

# CHAPTER 3

## COMPANY EEO/AA REQUIREMENTS

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## Section 3.1

### GENERAL INFORMATION

#### 3.1.1 Purpose

Companies serving as contractors on FDOT contracts are required to comply with certain requirements that exhibit their company's permanent commitment to equal employment opportunity and affirmative action.

Certain elements of the Construction Contract Compliance Program are designated as Company requirements.

A contractor's Company EEO/AA documents and data are reviewed by District and/or project level compliance staff in determining compliance.

#### 3.1.2 Scope

All primes and/or subcontractors, active on one or more FDOT construction contracts, are to conform to Company EEO/AA requirements.

#### 3.1.3 Company EEO/AA Elements

The following elements are included in Company EEO/AA Requirements. Subsequent sections of this workbook detail each element and associated record keeping requirements.

- EEO/AA Policy, Plan, Officer and Program
- Supervisory and Office Personnel EEO Meetings
- Company Wide EEO Reports
- Contractor Recruitment Program

#### 3.1.4 Company EEO/AA Requirements and Timeframes

Four characteristics guide the determination as to which contracts are subject to Company EEO/AA Requirements:

- Contract Funding
- Original Contract Days
- Original Contract Dollars
- Type of Work

These characteristics and the Company EEO/AA Requirements for Prime contractors and Subcontractors (not including material suppliers) holding subcontracts of \$10,000 or more are summarized in Table 3.1.5. Subsequent sections of this workbook detail the requirements of each Company EEO/AA element.



<b>SUMMARY OF COMPANY EEO/AA REQUIREMENTS &amp; TIME FRAMES</b>					
<b>COMPANY EEO/AA PROGRAM ELEMENT</b>	<b>TIME FRAME</b>	<b>FEDERALLY FUNDED (ALL)</b>		<b>STATE FUNDED (All)</b>	
		PRIME	SUB (\$10+)	PRIME	SUB (\$10+)
		<b>EEO/AA Policy &amp; Plan</b>	Initial adoption before 1 <sup>st</sup> work day	<b>YES</b>	<b>YES</b>
<b>EEO Officer</b>	Initial appointment before 1 <sup>st</sup> work day	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Supervisory and Office Personnel EEO Meetings</b>	Initial Meeting prior to 1 <sup>st</sup> work day.  Subsequent meetings at 6 mo. Intervals; new appointees within 30 days	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>
<b>Company wide EEO Report</b>	To be made available upon request for a compliance review or determination of OJT.	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>
<b>Contractor Recruitment Program</b>	Initiate before 1 <sup>st</sup> work day	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>

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## Section 3.2

### EEO/AA POLICY, PLAN, OFFICER AND PROGRAM

#### 3.2.1 Purpose

Contractors must establish and implement a company policy and plan containing specified minimum commitments pertaining to non-discrimination, equal employment opportunity and affirmative action (EEO/AA).

#### 3.2.2. Overview

The major actions associated with this contractor responsibility for an EEO/AA policy and plan are:

##### **ADOPTION OF POLICY & PLAN**

Document and authoritatively adopt, through signature, an EEO/AA policy and plan conforming to requirements. Downloadable models are provided.

##### **CERTIFICATION OF POLICY ADOPTION**

Submit to FDOT Equal Opportunity Office a completed Certification of Policy and Plan adoption form communicating the adoption of the models. This will initiate adding the Contractor and their policy adoptions to the Contractor Compliance Register.

##### **SELECTION AND ANNOUNCEMENT OF EEO OFFICER**

Ensure continuous appointment of an EEO Officer and disseminate the Officer's name and contact data to FDOT.

##### **COMMUNICATION OF POLICIES, PLANS AND OFFICER**

Develop, implement and maintain a communication/dissemination program for on-going announcement of EEO/AA policy, plan and officer to employees, applicants, contractors and other parties of interest.

##### **DEVELOPMENT OF PROGRAMS TO IMPLEMENT POLICIES/PLANS**

Develop, implement, and regularly evaluate programs for achieving the EEO/AA policy and plan.

##### **RECORD KEEPING**

Maintain a continuous written record documenting policy, plan, officer designations, programs, communications, disseminations, analysis, effectiveness assessments, etc.

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### 3.2.3 Adoption of Policy and Plan

Model documents incorporating the essential minimum requirements are available for contractor downloading. Refer to this manual's web site directory for the address. The model documents include:

Equal Employment Opportunity /Affirmative Action ('EEO/AA Policy') (**Attachment 3.2.1**)

Contents: EEO Policy, Duties of the EEO Officer, EEO/AA Plan

Officer Designation Notice ('Officer Notice') (**Attachment 3.2.2**)

Contents: Name, address and contact information of the EEO Officer

Contractors' customize the models through the development of *programs* that implement the commitments contained in the model policies and plans.

#### 3.2.3.1 Directions for Downloading and Adopting Model Documents

Step 1: Download Attachments 3.2.1 and 3.2.2 and print the first page of each on company stationary (i.e., 'letterhead') that states the Company's name, full mailing address and telephone number.

Step 2: Complete the box on the top page of each document

On the line marked " _____ "	Print the name of the company
Next to "Date":	Print the month, day and year the policy is being signed
Next to "By":	The signature of company's Chief Executive Officer, President, or Chairperson is placed here to certify policy adoption
Below the Signature:	Print the full first and last name of the Company official signing the policy and their position title

Step 3: (for Officer Notice only)

Print the EEO Officer's full name, business mailing address and telephone number.

The completed model may now be considered an official contractor policy and officer notice and may be copied or otherwise duplicated for dissemination and communication, internally and externally. See Attachment 3.2.3 for an example of a properly completed model EEO/AA Policy Notice.

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### **3.2.4 Certification of Policy Adoption**

Contractors inform FDOT of their adoption of the model policy and plan through submission of the Contractor Certification of EEO/AA Policy and Plan Adoption (Attachment 3-2-4) to the Equal Opportunity Office at the address shown there on.

#### **3.2.4.1 Instructions For Completing Contractor Certification of EEO/AA Policy & Plan Adoption (Form No. 275-021-04)**

Box 1            Informational; no data entered.

Box 2            Select one box to indicate the purpose in submitting the form.  
Record the Company's official name, Federal Identification Number or FDOT vendor number, Florida home office address (mailing address, city, zip code), main telephone number and fax number of Florida home office.

Print the full first and last name of the company official signing the Certification and their position Title. The company's Chief Executive Officer, President or Chairperson must sign the Certification.

Box 3            Informational; no data entered.

Box 4            Signature of the Official named in box 1 and the full date (month, day and year) of signature. Declaration of signature Notarization by a valid Florida Notary including signer's form of identification, notary's signature, date of notarization (month, day and year).

Box 5            This Box is completed by FDOT following receipt of the completed Certification. The name of the FDOT person who registers the contractor's certification and the date of that registration action (month, day and year) are recorded.

### **3.2.5 Selection of EEO Officer**

When selecting employees to serve as EEO Officer, contractors should consider several factors. Those appointed to serve should have knowledge and authority to effectively perform and;

- Be considered an Official of the company (but not necessarily be an officer of the company)

- Have meaningful interaction with principals of the company

- Have authority and responsibility for evaluating, recommending and implementing an effective program

- Be accountable for the on-going execution, evaluation and re-direction of this area

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Be capable of and willing to effectively administer and promote an active EEO/AA program

### **3.2.6 Communicating EEO Officer Designation**

The duties of the EEO/AA Officer are included in the model policy and plan but the actual name and contact information of the appointee is omitted in order to reduce the need for contractors to submit policy and plan revisions each time their Officer changes.

#### **3.2.6.1 Identifying the EEO Officer to Employees, Applicants and Businesses, etc.**

The Officer Designation Notice (Attachment 3-2-2) may be downloaded by the contractor and used to confirm the appointment of Officers and communicate their names and contact data to employees, applicants and other businesses. The Officer Notice should accompany each dissemination of the contractor's EEO/AA policy. An example of a properly completed Officer Designation Form is shown in Attachment 3.2.4.

#### **3.2.6.2 Identifying the EEO Officer to FDOT**

Contractors communicate their EEO Officer's appointment to FDOT through direct input to the FDOT EOR System *or* by mailing a copy of the completed Officer Designation Notice form to the Equal Opportunity Office at the address shown on the Contractor Certification of EEO/AA Plan Adoption form (Attachment 3.2.4)

### **3.2.7 Communication of EEO Policy, Plan and Officer**

Regular communication and dissemination of EEO/AA policy, plan and officer designation is required. This includes written, verbal, visual, electronic, or any other communications issued internally and externally to employees, applicants, the public, and to other businesses and contractors.

Communication methods used for employees should be broad based and may include meetings, employee handbooks, company newsletters, notices, bulletin board postings, websites, payroll stuffers, solicitations for employment and other appropriate means.

### **3.2.8 EEO/AA Program Development and Implementation**

The contractor develops, implements and maintains an EEO/AA *program* to:

- Achieve and sustain commitments cited in the adopted EEO Policy
- Effectively fulfill the sixteen steps cited in the adopted EEO/AA Plan
- Ensure reporting and proper administration of complaints

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Ensure accurate assessment and redirection of practices  
Record and measure related activities

The contractor's EEO/AA *program* addresses all personnel-related activity including:

Hiring, firing, compensation, assignment, classification of employees, transfer, promotion, layoff, recall, job advertisements, recruitment, testing, use of Company facilities, training and apprenticeship programs, fringe benefits, pay, retirement plans, disability leave, and any other terms and conditions of employment

The contractor's EEO/AA *program* is in full concert with the adopted EEO/AA policy and plan, The contractor is to exhibit, with good faith, specific and results-oriented actions to transform their EEO Policy and Plan from commitments on paper to actual equal employment practices and opportunities

At a minimum, effective EEO/AA programs shall contain, but not necessarily be limited to:

On-going communication and dissemination, internally and externally of the policy and plan

Continuous designation of a knowledgeable employee capable of fulfilling Officer duties

Assignment of responsibilities to various personnel for development and implementation of programs for implementing policies and plans

Application of the EEO/AA policy and plan to each personnel related area

Design and implementation of an on-going internal evaluation and audit system for measuring and evaluating achievements in each area and for identifying improvement opportunities

Active support of local, state and/or national community action programs targeted at the employment opportunities of minorities and women

Identification and development of action-oriented programs for achieving and sustaining improvements

### **3.2.9 Record Keeping**

Contractors are to maintain and make readily available a written record documenting their EEO/AA program and all activities associated with it. The model EEO/AA Policy and Plan plus contract document FHWA 1273 delineates documentation requirements.

The Equal Opportunity office and/ or a District may require additional documents on a case-by-case basis in order to confirm contractor compliance.

## Attachment 3.2.1

EEO/AA POLICY & PLAN

PAGE 1 OF 5

\_\_\_\_\_ hereafter referred to as  
**'the Company' or 'this Company' has adopted this policy and plan.**  
Date: \_\_\_\_\_ By: \_\_\_\_\_

# EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA) POLICY AND PLAN

## EEO/AA POLICY STATEMENT

It is the policy of this Company to comply and cooperate to the fullest extent with all applicable regulations of the Equal Employment Opportunity Provisions of the Civil Rights Act of 1964, Executive Order 11246, the Rehabilitation Act of 1973 (29 U.S.C. 793), the Americans with Disabilities Act (ADA) of June 26, 1990 and the Vietnam Era Veterans Readjustment Assistance Act of 1972, all as amended. This policy pertains, as far as the responsibility of this Company is concerned, to any arrangement under which employees, including trainees, are selected for work.

It is the policy of this Company not to discriminate against any employee or applicant for employment because of race, religion, color, age, sex, and national origin, disabilities or Vietnam Era and Special Disabled Veterans status.

This Company will take affirmative action to assure an equal employment opportunity to all qualified persons, and that employees are treated equally during employment without regard to their race, religion, color, age, sex, national origin, disabilities, or Vietnam Era and Special Disabled Veteran's status. Such action shall include but not be limited to:

1. Employment, upgrading, demotion, or transfer.
2. Recruitment and recruitment advertising
3. Layoff or termination
4. Rate of pay or other forms of compensation
5. Selection for training, including apprenticeship, pre-apprenticeship and/or on-the-job training.

## EEO OFFICER DUTIES

It is the policy of this Company to continuously maintain the appointment of an Equal Employment Opportunity Officer (EEO Officer). The name and contact information for the EEO Officer will be communicated along with this policy. The EEO Officer has responsibility for effectively administering and promoting an active program of equal employment

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opportunity. The EEO Officer will coordinate the EEO efforts of superintendents, supervisors, foremen and others in the position of hiring personnel.

This Company's EEO Officer has the responsibility for effectively administering and promoting an active program of equal employment opportunity within the Company. The EEO Officer will make recommendations, where appropriate, to correct any deficiencies found in the Company's program. The EEO Officer will ensure that this policy and plan are being carried out.

## **EEO/AA PLAN**

It is the policy of this Company that there not be any discrimination by virtue of race, religion, color, age, sex, national origin, disabilities or Vietnam Era and Special Veterans status, in the functions of hiring, placement, up-grading, transfer or demotion. In addition, there shall not be any discriminatory practices in recruitment, advertising, or solicitation for employment, rates of pay or other forms of compensation, selection for training including apprenticeship, layoff or termination, or treatment during employment. The Company has affirmative action obligations in the hiring of minorities, females, disabled and veteran's applicants.

We will not use goals, timetables or affirmative action standards to discriminate against any person because of their race, religion, color, age, national origin, disabilities, or Vietnam Era and Special Disabled Veteran's status. The Company will not transfer minority or female employee or trainees from one Company to another or from project to project for the sole purpose of meeting goals.

This Company shall take specific affirmative actions to ensure equal opportunity. Our compliance with this policy and plan shall be based upon our efforts to achieve maximum results from our actions and we shall document our efforts fully. This Company will implement specific affirmative action steps, at least as extensive as the following actions to ensure equal employment opportunity:

1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all times and in all facilities at which our employees are assigned to work. We shall specifically ensure that all foremen, superintendents and other on-site supervisory personnel are aware of and carry out our obligations to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
2. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when we have employment opportunities available, and maintain a record of the organization's responses.
3. Maintain a current file of the names, addresses and telephone number of each minority and females off-the-street applicant or female referral from a union and minority or female referrals from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the Union hiring hall for referral and was not referred back to the Company by the union or, if referred, not employed by the Company, this shall be documented in the file with the reason therefore, along with whatever additional actions the Company may have taken.

4. Provide immediate written notification to the Director when the union or unions with which we have a collective bargaining agreement have not referred to us a minority person or woman sent by us, or when we have other information that the union referral process has impeded our efforts to meet our obligations.
5. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Company's employment needs, especially those programs funded or approved by the Department of Labor. We shall provide notice of these programs to the sources complied under "2" above.
6. Disseminate the company EEO policy notice by providing notice to the unions and training programs and requesting their cooperation in assisting us in meeting our EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
7. Review, at least annually, the Company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc. prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter.
8. Disseminate the Company EEO policy externally by including it in any advertising in the new media, specifically including minority and female news media and providing written notification to and discussing the company EEO policy with other contractors and subcontractors with whom the company does or anticipates doing business.
9. Direct our recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to female recruitment and training organizations serving our recruitment area and our employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, we shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
10. We will encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth, both on the site and in other areas of our workforce.

11. Validate all test and other selection requirements where there is an obligation to do so under 41 CFP Part 60-3.
12. Conduct at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to prepare for, through appropriate training, etc. such opportunities.
13. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory affect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and our obligations under these specifications are being carried out.
14. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilets and necessary changing facilities shall be provided to assure privacy between the sexes.
15. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
16. Conduct a review, at least annually, of all supervisors' adherence to and performance under the company EEO policies and affirmative action obligations.

## **RECORDS**

This company will keep records to monitor all employment related activity to ensure that the company's EEO policy is being carried out. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates and changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed.

## **REPORTING OF COMPLAINTS**

If at any time anyone feels he or she has been discriminated against because of sex, race, religion, color, age, national origin, disabilities or Vietnam Era and Social Disabled Veteran status, they should report this matter to the company EEO Officer whose name and contact information is communicated along with this policy.

The EEO Officer will investigate all complaints of alleged discrimination made to the company in connection with its contractual obligations. The EEO Officer will attempt to resolve such complaints, corrective actions to be taken and will then follow up on actions taken and their effect. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective actions shall include such other persons.

Upon completion of each investigation, the EEO Officer will inform every complainant of all of their avenues of appeal. The following are the addresses for avenues for appeals.

<p>Company EEO Officer           See name and contact information subsequently shown or posted.</p>	<p>Florida Commission on Human Relations          2009 Apalachee Parkway Suite 100          Tallahassee, FI 32301 - 4857           (850) 488-7082 or (800) 342-8170</p>
<p>U.S. Dept. of Labor, Regional Director          Office of Federal Contract Compliance          61 Forsyth Street, SW, Room 7B-75          Atlanta, Ga 30303           (404)-562-2424</p>	<p>U.S. Federal Highway Administration          227 N. Bronough Street, Room 2015          Tallahassee, FI 32301           (850) 942-9650</p>
<p>U.S. Equal Employment Opportunity          Commission          Miami District Office          One Biscayne Tower, Suite 2700          Miami, FI 33131          (800) 669-4000</p>	<p>U.S. Equal Employment Opportunity          Commission          Tampa District Office          501 East Polk Street, Suite 1020          Tampa, FI 33602          (800) 669-4000</p>

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## Attachment 3.2.2

\_\_\_\_\_ has made the following  
designation in accordance with the EEO/AA Policy and Plan.  
Date: \_\_\_\_\_ By: \_\_\_\_\_

**EQUAL EMPLOYMENT OPPORTUNITY OFFICER:**

**EEO OFFICER**

**NAME:**

**ADDRESS:**

**PHONE:**

## Attachment 3.2.3

### EXAMPLE: CONTRACTOR ADOPTION OF MODEL EEO/AA POLICY & PLAN

PAGE 1 OF 5

*JLLK CONSTRUCTION Co.*  
*1244 SW 33 St, ANYWHERE, FL 33342*  
**Phone: (943) 333-4444**

**JLLK CONSTRUCTION, INC.** hereafter referred to as 'the Company' or 'this Company' has adopted this policy and plan  
Date: 1/18/2003 By: *John L. King*  
**John L. King, President**

**EEO/AA POLICY STATEMENT**

It is the policy of this Company to comply and cooperate to the fullest extent with all applicable regulations of the Equal Employment Opportunity Provisions of the Civil Rights Act of 1964, Executive Order 11246, the Rehabilitation Act of 1973 (29 U.S.C. 793), the Americans with Disabilities Act (ADA) of June 26, 1990 and the Vietnam Era Veterans Readjustment Assistance Act of 1972, all as amended. This policy pertains, as far as the responsibility of this Company is concerned, to any arrangement under which employees, including trainees, are selected for work.

It is the policy of this Company not to discriminate against any employee or applicant for employment because of race, religion, color, age, sex, and national origin, disabilities or Vietnam Era and Special Disabled Veterans status.

This Company will take affirmative action to assure an equal employment opportunity to all qualified persons, and that employees are treated equally during employment without regard to their race, religion, color, age, sex, national origin, disabilities, or Vietnam Era and Special Disabled Veteran's status. Such action shall include but not be limited to:

4. Employment, upgrading, demotion, or transfer.
5. Recruitment and recruitment advertising
6. Layoff or termination
4. Rate of pay of other forms of compensation
5. Selection for training, including apprenticeship, pre-apprenticeship and/or on-the-job training.

**EEO OFFICER DUTIES**

It is the policy of this Company to continuously maintain the appointment of an Equal Employment Opportunity Officer (EEO Officer). The name and contact information for the EEO Officer will be communicated along with this policy. The EEO Officer has responsibility for effectively administering and promoting an active program of equal employment opportunity. The EEO Officer will coordinate the EEO efforts of superintendents, supervisors, foremen and others in the position of hiring personnel.

**THE REMAINING FOUR PAGES OF THE EEO/AA POLICY MAY BE PRINTED ON PLAIN  
WHITE PAPER AND PLACED BEHIND THIS TOP PAGE**

## ATTACHMENT 3.2.4

### EXAMPLE: CONTRACTOR USE OF OFFICER NOTIFICATION FORM

*JLLK CONSTRUCTION Co.*  
*1244 SW 33 St, ANYWHERE, FL, 33342*  
**Phone: (943) 333-4444**

**JLLK CONSTRUCTION, INC.** has made the following designation in regard to  
EEO/AA policy and plan.  
Date: 1/18/2003 By: *John L. King*  
John L. King, President

**EQUAL EMPLOYMENT OPPORTUNITY OFFICER:**  
**EEO OFFICER**

**NAME: JAYNE LEWIS**  
**ADDRESS: JLLK CONSTRUCTION, INC.**  
**XXXX SW XX St.**  
**Anywhere, FI XXXXX**  
**PHONE: XXX-XXX-XXX**

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## Section 3.3

# SUPERVISORY AND OFFICE PERSONNEL EEO MEETINGS

### 3.3.1 Purpose

Contract provisions and laws require that contractors routinely inform supervisory personnel and others involved in personnel matters in all aspects of their equal employment opportunity (EEO) obligations as a contractor on FDOT highway and bridge construction projects. This information is typically presented in group meetings and individual orientations.

### 3.3.2 Attendees

Two groups are targeted for attendance:

- Supervisory employees
- Office employees influencing personnel actions.

The supervisory group includes employees or agents of the contractor, working at project sites as well as in the offices, who are authorized to initiate, approve or otherwise influence one or more of the following types of personnel actions on any employee of the company:

- ✓ Hire
- ✓ Promote
- ✓ Supervise
- ✓ Discharge

Examples of persons typically included in the supervisory group are Officers of the corporation, officials, directors, managers, supervisors, superintendents, and foremen/women.

The office group includes employees or agents of the contractor working in offices or at project sites who may influence personnel actions. Persons in this group not directly authorized to initiate or approve the personnel actions listed above. The duties of persons in this group may, none the less influence, officially or unofficially, the personnel actions of one or more in supervisory group. An example of one who is typically included in this group is the employee who has one or more of the following employment related duties: greet applicants, distribute applications, maintains the log of applicants, call applicants to schedule interviews, etc.

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### 3.3.3 Timeframes

Within thirty days of hire or appointment, supervisory personnel and others involved in personnel matters are to be oriented in the required major topics and a record of that orientation (date, topics, etc.) is to be maintained.

At six-month intervals, meetings are to be held with all employees in the supervisory and office groups addressing required major topics. One or more meetings may be required in each time frame in order to include all who must attend. The Company EEO Officer conducts this meeting.

### 3.3.4 Content

Each of the following major topics will be addressed during individual orientations and EEO meetings:

- EEO Policy and Affirmative Action Plan
- Identification of EEO Officer
- Work force diversity and recruitment
- Wages and Payrolls
- Bulletin Boards
- Interviews by State and Federal representatives
- Training opportunities
- Complaints
- Utilization of Disadvantaged Businesses

An outline of subjects that will typically be covered in each of the topics should be developed and it forms the foundation for the contractor's development of full meeting scripts and individual orientation programs.

### 3.3.5 Record Keeping

Records of 'individual orientations' are to be maintained by the contractor and made available for FDOT inspection upon request. The 'Record of Supervisory and Office Personnel EEO Meeting' (Form No. 275-021-05) is provided for that purpose.

Records of EEO/AA Meetings with Supervisory and Office Personnel will be maintained as follows:

1. Documentation of each meeting including attendees' signatures will be maintained on 'Record of Supervisory and Office Personnel EEO Meeting' form (*Attachment 3-3-1*).

2. The contractor records the meeting and the names of attendees through direct input to the FDOT EOR System or by mailing a copy of the Record of Supervisory and Office Personnel EEO Meeting form to the EEO Office. Meeting data is to be entered in the EOR System or received in the EEO Office on or before the 20<sup>th</sup> day of the month following the meeting. The Equal Opportunity Office will only record the date of the last EEO meeting. The contractor should keep all records related to the meeting available for inspection during a Compliance Review.

<b>Meeting date:</b>	<b>Data to be entered on or before:</b>
<b>May 3</b>	<b>June 20</b>
<b>May 23</b>	<b>June 20</b>

### **3.3.5.1 Directions for completing the “Record of Supervisory and Office Personnel EEO Meeting (Form No. 275-021-05)”**

- Box 1: Company’s official name.
- Box 2: Month, day and year the meeting was held.
- Box 3: Record the company’s Federal Identification Number or FDOT vendor number.
- Box 4: First and last name of the Company EEO Officer.
- Box 5: Indicate if the meeting being documented is an individual orientation or a group EEO Meeting.
- Box 6: Physical address where meeting was held.
- Box 7: Signature of EEO Officer certifying meeting.
- Box 8: Informational only.
- Box 9: Attendees of the meeting will print their full name, title and provide their signature confirming meeting attendance.

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## **Section 3.4**

### **COMPANY WIDE EEO REPORTS**

#### **3.4.1 Purpose**

Workforce data by job category, race and sex is used throughout the Florida Department of Transportation (FDOT) in analyzing contractor compliance. Contractors are required to furnish a complete Company Wide EEO Report for the State of Florida during a Compliance Review or upon request by FDOT to analyze the Contractor's workforce for EEO diversity.

#### **3.4.2 Reported Workforce**

Data is recorded in the format shown on the Contractor's Company Wide EEO Report Form No. 275-021-07. All full-time and part-time employees who were employed in Florida during the specified payroll period must be accounted for by sex and race for each of the fifteen job categories.

The workforce reported includes those assigned to FDOT federally and non-federally funded highway and bridge construction projects.

#### **3.4.3 Report Timeframes**

Reports should be based upon the most recent payroll at the time of request.

#### **3.4.4 EEO Category of Job Classifications**

Attachment 3-4-1 lists EEO categories of craft and labor classifications. The EEO category that each classification is to be reported under is shown. The EEO category of any individual classification is the same for journeymen/women, apprentices and On-the-Job Trainees.

#### **3.4.5 Completing the Contractor's Company Wide EEO Report (Form No. 275-021-07)**

- Box 1: Place a check to indicate the date, which is included in the pay period on which this report is based. Record the last two digits of the year.
- Box 2: Company's official name and the Florida home office address (mailing address, city, zip code)
- Box 3: Record the company's Federal Identification Number or FDOT vendor number
- Box 4: Entries are to be confined to the job categories, races and sexes shown and are to be incorporated in the most appropriate item listed on the form. This box includes three tables: A, B and C

Table A includes part time and full time journeymen/women, On-the-Job trainees and apprentices.

Table B is the job category and sex of On-the-job trainees included in Table A.

Table C is the race and sex of the On-the-job trainees included in Table A.

Table A: This table includes Florida employees, part-time and full-time, journeymen/women, On-the-Job trainees and apprentices by job category, race, and sex. This data is based on the company pay period that includes the date specified in Box 1. Report each employee in only one job category. Each job classification is considered to belong to one of the broad categories. Employees, who worked in more than one classification in the payroll period, should be recorded in the category in which the employee performed the majority of work hours in that pay week.

**TABLE A CALCULATIONS:**

'TOTAL MINORITIES MALE' and 'TOTAL MINORITIES FEMALE': This is the sum of Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander for each sex.

'TOTAL EMPLOYEES MALE' and 'TOTAL EMPLOYEES FEMALE': This is the sum of Total Minorities and White for each sex.

Table B: Identify the job category and sex of each employee reported in Table A, who is recorded on the noted payroll period as a trainee in FDOT/FTBA

On the Job Training Program in this payroll period. The numbers recorded in Table B are included in the race and sex numbers of Table A.

Table C: Record the race and sex of each employee in Table A, who is recorded on the noted payroll period as a trainee in the FDOT/FTBA On the Job Training Program in this payroll period. The numbers recorded in Table C are included in the race and sex numbers of Table A.

**OJT TOTALS:**

The sum of male (and) female On-the-Job Trainees in Table B and Table C should be equal and reported in the OJT TOTALS box.

Box 5: If any employees reported in Table A are apprentices, state the name of the apprentice program, the job category, race and sex.

Box 6: Report by Job Category, race, and sex all hires (new and rehires) for the time span shown under 'Timeframe'. Hires are to include  
Those still employed as of the noted payroll period.  
Those terminated prior to the noted payroll period.

Box 7: Print the first and last name of the person who prepared this form, phone number and date (month/day/year) it was prepared.

Box 8: Print the first and last name of the person who reviewed this form, phone number and date (month/day/year) it was reviewed.

## **Attachment 3.4.1**

### **Classifications and EEO Categories**

**Abbreviations:**

EQ OP = Equipment Operator

MEC

= Mechanics

T D = Truck Driver  
 CRP = Carpenters  
 EL = Electricians  
 PNTR = Painters

RON  
 CEM MAS  
 PIP PLM  
 SEMI SK LAB  
 UNS LAB

= Ironworker  
 = Cement  
 = Pipefitters, Plumbers  
 = Semi Skilled Laborer  
 = Unskilled Laborer

CLASSIFICATION (Alphabetical Order)	EEO CATEGORY										
	EQ OP	MEC	T D	IRON	CRP	CEM MAS	EL	PIP PLM	PNTR	SEMI SK LAB	uNS LAB
Aggregate Spreader Operator	XX										
Asphalt Distributor Operator	XX										
Asphalt Mixing Operator	XX										
Asphalt Paving Machine Operator	XX										
Asphalt Plant Drier	XX										
Asphalt Plant Operator	XX										
Asphalt Screed Operator	XX										
Asphalt Quality Control										XX	
Asphalt Raker										XX	
Bridge Carpenter					XXX						
Backhoe Operator	XX										
Blender Operator	XX										
Bobcat Operator	XX										
Boom./Auger Truck Operator	XX										
Boring Machine Operator	XX										
Carpenter					XX						
Concrete Finisher						XX					
Concrete Bridge Screed Operator	XX										
Concrete Finishing Machine Operator	XX										
Concrete Grooving Machine Operator	XX										
Concrete Joint Saw Operator	XX										
Concrete Mixing Operator	XX										

### Attachment 3.4.1 (continued)

#### Classifications and EEO Categories

CLASSIFICATION (continued)	EEO CATEGORY
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	EQ OP	MEC	T D	IRON	CRP	CEM MAS	EL	PIP PLM	PNTR	SEMI SK LAB	UNS LAB
Concrete Paving Longit./Finish Operator	XX										
Concrete Paving Subgrade Operator	XX										
Concrete Pump Operator	XX										
Concrete Screed Operator	XX										
Concrete Slip Form Machine Operator	XX										
Crane, Derrick or Dragline Operator	XX										
Cement Truck (Multi Axle) Truck Driver			XX								
Directional Boring Machine Operator	XX										
Dozer Operator	XX										
Drill Rig Operator	XX										
Drilling Machine Operator	XX										
Deckhand										XX	
Diver										XX	
Diver-Tender										XX	
Electrician							XX				
Electronics Technician							XX				
Earthmover Operator	XX										
Earthwall Erector	XX										
Form Setter					XX						
Fiber Optic Splicer							XX				
Fiber Optic Technician							XX				
Finish Roller Operator	XX										
Forklift Operator	XX										
Front End Loader Operator	XX										
Fence Erector										XX	
Field Service Mechanic		XX									
Gradall Operator	XX										
Guard Rail Post Driver Operator	XX										
Grade Checker										XX	
Guardrail Erector										XX	
Iron Reinforcer				XX							
Iron-Structural Worker				XX							
Iron Worker				XX							

**Attachment 3.4.1 (continued)**

**Classifications and EEO Categories**

<b>CLASSIFICATION</b> (continued)	<b>EEO CATEGORY</b>
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	EQ OP	MEC	T D	IRON	CRP	CEM MAS	EL	PIP PLM	PNTR	SEMI SK LAB	UNS LAB
Loader Operator (any cy)	XX										
Landscape Technician										XX	
Laborer, Unskilled											XX
Lowboy Driver			XX								
Mason Tender						XX					
Mason/Bricklayer						XX					
Milling Machine Operator	XX										
Motor Grader Operator (all)	XX										
Mulching Machine Operator	XX										
Milling Machine Grade Checker										XX	
Multi Rear Axle Truck Driver			XX								
Oiler		XX									
Off -Road Truck Driver			XX								
Paver Brick Layer						XX					
Pre Cast Erector						XX					
Pavement Striping Machine Nozzleman	XX										
Pavement Striping Machine Operator	XX										
Pile Driver Operator	XX										
Post Tension Installer	XX										
Power Tool Operator	XX										
Pile Driver Leadsman										XX	
Pipe layer										XX	
Painter									XX		
Painter/ Blaster									XX		
Pipe Fitter								XX			
Plumber								XX			
Rough Roller Operator	XX										
Rubber Tire Roller Operator	XX										
Scraper / Pan Operator	XX										
Small / hand Tool Operator										XX	
Spreader Operator	XX										
Subgrade Mixer Operator	XX										

### Attachment 3.4.1 (continued)

### Classifications and EEO Categories

CLASSIFICATION (continued)	EEO CATEGORY
----------------------------	--------------

	EQ OP	MEC	T D	IRON	CRP	CEM MAS	EL	PIP PLM	PNTR	SEMI SK LAB	UNS LAB
Sign Erector										XX	
Single Rear Axle Truck Driver			XX				XX				
Traffic Signal Installer							XX				
Traffic Signal Mechanic											
Tractor (light) Operator	XX										
Tractor Operator	XX										
Trenching Machine Operator	XX										
Trimmer Operator	XX										
Tug Boat Operator	XX										
TV Operator	XX										
Traffic Control Specialist										XX	
Truck Driver (Multi-Rear Axle)			XX								
Truck Driver (Single Rear Axle)			XX								
Vactor Operator	XX										
Water Truck Driver	XX										
Widening Spreader Operator	XX										
Weighman/woman										XX	
<b>Welder</b>	Welders are assigned to an EEO Category based on the work in which their work is 'incidental'. Review the work of the welder and assign the worker to the EEO Category of the classification for the work performed.										

## **Section 3.5**

### **CONTRACTOR RECRUITMENT PROGRAMS**

#### **3.5.1. Purpose**

Laws and provisions pertaining to federally assisted contracts specify the recruitment activities required of contractors in order to ensure non-discrimination, equal employment opportunity and affirmative access to employment which is funded, wholly or partially by, Federal Funds. Contract documents plus the contractor's EEO/AA Policy and Plan provide further detail regarding recruitment commitments.

The recruitment requirements are to be put in place and effectively maintained in good faith, compliance is required regardless if the contractor is in a hiring or non-hiring mode.

The requirements apply to recruitment for part time or full time employees as journeymen/woman, trainees and/or apprentices in job classifications included in the following EEO Job Categories:

- Equipment Operators
- Mechanics
- Truck Drivers
- Ironworkers
- Carpenters
- Cement Masons
- Electricians
- Pipefitters, Pipelayers
- Painters
- Semi Skilled Laborers
- Unskilled Laborers

Contractors operating under valid collective bargaining agreement(s) should contact the District Contract Compliance Manager(s) for guidance regarding the application of these recruitment requirements to that environment.

### **3.5.2 Scope of Recruitment Activities**

A contractor's collective and on-going fulfillment of the required recruitment activities is intended to produce a flow of qualified applicants of all races and sexes for employment consideration.

Contractors are to routinely and regularly exhibit good faith in fulfilling these requirements.

In addition to the recruitment related commitments contained in the adopted EEO/AA Policy and plan, the following recruitment activities are required by contract:

- Announcement of Equal Opportunity
- Training of personnel involved in recruitment
- Direct and Systematic recruitment programs
- Recruit through public and private referral sources
- Encourage referrals from current employees
- Analysis and updating
- Record Keeping

### **3.5.3 Good Faith Efforts Required**

Compliance with the recruitment activities is evidenced by a contractor's 'good faith' to fulfill the contract and policy recruitment requirements and achieving the stated purpose. A contractor's total efforts, including the taking of corrective actions, add up to requirements for a good faith effort. Characteristics of good faith efforts include; sincere, meaningful, and results oriented actions, evaluation and redirection of efforts to improve results

### **3.5.4 Announce Equal Opportunity**

All advertisements for employment candidates will include announcement that the company is an 'Equal Opportunity Employer'. This requirement applies to broad employment advertisements as well as specific job announcements. All methods by which the contractor solicits applicants are subject to this requirement, including activities such as:

- Banners, boards or posters positioned on Company vehicles, at job sites, at office locations, on bill boards, bulletin boards, etc.
- Classified advertisements placed in newspapers, journals or other publications

- Job openings registered with Florida Jobs & Benefits
- Radio and television advertisements and speeches pertaining to employment
- Written or verbal announcement of job opportunities to current employees
- Recruitment literature and fliers
- Internet communications pertaining to employment
- Business correspondence pertaining to employment opportunities

There are various styles for this required announcement; the one chosen should be one considered most understandable to the targeted audience. Styles include full statements (e.g. Equal Opportunity Employer, Equal Employment Opportunities, Equal Employment Opportunity /Affirmative Action Employer, Equal Opportunity/ Affirmative Action Employer) or abbreviations (e.g. EOE, EEO, EEO/AA, EO/AA). Workforce pictures or visualizations announce equal opportunity by depicting both female and male workers of various races

### **3.5.5 Train Personnel Involved In Recruitment**

The contractor is to ensure that those who are directly involved in recruitment activities are trained in equal employment and affirmative action requirements, including the contractor's policy, plan and program for EEO/AA.

### **3.5.6 Conduct Systematic And Direct Recruitment**

Contractor recruitment programs are to be systematic and direct. A systematic recruitment program is orderly, arranged, regular, and methodical. It is not hit-or-miss, haphazard, irregular, or erratic. A direct recruitment program is straightforward and immediate, occurring without intervening persons/parties. It is not evasive or non-specific in content, nor seeking unstated results in distant or vague timeframes.

### **3.5.7 Use Public Employee Referral Source(s)**

Public referral sources announce job opportunities to everyone; their announcements of employment opportunities are not private, secret or available only to select persons. Florida's, only public referral source is the statewide network of One-Stop Centers, which are part of the State of Florida agency known as the "Agency for Workforce Innovation". That agency is responsible for administering unemployment compensation and many employer and job seeker services to all persons and businesses in Florida. A web site contains detailed information regarding this agency.

Contractors are encouraged to regularly consult the website for updated information regarding that Agency and its services and to also establish business relationships with One Stop Centers and staff.

Compliance with use of public referral sources will reflect at least the following:

- Issuance of Job Orders stating informative data for each classification for which the contractor is hiring and/or seeking applicants. (e.g. Job Title, minimum pay rate, job site location, candidate requirements, work place conditions such as drug free, how and where to apply, announcement of EEO , etc.
- Placement of Job Orders at all One Stop Centers in locations where candidates may likely be found.
- Ensuring that Job Orders are open (active) during periods in which applicants are sought
- Periodic follow up with Work Force center staff regarding the referrals such as suitability, availability, volume of candidates etc

### **3.5.8 Development Of Private Employee Referral Sources Likely To Yield Qualified Applicants**

'Private employment referral sources' announce job opportunities to a selected or targeted segment of the population. Private referral sources are often associated with non-profit, social service; religious or special purpose organizations. For example, a religious organization operating a food bank for needy persons may also communicate employment opportunities to those recipients. Classified advertisements, employment agencies and other for-profit companies, which charge candidates and/ or employers a fee, are also considered private referral sources

The employment referral methods of a private source may range from simple posting of job openings to a more comprehensive matching of constituents abilities and needs to the specific requirements of an employer. Some private sources offer job readiness programs or other services designed to assist those they seek to serve securing employment.

Contractors identify and update private employee referral sources through an on-going process of research and inquiry aimed at identifying those sources most likely to assist in the referral of candidates who meet hiring requirements.

While any one private referral source may yield candidates of one race and or sex, a cumulative review of referrals from private sources should reflect diversity of races and sexes.

Compliance with development of private referral sources will reflect at least the following:

- Contact and follow up with a variety of sources in various locations where the Company accepts applications and where candidates may likely be found.
- Development of referral process for getting the sources referrals into the contractor's employment process
- Timely issuance of informative and specific job opening data for each classification for which the contractor is hiring and/or seeking applicants. (e.g. Job Title, minimum pay rate, job site location, candidate requirements, work place conditions such as drug free, how and where to apply, announcement of EEO , etc.
- Ensuring that job announcements are open (active) during periods in which applicants are sought
- Regular review of results obtained from sources; addition, deletion, modification of sources and job communication methods in order to improve flow of qualified applicants

### **3.5.9 Establish With Each Source Procedures For Referring Candidates**

Contact is to be made with public and private referral sources and effective communication methods established announcing job openings and receiving specific referrals. The mere listing of a source or mere issuance of job announcements to them does not suffice.

### **3.5.10 Encourage Referrals From Current Employees**

A contractor's current workforce is to be encouraged to refer male and female applicants of all races for employment consideration. The request for such referrals is a topic in the Project EEO Meeting and it may also be communicated through bulletin board posters, payroll stuffers, special incentive programs, newsletter articles, etc.

### **3.5.11 Record Keeping**

Contractors are to maintain, retain and make readily available records documenting all recruitment activities at all company locations where recruitment or hiring occurs for the Florida construction workforce. The contractor's recruitment records and associated analysis are to be well organized and ready for presentation in a manner that reflects compliance with all elements of the required compliance program.

Any and all records associated with recruitment shall be retained for a period of three (3) years.