

**FEDERAL TRANSIT
ADMINISTRATION
COMPLIANCE REVIEW
MINNESOTA VALLEY TRANSIT
AUTHORITY (MVTA)**
PROGRAM EVALUATION AND AUDIT



**METROPOLITAN
C O U N C I L**

November 2017

Americans with Disability Act (ADA)

None

Drug and Alcohol

None

Equal Employment Opportunity

1) Schmitt & Sons submitted Equal Employment Opportunity (EEO) program did not include:

- Realistic and measurable short and long-range goals to address underutilization present in the utilization analysis.
- Discussion of prior met EEO program goals or justification of prior unmet goals.
- A detailed statistical assessment of present employment practices.

Standard affected:

FTA Workbook Fiscal Year 2017: EEO Question 14, page 291:

“The purpose of the utilization analysis is to identify those job categories where underutilization and/or concentration of women or minorities exist in relation to their availability in the relevant labor market. It is also to establish the framework for goals and timetables and other affirmative actions to correct employment practices that contributed to any underutilization or concentration. Specific percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in a workforce utilization analysis.”

The FTA Circular 4704.1A states, page 2-6:

“Long-term goals look ahead two years or more and consider both the current and future projected availability of traditionally underutilized groups as well as opportunities to add employees due to increases in capital or operating funds.

Short-term goals represent anticipated net changes in the number and percent of women and minority employees by job category in the next year. FTA encourages agencies to base short-term goals on anticipated job openings and job group availability in the context of the long-term goals. FTA also encourages agencies to identify and forecast vacancies in a job progression chart that indicates which vacancies underutilized employees can immediately fill and explain the potential for these employees to be promoted.

Set goals that are realistic and measurable. Ensure that goals and associated timetables are specific and linked to planned results... Further, FTA requires agencies to prescribe and revise short-term goals in a manner that will lead to meeting long-term goals.”

The FTA specifies in the 2017 Comprehensive Review Guide, page 292 this:

“The analyses must contain statistical data to document the impact of employment practices. At a minimum, the analyses must contain the following:

- The number of individuals by race and sex applying for employment and the number who were actually hired
- The number of individuals by race and sex who applied for a promotion or transfer within the past year and the number who were promoted or transferred
- The number and types of disciplinary actions and terminations by race and sex.”

The FTA Circular C 4704.1A specifies that the following, from page 2-5, be contained in the analysis:

“The workforce analysis includes the number of employees and salary ranges for each job category in the EEO-4 report for the following subcategories for men and women:

- • White (not Hispanic or Latino)
- • American Indian/Alaska Native (not Hispanic or Latino)
- • Black or African American (not Hispanic or Latino)
- • Hispanic or Latino
- • Asian (not Hispanic or Latino)
- • Native Hawaiian and Other Pacific Islander (not Hispanic or Latino)
- • Two or more races (not Hispanic or Latino) “

MVTA vendor Schmitt & Sons has completed the basic requirement set forth in the Minnesota Department of Human Right’s Affirmative Action Progress Report. They have completed a utilization analysis which includes a goal to hire “more female and minority operatives (drivers) and to have more managerial positions with those of minority status.” However, the basic requirement of the Progress Report is insufficient to meet federal requirements. Schmitt & Sons did not state short-term goals that are realistic and measurable, meaning no actual numbers or percentages are used. Long-range goals are absent. Discussion of prior met EEO program goals or justification of prior unmet goals are absent. Schmitt & Sons stated they had an increase in African American drivers over the last year, but did not specify if that was a met or unmet goal.

Schmitt & Sons utilization chart lacks in the statistical analysis to meet minimums outlined by the FTA. The analysis is lacking the breakdown of the race subcategories in their progress report. Schmitt & Sons have the race subcategories in their individual establishment reports, however the subcategories must also be in their Affirmative Action Plan Progress Report. The number of individuals who applied and who were hired by race and sex, the number of individuals by race and sex who applied for a promotion or transfer within the last year, the number who were promoted or transferred, and the number and types of disciplinary actions and terminations by race and sex also need to be in their statistical analysis.

Schmitt & Sons Affirmative Action Plan’s Goals and Timetables, do not identify goals that are specific or measurable. No short-term or long-range goals are stated. The analysis also lacks the statistical assessment outlined by the FTA.

Recommendation:

Update Affirmative Action plan to:

- Specify long-range goals for two or more years, as percentages, to give a longer scope for remedying underutilization/concentration.
- State short-term goal as both actual numbers and percentages, based on the next 12 months, that ensure accomplishment of long-range goals.
- Going forward, provide a robust discussion on meeting prior years' goals, to demonstrate a conscious and clear effort towards remedying underutilization/concentration.
- Complete statistical assessments that includes race subcategories in the progress report.
- Complete statistical assessments that include the number of individuals by race and sex both applying for employment and the number hired.
- Complete statistical assessments that include the number of individuals by race and sex who applied for a promotion or transfer within the past year and the number who were promoted or transferred.
- Complete statistical assessments that show the number and types of disciplinary actions and termination by race and sex.
- Provide updated underutilization and statistical assessment to the Office of Equal Opportunity (OEO) at the Metropolitan Council for review.

MVTA Response: MVTA responded by providing an updated Affirmative Action Program plan for Schmitt & Sons. The plan includes a statistical assessment to accompany prior year goals and progress towards short and long-term goals.

Financial Management and Capacity

None

Legal

None

Maintenance

None

Procurement

None

Satisfactory Continuing Control

None

Security

None

Technical Capacity

None

Title VI

None



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