

Board Policy No. 27 Equal Employment Opportunity (EEO)

Summary

The purpose of this policy is to establish an equal employment opportunity program for employees. Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The North County Transit District (NCTD) administrative manuals, policies, and procedures mandate EEO in recruitment, hiring, and employment for applicants to, and employees of, NCTD. NCTD also has separate written policies which forbid discrimination based on a characteristic protected by federal, state, or local law and provides a grievance procedure for employees and visitors to NCTD who believe they have been a victim of discrimination. In addition, NCTD incorporates an EEO requirement in its contracts with third parties.

Policy

NCTD is an EEO employer that strictly adheres to the provisions of Title VII of the Civil Rights Act of 1964 and to the provisions of the California Fair Employment and Housing Act. It is against NCTD policy for an employee (including supervisors and managers), contractor, or subcontractor to base employment decisions, the treatment and/or advancement of employees, or any aspect of personnel policies and procedures on the basis of race, color, religion, religious creed (including religious dress and grooming practices), gender, sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, and breastfeeding), sexual orientation, gender identity and/or expression, age (40 and over), marital status/domestic partner status, national origin, ancestry, physical or mental disability, medical condition, genetic information and characteristics, primary language, immigration status, military and veteran status, or any other protected characteristic protected by federal, state, or local law. NCTD also prohibits discrimination based on the perception that one has any of the protected classifications noted above or is associated with a person who has or is perceived as being a member of any of the protected classifications. In addition, NCTD will make reasonable accommodations for employees and applicants with disabilities or to practice or observe their religion, if it can do so without undue hardship and without causing a direct threat to the health and safety of the employee or others.

This policy applies to all employment actions, including but not limited to, recruitment, hiring, classification, training, promotion, transfer, demotion, layoff, termination, compensation, and other terms and conditions of employment.

In the development and implementation of its personnel policies and procedures, NCTD will continue to base decisions solely on job-related qualifications and requirements of the position for which the individual is being considered.

All NCTD management staff are responsible for maintaining a working environment of equal employment opportunity, including an environment free of sexual harassment and discrimination, and assisting in attainment of NCTD EEO goals. NCTD evaluates the performance of managers, supervisors, and others based on the success of the EEO Program in the same manner that the agency evaluates their performance in other agency programs.

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- NCTD will not tolerate unlawful discrimination or harassment, including sexual harassment, of NCTD employees.
- All NCTD applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or Civil Rights Officer (CRO), including the right to a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. Supervisors and managers are responsible for immediately notifying the CRO of any allegation(s) of violations of this policy.
- Applicants and employees may also file a complaint directly with the Department of Fair Employment and Housing and the U.S. Equal Employment Opportunity Commission.
- NCTD will maintain confidentiality to the extent possible.
- Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in a protected activity is strictly prohibited and will not be tolerated.
- All NCTD managers and supervisors shall receive at least two (2) hours of sexual harassment prevention training and education within six (6) months of assuming a new managerial/supervisory position and every two (2) years thereafter through NCTD or the Department of Fair Employment and Housing by going to: <https://www.dfeh.ca.gov/shpt/>.
- All nonsupervisory employees shall receive at least one (1) hour of sexual harassment prevention training and education within six (6) months of assuming a nonsupervisory position and every two (2) years thereafter through NCTD or the Department of Fair Employment and Housing by going to: <https://www.dfeh.ca.gov/shpt/>.

NCTD has developed a written nondiscrimination program that sets forth the policies, practices and procedures, with goals and timetables, to which the agency is committed and ensures the EEO Program is available for inspection by any employee, or applicant for employment upon request.

All claims of unlawful discrimination and harassment are taken very seriously. Violations of this policy may subject NCTD employees to appropriate remedial measures, up to and including termination.

The overall responsibility for the implementation of the EEO Program, including administration and investigation of complaints, rests with NCTD's Staff Attorney/EEO Officer (EEOO), Bradley Saran. The Staff Attorney/EEOO Officer reports directly to the Executive Director for matters relating to EEO and is charged with the responsibility for monitoring and oversight of the program.

To maintain the integrity of the EEO investigative and decision-making process, third-party investigators may be used when there is, or appears to be, a conflict of interest between the complainant, respondent, and/or investigator and/or when it seems prudent to do so because of the nature or complexity of the complaint and/or if it is likely that the investigation may result in litigation.

For further related information, please contact the NCTD EEO Officer at (760) 966-6631 or via email at EEO@nctd.org.

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Approvals



Board Chair

10/20/2022
Date



Executive Director

10/20/2022
Date



General Counsel

10/20/2022
Date

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DATE	REVISION No.	RESOLUTION No.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
10/20/2016	3	16-10	2016 REVISION
10/19/2017	4	17-10	2017 REVISION
10/18/2018	5	18-09	2018 REVISION
10/17/2019	6	19-06	2019 REVISION
10/15/2020	7	20-08	2020 REVISION
06/17/2021	8	21-02	ORGANIZATIONAL UPDATE.
10/21/2021	9	21-05	2021 REVISION
10/20/2022	10	22-17	2022 REVISION