

# **Equal Employment Opportunity**

## **COMPLAINT PROCEDURE**

### **May 31, 2018**

It is the policy of the Capital District Transportation Authority (CDTA) and its subsidiaries to provide equal employment opportunity for all employees and applicants for employment without regard to race, color, religion, creed, national origin, genetic information, ancestry, sex, sexual orientation, age, disability, veteran's, or marital status, or any characteristic protected by New York State or federal law. This policy applies to all personnel actions, including but not limited to: promotion, demotion, transfer, recruitment, layoff or other discharge, rehire, rates of pay, benefits, and selection for training. Unlawful interference with the ability of the CDTA's employees to perform their expected job duties is prohibited and is not tolerated.

All employees and applicants for employment shall be protected from threatening behavior, coercion, intimidation, retaliation, interference or discrimination for filing a complaint of discrimination or participating in an investigation of a complaint of discrimination. Reprisal against or interference with an employee's or applicant's right to file a complaint concerning such matters constitutes a violation of this Policy and will not be tolerated.

CDTA's Equal Employment Opportunity Officer, or his/her designee, shall be responsible for overseeing investigations and responses to complaints of discrimination regarding this policy.

#### **How to File a Complaint:**

Any employee or applicant alleging to be subject to discrimination, unfair practice or retaliation on the basis of any protected characteristic should file a written complaint within 30 days of the alleged violation with Rick Vines, CDTA's Equal Employment Opportunity Officer for investigation and precautionary/remedial measures may be taken. During the investigation, confidentiality will be maintained to the extent practical. All employees are required to fully cooperate during the course of an investigation, and a failure to cooperate may constitute a violation of this Policy.

#### **Complaints can be filed orally or in writing and should contain:**

1. The name, address, and telephone number, e-mail of the individual or representative filing the complaint; complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination;
2. An explanation of the discrimination;
3. The date the alleged violation(s) occurred; and
4. Signature of the person filing the complaint.

#### **Complaints may be submitted to CDTA as follows:**

1. Mail complaint to CDTA, Attn: Rick Vines, Equal Employment Opportunity Officer, 110 Watervliet Avenue, Albany, NY 12206;
2. Via telephone by calling Rick Vines at 518-437-8385;
3. In person at CDTA's main office, 110 Watervliet Avenue, Albany, NY 12206, Monday – Friday, 8:00am – 4:00pm.

**Acknowledgement of Complaint Receipt:** Within 5 business days after the receipt of the complaint, the complainant will be contacted by mail, email or phone. Information provided will include:

1. Acknowledgement that their complaint has been received and forwarded for investigation;
2. The date by which a response will be sent to the complainant; and
3. How to contact CDTA if the complainant does not receive a response by that date.

**Investigation of Complaint:** The Equal Employment Opportunity Officer will investigate the complaint and respond in writing within 60 days from receipt of the complaint. The response will set out a process for resolution of the complaint. If no action is taken, the response will state the reasons for the decision. (CDTA employee personnel files are confidential; therefore, specific information on disciplinary actions resulting from complaints will not be divulged). Information provided will include:

1. A description of the complaint;
2. A finding of facts;
3. A description of how the complaint will be resolved;
4. When the complaint will be resolved; and
5. An assurance that CDTA will comply with the specific terms of the resolution of the complaint.

If CDTA is **unable to resolve** the complaint, you will be notified of this non-resolution **within 60 days**.

The notification will include:

- 1) A description of the complaint;
- 2) A summary of any resolution(s) proposed;
- 3) A statement addressing the issues that were not resolved at the meeting.

**Appeals:** The complainant can appeal the decision in instances where he or she is dissatisfied with the resolution. The request for appeal should be made within thirty (30) business days of receipt of the response to the complaint. An appeal may be made in writing, telephone or in person. The appeal should be directed to the CDTA Vice President of Finance and Administration at: 110 Watervliet Avenue, Albany New York 12206, 518-437-8330.

A hearing will be scheduled on the matter during which the complainant will be permitted to present any materials or testimony relevant to the matter. During the hearing a review of the information provided by the complainant (or the complainant's representative) will take place and a decision will be made as to whether to uphold the decision. This decision will be made within 30 days subsequent to the hearing.

**File Retention:** CDTA's Equal Opportunity Employment Officer will maintain the files and records relating to the complaints filed, for a minimum period of five (5) years. Copies of complaints may be requested from the Legal Department in accordance with the New York Freedom of Information Law (FOIL). Names and addresses of the complainants will be redacted to protect the individuals' privacy rights, if copies of complaints are produced.

**Complaint Log:** CDTA's Equal Opportunity Employment Officer will maintain a log of all complaints filed- contained in this log will be name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.

Individuals may also file complaints with Federal Transit Administration Office at:

Office of Civil Rights  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
United States  
Phone: 888-446-4511

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall be impaired by the person's pursuit of other remedies, such as the filing of an Equal Employment Opportunity complaint with the responsible state or federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.