



EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAMS

This policy documents the purpose of the SANDAG Equal Employment Opportunity program and Disadvantaged Business Enterprise program for employees and contractors. This policy is consistent with SANDAG's Commitment to Equity statement.

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The SANDAG Employee Handbook and other administrative manuals, policies, and procedures mandate equal employment opportunities in recruitment, hiring, and employment for applicants to, and employees of, SANDAG. SANDAG also has written policies which forbid discrimination and provide grievance procedures for employees and visitors to SANDAG who believe they have been a victim of discrimination. In addition, SANDAG incorporates the requirements for fair and equitable employment practices in its U.S. Department of Transportation (DOT) funded contracts with third parties.

1. EEO Program

- 1.1 It is the policy of SANDAG to actively recruit, hire, train, promote, and make all other employment decisions for all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other relevant federal and state statutes. SANDAG will ensure that procedures for recruiting, selecting, hiring, promoting, training, terminating, compensating, providing benefits, as well as decisions regarding terms and conditions of employment do not adversely affect the employment of persons protected by Title VII and, in addition, that all SANDAG hiring and promoting criteria, requirements, and tests are job-related. SANDAG will adhere to the EEO requirements of FTA Circular 4704.1A, and all other applicable standards to the extent required by applicable law.
- 1.2 It is SANDAG policy to ensure that discrimination based on race, color, religion, creed, national origin, ancestry, age (40 or older), gender identity or expression, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), medical condition, physical or mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran or current or prospective services in the uniformed services, or any other category protected under federal, state, or local law does not occur in relationships that may exist between SANDAG and any employee or applicant for employment. Such relationships include, but are not limited to, recruitment, selection, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, or SANDAG-sponsored training, education, or social and recreational programs.
- 1.3 SANDAG complies with the Americans with Disabilities Act regarding the employment of individuals with disabilities. When requested, SANDAG shall provide reasonable accommodations to applicants and employees who are qualified for a job, so that they may perform the essential job duties of the position.
- 1.4 SANDAG is prohibited from retaliating against any person because they reported discrimination, made charges, testified, or participated in any complaint under Title VII.

- 1.5 The Senior Director of Organization Effectiveness is designated as the SANDAG EEO Officer and is responsible for assuring diversity in employment, including oversight for fair and equitable recruitment, selection, and employment practices, assuring compliance with applicable laws and regulations, and overseeing the development, maintenance, and implementation of the EEO Program. All management personnel within SANDAG share in the responsibility for upholding the principles of fairness, equity, and non-discrimination with respect to employment, and for implementing the practices outlined in the EEO Program in performance of their job duties.
- 1.6 When developing and implementing its employment policies, SANDAG will base its decisions solely on the individual's qualifications and merit, and the feasibility of any necessary accommodations. Any employee or applicant who feels they have been discriminated against has a right to file a complaint under SANDAG policies.
- 1.7 With respect to contractors, consultants, and sub-recipients:
 - It is SANDAG policy to require the contractors and consultants that it contracts with to have policies in place that ensure fair and equitable employment practices and forbid discrimination in violation of Title VII.
 - Responsibility for ensuring contractors, consultants, and sub-recipients comply with this requirement is assigned to the Director of Diversity and Equity.
 - Capital construction projects greater than \$10,000 funded with federal financial assistance must comply with EEO requirements set forth by the Office of Federal Contract Compliance Programs (OFCCP).
 - SANDAG is responsible for EEO oversight as required in FTA Circular 4704.1A for subrecipients or transit delivery contractors receiving federal funding of at least \$250,000 for planning-related projects or \$1 million for capital projects.

2. DBE Program

- 2.1 SANDAG maintains a DBE Program as required by the Federal Transit Administration. SANDAG also uses the California Department of Transportation's (Caltrans) DBE Program for Federal Highway Administration funded contracts. Each DBE Program sets forth a triennial goal for participation by DBEs. The Director of Diversity and Equity shall serve as the Disadvantaged Business Enterprise Liaison Officer (DBELO).
- 2.2 Responsibility for implementation of the DBE Program is assigned to the Director of Diversity and Equity. All management personnel within SANDAG are expected to support and implement the DBE Program in performance of their job duties and responsibilities.
- 2.3 When developing and implementing its contracting policies, SANDAG will base its contract selection decisions solely on the bidder's qualifications and merit, the evaluation criteria in the solicitation, and the bidder's compliance with DBE Program requirements.

3. EEO Procedures

- 3.1 The Senior Director of Organization Effectiveness will review employment statistics to determine whether there is a need to set goals for any under-represented groups and, if necessary, recommend goals to the Chief Executive Officer.
- 3.2 The Chief Executive Officer will approve or disapprove the Senior Director of

Organization Effectiveness' recommendation(s) at their discretion.

- 3.3 The Senior Director of Organization Effectiveness will maintain current contact lists of community resource organizations, community leaders, media sources, and colleges/vocational schools for SANDAG staff to use in recruiting for employees.
- 3.4 The Senior Director of Organization Effectiveness will communicate the EEO Program to all employees.
- 3.5 SANDAG staff will solicit community involvement by under-represented groups on issues of importance to the region that fall within its jurisdiction.
- 3.6 The Senior Director of Organization Effectiveness will maintain records on recruitment efforts, new employees, promotional opportunities, disciplinary actions, training, and employee separations which document whether the affected individuals are in a class protected by Title VII.
- 3.7 The Board of Directors will review an EEO report prepared by the Senior Director of Organization Effectiveness, or designee, on an annual basis. The report will include employment results and a review of EEO Program goals for the upcoming year.
- 3.8 The Senior Director of Organization Effectiveness will ensure the EEO policy is posted in employee breakrooms, other suitable locations throughout the SANDAG offices, and to an Intranet site accessible SANDAG employees.
- 3.9 All employment ads and job postings will contain a reference that SANDAG is an equal employment opportunity employer.
- 3.10 The Senior Director of Organization Effectiveness will ensure all federal and state posters concerning EEO will be displayed in employee breakrooms or other suitable locations throughout the SANDAG offices.
- 3.11 With respect to contractors, consultants, and sub-recipients:
 - The Director of Diversity and Equity shall notify OFCCP each time a construction contract is awarded for a value of more than \$10,000 and includes federal financial assistance. Each contract shall require the contractor to notify the OFCCP of each subcontract of at least \$10,000.
 - The Director of Diversity and Equity shall ensure that SANDAG contracts include the requirement for the contractor in federally-assisted construction contracts, and their subcontracts with a value of at least \$10,000, to take affirmative action steps as required by OFCCP to ensure equal employment opportunities in all aspects of their employment practices and this requirement shall be in each contract and non-exempt subcontract.
 - The SANDAG Contracts Division shall ensure that each subrecipient meeting the FTA thresholds is required to sign certificates and assurances that they will meet the FTA EEO requirements and the Office of Diversity and Equity shall monitor their compliance.
 - The SANDAG Contracts Division shall ensure that each transit service delivery contractor meeting the FTA thresholds is required by contract to adhere to the FTA EEO requirements and the Office of Diversity and Equity shall monitor their compliance.

4. DBE Procedures

- 4.1 The Director of Diversity and Equity will develop triennial overall DBE goals for FTA-funded contracts in accordance with DBE regulations. SANDAG overall DBE goals will be reviewed annually to determine if DBE commitments meet the established overall DBE goal. If a shortfall exists, ODE will prepare a shortfall analysis and determine the best course of action to ensure SANDAG is able to meet the triennial goal or revise the triennial goal based on the shortfall analysis.
- 4.2 The Chief Executive Officer will approve or disapprove the triennial overall DBE goal prepared by the Director of Diversity and Equity.
- 4.3 The Director of Diversity and Equity will ensure SANDAG complies with the Caltrans DBE Program and the Caltrans Local Agency Procedures Manual (LAPM) requirements for all FHWA-funded contracts passed through to SANDAG by Caltrans.
- 4.4 The Director of Diversity and Equity will be responsible for setting contract goals on FTA and FHWA-funded projects when appropriate. The ODE staff will conduct reviews of proposals and bids to determine if DBE contract goals are met or if good faith efforts (GFE) evaluations are required. GFE evaluations shall be conducted by the ODE.
- 4.5 The Director of Diversity and Equity will be responsible for monitoring compliance with the DBE Program for all FTA and FHWA-funded contracts. ODE staff will monitor performance of DBE firms, payments to DBE firms, and ensure contractors fulfill their commitments to use listed DBE firms on FTA and FHWA-funded contracts.
- 4.6 The Director of Diversity and Equity will communicate the DBE Program and its requirements to all SANDAG employees and applicable contractors and consultants.
- 4.7 Office of Diversity and Equity staff will conduct outreach to small businesses, minorities, women, disabled veterans, and other groups to notify these businesses about SANDAG contracting opportunities. Outreach efforts may include, attending outreach events and professional association conferences, participating in pre-bid meetings, and conducting procurement networking events.
- 4.8 All SANDAG requests for proposals, requests for qualifications, and invitations for bids with FTA and FHWA federal funding will contain required language based on 49 CFR Part 26, and encourage participation by DBE consultants, contractors, and subcontractors.
- 4.9 Consultants and contractors awarded contracts with DBE Program goals will be required to submit DBE commitment forms, report monthly payments to DBE subcontractors (currently through a web-based system), and complete a DBE Final Utilization Report with their final invoice.
- 4.10 A report on DBE Program results will be provided to the SANDAG Board of Directors when a new Triennial DBE goal is developed, and also for review in subsequent years as needed.
- 4.11 All successful consultants and contractors will be notified of their obligations under the DBE Program in their contracts with SANDAG.

Adopted June 2003

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Amended February 2012
Amended January 2017
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