North Central Regional Transit District (NCRTD)
Resolution No. 2020-07

ADOPTING AN AMENDED EQUAL EMPLOYMENT OPPORTUNITY PLAN

WHEREAS, the NCRTD is a "special District" pursuant to NMSA 1978, Section 73-25-1 et seq., and a subdivision of the State of New Mexico; and

WHEREAS, the Board of Directors adopted its existing "Equal Employment Opportunity Plan (EEO Plan) by Resolution No. 2017-34, on October 13th, 2017; and

WHEREAS, the District updated its Equal Employment Opportunity (EEO) Plan in 2019 but has since discussed the plan further with the contractor who reviews District Compliance matters for New Mexico Department of Transportation; and

WHEREAS, upon review of the 2019 District EEO plan certain minor corrections and changes have been recommended; and

WHEREAS, the District wishes to remain fully compliant with all state and federal regulations and to adopt recommended changes to the EEO plan


Approved as to form:

Daniel Barrone, Chair

Peter Dwyer, Counsel
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

Fiscal Year 2020 - 2023

March 2020

NORTH CENTRAL REGIONAL TRANSIT DISTRICT

1327 N Riverside Drive, Española, NM 87532
I. EXECUTIVE DIRECTOR’S STATEMENT OF POLICY

II. POLICY DISSEMINATION
   a. Internal Dissemination
   b. External Dissemination

III. DESIGNATION OF PERSONNEL RESPONSIBILITY / EEO OFFICER RESPONSIBILITIES
   a. EEO Officer Responsibilities
   b. Responsibilities of Executive Director, Managers and Supervisors

IV. ASSESSMENT OF EMPLOYEES PRACTICES
   a. Recruitment and Selection
   b. Testing
   c. Promotions and Transfers
   d. Seniority Practices
   e. Training
   f. Promotions and Transfers
   g. Compensation and Benefits
   h. Disciplinary Procedures and Termination Practices

V. MONITORING AND REPORTING PLAN
   a. Monitoring
   b. Reporting

VI. SIGNATURE AND APPROVAL

VII. ATTACHMENTS
I. EXECUTIVE DIRECTORS STATEMENT OF POLICY

The Regional Transit District Act was adopted by the State Legislature and signed on March 21, 2003. The Regional Transit District Act, NMSA 1978 Section 73-25-1 et seq., authorizes New Mexico governmental units to establish regional transit districts that are authorized to finance, construct, operate, maintain, and promote regional transit systems. The North Central Regional Transit District (NCRTD) satisfied the conditions of the Regional Transit District Act and was certified by the New Mexico Transportation Commission on September 14, 2004 and is a sub-division of the State of New Mexico. The NCRTD has entered into Intergovernmental Agreements with the following entities: Counties of Santa Fe, Los Alamos, Rio Arriba and Taos; Cities and Towns of Santa Fe, Edgewood, Taos and Española, Villages of Chama, Questa and Taos Ski Valley and the Pueblos of San Ildefonso, Nambe, Tesuque, Santa Clara, Pojoaque and Ohkay Owingeh.

Elected and appointed representatives of these organizations serve on the NCRTD’s Board of Directors and give the organization direction.

The NCRTD’s mission is to provide safe, secure and effective public transportation within North Central New Mexico to enhance the quality of life of our citizens by providing mobility options and economic opportunities throughout the region.

The NCRTD provides a variety of transit routes and services to citizens within the District’s four county service area, and is funded through a combination of federal, state and other grants, a voter authorized Regional Gross Receipts Transit Tax, and miscellaneous revenues.

NCRTD prohibits discrimination based on race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, pregnancy, gender identity, genetic information, veteran status, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance.

The NCRTD will keep these tenets in mind in recruitment, selection, placement, promotion, training, compensation of its employees, and in all other official acts of the NCRTD and its employees and agents.

The NCRTD is committed to provide reasonable accommodations to applicants and employees.

The Human Resources Director will be appointed to serve as the EEO officer for NCRTD. The EEO Officer will report directly to the Executive Director. The EEO Officer will be responsible for ensuring that we comply with all EEO responsibilities.

We are committed to an Equal Opportunity Program including goals and timetables for good-faith efforts to achieve full utilization of minorities and women at all levels and segments of NCRTD’s workforce where deficiencies may exist.

All management personnel share in this responsibility and will be assigned specific tasks to assure compliance is achieved. The performance of managers, supervisors and others will be evaluated based on
their contribution to the success of the EEO program the same way as their performance on other NCRTD goals is evaluated.

Employees and applicants will have the right to file complaints and reports alleging discrimination with the appropriate official(s). All such complaints and reports will be thoroughly investigated. Retaliation is strictly prohibited and will not be tolerated. No adverse action or retaliation will be taken or permitted against any employee or applicant who reports issues of workplace discrimination or harassment.

The NCRTD is committed to developing a written nondiscrimination program to which the District is committed, and which will be available upon request.

SIGNED:

Anthony J. Mortillaro

Executive Director
II. POLICY DISSEMINATION

The NCRTD Equal Employment Opportunity (EEO) Program will be communicated in the following manner:

a. Internal Dissemination

The EEO Policy statement and posters will be permanently posted and conspicuously displayed in areas available to employees. NCRTD’s EEO Program Plan and related documents will be posted on the internet.

The EEO Policy will be placed in all future employee handbooks and manuals with a presentation and discussion held during New Employee Orientation and in training programs.

The EEO Policy and Program will be discussed with top management officials at a minimum semiannually to discuss the EEO program and its implementation.

The EEO Officer will meet with all employees and affinity groups to seek input on the program implementation.

EEO Officer will conduct periodic EEO trainings for all employees and for managers and supervisors.

EEO Officer will conduct EEO trainings for all new supervisors or managers within 90 days of their appointment.

b. External

The dissemination of NCRTD’s EEO policy will be disseminated to recruitment entities when there is outreach or advertising to recruitment entities.

The dissemination will include all recruitment ads and will contain a statement that the District “is an equal employment opportunity employer.”

The EEO Program Plan and other related documents will be posted on NCRTD’s website.
III. DESIGNATION OF PERSONNEL RESPONSIBILITY / EEO OFFICER RESPONSIBILITIES

a. Equal Employment Opportunity (EEO) Officer Responsibilities

The Human Resources Director will assume the position of the Equal Employment Opportunity Officer and perform the following duties and functions:

1. Developing and recommending an EEO policy, a written program, and internal and external communication procedures;

2. Conduct EEO trainings for all new supervisors or managers within 90 days of their appointment.

3. Assist management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals;

4. Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and required action;

5. Review the agency’s nondiscrimination plan with managers and supervisors;

6. Concur in the hiring and promotion process;

7. Periodically review employment and EEO policies, procedures, performance evaluations, and union agreements;

8. Report at least semiannually to the Executive Director on each department’s progress in relation to the agency’s goals;

9. Serving as a liaison between the District, Federal, State and Local governments, regulatory agencies, minority, veterans, disabled and women’s organizations, and other community groups;

10. Maintain awareness of current EEO laws, and ensure dissemination to responsible officials;

11. Investigate complaints of EEO discrimination;

12. Provide EEO training for employees and managers;

13. Advise employees and applicants of training programs and professional development opportunities;

14. Assuring that current legal information affecting affirmative action is disseminated to responsible officials;

15. Audit postings of the EEO policy statement to ensure compliance information is posted and up to date.
b. **Responsibilities of Executive Director, Managers and Supervisors:**
   1. Participate actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives;
   2. Executive Director will hold regular discussions with managers, supervisors, and employees to ensure the district’s policies and procedures are being followed;
   3. The Executive Director, in conjunction with the EEO officer, will maintain and update the personnel database for generating reports required for the nondiscrimination program;
   4. The Executive Director, managers and supervisors, will cooperate with the EEO officer in review of information and investigation of complaints;
   5. Will encourage employee participation to support the advancement of the EEO program.

IV. **ASSESSMENT OF EMPLOYEES PRACTICES**

a. **Recruitment and Selection**

Applicants for employment shall be considered and placed without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, military status or disability.

The NCRTD shall display equal employment opportunity notices in conspicuous places available to all employees and applicants for employment. Employment application forms shall comply with applicable federal laws. A copy of the NCRTD EEO Policy may be obtained from the EEO Officer, manager, supervisor or on the NCRTD’s website.

Applications and supporting documents shall be reviewed by individual managers for evaluation considering this EEO Policy. Applicants deemed most suited for available position may be asked to submit additional supporting data for further evaluation, and/or may be asked to submit themselves for an interview. Before a formal offer is made, the EEO officer shall be consulted to ascertain that a good faith effort to implement this EEO Policy has indeed been made. The EEO Officer shall obtain evidence to confirm that the applicant pool from which the selection (hiring) was made had been established without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability. If this cannot be confirmed, the EEO Officer may object to the hiring and the Executive Director shall consider alternatives prior to filling the position.

In order enhance the employment opportunities of minorities, women, veterans, and individuals with disabilities, managers are especially urged to develop a better understanding of minorities, women, veterans, the disabled in the work force and the conditions, problems and expectations of the groups.

The recruitment of persons to fill vacancies will be accomplished without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, military status or disability. NCRTD will maintain contacts with various minority, women, military and handicapped groups and organizations concerning manpower resources and requirements when necessary.
1. The EEO Officer will have primary responsibility for recruitment activities with direct assistance from other NCRTD staff involved in the hiring process.

2. Whenever practical all job openings will be advertised in the news media. They will also be advertised in any news media forum that targets women and minorities as well as organizations and institutions catering predominantly to minorities, women, veterans and they disabled. Where visual media (such as online posts, posters or flyers) is used, all pictures that show visual representations of the NCRTD staff shall include minorities and/or females. The NCRTD may choose not to advertise vacancies when more than 5 current (three months or less) applications are on file for a position, or selections can be made from a pre-selected standing list of qualified applicants, or a collective bargaining agreement or law does not permit advertising the position.

3. The latest job listing will be posted in such a manner that all employees and potential employees have equal access to this information.

4. Communications will be maintained with educational institutions and vocational schools for recruitment, including predominantly minority and women’s institutions.

5. The Executive Director will determine where to advertise vacant positions; either in-house only or in the local news media.

A Utilization Analysis will be reviewed annually by both the EEO Officer and other appropriate NCRTD staff to ensure that identified qualified groups are provided opportunities at rates substantially like those of qualified men and non-minority employees. NCRTD will strive to employ and retain qualified individuals with disabilities in all levels of its workforce.

b. **Selection**

The selection of persons to fill job vacancies will be accomplished through approved procedures only, adhering to the documented NCRTD hiring process. Persons will be hired without regard to non-merit factors following a completely objective appraisal of each eligible individual interested in the position.

c. **Testing**

The NCRTD does not currently conduct testing for positions at the District and has not in the past three (3) years,

d. **Promotions and Transfers**

Promotion and / or transfers will be proposed in accordance with federal equal employment opportunity laws and on a nondiscriminatory basis. The practice used in selecting persons for promotion and / or transfers will be evaluated periodically to ensure that they are realistic and relevant.

When positions become available, they are posted internally, and employees have up to 10 days to apply.

All positions at the NCRTD have minimum qualifications for education and previous job experience. Employees who meet the minimum qualifications for the position they are applying, will receive an interview for that position. Employees who do not meet the minimum qualifications for the position, will be rejected and notified in-person or via email/mail.
If qualifications are met, employees are then interviewed and scored rated on pre-determined interview questions. Candidate with highest score is then chosen for the position.

Any employee who feels he or she has not been accorded fair and impartial treatment regarding employment will be offered an opportunity to discuss this problem. In order to encourage merit-based promotions the NCRTD shall seek to fund and provide assistance as follows.

1. Continued emphasis will be placed on the NCRTD’s educational assistance programs.

2. Training programs shall be designed to upgrade the skills of employees so that they can improve performance in their present position.

3. On-the-job training will be designed so that employees have an opportunity to acquire skills needed to qualify for promotions and/or an enhanced position with the NCRTD.

4. Employees with managerial ability will be encouraged to acquire skills on-the-job or through more formalized training prior to their advancement into a management position.

**e. Seniority Practices**

The District will work with the union during negotiations to ensure that the seniority practices for the district will be conducted in a nondiscriminatory manner. Both the district and the union are responsible for nondiscrimination under the federal equal employment opportunity laws and regulations, and both will review and revise the agreements.

f. The District is committed to a fair and nondiscriminatory practice for non-union employees under the federal equal employment opportunity laws and regulations. Non-union employees do not follow a seniority practice.

g. **EEO Training**

All personnel involved in the recruitment and selection process will be trained to ensure they understand the EEO Program Plan and are committed to its intent. Training shall also be provided annually to appropriate personnel including the NCRTD Executive Director, the EEO Officer and all Department Heads.

Evaluation of the training will be conducted to provide the EEO Officer information to evaluate the impact of the District’s policy and procedure and to ensure all employee’s, applicants and potential applicants are being evaluated based on best practices for the protected classes.

Periodic evaluations will be conducted by the EEO Officer to review employees’ training and promotion potential of minority and female employees. The EEO officer will encourage eligible employees to apply when openings are available.

**h. Compensation and Benefits**

NCRTD complies with the Equal Pay Act of 1963 which requires all employers subject to the Fair Labor Standards Act to provide equal pay for men and women performing similar work.
NCRTD will evaluate current salaries to ensure appropriate range placement based on job related experience, skills and abilities. NCRTD will provide description of wages, salary levels, and other forms of compensation and benefits policies and procedures.

Every three (3) years, all positions are re-evaluated and revised, if applicable. Positions are then compared with other relevant positions nationally, through benchmarking activities. This ensures fair compensation practices and provides salary ranges for all positions to ensure a consistent, overall pay strategy.

i. Disciplinary Procedures and Termination Practices

An employee may be disciplined for any of the reasons provided under the NCRTD’s Personnel Rules and Regulations. Any NCRTD employee who feels that he or she has been wrongfully subjected to disciplinary action has the right to appeal the action, either verbally or in writing, pursuant to the procedures set forth in the NCRTD Personnel Rules and Regulations.

This EEO Policy may serve as grounds for disciplinary action against employees. Any employee, who is found to have violated this policy may be subject to prompt and appropriate disciplinary action, up to and including termination.

The EEO Officer will be apprised of all verbal and written appeals based upon EEO compliance issues.

If an employee believes any disciplinary action against him or her is EEO related, he/she has the right to request a review from the EEO Officer to ensure compliance with NCRTD’s EEO Policy. The NCRTD will review and chart the various forms of discipline imposed on employees, cross-referenced by demographic category to ensure that the district maintains personnel action logs to be used in completing the required statistical employment practices to evaluate and monitor any potential disparate impact. Separate analyses will be conducted for bargaining unit represented employees, non-represented employees and at-will employees.

Discipline:

The NCRTD will make a bona fide effort to use written reprimands (warning notices) to first attempt to correct the employee’s behavior. The degree of discipline imposed shall normally be progressive in nature. Separate branches of Progressive Discipline shall be used for common categories such as absenteeism, safety issues, failure to follow instructions, etc. However, depending on the severity of the infraction, the Employer may choose to impose a more severe level of discipline, including dismissal, without first choosing a lesser form of discipline. The level of discipline imposed shall be determined by the Employer based on the severity, reoccurrence or similar nature of the infraction to past infractions and will be considered on a case-by-case basis. The severity of any penalty is subject to the grievance procedure.

Progressive Disciplinary Process:

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NCRTD commits to monitoring this on a quarterly basis, to ensure a fair and consistent practice.

UNION - Dismissal/Suspension Procedures - The dismissal or suspension of an employee shall be accomplished according to the following procedures:

1. To initiate the suspension or dismissal, the Employer shall serve a Notice of Contemplated Action on the employee which: describes the conduct, action, or omissions which form the basis for the contemplated action; states the date(s) issued of the progressive discipline, if any, that led to the contemplated action; gives a general explanation of the evidence the Supervisor has; specifies what the contemplated action is; and states the date, time and place of the predetermination meeting, and that the employee may waive the right to the meeting by notifying the Supervisor in writing prior to the start of the meeting.

2. At the predetermination meeting, the employee shall briefly have the grounds and the proposed action explained to him/her and shall have the right to respond. The purpose of the response is an opportunity for the employee to present his or her side of the story. It is an initial check against mistaken decisions, essentially a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action. The employee shall have the right to representation and the meeting may be recorded by either party.

3. Within ten (10) days from the date of the predetermination meeting, the Supervisor or designee shall notify the employee in writing if no disciplinary action will be taken.

4. Supervisor’s Disciplinary Decision: If a decision is made to proceed with the disciplinary action, the Supervisor or designee shall serve the employee with a Disciplinary/Corrective Action Form and supporting documentation within ten (10) days from the date of the predetermination meeting. If it cannot be delivered personally, it will be sent by certified mail, with return receipt requested, to the employee’s last address on record.
   a. The Notice of Proposed Disciplinary Action shall state what disciplinary action is being recommended and when the proposed action will take effect.
   b. No disciplinary action shall be final until the Executive Director has approved and signed the Disciplinary/Corrective Action Form.

5. Following the predetermination meeting, the employer shall issue a Written Notice of Final Decision which shall:
   a. Document the date, time and place of the predetermination meeting;
   b. Identify the specific misconduct;
c. Specify the disciplinary action, if any, to be taken;

d. Specify the effective date of the dismissal or suspension;

e. Be delivered personally to the employee by the employer or by certified mail, with return receipt requested, to the employee’s last address on record or emailed with a reply requested.

f. The Executive Director may, when deemed in the best interest of the District, extend the time limit for providing the employee with the Notice of Final Decision.

g. Employees who have been dismissed from employment for disciplinary reasons shall not be eligible for rehire if the Employer’s Final Decision is upheld following the grievance procedure.

UNION – Grievance and Arbitration

A. A "grievance" is an allegation made by the Union against the Employer that a violation, misapplication or misinterpretation of any provision of this Agreement has occurred.

B. Any reference to day or days within this article means workday or days and shall include normal dates of operation and excludes weekends and holiday.

C. The Union may file grievances on its own behalf, or on behalf of an employee or group of employees covered by this Agreement.

D. An individual employee may file a grievance under the provisions of this article, and have it adjusted without the intervention of the Union as long as:

1. The adjustment is consistent with the terms of this Agreement;

2. At any hearing or meeting on a grievance brought forward by an individual employee, and who has not requested the intervention of the Union, the Union shall still be afforded the opportunity to be present and make its views known.

3. An individual employee may not invoke arbitration under this article.

E. Before filing a formal grievance under the procedures established in this Article, employees are encouraged to try and resolve any issues with their immediate supervisor and if not, with their next level manager.

F. Grievances initiated by an employee or by the Union shall be filed within ten (10) days of the day after the grievant was aware, or reasonably could have become aware, of the provision in the Agreement that allegedly was being violated or ten (10) days after the “Final Decision” resulting in discipline.

G. The Employer, Union, and/or employee shall make an effort to hand deliver any Grievance documentation, correspondence, memos and/or forms as outlined in this article and shall be
considered served immediately upon hand delivery. In cases where hand-delivery is not possible/practical, such materials shall be emailed with reply requested or mailed priority, certified return receipt requested, and shall be considered served on the date of postmark by the U.S. Postal Service.

H. The Grievance procedure herein is the sole and exclusive remedy for employees covered by the Collective Bargaining Agreement regarding employment matters.

Steps in the Grievance Procedure:

A. All steps in the formal grievance process must be documented in writing via an Official Grievance Form. Employees and/or the Union must submit grievances in writing that include the specific details of what provision(s) in the Agreement was violated, and how and when it was violated.

B. The Official Grievance Form should include the following information, if applicable:

1. The employee's name or “et al.” (on behalf of the entire bargaining Unit), job title and work site;
2. The article(s) of the Agreement alleged to have been violated;
3. The date of the violation;
4. How the violation occurred: The grievant shall provide a detailed description of all the event(s) that resulted in specific violation and all the persons responsible for the violation;
5. The relief requested; and
6. The signature of the grievant or Union Official is required.

C. Grievance relief actions agreed upon by the parties at any of the steps listed below shall be binding.

Department Director Level:

1. The Union and/or grievant shall meet with the department Director to attempt to resolve the matter within ten (10) days of the day after receipt of the Official Grievance, unless the department Director is the person the grievance is against. In that case the Union and Executive Director shall meet within ten (10) days of the day after receipt of the Official Grievance to attempt to resolve the matter.
2. The department Director, who met with the Union, shall within ten (10) days of the day after the meeting, write a response to the grievant explaining the resolution or response to the allegations specified in the grievance.

Executive Director Level:
1. If the grievance is not satisfactorily resolved at the Department Director level found in Section 3 above, or if a “Notice of Final Action” has been issued, the grievant and/or Union shall submit the Official Grievance to the Executive Director within ten (10) days of the day after receipt of the Department Director’s written response or Notice of Final Action. The Executive Director shall respond in writing to the grievant and/or Union within ten (10) days of the day after receipt of the Official Grievance and may, within this time period, request a meeting with the grievant and/or Union to discuss the grievance and its settlement.

2. If the grievance is not satisfactorily resolved at this level, the Official Grievance, if it meets the definition of a Prohibited Practice, may be submitted to the District’s Labor Management Board by the Union, but not by the individual grievant, within fifteen (15) days after receipt of the Executive Director’s written response. If no mutually satisfactory settlement can be reached, then the Local Union or District may request federal mediation prior to arbitration. The parties agree to mediate all disputes prior to arbitration within thirty (30) days from the date of impasse unless the time limit is extended by mutual agreement in writing by both parties. The rules and procedures for mediation as provided for by the Federal Mediation and Conciliation Service shall apply. If no settlement is reached at the mediation conference, then, The Official Grievance may also be submitted to final and binding arbitration by the Union, but not by the individual grievant, within thirty (30) days thereafter.

Arbitration:

A. Within fourteen (14) days of the written demand for arbitration, the Union shall make a request for a panel of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), unless the parties by such time can agree upon an arbitrator or alternative panel of arbitrators from which to select an arbitrator.

B. Within fourteen (14) days of the receipt of a list of arbitrators, the parties will confer to select the arbitrator. The selection shall be made by the Union and the Employer alternately eliminating names. The last name remaining shall be the arbitrator. The parties shall flip a coin to determine who shall strike the first name. If the Employer fails or refuses to strike a name from the list, the Union may request that the FMCS unilaterally appoint an arbitrator to hear the matter. Once an arbitrator is either selected by the parties or appointed by the FMCS, the arbitrator shall have full jurisdiction.

C. The decision of the arbitrator shall be based upon the facts established by the testimony and documents presented in the case.

D. The arbitrator shall have no power to add to, subtract from, alter or modify any of these terms of the Agreement, but may give appropriate interpretation or application to such terms and provide appropriate relief.

E. The arbitrator shall have no authority to make any award including fines, punitive damages or award of attorney’s fees.

F. Each party shall pay one-half (1/2) of the arbitrator's fees and expenses.
G. The arbitrator's decision shall be final and binding on the parties.

H. In arbitration cases challenging a disciplinary action, the Employer shall have the burden of proof by a preponderance of the evidence. In arbitration cases where the Union alleges a contractual violation or dispute over a working condition, the Union shall have the burden of proof.

Miscellaneous:

A. Any of the time limits or steps set out in this procedure may be extended, waived, or otherwise modified by written mutual agreement of the parties.

B. If at any step of the grievance procedure the Employer fails to respond within the designated time limits, the grievance shall be automatically forwarded to the next level.

C. Any grievance shall be considered as settled on the basis of the last answer of the Employer if not appealed to the next step or arbitration within the time limitations set forth herein.

D. A party to this Agreement or an individual grievant may be represented by counsel at any step of the grievance procedure at their own cost.

E. The issue of non-grievability may be properly raised at any step of the grievance procedure. The arbitrator shall decide all issues regarding the grievability of grievances.

F. Grievances may be withdrawn by the Union at any step of the grievance procedure without prejudice and without precedence except as to objections to timeliness.

G. The arbitration procedure set forth in this article shall not apply to events which occur before the effective date of this Agreement.

In the past, NCRTD has not tracked any statistical data in regards to progressive discipline. As of January 1, 2020 NCRTD, commits to the following:

The statistical data to document the impact of the employment practices by sex and race will contain the following information:

- Number of applicants for employment in each job category and the number hired, cross-referenced by sex and race;
- Number of employees in each job category who applied for promotion or transfer and the number promoted or transferred, cross-referenced by sex and race;
- Number and types of disciplinary actions;
- Number of voluntary/involuntary terminations cross-referenced by sex and race;
- Job category training that fosters promotion potential, cross-referenced by sex and race;
- Number of applicants that are individuals with disabilities and are veterans for employment and promotions in each job category, and the number hired and promoted, cross-referenced by sex and race;

Exiting and/or lay off (Reduction-In-Force [RIF] employees shall be afforded the opportunity to participate in an optional exit interview conducted by Human Resources or other appropriate staff that will allow them to:

- Discuss the precise reason(s) for the termination;
- Voice any concerns they may have been reluctant to express while employed;
- Provide positive and negative comments and suggestions related to their employment experience.

NCRTD will review recorded terminations’ information to identify if women and minorities leave the Agency at rates substantially different from those of men, non-minority employees, and employees without disabilities.

NCRTD will work with the union to ensure seniority practices regarding layoff or Reduction in Force (RIF) union agreements are reviewed or revised wherever current provisions are identified as barriers to equal employment.

j. **Statistical Impact on Employment Practices and Minorities and Women**

NCRTD will provide statistical data that show potential impact of employment practices on minorities and women since the last EEO Program submission. This includes:

- The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race;
- The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race;
- The number and types of disciplinary actions tailored to the language used in union contracts and district policies and procedures;
- The number of voluntary/involuntary terminations cross-referenced by sex and race.

The district will protect self-identifying information, including self-identification for veterans and persons with disabilities. The self-identifying information will be separate from application materials. The NCRTD will have limited access to the self-identifying information and it will be stored in the Human Resources Office.

k. **Individuals with Disabilities and Veterans**

The NCRTD will provide statistical data that shows any potential impact on an agency’s employment practices on persons with disabilities and veterans. The data gathered will include the number of applicants
for employment and promotions in each job category and the number of hired and promoted, cross-referenced by sex and race.

The data will be used to measure the effectiveness of outreach and recruitment efforts for persons with disabilities and veterans. Raw data will be traced for number applied, number hired, number applied for promotion, and number promoted.

V. MONITORING AND REPORTING PLAN

a. Monitoring

The NCRTD will monitor the results of action plan taken since the last program submission. This will allow the District to evaluate their EEO Program during the year and to take any necessary corrective action regarding the development and execution of programs, goals, and timetables. The district will conduct evaluations semiannually, at a minimum. The review will identify whether the policy was disseminated internally and externally, consistent with non-discriminatory employment practices, identify potential barriers, and action plan progress.

The NCRTD and the Human Resources Office will monitor the collective bargaining agreement and union practices to identify potential discriminatory employment practices and take appropriate action to ensure there is no disparate impact for represented or non-represented employees.

Issue Resolution Procedures are as follows:

1. The EEO Officer will receive all written complaints of discrimination. These complaints may be direct from the employee, applicant or referred from a supervisor or manager who has received a complaint from an employee.

2. All discrimination complaints filed under this procedure will be accepted for investigation up to and including 30 days after the date of the alleged discriminatory act.

3. All complaints will be properly recorded and signed by the complainant. Employees will be advised and counseled as to other avenues of redress including, but not limited to, the following:
   - New Mexico Department of Workforce Solutions, Human Rights Bureau

4. All complaints will be investigated and processed by the EEO Officer within 30 days of receipt.

5. The complainant will receive written notification regarding the results of the investigation and the final disposition of the complaint including remedial actions to be taken.

6. If the complainant disagrees with the findings and decisions of the EEO Officer, he/she will be advised and counseled as to other avenues of redress including, but not limited to, the following:
   - New Mexico Department of Workforce Solutions, Human Rights Bureau
7. The EEO Officer will take necessary steps to ensure the confidentiality complainant records and of any counseling done in the course of the complaint procedure to the maximum extent permitted by law.

Utilization of this issue resolution procedure will not in any way jeopardize current or prospective employment status and shall be independent of, and in addition to, any other procedural rights afforded to employees under the NCRTD Personnel Rules and Procedures.

The EEO Officer will monitor complaints and work with Human Resources to ensure that data is collected and reviewed monthly to ensure that trends can be identified and investigated in a timely manner, but no more than 30 days from the submission of the complaint.

After the investigation is completed, the EEO Officer and the Human Resources Office will make recommendations for resolution(s) and report finding to Executive Director.

The EEO Office in collaboration with the Human Resources Office will maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.

The data received from the records will be used for trainings and to prepare and identify where the program isn’t working or is working effectively enough to me the districts goals.

b. Reporting

Prior to 2020, there were not any meetings to discuss the results of monitoring of the EEO Plan. Going forward, the EEO Officer will hold meetings on a bi-annual basis with the Executive Director to discuss the progress of the EEO Program and the results of the monitoring. Categories to review will be hiring, promotions, conflicting union agreements, status of EEO complaints, identified training opportunities, etc.

The meetings held by the EEO Officer and the Executive Director or management will include documented topics covered and follow-up action, if necessary.

The EEO Officer will hold meetings with Human Resources and hiring managers or supervisors to review current EEO goals and statistics on employment practices and goals. The meetings held will have documented agenda’s and sign-in sheets.
VI. SIGNATURE AND APPROVAL

NORTH CENTRAL REGIONAL TRANSIT DISTRICT

Approved by Executive Director:

__________________________                                         Date:  __________________________
Anthony J. Mortillaro

Approved as to form and legal sufficiency by the NCRTD legal counsel:

__________________________________                                    Date:  __________________________
Name
VII. ATTACHMENTS

- Annual goals and timetable chart from the previous program submission
- Organizational Chart

ANNUAL GOALS AND OBJECTIVES

The North Central Regional Transit District’s goal is to make its workforce more closely reflect the labor force in North Central New Mexico. The Agency will make specific good faith efforts to identify the underutilization of women and minorities and make the necessary changes to remove any existing barriers to their employment. NCRTD will also work to recruit and retain qualified minorities, women, military veterans, and individuals with disabilities at all employment levels.

Underutilization may be caused by barriers to employment. Therefore, the NCRTD’s hiring officials will review their recruitment, selection, and promotion process as well as the on-the-job treatment of employees to ensure that women, minorities, military veterans and individuals with disabilities receive equal employment opportunity to secure employment and promotion.

The NCRTD Executive Director, with the assistance of the Equal Employment Opportunity Officer, will annually perform the following activities necessary to prepare and update the goals and objectives of the Affirmative Action Plan for Equal Opportunity:

A. Analyze current staff and staffing patterns to determine the race/ethnicity and sex composition of NCRTD employees and of the four-county regional area workforce to establish benchmark ratios of race/ethnicity and sex.

B. Based on the ratios developed under “A” above, establish short range (less than 1 year) employment goals and objectives to address any areas of under-utilization of minorities, military veterans, and/or females which would further equal employment opportunity for NCRTD employees or the projected work force.

C. Based on the ratios developed under “A” above, establish longer range (1-5 years) employment goals and objectives to address any areas of under-utilization of minorities, military veterans, females and/or which would further equal employment opportunity for NCRTD employees or the projected work force.
## GOALS 2020 – 2021

<table>
<thead>
<tr>
<th>Goals</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Increase White females’ representation. White females represent only 13.3% of the workforce which is 53.3% of the market average.</td>
<td>The White females’ representation as of August 4, 2017 is updated by .1% or 13.4%. It remained flat throughout the timeframe.</td>
</tr>
<tr>
<td>2. Increase Hispanic/Latino representation in the Officials and Managers functions.</td>
<td>The NCRTD Hispanic/Latino representation in the Officials and Managers function is up from 30% to 50%, which is an increase of 20%</td>
</tr>
<tr>
<td>3. Increase female representation in all job functions.</td>
<td>The female representation has remained flat at 40%.</td>
</tr>
<tr>
<td>4. Increase American Indian participation in the Officials and Managers functions.</td>
<td>This objective has not been achieved.</td>
</tr>
<tr>
<td>5. We are fully committed to embracing diversity and inclusion in all aspects of our operation. Our Diversity and Inclusion</td>
<td>The NCRTD has recruited for vacant positions with consideration to all ethnicities and races.</td>
</tr>
</tbody>
</table>

The NCRTD aspires to developing a workforce that reflects the changing Labor Market and continues to build a multicultural and diverse team by embracing other minorities in the Labor Market such as African Americans and Asians.

Through the recruitment process, the NCRTD is continuing to recruit for all ethnicities and races in the Labor Market area.
### Goals set for 2020 - 2021

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<td>1. Increase NCRTD’s American Indian participation in all job categories within the NCRTD.</td>
<td>This objective has remained flat for the past evaluation period. The NCRTD currently has four (4) employees in the American Indian category or .06% of all employees who have self-identified.</td>
</tr>
<tr>
<td>2. Increase the female representation in all job categories within the NCRTD.</td>
<td>The NCRTD has had a decrease in the number of females within the total job categories. Currently there are 70 filled positions within the NCRTD women are at 35% of the total category. This is down 5% from last evaluation period. There are some categories that have increased female representation, such as the First/Mid-Level Officials and Managers. This category has seen an increase from 43% to 50% female representation. The categories that have seen a decrease in female representation are Professionals, down 50% or 1 position, Administrative Support 50% or 1 position, and operatives down 4% or 1 position.</td>
</tr>
<tr>
<td>3. Recruit individuals in a Veteran Status and with Disabilities that can perform the essential functions of the job.</td>
<td>This category has increased by three 3%. It went from 6% to 9% of the district’s current employees. The increase can be attributed to working with the Department of Workforce Solutions to find eligible applicants, which in turn has contributed to the increase in hiring Veterans.</td>
</tr>
<tr>
<td>4. The NCRTD will work towards more diversity in the of Labor Market categories such as, African Americans and Asians.</td>
<td>From the last evaluation period, the district hired one (1) employee in the category. The employee left due to personal reasons. This category is difficult to increase due to the limited applicants from the category.</td>
</tr>
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Goals 2020 - 2021

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**ORGANIZATIONAL CHART**

[Organizational Chart Image]