



Meeting Date: December 10, 2025

Agenda Item: D.2

AGENDA SUMMARY REPORT

Discussion and Possible Approval of Resolution 2025-12 Approving MTA's updated EEO Policy

SUMMARY:

At the request of the Board specific sections of the policy were recently examined for clarity and possible revisions. Proposed wording changes have been forwarded to legal counsel for review and confirmation of compliance with applicable federal and state regulations. The EEO Policy is reviewed periodically by MTA's attorney to reflect changes in law and to strengthen Mendocino Transit Authority's (MTA) commitment to providing a fair, respectful, and inclusive workplace. The most recent review was conducted to incorporate new California Civil Rights Department (CRD) guidance, federal Equal Employment Opportunity Commission (EEOC) definitions, and Caltrans compliance requirements for subrecipients of federal and state funding. The EEO Policy is periodically reviewed by MTA's legal counsel to ensure it reflects current laws, regulatory requirements, and best practices.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the revised Equal Employment Opportunity Policy (2025) to ensure compliance with evolving legal standards and to reinforce MTA's continued leadership in promoting workplace equity and inclusion.

ATTACHMENTS:

Redline and Clean copy of MTA's updated EEO policy
Resolution 2025-12

Equal Employment Opportunity Program Policy (Draft 2025)

Objective

Mendocino Transit Authority (~~MTA~~) is an equal opportunity employer. In accordance with federal and state anti-discrimination law, this policy is adopted to effectuate principles of equity, fairness, and compliance. ~~Mendocino Transit Authority MTA~~ strictly prohibits discrimination, harassment, ~~bullying~~, and retaliation of any type. Equal employment opportunities are afforded without regard to race (inclusive of traits associated with race, including but not limited to hair texture and protective hairstyles, such as braids, locs, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression), age, sexual orientation, veteran or military status, or any combination of these characteristics, a perception that an applicant or employee is associated with a person who has, or is perceived to have, any of the above characteristics or a combination of any of the above characteristics protected by federal and/or state law. Mendocino Transit Authority conforms to the spirit as well as to the letter of all applicable laws and regulations. ~~face, color, religion, creed, sex, sexual orientation, gender identity, gender expression, pregnancy, childbirth or related medical conditions, age, national origin, ancestry, disability status (physical or mental), medical condition, genetic information, protected veteran or military status, marital or family status, political affiliation, domestic violence victim status, or any other protected category under federal, state, or local law.~~

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Scope

This policy applies to all aspects of the employment relationship, including recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, benefits, and termination. The policy also extends to contractors, subcontractors, vendors, and subrecipients of federal or state funding, consistent with Caltrans requirements. The principles of Equal Employment Opportunity (EEO) also apply to temporary staff, interns, independent contractors, and any entity doing business with or on behalf of ~~Mendocino Transit Authority~~ MTA.

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to Mendocino Transit Authority (e.g., an outside vendor, consultant or customer).

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Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Dissemination and Implementation

The Human Resources Department is responsible for dissemination of this policy and overall compliance. Directors, managers, and supervisors are responsible for implementing EEO practices within their departments. Personnel records will be maintained in compliance with applicable federal and state requirements. All required postings (including 'EEO is the Law') shall be displayed prominently in Mendocino Transit Authority facilities and electronically accessible.

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Procedures

Mendocino Transit Authority MTA administers this EEO policy fairly and consistently by:

- Posting all required notices regarding employee rights under EEO laws.
- Advertising all job openings with the EEO statement.
- Posting openings with state employment agencies.
- Prohibiting retaliation against individuals who file charges, oppose discrimination, report harassment, or participate in EEO proceedings.
- Requiring prompt reporting of incidents of discrimination or harassment within 48 hours when possible.
- Ensuring Human Resources promptly investigates all reported incidents and takes appropriate measures to address the situation.

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Harassment

Mendocino Transit Authority prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment may include any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Mendocino Transit Authority.

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The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.

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- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

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Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

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Harassment of any kind, including sexual harassment, is prohibited and will be addressed promptly. Harassment includes verbal or physical conduct intended to threaten, intimidate, or coerce, based on protected characteristics.

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Examples of harassment include:

- Verbal: epithets, slurs, offensive jokes, or stereotyping.
- Nonverbal: derogatory posters, cartoons, or emails.
- Physical: blocking movement, unwelcome touching, assault.

Sexual Harassment

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Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Mendocino Transit Authority's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

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As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

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Sexual harassment is generally categorized into two types:

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1. Quid Pro Quo Sexual Harassment ("this for that")

- Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

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2. Hostile Work Environment Sexual Harassment

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Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples include:

- Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
- Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
- Leering, obscene or vulgar gestures or making sexual gestures.
- Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
- Impeding or blocking movement, unwelcome touching or assaulting others.
- Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

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Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment. Sexual harassment is a form of unlawful employment discrimination under Title VII and FEHA. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is a basis for employment decisions, or such conduct creates a hostile work environment.

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Types include:

- ~~Quid Pro Quo: employment benefits conditioned on sexual favors.~~
- ~~Hostile Work Environment: conduct of a sexual nature that interferes with work performance or creates an intimidating environment.~~

Retaliation

No hardship, loss, benefit, or penalty may be imposed on an employee in response to filing ~~or responding to~~ a complaint, ~~or serving as a witness in the investigation of a~~, ~~or complaint or~~ opposing unlawful practices. ~~Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.~~ Good-faith complaints are protected even if not substantiated. ~~Groundless or malicious complaints may result in discipline.~~

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Abusive Conduct (Bullying)

~~Bullying is repeated, health-harming mistreatment of one or more people by one or more perpetrators that is not based on a legally protected trait. It is abusive conduct that includes:~~

- ~~Threatening, humiliating or intimidating behaviors.~~
- ~~Work interference/sabotage that prevents work from getting done.~~
- ~~Verbal abuse.~~

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~~Mendocino Transit Authority considers the following types of behavior examples of bullying:~~

- ~~Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.~~
- ~~Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.~~
- ~~Gesture bullying. Nonverbal gestures that can convey threatening messages.~~
- ~~Exclusion. Socially or physically excluding or disregarding a person in work-related activities.~~

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Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow Mendocino Transit Authority to take appropriate action.

Bullying is repeated, health-harming mistreatment, including verbal abuse, threats, humiliation, intimidation, sabotage, or social exclusion. Employees are strongly encouraged to report abusive conduct promptly.

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Training Requirements

Supervisory employees must complete sexual harassment, discrimination and retaliation prevention and workplace civility training every two years, as required by 2 CCR 11024 law. Supervisory employees will additionally be trained on Training must include how to respond promptly to harassment, the effects of abusive conduct, and intervention strategies.

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Reporting and Complaint Procedure

Mendocino Transit Authority encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, Human Resources or any other individual in a supervisory or managerial position.

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In addition, Mendocino Transit Authority encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. Mendocino Transit Authority recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. Employees, applicants, or contractors who believe they have experienced discrimination, harassment, or retaliation should report the conduct to their supervisor, HR, or the EEO Officer. Complaints should be made as early as possible. MTA will investigate promptly, including interviews and review of evidence, and maintain confidentiality to the extent feasible.

Mendocino Transit Authority encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Mendocino Transit Authority will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Investigations will generally be completed within 90 days. Both complainant and respondent will be notified of the outcome. False and malicious complaints may result in disciplinary action.

Remedies

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as Mendocino Transit Authority believes appropriate under the circumstances.

~~Violations of this policy will be addressed with appropriate corrective action, which may include training, counseling, discipline, reassignment, suspension, or termination. Contractors or vendors in violation may face termination of contract.~~

External Reporting Rights

Nothing in this policy will preclude an individual from filing a complaint with the California Civil Rights Department (CRD) and/or the Equal Employment Opportunity Commission (EEOC). Any form of retaliation is prohibited against an individual who pursues administrative relief through either agency, in addition to seeking relief under internal administrative procedures afforded by this policy. For more information on filing a complaint with the CRD or the EEOC, please refer to the following information:
~~Nothing in this policy precludes an individual from filing with outside agencies such as:~~

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- ~~▲~~ U.S. Equal Employment Opportunity Commission (EEOC), www.eeoc.gov, 800-669-4000
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Data Collection, Monitoring, and Reporting

~~Mendocino Transit Authority MTA~~ will comply with all workforce reporting requirements, including EEO-4 (state/local government) and EEO-1 (where applicable). ~~Mendocino Transit Authority MTA~~ will monitor internal workforce demographics, analyze barriers, and prepare for potential reinstatement of EEO-1 pay data collection (Component 2). Contractors and subrecipients must also comply with nondiscrimination and reporting requirements under Caltrans.

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~~Review and Updates~~

~~This policy will be reviewed every four years, or sooner as required by federal or state law, CalHR, Caltrans, or Board directive.~~

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Equal Employment Opportunity Program Policy (Draft 2025)

Objective

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Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow Mendocino Transit Authority to take appropriate action.

Training Requirements

Employees must complete harassment, discrimination and retaliation prevention and workplace civility training every two years, as required by law. Supervisory employees will additionally be trained on how to respond promptly to harassment, the effects of abusive conduct, and intervention strategies.

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MENDOCINO TRANSIT AUTHORITY

BOARD OF DIRECTORS RESOLUTION NO. 2025-12

Adoption of the Updated Equal Employment Opportunity (EEO) Policy

WHEREAS, the Mendocino Transit Authority (MTA) is a recipient of federal, state, and local funds and is required under Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (FEHA), and Caltrans guidelines to maintain and implement an Equal Employment Opportunity (EEO) Policy; and

WHEREAS, MTA's EEO Policy ensures fair and equitable treatment in all aspects of employment and contracting, consistent with principles of nondiscrimination, equity, and inclusion; and

WHEREAS, the existing EEO Policy (2020–2021) has been reviewed and updated to reflect current federal and state laws, including expanded protected categories, revised harassment and bullying definitions, updated complaint procedures, and clarified data reporting obligations in accordance with Caltrans DP-01 (2021); and

WHEREAS, MTA staff has presented the updated EEO Policy to the Board of Directors for consideration, as summarized in the accompanying Board Memorandum dated October 29, 2025;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Mendocino Transit Authority hereby adopts the Updated Equal Employment Opportunity (EEO) Policy, effective October 29, 2025, as presented; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director and Human Resources/EEO Officer to implement the policy, disseminate it to all employees and contractors, and ensure continued compliance with applicable federal and state EEO requirements.

PASSED AND ADOPTED this 10th day of December, 2025, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	

APPROVED:

Chair, MTA Board of Directors

ATTEST: _____
Executive Director, Mendocino Transit Authority