



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

**2015**

***EXTERNAL  
EQUAL OPPORTUNITY  
PLAN***

***Leslie S. Richards***  
*Acting Secretary,  
Department of Transportation*

***Suzanne Itzko***  
*Deputy Secretary for  
Administration*

***Jocelyn I. Harper, Director***  
*Bureau of Equal Opportunity*

***William S. Kerney Jr., Chief***  
*Bureau of Equal Opportunity  
Contract Compliance Division*

# Table of Contents

<b>Introduction.....</b>	<b>2</b>
<b>State Assurances.....</b>	<b>4</b>
<b>Policy Statement.....</b>	<b>7</b>
<b>Dissemination of Plan and Policy Statement .....</b>	<b>10</b>
<b>Organization, Structure, and Responsibilities .....</b>	<b>12</b>
<b>Bureau Organization Chart.....</b>	<b>16</b>
<b>Administration Deputate Organization Chart (Internal/External EO Offices) .....</b>	<b>18</b>
<b>Compliance Procedures.....</b>	<b>20</b>
<b>Accomplishments .....</b>	<b>36</b>
<b>Contract Sanctions.....</b>	<b>40</b>
<b>Complaint Procedures .....</b>	<b>42</b>
<b>External Training Program .....</b>	<b>48</b>
<b>OJT Status Report .....</b>	<b>54</b>
<b>PR-1392 Report.....</b>	<b>58</b>
<b>Liaisons .....</b>	<b>60</b>
<b>Disadvantaged Business Enterprise (DBE) Plan.....</b>	<b>63</b>
<b>Action Programs .....</b>	<b>65</b>
<b>Contract Compliance Goals.....</b>	<b>68</b>
<b>Exhibits</b>	
<b>Exhibit A – Notification Letters</b>	
<b>Exhibit B – Contractor’s Self Analysis Package</b>	
<b>Exhibit C – Project Review Questionnaires</b>	
<b>Exhibit D – Voluntary Corrective Action Plan</b>	
<b>Exhibit E – Letter of Findings and Conciliation Agreement/CAP</b>	
<b>Exhibit F – Show Cause Meeting Notices</b>	
<b>Exhibit G – Sanctions Notice</b>	
<b>Exhibit H – Compliance Data Report PDT – 86</b>	
<b>Exhibit I – Compliance Status Letter</b>	
<b>Exhibit J – Follow-up Notification Letter</b>	
<b>Exhibit K – Management Directive 410.10, Amended &amp; EO Complaint Form</b>	
<b>Exhibit L – OJT Training Special Provisions</b>	
<b>Exhibit M – OJT Procedures POM</b>	
<b>Exhibit N – OJT Forms</b>	
<b>Exhibit O – 2012 PR-1392 Detailed Report</b>	

# **Introduction**

## **INTRODUCTION**

The Pennsylvania Department of Transportation's External Equal Opportunity (EO) Plan is set forth under the guidelines established in 23 Code of Federal Regulations, Parts 200, 230, Appendix A to Subpart C of Part 230, and 633; Title VI of the Civil Rights Act of 1964, as amended; Executive Order 2006-2; and Management Directive 215.16.

The Bureau of Equal Opportunity, Contract Compliance Division is responsible for administering, monitoring, and reporting compliance related activities to the Federal Highway Administration and the PA Department of General Services. All program activities are intended to increase the representation of minorities and women within the respective workforces of contractors doing business with the Department.

The EO Plan includes the Department's "State Assurances with Regard to Equal Employment Opportunity as Required by the Federal-Aid Highway Act of 1968" and the "External Contract Compliance Policy Statement," as signed by the Secretary of Transportation. Also included are program objectives, procedures for conducting compliance reviews, project review questionnaires, Contract Special Provisions, sample corrective action plans for contractors, Contract Sanctions, On-the-Job Training procedures, etc.

Finally, the Plan has been developed to satisfy the requirements of the U.S. Department of Transportation, Federal Highway Administration (FHWA) and the Pennsylvania Department of General Services. Input and recommendations were provided by FHWA, PA Division Office and the PA Department of General Services, Bureau of Small Business Opportunities (BSBO).

Questions regarding the Plan should be addressed to the Department's Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105, or (717) 787-5891 /-1-800-468-4201 or by FAX at (717) 772-4026.

# **State Assurances**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
SECRETARY OF TRANSPORTATION

**STATE ASSURANCES WITH REGARD TO EQUAL EMPLOYMENT OPPORTUNITY  
AS REQUIRED BY THE FEDERAL-AID HIGHWAY ACT OF 1968**

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, the State of Pennsylvania desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in, hereby gives its assurance that employment in connection with all proposed projects approved on or after August 23, 1968, will be provided without regard to race, color, creed, or national origin.

More specifically, and without limiting the above general assurance, the Pennsylvania Department of Transportation hereby gives the following specific assurances:

1. The Pennsylvania Department of Transportation will establish an Equal Opportunity Program in furtherance of the above General Assurance, which shall include a system to ascertain whether contractors and subcontractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The Pennsylvania Department of Transportation will furnish such information and reports regarding contractor and subcontractor compliance as may be requested by the Federal Highway Administration.
2. The Pennsylvania Department of Transportation program shall include effective procedures to assure that discrimination in employment on the grounds of race, color, creed, or national origin will not be permitted on any projects and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The Pennsylvania Department of Transportation has appointed, or will appoint, an Equal Opportunity Officer whose primary duty shall be to administer the State's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The Pennsylvania Department of Transportation will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve equal employment opportunity on Federal-Aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.

5. The Pennsylvania Department of Transportation will establish and maintain effective liaisons with public and private agencies and organizations, which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to, labor unions; contractor associations; minority group organizations; the U.S. and State Employment Services; and the U.S. and State Department of Labor.
6. The Pennsylvania Department of Transportation hereby agrees that it will seek the cooperation of unions, contractors, appropriate State agencies and other-related organizations in the establishment of skilled training programs and will assure that all persons will have an opportunity to participate in such programs without regard to race, creed, color, or national origin.
7. The Pennsylvania Department of Transportation hereby agrees that its own employment policies and practices, with regard to Pennsylvania Department of Transportation employees, any part of which compensation is reimbursed from Federal funds, will be without regard to race, color, creed, or national origin.
8. The Pennsylvania Department of Transportation shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder, as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the pre-qualification of Federal-Aid contractors and subcontractors as to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance.
9. The Pennsylvania Department of Transportation will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by the Pennsylvania Department of Transportation with this assurance.

  
\_\_\_\_\_  
Leslie S. Richards  
Acting Secretary of Transportation

2-27-15  
\_\_\_\_\_  
Date

3600/WSK/tjd

cc: File

# **Policy Statement**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
SECRETARY OF TRANSPORTATION

## **EXTERNAL CONTRACT COMPLIANCE POLICY STATEMENT**

It is the policy of the Pennsylvania Department of Transportation to ensure that all contractors and their subcontractors conducting business with the Department do not discriminate against applicants and employees on the basis of race, color, religious creed, ancestry, national origin, age, sex, sexual orientation or persons with disabilities. Such affirmative action shall include, but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

The policy is directed towards ensuring that equal opportunity and appropriate affirmative action practices are maintained by employers doing business with the Department.

Through its External Equal Employment Opportunity Plan, the Department will ensure the following:

Ensure that Minority and Women Business Enterprises are afforded full opportunities to participate in contracts, agreements, grants, etc., awarded by the Department through positive affirmative action;

Ensure that contractors, consultants, vendors and suppliers of goods and services to the Department comply with the equal employment opportunity laws and guidelines;

Ensure that all Departmental managers actively participate in accomplishing objectives outlined in the policy statement and that management performance reflects support of this policy;

Ensure that all Departmental managers actively participate in accomplishing objectives outlined in the External Equal Employment Opportunity Plan and that management performance relating to the success of the plan will be evaluated and measured in the same way as other agency objectives;

Overall responsibility for this policy has been assigned to the Deputy Secretary for Administration located on the Eighth Floor, Commonwealth Keystone Building, Harrisburg, PA, Telephone (717) 787-5628.

The Director of the Bureau of Equal Opportunity is appointed as Contract Compliance Officer for the Department and is responsible for implementation of this agency's Contract Compliance Program.

Employees of the Commonwealth, the contractor or applicants with questions, problems, or complaints regarding this policy and the implementation of the stated provisions should contact the Director of the Bureau of Equal Opportunity located on the Fifth Floor, Commonwealth Keystone Building, Harrisburg, PA. Telephone: (717) 787-5891 or 1-800-468-4201.

  
\_\_\_\_\_  
Leslie S. Richards  
Acting Secretary of Transportation

2-27-15  
\_\_\_\_\_  
Date

3600/WSK/tjd

cc: File

# **Dissemination of Plan and Policy Statement**

## **DISSEMINATION OF EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY PLAN AND POLICY STATEMENT**

### **Internal Methods of Dissemination**

Dissemination of the Department's External Equal Opportunity Plan is accomplished by providing copies internally to the Department Secretary, Deputy Secretaries, Bureau Directors, District Executives, and District Labor Contract Compliance Agents.

### **External Methods of Dissemination and Customer Awareness**

The public must also be informed of the Department's policies as it relates to equal employment opportunity. Accordingly, the Department of Transportation takes the following actions:

- Make available, upon request, copies of the Department's Equal Opportunity Plan and/or policy statement to contractors, subcontractors, consultants, vendors, and suppliers (Contractors).
- An electronic copy of the plan will be placed on the Bureau's website in PDF format so it is accessible by all interested parties.
- Inform contractors of the need to develop a policy for placement of minorities, women, and disadvantaged persons.
- Include Form FHWA-1273, "Required Contract Provisions, Federal-Aid Construction Contracts," and the "Commonwealth's Nondiscrimination Clause" in all applicable documents between the Department of Transportation and its Contractors.
- Maintain regular and routine contact with liaisons and recruitment sources to update any changes in the Department's policy and/or procedures.
- Ensure that Contractors are aware of the requirement to advertise as an Equal Employment Opportunity employer; encouraging minorities, women, and disadvantaged persons to apply for vacancies and training opportunities.
- Contractors will be made aware of the need to maintain accurate records of mailings, visits and/or contacts with recruitment resources.
- Contractors will be kept apprised of changes and additions to existing policy. In turn, Contractors will be required to apprise their subcontractors of changes.

# **Organization, Structure, and Responsibilities**

## **ORGANIZATION, STRUCTURE, AND RESPONSIBILITIES**

The Secretary of Transportation is the Chief Executive Officer of the Pennsylvania Department of Transportation. The Secretary's responsibilities include the development, maintenance, and operation of a balanced transportation system that includes highways, mass transit, rail service, aviation, and various forms of assistance to municipalities. The Secretary is assisted by a work force of approximately 12,000 men and women in the Department's central office and eleven (11) engineering districts. As representatives of the Secretary, the Department is the custodian of Pennsylvania's highways, bridges, facilities (including the state's Welcome Centers), and equipment. The Department is responsible for administering motor vehicle registrations and operator licenses and plays a direct role in the administration of financial and management assistance to transit providers, local municipalities, and 67 county governments. These activities are financed from a budget, which derives its principal sources of revenue from liquid fuel taxes, motor license fees, and federal aid. Additional financing for non-highway programs comes from the General Fund, the Public Transportation Assistance Fund, and the Lottery Fund.

Organizationally, the Department is comprised of five (5) Deputates headed by five (5) Deputy Secretaries. These offices are organized into bureaus, offices, engineering districts, and county maintenance offices.

The Bureau of Equal Opportunity (BEO) is functionally situated within the Administration Deputate. The Bureau is charged with the administration and oversight of the Department's external equal opportunity programs. BEO has an authorized complement of fifteen (15). The Director (Equal Opportunity Manager 2) is assisted by two (2) Division Chiefs (Equal Opportunity Specialist 3) and an Administrative Assistant. The Director of BEO reports directly to the Deputy Secretary for Administration.

The Disadvantaged Business Enterprise /Title VI Division within the BEO is responsible for the administration of the Department's DBE and Title VI programs, as well as the oversight of the Department's DBE and SBE Supportive Services activities. The Division also assists in administering the Department's ADA, Section 504 Program. The Division's staff is comprised of a DBE/Title VI Division Chief (EOS 3), a DBE Certification Specialist (EOS 2), a Title VI Specialist (EOS 2), a DBE Program Administrator (EOS 2), a DBE Field Agent (EOS 2), and a Certification Specialist (EOS 1). The DBE/Title VI Division Chief reports directly to the BEO Director.

The Contract Compliance Division is responsible for monitoring highway construction and non-construction firms to ensure adherence to EO/EEO contractual obligations. The Contract Compliance Division also administers the Department's On-The-Job Training (OJT) Program and Supportive Services Program. The Division's staff is comprised of a Contract Compliance Division Chief (EOS 3), an OJT Program Administrator (EOS 2), two (2) Contract Compliance Specialists (EOS 2), two (2) EO/EEO Field Agents (EOS 2, one position is currently vacant) and a Clerk Typist 3. The Contract Compliance Division Chief reports directly to the BEO Director.

## **Contract Compliance Division Levels of Responsibility:**

### **Chief (EOS 3), full time**

The Chief of the Contract Compliance Division is responsible for the day-to-day operations of the Division, as well as coordinating the activities of Division staff. Specifically, the Chief is responsible for ensuring the Department's administration of the Equal Opportunity Contract Compliance Program as well as ensuring submittal of the Department's annual plan to FHWA for approval. As part of the review process, the Chief reviews contract compliance reports; issues show cause notices; monitors voluntary corrective action plans; and conducts contractor teleconferences. The position also involves responding to contractor inquiries and developing community outreach activities. Additionally, the Chief provides EO/EEO and contract compliance training to Department and contractor personnel.

### **Equal Opportunity Specialist (EOS 2) – (5 total), full-time**

The Equal Opportunity Specialists (EOS 2) report to the Contract Compliance Division Chief. The EOS 2 positions are located in central office and in the field. The titles for each of the five (5) positions are as follows: Compliance Specialist (2), EO/EEO Field Agent (2) and an OJT/ Supportive Services Program Administrator (1).

The Compliance Specialists are responsible for monitoring the equal opportunity/equal employment opportunity (EO/EEO) activities of contractors (including workforce diversity and employment practices); selecting and conducting project compliance reviews (desk audit and on-site reviews); analyzing findings relative to the reviews, and preparing reports regarding contractor EO/EEO compliance/noncompliance for submission to the Division Chief and FHWA. Desk audit reviews are conducted as part of the State Contract Compliance (STD-21) Program. The EOS 2s respond to contractor inquiries and provide equal EO/EEO and contract compliance training to Department and contractor personnel. The EOS 2s work with minimal oversight, but keep the Chief informed regarding activities, issues and concerns through daily and weekly updates.

The EO/EEO Field Agents are primarily responsible for conducting project activity reviews to ensure EO/EEO compliance with state and federal regulations. Activities include monitoring the diversity of contractors' workforce and the contractor's OJT program. Additionally, EO/EEO Field Agents provide guidance and training with regards to equal opportunity programs and processes to district personnel, contractors, consultants, municipalities, and other planning partners.

The OJT Program Administrator is responsible for administering the Department's training special provisions on Federal and State funded construction contracts. The OJT Program Administrator also administers the OJT Supportive Services Program.

### **Clerk Typist 3, full-time**

The Clerk Typist 3 is responsible for typing a variety of letters, reports, contracts, transmittals, invoices, and agenda for Division staff. The Clerk Typist 3 is responsible for both the format and grammatical accuracy of typed material. The Clerk Typist 3 is also responsible for making copies, filing and mail. The Clerk Typist 3 maintains various tracking reports for the compliance reviews process to assure adherence to established deadlines / timeframes. The Clerk Typist 3 is responsible for reviewing and tracking approval of the Part III Prequalification Affirmative Action Statement. In addition to initiating the STD-21 State Online Contract Compliance Review process for construction contracts, this individual conducts the initial analysis of all completed STD-21s.

### **District Labor Contract Compliance Agent (DLCCA), full-time**

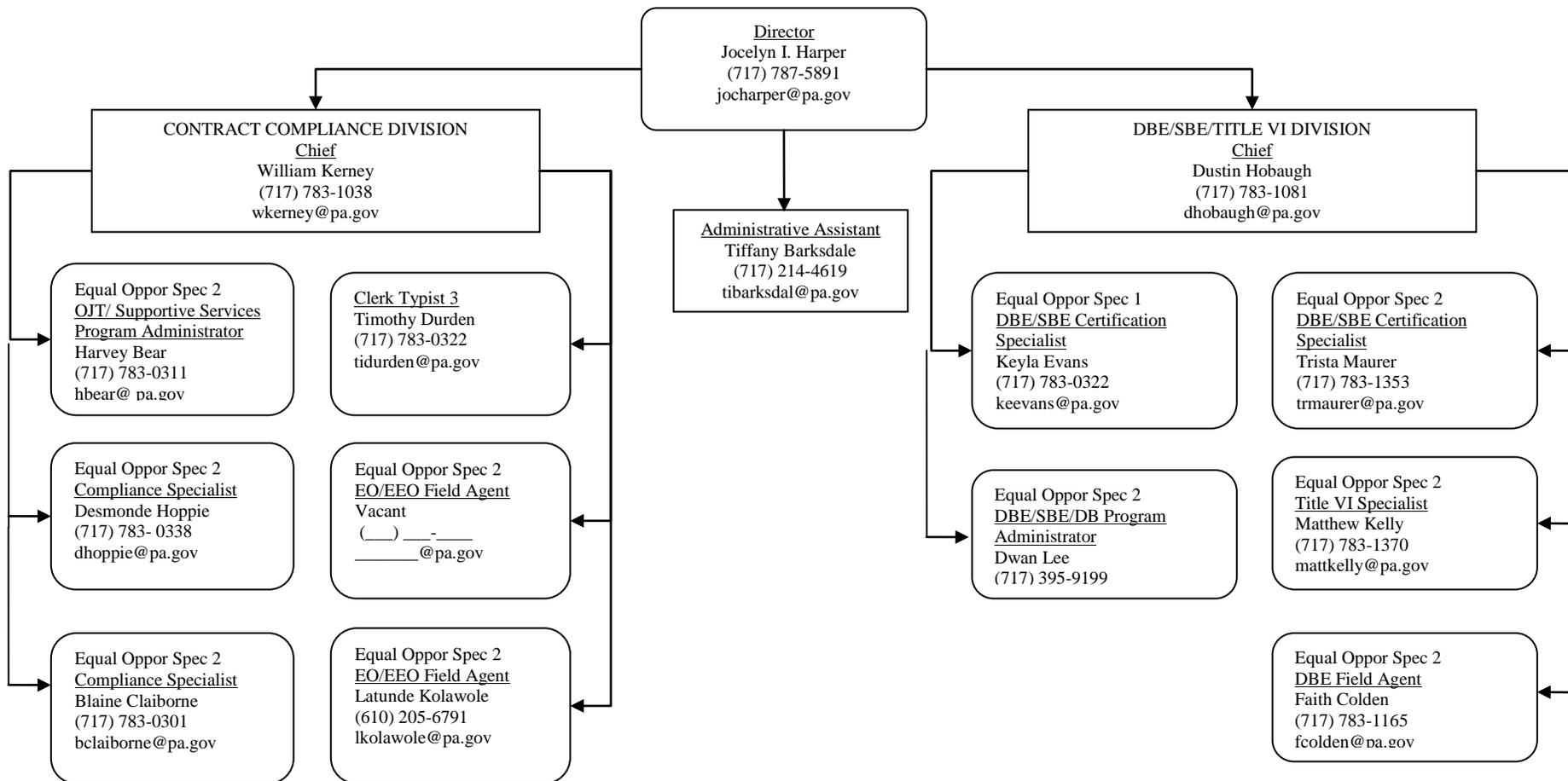
The DLCCAs are responsible for DBE/EEO functions in the District. The DLCCAs have various job titles and functions for which they are responsible. Persons serving in this capacity do not report to the Bureau, but act as partners in the administration of the Contract Compliance Program. These individuals are the Division's point of contact with the field office. They disseminate information to the field and address EO/EEO concerns at the lowest level. DLCCAs report to the Assistant District Executive for Construction, the District Executive, and the Deputy Secretary for Highway Administration.

### **Project Personnel (Field), full-time**

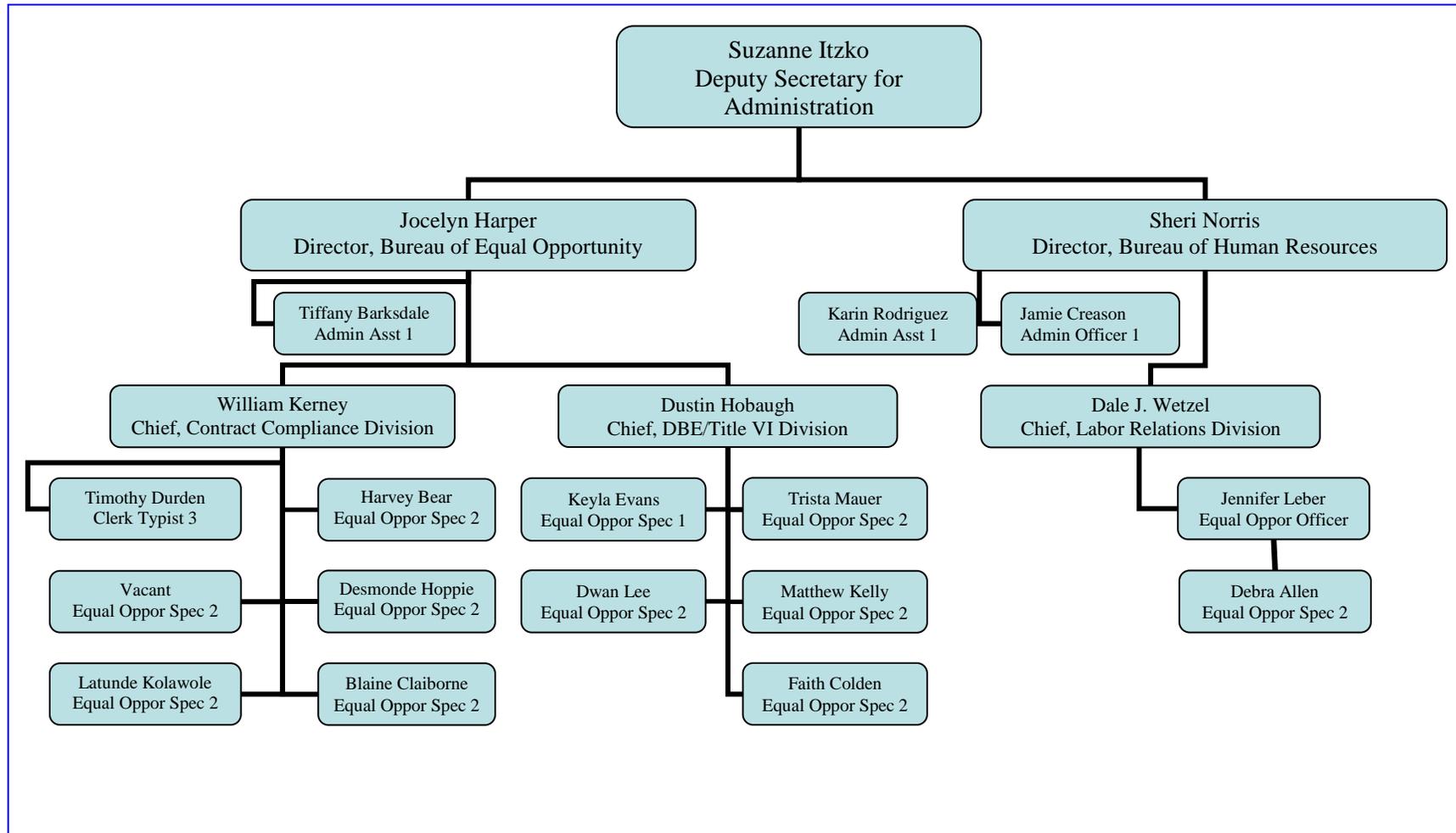
Field project personnel are the frontline, day-to-day contact with contractors and their employees. Project personnel are responsible for monitoring EEO contractual obligations and maintaining a workplace free of discrimination. Initially, all issues should be handled at this level. Project personnel notify the DLCCA and Central Office when problems arise.

# **Bureau Organization Chart**

Bureau of Equal Opportunity  
 Pennsylvania Department of Transportation  
 400 North Street  
 5<sup>th</sup> Floor, Keystone Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-5891 or 1(800) 468-4201  
 Fax: (717) 772-4026



**Administration Deputate  
Organization Chart  
(Internal/External EO Offices)**



--- Employees shown under the Labor Relations Division have Title VII responsibilities only.

# **Compliance Procedures**

## **CONTRACT COMPLIANCE PROCESS**

The External Equal Opportunity Contract Compliance Program is responsible for ensuring that contractors and subcontractors working on federally funded construction projects throughout the state do not discriminate in employment and contracting practices based on race, color, religion (in the context of employment), sex, national origin, age or disability. The Equal Opportunity (EO) requirements set forth in the Required Contract Provisions (FHWA-1273) are applicable to all contractors and subcontractors who hold Federal-Aid contracts of \$10,000 or more.

Contract compliance begins with the award of the contract and continues until contract performance is satisfactorily completed.

- I. Contract Award
- II. Pre-Construction Meeting
- III. Contract Compliance Oversight
- IV. Contract Compliance Review
- V. OJT\*
- VI. Supportive Services\*
- VII. Complaint Process

**\*These items are addressed in detail later in the document.**

- I. Contract Award

The Department ensures nondiscrimination in the award and administration of federal-assisted contracts. The BEO notifies OFCCP and other entities regarding all federal contract awards (on a monthly basis).

- II. Pre-Construction Meeting

The Pre-Construction Meeting is held after the contract is awarded, and prior to the start of work. The Engineer arranges a conference with the contractor, subcontractors, and all other interested parties to review contract requirements, construction details, work schedules, and any items pertinent to the project. Prior to the pre-construction meeting, the Engineer, all key Inspectors, and the Survey Chief study the project plans and become familiar with the project site to gain a thorough understanding of project requirements and existing project conditions.

At the conference, department personnel and the contractor's staff become acquainted, establish lines of authority and determine the responsibilities and duties. A detailed written record of the meeting is maintained (e.g., meeting minutes) in the contract file along with any required documentation provided to resource agencies.

- Attendees (recommended)
  1. Project Engineer, Resident Engineer and District Staff Engineers as needed
  2. Contractor, Subcontractors, and their Superintendents and Foremen.
  3. District Construction Office personnel
  4. Chief Inspectors and Survey personnel who have been or will be assigned to the project
  5. Engineers from the Federal Highway Administration
  6. Engineers or representatives from the PennDOT Central Office as needed to clarify administrative or technical matters
  7. Engineers or representatives of other governmental units or agencies.
  8. Representatives of any utility companies having property within or immediately adjacent to the project limits
  9. Enforcement or Traffic Control Officers
  10. District Safety Administrator
  11. The BEO (Contract Compliance Specialist, DBE Specialist, OJT)
  12. The contractor's Project Management Team (i.e., Managers, Superintendents and Engineers)

- Meeting Minutes  
The Engineer is responsible for the conference agenda, conducting discussions, and ensuring that minutes of the meeting are recorded and distributed to all attendees.

- Agenda

General Agenda Topics include the following:

- ✓ Introduction
- ✓ Identity of Representatives
- ✓ Contractor's Work Plan
- ✓ Construction Requirements
- ✓ Environmental
- ✓ Traffic Control
- ✓ Traffic Laws
- ✓ Materials
- ✓ Storage of Equipment and Materials
- ✓ Law Enforcement
- ✓ News Media
- ✓ Safety Issues
- ✓ Contractor Estimates
- ✓ Subcontracts

Agenda Topics pertaining to EEO include the following:

<b>Agenda Item</b>	<b>Topic/Comments</b>
<p>Disadvantaged Business Enterprise (DBE)</p> <p>and</p> <p>Small Business Enterprise (SBE)</p>	<ul style="list-style-type: none"> <li>• Contractors will be advised of requirements in the DBE/SBE special provision.</li> <li>• Contractors should also be directed to contact the area engineer's (AE) office concerning anticipated changes to their DBE/SBE commitment, any disputes, or inability to meet the goal.</li> <li>• The district is responsible for approving any requests from the contractors, for DBE/SBE removals, substitutions, and Good Faith Efforts resulting from removal of a DBE/SBE.</li> <li>• Reports of all payments made to the DBEs and SBEs, regardless of commitment.</li> </ul>
<p>EEO, Training and Labor Compliance</p>	<p>Equal Employment Opportunities (EEO) Compliance Program requirements are contained in the following special provisions:</p> <ul style="list-style-type: none"> <li>• Form FHWA1273 - Required Contract Provisions Federal-Aid Construction Contracts</li> <li>• Executive Order 11246</li> <li>• Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity</li> <li>• Specific Equal Employment Opportunity Responsibilities Pennsylvania Department of Transportation, Pub 408 Specifications, Section 107.30</li> </ul> <p>In addition, the applicable wage determination, the DBE and/or SBE special provisions, and the prompt payment requirement must be included in subcontract agreements.</p> <p>Form FHWA 1273 must be physically attached to all federal/federal assisted contracts, subcontracts of \$10,000.00 or more.</p>

## On-The-Job Training

### Special Provision for On-The-Job Training (OJT) Program,

Assignment of training slots to specific projects is based on the following:

- The availability of minorities, women and disadvantaged individuals
- The potential for effective training
- Duration of the contract
- Dollar amount of the contract
- Total normal work force the average bidder is expected to use
- Geographic location
- Type of work
- Need for additional journeyman in the area
- Total trainees established and trainee goal submitted to FHWA
- Ratio of journeymen to trainees during normal operations

Contractors must enroll, train and graduate a number of trainees sufficient to meet their assigned project trainee goal.

#### *Prevailing wage rate requirements:*

Contractors and subcontractors must pay employees, at a minimum, the classification wage rates specified in the contract. The minimum wage rates must also be conspicuously posted and accessible on the project site.

#### *Payroll records:*

- Payroll records certifying compliance with the contract's minimum wage rates, overtime and payroll deduction requirements must be submitted within 7 calendar days on Federal-Aid construction projects. On 100% state funded construction contracts, the contractor or subcontractor must keep the payroll records and make them available for review by the department.

*Bulletin Board Requirements:*

The U.S. Department of Labor, Federal Highway Administration, and U.S. Department of Transportation require certain posters to be posted on bulletin boards in places accessible to employees, applicants for employment and potential employees.

*EEO Meeting Requirements:*

EEO meetings with supervisory and personnel office employees must be conducted before the start of work and then at least once every six months. EEO meetings with non-supervisory employees must be conducted at least annually.

### **III. Contract Compliance Oversight**

The PennDOT Bureau of Equal Opportunity (BEO) has statewide Contract Compliance oversight. Pennsylvania is divided into eleven (11) districts. The BEO Central office has primary oversight. Each district has responsibility for the day-to-day administration of contractor compliance. EO/EEO Staff responsibilities include the following:

- Equal Employment Opportunity (EEO) Specialist (Central Office)  
BEO has two (2) EEO Specialists in Central Office.
  - ✓ Conducts compliance reviews of construction, and non-construction contractors doing business with the Department to ensure compliance with state and federal EO/EEO requirements.
  - ✓ Area of assignment: Commonwealth Wide (All Districts).
  - ✓ Assists in conducting conciliation and mediation conferences to correct deficiencies with contractors found to be in noncompliance.
  - ✓ Conducts follow-up reviews to ensure compliance with conciliation agreements/corrective action plans.
  - ✓ Conducts project inspections as warranted.
  - ✓ Reviews contractors' efforts in the recruitment of minorities and women in an effort to obtain adequate representation in all construction trades.
  - ✓ Assists in providing training and technical support to departmental/industry personnel, as necessary, to ensure EO/EEO compliance.
  - ✓ Investigates complaints of alleged discrimination/sexual harassment against contractor, supplier, and vendors doing business with the Department and submits the required report within ninety (90) calendar days of assignment.
  - ✓ Assists in the preparation of reports to FHWA, the Deputy Secretary for Administration, and the Department of General Services.
  - ✓ Participates in EEO conferences and workshops for the purpose of training and education, benchmarking, examination of EO/EEO best practices, and identification of highway construction recruitment sources.
  - ✓ Assists District Labor Contract Compliance Agents (DLCCA) in monitoring EO/EEO activities of contractors in their respective Districts.
  - ✓ Establishes and maintains close working relationships with Department entities and other agencies including, but not limited to, PennDOT's Bureau of Project Delivery; Office of Chief Counsel; Department of General Services, Bureau of Small Business Opportunities; the Small Business; Administration; Minority, Women, and Prime Contractors' associations; Minority Economic Development Agencies; Community-Based Organizations; USDOL/OFCCP; and the Pennsylvania Department of Labor. Employee performs other related

duties as assigned by PennDOT's Chief of Contract Compliance Division, Director of BEO, and the Deputy Secretary for Administration.

- Equal Employment Opportunity (EEO) Specialist (In Field)  
BEO has two (2) EEO Specialists in the field. One Specialist covers the Western Portion of the State and the other covers the Eastern Portion of the State.
  - ✓ Conduct two contract compliance field audit reviews/follow up visits per week.
  - ✓ Write and submit field journals no later than two weeks after field visits  
Information regarding the following is documented in the field journal:
    - Subcontract Agreements
    - Trainee
    - DBE
    - Certified payrolls
    - Bulletin Board
    - Workforce Data Sheets
    - Project Progress Meetings
  - ✓ Conduct a field audit review with DCCLA if possible once a month.
  - ✓ Attend preconstruction meetings and winter schools when available.
  - ✓ Monitor projects and practices in assigned districts closely for EO/EEO compliance, OJT issues, and maintenance of bulletin boards with all required posters posted.
  - ✓ Attend Mega Project Steering Committee and Progress Meetings.
  - ✓ Identify and meet with a minimum of one community based organization (CBO) a week to communicate the opportunities that exist in the highway construction industry.
  - ✓ Identify various community based organizations that have a mutual interest in recruitment and selection of women, women of color, and minorities for employment and training opportunities.
  - ✓ Conduct a field audit with each DLCCA in Districts.
  - ✓ Work with the Area Engineer and project personnel to assure contract compliance with EEO provisions.
  - ✓ Identifies patterns and practices of discrimination during the review process for further monitoring and resolution.
  
- Assistant District Engineer (ADE) for Construction  
The ADE through his/her staff is responsible for ensuring that the contractor is complying with all EO/EEO contractual obligations.

This role includes supervision of personnel to ensure support of the Department's policies and procedures, which includes the Contract Compliance Program.

Under the direction of the ADE, the District staff performs the following duties:

- ✓ Obtains EO documentation, including subcontract agreements, project employment reports and certified payrolls.

- ✓ Attends pre-construction meetings and assists with compliance related issues.
- Assistant Construction Engineer (ACE) for Construction  
The ACE has oversight of individual projects in each county.
- District Labor Contract Compliance Agent (DLCCA).  
There is a DLCCA for each district.
  - ✓ Provides training and works with the Inspector-in-Charge on EEO matters.
  - ✓ Discusses EEO provisions at the pre-construction conference.
  - ✓ Coordinates the submission of EEO reports and training programs to the BEO.
  - ✓ Acts as liaison for the Contract Compliance Division.
  - ✓ Assists the project Inspector-In Charge in conducting informal discrimination complaint investigations.
- Inspector-In-Charge (IIC)  
A Project Inspector is assigned to each construction project to ensure compliance with all state and federal guidelines. The IIC's responsibilities include, but are not limited to, the following:
  - ✓ Ensuring that EEO special provisions are inserted in all contracts.
  - ✓ Enforcing the contract EEO special provisions and monitoring the compliance status of the contractor on a day-to-day basis.
  - ✓ Informing the Assistant District Engineer for Construction of any discrepancies or problems that require resolution at a higher level.
  - ✓ Attending all meetings and reviews pertaining to projects(when possible).
  - ✓ Collecting and reviewing all applicable EEO reports for accuracy.
  - ✓ Maintaining control records for the receipt of applicable EEO forms.
  - ✓ Reviewing the contractor's bulletin board frequently for content and appearance.
  - ✓ Maintaining records and documentation of all EEO matters pertaining to the project as a permanent part of the project records (e.g., EEO reports, discussions, subcontract approvals, alleged discrimination complaints, etc.).
  - ✓ Assisting in the resolution of compliance issues on the project site.
  - ✓ Relays information when project activity is not in compliance with guidelines.
  - ✓ Obtains and reviews compliance related documents including monthly employment data, total company employment data, and subcontract information.
  - ✓ Monitors commercially useful functions(CUF) on federally funded projects.
  - ✓ Submits reports as requested concerning DBE and payroll monitoring.

- EEO Officer (Contractor/Subcontractor)
  - ✓ Has the responsibility and authority to administer the contractor's EEO Policy/Program.
  - ✓ Periodically reviews project sites, wages, personnel actions, etc., for evidence of discriminatory treatment.
  - ✓ Promptly investigates all alleged discrimination complaints.
  - ✓ Provides the BEO with information regarding contractor EO/EEO compliance.
  
- OJT Support Services
  - ✓ Provides Trainee Orientation
    - Within the first month of an active enrollment Consultant conducts on-site trainee orientations. Discussions include training to be provided, as well as the benefits and difficulties that are associated with working in the highway construction industry.
  - ✓ Trainee Monthly Counseling
    - A Field Counselor meets with each trainee at the project site on a monthly basis. The trainee is given an opportunity to ask questions and to provide feedback.
  - ✓ Prepares Trainee Interview Reports
  - ✓ Provides guidance to trainees in conjunction with the BEO
  - ✓ Serves as Union liaison for apprentice referrals
  - ✓ Addresses trainee performance issues

## **COMPLIANCE REVIEW PROCEDURES**

**Policies and Procedures** that guide the program are:

1. FHWA Contract Compliance Procedures (23 CFR 230, Subpart D)
2. EEO Special Provisions (23 CFR 230, Subpart A).
3. Training Special Provisions (23 CFR, 230, Subpart A. Appendix B)
4. Contract Procedures (41 CFR 60-4.3(a))
5. 49 CFR Part 26, Disadvantaged Business Enterprise
6. FHWA Order 4710.8 and MOU

### **Implementation Procedures**

An effective Contract Compliance Review Process (CCRP) is the means for determining whether a firm performing on a Federal or Federal-Aid highway contract is complying with EO /EEO program requirements. A contract compliance program involves objectively analyzing all pertinent documentation in order to make a compliance determination. If the State Transportation Agency (STA) determines that the contractor is not in compliance, the STA will follow a systematic process to ensure compliance. The CCRP process consists of the following major components: Planning, Preliminary Analysis, On-site Verification, Compliance Determination and, where necessary, Corrective Action. For Corrective Action to be effective, the STA must perform a follow-up review to determine if the contractor has fulfilled its corrective action commitments. If the contractor has not fulfilled its commitments, the STA must initiate enforcement actions to address the contractor's non-compliance. A systematic approach to the CCRP will help the Equal Opportunity Specialist to ensure that the contractor produces positive and meaningful "good faith" results.

The following items, along with those listed in 23 CFR 230, Subpart D, are considered in planning the compliance review schedule:

- Total size (\$) of the Department's highway construction season
- District work projections – Notice To Proceed (NTP)
- Assignments outside of field work
- OFCCP Plan for the season
- Underutilization Report compared to Civilian Labor Force Statistics
- Current letting schedule
- Follow up reviews
- Union makeup and availability of minorities and women
- OJT projections
- Projects identified prior to peak employment

## Compliance Review Process - Process Flow

Select Contractor for review:

- Compliance is in question
- Minority and women availability within reasonable recruitment area
- Noncompliance with Training Special Provisions

### Selection and Scheduling

- Selecting a Contractor  
Priority in scheduling Project Specific and Areawide Reviews is given to those contractors.
  - Working on a significant number of contracts.
  - Which hold the greatest potential for employment and promotion of minorities and women.
  - Working in areas which have significant minority and women labor forces within a reasonable recruitment area.
  - Working on projects that include special training provisions.
  - Working on projects that have a Disadvantaged Business Enterprise goal.
  - Whose compliance with equal opportunity requirements is questionable (based on review reports or other available information).
  - Who have not been reviewed or audited during the previous year.
- Contractor Notification  
The contractor is notified via email of the following:
  - Date(s) of review
  - Location of review
  - Mechanics and basis of review
  - Interviews that will be conducted
  - Contractor responsibility to notify subcontractors of their need to participate in the review process

Type of Review:

Project Specific\*:

- Project identification
- Project location
- Dollar value of the contract

\* A Project Specific review generally involves a review of a single major project to determine whether contractors are meeting the employment, training, subcontracting and other requirements in their contracts. The BEO looks for projects with significant employment opportunities, training, and subcontracting potential.

**Contractor Notification: Notification Letters (Exhibit A)**

Contractor notified at least **TWO (2) WEEKS** in advance of review

Notice to contain:

- Date (s) of review
- Location of review
- Outline mechanics and basis for review
- Requisite interviews to be conducted
- Responsibility to notify subcontractors of their need to participate in the review process

**Preliminary Analysis: Contractor's Self Analysis Package (Exhibit B)**

Information packet included with Notification Letter to be completed by contractor and all subcontractors anticipated being active the day of the review.

Information supplied by contractor or available in the office reviewed prior to arrival at the project site:

- Review past compliance reviews and CAP/Conciliation Agreements on File
- Current Workforce (PR 139)
- Relationship with referral source – Private or Union
- Minority or Women referral sources verified
- Availability of minority and women in the recruitment area – Civilian Labor Force Data
- Pending EEOC, PHRC, or other State Discrimination Actions
- Related Project or Contractor Issues
- DBE Participation on Project
- The contractor's Employee Benefit Plans (Profit sharing, insurance, retirement, etc.)
- Contractor's Part III, Prequalification Package

**On-site Verification and Interviews: Project Review Questionnaires (Exhibit C)**

Construction site visit:

- Review data submitted by the contractor, clarify any questions
- Arrange site tour (bulletin boards, facilities, etc.)
- Supervisory orientation (how is it handled, documented)
- Employee referrals (notices)
- Verify payroll data matched with submitted data package
- Verify frequency of employee meetings, topics covered, employee attendance
- Check employee awareness of Avenues of Appeal rights, procedures, and time frames

- Document visits of EEO Officer to projects; meetings held, topics, attendance
- Interview at least one minority, women and non-minority in each job classification, trade or occupation
- Interview Project Superintendent
- Interview Inspector-In-Charge
- Interview EEO Officer
- Interview Topics
  - The interview process covers the following topics:
    - ✓ New Hires and External Recruitment Resources
    - ✓ Internal Training
    - ✓ On-The-Job (OJT) Trainee (s) on project
    - ✓ Wages / Payroll
    - ✓ Promotions
    - ✓ Demotions
    - ✓ Terminations
    - ✓ Transfers
    - ✓ Contractor's Procedure for Filing and Investigating Discrimination Complaints
    - ✓ Pending Complaints of Discrimination
    - ✓ Records and Reports
    - ✓ Unions
    - ✓ Affirmative Action Plan
    - ✓ EEO Information Dissemination
    - ✓ Bulletin Boards
  - Methods used to populate the workforce
  - Representation of minorities and women in each trade, classification or occupation (compare to CLF data)
  - Document the contractor's actions to integrate workforce
  - Document impartial treatment of minorities and women
  - Assess good faith efforts over time versus isolated instances
  - Determine whether the contractor's efforts are achieving results

Exit Conference:

Preliminary findings:

- Discuss time frames, processes and expectations
- Findings Letter (if necessary) will be issued within fifteen (15) days to contractor
- Issue Voluntary Corrective Action Plan, if applicable

Voluntary Corrective Action Plan (VCAP): **(Exhibit D)**

- VCAP is completed by the reviewer at the onsite project review
- Negotiated at the exit conference

- Minor deficiencies that can be corrected within 15 days are listed
- Concerns and enforcement language agreed upon and signed by responsible official
- VCAP does not preclude a determination of noncompliance
- Details time frames and the person responsible person for implementing the corrective action
- Project personnel conduct follow-up reviews to ensure compliance

Letter of Findings and Conciliation Agreement/CAP: **(Exhibit E)**

- List deficiencies with recommended corrective action
- Issue Conciliation Agreement/Corrective Action Plan (CAP) commitment within fifteen (15) days
- Schedule Compliance Conference, within five (5) days after receipt of CAP

Show Cause Meeting Notice: **(Exhibit F)**

- Mandatory meeting to discuss corrective action measures
- Detailed discussion of changes, to be made, with mandated time frames to achieve compliance

Sanctions Notice: **(Exhibit G)**

- Imposed due to lack of cooperation from the contractor
- Mandatory submission of monthly and quarterly reports.
- Prequalification restrictions, suspensions, and/or debarment
- Commonwealth Contractor Responsibility Program

Completing the Review

Determination of Compliance/Non-Compliance:

At a minimum, to be in compliance, the following must be demonstrated:

- EEO Policy, Affirmative Action Plan (if available) in place
- Dissemination of EEO Policy, Education of Supervisory Staff
- Authority and responsibility of EEO Officer
- Establish recruitment activities that “produce results”, especially in terms of utilizing minority and women referral sources
- Participation and utilization of minorities and women in training programs
- Review all personnel functions
- Contractor’s participation in apprenticeship programs and OJT training programs

- Contractor's relationship with unions with respect to minority and women union membership
- Non-segregated facilities
- Subcontractors/Suppliers
  - Procedures for monitoring
  - Utilization of minorities and women to integrate workforce

Non-compliance demonstrated by:

- Practices of discrimination against applicants or employees with respect to working conditions or privileges
- Failure of the contractor to provide documentation of 'Good Faith Efforts' made to recruit, hire and train minorities and women

Compliance Data Report (PDT-86): **(Exhibit H)**

- Letter of Notification
- Letter of Findings
- Contractor's Response – Corrective Action Plan (CAP)
- Notification of compliance status to the contractor
- Subsequent correspondence to the contractor (if needed)

Finalization of Review:

- Concurrence of compliance determination by FHWA
- Compliance Status Letter **(Exhibit I)**
- Compliance – Package review documentation, including Status Letter
- Archive project review file and enter data in tracking sheet

Follow-up Review (extension of initial review process):

- Letter of Notification **(Exhibit J)**
- Verification of contractor's performance of corrective action
- Conducted on subsequent projects after contractor has been given sufficient time to implement plan
- Sent to FHWA as a narrative summary and Compliance Data Report

**NOTE: The entire compliance review process will not exceed 65 days as outlined in 23 CFR 230.409 and Appendix D to Subpart D of Part 230.**

# **Accomplishments**

## **ACCOMPLISHMENTS**

The following information is a summary of the Construction Contract Compliance Program from January 1, 2014 – December 31, 2014:

### **A. Construction Compliance Reviews:**

- Eleven (11) project compliance reviews conducted
- Nine (9) prime contractors reviewed
- Two (2) subcontractors reviewed
- Eleven (11) contractors found in compliance
- Zero (0) found in non-compliance
- Zero (0) show cause notices issued
- Zero (0) show cause notice rescinded
- Zero (0) follow-up reviews were conducted

Summary of common findings/concern:

- Lack of documentation to demonstrate compliance with equal opportunity provisions
- Lack of good faith efforts in the recruitment of minorities and women; particularly minority women
- EEO Officers not administering an effective EO/EEO program

### **B. Field Audit Reviews:**

- 112 Field Audit Visits (includes follow-up reviews and OJT/SS)
- Five (5) Voluntary Corrective Action Plans (VCAPs)

Summary of common findings/concerns:

- DSPs including the FHWA 1273 not physically attached to subcontracts
- Bulletin Boards incomplete/inappropriate locations

### **C. Zero (0) Consolidated Compliance Reviews were conducted**

### **D. Zero (0) Home Office Reviews were conducted**

### **E. Major Problems Encountered:**

- The perception of BEO as an enforcement organization.
- Contractors are not well versed with the concept of good faith efforts in the employment/hiring process.
- BEO is not receiving “pre-analysis package” from the contractor in a timely manner.

- There is a lack of adequate notification of subcontractors by contractors regarding on-site review preparation.
- Contractor / Subcontractor EEO Officers are not familiar with EEO regulations.
- The Project Inspector-In-Charge is not following-up with VCAP to ensure the contractor's compliance with findings/concerns.
- An EOS 2 left the BEO and took a position with another agency during the beginning of construction season. A new employee started on June 23, 2014. A review was scheduled for early August, but because of various issues with the contractor, the actual review was delayed until October.

**F. Major Breakthroughs:**

- BEO educated contractors/subcontractors regarding the role of BEO in assisting with meeting contract compliance obligations.
  - BEO trained new central office staff employee.
  - BEO Field staff had the opportunity to educate contractors, contractors' employees, Department district/project personnel and City/County project personnel on equal opportunity compliance procedures.
  - BEO participated in successful community based initiatives to bring more minorities and women into the highway construction industry.
  - BEO held regular meetings and teleconferences with representatives from USDOL/OFCCP and FHWA. The purpose of these meetings is to focus on ways to increase minority and women representation within the highway construction industry through education, effective monitoring practices and relationships with industry partners. The objective is to increase communication between local trade unions, community based organizations, and the contracting community. These meetings are an effective way to capitalize on limited resources and to ensure that information regarding employment opportunities is disseminated.
- Ongoing activity.
- PennDOT BEO and District/Project Personnel are members of the Steering Committee for the SR 95-CP2 Cottman-Princeton Main Line & Ramps, FID# X065-319-L01E (CP2-I-95 Corridor), \$212,325,000 construction project(completion 10/05/2019), considered as a Mega Project in accordance with OFCCP guidelines. The steering committee, which is comprised of agencies that are responsible for monitoring federal contractors working on the project, assures adherence to the affirmative action and equal opportunity requirements. The committee has met throughout the year to assist Walsh Construction Company and their subcontractors with EO/EEO contract compliance.
  - The BEO regional EO/EEO Field Agents have statewide responsibility to conduct project activity reviews (i.e. monitoring workforce diversity, OJT program project monitoring, etc...) to ensure compliance in accordance with state and federal regulations. There are two (2) EO/EEO Field Agent

positions, one located in district 6.0 and one located in district 11.0. The BEO is interviewing to fill the vacant position in district 11.0.

- The BEO Staff participated in a Webinar regarding Paving the Way for Women in Construction. The webinar is one in a series of webinars exploring key policy and programs for, among other things, improving women's preparation for and access to good jobs, including non-traditional occupations. Paving the Way for Women in Construction focused on improving women's representation in the construction industry.
- The BEO staff participated in a Webinar regarding American FactFinder and Equal Employment Opportunity (EEO) Tabulation. The webinar highlighted how to use the new EEO tabulation for contract compliance data analysis.
- BEO is utilizing new data analysis formulas for contract compliance reports.
- An initiative was submitted to the State Transportation Innovation Council (STIC). The initiative titled “ Trainee Program for Construction Projects” is aimed at amending the Trainee Special Provisions for Construction Projects to allow contractors to provide the required training on various projects as opposed to just a single project. Other agencies/partners that would potentially be involved in deployment of the initiative include: APC; FHWA; Bureau of Project Delivery / District Office DLCCAs ; Union and Non-union contractors; Craft Unions ; and Community Based Organizations. Ongoing activity.
- The BEO OJT Program Administrator updated the PennDOT Brochure ( PUB 733) “Statewide On-The-Job Training Supportive Services Program. The new brochure provides information regarding the new OJT Supportive Services Consultant, Global Quality & Engineering Consulting (GQEC).

# **Contract Sanctions**

## **CONTRACT SANCTIONS**

Sanctions for non-compliance include, but are not limited to; withholding payments, suspending the contract until compliance is obtained, terminating the contract, and/or damages.

The Pennsylvania Department of Transportation has included the following provision in Publication, 408/2008, Commonwealth of Pennsylvania Department of Transportation, Specifications:

Section 100 General Provisions, 107.25

All Federal-Aid projects are subject to the implementing rules and regulations of the various Federal departments. Accordingly, the contract provisions and the penalties prescribed for their violations, both of which are required to be incorporated verbatim in all contracts for such Federal-Aid projects, will be set forth in the proposal and the contract applicable to each project.

Sanctions will include placing firms in the “Commonwealth Contractor Responsibility Program (CCRP).” Authority for this is granted under Commonwealth Management Directive 215.9. In addition, the Department may also recommend suspension of the contractor’s prequalification status under Provision 457.13 of the Pennsylvania Code, Title 67.

The purpose of the CCRP is twofold: to ensure that the Commonwealth only contracts with responsible contractors, and to collect any outstanding obligations owed to it (identified through an offset review). The CCRP requires the contractor to certify, in writing, for itself and all its subcontractors that as of the date of its execution of any State contract, that neither the contractor, nor any subcontractors, nor any suppliers are under suspension or debarment by the State or any governmental entity, instrumentality, or authority. The contractor must also certify that as of the date of execution of any State contract, that it has no tax liabilities or other outstanding state obligations. Furthermore, the contractor must notify the contracting agency if, at any time during the term of the contract, it becomes delinquent in the payment of taxes, or other State obligations, or if it or any of its subcontractors are suspended or debarred by the State, the federal government, or any other state or governmental entity. Failure to notify the contracting agency could result in suspension, debarment, or termination of a contract.

Failure to carry out or perform all contract requirements, including compliance with all plans and specifications referenced therein, can place a contractor in this program.

# **Complaint Procedures**

**EQUAL OPPORTUNITY  
DISCRIMINATION RESOLUTION PROCESS FOR CONTRACTORS  
(EXTERNAL)**

In accordance with Management Directive 410.10, Amended, dated December 5, 2012, *Guidelines for Investigating and Resolving Internal Discrimination Complaints (Exhibit K)*, complaint investigation is part of the central responsibilities of equal opportunity managers/specialists. When employees have complaints of discrimination or harassment, Equal Opportunity Managers/Specialists are required, working with the legal office and the responsible agency official, to investigate and assist in resolving these complaints.

External complaints of discrimination/harassment will be guided by the procedures set forth in Management Directive 410.10, Amended December 5, 2012. In the case of complaints of discrimination, the purpose of this process is to determine whether discrimination took place and, if so, to report it to the appropriate responsible official or manager to take any appropriate action. In the case of a complaint of harassment, the purpose of the investigation is to determine whether harassment occurred and, if so, report it to the responsible official or manager to take prompt remedial action.

Retaliation for filing or pursuing a complaint is prohibited. All complaints will be held confidential and remain confidential. Only those individuals who need the information to investigate, evaluate, or take action in response to the complaint will be informed of the incidents(s).

All complaints brought to management's attention involving an allegation of discrimination based on race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability are to be referred to the Bureau of Equal Opportunity and will be processed in accordance with the Complaint Resolution process. **ALL SEXUAL HARRASMENT COMPLAINTS MUST BE REPORTED IMMEDIATELY TO THE BUREAU OF EQUAL OPPORTUNITY.**

Contractors are required to post notices for employees, applicants for employment and potential employees in order to meet contract compliance posting requirements.

## Complaint Process

An employee who believes he/she has been discriminated against may file a complaint under the contractor's complaint procedure. If the complaint cannot be resolved at the contractor level, the complainant or respondent (contractor) may request that the Bureau of Equal Opportunity (BEO) investigate the complaint. The BEO will conduct its investigation and make recommendations to both parties.

The BEO conducts investigations pursuant to Management Directive, 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints.

- Upon receipt of a complaint, the BEO will provide the complainant with a written acknowledgement which states the date when the complaint was received and that an investigation will be initiated promptly.
- The complaint is assigned a docket number.
- The BEO will consult with PennDOT's Office of Chief Counsel to determine jurisdiction, acceptability of the complaint, and whether there is a need for additional information before initiating an investigation.
- The Investigator will develop and maintain an investigative file. The file contains the following information.
  1. Complaint
  2. Investigative log/chronology of events
  3. Acknowledgement of complaint
  4. Investigative Plan
  5. Correspondence
  6. Witness and Interview statements
  7. All documents / documentary evidence related to the investigation
- The Investigator will develop an investigative plan that will be submitted for approval to PennDOT's Office of Chief Counsel. The investigative plan will serve as a road map for the investigation. The plan should be tailored to the complaint allegations and will outline all of the major steps of the investigation. The plan contains the following information:
  1. A complete list of the complainant's allegations.
  2. A preliminary list of the persons to be interviewed, including the complainant, the alleged offender (s) and all witnesses.
  3. A preliminary list of questions for all persons.
  4. A preliminary list of documents to be reviewed.

The Investigative Plan may be modified as the investigation progresses.

- The BEO will conduct interviews with the complainant, the alleged offender and witnesses and develop interview statements that will be signed and dated by the interviewee.
- The Investigator will maintain an Investigation Chronology. The Chronology includes information regarding work being done on the complaint, correspondence, interviews, etc.
- After the Investigation is completed, the investigator will develop an Investigative Report. The Investigative Report sets forth all of the relevant facts obtained during the investigation and includes a finding for each allegation/issue raised by the complainant. The report will contain the following information:
  1. A list of the complainant's allegations.
  2. The alleged offender's response to the allegations.
  3. Witness responses to allegations.
  4. A copy of Commonwealth policy (s) applicable to the complaint.
  5. Findings of fact (findings regarding each allegation/issue).
  6. Investigative log/chronology of events.
- The BEO will consult with PennDOT's Office of Chief Counsel regarding the Investigative Report.
- The Office of Chief Counsel along with Human Resources makes the final determination regarding the complaint.
- The BEO will notify the parties of the outcome of the investigation. The notification also advises the complainant of his/her rights regarding appeals.
- The BEO notifies FHWA regarding the outcome of the investigation.

## Addresses for Avenues of Recourse (External Complaints)

<p><b>PENNSYLVANIA HUMAN RELATIONS COMMISSION (PHRC)</b></p> <p>Internet Address: <a href="http://www.phrc.state.pa.us">www.phrc.state.pa.us</a></p>	<p><b>THE US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)</b></p> <p>Internet Address: <a href="http://www.eeoc.gov">www.eeoc.gov</a></p>
<p>• <b>Philadelphia Regional Office</b> 110 North 8<sup>th</sup> Street, Suite 501 Philadelphia, PA 19107 Phone Voice: (215) 560-2496 TTY: (215) 560-3599</p>	<p>• <b>EEOC Philadelphia Office</b> 801 Market Street, Suite 1300 Philadelphia, PA 19107 Phone Voice: (215) 440-2600 TTY: (215) 440-2610</p>
<p>• <b>Pittsburgh Regional Office</b> 301 Fifth Avenue Suite 390, Piatt Place Pittsburgh, PA 15222 Phone Voice: (412) 565-5395 TTY: (412) 565-5711</p>	<p>• <b>EEOC Pittsburgh Office</b> William S. Moorhead Federal Building 1000 Liberty Avenue, Suite 1112 Pittsburgh, PA 15222 Phone Voice: (412) 395-5902 TTY: (412) 395-5904</p>
<p>• <b>Harrisburg Regional Office</b> 333 Market Street - 8th Floor Harrisburg, PA 17101 Phone Voice: (717) 787-9780 TTY: (717) 787-7279</p>	<p><b>PENNSYLVANIA OFFICE OF GENERAL COUNSEL (OGC)</b></p> <p>Internet Address: <a href="http://www.ogc.state.pa.us">www.ogc.state.pa.us</a></p>

## **COMPLAINTS FILED**

One (1) discrimination complaint filed during the period of January 1, 2013 – December 31, 2013:

Mr. Evens Prophete, (Docket #535)

SR 0000, (BRP) (RATS Br Preservation 2), ECMS 96028, FED X051-336-LY6A, Berks County, District 5-0.

Alleges discrimination based on race (Black) and harassment in connection with his discharge.

Date Filed: 8/14/13

**Status:** Ongoing

# **External Training Program**

## **EXTERNAL TRAINING PROGRAM**

In accordance with the Training Special Provisions as outlined in Appendix B of 23 CFR, 230A, the Department of Transportation has developed Training Special Provisions that are incorporated in selected federally funded projects (**Exhibit L**).

### A. Identification of Projects for Inclusion of Training Special Provisions

1. The Bureau of Project Delivery in coordination with District Construction and Design personnel, and the OJT Program Administrator, determines which construction projects can support training slots.
2. Before each construction season, the Bureau of Project Delivery in coordination with District Construction and Design personnel, and the OJT Program Administrator, identifies potential availability of work under contract, the duration of the work (to ensure adequate time for completion of training), and the potential long-term benefits to trainees. Assignment of training slots to specific projects is based on the following:
  - The availability of minorities, women and disadvantaged individuals
  - The potential for effective training
  - Duration of the contract
  - Dollar value of the contract
  - Total normal work force the average bidder is expected to use;
  - Geographic location
  - Type of work
  - Need for additional journeyman in the area
  - Total trainees established and trainee goal submitted to FHWA
  - Ratio of journeymen to trainees during normal operations

### B. OJT Procedures POM (**Exhibit M**)

1. Contract provisions require that contractors submit a training program within ten (10) calendar days following the project's notice to proceed (**Exhibit N**).
2. Contract provisions require that contractors submit name, Social Security Number, classification, rate of pay, ethnicity and sex of proposed trainees prior to starting training (**Exhibit N**).

3. Contractors may utilize OJT programs from PennDOT's OJT Training Manual, develop their own, or utilize a training program approved by the U. S. Department of Labor, Office of Apprenticeship.
4. Contract provisions require that contractors submit a monthly training report (**Exhibit N**) which is comprised of the following:
  - Training hours per month, hours to date and hours remaining
  - Summary of specific tasks performed
  - Evaluation of trainee
  - Termination (include date)
  - Lay-off date and anticipated recall date
  - Signatures: Contractor, Trainee and PennDOT

### **OJT Statewide Supportive Service**

PennDOT utilizes a consultant to provide the federally obligated on-the-job training supportive services. One Hundred Percent (100%) of the contract is State funded. As of July of 2014, Global Quality & Engineering Consulting (GQEC) was awarded the contract to provide on-the-job training supportive services (OJT/SS). The consultant's field representatives visit with ALL active trainees on construction projects throughout the state. It is a requirement that all trainees are counseled each month. An OJT/SS field counselor conducts orientation and monthly interviews in addition to close out interviews at the completion of training. Monthly and quarterly reports are submitted by GQEC identifying minorities, women and disadvantaged individuals who have been enrolled for on-the-job training and have successfully completed training during the reporting period. The reports also identify the trainees who were laid off, resigned, or were terminated.

The OJT SS field counselors will also maintain contact with project personnel in order to develop an evaluation of the trainee's performance and progress throughout the on-the-job training period and to be available to assist in addressing issues and/or concerns regarding the training. If the Prime is signatory to the union, the OJT SS field counselor will act as a liaison with the union in an effort to ensure that apprentices that meet the program criteria are being referred.

The OJT SS consultant can assist contractors with OJT tasks, including, but not limited to, the following:

- Trainee Referrals
- Trainee Record Keeping
- Trainee Performance Issues
- Union Liaison
- EO-363, EO-364 & EO-365 Submission Requirements

The OJT/SS Consultant is tasked with conducting up to 15 Outreach events on behalf of PennDOT. A major objective of PennDOT's outreach is to market the career opportunities that exist in the highway construction industry to women of color. Surveys indicate that women of color are the most under- represented group in highway construction industry.

- Emphasis is being placed on marketing various highway construction industry career opportunities to women, minorities and economically disadvantaged job seekers. The outreach events highlight PennDOT's On-The-Job (OJT) Training program. The primary objective of the OJT program is to train and/or upgrade women and minorities into higher paying skilled trades and transportation related careers.

Outreach events were scheduled to begin January 27, 2015.

1. The first Outreach event was held at the Capital Region PA CareerLink site located in Harrisburg, on January 27, 2015. Lori Rank is the site administrator.
2. The second Outreach event was scheduled to be held on February 23, 2015 between 1PM and 3PM, at the Luzerne County PA CareerLink located in Wilkes-Barre. The site administrator is Christine Jensen.
3. The third Outreach event was scheduled to be held on February 24, 2015 starting at 8:30 AM, at the Chester County PA CareerLink located in Exton. The site administrator is Butch Urban.
4. The fourth Outreach event was scheduled to be held on February 24, 2015 starting at 1:00PM, at the Lehigh County PA CareerLink site located in Allentown. The contacts are John Haupt, Karen Lockard and Donald Stewart.
5. A fifth Outreach event was scheduled to be held in conjunction with the Somerset County PA CareerLink and the Joseph B. Fay Company at the Somerset County Technology Center on Wednesday, February 25, 2015 from 4:00 pm to 7:00 pm. There will be representatives from:
  - Local Unions
    - Carpenters/Pile Drivers, Cement Masons, Laborers, Operating Engineers, Teamsters
  - Joseph B. Fay Company
    - The primary contractor on the US 219 New Highway Construction Phases 1 and 2 and project subcontractors.
  - Constructors Association of Western PA (CAWP)
    - CAWP will be introducing a virtual pre-apprentice program/game that introduces the "players" to highway construction careers.

6. A sixth Outreach event is anticipated to be held in March/April of 2015 at the Philadelphia (North Phila.) Spring Garden PA CareerLink. BEO is waiting for a confirmation from site administrator, Nicki Woods.
7. A seventh Outreach event is anticipated to be held in March/April at the Northeast Philadelphia PA CareerLink site. BEO is working with site administrator, Ray Coco.
8. An eight Outreach event is anticipated to be held at the Berks County PA CareerLink in Reading in the Spring of 2015.
9. A ninth Outreach event is anticipated to be held at the Lancaster County PA CareerLink in Lancaster in the Spring of 2015.
10. A tenth Outreach event is anticipated to be held at the Lebanon County PA CareerLink in Lebanon in the Spring of 2015.
11. An eleventh Outreach event is anticipated to be held at the Cambria County PA CareerLink located in Johnstown, between 4:00 pm and 7:00 pm in the Spring of 2015. BEO is working with Renee Shaw and/or Jeffrey Dick.
12. A twelfth Outreach event is anticipated to be held in the Spring of 2015, at the Allegany County PA CareerLink located in Pittsburgh. BEO is working with Frank Staszko, the Western Regional Director.
13. A thirteenth Outreach event is anticipated to be held in the Spring of 2015, at one of the following locations:
  - Butler County PA CareerLink in Butler
  - Indiana County PA CareerLink in Indiana

BEO is working with Linda Schell the Assistant Western Regional Director on this initiative.
14. A fourteenth Outreach event is anticipated to be held in the Spring of 2015 at one of the following locations:
  - Washington County PA CareerLink located in Washington, PA. The site administrator is Nancy Sninsky.
  - Westmorland County PA CareerLink in Youngwood. The site administrator is Janice Albright.
15. The fifteenth Outreach event is anticipated to be held in the Spring of 2015 at the Erie County PA CareerLink located in Erie. The site administrator is Richard Cornwell.

- The Outreach events are being marketed on the Associated Pennsylvania Constructors (APC) bulletin board in an effort to encourage heavy & highway construction contractors to attend the outreach events. Utilizing the PA CareerLink system will also help contractors to satisfy EEO/EO good faith effort recruitment requirements.
- Women, minorities and economically disadvantaged job seekers are being encouraged to register with the PA CareerLink system in an effort to ensure that their resume information will be available to contractors that are recruiting for qualified and/or qualifiable candidates to meet their recruitment needs.

Some of the services offered by PA CareerLink include:

- A Rapid Response Team that coordinates services for Dislocated workers.
- Representatives that work with recently separated Veterans to assist them in locating new career opportunities.
- Representatives from the Office of Vocational Rehabilitation provide vocational rehabilitation services to help persons with disabilities prepare for, obtain, or maintain employment.

# **OJT Status Report**

## **OJT STATUS REPORT**

In accordance with 23 CFR § 230.111 (b), “Implementation of Special Requirements for the Provision of On-The-Job Training,” the Pennsylvania Department of Transportation provides this summary of accomplishment for calendar year CY2014.

### **❖ The 2014 Federal-Aid “OJT” Goal Was Set At 135**

#### **Federal-Aid Projects Let in CY2014:**

<b>PROJECTS LET CY2014</b>	<b>ASSIGNED TRAINING SPECIAL PROVISIONS # OF TRAINEES</b>
A total of <b>98</b> Federal-Aid projects were let in CY2014 with a dollar value of \$3 million or more. These projects were identified with the potential to support effective and meaningful On-the-Job training.	A total of <b>108</b> Trainee Slots were assigned to PennDOT Federal-Aid Projects let in CY2014 with a dollar value of \$3 million or more.

PennDOT did not achieve the CY2014 OJT goal to place 135 trainee slots on Federal Aid Projects.

In December of 2014 it was estimated that 116 Federal-Aid projects with a dollar value of \$3 million or more would be let in CY2014 but it appears that only 98 Federal-Aid projects with a dollar value of \$3 million or more were let in CY2014 as a result of budgetary constraints.

## CY2014 Trainee Demographics

### A Total of 168 Trainees\* Were Enrolled For Training In CY2014:

- A total of 65 women
  - 52 non-minority women
  - 13 minority women
- A total of 103 minority males
- 0 non-minority males

<b>Total Trainees:</b>	<b>168</b>	<b>Percentage of Total Trainees</b>	
Total Women:	65	% Women	38.7%
Total Males:	103	% Males	61.3%
<b>Total Minority:</b>	<b>116</b>	<b>Minority:</b>	<b>69.0%</b>
Minority Women:	13	% Minority Women	7.7%
Minority Males:	103	% Minority Males	61.3%
<b>Total Non-Minority:</b>	<b>52</b>	<b>Non-Minority</b>	<b>31.0%</b>
Non-Minority Women:	52	% Non-Minority Women:	31.0%
Non-Minority Males:	0	% Non-Minority Males:	0.00%

\* The 168 Trainees include trainees that are considered “Carry-overs”. Carry-overs are those trainees that may have been enrolled for training within the past two (2) years on projects that were let in years other than CY2014.

**34 Trainees were Carried Over from CY2013 to CY2014**

- A total of 13 women
  - 3 minority women
  - 10 non-minority women
- A total of 21 minority males
- 0 non-minority males

**90 Trainees Graduated (Completed) in CY2014**

- A total of 36 women
  - 8 minority women
  - 28 non-minority women
- A total of 54 minority males
- 0 non-minority males

**12 Trainees Resigned (or Job Abandonment)**

- 0 minority women
- 3 non-minority women
- 9 minority males
- 0 non-minority males

**11 Trainees were Terminated**

- 2 minority women
- 2 non-minority women
- 7 minority males
- 0 non-minority males

**13 Trainees were Laid-Off/ Off due to Medical Leave**

- 5 women
  - 0 minority women
  - 5 non-minority women
- 8 minority males
  - 0 non-minority males

**\_\_ Apprentices were Actively Enrolled for OJT in CY2014\***

- A total of \_\_ women
  - \_\_ minority women
  - \_\_ non-minority women
- A total of \_\_ males
  - \_\_ minority males
  - \_\_ non-minority males

**\_\_ Non Union Trainees were actively Enrolled for OJT in CY2014\***

- A total of \_\_ women
  - \_\_ minority women
  - \_\_ non-minority women
- A total of \_\_ males
  - \_\_ minority males
  - \_\_ non-minority males

\*At this time, the OJT Supportive Services Consultant, Global Quality & Engineering Consulting (GQEC) is not set up to provide the breakdown of the apprentices versus the non union trainees that were enrolled in 2014. This information will be available for future reporting.

# **PR-1392 Report**

## **2014 PR-1392 ANNUAL REPORT ANALYSIS**

A comparison to the 2014 report revealed:

Employment Data:

- A decrease in project lettings by 45. (-9.00%)
- An increase in the dollar expenditure by \$584,551,915. (14.91%)
- An increase in total employment by 282. (3.74%)
- A decrease in minority employment by 57. (6.44%)
- An increase in total women employment by 71. (16.14%)

Training Data:

- An increase in total training by 41. (38.68%)
- An increase in total minority training by 16. (28.07%)
- An increase in total women training by 6. (25.00%)

The following actions will be taken by PennDOT (Central Office and District Personnel) to address under-representation of women, especially minority women in the workforce of Department contractors:

- Include EEO as an agenda item at project progress meetings.
- Attend and present at APC/PennDOT Fall Conference, EEO Session.
- Look for opportunities to increase training slots in construction contracts.
- Encourage the industry to address the issue of recruitment of women especially minority women.
- Continue to coordinate with USDOL/OFCCP outreach meetings with Community Based Organizations and other women organizations.
- Network with other State Agencies to communicate the opportunities that exist in highway construction.
- Continue to conduct compliance reviews and project site inspections.
- Initiate show cause notices for firms who are non-compliant for 2 consecutive years.

**PR-1392 Detailed Analysis (Exhibit O)**

# **Liaisons**

## **LIAISONS**

The Department, through the Bureau of Equal Opportunity (BEO), has developed ongoing dialogue with the following organizations involved in minority and women recruitment:

1. USDOL/OFCCP
2. NAACP
3. Urban League
4. PA CareerLink, Pennsylvania Department of Labor and Industry
5. Construction Contractors Associations
6. Community Action Centers
7. Various Women's Organizations
  - a. National Organization for Women (NOW)
  - b. YWCA
  - c. Association of Business and Professional Women in Construction, etc.
  - d. Trade Women of Philadelphia/Women in Non- Traditional Work, Inc. (TOPWIN)
8. Technical and Vocational Schools (large minority enrollment)
9. Hispanic Community Centers
10. Cheyney University
11. Lincoln University
12. American Institute for Transportation and Business Development
13. Coalition of Minority Contractors (COMC)
14. Conference of Minority Transportation Officials (COMTO)
15. Central Regional Purchasing Council
16. New Penn-Del Minority Purchasing Council
17. Pittsburgh Regional Purchasing Council
18. Business Resource Center (Philadelphia and Pittsburgh)
19. United States Minority Business Development Agency (Philadelphia and Pittsburgh)
20. Local and Minority Chamber of Commerce Organizations
21. Youth Places
22. School District of Philadelphia
23. Tomorrow Promise
24. Associated Builders & Contractors, Inc.
25. Small Business Administration, Philadelphia District Office
26. National Association of Minority Contractors, Philadelphia Chapter
27. Philadelphia Academies
28. ABO Haven, Inc.
29. Lighthouse

Partnerships are maintained with private organizations through meetings, correspondence, and telephone communications.

Liaisons are being developed and maintained with DBEs, contractors' associations, urban and non-urban planning commissions, and other community based organizations.

# **Disadvantaged Business Enterprise (DBE) Plan**

## **DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN**

The Pennsylvania Department of Transportation's DBE Program is carried out under the rules and guidelines in the Code of Federal Regulations, Title 49, Part 26.

The Contract Compliance Division monitors DBE participation on federally funded projects. Project reviews concentrate on the efforts made by the prime and subcontractors to solicit DBEs for subcontracting, scheduling concerns, payment issues, etc.

A DBE must perform a commercially useful function (CUF). A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. Failure of a DBE to perform a CUF will result in the reduction in the amount of credit a prime contractor receives toward the DBE goal. EO-354 (DBE CUF Report) form must be completed when a DBE is utilized on a project. The BEO monitors contractor compliance with CUF requirements throughout the life of a project. The EO-354 form is reviewed for completeness and adherence to federal regulations.

Sanctions for non-compliance include, withholding payments, suspending the contract until compliance is obtained, terminating the contract, and/or damages.

PennDOT is a member of the Pennsylvania Unified Certification Program (PA UCP). The PA UCP provides "one-stop shopping" for firms seeking certification in accordance with 49 CFR Part 26 and Airport Concession Disadvantaged Business Enterprises (ACDBE) in accordance with 49 CFR Part 23. The PA UCP makes certification decisions on behalf of all agencies and organizations in the Commonwealth with respect to participation in the DBE and ACDBE Programs. Other certifying participants of the PA UCP include: Allegheny County Department of MBE/WBE/DBE, the Port Authority of Allegheny County, the Southeastern Pennsylvania Transportation Authority, and the City of Philadelphia. Firms certified as a DBE or ACDBE with the PA UCP are eligible to participate on any Federal Aviation, Highway, and Transit funded contracts/grants as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. DBE certification does not expire. Firms are removed from the program in accordance with ineligibility removal procedures outlined under 49 CFR Part 26.87.

Section VIII, Minority Business Enterprise Program, will be addressed within the formal DBE Plan submission.

# **Action Programs**

## **ACTION PROGRAMS – 2015**

This is an assessment of the Department's External Equal Opportunity Action Programs for calendar year 2015:

- The compliance review goal for calendar year 2015 is thirty (30). This year, we will focus on contractors (primes and subcontractors) that have never been reviewed by the Department. We will prepare a list of contractors to be reviewed in 2015 and submit the information to USDOL/OFCCP. We will submit all completed reviews to FHWA within sixty-five (65) calendar days of contractor notification.
- Field Agents will work with District construction personnel to monitor the contractor's adherence to EEO/DBE/OJT contract provisions. Field Agents will visit District offices on a monthly basis to meet with personnel (Assistant District Executives, District Labor Contract Compliance Agents, and Field Personnel) to provide assistance with EO/EEO issues. Specific attention will be given to promoting activities that increase recruitment and retention of minority and women in the Department's highway construction industry program. The field audit goal for calendar year 2015 is 80 projects.
- BEO will conduct educational workshops throughout the commonwealth with Contractor Associations (APC, CAWP, CAEP), contractors / subcontractors EEO Officers, and PennDOT District Personnel regarding the concept of under-representation. Under-representation addresses the fact that minorities and women are under-represented in the construction industry's aggregate workforce. The BEO along with FHWA will provide guidance on data analysis utilizing a series of statistical formulas from the Census Bureau that provide EEO / EO information regarding the following:
  - ✓ The Availability of minorities and women in the Civilian Labor Force
  - ✓ Adverse Impact
  - ✓ Disparate Impact
- Contract Compliance Division staff will continue to interact with USDOL/OFCCP, Associated Pennsylvania Constructors (APC), and the Constructors Association of Western and Eastern Pennsylvania (CAWP/CAEP) to develop strategies to increase minority and women representation within the highway construction industry. Attention will be given to the following: coordination of compliance reviews, education of the public regarding opportunities that exist in highway construction industry, training and apprenticeships, utilizing effective monitoring practices, and building stable relationships with industry partners.
- Educating the public regarding opportunities that exist in highway construction is essential to ensuring a diverse workforce. Accordingly, periodic meetings will be

scheduled with industry partners, community organizations, women's organizations, women trade workers and other State agencies, General Contractor Groups, and Trade Unions to address barriers that hinder entry into the highway construction industry and to develop strategies to overcome them.

# **Contract Compliance Goals**

## **CONTRACT COMPLIANCE GOALS**

For calendar year 2014, the following goals were pursued:

- A. Assure equality of employment opportunity in the workforce of contractors, subcontractors, and material suppliers engaged in the performance of Federal-Aid highway construction contracts. The Department will conduct twenty (20) reviews.

**Status:** Eleven (11) project compliance reviews have been conducted. Five (5) reviews submitted to FHWA for concurrence and six (6) reviews will be submitted to FHWA on or before the end of the first quarter (March 2015).

- B. Achieve the Department's 2014 Training Goal of 135 trainee slots on Federal-Aid projects.

**Status:** Placed 108 training slots on 98 federal projects.

- C. Develop outreach activities to ensure that economic recovery in Pennsylvania's transportation industry provides opportunities for minorities and women to participate in employment and training within the transportation industry. Activities include, but are not limited to, the following:

- Continue to conduct EEO Workshops for community based organizations
- Facilitate networking meetings with Women Organizations
- Coordinate outreach efforts with USDOL/OFCCP
- Facilitate high school career days in partnership with trade unions, contractors and the Department of Education
- Partner with the Department of Welfare to educate caseworkers regarding the opportunities available in the highway construction industry
- Partner with the Department of Corrections to educate work release program specialists regarding the opportunities available in the highway construction industry

**Status:** The BEO attended several community based organization meetings to educate community leaders regarding the opportunities that exist in the highway construction industry and to address the lack of minority women working in highway construction industry. The BEO participated in USDOL, Women's Bureau webinars highlighting issues faced by women in the construction industry. Ongoing activity.

**Status:** Attended Subcommittee Meetings for Mega Project, SR 95-CP2 Cottman-Princeton Main Line & Ramps, FID# X065-319-L01E (CP2-I-95)

Corridor). Various organizations and contractors were in attendance: OFCCP District Office; OFCCP Regional Outreach Center; USDOL, Office of Apprenticeship; USDOL, Women's Bureau; Walsh Construction (Prime Contractor); Subcontractors; Unions; and Community Based Organizations. The Subcommittee oversees the project; assists in monitoring federal contractors working on the project; and ensures that contractors adhere to EO/EEO requirements.

Numerous Women's Organizations are members of the Steering Committee. The BEO had the opportunity to communicate information regarding employment opportunities for women in the highway construction industry. Ongoing activity

- Facilitate high school career days in partnership with trade unions, contractors and the Department of Education
- Partner with the Department of Welfare to educate caseworkers on the opportunities available in the highway construction industry
- Partner with the Department of Corrections to educate work release program specialists on the opportunities available in the highway construction industry

**Status:** The above three (3) activities were not completed in 2014. These activities will be carried over into 2015.

## **CONTRACT COMPLIANCE GOALS**

For calendar year 2015, the following goals will be pursued:

- A. Assure equality of employment opportunity in the workforce of contractors, subcontractors, and material suppliers engaged in the performance of Federal-aid highway construction contracts. The Department will conduct thirty (30) compliance reviews and 80 field audit reviews.
- B. Achieve the Department's 2015 Training Goal of 135 trainee slots on Federal-Aid projects.
- C. Develop outreach activities to make community leaders aware of employment and training opportunities for minorities and women within the transportation industry. Activities include, but are not limited to, the following:
  - Continue to conduct EO/EEO/OJT Workshops for community based organizations
  - Facilitate networking meetings with Women's Organizations
  - Coordinate outreach efforts with USDOL/OFCCP and FHWA
  - Facilitate high school career days in partnership with trade unions, contractors and the Department of Education
  - Partner with the Department of Welfare to educate caseworkers regarding the opportunities available in the highway construction industry
  - Partner with the Department of Corrections to educate work release program specialists regarding on the opportunities available in the highway construction industry
- E. The State OJT/SS contract will expire June 30, 2015.
- G. The Contract Compliance Division staff along with USDOL/OFCCP will continue to oversee the following Mega Projects to ensure EO/EEO and OJT compliance : 1) SR 95 (CP2), ECMS 79685, FED X065-319-L01E, Walsh Construction Co. II, LLC and 2) SR 219 (20A) ECMS 23620, FED X097-072-L980, Joseph B. Fay Co. The bureau's presence will ensure EO/EEO and OJT compliance.
- H. The Contract Compliance Division is involved in a proposed initiative with the Department's State Transportation Innovation Council (STIC). A Deployment Plan (titled "Trainee Program for Construction Projects"), is aimed at amending the PennDOT OJT Training Special provisions to allow contractors to provide the

required training hours utilizing various PennDOT projects instead of just a single project (job).

- I. The BEO will conduct educational workshops throughout the commonwealth with Contractor Associations (APC, CAWP, CAEP), contractors / subcontractors EEO Officers, and PennDOT District Personnel regarding the concept of under-representation. Under-representation addresses the fact that minorities and women are under-represented in the construction industry's aggregate workforce. The BEO along with FHWA will provide guidance on data analysis utilizing a series of statistical formulas from the Census Bureau that provide EO / EEO information regarding the following:
  - ✓ The Availability of minorities and women in the Civilian Labor Force
  - ✓ Adverse Impact
  - ✓ Disparate Impact

**Exhibit A**  
**Notification Letters**



Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street – 5th Floor West
Harrisburg, Pennsylvania 17120
www.dot.state.pa.us

IN REPLY REFER TO

Date

Sample Project Notification Letter

Mr/s./Title
Company Name
Address
Address

Dear:

Based on established criteria, the Bureau of Equal Opportunity (BEO) has selected the following project for an in-depth equal opportunity contract compliance review:

Project: S.R./Section: xxx(xxx) ECMS: xxxxx FPN: xxxx-xxx-xxxx (xxxxxxxxxx County)

The project review will be conducted in accordance with Title 23 CFR 200, 230, & 633; 49 CFR Part 26; the Civil Rights Act of 1964, as amended; and your signed contract with the Pennsylvania Department of Transportation. Mr/s. xxxxxxxxxxxx, Equal Opportunity Specialist, will conduct the review on xxxxxxxxxxxx beginning at xxxxxxxx A.M. Please be advised that this review may take several days to complete.

The purpose of the project review is to examine prime and subcontractor personnel policies, recruitment practices, minority and female workforce composition, and company efforts in fulfilling contractual obligations regarding equal opportunity and equal employment opportunity. The review will only involve the aforementioned project.

It is imperative that your company EEO Officer be present at the time of the review. Arrangements must be made to provide privacy for conducting interviews with employees and supervisors. To minimize the time needed to conduct the review, it is essential that the attached 'Compliance Review Report' and the 'Compliance Review Questionnaire Appendix' be completed and returned electronically to our office at xxxxxx@state.pa.us by xxxxxxxxxxxx. On page 1 of the 'Compliance Review Report' you only need to complete the section labeled 'Contractor's Information'. You must complete pages 2 thru 9 in their entirety along with the 'Compliance Review Questionnaire Appendix'. Any additional information that your company

cannot submit electronically should be sent to Mr. William Kerney, Chief, Contract Compliance Division, Bureau of Equal Opportunity, P.O. Box 3251, Harrisburg, PA 17105-3251, by the due date above.

It is also **the prime contractor's responsibility** to notify all subcontractors working at the time of the review of their requirements to complete a copy of the enclosed package. Please notify your subcontractors by forwarding a copy of this email notification letter and attachments. Subcontractors are expected to adhere to the same time frames, emailing procedures, and to have their company EEO Officer available to discuss their equal opportunity and equal employment opportunity contractual obligations.

**ITEMS THAT WILL BE REVIEWED AT THE PROJECT SITE:**

1. Copies of all subcontracts, including DBEs, containing all EEO clauses (DSPs).
2. Documentation of the methods used in making company EEO policy known to all employees.
3. Documentation of the methods used to inform supervisors and officials, with hiring authority, about EEO policy and systematic recruitment for this project.
4. System used to track available employees and identify minority and female applicants. Provide copies of tracking logs, employment lists, voluntary identification sheets, etc.
5. Copies of and/or correspondence pertaining to employment advertisements for this project.
6. Documentation of efforts to recruit minority and female applicants through public and private referral sources, and the hiring results for this project.
7. If your company is a union contractor, provide documentation of efforts made to secure minorities and females if the union(s) could not supply them.
8. Documentation of efforts to encourage current employees to refer minority and female applicants for employment.
9. Annotated payroll on the project for a four-week period.
10. Process used to ensure prompt payment to subcontractors. Provide copies of ECMS payment screens along with copies of cancelled checks to subcontractors (especially DBEs) for a four-week period.
11. Any training (informal or formal) utilized on the project.
12. **On the day of the review**, complete the enclosed Daily Project Work Force Data Form for your company and ensure that each subcontractor on the project also completes a copy of the form.

For the above items please provide written documentation and examples that contain actual employee signatures. Do not provide blank forms. All documentation should clearly reference company EEO policy or some aspect of it.

If your company EEO Officer fails to provide the requested information or fails to appear for the review on the scheduled date, your firm will be placed in noncompliance and a Show Cause Notice will be issued immediately. This may have an adverse effect on your prequalification status with the Department and could result in sanctions against your firm.

Please provide this office with a copy of the determination or notification letter confirming your company has been reviewed within the past two years, is currently being reviewed, is pending a review or has an active "Conciliation/Corrective Action Plan" established with the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), or the Pennsylvania Department of Transportation. Consideration **may** be given to postpone this review if the contractor/subcontractor is complying with their equal opportunity and equal employment opportunity contractual obligations and is/are making substantial progress in terms of minority and female group employment.

Should you have any questions, please contact Mr. William Kerney, Chief of the Contract Compliance Division at (717) 787-5891 or 1-800-468-4201.

Thank you in advance for your cooperation.

Sincerely,

Jocelyn I. Harper, Director /s/  
Bureau of Equal Opportunity

3600/JIH/xx  
Attachment

cc: Mr/s., EEO Officer, Company Name  
Mr/s., ADE, District x  
Mr/s., ACE, District x  
Mr/s, PIC, District x  
Mr/s., DLCCA, District x  
Mr. David DeMarkis, Prequalification Officer, BCM  
Mr. William Kerney, Chief, Contract Compliance Division, BEO  
File

**Exhibit B**  
**Contractor's Self Analysis**  
**Package**



## Union Affiliations

Union Title or Identification	Union Local Number	Does union have exclusive referral rights		Does union sponsor or participate in pre-apprentice, apprentice, or post employment training programs		Does contractor sponsor or participate in pre-employment, apprentice, or post employment training programs	
		YES	NO	YES	NO	YES	NO
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Other Recruiting Sources

Name or Other Identification	Contact Person	Phone	Response

## On-Site Construction Employment -

\*Information provided should reflect the workforce on the day of the Project Review.

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic		Apprentices		On-The-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Office Managers																
Supervisors																
Foreman/ Forewoman																
Clerical																
Equip Operators																
Mechanic																
Truck Drivers																
Iron Workers																
Carpenters																
Cement Masons																
Electricians																
Pipefitters / Plumbers																
Painters																
Laborers, Semi-Skilled																
Laborers, Un-Skilled																
<b>TOTALS</b>																
<b>Total Employment from Previous Report</b>																
<b>Breakdown of Apprentices and OJTs</b>																
Apprentices																
On-the-Job Trainees																

**Personnel Transactions from the Notice to Proceed Date to the Present**

\*\*\* Please provide project specific, not company wide, information.\*\*\*

**New Hires**

**Period Covered:**

From:

To:

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F

**Terminations**

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F





## Subcontractors

DBE GOAL	%				
Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

## Suppliers

Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

## Training

Name	Classification	OJT	App	Race	Sex	Status
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			

**CONTRACTOR'S NAME:**

**FEDERAL I.D. NUMBER:**

**COMPLIANCE REVIEW QUESTIONNAIRE**

---

	YES	NO
1. Does your company have a nondiscrimination policy?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the nondiscrimination poster and policy statement posted conspicuously throughout the various locations/offices in your company?  If yes, identify locations where the posters and policy statements are displayed.	<input type="checkbox"/>	<input type="checkbox"/>
3. Does your company include "An Equal Opportunity Employer" statement in all recruitment publications?  If yes, attach a copy of an actual advertisement.	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the nondiscrimination clause included in all of your company's purchase orders, subcontracts and collective bargaining agreements?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does your company have a current affirmative action plan?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
6. Does your company have procedures for handling cases of alleged discrimination filed by employees?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
7. Has your company been involved in any legal action with the EEOC or other federal, state or local agencies within the past two years?  If yes, attach related documentation.	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the company currently under a conciliation/cap from a previous review?	<input type="checkbox"/>	<input type="checkbox"/>
9. Does your company have an employment application? If yes, please provide a copy.	<input type="checkbox"/>	<input type="checkbox"/>

## CONTRACT INFORMATION

List all current Pennsylvania contracts you hold as a prime or subcontract. (Include contract number, name of Commonwealth Agency and County (ies) where work is (or is to be) performed. If more space is needed, please attach additional 8-1/2 x 11 sheets.)

NAME OF COMMONWEALTH AGENCY	CONTRACT NUMBER	EFFECTIVE DATE	TERMINATION DATE	COUNTY(IES) WHERE WORK IS PERFORMED	DOLLAR AMOUNT
<b>Prepared By</b>				<b>Date</b>	<b>Telephone No.</b>





**Exhibit C**  
**Project Review**  
**Questionnaires**

**PA DEPARTMENT OF TRANSPORTATION  
EQUAL EMPLOYMENT OPPORTUNITY OFFICERS  
QUESTIONNAIRE**

\_\_\_\_\_  
(PRIME CONTRACTOR) (DATE)

\_\_\_\_\_  
(SR/SEC #) (CMS/ECMS #) (COUNTY)

\_\_\_\_\_  
(NAME) (TITLE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. What notices and posters are displayed on the bulletin board?

List Here

2. How are your EEO policies and notices disseminated on this project?

How Disseminated

a. Is there documentation to support this?

YES(REVIEW)  NO

3. Does management receive cultural diversity training?

YES  NO

Explain

4. When was the last time supervisors, foreman, and employees involved in the hiring process received EO training? How often?

When Trained, How Often

5. When was the last time tradesman/laborers received EO training? How often?

When Trained, How Often

**D. EEO OFFICER:**

1. What percentage of your time is spent on EEO duties?

%

2. How long have you held this position?

YEARS

MONTHS

3. Briefly describe your duties as the EEO Officer?

List Duties

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. How often do you visit the project, when was your last visit, and what issues were addressed? (Request Documentation)

Frequency and Issues

**E. RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

a.  Unions

f.  Recalls

b.  Media (Radio, TV, Papers) g.

Community Organizations

c.  Employee Referral

h.  Job Centers

d.  Walk-ins

i.  Colleges/Universities

e.  Applications/Resumes

j.  Other (Specify)

2. Has the company made a specific effort to recruit minority and female applicants for this project?

YES  NO

If no, identify the reason

3. What specific minority and female recruitment sources (including unions) have been solicited in the recruitment process?

Enter Recruitment Sources

What were the results?

Enter Results

4. Does the company notify its recruitment sources verbally and/or in writing?

YES  NO

If yes, review and document.

5. Does the company document its recruitment results?

YES  NO

If yes, identify the methods used.

6. Does the firm maintain an employment list for available employees? (If yes, review)

YES  NO

7. Does the firm have a system to identify minority and female employment applicants? (If yes, review)

YES  NO

8. How long are employment applications maintained on file?

YEARS

MONTHS

9. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES  NO

If yes, how, when, and in what classifications.

10. Who makes the final decision for hiring on this project, and on what basis?

Name: Insert Name                      Title: Insert Title

11. If an applicant is not hired, is he or she given specific reasons for rejection?

YES (Review)                       NO

Is it noted on the employment application?

YES (Review)                       NO

12. When an applicant is not hired, what happens to the application?

Enter what happens to applications.

13. What percentage of employees on the project are minority and/or female?

MINORITY                      % FEMALE                      % UNKNOWN

14. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

15. Are you aware of the civilian labor force information for this county/recruitment area? (If yes, what are the percentages?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

16. Has the company considered establishing additional minority/female goals for the workforce? (If yes, what are the percentages, classifications, and who is held responsible for meeting the goal?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

Enter classifications and persons responsible.

17. Does the contractor require a pre-employment physical exam?

YES  NO

18. Does the contractor require a written test for employment?

YES  NO

19. Does the contractor have any after school/summer employment for students?

YES  NO

If yes, identify the selection procedure, classifications, starting dates, and numbers.

**F. PERSONNEL ACTIONS:**

1. Does certified payroll correspond with project employment data reports?

YES  NO

2. Does the contractor ensure overtime work is distributed equitably among all employees? (If yes, how?)

YES  NO

How?

3. Are all personnel actions (transfers, recalls, training, promotions, terminations, wages, working conditions, etc.) periodically reviewed to ensure nondiscrimination?

YES  NO

If yes, by whom, and by what methods?

4. What methods are used to promote employees?

Methods used.

5. Review contractor's employment application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA) Are any of the above questions asked, or are any other concerns noted with the employment application?

YES  NO

If yes, identify.

**G. TRAINING:**

1. Does the firm have an informal or formal training program?

YES  NO

(If yes, identify trainees, classifications, race, and gender)

Trainees classification, race, and gender

2. Does this contract contain training special provisions?

YES  NO

3. Has the training program been submitted?

YES  NO

If it has been submitted, has it been approved?

YES  NO

4. How are candidates selected and/or recruited for training positions?

Selected by

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site? (If yes, review)

YES  NO

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

How, when, who

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES  NO

7. Will trainees receive a completion certificate?

YES  NO

**H. UNIONS: ( N/A)**

1. Have the union(s) been notified of your EO Policy and/or Nondiscrimination Clause? (If yes, review documentation.)

YES  NO

2. Do unions refer applicants for employment? (If yes, identify the procedure; if no, skip questions 2 thru 4)

YES  NO

Procedures

3. Does the contractor specifically request minorities and/or females, for each position to be filled, from the union(s)?

YES  NO  N/A

If no, why not?

4. Does the contractor maintain documentation of requests and results?

YES  NO  N/A

If so what methods are used?

5. Does the contractor refer minorities and/or females to the union(s) for membership?

YES  NO

If yes, explain the process.

6. Are applicants referred back to the contractor?

YES  NO

7. Is the contractor aware of the availability of minority and/or female membership from local union(s)? (If yes, what are the percentages for each?)

YES  NO

MINORITY      % FEMALE      % UNKNOWN

8. What procedures are followed when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement?

Explain

**I. SUBCONTRACTORS: ( N/A)**

1. How were the subcontractors solicited for this project?

How solicited

2. Are subcontractors monitored to ensure EEO compliance?

YES  NO

If yes, who is responsible, by what method, and how often?

3. Where are copies of the subcontractor agreements kept?

Kept here

4. Does this contract contain DBE or M/WBE goals? (If yes, what are the percentages?)

YES  NO   
DBE % MBE/WBE % UNKNOWN

5. Are there any subcontractors working today?

YES  NO

If yes, identify them.

6. How does the company ensure that DBE's are performing a commercially useful function? (Review documentation)

Explain

7. Are all required non-discrimination and EEO clauses included physically attached to all covered purchase orders and subcontracts?

YES  NO

8. Are subcontractors, especially DBE's, being paid in a timely manner?

YES

NO

Verify procedures to ensure prompt payment.

**J. OTHER:**

1. Have any alleged discrimination complaints been filed by employees on this project?

YES

NO

If yes, what is the nature and status of the complaint?

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

BEO REVISED: 6/2009

**PA DEPARTMENT OF TRANSPORTATION  
CONTRACTOR EMPLOYEE QUESTIONNAIRE**

---

(EMPLOYEE NAME) (JOB CLASSIFICATION) (DATE)

---

(ADDRESS)

---

(PHONE#) (LAST FOUR OF SSN #)

---

(EMPLOYER) (PRIME/SUB)

---

(ECMS #) (COUNTY)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native   
Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EMPLOYMENT DATA:**

1. Date Started on Project?

2. New Hire  Transfer  Recall  Trainee  Apprentice

3. Have you worked for this company before?

Yes  No

If yes, enter position held and for how long.

4. What was the method used to hire you for this project?

Employee Referral                       Media                       Walk-in

Union Referral                       Job Application                       Other

5. What is the name and title of your immediate supervisor?

Name:

Title:

**D. UNION:** (Not Applicable  )

1. Are you a Union member? Yes  No

Union Name:

Local #:

2. How long have you been a Union member?

                    years                      months

3. What is the name of the Business Agent assigned to this project?

Business Agent:

**E. FAIR EMPLOYMENT:**

1. Are you aware of any minorities or females working on this project?

Yes                       No

If Yes, how many?                      Minorities                      Females

2. Do you feel that you have been discriminated against on this project?

Yes                       No  (If yes, answer 2A. If no, move to question 3)

2A. Have you filed a formal discrimination complaint?

Yes                       No                       N/A

If yes, with whom and what is the status?

3. How does the company make you aware of their EEO Policies and Procedures (e.g. EEO Policy, Avenues of Appeals, EEO Officer, Sexual Harassment, etc).

4. Have you read your company's equal opportunity and/or sexual harassment policy?

Yes  No

If yes, enter when read.

5. Have you received training or instruction on how to file an EEO or sexual harassment complaint?

Yes  No

If yes, explain the process.

6. Who is the project EEO Officer?

Name:

7. Have you ever met the EEO Officer?

Yes  No

8. When was the last time EEO training was conducted?

9. What was the topic?

10. Who conducted the training?

11. Are you aware of any working conditions or personnel actions, which may be considered discriminatory (e.g., recalls, transfer, training, promotions, rates of pay, overtime, layoffs, etc)?

Yes  No

If yes, please explain.

12. Have you been transferred from one project to another?

Yes  No

If yes, how often?

13. Did the company require a pre-employment physical that included a drug/alcohol test?

Yes  No

If yes, explain.

14. Is your wage rate in accordance with your job classification?

Yes  No

If no, explain.

15. Do you have any relatives working for this company?

Yes  No

If yes whom and what classifications?

**F. TRAINING:** (Not Applicable  )

1. Type of trainee?

On-the-Job Trainee

Apprentice

Date Training Began:

2. Have you been trained on any other project(s)?

Yes  No

Date:

Training classification(s):

Company:

Project Number:

3. Were you provided a copy of your Training Program?

Yes  No

Explain:

4. Was the Training Program explained to you prior to the start of your training?

Yes  No

By whom:

5. Are you being trained in accordance with your approved Training Program?

Yes  No

Explain:

6. Who is primarily responsible for your training?

Name:

Title:

7. Is your progress/evaluation discussed with you?

Yes  No

Explain:

8. Do you receive a copy of your Monthly Training Report?

Yes  No

Explain :

9. Do you sign your Monthly Training Report?

Yes  No

Explain:

10. Have you met the Department's Supportive Services Field Representative?

Yes  No

When:

11. Was the Department's Supportive Services Field Representative helpful?

Yes  No

Explain:

12. Do you have any comments on how to improve the Training Program?

Comments:

**Reviewing Officer:**

**Date:**

**PA DEPARTMENT OF TRANSPORTATION  
FEMALE EMPLOYEE SUPPLEMENTAL QUESTIONNAIRE**

---

(EMPLOYEE NAME) (JOB CLASSIFICATION) (DATE)

---

(ECMS #) (COUNTY)

**A. RECRUITMENT AND WORKING CONDITIONS:**

1. Were you asked any inappropriate questions during the interview process? (i.e., that the work is very heavy or how you would handle any harassment.)

Yes  No

If yes, explain here

2. Have you observed females visiting the work-site for a job but never hired?

Yes  No

3. Have you referred other females to your employer for employment?

Yes  No

If yes, were they ever contacted?

Yes  No

If yes, were they hired?

Yes  No

4. Have you told your employer about any tradeswomen's group(s) in your area?

Yes  No

If yes, has your employer ever contacted them?

Yes  No

5. How are you treated by your supervisor?

I am treated...

How are you treated by co-workers?

I am treated...

How are you treated by employees of other contractors on the site?

I am treated...

6. Do you always work for the same supervisor and/or superintendent?

Yes

No

Do male workers work for the same supervisor and/or superintendent?

Yes

No

7. Are there any supervisors or superintendents that will not allow you to work on their crew or job site?

Yes

No

8. Compare the work you do to that of your co-workers.

Is it the same, worse, or “easy money” work? (i.e., “easy money” work is usually not as physically demanding and given either to the older workers or the supervisor’s friends.)

My work is...

9. Do you work alone?

Yes

No

Explain why or why not

Do co-workers work alone or with partners?

Alone

Partners

Both

10. When you work with a partner, do you get to work or just “help” your partner?

I get to...

11. Does the supervisor talk to you directly when giving out assignments or instructions, or does he only talk directly to your partner?

My supervisor speaks...

12. If you're doing a difficult job that 2 or more people usually do together, are you expected to do it alone? (i.e., lifting and carrying heavy materials, etc.)

Yes  No

13. Are men offered help or advice, but not you?

Yes  No

14. Do you ever work overtime?

Yes  No  N/A

15. Do your co-workers work overtime?

Yes  No  N/A

16. If you are journey-level or experienced, are you ever treated like you don't know anything?

Yes  No  N/A

**B. TRAINING:**

1. Are you satisfied with your training?

Yes  No

Do you want or need more training?

Yes  No

2. Is the quality of training comparable to that received by other workers?

Yes  No

3. Can you freely ask questions of co-workers or supervisors?

Yes  No

**C. ACCOMMODATIONS:**

1. Are the porta potties and changing facilities satisfactory?

Yes  No

2. Are there any peep holes in the porta potties or changing rooms?

Yes  No

3. Is there a working latch for the porta potties?

Yes  No

4. Have there been any modifications of tools or equipment?

Yes  No

**D. HARASSMENT:**

1. Have you ever been physically or verbally threatened?

Yes  No

If yes, by whom

2. Has anyone inappropriately touched you without your consent?

Yes  No

3. Have you ever feared for your safety on the project because of a negative attitude expressed or implied by a co-worker or supervisor?

Yes  No

4. Are you called anything by the supervisor and co-workers besides your name?

Yes  No

Does this bother or upset you?

Yes  No

Have you asked not to be called other names?

Yes  No

5. Have you ever been told the only reason you have a job is because you are a woman?

Yes  No

If yes, by whom

6. Have you ever been asked about your sexual preference?

Yes  No

7. Have you ever been harassed about being a lesbian, regardless of your sexual preference?

Yes  No

8. Do you take your breaks and eat lunch alone to avoid conversations about sex, etc.?

Yes  No

9. Have you ever viewed pornography, or any inappropriate photos, on the job site?  
(This may include offensive calendars distributed by tool manufacturers that use women to sell their products.)

Yes  No

In the porta potties? Yes  No

Changing rooms? Yes  No

Tool trailers? Yes  No

10. Do the male workers discuss sex when you are around?

Yes  No

11. Do the co-workers or the supervisor keep track of the number and length of times you use the porta potties?

Yes  No

12. Do other workers relieve themselves in front of you?

Yes  No

13. Do the other workers harass your partner for working with a woman?

Yes

No

14. Have co-workers and/or supervisors played “practical jokes” on you that you did not consider funny? (Typical examples include tools and materials hidden so you can’t do your work, work clothes and work boots left in shanties, hidden or ruined so you can’t get ready to start work, etc.)

Yes

No

**E. HARASSMENT COMPLAINTS:**

1. Have you ever complained to anyone about disparate treatment you have been subjected to?

Yes

No

If yes, who did you complain to?

Complained to...

What was the complaint?

The complaint was...

What was the resolution?

The resolution was...

2. If you have a complaint, can you talk to your supervisor about it?

Yes

No

3. Does the supervisor do anything to discourage harassment?

Yes

No

If yes, what does he do?

My supervisor does...

Is it effective?

Yes

No

4. What kind of discrimination complaint and grievance procedures does your employer have?

The procedures are...

Have you been informed about this?

Yes

No

Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
PROJECT ENGINEER/ PROJECT MANAGER/ PROJECT  
INSPECTOR-IN-CHARGE QUESTIONNAIRE**

\_\_\_\_\_  
(CONTRACTOR) (DATE)

\_\_\_\_\_  
(SR/SECTION) (ECMS) (COUNTY)

\_\_\_\_\_  
(NAME) (TITLE)

\_\_\_\_\_  
(PHONE NUMBER) (FAX NUMBER)

State Project Numbers	Sys	SR Num	Sub Proj	Phase	Section	Charge Org	Program	Cost Function

**A. EEO/DBE Project Files:**

- DBE Subcontracts
- EO-364 (If Applicable)
- EO-365 (If Applicable)
- TRAINING PROGRAM (If Applicable)
- EO-402 (DBE Payment Monitoring Form)
- Certified Payroll
- Project Progress Meeting Agendas/Minutes
- Commercially Useful Function (354)

1. Are you aware of the Minority and Female work hour goals assigned to this project?

Yes  No

% Min %Female

2. Who is responsible for monitoring the contractor's efforts to achieve these goals?

The individual responsible is...

How is this done?

This is done...

3. What would you estimate the current population of the contractor's workforce to be?

% Minority % Female

4. When was the last time you received Equal Employment Opportunity training?

The last time was...

5. Please explain the Department's procedure for handling discrimination complaints.

The procedure is...

6. Have any alleged discrimination/harassment complaints been brought to your attention on the project?

Yes  No

If yes, explain here

7. Are you aware of all required EEO notices and posters that should be posted on the contractor's bulletin board? (Name them.)

The notices and posters posted are...

8. Are subcontractors, especially DBE's, being paid in a timely manner?

Yes  No

If yes, verify procedures to determine prompt payment

9. Has the contractor filed all required EEO reports in a timely manner?  
(EO-402, EO-364, EO-365, PR-1391)

EO-402	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
EO-364	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
EO-365	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
PR-1391	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

**B. TRAINING** (  ) **Not Applicable**

1. Who is responsible for monitoring the training received by trainee(s) on this project?

Name:

Title:

2. Has a representative of the Department's Supportive Service Contractor contacted you or visited this project? (If yes, date of last visit and name of person who visited.)

Yes

No

If yes, date of last visit and name of person who visited.

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
PROJECT SUPERINTENDENT/SUPERVISOR  
QUESTIONNAIRE**

---

(PRIME CONTRACTOR)

(DATE)

---

(SR/SEC #)

(CMS/ECMS #)

(COUNTY)

---

(NAME)

(TITLE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. Which notices and posters are currently displayed on the project bulletin board?

The notices and posters currently...

2. How are contractor EEO policies and notices disseminated on this project?

EEO policies and notices are disseminated...

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. Who is the company/project EEO Officer?

Enter name of EEO officer

5. How often does the EEO Officer visit the project, when did the last visit occur, and what issues were addressed?

The EEO Officer last visited...

6. When was the last time you received EEO training?

I received EEO training on...

7. When was the last time you conducted EEO training for your employees?

I conducted EEO training on...

8. Does management receive cultural diversity training? (If yes, explain how.)

YES

NO

Management receives cultural diversity training via...

#### **D. RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

The workforce is assembled...

2. What are the names of the recruitment sources utilized (including unions) and what are the results?

The names and results of recruitment sources...

3. Does the company notify its recruitment sources verbally and/or in writing?

The company notifies its recruitment sources...

4. Does the company make a specific effort to recruit minority and female applicants for this project? (If no, identify the reason)

YES

NO

Why not?

5. Does the company document its recruitment efforts/results? (If yes, identify the methods used and the results.)

YES  NO

Methods used and results

6. Does the firm maintain an employment file for available employees? (If yes, review)

YES  NO

7. Does the firm have a system to identify minority and female employment applications?

YES  NO

8. How long are employment applications maintained on file?

YEARS MONTHS

9. Does the firm anticipate any new hires on this project in the future?

YES  NO

If yes, identify the classifications, starting dates, and numbers.

Classifications, starting dates, and numbers.

10. Who makes the final decision for hiring on this project, and on what basis?

NAME: TITLE:

11. If an applicant is not hired, is he or she given specific reasons for rejection and is it noted on the employment application?

Specific reason for rejection YES  NO

Noted on employment application YES  NO

12. When an applicant is not hired, what happens to the application?

If not hired, this happens to application

13. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES  NO

MINORITY % FEMALE %

14. What percentage of the project workforce are minority and/or female?

MINORITY % FEMALE % UNKNOWN

15. Has the firm considered establishing additional minority/female goals for the workforce?

YES  NO

(If yes, what percentage, classifications, and who is held responsible?)

Percentages, classifications, person responsible

16. Does the firm require a pre-employment physical exam?

YES  NO

17. Does the firm require a written test for employment?

YES  NO

18. Does the firm have any after school/summer employment for students?

YES  NO

(If yes, identify the selection procedure, classifications, starting dates, and numbers)

Selection procedure, classifications...

19. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES  NO

(If yes, identify the selection procedure, classifications, starting dates, and numbers)

Selection procedure, classifications...

**E. PERSONNEL ACTIONS:**

1. Do payrolls correspond with employment data reports?  
(If no, explain)

YES

NO

2. Does the firm ensure overtime work is distributed equitably among all employees?  
(If yes, how?)

YES

NO

UNKNOWN

N/A

3. Are personnel actions (transfer, training, promotions, termination, wages, work conditions, etc.) periodically reviewed to ensure nondiscrimination? (If yes, by whom, and by what method?)

YES

NO

UNKNOWN

4. What methods are used to promote employees?

The methods used to promote employees are...

5. Review the job application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA)

Are any of the above inquiries listed, or any other problems with the application?

YES

NO

If yes, identify problems

**F. TRAINING:**

1. Does the firm have an informal or formal training program?

YES  NO  UNKNOWN

If yes, identify trainees, classification, gender and ethnicity

2. Does this contract contain training special provisions?

YES  NO

3. Has the training program been submitted and/or approved?

YES  NO  N/A

4. How are candidates selected and/or recruited for training positions?

Explain here how candidates are selected/recruited

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site?

YES (Review)  NO

If not, explain why here.

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

HOW:

WHEN:

WHO:

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES  NO

If no, explain why not.

7. Will trainees receive a completion certificate?

YES  NO  UNKNOWN

**G. UNIONS:**  (N/A)

1. Does the union(s) refer applicants for employment?  
(If yes, identify the procedure; if no, skip questions 2 thru 4)

YES  NO

2. Does the contractor specifically request for minorities and/or women, for each position to be filled, when seeking employees form the union?

YES  NO

If no, why not?

3. Does the contractor maintain documentation of requests and results?

YES  NO

If yes, what methods are used?

4. Does the contractor refer minorities and/or women to unions for membership?  
(If yes, explain the process)

YES  NO

If yes, explain the process.

If yes, is it notification of apprenticeship programs or membership to be referred back to the contractor?

It is...

5. Is the contractor aware of the availability of minority and/or female membership in local union(s)?

YES  NO

If yes, what are the approximate percentages for each?

MINORITY      %      FEMALE      %      UNKNOWN

6. What are the procedures when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement?

The procedures are...

## **H. SUBCONTRACTORS:**

1. How were subcontractors solicited for this contract?

Subcontractors were solicited via...

2. Are subs monitored for EEO compliance with the Non-Discrimination Clause and other EEO provisions?

YES                       NO                       UNKNOWN   
(If yes, who is responsible, by what method, and how often?)

WHO :  
METHOD:  
HOW OFTEN:

3. Where are copies of the subcontractor agreements kept?

PROJECT                       HOME OFFICE

4. Does this contract contain DBE or M/WBE goals?

YES                       NO

(If yes, what are the percentages)?

DBE                      %                      MBE/WBE                      %

5. Are there any subcontractors working today?

YES                       NO

(If yes, identify.)

Subcontractors working are...

6. Are subcontractors, especially DBE's, being paid in a timely manner?

YES                       NO

If yes, verify procedures to ensure prompt payment.

**I. OTHER;**

1. Have any alleged discrimination complaints been filed by employees on this project?

YES

NO

If yes, what is the nature and status of the complaint?

Nature of complaint is...

2. Is this a review resulting from a complaint (i.e., individual, organization, state or federal agency?)

YES

NO

If yes, explain here.

3. Were there any interviews conducted?

YES (How Many?)

NO (Why not?)

How many or why not?

COMMENTS:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
SUBCONTRACTOR QUESTIONNAIRE**

\_\_\_\_\_  
(SUBCONTRACTOR) (DBE/MBE/WBE) (DATE)

\_\_\_\_\_  
(SR/SEC #) (CMS #) (FEDERAL ID #)

\_\_\_\_\_  
(PRIME) (COUNTY) (EST. COMPL. DATE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. What notices and posters are displayed on the bulletin board?

The notices and posters displayed are...

2. How are your EEO policies and notices disseminated on this project?

EEO policies and notices are disseminated via...

a. Is there documentation to support this?

YES (REVIEW)  NO

3. Does management receive cultural diversity training? (Explain)

YES  NO

Explain here

4. When was the last time supervisors, foreman, and employees involved in the hiring process received EO training? How often?

Received training on...

5. When was the last time tradesman/laborers received EO training? How often?

Tradesman and laborers received EO training on...

**D. EEO OFFICER:**

1. What percentage of your time is spent on EEO duties?

%

2. How long have you held this position?

YEARS

MONTHS

3. Briefly describe your duties as the EEO Officer?

My duties are...

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. How often do you visit the project, when was your last visit, and what issues were addressed? (Request Documentation)

I visit the project...

**E. RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

a.  Unions

f.  Recalls

b.  Media (Radio,TV,Papers)

g.  Community Organizations

c.  Employee Referral

h.  Job Centers

d.  Walk-ins

i.  Colleges/Universities

e.  Applications/Resumes

j.  Other (Specify)

2. Has the company made a specific effort to recruit minority and female applicants for this project? (If no, identify the reason)

YES

NO

If no, identify the reason

3. What specific minority and female recruitment sources (including unions) have been solicited in the recruitment process?

Enter Recruitment Sources

What were the results?

Enter Results

4. Does the company notify its recruitment sources verbally and/or in writing? (Review and document)

YES

NO

If yes, review and document.

5. Does the company document its recruitment results?

YES

NO

(If yes, identify the methods used and the results.)

Methods used and results

6. Does the firm maintain an employment list for available employees? (If yes, review)

YES

NO

7. Does the firm have a system to identify minority and female employment applicants? (If yes, review)

YES

NO

8. How long are employment applications maintained on file?

YEARS

MONTHS

9. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES  NO

If yes, how, when, and in what classifications.

10. Who makes the final decision for hiring on this project, and on what basis?

Name: Insert Name Title: Insert Title

The basis...

11. If an applicant is not hired, is he or she given specific reasons for rejection and is it noted on the employment application?

YES (Review)  NO

Is it noted on the employment application?

YES (Review)  NO

12. When an applicant is not hired, what happens to the application?

Enter what happens to applications.

13. What percentage of employees on the project are minority and/or female?

MINORITY % FEMALE % UNKNOWN

14. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES  NO  UNKNOWN

MINORITY 0.00 % FEMALE 0.00 % UNKNOWN

15. Are you aware of the civilian labor force information for this county/recruitment area?

YES  NO  UNKNOWN

MINORITY % FEMALE % UNKNOWN

16. Has the company considered establishing additional minority/female goals for the workforce? (If yes, what are the percentages, classifications, and who is held responsible for meeting the goal?)

YES                       NO                       UNKNOWN   
MINORITY                      % FEMALE                      % UNKNOWN

Enter classifications and persons responsible.

17. Does the contractor require a pre-employment physical exam?

YES                       NO

18. Does the contractor require a written test for employment?

YES                       NO

19. Does the contractor have any after school/summer employment for students? (If yes, identify the selection procedure, classifications, starting dates, and numbers)

YES                       NO

If yes, identify the selection procedure, classifications, starting dates, and numbers.

**F. PERSONNEL ACTIONS:**

1. Does certified payroll correspond with project employment data reports?

YES                       NO

2. Does the contractor ensure overtime work is distributed equitably among all employees? (If yes, how?)

YES                       NO

How?

3. Are all personnel actions (transfers, recalls, training, promotions, terminations, wages, working conditions, etc.) periodically reviewed to ensure nondiscrimination? (If yes, by whom, and by what methods?)

YES                       NO

If yes, by whom, and by what methods?

4. What methods are used to promote employees?

Methods used.

5. Review contractor's employment application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA) Are any of the above questions asked, or are any other concerns noted with the employment application?

YES

NO

If yes, identify.

**G. TRAINING:**

1. Does the firm have an informal or formal training program?

YES

NO

(If yes, identify trainees, classifications, race, and gender)

Trainees classification, race, and gender

2. Does this contract contain training special provisions?

YES

NO

3. Has the training program been submitted and/or approved?

YES

NO

4. How are candidates selected and/or recruited for training positions?

Selected by

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site? (If yes, review)

YES

NO

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

How, when, who

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES

NO

7. Will trainees receive a completion certificate?

YES

NO

**H. UNIONS:** (  N/A)

1. Have the union(s) been notified of your EO Policy and/or Nondiscrimination Clause? (If yes, review documentation.)

YES

NO

2. Do unions refer applicants for employment? (If yes, identify the procedure; if no, skip questions 2 thru 4)

YES

NO

Procedures

3. Does the contractor specifically request minorities and/or females, for each position to be filled, from the union(s)? (If no, why?)

YES

NO

If no, why not?

4. Does the contractor maintain documentation of requests and results? (If yes, what methods are used?)

YES

NO

If so what methods are used?

5. Does the contractor refer minorities and/or females to the union(s) for membership? (If yes, explain the process)

YES

NO

If yes, explain the process.

6. Are applicants referred back to the contractor?

YES  NO

7. Is the contractor aware of the availability of minority and/or female membership from local union(s)? (If yes, what are the percentages for each?)

YES  NO

MINORITY % FEMALE % UNKNOWN

8. What procedures are followed when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement? (Explain)

Explain

**J. OTHER:**

1. Have any alleged discrimination complaints been filed by employees on this project? (If yes, what is the nature and status of the complaint?)

YES  NO

If yes, what is the nature and status of the complaint?

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Exhibit D**  
**Voluntary Corrective**  
**Action Plan**



Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street – 5th Floor West
Harrisburg, Pennsylvania 17120
www.dot.state.pa.us

Date

VOLUNTARY CORRECTIVE ACTION PLAN

FPN: \_\_\_\_\_

COUNTY: \_\_\_\_\_

ECMS: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

On \_\_\_\_\_ a compliance/bulletin board review was conducted on the above
referenced project to examine your compliance with the EO/EEO provisions of your contract with
the Department.

This Voluntary Corrective Action Plan (VCAP) is for the following identified concerns:

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

The identified concerns must be corrected within fifteen (15) days from the date of issuance of
this VCAP.

If, at any time in the future, OFCCP, FHWA or PennDOT or their successors(s) believe that
(name of contractor) has violated any portion of this agreement, (name of contractor) shall be
promptly notified of the fact in writing. This notification shall include a statement of the facts
and circumstances relied upon in forming that belief. In addition, the notification shall provide
(name of contractor) with 15 days to respond in writing to the notification except where OFCCP,

FHWA or PennDOT alleges that such delay would result in irreparable injury. It is understood that enforcement proceedings for violation of this agreement may be initiated at any time after the 15 day period has elapsed (or sooner if irreparable injury is alleged) without issuance of a show cause notice.

It is recognized that where OFCCP, FHWA or PennDOT believes that (name of contractor) has breached this agreement, evidence regarding the entire scope of (name of contractor) alleged noncompliance from which this agreement resulted, in addition to evidence regarding (name of contractor) alleged violation of this agreement, may be introduced at the enforcement proceeding.

Violation of or if the firm does not sign this agreement, may subject (name of contractor) to sanctions pursuant to PennDOT's contract administration procedures. It is further recognized that liability for violation of this agreement may also subject (name of contractor) to sanctions set forth in Section 209 of Executive Order 11246 as amended and/or appropriate reliefs as may be determined by OFCCP.

This VCAP may not preclude a subsequent finding of noncompliance.

We appreciate your support of the Department's Equal Opportunity/Employment Program and encourage your continued commitment in your contractual requirements.

\_\_\_\_\_  
Contractor's Representative/Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
PennDOT, Bureau of Equal Opportunity

\_\_\_\_\_  
Date

**Exhibit E**  
**Letter of Findings**  
**and**  
**Conciliation**  
**Agreement/Corrective**  
**Action Plan**



Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street – 5<sup>th</sup> Floor West  
Harrisburg, Pennsylvania 17120  
www.dot.state.pa.us

IN REPLY REFER TO

Date

### Sample Finding Letter

Mr/s./Title  
Company Name  
Address  
Address

Dear:

As a result of the project review for (S.R.: xxx(xxx), ECMS: xxxxxx, FPN: xxxx-xxx-xxx), located in (xxxxxxxxxxx County), conducted on (xxxxxxxxxx) by the Pennsylvania Department of Transportation, Bureau of Equal Opportunity, several areas of concern have been identified in the fulfillment of your contractually mandated equal employment opportunity requirements. Your failure to take the following actions has resulted in an unacceptable level of minority and female employment in your operations. (Particularly in the following job categories): (list job classifications): foremen (females), equipment operators (minorities and females), iron workers (minorities and females), carpenters (minorities and females), and cement masons (minorities and females).

Specifically, sufficient good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of findings:

1.  
Commitment
2.  
Commitment
3.  
Commitment

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority (and/or) female employment in your operations, particularly in the semiskilled and skilled categories of employees.

U.S. Department of Transportation (USDOT) regulations 23 CFR 230, Subparts A and D are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form FHWA-1273, Clause II). 23 CFR 230.409 requires that you make a commitment in writing to correct such deficiencies before your company may be found in compliance. **This commitment must include the specific action which you propose to take to correct each deficiency, the person responsible for taking such action, and the date of completion for such action.** The time allotted shall be no longer than the minimum period necessary to effect the necessary corrective action. Your written commitment must also provide for the submission of minority and female representation at each level of each trade and a list of minority and female employees. This corrective action plan should be submitted to Jocelyn I. Harper, Director, PennDOT Bureau of Equal Opportunity, P.O. Box 3251, Harrisburg, PA 17105-3251, by (date).

You are specifically advised that making the commitment addressed above will not preclude a future determination of noncompliance. We will hold a compliance teleconference on (date, time) for you to discuss your written commitment. Alternatively, you may request a face-to-face meeting in Harrisburg by notifying the Bureau of your intent prior to the due date of (date). If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that PennDOT's determination is subject to review by the Federal Highway Administration (FHWA) of USDOT and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, PennDOT will commence enforcement proceedings under 23 CFR 230, Subparts A and D, as amended. If your written commitment is accepted and it is subsequently found that you failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately. In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid construction contracts or subcontracts which your company holds may be cancelled, terminated, or suspended, and your company may be debarred from further contracts and subcontracts. Such other sanctions as are authorized by 23 CFR 230, Subparts A and D, as amended, may also be imposed.

We encourage you to take the necessary action to resolve this matter as quickly as possible. The Bureau of Equal Opportunity stands ready to assist you in achieving compliance. Any questions concerning this notice should be referred to Mr. William Kerney, Chief, Contract Compliance Division, at 717-787-5891 or 1-800-468-4201.

Sincerely,

Jocelyn I Harper, Director /s/  
Bureau of Equal Opportunity

3600/JIH/abc  
Attachment

cc: Mr. /Ms., EEO Officer, Company Name  
Mr. /Ms., ADE, District x  
Mr. /Ms., ACE, District x  
Mr. /Ms., PIC, District x  
Mr. /Ms., DLCCA, District x  
Mr. /Ms., Prequalification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**SAMPLE CONCILIATION AGREEMENT  
CORRECTIVE ACTION PLAN (CAP)**

**between**

**Pennsylvania Department of Transportation**

**and**

**CONTRACTOR'S NAME, PROJECT IDENTIFICATION (ECMS, FPN, & COUNTY)**

**General Provisions:**

1. This agreement is between the Pennsylvania Department of Transportation [hereinafter PennDOT] and (**CONTRACTOR'S NAME**) [hereinafter contractor].
2. The problem areas that gave rise to this Agreement were identified during the compliance review of (contractor), which commenced on (**DATE**) and they were specified in the findings letter issued (**DATE**). PennDOT alleges that (contractor) has violated the equal employment opportunity requirements of the subject contract and Title 23 CFR 230, Subpart D, and its implementing regulations by not carrying out the specific affirmative action EEO requirements of the contract listed and/or identified and made part of the contract specifications.
3. While this agreement may not constitute an admission by (contractor) of any violation of Title 23 CFR 230, Subpart D, it does represent a congruent position that (contractor's) EEO requirements have not been fully executed. Subject to the demonstrated performance by (contractor) of all commitments contained herein and in the contract specifications, at a subsequent follow-up review, all identified problem areas shall be deemed resolved. However, (contractor) is advised that the commitments contained in this Agreement do not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance, which may require modification, and/or that (contractor) has not carried out the agreed upon commitments. If the latter is true, (contractor) will be notified in writing and administrative remedies available under State and/or Federal rules, regulations, or law will be promptly initiated, due to the respondent contractor not implementing the CAP as agreed upon.
4. (Contractor) agrees that the Federal Highway Administration [FHWA] may review compliance with this agreement. As part of such review, PennDOT and/or FHWA may require written reports, inspect the job sites, request to interview employees, and may have access to (contractor's) books, records, and accounts for purpose of investigation to ascertain compliance with this Agreement.
5. Nothing herein is intended to relieve (contractor) from compliance with the requirements of Title 23 CFR 230, Subpart D, or any other equal employment rules, regulations, or law.

6. (Contractor) agrees that there will be no retaliation of any kind against any beneficiary of this Agreement, or against any person who has provided information and assistance, or who files a charge, or who participates in any manner in any proceeding under Title 23 CFR 230, Subpart D, or other equal employment statutes.
7. This agreement will be deemed to have been submitted and accepted in good faith by (contractor) and PennDOT on the date of signature unless it has been disapproved by FHWA.
8. If at any time in the future PennDOT or FHWA believes that (contractor) has violated any portion of this Agreement, (contractor) will be promptly notified of that fact in writing. The notification shall include a statement of the facts and circumstances relied upon in forming that belief. In addition, said notification will provide (contractor) with 15 days to respond in writing, except where PennDOT or FHWA alleges that such delay would result in irreparable injury.
9. It is understood that enforcement proceedings for violation of this Agreement may be initiated at any time after the 15-day period has elapsed, or sooner if irreparable injury is alleged.
10. It is recognized that where PennDOT or FHWA believes that (contractor) has breached this Agreement, evidence regarding the entire scope of (contractor's) alleged noncompliance from which the Agreement resulted, in addition to the evidence regarding (contractor's) alleged violations of the Agreement, may be introduced at the enforcement proceedings.
11. It is further recognized that liability for violation of this Agreement may submit (contractor) to appropriate administrative remedies, as set forth in State and Federal rules, regulations, and law. It is also understood that this agreement covers current and future Federal-aid highway projects.

### **Specific Provisions:**

(Utilize finding letter...

**(Finding-Remove)** – (List the specific violation with supportive statement indicating the contractor will ensure, will implement, etc)

In addition, **remove** the **regulatory cite** when responding in the affirmative.

Commitment-(Specific actions with timeframes of when the contractor commits to correcting the problem and the person(s) responsible for implementation.

All commitments will be implemented by the EEO Officer, **(Name)** on the date(s) identified. If the date(s) or delegate should change, the Bureau of Equal Opportunity will be notified in writing. **(Statement Added)**

This Agreement shall remain in full force and effect until (contractor) has demonstrated performance of commitments under conditions of General Provisions Item #3 and the

Specific Provisions.

**Signatures:**

This Agreement is hereby executed by and between PennDOT and (contractor) subject to approval by FHWA.

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
PennDOT Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
FHWA Approval

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Exhibit F**  
**Show Cause Meeting**  
**Notices**



Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street – 5<sup>th</sup> Floor West  
Harrisburg, Pennsylvania 17120  
www.dot.state.pa.us

IN REPLY REFER TO

Date

**Sample Show Cause Notice VCAP**

Mr/s./Title  
Company Name  
Address  
Address

Dear:

It has been determined that your previously submitted and approved Voluntary Corrective Action Plan has been breached in the following manner:

Area of Concern

1.

A show cause conference has been scheduled on **xxxxxxxx**, at **xx:xx XM** to discuss the aforementioned concern(s) and to ascertain **xxxxxxxx** (Contractor) commitment to rectify its current position. The meeting will be held at **xxxx xxxxx xxxxx, xxxxxxxxxxx xxxxx**. Please come to this meeting prepared to present your formal agreement to change.

Until such time as the contractor and the Department has come to an agreeable solution, the contractor shall be placed in noncompliance and such status will be noted in the Commonwealth's Vendor Responsibility Program.

Failure to attend the scheduled meeting or adhere to the formal written agreement will constitute the contractor's failure to co-operate and will have a negative effect on the contractor's pre-qualification and the company's ability to bid future work with the Department.

Please confirm your attendance in writing or FAX by **xxxxxxx**. If you have any questions concerning the above scheduled meeting, please contact Mr. Bill Kerney, Chief, Contract Compliance Division. Your immediate attention to this concern would be greatly appreciated.

Sincerely,

Jocelyn I Harper /s/, Director  
Bureau of Equal Opportunity

360/JIH/xx

cc: Mr. /Ms., Pre-qualification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit G**  
**Sanctions Notice**



Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street – 5<sup>th</sup> Floor West  
Harrisburg, Pennsylvania 17120  
[www.dot.state.pa.us](http://www.dot.state.pa.us)

IN REPLY REFER TO

Date

### **Sample Sanctions Notification Letter**

Mr/s./Title  
Company Name  
Address  
Address

Dear:

It has been determined that your previously approved Formal Corrective Action Plan has been determined to be non-responsive, and the Department is now moving forward with the imposition of Sanctions. Sanctions will include placing your firm in the Commonwealth Contractor Responsibility Program. Authority for this sanction is granted under Commonwealth Management Directive 215.9. In addition, the Bureau may also recommend suspension of your prequalification status under Provision 457.13 of the Pennsylvania Code, Title 67.

This letter serves as written notice that the Department of Transportation has exercised their option to suspend your ability to bid, until such time as your firm returns to a compliance status. The Bureau, as always, will work with the contractor to bring this about.

You may, within 30 days of this suspension, submit in writing, or through a representative, information in opposition to the suspension. Upon review of the information or the completion of an investigation, or both, the Department will notify the contractor whether the suspension shall be upheld or withdrawn.

If you have any questions concerning the above, please contact Mr. William Kerney, Chief, Contract Compliance Division at 1-800-468-4201 or 1-717-787-5891.

Sincerely,

Jocelyn I Harper /s/, Director  
Bureau of Equal Opportunity

cc: Mr. /Ms., Director, Bureau of Construction and Materials  
Mr. /Ms., Chief, Contract Management Division, BCM  
Mr. /Ms., Pre-qualification Officer, BCM  
Mr. /Ms., Equal Opportunity Specialist, FHWA  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit H**  
**Compliance Data Report**  
**PDT-86**



## Union Affiliations

Union Title or Identification	Union Local Number	Does union have exclusive referral rights		Does union sponsor or participate in pre-apprentice, apprentice, or post employment training programs		Does contractor sponsor or participate in pre-employment, apprentice, or post employment training programs	
		YES	NO	YES	NO	YES	NO
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Other Recruiting Sources

Name or Other Identification	Contact Person	Phone	Response

## On-Site Construction Employment -

\*Information provided should reflect the workforce on the day of the Project Review.

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic		Apprentices		On-The-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Office Managers																
Supervisors																
Foreman/ Forewoman																
Clerical																
Equip Operators																
Mechanic																
Truck Drivers																
Iron Workers																
Carpenters																
Cement Masons																
Electricians																
Pipefitters / Plumbers																
Painters																
Laborers, Semi-Skilled																
Laborers, Un-Skilled																
<b>TOTALS</b>																
<b>Total Employment from Previous Report</b>																
<b>Breakdown of Apprentices and OJTs</b>																
Apprentices																
On-the-Job Trainees																

**Personnel Transactions from the Notice to Proceed Date to the Present**

\*\*\* Please provide project specific, not company wide, information.\*\*\*

**New Hires**

**Period Covered:**

From:

To:

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F

**Terminations**

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F





## Subcontractors

DBE GOAL %					
Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

## Suppliers

Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

## Training

Name	Classification	OJT	App	Race	Sex	Status
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			
		<input type="checkbox"/>	<input type="checkbox"/>			

This report covers the period from \_\_\_\_\_ to \_\_\_\_\_

**Current Workforce Breakdown of Home Office**

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic	
	M	F	M	F	M	F	M	F	M	F	M	F
Officials/Managers												
Professionals/Paraprofessional												
Technicians												
Sales Workers												
Office / Clerical												
Craftworkers (Skilled)												
Operators (Semi-Skilled)												
Laborers (Un-Skilled)												
Service Workers												
<b>TOTALS</b>												
Total Employment from Previous Report												

## Contract Work Hour Goals/Availability

Minorities:            %

Females: 6.9 %

Identify the percentage of minorities and females, in the county (ies) where the project is located, available for employment (see work force data).\*

COUNTY	MALES		FEMALES	
	Non-Minority	Minority	Non-Minority	Minority

\*Figures should reflect at least a 50-mile radius of the project. (To include surrounding counties)

**Source:** PA Department of Labor & Industry; Labor Force Characteristics – Annual Average 2003. Data may not add due to duplication and rounding.

## Summary, Findings, Conclusions, Recommendations and Agreements

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are required posters conspicuously displayed? Where:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have required written notices been sent to unions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are recruiting publications used to show "An Equal Opportunity Employer"?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are such publications circulated in minority oriented communities?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have other reports required by Federal, State, Municipal, or other statutes, regulations, directives etc. been submitted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have compliance or other reviews made by other agencies resulted in a determination of compliance?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are prescribed EEO clauses included in all applicable purchase orders and subcontract agreements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are applications for employment accepted, and are selections made without regard to race, color, religion, sex or national original?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have EEO meetings been held with supervisory personnel before the start of work and not less than once every 6 months for the purpose of explaining and reviewing the EEO program? Date of initial meeting: _____ Date of latest meeting: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the Contractor's EEO Policy and the implementation procedures brought to the attention of employees by means of meetings, employee handbook, etc.? If by meeting, give date of latest meeting: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are transfers, wages, training, promotions and other employment practices achieving equal employment results?

<b>PennDOT</b>	
Review Conducted By:	Report Reviewed By:
Name:	Name:
Signature:	Signature:
Title: Equal Opportunity Specialist 2	Title: Equal Opportunity Specialist 3
Date:	Date:

<b>Determination of Status by PennDOT</b>	
<input type="checkbox"/>	Acceptable patterns and practices indicated; no deficiencies found
<input type="checkbox"/>	Deficiencies identified; properly addressed in Voluntary Corrective Action Plan
<input type="checkbox"/>	Deficiencies identified; not adequately addressed; corrective action plan negotiated
<input type="checkbox"/>	Other – see attached for comments

<b>FHWA</b>	
Reviewed By:	
Name:	<input type="checkbox"/> Concur
Signature:	<input type="checkbox"/> FHWA – Letter with Comments Date:
Title: Equal Opportunity Specialist	<input type="checkbox"/> Resolution Requested By: Date:
Date:	

**Exhibit I**  
**Compliance Status Letter**



Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street – 5<sup>th</sup> Floor West  
Harrisburg, Pennsylvania 17120  
[www.dot.state.pa.us](http://www.dot.state.pa.us)

Date

### Sample Compliance Status Letter

Mr/s./Title  
Company Name  
Address  
Address

Re: Project: S.R./Section: xxx(xxx)  
ECMS: xxxxx  
FPN: xxxx-xxx-xxxx  
xxxxxxxxxx County

Dear:

On xxxxxxxxxxxx a compliance review was conducted on the above referenced project to examine your personnel policies, recruitment practices, and minority and female composition of your work force.

We are placing your firm in compliance; however, this determination does not preclude a subsequent finding of noncompliance, should you deviate from your contractual EEO obligations and commitments with the Department. You are cautioned, however, that PennDOT's determination is subject to review and concurrence by the Federal Highway Administration (FHWA) of the United States Department of Transportation.

Results of your efforts will be closely monitored through receipt of monthly EEO reports, periodic requests for documentation and a follow-up review to ensure your compliance status. If you should have any questions, please contact William Kerney, Chief, Contract Compliance Division, Bureau of Equal Opportunity at (717) 787-5891 or 800-468-4201.

We appreciate your support of the Department's Equal Opportunity Program and encourage your continued commitment in fulfilling your contractual equal employment opportunity requirements.

Sincerely,

Jocelyn I. Harper /s/, Director  
Bureau of Equal Opportunity

360/JIH/xx

cc: Mr/s., EEO Officer, Company Name  
Mr/s., ADE, District x  
Mr/s., ACE, District x  
Mr/s, PIC, District x  
Mr/s., DLCCA, District x  
Mr. David DeMarkis, Prequalification Officer, BCM  
Mr. William Kerney, Chief, Contract Compliance Division, BEO  
File

**Exhibit J**  
**Follow-up Notification**  
**Letter**



Bureau of Equal Opportunity  
Commonwealth Keystone Building  
400 North Street – 5<sup>th</sup> Floor West  
Harrisburg, Pennsylvania 17120  
www.dot.state.pa.us

Date

**Sample Follow Up Review Notification Letter**

Mr/s./Title  
Company Name  
Address  
Address

Re: Project: S.R./Section: **xxx(xxx)**  
ECMS: **xxxxx**  
FPN: **xxxx-xxx-xxxx**  
**xxxxxxxxxx** County

Dear:

A follow-up compliance review will be conducted with your chief company official(s) at your home office on **xxxxxxxxxx** beginning at **xxxxxx A.M.** to discuss your Corrective Action Plan accomplishments submitted on **xxxxxxxxxx**, and to gather additional information and documentation.

At the time of the review, please have available documentation or other applicable information to substantiate your accomplishments. In addition, it may be necessary to conduct additional employee interviews.

If you have any questions, please contact Mr/s. **xxxxxxxxxx**, Equal Opportunity Specialist, who will be conducting the review at (717) 787-5891 or 1-800-468-4201.

Thank you in advance for your cooperation.

Sincerely,

Jocelyn I. Harper, Director /s/  
Bureau of Equal Opportunity

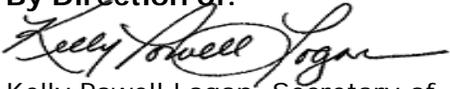
3600/JIH/xx  
Attachment

cc: Mr. /Ms., EEO Officer, Company Name  
Mr. /Ms., ADE, District x  
Mr. /Ms., ACE, District x  
Mr. /Ms., PIC, District x  
Mr. /Ms., DLCCA, District x  
Mr. /Ms., Prequalification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit K**  
**Management Directive**  
**410.10**  
**and**  
**Equal Employment**  
**Opportunity**  
**Discrimination Complaint**  
**Form**

# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Guidelines for Investigating and Resolving Internal Discrimination Complaints	<b>Number:</b> 410.10 Amended
<b>Date:</b>  December 5, 2012	<b>By Direction of:</b>  Kelly Powell Logan, Secretary of Administration
<b>Contact Agency:</b> Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity, Telephone 717.783.1130	

**This directive establishes policy, responsibilities, and procedures to be followed when investigating and resolving internal discrimination complaints. This amendment has been updated to include definitions and outlines specific responsibilities and procedures. Marginal dots are excluded due to major changes.**

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for investigating and resolving internal complaints of discrimination.
- 2. SCOPE.**
  - a. This directive applies to all departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction.
  - b. The procedures outlined in this directive apply to investigations of internal complaints of discrimination. Harassment, including sexual harassment, is a form of employment discrimination, which is prohibited pursuant to commonwealth policy; thus, all references to "discriminatory" actions also apply to harassment.
- 3. OBJECTIVES.**
  - a. To ensure that the investigations of internal complaints of discrimination are conducted in a professional, impartial, and prompt manner.

- b. To outline policy and procedures for investigating and resolving internal complaints of discrimination.
- c. To set forth the commonwealth's policy on retaliation, as it relates to internal complaints of discrimination.

#### 4. DEFINITIONS.

- a. **Complaint.** A written or verbal notification alleging unlawful employment discrimination. A complaint is considered filed when it is received by the proper official or office.
- b. **Discrimination.** Unequal treatment based on membership in a class protected by law or by commonwealth policy including race, color, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, disability or union membership.
  - (1) A facially neutral policy that results in a disproportionate negative impact on a specific protected class may constitute discrimination.
  - (2) Discrimination may involve single or continuing actions.
- c. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - (1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.
  - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
  - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

#### 5. POLICY.

- a. [Executive Order 2003-10, Equal Employment Opportunity](#), prohibits discrimination against any employee or applicant for employment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability; authorizes the Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity (BEEO), to review agency equal employment opportunity files at anytime.
- b. [Executive Order 2002-4, Prohibition of Sexual Harassment in the Commonwealth](#), prohibits sexual harassment by any commonwealth employee against any other employee, applicant for employment, client, or other person receiving services from or conducting business with the commonwealth; prohibits acts of sexual harassment by persons not employed by the commonwealth against employees of the commonwealth in the performance of their duties.

- c. [Management Directive 505.7, Personnel Rules](#), states that every effort is to be exerted to end discrimination against members of minority groups and women at every level of employment, including recruitment, selection, appointment, promotion, training, delegation, and decision making.
- d. **Retaliation.** Retaliation against persons who have lodged a complaint, testified, assisted, or participated in any proceeding, investigation, or hearing regarding any allegation of discrimination is expressly prohibited. Retaliation includes, but is not limited to: harassing behavior, isolation, changing work assignments, making demands that appear work-related but have a retaliatory purpose, directing, prompting, or encouraging others to commit retaliatory acts.

## 6. RESPONSIBILITIES.

- a. **The Secretary of Administration** shall direct the development, implementation and administration of the commonwealth's policies governing procedures for investigation and resolution of internal complaints of discrimination, through BEEO.
- b. **The Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity** shall:
  - (1) Develop and disseminate procedures for administering the policy governing the investigation and resolution of internal complaints of discrimination.
  - (2) Oversee the internal complaint process whereby applicants and employees may file complaints alleging violations of commonwealth discrimination policies.
  - (3) Provide technical assistance, information and training on investigation of internal complaints of discrimination to agency Equal Opportunity Officers and other agency staff involved in investigations.
  - (4) Where appropriate, investigate complaints of discrimination that have been forwarded from agencies due to a reasonably perceived or actual conflict of interest, or where circumstances otherwise warrant.
  - (5) When requested by complainants, after internal reconsideration, as permitted in 7. b. (11) of this directive, review agency determinations and determine appropriate disposition.
- c. **Agency Heads** shall:
  - (1) Designate a Responsible Agency Official for discrimination-related employment issues.
  - (2) Designate an agency Equal Opportunity Officer who has equal employment opportunity and human resources knowledge.
  - (3) Designate an agency official to review Requests for Reconsideration and provide notification as required in 7. b. (11) (c).

- (4) Require that all provisions of this directive and employment discrimination laws are complied with and integrated into commonwealth human resource policies and training programs.
- (5) Provide information to all employees and, upon request, to job applicants regarding the provisions of this directive, the process for investigating and resolving internal complaints of discrimination, and other avenues of recourse.
- (6) Develop and provide education and technical assistance for managers and supervisors regarding discrimination-related employment responsibilities, including the procedures for the filing of internal complaints of discrimination by employees.

**d. Responsible Agency Officials shall:**

- (1) Consider and effectuate appropriate measures consistent with applicable collective bargaining agreements or civil service rules to protect employees where necessary.
- (2) Upon completion of an investigation and receipt of the case file, meet with the agency Equal Opportunity Officer and/or the agency's legal counsel to discuss the investigation and determine whether the complaint allegations have been substantiated.
- (3) Notify the complainant of the outcome of the investigation and his/her right to internal reconsideration or appeal to BEEO as appropriate, as set forth in 7. b. (10) (11) and (12) of this directive.
- (4) Notify the alleged offender of the outcome of the investigation.
- (5) Document all actions taken and communications related to the investigation.
- (6) Receive requests for withdrawal of internal employment discrimination complaints and determine the appropriate action.

**e. Agency Legal Counsel shall:**

- (1) Provide guidance and legal advice to agency Equal Opportunity Officers as appropriate.
- (2) Upon completion of an investigation and receipt of the case file, where appropriate, meet with the agency Equal Opportunity Officer and Responsible Agency Official to discuss the investigation.
- (3) Assume responsibility for the investigation where an individual files a complaint with the Pennsylvania Human Relations Commission (PHRC), United States Equal Employment Opportunity Commission (EEOC), state or federal court, etc.
  - (a) Notify the agency Equal Opportunity Officer of such filing whether or not a previous internal complaint has been filed.

**f. Agency Equal Opportunity Officers shall:**

- (1)** Upon receipt of a complaint, issue a written acknowledgement of complaint and information on the commonwealth's mediation program.
- (2)** Upon receiving a complaint, assess whether immediate steps should be taken to protect an employee.
- (3)** Provide the following notifications:
  - (a)** Notify the Responsible Agency Official and other management personnel (who have a legitimate need to know) of the filing of the complaint.
  - (b)** Notify BEEO Director of all cases where the agency head or Responsible Agency Official is identified as the alleged offender.
  - (c)** Notify the Responsible Agency Official, BEEO Director and the Governor's General Counsel of all cases where an agency Chief Counsel is identified as the alleged offender.
  - (d)** Notify the Responsible Agency Official, BEEO Director and the agency Chief Counsel of all cases where an agency Assistant Counsel is identified as the alleged offender.
  - (e)** Notify the Responsible Agency Official in cases where actions should be taken to protect an employee.
  - (f)** Notify the Responsible Agency Official and agency Legal Counsel where an individual files with PHRC, EEOC, state or federal court, etc.
- (4)** Confer with complainant and other concerned parties, as required, and if appropriate, attempt to resolve the complaint informally.
- (5)** Create investigative files and plans, conduct investigations and upon completion of investigations, assemble case files.
- (6)** Create and maintain investigative log/chronology that documents all events, correspondence and communications.
- (7)** Maintain confidentiality and disclose information regarding the investigation only on an as need to know basis.
- (8)** Upon completion of the investigation, submit a copy of the case file to the Responsible Agency Official as set forth in 7. b. (9) (b) of this directive.
- (9)** Meet with the Responsible Agency Official and/or agency Legal Counsel to discuss the investigation.
- (10)** Maintain records and submit reports and other information as required by BEEO.

g. **Agency Managers and Supervisors** shall promptly report all internal complaints of discrimination to the agency Equal Opportunity Officer.

**7. PROCEDURES.**

**a. Filing a Complaint of Discrimination.**

- (1) Employees who believe that they have been subjected to discrimination because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability may file a complaint with the agency Equal Opportunity Officer of the agency where the alleged act of discrimination occurred.
- (2) There is no requirement that a complaint be in writing or conform to a specific format. However, where a verbal complaint is received, and it is determined that an investigation is warranted, every effort must be made to obtain a written complaint, preferably on the standard Form STD-486C, Equal Employment Opportunity Discrimination Complaint Form; refer to Enclosure 1 of this directive.
- (3) **Timeframe.** All internal complaints of discrimination must be filed within 90 calendar days of the alleged act of discrimination.
- (4) **Conflict of Interest.** Where there is a perceived or actual conflict of interest, the agency Equal Opportunity Officer shall consult with the Responsible Agency Official to determine whether the complaint should be investigated by another agency employee or the appropriateness of submitting a request to BEEO to conduct the investigation.
- (5) **Other Avenues of Recourse.** At any time the complainant may elect to file a complaint with the following agencies within the required time frames.

**Pennsylvania Human Relations Commission [www.phrc.state.pa.us](http://www.phrc.state.pa.us)**

Harrisburg Regional Office      Voice: 717.787.9784; TTY: 717.787.7279

Philadelphia Regional Office      Voice: 215.560.2496; TTY: 215.560.3599

Pittsburgh Regional Office      Voice: 412.565.5395; TTY: 412.565.5711

**Time Frame:**                      180 days from date of alleged discrimination

**U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov)**

Nationwide                              Voice: 800.669.4000; TTY: 800.669.6820

Philadelphia District Office      Voice: 215.440.2601; TTY: 215.440.2610

Pittsburgh Area Office              Voice: 412.395.5902; TTY: 412.395.5904

**Time Frame:**                      300 days from date of alleged discrimination

- (6) **Transfer to Legal Office.** The procedures outlined in this directive apply only to internal investigations. Whenever a complaint or action is filed in any court or outside agency, the investigation must be transferred to the agency Legal Counsel who will direct all further investigation and/or handling of the matter.
- (7) All employees are responsible for ensuring the prohibition of workplace discrimination, and therefore, are encouraged to report such acts.

**b. Investigation.**

- (1) The agency Equal Opportunity Officer shall promptly conduct an investigation of complaints alleging violation(s) of commonwealth discrimination policy.
- (2) **Acknowledgement of Complaint.** Upon receipt of a complaint, the agency Equal Opportunity Officer shall issue to complainant a written acknowledgement, which states the date on which the complaint was received and that an investigation will be initiated promptly.
- (3) **Informal Resolution.** Parties may resolve complaints on an informal basis. Upon receipt of a complaint, prior to implementation of (or at any time during) a formal investigation, agency Equal Opportunity Officers may explore opportunities for resolution. If a resolution is reached, the agency Equal Opportunity Officer should request that the complainant execute Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form; refer to Enclosure 2 of this directive, requesting closure of the complaint based on his/her satisfaction with said resolution.
- (4) **Mediation.** The agency Equal Opportunity Officer must inform the complainant of the availability of the commonwealth's mediation program. Participation in this program is optional and does not preclude the right to an investigation or other avenues of recourse. For mediation to occur, both parties must agree to participate. If the parties elect to pursue mediation, the agency Equal Opportunity Officer must notify the BEEO Director.
- (5) **Investigative File.**
  - (a) The agency Equal Opportunity Officer shall create an investigative file to be utilized as a work file during the investigation. This file must be kept separate from the employee's Official Personnel Folder (OPF).
  - (b) The investigative file must include:
    - 1** Complaint;
    - 2** Investigative log/chronology of events;
    - 3** Acknowledgement of complaint;

- 4 Investigative plan;
- 5 Correspondence;
- 6 Witness and interview statements; and
- 7 All documents/documentary evidence related to the investigation.

**(6) Investigative Plan.**

- (a)** After receiving a complaint, the agency Equal Opportunity Officer must prepare an investigative plan. The investigative plan will serve as a road map for the investigation. The plan should be tailored to the complaint allegations and will outline all of the major steps of the investigation.
- (b)** The plan must contain the following items:
  - 1 A complete list of the complainant's allegations;
  - 2 A preliminary list of persons to be interviewed, including the complainant, the alleged offender(s), and all witnesses;
  - 3 A preliminary list of questions for all persons identified in 7. b. (6) (b) 2, above; and
  - 4 A preliminary list of documents to be reviewed.
- (c)** The plan may be modified as the investigation progresses.

**(7) Interviews.**

- (a)** The agency Equal Opportunity Officer must interview all parties and witnesses who could reasonably be expected to have relevant information.
- (b)** The purpose of conducting an interview is to impartially gather information and establish facts which will support/prove or disprove allegations.
- (c) General Procedure for Every Interview.**
  - 1 Explain the purpose of the interview (i.e., impartially gather the facts).
  - 2 Review the relevant discrimination/sexual harassment policy with the witness.
  - 3 Inform each witness of the prohibition against retaliation in 5. d. of this directive and that he/she should immediately report any alleged acts of retaliation to the agency Equal Opportunity Officer.

- 4 Only disclose allegations and facts necessary to obtain relevant information from the witnesses.
- 5 Use effective questioning to gather all facts relevant to the allegations, e.g., who, what, where, when, why, and how.
- 6 Listen carefully to the witness and ask follow-up questions as necessary.
- 7 Take detailed notes during the interview. Notes should include:
  - a Name and contact information for the witness.
  - b Date, time, and location of the interview.
  - c Questions and responses.
- 8 Interview notes must be free of opinion, bias and subjectivity.
- 9 Ask whether there are other persons who have relevant information (e.g. were there any witnesses to the incident, who were they and what did they hear or see).
- 10 Advise the witness that he/she should refrain from disclosing information about the complaint or the investigation.
- 11 Following the interview, review the notes and contact the witness for clarification as necessary.
- 12 Prepare a statement based on the interview and ask the witness to review, sign and date the statement.
- 13 In accordance with [Management Directive 590.1, Labor Relations](#), when a union covered employee reasonably concludes that disciplinary action may result, the employee may request and is entitled to union representation.

**(d) Complainant Interview.**

- 1 Ask whether the complainant filed any other complaints, and if so, when and in what venue.
- 2 Ask whether the complainant is aware of other similar acts by the alleged offender.
- 3 Ask whether the complainant and the complainant's job have been affected by the alleged discrimination.
- 4 If the complainant alleges harassment, ask if any of the actions of the alleged harasser were welcome or unwelcome and whether or how this was conveyed to the alleged harasser. This may require exploration of the nature and history of the relationship of the complainant and the alleged harasser.

- 5 Ask the complainant how he/she would like to see the situation resolved.
- 6 Ask if the complainant has any other relevant information.
- 7 Avoid any promise of confidentiality, giving assurance that only those who have a legitimate need to know will be notified of the complaint. Additionally, the complainant should be advised that it will be necessary to discuss the complaint with the alleged offender.
- 8 Advise the complainant he/she will be notified of the outcome when the investigation is completed.
- 9 If the complainant is uncooperative, attempt to gain cooperation. If the complainant refuses to cooperate, make note of the refusal and consult with the Responsible Agency Official, agency Legal Counsel, and/or BEEO regarding the appropriate measures to be taken.

**(e) Alleged Offender(s) Interview.**

- 1 Explain that he/she has been identified as engaging in actions which may violate the commonwealth's policies prohibiting discrimination.
- 2 Ensure that the alleged offender understands the prohibition against retaliation as set forth in 5. d. of this directive.
- 3 Explain that the purpose of the interview is to impartially gather facts about the complaint, that no determination has been made and that you do not know the outcome of the investigation. Advise the alleged offender that he/she will be notified of the outcome when the investigation is completed.
- 4 If the alleged offender claims the allegations are false, ask why the complainant might lie, misinterpret his/her actions or provide inconsistent information.
- 5 Ask the alleged offender if there are any other persons who may be able to corroborate or confirm his/her statements, who may have witnessed any of the alleged conduct, or who may have other relevant information.
- 6 If the complainant alleges harassment occurred and the alleged offender states that all interactions were consensual; ask him/her for facts that support the defense.
- 7 If the alleged offender acknowledges any inappropriate conduct, obtain details of what happened, including; when, where, why, and the identity of any witnesses.

- 8 Ask whether the alleged offender has any other relevant information.
- 9 The alleged offender(s) must be notified of any additional allegations that emerge during the investigation and given an opportunity to respond.

**(8) Document Review.**

- (a) The agency Equal Opportunity Officer should obtain documentary evidence or witness statements which may corroborate or refute the complainant's allegations, and/or alleged offender's defense.
- (b) All documentation must be stored in the investigative file. Documentation should not be placed in the employee's OPF.
- (c) The agency Equal Opportunity Officer should not make notations on any original documents or witness statements obtained during the investigation but may annotate and retain copies as work product.

**(9) Case File.**

- (a) Upon completion of the investigation, the agency Equal Opportunity Officer shall assemble a case file, which will include the following sections:
  - 1 Table of Contents.
  - 2 Complaint.
  - 3 Investigative Plan.
  - 4 Investigative Report.
    - a A list of the complainant's allegations;
    - b The alleged offender's response to each allegation;
    - c A copy of commonwealth policy(s) applicable to the complaint;
    - d Findings of fact; and
    - e Investigative log/chronology of events.
  - 5 Correspondence. Includes all investigation-related correspondence to and from the agency Equal Opportunity Officer.
  - 6 Witness and Interview Statements. Includes a list of persons interviewed, witness statements, any other written statements submitted, and the agency Equal Opportunity Officer's written documentation of interviews.

**7** Documents. Includes copies of all documents obtained during the investigation.

- (b) Upon completion of the investigation, the agency Equal Opportunity Officer must submit a copy of the case file to the Responsible Agency Official. The Responsible Agency Official shall meet with the agency Equal Opportunity Officer and/or the agency's Legal Counsel to review and discuss the investigation.

**(10) Notification to Parties.**

- (a) The Responsible Agency Official shall notify the complainant of the outcome of the investigation. The notification shall advise the complainant of his/her rights to and procedure for filing a request for internal reconsideration and or appeal to BEEO as appropriate as set forth in 7. b. (11) and (12) of this directive.
- (b) The Responsible Agency Official shall notify the alleged offender of the outcome of the investigation.
- (c) Notifications issued in (a) and (b) above shall be documented/recorded.

**(11) Request for Reconsideration.**

- (a) Complainants who are not satisfied with the outcome of the investigation may file a request for reconsideration with the individual designated by the agency to carry out such function.
- (b) The request for reconsideration must be in writing and filed within 20 calendar days of notification of the outcome.
- (c) The Designated Agency Official shall review the request and other appropriate information as expeditiously as possible and provide written notification to complainants of the determination, and if appropriate, the right to and procedure for filing an appeal to BEEO within the timeframe set forth in 7. b. (12) (b).

**(12) Appeals.**

- (a) Complainants who are not satisfied with an agency's decision concerning a request for reconsideration may file an appeal with BEEO.
- (b) The appeal must be in writing and filed within 20 calendar days from the date of the written notification of the reconsideration determination, preferably on the standard Form STD-486A, Equal Employment Opportunity Discrimination Complaint Appeal Form; refer to Enclosure 3 of this directive.

**(13) Withdrawal of Complaint.** The complainant may withdraw his/her complaint at any time. Requests for withdrawal of complaints must be submitted in writing to the agency Equal Opportunity Officer, on the standard Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form; refer to Enclosure 2. The agency Equal Opportunity Officer will confer with the Responsible Agency Official and depending upon the allegations and circumstances, the agency may continue its investigation.

**This directive replaces, in its entirety, *Management Directive 410.10*, dated February 21, 2008.**

**Enclosure 1 - Form STD-486C, Equal Employment Opportunity Discrimination Complaint Form**

**Enclosure 2 - Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form**

**Enclosure 3 - Form STD-486A, Equal Employment Opportunity Discrimination Complaint Appeal Form**

# EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT FORM

COMMONWEALTH OF PENNSYLVANIA  
STD-486C REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
CURRENT COMMONWEALTH EMPLOYEE  <input type="checkbox"/> YES <input type="checkbox"/> NO	DATES OF ALLEGED DISCRIMINATION
BASIS OF THE ALLEGED DISCRIMINATION:  <input type="checkbox"/> RACE <input type="checkbox"/> AGE <input type="checkbox"/> SEX <input type="checkbox"/> DISABILITY <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> SEXUAL ORIENTATION <input type="checkbox"/> GENDER IDENTITY OR EXPRESSION <input type="checkbox"/> ANCESTRY <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> RELIGION                    _____	ALLEGED DISCRIMINATORY ACT:  <input type="checkbox"/> INTERVIEW <input type="checkbox"/> DISCIPLINE <input type="checkbox"/> HIRING/SELECTION <input type="checkbox"/> DISCHARGE <input type="checkbox"/> UNEQUAL PAY <input type="checkbox"/> HARASSMENT <input type="checkbox"/> PROMOTION <input type="checkbox"/> TRAINING <input type="checkbox"/> LAYOFF <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> TRANSFER                        _____
PLEASE IDENTIFY THE ALLEGED OFFENDER(S). PLEASE PROVIDE NAME, TITLE, ADDRESS AND TELEPHONE NUMBER FOR ALLEGED OFFENDER(S).	

PLEASE PROVIDE DETAILS OF THE ALLEGED DISCRIMINATORY ACT(S). (USE ADDITIONAL PAPER IF NEEDED)

PLEASE PROVIDE ANY DOCUMENTS WHICH SUPPORT THE ALLEGATIONS. PLEASE DESCRIBE ATTACHMENTS. (USE ADDITIONAL PAPER IF NEEDED).

PLEASE IDENTIFY ANY OTHER INTERNAL OR EXTERNAL COMPLAINTS, GRIEVANCES, LAWSUITS, ETC. INITIATED IN RELATION TO THIS MATTER.

COMPLAINANT'S SIGNATURE

DATE

**EQUAL EMPLOYMENT OPPORTUNITY  
DISCRIMINATION COMPLAINT WITHDRAWAL FORM**

COMMONWEALTH OF PENNSYLVANIA  
STD-486W REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
PLEASE INDICATE WHY A WITHDRAWAL OF THIS COMPLAINT IS REQUESTED (USE ADDITIONAL PAPER IF NEEDED)	

Please note that your request for withdrawal of your complaint will be considered. However, depending upon the allegations and circumstances, the agency may continue with its investigation.

**RETALIATION OF ANY KIND IS PROHIBITED AGAINST PERSONS WHO HAVE FILED CHARGES, TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY PROCEEDING, INVESTIGATION OR HEARING REGARDING A COMPLAINT OF DISCRIMINATION**

**I HAVE NOT BEEN FORCED TO REQUEST THIS WITHDRAWAL.**

COMPLAINANT'S SIGNATURE	DATE
-------------------------	------

## EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT APPEAL FORM

COMMONWEALTH OF PENNSYLVANIA  
STD-486A REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
CURRENT COMMONWEALTH EMPLOYEE  <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE OF NOTIFICATION LETTER*
PLEASE INDICATE WHY AN APPEAL IS REQUESTED IN THIS CASE (USE ADDITIONAL PAPER IF NEEDED)	

\*THIS APPEAL MUST BE SUBMITTED WITHIN 20 CALENDAR DAYS OF RECEIPT OF LETTER ADVISING OF THE RECONSIDERATION DETERMINATION.

**OFFICE OF ADMINISTRATION  
OFFICE FOR HUMAN RESOURCES MANAGEMENT  
BUREAU OF EQUAL EMPLOYMENT OPPORTUNITY  
FINANCE BUILDING, ROOM 222  
613 NORTH STREET  
HARRISBURG, PA 17120  
PHONE: 717.783.1130 FAX 717.772.3302**

COMPLAINANT'S SIGNATURE	DATE
-------------------------	------

**Exhibit L**  
**OJT Training Special**  
**Provisions**

## **ITEM 3999-9999(ITEM 1999-9999) - TRAINEES**

### **Provision Body:**

This Special Provision is an implementation of 23 U.S.C. 140 (a).

I. DESCRIPTION - As part of the project equal employment opportunity affirmative action program, provide on the job training aimed at developing candidates toward full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under this contract is (*as found in the Project Specific Details, Detail 1.*)

### II. CONSTRUCTION -

(a) In the event a subcontract is given for a portion of the contract work, determine how many, if any, of the trainees are to be trained by the subcontractor. However, retain the primary responsibility for meeting the training requirements imposed by this special provision. Insure that this Special Provision is physically included and is made applicable to any such subcontract. Where feasible, provide 25% of apprentices or trainees in each occupation, in their first year of apprenticeship or training.

(b) Distribute the number of trainees among the work classifications on the basis of the project needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Within 10 calendar days following the Notice to Proceed, submit to the Department for approval the number of trainees to be trained in each selected classification and training program to be used, specifying the starting time for training in each of the classifications. The Department will give credit for each trainee employed on the contract who is currently enrolled or becomes enrolled in an approved program and payment will be made for such trainees as provided herein.

(c) Training and upgrading of minorities and women toward journeyman status is a primary objective of this Special Provision. Accordingly, make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. Accept responsibility for demonstrating that steps are taken in pursuance thereof, prior to a determination as to whether compliance is made with this Special Provision. This training commitment is not intended, and do not use it, to discriminate against any applicant for training, whether a member of a minority group or not.

(d) Do not employ a person as a trainee in any classification in which he/she has successfully completed a training program leading toward journeyman status or in which he/she has been employed as a journeyman. Candidates may be trained a maximum of 3 times as long as the training is not repetitious in the scope of work and is not on the same project. Those candidates having attained journeyman status would be acceptable as trainee candidates only in classifications where they have not attained journeyman status. Satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, provide records documenting the findings in each case.

(e) The minimum length and type of training for each classification will be as established in the training program selected and submitted to and approved by the Department. The Department will approve a program if it is reasonably calculated to meet the project equal employment opportunity obligations and gives meaningful training to move candidates toward journeyman status. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the

Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training will also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Obtain approval or acceptance of a training program and training candidate from the Department prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the Department. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

(f) Furnish the trainee a copy of the program he/she will follow in providing the training.

(g) Provide each trainee with a certification showing the type and length of training satisfactorily completed.

(h) Provide for the maintenance of records and furnish required reports documenting his/her performance under this Special Provision.

(i) Pay no less than the common laborer rate for this project to any trainee performing in a construction craft (percentage payments are no longer in effect). Pay non-construction crafts, such as timekeeper, office manager, and surveyor, the fair market rate for those services or classifications. Trainees in construction crafts may remain at the common laborer rate throughout the training program. Upon completion, pay trainees in accordance with wage rates scale for this contract for work performed. In the case of apprentices, the appropriate rates approved by the Federal Departments of Labor or Transportation in connection with the existing program apply to all trainees being trained for the same classification who are covered by this Special Provision.

### III. MEASUREMENT AND PAYMENT - Hour

Will be paid as follows:

(a) Except as otherwise noted below, payment will be made per hour of training given an employee on this contract in accordance with an approved training program. As approved by the Engineer, payment will be made for training persons in excess of the number specified herein. Payment for offsite training indicated above may only be made where one or more of the following is done and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

(b) No payment will be made due to failure to provide the training required as stated in the approved training program. Make every good faith effort to retain the trainee upon completion of the training program, if work continues to be available in that classification. It is normally expected that a trainee will begin his/her training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in the work classification or until he/she has completed the training program. It is not required that all trainees be on board for the entire length of the contract. Responsibilities will have been fulfilled under this Special Provision if acceptable training has been provided to the number of trainees specified. Determine the number trained on the basis of the total number enrolled on the contract for a significant period.

**Project Specific**

**Details:**

1. The number of trainees to be trained under this contract as referred to in para I. is: (fill in number of trainees here)

**Exhibit M**  
**OJT Procedures POM**

REPLACES <b>B.11.3</b>	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-1</b>
DATED <b>03/01/1996</b>	<b>PROJECT OFFICE MANUAL</b>	DATE <b>March 1, 2011</b>		
SUBJECT <b>REVIEW AND APPROVAL OF TRAINING PROGRAMS FOR TRAINEES ON FEDERAL-AID CONSTRUCTION PROJECTS</b>				

When construction contracts include a training item and the corresponding special provision, the following procedure is to be followed in the processing and review of the training program submitted by the Contractor to the District for approval:

1. Within ten (10) days following the Notice to Proceed, the Contractor is to submit to the District Engineer the number of trainees to be trained in each selected classification and the corresponding training programs to be used. The distinction between Apprentices and On-The-Job Trainees (OJT) must be understood.
2. The Contractor's submission will first be reviewed by the Assistant District Engineer for Construction or his/her designee for the following:
  - a. The Contractor's training program must be the original (Copies or faxes of the original training program are not acceptable).
  - b. The number of trainees submitted must comply with the number designated in the contract. (1000 HOURS = 1 TRAINEE)
  - c. Apprentices are permitted when they are individually registered under a bona fide apprenticeship program registered with a state apprenticeship agency, which is the PENNSYLVANIA APPRENTICESHIP AND TRAINING COUNCIL. The Contractor is to provide a copy of the apprenticeship agreement and a cover letter from the apprenticeship agency outlining the apprentice's present status toward completion of the program.

The training program for each classification must be complete and contain all the information required by the special provision:

- (1) If the Contractor's training program includes Apprentices approved by the U.S. Department of Labor, the following statement must be included: "The Contractor will provide 800-1000 hours of training for each Apprentice". Trainees coming into the program from approved Apprenticeship programs should be called Apprentices not OJT Trainees. Both Apprentices and OJT Trainees are to be persons of the targeted group (i.e., minority, female or disadvantaged person).
- (2) If the Contractor's training program is to be an OJT program, the program number must be included in the submission.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-2</b>	DATE <b>March 1, 2011</b>
------------------	----------------------	--------------------	------------------------------

- d. Training programs will be approved only if they meet the standards set forth with regard to:
- (1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.
  - (2) The development toward journeyman status.
  - (3) The minimum length and type of meaningful training.
  - (4) The minimum wage to be paid to OJT Trainee (No less than Common Labor Rate for project). For apprentices, pay (% rate) is dictated by the year they are enrolled in their program. For example, 1<sup>st</sup> year apprentices usually get paid 60% of the journeyman rate.
  - (5) Anticipated start date for each trainee (Month, Year).
  - (6) Contractor to keep records and submit reports.
  - (7) Trainee Certificate attached (Original and Professional documents).
- e. The classifications proposed must be appropriate for the specific project, (i.e., the character, duration and nature of the project operations must readily support the proposed training program).
- f. The training program must be completed within the time required to perform the contract items of work involved. Form [D-476](#), Distribution of Contract Time, and related information should be used for this analysis.
3. If the Contractor's submission is not acceptable, or if in the opinion of construction personnel, the character, duration or nature of the project operations cannot support the proposed training classification, the training program will not be approved. The Contractor's submission will be returned for correction and resubmission.
4. If the Contractor's submission is satisfactory, the Assistant District Engineer for Construction will prepare for the District Engineer's signature the transmittal of the Contractor's ORIGINAL submission to the Bureau of Equal Opportunity with pertinent comments addressing items 2a through 2f. Concurrently, the Contractor will be given tentative approval by the DISTRICT ENGINEER to implement the training program. Every effort shall be made to provide this tentative approval or the return of an unsatisfactory program within ten (10) days of the receipt of the program in the District Office.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-3</b>	DATE <b>March 1, 2011</b>
------------------	----------------------	--------------------	------------------------------

5. The Bureau of Equal Opportunity will review and approve or disapprove the submission, consulting with the Bureau of Construction and Materials, when necessary, to evaluate unusual or questionable situations.
6. The Bureau of Equal Opportunity will notify the District Engineer or his/her designee of approval or disapproval.

Disapproval will be denoted by the return of the original training program with a cover letter of explanation. The District will return the training program to the Contractor for correction. Upon receipt in the District of the corrected program from the Contractor, the District will again ensure that the program is an original; resubmitting, following the same procedures outlined in paragraph 4.

Approval will be denoted by a copy of the training program bearing a stamped approval duly signed and dated by the Director, Bureau of Equal Opportunity or his/her designee.

The approved copy of the training program will be returned to the District for reproduction and distribution as follows:

- 1 for District Construction Unit
- 1 for Inspector-in-Charge (project)
- 1 for Contractor

The Contractor is to provide each trainee with a copy of the training program for the applicable classification. If the trainee is the employee of an approved Subcontractor, the Subcontractor must also be provided a copy of the training program.

7. Changes in classification will be considered during construction provided sufficient time remains to complete the proposed classification. The Inspector-in-Charge will always be consulted when revisions are submitted to review the remaining time and scope of work.

Trainees proposed by revised programs must not start work prior to the tentative approval authorized by the District Engineer in accordance with paragraph 4.

8. Should a trainee be unable to return to a project to complete a training program following a layoff or for other reasons, every good faith effort (documented) is to be made by the Contractor to replace that trainee with another target group candidate. This situation may cause a revision in the original program as the new trainee would begin a new program or the existing program for zero hours completed. The Inspector-in-Charge should always be consulted when changes to an approved program are contemplated.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-4</b>	DATE <b>March 1, 2011</b>
------------------	----------------------	--------------------	------------------------------

This page left intentionally blank.

REPLACES	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	PART	SECTION	PAGE
DATED		<b>B</b>	<b>11</b>	<b>4-1</b>
SUBJECT	<b>PROJECT OFFICE MANUAL</b>	DATE <b>March 1, 1996</b>		
<b>GUIDELINES FOR IMPLEMENTATION OF TRAINING PROGRAMS/REPORTS</b>				

The following guidelines are to be used for monitoring Training Programs on Federal-aid projects which include trainees:

1. Payments for hours worked in a training position will not be paid until the District has received, reviewed and granted conditional approval to the training program.
2. Form [EO-364](#), Trainee Enrollment Form, must be completed by the Contractor prior to filling any training position. This report is to ensure the Contractor has taken "Positive Steps" to recruit for a minority/female/disadvantaged person and the selected trainee has not previously completed training in the same classification. The Contractor must submit the completed original plus two (2) copies to the project Inspector-in-Charge prior to the employee starting training in any classification. The project Inspector-in-Charge or his/her designee will file one copy and forward the original and one copy to the District EEO Officer.
3. Written documentation of "Good Faith Effort" to recruit a minority or female must accompany any initial report reflecting the hiring of a white male to fill a training slot. If the white male is disadvantaged, this documentation should also be provided. It is expected that sources other than Unions be contacted that are likely to yield individuals of the targeted groups.
4. Hours completed prior to notification to the Inspector-in-Charge of a trainee working on-site will not be counted toward the training programs hours and will not be eligible for payment under the bid item for training. Appeals will be reviewed by the District ADE-Construction, the District EEO officer and Central Office personnel.
5. Payment for trainees will be made as the hours completed are reported and verified. Payment may be deleted at a later date if it is determined that the individual has previously been trained in the same class, that the work assigned is not within the training program or the trainee has been terminated without ample opportunity to complete the program. (Contractor's default)
6. A trainee will not be started or placed in a classification if ample time is not available for the trainee to complete hours assigned to that classification. Apprentices must be able to complete at least 800 hours of the assigned program prior to attaining Journeyman status.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>4-2</b>	DATE <b>March 1, 1996</b>
------------------	----------------------	--------------------	------------------------------

7. If a trainee is terminated as a result of injury, resignation, firing or accepting employment elsewhere prior to being recalled, a replacement must be obtained as soon as possible. If there are insufficient hours of work remaining for that classification, the Contractor and the District must review the remaining scope of work for the possibility of selecting another training class. Subsequent to this review, if the Contractor and the District concur that there are no other possible training classes (due to no fault of the Contractor) the training classification will be determined to be closed and hours completed paid for.
8. Trainees should not receive preferential treatment when administering work rules, but we would expect counseling be given prior to termination. The Inspector-in-Charge and the Department's Supportive Services Consultant are to be informed of problems with the trainee's performance and/or attitude.
9. The Inspector-in-Charge must insure all applicable items on the training report (See Form [EO-365](#)) have been addressed by the Contractor prior to forwarding the original and one copy to the District EEO Officer.

**NOTE:** The "hours of training" reported during the month must be broken down in the Summary of Specific Tasks Performed box on the report. The Contractor should utilize the back of the form if more space is necessary.

Signatures must be on the original. If a trainee can not sign the report due to absence, lay-off, on another project, etc., it must be noted on the report "Trainee unavailable to sign due to ...". Signature by the Inspector-in-Charge indicates concurrence with the hours worked in the program class.

10. Due Dates are to be adhered to by the Contractor regarding the following reports. The [EO-364](#), Trainee Enrollment Form Should be submitted immediately to the project office who in turn should submit the form to the District EEO Officer immediately. The [EO-365](#), Monthly Training Report is due to the project Inspector-in-Charge by the 30th of the month. It is due to the District EEO Officer by the 5th of the following month.
11. If a Contractor fails to complete the required number of trainees and it is determined by the District and the Bureau of Equal Opportunity that the Contractor did not demonstrate "Good Faith Effort" to comply, a memo regarding the same will be placed in the Contractor's performance file and so noted on the past performance record of the Contractor. The Prequalification Office, Contract Management Division, Bureau of Construction and Materials, is also to be notified of these determinations.
12. The Department has a contract with the Contractor. It is the responsibility of the Contractor to comply with all provisions. If training is assigned to a Subcontractor, it is still the responsibility of the Contractor to ensure compliance with the provision.

PART	SECTION	PAGE	DATE
<b>B</b>	<b>11</b>	<b>4-3</b>	<b>March 1, 1996</b>

Project Inspector-in-Charge should insure that the trainee receives a copy of all reports, (EO-364, EO-365). When applicable, if a trainee successfully completes his/her training on the project, the project Inspector-in-Charge should verify that the trainee received a certificate showing the type and length of training satisfactorily completed. If not, the District is to notify the Bureau of Equal Opportunity, who will provide the necessary follow up for this item.

The Certification Sheet of each "OJT" program must be completed by the Contractor and accompany the final report (See Form EO-365), regardless if trainee completed or not.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>4-4</b>	DATE <b>March 1, 1996</b>
------------------	----------------------	--------------------	------------------------------

This page left intentionally blank.

**Exhibit N**  
**OJT Forms**





# PennDOT OJT PROGRAM ENROLLMENT FORM

## Project Information

ECMS Number	Federal Project Number	100% State Funded: <input type="checkbox"/> Yes <input type="checkbox"/> No	S.R. Number	Sec. Number	PA Engineering District
PROJECT MANAGED BY:	<input type="checkbox"/> PennDOT _____	Telephone/Cell Phone Number		Email Address	
	<input type="checkbox"/> Consultant _____	Telephone/Cell Phone Number		Email Address	

## Contractor Information

Training Provider's Name	Telephone Number	Email Address		
Prime Contractor's Name			Is Training Provider Union Contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Project Office Address	City		State	Zip Code
Project Office Contact:	Telephone Number		Email Address	
Training Providers EEO Officer's Name	Telephone Number		Email Address	

## Trainee Candidate Information

First Name	M.I.	Last Name	Social Security Number	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
Street Address			Apt./Unit Number	
City		State	Zip Code	Telephone/Cell Phone Number
Do you have any experience in the proposed training classification? <input type="checkbox"/> Yes <input type="checkbox"/> No			If YES, please explain:	
Race/Ethnicity			If you selected Other, please specify:	

## Training Information

PennDOT-Approved Training Classification Title (Program Number)	Program Hours	Anticipated Start Date
This Training Position is being Filled by an: <input type="checkbox"/> OJT <input type="checkbox"/> Apprentice <input type="checkbox"/> New Union Member <input type="checkbox"/> Other		
If "Other" or "New Union Member" Identify Candidate's Current Status:		
Upgrade Current Employee? <input type="checkbox"/> Yes <input type="checkbox"/> No	Current Employee's Work Classification	
Apprenticeship Construction Craft Classification		Apprentice Hours Already Completed

## Wage Rate Identification

For Apprentices Only: Apprentice's Current Skill Level:		Hourly Rate (Per Skill Level)	Journeyperson Rate for Construction Craft:
For Non-Union Trainees Only:		Hourly Rate	Wage Rate Scale for Training Classification:
Federally Funded Project/Davis Bacon Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No		Davis Bacon Construction Title Classification: _____ Hourly Rate:_____ Group Number:_____	Wage Rate Scale for Training Classification: Craft Title:_____ Group Number:_____
100% State Funded Project/L&I Prevailing Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No		Construction Craft Classification: _____ Hourly Rate:_____ Class Number:_____	Wage Rate Scale for Training Classification Classification Class Number:_____
New Union Member: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of Union:	Union Membership Began:	Journey Person Wage Rate for Union Classification:
<b>Fair Market Wage Rate - Source Used to Determine Fair Market Rate:</b> _____			
Non-Construction Training Classification Title: _____		Median Level Wage Rate: _____	
Entry Level Wage Rate: _____		Experienced Level Wage Rate: _____	

## Trainee Declaration

By my signature, I attest to the following:		
1. I have received, read, and understand the terms and conditions of my employment and a copy of this training program. Furthermore, I understand that the purpose of the training program and can comply with all conditions set forth in the program.		
2. I further state that my signature here indicates that I have not completed a training program in this classification, nor have I been listed as a journeyman in this classification on any contractor's payroll and/or I have not been successfully employed in the classification for which I am now being considered.		
TRAINING CANDIDATE Printed Name:	Signature:	Date:
CONTRACTOR'S PROJECT MANAGER Printed Name:	Signature:	Date:
PENNDOT PROJECT MANAGER Printed Name:	Signature:	Date:

## THIS IS AN EQUAL OPPORTUNITY PROGRAM

Training Special Provisions Item 3999-9999 (ITEM1999-9999) – TRAINEES – this provision is an implementation of 23 U.S.C. 140(a).

**Description** - As part of the project equal employment opportunity affirmative action program, training and upgrading of minorities and women toward journeyman status is a primary objective of this Special Provision. Accordingly, make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. Accept responsibility for demonstrating that steps are taken in pursuance thereof, prior to a determination as to whether compliance is made with this Special Provision.

Do not employ a person as a trainee in any classification in which he/she has successfully completed a training program leading toward journeyman status or in which he/she has been employed as a journeyman. Candidates may be trained a maximum of three times as long as the training is not repetitious in the scope of work and is not on the same project.

Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with the State apprenticeship agency by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, will also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations or Federal-aid highway construction contracts.

It is the intent of the training special provision that training will be provided in the construction trades rather than clerical-type positions. PennDOT will consider the approval of training programs in lower-level management positions where the training is oriented toward construction-related activities such as office computer technicians, construction office managers and project administrators, timekeepers, surveyors, etc., when there are more than three trainee slots assigned to a project.

**Instructions for completing the EO-364: (PLEASE PRINT OR TYPE)** - The Enrollment form (EO-364) is to be completed by the Training Provider for each candidate selected for on-the-job training participation when Training Special Provisions (TSP) is included in the project's contract. A completed EO-364 containing original signature must be submitted to the PennDOT IIC for review and their Conditional Approval PRIOR to starting any candidate's training. If the candidate selected for training is unavailable to sign the EO-364, a note explaining that should be written in the item box identified for their signature, then that information should be initialed and dated by the representative providing the information. IF THERE IS A SECTION ON THIS ENROLLMENT FORM THAT IS NOT APPLICABLE, (i.e., the Union Section would not be applicable to the Non-Union Contractors) PLEASE ENTER "N/A" IN THE RESPONSE AREA.

Both Hourly & Journeyperson wage rates are applicable to ALL enrollments, so both rates must be accurately identified on the EO-364. The Journeyperson wage rate is the wage rate scale for the approved training classification. Each Project's Wage Rate information is posted on ECMS; the Davis Bacon Prevailing Wage Rates are referenced for Federally funded projects; and the L&I Prevailing Wage Rate information is referenced for 100% State funded projects. The duties identified in the training program outline should be compared to the duties as identified in the wage rate information provided by ECMS to accurately identify the appropriate wage rates.

When training Apprentices, their current Union Indenture (or Registration) papers identify the accurate wage rate scale for the apprentice's skill level. They identify the journeyperson wage rate for their construction craft classification, and it identifies the time frame it will take the apprentice to achieve Journeyperson status.

If a current employee is your candidate for training, identify their current status with your company, their current wage rate, how the completion of this training would advance their skill level and earnings potential (this documentation can be provided on a separate sheet of paper).

If the training to be provided is that of a Laborer craft classification, you must be able to demonstrate that the training provided will provide a significant and meaningful training opportunity for the candidate selected.

When the approved Training is a Non-Construction Craft Classification the Fair Market Wage Rates (Entry Level, Median Level and Experienced Level) must be identified and the Prevailing Wage Rate Source used to make that identification must be identified (Web Address can also be identified).

If there is not enough room on the EO-364 form to provide the details that demonstrate the proposed enrollment is in compliance with the Training Special Provisions, please provide that information as an Addendum page to be submitted along with the EO-364.

### **Ethnicity Verification**

When there is a questionable ethnic claim concerning an individual submitted for participation in the OJT Program, further documentation of that claim may be necessary. Acceptable documentation for ethnicity verification includes, in order of preference:

- Birth certificate
- Naturalization papers
- Native American – Indian Tribal roll, tribal voter registration certificate, or other official document
- History of individual having held himself to be a member of the minority group or community (driver's license, school, medical, and service records)
- Recognition of applicant in a particular minority community as a minority through sworn and notarized statements from bona fide members of the community, who are clearly disinterested parties
- Proof of membership and interaction in recognized minority organizations
- If requested, the Contractor will be required to obtain this information from the employee claiming the minority status
- If an individual requesting minority status cannot provide acceptable documentation and does not manifest the visual characteristics of the ethnic group claimed, the individual cannot claim minority status for the purpose of the OJT Program
- If a person manifests the visual characteristics of an acceptable ethnic minority group, the contractor may consider the person to be a member of that group.

**– OJT PROGRAM FORMS SHOULD NOT BE DUPLICATED –  
THEY SHOULD BE ACCESSED AND COMPLETED ONLINE THEN DOWNLOADED**



# HIGHWAY CONTRACTOR'S MONTHLY TRAINING REPORT

ECMS Number	Federal Project Number	District	S.R. Number	Sec. Number	PA Engineering District
Payroll Period	Beginning:	Ending:			

**INSTRUCTIONS**

This report is to be completed monthly by the contractor for each trainee employed on this project under the Training Special Provisions. The EO-365 is to be submitted, for the duration of each training classification, by the 5th day following the end of the pay period prior to the 30th of the month. An original copy must be submitted to the PennDOT Construction Services Engineer in Charge (PIC).

**If the contractor is experiencing any difficulties with the trainee at any time, the PIC must be notified immediately of the difficulties. The PIC shall be notified at the time of a termination or completion by filing an EO-365 report at that time regardless of the calendar date.**

(Please Print Or Type)

Trainee Name:		Address:		Last Four Digits of SSN:	
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth:	Type of Training: <input type="checkbox"/> On-the-Job Trainee <input type="checkbox"/> Apprentice <input type="checkbox"/> Union Member		
Employee Status: <input type="checkbox"/> New Hire <input type="checkbox"/> Upgrade a Current Employee					
Ethnic Group Designation: <input type="checkbox"/> White Not of Hispanic Origin <input type="checkbox"/> Black Not Hispanic <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or other Pacific Islander <input type="checkbox"/> Two or More Races					
Approved Trainee Classification:					
Date Training Started:		Trainee's Hourly Rate:			
Hours of Training This Month:		Hours of Training To Date:		Hours of Training Remaining:	
				Date Training Completed:	
Summary of Specific Tasks Performed:					
Evaluation of Trainee:					
TERMINATION: (State Reason for Termination)				Date of Termination:	
LAY-OFF:			Date of Lay-Off:		Anticipated Recall Date:
NAME OF CONTRACTOR PROVIDING TRAINING:				Telephone Number:	
REPORT PREPARED BY (Title of Contractor's Representative):				Date:	
PRINTED NAME:		SIGNATURE:			
TRAINEE CANDIDATE:				Date:	
PRINTED NAME:		SIGNATURE:			
REVIEWED BY: (PennDOT Project Inspector in Charge)				Date:	
PRINTED NAME:		SIGNATURE:			

**Exhibit O**  
**PR-1392 Detailed Analysis**

**PennDOT PR 1392 Annual Report Analysis 2014**

	2013		2014		CHANGE	
PROJECTS	500		455		-45	-9.00%
DOLLAR VALUE	\$3,919,821,053.00		\$4,504,372,968.00		\$584,551,915	14.91%
TOTAL EMPLOYMENT	7543		9106		1563	20.72%
MINORITY EMPLOYMENT	885	11.73%	828	9.09%	-57	-6.44%
WOMEN EMPLOYMENT	440	5.83%	511	5.61%	71	16.14%

**EMPLOYMENT DATA**

	TOTAL EMP.			MINORITY EMP.			FEMALE EMP.		
	2013	2014	CHANGE	2013	2014	CHANGE	2013	2014	CHANGE
OFFICIALS/MANAGERS	95	116	21	4	7	3	11	8	-3
SUPERVISORS	352	485	133	16	18	2	10	5	-5
FOREMAN/WOMAN	734	828	94	68	35	-33	3	6	3
CLERICAL	115	313	198	4	3	-1	55	178	123
EQUIPMENT OPERATORS	1200	1514	314	55	68	13	22	31	9
MECHANICS	69	151	82	3	14	11	0	0	0
TRUCK DRIVERS	458	752	294	27	24	-3	10	14	4
IRONWORKERS	111	130	19	13	31	18	0	3	3
CARPENTERS	729	794	65	70	72	2	14	24	10
CEMENT MASONS	164	181	17	29	29	0	5	1	-4
ELECTRICIANS	184	122	-62	8	7	-1	7	2	-5
PIPEFITTERS/PLUMBERS	1	1	0	0	0	0	0	0	0
PAINTERS	140	180	40	34	55	21	2	0	-2
LABORERS/SEMI-SKILLED	2084	2578	494	350	279	-71	145	99	-46
LABORERS/UNSKILLED	1107	961	-146	205	186	-19	156	140	-16
<b>TOTALS</b>	<b>7543</b>	<b>9106</b>	<b>1563</b>	<b>886</b>	<b>928</b>	<b>-58</b>	<b>440</b>	<b>511</b>	<b>71</b>
			<b>20.72%</b>			<b>-6.55%</b>			<b>16.14%</b>

