

# Director's Policy

Number: DP-01-R12

Effective Date: February 2021

Supersedes: DP-01-R11 (3/5/2018)

Responsible  
Program: Division of Equal  
Employment  
Opportunity

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**Title** Equal Employment Opportunity

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## **Policy**

The California Department of Transportation (Caltrans) is proud to be an equal opportunity workplace. Caltrans uses merit and excellence of qualifications as the basic principles guiding Caltrans Equal Employment Opportunity (EEO) efforts regarding employee recruitment, hiring, retention, training, transfers, promotions, and related public and private sector business activities. Caltrans has a "Zero Tolerance" policy for EEO-related discrimination, harassment, and retaliation. Any violations of this policy will result in corrective or disciplinary action.

Caltrans strives to maintain a diverse workforce and provide EEO to all applicants, employees, the public and business partners without regard to the following protected categories: race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), religious creed, color, national origin, ancestry, age, disability (mental or physical, including HIV and AIDS), medical condition (cancer or history of cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, or related medical condition), gender, gender identity, gender expression, sexual orientation, political affiliation, protected medical leaves, military and veteran status, domestic violence, sexual assault, or stalking victim status, and any other EEO status protected by state or federal law.

It is a violation of this policy to retaliate against Caltrans applicants, employees, the public and business partners or an employee of another department or agency who has engaged in an EEO protected activity such as filing an EEO complaint, participating in

an EEO complaint investigation, or voicing concerns that a possible EEO policy violation might have occurred.

All applicants, employees, the public and business partners have the right to file complaints alleging violations of this policy. All applicants, employees, the public and business partners have the right to be represented by a person of their choosing at each and all steps of the complaint process. All internal EEO complaints must be filed with the Caltrans Discrimination Complaint Investigation Unit (DCIU) within three years from the last date upon which the alleged violation(s) of policy occurred.

Additionally, all applicants, employees, the public and business partners have the right to file a complaint directly with the California Department of Fair Employment and Housing, the United States Equal Employment Opportunity Commission, or other appropriate state or federal agencies, or to file a civil action in the appropriate court.

To the extent possible, Caltrans will endeavor to keep the reported complaint confidential; however, complete confidentiality cannot be guaranteed when it interferes with Caltrans' ability to fulfill its obligations under this policy as required by law and/or for business necessity.

### ***Intended Results***

Caltrans' EEO policy has been developed to promote a work environment free from all forms of discrimination, harassment, and retaliation against its diverse workforce. The principles of EEO are applied in all employment decisions and business practices, unless such practices would violate state or federal laws and statutes, court orders, or result in a loss of federal funds.

Applicable laws include, but are not limited to, the California Fair Employment and Housing Act (Government Code sections 12900 et seq.), Government Code sections 12920 and 19702 et seq., California Labor Code sections 230 and 230.1, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Section 501 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

### ***Responsibilities***

Assistant Director, Equal Employment Opportunity:

- Serves as the EEO Officer for Caltrans.
- Responsible for overseeing that the Caltrans EEO program and plan are fully implemented and compliant within all programs and business activities.
- Responsible for overseeing the employment, recruitment, hiring, retention, training, transfers, promotions and business activities are compliant with EEO guidelines and laws.
- Responsible for overseeing that the active recruitment efforts for qualified applicants are broad and inclusive of all segments of the relevant workforce.
- Responsible for the implementation and maintenance of the Director's EEO Policy Statement.
- Responsible for overseeing the preparation of the Caltrans EEO Strategic Plan and EEO related reports.
- Provides EEO technical assistance to managers and supervisors.
- Provides oversight for Caltrans' processes related to formal discrimination complaints, bilingual services, religious accommodations, Disability Advisory Committee, EEO related training, and diversity and inclusion programs.
- Responsible for overseeing that the complaints involving allegations of violations of EEO, Sexual Harassment Prevention, and Religious Accommodation policies are investigated in a comprehensive, neutral, confidential, and timely manner and are followed up with the appropriate programs to determine what action was taken with respect to substantiated complaints.

Deputy Directors, District Directors, Chief/Deputy District Directors, Division Chiefs:

- Endeavor to provide a work environment free from discrimination, harassment, and retaliation by instructing managers and supervisors to monitor the implementation of EEO programs and compliance of business activities with EEO guidelines and directives.
- Instruct managers and supervisors to review this policy with their employees on an annual basis.
- Designate EEO Liaison(s) for their District and/or Division.

Managers and Supervisors:

- Endeavor to provide a work environment free from discrimination, harassment, and retaliation by having their standards and practices comply with EEO guidelines.
- Review this policy with their employees on an annual basis.

- Forward complaints to a District EEO Manager/Coordinator, Division EEO Manager/Liaison, and/or the Headquarters EEO Program in a confidential and timely manner.
- Notify their employees of their responsibility to cooperate fully in the complaint investigation process and in disciplinary proceedings for violations of this policy.
- Take immediate and appropriate corrective action when a violation of this EEO policy occurs. Corrective action may include remedial or disciplinary action after an appropriate finding that a policy violation occurred, and/or taking steps while an investigation of a complaint is pending to prevent additional potential or alleged policy violations.
- Provide a work environment that is free from retaliation against those who have engaged in an EEO protected activity such as filing an EEO complaint, participating in an EEO complaint investigation, or voicing concerns that a possible EEO policy violation might have occurred.

District and Headquarters EEO Managers, Specialists, Coordinators, and Liaisons:

- Monitor the implementation of EEO programs and compliance of business activities with EEO guidelines and directives.
- Monitor the work environment to confirm that it is free from discrimination, harassment, and retaliation.
- Serve as the local staff resource for managers, supervisors, employees, and designated Caltrans Investigators regarding EEO issues.
- Serve as a point of contact for employees to initiate the complaint process.

Employees, Applicants, the Public and Business Partners:

- Treat applicants, employees, the public and business partners with dignity and respect, in a work environment that is free from discrimination, harassment, and retaliation.
- Immediately report alleged violations of this policy to a manager, supervisor, EEO Liaison, or Headquarters EEO Program.
- Cooperate fully in the investigation processes of a complaint and in disciplinary proceedings for violations of this policy.

**Applicability**

This policy applies to all Caltrans employees, applicants, the public and business partners and extends to conduct where there is a nexus

between the conduct and Caltrans business or activities that take place outside of Caltrans' premises.

*Original Signed by:*

Date Signed

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Toks Omishakin  
Director

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*July 21, 2021*