for employee reasonable accommodation evaluation. Finally, as a part of OCR's continued employee outreach, staff is developing a series of EEO related posters for distribution throughout MDT facilities, including ADA and Reasonable Accommodations. Listed below are the statistics during this period.



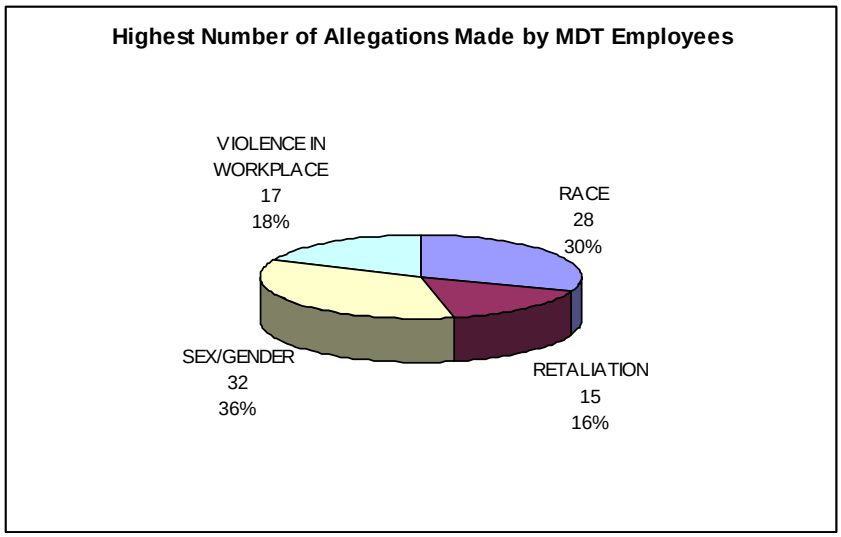
During this period twenty-nine (29) employees applied and were approved for ADA Reasonable Accommodations. As you can see the majority of the RAR requests were from Black females in the Service Maintenance EEO job category. Out of the twenty-nine (29) employees, MDT could only place 3 Black females in alternate positions as a reasonable accommodation.

INVESTIGATIVE PROCESS COMPARISON

Internal Complaints

During the period of October 1, 2007 through September 31, 2010, MDT employees filed 107 internal complaints with the MDT Office of Civil Rights and Labor Relations

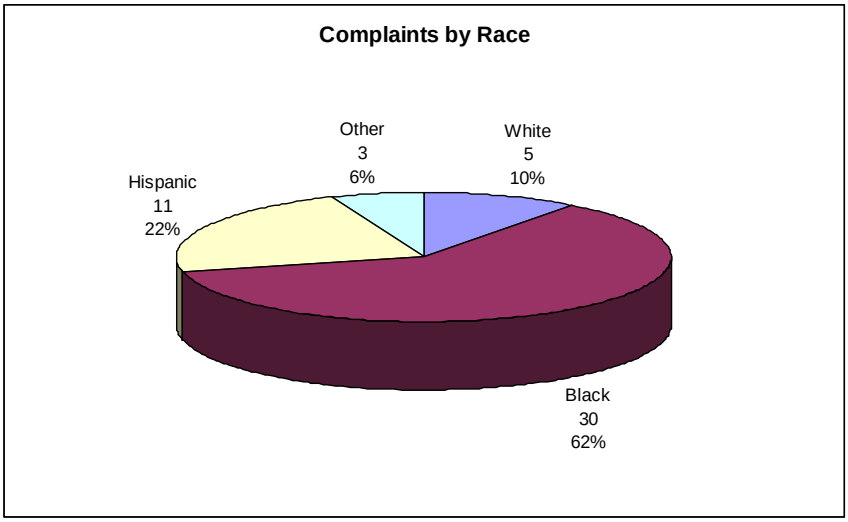
The majority of the complaints filed internally with the Office of Civil Rights and Labor Relations reflected mostly allegations of discrimination and/or unlawful harassment based Sex/Gender, Race, Retaliation and Violence in the Workplace. To address issues of discrimination and/or unlawful harassment, the Office of Civil Rights and Labor Relations has made videos on unlawful harassment available to various worksites. Additionally, all MDT employees are required to take a yearly mandatory training on unlawful harassment which will contain information on federal and state statutes, and MDT policies and procedures.



In regards to race, the number of internal complainants filed with the OCR/LR is somewhat parallel to the MDT workforce, which is:

Workforce

- 7.6% White
- 60.4% Black
- 30.4% Hispanic
- 1.7% Other

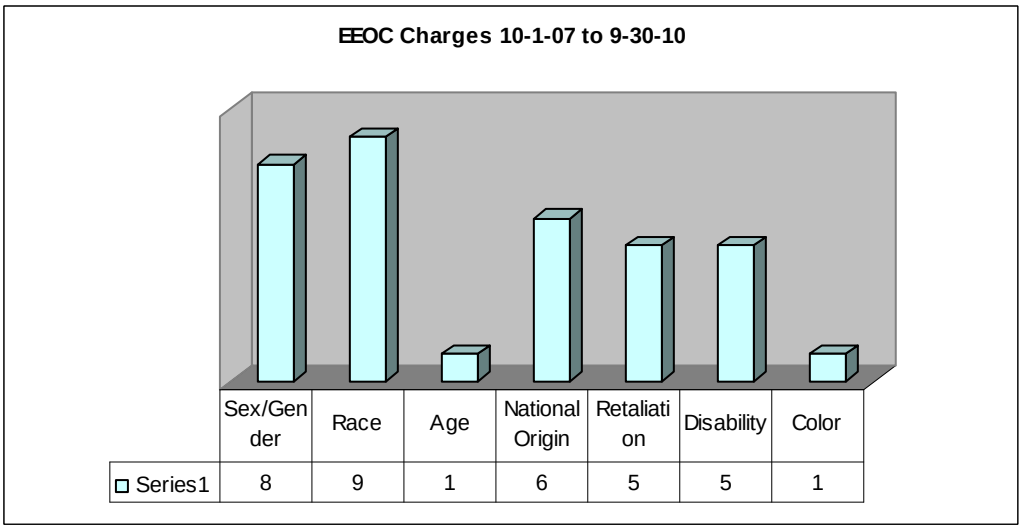


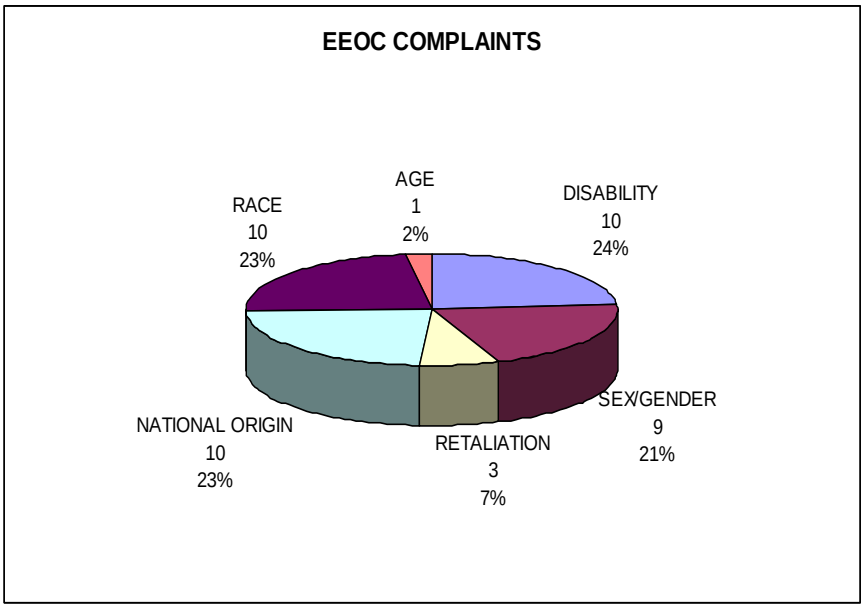
External Complaints

During October 1, 2007 through September 30, 2010, thirty (30) charges were filed with the Equal Employment Opportunity Commission (EEOC) against MDT. The majority of the complaints contained two or more protected characteristics. National Origin, Race and Disability have the highest rate of incidents. The race and gender of the employees filing the complaints are as follows:

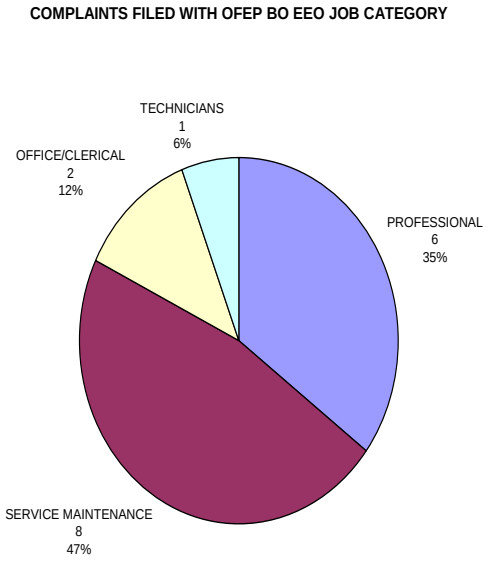
- 7 Black males
- 14 Black females
- 5 Hispanic males
- 2 Hispanic females

Additionally, there was one complaint filed by the Transport Workers Union, Local 291, regarding Race, Color and National Origin.

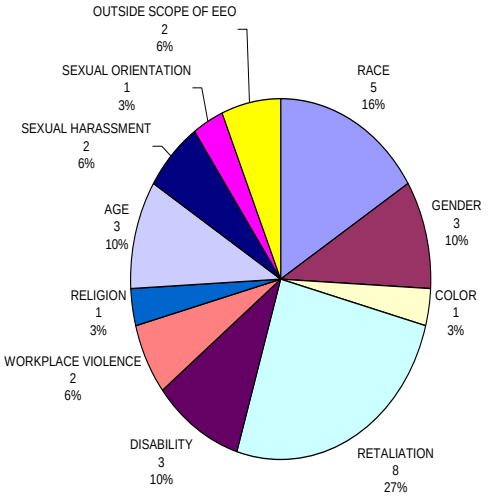




There were no complaints filed with the Florida Commission on Human Relations. The Miami-Dade County Office of Fair Employment Practices (OFEP) provided complaints filed with their office by MDT employees during October 1, 2009 through September 30, 2010. Seventeen separate complaints were filed with OFEP. Although the names of the complainants were not submitted to our office to protect confidentiality, the OFEP shared the information with MDT referencing the EEO job categories and protected characteristics.



COMPLAINTS FILED IN OFEP BY PROTECTED CHARACTERISTICS



MONITORING AND REPORTING SYSTEMS

SUBJECT: Equal Employment Opportunity (EEO) Monitoring and Reporting

OCR/EEO 1
Effective 12/01/10

PURPOSE: To establish uniform monitoring and reporting procedures that enable the agency to evaluate the EEO program during the fiscal year, and provide a proactive approach to facilitate the implementation of identifiable remedial actions.

REFERENCE: Department of Transportation (DOT) Urban Mass Transportation Administration (UMTA) C 4704.1, Equal Employment Opportunity Program Guidelines for Grant Recipients
MDT's EEO Program Plan

PROCEDURES: In accordance with UMTA C 4704.1, 49, an important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should facilitate an overall evaluation of key performance indicators of the agency's EEO plan, with supporting data base, as well as provide a foundation for identifiable remedial action.

Accordingly,

1. Commensurate with the beginning of fiscal year (FY) '10-'11, the Office of Civil Rights and Labor Relations (OCR) shall provide statistical quarterly updates of key EEO performance indicators.

2. These indicators shall include a comparative trend analysis of such key performance indicators as (1) workforce analysis by race, gender and EEO job categories; (2) underutilization by EEO job categories; (3) internal complaints by protected characteristics; (4) external complaints comparative to internal complaints; and any other significant trends analysis.

3. The quarterly updates will be posted on MDT's TransitNet and provided to the MDT Director as part of the Division Chief's regular reporting.

4. OCR shall ensure that all hiring managers review the underutilization report(s) prior to receiving final approval from OCR to proceed with interviews for vacant positions. To ensure compliance, OCR shall require that all hiring managers submit as a part of the interview package, a signed and dated copy of the most recent underutilization report taken from the TransitNet website.

5. In order to keep senior staff apprised, quarterly underutilization update report(s) shall be distributed via email to senior staff as well as posted on the TransitNet website. OCR shall

also ensure that senior staff are accountable for utilizing report information as a part of their recruitment efforts.

6. OCR will also provide monthly updates of EEO performance indicators on MDT's scorecard for review and discussion with the MDT Director and Senior Staff.

7. Upon the posting of each quarterly and/or monthly update, OCR staff shall conduct a thoughtful review and analysis to determine the applicability of remedial action.

8. Remedial action shall include, but not limited to: (1) global training; (2) targeted/specialized training; (3) specialized internal and/or external recruitment outreach campaigns; (4) formalized management internship programs; (5) informal management mentoring programs; (6) formalized succession planning; and (7) administrative action for program violations.

9. An end of year review shall also be conducted to form the basis of the establishment of EEO goals and objectives for the succeeding year.

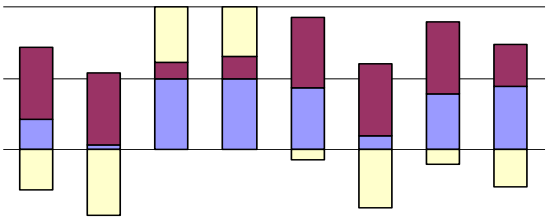
10. MDT recognizes the importance of ensuring EEO program success through effective monitoring and reporting, consistent with the objectives of DOT's C 4704.1, Equal Employment Opportunity Program Guidelines.

On September 30, 2010, the department had a total of 3,509 employees. The following chart depicts the race and gender of the MDT workforce:

Existing MDT workforce compared to Census workforce as of 9-30-10

MDT	MALES				FEMALES				SUMMARY			
	White	Black	Hispanic	Other	White	Black	Hispanic	Other	White	Black	Hispanic	Other
MDT #	228	1,119	867	50	30	936	166	8	258	2055	1033	58
%	6.7%	32.9%	25.5%	1.5%	0.9%	27.5%	4.9%	0.2%	7.6%	60.4%	30.4%	1.7%
Census #	147,495	67,890	283,105	18,252	107,868	77,937	236,565	14,923	255,363	145,827	520	33,175
%	15.5%	7.1%	29.7%	1.9%	11.3%	8.2%	24.8%	1.6%	26.8%	15.3%	54.5%	3.5%
Utilization	-8.8%	25.8%	-4.2%	-0.4%	-10.4%	19.3%	-19.9%	-1.4%	-19.2%	45.1%	-24.1%	-1.8%

MDT Workforce Utilization as of 9-30-10



	W/M	W/F	B/M	B/F	H/M	H/F	O/M	O/F
Utilization	-8.8%	-10.4%	25.8%	19.3%	-4.2%	-19.9%	-0.4%	-1.4%
Available Workforce	15.5%	11.3%	7.1%	8.2%	29.7%	24.8%	1.9%	1.6%
MDT Workforce	6.7%	0.9%	32.9%	27.5%	25.5%	4.9%	1.5%	2.4%

Equal Employment Opportunity (EEO) Monitoring of Sub-recipients and Contractors for EEO Compliance

In accordance with the Federal Transit Administration (FTA) legislation, "non-discriminatory use of Federal funds by recipients of FTA assistance, including their sub-recipients and contractors is prohibited". The Miami-Dade Transit Office of Civil Rights and Labor Relations is charged with administrative oversight to ensure compliance, as well as FTA reporting requirements pertaining to Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO) program, Disadvantaged Business Enterprise (DBE) program and the American with Disabilities Act of 1990 (ADA). Regarding EEO, MDT has established a uniform procedure to ensure that sub-recipients' and contractors' who receive federally funded contract (or contract funded through the American Recovery and Reinvestment Plan (ARRA) Economic Stimulus Grant) are in compliance with FTA's EEO requirements.

Procedure:

1. In accordance with the DBE TAPP, DBE staff shall forward to the Project Coordinator the applicable Affirmative Action Requirements, detailing DBE and EEO Clauses.
2. The DBE TAPP further requires that prior to award; the proposed subcontract is reviewed to ensure a compliant agreement as a condition precedent to the issuance of a Notice to Proceed.
3. No later than 45 days succeeding execution of the contract, DBE staff shall forward a cover memorandum and survey form designed to elicit relevant EEO related information.
4. The receipt of survey information shall be directed to EEO staff who will retain responsibility for compiling and maintaining the survey information.
5. EEO staff shall first determine whether the sub-recipient or contractor employs 50 or more Transit related employees.
6. Should it be determined that the sub-recipient or contractor employs 50 or more Transit related employees, EEO staff shall procure a copy of the firms' EEO program for compliance review.
7. Should it be determined that the sub-recipient or contractor employs less than 50 employees, the sub-recipient and/or contractor shall not be required to maintain an independent EEO program.
8. In such case, the sub-recipient and/or contractor's EEO compliance shall fall under the purview of MDT's EEO Program Plan.
9. DBE staff shall conduct a field visit, no later than 45 days following receipt of the survey information. The field visit shall also include DBE compliance.
10. The field visit shall include verification of the internal dissemination of requisite EEO policies including: (1) Agency's EEO Policy Statement; and (2) Posting of Federal EEO regulations including Unlawful Harassment.
11. EEO staff shall facilitate assisting the sub-recipient and/or contractor with EEO related training, as required.
12. Additionally, EEO staff shall require the sub-recipient's and/or contractor's submittal of quarterly progress reports including: (1) workforce statistics; (2) training activities; (3) EEO complaints; and such other information required as a supplement to MDT's EEO Program updates.
13. MDT shall provide advisory support, guidance and consultation required to ensure the sub-recipient's and contractor's compliance to FTA's EEO requirements.

14. MDT acknowledges the importance of ensuring sub-recipient's and contractor's compliance to all applicable FTA EEO requirements.

At this time, there are no sub-recipients (DBE Contractors or ARRA municipalities) that have 50 or more transit related employees. MDT is developing a website with all pertinent policies and procedures which the department adheres to regarding EEO. This website will be specifically for contractors or municipalities doing receiving federal funds.

Administrative Order

MIAMI-DADE

Administrative Order No.: 7-6

Title: Personnel Policy on Equal Employment Opportunity

Ordered: 2/15/1972 **Effective:** 3/1/1972

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter

SUPERSEDES:

This administrative order supersedes previous Administrative Order No. 7-6, dated August 1, 1963.

STATEMENT OF POLICY:

The policy of Dade County is to foster, maintain, and promote equal employment opportunity. The County will select candidates for employment on the basis of candidates' qualifications for the job and treat them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to sex, race, color, religion, or national origin. Equality in such opportunities continues to be the basic policy of the County.

IMPLEMENTATION OF POLICY:

All personnel whose duties encompass recruiting and employment will continue to review, regularly, the implementation of these personnel policies and the relevant practices to assure that equal employment opportunity based on valid job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of sex, race, color, religion or national origin.

RECRUITMENT AND HIRING OF MINORITY APPLICANTS:

The County will continue to expand its efforts to attract minority group applicants. This policy applies to all County departments and locations. All executives and supervisory personnel, especially those whose duties encompass recruiting and

employment, have been made aware of this policy. The County expects all management personnel to aid in these efforts.

RECRUITMENT SOURCES:

The recruitment sources shall be advised periodically of the County's Equal Employment Opportunity Policy. The County includes among its recruitment sources organizations and media which are utilized by and are available to minority group candidates. Detailed information about the County job openings, as well as County hiring processes, will be provided to these recruitment sources. Employees, including minority group employees, are encouraged to refer friends and family for employment with the County.

JOB ADVERTISEMENTS:

Employment advertisements shall continue to contain assurances of equal employment opportunity and shall comply with Federal and State Statutes regarding expression of sex, and other qualifications.

APPLICATIONS FOR EMPLOYMENT:

All applicants are given the opportunity to file an application for employment. Comfort, convenience, and all due dispatch will be assured all applicants.

APPLICATION RESERVE FILE:

All applicants are informed as to the possibility or probability of current or later job openings. Applications of all job applicants are kept in a reserve file for a reasonable period.

To the extent that it is practical, reference to these files shall be made periodically in connection with the County's employment requirements. This program is designed to insure equal consideration to both minority and non-minority applicants.

QUALIFICATIONS AND TESTING:

(a) The County's policy includes the responsibility for ensuring that hiring qualifications for both entry and experience-level jobs are fair and shall continue to be fairly administered. These qualifications are subject to regular review to assure that they conform to the actual job performance requirements and to changing and novel situations. The County has continuing responsibility to perform its services and functions efficiently. In keeping with these responsibilities, the County will make use of special programs to test job performance, and develop orientation and training

programs aimed at the elimination of deficiencies of minority groups. Use of aide, intern or enrollee classifications to test job performance is an example of the special programs that will be developed.

(b) Tests which may be administered by the County shall be only those that will measure the skills actually required for the job. Tests are tools employed solely to aid in the selection of the right person for the right job. Tests shall conform to applicable legal regulations and shall be appropriately validated.

(c) All tests given to applicants shall be administered and evaluated by qualified employees who are fully acquainted with County policy as to equal employment opportunity.

COMPENSATION:

The policy of the County is to pay compensation which is, to every extent possible, competitive with local rates for the work performed so that compensation does not create a barrier to the recruitment of minority-group personnel. Opportunities for performing overtime work or otherwise increasing compensation will be afforded to all qualified employees without discrimination based on sex, race, color, religion, or national origin. It is the policy of the County to compensate all employees equally, based upon job classification, experience, and ability.

EQUAL EMPLOYMENT NOTICES:

Notices with regard to equal employment shall be posted in conspicuous places on County premises, where notices are customarily posted.

PROMOTION AND TRAINING:

1. The policy of the County is to provide every reasonable means to see that employees succeed on their jobs and are given opportunities to prepare themselves for full use of their talents and potential. On-the-job training will be provided to prepare employees to meet the full requirements of their new jobs, and special programs developed to meet specialized training needs.

2. Candidates for promotion are chosen on the basis of existing or forecasted job openings and on their qualifications and work record - without regard to sex, race, color, religion, or national origin. Performance appraisals and work records for all personnel, including minority groups, will be carefully examined when openings for higher-level positions occur.

RECORD KEEPING:

1. The County's data processing and other systems will maintain up-to-date records. These records reflect the County's efforts in maintaining its equal opportunity policies. These records include:

(a) Statistics on current employment in the County by:
- (1) Dictionary of Occupational Title: job categories code
- (2) Racial and ethnic group code classification
- (3) Sex code
- (4) Job location code

(b) Schedules of job classifications and salary ranges.

(c) Records of all employees hired, including job classifications and salary. These records will identify minority group employees.

(d) Job and salary records of employees promoted, including old and new job classification and salaries.

(e) Records of employees resigned or terminated with the reasons thereof, when known.

(2) An Equal Employment Opportunity Report will be produced semi-annually - thus providing for an analysis of the status of actual equal opportunity within the County system and for an evaluation of progress made in this regard.

This administrative Order is hereby submitted to the board of County Commissioners of Dade County, Florida.

R. Ray Goode

County Manager

Administrative Order

MIAMI-DADE

Administrative Order No.: 7-37

Title: Unlawful Harassment

Ordered: 4/11/2000 **Effective:** 4/21/2000

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter; Sections 2-42 and 11A-34 through 37 of the Code of Miami-Dade County; and Administrative Order 7-6.

POLICY:

The policy of Miami-Dade County is to ensure that all employees are able to enjoy a work environment free from all forms of discrimination, including harassment, on the basis of race, sex, color, national origin, religion, retaliation, age, disability, ancestry, marital status, pregnancy, sexual orientation, or the exercise of their constitutional or statutory rights. Administrative Order 7-28 was adopted in 1987 specifically to protect County employees from sexual harassment. Administrative Order 7-28 and Administrative Order 7-6, Personnel Policy on Equal Employment Opportunity, have since been interpreted to extend similar protection to employees who believe they have been harassed for unlawful reasons other than sex. This Administrative Order is intended to make clear that all County employees who believe they have been unlawfully harassed ***must notify the County's Office of Fair Employment Practices or their Departmental Affirmative Action Officer and may file a complaint for prompt and proper investigation.**** Employees who are found guilty of unlawfully harassing other employees shall be subject to appropriate sanctions, depending on the circumstances. These may range from counseling up to and including termination.

Miami-Dade County will not tolerate adverse treatment of employees because they report harassment or provide information related to such complaints. The County, in exercising reasonable care to prevent and promptly correct harassment or retaliation for reporting harassment, will protect victims from further unlawful harassment and retaliation.

DEFINITION:

Unlawful harassment consists of unsolicited, offensive or retaliatory behavior based on race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or an employee's exercise of their constitutional or

statutory rights. It does not refer to occasional comments of a socially acceptable nature ***to a reasonable person***; it refers to behavior that is not welcome, that is personally offensive, that lowers morale, and that, therefore, interferes with the work environment.

Offensive comments about an employee's race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or the exercise of their constitutional or statutory rights constitutes unlawful harassment when (1) submission to such conduct is made either explicitly or implicitly a term of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Harassment ***may also take the form of adverse employment actions, such as termination, demotion, or other adverse employment decisions which effect an employee's working conditions****, if such actions are taken on the basis of an employee's race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or an employee's exercise of their constitutional or statutory rights. Employment actions that are based on an employee's performance or other legitimate reasons are not harassment.*

IMPLEMENTATION:

In order to effectively implement the above policy, all County employees must refrain from:

1. Threatening or insinuating, either explicitly or implicitly, that an employee's race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or the exercise of their constitutional or statutory rights will adversely affect their employment, performance evaluations, wages, promotion, assigned duties, shifts, or any other condition of employment or career development.

2. Creating a harassing environment by making offensive racial, ethnic or **sexual** comments, jokes or slurs, or such other conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an unlawfully intimidating, hostile or offensive working environment.

3. Taking retaliatory action of any kind against any other employee because of that person's seeking redress for, complaining of, or witnessing of, unlawful discrimination or harassment under this policy or through other legitimate channels.

4. Exhibiting any other conduct that falls within the above-stated definition of unlawful harassment.

It shall be the responsibility of each County supervisor to maintain his or her work place free of unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading, or exploitive treatment on the basis of race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation, or the exercise of their constitutional or statutory rights, and informing employees of their right to file complaints about such conduct.

COMPLAINT PROCEDURE:

Employees who believe they have been the subject of harassment prohibited by this Administrative Order, ***must notify the County's Office of Fair Employment Practices or their Departmental Affirmative Action Officer and, if they choose, may file a formal complaint with the County's Office of Fair Employment Practices***. Employees may, if they desire, also report such incidents of unlawful harassment to their supervisor but are under no obligation to do so. ***Employees are encouraged to report harassment before it becomes severe or pervasive. This will facilitate early mediation and effective resolution of potential unlawful harassment complaints***.

All complaints of harassment, subsequent investigations and corrective actions shall be handled on a confidential basis to the extent possible under the law. Protective measures will be instituted to protect the complainant. Miami-Dade County has established procedures for resolving, filing and processing complaints of unlawful harassment.

If the investigation confirms the existence of unlawful harassment, the Fair Employment Practices Office will pursue prompt corrective action, including remedial relief for the victim, and appropriate disciplinary action against the offender.

COMPLIANCE:

It shall be the responsibility of the Office of Fair Employment Practices to provide compliance information ***to all employees concerning*** the County's harassment policy, the gravity of such conduct, and the procedures to be employed in conducting harassment investigations, as follows:

1. The Office of Fair Employment Practices shall provide necessary unlawful harassment training to managers and supervisors.
2. ***Department Directors shall be responsible for ensuring that employees are apprised of this Administrative Order and mandatory training is conducted.***
3. ***The Office of Fair Employment Practices and the Employee Relations Department will monitor departmental training.***
4. The unlawful harassment policy and procedures will be incorporated in countywide training offered by the Employee Relations Department.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

*Miami-Dade County Procedures Manual, Procedure Number 414, Filing Discrimination/ Unlawful Harassment Complaint.

M. R. Stierheim
County Manager

Administrative Order

MIAMI-DADE

Administrative Order No.: 7-28

Title: Sexual Harassment

Ordered: 11/17/1987 **Effective:** 11/17/1987

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter, Section 2-42 of the Code of Metropolitan Dade County, and Administrative Order 7-6 .

STATEMENT OF POLICY:

The policy of Dade County is to insure that all employees are able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Employees who have experienced sexual harassment shall have the right to file complaints with the County's Affirmative Action Office and have those complaints properly investigated. Employees who are found guilty of sexually harassing other employees shall be subject to appropriate sanctions, depending on the circumstances. These may range from counseling up to and including termination.

DEFINITION:

Sexual harassment consists of unsolicited, offensive behavior involving sexual overtures or conduct, either verbal or physical. It does not refer to occasional comments of a socially acceptable nature; it refers to behavior that is not welcome, that is personally offensive, that lowers morale, and that, therefore, interferes with the work environment. As explained in the EEOC Guidelines:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

IMPLEMENTATION:

In order to effectively implement the above policy, all County employees must refrain from

1. Threatening or insinuating, either explicitly or implicitly, that an employee's refusal to submit to sexual favors or advances will adversely affect another employee's employment, performance evaluations, wages, promotion, assigned duties, shifts, or any other condition of employment or career development.

2. Creating a sexually harassing environment by such actions as offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words, or such other conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

3. Taking retaliatory action of any kind against any other employee as a result of that person's seeking redress for, or complaining of, sexual harassment under this policy or through other legitimate channels.

4. Exhibiting any other conduct that falls within the above-stated definition of sexual harassment.

It shall be the responsibility of each County supervisor to maintain his or her work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading, or exploitive sexual treatment, and informing employees of their right to file complaints about such conduct.

COMPLAINT PROCEDURE:

Employees who believe they have been the subject of sexual harassment have the right to file a complaint with the County's Affirmative Action Office. Employees may, if they desire, also report such incidents of sexual harassment to their supervisor but are under no obligation to do so prior to filing a complaint. All complaints of sexual harassment will be investigated to determine whether the allegations are well-founded.

If the investigations confirm the existence of sexual harassment, the Affirmative Action Office will pursue prompt corrective action, including positive relief for the victim, and appropriate disciplinary action against the offender.

COMPLIANCE:

It shall be the responsibility of the Affirmative Action Office to provide compliance information to managers and supervisors concerning the County's sexual harassment policy, the gravity of such conduct, and the procedures to be employed in conducting sexual harassment investigations.

The Affirmative Action Office shall also provide necessary training to managers and supervisors in the area of sexual harassment.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Dewey W. Knight

Acting County Manager

MIAMI-DADE COUNTY TRANSIT

MIAMI-DADE TRANSIT (MDT) POLICY ON SEXUAL HARASSMENT

It is MDT policy that all employees must be allowed to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment.

MDT's position is that sexual harassment is a form of unlawful discrimination that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal, written or physical. Occasional compliments of a socially acceptable nature are not sexual harassment. Sexual harassment refers to sexual behavior that is not welcome, is personally offensive, debilitates morale, and therefore, interferes with work effectiveness. Such behavior will result in disciplinary action up to and including dismissal.

It is not MDT's intention to regulate social relationships that are freely entered into by employees. However, it is the Agency's affirmative duty to develop and maintain a workplace free of sexual harassment and intimidation. MDT expects every employee's full cooperation in the achievement of this goal.

Purpose

The purpose of this policy is to keep from the work environment activities of a sexual nature which create an intimidating, hostile or offensive work environment or impedes a person's ability to perform his or her job. In addition, this policy serves to create an atmosphere which allows and encourages those who may be the victims of harassment to first inform the person indulging in the harassment that the action is offensive. If the harassment does not cease immediately, the discrimination complaint process should be utilized.

Sexual harassment, whether committed by supervisory or rank and file personnel, is specifically prohibited as unlawful conduct and against stated MDT policy.

Definition

Sexual harassment is unsolicited or unwelcome verbal or written comments, gestures, or physical contact of a sexual nature. Criteria to be used in determining whether an action constitutes unlawful behavior are as follows:

a. Submission to such conduct is either an explicit or implicit term or condition of employment (for example, promotion, training, timekeeping, overtime assignments, etc.);
b. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
c. The conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment,

Responsibilities

The Training Section of the Human Resources Division will incorporate MDT's policy against sexual harassment into the employee orientation program and as a mandatory element for internal supervisory and management training.

Managers and supervisors are held accountable for enforcing standards of appropriate office behavior and are expected to take prompt action to deal with any conduct identified as sexual harassment under this policy.

All employees will comply with MDT's policy against sexual harassment.

Cathy Lewis, Chief, Office of Civil Rights and Labor Relations, has been delegated responsibility for providing guidance, investigating charges of impropriety and recommending appropriate action. However, management personnel, at every level, share in the responsibility for preventing and reporting sexual harassment.

Ms. Lewis' office is located on the 17th floor of the Transit Overtown Village, 701 N.W. 1st Court, Miami, Florida 33136 and her telephone number is (786) 469-5486. Any employee or applicant for employment who wishes to file a sexual harassment complaint is encouraged to do so. For the complaint filing procedure, please see ***MDT's Discrimination Complaint Filing Procedure*** or call (786) 469-5486 during regular business hours and (305) 375-1952 during off hours or weekends.

Protection from Retaliation

Employees will not be disciplined or otherwise retaliated against for reporting in good faith what he or she believes to be a possible violation of MDT's sexual harassment policy, even if he or she is not sure a violation has occurred. The supervisor or other person to whom the complaint was made is to contact the Office of Civil Rights and Labor Relations in order to work towards establishing safeguards against retaliation while investigating the complaint.

Any employee who is in receipt of a complaint or has knowledge of a potential violation and fails to take action by reporting the matter to the Office of Civil Rights & Labor Relations may be subject to disciplinary action up to and including dismissal.

Harpal Kapoor
Director
Miami-Dade Transit

03/21/08
Date:

Supersedes Statement signed November 3, 2003

Administrative Order

MIAMI-DADE

Administrative Order No.: 7-36

Title: Workplace Violence

Ordered: 3/9/2000 **Effective:** 3/19/2000

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter.

POLICY:

It is the policy of Miami-Dade County to ensure that all employees are able to enjoy a work environment free from all forms of violence and threats of violence. This policy includes an absolute prohibition against employees carrying firearms or personal weapons onto any County property, except as may be specifically authorized by law.

EXCEPTION:

An exception to this is the Trail Glades Firing Range, where (licensed) employees may carry weapons or firearms when off-duty (County Code, Ch. 26, Rule 13). The County will absolutely not tolerate any deviation from this stated policy, and violations of this policy may result in disciplinary action, up to and including dismissal from County service.

DEFINITION:

Workplace violence or occupational violent crime (OVC) is defined as violent and/or threatening behavior in the workplace. Threatening behavior includes any behavior that could be interpreted by a reasonable person as an intent to cause physical harm to another individual. Threatening behavior may, or may not, include the actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or non-verbal.

Employees, who have knowledge of violent acts or threats of violence in the workplace, must report through the appropriate chain of command and have the right to have those complaints investigated.

Employees, who engage in violent or threatening acts against other employees or the public, shall be subject to appropriate sanctions, depending upon the circumstances, up to and including termination of employment, as well as possible criminal charges.

In the event disciplinary action is less than termination, there shall be mandatory referral to the County's Employee Support Services Unit (ESS). The County will work with appropriate law enforcement agencies to aid in the investigation and prosecution of anyone who commits a violent act in the workplace.

IMPLEMENTATION:

In order to effectively implement the above policy, all County employees must refrain from:

1. Committing any violent physical act in the workplace against another County employee or member of the public;

2. Carrying or bringing any firearms or personal weapons onto any Miami-Dade County property, unless appropriately licensed and required to carry a firearm or weapon in the course of fulfilling job responsibilities, at and in accordance with the rules and regulations of the Trail Glade Ranges, or as may otherwise specifically be authorized by law. This prohibition on firearms and personal weapons extends to County vehicles, as well as privately-owned vehicles on County property;

3. Making verbal or non-verbal threats of violence toward another person. Threats shall include any behavior or words that would reasonably cause another person to fear bodily harm.

4. Taking disciplinary action or other adverse employment action against another employee because of that person's complaining of, reporting, or seeking redress for violent or threatening behavior perpetrated upon them or others in the workplace;

5. Intentionally destroying property or possessions of co-workers or Miami-Dade County without authorization; or,

6. Exhibiting any other conduct or actions which falls within the above-stated definition of workplace violence.

REPORTING PROCEDURE:

Employees have the right and are encouraged to report knowledge of violent acts or threatening behavior to their supervisor. It shall be each supervisor's responsibility to swiftly and thoroughly investigate such reports, or to report such complaints to the appropriate department or law enforcement authority.

Supervisors shall report all violent acts or threatening behavior, complaints or reports of same, and results of their investigation to their department director or designee. Additionally, the concerned department shall be responsible for reporting any potential criminal action to the appropriate law enforcement agency. Department

management shall take appropriate action to ensure the safety and welfare of its employees and the public.

ENFORCEMENT:

Any employee who violates any provision of this Administrative Order shall be subject to appropriate action by the employee's department, in accordance with Administrative Order 7-3, Disciplinary Action. Upon receipt of a complaint regarding an employee, the concerned department director or designee shall immediately determine whether allowing the employee to continue working could pose a danger to the health, safety or welfare of the public, co-workers, or the employee. If a danger is possible, the department director or his designee shall report all relevant information concerning the matter to the appropriate law enforcement agency and may relieve the employee from duty and place him/her on administrative leave. The department director or his designee shall refer the employee to ESS for counseling and/or referral. Such referral shall not preclude disciplinary action or possible criminal sanctions, which shall be administered in conjunction with ESS referral and shall be imposed in accordance with existing County and departmental rules. The Labor Management and Employee Appeals Division of the Employee Relations Department shall be consulted on any disciplinary action imposed for violation of this Administrative Order.

MANAGEMENT GUIDELINES:

The guidelines below apply to all County employees and are intended to aid managers in dealing with violent or potentially violent situations at work.

Immediate Action When Incidents Occur

Any employee observing violent or threatening behavior is expected to first secure his/her own safety and then:

I. Emergency Situations

   a. Call 911 and report as many details as possible so that the appropriate emergency response units can be dispatched. The employee should be prepared to provide a description of the violent or threatening individual(s) and the exact location of the incident. It is difficult to give specific instructions for each situation. We do not wish to endanger any employee, therefore, employees should not be encouraged to do anything that jeopardizes their safety.

   b. Contact his/her supervisor. If the supervisor is the threatening individual, the employee should notify someone else in the departmental chain of command.

II. Non-Emergency Situations

Who you contact and when will depend on the seriousness of the situation. It is in everyone's best interest to make a good faith effort to defuse violent or potentially violent situations as quickly as possible to prevent their escalation and threat to others. The general steps you should follow are:

a. Encourage and assist employees to resolve their differences by non-violent means;

b. If the situation escalates, contact his/her supervisor. If the supervisor is the threatening individual, the employee should notify someone else in the departmental chain of command.

Appropriate Follow-Up

If disciplinary action is contemplated, the following should occur:

1. Separately interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident;

2. Document the statements of witnesses and others interviewed;

3. Advise those employees who may be subject to disciplinary action based on the incident that they have the right to be represented during the interview, in accordance with Administrative Order 7-3 ; and

4. Contact the Labor Management and Employee Appeals Division of the Employee Relations Department for advice and assistance in this process.

Relieved From Duty

If a situation involving an employee is serious enough that possible termination may be involved, and/or the continued presence of the employee at the worksite would present a danger, the employee may be relieved from duty and ordered not to return to the worksite until further notice. This action may only be taken with the department director's concurrence.

Resources for Advice and Assistance

After the initial incident has been responded to, the supervisor/manager may need advice and assistance from other County entities. These may include:

Employee Relations Department
Employee Assistance Program, Employee Support Services Unit
Labor Management and Employee Appeals Division

General Services Administration Department

Office of Safety
Security Management
Office of Fair Employment Practices
Emergency Assistance (if appropriate)

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

M. R. Stierheim
County Manager

MIAMI-DADE COUNTY TRANSIT

ZERO TOLERANCE POLICY ON VIOLENCE

Miami-Dade Transit (MDT) has adopted a zero-tolerance policy prohibiting workplace violence. It is our policy to ensure that all employees are able to work in an environment free from all forms of violence and threats of violence. Consistent with this policy, violent and/or threatening behavior in the workplace, including physical violence, intimidation, harassment, and/or coercion, which occurs on or about MDT property or involves an MDT employee will not be tolerated.

Acts or threats of violence include conduct which is sufficiently severe, offensive or intimidating to be interpreted by a reasonable person as an intent to cause physical harm to another individual or to property. Threatening behavior may, or may not, include an actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or nonverbal and create a hostile, abusive or intimidating work environment for one or more employees. Acts of workplace violence include, but are not limited to, the following:

a. All threats or acts of violence occurring on or about MDT's or Miami-Dade County's premises, regardless of the relationship between MDT and the parties involved.
b. All threats or acts of violence occurring off MDT's or Miami-Dade County's premises involving someone who is acting in the capacity of an MDT representative.

Examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

a. Hitting, shoving, or other violent physical act in the workplace against another MDT employee or member of the public.
b. Making an explicit or implicit threat to harm an individual or their family, friends, associates or property.
c. Intentional destruction or making a statement threatening to destroy MDT's or Miami-Dade County's property.
d. Sending harassing or threatening messages by telephone, facsimile, e-mail, or other method of transmission to an MDT employee or to a member of the public.
e. Harassing surveillance or stalking (following or watching someone).
f. Unauthorized possession or use of firearms or weapons on or about MDT or Miami-Dade County property. Even though it is legal to carry a concealed weapon in the State of Florida, MDT bans them from MDT or Miami-Dade County property unless specifically authorized by an appropriate authority.
g. Making a statement or gesture that would cause a person to have a reasonable fear of harm.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on MDT property shall be removed from the premises as quickly as safety permits and shall remain off MDT premises pending the outcome of an investigation.

No existing MDT policy, practices or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

MDT's prohibition against threats and acts of violence applies to all persons involved in MDT's operations, including but not limited to personnel, contract and/or temporary workers and anyone else on or about MDT or county property. Violation of this policy by any individual on or about MDT or County property will lead to disciplinary action, up to and including dismissal and/or legal action as appropriate.

All MDT personnel are responsible for notifying their immediate supervisors or the management representatives designated below of any threats they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should report any behavior that they regard as threatening or violent, when that behavior is job-related or might be carried out on an Agency-controlled site, or is connected to MDT employment.

Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

If the designated management representatives are not available, personnel should report threats to any member of the management team.

MDT's Zero Tolerance Policy On Violence is fully in compliance with Miami-Dade County Administrative Order 7-36, Workplace Violence.

The designated management representatives are:

Cathy Lewis
Chief, Office of Civil Rights and Labor Relations
(786) 469-5486
Overtown Transit Village
701 N.W. 1st Court, 17th floor

William Foster
Chief, Human Resources Division
(786) 469-5229
Overtown Transit Village
701 N.W. 1st Court, 13th floor

Harpal Kapoor
Director
Miami-Dade Transit

03/20/08
Date

Supercedes Statement Signed November 3, 2003

Implementing Order

MIAMI-DADE

Implementing Order No.: 7-43

Title: Domestic Violence in the Workplace

Ordered: 02/02/2010 **Effective:** 02/12/2010

AUTHORITY:
Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter.

POLICY:
It is the policy of Miami-Dade County to promote a safe working environment for its employees and to create a supportive environment for employees who are victims of domestic violence. This policy is consistent with other Miami-Dade County policies regarding workplace violence and harassment.

PURPOSE:
The purpose of this policy is to heighten awareness and establish roles and responsibilities for addressing domestic violence and its impact in the workplace. This policy promotes victim safety, perpetrator accountability and safety of Miami-Dade County workplaces and employees. It is designed to mitigate the impact of domestic violence in the workplace by providing employees, victims and perpetrators with a link to internal and community resources.

DEFINITIONS:

Domestic violence/domestic abuse: A pattern of coercive behavior used by one person to gain power and control over another and which may include physical or sexual violence, emotional or psychological intimidation, verbal abuse, stalking or economic control. Domestic abuse includes not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Domestic violence can occur among individuals of any racial, economic, educational, religious background, in heterosexual and same-sex relationships, living together or separately, married or unmarried, in short-term or long-term relationships and in various living arrangements. Domestic violence victims are predominantly females; however, men may also be victims.

Victim: An individual who is subject to an act of domestic violence.

Perpetrator: An individual who commits an act of domestic violence.

Workplace Safety Plan: A plan developed to provide reasonable means to assist an employee in implementing workplace safety solutions.

IMPLEMENTATION:

In order to effectively implement the above policy:

1) Any act of domestic violence committed by or against County employees or members of the public on County property or during the performance of County business, are strictly prohibited.

2) Any County employee or member of the public who commits an act of domestic violence on County property shall immediately be reported to law enforcement, as well as existing building security, and removed from County premises.

3) Any County employee who commits an act of domestic violence on County property or who uses County time, phones, email, vehicles or other resources in the commission of any act in violation of this policy, shall be subject to disciplinary action up to and including termination.

4) In all circumstances, Miami-Dade County, its supervisors and managers, will respect the privacy of employees who are involved in domestic violence situations, and disclosures shall be made only on a "need to know" basis. These matters will be kept strictly confidential, except where information must be disclosed to protect the victim's safety or the safety of the workplace.

5) No discipline may be taken against an employee based on the fact that the employee has been a victim of domestic violence or because management fears that domestic violence may spill over to the workplace.

6) Miami-Dade County will provide access and referral information regarding local, state and national resources for victims of domestic violence.

ROLES AND RESPONSIBILITIES:

Miami-Dade County requires all employees to contribute to the maintenance of a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating or other disruptive behavior. Managers and supervisors receiving such reports, are to take them seriously. Employees must immediately call 911 for matters that are of an emergency nature and require immediate attention.

Department of Human Services
Provides crisis intervention and assistance to victims of violent crimes, domestic crimes, counseling information and referral, safe shelter, transportation, emergency financial assistance, emergency food and clothing, advocacy support, and clinical treatment to perpetrators and victims of domestic violence and intra-family child abuse.

Employee Support Services
Employee Support Services is a benefit designed to provide confidential services to County employees whose personal problems may affect their ability to function on the job, at home, or in society. Professional counselors are available; direct services are provided through referral.

Domestic Violence Response Team
A multi-disciplinary committee which serves as a resource for assistance in cases of violence in the workplace, including domestic violence. On a case by case basis, this team assesses potential threats, evaluates each situation, and recommends resources and appropriate long and short term action, including whether allowing the employee to

continue working could pose a danger to the health, safety, co-workers, or the welfare of the public. The team will convene on an as-needed basis and will be comprised of specially trained members of the following departments and organizations: Office of Fair Employment Practices (OFEP); Department of Human Services (DHS); Human Resources Department (HR); Enterprise Technology Services Department (ETSD), Miami-Dade County Fire Rescue (MDFR); General Services Administration (GSA); Miami-Dade Police Department (MDPD); County Attorney's Office (CAO); Miami-Dade County collective bargaining units; and domestic violence service providers.

Employees
Employees are encouraged to respond to victims of domestic violence in a non-judgmental, supportive manner, including making referrals to community resources.

Victims
Any employee who is a victim of domestic violence is encouraged to contact the Department of Human Services and/or Employee Support Services for confidential assistance. Employees covered by a collective bargaining agreement, are also encouraged to seek support and referral services provided by their Union.

If an employee is concerned about his or her safety while at work, the employee should notify his or her manager/supervisor. The employee should be prepared to provide information about the abuser such as a physical description or recent photograph and a copy of any protective order, so that management and/or building security can alert law enforcement should a prohibited person appear in the workplace.

Employees who need time off from work due to domestic violence, should notify their manager/supervisor in order to obtain Domestic Leave pursuant to the provisions of Section 11A-60 through Section 11A-69 of the Code of Miami-Dade County (Ordinance 99-5). Employees should establish a plan for returning to work, and should maintain communication with their manager/supervisor during absence from work.

Perpetrators
Any employee who is a domestic violence perpetrator is encouraged to contact the Department of Human Services and/or Employee Support Services for confidential assistance. Perpetrators who are covered by a collective bargaining agreement, are also encouraged to seek confidential assistance from programs offered by their Union.

If a County employee is arrested for an act of domestic violence, he or she is required to report the arrest within three (3) calendar days, pursuant to Administrative Order 7-39. Where an employee is subject to restrictions of a restraining order that would impact the workplace, the employee must report the circumstance to his/her manager/supervisor within one business day of receipt of such order.

Managers/Supervisors
Where a supervisor has reason to believe or becomes aware that an employee is a victim of domestic violence, the supervisor will provide an opportunity for the employee to voluntarily discuss the situation in a private consultation and offer referral to resources through the Department of Human Services and/or Employee Support Services for confidential support and assistance. It is important that the supervisor or manager respect the employee's privacy and not pressure the employee to disclose personal

information. Discussions with employees should remain confidential to the extent possible by law.

As necessary, the supervisor and the employee should discuss and develop a workplace safety plan to reduce the risk of violence on the job and promote the safety of the employee. The plan should include, but not be limited to, screening calls; creating unpredictable rotations of work schedules, work sites and assignments; removing the employee's name from any automated directories, and contacting the Miami-Dade Coordinated Victims Assistance Center (CVAC) and the National Domestic Violence hotline at 1-800-799-SAFE for information and assistance. Assistance with the development of a detailed safety plan can be obtained from the professional staff at CVAC.

If an employee-victim requests time off due to domestic violence, the supervisor shall grant Domestic Leave to the extent required by Section 11A-60 through Section 11A-69 of the Code of Miami-Dade County (Ordinance 99-5). No discipline or adverse action should be taken against an employee because he or she is a victim of domestic violence.

Where an employee's status as a domestic violence victim has negatively affected the employee's performance, the supervisor should discuss the matter with the employee and develop a performance improvement plan. The plan will be developed on a case by case basis and must take into consideration the employee's status as a victim of domestic violence.

ENFORCEMENT

Where a supervisor becomes aware that an employee has committed an act of domestic violence, the supervisor shall determine whether allowing this employee to continue working could pose a danger to the health and safety of co-workers or the welfare of the public. In all cases, this decision shall be made after conferral with resources outlined in this policy. If danger or risk to safety exists, the department director or designee shall report all relevant information concerning the matter to law enforcement and may relieve the employee of duty by placing him/her on administrative leave, as appropriate. The department should refer the employee to the Department of Human Services and/or Employee Support Services for coordinated counseling and referral to intervention services. Such referral shall not preclude any disciplinary action or possible criminal sanction. The Labor Management and Employee Appeals Division of the Human Resources Department should be consulted regarding disciplinary action imposed for violation of this Implementing Order.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

Approved by the County Attorney as
to form and legal sufficiency

Procedure (continued)

2. If specific violations are identified, a determination should be made whether counseling or disciplinary action is appropriate. Records of Counseling should never succeed a disciplinary action.

3. If an incident review is not required, such as in the case of a miss-out, a DAR should be prepared immediately, with a goal of conducting the presentation of charges to the employee within forty-eight (48) hours.

   a. A draft DAR must be created in the MDT DAR system by the appropriate supervisor.

   b. The draft will be reviewed by the Office of Civil Rights and Labor Relations, Discipline Unit.

   c. The Discipline Officer will release the DAR and include the disciplinary history of the employee including the prior three (3) years, unless special circumstances require a longer period.

A. **Informal counseling**

An informal counseling is the conversation between a supervisor and subordinate through whom the supervisor attempts to correct a work related behavioral problem. It is an unwritten warning.

For a conversation to qualify as an informal counseling, the supervisor must identify it as such to the employee. Otherwise, the conversation, while work related, is just another coaching session. The supervisor is expected to assist the employee by identifying the incident that led to the informal counseling. Specifics are important. The supervisor must tell the employee why the behavior is unacceptable and what is expected of the employee in the future. The supervisor must also tell the employee that unless immediate and sustained improvement is demonstrated, appropriate administrative action may be pursued.

Management reserves the right to counsel an employee at any time. However, if during the counseling session an employee requests representation, supervisors are encouraged to comply with the request.

Informal Counseling (Continued)

Because informal counseling is verbal and frequently not witnessed, supervisors need to keep notes and document the fact the counseling took place. There are several ways of accomplishing this without formalizing the counseling process. The supervisor could keep what is referred to as a contact sheet which is simply a name given to the paper on which the supervisor records the exchange between the parties and the reason for it. These notes are kept only to assist the supervisor's ability to recall events should the need arise in the future.

Another way of recording that an informal counseling took place (for the same purpose ONLY) is for the supervisor to write a memorandum to his or her manager detailing the conversation with the employee.

Regardless of the method selected the document is NOT to be placed in the employee's departmental or county personnel files. Such actions would violate the spirit and intent of the informal counseling process.

B. Formal counseling

A formal counseling is a written document which requires that the supervisor record and identify the conduct required, the deviations that led to the counseling, expectations and a timetable for improvement, if appropriate. The employee should be cautioned that disciplinary action may be pursued if immediate and sustained improvement is not demonstrated.

A narrative description of the counseling should be prepared by creating the ROC in the MDT DAR System or by using the form available on the web. After obtaining the employee's signature, the original should be given to the employee and two copies forwarded to Office of Civil Rights and Labor Relations for distribution as follows: one copy for the departmental personnel file, and one copy to the Administrative Services Division of the Employee Relations Department for inclusion in the employee's county personnel file.

Note: If a formal counseling is appropriate the information should be entered on the MDT DAR System, recorded on the ROC Form no. 162.05-3 or the form available on the web. If the appropriate form is not used, the system will not recognize your documentation as a record of counseling.

In the event that the employee refuses to sign the ROC form, obtain a witness (another member of management), enter on the form "employee refused to sign", and have the witness sign after confirming the employee's refusal.

C. DISCIPLINARY ACTION

If disciplinary action is appropriate, enter each specific charge with a sufficiently detailed supporting statement of facts in the MDT DAR system, which corresponds to the Miami-Dade COUNTY DAR Form No. 162.05-2. The DAR must be created as soon as possible, but no later than 30 days of knowledge of the incident, unless there are legitimate extenuating circumstances. After creating the DAR, the system will automatically provide an option to send an email to the Office of Civil Rights and Labor Relations indicating that the draft DAR has been created and that it is ready for review. Additional supporting documentation should be concurrently sent by FAX to (305) 375-2997. All original supporting documents should be retained for attachment to the completed DAR.

a. Office of Civil Rights reviews DAR including appropriate charges and facts.

b. The DAR is made available to the supervisor (the MDT DAR system will automatically provide an option to send an email to the person who created the DAR notifying that the DAR is ready).

c. A summary of the employee's disciplinary history will be prepared by the Discipline Unit. (Or, a disciplinary history will be available in the DAR system for appropriate review prior to making a final determination.)

d. Immediate supervisor prepares to conduct the divisional meeting.

e. Upon receipt of the final DAR from the Office of Civil Rights and Labor Relations, supervisor schedules a divisional meeting with the employee. The divisional meeting is a private session in which the employee has the right to the presence of a labor organization or representative of choice. Supervisor sends memo to the employee and the appropriate collective bargaining unit stating the date, time and location of the divisional meeting.

   In actions involving employees represented by the Transport Workers Union, Local 291 the union and the employee must be given a complete copy of the DAR with all the attachments at least 48 hours prior to the hearing. It is MDT's practice to treat all other employees and their respective representatives similarly.

1. **Supervisor adheres to guidelines in conducting the divisional meeting.**

   a. Office of Civil Rights and Labor Relations staff are available to attend DAR presentations, when requested.

   b. The supervisor is to determine who should attend the meeting and insure their participation.

   c. Charges are presented to the employee by the divisional meeting officer who explains, at this point, that disciplinary action is being considered. Questions should be answered, to the extent possible. The employee's response, including his/her own explanation of the incident, must be noted. If new witnesses are identified, they should be contacted after the interview. (This interview is not a substitute for the initial investigation or review, although issues or concerns presented may require additional fact-finding.)

   d. The employee must be given the right to respond, orally and/or in writing, to the charges. Oral comments must be reflected in the notes of the hearing. The employee may prepare a written response as soon as possible but no later than within two (2) working days of the divisional meeting, unless otherwise mutually agreed. The written response must become part of the DAR and must be taken into consideration prior to a final determination being made.

   e. Supervisor takes meeting notes, while the notes are not transcripts, they should accurately reflect what took place.

   f. At the close of the divisional meeting, the supervisor should explain the remaining process. The employee shall be asked to sign the DAR and advised that the original shall be provided upon completion of the process. By signing the DAR, the employee only indicates that he/she received a copy of the document. Signing the DAR does not mean the employee necessarily agrees with the statements in the document. If the employee refuses to sign, the supervisor should write, "employee refused to sign" and a witness' signature obtained (another member of management.)

      If the DAR is issued as a result of a positive toxicology test, other than post-accident, a return to work agreement may be offered pursuant to MDT policy and practice. Office of Civil Rights and Labor Relations, Discipline Unit will prepare the DAR and administer the return to work agreement, as appropriate.

Supervisor adheres to guidelines in conducting the divisional meeting (Continued)

The return to work agreement will be administered by a representative of the Office of Civil Rights and Labor Relations who will present and review the agreement in detail. The level of suspension will be determined in accordance with the employee's prior disciplinary history.

If the employee accepts the terms and conditions of the return to work agreement, the DAR will be finalized at that time. If the employee elects not to accept the terms and conditions of the return to work agreement, a recommendation for termination will be forwarded to the Department Director.

2. **Supervisor makes a recommendation on discipline.**

As soon as possible after the presentation of charges, a final determination should be made. If as a result of further investigation, employee response, or other consideration, discipline is not warranted, the employee should be notified and the DAR form marked VOID and returned to the Office of Civil Rights and Labor Relations.

a. Supervisor reviews previous violations and the nature of the alleged violation(s).

b. Review the entire DAR file and send it with hearing notes and recommended action to the Office of Civil Rights and Labor Relations.

c. Discipline staff will review proposed discipline to ensure uniform application of the recommended action.

d. If disciplinary action is to be carried out, the recommended penalty should be determined by a balanced judgment based upon; the seriousness of the violation; mitigating circumstances; the length of the employee's service; the employee's previous record; reasonable consistency in applying penalties to similar offenses; the prospect that disciplinary action may play a rehabilitative role; the employee's attitude and conduct throughout the investigation and presentation of charges; and other relevant factors based upon practices or peculiarities of the incident under consideration.

e. Once it is decided to discipline the employee, the person responsible for administering the DAR must note the level of discipline on the DAR. This person varies dependent upon the recommended level of discipline and delegation of authority. Disciplinary measures include and are limited to:

- Written Reprimand
- Suspension
- Demotion
- Termination

The Department Director is the final authority in cases where demotion or termination is recommended.

In accordance with the County Manager's memo dated October 8, 1999, immediately upon finalization of this TAPP, MDT management will implement the use of two (2) consecutive written reprimands in lieu of disciplinary suspensions of less than 40 hour increments, thereafter appropriate suspension will be implemented. This provision will only be applicable to those employees whose disciplinary histories for the preceding three (3) year period reflect no disciplinary suspensions.

It is MDT's policy to offer employees, except in the most egregious of circumstances and with notice to the union, the option of forfeiting accrued annual or holiday leave in lieu of serving a disciplinary suspension. Employees selecting this option, when authorized and approved by the department, shall waive their right to any appeal action of the suspension. The documentation of suspension will be a part of the employee's work record and remain in his/her personnel file.

Only annual or holiday leave are eligible for forfeiture. The employee continues to work and the time is taken from his/her leave bank. The employee must have sufficient hours to cover the total period of disciplinary suspension.

3. **Formal notice of disciplinary action.**

   a. Formal notification to the employee of disciplinary action (except in rare instances of written reprimands) shall be in the form of a letter (created by the Office of Civil Rights and Labor Relations for the appropriate supervisor's signature) where charges and specifics are spelled out and the employee is advised of the right of appeal.

   b. If the employee is on the premises, the letter along with the original DAR should be delivered by the supervisor. The employee's signature acknowledging receipt of the letter must be obtained. If the employee refuses to sign for the letter, a witness must be obtained and the refusal noted on the copies retained by management. In such instances, the supervisor should verbally advise the employee of the final action and applicable appeal rights in the presence of a witness.

   c. If the employee is not on the premises, or refuses to accept delivery, the letter and other documents must be sent certified mail.

4. In the case of termination, an employee who has worked at least 1,040 work hours, regardless of status, must be offered an opportunity to meet with the Department Director. This offer is to be made in writing. The Office of Civil Rights and Labor Relations will coordinate arrangements for the Department Director.

5. **Distribution the DAR and suspension letter when applicable, as follows:**

   Original – Employee
   Copies to:
   - Miami-Dade County, Director, Employee Relations Department
   - MDT Human Resources Division
   - Administrative Services Division, Personnel File
   - Divisional Personnel File
   - Employee representative and/or bargaining agent
   - Office of Civil Rights and Labor Relations (including all supporting documentation, videos, audios, etc.

(Note: Actions not filed in the employee's county and departmental files are the same as actions not taken.)

6. **Resignations in lieu of termination.**

   Resignations may be accepted in lieu of termination and should be coordinated with the Office of Civil Rights and Labor Relations. The resignation must be submitted in writing.

   Resignations in lieu of termination will be held 24 hours after which they will become final unless retracted during that period. This rule applies only when a resignation is accepted in lieu of termination and the employee has been told that he or she will be dismissed in the absence of the resignation.

7. **Emergency action by management.**

   At any time during the investigation, the appropriate assistant director may relieve an employee of duty, with pay, pending the resolution of charges.

References:

Administrative Order 7-3, dated June 2, 1981

Administrative Order 7-16, Administration and

Delegation of Authority to Discipline

County Manager's Memo dated October 8, 1999

Employee Code of Conduct, dated August 30, 2004

Approved: Roosevelt Bradley
MDT Director

Date: 8-30-04

MDT-OFFICE OF CIVIL RIGHTS AND LABOR RELATIONS
GUIDELINES AND PROCEDURES MANUAL

SUBJECT: Equal Employment Opportunity (EEO) Monitoring And Reporting

OCR/EEO 1
Effective 12/01/10

PURPOSE: To establish uniform monitoring and reporting procedures that enable the agency to evaluate the EEO program during the fiscal year, and provide a proactive approach to facilitate the implementation of identifiable remedial actions.

REFERENCE: Department of Transportation (DOT) Urban Mass Transportation Administration (UMTA) C 4704.1, Equal Employment Opportunity Program Guidelines for Grant Recipients
MDT's EEO Program Plan

PROCEDURES: In accordance with UMTA C 4704.1, 49, an important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should facilitate an overall evaluation of key performance indicators of the agency's EEO plan, with supporting data base, as well as provide a foundation for identifiable remedial action.

Accordingly,

1. **Commensurate with the beginning of fiscal year (FY) '10-'11, the Office of Civil Rights and Labor Relations (OCR) shall provide statistical quarterly updates of key EEO performance indicators.**

2. **These indicators shall include a comparative trend analysis of such key performance indicators as (1) workforce analysis by race, gender and EEO job categories; (2) underutilization by EEO job categories; (3) internal complaints by protected characteristics; (4) external complaints comparative to internal complaints; and any other significant trends analysis.**

3. **The quarterly updates will be posted on MDT's TransitNet and provided to the MDT Director as part of the Division Chief's regular reporting.**

4. **OCR shall ensure that all hiring managers review the underutilization report(s) prior to receiving final approval from OCR to proceed with interviews for vacant positions. To ensure compliance, OCR shall require that all hiring managers submit as a part of the interview package, a signed and dated copy of the most recent underutilization report taken from the TransitNet website.**

5. **In order to keep senior staff apprised, quarterly underutilization update report(s) shall be distributed via email to senior staff as well as posted on the TransitNet website. OCR shall also ensure that senior staff are accountable for utilizing report information as a part of their recruitment efforts.**

6. **OCR will also provide monthly updates of EEO performance indicators on MDT's scorecard for review and discussion with the MDT Director and Senior Staff.**

7. **Upon the posting of each quarterly and/or monthly update, OCR staff shall conduct a thoughtful review and analysis to determine the applicability of remedial action.**

8. **Remedial action shall include, but not limited to: (1) global training; (2) targeted/specialized training; (3) specialized internal and/or external recruitment outreach campaigns; (4) formalized management internship programs; (5) informal management mentoring programs; (6) formalized succession planning; and (7) administrative action for program violations.**

9. **An end of year review shall also be conducted to form the basis of the establishment of EEO goals and objectives for the succeeding year.**

10. **MDT recognizes the importance of ensuring EEO program success through effective monitoring and reporting, consistent with the objectives of DOT's C 4704.1, Equal Employment Opportunity Program Guidelines.**

Approved: _____
Chief, Civil Rights and Labor Relations

Date:	03/21/03	**Section:**	Office of Civil Rights & Labor Relations
Supersedes:	TAPP dated 02/07/00	**Subject:**	Interview Panels

AUTHORITY: Director, Miami-Dade Transit, and Miami-Dade Transit Affirmative Action Plan approved by the Federal Transit Administration May 31, 2002.

PURPOSE: To establish responsibility regarding interview panels.

SCOPE: This TAPP applies to the Office of Civil Rights and Labor Relations, hiring managers, supervisors, and all employees selected to participate as interview panelists.

POLICY: It is MDT's policy to have the Office of Civil Rights and Labor Relations, with the Director's concurrence, select and approve the members of interview panels and for appointees to participate fully unless otherwise excused.

PROCEDURE:

Timing — Hiring managers should recommend a minimum of two panel members to the Office of Civil Rights and Labor Relations, to include the chairperson. Such recommendation may be initiated at any time after the request to fill has been submitted.

Hiring Mgrs. — Hiring managers should forward to the Office of Civil Rights and Labor Relations a request to establish an interview panel in which, at minimum, two panel members are recommended, including the recommendation for panel chairperson. The two recommended panel members may be from the same division, at the discretion of the hiring manager.

OCR/LR — Office of Civil Rights and Labor Relations, at the authority of the Director, may reject or accept the hiring manager's recommendations. Staff will select the panel members and determine the number of participants. However, there should never be fewer than three panel members, as there should be representation from the three major ethnic groups in the community, as well both male and female representation.

Panels should be comprised of participants whose positions are equal to, or preferably higher than, the position for which the division is recruiting.

Date:	03/21/03	**Section:**	Office of Civil Rights & Labor Relations
Supersedes:	TAPP dated 02/07/00	**Subject:**	Interview Panels

Panelists

When selected as panelists, employees are expected to serve. If an employee's participation creates an undue hardship for the division, the panelist's Division Chief, or appropriate management staff, should so inform the Chief, Office of Civil Rights and Labor Relations. The Chief in turn will determine whether or not a panelist will be excused from serving on the specified panel.

The panel chairperson is responsible for ensuring that panelists have the requisite information needed to conduct fair, unbiased and effective interviews. The chairperson should review questions, answers and rating criteria with the panel members, prior to the interviews, to ensure that the panel fully understands the interview and selection process.

The panel chairperson is also responsible for ensuring that all applicants are asked the same questions.

Response

The Office of Civil Rights and Labor Relations will provide feedback as soon as possible, but no later than two business days after receipt of the hiring manager's recommendations, barring any extreme circumstances.

Approved: Roosevelt Bradley
MDT Director

Date: March 21, 2003

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Approved: Roosevelt Bradley
MDT Director

Date: March 21, 2003

MDT's OFFICE OF CIVIL RIGHTS AND LABOR RELATIONS RECRUITMENT CHECKLIST

MDT Employee Selection Policy: With respect to any recruitment conducted by any MDT hiring manager, it is the policy of this department to hire qualified and competent employees. Solely the hiring managers make this determination. The Office of Civil Rights and Labor Relation's checklist below does not prohibit or restrict a hiring manager from making a judgment on a job applicant's qualification.

Hiring Manager's Instructions: The checklist below represents the necessary documentation that the Office of Civil Rights and Labor Relations requires before concurring with a submitted recruitment package and forwarding it to the Human Resources Division for processing.

NOTICE: ALL FORMS AND/OR DOCUMENTS UTILIZED IN THE INTERVIEW PROCESS ARE SUBJECT TO THE FLORIDA SUNSHINE LAW.

PRE-EMPLOYMENT INTERVIEW PHASE

A. Steps required before job applicant interviews can begin:

1. Is this a TWU bargaining unit Rail position that requires the selection of an applicant to be based upon the 13© arbitrator's award related to hiring? If yes, then the employment steps listed below are not applicable.

   Selection based upon 13©: _____ Yes _____ No

2. Submit a list of proposed interview panel members for concurrence by the Office of Civil Rights and Labor Relations [recommended minimum panel size of three interviewers]. Interview panels should be ethnically and gender balanced.

   Completed: _____ Yes _____ No

3. In an effort to insure that no discriminatory and/or biased interview questions are asked of job applicants, each hiring manager shall hand deliver all proposed interview questions to the Administrator of the Office of Civil Rights and Labor Relations for review and concurrence.

   Completed: _____ Yes _____ No

4. Designate the specific type of selection method(s) that the interview panel will utilize for the recruitment. See attached definitions on the addendum page of this checklist.

   _____ Banding Method _____ Ranking Method

   _____ 2nd Interview _____ Other (Specify) (Hands On)

   Completed: _____ Yes _____ No

5. Convene a briefing session of the interview panel members prior to initiation of the interview process so that all interview panel members understand the procedures, the questions and the kinds of answers the questions are intended to elicit. Also, at this briefing session designate the Interview Panel Chairperson.

   Name of Interview Panel Chairperson:

   Completed: _____ Yes _____ No

6. If the vacant position your recruiting for underutilized minorities and/or women, please state:

   a) Whether the applicant pool included qualified women and minorities.

      _____ Yes ____ No

   b) State the number and percentage of qualified women and minorities that were actually selected for an interview opportunity.

      Number of minorities and the percentage: _____

      Number of women and the percentage: _____

POST EMPLOYMENT INTERVIEW PHASE

B. Steps required after completing the interview process:

7. Submit the selection memorandum, including items eight and nine below, to the Administrator of the Office of Civil Rights and Labor Relations for concurrence. Additionally, the selection memorandum should set forth the selection criteria and other relevant facts upon which the interview panel made its ranking and/or selection of a particular job applicant.

   Completed: _____ Yes _____ No

8. Submit a summary sheet outlining each rater's scoring of all job applicants interviewed. Additionally, submit the actual rating forms used in the interview process by each rater.

   Completed: _____ Yes _____ No

9. Submit the signed applicant flow log and nepotism forms for each job applicant that is interviewed.

   Completed: _____ Yes _____ No

*Notice: All forms and/or documents utilized in the interview process are subject to the Florida Sunshine Law.

ADDENDUM: DEFINITIONS

In determining which selection method the selection committee will use prior to interviewing any job applicants, the hiring manager should make his or her determination based on the following definitions:

a) **Banding Method** – Under this selection method, job applicants are grouped [i.e., banded] together in tiers based on the range of scores achieved by the job applicants [e.g., top one third, middle one third, and bottom one third]. The hiring manager first determines an acceptable qualifying base score; applicants obtaining this base score are deemed to be qualified for the position. Within any qualifying tier [i.e., scores that equal or exceed the base qualifying score], the hiring manager can select any candidate for the position. The hiring manager cannot select a job applicant who did not achieve the qualifying score.

b) **Ranking Method** – Under this selection method, job applicants are ranked based on the absolute scores achieved during the interview process. The applicant receiving the highest score is deemed to be the number one candidate and must be selected for the position. In the event that the number one job applicant does not accept the job offer, then the hiring manager may consider the second ranked applicant for the position. It is advisable that when utilizing the ranking method, the hiring manager should also establish a qualifying minimum score so those applicants falling below this score would not be deemed qualified for the position.

c) **Second Interview Method** – Under this selection method, the hiring manager must indicate what method was utilized by the hiring manager to determine job candidates who will go to a second interview. This may include a statement that the top three job candidates (based on their ranking) will be going forward to a second set of interviews or the selection of the highest qualifying band of job applicants will be going forward to a second set of interviews. In any event, based on the results of the second interview, the hiring manager must still set forth the selection criteria and/or justification used to select a job applicant for the position.

d) **Other Method** – If the hiring manager uses any other selection method, then that selection method must be stated in detail and receive concurrence from the Office of Civil Rights and Labor Relations prior to the hiring manager utilizing the selection method.

Date:	03/21/03	**Section:**	Office of Civil Rights & Labor Relations
Supersedes:	TAPP dated 02/07/00	**Subject:**	Interview Questions

AUTHORITY: Director, Miami-Dade Transit, and Miami-Dade Transit Affirmative Action Plan approved by the Federal Transit Administration May 31, 2002.

PURPOSE: To establish procedures regarding the submittal of interview questions for review by the Office of Civil Rights and Labor Relations.

SCOPE: This TAPP applies to all hiring managers and the Office of Civil Rights and Labor Relations.

POLICY: It is MDT's policy to have the Office of Civil Rights and Labor Relations review all proposed interview questions to ensure their validity and reliability. This is achieved by ensuring that the interview questions are designed to elicit consistent, unbiased, accurate information. Rating standards are also reviewed to ensure that the criteria are clear and understandable. The objective is to provide raters with sufficient information so that interviews yield consistent results regardless of the panel members' subject matter expertise.

Efforts are expended to ensure that the questions are designed to measure and evaluate an applicant's skills for the job. Toward this end, questions are correlated to the published job announcement, job description and/or specification, and essential job functions.

PROCEDURE:

Timing — Interview questions may be submitted for review at any time after the job announcement has been finalized, regardless of whether the announcement has been published.

Documents — In addition to the questions, relative rating scales and rating standards; to facilitate the review of interview questions, the following documents should also be provided to the Office of Civil Rights and Labor Relations for review: (1) a copy of the final job announcement (final draft or actual announcement); (2) a copy of the job specification related to the classification; (3) a copy of the position's job description; and (4) a copy of the position's approved essential job functions.

The documents should be transmitted with a cover memo in which the hiring manager identifies the proposed selection method, i.e., ranking or banding. Hiring managers should also include the minimum interview score applicants must achieve in order to be considered viable candidates for the position and, if applicable, the banding tiers and the scores that define each.

Review

The Office of Civil Rights and Labor Relations staff will review the proposed interview questions as follows:

- Are questions designed only to elicit information about the applicant's ability to do the job, with or without reasonable accommodation?
- Is there more than one inquiry per question? If there are, do the rating standards include guidance on each inquiry?
- Is the information sought from applicants appropriate for the type of recruitment?
- Are the questions consistent with the required and preferred qualifications announced?
- Are the rating standards sufficiently developed so that raters know and understand what the hiring manager is seeking?
- Are the rating standards sufficiently defined to afford all panel members an understanding of what information is being sought, or are subjective terms such as some, little, sufficient, extensive, considerable, inappropriate, etc., used?

Date:	03/21/03	**Section:**	Office of Civil Rights & Labor Relations
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Response The Office of Civil Rights and Labor Relations will provide feedback as soon as possible, but no later than five business days after receipt of the questions.

Approved: Roosevelt Bradley
MDT Director

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a) **Banding Method** – Under this selection method, job applicants are grouped [i.e., banded] together in tiers based on the range of scores achieved by the job applicants [e.g., top one third, middle one third, and bottom one third]. The hiring manager first determines an acceptable qualifying base score; applicants obtaining this base score are deemed to be qualified for the position. Within any qualifying tier [i.e., scores that equal or exceed the base qualifying score], the hiring manager can select any candidate for the position. The hiring manager cannot select a job applicant who did not achieve the qualifying score.

b) **Ranking Method** – Under this selection method, job applicants are ranked based on the absolute scores achieved during the interview process. The applicant receiving the highest score is deemed to be the number one candidate and must be selected for the position. In the event that the number one job applicant does not accept the job offer, then the hiring manager may consider the second ranked applicant for the position. It is advisable that when utilizing the ranking method, the hiring manager should also establish a qualifying minimum score so those applicants falling below this score would not be deemed qualified for the position.

c) **Second Interview Method** – Under this selection method, the hiring manager must indicate what method was utilized by the hiring manager to determine job candidates who will go to a second interview. This may include a statement that the top three job candidates (based on their ranking) will be going forward to a second set of interviews or the selection of the highest qualifying band of job applicants will be going forward to a second set of interviews. In any event, based on the results of the second interview, the hiring manager must still set forth the selection criteria and/or justification used to select a job applicant for the position.

d) **Other Method** – If the hiring manager uses any other selection method, then that selection method must be stated in detail and receive concurrence from the Office of Civil Rights and Labor Relations prior to the hiring manager utilizing the selection method.