

EXHIBIT 5a(ii)

EEO Compliance Review Final Report 2011 & Related

**EQUAL EMPLOYMENT OPPORTUNITY
COMPLIANCE REVIEW
OF
Northeast Illinois Regional Commuter Rail Corporation
(METRA)
Chicago, Illinois**

Final Report

October 2011

**Prepared For
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
OFFICE OF CIVIL RIGHTS**

**Prepared By
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I. GENERAL INFORMATION

Grant Recipient: Northeast Illinois Regional Commuter Rail Corporation known as Metra (Metra)

City/State: Chicago, IL

Grantee Number: 5005

Executive Official: Mr. Alex Clifford
Executive Director and Chief Executive Officer
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On Site Liaison: Ms. Countess Cary
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Site Visit Dates: June 27 – 29, 2011

Compliance Review Team: Maxine Marshall, Lead Reviewer
Karon Cofield, Reviewer
Gregory Campbell, Reviewer

II. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct Civil Rights Compliance Reviews. The Equal Employment Opportunity (EEO) Reviews are undertaken to ensure compliance of applicants, recipients, and subrecipients with 49 U.S.C. Section 5332, “Non-Discrimination” and the program guidelines of FTA Circular 4704.1, “Equal Employment Opportunity Guidelines for Grant Recipients.” Further, FTA recipients are required to comply with 49 CFR Part 27, “Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.”

Northeast Illinois Regional Commuter Rail Corporation known as Metra (Metra) is a recipient of FTA funding assistance and is therefore subject to the EEO compliance conditions associated with the use of these funds pursuant to 49 U.S.C. Section 5332, FTA Circular 4704.1 and 49 CFR Part 27. These regulations define the components that must be addressed and incorporated in Metra’s EEO program and were the basis for the selection of compliance elements that were reviewed in this document.

III. PURPOSE AND OBJECTIVES

PURPOSE

The FTA Office of Civil Rights periodically conducts EEO Compliance Reviews of grant recipients and subrecipients to determine whether they are honoring their commitment, as represented by certification to FTA, that they are complying with their responsibilities under 49 U.S.C. Section 5332, FTA Circular 4704.1, and 49 CFR Part 27. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of Metra's "Equal Employment Opportunity Program" was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct this EEO Compliance Review of Metra. The primary purpose of the EEO Compliance Review was to determine the extent to which Metra has met its EEO program goals and objectives, as represented to FTA, in its EEO Program Plan. This Compliance Review was intended to be a fact-finding process to: (1) examine Metra's EEO Program Plan and its implementation, (2) provide technical assistance, and (3) make recommendations regarding corrective actions deemed necessary and appropriate.

This Compliance Review did not directly investigate any individual complaints of discrimination in employment activities by the grant recipient or its subrecipients, nor did it adjudicate these issues on behalf of any party.

OBJECTIVES

The objectives of FTA's EEO regulations, as specified in FTA Circular 4704.1, are:

- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability;
- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, sex, age or disability. Such action shall include, but not be limited to, hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. It shall also include a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force; and
- To ensure that FTA applicants, recipients, subrecipients, contractors and/or subcontractors will post in conspicuous places and make available to employees and applicants for employment, notices setting forth the recipient's EEO policy. In addition, applicants/employees will be notified of the recipient's procedures for filing complaints of discrimination internally, as well as externally with the Federal Equal Employment Opportunity

Commission, the local human rights commission, and/or the U.S. Department of Transportation (DOT).

The objectives of this EEO Compliance Review were:

- To determine whether Metra is honoring its commitment represented by the certification to FTA that it is complying with its responsibilities under 49 U.S.C. Section 5332, “Non-Discrimination.”
- To examine the required components of Metra’s EEO Program Plan against the compliance standards set forth in the regulations and to document the compliance status of each component.
- To gather information and data regarding all aspects of Metra’s employment practices, including recruitment, hiring, training, promotion, compensation, retention and discipline from a variety of sources: Human Resources Department staff, and other Metra management and staff.

IV. BACKGROUND INFORMATION

The Northeast Illinois Regional Commuter Rail Corporation, known as Metra, was established in 1980 under the Regional Transportation Authority (RTA) Act to operate commuter rail service in a six county area. The Commuter Rail Division was formed in 1984 as a result of the restructuring of the RTA. Metra is governed by an eleven member Commuter Rail Board. Five members are appointed by the suburban members of Cook County; one member each is appointed by the County Board Chairmen for DuPage, Kane, Lake, McHenry and Will Counties; and one member is appointed by the Mayor of the City of Chicago. The population of Metra's service area is approximately 8,091,720 based on the 2000 census.

Metra operates commuter rail service on 11 routes, to and from five terminals or stations in downtown Chicago, as follows:

- Metra/Union Pacific, North Line (UP-N): Ogilvie Transportation Center, Chicago – Kenosha, WI
- Metra/Union Pacific, Northwest Line (UP-NW): Ogilvie Transportation Center, Chicago – Harvard and McHenry, IL
- Metra/Union Pacific, West Line (UP-W): Ogilvie Transportation Center, Chicago – Elburn, IL
- Metra/Milwaukee District, North Line (MD-N): Union Station, Chicago – Fox Lake, IL
- Metra/Milwaukee District, West Line (MD-W): Union Station, Chicago – Elgin, IL
- Metra/North Central Service (NCS): Union Station, Chicago – Antioch, IL
- Metra/BNSF Railway (BNSF): Union Station, Chicago – Aurora, IL
- Metra/Electric District (ME): Millennium and Van Buren Street Stations, Chicago – South Chicago, Blue Island and University Park, IL
- Metra/Heritage Corridor (HC): Union Station, Chicago – Joliet, IL
- Metra/SouthWest Service (SWS): Union Station, Chicago – Manhattan, IL
- Metra/Rock Island District (RI): LaSalle Street Station, Chicago – Blue Island and Joliet, IL

The Executive Director/Chief Executive Officer has the ultimate responsibility for implementation of Metra's EEO program. Metra delegated responsibility for implementation of the EEO program to the Senior Director EEO and Diversity Initiatives. The Senior Director EEO and Diversity Initiatives was responsible for establishing policies and monitoring procedures to ensure EEO compliance.

At the time of the Compliance Review and according to Metra's most recent Organization Chart, Metra was organized under the following management structure that reported directly to the Executive Director/Chief Executive Officer:

- Deputy Executive Director, Operation
- Senior Corporate Director, Customer Affairs and Communications
- Senior Corporate Director, Police and Emergency Preparedness
- Deputy Executive Director, Administration
- Senior Corporate Director, Government Affairs
- General Counsel
- Senior Corporate Director, Human Relations
- Chief Financial Officer

The Senior Director, EEO and Diversity Initiatives reported to the Senior Corporate Director, Human Relations. A dotted line reporting relationship on EEO matters to the Executive Director/Chief Executive Officer was established on June 10, 2011.

The EEO and Diversity Initiatives staff included the following positions:

- Manager, EEO
- Senior EEO Training Specialist
- Senior EEO Specialist
- EEO Specialist
- EEO Investigator

The Manager, EEO collected and analyzed statistical data and assisted the Senior Director with reporting on EEO Program accomplishments.

According to Metra's most recent workforce statistics, dated March 2011, Metra had 2,665 employees and minorities represented 46 percent of the total workforce, as follows:

- Blacks – 27.6 percent
- Hispanics – 17.5 percent
- Asians – 1.4 percent
- American Indians – Less than one percent

Females represented 16.7 percent of the workforce. Approximately 80 percent of Metra's workforce was represented by 16 Unions.

The demographics of Metra's service area are shown in Table 1. According to the 2000 Census, the service area had a population of over eight million persons.

Metra's service area is diverse, with White residents representing 65.2 percent of the total population. Blacks were the largest minority group at 19.2 percent. Hispanics followed at 17.4 percent, Asians/Pacific Islanders represented 4.7 percent of the population, and Other/Two or More represented 10.6 percent. American Indians/Alaska Native represented less than one percent of the total population. As shown, sixty-six percent of the population resided in Cook County, with Whites representing just 56.3 percent, Blacks at 26.1 percent, and Hispanics at 19.9 percent.

Table 1
Racial/ Ethnic Breakdown of the Metra Service Area
2000 – U.S. Census

Racial/ Ethnic Group	Cook County		DuPage County		Kane County		Lake County	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
White	3,025,760	56.3	759,924	84.0	320,340	79.3	516,189	80.1
Black	1,405,361	26.1	27,600	3.1	23,279	5.8	44,741	6.9
American Indian and Alaska Native	15,496	0.3	1,520	0.2	1,255	0.3	1,801	0.3
Asian/Hawaiian/Pacific Islander	262,731	4.9	71,469	7.9	7,440	1.8	25,413	3.9
Other Race/Two or More	667,393	12.4	43,648	4.8	51,805	12.8	56,212	8.7
Hispanic Origin ¹	1,071,740	19.9	81,366	9.0	95,924	23.7	92,716	14.4
Total Population	<u>5,376,741</u>	<u>100%</u>	<u>904,161</u>	<u>100%</u>	<u>404,119</u>	<u>100%</u>	<u>644,356</u>	<u>100%</u>

Racial/ Ethnic Group	McHenry County		Will County		Total Metra Service area	
	Number	Percent	Number	Percent	Number	Percent
White	244,240	93.9	411,027	81.8	5,277,480	65.2
Black	1,523	0.6	52,509	10.5	1,555,013	19.2
American Indian and Alaska Native	445	0.2	1,038	0.2	21,555	0.3
Asian/Hawaiian/Pacific Islander	3,837	1.5	11,287	2.2	382,177	4.7
Other Race/Two or More	10,032	3.9	26,405	5.3	855,495	10.6
Hispanic Origin	19,602	7.5	43,768	8.7	1,405,116	17.4
Total Population	<u>260,077</u>	<u>100%</u>	<u>502,266</u>	<u>100%</u>	<u>8,091,720</u>	<u>100%</u>

¹ Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

V. SCOPE AND METHODOLOGY

SCOPE

The following required EEO program components, specified by FTA Circular 4704.1, are reviewed in this report:

1. Program Submission – A formal EEO program is required of any recipient that both employs 50 or more transit-related employees (including temporary, full-time, or part-time employees either directly employed and/or through contractors) *and* received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous federal fiscal year. Program updates are required every three years.
2. Statement of Policy – An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment.
3. Dissemination – Formal communication mechanisms should be established to publicize and disseminate the recipient’s EEO policy, as well as appropriate elements of the program, to its employees, applicants, and the general public.
4. Designation of Personnel Responsibility – The importance of an EEO program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency’s CEO.
5. Utilization Analysis – The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.

6. Goals and Timetables – Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources.
7. Assessment of Employment Practices – Recipients, subrecipients, contractors, and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.
8. Monitoring and Reporting System – An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.

METHODOLOGY

The initial step of this EEO Compliance Review consisted of consultation with the FTA Region V Civil Rights Officer and Civil Rights Headquarters staff regarding the decision to conduct a Compliance Review of Metra. Relevant documents from FTA's files were reviewed as background. Next, an agenda letter was prepared and sent to Metra by FTA's Office of Civil Rights. The agenda letter notified Metra of the planned Compliance Review, requested preliminary documents, and informed Metra of additional documents needed and areas that would be covered during the on-site portion of the Review. It also informed Metra of the staff and other organizations and individuals that would be interviewed. The following documents were requested:

**FTA Circular 4704.1 Requirement/
Documentation to Be Provided to The DMP Group, LLC**

0. Background

- a) Description Metra's Services and Organization
- b) Summary Listing of EEO Complaints and Lawsuits against Metra during the last three years (January 1, 2008 – March 31, 2011) alleging discrimination towards an employee or job applicant. The summary shall indicate the date of the complaint, if the complaint was filed internally or externally, the basis for discrimination, the date the complaint was resolved or if the complaint is still open.
- c) Collective Bargaining Agreements covering the past three years for each bargaining unit, if applicable.

1. Program Submission (FTA C. 4704.1.II, 5.)

- a) Copy of Affirmative Action/ EEO Program most recently submitted to FTA
- b) Copy of Metra's Submittal Letter
- c) Copy of FTA Approval Letter, if available

2. Statement of Policy (FTA C. 4704.1.III, 2.a.)

- a) Copy of EEO Policy issued by CEO

3. Dissemination (FTA C. 4704.1.III, 2.b.)

- a) Documentation of Internal Dissemination of EEO Policy
- b) Documentation of External Dissemination of EEO Policy

4. Designation of Personnel Responsibility for EEO (FTA C. 4704.1.III, 2.c.)

- a) Copy of Position/Job Description for EEO Officer and EEO Staff
- b) Organization Chart showing EEO Officer Reporting Relationship

5. Utilization Analysis (FTA C. 4704.1.III, 2.d.)

- a) Utilization Analysis for the past two years prepared in accordance with FTA Circular 4704.1 Chapter III 2. d.

6. Goals and Timetables (FTA C. 4704.1.III, 2.e.)

- a) Goals and Timetables for the past two years prepared in accordance with FTA Circular 4704.1 Chapter III 2 e.

7. Assessment of Employment Practices (FTA C. 4704.1.III, 2.f.)

- a) A copy of personnel policy guides, handbooks, regulations, or other material that govern employment practices.
- b) A list of all recruitment sources used during the last year, including the name and telephone numbers of contact persons.
- c) A listing of all job titles for which written examinations are conducted.
- d) A listing of all job titles for which medical or physical examinations are conducted.

**FTA Circular 4704.1 Requirement/
Documentation to Be Provided to The DMP Group, LLC**

e) Data on new hires for the past three years for each job title or job group. Provide the total number of applicants and the total number of hires, by job title, as well as the number of minority group and female applicants and hires, for the past three years.
f) Data on competitive promotions for the past three years for each job title or job group. Provide the total number of promotions, as well as the number of minority group and female employee promotions. Indicate the departments from which and to which the employees were promoted.
g) Data on average salaries or wages paid, during the past three years, by job title or job group, to all employees, as well as the average salaries or wages paid to minority and female employees.
h) Data on employer sponsored training offered during the past three years. Provide the total number of employees participating in each training course, as well as the number of minority group and female participants. Indicate if training was mandatory, or if supervisors authorized employee participation on a case-by-case basis.
i) Data on terminations for the past three years for each job title or job group. Provide the total number of employee terminations, as well as the number of minority group and female employee terminations. Indicate if the terminations were voluntary or involuntary.
j) Data on all demotions, suspensions, and disciplinary actions above the level of oral warning for the past three years for each job title or job group. Provide the total number of demotions, suspensions, and disciplinary actions, as well as the number of minority group and female employee demotions, suspensions, and disciplinary actions. Indicate the departments in which these employees worked when they were demoted, suspended or disciplined.
8. Monitoring and Reporting (FTA C. 4704.1.III, 2.g.)
a) Procedures describing Metra's EEO Monitoring and Reporting System.
b) A report on the results of Metra's goals for the 2010 affirmative action plan (AAP) year. For goals not attained, a description of the specific good faith efforts made to achieve them.
c) A description of the procedures and criteria used by Metra to monitor its subrecipients and contractors to determine compliance with FTA EEO requirements.
d) Copies of EEO Programs from subrecipients and contractors that employ 50 or more transit-related employees.

Metra assembled most of the documents prior to the site visit and provided them to the Compliance Review team for advance review.

The Compliance Review site visit occurred June 27 – 29, 2011. The Entrance Conference was conducted at the beginning of the Compliance Review with Metra's senior management staff, FTA Headquarters staff, and the contractor Review team. During the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. The detailed schedule for conducting the on-site visit was discussed.

Following the Entrance Conference, the Review team conducted a detailed examination of documents submitted by Metra's Senior Director, EEO and Diversity Initiatives and her staff, on behalf of the agency. The Review team also held discussions with Metra's Senior Corporate Director, Human Resources, regarding Metra's EEO Program and its implementation.

The next day, a group interview was conducted with members of Metra's Human Resources staff to learn about Metra's employment practices, including recruitment, testing, hiring, promotions, transfers, discipline and terminations. Files and records of employment actions, such as new hires, promotions, demotions, and terminations, were requested and reviewed.

Throughout the three-day site visit, interviews were also conducted with selected employees and managers.

Staff Interviews

Thirteen staff members were independently selected by the Review Team for interviews. The staff members selected were an ethnically and gender diverse group and included hourly and salaried employees. Staff members' tenure with Metra

ranged from 3 months to 20 years. The staff mentioned that Metra was a diverse organization that provided opportunities for promotions. However, there is a perception by some employees that there is a “who you know” mentality surrounding promotions. More than a few employees mentioned that “people in the field stay in the field” and felt that if an employee knows someone in management, that employee stands a better chance of advancement.

The general consensus was that there was little or no knowledge of the EEO Officer or EEO’s role within the organization. Many had seen Metra’s EEO posters or vaguely remember their initial employment training and a few individuals had a vague recollection that diversity was discussed as part of the orientation for new employees. A few staff members were aware that internal complaints could be filed through the EEO Officer, but none of the staff members were aware that complaints could be filed with an external agency. When asked about promotions, some said they applied for jobs but did not receive an interview or any contact or reason for denial of their application. A few individuals expressed a concern that discipline actions were not consistent.

Most of the staff expressed an interest in receiving periodic updates and additional information about the EEO Officer and the role of EEO in the agency. Several individuals thought that updated and targeted diversity training would be helpful.

Other suggestions were:

- To make the program better known in the agency.
- To help employees feel more comfortable bringing up issues as they arise.
- To be more consistent with EEO investigations.
- EEO Officer should increase visibility and listen to employees.

Relative to the comments above concerning the visibility of the EEO Program and its role within the organization, Metra indicated the following in a letter dated October 18, 2011:

The Draft Report also states that during the site visit, thirteen (13) employees (out of a total 2,665) were randomly selected for interview by the DMP Group at one location. While the DMP Group did not find a deficiency in this area, based upon the interviews conducted with these thirteen employees, they concluded that Metra employees have little or no knowledge of the EEO Officer or EEO's role within the organization, and that EEO needs to be more visible in the organization. We were surprised by this conclusion, given the extent of the involvement of the EEO office at all work locations; however, we have formulated some suggestions for your review that we hope will increase our visibility. Below we have illustrated some of the current ways that the EEO Officer and her staff visibly reach out to Metra employees.

New Employee Orientation: *EEO staff give a presentation on EEO Affirmative Action and Diversity to all new employees. During that orientation, EEO explains the function of the EEO/Diversity Initiatives department. Employees are strongly encouraged to use the mediation process to resolve workplace conflicts between their co-workers and themselves or between their supervisors and themselves. EEO advises employees of their rights to file complaints of discrimination internally or externally with state or federal investigatory agencies. EEO also explains the areas of responsibility covered by both the Illinois Department of Human Rights and the EEOC. Metra's EEO Policy Statements are reviewed and employees are instructed how to file a complaint internally. EEO staff give brochures to employees containing Metra's EEO Policies and the Internal Complaint Procedure.*

Phase Two Orientation: *Approximately six months to nine months after the start of their employment, new employees again get the opportunity to learn more about the EEO office and the role of EEO within the organization. During Phase Two Orientation, the EEO Officer meets with employees and explains the mission of the department. S/he also discusses, in some detail, the FTA mandate that Metra have an Affirmative Action program and what that entails. S/he explains EEO's involvement in the employment process and that the EEO department monitors the assessment of discipline and the working climates at the corporate headquarters and at field locations. S/he also*

advises that the EEO staff conduct site visits at field locations. During those visits, employees get the opportunity to speak with EEO staff about workplace concerns. Where appropriate, the EEO department advocates on behalf of employees about workplace concerns. The EEO Officer also introduces herself/himself and each EEO staff member by name with a short biography. Finally, s/he talks about the kind of EEO training they can expect to receive and how Metra expects them to conduct themselves in the workplace. The EEO Officer again gives employees information on Metra's EEO Policies and the EEO Complaint Procedure.

Mediation: *Oftentimes, complaints can be promptly resolved through direct, face-to-face mediated communication. EEO offers its services as a neutral mediator for resolving conflicts and/or facilitating better communication between Metra employees and their co-worker or their supervisors. The mediation process has been highly successful at Metra. Both employees and supervisors approach EEO on a regular basis requesting mediation. There is a direct correlation between the number of successful mediations and the relatively low number of EEO charges filed by employees.*

Site Visits: *Either the EEO Officer or a member of the EEO staff visits one of Metra's field locations on a monthly basis. The purpose of these visits is to take the EEO office to the employees. EEO reserves private space so that any employee wishing to discuss a matter with EEO can do so confidentially. If an employee is not comfortable discussing his/her concerns at his/her work location, EEO will make other arrangements to meet with the employee, even if it is off the property.*

Diversity and EEO Training: *Regulatory agencies such as the EEOC and IDHR look favorably upon Metra's proactive Diversity Training Initiative. The purpose of the training is to assist employees in respecting, valuing, and fully utilizing the difference backgrounds and experiences that individuals bring to Metra's workplace. The management level program was implemented in the fall of 1994. Staff level Diversity Training began in May 1997. EEO staff does some of this training in-house and Metra believes that this is critical in our multi-cultural workplace. Training is conducted on an on-going basis, with employees being scheduled to accommodate the needs of their departments. This initiative has dealt with issues including, but not limited to, the language of cultural diversity, conflict resolution, self-awareness, destruction of stereotypes and myths, commonalities among people of different races/nationalities, utilizing differences to create*

advantages, and motivational issues. We also cover topics such as sexual harassment avoidance in the workplace. With the exception of very new employees, most Metra employees have attended at least one EEO or Diversity training class.

The Cultural Crossings Newsletter: *EEO began publication of this employee newsletter in the year 2000. The purpose of the newsletter, as stated in the inaugural issue, is to "recognize the unique and interesting perspectives each one of us brings to the workplace ... It's goal is to focus attention on you, the employee, and to serve as one avenue where we (as employees) can get to know one another just a little better." During the last eleven (11) years, the newsletter has been published consistently on a quarterly basis. Employees are encouraged, via the newsletter, during site visits, and at orientation to contribute, via comments, suggestions, and written contributions.*

EEO Policy Brochures and Posters: *Metra's EEO policies are compliant with local, state and federal non-discrimination law, and affirmative action practices and policies. However, Metra's EEO policies go over and above what the law requires. Periodically, the EEO department presents "It's About Respect" workshops to Metra employees. These workshops are tailored to explain inappropriate workplace behaviors. EEO Diversity Grams (a series of postings developed by the EEO department to remind employees to conduct themselves professionally in the workplace and to treat their co-workers the way that they would like to be treated) is sent to 547 offices and to various field locations on a regular basis.*

The Website -Internet and Intranet: *EEO recently added Metra's EEO policies to Metra's Intranet.*

Metra Willing to Consider Additional Employee Outreach Efforts

As explained above, EEO meets with employees in person and it communicates with them in writing, via the internet and intranet and through the EEO postings (those that are required and those that go beyond the requirements). However, to address concerns raised by the DMP Group, Metra proposes to further reach out to its employees by having the EEO office:

- *Prepare a short video with the Sr. Director of EEO, explaining the mediation, employee relations and complaint processes to employees and post it on Metra's intranet site.*

- *Place an "EEO suggestion box" at major locations. Check once a month and respond to employees (except those that are anonymous), even if the suggestion is not doable.*
- *Research starting a "Diversity Council." Find out what the typical employee involvement is and how they work at other companies.*
- *Have EEO representative present at open enrollment and for "HR Days."*
- *Prepare separate brochure to introduce EEO staff and hand out with policy brochures at orientation, open enrollment, and HR days.*
- *Include an EEO information box (Did You Know?) in the Cultural Crossings newsletter.*
- *Promote various heritage months, with flyers at 547 and field locations. Also, use existing rolling bulletin board as a display to promote on 12th floor.*
- *Revamp "Brown Bag" Sessions and take to field locations as well as 547.*

With respect to some of the comments/suggested made by Metra staff to DMP during the interview process, Metra goes on to further state the following in the letter dated October 18, 2011:

We would like to seek FTA's guidance with respect to the Draft Report's suggestion on page 15 of the report that Metra have "updated and targeted diversity training." As information, Metra has conducted diversity training on an on-going basis (i.e., quarterly and at times monthly) since its inception. At a minimum, training content is reviewed annually and updated (where necessary) to keep the material fresh and current. Please let us know what FTA would consider an acceptable level of training beyond what Metra currently does.

Likewise, we seek guidance pertaining to the suggestion that EEO "help employees feel more comfortable bringing up issues as they arise," and to be more consistent with EEO investigation. With respect to the former, as explained above, we arrange private space and time for employees to voice their complaints with EEO; with respect to the latter, investigation results are confidential and only shared with the complaining employee, the accused employee (if applicable), and with those management officials with a need to

know. In order to provide consistency, EEO reviews past similarly situated circumstances. Consequently, employees may perceive inconsistency based upon their limited knowledge of the facts and not upon actual circumstances. If these steps are insufficient, we would appreciate any recommendations that FTA has to address its suggestion.

The Review team appreciates and acknowledges the effort Metra has shown by describing its current and planned efforts to increase the visibility of the EEO Officer with its employees. The Review team agrees that Metra has taken numerous steps to be proactive in the implementation of its EEO Program responsibilities. As noted in the Draft Report, these were the perceptions of a limited number of employees and not the recommendations of FTA or the Review team. The efforts described by Metra are adequate to meet FTA requirements.

At the end of the site visit, an Exit Conference was held with Metra's senior management staff, FTA Headquarters staff, and the contractor Review team. At the Exit Conference, initial findings and corrective actions were discussed with Metra. A complete list of attendees at the EEO Compliance Review is included in Section VIII of this report.

VI. FINDINGS AND RECOMMENDATIONS

The EEO Compliance Review focused on Metra's compliance with eight specific requirements of FTA Circular 4704.1. This section describes the requirements and findings at the time of the Compliance Review site visit.

Deficiencies were identified in the following two areas: *Designation of Personnel Responsibility and Goals and Timetables*. Prior to the issuance of the Draft Report, Metra submitted corrective actions that addressed and closed the deficiency in the area of *Goals and Timetables*. Following the issuance of the Draft Report, Metra provided an update on its efforts to correct the outstanding deficiency in the area of *Designation of Personnel*.

1. Program Submission

Requirement: A formal EEO program is required of any recipient that both employs 50 or more transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors) *and* received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous federal fiscal year. Program updates are required every three years.

Finding: During this Compliance Review of Metra, no deficiencies were found FTA requirements for Program Submission. Metra submitted its *Equal Employment Opportunity Plan and Program 2010 – 2013* (EEO Plan – the plan was not dated), to FTA's Office of Civil Rights on April 8, 2010. Metra received a letter approving its submission, stating that the approval for the EEO Plan would expire on April 14,

2013, and that an updated plan would be due 30 days prior to that expiration date. Metra's EEO Plan was comprised of the following areas:

- Introduction
- Policy Statement
- Dissemination of Policy
- Responsibility for Implementation
- Procedures for Monitoring EEO Compliance
- Assessment of Affirmative Action Components
- Utilization Analysis
- Affirmative Action Goals Planning

The plan included all of the elements described in FTA Circular 4704.1

2. Statement of Policy

Requirement: An EEO Program must include a statement issued by the CEO regarding EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment.

Finding: During this Compliance Review of Metra, no deficiencies were found with FTA requirements for Statement of Policy. Prior to the site visit, Metra provided the Review team with its *EEO Policy*. The EEO Policy was not dated; however, it contained all of the required elements of a Statement of Policy as described in FTA Circular C 4704.1. The required Policy Statement elements and

whether each element can be found in Metra’s *EEO Policy* are shown in the table below:

Metra EEO Policy Statement	
FTA C. 4704.1 Policy Statement Requirements	EEO Policy Statement
Issued by CEO	Yes
Commitment to EEO	Yes
Undertake an Affirmative Action Program	Yes
EEO Program Assignment to Agency Executive	Yes
Management Personnel Share Responsibility	Yes
Applicants/Employees Right to File Complaints	Yes
Performance by Managers/Supervisors Evaluated	Yes
Successful Achievement Provides Benefits	Yes

The Policy Statement explained that Metra had established an EEO Officer and complaints should be made to the EEO Officer. The statement provided the name of the EEO Officer but not any other contact information; however, brochures and the agency’s website did provide this contact information.

3. Dissemination

Requirement: Formal communication mechanisms should be established to publicize and disseminate the agency’s EEO policy as well as appropriate elements of the program, to its employees, applicants and the general public.

Finding: During this Compliance Review of Metra, no deficiencies were found with FTA requirements for Dissemination. Metra’s 2011 EEO Plan detailed its internal and external procedures for disseminating its EEO Policy. The following is a list of the methods listed in the Plan and provided separately by Metra used to disseminate the EEO Policy internally and externally:

Internal Communications

- Policy Statement was posted on the website
- Policy Statement (along with other organizational policy) was sent to all Chiefs, Senior Directors, Directors, Department Heads, and Managers on January 2010 requesting that they distribute the attached Policy (and other policies) to their employees and have the employees sign an Acknowledgement of Receipt form (also attached to the memorandum).
- A March 9, 2010, reminder memorandum was sent out to all Chiefs, Senior Directors, Directors, Department Heads, and Managers to distribute the Policy (and other policies) to employees, and to collect all Acknowledgement of Receipt forms as they were mandatory.
- A March 31, 2010, memorandum to Metra Management with attached Metra Americans with Disabilities Act/Affirmative Action (ADAAA) and EEO policies poster. The memorandum also included the direction to display the posters in areas frequented by employees.
- A March 1, 2011, memorandum to all Chiefs, Senior Directors, Directors, Department Heads, and Managers with an attached *Equal Employment Opportunity Plan and Program 2010 – 2013*.
- A March 2011 memorandum to All Metra Leaders from Metra's Executive Director/Chief Executive Officer outlining Metra's commitment to EEO.
- Policy Statement was included as a part of new employee orientation.
- Policy Statement was posted throughout the Metra facilities in break rooms and meeting area.
- A bilateral non-discrimination provision is included in all labor union agreements.

External Communication

- Policy Statement was posted on the website
- Several brochures stated that “Metra is an Equal Opportunity Employer.”
- The following statement is included on the Career Opportunities page on the website:

Metra is an Equal Opportunity Employer. It is our policy to fill vacant positions with qualified candidates without regard to race, color, sex, religion, national origin, age, or disability, assuming an individual can perform the essential functions of the job with or without accommodation. Please read Metra's EEO Diversity Initiatives for more information.

During the site visit, the Review Team observed the EEO Policy Statement posted on the website and posted throughout the Metra facilities. Metra also provided examples of emails to its recruitment partners informing them of Metra’s EEO Policy (with a copy of the Policy attached).

4. Designation of Personnel Responsibility

Requirement: The importance of an EEO program is indicated by the individual the agency has named to manage the program and the authority this individual possesses. An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency’s CEO.

Finding: During this Compliance Review of Metra, deficiencies were found with FTA requirements for Designation of Personnel Responsibilities. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c states:

An executive should be appointed as Manager/Director of EEO who reports and is directly responsible to the agency's CEO. Since managing the EEO program requires a major commitment of time and resources, the Manager/Director of EEO should be given top management support and assigned a staff commensurate with the importance of this program.

Prior to the site visit, Metra provided the Review team with the job description for the Senior Director EEO and Diversity Initiatives. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2c provide for nine program responsibilities that the EEO Officer should, at a minimum, have. The table below summarized the FTA required elements of an EEO Officer, and the duties and responsibilities listed in the Metra Job Description for the Senior Director EEO and Diversity Initiatives:

EEO Officer Program Responsibilities (FTA Circular 4704.1, III.2.c)	Duties in Job Description
Develop EEO Policy/Program	X
Assist Management in Data Needs, Setting Goals and Timetables, etc.	X
Internal Monitoring and Reporting System	X
Reporting Periodically to CEO on EEO Progress	X
Liaison to Outside Organizations/Groups	Not Included
Current Information Dissemination	X
Recruitment Assistance/Establish Outreach Sources	Not Included
Concur in All Hires/Promotions	Not Included
Process Employment Discrimination Complaints	X

While a few of the EEO Program responsibilities were not included in the job description for the Senior Director EEO and Diversity Initiatives, as noted above, Metra was able to document that the Senior Directory EEO and Diversity Initiatives actually performed all of the required responsibilities except serving as a liaison to outside organizations/groups.

Prior to the site visit, Metra also provided the Review team with organizational charts. The Senior Director EEO and Diversity Initiatives reported directly to the

Senior Corporate Director, Human Resources, with a dotted line reporting relationship to the Executive Director/Chief Executive Officer. Having EEO report to Human Resources is a potential conflict of interest due to the fact that decisions related to hiring, promotions, salary, and terminations are the responsibility of Human Resources. As such, complaints in those areas (e.g., hiring and promotions) should be handled outside of Human Resources. Metra did not have a process in place for addressing the potential conflicts of interest that could result from this reporting relationship.

Prior to the issuance of the Draft Report, Metra provided a letter detailing its plans to engage the Diversity staff as liaison with the following groups:

- Woman's Transportation Seminar (WTS)
- Advancing Women in Transportation
- Conference of Minority Transportation Officials (COMPTO)
- League of United Latin American Citizens (LULAC)
- Chicago Urban League
- American Association of Affirmative Action Officers

This plan of action is adequate to close this aspect of the deficiency.

Relative to the reporting relationship, Metra indicated in a letter dated July 27, 2011, that it was in the process of reviewing this matter and examining all options prior to a final staff reorganization.

Following the issuance of the Draft Report, in a letter dated October 18, 2011, Metra indicated the following:

Metra is considering having EEO report to a high-level senior management position outside of Human Resources. We are reviewing the following options: (1) the newly created position of Chief Audit and Compliance Officer (2) the newly created Deputy Executive Director/Administration or (3) the Executive Director/CEO. We plan to make a final decision in the short term, and will notify you as soon as possible of our decision.

Also included in that letter was the following statement:

As requested in your September 20, 2011 letter, be assured that with the FTA's concurrence, the corrective action identified under the "Designation of Personnel Responsibility" (i.e., the reporting relationship of the EEO Officer) will be implemented as soon as the vacancy for the new senior level Chief Audit and Compliance Officer is filled.

Corrective Action and Schedule: Within 120 days, Metra must submit to the FTA Office of Civil Rights its approach for separating the EEO function from Human Resources and maintaining a reporting relationship to the Executive Director/Chief Executive Officer on EEO matters.

5. Utilization Analysis

Requirement: The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.

Finding: During this Compliance Review of Metra, no deficiencies were found with FTA requirements for Utilization Analysis. Prior to the site visit, Metra provided the Review team with a workforce utilization analysis for 2007, 2008, and 2009, comparing its labor force to the six-county area workforce.

The chart provided information on the following job categories:

- Officials and Administrators
- Professionals
- Technicians
- Protective Services
- Admin Support
- Skilled Craft
- Service Maintenance

The utilization analysis contained information on the number and percentage of employees in each job category by race (i.e., white and non-white) and sex in each job category and is done annually. The Review Team discussed that the availability analysis should reflect the employment market place (i.e., where do most employees live) and not the Metra service area. According to Metra, employees live in each of the six counties, however, the predominance of employees reside in Cook County. Metra provided data to show that because Cook County represents nearly 70 percent of the population, the demographics of the six-county area are appropriate for the utilization analysis.

6. Goals and Timetables

Requirement: Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources.

Finding: During this Compliance Review of Metra, deficiencies were found with FTA requirements for Goals and Timetables. The Program Guidelines of FTA Circular 4704.1 Chapter III, 2e states:

Goals and timetables are an excellent management tool to assist in the optimum utilization of human resources. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis.

Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible.

Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals.

Prior to the site visit, Metra provided the Review team with the following documents for Goals and Timetables:

- Corporate Affirmative Action Numerical Goals (for 2009 and 2010)
- Metra Affirmative Action Program Goals and Utilization Forms for each department participating in goal setting and achievement (for 2009 and 2010)
- 2009 Summary of Affirmative Action Goals Accomplishments for each department participating in goal setting and achievement (for 2009 and 2010)

The following information was provided for the goals for each job category in the 2009 and the 2010 Corporate Affirmative Action Numerical Goals:

- Projected Annual New Hires/Promotions (based on a rolling three year average)
- Total AA Goals Estimates
- Numerical Goals by category (i.e., White Females, Black Males, Black Females, Hispanic Males, Hispanic Females, Asian Males, Asian Females, etc.)

The following information was provided in the 2009 and 2010 Summary of Affirmative Action Goals Accomplishments

- Affirmative Action Hiring and Promotions for year by Occupational Category
- Proposed Affirmative Action Goals for year by Occupational Categories
- Affirmative Action Goals (reached) for year by Occupational Category

The review team noted that the goals and summaries were only short-term, annual goals and no long-range goals were designed to eliminate underutilization in job categories where it was identified. It was also determined that while the Corporate Affirmative Action Numerical Goals for 2009 and 2010 and the Metra Affirmative Action Program Goals and Utilization Forms for 2009 and 2010 showed goals based on race and gender, the Summary of Affirmative Action Goals Accomplishments only tracked the hiring or promotion of any hire in the Target Group (which included woman and all minorities), not a specific ethnic group or gender. This practice did not help determine if the goal for an individual minority group or gender were met, only if a White, or a Non-White or Female was promoted or hired. It was also noted that all departments were not required by Metra to have affirmative action goals, even if there was underutilization and that the Occupational Category of Administrative Support did not have established affirmative action goals.

During the site visit, Metra provided the review team with its *Year End 2010 Affirmative Action Report*. This report did include a discussion of Metra's current year goals and if they were or were not attained, but again, only in the categories of White or Non-White/Female.

Prior to the issuance of the Draft Report, Metra consulted with FTA's Office of Civil Rights and submitted goals and timetables in accordance with FTA Circular 4704.1. The deficiency in this area is now closed.

7. Assessment of Employment Practices

Requirement: Recipients, subrecipients, contractors and subcontractors must conduct a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.

Finding: During this Compliance Review of Metra, no deficiencies were found with FTA requirements for Assessment of Employment Practices. Metra documented that it had conducted qualitative and quantitative assessments of employment practices.

FTA Circular 4704.1 requires grantees to undertake a qualitative and quantitative analysis of employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization:

Qualitative analyses should include narrative descriptions of the following:

- *Recruitment and employment selection procedures from the agency's last EEO submission.*
- *Seniority practices and provisions, upgrading and promotion procedures, transfer procedures, and formal and informal training programs from the last EEO submission.*
- *Procedures and practices regarding wages, salary levels, and other forms of compensation and benefits.*
- *Disciplinary procedures and discharge and termination practices.*
- *Assessment of the impact of external factors (not knowing where to apply for jobs, the availability of bilingual materials and information)*

Quantitative analyses should include the following statistical data by race, national origin, and sex in the past year:

- *Number of job applicants and the number of individuals offered employment.*

- *Number of employees in each job category that applied for a promotion or transfer, and the number of employees who were promoted or transferred in the past year.*
- *Number of disciplinary actions and terminations (by type) in the past year.*

Metra documented that it had conducted qualitative and quantitative analyses of its practices in accordance with FTA Circular 4704.1. Metra provided information regarding its assessments of human resources practices and procedures and the impact on equal employment opportunities in its Year End 2010 Affirmative Action Report. Narrative assessments discussed recruitment, selection, promotion, compensation, disciplinary actions, and training.

Additionally, Metra was also able to document that it conducted qualitative analyses of hiring, promotions, and disciplinary actions, including terminations. The data showed that minorities and women are generally hired, promoted and disciplined at rates comparable to their representation in the workforce. A review of selected employment and disciplinary files by the Review team did not reveal any significant pattern or practice of discriminatory practices.

8. Monitoring and Reporting System

Requirement: An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.

Finding: During this Compliance Review of Metra, no deficiencies were found with FTA requirements for a Monitoring and Reporting System. FTA Circular 4704.1, Chapter III, 2.g, states:

An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system. This system should serve the following basic purposes:

- *Assessing EEO accomplishments*
- *Enabling the agency to evaluate the EEO program during the year and to take necessary corrective actions, as necessary*
- *Identifying those units which have failed to achieve a goal or implement affirmative action*
- *Providing precise and factual database for future projections.*

During the site visit, Metra was able to document that it had an adequate system in place to monitor EEO accomplishments on a regular basis and that the Senior Director EEO and Diversity Initiatives and the Senior Corporate Director, Human Resources provided updates to the Executive Director/CEO on a regular basis.

Metra described how the EEO Officer or designee participates in recruiting sessions for every vacant position where there is underutilization. The EEO staff also participates on selection panels to monitor activities and assure there is not discrimination. Metra also provided copies of its *Year End Affirmative Action Reports for 2008, 2009 and 2010*. These reports contained detailed assessments of EEO accomplishments and identified areas of focus for the coming years.

VII. SUMMARY OF FINDINGS

Requirements of FTA Circular 4704.1	Site Review Finding	Description of Deficiencies	Corrective Actions	Response Days/ Closed Date
1. Program Submission	ND			
2. Statement of Policy	ND			
3. Dissemination	ND			
4. Designation of Personnel Responsibility	D	Inadequate designation of EEO Officer	Metra must submit to the FTA Office of Civil Rights its plan for separating EEO from Human Resources and maintaining a reporting relationship to the Executive Director/Chief Executive Officer on EEO matters.	120 Days
5. Utilization Analysis	ND			
6. Goals and Timetables	D		Metra must submit to the FTA Headquarters Office of Civil Rights Goals and Timetables in accordance with the requirements of FTA Circular 4704.1.	Closed
7. Assessment of Employment Practices	ND			
8. Monitoring and Reporting System	ND			

ND = No Deficiency; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC=Advisory Comments

VIII. ATTENDEES

NAME	TITLE/ ORGANIZATION	PHONE	E-MAIL
Alex Clifford	Executive Director/Chief Executive Officer, Metra	312.322.6979	aclifford@metrarr.com
George L. Hardwidge	Deputy Executive Director – Operation, Metra	312.322.8999	ghardwid@metrarr.com
Theresa A. Barnett	Senior Associate General Counsel, Metra	312.322.6694	tbarnett@metrarr.com
Sue-Ann Rosen	Associate General Counsel, Law Department, Metra	312.322.6684	srosen@metrarr.com
Eric Fernandes, CPA, CISA	Director, Internal Audit, Metra	312.322.6711	efernandes@metrarr.com
Lynnette H. Ciavarella	Director, Office of Planning & Analysis, Metra	312.322.8022	lcivare@metrarr.com
Gail M. Washington	Senior Director, Human Resources, Metra	312.322.8920	gwashing@metrarr.com
Countess P. Cary	Director, Equal Employment Opportunity and Employee Relations, Metra	312.322.8934	ccary@metrarr.com
Joe Kransdorf, SPHR	Manager of EEO, Metra	312.322-6765	jkransdo@metrarr.com
Lori Piecuch	Senior EEO Training Specialist EEO and Employee Relations, Metra	312.322.6768	lpiecuch@metrarr.com
Liliana Reyes	Senior EEO Specialist, Metra	312.322.8926	lreyes@metrarr.com
Andrea Parker	EEO Specialist, Metra	312.322.7099	aparker@metrarr.com
Nancy Bigall	Director, Workforce Education and Training, Metra	312.322.8932	nbigall@metrarr.com
Lori K. Jones	Director, Manpower Planning & Forecasting, Human Resources, Metra	312.322.8929	lkjones@metrarr.com
Gwenetta S. Almon	Senior Human Resources Generalist, Manpower Planning & Forecasting, Metra	312.322.8019	galmon@metrarr.com
AGENCY – Federal Transit Administration (FTA)			
Anita Heard	Program Analyst, Office of Civil Rights, Headquarters	202.493.0318	Anita.heard@dot.gov
Melody L. Hopson, P.E.	General Engineer, FTA	312.886.1611	melody.hopson@dot.gov
REVIEW TEAM - The DMP Group, LLC			
Maxine Marshall	Lead Reviewer, DMP	504.957.3491	maxine.marshall@thedmpgroup.com
Karon H. Cofield	Reviewer, DMP	719.649.1710	karon.cofield@thedmpgroup.com
Gregory Campbell	Reviewer, DMP	202.726.2630	gregory.campbell@thedmpgroup.com

July 27, 2011

Sent via email

Maxine Marshall
DMP Group
2233 Wisconsin Avenue, N.W.
Suite 405
Washington, D.C. 20007

Re: Metra's EEO Compliance Review

Dear Ms. Marshall:

This letter is in response to the Federal Transit Administration's (FTA's) Summary of Site Review Findings ("Summary") made by the DMP Group following its review of Metra's Equal Employment Opportunity Program (EEO). That review took place at Metra's corporate headquarters and its Western Avenue field facility from June 27-June 29, 2011. Please consider this letter to be Metra's official response and suggested corrective action to your Summary.

First, we'd like to thank the staffs of the FTA and its consultant for their thorough review, as well as their professional and courteous attitude throughout the process. We were extremely gratified to hear your team tell us that Metra has a very good EEO Program. Metra takes its commitment to EEO and Affirmative Action principles and practices very seriously, so your comments were welcome validation of our efforts. Since the inception of its EEO Program, Metra has submitted an EEO Plan with an Affirmative Action component every three years, as required by FTA Circular 4704.1 (hereafter, the Circular). We are pleased that the FTA's Region V office has consistently approved each Plan, with the most recent plan being approved on October 21, 2010.

We understand that any observations and/or deficiencies noted were to ensure that Metra will become fully compliant with the Circular. Further, we support the FTA's mandate that grant recipients, like Metra, take affirmative steps to ensure that minorities and females are fully represented and utilized in all job categories. As you know, Metra's staff provided substantial additional supporting documentation for its overall EEO Program during the process, and as you graciously acknowledged, we put forth our best effort to cooperate in all aspects of this Review.

Your team looked at nine compliance areas; no deficiencies were found in seven of those areas and you offered advisory comments in one area. However, you also found that Metra was deficient in two areas: (1) Designation of Personnel Responsibility; and (2) Goals and Timetables. In the first area, Designation of Personnel Responsibility, the

Summary noted that the EEO Officer reports to the Human Resources (HR) Department and does not perform all applicable duties (i.e., does not serve as liaison with external groups).

Relative to the reporting relationship, I am in the process of reviewing this matter and because I believe it involves an important structural change, I would like to examine all of our options. Once a decision has been made on a final re-organization, I will notify you. We also found your comments with respect to the EEO Officer serving as a liaison with external groups very instructive. It would be advantageous to our EEO Program for Metra's EEO Officer to establish on-going relationships with some of the following local/regional groups: WTS, Advancing Women in Transportation, COMTO, the League of United Latin American Citizens, and the Chicago Urban League. We also plan to establish a relationship with the American Association of Affirmative Action Officers. If these groups are acceptable to you, we will make the necessary arrangements for membership.

Your team also found that we were deficient in the area of Goals and Timetables. During the past couple of weeks, EEO staff has communicated several times with Anita Heard at FTA headquarters in Washington, D.C. Ms. Heard clarified the Goals and Timetables requirements under FTA C 4704.1 Ch. III, Section 2.e., and sent us a template for presenting Metra's long-term goals in a manner that should rectify any deficiency. We also discussed the other comments made under the Goals and Timetables requirements (i.e., not done for all job categories, not done for all departments and goals combine females with minorities). Enclosed please find a copy of the Goals and Timetables that we developed with Ms. Heard's assistance. We hope that this data is fully compliant with the description of the deficiency listed for the Goals and Timetables area.

Finally, your team offered advisory comments concerning Metra's use of the population of the six county region as our relevant labor market. Upon receipt of new census data from the federal government, we plan to do a complete analysis to make sure that the labor market we use in developing our utilization analysis is appropriate.

I believe that this letter addresses all areas identified in the Summary, and again, thank you for all your efforts on our behalf. Should you have additional questions at this point, please feel free to contact Countess Cary, Senior Director, EEO/Diversity Initiatives at 312-322-8934, (ccary@metrarr.com), or me at 312-322-6979.

Sincerely,

Alexander D. Clifford
Executive Director/CEO

Cc: G. Washington
C. Cary
T. Barnett

A. Heard (FTA)
E. Allen (FTA)
M. Simon (FTA)

L. Ciavarella
Attachment: (1)

G. Campbell (the DMP Group)



U.S. Department
of Transportation
**Federal Transit
Administration**

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

JAN - 6 2012

Mr. Alex Clifford
Executive Director and Chief Executive Officer
Northeast Illinois Regional Commuter Rail Corporation
547 West Jackson Boulevard
Chicago, IL 60661

Re: EEO Compliance Review of Metra – Final Report

Dear Mr. Clifford:

Thank you for your response to the Federal Transit Administration's (FTA) letter and preliminary report of findings of the Equal Employment Opportunity (EEO) Compliance Review conducted from June 27-29, 2011 of the Northeast Illinois Regional Commuter Rail Corporation (known as Metra). Enclosed is the final report that incorporates Metra's official response, submitted on October 18, 2011.

We appreciate the efforts taken by Metra since the site visit, and we are confident that SCMTD will take steps to correct the deficiency in the areas of *Designation of Personnel Responsibility*.

All corrective actions must be closed within 120 days of the date of this letter. To assure FTA has the opportunity to review and comment on the corrective actions, please submit responses, no later than April 4, 2012. Once we have reviewed your submission, we will either request clarification or additional corrective action, or will close out the finding if your response sufficiently addresses the FTA EEO Circular's requirements. Please submit your responses to Ms. Anita Heard at the address shown below.

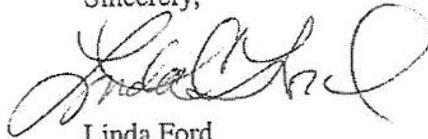
Ms. Anita Heard
Program Analyst
FTA Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Clifford
Page Two

We appreciate the cooperation and assistance that you and your staff have provided us during this review. If you have any questions about this matter, please contact Ms. Anita Heard, Office of Civil Rights at (202) 493-0318 or at her email address, Anita.Heard@dot.gov.

We appreciate your prompt response.

Sincerely,



Linda Ford
Acting Director, Office of Civil Rights

Enclosure

Cc: Ms. Marisol Simon, Regional Administrator, Region 5
Mr. Donald (Erick) Allen, Regional Civil Rights Officer, Region 5
Ms. Melody Hopson, P.E., General Engineer, Region 5
Ms. Anita Heard, Program Analyst, Office of Civil Rights, Headquarters
Ms. Maxine A. Marshall, Lead Reviewer, The DMP Group, LLC
Ms. Countess Carey, Senior Director EEO and Diversity Initiatives, Metra



547 W. Jackson Blvd. Chicago, IL 60661 (312) 322-6900 TTY# 1-312-322-6774

April 27, 2012

Anita Heard
Program Analyst
FTA Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: EEO Compliance Review of Metra-Final Report

Dear Ms. Heard:

This letter is in response to the January 6, 2012 letter from Linda Ford, Acting Director, Office of Civil Rights, regarding the remaining deficiency identified by the FTA in Metra's EEO Program. The FTA found a deficiency in the area of *Designation of Personnel Responsibility*. Ms. Ford gave Metra 120 days to submit to you, its approach for separating the EEO function from Human Resources and for maintaining a reporting relationship to the Executive Director/Chief Executive Officer on EEO matters.

Organizational restructuring is ongoing, and I have decided that the EEO Officer, Countess P. Cary and her staff, will report directly to Alex Z. Wiggins, Metra's new Deputy Executive Director for Administration. Mr. Wiggins will begin his employment with Metra on April 30, 2012, and will be second in command regarding administrative matters. In compliance with FTA's EEO Circular requirements, Ms. Cary will still maintain a dotted-line reporting relationship to me on EEO matters.

Once the restructuring is complete, I will make a formal announcement of this change (including organizational charts). I am confident that this reorganization addresses the potential conflict of interest of EEO reporting to Human Resources, as it relates to hiring, promotion, salary, and termination decisions.

These changes should satisfy the last remaining deficiency found by the FTA with Metra's EEO Program and will hopefully close out Metra's June 2011 Compliance Review. Should you have questions or concerns, please do not hesitate to contact me at aclifford@metrarr.com.

Sincerely,

Alexander D. Clifford
Executive Director/CEO

cc: Marisol Simon, Regional Administrator, Region 5
Donald (Erick) Allen, Regional Civil Rights Officer, Region 5
Melody Hopson, P.E., General Engineer, Region 5
Maxine A. Marshall, Lead Reviewer, The DMP Group, LLC
Gail M. Washington, Sr. Corporate Director Human Resources, Metra
Theresa Barnett, General Counsel, Metra
Richard Capra, Chief Audit and Compliance Officer, Metra
Countess P. Cary, Sr. Director, EEO/Diversity Initiatives, Metra

Countess Cary

From: Countess Cary
Sent: Monday, August 27, 2012 2:02 PM
To: 'melody.hopson@dot.gov'
Cc: 'donald.allen@dot.gov'; 'anita.heard@dot.gov'; 'marisol.simon@dot.gov';
'maxine.marshall@thedmpgroup.com'; Alexander Clifford; Alex Z. Wiggins; Theresa Barnett;
Rick Capra; Lynnette Ciavarella; 'gregory.campbell@thedmpgroup.com'
Subject: FW: Scan From Metra - Human Resources Department
Attachments: Document.pdf

Dear Ms. Hopson:

As we discussed during the FTA Quarterly meeting last week on August 22, 2012, attached, please find the most recent Metra organizational chart. The chart is date July 30, 2012 and shows that the EEO/Diversity Initiatives department has been separated from the Human Resources function. This was the last document that Metra was required to submit to close the June 2011 EEO Compliance Review. If possible, we would like a response in writing for our files, confirming that the Review has been closed out.

Should you require additional information, please contact me at the email address or telephone number below.

Thank

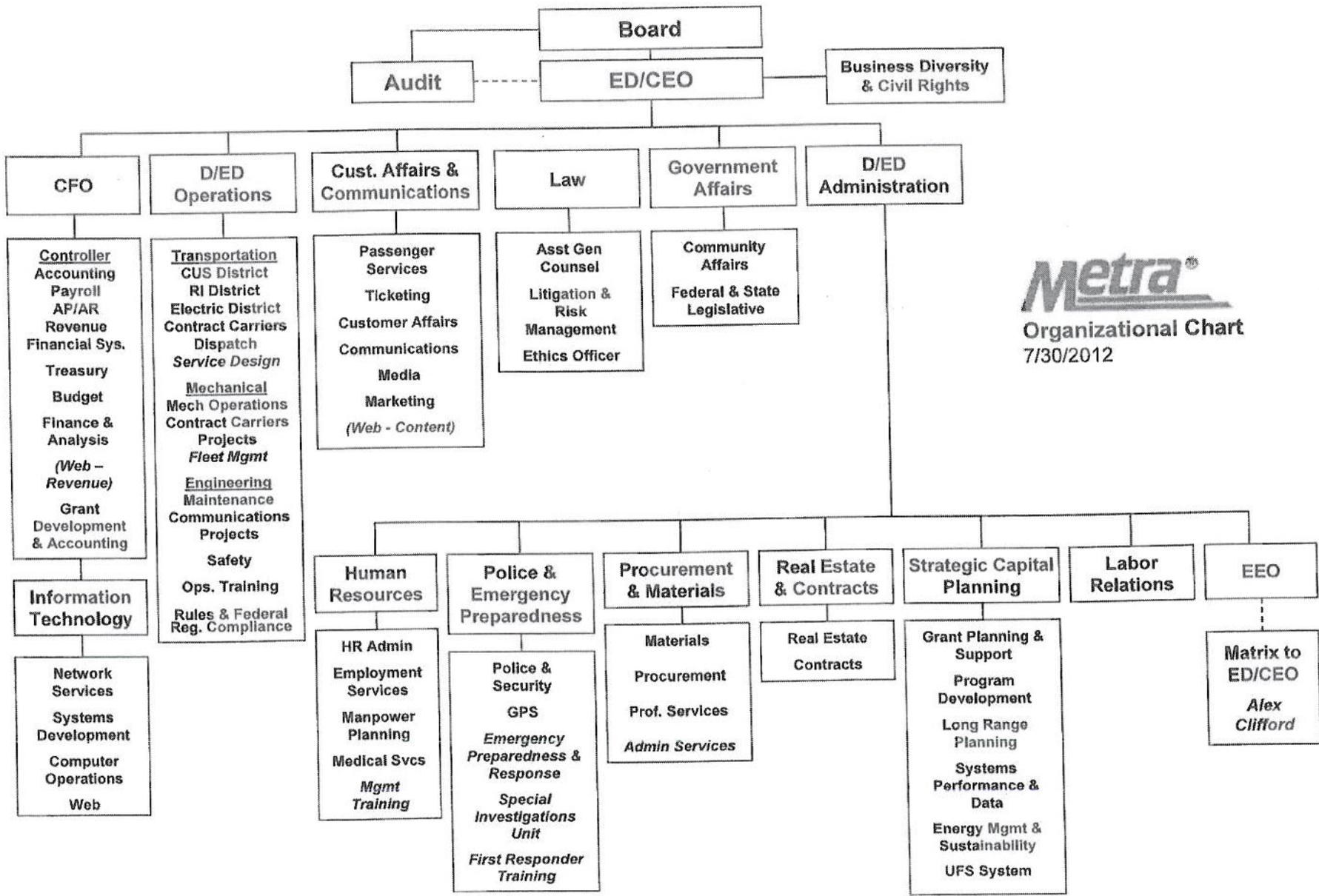
Countess P. Cary
Sr. Director EEO/Diversity Initiatives
EEO/Diversity Initiatives Department
Metra
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Chicago, Illinois 60661
telephone: 312-322-8934
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-----Original Message-----

From: Human Resources Department [<mailto:p19h4345@metrarr.com>]
Sent: Monday, August 27, 2012 1:41 PM
To: Countess Cary
Subject: Scan From Metra - Human Resources Department

Please open the attached document. This document was digitally sent to you from Metra's Human Resources Department.



Metra[®]
 Organizational Chart
 7/30/2012



October 18, 2011

Anita Heard
Equal Opportunity Specialist
U.S. Department of Transportation
Federal Transit Administration Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Metra's Response to the EEO Compliance Review of Metra-Draft Report

Dear Ms. Heard:

This letter is in response to your September 20, 2011 Draft Report regarding the EEO Compliance Review of Metra conducted by the DMP Group from June 27-29, 2011. Please consider this letter Metra's formal comments on the report's preliminary findings.

Designation of Personnel Responsibility:

As of today's date, there is only one remaining open item with respect to the FTA's Report, and that is the area "Designation of the Personnel Responsibility." Prior to the issuance of the Draft Report, Metra provided a letter detailing its plans to engage Metra's EEO/Diversity staff as liaison to several outside organizations/groups. As a result, the FTA closed that aspect of this deficiency. In addition, although the Draft Report notes that Metra documented (during the Compliance Review) that the Sr. Director EEO/Diversity Initiatives actually performed all of the required responsibilities (except serving as a liaison to outside organizations/groups); the report took exception to the fact that Metra had not documented all responsibilities in the Sr. Director's job description. Please see Attachment 1, which is an updated job description for the Sr. Director EEO/Diversity Initiatives. This description now covers all of the EEO Program responsibilities.

I would also like to draw your attention to page seven (7) of the Draft Report, which states that a dotted line reporting relationship on EEO matters to the ED/CEO was established on June 10, 2011. In actuality Metra established a dotted line reporting relationship dating back to November 1987. Attached are copies of former organizational charts showing that relationship (Group Attachment II). The chart without the dotted line reporting relationship that the DMP Group saw posted at Metra during its June 2011 site visit contained a clerical error, and did not, as we explained during the Compliance Review, represent corporate policy.

The Summary of Findings in the Draft Report states, "Metra must submit to the FTA Office of Civil Rights its plan for separating EEO from Human Resources and maintaining a reporting relationship to the Executive Director/Chief Executive Officer on EEO matters." To address this concern, Metra is



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Anita Heard, U.S. Department of Transportation
Re: Metra's Response to the EEO Compliance Review of Metra-Draft Report
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Page 2

considering having EEO report to a high-level senior management position outside of Human Resources. We are reviewing the following options: (1) the newly created position of Chief Audit and Compliance Officer (2) the newly created Deputy Executive Director/Administration or (3) the Executive Director/CEO. We plan to make a final decision in the short term, and will notify you as soon as possible of our decision.

Metra's Comments in Areas Where No Deficiencies were Cited

The Draft Report also states that during the site visit, thirteen (13) employees (out of a total 2,665) were randomly selected for interview by the DMP Group at one location. While the DMP Group did not find a deficiency in this area, based upon the interviews conducted with these thirteen employees, they concluded that Metra employees have little or no knowledge of the EEO Officer or EEO's role within the organization, and that EEO needs to be more visible in the organization. We were surprised by this conclusion, given the extent of the involvement of the EEO office at all work locations; however, we have formulated some suggestions for your review that we hope will increase our visibility. Below we have illustrated some of the current ways that the EEO Officer and her staff visibly reach out to Metra employees.

New Employee Orientation: EEO staff give a presentation on EEO/Affirmative Action and Diversity to all new employees. During that orientation, EEO explains the function of the EEO/Diversity Initiatives department. Employees are strongly encouraged to use the mediation process to resolve workplace conflicts between their co-workers and themselves or between their supervisors and themselves. EEO advises employees of their rights to file complaints of discrimination internally or externally with state or federal investigatory agencies. EEO also explains the areas of responsibility covered by both the Illinois Department of Human Rights and the EEOC. Metra's EEO Policy Statements are reviewed and employees are instructed how to file a complaint internally. EEO staff give brochures to employees containing Metra's EEO Policies and the Internal Complaint Procedure (Attachment III).

Phase Two Orientation: Approximately six months to nine months after the start of their employment, new employees again get the opportunity to learn more about the EEO office and the role of EEO within the organization. During Phase Two Orientation, the EEO Officer meets with employees and explains the mission of the department. S/he also discusses, in some detail, the FTA mandate that Metra have an Affirmative Action program and what that entails. S/he explains EEO's involvement in the employment process and that the EEO department monitors the assessment of discipline and the working climates at the corporate headquarters and at field locations. S/he also advises that the EEO staff conduct site visits at field locations. During those visits, employees get the opportunity to speak with EEO staff about workplace concerns. Where appropriate, the EEO department advocates on behalf of employees about workplace concerns. The EEO Officer also introduces herself/himself and each EEO staff member by name with a short biography. Finally, s/he talks about the kind of EEO training they can expect to receive and how Metra expects them to conduct themselves in the workplace. The EEO Officer again gives employees information on Metra's EEO Policies and the EEO Complaint Procedure.



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Anita Heard, U.S. Department of Transportation
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Mediation: Oftentimes, complaints can be promptly resolved through direct, face-to-face mediated communication. EEO offers its services as a neutral mediator for resolving conflicts and/or facilitating better communication between Metra employees and their co-worker or their supervisors. The mediation process has been highly successful at Metra. Both employees and supervisors approach EEO on a regular basis requesting mediation. There is a direct correlation between the number of successful mediations and the relatively low number of EEO charges filed by employees.

Site Visits: Either the EEO Officer or a member of the EEO staff visits one of Metra's field locations on a monthly basis. The purpose of these visits is to take the EEO office to the employees. EEO reserves private space so that any employee wishing to discuss a matter with EEO can do so confidentially. If an employee is not comfortable discussing his/her concerns at his/her work location, EEO will make other arrangements to meet with the employee, even if it is off the property.

Diversity and EEO Training: Regulatory agencies such as the EEOC and IDHR look favorably upon Metra's proactive Diversity Training Initiative. The purpose of the training is to assist employees in respecting, valuing, and fully utilizing the difference backgrounds and experiences that individuals bring to Metra's workplace. The management level program was implemented in the fall of 1994. Staff level Diversity Training began in May 1997. EEO staff does some of this training in-house and Metra believes that is critical in our multi-cultural workplace. Training is conducted on an on-going basis, with employees being scheduled to accommodate the needs of their departments. This initiative has dealt with issues including, but not limited to, the language of cultural diversity, conflict resolution, self-awareness, destruction of stereotypes and myths, commonalities among people of different races/nationalities, utilizing differences to create advantages, and motivational issues. We also cover topics such as sexual harassment avoidance in the workplace. With the exception of very new employees, most Metra employees have attended at least one EEO or Diversity training class.

The Cultural Crossings Newsletter: EEO began publication of this employee newsletter in the year 2000. The purpose of the newsletter, as stated in the inaugural issue, is to "recognize the unique and interesting perspectives each one of us brings to the workplace...It's goal is to focus attention on you, the employee, and to serve as one avenue where we (as employees) can get to know one another just a little better." During the last eleven (11) years, the newsletter has been published consistently on a quarterly basis. Employees are encouraged, via the newsletter, during site visits, and at orientation to contribute, via comments, suggestions, and written contributions.

EEO Policy Brochures and Posters: Metra's EEO policies are compliant with local, state and federal non-discrimination law, and affirmative action practices and policies. However, Metra's EEO policies go over and above what the law requires. Periodically, the EEO department presents "It's About Respect" workshops to Metra employees. These workshops are tailored to explain inappropriate workplace behaviors. **EEO Diversity Grams** (a series of postings developed by the EEO department to remind employees to conduct themselves professionally in the workplace and to treat their co-workers the way that they would like to be treated) is sent to 547 offices and to various field locations on a regular basis.

The Website – Internet and Intranet: EEO recently added Metra's EEO policies to Metra's Intranet.



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Anita Heard, U.S. Department of Transportation
Re: Metra's Response to the EEO Compliance Review of Metra-Draft Report
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Metra Willing to Consider Additional Employee Outreach Efforts

As explained above, EEO meets with employees in person and it communicates with them in writing, via the internet and intranet and through the EEO postings (those that are required and those that go beyond the requirements). However, to address concerns raised by the DMP Group, Metra proposes to further reach out to its employees by having the EEO office:

- Prepare a short video with the Sr. Director of EEO, explaining the mediation, employee relations and complaint processes to employees and post it on Metra's intranet site.
- Place on "EEO suggestion box" at major locations. Check once a month and respond to employees (except those that are anonymous), even if the suggestion is not doable.
- Research starting a "Diversity Council." Find out what the typical employee involvement is and how they work at other companies.
- Have EEO representative present at open enrollment and for "HR Days."
- Prepare separate brochure to introduce EEO staff and hand out with policy brochures at orientation, open enrollment and HR days.
- Include an EEO information box (Did You Know?) in the Cultural Crossings newsletter.
- Promote various heritage months, with flyers at 547 and field locations. Also, use existing rolling bulletin board as a display to promote on 12th floor.
- Revamp "Brown Bag" Sessions and take to field locations as well as 547.

Additional Comments in Areas Where No Deficiencies were Cited

We would like to seek FTA's guidance with respect to the Draft Report's suggestion on page 15 of the report that Metra have "updated and targeted diversity training." As information, Metra has conducted diversity training on an on-going basis (i.e. quarterly and at times monthly) since its inception. At a minimum, training content is reviewed annually and updated (where necessary) to keep the material fresh and current. Please let us know what FTA would consider an acceptable level of training beyond what Metra currently does.

Likewise, we seek guidance pertaining to the suggestion that EEO "help employees feel more comfortable bring[ing] up issues as they arise," and to be more consistent with EEO investigation. With respect to the former, as explained above, we arrange private space and time for employees to voice their complaints with EEO; with respect to the latter, investigation results are confidential and only shared with the complaining employee, the accused employee (if applicable), and with those management officials



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Anita Heard, U.S. Department of Transportation
Re: Metra's Response to the EEO Compliance Review of Metra-Draft Report
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Page 5

with a need to know. In order to provide consistency, EEO reviews past similarly situated circumstances. Consequently, employees may perceive inconsistency based upon their limited knowledge of the facts and not upon actual circumstances. If these steps are insufficient, we would appreciate any recommendations that FTA has to address its suggestion.

Closing Comments

As requested in your September 20, 2011 letter, be assured that with the FTA's concurrence, the corrective action identified under the "Designation of Personnel Responsibility" (i.e. the reporting relationship of the EEO Officer) will be implemented as soon as the vacancy for the new senior level Chief Audit and Compliance Officer is filled. Additionally, we hope that this response addresses all the concerns (even those that did not rise to the level of deficiency) raised by the DMP Group.

We look forward to your reply.

Sincerely,



Alexander D. Clifford
Executive Director/CEO

Attachments

cc: Marisol Simon, Regional Administrator, Region V
Donald (Erick) Allen, Regional Civil Rights Officer, Region V
Maxine Marshall, Lead Reviewer, DMP
Theresa Barnett, General Counsel, Metra
Gail M. Washington, Sr. Corporate Director Human Resources, Metra
Lynnette Ciavarella, Sr. Division Director, Capital Strategic Planning, Metra
Countess P. Cary, Sr. Director EEO/Diversity Initiatives, Metra



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April 27, 2012

Anita Heard
Program Analyst
FTA Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: EEO Compliance Review of Metra-Final Report

Dear Ms. Heard:

This letter is in response to the January 6, 2012 letter from Linda Ford, Acting Director, Office of Civil Rights, regarding the remaining deficiency identified by the FTA in Metra's EEO Program. The FTA found a deficiency in the area of *Designation of Personnel Responsibility*. Ms. Ford gave Metra 120 days to submit to you, its approach for separating the EEO function from Human Resources and for maintaining a reporting relationship to the Executive Director/Chief Executive Officer on EEO matters.

Organizational restructuring is ongoing, and I have decided that the EEO Officer, Countess P. Cary and her staff, will report directly to Alex Z. Wiggins, Metra's new Deputy Executive Director for Administration. Mr. Wiggins will begin his employment with Metra on April 30, 2012, and will be second in command regarding administrative matters. In compliance with FTA's EEO Circular requirements, Ms. Cary will still maintain a dotted-line reporting relationship to me on EEO matters.

Once the restructuring is complete, I will make a formal announcement of this change (including organizational charts). I am confident that this reorganization addresses the potential conflict of interest of EEO reporting to Human Resources, as it relates to hiring, promotion, salary, and termination decisions.

These changes should satisfy the last remaining deficiency found by the FTA with Metra's EEO Program and will hopefully close out Metra's June 2011 Compliance Review. Should you have questions or concerns, please do not hesitate to contact me at aclifford@metrarr.com.

Sincerely,

Alexander D. Clifford
Executive Director/CEO

cc: Marisol Simon, Regional Administrator, Region 5
Donald (Erick) Allen, Regional Civil Rights Officer, Region 5
Melody Hopson, P.E., General Engineer, Region 5
Maxine A. Marshall, Lead Reviewer, The DMP Group, LLC
Gail M. Washington, Sr. Corporate Director Human Resources, Metra
Theresa Barnett, General Counsel, Metra
Richard Capra, Chief Audit and Compliance Officer, Metra
Countess P. Cary, Sr. Director, EEO/Diversity Initiatives, Metra

Countess Cary

From: Countess Cary
nt: Monday, August 27, 2012 2:02 PM
o: 'melody.hopson@dot.gov'
Cc: 'donald.allen@dot.gov'; 'anita.heard@dot.gov'; 'marisol.simon@dot.gov';
'maxine.marshall@thedmpgroup.com'; Alexander Clifford; Alex Z. Wiggins; Theresa Barnett;
Rick Capra; Lynnette Ciavarella; 'gregory.campbell@thedmpgroup.com'
Subject: FW: Scan From Metra - Human Resources Department
Attachments: Document.pdf

Dear Ms. Hopson:

As we discussed during the FTA Quarterly meeting last week on August 22, 2012, attached, please find the most recent Metra organizational chart. The chart is date July 30, 2012 and shows that the EEO/Diversity Initiatives department has been separated from the Human Resources function. This was the last document that Metra was required to submit to close the June 2011 EEO Compliance Review. If possible, we would like a response in writing for our files, confirming that the Review has been closed out.

Should you require additional information, please contact me at the email address or telephone number below.

Thank

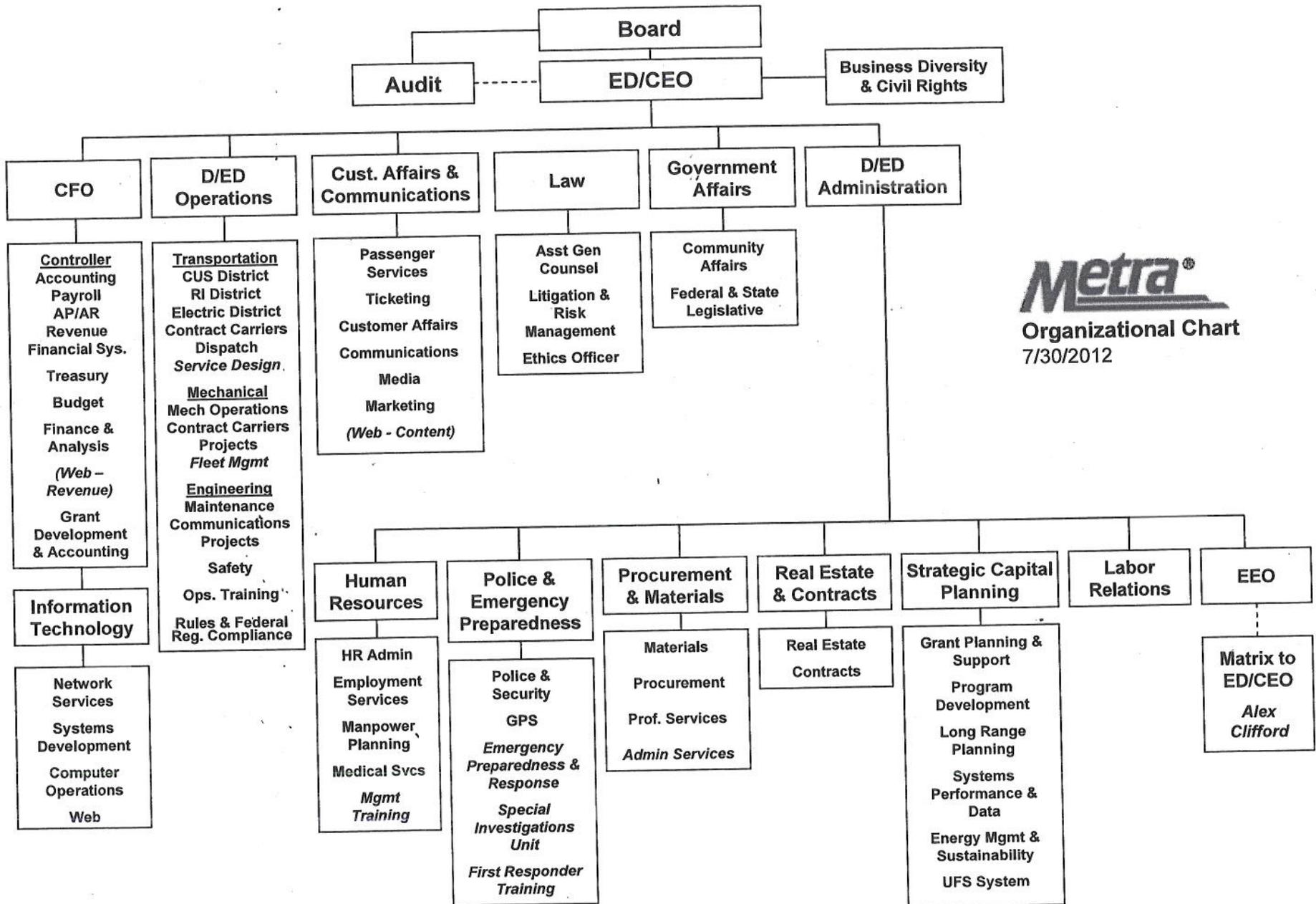
Countess P. Cary
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-----Original Message-----

From: Human Resources Department [<mailto:p19h4345@metrarr.com>]
Sent: Monday, August 27, 2012 1:41 PM
To: Countess Cary
Subject: Scan From Metra - Human Resources Department

Please open the attached document. This document was digitally sent to you from Metra's Human Resources Department.



Metra[®]
Organizational Chart
 7/30/2012