



Americans with Disabilities Equal Employment Opportunity Affirmative Action Plan

Policies/Procedures

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Policy Statement

Policy: It is the policy of PTS that no otherwise qualified person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under employment or any program or activity undertaken by PTS. PTS serves persons without regard to race, sex, religion, or national origin.

This policy covers the structure of American with Disabilities Act, Equal Employment Opportunities and Affirmative Action.

Introduction

Public Transit Services (PTS) was developed to provide safe and efficient transportation to the general public and to persons with special needs as specified by Americans with Disabilities Act (ADA). PTS further complies with the regulations related to Equal Employment Opportunity (EEO) and Affirmative Action Plan; and as defined by contracts into which PTS may enter from time to time.

Goal

It is the goal of PTS to implement and maintain an efficient and effective transportation system to serve the general public.

Objectives

The specific objectives of PTS are:

1. To provide transportation designed to accommodate the general public and persons with disabilities, and
2. To maintain a trained staff for the operation and control of the system.

Definition(s)

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 with or without disabilities. Public Transit Services is not however required; nor shall Public Transit Services violate the structure of the agency or lower production standards to make such accommodations.

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 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 ADA restrictions on medical examinations.

American with Disabilities Act (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)
- ❖ Passenger Load with backpacks or other equipment is based on manufacturer recommendations.
- ❖ For safety purposes; PTS shall make a reasonable request that the wheelchair and equipment be in good working condition suitable for transport 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 or others, who require the use of 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)) and must be securely fastened.

Public Transit Services shall take the following precautions to assure that medical oxygen being transported for passengers' personal use is handled and transported safely.

- Oxygen shall be transported on a transit vehicle when medically necessary
- Oxygen shall be transported in a cylinder maintained in accordance with the manufacturer's instructions. The cylinder must be safely secured to a manufacturer approved carrier. The cylinder must be secured at all times. (Secured means that the cylinder is not free to move when the vehicle is in motion). Hand carried cylinders are prohibited. The manufacturer's instructions and precautions are usually printed on a label attached to the cylinder
- Before allowing the passenger to board; inspect the cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device. Listen for leaks; do not load leaking cylinders on the transit if the cylinder is leaking. Contact a supervisor.
- Limit the number of cylinders to be transported on board the transit vehicle to the extent practical. Transporting a cylinder in the transit vehicle passenger compartment is prohibited.
- Public Transit Services employees are prohibited from carrying cylinders as cylinders used for medical oxygen are susceptible to valve damage if dropped.
- Motivate the cylinder with care during loading and unloading. Never hand-carry a cylinder.
- Oxygen cylinders and/or other medical support equipment shall never be stored or secured in the aisle. Make sure that the seating of the passenger requiring oxygen does not restrict access to exits or use of the aisle.
- Because the release of oxygen from a cylinder can accelerate a fire, each cylinder shall be secured away from sources of heat or potential sparks.
- Under no circumstances shall smoking or open flames (*cigarettes, cigarette lighters or matches*) be utilized in the area of the cylinder.
- If a passenger is hand carrying a cylinder; the PTS driver must prohibit entrance and immediately contact the dispatcher.
- Dispatchers shall inform PTS clients that non-secured oxygen cylinders must be secured during transported for the safety of all passengers and drivers.

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 “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 should be in good working condition to protect the safety of the passenger.

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.

PTS personnel shall assist individuals with disabilities in securing the system, wheelchairs, ramps and/or lifts. Personnel must leave their seat to provide this assistance. PTS 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 manufacturer recommendations and/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 PTS, the following shall apply:

- ❖ ADA requires the animal to be under the control of the handler. The handler is responsible for control, cleanup or damages of an animal under the control of the handler.
- ❖ The best, safest location for the animal may 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

Service Requirements

PTS shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless:

- ✓ the lift cannot be deployed
- ✓ the lift will be damaged if it is deployed or
- ✓ temporary conditions at the stop, not under the control of PTS, preclude the safe use of the stop by all passengers

Operators shall position the bus to make boarding and disembarking as easy as possible for everyone. Operators shall minimize the slope of the ramp when possible 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 with the exception of the designated floor mounted wheelchair securement area.

2. Reserved Seating

Mobility device securement areas on buses are reserved for individuals utilizing wheelchairs or 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 positioned in the proper area.

13. Complaints

Complaints should be reported as soon as possible after the incident to assure proper handling. Complaint forms are included in this policy.

14. Suspension of Service

A rider's privileges may be suspended for any of the following infractions on any PTS 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.

15. Reservations

To arrange a ride customers' must call PTS at 940-328-1391. Please be prepared to provide your name, the addresses of the pick-up and drop-off points, your arrival and departure times, and any reasonable accommodations you may need. Additional information may be required.

Customers are required to telephone PTS to reserve a ride at least one (1) day in advance of the desired trip. Reservations are accepted from 8 a.m. to 3 p.m. Monday through Friday. If a return ride is required, it should be scheduled at that same time. If scheduling permits, PTS may provide reasonable accommodations for customers on shorter notice; but shall not guarantee on-time performance.

16. Scheduling Tips:

Many factors can affect your travel plans. Weather can affect traffic conditions and slow service. Medical appointments, for example, are often delayed, so it is better to over- estimate rather than under estimate your travel and appointment times. Please take into account any conditions that may affect your pick-up and drop-off times.

17. Customer Responsibilities:

PTS provides curb-to-curb services to all of its clients. PTS drivers are not able to enter the home or facility in which the customer is located. Customers are expected to be ready and waiting (*just inside the entrance door or other pre-arranged location*) at the agreed upon time. Customers finding that they will be unable to meet the PTS driver at the location or time schedule are expected to call PTS and advise them as soon as possible. In the event that PTS is unable to meet the customer at the agreed upon time, PTS will make every effort to alert the customer of the change. Please inform PTS of any reasonable accommodations that may be necessary. PTS allows clients to utilize an assistant / attendant at no charge to assist them during transport.

18. Cancellations Policy

PTS requires two a (2) hour cancellation notice before scheduled pick- up time. Less than two hours notification is considered a No-Show. Failure to cancel may result in the loss of transportation privileges.

19. No-Show

PTS buses will wait a maximum of five (5) minutes at each scheduled pick up point for customers. Customers who are more than 5 minutes late or fail to meet the bus for any reason are considered No Shows.

Customers are given notice that three (3) No-Shows in a thirty-day (30) period will result in the suspension of services for a period of thirty (30) days. In the event the problem continues service can be permanently suspended.

20. Passenger Wheelchairs and Other Mobility Aids

Under the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations 49 C.F.R. Section 37.3, a “wheelchair” is defined as 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.

It is the policy of PTS that all wheelchairs are to be secured during transport. This includes occupied and unoccupied wheelchairs to protect the safety of all clients. Transit drivers shall secure wheelchairs prior to transport. All clients shall be required to use seatbelts and shoulder harnesses during transport for safety purposes and as required by law. Exceptions to this requirement shall only be considered if recognized by state law, which is applicable only in rare occasions when the seatbelts themselves may be more harmful to a passenger with certain types of disabilities.

All PTS vehicles have a manufacturer recommendation load for wheelchair lifts/ramps. To protect the interest and ensure safety of our clients, PTS shall monitor lift/ramp capacity as applicable to wheelchair and client transport. This action is taken to protect the interest and safety of clients who utilize the lift/ramps.

PTS reserves the right to deny service to clients if the situation is determined to be unsafe for the passenger and/or the driver.

21. Personal Care Attendant (PCA):

PTS may require a customer to supply his or her own Personal Care Attendant (PCA). Generally the following conditions warrant a PCA:

- **Immobility:** If the customer is incapable of self-mobility, or if self-mobility is possible but the risk of falling or physical injury exists, and the assistance of a PCA would provide

mobility or lessen the danger of injury, the customer's attendant may accompany the customer at no cost.

- **Disorientation:** If the customer, due to a visual or mental impairment, is unable to properly orient him/herself and navigate to reach a destination, and the assistance of a PCA is required, the customer's attendant may ride at no cost.
- **Non-Comprehension:** If the customer, due to mental impairment, is unable to adequately perform those mental processes necessary to handle common occurrences, or is unable to effectively control his/her own actions, and the assistance of a PCA is required, then the customer's attendant may ride free.
- **Communication Impairment:** If the customer is unable to effectively transmit or receive communications due to sensory or mental problems, and if these problems would prevent the customer from using the service, the customer's attendant may ride free.

Attendants are required to specifically assist the customer, including, but not limited to, the following duties:

- Assisting the customer from his/her door to the bus and back again
- Opening doors
- Pushing wheelchairs
- Carrying packages
- Communication with the driver (if customer is unable)

If a PCA does not specifically perform some type of assistance for the customer, that person is considered a guest and shall be required to pay full fare.

In addition to physician-related PCAs, attendants will be required to accompany under the following circumstances:

- Customers unable to orient him/herself and navigate to reach a destination
- Customers unable to effectively control his/her own actions
- Customers who will not remain seated and belted
- Customers using non-conventional wheelchairs / non-compliant wheelchairs and are unable to independently transfer
- Children under seven (7) years of age, and
- Others, as required by PTS

22. Customer Behavior:

To assure the safety and comfort of all customers and the driver, the following activities are prohibited on all vehicles. Persons who engage in these activities may be refused service:

- Smoking
- Eating and drinking
- Playing personal radios
- Consuming alcoholic beverages
- Using illegal drugs
- Using obscene or abusive language
- Behaving in ways that are violent or seriously disruptive
- Shoving, pushing, or behaving in a disorderly manner
- Causing damage to the vehicle
- Use of Cell Phones; as this is a distraction to clients and the driver

23. Driver Assistance:

PTS drivers will assist customers when boarding and departing the vehicle. Drivers will secure wheelchairs, assist with seat belts, small parcels, and up to maximum of five (small) bags of groceries (*Or what can be safely carried and secured in their laps*). Drivers are not permitted to carry groceries or parcels up and down stairs or steps, enter homes, or accept gifts or tips to perform such duties.

24. Accidents / Incidents / Complaints:

Complaints should be reported as soon as possible after the incident to assure proper handling. When filing a complaint, please provide the following information:

- Description of Incident or Complaint
- Your Name
- Date and Time of incident
- Location
- Vehicle Number, If applicable (Third Party Vehicles)

- Driver Name, If applicable (Third Party Drivers)
- Additional Information Required

PTS personnel are available to assist customers with scheduling, to resolve problems, and to provide information about the service. Questions, suggestions, and complaints should be communicated to PTS by phone 940-328-1391 or mail to P.O. Box 1055, Mineral Wells, Texas 76068.

25. Termination of Services

If a client/person does not follow guidelines and procedures involving the use of PTS, services will be terminated utilizing the following procedures:

1. If feasible, the person will receive two oral warnings (*document verbal warning – place in file*)
2. If compliance is not achieved after the two oral warnings, the person shall receive a written warning stating in detail the area of non-compliance.
3. If compliance is not achieved after the written -warning, the person shall be notified in writing that his or her use of (*all or a portion*) of PTS is terminated, with a statement of reasons therefore.

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.

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.

Individuals would intend to file an Equal Employment Opportunity complaint or would like to discuss and/or file a complaint alleging discrimination should contact the EEOC Officer at 940-328-1391, or in person at 1850 Mineral Wells Hwy. Weatherford, 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.

**PUBLIC TRANSIT SERVICES
AFFIRMATIVE ACTION PLAN
Policy Statement**

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.

Americans with Disabilities, Equal Employment Opportunity & Affirmative Action Complaint Procedures

1. Complaint Process

Individuals who would like to discuss and/or file a complaint alleging discrimination should contact the Public Transit Services Administrative Offices. The Administrative Officer can be reached by phone at 940-328-1391 x 102, or in person at 1850 Mineral Wells Hwy Weatherford, Texas. Complaints must be filed timely or within seven (7) days of the noted violation if possible, to allow PTS to adequately investigate the complaint.

The following procedures will be used to process complaints:

Counseling

The first step in resolving complaints is effective appropriate investigation, training and counseling as deemed appropriate. The purpose of an investigation 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. PTS shall be responsible for clarifying the problem(s), and attempting to resolve it to everyone's satisfaction. PTS shall:

- Clarify the issues
- Identify whether the problems are covered by ADA, EEO or Affirmative Action
Outline alternative procedures
- Identify options
- Attempt to work out a resolution agreeable to all concerned
- Provide information on external enforcement agencies (*i.e., the EEOC, the Texas Commission on Human Rights, FTA and the DOT*) as deemed necessary

The Complainant(s) may, if deemed appropriate, request an informal inquiry into the complaint. The informal complaint shall be processed through normal procedures with support documentation required. Documentation to support the informal complaint shall be maintained on-file. PTS shall have five (5) workdays to complete an informal complaint. 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 PTS begin a formal investigation. The complainant may proceed to file a formal complaint and must do so within 5 working days. The Complainant must then complete the Complaint Form (*included in this policy*) and return to PTS in a within three (3) workdays. PTS has twenty-five (25) days to resolve the issue.

Filing a Formal Complaint:

The Complainant(s) must complete and sign the PTS Internal Complaint Form 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 is designed to establish the facts once clear basic information is provided.

Rejecting a Complaint

If PTS decides to reject a complaint, the Complainant(s) will be notified in writing within ten (10) working days after the filing a formal complaint. It is within the authority of PTS to reject any claim, if PTS determines that the allegations are not within the discrimination guidelines. If PTS makes this determination, then such notice of rejection will be final and cannot be appealed unless new evidence can be presented to PTS 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, PTS will investigate the claim to the fullest extent. 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. PTS 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.

Formal Resolution

During and at the conclusion of the investigation PTS; *consistent with policies and procedures*; will attempt to resolve the complaint. 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 wrong doing on the part of Public Transit Services employees or any of its agents.

One of the major objectives of the complaint process is fairness and early resolution of complaints. Consequently, PTS 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, PTS will issue findings of fact and conclusion and will make recommendations for corrective action, if required, or other resolutions as applicable. The Complainant will be contacted to receive and sign-off as acknowledgment of receipt of Public

Transit Services disposition of their complaint. Thereafter, the accused person(s) will be notified of Public Transit Services recommendations.

Appeal of Disposition

If the Complainant(s) is not in agreement with the findings and determination contained in the disposition, he or she may appeal the 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 Officer who investigated the original claim.

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 PTS and/or against the PTS, 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.

2. Grievance Procedures

Step 1: The aggrieved person shall request a conference with an appropriate PTS staff member who can most immediately deal with the problem. Efforts shall be made to resolve the problem. If these efforts prove unsuccessful, then the second step shall be taken.

Step 2: The aggrieved person shall present his or her grievance to the Executive Director of PTS. Efforts shall be made to resolve the problem. If these efforts prove unsuccessful, then the third step shall be taken.

Step 3: The aggrieved person shall present his or her specific grievance in a letter to the Chairperson of the PTS Board of Directors. If the aggrieved person needs help in preparing the letter, he or she may request assistance from a member of the PTS staff. The Chairperson shall then convene a committee to be composed of three persons. One member, who shall serve as chairperson, shall be chosen by the PTS Chairperson from among the PTS Board membership. A second member shall be chosen by the aggrieved person. A third member shall be chosen by the Chairperson of the PTS Board. The Committee shall then meet the aggrieved person. The hearing is limited to the specific grievance presented in the letter. Following deliberation, the committee shall present a written recommendation to the Chairperson for disposition by the PTS Board of Directors.

FORMS

**PUBLIC TRANSIT SERVICES
EQUAL OPPORTUNITY EMPLOYMENT
Internal Discrimination Complaint Form**

The information on this form is to be completed for all alleged discrimination and/or harassment complaints. The completed copy is to be signed by the complainant. Upon completion, please forward to the PTS officer assigned to the investigation.	
Complainant's Name:	
Work Phone:	Home Phone:
Job Title:	Date of Hire:
Currently employed by PTS? <input type="checkbox"/> Yes <input type="checkbox"/> No	Supervisor's Name:
Date of the alleged discriminatory practice:	
The discrimination occurred in connection with:	
<input type="checkbox"/> Interview <input type="checkbox"/> Hiring Selection <input type="checkbox"/> Promotion <input type="checkbox"/> Layoff <input type="checkbox"/> Transfer <input type="checkbox"/> Disciplinary Action <input type="checkbox"/> Training <input type="checkbox"/> Wages <input type="checkbox"/> Other (Specify)	
Basis of the alleged discriminatory practice:	
<input type="checkbox"/> Race <input type="checkbox"/> Sex <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Retaliation <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Harassment <input type="checkbox"/> Other (Specify)	
Have you made an effort to resolve this issue with your supervisor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what action if any was taken?	
If no, do you give the EEO Officer your permission to speak to your supervisor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what action was taken?	
Person(s) who you believe discriminated against you:	
Name:	
Title:	
Location:	
Facts of the alleged discrimination are (attach additional sheets if necessary):	
Resolution you are seeking:	
Complainant's Signature:	Date:
EEO Officer's Signature:	Date:

**Public Transit Services
American w/Disabilities
Complaint Form
Confidential**

COMPLAINANT NAME: DATE: [Click here to enter a date.](#)

NATURE OF COMPLAINT or GRIEVANCE:

Unlawful Discrimination as defined under Americans with Disabilities Act

Dispute Concerning Violation of Americans with Disabilities Act

Alleged Violation of Local, State or Federal Law or Regulation

Other – Explain

Summary of relevant facts (all):

Identification of Grievance or Complaint: *(Agency requires specific information such as; ACT or OMISSION, VIOLATION, POLICY, PROCEDURE you desire to be reviewed)*

- 1.
- 2.
- 3.

Identification of “ALL” witnesses, if applicable:

- 1.
- 2.
- 3.

Identification of “ALL” documents (if any):

- 1.
- 2.
- 3.

Statement of Proposed Resolution(s):

By signing this form, I state and affirm that all of the information contained within is true and correct.

Complainant Signature: _____ Date: [Click here to enter a date.](#)

~ Administrative Use Only ~

The complaint/grievance was received and shall be investigated by the following:

Public Transit Services Personnel Name:

Title:

Date: [Click here to enter a date.](#)

Signature: _____

**Public Transit Services
Affirmative Action
Complaint Form
Confidential**

COMPLAINANT NAME: **DATE:** [Click here to enter a date.](#)

NATURE OF COMPLAINT or GRIEVANCE:

Unlawful Discrimination as describe under Affirmative Action Plan

Dispute Concerning Violations

Alleged Violation of Local, State or Federal Law or Regulation

Other – Explain

Summary of relevant facts (all):

Identification of Grievance or Issue: *(Agency requires specific information such as; ACT or OMISSION, VIOLATION, POLICY, PROCEDURE you desire to be reviewed)*

- 1.
- 2.
- 3.

Identification of “ALL” witnesses, if applicable:

- 1.
- 2.
- 3.

Identification of “ALL” documents (if any):

- 1.
- 2.
- 3.

Statement of Proposed Resolution(s):

By signing this form, I state and affirm that all of the information contained within is true and correct.

Signature: _____ Date: [Click here to enter a date.](#)

~ Administrative Use Only ~

The complaint/grievance was received and shall be investigated by the following:

Public Transit Services Personnel Name:

Title:

Date: [Click here to enter a date.](#)

Signature: _____

**PUBLIC TRANSIT SERVICES
INVESTIGATION OF GRIEVANCE
STATEMENT OF VERIFIABLE FACTS**

NAME OF INVESTIGATING PARTY:

TITLE OF INVESTIGATING PARTY:

DATE: [Click here to enter a date.](#)

Supplemental Summary of "ALL" relevant facts:

Summary of Resolution:

By signing this form; I hereby state and affirm that all of the information contained within is true and correct. I understand that PTS policy provides severe discipline (*including termination*) for any employee providing false information through its Grievance Policy and Procedures.

Employee Signature: _____ Date: [Click here to enter a date.](#)

Documentation shall be forwarded to Executive Director or designee for review. All necessary documentation must be submitted to include but not limited to support documentation regarding resolution.

Reviewed: Yes No If no, explain below:

Executive Director Signature: _____ Date: [Click here to enter a date.](#)

**Public Transit Services
ADA, EEOC and Affirmative Action
Training
Acknowledgement Form**

I, _____ hereby acknowledge that *American Disability Act, Equal Employment Opportunity and Affirmative Action training* was provided by Public Transit Services and I further understand my obligation to abide by and follow the policies and procedures of the agency; as defined.

Signed this _____ day of _____, _____

Employee Name: _____

Title: _____

Employee Signature: _____

Date: [Click here to enter a date.](#)

Administrative use only:

I certify by way of signature that adequate training was provided to the aforementioned employee:

Trainer Name (Print): _____

Title: _____

Signature: _____

Date: [Click here to enter a date](#)

Board of Director
Policy Approval Notice

Policy Title: ADA - EEOC & Affirmative Action Policy

Policy Adoption Date: 4/22/2010

Policy Revision Date (as applicable): 9/26/2019

Public Transit Services hereby certifies that the above referenced policy has been reviewed by the Board of Directors; and found it to be within the agency's authority to adopt and/or revise:


Board President Signature

9/26/2019
Date


Executive Director Signature

9/26/2019
Date