Pennsylvania Department of Transportation

County: __________________________________________________________

SR, Section No: __________________________________________________

Contract No: _____________________________________________________

Project Name: ____________________________________________________

Inspector- in-Charge: ______________________________________________

Project ACE: ______________________________________________________

Prime Contractor: __________________________________________________

Project Superintendent: ____________________________________________

This manual must remain a part of the construction project records upon completion

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Introduction

This manual was designed to assist the Inspector-in-Charge in maintaining project compliance with the following contract areas:

- Equal Employment Opportunity
- Subcontracting
- Labor and Contract Requirements
- Projects Safety
- DBE, DB

About this manual...

The topics included are to provide the Inspector-in-Charge with a general overview of contractual requirements and should not be interpreted as a complete description of contract requirements. Always consult the appropriate sections of your contract, Pub 408 Specifications, Appendices A, B and C, The Project Office Manual (POM), or any other applicable publication for complete details.

Sections of this manual contain two different “checklists”. The first, titled "Responsibilities of the Inspector-in-Charge", is the overview of your responsibilities. You are to ensure that all items listed have been properly completed. The second is an itemized checklist used by District personnel when reviewing your project for compliance.

Abbreviations...

Various abbreviations may be encountered throughout this book. The abbreviations and definitions are as follows:

- **BEO**: Bureau of Equal Opportunity
- **CFR**: Code of Federal Regulations
- **DBE**: Disadvantaged Business Enterprise
- **DLCCA**: District Labor & Contract Compliance Agent
- **DOL**: US Department of Labor
- **L&I**: PA Department of Labor & Industry
- **BOMO**: Bureau of Maintenance and Operations
- **EEO**: Equal Employment Opportunity
- **FHWA**: Federal Highway Administration
- **IIC**: Inspector-in-Charge
- **OSHA**: Occupational Safety & Health Admin.
- **DPSO**: District Project Safety Officer
- **ACE**: Assistant Construction Engineer
- **DB**: Diverse Business

Need Help... The DLCCA or DPSO will assist you with any problems that you cannot satisfactorily resolve, or answer any questions that you may have.
Responsibilities of the Inspector-in-Charge:

The Project Bulletin Board Checklist identifies the required postings for both State and Federal funded projects. To assist contractors in complying with the required bulletin board postings, the following checklist and sample notice flyer can be utilized by all contractors. The sample notice flyer includes the required contractor’s notices concerning EEO policies and procedures. This sample notice is to be distributed to all prime contractors working on Federal/Federal-Aid projects and distributed at all preconstruction meetings.

The following is FHWA’s guidance on displaying notices and posters for federally funded projects:

1. Workplace notices and posters must be displayed at all times by the Prime Contractor and Subcontractors at the site of work in a prominent and accessible place where they can be easily seen by the workers.

2. Placing required workplace notices or posters inside vehicles, binders or receptacles (e.g., mailbox, literature box, etc.) does not meet the requirement to display or post in a “prominent and accessible place” that can be easily seen by workers.

3. On mobile projects with no field office, staging area or gathering area, the Prime Contractor and Subcontractors must display all notices or posters where hiring is conducted and each employee must be provided copies of all the notices or posters and sign a statement acknowledging they received and understood the content of all the notices or posters.

Assure the following:

1. The Bulletin Board is placed in an area where employees and applicants have access 24 hours a day.

2. The Bulletin Board is in place prior to the start of work.

3. That all required bulletin postings are in place, including the EEO Environment statement for each active Subcontractor. (Refer to the “Bulletin Board Checklist”)

   a. Wage Rates must be complete and every page displayed.

   b. Other language versions of the posters, are required to be posted for projects in areas where different languages are commonly spoken, other than English.

4. The postings are clearly visible (placing postings in book form is not permitted).

5. The postings are to be maintained in satisfactory condition for the life of the project.

   **Note:** Neither the prime, nor any subcontractors listed on the project are relieved of their responsibility of having a Bulletin Board, when there is no project field office.
Project Bulletin Board Checklist
(See links to both Federal and State posters below)

LOCATION:
_______ Is there a field office? (yes/no)

Notices and Posters are displayed at the following location(s):
_______ Home Office
_______ Hiring Location
_______ Project Work Location(s)

(Provide Address for applicable location, if relevant)

The following postings must be present:

SAFETY
_______ *OSHA-3165 “JOB SAFETY AND HEALTH - IT’S THE LAW” (ALL PROJECTS)
_______ CONTRACTOR/SUBCONTRACTOR’S EMERGENCY PHONE NUMBER (AFTER HOURS CONTACT PERSONNEL) (ALL PROJECTS)
_______ CONTRACTOR/SUBCONTRACTOR’S SAFETY OFFICER’S NAME AND PHONE NUMBER (ALL PROJECTS)
_______ LISTING OF HAZARDOUS MATERIALS FOUND IN THE WORKPLACE (HAZARDOUS SUBSTANCES, SPECIAL HAZARDOUS SUBSTANCES, ENVIRONMENTAL HAZARDS)

LABOR COMPLIANCE
_______ *FHWA-1022 NOTICE FEDERAL-AID PROJECT (FEDERAL FUND)
_______ *WH-1321 EMPLOYEE RIGHTS UNDER DAVIS-BACON ACT (FEDERAL FUND)
_______ *USERRA APRIL 2017 THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (FEDERAL FUND)
_______ PREDETERMINED WAGE RATES (ALL PROJECTS WITH CONTRACT WAGE RATES)
_______ *UC-700 UNEMPLOYMENT COMPENSATION & CLAIM FACT SHEET (100% STATE FUND)
_______ *WH1088 -EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT (FLSA) (ALL PROJECTS WITH NO CONTRACT WAGE RATES)
_______ LLC-1 FAIR LABOR STANDARDS ACT & MINIMUM WAGE LAW (ALL PROJECTS WITH NO CONTRACT WAGE RATES)
_______ *LLC-8 ABSTRACT OF EQUAL PAY LAW (100% STATE FUND)
_______ *WH-1462 EMPLOYEE POLYGRAPH PROTECTION ACT (FEDERAL FUND)
_______ LIBC-262 PENNSYLVANIA RIGHT TO KNOW LAW (ALL PROJECTS)
_______ LIBC-500 WORKERS’ COMPENSATION INSURANCE POSTING (ALL PROJECTS)

EQUAL OPPORTUNITY
_______ *LP-744/744A PA. HUMAN RELATIONS ACT (ALL PROJECTS)
_______ *EEOC-P/E-1 EQUAL OPPORTUNITY IS THE LAW (ALL PROJECTS)
_______ *WHD-1420 FAMILY & MEDICAL LEAVE ACT (COMPANIES WITH MORE THAN 50 EMPLOYEES) (FEDERAL FUND)
_______ *PTNP 12/16 PAY TRANSPARENCY NONDISCRIMINATION PROVISION (FEDERAL FUND)
LABOR & CONTRACT COMPLIANCE

CONTRACTOR’S (PRIME and SUBCONTRACTORS over $10,000)

________ EEO OFFICER’S NAME AND PHONE NUMBER (COMPANY LETTERHEAD) (ALL PROJECTS)
________ MINORITY AND FEMALE REFERRAL NOTICE (COMPANY LETTERHEAD) (ALL PROJECTS)
________ COMPLAINT PROCEDURES (COMPANY LETTERHEAD) (ALL PROJECTS)
________ SEXUAL HARASSMENT POLICY (COMPANY LETTERHEAD) (ALL PROJECTS)
________ EEO POLICY STATEMENT (COMPANY LETTERHEAD) (ALL PROJECTS)
________ AVAILABLE TRAINING PROGRAM AND ENTRANCE REQUIREMENTS (FEDERAL FUND)
________ CERTIFICATION OF NONSEGREGATED FACILITIES (FEDERAL FUND)
________ UNION EEO COMMITMENTS AND RESPONSIBILITIES (UNION CONTRACTORS) (FEDERAL FUNDS)
________ WORK ENVIRONMENT STATEMENT (COMPANY LETTERHEAD) (FEDERAL FUND)

OTHER REQUIREMENTS:
(YES/NO/NA)

________ THE BULLETIN BOARD IS DISPLAYED IN A PROMINENT AND ACCESSIBLE PLACE WHERE
THE WORK IS PERFORMED AND CAN BE EASILY SEEN BY WORKERS.
(INCLUDING AFTER HOURS) (ALL PROJECTS)

________ SUBCONTRACTORS WITH CONTRACTS OF $10,000 OR MORE ARE REQUIRED TO
ADDITIONALLY; DISPLAY EEO POLICIES AND PROCEDURES.
(SEE SAMPLE NOTICE FLYER BELOW) (FEDERAL FUND)

________ POSTERS AND NOTICES ARE DISPLAYED IN LANGUAGES OTHER THAN ENGLISH.
(ALL PROJECTS)

________ BULLETIN BOARD IS PROTECTED FROM THE WEATHER. (ALL PROJECTS)

________ REQUIRED NOTICES AND POSTERS ARE LEGIBLE. (ALL PROJECTS)

________ MSDS/SDS SHEETS ARE READILY ACCESSIBLE FOR HAZARDOUS MATERIALS. (ALL PROJECTS)

NOTE: Notices and posters may need to be posted in other languages in project areas with populations or
workforces with limited ability to read, speak, write, or understand English. This is to be determined on a
project-by-project basis.

Federal Posters: https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm

State Posters: http://www.dli.pa.gov/Pages/Mandatory-Postings.aspx

*Denotes posters available in Spanish and other languages

PROJECT REVIEWS:

Date: __________ Reviewer’s Initials: __________
Date: __________ Reviewer’s Initials: __________
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NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or any State or Territory, or whoever, whether a person, association, firm or corporation, knowingly makes any false statement, false representation or false report as to the character, quality, quantity, cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or road project submitted for approval by the Secretary of Transportation or Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation,

Whoever knowingly makes any false statement, false representation, false report, or false claim as to a material fact in any statement, certificate, or report submitted pursuant to the provision of the Federal Aid Road Act approved July 11, 1916 (39 Stat. 300) as amended and supplemented,

shall be fined under this title or imprisoned not more than five years, or both."

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below:

FHWA-1022

AVIS

La construcción de carreteras en este lugar es un proyecto Federal o construido con asistencia Federal y está sujeto a las leyes federales y estatales, incluyendo el Título 18, Código de Estados Unidos, Sección 1020, que dice lo siguiente:

"Quien, siendo un funcionario, agente o empleado de los Estados Unidos, o de cualquier estado o territorio, o cualquier otra persona, asociación, empresa o corporación, que a sabiendas haga cualquier declaración falsa, falsa representación, o informe falso en cuanto al carácter, calidad, cantidad, o el costo de los materiales utilizados o por utilizar, o a cantidad o la calidad del trabajo realizado o por realizar, o de los costos relacionados a la presentación de planes, mapas, especificaciones, contratos, o costos de construcción de una carretera o un proyecto relacionado presentado al Secretario de Transportes,

El que a sabiendas hace una declaración falsa, falsa representación, informe falso, o reclamación falsa en cuanto al carácter, calidad, cantidad, o costo de cualquier trabajo realizado o por realizar, o sobre las materias consumidas o por suministrar, en relación con la construcción de una carretera o un proyecto relacionado aprobado por el Secretario de Transportes,

El que a sabiendas hace cualquier declaración falsa o falsa representación sobre un hecho material en cualquier declaración, certificado o informe presentado en conformidad con las disposiciones de la Ley Federal de Carreteras aprobada el 11 de julio de 1916 (39 Stat. 300), según presentado y suplementado, será multado bajo este título o encarcelado por un término mínimo de cinco años, o ambos."

Cualquier persona que tenga razones para creer que esta ley ha sido incumplida, deberá informarlo al representante de la(s) Agencia(s) que se enumeran a continuación:

FHWA-1022SPA

USERRA Poster – April 2017
Minimum Wage Law Summary

Must be Posted in a Conspicuous Place in Every Pennsylvania Business
Covered by the Minimum Wage Act

The Pennsylvania Minimum Wage Act establishes a fixed minimum wage and overtime rates for the employees of Labor & Industry and the employees. In addition, the Minimum Wage Act provides penalties for noncompliance. This summary is the general information only and is not an official position finally adopted by the Department of Labor & Industry.

Overtime Rate:

An employee must be paid not less than 1.5 times the regular rate of pay for overtime work. The employee must be paid not less than 1.5 times the regular rate of pay for overtime work. The employee must be paid not less than 1.5 times the regular rate of pay for overtime work.

Minimum Wage Rate:

$7.25 per hour Effective July 24, 2009

Tipped Employees:

An employee may be paid a minimum of $2.13 per hour as a tipped employee who earns at least $20.00 per month in tips. The employee must be paid not less than the regular minimum wage rate for tipped employees.

Keeping Records:

Every employer must keep accurate records of all employment and compensation and make them available to the Department of Labor & Industry.

Penalties:

Any person who violates the provisions of the Act or this Notice may be subject to the penalty of a fine of not less than $100 for each day of violation.

Exemptions:

Any person who violates the provisions of the Act or this Notice may be subject to the penalty of a fine of not less than $100 for each day of violation.

Special Allowance:

Employers may provide meals or lodging to employees.

Adequate and suitable living quarters shall be provided by the employer. The employer shall provide meals to employees at the employee's expense.

Credit

Employers may provide meals or lodging to employees.

For Questions/Complaints

Contact:

(800) 254-6202 or 717-787-6000

For Questions/Complaints

Contact:

(800) 254-6202 or 717-787-6000

More Information is Available Online

For more information on the Minimum Wage Act, visit the Pennsylvania Department of Labor & Industry's website at www.dol.state.pa.us.

Exemptions from Minimum Wage Rates

- Learners and students (less than 18 years old) who are enrolled in an educational institution and are working for credit or wages for credit or wages for credit. They are not entitled to minimum wage.
- Tipped employees who earn at least $20.00 per month in tips.
- Domestic service employees who work no more than 35 hours per week.
- Any person who works as an independent contractor.

Exemptions from Overtime Rates

- Any person who works as an independent contractor.
- Any person who works in the transportation industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the construction industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the entertainment industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the food service industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the hospitality industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the retail trade industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the health care industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the manufacturing industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the finance and insurance industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the wholesale trade industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the government industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the service industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the education industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the transportation and public utilities industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the construction industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the manufacturing industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the finance and insurance industry who meets the criteria set forth in the federal Fair Labor Standards Act.
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- Any person who works in the government industry who meets the criteria set forth in the federal Fair Labor Standards Act.
- Any person who works in the service industry who meets the criteria set forth in the federal Fair Labor Standards Act.
LABOR & CONTRACT COMPLIANCE

UC-700 Unemployment Compensation (9/16)

LLC -5 (REV 1-13)

UC-700 ESP Unemployment Compensation Spanish (9/16)

CHILDER ACT HOURS RULES FOR PERFORMANCES BY MINORS

LLC -5 (ESP 1-13)
Discrimination on Basis of Sex

Prohibited:

Prohibit discrimination by any employer in any place of employment between employees on the basis of sex, by paying wages to any employee at a rate less than the rate paid to employees of the opposite sex for work under equal conditions on jobs which require equal skill. Provides that variation in payment of wages is not prohibited when based on a seniority, merit, or merit achievement system that does not discriminate on the basis of sex.

Administration:

Empowers the Secretary of Labor & Industry to administer the provisions of the act and to issue rules and regulations to carry out the provisions of the act.

Collection of Equal Pay in Case of Discrimination:

Provides for the collection of unpaid wages due under the act and in addition, an equal amount of liquidated damages and reasonable attorney’s fees and costs. Authorizes the Secretary of Labor & Industry and upon an employer’s request, to take assignment of such a wage claim for collection. Limits the period for such action to two years from the date upon which the violation occurs.

Penalties:

Provides for a fine of not less than $50 nor more than $250, or imprisonment of not less than 10 days nor more than 60 days, for any employer who willfully and knowingly violates provisions of the act or discharges or otherwise discriminates against an employee who makes a complaint, institute, or testify at, proceedings under the act; or discharges, punishes, or otherwise interferes with the Secretary or his authorized representative in the performance of his duties in the enforcement of the act. Each day a violation continues shall constitute a separate offense.

More Information is Available Online

Additional information about the Equal Pay Law is available online at the website of the Pennsylvania Department of Labor & Industry. Click on “Labor Law Compliance” under Quick Links.

Pennsylvania Department of Labor & Industry
Bureau of Labor Law Compliance

RESUMEN DE LA LEY DE IGUALDAD SALARIAL

Se prohíbe la discriminación basada en el sexo.

Prohibirá la discriminación por parte de todo empleador entre todos los que trabajen en el mismo lugar de trabajo sobre la base del sexo, mediante el pago de salarios en un porcentaje menor al pago a los empleados del mismo sexo o a partes iguales condiciones y que requieran igualdad de cualificaciones. Quien viola las disposiciones de la ley será sancionado con una multa de no menos de $50 y no más de $250, o con una pena privativa de libertad de 10 días y más de 60 días, en los siguientes casos:

1. El empleador que intencionalmente y deliberadamente viola las cláusulas de la ley.
2. El empleado que presenta una queja, interviene en un proceso legal de la ley, o sigue el procedimiento para un empleado que presenta una queja, interviene en un proceso legal de la ley, y que el empleado que no cumplió con la cláusula de los registros, abandona esos registros, o hace daño a otro empleado que interviene en la ley del trabajo, o que impide que el empleado, o tenga que hacerse cargo del costo del reclamo salarial. Para este reclamo establece un límite de 60 días a partir de la fecha en que se produjo la violación de la ley.

Sanciones:

Se aplicará una multa no menor que $100 y no mayor que $250, o una pena privativa de libertad de 30 días y no mayor de 60 días, en los siguientes casos:

1. El empleador que intencionalmente y deliberadamente viola las cláusulas de la ley.
2. El empleado que presenta una queja, interviene en un proceso legal de la ley, o sigue el procedimiento para un empleado que presenta una queja, interviene en un proceso legal de la ley.

Encuentra más información en línea

Podrá obtener información adicional sobre la Ley de Igualdad Salarial disponible en línea en www.dli.doli.state.pa.us. Haga clic en “Labor Law Compliance” (Cumplimiento de la Ley de Trabajo) en Quick Links (Enlaces Rápidos).

Obtenga asesoramiento y servicios adicionales a las personas interesadas que aquí se reflejan.

Encuentra más información en línea
L A B O R & C O N T R A C T C O M P L I A N C E

LIBC 262 08-14

LIBC 262 ESP 08-14

LBC-500 Workers’ Compensation Insurance (1/15)
LABOR & CONTRACT COMPLIANCE

EMPLOYMENT PROVISIONS OF THE PENNSYLVANIA HUMAN RELATIONS ACT (Act of October 17, 1955, P.L. 744, as amended)

PURPOSE OF PROVIDING
The purpose of the employment provisions of the Pennsylvania Human Relations Act is to prevent and eliminate unlawful discriminatory practices in employment because of race, color, religion, ancestry, age (40 and above), sex, national origin, minority-related characteristics, sexual association with an acquired individual, possession of a disability based on passing a general education development test, or as refusal to refer to participate in a union or an employee organization.

UNFAIR DISCRIMINATORY PRACTICE
1. It is unlawful — on the basis of the facts listed above — for an employer, labor union, or employer agency to: (a) Deny any person an equal opportunity to obtain employment, because of race, color, religion, ancestry, age (40 and above), sex, national origin, minority-related characteristics, sexual association with an acquired individual, possession of a disability based on passing a general education development test, or as refusal to refer to participate in a union or an employee organization.
2. Deny membership, rights, and privileges to any labor organization.
3. Deny any person equal opportunity to be referred for employment.
4. Refuse to contract or otherwise discriminate in contracting with any independent contractor who is licensed by the Bureau of Professional and Occupational Affairs.

PARTIES SUBJECT TO THE ACT
The employment provisions of the Pennsylvania Human Relations Act apply to: (1) Employers of 4 or more persons, including units of state and local governments, (2) Labor organizations, and (3) Employment agencies.

WHO MAY FILE A COMPLAINT
Companies may file a complaint within 180 days of the day the alleged practice of discrimination by any of the following: (1) Any person who believes he or she has been discriminated against; (2) The Pennsylvania Human Relations Commission; (3) The Attorney General of Pennsylvania; or (4) Any employee whose employer fails to comply with the provisions of this Act.

PARTIES ENTITLED TO REMEDY
The employment provisions of the Pennsylvania Human Relations Act do not apply to: (1) Any individual employed in agriculture or domestic service, (2) Any individual who, as part of his or her employment, resides in the personal residence of the employer, or (3) Any individual whose employment is terminated by his or her parents, spouse, or child.

WHERE TO FILE THE COMPLAINT
Every employer, labor organization, and employment agency that is a party to the employment provisions of this Act is required by law to post this notice. It is a violation of the Pennsylvania Crimes Code to remove or destroy the notice. For further information, write, phone, or visit the Pennsylvania Human Relations Commission: Central Office, 103 Chambers Street, Suite 200, Harrisburg, PA 17111, (717) 787-4407 or (717) 787-4407 (TTY) or visit us at: pchr.cac.org.

To file a complaint, contact the Regional Office nearest you:

**Pittsburgh**
300 5th Ave, Suite 300
Pittsburgh, PA 15222
(412) 560-5307
(412) 560-5711 (TTY)

**Harrisburg**
110 W. 8th Street, Suite 501
Harrisburg, PA 17107
(215) 560-3599 (TTY)

**Philadelphia**
110 W. 8th Street, Suite 501
Philadelphia, PA 19107
(215) 560-2949
(215) 560-2967

For additional information, see the Pennsylvania Human Relations Commission's website at: pchr.cac.org.
"EEO is the Law" Poster Supplement
Employees Hired Under Federal Contracts or Subcontracts Section Revisions

The Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination based on race, color, national origin, sex, religion, and age. The EEOC enforces laws that prevent employers from engaging in discrimination.

Section 503 of the Rehabilitation Act of 1973, as amended, prevents discrimination against individuals with disabilities. The act also prohibits discrimination on the basis of disability in employment, including recruitment, hiring, testing, and training. Employers are required to reasonably accommodate individuals with disabilities, except where such accommodation would cause undue hardship.

Section 504 of the Americans with Disabilities Act of 1990, as amended, prohibits discrimination against individuals with disabilities. The act also prohibits discrimination in employment, including recruitment, testing, and training. Employers are required to reasonably accommodate individuals with disabilities, except where such accommodation would cause undue hardship.

The Veterans Affairs Equal Employment Opportunity Office enforces laws that prohibit discrimination against veterans.

The Office of Federal Contract Compliance Programs (OFCCP) enforces laws that prohibit discrimination in employment.

The Spanish version of the "EEO is the Law" poster is available on the EEOC website.

EEOC P/E-1 (9/15)
## Company EEO Policy Statement

It is the policy of this company to assure all applicants and employees are treated fairly throughout the employment process, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

## Work Environment Statement

It is the policy of this company to ensure and maintain a working environment free of harassment, sexual harassment, intimidation, and coercion at all sites, and in all facilities at which our employees are assigned to work. This policy will be rigidly adhered to at all times. Any violation of this policy should be reported immediately to your supervisor or the company EEO Officer.

## Notice encouraging employees to refer minority and female applicants for employment

We encourage the help of all employees in referring minority and female applicants for employment. If you know a minority and/or female who is seeking employment, please refer them to (NAME) at (TELEPHONE #).

## Certification of Non-segregated Facilities

(CONTRACTOR) certifies that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy of the sexes.

## Notice informing employees of available training program and entrance requirements

We are participating in an On-the-Job Training Program for the Heavy-Highway Construction Industry. If you are interested in developing a skill in a craft, please contact (NAME) at (TELEPHONE #). He/she will explain the program to you in detail. The only requirement is that you have the desire and ability to develop a skill in the craft in which you are interested.

## Notice to unions disseminating EEO commitments and responsibilities and requesting their cooperation

(CONTRACTOR) will continue to make the company EEO policy known to the employment entities with whom we deal and in our employment opportunity announcements that employees and applicants for employment will be hired; upgraded, promoted or advanced, demoted; transferred; recruited; laid-off or terminated; compensated; and trained without regard to their race, religion, sex, color, national origin, age or disability. We will request the cooperation of the entities with whom we deal to assist our company in meeting its EEO obligations. It is also the policy of this company to provide reasonable accommodations for qualified disabled individuals.

## Complaint Procedures

Any complaint of alleged discrimination by this company, its supervisors, or employees, or any person or organization acting on behalf of the company, should immediately be called to the attention of the company Equal Employment Opportunity Officer.

## Notice identifying company EEO Officer by name and contact information

The Equal Employment Opportunity Officer for the (CONTRACTOR) is (NAME). He/she may be contacted by writing (ADDRESS) or calling (TELEPHONE #) before 5 pm. After this time she may be reached at (TELEPHONE #).

Additional information regarding the aforementioned policies may be obtained from the Company’s EEO Officer.

Signed by (NAME) Company Official (President, VP etc.) (TITLE)
A. Sexual Harassment policy (Example)

ACE Construction Company
711 Pike Drive
Anywhere, PA  18000-1234
(555)645-9875
Fax (555)645-6789

As President of ACE Construction Company, I affirm the Company’s policy regarding a harassment free work environment. Sexual harassment is a violation of state and Federal laws. Therefore, all state and federal laws relating to sexual harassment and/or sex discrimination will be enforced. Through consistent, determined application of the Policy, we will preserve the right of all persons to work in an environment free from sexual harassment and intimidation.

Sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery. To prevent sexual harassment in the workplace, all managers, supervisors, and employees must be made aware of the Company’s policy, the steps to take when concerns arise.

Behavior which can constitute sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where:

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

A manager or supervisor will be subject to appropriate disciplinary action, up to and including termination of employment, if he or she fails to take corrective action when it is known, or reasonably should have been known, that an individual in the line of supervision of the manager or supervisor is, or was being subjected to, sexual harassment on the job.

Persons who believe they have been subjected to sexual harassment should contact: John Q.

Alexander, EEO Officer
ACE Construction Company 711 Pike Drive
Anywhere, PA  18000-1234

President ___________________________ Date ___________________________
ACE Construction Company

BEQ Rev. 7/03
Responsibilities of the Inspector-in-Charge:

All subcontractors must be approved prior to starting work on the project. This includes all service providers and DBE Suppliers. Call the District DLCCA when you are in doubt about a subcontractor’s status.

Assure the following:

1. The subcontractor, service provider, or DBE supplier, shall not begin work on the project until a subcontractor request has been approved by the District DLCCA.

   NO EXCEPTIONS!

   (Approved sub requests can be found on the ECMS Subcontractor Request Screen.)

2. Verify that a copy of the signed/executed subcontract is available on paper or though the PPCC for review, prior to any subcontractor starting work.

3. Review of the signed/executed subcontracts for all the applicable special provisions, verifying the appropriate version is attached. Then assure attachments have been documented on the “Summary of Approved Subcontractors” (refer to the Subcontractor Checklist).

   a. Note: Incorporation by reference of the applicable provisions/attachments is permitted, except for the “DSP 8 & 12”. It is imperative that you are using the proper versions. A copy of the actual special provision/attachment, must be physically attached to the executed subcontract agreement.

4. Subcontractors are to only perform work items for which they have been approved. The prime contractor may submit another Subcontractor Request as needed.

   a. A subcontractor may perform flagging for his or her own operation.

   b. The prime may provide flagging for all operations on the project.

IF A DBE/DB CAN NOT PERFORM THE COMMITTED WORK, THE DEPARTMENT MUST BE NOTIFIED IN WRITING BY THE PRIME AND THE SUBCONTRACTOR, BEFORE THE PRIME OR ANY OTHER APPROVED SUBCONTRACTOR MAY PERFORM THE WORK.
Subcontractor Checklist

The following is to be completed and documented on the “Summary of Approved Subcontractors” form prior to the subcontractor beginning work.

1. The subcontractor, service provider or DBE supplier may not begin work on the project until a “Subcontractor Request” has been approved by the District DLCCA.

2. Signed/Executed Subcontract Agreement is available on the project, or through the PPCC.

3. Subcontractor’s Fringe Benefit Letter has been received, and verified by the field or the DLCCA through PPCC.

4. Subcontract Agreement has been reviewed and contains the following:

   - (X)= Federal Aid Contract
   - (+)= State Contract with Wage Rates
   - (#)= State Contract with No Wage Rates

[ X + # ] PUB. 408/APPENDIX-C/DSP-1 - Offset Provision for Commonwealth Contract
[ X + # ] PUB. 408/APPENDIX-C/DSP-2 - Contractor Responsibility Provision
[ X + # ] PUB. 408/APPENDIX-C/DSP-3 - Provision for Commonwealth Contracts concerning the Americans with Disability Act
[ + # ] PUB. 408/APPENDIX-C/DSP-4 - Diverse Business Requirements for State funded Projects
[ X] PUB. 408/APPENDIX-C/DSP-7 - Disadvantaged Business Enterprise for Federally funded Projects
[ X] PUB. 408/APPENDIX-C/DSP-8 - Required Contract Provision Federal-Aid Construction Contracts
[ X + # ] PUB. 408/APPENDIX-C/DSP-9 - Special Supplement - Anti-Pollution Measures
[ X + # ] PUB. 408/APPENDIX-C/DSP-10 - Commonwealth Non-Discrimination Clause
[ X + # ] PUB. 408/APPENDIX-C/DSP-11 - Contractor Integrity Provisions
[ X ] PUB. 408/APPENDIX-C/DSP-12 - Executive Order # 11246
[ X+] Wage Predeterminations
[ X+] PUB. 408/APPENDIX-C/DSP-13 - Buy America

[ X ] Required Contract Provision – Applicable to Appalachian contracts DSP & Attachment A
[ ] Other -

_______________________________________________________________________
_______________________________________________________________________
Summary of Approved Subcontractors

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Date Sub Approved in ECMS</th>
<th>PPCC ID # Fringe Letter Reviewed Initial &amp; Date</th>
<th>PPCC ID # Date Subcontract with Provisions Attached Reviewed Initial &amp; Date</th>
<th>Date Sub Started Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Prime)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Fringe Benefit Letters – Section 3

Responsibilities of the Inspector-in-Charge:

Payment of proper wage rates cannot be assured without consideration of fringe benefits. Prevailing wage rates in the contract contain two parts; the Hourly Base Rate and the Hourly Fringe Benefit Rate. An employee must be compensated the sum of both rates, whether the fringe benefits are paid all in cash, a combination of cash plus partial fringe benefits paid to an approved plan, or all the fringe benefits are paid to an approved plan. (Refer to checklist of sample fringe benefits.)

Assure the following:

1. The contractor’s and each subcontractor’s fringe benefit letter is to be placed in PPCC before they arrive on site.

2. All the applicable work classifications/crafts are addressed in the fringe benefit letter.

3. The dollar amount of provided benefits listed in their letter conforms to contract requirements, and the name of company/individual where the contributions are made is listed.
   a. It’s not enough to state “Fringe Benefits are paid per contract requirements”. The dollar amount must be indicated.
   b. If the amount indicated is insufficient to cover the contract requirements, the contractor makes a statement, such as, “The remainder (with dollar amount indicated) of fringe benefits will be paid in cash”

4. Document on the “Summary of Approved Subcontractors” form subcontractor’s Fringe Benefit Letter has been received and reviewed.
Fringe Benefit Letter Checklist

Fringe Benefit Letters are to explain how and where a contractor is paying each employee fringe benefit hourly rate as specified in the contract. The Fringe Benefit Letter is to be submitted by the contractor and used when verifying wage rates submitted on payrolls.

_____ Fringe benefits paid in cash

“All fringe benefits paid to employees are paid in cash for all hours worked.”

_____ Fringe benefits paid in combination (cash and to an approved plan)

“Provide an hourly breakdown of the cost of the benefits provided to the employee. Provide the name and address of the benefit provider. Indicate the dollar amount paid in cash to the employee.”

_____ Fringe benefits are paid to an approved provider

“Provide an hourly breakdown of the cost of the benefits provided to the employee. Provide the name and address of the benefit provider.”

Note: Fringe Benefit Letters should match the payroll certification, and “may” require a signature line: Signed by (NAME) Company Official (President, VP etc.) (TITLE).
Responsibilities of the Inspector-in-Charge:

Conduct weekly wage rate interviews of approximately 10% of the total project work-force including both Prime and Subcontractors employees. At the time of the wage rate interview, describe the employee’s trade classification and the work being performed to indicate the specific defined prevailing wage rate the employee is performing and the equipment that he/she is operating, if applicable. The “Wage Rate Interview” forms can be placed in a “Metal Prong” Report Folder, or a “Three (3) Ring Binder”, specific to the project. A separate section should also be dedicated to complaints/comments received during the interview.

Layout examples of both the above stated are provided at the end of this section.

Assure the following:

1. Approximately 10% of the total project work force is interviewed every week.
   a. **Note:** If the total workforce is 10 or less, and the personnel remain constant, the wage rate interviews may be reduced to 10% every three (3) weeks.

2. Complete the wage rate interviews with the hourly rate reported by the employee being interviewed. If employee does not know the hourly rate he/she should be receiving, indicate the hourly rate as “unknown”.

3. The employees work activity/craft is described in sufficient detail to properly classify the work being performed to the applicable contract wage rate.
   a. The work activity/craft listed is the actual work being performed by the interviewee at the time of the interview. The work activity/craft described are specific. With 5 groups of operators and 7 groups of laborers (for example) it is **not** enough to indicate “operator” or “laborer” on the “Wage Rate Interviews” form.
      
      e.g. Work activity/craft should be described as such: “running wrecker”, “cutting lumber for forms”, “D-6 Dozer”, “shoveling dirt from trench”, etc.

4. Comments/Complaints are adequately described and, if necessary, DLCCA has been notified. All follow-up actions relating to the comment/complaint must also be documented on the “Wage Rate Interviews Comments/Complaints” section of the book.

5. The employee’s hourly rate identified during the Wage Rate Interview and the contract rate should be cross-referenced with the certified payroll to verify the employee is receiving the correct rate of pay.


7. Make a notation in the “Wage Rate Interviews” book when no work has been completed on the project during an applicable week.

**Note:** Do not use separate pages/sections for prime and subcontractor. Weekly wage rates are to be completed based on the project total work force including all employees working (both prime and subcontractors). Therefore, wage rates are to be documented continuously from the beginning of the project, until it’s completion in the “Wage Rate Interviews” book.
Wage Rate Interview Checklist

Wage Rate Interviews can be placed in a “Metal Prong” Report Folder, or a “Three (3) Ring Binder”, specific to the project.

Wage Rate Interviews must contain the following:

- a. Employee’s name
- b. Employee’s Identifying number, (no social security numbers please)
- c. Employee’s work activity/craft being performed is adequately described. (Do not list only ‘operator’ or ‘laborer’.)
- d. Wages (as reported by employee) are indicated
  - (If the employee does not know their pay rate, “unknown” should be indicated).
  - Refer employee to Bulletin Board for wage rates.
- e. Name of Employer
- f. Date of Interview
- g. Signature of employee
- h. Initials of the interviewing inspector
- i. If a comment/complaint has been received:
  1. Recorded in detail in the “Wage Rate interviews Comments/Complaint” section.
  2. Notify DLCCA, if necessary.

Information required after the interview to be documented in the Wage Rate Book:

- a. Record the contract rate (computed as necessary).
- b. Record the paid rate (as reported on the certified payroll).
- c. The inspector checking the payroll makes notation/initials on the payroll, at the employees’ name, verifying that check was completed.
- d. The inspector is to correct discrepancies, if inspector cannot correct the problem notify the DLCCA. (All actions must be documented in the “Wage Rate Interviews Comments/Complaints” section).
**Wage Rate Interviews**

Prime Contractor: ________________________________  
County: ________________________________  
SR/Section: ________________________________  
Contract No: ________________________________  

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* = Refer to Wage Rate Interview Comment/Complaint Section for remarks
Key: (I) = Interview Rate (C) = Contract Rate (P) = Payroll Rate
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# Wage Rate Interviews Comments/Complaints

**Prime Contractor:** __________________________

**County:** _________________________

**SR/Section:** _________________________________

**Contract No:** _____________________

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<th>Contractor’s Name</th>
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**Date Resolved:** 

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Certified Payrolls - Section 5

Responsibilities of the Inspector-in-Charge:

You have made sure that the bulletin board posted the prevailing wage rates so that employees are informed of how much they should make for their specific job duties; you’ve interviewed the employees to confirm that they are receiving prevailing wages; now you have to review the contractors’ reporting documents. This is the area where most of the labor compliance deficiencies present themselves. While all of this may seem extreme, it really doesn’t involve a lot of time (barring problem resolutions), and the results are worthwhile. Statewide, the labor compliance agenda (including payroll reviews), often recoups hundreds of thousands of dollars for employees that were short-changed by their employers, intentionally, or unintentionally.

When a worker is classified as “owner” and is performing manual task on-site, the work performed is only exempt from prevailing wage rate if he/she is performing the craft work part-time (<20% of the work week hours.) Otherwise they must appear on the payroll with their wage rate shown to be at least as much as the prevailing minimum rate.

Generally, material supply truck drivers (bringing aggregate, pipe, etc.) do not receive prevailing wage rates. However, if the truck driver is hauling on-site excavated materials to an on-site fill, etc. they should receive the prevailing wage rate. Drivers that are involved in activities that are both on-site and off-site, for example, hauling on-site excavated material to an off-site waste area, or hauling off-site borrow material to an on-site fill, the activity must be evaluated on a case-by-case basis. Again, speaking in generalities, the time spent on-site is compensated at contract rate. Time spent off-site will depend on whether the off-site location meets certain criteria, such as the proximity to the project, or if the site is dedicated to the project, etc. Contact the DLCCA for guidance on these situations.

Other than the areas of concerns already mentioned, most of your payroll reviews will prove to be straightforward. Randomly check the payroll for correctness against the below defined criteria, compare to wage rate interviews if applicable, check them off, and put them in PPCC.
Responsibilities of the Inspector-in-Charge (continued…)

Assure the following:

1. Certified Payrolls for all employees are submitted to PennDOT weekly.

2. Certified Payrolls are received (for prime & sub-contractors) through PPCC by the 7th day after each weekly payday, and the 10th day for state projects after the employees’ pay date.

3. The PPCC date stamp can be used upon receipt of the payrolls through its system. Please be sure to continue to list the 10% of employee’s names you have reviewed.

4. Receipt of payrolls is logged on the ‘Record of Contractor’s Payroll Submission” form located in this section.
   a. Note: ‘Elapsed Days’ column indicates the elapsed days from the employee pay date to your receipt of the certified payroll.

5. Each payroll must be randomly reviewed for classification, wage rate errors, and acceptance through PPCC, with the goal of reviewing every employee that has worked on the project.

To comply with this requirement, the following information must be checked by the Inspector-in-Charge:

   i. Payroll is on the correct form. See examples on the following pages.

   ii. The date information (week beginning/week ending), the correct SR/Section, the Contract number appear on payroll. The contractor’s representative’s Signature must appear on the certification.

   iii. The employee pay date appears on either the certification and/or payroll.

   iv. Employee’s full name.

   v. Employee’s identifying number, or last 4 of social security only.

   vi. Employee’s contract classification and pay rate.

      1. Work activity should be described adequately to determine proper classification.
         a. It is not sufficient to indicate only ‘Laborer’ or ‘Operator’, for example. The class or group must be shown.

   vii. Employee’s daily hours worked @ straight time.

   viii. Employee’s daily hours worked @ over-time.

      1. One and one-half times the basic contract rate.
ix. Statement of compliance matches fringe benefit letter.
x. Deductions other than state and federal taxes must be explained.
xi. Apprentices or Trainees appearing on the payroll should be:
1. Properly identified as apprentices, or trainees.
2. Apprentice can only register in an approved apprenticeship program.
   a. i.e. Letter of Indenture (provided by contractor from the unions)
3. Paid proper rates as established by the approved apprenticeship program.
4. The Inspector randomly reviews the certified payrolls and initials each employee checked against wage rates.
5. If an error or discrepancy is found:
   c. Document the problem and the corrective action on the “Comments & Corrections for Unacceptable Payroll Submissions’ form.
      i. Minor issues should be addressed by the Inspector.
         1. If compliance is obtained within 10 days, notification of the DLCCA will not be required.
         2. If the issue(s) are not resolved within 10 days or if the finding is a major violation, the DLCCA must be notified.
6. Check the ‘ACCEPTABLE’ box (yes or no) on the ‘Record of Contractor’s Payroll Submission’ form.
   a. DO NOT return payrolls to the contractor for corrections. Revised payrolls are to be submitted through the PPCC system for acceptance. Duplicate payrolls are not required for the District Office. All project payrolls are to be reviewed and submitted through the PPCC system.
9. **Owner/Operator Notes**

When performing wage rate interviews on an Owner Operator trucker; ask to see the Driver’s License, Insurance card and Registration/Owners card. When all has been reviewed, the vehicle registration card could be photographed with the I-Pad for reporting purposes.

b. A truck driver that owns and operates his/her own truck (Owner/Operator) is exempt from Federal Prevailing Wage Rates.

   i. Owner/Operator exemptions apply to TRUCKS ONLY! This does not apply to backhoes, cranes, drill rigs, etc., these are not "services" they must have subcontractor approval.

   ii. Contractor is to submit a list of owner/operators used each week with weekly payroll.

   iii. If a broker is used, a certified payroll must be submitted by the broker identifying the truck drivers as Owner/Operator. If the drivers are not an Owner/Operator, they must be shown on a certified payroll as an employee being paid the appropriate wage rate as identified in the contract.

c. The Inspector shall request a copy of the owner/operator’s vehicle registration card, his/her driver license, and insurance card to be kept and filed in PPCC.

d. The owner/operator’s name and the classification Owner/Operator” appears on the certified payroll. The hours worked and the hourly rate are not required.

**Note:** If the name on the driver’s license does not match the name on the vehicle registration card (or if the vehicle is registered to a company), ask if the driver is leasing the truck.

   a. If **yes**: A copy of the Lease Agreement must be submitted to the DLCCA for review. If applicable, you will be provided with a ‘Certification’ form to be completed by the lessee (driver). Additionally, the DLCCA will provide a ‘Certification’ form to the lessor.

   b. If **no**: Contact the DLCCA as soon as possible.
**Example of Payroll Certification (All State Projects)**

**WEEKLY PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS**

<table>
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<tr>
<th>Contractor or</th>
<th>Subcontractor (Please check one)</th>
<th>ALL INFORMATION MUST BE COMPLETED</th>
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**CONTRACTOR**

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**SUBCONTRACTOR**

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**PAYROLL NUMBER**

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**PROJECT AND LOCATION**

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**PROJECT SERIAL #**

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**EMPLOYEE NAME**

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<th>APPR. RATE (%)</th>
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**TOTAL BENEFITS (C-Cash)**

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**TOTAL PAYMENTS**

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**GROSS PAY FOR PRE-TAX EARNINGS**

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**CERTIFIED STATEMENT OF COMPLIANCE**

1. The undersigned, having exercised a contract with

2. The undersigned certifies that

3. The undersigned, having said the following checks the contract or subcontract are

---

**THE CERTIFICATE MUST BE ATTACHED TO THE FIRST AND LAST SUBMISSIONS ONLY. ALL OTHER INFORMATION MUST BE COMPLETED UPON SUBMISSION.**

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**THE DATE:**

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**THE SIGNATURE:**

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Certified Payroll Checklist

Payrolls

1. Upon receipt of payroll:
   a. Inspector-in-Charge should review payroll prior to acceptance through PPCC.
   b. Statement of Compliance (WH-347 or LLC-25)
      i. If attached with all blank fields properly completed.
      ii. If signed by the contractor’s representative.
   c. Payroll/Statement of Compliance is received and submitted in the PPCC by the 7th Day for WH-347, and 10 days for LCC-25, after each payday.

All Payrolls must be placed in the PA Project Collaboration Center (PPCC)

2. Payrolls should contain the following:
   a. Employee’s Name.
   b. Employee’s Identifying Number.
   c. Employee’s Work Classification.
      ii. Work activity/craft must be adequately described to determine proper rate.
   d. Employee’s Contract Rate.
      i. Straight time rate meets base rate of pay.
      ii. Over-time rate is paid at anything over 40 hours/week.
         1 ½ times the base rate.
   e. Employee’s daily and weekly hours worked.
      i. Straight time
      ii. Over-time
   f. Employee’s week ending date appears on payroll.
   g. Employees are paid weekly.
   h. If an apprentice is listed on payroll? Check if:
      1. Evidence of Apprenticeship papers.
      2. Appropriate wage rate for apprentice paid.
   i. Owner/Operators list attached with payroll. If used by a broker owner/operators appear on certified payroll.
   j. Name and classification ‘owner operator’ is all that is necessary.
   k. Findings not in compliance must either be, corrected by inspector and/or referred to the DLCCA (all actions must be documented).

Note: Payrolls are not to be returned to contractor for corrections. All corrective actions are to be submitted on an Comments/Corrections Payroll form through PPCC.
# Index of Certified Payrolls

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Record of Contractor’s Payroll Submissions  CS 2121

Contractor: _____________________________________________________________

Project No. ___________________________ SR / Section: ___________________________

** Complete an individual form for each Contractor **

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<th>Pay Date</th>
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**CS 2121**

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Project No: ___________________ SR / Section: ________________________________

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# Comments/Corrections Payroll Submissions

<table>
<thead>
<tr>
<th>Contractor’s Name</th>
<th>Payroll #</th>
<th>Week Ending</th>
<th>Revised Payroll (Rec’d Date)</th>
<th>Description of Payroll Problem(s)</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

**Corrective Action Steps:**

Date Resolved:

**Corrective Action Steps:**

Date Resolved:

**Corrective Action Steps:**

Date Resolved:

**Corrective Action Steps:**

Date Resolved:

**Corrective Action Steps:**

Date Resolved:
Responsibilities of the Inspector-in-Charge:

Assisting disadvantaged businesses, including those owned by women and minorities, is an important aspect of PennDOT’s Equal Opportunity Programs. Your contract may include a DBE or DB Goal with Minimum Participation Levels (MPLs) that the contractor must strive to meet. The prime contractor must submit the Minority Participation and Commitment electronically in ECMS for all DBEs used to satisfy the DBE project goal. Eligible DBE firms can be located by utilizing the ‘DBE Listing’, located in ECMS. The Minority Participation and Commitment, formerly referred to as the Attachment A, is then incorporated into the executed contract.

When a prime has committed to use a DBE, or DB firm, it becomes a contractual obligation. If situations arise and the firm is unable, or unwilling to complete the committed work, the contractor must submit a request to notify, and revise their Minority Participation and Commitment. If a DBE or DB firm is to be removed or replaced, the prime must receive written approval from PennDOT before proceeding with the substitution or removal.

The prime should first submit in writing to the District via the IIC, their notice of intent along with adequate justification for the change. If the project is federally funded, then the prime must notify the DBE/SBE firm in writing via certified letter of their intent prior to their removal or replacement. As an IIC, you must assure that committed work is not performed by anyone other than the firm listed on the Minority Participation and Commitment.

**DBE Goal set forth in this contract and (presented at the pre-job) is _______% (Federal)**

**DB Participation Level set forth in this contract and (presented at the pre-job) is _______% (State)**

Assure the following:

1. You are familiar with all DBE/DB subcontractors, suppliers and services, such as trucking firms, participating on the contract including their specific items of work.

2. That all requirements listed in Section 2 ‘Subcontracting’ have been satisfied.

   **Note:** If the DBE/DB is a manufacturer or supplier, a copy of the Purchase Order, etc. is acceptable (in lieu of subcontract agreement).

3. That the DBE subcontractor has responsible personnel (e.g. superintendent) controlling operations.
4. That items listed on the Minority Participation and Commitment are performed exclusively by the respective DBE/DB subcontractor (all employees performing this work are listed on the respective DBE/DB’s certified payrolls.)

5. That a lease agreement is on file if the DBE/DB uses another subcontractor’s equipment.

   **Note:** The prime’s equipment is not permitted to be used, or leased in any way.

6. Attention is paid to Pub 408 specifications regarding mobilization payments. This must be listed on the Minority Participation and Commitment to be enforced.

7. Required paperwork is properly completed and submitted in a timely manner.

   a. Verify that payments to DBEs and DBs, are submitted by the prime in ECMS under ‘Minority Payments’ within five (5) business days after the end of the month. The IIC is responsible for reminding the prime of the importance of timely entry of payment information.

   b. For all DBE firms performing on federally assisted projects; complete a new EO-354 Commercially Useful Function (CUF) form, at least once in a construction season, and anytime a DBE performs a new or different scope of work, and when there are issues identified with the DBE’s performance. A EO-354 (CUF) form is required for a DBE regardless, if they’re used to meet the project goal or not. If any supporting documentation is not yet available, complete the form to its fullest extent possible, indicating in the “Comments”, any items that are still needed for review.

   c. All CUF forms should be forwarded through PPCC immediately! If waiting for supporting documentation, don’t wait past 6 months. Remember to check the proper box when the supporting documentation does come in.

      i. If before 6 months, check the “Initial” box indicating the review type.

      ii. If after 6 months, and no supporting documentation has been received, complete a new EO-354(CUF) form.

      iii. If it’s been a year and the DBE has not worked on the project, since the initial time, and supporting documentation comes in, check the “Follow-Up” box; being sure to address the lateness in the comments.

      iv. If after a 1 year period, the CUF form comes through, it will **not** be accepted.

8. The IIC is responsible, with the assistance of the DLCCA, for monitoring a project’s DBE Goal, or DB MPL’s to ensure they are ultimately met. Concerns regarding the goal or MPLs should be communicated to the prime and the DLCCA.

9. The importance of attaining these goals cannot be over emphasized. If the prime contractor is experiencing difficulty; or if you have questions please contact the District Office ACE or DLCCA for construction. Timely identification and notification of potential issues is essential to ensuring the maximum opportunity for DBEs, DBs, to compete on transportation related projects.

10. The EO-354 Commercially Useful Function (CUF) forms are now work-flowed through the PPCC. Please contact The Bureau of Equal Opportunity, if you have any questions.
# DBE Commercially Useful Function Report

(for Federally Funded Projects Only)

<table>
<thead>
<tr>
<th>ECMS Project Number</th>
<th>District</th>
<th>SR</th>
<th>Sec.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Contractor:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DBE Firm:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date DBE began work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date CUF Review Conducted by District</td>
<td>Review type:</td>
<td>Initial</td>
<td>Follow-up</td>
</tr>
<tr>
<td>Work type (e.g., Earthwork, Clearing, and Grubbing)</td>
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<td></td>
</tr>
</tbody>
</table>

**Please note that not all questions apply to all work items. If the question is not applicable simply check “N/A.”**

1. Was the DBE firm that performed the work the same firm originally committed to in ECMS for this work item?  
   - YES  
   - NO  
   - N/A
   
   If no, briefly explain

2. Were materials drop shipped?  
   - YES  
   - NO  
   - N/A
   
   If yes, briefly explain

3. Were materials delivered after hours?  
   - YES  
   - NO  
   - N/A
   
   If yes, briefly explain

4. If materials shipped to the project site by a third party, was lease agreement provided?  
   - YES  
   - NO  
   - N/A
   
   If no, briefly explain

5. Did the DBE provide necessary paperwork (e.g., certifications, delivery tickets, permits, etc.) as required?  
   - YES  
   - NO  
   - N/A
   
   If no, briefly explain

6. Did the DBE have a superintendent or other representative assigned to the project who was responsible for ensuring effective control of the work?  
   - YES  
   - NO  
   - N/A
   
   If no, briefly explain

7. Did you observe the DBE firm using any equipment or tools that appeared to be the property of another company (e.g., magnetic signs, stamps, etc.)?  
   - YES  
   - NO  
   - N/A
   
   If yes, briefly explain

8. Was the DBE’s work suspended, in whole or in part, because the firm failed to comply with specifications or with the provisions of the contract?  
   - YES  
   - NO  
   - N/A
   
   If yes, briefly explain

9. Did the DBE’s employees appear to be knowledgeable of the necessary construction methods related to this item of work?  
   - YES  
   - NO  
   - N/A
   
   If no, briefly explain

10. Is the DBE self-performing work without assistance from the prime or another subcontractor?  
    - YES  
    - NO  
    - N/A
    
    If no, briefly explain
11. Based on your observations, did the DBE demonstrate that it was responsible for execution of the work of the contract and carried out its responsibilities by actually performing, managing, and supervising the work involved? □ □ □

If no, explain in ‘Comments’ below:

COMMENTS (As appropriate, explain any steps taken to resolve any issue(s) identified above at the project level. Also, indicate whether resolution was achieved.)

*(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH A SEPARATE SHEET)*

**Inspector-In-Charge Only**

Print Name ___________________________ Phone Number ___________________________ Date ___________________________

**YES** **NO** **N/A**

1. Did any work committed to the DBE get eliminated and if so, were appropriate adjustments made to the commitment in ECMS? □ □ □

If no, briefly explain ___________________________

2. If this DBE firm was a replacement, was the required documentation received? □ □ □

If no, briefly explain ___________________________

3. If a shortfall exists, describe any steps taken to avoid or minimize it.

Briefly explain ___________________________

4. Based on your review of the above information, did the DBE demonstrate that it was responsible for execution of the work of the contract and carried out its responsibilities by actually performing, managing, and supervising the work involved? □ □ □

If no, explain in ‘Comments’ below:

COMMENTS

**ACE (or designee) Only**

Print Name ___________________________ Phone Number ___________________________ Date ___________________________

**BEQ Only**

Based on our review of this CUF Report:

Concur □ Do not concur □

Comment: ___________________________

Signature ___________________________ Date (117) 555-9999

Print Name ___________________________ Phone Number ___________________________
GUIDANCE FOR COMPLETING THE CUF FORM

The guidance below is included to assist you in identifying situations that may indicate that a Disadvantaged Business Enterprise (DBE) is not performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26. Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is, in fact, carrying out its contractual responsibilities by performing, managing, and supervising the work. CUF is evaluated under the portion of Part 26 that indicates when DBE participation can be counted towards the project goal (that section is included as an attachment to this document). If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit.

Things to remember:

Failure of a DBE to perform a CUF is significant. Please keep in mind the following:

1. A DBE firm's activity in relation to its contractual obligations does not end with the completion of one CUF form. Accordingly, it may be necessary to review a DBE's performance multiple times and file multiple CUF forms throughout the life of a project.

2. Complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work, or if there are issues identified with the DBE's performance. Also, complete a new CUF form every time a DBE performs a new or different item of work on the project, e.g., furnish and install to supply only. A CUF form must be completed for all DBE's performing on any federally funded highway project, regardless of if they are being used to meet the DBE project goal.

3. A DBE firm’s performance should be reviewed in light of what it is contractually obligated to do. It is important to be familiar with the work the DBE has contractually committed to do. The identification of "red flags" during a review may not mean that a CUF issue exist. Accordingly, it is important to document what you observe for further evaluation.

A CUF form must be completed either on paper or through the PPCO. If your project has not been placed in the PPCO, please continue to maintain the completed CUF form(s) in the project field office, while also remembering to email a copy of the form to BED for approval. As stated above, complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work. This must be done regardless if the DBE is being used to meet the project goal or not. If all supporting documentation is not yet available, complete the CUF form to the fullest extent, indicating in the 'Comments Box' any items that are still needed for review.

Once a CUF form has been completed, continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. When in doubt, contact the Bureau of Equal Opportunity (BEO) at 717-787-6891 or 1-800-468-4201 or via the email resource account at: pennbudot@bea.pcmjs for additional guidance and/or assistance.

Red Flags

The following are examples of some of the more common red flag occurrences:

PERFORMANCE

- Employee(s) working for both the Prime and the DBE. (Note: This could be the result of union agreements and therefore must be examined closely)
- Equipment used by DBE belongs to the Prime Contractor
- Equipment signs and markings cover another contractor's identity, with no formal lease agreement
- Equipment used by DBE belongs to another contractor with a formal lease agreement
- Equipment has another contractor's name on it
- All or a portion of the DBE's work is being done by the Prime Contractor or jointly with another contractor

RECORDS/DOCUMENTS

- Certified payrolls
- Equipment ownership, rental, or lease documents (recommend District require copy along with subcontract submittal)
- Subcontract Agreement or Purchase Order

HAULING FORM

RED FLAGS

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with a formal lease agreement
- Truck signs and markings conceal another contractor's identity
- Trucks have another contractor's name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is not specified in the lease agreement and operator(s) is not an employee of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

RECORDS/DOCUMENTS

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents (recommend District require copy along with subcontract submittal)
MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

RED FLAGS
- Invoices do not indicate that DBE is the customer
- A Prime Contractor’s employee is listed as the contact person on Invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Drop shipped materials are addressed to the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor
- Evidence that the DBE supplier is not actually supplying material
- Evidence that the DBE manufacturer is not actually manufacturing material
- Two Party checks or joint checks sent by the Prime to the supplier or manufacturer
- DBE owner or superintendent does not come to project site to verify the adequacy of drop shipped materials (quality and quantity)

RECORDS/DOCUMENTS
- Invoices/Purchase Orders
- Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
- Bills of Lading

SUPERVISION

RED FLAGS
- Prime Contractor or another subcontractor is completely supervising or directing the DBE’s work
- The DBE’s employees are being supervised or otherwise receiving a large amount of direction on the performance of their work from Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

RECORDS/DOCUMENTS
- Document communication with DBE owner or Superintendent (recommend note in field inspector’s diary/PSA)
- Certified Payrolls
- Photos

DEB REGULATIONS REGARDING COMMERCIALLY USEFUL FUNCTION (CUF)
49 Code of Federal Regulations Part 28 Section 55 as edited for conformity with Pennsylvania Department of Transportation requirements

(c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function 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 commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating prices, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount of work is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the contract, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 50% of the total cost of the contract with its own workforce, or if the DBE subcontractors a greater portion of the work of the contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that is not performing a commercially useful function.

(4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c)(3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

(d) Use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

(1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a continued arrangement for the purpose of meeting DBE goals.

(2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.

(3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.

(4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receive credit for the total value of transportation service for which they pay for the use of the leased truck. Additional participation by non-DBE owned trucks with drivers receives credit only for few or commission it receives as a result of the lease arrangement.

(5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services performed by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the few or commission it receives as a result of the lease arrangement.

(6) For purposes above, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease, with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.
Responsibilities of the Inspector-in-Charge:

Although the Bureau of Equal Opportunity conducts in-depth reviews of projects, you are the ‘front-line’ when it comes to discrimination. In the event, that a contractor, or a subcontractor’s employee feels they are being discriminated against, or harassed, it is quite possible that you will be the person they contact. It is imperative that you know what to do, and preferable that you solve these problems at the project level. However, if you are not sure how to handle a complaint in your district, please contact your District Office Construction - ACE and/or DLCCA, immediately.

Additional Complaint Procedure Guidance:

If you receive a complaint, know the following...
Complaints involving employees or applicants for employment of contractors and subcontractors regarding employment, including but not limited to hiring, recruitment, promotion and discipline are external complaints.

An employee who believes he/she has encountered employment related discrimination, may file a complaint under the contractor’s complaint procedure. Alternatively, the employee may file a complaint with The Pennsylvania Human Relations Commission (PHRC) and The U.S. Equal Opportunity Commission (EEOC). Contractors are required to post notices for employees, applicants for employment and potential employees regarding the complaint process. Contractors must notify PennDOT of complaints.

If the complaint involves a trainee on a federally assisted project and relates to the complainant’s training program, contact The Bureau of Equal Opportunity’s OJT Administrator for guidance.

Current Procedure
The contractor/subcontractor is required to investigate complaints and notify BEO of the outcome of the investigation. BEO will determine if a thorough investigation was conducted and if the contractor/subcontractor fulfilled its contractual obligations to PennDOT regarding EO/EEO. BEO will provide oversight of the process but will not conduct a separate investigation. BEO will notify FHWA regarding the outcome of the investigation.
Workhour Goals

Workhour Goals for women & minority utilization in each construction craft for this contract (federal only) (USDOL, OFCCP Executive Order 11246 presented at the Pre-Job):

Women: __6.9___%  
Minority: ______%

Assure the following:

1. All EEO postings itemized in Section 1 ‘Project Bulletin Board’ are displayed on the project bulletin board, for all subcontracting firms with agreements over $10,000, except material suppliers. Pub 408 107.30.

2. Only the DSP 8 and the DSP 12 special provisions from Section 2 ‘Subcontracting’ are physically attached, all others can be referenced.

3. Attention is paid to the project workforce.
   a. All requirements of the special provisions/attachments are enforced.
   b. Visually monitor the workforce on a day-to-day basis. Inform the contractor of low or no target group representation. Document your efforts.
   c. Refer the contractor to the District DLCCA for assistance in locating appropriate target groups (i.e. women/minority).

4. If your contract has Trainee Provisions, or an OJT Trainee, please refer to Section 8 of this manual. If not, use below:
   a. Explain the complaint procedure.
   b. Explain the time frames for filing a complaint.
      i. Pennsylvania Department of Transportation - 90 days.
      ii. PA Human Resource Commission - 180 days
      iii. Equal Employment Opportunity Commission - 300 days
   c. Inform the District DLCCA of complaint ASAP.

5. Complaints can be recorded on an official OFCCP Complaint Form. See attached link below to access the form.
   https://webapps.dol.gov/ofccp-claims/english.html

For Your Information: The contractor and applicable subcontractors are required to complete a Monthly EEO form (EO-400) by the 30th of each month.

(Please see instructions on next page)
EEO Form Examples

Instructions for Contractors to submit the EO-400 Forms

The EO-400 Report shall be completed by each (prime/subcontractor) holding a contract with the Pennsylvania Department of Transportation (PennDOT) in excess of $10,000 (Federal Aid, 100% State and/or Municipal). The Prime Contractor will report from the 'Notice to Proceed' until all physical work is completed. Subcontractors are required to report from the 'Anticipated Start Date', as it appears on the contractor’s approval screen in ECMS, until completion of the subcontract.

Reports must be compiled and kept for the 30th of each month, but is no longer required to be sent to BEO on an monthly basis. If the report is requested, you may still use the link on the form, (penndot400reports@state.pa.us) or, if directed, the personal email address of the Contract Compliance Specialist requesting the document.

DO NOT SUBMIT REPORTS FOR WORK YOU PERFORM FOR THE PENNSYLVANIA TURNPIKE

Please note that the EO-400 report is comprised of designated columns for males and females, and persons who are listed as minorities. The last two columns of the EO-400 report should provide the total number of all employees and total number of minority employees. Follow the completion instructions. Also, be aware that the “Total” fields are locked, they will automatically calculate for you. Do not alter the workbook in any way or it will be returned to you.

The Workforce Monitoring process begins when the contractor downloads a blank EO-400 report from www.dot.state.pa.us/public/PubsForms/Forms/EO-400.xls. Contractors are responsible for downloading the EO-400 report for each project in all districts in which they are working.

The following steps are used in downloading and completing the EO-400 report:

1. Download the form by utilizing the above link.

2. Enter report information into the “EO-400 form” tab, an instructions tab is also available for more information.

3. Complete all applicable fields in the form.

4. Save the form. Click ‘File > Save As’ and use the filename provided on the form and specify the location where the workbook file will be saved on your computer. You must download this form to your computer, you cannot complete it in its current location, it will not save, and anything sent to us will be lost.

5. There is no need to send the form back to BEO unless specifically requested to do so. The link provided on the form is still active, and will automatically open in MS Outlook. Complete the subject line with the appropriate filename as provided on the form. If the link does not work with your email software, you will need to manually enter the email address and subject line indicated on the form, or use the personal email address of the Compliance Specialist.

6. Repeat the steps above for each PennDOT project in excess of $10,000 (Federal Aid, 100% State and/or Municipal).

Should there be any questions, at all please contact the Bureau of Equal Opportunity at 800.468.4201.
Labor & Contract Compliance

Instructions to submit the FHWA 1391

Directions for 1391 Submissions for Primes & Subs

July 19, 2017

All contractors (Prime and Sub) awarded Federal-Aid Highway construction contracts in Pennsylvania more than $10,000 are required to submit the Federal-Aid Highway Construction Contractors Annual EEO Report, FHWA-1391.

Data must reflect the workforce on the project during the latest pay period worked in July 2017. For clarification, any contractor who performed work during the month of July must submit a report.

The FHWA 1391 report is now web-based. All PennDOT Business Partners will submit the report online at https://www.dot18.pa.gov/fhwa1391. Your Engineering and Construction Management System (ECMS) login and password will be required to complete and submit the report. For assistance in gaining login credentials, contact the ECMS Help Desk at (717) 783-8330, Monday through Friday 8 AM to 4 PM.

Contractors must submit a report for all projects listed under “Open projects” on the Business Partner home screen.

Once you select the project, simply enter the workforce on the project by classification, gender, and ethnicity in the yellow blocks. The totals will automatically be calculated and will populate in the green boxes. After you have filled in the numbers, click on “Submit Annual FHWA Report”. A confirmation message will appear, click on “OK” to submit and you will receive a message alerting you that your report has been submitted.

If no work was conducted on the project during the month of July 2017, simply select the project, scroll down to the bottom of the page, and click on “Submit Annual FHWA Report”. A confirmation message will appear asking “Do you want to submit a NO WORKFORCE REPORT?” Click “OK” to submit.

ALL supply and consultant firms who did not have a workforce in the stated classifications must submit a NO WORKFORCE REPORT.

You may review what projects have been submitted in the “1391 Submitted Projects” tab and can also view the actual 1391 form for each project in the “Submitted 1391 Form” tab.

We suggest contractors print a copy of their submission page in case the system malfunctions and your report is not received by PennDOT. This will keep your company from receiving an out of compliance notification.

Please submit your 1391 reports no later than August 18, 2017.

Should you have any questions while completing or submitting the forms, do not hesitate to call Elaine Claiborne, Equal Opportunity Specialist, at 717-787-5891 or 1-800-468-4201.

Thank You
# PR-1391 Annual EEO Report

The chart below provides a breakdown of the workforce categories for the federal and construction site contractors. The table includes details on the number of employees in each category, as well as the percentage of each group in relation to the total workforce.

**Categories:**
- Total: All employees
- Male: Male employees
- Female: Female employees
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- Asian
- Two or more races
- White
- Appeared on the job

### Table 1: Total Employment by Race/Ethnicity

<table>
<thead>
<tr>
<th>Category</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
<th>Native Hawaiian</th>
<th>Pacific Islander</th>
<th>Asian</th>
<th>Two or More Races</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
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**Note:** The data is updated as of the last full pay period ending in July 2023.
OJT Program - Section 8

Responsibilities of the Inspector-in-Charge:

On-the- Job Training (23 CFR Part 230) – authorization under 23 U.S.C. 140(a) requires the Department of Transportation to establish apprenticeship and training programs targeted to move women, minorities, and disadvantaged persons into journey level positions to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of members of these groups in highway construction skilled crafts.

Assure the following:

Prior to trainee beginning work on-site:

1. A copy of the approved training program(s) as well as OJT forms, enrollment and monthly reports, should be submitted and maintained through PPCC for review and acceptance.
   
   a. The contractor’s On-The-Job Training Program Classifications for PennDOT Approval form (EO-363) is required to be submitted to the (DLLCA’s) or (the District’s OJT designee; within 10 calendar days after the Notice-to-Proceed. (If the EO-363 is submitted beyond the 10 days, the contractor is required to provide a written explanation) The written explanation must be submitted with the EO-363 form. The D.E.’s OJT Designee is to review the selected classifications to verify whether or not the project work scheduled for completion would have the potential to support the completion of the required hours of training in the selected classifications. If it is determined that there is no potential, return the EO-363 to the Prime identifying that and suggest other classifications that would have potential for providing a complete effective and meaningful training prior to the project’s completion.
   
   b. Submit the EO-363 to BEO’s OJT Program Administrator for approval, through PPCC, noting whether or not it had been returned for revision, and identifying what transpired, for the record.
      - Ensure the contractor attaches a sample copy of the completion certificate submitted with the EO-363.

   c. Upon receipt of BEO approval, the DLCCA will forward a copy to the project if they are not including in the PPCC workflow.
      
      i. If the contractor submits the training program directly to you, please forward to the DLCCA as soon as possible.
2. Ensure that the contractor submits a completed EO-364 “Trainee Enrollment” form original prior to the anticipated start date identified on the approved Training Program form EO-363 through the PPCC.

   a. Verify that the information was provided accurately with signature and dates and that the proposed candidate’s enrollment is in compliance with the Training Special Provisions. When apprentices are being enrolled for training, a copy of their indenture papers, or a Union referral letter identifying the apprentice’s status should be included with the submission of their EO-364. If not provided, the union documentation must be requested so it can be submitted with the EO-364 for processing. In addition, a copy of the selected PennDOT approved training program outline or, an Apprenticeship Training Program Outline must be submitted with the EO-364 to include the identification of the “staff” that is scheduled to provide the training. When the documentation is received the EO-364 can be signed and dated acknowledging that conditional approval of the enrollment was granted by the IIC.

   b. Then work flow the copy through PPCC. Paper copies can be emailed to: penndotojtreports@state.pa.us.

   c. If the Trainee Enrollment form is not received prior to the anticipated start date in the approved Training Program (EO-363):

      i. Contact the Prime contractor for the EO-364 form, or a revised start date, which can be work flowed through PPCC or emailed.

**After Trainee begins work on-site:**

1. You should be aware of the training program content and monitor (daily) that the trainee is receiving the prescribed training.

2. Hours that the trainee works in a craft/activity outside of the Training Program are not to be counted toward the completion of the Training Program, or paid from the Training Special Provisions bid item on the progress estimate.

3. Occasionally, conduct informal interviews with the trainee(s) to ensure that there are no problems. Document in your PSA/FID. If and/or when issues are identified, then address them with the DLCCA and/or BEO’s OJT Program Administrator.

4. One copy of the ‘Monthly Training Report’ (EO-365) is to be received in the project field office by the 30th of each month, and is due to the District by the 5th of the following month.

**DUE DATES ARE IMPORTANT!**
a. If training has not been provided during the month, a ‘negative’ report must be submitted. **Exception:** If the employee is laid off, and the “Anticipated Recall Date” on the EO-365 has been completed, negative reports will not be required through the lay-off period.

b. Receipt of EO-365’s are logged on the EO-365 Monitoring form.

c. Verify that the information was provided accurately, if so sign and date.

d. Work-flow through the PPCC, or email a copy to penndotojtreports@state.pa.us if your project is not in PPCC.
   
   i. Ensure that the Training Special Provisions are discussed at weekly Project Progress Meetings. If a trainee demonstrates negative work habits ensure that the Prime is documenting that information on the EO-365 under “Evaluation of Trainee.” Documentation of issues such as excessive absenteeism would help to demonstrate the justification for a termination, if necessary.

5. If a trainee is terminated as a result of injury, resignation, firing or accepting other employment, a replacement must be obtained as soon as possible. The OJT Administrator is to be notified as soon as possible. An EO-365 should be submitted for processing at this time, regardless of the calendar date, identifying the situation that occurred. The contractor and the District must review the scope of work remaining to determine if a meaningful training program can be completed. Contractors must supply documentation regarding their Good Faith Efforts to replace the trainee.

6. Upon completion of the required Training Program hours, the trainee is to receive a “Certificate of Completion”. A copy is to be submitted though PPCC to the OJT Program Administrator.

7. **Any problems regarding trainees and/or the Training Program are to be reported to the District Office and to BEO’s OJT Program Administrator immediately** (BEO telephone number: 1-800-468-4201). The Prime contractors should be instructed to access the most current version of PennDOT’s On-The-Job Training Program Form from the PennDOT Homepage under “Forms & Publications” and/or from the BEO Homepage under “Forms.”
Trainee Form Examples

(EO-363) CONTRACTORS ON-THE-JOB TRAINING PROGRAM CLASSIFICATIONS FOR PennDOT APPROVAL

<table>
<thead>
<tr>
<th>Name and Title of Company Representative (Project)</th>
<th>INITIAL SUBMISSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approach Number</td>
<td>Number of Terms</td>
</tr>
<tr>
<td>Program Classification</td>
<td>Hours of Training</td>
</tr>
<tr>
<td>Rate of Pay</td>
<td>Subcontractor Providing Training</td>
</tr>
<tr>
<td>SBC/BDU/1600A Certified</td>
<td>PennDOT USE ONLY</td>
</tr>
</tbody>
</table>

Apprentice Training Programs are 1,000 hours and compensation will be in accordance with their apprenticeship Union Agreement.

We will utilize the following training program(s):

**SBC/BDU/1600A Certified**

Prime Contractor:

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<tr>
<td>Email Address</td>
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<td>Telephone Number</td>
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ECIS No.: 100% STATE FUNDED PROJECT

Federal Project No.: PR-Engineering District:

County: PENN DOT APPROVAL

SBC/BDU/1600A Certified Provider:

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<tr>
<th>Rate of Pay</th>
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<tbody>
<tr>
<td>Subcontractor Providing Training</td>
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</tbody>
</table>

Apprentice and/or Apprentices will begin training on the project as soon as feasible after the start of work utilizing the skill involved and remain on the project until the training hours or on-the-job training opportunities exist in higher work classification. We will ensure that each trainee is trained to the level of the least qualified person in the training group and that the trainee is assigned.

**SBC/BDU/1600A Certified**

Prime Contractor:

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ECIS No.: 100% STATE FUNDED PROJECT

Federal Project No.: PR-Engineering District:

County: PENN DOT APPROVAL

SBC/BDU/1600A Certified Provider:

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</table>
(EO-364) Trainee Enrollment Form

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<thead>
<tr>
<th>Project Information</th>
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<tbody>
<tr>
<td>ECMS Number</td>
</tr>
<tr>
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<tr>
<td>PROJECT MANAGED BY</td>
</tr>
<tr>
<td>Consultant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contractor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training Provider's Name</td>
</tr>
<tr>
<td>Prime Contractor's Name</td>
</tr>
<tr>
<td>Project Office Address</td>
</tr>
<tr>
<td>Project Office Contact</td>
</tr>
<tr>
<td>Training Provider EEO Officer's Name</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trainee Candidate Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
</tr>
<tr>
<td>Street Address</td>
</tr>
<tr>
<td>City</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes ☐ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you have any experience in the proposed training classification?</td>
<td>If YES, please explain:</td>
</tr>
<tr>
<td>Race/Ethnicity</td>
<td>Select One</td>
</tr>
<tr>
<td>If YES, please specify:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Training Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>PennDOT-Approved Training Classification Title (Program Name)</td>
</tr>
<tr>
<td>This Training Position is being filled by an</td>
</tr>
<tr>
<td>☐ OJT ☐ Apprentice ☐ New Union Member ☐ Other</td>
</tr>
<tr>
<td>If &quot;Other&quot; or &quot;New Union Member&quot; identify candidate's current status:</td>
</tr>
<tr>
<td>Upgrade Current Employee?</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td>Apprenticeship Construction Craft Classification</td>
</tr>
</tbody>
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THIS IS AN EQUAL OPPORTUNITY PROGRAM


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 repetitive 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 the Training Special Provisions (TSP) is included in the project's contract. A completed EO-364 containing original signature must be submitted to the PrevDOT 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 "NA" 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.

- OJTR PROGRAM FORMS SHOULD NOT BE DUPLICATED – THEY SHOULD BE ACCESSED AND COMPLETED ONLINE THEN DOWNLOADED
(EO-365) Monthly Training Report Form

<table>
<thead>
<tr>
<th>EO-365 (9-10)</th>
<th>HIGHWAY CONTRACTOR'S \nMONTHLY TRAINING REPORT</th>
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**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 9th day following the end of the pay period prior to the 20th 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 filling an EO-365 report at that time regardless of the calendar date.

<table>
<thead>
<tr>
<th>Trainee Name</th>
<th>Address</th>
<th>Last Four Digits of SSN</th>
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<thead>
<tr>
<th>Male</th>
<th>Female</th>
<th>Date of Birth</th>
<th>Type of Training</th>
<th>On-the-Job Trainee</th>
<th>Apprentice</th>
<th>Union Member</th>
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<tr>
<th>Employee Status</th>
<th>New Hire</th>
<th>Upgrade a Current Employee</th>
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<tr>
<th>Ethnic Group Designation</th>
<th>White Not Hispanic Origin</th>
<th>Black Not Hispanic</th>
<th>Hispanic</th>
<th>American Indian/Alaskan Native</th>
<th>Asian</th>
<th>Native Hawaiian or Other Pacific Islander</th>
<th>Mix Race</th>
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<tr>
<th>Approved Trainee Classification</th>
<th>Data Training Started</th>
<th>Trainee's Hourly Rate</th>
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<thead>
<tr>
<th>Hours of Training This Month</th>
<th>Hours of Training To Date</th>
<th>Hours of Training Remaining</th>
<th>Data Training Completed</th>
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**Summary of Specific Tasks Performed:**

**Evaluation of Trainee:**

**TERMINATION: (State Reason for Termination)**

**Lay-Off:**

**Date of Termination:**

**Date of Lay-Off:**

**Anticipated Recall Date:**

**NAME OF CONTRACTOR PROVIDING TRAINING:**

**Telephone Number:**

**REPORT PREPARED BY:** (Title of Contractor's Representative)

**PRINTED NAME:** (Signature)

**Date:**

**TRAINEE CANDIDATE:**

**PRINTED NAME:** (Signature)

**Date:**

**REVIEWED BY:** (PennDOT Project Inspector in Charge)

**PRINTED NAME:** (Signature)

**Date:**

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<table>
<thead>
<tr>
<th>Name</th>
<th>Classification</th>
<th>Start</th>
<th>End</th>
<th>Remarks</th>
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<tbody>
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Trainees Monitoring Form (EO-365)

Trainee Name: ____________________ Date EO-364 Approved: ____________
Starting Date: ________________ Total Hours: ________________
Ending Date: ________________ Classification: ________________

Complete an individual form for each Trainee ***** Initials are of person completing form

<table>
<thead>
<tr>
<th>Report #</th>
<th>Hours per Month</th>
<th>Date Rcvd on Project</th>
<th>Date sent to DLCCA</th>
<th>Remarks: (use additional remarks page for additional comments)</th>
<th>Your Initials</th>
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Remarks (use additional remarks page for additional comments): ____________________
Trainees Monitoring Form (EO-365)

Trainee Name: _____________________  Date EO-364 Approved: _____________________

Starting Date: _____________________  Total Hours: _____________________________

Ending Date: _____________________  Classification: ____________________________

Complete an individual form for each Trainee  *****  Initials are of person completing form

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<tr>
<th>Report #</th>
<th>Hours per Month</th>
<th>Date Rcvd on Project</th>
<th>Date sent to DLCCA</th>
<th>Remarks: (use additional remarks page for additional comments)</th>
<th>Your Initials</th>
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Additional Remarks:
Responsibilities of the Inspector-in-Charge:

It is not the intent that project representatives function as OSHA inspectors. It is, however, necessary for the project staff to be aware of OSHA Regulations (contact your Construction - ACE or DPSO) and to be conscious of safety issues on the construction site.

The Inspector-in-Charge, as well as the inspection staff, should be aware of the Contractor’s Safety Plan, and assure that the project is in compliance. This plan applies to the contractor’s personnel as well as all subcontractors’ personnel. Any noted violations should be corrected immediately and documented in the PSA/FID. Contact the DPSO for assistance.

Assure the following:

1. The Contractor’s Safety Plan is maintained in the project files.
   a. (See PPCC Submittal # ____________)

2. The Contractor’s Hazardous Communication Plan is maintained in the project files.
   a. (See PPCC Submittal # ____________)

3. If the Contractor’s Safety Plan requires ‘weekly toolbox safety meetings, you should verify that the meetings are held and document in your PSA.

4. Assure that safety, as related to the Child Labor Law, is followed. Generally speaking, the minimum working age for hazardous positions is 18 years of age. And the majority of highway construction jobs meet the definition of ‘hazardous.’ The Inspector-in-Charge is to request proof of age (i.e., birth certificates, photo ID’s, etc.) if a violation is suspected.

5. Proper Maintenance & Protection of Traffic is maintained in accordance with the approved Traffic Control Plan and/or Publication 213 (Temporary Traffic Control Guidelines).
**FLAGGERS:** All flaggers that have successfully completed a flagger-training course or a Department flagger training course, within the last 3 years, must carry a valid wallet-sized training card.

The card must contain the following: Name of the flagger training source. The date the training was completed, and the signature of flagger who completed the training. Additionally, the contractor may provide a roster of trained flaggers to the IIC prior to the start of the flagging operations that contains the names of the flaggers, the training source, and the date the training was completed.

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Safety Field Inspection

Contract No: ________ Contractor: ___________________________ SR / Section: ________
Superintendent: ____________________________________________
Inspector-in-Charge/ACE: ________ Reviewed by: ______ Date: _________________
KEY: (S) = Satisfactory   (U) = Unsatisfactory   (N/A) = Not Applicable (or not reviewed)

Protection
Fire extinguishers in place and inspected: ________

General Housekeeping
Floors & Halls: ________
First Aid Kits & Supplies: ______
Stairs & Handrails: ______
Disposal of Waste: ______

Safety
Hi Visibility Vests: ________ Sanitary Facilities: ______
Storage of Materials: ________ Hard Hats: ________
Fall Protection Training: ________ Date: ________________

Record Keeping
Fall Protection being used: ________ Safety Program on File: ____________
Life Vests being used: ________ Weekly Safety Meetings Held: ________
Any Danger to the Public: ________ MSDS’s On-site for Review: ________
Bulletin Board Postings & Readable: ________ Emergency Phone # Posted: ______
MPT, checked twice daily in MD: __________________________________________
Responsibilities of the Inspector-in-Charge:

Accidents happen. By paying attention to your surroundings, remembering safe working habits and practicing all that you’ve learned, most accidents can be prevented. Still; accidents happen. Accidents, for the sake of this Labor & Contract Compliance Manual are divided into two categories; Personal Injury and Vehicular. Just as they sound, personal accidents are those that involve injuries to people, and vehicular accidents are those that involve vehicles (or equipment). One of the problems is that legal issues are not raised until long after the project is completed. It is imperative that you collect as much information as possible, for all project accidents, to assure that the information is available when it’s needed. One of your reporting requirements comes when the accident is a ‘disabling accident’ or one that involves fatalities:

*Disabling Accident is defined for this procedure, as those that require a doctor’s care at the scene of the accident or transportation to a hospital or doctor’s office for treatment. Accident victims that refuse or are deferring treatment or transportation for treatment shall not be reporting as a disabling injury.*

If you receive a request for accident information, the request should be forwarded to the Bureau of Highway Safety and Traffic Operation Division (BOMO), or forwarded to the District Project Safety Officer, or DPSO. DO NOT give out accident information to anyone (excluding the police).

Responsibilities of the Inspector-in-Charge (continued...)

**Assure the following:**

**Personal Accidents:**

1. All disabling injuries and fatalities that occur within the project limits are reported to the DPSO.

2. The ‘**Personal Injury Report**’ form located in this section is completed and maintained with the project files (or kept in this manual). **cc: DPSO**

3. If the accident involves PENNDOT employees (including summer interns):
   
   a. Notify your supervisor immediately.

   b. The injured employee’s supervisor is to follow PENNDOT’s prescribed accident reporting instructions, including contacting the **District Safety Officer**:

   c. Follow above instructions (#1 & #2).
Vehicular:

1. You gather initial accident information.

2. The DLCCA is contacted as soon as possible.
   
a. The DLCCA is required to notify the contractor’s insurance company of all “reportable” accidents, such as one that involves injury or death to a person or damage to a vehicle that cannot move under its own power and needing tow; within 7 days of the accident.

Your prompt reporting to the DLCCA or, your District Safety Officer (DSO) is essential!

3. You gather additional accident information as necessary.

4. The ‘Construction Zone Vehicle Accident Report’ form located in this section is completed and maintained with project records (or kept on this manual).

cc: DLCCA

District Traffic Engineer

Bureau of Highway Safety and Traffic Operations Division

Inspector-in-Charge must review project for contributing factors after ALL accidents !!!

Notes:
## Project Vehicle Accident Summary

Engineering District: _____________  County:_________________________
Municipality:____________________ State Route:_____________________
Traffic Route:____________________ Federal Project No.:______________
State Project No.:_______________ Date Project Started:_____________
Length of Work Zone:____________ Date Project Completed:__________
Type of Construction:______________________________
Method of Traffic Control:__________________________________________

### Accident Summary

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<th>Fatalities</th>
<th>Date</th>
<th>Time</th>
<th>Weather</th>
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Document all changes and revisions made to the project’s traffic control methods, and the date they were implemented.

Notes:
Personal Injury Report

Location: Engineering District: _____________ County: ________________
Municipality: ____________________________
State Route: ________________ Traffic Route: ________________

Project Information:
Project No: _____________
Contractor: ___________________________________________________
Type of construction: ____________________________________________

Accident Information:
Date: ________________ Time: ________________
Weather: _______________________________________________________
Site conditions: ________________________________________________

Type of accident: _______________________________________________
Was equipment involved: _________________________________________
What type of equipment: _________________________________________
Witnessed by: ___________________________________________________

Was there a fatality? ________ Coroner Notified? _________________

Name of Victim(s):
1. ________________ 2. ________________
3. ________________ 4. ________________
5. ________________ 6. ________________

Address(s) of Victim(s):
1. ___________________________________________________________
2. ___________________________________________________________
3. ___________________________________________________________
4. ___________________________________________________________
5. ___________________________________________________________
6. ___________________________________________________________
Employed By:
1. ___________________ 4. ___________________
2. ___________________ 5. ___________________
3. ___________________ 6. ___________________

Nature of Injured:
1. ___________________ 4. ___________________
2. ___________________ 5. ___________________
3. ___________________ 6. ___________________

Hospital transported to:
1. ___________________ 4. ___________________
2. ___________________ 5. ___________________
3. ___________________ 6. ___________________

Transported by:
1. ___________________ 4. ___________________
2. ___________________ 5. ___________________
3. ___________________ 6. ___________________

Any violations noted:
________________________________________
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________________________________________

Description and contributing factors:
________________________________________
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Construction Zone Vehicle Accident Report

Location:
Engineering District: _______ County: _________________________________
Municipality: _________________________________ State Route: _______
Traffic Route: __________

Project Information:
Police Report No: ________________ Project No: __________________________
Contractor: _________________________________
Type of Construction: _________________________________
Length of Work Zone: __________ Method of Traffic Control: _______
Speed Limit through Work Zone: __________________________
(circle one): Advisory Reduced Regulatory Normal

Accident Information:
Date: ________________ Time: ______ Weather: __________________
Site Conditions: _____________________________________________________
Road Conditions: ____________________________________________________

Police Department: ________________ Report No. _________________________
Type of Accident: ____________________________________________________

Did accident involve a construction vehicle? ________________________________

Type of Equipment? _________________________________________________
Severity: __________ Injuries: ___________________________________________
(Complete Personal Injury Report Form)

Property Damage Only: ________________________________________________

Roadway Type: Two-lane, Two-way: ________________________________
Three-lane, Two-way: ________________________________
Four-lane, Divided or One-way: ________________________________
Four-lane, Undivided: ________________________________
Intersections: ________________________________

Other:
_________________________________________________________
_________________________________________________________
_________________________________________________________

(Continued on back)
Generic Traffic Control Sketch: (From Pub. 203 Work Zone Traffic Control, Appendix “A”)

Letter: _________________________________________________________________

Accident Lane (number in circle from sketch): ________________________________
Location of Accident within Work Zone: ________________________________

Contributing Factors:

____________________________________________________________________
____________________________________________________________________
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Note any changes or revisions that were made to the project’s traffic control method, as a result of the accident and the date they were implemented:

____________________________________________________________________
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Date Implemented: ______________________________________________________

Note any damages to Department Equipment (if so, was Maintenance notified):

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Maintenance employee notified: __________________________________________
Date Maintenance was notified: __________________________________________

For District Office Use

Notes:

____________________________________________________________________
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Guidelines for Completing the Information for Police Arrest
The attached form will be used to assist police and report near misses in work zones.

Please follow these guidelines when filling out this form.

1. Note as much information as possible – details are imperative.
2. List witnesses.
3. Call the police immediately after the incident.
4. Immediately after the incident send a copy to the appropriate police jurisdiction.
   
   cc: the PENNDOT field office and the DPSO*.

5. Violations of Section 3102 (relating to obedience to authorized persons directing traffic) and Section 3326 (relating to duty of driver in construction and maintenance areas) of the PA. Vehicle Code should also be report to the police.

6. If a citation is issued as a result of the filing of the form and you are notified that the violator has requested a hearing, please contact the DPSO*.

* DPSO – District Project Safety Officer

PA. STATE POLICE BARRACKS ___________________________________________________________

Notes:

__________________________________________________________
Guidelines for Required Information for Police Arrest

**Location of Incident:**
County: ___________________ Township/Boro: ________________________________
Local Name: ______________________________________________________________
State Route: ________________  Seg/Off: ____________  Milepost: _______________

**Descriptive of Vehicle:** (Circle one)

**Travel Direction:** North  South  East  West
Car  Truck  Tractor Trailer  Motor Home  Motorcycle
Other: ________________________________________________________________
Truck Co. Name (if applicable): _____________________________________________
Color: _______________  Make: _______________  Model: ________________
Plate No. (vehicle/trailer): ____________ / ____________  State: _____________ _______
Other markings: ____________________________________________________________

**Driver:**  Male: _________  Female: _________ (Check one)
Age: ________  Hair color: _________________  Clothing: ______________________
Number/Description of Occupants: ___________________________________________

**Descriptive Statement of Incidents:** (Include: Who, What, When, Where, Why, and How)
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Date: ____________  Time: _____________ AM / PM  Weather: _________________
Can any witnesses identify the driver: (circle one)  YES  NO

**Descriptive of Work Zone:**
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

**Warning signs in place:**  YES  NO  **Flaggers:**  YES  NO
Operation Type: Moving  Stationary  (Regulatory) Posted Speed: _______________
**Witnesses:**

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Reported by: ________________________________ Date: ________________

Reported to the Police: YES: _____ NO: _____ Project phone number: ________________

If yes: Police barracks: _______________ Officer’s name: _________________________

Notes:
Inspectors Safety Meetings – Section 11

Responsibilities of the Inspector-in-Charge:

Safety First! You hear this theme year after year in the Department. Going home to family and friends at the end of the day is the most important thing we do. Constant repetition of safety principles ingrains this philosophy into our psyche so that working safely becomes second nature.

Whenever an inspector is first assigned to your project, take the time to discuss project-related safety issues with him/her. Show them that we take safety seriously and expect the same from them. The IIC should gather staff and hold a Safety Meeting approximately every 2 weeks. Talk about trench safety. Talk about the dangers of working on structures. Talk about sunburn and tick protection. The most important thing is to keep talking. By holding Safety Meetings with scheduled frequencies; you help to ingrain the “Safety First” philosophy into your co-workers; helping them return home safely each, and every day.

Assure the following:

1. All inspectors receive an initial safety briefing within two days of their assignment to your project.

2. Refresher briefings are to be held at intervals of approximately every week.


   a. If the inspection staff attends the contractor’s weekly “Toolbox Safety” meetings, they are still required to sign the ‘Safety Meeting Sign-In Sheet.’
## Inspector’s Safety Meetings

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## Contractor’s Safety Meetings

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(from Contract)
CONSTRUCTION ZONE VEHICULAR ACCIDENT (CRASH) REPORT

I. Project Information:
   Engineering District: _________  County: _________
   Municipality: _________
   State Route: _________  Traffic Route: _________
   Contract No.: _________
   Federal Project No: _________  State Project No.: _________
   Contractor: __________
   Type of Construction: _______________________________________
   Length of Work Zone: _______________________________________
   Method of Traffic Control: ____________________________________
   Speed Limit through Work Zone (advisory, reduced regulatory, normal): _________

II. Accident (Crash) Information:
   (If a copy of the Police Report is attached, skip this section and move to Section III.)
   Police Report No.: _________  Type of Accident: : _________
   Did accident involve a construction vehicle? : _________
   Severity:  Fatalities: _________
   Injuries: _________
   Property Damage: _________
   Date: _________  Time: _________  Weather: _________
   Road Surface: _________

III. Traffic Control Information:
   Roadway Type:  Two-Lane, Two-Way: _________
   Intersections: _________
   Three-Lane, Two-Way: _________
   Four-Lane, Divided or One-Way: _________
   Four-Lane, Undivided: _________
   Other: _________
   Figure Number of generic Traffic Control sketch from
   Publication 203, Work Zone Traffic Control, Appendix A: _________
Accident in Lane (number in circle from sketch): _________________
Location of accident within work zone: _________________
Contributing Factors:___________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Note any changes or revisions that were made to the project's traffic control methods as a result of the accident and the date they were implemented.
:____________________________________________________________________________
____________________________________________________________________________

Note damage to Department property and, if any, state whether District Maintenance Unit was notified.:______________________________________________________________________
____________________________________________________________________________

This traffic engineering and safety study is confidential pursuant to 75 PA C.S. § 3754 and 23 U.S.C. § 409 and may not be disclosed or used in litigation without written permission from the Pennsylvania Department of Transportation.