

Chapter 4

PROJECT EEO/AA REQUIREMENTS

Table of Contents

4.1 GENERAL INFORMATION

- 4.1.1 Purpose
- 4.1.2 Scope
- 4.1.3 Project EEO/AA Elements
- 4.1.4 Contract Characteristics and Project EEO/AA Requirements

4.2 JOB SITE BULLETIN BOARD

- 4.2.1 Purpose
- 4.2.2 Location
- 4.2.3 Timeframe
- 4.2.4 Fixture
- 4.2.5 Content
- 4.2.6 EEO Officer Poster
 - 4.2.6.1 Directions for Completing EEO Officer Poster (Form No. 275-020-28)
- 4.2.7 Wage Rate Decision Poster(s)
- 4.2.8 Additional Federal Wage Decisions Poster
 - 4.2.8.1 Directions for Completing Additional Federal Wage Decision Poster (Form No. 700-010-67)
- 4.2.8 Wage Determination Appeals Poster
- 4.2.10 Inspecting Bulletin Board Content and Condition
 - Attachment 4-2-1 Job Site Bulletin Boards: Sample Layouts and Dimensions

4.3 EEO INFORMATION FOR PROJECT PERSONNEL

- 4.3.1 Purpose
- 4.3.2 Means of Communication
- 4.3.3 Who is Included in Project Personnel
- 4.3.4 Project Personnel EEO Meetings
- 4.3.5 Certification of EEO Compliance
- 4.3.6 Meeting Records
 - 4.3.6.1 Directions for completing Record of Project Personnel EEO Meeting (Form No. 275-021-06)

4.4 ANNUAL JULY EEO REPORT

- 4.4.1 Purpose
- 4.4.2 Scope
- 4.4.3 Content
- 4.4.4 Pay Period Reported
- 4.4.5 Report Submission
- 4.4.6 Directions for Completing Contractors Annual July EEO Report
(Form No. 275-021-08)

4.5 PROJECT EEO REPORT

- 4.5.1 Purpose
- 4.5.2 Reported Workforce
- 4.5.3 Pay Period Reported
- 4.5.3 Directions for Completing Project EEO Report (Form No. 275-021-11)

Section 4.1

GENERAL INFORMATION

4.1.1 Purpose

The prime contractor and subcontractors of construction projects are subject to various requirements regarding EEO/AA. Project EEO/AA requirements are specific to one project.

4.1.2 Scope

Refer to Workbook Section 1.7, "Compliance Requirement Summary" for an overview of the Project EEO/AA Requirements of prime contractors and others on a project.

4.1.3 Project EEO/AA Elements

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

- Job Site Bulletin Board
- Project EEO Meetings
- Annual July EEO Report
- Project EEO Reports
- Employee Interview Report -Labor/EEO Compliance (Form 700-010-63)

4.1.4 Contract Characteristics and Project EEO/AA Requirements

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

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

Refer to Workbook Section 1.7, "Compliance Requirement Summary" for an overview of Project EEO/AA Requirements. Additional sections in Chapter 4 provide details regarding each Project EEO/AA element.

Section 4.2

JOB SITE BULLETIN BOARD

4.2.1 Purpose

Prime contractors are responsible for the job-site installation and maintenance of a fixture for the display to all workers and the public, of information on various rights, protections and appeals. The phrase “job site bulletin board” includes the fixture and its contents.

4.2.2 Location

The job site bulletin board is located in a prominent and accessible site within the limits of the project. This site is readily and safely accessible to the employees of every contractor on the project; walk up access to the display area is to be maintained. Over the course of the project, work conditions may necessitate relocation.

Placement of the job site bulletin board outside of project limits requires prior approval of the District Contract Compliance Manager.

4.2.3 Timeframe

The job site bulletin board is in place during the life of a project while there are workers on the project.

Installed	Removed
On or before workers First appear at the project. This is usually the project begin work date	When workers are no longer on the project. This is usually the project conditional or final acceptance date

4.2.4 Fixture

The prime contractor determines the size and style of the fixture. There is no minimum required display space or standard style. The size of the posting area, however, should be sufficient to allow for single layout (versus overlap) of documents. The fixture may be ready-built or custom made. **Attachment 4-2-1** contains Project Site Bulletin Board Sample Layouts and Dimensions.

A clear, break-resistant protective cover should be placed over the documents to minimize fading, water damage and vandalism. Covers, which are easily removable, facilitate document changes and the replacement of damaged covers.

4.2.5 Content

The contractor is to post a maximum of five (5) standard posters plus three (3) project specific posters for compliance with FDOT requirements. The U.S. Department of Labor requires three additional posters. A summary of the content for the Job Site Bulletin Boards is shown in table 4.2.5.

The completion and maintenance of data on project specific posters is the prime's responsibility. Lamination or plastic page protectors are recommended for each document.

The three (3) non-standard bulletin board documents, customized to the project, identify EEO Officer's names and contact information, the prevailing wage table(s) for the project, and additional wage decisions obtained for the project. Each of these documents may be more than one page long.

Refer to Section 1.4, "Directory of Compliance Related Websites" for the FDOT Equal Opportunity Office website where the posters are available for downloading. **Several of** these posters are also available from other organizations in different sizes, formats and languages.

Contractors are hereby advised that the USDOL and other Federal, State or Local government agencies may require employers to post additional documents at their offices and/or work sites.

The job site bulletin board may also be used to display other documents of general relevance to the project and its employees such as environmental permits, worker's compensation rights, safety, etc.

4.2.6 EEO Officer Poster

The EEO Officers (Form No. 275-020-28) identifies to workers the EEO Officer for the prime and each subcontractor having a subcontract of \$10,000 or more. Primes may obtain this information from the Contractor Compliance Register. The EEO Officer information is to be kept up during the term of the project.

**Table 4.2.5
 Content of Job Site Bulletin Boards**

FDOT STANDARD POSTERS
EEO Is The Law
Florida Law Prohibits Discrimination
Notice
Important
Wage Determination Appeal Process
FDOT PROJECT SPECIFIC POSTERS
EEO Officers
Wage Rate Decisions
Additional Wage Determinations
U.S. DEPT. OF LABOR POSTERS
Family & Medical Leave Act Rights
OSHA: Safe and Healthful Workplace Rights (English)
Employee Polygraph Protection

**4.2.6.1 Directions for Completing the EEO Officer Poster
 (Form No. 275-020-28)**

The prime contractor is responsible for completing this form. Record the project identification at the top of each page. Type or print the company name, EEO Officer, mailing address and telephone # including area code of the prime contractor, and each subcontractor with a contract of \$10,000 and above. Use additional copies of this form as needed. Fully display each page of this form on the Jobsite Bulletin Board. Do not overlap or stack these pages. For ease of update retain a copy of the posted form to add or update information.

4.2.7 Wage Rate Decision Poster(s)

General Wage Determinations (also known as “Wage Tables” and/or “Wage Rate Decisions”) are documents issued by the U.S. Department of Labor stating the minimum hourly rate (and fringe benefit rate if applicable) for individual job classifications for a specified type of work within specified county (ies) of the project.

The contract document section titled “WAGE RATES FOR FEDERAL-AID PROJECTS” cites the specific Wage Rate Decision number(s) (example FL-37) and states that the version of the Wage Rate Decision in effect is the one whose “Modification Date” is ten or more days prior to the opening of bids (also known as the contract letting date).

Some contracts may state more than one Wage Rate Decision number; each Wage Rate Decision is posted. Wage Decisions may be posted exactly as downloaded or they may be reformatted for ease of reading and display.

Refer to Workbook Section 1.4 Directory of Compliance Related Websites for the State Construction Office website where the Wage Rate Decisions are available for downloading.

4.2.8 Additional Federal Wage Decisions Poster

Additional Federal Wage Rate Decisions poster (Form No. 700-010-67) records the minimum hourly rate (and fringe benefit rate if applicable) for each additional job classification requested on the project. It includes the decisions obtained by all contractors on the project and it is to be maintained during the term of the project. This poster eliminates the need to post individual U.S. Department of Labor wage rate decision letters.

4.2.8.1 Directions for Completing the Additional Federal Wage Decisions Poster (Form No. 700-010-67)

The prime contractor is responsible for completing this form for the project and posting it on the job-site Bulletin Board. Type or print the financial project number, county, each Wage Decision Number and Modification Number. Record the classification, rate and fringe data decisions issued by the FDOT Prevailing Wage Rate Coordinator. For ease of update, retain a copy of the posted form and add additional wage decisions as issued. Contractors may waive the construction job site posting of individual wage decision letters when this form is posted.

4.2.9 Wage Determination Appeals Poster

Information on how to file an appeal to Wage Decision is included at the end of each Wage Rate Decision. This information has been recreated as a separate poster. When the poster is displayed, the appeal information may be deleted from the individually posted Wage Rate Decisions.

4.2.7 Inspecting Bulletin Board Content and Condition

Periodic inspections of the job site bulletin board are performed during the term of the project. Content and condition factors are reflected in the FDOT form titled "Inspection Report for Job Site Bulletin Board (Form No. 275-021-10).

Attachment 4-2-1

JOB SITE BULLETIN BOARDS: SAMPLE LAYOUTS & DIMENSIONS

EXAMPLE 1 Federally Funded Project with Multiple Wage Decisions Sample Layout and Dimensions

The following layout requires a minimum display space 48" wide and 48" high. Documents are displayed in four rows with each of the five standard posters placed on the top row. One-half inch is allowed around each side of the document. This sample shows two wage decisions (Highway and Heavy) each with two pages. There is space for at least five optional documents.

The wide bold lines denote the actual Bulletin Board posting space.

		<i>BOARD WIDTH: 48" Inches</i>				
<i>BOARD HEIGHT: 48 inches</i>	<i>STANDARD POSTERS</i>	EEO IS THE LAW	FL LAW PROHIBITS DISCRIMINATION	NOTICE: FHWA 1022	IMPORTANT FHWA 1495	WAGE DETERMINATION APPEALS
	<i>PROJECT SPECIFIC POSTERS</i> ←	EEO OFFICERS	HIGHWAY DECISION PG 1	HIGHWAY DECISION PG 2	ADDITIONAL WAGE DECISIONS (FDOT FORM) PG 1	ADDITIONAL WAGE RATE DECISIONS (FDOT FORM) PG 2
	<i>PROJECT SPECIFIC POSTERS</i> ←	HEAVY DECISION PG 1	HEAVY DECISION PG 2	WATER-SEWER DECISION PG 1	WATER-SEWER DECISION PG 2	
	<i>U.S. DOL POSTERS</i> ←	FAMILY & MEDICAL LEAVE	OSHA SAFE & HEALTHFUL WORKPLACE	EMPLOYEE POLYGRAPH PROTECTION		

Attachment 4-2-1-(continued)

JOB SITE BULLETIN BOARDS: SAMPLE LAYOUTS & DIMENSIONS

EXAMPLE 2 Federally Funded Project with One Wage Decision Sample Layout and Dimensions

The following layout requires a display space 48" wide and 36" high. Documents are displayed in three rows with each of the five standard posters placed on the top row. One-half inch is allowed around each side of the document. The sample shows one Wage Decision of two pages. There is space for at least five optional documents.

The wide bold lines denote the actual Bulletin Board posting space.

		<i>BOARD WIDTH: 48" Inches</i>				
<i>BOARD HEIGHT: 36 inches</i>	<i>(STANDARD POSTERS)</i>	EEO IS THE LAW	FL LAW PROHIBITS DISCRIMINATION	NOTICE: FHWA 1022	IMPORTANT FHWA 1495	WAGE DETERMINATION APPEALS
	<i>PROJECT SPECIFIC POSTING</i> ↗	EEO OFFICERS	HIGHWAY DECISION PG 1	HIGHWAY DECISION PG 2	ADDITIONAL WAGE DECISIONS (FDOT FORM) PG 1	ADDITIONAL WAGE RATE DECISIONS (FDOT FORM) PG 2
	<i>U.S. DOL POSTERS</i> ↗	FAMILY & MEDICAL LEAVE	OSHA SAFE & HEALTHFUL WORKPLACE (English)	EMPLOYEE POLYGRAPH PROTECTION		

Section 4.3

EEO INFORMATION FOR PROJECT PERSONNEL

4.3.1 Purpose

Contractors are to routinely inform their project employees of their equal employment opportunity (EEO) civil rights, the contractor's policies, procedures and various wage/payroll protections. This information is presented in meetings and through other appropriate means such as employee handbooks, notices and posters.

4.3.2 Means of Communication

Contractors may present information to project personnel regarding the EEO policy and procedures in one or more of a variety of means:

- Issuance of employee handbooks that include the EEO policy and procedure
- Placement of notices or posters describing the EEO policy and procedure
- Conducting meetings describing the EEO policy and procedures
- Other communication methods

In selecting communication methods, Contractors are encouraged to consider the rapidity with which their workforce turns over, the primary and secondary language of project personnel, average reading levels of personnel, and any need for addressing project specific information, such as Wage Rates and job site Bulletin Boards, etc.

4.3.3 Who is Included in Project Personnel

Project Personnel include all of the contractor's full time and part time craft and laborer employees working on the project. Temporary workers and workers from a staffing firm who are working as craft or laborer employees for the contractor are considered project personnel and communications are to be extended to them,

Persons classified as journeymen/women, on-the-job trainees and apprentices and working foremen/women in any of the following job categories are included in the meeting.

equipment operators	mechanics	truck drivers
ironworkers	carpenters	cement masons
electricians	pipe fitters/plumbers	painters
semi-skilled laborers	unskilled laborers	

4.3.4 Project Personnel EEO Meetings

Informational meetings conducted at the project site have served as the traditional means of communicating EEO Policy and procedure information to project personnel. The meeting leader is a person who is knowledgeable in the topics to be addressed and one who has attended their Company's most recent Supervisory and Office Personnel EEO Meeting.

The following major topics are typically addressed at a Project EEO Meeting:

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

Meeting leaders are encouraged to develop an outline of subjects that will typically be covered in each of the topics; this can form the foundation for the contractor's development of full meeting scripts and fosters full coverage of each topic.

4.3.5 Certification of EEO Compliance

Effective with the January 2005 contract letting, monthly submission of the "Certification of Compliance with Equal Employment Opportunity (EEO) Provisions on Federal Aid Contracts" (FDOT form 700-011-13), waives the requirement for paperwork submission (or EOR System input) of data related to contractor compliance with dissemination to project personnel of the EEO policy and implementation procedures.

Submission of Certification(s) waives routine reporting but does not release the contractor from compliance with the requirement. Contractors are to ensure that records are developed and maintained to attest compliance with the requirements for the period covered by Certification(s). Such records shall be retained for a period of three (3) years following completion of the contract work and shall be made available at reasonable times and places for inspection by FDOT and FHWA representatives.

Refer to Table 1.7.6.3, Summary of Project EEO Requirements, for reporting and/or EOR input requirements on contracts let prior to January 2005.

4.3.6 Meeting Records

FDOT Form number 275-021-06, "Record of Project EEO Meeting" may be used to document project personnel communications by means of meetings.

4.3.6.1 Directions for Completing “Record of Project EEO Meeting” Form number 275-021-06,

General: Use one form for documenting each meeting. Attach additional copies for signatures, if needed.

- Box 1 Company’s official name.
- Box 2 Record the Financial Project Number.
- Box 3 Month, day and year the meeting was held.
- Box 4 Company’s Federal Identification Number or FDOT vendor number.
- Box 5 First and last name of person conducting meeting and their job title.
- Box 6 Indicate if the Company is the prime contractor or subcontractor on the project.
- Box 7 Description of where the meeting was held (e.g. project site next to bulletin board).
- Box 8 Signature of meeting leader-certifying meeting.
- Box 9 Informational
- Box 10 Attendees of the meeting print their full name and record their signature confirming meeting attendance.

Section 4.4

ANNUAL JULY EEO REPORT

4.4.1 Purpose

Annually, the Federal Highway Administration (FHWA) submits a report on the status of the equal employment opportunity program to the U.S. Senate. July is the reporting period due to generally good weather nationwide. The Florida Department of Transportation (FDOT) creates one cumulative report from the individual contractor reports. This represents the total employment on all Federal Aid highway projects in Florida as of July 31 and the report is therefore known as the “July Report”.

4.4.2 Scope

All FDOT construction projects active in July that are federally funded (FAP) are included in Florida’s July Report. All construction contractors having a contract of \$10,000 or more and who were active one or more days between July 1 and July 31 prepare a report.

4.4.3 Content

All full-time and part-time employees employed on the specific FAP project during the selected July pay period must be accounted for by sex and race for each of the fifteen job categories. Note that Officials (Managers), Supervisors, Foremen/women and Clerical who are assigned primarily to the project are included in this report

Data is reported on the Contractors Annual July EEO Report Form Number 275-021-08.

To ensure full project reporting, inactive contractors submit the same form, recording “inactive” in Box 6.

4.4.4 Pay Period Reported

Employment data is collected for a very specific time frame. The contractor’s report is based on their “Final July Pay Period” which is the last active pay week which falls fully within July. (The report is not based on the Contractor’s peak week of employment during the month of July.).

The pay period on which this report is based must have an ending date of July 31 or earlier. Selecting the Pay Period for this Report depends on the contractor's activity during July.

If the Contractor is	Base the July Report on
Both active and inactive during July	The last pay period in July for which they were active on the project.
Active throughout July	The last pay period that falls fully within July.
Inactive between July 1-31	Submit the Contractor's Annual July EEO Report form declaring same.

4.4.5 Report Submission

On or before August 20th contractors submit the Annual July EEO Report data through direct input to the FDOT EOR System **or** by mailing a copy of the completed form to the Resident Compliance Specialist (RCS) of that project.

4.4.6 Directions for Completing Contractors Annual July EEO Report (Form No. 275-021-08)

Box 1 Company's official name and the Florida home office address (mailing address, city, and zip code)

Box 2 Record the company's Federal Identification Number or FDOT vendor number

Box 3 Record the Financial Project Number

Box 4 Identify if the reporting company is the prime contractor or a sub-contractor on the project

Box 5 Record the year

Box 6 if you were active on the project one or more days between July 1 and 31 check yes; otherwise check No and proceed to Box 9

Box 7 this includes three tables: A, B and C. Table A is the report of all project employees, including On The-Job trainees. Table B and Table C contain additional data regarding the On-The-Job Trainees included in Table A

TABLE A: This table reports the job category, race and sex of all employees assigned to the project for this pay period who are, part-time and full-time, journeymen/women, On-The-Job trainees and apprentices. Officials (Managers), Supervisors, Foremen/women and Clerical who are assigned primarily to the project are included in this report

Each employee is reported in only one job category. Employees who worked in more than one classification in the payroll period should be reflected in the

category in which the employee performed the majority of work hours in that pay week.

Calculations:

TOTAL MALES (each race) (and) TOTAL FEMALES (each race)

The sum of employees reported in all Job Categories for that race and sex.

TOTAL MINORITIES MALE (and) TOTAL MINORITIES FEMALE

The sum of Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander.

TOTAL EMPLOYEES MALE (and) TOTAL EMPLOYEES FEMALE:

The sum of "Total Minorities" and "White"

TABLE B Identify the job category and sex of each employee reported in Table A, who is recorded in the pay period as a trainee enrolled in the FDOT/FTBA On-the-Job Training Program. The numbers recorded in Table B are included in the race and sex numbers of Table A.

Calculations:

OJT TOTALS: The sum of male (and) female columns in Table B.

TABLE C: Record the race and sex of each employee reported in Table A who is recorded in the pay period as a trainee enrolled in the FDOT/FTBA On the Job Training Program. The numbers recorded in Table C are included in the race and sex numbers of Table A.

Box 8 If any employees reported in Table A are apprentices, state the name of the apprentice program. Identify the job category and the number of apprentices by race and sex.

Box 9 Print the first and last name of person who prepared this form, phone number and date (month/day/year) it was prepared

Box 10 Print the first and last name of person who reviewed this form, phone number and date.

Section 4.5

PROJECT EEO REPORT

4.5.1 Purpose

Contractors report project workforce data by job category, race and sex as requested by FDOT or FHWA. The Resident Compliance Specialist(s) and District Contract Compliance Manager(s) analyze this data in conjunction with other information to confirm contractor compliance.

4.5.2 Reported Workforce

Data is recorded in the format shown on the Project EEO Report (Form 275-010-12).

All full-time and part-time construction craft and laborer employees working on the project during the specified payroll period must be accounted for by sex and race for each of the fifteen job categories. Classifications are recorded in the same EEO Categories as those used for the Company EEO Report (Form 275-021-07).

Refer to Section 3.4 and Attachment 3.4.1 for the EEO Category of job classifications.

Employees working in more than one job classification during the pay period are to be included in the one EEO category associated with the majority of their project work hours.

If the contractor has employed an agency for supplying job site workers, the agency's workers are included in that contractor's Project EEO Report if they are on the job the week reported.

4.5.3 Pay Period Reported

The Project EEO Report is based on a single weekly pay period and that period is specified by FDOT or FHWA at the time of request.

4.5.4 Directions for Completing the Project EEO Report (Form No. 275-010-12)

- Box 1 Place a check to indicate if you are the prime contractor or subcontractor on the project
- Box 2 Company's official name and the Florida home office address (mailing address, city, and zip code)
- Box 3 Record the company's Federal Identification Number or FDOT vendor number

- Box 4 State the county where the project is located
- Box 5 State the projects' Financial Project Number
- Box 6 Record the month, day and year the reporting contractor began work on the project
- Box 7 Record the ending date (month, day and year) of the payroll on which the report is based.
- Box 8 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 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. 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 9 If any employees reported in Table A are apprentices, state the name of the apprentice program, the job category, race and sex.
- Box 10 Report by Job Category, race, and sex all hires (new and rehires) for the entire calendar month of the pay period reported in Box 7. This includes the first day of that month through the last day of that month. Hires are to include:
 Those still employed as of the noted payroll period.
 Those terminated prior to the noted payroll period.
- Box 11: Print the first and last name of the person who prepared this form, phone number and date (month/day/year) it was prepared.
- Box 12: Print the first and last name of the person who reviewed this form, phone number and date (month/day/year) it was reviewed.