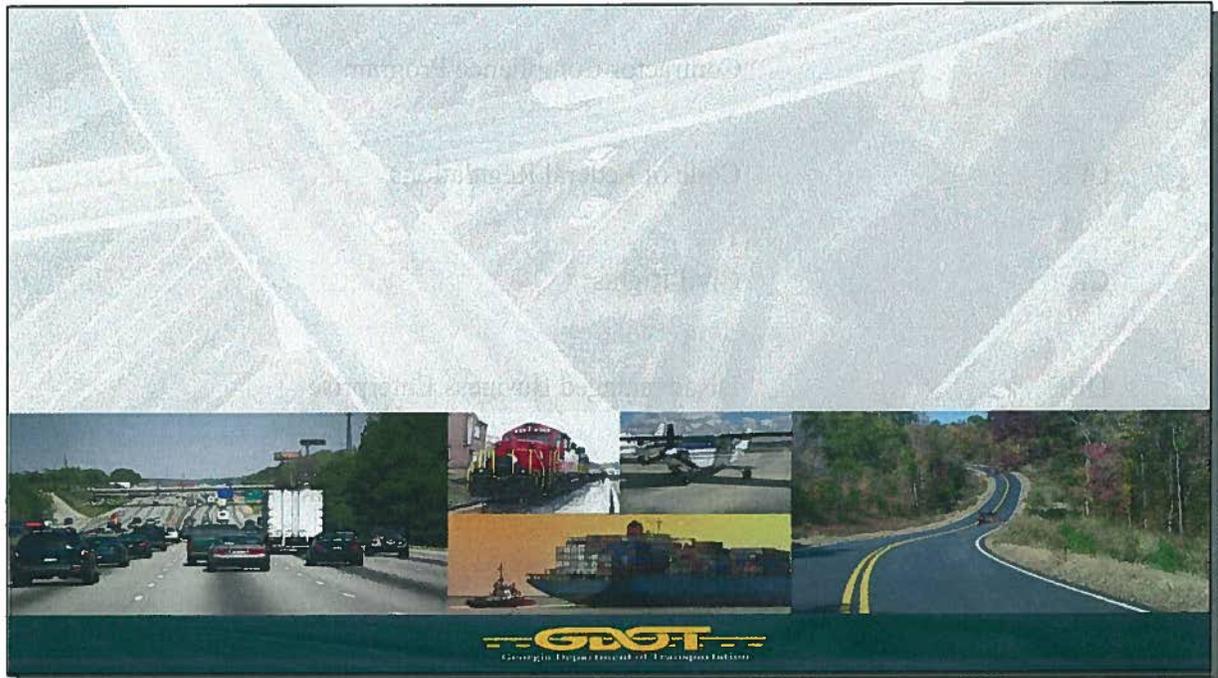


# *Georgia Department of Transportation*

## *Equal Opportunity Program:*

# 2016

(Includes 2015 Updates)



## **Part 1 – Contractor Compliance Plan**

**Part 2 – Affirmative Action Plan (AAP) Submitted separately**

In accordance with 23 CFR 230.307

Updated July 01, 2015

## *Acronyms*

AAP	Affirmative Action Plan
AEEO/DBE	Assistant EEO Administrator/DBE/External
AEEO/AAP	Assistant EEO Administrator/Affirmative Action Program
AASHTO	American Association of State and Highway Officials
CAP	Corrective Action Plan
CCP	Contractor Compliance Program
CFR	Code of Federal Regulations
CR	Civil Rights
DBE	Disadvantaged Business Enterprise
EEO	Equal Opportunity FHWA Federal Highway Administration
GO	General Office
GDOT	Georgia Department of Transportation
GMS	Georgia Merit System
HR	Human Resources

MOG	Manual of Guidance
NHT	National Highway Institute
OFCCP	Office of Federal Contract Compliance Programs
OJT	On-the-Job Training
OSD	Office of Strategic Development
TOPPS	Transportation On-Line Policy & Procedures Systems
VCAP	Voluntary Corrective Action Plan

# ***Georgia Department of Transportation***

## ***Part I:***

### ***2015 Contractor Compliance***

#### ***Program Plan (CCP)***

Submitted to FHWA – July 1<sup>st</sup>, 2015

Kimberly A. King, Director  
Equal Employment Opportunity

Betty C. Mason, Assistant Administrator  
External Programs

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### **§ 230.305 Definitions:**

As used in this subpart, the following definitions apply:

(a) ***Affirmative Action Plan*** means:

(1) With regard to State highway agency work forces, a written document detailing the positive action steps the State highway agency will take to assure internal Equal Employment Opportunity (internal plan).

(2) With regard to Federal-aid construction contract work forces, the Federal Equal Opportunity bid conditions, to be enforced by a State highway agency in the plan areas established by the Secretary of Labor and FHWA special provisions in non-plan areas (external plan).

(b) ***Equal employment opportunity program*** means the total State highway agency program, including the affirmative action plans, for ensuring compliance with Federal requirements both in State highway agency internal employment and in employment on Federal-aid construction projects.

(c) ***Minority groups***. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging. As defined by U.S. Federal agencies for employment purposes, minority group persons in the U.S. are identified as Blacks (not of Hispanic origin), Hispanics, Asian or Pacific Islanders, and American Indians or Alaskan Natives.

(d) ***Racial/ethnic identification***. For the purpose of this regulation and any accompanying report requirements, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic category. The following group categories will be used:

(1) The category ***White (not of Hispanic origin)***: All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.

(2) The category ***Black (not of Hispanic origin)***: All persons having origins in any of the Black racial groups.

(3) The category ***Hispanic***: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(4) The category ***Asian or Pacific Islanders***: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(5) The category ***American Indian or Alaskan Native***: All persons having origins in any of the original peoples of North America.

(e) ***State*** means any of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(f) ***State highway agency*** means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term ***State*** should be considered equivalent to ***State highway agency*** if the context so implies.

[41 FR 28270, July 9, 1976, as amended at 41 FR 46293, Oct. 20, 1976]

**§ 230.307 Policy:**

Every employee and representative of State highway agencies shall perform all official Equal Opportunity actions in an affirmative manner, and in full accord with applicable statutes, executive orders, regulations, and policies enunciated there under, to assure the equality of employment opportunity, without regard to race, color, religion, sex, or national origin both in its own work force and in the work forces of contractors, subcontractors, and material suppliers engaged in the performance of Federal-aid highway construction contracts.

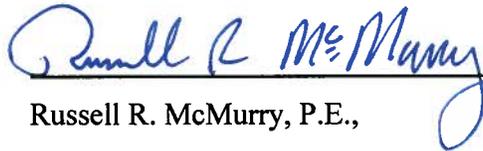
## INTRODUCTION

It is the policy of the Georgia Department of Transportation (GDOT) to ensure compliance with the Federal Highway Administration (FHWA) 23 Code of Federal Regulations (CFR) Part 230 federal aid policies and procedures relative to the State of Georgia's transportation internal and external Equal Opportunity programs requirements.

To this end, the Georgia Department of Transportation shall not discriminate on the basis of race, color, religion, sex or national origin in employment, hiring, training, promotional opportunities, administration and performance of any GDOT assisted contracts. GDOT shall take all necessary and reasonable steps to ensure nondiscrimination. Every employee shall uphold all official equal employment actions in an affirmative manner in accordance with applicable statutes, executive orders, regulations and policies. This policy shall ensure compliance with all federal highway contractors, subcontractors and material suppliers.

## PURPOSE

To set forth, GDOT's role and responsibilities for assuring compliance with the Equal Employment Opportunity requirements on federally assisted highway construction contracts.



Russell R. McMurry, P.E.,  
Commissioner, Georgia Department of  
Transportation



Kimberly A. King, Director,  
Office of Equal Opportunity

## **I. ORGANIZATIONAL STRUCTURE**

To ensure that highway contractors are in compliance with the Equal Employment Opportunity (EEO) provisions, GDOT has sufficient staff within the Central Office and District Offices to coordinate and conduct compliance reviews on highway construction projects.

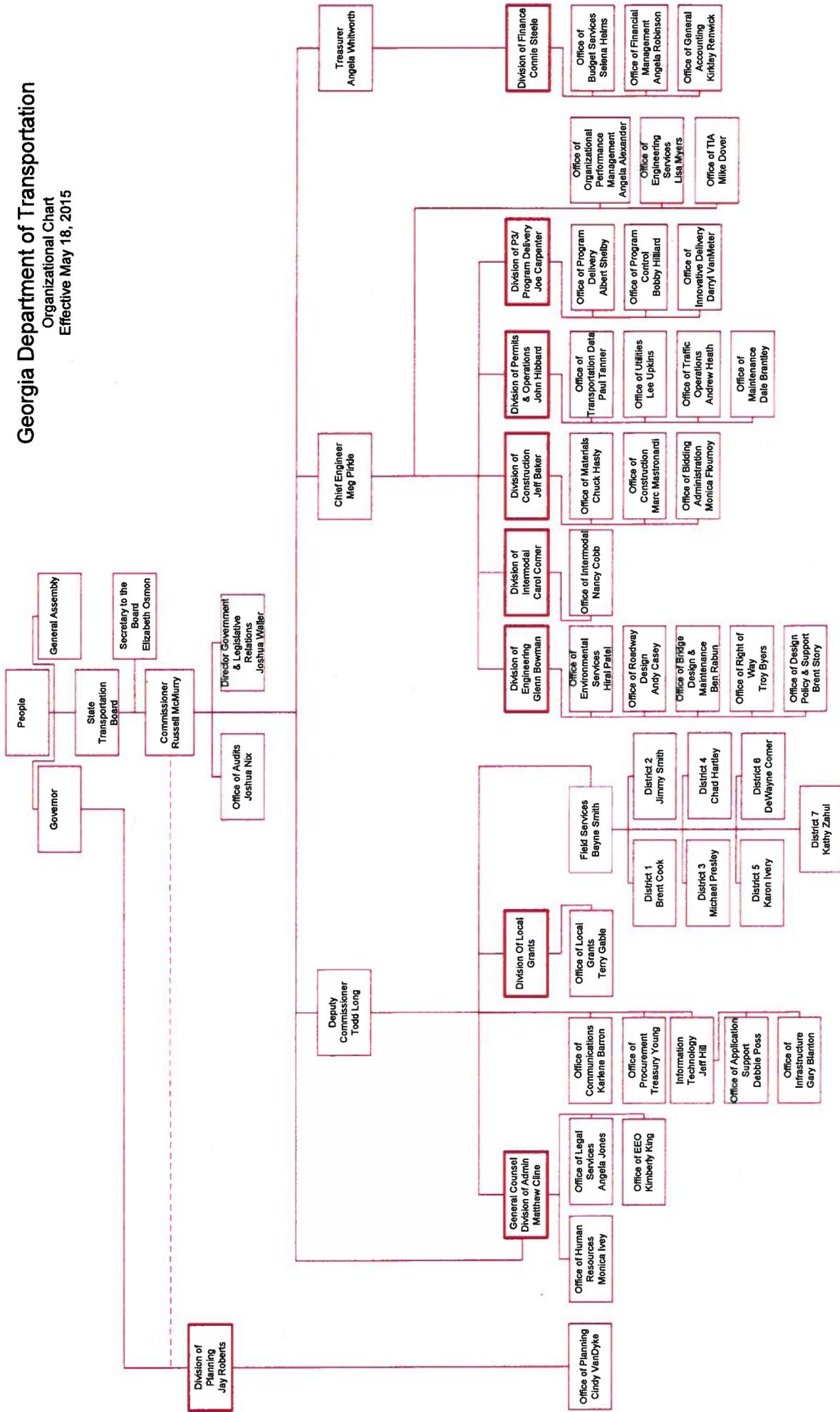
The Contract Compliance Program is centralized with seven (7) District offices monitoring contractor compliance. The Central Office provides administrative oversight of the compliance program and serves as the liaison with the Federal Highway Administration (FHWA).

The Georgia Department of Transportation Equal Opportunity Division is located at One Georgia Center, 600 West Peachtree Street, NW, Seventh (7<sup>th</sup>) Floor, Atlanta, Georgia 30308. The Equal Opportunity Division handles all matters pertaining to Equal Opportunity and Civil Rights. The head of this Department is the Equal Opportunity Director, who operates under the direction and control of the Commissioner of the Georgia Department of Transportation. The Departmental organizational chart indicates the position of this office in relation to the other divisions of the Department of Transportation. The Equal Opportunity Office is also responsible for the administration of both contractor and departmental EEO Compliance.

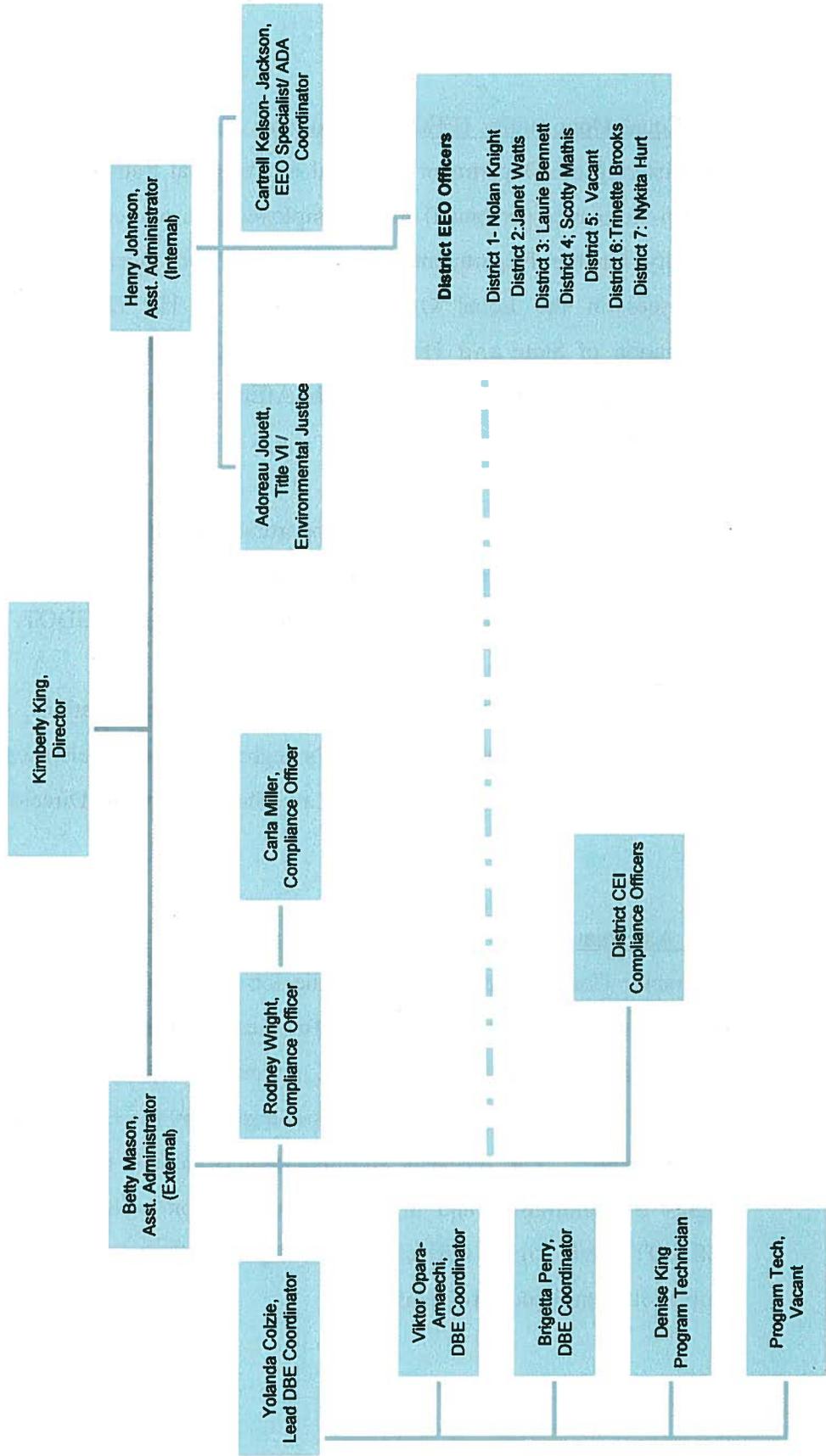
# Georgia Department of Transportation

## Organizational Chart

### Effective May 18, 2015



# Office of EEO



## **A. STATE HIGHWAY AGENCY EEO CORR DINATOR (EXTERNAL) AND STAFF SUPPORT**

- The Equal Opportunity (EEO) Director has the overall responsibility for monitoring and administering the Department's internal and external training programs (in conjunction with Human Resources personnel) for all employees, on matters of EEO, affirmative action, and diversity for the Department. The EEO Director supervises a staff of eighteen (18) employees in the Equal Opportunity Office. The Director serves on the American Association of State and Highway Officials (AASHTO) Civil Rights Subcommittee, is a member of the American Association for Affirmative Action and the Southern Transportation Civil Rights Executive Council.

The EEO Director, Assistant Equal Opportunity Administrator (External), and two Contract Compliance Officers provide oversight for the implementation of the Contract Compliance Program. All of these individuals are full-time employees of GDOT.

The current Director's previous experience is in labor relations, employment law, human resources and EEO. She has a bachelor's degree in political science and a Juris doctorate from Southern Illinois University School of Law. She has been the Director of EEO since December 2012.

- The Assistant Equal Opportunity Administrator (External) directs GDOT's statewide Contractor Compliance Program, On-the-Job Training, Labor Compliance, Disadvantaged Business Enterprise Program, Small Business Program, and Supportive Services. This responsibility includes the supervision, review and monitoring of all activities assigned to the Equal Opportunity (EEO) Office as delegated by the Equal Opportunity Director and the Commissioner. The Assistant Administrator (External) may serve on the AASHTO Civil Rights Subcommittee, and may act as a liaison with the National Highway Institute, U.S.DOT Civil Rights Office, Federal Highway Resource Center, and Office of Federal Contract Compliance programs.

The current Assistant Administrator (External) has over twenty (21) years of experience in Contractor Compliance from Construction, Audits, and Claims processing. She has been in the Assistant position since July 1<sup>st</sup>, 2013. She has a degree in Criminal Justice/ Law, certificate in Government Accounting, and GDOT certificates in Engineering Technologies and Inspections. The Assistant Administrator (External) supervises and manages the contractor compliance program in Georgia. She has received training on the Contractor Compliance Program, and several EEOC training courses. She also serves on the American Association of State and Highway Officials (AASHTO) TRT and TAG Civil Rights software teams.

The responsibilities of the Assistant Administrator (External) provide support and assistance to those of the EEO Director. The area of responsibilities includes:

1. The development and implementation of a systematic program to obtain compliance by contractors with the requirements on federal-aid and state funded construction contracts.
  2. Ensure the development and implementation of a reliable system for prioritizing contractors, projects and/or contracts for review.
  3. Ensure the development of the necessary procedures to obtain and document the compliance required of all contractors.
  4. Evaluate the procedures and the results achieved to assure that the EEO program's intent and purpose are accomplished.
  5. Responds to compliance related inquiries and is pivotal in the decision making process.
  6. Approves compliance reviews and related reports.
  7. Serve as an additional point of contact with FHWA.
- Two (2) Compliance Officers oversee the On-the-Job Training (OJT) and Contractor Compliance Review (CFR 230) processes state-wide, as well as the OJT and DBE Supportive Service Contracts.

The Compliance Officers' Area of Responsibilities includes:

1. Review of contractor OJT program submittals, and trainees for approval or denial.

2. Provide guidance relative to OJT Contract compliance guidelines and departmental procedures.
3. Ensure the success of the statewide training program for all federally assisted projects.
4. Maintain a database and filing system on programs and trainees. Set annual OJT goals by evaluating future federal aid projects in the coming calendar year.
5. Monitoring and administration of the day-to-day Contractor Compliance Program (23CFR230) for the Georgia Department of Transportation's statewide (EEO) to ensure the contractual promise of affirmative action and Equal Opportunity required of those who do business on a federal aid project.
6. Set annual compliance review goals.
7. Coordinate the statewide contract compliance review process with the Office of Federal Contract Compliance Programs (OFCCP) to avoid duplication of work or multiple Agency review of the same contractors.
8. Prepare all compliance related reports and maintains statistical data on compliance activity.
9. Provide technical support which includes but is not limited to conducting field monitoring and audits of all Federal-aid Highway Construction project job sites, compiling and completing detailed reports, developing and documenting written procedures.
10. Develop and conduct training workshops regarding EEO Contract requirements. Review compliance reports to assure consistency, accuracy and adherence to program guidelines.
11. Monitor local government contracts.
12. Provide guidance to the local agencies on contract compliance and policies.
13. May perform DBE complaint and Commercially Useful Function investigations (CUF). Provide guidance to field personnel on DBE commercially useful function determinations and documentation.
14. Monitor DBE goal achievements, and address DBE goal shortfalls.
15. Complete the Annual PR 1392 reports, Semi –Annual labor compliance, Semi-

Annual DBE Award and Commitments reports, and the OJT annual accomplishments report and goals. On occasion, they may assist with Title VI and Title VII investigations.

- Seven (7) Consultant- Compliance Officers (CCO) are chiefly responsible for monitoring project field office source documentation related to federal regulations, verifying reasonable conformance with Department policies related to Contract EEO requirements, serving as a liaison between the General Office and the Area Office, and serving as a deterrent against Contractor reported False Statements in meeting EEO contract requirements.

Consultant-Compliance Officers are full time employees. The duties of the CCO require they be mobile and their work take place at the project field offices, on a uniform basis throughout the State. The CCOs' area of responsibility includes but is not limited to:

1. Implement Department policies as directed by the EEO Administrator.
2. Document audit findings and recommend applicable and allowable contract sanctions against Contractors in non-compliance with DBE, OJT, and Payroll specifications.
3. Confirm documentation related to the On-the-Job Training Program is on file in accordance with the OJT Manual, and paid in accordance with the OJT Training Specification 153.
4. Confirm on a quarterly basis that Contractor & Subcontractor Payrolls are on file.
5. Confirm Area personnel's reasonable conformance with the Department's Payroll review policy.
6. Aid in the processing of additional classification wage rate requests, as well as OJT and DBE reporting data collection.
7. Confirm Area personnel's reasonable conformance with the Department's labor interview policies.
8. Verify contractor documentation related to the DBE program is submitted in conformance with the contract requirements.
9. Verify Area personnel reasonable conformance with DBE Commercially Useful Function inspection policy.
10. Attend contract preconstruction conferences
11. Conduct Project Field Inspections in accordance with Department policies.

12. Provide guidance to Area Personnel related to contractor / subcontractor prompt payment complaints.
  13. Forward complaints of discrimination to the District EEO Officer.
  14. Establish and maintain reports and statistics relative to compliance activity.
- Seven (7) EEO Officers work from their assigned District locations. The EEO Officers serve as Subject Matter Experts (SME) related to EEO regulations. The EEO Officers are responsible for conducting project reviews, providing training to District Personnel related to EEO requirements, and serving as a liaison between the General Office and the District Offices. All District EEO Review Officers are full time employees who devote approximately 25% of work time toward the Contract Compliance Program.

The EEO Officers' Area of Responsibility includes:

1. Implement EEO procedures in the District, as directed by the EEO Administrator.
2. Conduct Project Reviews in accordance with established policies.
3. May assist Contract Compliance Officers with inspections.
4. Coordinate OJT and contractor compliance issues with the Contract Compliance Officers.
5. Attend contract preconstruction conferences to disseminate necessary documentation and bring attention to the project specific obligations such as the DBE goals, training requirements, and reporting.
6. Coordinate training with Area Engineers and project personnel to ensure contract compliance with EEO provisions.
7. Supplement, but do not duplicate the Area Engineers review of Contractor payrolls for compliance with Davis Bacon labor and wage classifications.
8. Identify and report patterns and practices of discrimination.
9. Investigate labor complaints, and provide guidance to Area Engineer.
10. Perform DBE Certification on-site inspections.
11. Investigate DBE Commercially Useful Function complaints.
12. May participate in DBE outreach, training seminars, and conferences.
13. Establish and maintain district reports and statistics relative to compliance activity.
14. May review and approve Contractor DBE/Supplier Joint Check requests. (*Applicable*)

*after 7/1/2015).*

## **B. DISTRICT PERSONNEL**

- District Construction Engineers oversee the management of all projects under his/her jurisdiction. Ensures Area Offices are properly staffed and contractor compliance is monitored. The District Construction works with the Office of EEO and the State Construction Engineer (SCE) in establishing statewide policies related to monitoring contractor compliance at the project level.
- District Contract Managers report to the District Construction Engineer. The DCM manages the District files, approves subcontract, and serves as a point of contact for the EEO Officers in accessing project information.

## **C. PROJECT PERSONNEL**

- The Area Engineer (AE) serves as the Chief Engineer's direct representative. The AE has the authority to make all decisions related to contract compliance on projects in their area of assignment. The AE manages multiple construction projects within various cities and counties assigned to their respective Districts.

The Area Engineers area of responsibilities includes:

1. Enforcing contract sanctions against contractors for non-compliance of EEO regulations.
  2. Reports issues related to EEO Contract Compliance concerns to the District Construction Engineer or EEO Officers.
  3. Follows up on Contract Liaison findings.
  4. Serves as a liaison between the Office of EEO and the Contractors.
  5. Responsible for reviewing reporting documentation including labor interviews, contractor certified payrolls, subcontract agreements, and DBE progress payments on projects under his/her authority.
  6. Coordinate pre-construction meetings and provide support in compliance related issues.
- Project Engineer/ Manager/ Inspectors are "key" to the success of the Contractor Compliance

program. Project Engineer/ Manager/ Inspectors report to the Area Engineer.

The project personnel areas of responsibility include:

1. The day-to-day monitoring of the contractor's activities and project site.
2. Inspect and approve work performed.
3. Confirm Contractor's compliance with federal EEO regulations. Confirm Davis Bacon labor compliance, and ensure additional wage classifications are requested when the contract does not cover the classification listed in the Contractor's payroll.
4. Assists in the resolution of compliance issues on project site.
5. Relays information to District EEO Review Officers when project activity is not in compliance with guidelines.
6. Receives and reviews applicable compliance related documents to include the monthly employment data, total company employment data and subcontracts during random on-site visits.
7. Performs labor interviews and reviews contractor payrolls.
8. Monitors DBE commercially useful functions on federally funded projects. Complete the Commercially Useful Form on each DBE contractor shown on the DBE Participation Report.
9. Submits various reports as requested concerning disadvantaged business enterprise and payroll monitoring.
10. Ensures bulletin board information is posted in the project area visible to workers and applicants and contains all required posters & EEO Policies.
11. Ensures prime submits OJT documentation as required on trainees.
12. Requests copies of subcontractor agreements from prime contractor on all active subcontractors, confirms inclusion of the federal regulations, and maintains documents in project records.
13. Refer to Roles and Responsibilities Training for Construction Personnel in the Appendix.

## **II. COMPLIANCE REVIEW PROCEDURES**

### **A. APPLICABLE DIRECTIVES**

1. FHWA Contract Compliance Procedures.  
GDOT complies with the contract compliance and organizational responsibilities as provided by 230.301 Part I
2. EEO Special Provisions (FHWA Federal aid Highway Program Manual volume 6, Chapter 4, section 1, sub-section.2),
3. Training Special Provisions (FHWA Federal aid Highway Program Manual volume 6, Chapter 4, Section 1, Sub-section 2).
4. FHWA 1273 – Required Contract Provisions – Federal-Aid Construction Contracts

#### **SUPPORTING REGULATIONS AND AUTHORITIES:**

1. 23 USC (140)(a),
2. Title VI of the Civil Rights Act of 1964,
3. 23 CFR, Parts 200, 230 and 633,
4. 49 CFR, Parts 21 and 26

#### **B. IMPLEMENTATION**

1. The federal directives serve as a guide for implementing the contract compliance program; and the supporting regulations & authorities are included in all construction contracts. The Civil Rights field offices monitor construction activity via the Contract Compliance review process to determine whether contractors and their subcontractors are adhering to the applicable regulations and to ascertain the level of program effectiveness. The Equal Opportunity Director receives copies of all Federal Highway Administration directives related to Equal Opportunity. These copies are forwarded to the District EEO Review Officers, along with instructions on implementation. Contractors working on government projects are advised of EEO Contract requirements at Pre-Construction Conferences held in each district. In attendance at the Pre-construction conferences are: the contractors, departmental construction personnel, and the District EEO Review Officer. The District EEO Review Officer, at this time, advises the contractors to read and take note of special provisions of the contract. The contractor is required to maintain all employment records for a period of three years, for the purpose of historical data. Contractors are to ensure that EEO and Labor posters are affixed around the company and employees are informed.

Contractors are also advised to formulate an EEO Policy and informed to keep records of minority employment for periodic inspections.

2. Methods Used. Compliance reviews conducted by the Office of Equal Opportunity of the Georgia Department of Transportation will follow the procedures outlined in 23 CFR 230. The Contract Compliance Review process has several steps to ensure a comprehensive review:

The District EEO Review Officers identify the contractors for review considering their peak employment period. Since construction workforces can vary, it is important to know when the contractor anticipates the highest level of employment (peak) to assure adequate work forces for the review.

Factors for consideration are:

- Contracts that hold a great potential for employment and promotion of minorities and women
- Contracts that include special training provisions;
- Contracts where a contractors' compliance with EO requirements is questionable;
- Previous compliance review findings;
- Contracts located in areas that have significant minority and female labor forces within a reasonable recruitment area;
- Reviews are conducted prior to or during peak employment periods;
- Reviews requested by FHWA or other federal agencies shall receive priority scheduling.

GDOT conducts project site-reviews of employees, applicants and employment practices at the physical location of construction activity. Reviews shall be conducted prior to or during peak employment periods. No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by Washington Headquarters. At this time we also look at home office data.

GDOT may consider conducting contractor compliance reviews on its subcontractors independent of the prime contractors if the subcontract is in excess of \$10,000 and fits the criteria for a compliance review. Once the contractors have been selected for review in

accordance with Federal Highway Policy Guidelines, a statewide review schedule is developed by the Contract Compliance Officer and the Assistant Equal Opportunity Administrator (External). The final selection process within the Equal Opportunity Office will seek to achieve the following goals:

- Ensure formal compliance reviews are conducted and reports prepared on all contractors with federal-aid construction contracts.
- Ensure compliance reviews are conducted on all major projects with substantial employment opportunities as identified from pre-construction conferences and routine project monitoring.

3. Contractor Notification: The first certified notification letter advises the contractor of a pending review and of the authority for conducting the review, type of review, project number, a request for documents to conduct a preliminary analysis, review time, date, and location of the on-site review meeting. May call the contractor and District Project Inspectors to coordinate scheduling date and time. Determine if Contractor has been reviewed by another Agency, if so request findings to review documents from Contractor. Contractor will be required to complete required documents and provide information related to recruiting, hiring, promotion, training/Training Special Provisions (TSP), terminations, payrolls, PR 1391 and other documents as requested. Written notification is provided to each contractor at least two (2) weeks prior to the on-site verification and interviews (see letters attached). The second certified notification letter advises the contractor of the request for additional information (if applicable).

- i. Preliminary Analysis: Upon receipt of requested documentation and prior to the on-site meeting, a preliminary analysis is completed on the *employment patterns, policies and practices* of the contractor relative to the EO requirements that includes a review of the contractor's current work force, the community recruitment resources, minority and female representation within the recruitment resources, the availability of minorities and females within reasonable proximity to the project, any pending discrimination complaints with EEOC or the Department of Justice and a review of other related project activity reports and previous compliance findings (written

corrective action plans, etc). In addition, the Preliminary Analysis consists of a review of the PR 1391 Reports, Field Audit Reports, Commercially Useful Function documents (if applicable), and Monthly Utilization data collected from Contractor and/or in Project during the preliminary analysis (see documents in Appendix).

ii. On-site Verification Visit & Interviews: During the meeting with the contractor, information is verified; employees and supervisory personnel are interviewed to determine the contractor's commitment to EEO. Interviews should be conducted with available trainees to verify the OJT program is administered effectively. The actual review process begins after the preliminary analysis is completed, which gives a fairly accurate picture of the contractor's employment processes. A meeting with the contractor is established to verify the information submitted and interview employees. During the on-site visit, the objectives of the visit, any discrepancies in the materials submitted, and arrangements for conducting employee interviews are discussed. The following areas are evaluated:

- The placement of EEO posters and policies in a legible fashion;
- Facilities provided on a non-segregated basis and free of sexual or discriminatory language;
- Correctness of employment data;
- Method used to place employees on the job;
- Supervisory personnel orientation to the Contractors EEO policy and commitments;
- Discussions/meetings held with employees on EEO policies;
- Implementation of employee referral system;
- Awareness of Contractor's EEO Officer's Name and contact information;
- Awareness of right to file complaints of discrimination.

Contract Compliance Officer or District EEO Review Officer make a physical tour of the employment site(s) to determine that EEO posters are displayed in a conspicuous place in legible format, facilities are provided on a non-segregated basis (e.g., work areas, washroom, time clocks, locker rooms,

storage areas, parking lots, and drinking fountains), interviews are held with at least one minority, one non-minority, all females on the project, and project supervisory personnel to determine if they have been orientated to the contractor's EEO commitments. Other topics of discussion include:

- Implementation of employee referral system.
- Discussions/meetings held on EEO policies.
- Awareness of right to file complaints of discrimination.

The on-site visit includes the determination of the status of any union labor being utilized on the construction site and to determine the method used to place employees on the job and if the EEO requirements have been met. In making the compliance determination, the following are considered:

- Is there reasonable representation and utilization of minorities and women in each craft or company? If not, what steps has the contractor taken to increase recruitment, hiring, upgrading and training of minorities and women?
- What action has the contractor taken to meet the contractual requirement to provide equal employment opportunities?
- Are the actions taken, acceptable? Could they reasonably be expected to result in an increase of minority and female utilization?
- Is there impartiality in the treatment of minorities and females?
- Has the contractor's efforts produced any results?
- Is EEO an integral part of the management decision-making process?

The District EEO Review Officer and/or Contract Compliance Officer determine if there is sufficient basis to determine whether the contractor took all the necessary and reasonable steps to comply with their contractual requirements under FHWA 1273 – Required Contractor Provisions. The contractor must be able to document good faith efforts to comply with the contract provisions.

- iii. Exit Conference: After the on-site meeting, an Exit Conference or discussion is conducted between the District EEO Review Officers and the contractor(s). The purpose is to inform the contractor of any findings that might lead to a non-compliance determination and if so a Voluntary Corrective Action Plan (VCAP) can be negotiated to remedy each deficiency identified.

The final determination must be rendered within fifteen (15) days of the on-site meeting and interviews. During this same period, any VCAP must be submitted, so that within the fifteen (15) days following the on-site meeting, the review report can be completed and the determination of either compliance or non-compliance issued.

- iv. Guidance to Determine Compliance: A contractor determined to be in compliance has effectively implemented the EEO requirements and there is evidence that every good faith effort was made toward achieving this goal. Efforts taken must be initiated and maintained in good faith, result-oriented and emphasized in all management functions.

Contractor found in compliance requires no further action. Contractor has provided all documentation as required by 23 CFR 230. Contractor has provided EEO in all hiring and personnel actions. Equal Opportunity requirements have been implemented, or there is evidence that every good faith effort has been made toward achieving this end.

Contractor found in compliance pending submittal of a Voluntary Corrective Action plan to correct procedural deficiencies must submit the requested information within 15 calendar days. A VCAP may be negotiated at the exit conference; however, the acceptance of a VCAP does not preclude a determination of noncompliance, particularly if deficiencies not addressed by the plan are uncovered during the final analysis and report writing.

A non-compliance determination shall be issued when a contractor has

discriminated against applicants or employees or has failed to provide sufficient documentation of making every good faith effort to provide equal opportunity.

Contractor found in non-compliance has not met all of the contract requirements under the Federal aid contract and/or has not provided EEO in their hiring and other personnel actions. The contractor has not met their commitment to correct deficiencies identified in a VCAP and cannot demonstrate good faith effort to do so. When a contractor is required to show cause and the deficiencies cannot be corrected within the 30 day show cause period, a written corrective action may be accepted.

- v. Show Cause Procedures: The contractor receives written notification of the compliance determination within fifteen (15) days of the on-site meeting and exit conference. If the contractor is found in non-compliance, then a show cause notice is issued and the contractor has thirty (30) days to show cause why sanctions should not be imposed.

A show cause is issued when a determination of non-compliance is based upon:

- The findings of a compliance review
- The results of an investigation verifying the existence of discrimination.

Show cause notices will be issued by the State to the federally assisted contractor when the State has made a non-compliance determination or when the FHWA has made such a determination and requested the State to issue the notice.

The show cause notice provides notification to the prime of a non-compliance determination, the reasons for the determination and informs the contractor of their obligation to show cause in writing why formal proceedings should not occur within thirty (30) days (see sample letter attached). The notice also includes the date, time and place of the scheduled compliance conference,

which is to be held fifteen (15) days from receipt of the show cause notice. It also advises the contractor of the purpose of the meeting which is to discuss acceptable corrective action plans and to inform the contractor of the willingness of the District EEO Review Officer to work with and conciliate within the designated time frame.

Preparing for the show cause notice requires the District EEO Review Officer who conducted the review or investigation to compile a background data file and submit it with the recommendation for a show cause to the Assistant Equal Opportunity Administrator (External). The EO Director and Assistant Equal Opportunity Administrator (External) must review this file and recommendation. All show cause notices are to be issued by the Assistant Equal Opportunity Administrator (External). The show cause notice is to be sent to the contractor via certified mail with return receipt, which will become part of the contractor's file. This notice is sent directly to the non-compliant contractor or subcontractor with copy to the prime contractor. The thirty (30) day notice commences upon date of receipt of the notice.

During the thirty (30) day period, the Contract Compliance Officer must make efforts to negotiate and work towards corrective actions for each cited deficiency. The District EEO Review Officers will maintain a record of such efforts to include meeting notes, verbal communications, regulation interpretations, etc. that occur during this period.

When a contractor takes steps to be in compliance after the show cause has been issued; the Assistant Equal Opportunity Administrator (External) can rescind the notice and the contractor will be formally notified of this change with copy to District EEO Review Officer.

If corrections cannot be made within the thirty (30) day period, a Corrective Action Plan (CAP) can be submitted. If accepted, the show cause notice is rescinded (see sample attached). The written corrective plan must specifically outline the actions that will be taken and time frames to

correct each cited deficiency. After the submittal of a CAP:

- The contractor is considered to be in compliance during the plan's implementation period with reports/documentation submitted to reflect progress.
  - If a contractor fails to submit a CAP, the formal hearing process will commence following the thirty day (30) show cause period.
  - Should a contractor submit a CAP and then be found in compliance but fail to implement the actions to correct deficiencies and then be found in non-compliance, the formal hearing process will commence. *There is no option to issue a second show cause notice.*
  - Should a contractor implement the steps outlined but the measures do not result in correcting the deficiency, the CAP shall be amended through negotiation. If the contractor refuses to renegotiate, then the formal hearing process will be recommended.
  - A contractor under a voluntary corrective action plan will be issued a show cause notice if the contractor is found in non-compliance during the plan or if measures do not result in correcting the deficiency. A CAP will then be developed and negotiated.
- vi. Follow-up Reviews: Follow-up reviews are an extension of the initial contract compliance review process to verify adherence to voluntary corrective action plans and corrective action plans. Follow-up compliance reviews are conducted on all contractors found in non-compliance and/or who were issued a show cause notice. Such reviews are reported as a narrative summary referencing the initial review report.
- vii. Enforcement: When an acceptable CAP cannot be agreed upon, GDOT must proceed with formal administrative sanctions as called for under the contractor specifications. GDOT must take the necessary administrative action it would use if the contractor failed to perform any other specification item(s). GDOT will commence enforcement actions under its EO Assurances. This action includes utilizing its normal contract administrative procedures.

Item four (4) under the State EO Assurances, as required by Section 22(a) of the Federal-Aid Highway Act of 1968, reads as follows:

- *The State Highway Department will, on its own initiative, take affirmative action including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve EEO on Federal-Aid highway projects and will actively cooperate with the FHWA in all investigations and enforcement actions undertaken by FHWA.*

It is the responsibility of GDOT to declare the contractor a non-responsive bidder for failing to comply with the EEO requirements while the request for a formal hearing is pending approval by the Office of Federal Contract Compliance Programs (OFCCP).

GDOT will refrain from entering into any contract or subcontract amendment with a contractor who has not demonstrated eligibility to secure federally assisted contracts.

- vii. Report of Findings: Once the review process is complete; a formal review report is submitted to the Contract Compliance Officer indicating review findings and copies of supporting Voluntary Corrective Action Plans, Show Cause Notices and Corrective Action Plans, if applicable. These documents along with the Contractor Compliance Officer supervisor's notes ensure the completion of a comprehensive review report.

The compliance review report will include documentation in support of the determination. The compliance findings and conclusions shall be clearly indicated in the report and if necessary, supporting documentation included.

The review report shall contain the following:

- Complete name and address of contractor
- Project identification numbers
- The basis for the review (area work force, home office, etc.)
- Identification of all federal or federally assisted contracts
- Date of review
- Employment data indicating race and sex
- Listing of unions, if applicable
- Compliance determination
- Show cause notice, if any
- Name of District EEO Review Officer who conducted the review
- Any concurrences at appropriate levels

### **III. 2015 ACCOMPLISHMENTS**

#### **A. Contract Compliance Reviews**

1. Conducted 19 Contractor Compliance Reviews for fiscal year 2014-2015 (as of May 15<sup>th</sup>, 2015, a projection of an additional 8 will be performed by June 30<sup>th</sup>, 2015, bringing the total to 27).
2. Number of Contractors found in compliance: 11. Eight (8) other firms have submitted corrections are in the process of making corrections.
3. Number of Contractors found in noncompliance: 0
4. Number of show cause notices issued: 0
5. Number of show cause notices rescinded: 0
6. Number of Show cause actions still under conciliation and unresolved: 0
7. Number of follow up reviews conducted: 0

#### **B. Consolidated Compliance Reviews (NA)**

#### **C. Home Office Reviews (NA)**

#### **D. Major Problems Encountered.**

1. GDOT's ability to exceed the annual goal of 25 was diminished by the unexpected loss of a Compliance Officer due to illness, and OFCCP's increasing efforts to self-perform more reviews of GDOT federal contractors under Executive Order 11246. Whereas, the Contract Administration Core

Curriculum Participant's Manual and Reference Guide 2006 II. Federal Statute or Regulation, A.2 Compliance states in part: *“The US DOL Office of Federal Contract Compliance Programs (OFCCP), is the only agency which has authority for enforcing Executive Order 11246 and its implementing regulations (USDOL regulations - 41 CFR 60). The State compliance staff may conduct reviews to ensure compliance with FHWA policy (23 USC 140 and Title 23 CFR)”*.

2. The number of contractors available for a Compliance Review was reduced by the lack of federal funding. During the current reporting period, the number of Prime Contracts awarded was reduced, subsequently causing Prime Contractors to self-perform more of the work typically subcontracted. In 2013-2014, approximately 255 federal funded construction prime contracts were awarded, and approximately 246 individual vendors were subcontracted. In 2014-2015, approximately 128 federal funded construction prime contracts have been awarded, and approximately 123 individual vendors have been subcontracted.
3. Employee turn-overs- 42%. As well as, extended delays in filling the District 4 EEO Officer vacancy and the General Office Contract Compliance Officer.
4. Unfavorable State Audit Findings on compliance with Construction Manual policies and FHWA- VCAP findings on GDOT Let Projects and Local Administered Projects. Findings from both entities were similar, and are rooted in confusion on the role of the Engineer and EEO Officers in monitoring contract compliance.

#### E. Major Breakthroughs.

1. Adding compliance staff. In light of continued State and Federal audit findings related to oversight, the Department has activated Compliance Officer Positions on its Consultant Engineering Inspection Contracts. The unit is chiefly responsible for monitoring project field office source documentation related to federal regulations, verifying reasonable conformance with Department policies related to Contract EEO requirements, serving as a liaison between the General Office and the Area Office, and serving as a deterrent against Contractor reported False Statements in meeting EEO contract requirements.

2. Implemented a District EEO Officer Project Review Process January 1, 2015. As of March 2015, fourteen (14) Project reviews have been performed with a staff of 5 District EEO Officers. The intent of the review is to identify weakness in project monitoring and provide the necessary training to inspection personnel. We established a goal of two (2) reviews per month. Regardless of time, scope, or budget, no projects are exempt, including locally administered projects.
3. Through the District Project review process and the addition of consulting staff, the Office of EEO is increasing Local Government monitoring.
4. Created new online training materials through the ELMS system for Compliance Officers, District EEO Officers, internal and external Construction inspection personnel. The courses provide content with audio, testing, and certificates at completion. To date, 265 internal and external inspectors have enrolled in the courses.

#### **IV. AREAWIDE PLANS (NA)**

#### **V. CONTRACT SANCTIONS**

Contract Sanctions are established by the Department and applied to the Contractors via special provisions and specifications. They include but are not limited to:

- A. Georgia Department of Transportation Standard Specification 105.01 Authority of the Engineer states in part, *"The Engineer will have the authority to suspend The Work wholly or in part due to the failure of the Contractor to correct conditions unsafe for the workmen or general public; for failure to carry out provisions of the Contract, or for failure to carry out orders; for such periods as he may deem necessary due to unsuitable weather; for conditions considered unsuitable for the prosecution of The Work; or for any other condition or reason deemed to be in the public interest."*
- B. Georgia Department of Transportation Standard Specification 108.09 Default of Contract states in part, *"If the Contractor fails to begin The Work within the time specified, or fails to perform The Work with sufficient workers, equipment, or materials to ensure its prompt*

*completion, or performs The Work unsuitably, or neglects or refuses to remove materials or perform anew such work as shall be rejected as defective and unsuitable, or discontinues the prosecution of The Work, or from any other cause whatsoever does not carry on The Work in an acceptable manner, or becomes insolvent or is adjudicated a bankrupt, or commits any act of bankruptcy or insolvency, or allows any final judgment to stand against him unsatisfied for a period of 10 days, or makes an assignment for the benefit of creditors, or fails to comply with the contract requirements regarding wage payments or EEO requirements, or fails to sign the standard release form as stipulated in Subsection 109.08 "Final Payment," the Engineer may give notice in writing by registered or certified mail to the Contractor and the Surety, stating the nature of the deficiencies and directing that The Work including its progress be remedied and made satisfactory. If, within 10 days after such notice, the Contractor or his Surety does not proceed in satisfactory way to remedy the faults specified in said notice, the Engineer will notify the Contractor and his Surety by registered or certified mail that the Contractor is in default and, by the same message, direct the Surety to take over The Work including all of the obligations pertaining to the Contract. If the Surety takes over the work in a satisfactory way within 10 days after such notice of default, the Department will thenceforth pay to the Surety the amounts due and to become due under the Contract, less all deductions provided herein including liquidated damages. The Department shall not be liable for any sums not due under the Contract and shall not be made a party to any dispute between the Contractor and the Surety."*

C. Georgia Department of Transportation Standard Specification 158.4 Training Program states in part, *"The Contractor will be not receive any progress payment under any one of these conditions:*

- Failure to provide an acceptable training program to the Department within 30 days after the Notice to Proceed is issued*
- The Contractor fails to provide the required training*
- The trainee fails to be hired as a journeyman at the fault of the Contractor*
- The Contractor fails to show good faith to meet the requirements of this Training Specification".*

Georgia Department of Transportation DBE Criteria of Acceptability states in part, *"In order*

*to comply with 49 CFR 26.11, the Prime Contractor shall submit documentation regarding all payments made from the Prime to all DBE subcontractors on federal aid projects in the form of copies of cancelled checks or notarized electronic documentation which validates said payments made on the DBE Monthly Participation Reports. This information shall be required monthly and submitted with the DBE Monthly Participation Report. C. Failure to respond within the time allowed in the request will be grounds for withholding all payments on all Contracts”.*

The Office of Equal Employment standard operating procedures in addressing noncompliance and recommending sanctions are as follows:

A preliminary and detailed report summary outlining the findings of an inquiry and/or investigation will be submitted from the Office of Equal Opportunity or the Office of Construction which may trigger more in-depth investigative measures and corrective actions. The contract sanction process may begin with the Contract Compliance Specialist or in the District EEO Review Office where the compliance review is conducted. The process entails requesting sanction proceedings from Contract Compliance Specialist in consultation with the General EEO Office, to the District Engineer, Construction Division Director and Commissioner. The role of the Contract Compliance Officer and/or Equal Opportunity Office is to monitor the process, ensuring proper documentation and timeliness. Once the request for sanctions is made to the General Office, GDOT's Office of General Counsel will be contacted for review and concurrence of activity. Supporting documentation and correspondence will be provided. The Assistant EEO Administrator (External) in conjunction with the Construction Engineer will inform the contractor in writing of the sanction with copy to the, GDOT's Office of General Counsel and FHWA. While the process is taking place, the Department will consider the contractor to be an unresponsive bidder and remove from the bidders list.

As a means of imposing contract sanctions, the Director may issue a written notice to General Counsel, Commissioner, or the Engineer recommending work to be stopped in whole or in part. GDOT's monitoring and enforcement mechanisms may consist of one or a combination of the following (list is not all inclusive):

- 1) Breach of contract action with GDOT and initiation of all steps necessary to bring contractor into compliance;
- 2) Withholding of progress payments, monthly invoices, and/or final invoice;
- 3) Removal of contractor from bidding activities with GDOT on federally funded projects;
- 4) Removal of contractor from the bidder's list;
- 5) Removal of contractor from registered subcontractor's list;
- 6) Notice to contractor may include recommendation for suspension.
- 7) Notice to contractor concerning declaration of default of contract or debarment.

Depending on severity of actions/offense of non-compliance, file may be referred to Office of Inspector General/Attorney General for criminal and/or civil actions.

## **VI. COMPLAINTS**

Contractor's employees and applicants for employment who have cause to believe that they have been treated unfairly due to race, color, religion, national origin, political affiliation, sex, age, or disability may file an employment discrimination complaint with their respective Contractor's Equal Opportunity Office or the individual may contact GDOT's Project Engineer or District EEO Review Officer for assistance. In addition, they are notified that in accordance with Title VII, Section 704(a) of the Civil Rights Act of 1964, as amended, GDOT prohibits retaliation against anyone who files a complaint or who participates in an investigation.

### **A. ALLEGATIONS OF COMPLAINTS/GRIEVANCES FROM CONTRACTOR'S EMPLOYEES:**

Contractors must respond promptly to all complaints of alleged discrimination made to the Contractor in connection with his/her obligations under the designated contract in the following manner:

1. Investigate promptly;
2. Attempt to resolve these complaints;
3. Take appropriate corrective action within a reasonable time;
4. Include all persons in the correction action who have been shown by the

investigation to have been discriminated against, even if they are not the original complainant;

5. Inform every complainant of all of his avenues of appeal, once the investigation has been completed;
6. Cooperate with in-depth reviews conducted by the District EEO Review Officers and Contract Compliance Specialist.

Contractor's policy statement and procedures include the names, addresses, and telephone numbers of the contractor's contact individual should complaint or grievances occur at the project site and federal EEO posters are displayed on bulletin boards at all locations. All complainants are encouraged to first discuss their allegations with their immediate supervisor and attempt informal resolution. However, if the complainant does not feel that it would be in his or her best interest, they may contact the District EEO Review Officer or Project Manager. The District EEO Review Officer, Project Manager or Contractor Compliance Officer may discuss the allegations with the complainant to determine if there is a legitimate discrimination complaint.

It should be noted that most complaints received on construction projects are primarily labor/wage and hour related allegations, wages owed for work performed, misclassifications of work performed, unpaid time or overtime, etc. Such complaints are usually forwarded to District EEO Review Officer and/or Contractor Compliance Office formally or informally by a third party individual. A third-party individual may be a person or persons who witness or is knowledgeable of questionable incident. There are no set time limits for complaint resolution other than the resolution should be as quickly as possible and during the life of the project in question. District EEO Review Officers will communicate their investigation to the GADOT Contract Compliance Officer. The GADOT Contract Compliance Officer will log all data in the Formal Compliant Log for record. If the complaint is not resolved, GDOT can proceed to sanctions as indicated in the above section.

**B. COMPLAINTS OF ALLEGED DISCRIMINATION - CONTRACTOR:**

Any individual, group of individuals or entity who believes that they have been subjected to discrimination or retaliation prohibited on federally funded contracts may file a

complaint with GDOT's Title VI Coordinator. However, complaints against GDOT will be forward to the FHWA Headquarters Civil Rights Division in Washington D.C for processing. Complaints must be filed in writing within 180 days of the date of the alleged discriminatory act or when the alleged discrimination became known to the complainant. Complaint forms may be obtained from the Equal Opportunity Division at (404) 631-1972.

The investigation and resolution of complaints related to construction activity is guided by GDOT's Complaint Procedures as indicated in the Affirmative Action Plan (Part II). District EEO Review Officer will communicate their investigation to the GADOT Contract Compliance Officer. The GADOT Contract Compliance Officer will log all data in the Formal Compliant Log for record.

## **VII. EXTERNAL TRAINING PROGRAM-ON JOB TRAINING (OJT)**

The Georgia Department of Transportation maintains a database on enrolled, terminated, and graduated trainees. (Refer to the OJT Manual available online @

<http://www.dot.ga.gov/doingbusiness/eo/Documents/OJT/On-the-JobTrainingManual.pdf> .)

Current Fiscal Year 2015 Accomplishments:

- Graduates: 46
- New Trainees: 116
- Terminations: 3

Previous Fiscal Year 2014 Accomplishments:

- Graduates: 27
- New Trainees: 100
- Terminations: 3

## **VIII. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

The Georgia Department of Transportation maintains a database on enrolled firms. (Refer to the DBE plan available online @

<http://www.dot.ga.gov/doingbusiness/dbePrograms/Pages/default.aspx> .)

## **IX. LIAISON**

The EEO Director is the Department Liaison for GDOT. In addition, as a part of the Department's outreach program, liaison is maintained with other public agencies and private organizations involved in Civil Rights programs. Liaison is maintained regularly through personal contact and participation with the Urban League, NAACP, Atlanta Business League, MED Week, Rainbow-Push, National Suppliers Association, Asian/American Chamber of Commerce, Hispanic Chamber of Commerce, Georgia Minorities Supplier Development Council, National Association of Women in Construction, Georgia Black Chamber of Commerce, and the AASHTO National Civil Rights Conferences. Other participation includes area OFCCP Liaison Groups, which meet as needed, and provide training workshops.

## **X. INNOVATIVE PROGRAMS**

- A. EEO is using the Transportation Reporting and Query System (TRAQS). It is a BI workspace that allows you to organize and display different BI platform data sources, such as Web Intelligence documents, hyperlinks, Crystal reports, non-visual modules, or external pages such as web pages via URL, in a single view. You can analyze and manage complex data effectively, and share the information across organizations. The system is allowing EEO personnel to more efficiently collect and analyze data required for reporting and monitoring related OJT, DBE, and in the future all contractor employment data and subcontract vendor payments.
- B. EEO has taken ownership of its Microsoft SharePoint webpage. Microsoft SharePoint is a Web application platform. It has historically been associated with intranet content management and document management, but recent versions have significantly broader capabilities. The Office will be able to share documents with internal and external customers on a real time basis, set security permissions, and establish tasks providing better communication.
- C. Civil Rights Labor Management System (CRLMS) has been implemented and continues to be a work in progress. It manages the department's Civil Right requirements and provides

contract electronic access to submit the Certified Payrolls, Bidder/Quoters, and Prompt Payment reports. The system will provide a faster, easier, and more accurate way for contractors to meet government reporting requirements.

## **XI. 2016 CONTRACT COMPLIANCE PLAN GOALS**

- A. Bring the Contractor (23CFR230) Compliance review process back on track. Perform 30 Contractor Compliance Reviews.
- B. Utilize a database of Contract Compliance Inspections, OFCCP reviews, and contractors that were exempted due to the number of employees, to enable more efficient execution of the Compliance Review process. Making identifying potential contractors, and avoid contractors that have been inspected in the last two years either by the Department or OFCCP.
- C. Provide 84 Project Field Office Reviews with immediate on-site training. The intent of the Project reviews are to identify weakness in project documentation, subsequently provide immediate training of minor issues, and schedule in-depth training for major concerns.
- D. Incorporate Consultant- Compliance Officers. Enable a greater involvement of the Office of EEO on the front lines of highway construction by activating the Consulting Compliance Officer positions already existing in each District Construction Engineering Inspection contract, and instituting a reporting structure under the umbrella of the Office of EEO,
- E. Partner with the Districts to bring Local Agency oversight into compliance through the new District EEO Officer Project Review Process and Contract Compliance Audits.
- F. Educate Contractors on the Race Neutral DBE Goal and Race Neutral Contracts. The DBE program applies to all federal contracts not merely those that have a DBE Goal. Review of contracts with no DBE goals (Race Neutral Contracts) have shown that GDOT race neutral goals are potentially being met, but Contractors fail to report the DBE participation, therefore the Department fails short of the Race Neutral DBE Goal.

## **XII. APPENDICES**

- A. GDOT Organizational Chart *(UPDATED)*
- B. Equal Opportunity Office Chart *(UPDATED)*
- C. Equal Opportunity Policy Statements: #2840-1 and #2820-1

- D. GDOT's Criteria for Acceptability
- E. TOPPS 2880-1, Sexual Harassment Policy
- F. GDOT -- OJT Training Program Section 158
- G. FHWA Construction Contractor's Semi-Annual Training Report (FHWA 1409)
- H. Georgia On-the-Job Training Program Manual
- I. Bulletin Board Checklist
- J. Commercially Useful Function Form and Manual
- K. Contractor Compliance Forms Checklist
- L. Contractor Compliance Notification Letters ([samples](#))
- M. Contract Compliance Review Report checklist ([sample](#))
- N. DBE Participation Report & Instructions
- O. Monthly Utilization Form, Project Review Report ([New](#)), and Labor Interview Form ([Sample Forms](#))
- P. Compliance Data Report ([Sample](#))
- Q. Show Cause Letter ([Sample](#)) and Show Cause Rescind Letter ([Sample](#))
- R. Title VI Complaint Form
- S. Required Contract Provisions Federal Aid Contracts
- T. Roles & Responsibilities Training for GDOT Personnel on FHWA 1273
- U. Recommendations for Affirmative Action to Contractors from GDOT's Commissioner. ([Updated](#))

**CONTRACTOR COMPLIANCE INFORMATION SHEET FOR  
CONTRACTORS ON FEDERAL-AID CONSTRUCTION PROJECTS  
CONTRACT REQUIREMENTS-SPECIFIC EEO RESPONSIBILITIES &  
PREPARATION FOR CONTRACT COMPLIANCE REVIEWS**

- \_\_\_ 1. **GENERAL** (be aware of authority for provisions and the need to cooperate with state and federal government and keep accurate records)
- \_\_\_ 2. **EEO POLICY** (develop a company EEO policy statement that incorporates the following paragraph "verbatim" as written in section I. GENERAL 2b of the FHWA 1273.  
*"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, 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".*
- \_\_\_ 3. **EEO OFFICER** (appoint and satisfactorily train a company EEO Officer and notify all of the appropriate staff)
- \_\_\_ 4. **DISSEMINATION OF EEO/SEXUAL HARASSMENT POLICIES** (internally and externally)
- \_\_\_ meet with key personnel before project begins and then no less often than every 6 months.
  - \_\_\_ train new supervisors as to contractor's EEO obligations within 30 days & train all supervisors every 6 months thereafter.
  - \_\_\_ meet annually with all company employees, provide a copy of the company's EEO policy and advise of any EEO changes within the company
  - \_\_\_ post policies at home office and project site/ include notices covering employee referrals, training program information, and identification of EEO Officer, contact information and the investigation process
- \_\_\_ 5. **RECRUITMENT** (exert good faith efforts to achieve and maintain acceptable representation of minorities and females when vacancies occur in the work force)
- \_\_\_ include "An Equal Opportunity Employer" notation in all ads, conduct systematic and direct recruitment (keep a log of recruitment sources (including contact information) specifically utilized for recruiting minority and female employees, establish referral procedures, and contact sources)
  - \_\_\_ encourage present employees to refer minority and female applicants through posting notices and word of mouth
- \_\_\_ 6. **PERSONNEL ACTIONS** (must ensure nondiscrimination in wages, working conditions, employee benefits, hiring, training, upgrading, promotion, transfer, demotion, layoff, and termination)
- \_\_\_ periodically review selected personnel actions and spread of wages

- conduct project site inspections
- ensure EEO policy, EEO poster and other required notices are posted
- investigate complaints of alleged discrimination promptly
- keep a record of all complaints filed and findings

**7. TRAINING AND PROMOTION** (if the project and work force can support these actions)

- fulfill OJT if required to train under the contract
- provide formal and informal training when appropriate
- advise employees and applicants of available training programs
- be prepared to demonstrate the manner in which employees are notified of training opportunities with results
- frequently review the training and promotion potential of minority and female employees and encourage eligible employees to apply

**8. UNIONS** (use best efforts to obtain the cooperation of unions to increase opportunities and to effect referrals of minority group and female employees)

- cannot rely on unions as sole referral source as they are only given first opportunity to fill requests for referrals
- conduct independent recruitment if unions are unable to provide a reasonable flow of minority and female referrals within the collective bargaining agreement time limit

**9. SUBCONTRACTING** (use best efforts to solicit bids from and utilize minority group and female subcontractors outside of any contractual goal)

- comply with DBE requirements if contract has a DBE goal
- ensure subcontractor is in compliance with EEO obligations
- include all EEO provisions of prime contract in all subcontracts of \$10,000 or more in value
- furnish Required Contract Provisions (FHWA-1273) to material suppliers of \$10,000 or more in value and make binding on agreement

**10. RECORDS AND REPORTS** (as required to document actions and determine compliance)

- must maintain records for at least 3 years following completion of work or longer if necessary
- must submit annual EEO report (FHWA-1391) when required for the review period specified, as requested each year, per the instructions provided via certified mail from the District EEO Officer

The above checklist is provided as a guide to assist contractors in complying with EEO regulations & GDOT contract provisions. For assistance please contact:

Carla Miller, Contract Compliance Officer  
 Georgia Department of Transportation  
 Equal Employment Opportunity Office  
 600 W. Peachtree St., Ste. 724  
 Atlanta, Georgia 30308  
 Office (404) 631-1280-Cell (404) 548-1119  
[carmiller@dot.ga.gov](mailto:carmiller@dot.ga.gov)

L.

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 800 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

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

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Contractor \_\_\_\_\_  
President \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**RE: Pending Subcontractor Compliance Review on Contract # \_\_\_\_\_  
County \_\_\_\_\_.**

Dear \_\_\_\_\_:

Federal Regulation 23 CFR 230 requires State Transportation Agencies to conduct compliance reviews on federally assisted contracts to ensure compliance with the Equal Employment Opportunity contract provisions. In compliance with the regulation, our records indicate that Prime Contractor, \_\_\_\_\_ has participated in at least one compliance review with a state or federal agency within the last twenty-four months; therefore, the company is exempt from the pending compliance review on Contract # \_\_\_\_\_ for project # \_\_\_\_\_ County \_\_\_\_\_.

Though \_\_\_\_\_, Prime Contractor is not required to go through another compliance review, the regulations do seek your assistance in facilitating the necessary review for your subcontractors. To that end, we anticipate working with you to complete the below referenced items:

- Completion of **Part A and Part B of the Contract Compliance Review Document Request**.
- Dissemination, collection and submission of all contractor compliance review correspondence to and from all of your active subcontractors.
- Provide a member of your management team, preferably, familiar with EEO contract provisions on the date of the scheduled onsite visit for assistance with the onsite project inspection.

The GDOT Equal Employment Opportunity Department (EEOD) will be conducting a compliance review of on the subject project on Date \_\_\_\_\_ and Time: \_\_\_\_\_. We will conduct this review on the basis of federal and state law referenced in the contract specifications for Equal Employment Opportunity.

Please be prepared to provide adequate space, if an in person meeting is required, in your field office for the compliance officer to meet with subcontractor officials and their employees as required for supervisor and employee interviews. Submit all required documents, received from your active subcontractors to:

**Carla Miller, Contract Compliance Officer,  
Georgia Department of Transportation  
600 W. Peachtree Street, N.W., 7<sup>th</sup> Floor  
Atlanta, GA 30308**

If you have any questions, comments or concerns, please do not hesitate to contact me, via telephone at 404-631-1280 or email at [carmiller@dot.ga.gov](mailto:carmiller@dot.ga.gov).

Sincerely,

*Carla Miller*

Carla Miller, Contract Compliance Officer

CM

Enclosures

cc: District EEO Review Officer  
Area Engineer District 6  
GDOT Project Manager  
File

M

**CONTRACT COMPLIANCE REVIEW DOCUMENT REQUEST for Prime Contractors & Subcontractors**  
Georgia Department of Transportation, Equal Employment Department

The documentation requested from **PRIME CONTRACTOR & ALL ACTIVE SUBCONTRACTORS** is requested in preparation for the compliance review of **PROJECT#:** \_\_\_\_\_, located in **DISTRICT:** \_\_\_\_\_ **COUNTY GEORGIA.** Submit all information requested to the Georgia Department of Transportation (GDOT) Contract Compliance Officer: **Carla Miller, Contract Compliance Officer at 600 W. Peachtree Street, N.W. 7<sup>th</sup> Floor, Atlanta, GA 30308 on or before DATE:** \_\_\_\_\_. All records concerning Equal Employment Opportunity and Disadvantaged Business Enterprise utilization must be available at the time of the review. **PLEASE PROVIDE COMPLETE, CLEAR, LEGIBLE, ORGANIZED AND LABELED DOCUMENTS ACCORDING TO THE SECTION AND QUESTIONS NUMBER. SUBMISSIONS CAN BE SUBMITTED ON A CD.**

**SUBCONTRACTORS:** IF ALL OF THE REQUIRED INFORMATION IS RECEIVED TIMELY, AND AFTER REVIEW, THERE ARE ONLY A FEW BASIC QUESTIONS, A CONFERENCE CALL **MAY** BE HELD AT THE SCHEDULED DATE AND TIME INSTEAD OF AN ON-SITE VISIT. A DECISION WILL BE MADE AND CONVEYED PRIOR TO THE SCHEDULED REVIEW. IF YOU ARE REQUIRED TO APPEAR FOR THE COMPLIANCE REVIEW IN PERSON, YOU WILL BE CONTACTED TO SCHEDULE A TIME TO APPEAR.

**PART A TO BE COMPLETED BY THE PRIME CONTRACTOR**

1. Contract or Project Number		2. Contract Value		3. Date of Review	
4. Contractor Identification (Specify if a Disadvantaged Business Enterprise.) <input type="checkbox"/> Prime <input type="checkbox"/> Sub <input type="checkbox"/> Vendor <input type="checkbox"/> Supplier <input type="checkbox"/> Other (specify)					
5. Name And Address of Contractor					
6. Project Address, if Different (List county and nearest city or town.)					
7. Name And Title of Policy Making Officer (List titles of other positions currently being held in the company.)					
8. Name And Title of Project Officer (List titles of other positions currently being held in the company.)					
9. Name and Title of Equal Employment Opportunity Officer (List any other positions currently being held in the company.)					
10. Most Current Project Schedule Chart		Date Work Began:	Estimated Work. Completion Date:	Anticipated Peak Employment Date:	
11. Type of Work Performed				12. % COMPLETE	
13. Is a written EEO Affirmative Action Plan available? (Provide a copy of the plan)					
14. How many subcontractors have performed work on this project? (Provide a list of <b>every contractor</b> working)			15. Number of "active subcontractors" _____ (Provide a list of <b>all active</b> contractors)		
16. DBE Goal _____			17. Percentage to date _____		

## Contract Compliance Review Request for Information and Documents

**D. NOTE: The following questions relate to requirements mandated by the FHWA 1273, Required Contract Provisions, Federal-Aid Construction Contracts; On the Job Training Program; EEO Affirmative Action Requirements; and the Disadvantaged Enterprise Program (Race Conscious and Race Neutral).**

### **Training:**

1. Under the special Provision On-the-Job Training Program, how many trainees have been assigned to your company? **If no trainees are anticipated on this project continue to the next section.**
2. Are there approved training programs?
3. How many trainees are anticipated on this project?
4. How many of your trainees are minority? \_\_\_\_\_ female\_\_\_\_\_. For each trainee list the following:
  - a. classification
  - b. equipment being trained on, if applicable
  - c. number of hours of training to date
  - d. indicate if the trainee has received the appropriate number of hours per the training program
  - e. anticipated date the trainee will complete the training program
  - f. identify any rate increases for each trainee, provide a salary history and include dates
5. Are trainees receiving the proper pay scale for the classifications in which they are being trained?
6. Does the contractor retain employees who have completed their respective training programs? If yes, identify how many trainees you have retained within the last 3 years.
7. What plans have been made for those who do not complete their programs?

### **Recruitment:**

1. When advertising for employees in newspapers, trade magazines, or other publications, has the notation "An Equal Opportunity Employer" been included in those advertisements? Provide documentation for this project only including name of publication and date[s] advertisement ran, if applicable.
2. When advertising for employees by any of the above means, has the advertisement been placed in publications that have a large circulation among minorities in the area from which the project workforce would normally be derived? Provide a list of the newspapers, trade magazines, or other publications used.
3. Have present employees been encouraged to refer minority and female applicants for employment? Provide a sample of correspondence supporting this claim.
4. Who on this project has the responsibility for hiring employees? Identify job title and indicate any Human Resources and/or Equal Opportunity training they have had.
5. Has systematic and direct recruitment been conducted with referral sources likely to yield minority and female applicants? Provide details of the results of these contacts.
  - a. Have procedures been established with these referral sources whereby minority and female applicants may be referred for employment consideration? Provide details.
6. Provide details of any other innovative and proactive methods used by your company to recruit female and minority employees.

## Contract Compliance Review Request for Information and Documents

### EEO:

1. Has an EEO Officer been designated for your company? Provide the date on which he/she begin serving as the company's EEO Officer. Provide a copy of the notification.
2. Is the following statement included in the EEO Policy? *"It is the policy of this company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, and disability and/or handicap. Such action shall include but not be limited to: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."* (Provide a copy of this policy.)
3. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees, applicants for employment, and potential employees? Where?
4. Identify all methods used the means disseminate that the EEO policy and procedures to all employees on the project at least once annually. Provide copies of examples, *i.e., meeting minutes, sign in sheets, etc.*
5. Do supervisory personnel fully understand the company EEO policy?
6. Have all new supervisory personnel and office personnel hired been given a thorough indoctrination in the EEO policy within 30 days of their employment starting date and every 6 months thereafter? Provide documentation.
7. How often do supervisory personnel meet to discuss EEO matters?
8. Are records kept on personnel actions that are necessary to determine compliance with EEO obligations? Personnel actions include termination, layoff, upgrading, demotion, transfer, training, etc. Provide an example.
9. Has adequate written authority delegating the duties and responsibilities of that position been provided to the EEO officer? Provide documentation.
10. What EEO training has the officer received within the past two years? Provide dates and details of training.
11. Annually, approximately what percentage of time does the officer spend on EEO concerns?
12. Is there a discrimination complaint procedure established for this company? Provide a copy of the procedure.
13. Have any complaints of discrimination been received within the past three years? If yes, provide dates of complaints, the nature of the complaints, identify parties involved, detail actions taken and indicate the outcome.

### General:

1. Check which of the following required contract special provisions have been incorporated in all subcontract agreements used on the project:
  - Labor Rates from U.S. Department of Labor (Davis-Bacon).
  - EEO Affirmative Action Requirements.
  - FHWA 1273-Required contract Provisions, Federal-Aid Construction Contracts.Provide a sample subcontract agreement showing this has been done.
2. In the past three years, have any reviews been made by the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP), or any other federal, state, or local agency regarding your company or any of your subcontractors? Provide name of agency, date of review, and results.
3. Provide a list of all federally assisted contracts of \$10,000 or more currently held by your company. This list should include project number, dollar amount, location, contracting agency, and each subcontractor.

M

<b>GEORGIA DEPARTMENT OF TRANSPORTATION REVIEW REPORT</b>				1. STATE  Georgia			
2. TYPE OF PROJECT  CONSTRUCTION - FEDERALLY ASSISTED				2. REVIEW REPORT #  GDOT			
4. REVIEW AUTHORITY  23CFR230 & FHWA 1273		5. TYPE OF REVIEW  PROJECT WORKFORCE					
6. PROJECT NUMBER AND COUNTY		7. CONTRACT AMOUNT		8. DATES OF REVIEW			
9. CONTRACTOR IDENTIFICATION  <input type="checkbox"/> PRIME <input type="checkbox"/> SUB <input type="checkbox"/> DBE (Identify if DBE)							
10. NAME AND ADDRESS OF CONTRACTOR		11. NAME AND TITLE OF PRESIDENT		12. NAME AND TITLE OF EEO OFFICER			
13. PROJECT ADDRESS		14. NAME AND TITLE OF PROJECT OFFICER					
15. CONTRACT OR PROJECT PRODUCTION SCHEDULE:		DATE WORK BEGAN	EST. COMPLETION DATE	PEAK EMPLOYMENT DATES			
16. DETERMINATION OF COMPLIANCE STATUS  <input type="checkbox"/> IN-COMPLIANCE <input type="checkbox"/> IN NON-COMPLIANCE <input type="checkbox"/> DETAILS - PAGE 3, ITEMS 25 AND 26							
17. SUB-CONTRACTORS <i>(Name &amp; Address - Indicate if Disadvantaged Business Enterprise)</i>							
18. UNION AFFILIATIONS							
UNION TITLE OR IDENTIFICATION  A	UNION LOCAL NUMBER  B	DOES UNION HAVE EXCLUSIVE REFERRAL RIGHTS  C		DOES UNION SPONSOR OR PARTICIPATE IN PRE-APPRENTICE, APPRENTICE, OR POST-APPRENTICE TRAINING PROGRAMS?  D		DOES CONTRACTOR SPONSOR OR PARTICIPATE IN PRE-EMPLOYMENT, APPRENTICE, OR POST EMPLOYMENT TRAINING PROGRAMS?  E	
		YES	NO	YES	NO	YES	NO
N/A							
19. OTHER RECRUITING SOURCES, ESPECIALLY MINORITY, FEMALE, OR POVERTY ASSISTANCE ORIENTED							
A. NAME OR OTHER IDENTIFICATION				B. ADDRESS			

**20. CONSTRUCTION PROJECT EMPLOYMENT DATA**

**TABLE A**

LINE NO	JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK		ASIAN		AMERICAN INDIAN		HISPANIC		WHITE		ON THE JOB TRAINEES/APPRENTICES	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
	OFFICIALS (MANAGERS)																
	SUPERVISORS																
	FOREMEN																
	CLERICAL																
	EQUIPMENT OPERATORS																
	MECHANICS																
	TRUCK DRIVERS																
	IRONWORKERS																
	CARPENTERS																
	CEMENT MASONS / CONCRETE FINISHERS																
	ELECTRICIANS																
	PIPEFITTERS, PLUMBERS																
	PAINTERS																
	LABORERS, SEMI-SKILLED																
	LABORERS, UNSKILLED																
	FLAGGERS																
	TRAFFIC CONTROLLERS																
	CRANE OPERATOR																
	TOTAL																
	ON THE JOB TRAINEES/APPRENTICES																

**20A. SUMMARIZE NEW HIRES COMPANYWIDE WITHIN THE LAST 6 MONTHS-INCLUDES RACE, SEX AND CLASSIFICATION**

**20B. SUMMARY ANALYSIS OF EMPLOYMENT DATA**

**20C. SUMMARY ANALYSIS OF TRAINING DATA**

21. SUMMARY, FINDINGS, CONCLUSIONS, RECOMMENDATIONS, AND AGREEMENTS		
YES	NO	
		A. THE CONTRACTOR'S EQUAL EMPLOYMENT OPPORTUNITY POLICY MEETS THE MINIMUM GUIDELINES AS OUTLINED IN THE FHWA 1273?
		B. DISSEMINATION OF THE EEO POLICY AND EDUCATION OF SUPERVISORY EMPLOYEES CONCERNING THEIR RESPONSIBILITIES IN IMPLEMENTING THE EEO POLICY?
		C. THE EEO OFFICER HAS THE AUTHORITY AND RESPONSIBILITY TO EFFECTIVELY ADMINISTER THE EEO REQUIREMENTS?
		D. EVIDENCE OF THE CONTRACTOR'S RECRUITMENT ACTIVITIES, ESPECIALLY THOSE ACTIVITIES WHICH ESTABLISH MINORITY & FEMALE RECRUITMENT AND REFERRAL PROCEDURES?
		E. WHEN APPLICABLE, PARTICIPATION & UTILIZATION OF FEMALES & MINORITIES IN TRAINING PROGRAMS?
		F. DOES THE CONTRACTOR MONITOR PERSONNEL ACTIONS TO ENSURE EQUAL OPPORTUNITY?
		G. DOES THE CONTRACTOR HAVE KNOWLEDGE OF THE EEO PROVISIONS IN THE CONTRACT?
		H. HAVE OTHER REPORTS REQUIRED BY FEDERAL, STATE, MUNICIPAL, OR OTHER STATUTES, REGULATIONS, DIRECTIVES, ETC., BEEN SUBMITTED?
		I. IS THERE AN ESTABLISHED RELATIONSHIP BETWEEN THE CONTRACTOR AND THE UNION & IS THIS AN EFFECTIVE RECRUITING SOURCE FOR FEMALES AND MINORITIES?
		J. HAVE CONTRACT EEO REQUIREMENTS AND OTHER CONDITIONS OF COMPLIANCE PROGRAMS BEEN IMPLEMENTED IN A SATISFACTORY OR ACCEPTABLE MANNER?
		K. CONTRACTOR ADHERES TO CONTRACT PROVISIONS REGARDING PROVIDING "NON-SEGREGATED" FACILITIES?
		L. HAVE COMPLIANCE OR OTHER REVIEWS MADE BY OTHER AGENCIES RESULTED IN A DETERMINATION OF COMPLIANCE?
		M. CONTRACTOR INCLUDES EEO PROVISIONS IN ALL SUBCONTRACTS AND APPLICABLE PURCHASE ORDERS IN AN EFFORT TO ENSURE EEO ON THE PROJECT?
		N. THE CONTRACTOR MAINTAINS ADEQUATE RECORDS AND REPORTS TO ACHIEVE, FACILITATE & MAINTAIN EEO REQUIREMENTS.
25. OTHER SIGNIFICANT OBSERVATIONS, COMMENTARIES AND/OR DEFICIENCIES & VIOLATIONS. (SHOULD BE INDIVIDUALLY NUMBERED)		
26. RECOMMENDATIONS AND AGREEMENTS FOR CORRECTIVE ACTION AND TIME SCHEDULE (INDIVIDUALLY NUMBERED)		
<p>23CFR230 (Action R-9): "A contractor shall be considered to be in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal shall be result oriented, initiated and maintained in good faith, and emphasized as any other vital management function."</p> <p>23CFR230 (Action R-10): "A contractor shall be considered in noncompliance when: (i) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment; or (ii) The contractor fails to provide evidence of every good faith effort to provide equal opportunity."</p>		
27. CONDUCTED BY:	EQUAL EMPLOYMENT OPPORTUNITY OFFICE-GDOT GENERAL OFFICE	DATE
GA DOT	Carla Miller, Contract Compliance Officer	



## EEO Contract Compliance Project Review Report

Date:

Contractor:	GDOT Project #:
County:	District:
GDOT Engineer :	Contractor's EEO Officer:

**RATING:**

- SATISFACTORY**
- On-site Training was provided to correct minor deficiencies.**
- In-depth Training is needed.**

**Reviewing Officer:**

**Comments:** \_\_\_\_\_

**Pass Through Project to a Local Government** \_\_\_\_\_

*Reference LAP Manual Section 1.1, the LG must comply with local, state, and Federal laws and regulations during this phase of the project administration. During construction of a Local Let project, the LG must ensure that adequate inspections are made to determine that the construction is in accordance with the contract plans and specifications, that materials meet the project specifications and that personnel that are performing the testing are certified by GDOT, that Federally required records are maintained and retained to support the eligibility for and the reimbursement of Federal funds, and that progress reports are accurate for all construction activities.*

The Prime Contract physically (has)/ (does not have) the required Federal Provisions incorporated.	
--	--

**Reference to Construction Manual**

**Chapter 15 Payrolls (including DBEs):**

1. Payrolls were on file for the Prime and all approved Subcontractors except:	
2. Project representative indicated all payrolls have been received except:	
3. Payrolls that were spot checked were up to date except:	
4. Payrolls that were spot checked appeared to have been reviewed by project personnel except:	
5. Payrolls that were spot checked had wage classifications either in the contract or a request for additional wage classification submitted except:	
6. Payrolls that were spot checked had correct wage rates except:	
7. Payrolls that were spot checked had associated labor interviews except:	

**Chapter 16 Subcontracts (including DBEs)**

1. Physical Subcontracts were on file for all approved subcontractors except:	
2. Subcontracts over \$10,000 that were spot checked had FHWA 1273, and Executive Order 11246 physically incorporated except:	
3. Subcontracts that were spot checked had the Prompt Payment Special Provision, and Appendix A physically incorporated except:	

**Chapter 17 DBE**

1. Current DBE Report (is) / (is not) on file.	
2. DBE reports (have) / (have not) been reviewed and signed by project personnel.	
3. Current DBE goal (does) / (does not) indicate a potential shortfall.	
4. At least 1 CUF inspection is on file for all reported DBEs except:	

**Chapter 18 Training Program (OJT): Reference OJT Manual**

1. Project (does) / (does not) have an OJT requirement.	
2. Contractor (has) / (has not) submitted an OJT plan to the Department for approval. --30 days from NTP--	
3. Contractor (has) / (has not) submitted OJT Trainees to the Department for approval.	
4. Plan and trainee approvals (are) / (are not) on file from EEO.	

**Reference FHWA 1273**

1. Bulletin Board (is) / (is not) placed in an area readily accessible to employees, applicants for employment and potential employees.	
2. Bulletin Board (has) / (does not have) all required documents.	
3. Discriminatory Practices (were) / (were not) witnessed.	

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

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

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Contactor \_\_\_\_\_  
President \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**RE: CONTRACT COMPLIANCE REVIEW - SHOW CAUSE NOTICE  
CONTRACT NO. \_\_\_\_\_ COUNTY \_\_\_\_\_  
CERTIFIED MAIL RETURN RECEIPT REQUESTED [CERT NO.]**

Dear Contractor:

As a result of the review of Contract No. \_\_\_\_\_/Project no. \_\_\_\_\_  
and County \_\_\_\_\_ conducted by the Georgia Department of Transportation, it is our  
determination that you are not in compliance with your equal opportunity requirements and that good faith  
efforts have not been made to meet your equal opportunity requirements in the following areas:

List of Deficiencies:

- 1.
- 2.
- 3.
- 4.
- 5.

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

US Department of Transportation regulations 23 CFR 230, Subparts A and D are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions Federal-Aid Construction Contracts, Form FHWA 1273, Clause 11). 23 CFR 230.409 requires that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary correction.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance.

The Department will hold a compliance conference at address \_\_\_\_\_, date \_\_\_\_\_ & time \_\_\_\_\_ for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this agency will commence enforcement proceedings under 23 CFR 230, Subparts A and D

If your written commitment is accepted and it is subsequently found that you failed to comply with its provisions, you will be advised to this determination and formal sanction proceedings will be instituted immediately.

In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid construction contracts or subcontracts which you hold may be cancelled, terminated, or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by 23 CFR 230, Subparts A and D may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to Carla Miller, 600 W. Peachtree Street, N.W., 7<sup>th</sup> Fl., Atlanta, Georgia. You may also contact me at 404-631-1280 or [carmiller@dot.ga.gov](mailto:carmiller@dot.ga.gov).

Sincerely,

*Carla Miller*

Carla Miller, Contract Compliance Officer

CM

cc: Assistant Administrator-EEO Department-External Programs  
District EEO Review Officer  
File





March 3, 2015

**TO: ALL CONTRACTORS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS**

Enclosed for your review and utilization are forms used by GDOT/EEO to conduct the annual review for your company. The forms are enclosed as a reminder to you of the regulations by which we must abide in working on Federal-Aid Highway related projects. The regulations are applicable to the type of contracts on which your company performs and require you to conform to national equal employment opportunity standards. Those standards, for which GDOT has monitoring and reporting responsibility, prohibit discrimination in any form. The non-discrimination standards include, but are not limited to, the duty to refrain from discriminating against any applicant or employee on the basis of race, color, religion, sex, handicap or national origin.

GDOT encourages your evaluation, on a periodic basis, of your EEO program plan. When you undertake such a review, be sure to initiate affirmative steps to correct any identified deficiencies. Your evaluation should include a review of your personnel policies and practices, and an analysis of your workforce composition by race, gender and job classification. The forms referenced above will assist in your evaluation. We encourage you to use them in your internal examination as they will help to familiarize you with the considerations that make up the core of our formal review.

The Affirmative Action Recommendations checklist suggests measures you should consider to strengthen your EEO program plan. Please document any action(s) taken outside these recommendations.

Please be advised that all prime contractors are responsible for the completion of Monthly Utilization Reports in accordance with the workforce reporting requirements.

GDOT staff works hard at making the EEO Compliance Program efficient and effective. We know that the companies working on our projects are aware of their responsibilities regarding compliance with program requirements. We are available to offer assistance to your company in achieving the necessary compliance with the equal opportunity laws and look forward to doing so upon request.

As the Commissioner for the Department of Transportation, I am committed to the standards and principles of Equal Opportunity. I appreciate your continued cooperation and compliance with the program.

Sincerely,

  
Russell R. McMurry, P.E.  
Commissioner

RRM:KAK:bcm

Enclosures:

- 1) Affirmative Action Checklist
- 2) Monthly Utilization Report & Instructions
- 3) Form 1444