



Americans with Disabilities Equal Employment Opportunity Affirmative Action Plan

Policies/Procedures

Board Approved 04/22/2010
Amendment Approved 06/15/2014

Intentionally Left Blank

Table of Contents

Equal Employment Opportunity and Affirmative Action Plan

Statement of Policy.....	1
Definitions.....	2
Purpose	3
Communication of Plan.....	3
Management Responsibility.....	4
Review and Revision of Personnel Practices.....	5
Training.....	6
Goals and Timelines.....	6
Complaint Process.....	7
EEO Discrimination Complaint Form.....	10

~ This page intentionally left blank ~

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Public Transit Services supports equal employment opportunities without discrimination as to age, sex, color, race, national origin, religion or non-religion, or disability in compliance with state and federal laws. This policy is reflected in all of Public Transit Services practices and policies regarding hiring, training, promotions, transfers, layoffs, organizing the work force, rates of pay, and other forms of compensation. To implement these practices and policies, Public Transit Services will continue to:

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

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

Retaliation of any type against any employee or applicant that files a complaint regarding unlawful employment practices is strictly prohibited. Equal employment opportunity is not only the law, but it is a principle of Public Transit Services operation. Each employee is to cooperate to achieve this goal and I personally stand behind this principle.

Administration - EEO Officer

Date

DEFINITIONS

Individual with a Disability - An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such 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.

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

Reasonable Accommodation - Reasonable accommodation may include, but is not limited to, making existing facilities owned by Public Transit Services and used by employees, readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; reassignment to a vacant position; acquiring or modifying equipment or devices; training materials, or policies; and providing qualified interpreters; as applicable. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. Public Transit Services is not however required; nor shall Public Transit Services lower production standards to make such accommodations. Public Transit Services is not obligated to provide personal use items such as eyeglasses or hearing aids.

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

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

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

PURPOSE

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

COMMUNICATION OF THE PLAN

Internal Communications

A memo from the Public Transit Services EEO Officer will be sent annually to all employees regarding the Equal Employment Opportunity Policy. The EEO policy is included in all of Public Transit Services personnel policy manuals. A written memorandum will be sent to all supervisors informing them of their general responsibilities regarding the affirmative action program.

Special meetings will be held annually with supervisory personnel to discuss progress and problems relative to the program. Required equal employment opportunity posters, Public Transit Services EEO policy, EEO contact information, along with periodic notices regarding the program will be posted in conspicuous places in the offices and facilities of Public Transit Services.

External Communications

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

All employment applications will contain the following clause:

Public Transit Services is an equal employment opportunity employer and will not discriminate against an employee or applicant for employment because of race, color, religion, gender, age, marital status, national origin, or physical disability unless based upon a bona fide occupational qualification.

If you believe you have been discriminated against, you should notify the Public Transit Services Equal Employment Officer or the Equal Employment Opportunity Commission.

A letter will be sent to minority contractors when construction is contemplated; soliciting their bids or involvement in the work.

MANAGEMENT RESPONSIBILITY

General Responsibility

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

Every supervisor is critically important to program success.

Appointment of Equal Employment Opportunity Officer

_____ is the designated Equal Employment Opportunity Officer for Public Transit Services. Individuals who would like to discuss and/or file a complaint alleging discrimination should contact the EEOC Officer at 940-328-1391, or in person at 7611 Hwy 180 E Mineral Wells, Texas.

The Equal Employment Opportunity Officer has the responsibility to:

1. Annually review and revise the affirmative action plan as appropriate.
2. Annually audit and evaluate the affirmative action program and prepare a report concerning the performance of Public Transit Services, its departments, and management personnel regarding the affirmative action program.
3. Assist and counsel all department heads, managerial, and supervisory personnel regarding their affirmative action responsibilities.
4. Conduct regular discussions with supervisors and employees to insure implementation of the affirmative action program.
5. Maintain a liaison with the Equal Employment Opportunity Commission, and other government compliance agencies, as well as with all community organizations with an interest in affirmative action.
6. Investigate and resolve allegations of discrimination against Public Transit Services.
7. Keep management informed of the latest developments in the entire EEO area.
8. Assist in identifying problem areas.
9. Review the qualifications of all employees to ensure that minorities and women have full opportunities for transfers and promotions.

To accomplish the aforementioned goals; Public Transit Services supervisors will be responsible for:

- Analyzing their work force relative to identifying possible utilization of women, minorities, older workers, veterans, or the disabled.
- Ensure that Public Transit Services is in compliance with the overall affirmative action program.
- Actively promoting a positive environment concerning affirmative action.

REVIEW AND REVISION OF PERSONNEL PRACTICES

Recruitment

Job positions that come available may be posted on the Public Transit Services bulletin board, placed in the local newspaper and/or posted at all of Public Transit Services facilities naming the position opened and qualifications. All job postings will contain the following statement: "An Equal Employment Opportunity/ Affirmative Action Employer."

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

Job Analysis and Restructuring

Position descriptions will be reviewed as needed to accurately reflect the function and duties of the jobs described. Position descriptions will be reviewed to assure they are related to job content.

Promotions, Job Assignments, and Termination

No applicant will be denied a promotion or job assignment on the basis of gender or any other prohibited criteria.

Public Transit Services is an at-will employer.

Training

Where formal training is necessary to qualify for a job, in-house training programs will be established whenever feasible. Work scheduled may be adjusted so as to permit the participation in training programs.

Facilities

Our current facilities will be examined annually to determine if it discriminates on the basis of race, color, religion, gender, age, marital status, national origin, or physical disability. Appropriate steps will be taken to correct any inequities.

GOALS AND TIMELINES

Public Transit Services shall analyze their work force and put forth a good faith effort to obtain employees regardless of race, color, religion, gender, age, marital status, national origin, or physical disability.

The EEO officer will annually review the progress of Public Transit Services affirmative action program and make necessary revisions; as applicable.

EEO Logs will be kept which contain; to the extent possible; the name of the applicant, the minority group status, sex of the applicant, and the job applied for. The contents of this register will be summarized at least annually according to the positions for which employment applications were received.

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

EEO COMPLAINT PROCESS

Individuals who would like to discuss and/or file a complaint alleging discrimination should contact the EEO Officer. The EEO may be reached by phone at 940-328-1391, or in person 7611 Hwy 180 E. Mineral Wells, Texas. The EEO Officer should be contacted immediately when you believe you have been discriminated against.

The following procedures will be used to process discrimination complaints:

Counseling

The first step in resolving discrimination complaints is counseling. The purpose of counseling is to determine whether there is a problem, and if there is, to correct it as soon as possible. Emphasis at this point is on early resolution. The EEO Officer is responsible for clarifying the problem(s), and attempting to resolve it to everyone's satisfaction. The EEO Officer will:

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

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

Filing a Formal Complaint:

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

Rejecting a Complaint

If the EEO Officer decides to reject a complaint, the Complainant(s) will be notified in writing within ten (10) working days after filing a formal complaint. It is within the authority of the EEO Officer to reject any claim, if the EEO officer determines that the allegations are not within the discrimination guidelines. If the EEO Officer makes this determination, then such notice of rejection will be final and cannot be appealed unless new evidence can be presented to the EEO Officer and such evidence falls within the discrimination guidelines of race, color, religion, national origin, disability, sex or age.

Investigation

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

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

Informal Resolution

During and at the conclusion of the investigation the EEO Officer; when feasible and consistent with Public Transit Services policies and procedures; will continue to attempt to resolve the complaint on an informal basis. The Complainant(s) must sign and date any resolution offered that has been accepted. Such acceptance constitutes settlement of the complaint, however, any resolution offered and acceptance does not constitute an admission of any wrong doing by Public Transit Services or any of its agents.

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

Complaint Disposition

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

Appeal of Disposition

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

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

If the Complainant(s) is not in agreement with the Executive Director's finding and determination, he or she may appeal the Executive Director's decision in writing within seven (7) working days to the Public Transit Services Board of Directors.

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

Special Provision

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

PUBLIC TRANSIT SERVICES AFFIRMATIVE ACTION PLAN

Public Transit Services (PTS) hereby agrees that it will enact this affirmative action plan. PTS shall take necessary steps to eliminate the effects of past and present job discrimination, intended or unintended, which is evident from an analysis of employment practices and policies. It is the policy of this agency to employ qualified individuals and it is hereby noted that equal employment opportunity is afforded to all persons regardless of race, color, ethnic origin, religion, sex or age.

Public Transit Services is committed to uphold all laws related to equal employment opportunity including but not limited to the following:

Title VI of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges, and conditions of employment.

The Equal Pay Act of 1963 which covers all employees who are covered by the Fair Labor Standard Act. The act forbids pay differentials on the basis of sex.

The Age Discrimination Act which prohibits discrimination because of age against anyone between the ages of 40 – 70

Federal Executive Order 11246 which requires every contract with Federal financial assistance to contain a clause against discrimination because of race, color, religion, sex or national origin

Administration on Aging Programs which requires all grantees to develop affirmative action plans.

Section 504 of the Rehabilitation Act of 1973 which states; that employers may not refuse to hire or promote handicapped persons solely because of their disability.

The Americans with Disability Action which guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications.

The Drug Free Workplace Act of 1988 which directs the creation and maintenance of workforce environment that is free of alcohol and drugs.

~ This page intentionally left blank ~

Public Transit Services ADA Policy

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil Right's legislation which requires that persons with disabilities receive transportation services that is equal to services provided to the general public.

It is the policy of Public Transit Services that, when viewed in their entirety, services, programs, facilities and communications provided by Public Transit Services, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the extent possible (49. CFR 37.105)

1. Fare

Fares for Public Transit Services are outlined in the Public Transit Services Fare Schedule.

2. Holiday Closures

Public Transit Services is closed on the following nationally recognized holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. In rare or unique situations, rides may be scheduled for holiday trips.

3. Approved Equipment

In order to accommodate your wheelchair or power scooter on a Public Transit Services vehicle; the wheelchair must meet the following standards:

- ❖ *Wheelchair means* a mobility aid belonging to any class of three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered (does not include Segway's – Segway's are covered appropriately under the definition of "other powered assisted mobility devices") (49 CFR 37.3)
- ❖ The standard measurement of the equipment is set at 30" wide and 48" long weighing no more than 600 pounds; including the passenger and backpacks or other equipment.
- ❖ 600 pound limit; including passenger and backpacks or other equipment is based on manufacturer recommendations. As such; a PTS vehicle that would permit "in excess" of the weight limited noted would override the requirements noted within this policy. PTS shall follow manufacturer recommendations
- ❖ For safety purposes; PTS shall make a reasonable request that the wheelchair and equipment be in good working condition; include footrests, armrests, batteries charged, tires inflated (as applicable to safe transportation) which would be suitable on any public transit vehicle.
- ❖ Public Transit Services shall abide by manufacturer standards
- ❖ Walkers must be collapsible and stored safely

4. Mobility Device Brakes

When occupying a lift or securement area, passengers shall apply their brakes on their mobility devices. With power chairs or scooters, the power switch shall be turned to the “off” position to protect the safety of the passenger as well as others within the vehicle.

5. Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle (49 CFR 37.167(h)) – See Oxygen Policy

6. Securement Policy

Operators will use front and rear tie-downs to secure mobility devices. Operators will secure Mobility Devices around a permanent part of the chair, as close to the seat cushion as possible. The mobility device will be secured front facing. Drivers will assist passengers with securement systems, ramps, and seatbelts; however, for safety purposes, drivers cannot assist riders using power chairs or scooters with the operation of their equipment.

All “common wheelchairs” and their users shall be transported in the agencies vehicles. The agency is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

The agency shall use a securement system to ensure that the wheelchair remains within the securement area.

Public Transit Services requires that an individual permit his or her wheelchair to be secured.

To ensure safety; wheelchairs or other mobility devices as described within shall be in good working condition. This includes but is not limited to footrests, armrests, brakes and other devices that are manufactured for safety purposes.

The agency may recommend the user of a wheelchair to transfer to a properly operable wheelchair during transport and can; as applicable; provide a wheelchair that is in good working condition - provided the client is willing and capable of transfer.

Public Transit Services shall not discriminate against persons with disabilities and shall work to ensure the individuals are transported in a safe and productive manner.

The agency may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The agency may not require the individual to transfer.

Public Transit Services personnel shall assist individuals with disabilities in securing the system, wheelchairs, ramps and/or lifts. Personnel must leave their seat to provide this assistance. Public Transit Services cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained provided that mobility device fits within the transit vehicles securement area (as described in Section 3. 49 CFR 37.165)

Public Transit Services shall follow the manufacturer "lift" recommendations with respect to wheelchair and occupant combinations (total of wheelchair and passenger combined) that are larger or heavier than those to which the manufacturer design standards describe for the transit agencies vehicles and equipment. See below:

- ❖ The agency may decline to carry wheelchair occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair and occupant is demonstrated to be inconsistent with legitimate safety requirements.

7. Personal Care Attendants

A Personal Care Attendant (PCA) may ride with you at no charge. A PCA is someone who travels along and/or assists a rider who is not able to travel alone. The passenger must provide their own PCA if one is needed. The passenger must inform the agency (*when scheduling a ride*) whether or not a PCA will be used. This information will guarantee a place for him/her to ride.

8. Service Animals

A service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. In order to ride Public Transit Services:

- ❖ The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately.
- ❖ The best, safest location for the animal will be determined by the driver and passenger.
- ❖ The animal must not be aggressive toward people or other animals.
- ❖ Operators may ask two questions to determine if an animal is a service animal:
 - ✓ Is this a service animal related to a disability?
 - ✓ What specific task has the animal been trained to perform?
- ❖ Emotional Support animals are not covered under the Service Animal portion of the ADA.

9. Boarding Assistance

Operators shall position the bus to make boarding and de-boarding as easy as possible for everyone, minimize the slope of the ramp, and use the kneeling option (if one is available on the vehicle); as needed. Bus operators shall provide assistance to passengers. Passengers with disabilities shall be allowed adequate time to board and disembark the vehicle.

10. Maintenance of Lifts or Ramps

Drivers must test the lift or ramp during the pre-trip inspection. Break down of accessibility equipment must be reported immediately to an appropriate or assigned supervisor. A vehicle with an inoperable lift or ramp must be removed from service as soon as possible and cannot be returned to service until repaired. If there is a lift or ramp failure, a replacement vehicle may be dispatched. Lifts must be repaired and placed back in service timely.

11. Priority Seating

Upon request, bus drivers shall ask – but not require – passengers to yield priority seating at the front of the bus to seniors and persons with disabilities. Drivers are not required to enforce the priority seating designation beyond making such a request.

12. Reserved Seating

Mobility device securement areas on buses are reserved. Passengers using common mobility aids shall be boarded if the securement areas are not otherwise occupied by a mobility device, regardless of the number of passengers on the bus. Bus drivers will organize seating of passengers to ensure those with mobility devices are in the proper area.

13. Complaints

Complaints should be reported as soon as possible after the incident to assure proper handling.
– See “Complaint Procedures” in the Operations Manual

14. Suspension of Service

A rider’s privileges may be suspended for any of the following infractions on any Public Transit Services properties, including vehicles or offices:

- ❖ Smoking or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area)
- ❖ Discarding or dumping litter in places other than the recognized receptacles.
- ❖ Consuming alcoholic beverages or in possession of open alcoholic beverages.
- ❖ Loud, raucous, unruly, harmful, or harassing behavior.
- ❖ Engaging in other conduct that is inconsistent with the intended purpose of the transit office or vehicle.