



**Regional Transit Authority
Of Southeast Michigan**

**RTA EEO COMPLAINT
AND INVESTIGATIONS
PROCESS/PROCEDURE**

AUGUST 2024

RTA EEO Complaint and Investigations Process/Procedure

The Regional Transit Authority of Southeast Michigan (RTA) strives to create and maintain a community in which people are treated fairly and with respect. The environment of RTA should promote trust and equity. The accomplishment of this goal is essential to the mission of RTA. RTA will not tolerate unlawful discrimination or harassment of any kind. These actions are also prohibited by a variety of federal, state, and local laws, specifically, the Federal Transit Administration (FTA) Circular 4704.1A.

No person will be discriminated against or harassed in any condition of employment or opportunity for employment because of race, color, religion, national origin, ancestry, ethnicity, sex or gender, gender identity, sexual orientation, gender expression, marital status, age, religion, genetic information, mental or physical disability, veteran status, retaliation, or other protected characteristic protected by law.

No hardship, no loss of benefit, and no penalty may be imposed on any employee or applicant for employment as punishment for filing or responding to a bona fide complaint of discrimination or harassment, appearing as a witness in the investigation of a complaint, or serving as an investigator. Retaliation or attempted retaliation of this kind is a violation of RTA's Equal Employment Opportunity (EEO) Policy Statement and will be subject to severe disciplinary action.

Acts of unlawful employment discrimination among employees are inappropriate and will not be tolerated. Behavior of this nature is a form of misconduct and is subject to disciplinary action, up to and including termination of employment. Any employee or applicant for employment may use these procedures to file an EEO complaint alleging violations in the workplace or in the course of seeking employment with RTA. A person filing a complaint with the RTA's EEO officer/designee under this procedure should do so as soon as possible after the incident that led to the complaint.

CONFIDENTIALITY

While investigations are confidential, to the extent possible, individuals other than the immediate parties may be contacted during the fact-finding process. Everyone contacted is required to cooperate fully and to refrain from discussing the case outside the formal process.

COMPLAINT FILING AND REPORTING RESPONSIBILITY

Melanie Piana, the RTA EEO officer/designee is responsible for coordinating RTA's EEP Program. If an employee or applicant believes they have been subjected to discrimination or harassment on the basis of any of the protected classifications listed above and wishes to file a complaint, the employee or applicant is encouraged to do so by completing the EEO Complaint Intake

Form that can be found on the RTA's website at www.rtamichigan.org and emailing it to EEO@rtamichigan.org. Additionally, employees can contact EEO staff by telephone at 248-809-0351 or mail the EEO Complaint Intake Form to the following address:

1001 Woodward Avenue, #1400
Detroit, Michigan, 48226

RTA will promptly initiate a thorough and impartial inquiry. All complaints must be in writing and must be signed. Even if an employee or an applicant calls the RTA to file a complaint over the phone, they will be encouraged to complete the intake complaint form in the RTA's website and if that process is not feasible/accessible to that individual once they meet with the RTA EEO officer/designee they will be directed to complete an intake complaint form. RTA is committed to providing reasonable accommodations to applicants and employees who need them because of a disability, absent undue hardship.

In all cases, confidentiality is maintained throughout the investigation to the extent practical and consistent with RTA's obligation to undertake a full inquiry and to make a determination.

An employee or applicant for employment who believes that he/she has been subjected to employment discrimination must file a complaint with the RTA EEO officer/designee within 300 days of the alleged discriminatory act occurred or within 300 days of the date the employee or applicant could reasonably be expected to know of the alleged discrimination.

All complaint determinations will be issued to the complainant and respondent in writing. Unless the Collective Bargaining Agreement governs the period for review of an EEO complaint, RTA will make every reasonable effort to address and resolve all reports within 60 business days after the acceptance of the complaint.

In addition to the complaint procedures described above, if an employee or applicant believes he/she has been subjected to the EEO violations, a complaint can be filed with the Michigan Department of Civil Rights. Using the internal RTA's complaint

process is encouraged; however, it is not required and does not prevent an employee from filing a complaint with another entity outside of RTA.

SUMMARY OF INVESTIGATION PROCESS

When a complaint is received, the allegations will be investigated promptly in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent possible under the circumstances. The investigation may include review of documents, interviews, assessment of evidence and other actions relevant to the circumstances of each case.

In determining whether alleged conduct constitutes an EEO violation, consideration shall be given to facts and circumstances, including the context in which the alleged incident occurred. If the RTA EEO officer/designee concludes that the complaint establishes a prima facie violation of RTA's EEO Policy Statement, the complaint will be accepted for investigation. The complainant will be advised of the acceptance of the complaint in writing. If the complaint does not establish a prima facie violation, the complainant is advised, either orally or in writing, that the complaint will not be accepted.

The RTA EEO officer/designee shall conduct a prompt and thorough investigation of the complaint. The investigation will include interviewing relevant parties and witnesses, compiling and analyzing data and personnel documents, preparing a written investigatory report on the findings from the investigation and making recommendations, if appropriate.

If a violation has occurred, action to eliminate the offending conduct will be taken promptly. Where appropriate, disciplinary action will be taken up to, and including dismissal.

VARIOUS OPTIONS TO FILE EEO COMPLAINTS

*Complaints may be filed by completing the EEO Complaint Intake Form that can be found on the RTA's website www.rtamichigan.org.

RTA website - Complaint instructions:

From the www.rtamichigan.org site at the bottom of the home page; select *Inside RTA*, then select *Reports & Policies*, then select *EEO Policy*, then click on *EEO Complaint Intake Form*. From there, complete the fillable PDF complaint form and email it directly to EEO@rtamichigan.org.

- Complaints may also be filed in person, by telephone, or in a statement form; however, all complaints must be in writing and must be signed.
- Anonymous letters will also be investigated to the extent possible
- When contacted, complainants should be able to provide corroborating information to support the allegation. For example, names of witnesses, letters, memos, and dates and times the incident occurred, etc.
- Complainants will be given information on external enforcement agencies (i.e., the Michigan Department of Civil Rights).

TIMELINES

A complainant is to report the incident within 300 days of the alleged discriminatory act occurrence. Unless the Collective Bargaining Agreement governs the period for review of an EEO complaint, RTA will make every reasonable effort to address and resolve all reports within 60 business days after the acceptance of the complaint. Notwithstanding, due to the nature of a specific case or other unforeseen circumstances, final issuance of a determination may go beyond 60 business days. It should also be noted that this period may be extended as necessary to ensure the integrity and completeness of the investigation, to accommodate the availability of witnesses/interviewees, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or to address other legitimate reasons.

RTA's failure to meet any of the periods outlined within these procedures in no case shall be grounds for dismissing any matter or review, nor will it limit the RTA's ability to complete an investigation, issue findings, impose corrective or disciplinary actions, or limit RTA's ability to take any other required administrative action under these procedures.

The FTA, the Michigan Department of Civil Rights and the U.S. EEO Commission may have their own deadlines to file complaints. Employees and applicants for employment may contact either or all offices for additional information regarding their requirements.

COMPLAINT DETERMINATIONS / CONCLUSION

Based on all relevant facts and information, the investigator(s): make factual determinations; conclude whether there is a violation under the RTA's EEO Policy, and these procedures based upon those factual determinations; and if warranted, refers the investigative conclusion to the respondent's supervisor and/or any other appropriate RTA representative.

The EEO officer/designee will issue, to the complainant and respondent, a letter of determination indicating whether or not a policy violation occurred based on its fact-

finding investigation. This letter will contain only a summary of findings. The determination is made based on a preponderance of the evidence (e.g. whether sufficient information exists to support a finding of responsibility for violating the EEO Policy and these procedures).

The respondent's supervisor and/or any other appropriate RTA representative is responsible for addressing the violations of policies and procedures and imposing other remedies designed to eliminate prohibited conduct, prevent its recurrence, and address its effects. This responsible individual(s) may choose to consult with Human Resources, if necessary, but holds ultimate disciplinary authority. Regardless of whether or not there is a violation of the policy, the reviewed behavior may warrant educational outreach or other action by the appropriate RTA representative.

RECORDS AND TRACKING OF EEO COMPLAINTS

The RTA EEO officer/designee documents each report under these procedures and will review and retain copies of all documents generated as a result of investigations consistent with the RTA's record retention guidelines. These records will be kept confidential to the extent permitted by law.

Finally, the EEO Procedure provided information regarding an employee or applicant's right to seek remedy with external regulatory agencies as follows:

An individual who believes that he or she has been subjected to unlawful discrimination, harassment or retaliation has the right to file a complaint with an appropriate local, state or federal agency, such as the EEO Commission, or the Michigan Department of Civil Rights, within the agency's applicable time limits. In addition, any person who is dissatisfied with RTA's internal procedures used for handling EEO complaints, or with the result of the investigation or the sanctions imposed, may seek redress through these means to the extent allowed by law. The complainant should be aware that filing a complaint with the RTA's EEO officer/designee or any other RTA's department does not extend or postpone the deadline for filing with external agencies.

The RTA's EEO Officer/designee uses a combination of an internal complaint tracking system as well as a filing system where we maintain complaints by their source of notification (i.e., from the EEO Commission, the Michigan Department of Civil Rights or internal complaints/inquiries). The RTA's EEO officer/designee monitors these systems for status completion, trends, and recommendations to ensure compliance.