

LRGVDC
Regional Transit Services Department

EQUAL EMPLOYMENT OPPORTUNITY
(EEO) POLICY



Board approve:
LRGVDC Board of Directors

October 31, 2019

January 26, 2022

Lower Rio Grande Valley Development Council

Valley Metro

510 S. Pleasantview Drive

Weslaco, TX 78596

(956) 969-5761

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STATEMENT OF POLICY

Valley Metro is committed to equal employment opportunity for all persons regardless of race, color, religion, national origin, disability, sex (including gender identity and sexual orientation), age, genetic information, veteran status, or other protected class. Valley Metro's EEO Policy is designed to support our efforts to provide quality service, enhance efficiency, and cultivate a thriving internal environment that embraces workforce diversity. The continued success of Valley Metro's EEO Program is dependent in large part upon continued support of management and all employees. Each employee is asked to remain aware of the following objectives.

1. All employment actions involving employees and applicants will be demonstrated through evenhanded application of its policies and practices including but not limited to recruitment, or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation, use of facilities, and treatment of employees. All employment actions will be based and administered upon qualifications, merit and abilities, without regard to race, color, religion, national origin, sex (including gender identity and sexual orientation) age, disability, veteran status, genetic information or other protected class.
2. All disciplinary actions involving employees are to be administered without regard to race, color, religion, national origin, sex (including gender identity and sexual orientation) age, disability, veteran status, genetic information or other protected class.
3. All facilities, services, activities, and benefits are equally available and fairly administered to all employees.
4. All employees shall refrain from any remarks or actions that may constitute discrimination or harassment based upon another employee's race, color, religion, national origin, sex (including gender identity and sexual orientation) age, disability, veteran status, genetic information or other protected class. Examples of this type of discrimination or harassment would include jokes or general remarks that refer to someone in a negative way because of their race, color, religion, national origin, sex (including gender identity and sexual orientation) age, disability, veteran status, genetic information or other protected class.

A key component of the EEO Policy is the commitment to our Affirmative Action Program (AAP) which is intended to assure equal employment opportunity. When workforce underutilization exists, goals and associated timetables will be established as an integral part of the AAP. Valley Metro is committed to the successful achievement of these goals which are designed to provide fuller utilization and

development of previously underutilized areas. By achieving its EEO goals, Valley Metro will maximize the full potential of a diverse workforce and create an inclusive and productive workplace which contributes to the Agency's success.

DESIGNATION OF PERSONNEL RESPONSIBILITY

The EEO Officer, ~~Maribel Contreras~~ ~~Tom Logan~~, is responsible for the administration of all EEO programs. The EEO Officer is responsible for implementation of programs regarding the AAP, monitoring and reporting efforts, providing related training and processing EEO related complaints. In regards to EEO matters, the EEO Officer reports directly to the Executive Director. Requests to inspect Valley Metro's AAP by any employee or applicant may be in writing to the EEO Officer, 510 S. Pleasantview Dr., Weslaco TX 78596.

Valley Metro's management and supervisors are responsible for ensuring their employment decisions comply with federal and state laws and regulations, Valley Metro personnel policies, and Valley Metro's EEO/Affirmative Action Program. Valley Metro's management and supervisors share in the responsibility for implementing Valley Metro's EEO Program and will be assigned specific tasks to assure compliance is achieved. Valley Metro's management and supervisors will be evaluated on the success of Valley Metro's EEO Program the same way their performance on other agency goals is evaluated.

Valley Metro has a complaint procedure that provides employees with a method to report, and to have investigated, job-related actions that involve alleged discrimination, harassment and retaliation. All employees are expected to cooperate fully during the conduct of such investigations.

The Valley Metro EEO Office is located at 510 S. Pleasantview Dr., Weslaco, TX 78596. The EEO Office phone number is (956) 969-5761. Valley Metro's goal of creating and maintaining a work environment free of discrimination and harassment requires the cooperation of management and all employees. Employees or applicants, who believe they have been unlawfully discriminated against, or have witnessed such conduct, may file a complaint directly with the Equal Employment Opportunity (EEO) Office. ANY EMPLOYEE WHO DOES NOT COMPLY WITH THIS POLICY IS SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

External applicants may file complaints of alleged employment discrimination with the respective offices of the Equal Opportunity Commission (EEOC).

Valley Metro prohibits retaliation against employees or applicants for filing a complaint regarding unlawful employment practices, meeting with the EEO Officer to discuss a complaint or investigation of a complaint or participating in the investigation of an EEO complaint. No one shall, in any way, whether by their actions or their inaction, intimidate, threaten, coerce or otherwise discriminate or retaliate against any individual who has alleged discrimination on any basis. AN EMPLOYEE WHO RETALIATES AGAINST AN EMPLOYEE OR APPLICANT FOR EXERCISING HIS/HER RIGHTS UNDER THIS POLICY IS SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

EQUAL EMPLOYMENT OPPORTUNITY DISSEMINATION PLAN

LRGVDC – Valley Metro will ensure its EEO Policy is disseminates as follows:

- LRGVDC – Valley Metro will post its official EEO Policy statement and Federal and State Labor laws posters on bulletin boards, near time clocks, in employee break room, and in the employee/personnel office.
- LRGVDC – Valley Metro will include its EEO policy statemen in our personnel manual, employee handbooks, reports and manuals.
- Meeting with top management officials annual to discuss the EEO Program and its implementations.
- Meeting with all employee to seek input on the program implementation.
- LRGVDC – Valley Metro will conduct periodic EEO training for all employees and for management staff.
- Conducting EEO Training for all new supervisors or managers within 90 of their appointment.

ASSESSMENT OF EMPLOYEES PRACTICES

The EEO Officer will provide a narrative assessment of present employment practices (e.g. hiring, recruitment, and training) using Workforce Analysis Charts. Statistical data to document the impact of the employment practices will also be assessed by:

- Number of applicants for employment in each job category and number hired, cross reference by sex and race;
- Number of employees in each job category who applied for promotion or transfer and the number in each job category promoted, transferred, cross reference by sex and race
- Number and types of disciplinary actions (e.g. indefinite suspension, loss of pay, demotion) tailored to the language used in agency policies and procedures.
- Number of voluntary/involuntary termination, cross-reference by sex and race;
- Job category training that foster promotion potential, cross reference by sex and race;
- Individuals with Disabilities and Veterans, the number of applicants for employment and promotions in each job category and the number hired and promoted, cross reference by sex and race.

MONITORING AND REPORTING SYSTEMS

The EEO officer will monitor all the EEO components as described above by:

Providing written documentation in employees and/or management files of

- Policy dissemination;
- Trainings;
- Meetings;
- Complaints, investigation, resolution, and follow ups.

DISCRIMINATION COMPLAINT PROCESS

To begin a complaint the EEO officer must be contacted promptly, preferably within seven (7) business days from the date the conduct occurred that is believed to be discriminatory. Delays in reporting the disputed conduct may impair the ability to fully investigate the report.

The procedure outlined below will be used in processing discrimination complaints. In these procedures a person filing a complaint is referred as the Complainant. A complaint may be filled by an individual employee or by a group of employees. Upon the request of a Complainant, time extensions during the process that are based on a good reason can be granted at the discretion of the EEO Officer.

I. COUNSELING (INFORMAL COMPLAINT)

The first step in resolving discrimination complaints is counseling. The purpose of counseling is to determine the existence of prohibited discriminatory conduct alleged by the Complainant and to intervene as necessary to correct it. Emphasis at this point is on early resolution.

To initiate the informal process, the Complainant must complete and sign the EEO Internal Discrimination Complaint Form (see pg.16) provided by the EEO Officer or review and acknowledge the form as completed by the EEO Officer during the interview with the Complainant. The EEO Officer will immediately notify the Executive Director, and the Human Resources Director, upon receiving an internal or external discrimination complaint. The EEO Officer has twenty (20) business days to counsel and make efforts to resolve the issue informally.

During the informal process, the EEO Officer will attempt to identify and clarify the conduct which is the subject of the complaint, if any, and attempt to reach a satisfactory resolution of the matter between the parties involved. The EEO Officer will assist in several ways, including the following:

- Clarifying whether and in what way the issue (s) fall within the EEO Policy. If the issues are covered, pursue the administrative resolution as set out in this EEO Policy including but not limited to attempting to work out a resolution agreeable to all concerned, if possibly;
- If the problems are not covered by the policy, terminate the process and refer the Complainant to their Supervisor or the Grievance Process for general employment matters (Attachment 1) found in the Valley Metro's Employee Manual;
- Providing information on external enforcement agencies (i.e., the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, Federal Transit Administration)

If the informal complaint process does not achieve a resolution within the 20 business days provided, the EEO Officer will inform the Complainant of his/her right to proceed with a formal complaint. The formal complaint must be filled with the EEO Officer on or before the seventh business day after the informal process ends.

II. FILING A FORMAL COMPLAINT

To file a formal complaint, the Complainant must either complete and sign the EEO Internal Discrimination Complaint Form provided by the EEO Officer or review and acknowledge the form as completed by the EEO Officer during the interview with the Complainant, which will initiate a formal investigation. The Complainant must be prepared to provide specific information such as names, dates, times and support allegations claimed to be discriminatory by furnishing pertinent evidence in support of the claim including but not limited to letters, memos, electronic mail and witnesses of the discrimination. An allegation without supporting information is insufficient to determine a case of discrimination.

III. PRELIMINARY REVIEW

Receipt of a complaint will prompt the EEO Officer to conduct a preliminary review of the factual basis upon which the complaint is based. The purpose of this review is to determine the following:

- Whether the allegations are within the realm of the discrimination guidelines; or
- After consultation with the Complainant, whether there is sufficient documentation or information submitted to allow a meaningful investigation to be conducted.

If the EEO Officer determines that the formal complaint does not satisfy one or both of the above criteria, the Complainant will be notified, in writing, within fifteen (15) business days after the date the complaint was filed that a formal investigation is not warranted and that the file is being closed. If the EEO Officer closes the file at this stage, the matter is not appealable; however, if new and relevant evidence comes to the attention of the EEO Officer within fifteen (15) business days from the date the

file was closed and the EEO Officer determines that this new evidence brings the act or omission complained of within the discrimination guidelines of race, color, religion, national origin, disability, sex, age, veteran status, or other protected class and is sufficient to conduct a formal investigation, the file shall be reopened.

IV. INVESTIGATION

If a formal complaint is accepted, the EEO Officer will conduct the investigation. The investigation will be completed within thirty-five (35) business days of receiving the formal complaint; however it may be extended beyond the thirty-five (35) business day if, within the sole discretion of the EEO Officer it is deemed necessary. During the investigation, the EEO Officer may conduct interviews and secure affidavits, as needed, from the Complainant and other witnesses, as well as gather any other relevant documentation and other forms of information.

It is crucial and in the best interest of Valley Metro that any employee with relevant knowledge assist in the investigation. This assistance may be in the form of relevant verbal communications, written statements or documentation. All Valley Metro employees shall cooperate with the EEO Officer and reveal all material facts known to them, to the best of their ability, during any investigation. *If the EEO Officer determines through the evidence gathered during the investigation that the Complainant intentionally and falsely accused another individual of discrimination, the Complainant is subject to disciplinary actions up to including termination.*

V. INFORMAL RESOLUTION DURING AN ONGOING INVESTIGATION

During a formal investigation, the EEO Officer, when possible and consistent with Valley Metro's policies and procedures, will continue attempts to resolve the complaint informally. If an informal resolution is determined to be possible, prior to discussing any proposed resolution with the Complainant, the EEO Officer shall notify and discuss the proposed informal resolution with the LRGVDC Human Resources Director.

After discussions with the LRGVDC Human Resources Director, the informal resolution may be presented to the Complainant. If acceptable, the Complainant must sign and date the resolution. **Acceptance by the Complainant constitutes full and final settlement of the complaint.**

An accepted resolution does not constitute nor shall it be perceived as an admission of any wrong doing by Valley Metro or any of its employees or agents. A major objective of the complaint process is fairness and early resolution of complaints. Consequently, Valley Metro regards the efforts made by all parties in resolving a complaint as extremely important and crucial to the integrity and intent of this process.

VI. COMPLAINT DISPOSITION

At the conclusion of the investigation, if an informal resolution has not been reached, the EEO Officer will issue a report and make recommendations for corrective action, if required, or other resolutions. The Complainant will be contacted to receive and sign-off on his/her acknowledgement of receipt of the EEO Officer's disposition of his/her complaint. Thereafter, the person (s) charged in the complaint will be notified of the EEO Officer's recommendations, if any and if feasible.

VII. APPEAL OF DISPOSITION

If the Complainant is not in agreement with the EEO Officer's findings and a determination, he/she may appeal, in writing, to the Executive Director. The appeal must be filed on or before the tenth (10th) business day after the date the Complainant received his/her copy of the EEO Officer's disposition under Article VI of this Policy.

The Executive Director may investigate the alleged discrimination, review relevant facts and may, in the Executive Director's discretion, hold a hearing on the matter. The Executive Director will issue a determination on or the fourteenth (14th) business day after the receipt of the Complainant's written appeal.

If the Complainant is not in agreement with the Executive Director's determination, he/she may appeal in writing, on or before the tenth (10th) business day after the date the Complainant received the Executive Director's determination, to the Ad Hoc Personnel Board Committee. The Ad Hoc Personnel Board Committee will be comprised of three (3) members of the Lower Rio Grande Valley Development Council (LRGVDC) Board of Directors. The Committee shall review the record on the matter and may, in its discretion, conduct a hearing. The Committee will issue a decision on or before the fifteenth (15th) business day after the receipt of the Complainant's written appeal.

If the Complainant is not in agreement with the Ad Hoc Personnel Board Committee's decision, he/she may appeal in writing, on or before the tenth (10th) business day after the date the Complainant received the Ad Hoc Personnel Board Committee's determination, to the LRGVDC Board of Directors. The decision of the LRGVDC Board of Directors is final

Complainant will be advised that if the final decision is unacceptable, he/she may pursue the matter further with the Equal Employment Opportunity Commission (EEOC), Texas Commission on Human Rights, Texas Workforce Commission, or the Federal Transit Administration.

VIII. SPECIAL PROVISION

If any allegation of discrimination arises with the EEO Officer and/or against the EEO Officer, such allegations will be referred to LRGVDC Human Resources Director to process and investigate accordingly. The EEO Officer will be notified of the allegation within seven (7) business days of receipt of the allegation. Any attempts of resolution will be according to the above stated procedures.

SEXUAL HARRASSMENT POLICY

Purpose

1.1 The purpose of this notice is to reaffirm Valley Metro’s policy strictly prohibiting sexual harassment of employees.

Policy

2.1. It is the policy of Valley Metro that there shall be no sexual harassment of any employee by other employees, vendors, contractors or customers. Valley Metro does not condone and will not permit such harassment of or by any employee. In addition to the acts as defined below under Section 3.1 – *Sexual Harassment*, Valley Metro will not tolerate the making of unwelcome, offensive sexual remarks or jokes relating to sex. Harassment will include request for sexual favors, and or verbal, graphic or physical conduct of a sexual nature. This policy applies to all employees of Valley Metro and violations of this policy will be dealt with accordingly as a disciplinary matter.

2.2. Valley Metro will exercise its full authority as to any and all violations of the Sexual Harassment Policy and “STRICT COMPLIANCE” will be followed by all employees.

Definitions

3.1. Sexual Harassment is defined as follows: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment” Title 29 Labor CFR 1604.11 (a).

3.2. Sexual harassment can be committed by a member of either sex and can involve members of the same sex as well as members of the opposite sex. Furthermore, sexual harassment can be the result of conduct by a Valley Metro vendor, contractor or customer.

3.3. Sexual harassment can take one of two forms:

(a) Quid pro quo: Submission to or rejection of sexual conduct is used as the basis for making employment decisions, such as but not limited to promotions, pay increases, hiring and firing. This type

of sexual harassment is typically a direct sexual overture and is the type of sexual harassment that is committed by supervisors or persons in a position of authority or influence.

(b) Hostile work environment: Sexual conduct which unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment, even if it leads to no tangible or economic job consequences. This type of harassment can be committed by any employee and exists where the sexual conduct is so severe or pervasive that it creates an intimidating, offensive workplace environment and alters the terms and conditions of employment.

Employee Responsibilities

4.1. Employees are required to avoid any behavior that would constitute a violation of this policy and to conduct themselves in a professional manner when communicating with other Valley Metro employees.

4.2. Employees who experience a violation of this policy are expected to report such behavior to the EEO Officer for proper investigation.

Management/Supervisor/Professional Responsibilities

5.1. Included in this Article 5 are the following employment positions with Valley Metro: Program Director, Assistant Director, Program Supervisor III Operations, Program Supervisor I, Program Supervisor IV- Maintenance, Fleet Manager, Program Supervisor II (Planning & Mobility) and Risk Specialist I- Program Specialist II- (Risk & Compliance).

5.2. The responsibilities of the people holding these positions at Valley Metro are as follows:

(a) To make every effort to maintain and create a positive and productive work environment free of sexual harassment.

(b) To make every effort to discourage any communications with their direct subordinates which falls outside their responsibilities and job duties.

(c) To avoid any behavior inconsistent with this policy and to provide an example of professional behavior when communicating with other Valley Metro employees.

(d) To keep apprised of this policy so as to provide this information to its subordinates.

Sanctions for Violations

6.1. Any employee, including supervisory or other management-level personnel, who has been found by Valley Metro, after appropriate investigation, to have violated this policy, will be subjected to appropriate disciplinary actions, up to and including termination.

6.2 An employee of a Valley Metro vendor or contractor who has been found by Valley Metro, after appropriate investigation, to have violated this policy will be notified of the complaint and instructed to cease the conduct. Their employer will also be notified and other appropriate action, as deemed necessary by the EEO Officer, may be taken to correct the violation.

6.3 The EEO Officer will attempt to identify a customer who is the subject of a complaint filed under this policy. If identified, the customer will be notified of the complaint and an investigation will be conducted. If it is found the conduct complained of violates this policy, action will be taken as deemed appropriate and necessary to eliminate the circumstances that allowed the offensive conduct to occur.

Special Provision

If any allegation of discrimination arises with the EEO Officer and/or against the EEO Officer, such allegations will be referred to Valley Metro's Program Director to process and investigate accordingly. The EEO Officer will be notified of the allegation within seven (7) business days of receipt of the allegation. Any attempts of resolution will be according to the above stated procedures.

Confidentiality

Information concerning a complaint of sexual harassment will not be released by Valley Metro unless required by statute, regulation, Attorney General Opinion or court order or other legal process or mandate. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment within the extent permitted by law.

SEXUAL HARASSMENT COMPLAINT PROCESS

To begin a complaint, he/she must contact the EEO Officer promptly, preferably within seven (7) business days from the date the conduct occurred. The procedure outlined below will be used in processing sexual harassment complaints. In these procedures, a person filing a complaint is referred to as the Complainant. A complaint may be filed by an individual employee or by a group of employees. Upon the request of a Complainant, time extensions during the process that are based on a good reason can be granted at the discretion of the EEO Officer.

I. COUNSELING (INFORMAL COMPLAINT)

The first step in resolving a sexual harassment complaint is counseling. The purpose of counseling is to determine whether sexual harassment has occurred and to intervene as necessary to correct it. Emphasis at this point is on intervention and elimination of the conduct.

To initiate the informal process, the Complainant must complete and sign the Internal Discrimination Complaint Form (see pg.16) provided by the EEO Officer, or review and acknowledge the form as completed by the EEO Officer during the interview with the Complainant. The EEO Officer will immediately notify the Executive Director, and the Human Resources Director, upon receiving an

internal or external complaint. The EEO Officer has twenty (20) business days to identify, intervene and eliminate the conduct informally. The EEO Officer will do the following:

- Clarify whether and in what way the conduct fall within the Sexual Harassment Policy. If the conduct is covered, pursue the administrative resolution as herein set out including but not limited to attempting to work out a resolution agreeable to all concerned, if possible.
- If the problems are not covered by the policy, terminate the process and refer the Complainant to their Supervisor or the grievance process for general employment matters (Attachment 1) found in the Valley Metro Employee Manual.
- Providing information on external enforcement agencies (i.e., the Equal Employment Opportunity Commission, The Texas Commission on Human Rights, Federal Transit Administration).

If the informal complaint process does not achieve a resolution within the 20 business days provided, the EEO Officer will inform the Complainant of their right to proceed with a formal complaint. The formal complaint must be filed with the EEO Officer on or before the seventh business day after the informal process ends.

II. FILING A FORMAL COMPLAINT

To file a formal complaint, the Complainant must either complete and sign the EEO Internal Discrimination Complaint Form provided by the EEO Officer or review and acknowledge the form as completed by the EEO Officer during the interview with the Complainant, which will initiate a formal investigation. The Complainant must be prepared to provide specific information such as names, dates, times and to support any allegations claimed to be sexual harassment by furnishing pertinent evidence in support of the claim including but not limited to letters, memos, electronic mail and witnesses of the sexual harassment. An allegation without supporting information is insufficient to determine a case of sexual harassment.

III. PRELIMINARY REVIEW

Receipt of a complaint will prompt the EEO Officer to conduct a preliminary review of the factual basis upon which the complaint is based. The purpose of this review is to determine the following:

- Whether the allegations are within the realm of the discrimination guidelines; or
- After consultation with the Complainant, whether there is sufficient documentation or information submitted to allow a meaningful investigation to be conducted.

If the EEO Officer determines that the formal complaint does not satisfy one or both of the above criteria, the Complainant will be notified, in writing, within fifteen (15) business days after the date the complaint was filled that a formal investigation is not warranted and that the file is being closed. If the EEO Officer closes the file at this stage, the matter is not appealable; however, if new and relevant evidence comes to the attention of the EEO Officer within fifteen (15) business days from the date the file was closed and the EEO Officer determines that this new evidence brings the act or omission complained of within the discrimination guidelines of race, color, religion, national origin, disability, sex,

age, veteran status, genetic information, or other protected class and is sufficient to conduct a formal investigation, the file shall be reopened.

IV. INVESTIGATION

If a formal complaint is accepted, the EEO Officer will conduct the investigation. The investigation will be completed within thirty-five (35) business days of receiving the formal complaint; however it may be extended beyond the thirty-five (35) business day if, within the sole discretion of the EEO Officer it is deemed necessary. During the investigation, the EEO Officer may conduct interviews and secure affidavits, as needed, from the Complainant and other witnesses, as well as gather any other relevant documentation and other forms of information.

It is crucial and in the best interest of Valley Metro that any employee with relevant knowledge assist in the investigation. This assistance may be in the form of relevant verbal communications, written statements or documentation. All Valley Metro employees shall cooperate with the EEO Officer and reveal all material facts known to them, to the best of their ability, during any investigation. If the EEO Officer determines through the evidence gathered during the investigation that the Complainant intentionally and falsely accused another individual of sexual harassment, the Complainant is subject to disciplinary actions up to including termination.

V. INFORMAL RESOLUTION DURING AN ONGOING INVESTIGATION

During a formal investigation, the EEO Officer, when possible and consistent with Valley Metro's policies and procedures, will continue attempts to resolve the complaint informally. If an informal resolution is found to be possible, prior to discussing any proposed resolution with the Complainant, the EEO Officer shall notify and discuss the proposed informal resolution with the LRGVDC Human Resources Director.

After discussions with the LRGVDC Human Resources Director, the informal resolution may be presented to the Complainant. If acceptable, the Complainant must sign and date the resolution. Acceptance by the Complainant constitutes full and final settlement of the complaint.

An accepted resolution does not constitute, nor shall it be perceived as an admission of any wrong doing by Valley Metro or any of its employees or agents. A major objective of the complaint process is fairness and early resolution of complaints. Consequently, Valley Metro regards the efforts made by all parties in resolving a complaint as extremely important and crucial to the integrity and intent of this process.

VI. COMPLAINT DISPOSITION

After the conclusion of the investigation, if an informal resolution has not been reached, the EEO Officer will issue a report and make recommendations for corrective action, if required, or other resolutions. The Complainant will be contacted to receive and sign-off on his/her acknowledgement of receipt of the EEO Officer's disposition of his/her complaint. Thereafter, the person (s) charged in the complaint will be notified of the EEO Officer's recommendations, if any and if feasible.

VII. APPEAL OF DISPOSITION

If the Complainant is not in agreement with the EEO Officer's findings and a determination, he/she may appeal, in writing, to the Executive Director. The appeal must be filed on or before the tenth (10th)

business day after the date the Complainant received his/her copy of the EEO Officer's disposition under Article VI of this Policy. The Executive Director may investigate the alleged discrimination, review relevant facts and may, in the Executive Director's discretion, hold a hearing on the matter. The Executive Director will issue a determination on or the fourteenth (14th) business day after the receipt of the Complainant's written appeal.

If the Complainant is not in agreement with the Executive Director's determination, he/she may appeal in writing, on or before the tenth (10th) business day after the date the Complainant received the Executive Director's determination, to the Ad Hoc Personnel Board Committee. The Ad Hoc Personnel Board Committee will be comprised of three (3) members of the Lower Rio Grande Valley Development Council (LRGVDC) Board of Directors. The Committee shall review the record on the matter and may, in its discretion, conduct a hearing. The Committee will issue a decision on or before the fifteenth (15th) business day after the receipt of the Complainant's written appeal.

If the Complainant is not in agreement with the Ad Hoc Personnel Board Committee's decision, he/she may appeal in writing, on or before the tenth (10th) business day after the date the Complainant received the Ad Hoc Personnel Board Committee's determination, to the LRGVDC Board of Directors. The decision of the LRGVDC Board of Directors is final. The Complainant will be advised that if the final decision is unacceptable, he/she may pursue the matter further with the Equal Employment Opportunity Commission (EEOC), Texas Commission on Human Rights, Texas Workforce Commission, or the Federal Transit Administration.

VIII. SPECIAL PROVISION

If any allegation of sexual harassment arises with the EEO Officer and/or against the EEO Officer, such allegations will be referred to Valley Metro's Program Director to process and investigate accordingly. The EEO Officer will be notified of the allegation within seven (7) business days of receipt of the allegation. Any attempts of resolution will be according to the above stated procedure



Name: _____ Employee Number _____

Home Address _____

Office Telephone _____ Home Telephone _____

Department/Division _____ Date of Hire _____

Supervisor _____

Date of Incident (s): _____

Causes of Alleged Complaint [Check appropriate(s)]

| | |
|--|--------------------------------|
| Discrimination: Race _____ Disability _____ Color _____ Religion _____ Sex _____ National Origin _____ Retaliation _____ Genetic Information _____ Age _____ Veteran Status _____ Other Protected Class _____ | Sexual Harassment _____ |
|--|--------------------------------|

Has this complaint been discussed with your Supervisor? _____ YES _____ NO

If YES, what action if any, was taken _____

Alleged discrimination complaint(s): Please be specific; attach extra sheets if additional space is needed. Attach all supporting documentation and the name and contact information for any

Resolution Sought (be specific)

This Form must be completed in its entirety. I affirm that the alleged complaint(s) are true to the best of my knowledge, information and belief. I will inform the EEO Officer of any changes in my telephone number and/or work location. I will cooperate fully in the processing of the alleged complaint(s) in accordance with Valley Metro procedures. **I understand that an incomplete Internal Discrimination Complaint Form may significantly impair Valley Metro's ability to review/investigate the complaint(s).**

Employee Signature _____ Date _____

EEO Officer Signature _____ Date _____

Attachment 1

WORK GRIEVANCE PROCEDURES

An employee who has been discharged or suspended or who believes that Valley Metro policies have been misapplied or misconstrued may use these procedures to seek a remedy. However, these procedures are not intended and shall not be construed to modify the "at-will" employment status to create any right of continued employment, or to create or establish any due process or contractual obligations. Once the process is initiated, any step in the procedure may be waived by mutual written consent of the employee and Valley Metro management.

The time limits established in these procedures shall be measured by the counting of calendar days (exclusive of Saturday, Sunday and Holidays). Time extensions may be granted upon request from individuals involved in the appeal process.

Notification as required by these procedures shall be deemed complete upon personal delivery of notice to the designated recipient or by mail notice postmarked two calendar days (exclusive of Saturday, Sunday, and Holidays) prior to the end of the notice period.

Beginning with Step Two, all notices, replies, opinions, and supporting data shall be in writing, and all such material shall be incorporated into the employee's permanent file.

Step One:

Within five (5) calendar days (exclusive of Saturday, Sunday, and Holidays) of the occurrence of an event which is the source of a grievance, an employee may, in person or through a representative, present oral or written notice to his/her immediate supervisor. The notice shall indicate the nature of the employee's grievance and shall request a review and remedy.

The Supervisor shall reply to the employee's grievance within three (3) calendar days (exclusive of Saturday, Sunday and Holidays).

If the reply is not satisfactory to the employee, then the employee may, within three (3) calendar days (exclusive of Saturday, Sunday and Holidays), notify the next level of management within his/her department/division that he/she wishes a review of the reply. Management at that level shall reply within three (3) calendar days (exclusive of Saturday, Sunday and Holidays).

If the employee is not satisfied with the reply at this level, then he/she may proceed to Step Two.

Step Two:

Within five (5) calendar days (exclusive of Saturday, Sunday and Holidays) from the final reply at Step One, an employee may notify his/her Director that he/she seeks a review of the decision rendered. Appeal from the Manager Level to Director Level, and/or appeal to a higher authority, must be made in writing stating the basis for the appeal and the remedy sought by the employee.

The Director may, at his/her option, hold an informal hearing on the grievance. Whether or not a hearing is held, the Director shall respond to the employee within three (3) calendar days (exclusive of Saturday, Sunday and Holidays) of receipt of the employee's notice. If the employee is not satisfied with the decision at this level, then he/she may proceed to Step Three.

Step Three:

Within five calendar days (exclusive of Saturday, Sunday and Holidays) from the Director's response, the employee may notify the Executive Director that he/she seeks a review of the decision rendered. The executive Director shall hold a hearing as soon as practical but in no event later than ten (10) calendar days (exclusive of Saturday, Sunday and Holidays) from the date of the employee's notice of appeal from Step Two.

The Executive Director shall respond to the employee within three (3) calendar days (exclusive of Saturday, Sunday and Holidays) from the date of the hearing.

If the employee is not satisfied with the decision at this level, then he/she may proceed to Step Four.

Step Four:

Within five (5) days (exclusive of Saturday, Sunday and Holidays) from the Executive Director's response, the employee may notify the Chairman of the Personnel Committee, that he/she seeks a review of the decision rendered. The Personnel Committee, consisting of three members of the Board, shall review the employee's file and may, at its discretion, conduct a hearing.

Within ten (10) calendar days (exclude of Saturday, Sunday and Holidays) of receipt of the employee's notice, the Committee shall notify the employee of its decision: either to decide in favor or against the appeal; or, if warranted, to pass the matter on to the full Board, the decision of the Personnel Committee will be final.

LRGVDC
EMPLOYEE ACKNOWLEDGMENT FORM
EEO & SEXUAL HARRASSMENT POLICY

I, hereby acknowledge I have received policy regarding the EEO & Sexual Harassment Policy and I understand the importance of following procedures at all times.

Employee Name: _____

Employee Signature: _____

Today's Date: _____ Time: _____

LRGVDC PERSONNEL ONLY

LRGVDC EMPLOYEE

TEMPORARY EMPLOYEE

Name of Agency: _____

SIGNATURE OF EEO OFFICER: _____

