2016 UPDATE

ALABAMA DEPARTMENT OF TRANSPORTATION
CONTRACTOR COMPLIANCE PROGRAM
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STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

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Part I Contractor Compliance

I. Organization and structure.

A. State highway EEO Coordinator (External) and staff support.

1. Describe the organizational location and responsibilities of the State Highway Agency EEO Coordinator. (Provided organization charts of the State highway agency and of the EEO staff).

The Compliance and Business Opportunities Bureau is responsible for implementation and monitoring of all Federal Highway Administration (FHWA) Civil Rights programs for the Department. This Bureau is located in the Alabama Department of Transportation (ALDOT) Central Office. The Compliance and Business Opportunities Bureau is primarily responsible for maintaining the administration of a continuous EEO/Affirmative Action Program for ALDOT. The program is designed to implement federal and state laws, as well as regulations issued by federal agencies regarding Equal Opportunity (EEO) requirements. The Compliance and Business Opportunities Bureau is organized into three operational units: The Internal Programs Unit, The External Programs Unit and Disadvantaged Business Enterprise/Supportive Services Unit. SEE EXHIBITS A and A1

The Compliance Business Opportunities Bureau Chief is responsible for maintaining the administration of a continuous EEO/Affirmative Action Program for the ALDOT.

2. Indicate whether full or part-time; if part-time, indicate percentage of time devoted to EEO.

The Compliance Business Opportunities Bureau Chief position is full time and is devoted entirely to EEO responsibilities.

3. Indicate length of time in position, civil rights experience and training, and supervision.

The Compliance Business Opportunities Bureau Chief has been involved in EEO and Civil Rights activities in local, state and federal governments thirty-three (33) years. The Compliance Business Opportunities Bureau Chief has overall supervision of the Compliance and Business Opportunities Bureau.

4. Indicate whether compliance is centralized or decentralized.

The ALDOT Compliance and Business Opportunities Program is both centralized and decentralized. The Regional Offices receive instructions from the Central Office and then disseminate it to District and Project Managers, who then forward to the Contractors and Subcontractors. The Regional Offices also receive reports and other data from Project Managers and after review and evaluation by the Regional EEO Officer or other designated representatives, applicable data is transmitted to the Central Office.

The organizational offices of the Alabama Department of Transportation consists basically of the Central office located in Montgomery, the Regional Offices located in various geographical regions of the State, the District Offices located within the Regional boundaries and the Project Offices located within the Districts where construction work occurs.

The organization of the Central Office begins with the Office of the Transportation Director.
5. Identify EEO Coordinator’s staff support (full and part-time) by job title and indicate areas of their responsibilities.

The External Programs Unit Supervisor, under the direction of the Compliance Business Opportunities Bureau Chief, is responsible for the day-to-day activities of the Construction Contract Equal Opportunity Compliance Program (23 CFR Part 230 Subpart D), Training Special Provision (23 CFR Part 230 Appendix B of Subpart A) and Implementation of Special Requirements for the Provision of On-the-Job Training (23 CFR Part 230.111). The Unit Supervisor has been involved with an array of ALDOT programs implementing federal regulations and state laws specific to EEO; and over forty-one (41) years with the State of Alabama in various supervisory and managerial positions that involved compliance with state and federal requirements. In addition, the External Programs Unit Supervisor achieved Master Compliance Administrator (MCA) certification granted by the American Contract Compliance Association Training Institute.

6. Identify any other individuals in the central office having a responsibility for the implementation of this program and describe their respective roles and training in program area.

At the Central Office level, the Construction Contract Equal Opportunity Compliance Program staff, in addition to the Unit Supervisor, consists of two professional staff members. The professionals or the Equal Employment Officers have primarily responsibilities for monitoring various EEO Programs reports/reviews for compliance and writing the annual FHWA reports. The Unit Supervisor and EEO Officers attended the training sessions listed in Section I (B)(3).

B. District or Division Personnel

1. Describe the responsibilities and duties of any district EEO personnel. Identify to whom they report.

The State is presently divided into five Regions. Each Regional Office is a "smaller" Central Office with a Region Engineer. Each Region has a professional EEO Officer position trained in EEO requirements for a total of five Region EEO Officers. Four professional Region EEO Officer Positions are currently vacant however; the Southwest Region (Grove Hill) and Southeast Region (Troy) have consultants, the West Central Region (Tuscaloosa) has a Transportation Technologist and the North Region (Guntersville) has a Transportation Manager, all with years of professional EEO experience, performing the duties routinely done by the EEO Officers. The responsibilities for each Region EEO Officer and designated representatives (e.g., Southeast (Troy), North (Guntersville) and Southwest (Grove Hill) Regions) include, but are not limited to, conducting Contract Compliance Reviews, investigating complaints/grievances, conducting DBE Reviews, discussion of EEO Contract requirements at pre-construction conferences and coordinating Title VI Reviews. The five EEO Officers report directly to the Regional Engineer or the Regional Operations Engineer. An organizational chart encompassing the five Regions/Division as shown on their individual organizational charts is attached. SEE EXHIBIT B

2. Explain whether district EEO personnel are full-time or have other responsibilities such as labor compliance or engineering.

The ALDOT currently has five Region EEO Officers, one Transportation Manager, one Transportation Technologist and two Consultants who are full-time, four have labor compliance duties and one has engineering duties.
2. Describe training provided for personnel having EEO compliance responsibility.

Training attended by Compliance and Business Opportunities Bureau Chief, Unit Supervisors and EEO Officers was Human Resources Professional Conference, Strategic Planning, Labor and Employment Law Seminars, Dynamics of Supervision, Ethics Training, Workplace Harassment, Progressive Discipline, Performance Appraisal for Supervisors, Problem Solving and Decision Making, Authentic Leadership Workshop, How to Manage Conflict and Confrontation in the Workplace, Small Business Procurement Conference, Construction/Material Engineers Conference, ALDOT Legal Bureau Training, FHWA 1392/1391 Reporting and various computer software training. In addition, personnel participated in various FHWA webinar which included the Civil Rights Virtual Symposium, NHI-134077 Revised Core Contract Administration Training, DBE Interstate Certification Forum, DBE Contract Administration: Preventing DBE Fraud, FHWA Small Business Program, and ADA and 503 Training.

C. Project personnel. Describe the EEO role of project personnel.

The Project Manager and his/her Engineering Assistants are responsible for ensuring that the operations of the contractor are performed in accordance with the plans, specifications and special provisions. The Project Manager will develop complete EEO files that will document the Contractor's total EEO activities on the project. The Project Manager receives instructions from the Region/Division Offices through the District Manager and handles with the Prime Contractor. The Project Manager will make at least one interview per month, per fifteen employees, on projects with fifteen or more people, and on projects with less than fifteen employees, at least one interview per month. It is important to note that ALDOT Contract Compliance Specialist conduct interviews of employees during contract compliance reviews and include the results of interviews in the review reports.

Other duties of project personnel include observation of the contractor’s operations, maintaining project EEO reports, checking and transmitting data to the Region/Division office and obtaining reports to document the contractor’s efforts and accomplishments.

An important item necessary to manage a Project Office is a filing system that is consistent with good business procedures. The overall project filing system includes Contractor’s Payrolls, EEO and Trainees that should consist of four basic sections: (1) File Folders marked “Contractor’s Payroll Correspondence, Transcripts & Affidavits” (2) File Folders marked “EEO”. These folders should contain all EEO correspondence, labor interviews, DBE/WBE verifications and compliance reviews; (3) File Folders marked “Trainee Reports”- should contain all initial, monthly and final trainee reports. It is suggested that a separate folder be maintained on each trainee, a monthly summary of hours trained should be maintained on the left side of each folder with an explanation when the trainee completes his/her training, is terminated or quits; (4) File Folder marked DBE Utilization plan and each DBE verification report. This uniform filing system is recommended for use on all projects.

II. Compliance procedures.

A. Applicable directives.

1. FHWA Contract Compliance Procedures

With regards to the above applicable directives it is important to refer to the 2007 FHWA - issued Contractor Compliance Desk Reference. The Desk Reference is intended to provide guidance and direction in the development and implementation of an Equal Opportunity Contractor Compliance Program (EOCCP) by State Transportation Agencies (STAs) that meets the current executive and legislative requirements as well as Federal Highway Administration’s (FHWA) regulations under 23 CFR 230. The Desk Reference consolidates into a single resource document directions, interpretations, regulatory references as well as examples of various formats, which may be used in the Contractor Compliance process.

B. Implementation.

1. Describe process (methods) of incorporating the above FHWA directives into the SHA compliance program.

The ALDOT is guided by the FHWA Desk Reference directions, interpretations, regulatory references as well as examples of various formats to incorporate the directives in its Contractor Compliance Program. Especially, during the compliance review process the following examples from the Desk Reference have been incorporated and utilized are: (1) Appendix G: Contractor Compliance Review Report Data Report, this format showed the typical kinds of information and data items that should be part of a Contract Compliance review report in documenting the findings, conclusions, and recommendations of a Compliance Specialist which is sent to FHWA for further concurrence or non-concurrence; (2) Appendix I: On-Site Compliance Review Questions for Contractor for the On-site verification and Interviews (Phase II); (3) Appendix J Sample Correspondence: (a) Contractor Voluntary Corrective Plan Letter; (b) Contractor Show Cause Notice Letter; (c) Notice of Compliance to Contractor from STA; (d) Contractor Voluntary Corrective Action Plan Letter and (e) the Contract Compliance Review Report Checklist.

2. Describe the methods used by the State to familiarize State compliance personnel with all FHWA contract compliance directives. Indicate frequency workshops, training sessions, etc.

Training on EEO requirements has been delivered via teleconferences, workshop-type meetings and symposiums as noted above at section I (B)(3).

3. Describe the procedure for advising the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.

Within 15 working days of issuance of the Notice to Proceed, the Region Construction Engineer shall arrange for a conference between Department personnel, the Contractor, Utility Company representatives, FHWA Area Engineer (if Federal funded project) and other interested parties. The Department personnel invited should include construction representatives from the Central Office (Utility, Traffic Engineer and Electrical Engineer, if applicable) and all Region/Division, District, and Project personnel associated with construction, right-of-way, materials, utilities and other pertinent areas.

The purpose of the conference is to introduce everyone who will be actively associated with the job, to discuss the plans, specifications, special provisions and unusual conditions on the project, and to find out how the Contractor plans to staff and construct the project.

A suggested agenda for the pre-construction conference is as follows: Request the following information, in writing, from the Contractor, Name of Company and Project Safety Officer, Name of Company EEO Officer and Affidavits authorizing persons to sign labor payrolls.
The persons responsible for monitoring these activities within the Region should conduct a discussion of EEO and Trainees. The Region EEO or designated representative shall discuss with the contractor and ensure a clear understanding of what is expected is reached between all parties concerning all EEO requirements contained in the contract. The items discussed are the FHWA 1273, all EEO related special provisions, bulletin board requirements, employee interviews, project DBE obligations and On-the-Job training where applicable. In addition, EEO officers from the External Programs Section attend preconstruction conferences with a dollar value exceeding six (6) million dollars and which have the Training Special Provision (TSP) to emphasize its importance in federal-aid contracts. During 2015 nine (9) preconstruction conferences were attended by External Programs Section EEOs, which had a total dollar value of $144,087,751.97 and contained the TSP.

III. Accomplishments.

Describe accomplishments in the construction EEO compliance program during the past fiscal year.

A. Regular project compliance review program. This number should include at least all of the following items:

1. Number of compliance reviews conducted - 19
2. Number of contractors reviewed – 19
3. Number of contractors found in compliance – 19
4. Number of contractors found in noncompliance - 0
5. Number of show cause notices issued - 0
6. Number of show cause notices rescinded - 0
7. Number of follow-up reviews conducted – 0

(NOTE: In addition to information requested in items 4-8 above, include a brief summary of total show cause and follow up activities – findings and achievements.)

There were no show cause or follow up activities conducted during the 2015 calendar year. Additionally, contract compliance reviews conducted contained the TSP, which offered the opportunity for a complete analysis of the TSP on these projects. The TSP analyses of these projects did not ascertain any current or potential issues.

B. Consolidated compliance reviews. Briefly, summarize the total findings.

1. Identify the target areas that have been reviewed since the inception of the consolidated compliance program. Briefly summarize total findings.

There were no target areas reviewed since the inception of the consolidated compliance program.

2. Identify any significant impact or effect of this program on contractor compliance.

There was no significant impact or effect of this program on contractor compliance.
C. Home office reviews. If the State conducts home office reviews, describe briefly the procedure followed by State.

Project reviews are probably the most common type of contract compliance reviews utilized by FHWA and STA Compliance Specialists. 23 CFR 230 primarily cover a “project review” type more than any other type of review because a practice had already been established. Therefore, ALDOT conducts compliance reviews solely of project work forces engaged in on-site construction (employees at the physical location of the construction activity). Area- wide work force reviews are permissible under the FHWA regulations as well as home office reviews.

D. Major problems encountered. Describe major problems encountered in connection with any review activities during the past fiscal year.

In accordance with 23 CFR 230.409(b) the review scheduling process has been a continuing process for the ALDOT. As stated in the referenced paragraph above “because construction work forces are not constant, particular attention should be paid to the proper scheduling of equal opportunity compliance reviews.” Based on this one (1) review scheduled was not conducted during this season and has been rescheduled for the 2016 season, because of construction utilities issues on the project. Additionally, the External Programs Section selects and assigns project to be reviewed during the review season, it doesn’t have the authority to regulate the Region personnel work schedules based on their other duties and responsibilities, which may preclude compliance reviews being conducted during the specified review season.

Another issue encountered was ensuring procedures in 23 CFR 230.409(h) are followed by Region personnel conducting the contract compliance reviews. The ALDOT has requested specific training from the FHWA, Alabama Division office to assist in addressing this issue and others related to conducting compliance reviews. The requested training is currently pending per FHWA, Alabama Division.

E. Major breakthroughs. Comment briefly on any breakthrough or other accomplishment significant to the compliance review program.

The ALDOT Contract Compliance Coordinator and the Mobile Area EEO was invited to participate on the OFCCP EEO Committee for the Federal Courthouse Mega Construction Project being constructed in Mobile, Alabama. This committee is composed of individual from the Jackson, MS and Birmingham, AL offices of OFCCP, DOL, EEOC, State and Local governments and numerous recruitment sources around the gulf coast. The federal courthouse project is a $118 million dollar construction project let by GSA. The opportunity for ALDOT representatives to serve on this committee allows them the ability to network and learn from various entities that can improve the visibility and effectiveness of the ALDOT Contract Compliance program.

In addition, the ALDOT Contract Compliance Coordinator was invite to become a member of the National Women in Construction organization by a highway construction contractor. Membership in this organization can be beneficial to the compliance program by ALDOT partnering with this organization. Also, the development of possible program concepts for the OJT/SS and OJT programs, which would be of value to contractors in increasing the representation of women within the Alabama highway construction industry.
IV. Area wide plans/Hometown and Imposed (if applicable).

A. Provide overall analysis of the effectiveness of each area wide plan in the State.

Area wide plans mean Affirmative Action Plans and take the form of either a “Hometown” or an “Imposed” plan pursuant to Executive Order 11246. The U.S. Department of Labor is the only authority to determine compliance with EO 11246(FHWA Order 4710.8 issued February 1, 1999). The FHWA Form 1273 and the Special Provisions (23 CFR Part 230 Appendix A) are specific affirmative action requirements for project activities under contract established by section 22 of the Federal–Aid Highway Act of 1968.

B. Indicate by job titles the number of State personnel involved in the collection, consolidation, preparation, copying, reviewing, analysis, and transmittal of area plans reports (Contracting activity and Post Contract Implementation) Estimate the amount of time (number of hours) spent collectively on this activity each month. How does the State use the plan report data?

Not applicable see IV (A) above.

C. Identify Office of Contract Compliance Programs (OFCCP) area plan audits or compliance checks in which State personnel participated during the past fiscal year.

Not applicable, see IV (A) above.

D. Describe the working relationship of State EEO compliance personnel with representative of plan administrative committee(s).

Not applicable see IV (A) above.

E. Provide recommendations for improving the areawide plan program and the reporting system.

Not applicable see IV (A) above.

V. Contract sanctions.

A. Describe the procedures used by the State to impose contract sanctions or institute legal proceedings.

In accordance with FHWA Form 1273(1)(3) “a breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.” The ALDOT policy located in the construction manual is “if the Division Engineer feels that the Contractor or Subcontractor is not making his/her best effort in supply of records necessary to determine compliance with EEO requirements in the contract, he/she may temporarily withhold monthly estimates as a means of impressing upon the Contractor the necessity for supply of those necessary records.”

B. Indicate the State or Federal laws which are applicable.


Title 23 is the State Law that covers the requirements for Highways, Roads, Bridges and Ferries.

Title 39 is the State law that covers the requirements for contract administration (bonding, bidding, letting, award and payment).

C. Does the State withhold a contractor’s progress payment for failure to comply with EEO requirements? If so, identify contractors involved in such actions during the past fiscal year. If not, identify other actions taken.

If the Region Engineer feels that the Contractor or Subcontractor is not making his/her best effort in supply of records necessary to determine compliance with EEO requirements in the contract, he/she may temporarily withhold monthly estimates as a means of impressing upon the Contractor the necessity for supply of records necessary to determine compliance with EEO requirements in the contract. During the 2015 calendar year, one (1) contractor, Ikaros, LLC had monthly estimates withheld for failure to comply with EEO requirements.

VI. Complaints.

A. Describe the State’s procedure for handling discrimination complaints against contractors.

The ALDOT has an approved Title VI Complaint procedures for processing External Complaints of Discrimination or Retaliation and Informal Resolution to provide aggrieved individuals a process to bring forth complaints of discrimination regarding programs, activities, an/or services administered by the ALDOT or its recipients, consultants or contractors. SEE EXHIBIT C

In addition, the ALDOT has a Contract Compliance Procedure for Processing External Complaints of Discrimination for Contractor Employees intended for use by contractors who do not have a procedure to process complaints of employment discrimination filed by their employees. SEE EXHIBIT D

B. If complaints are referred to a State fair employment agency or similar agency, describe the referral procedure.

The State of Alabama does not have a fair employment agency.

C. Identify the Federal-aid highway contractors that have had discrimination complaints filed against them during the past fiscal year and provide current status.

None.
VII. External Training Programs (Including Supportive Services).

A. Describe the State’s process for reviewing the work classifications of trainees to determine that there is a proper and reasonable distribution among appropriate craft.

The process that ALDOT utilizes is outlined in 23 CFR part 230.111. The contractor recruits and selects trainees. The contractor, in accordance with the ALDOT On-the-Job Training Manual (OJT), submits to the ALDOT Central Office for approval the OJT Plan in terms of the number of trainees to be trained for each selected classification and the training programs to be utilized. The Central Office immediately reviews the proposed OJT Plan, approves the plan based on the OJT manual and forwards the approved plan to the Divisions and the contractors.

In addition, the ALDOT has continued its periodic visits to project construction sites to conduct trainee interviews by central office, regional and project office staff, to gauge trainee progress within the training program and confer with contractors on issues relating to the administration of the OJT program. This calendar year 29 trainees were interviewed by regional personnel across the state with no TSP issues identified. This monitoring by the External Programs staff has been beneficial for project personnel and trainees, as the OJT monitor provides assistance, visibility for the program and facilitates direct understanding of the program for the contractor and trainees enrolled. During the OJT monitor’s site visits inspections are conducted of the project office OJT files to ensure adequate and complete documentation is maintained.

B. Describe the State’s procedures for identifying the number of minorities and women who have completed training programs.

The procedures that are being followed require that the person(s) assigned the OJT responsibility in the four Regions and one division will submit a monthly report to the Central Office’s External Programs Unit. This report includes all information pertinent to identifying persons selected by the contractor to participate in their contracted OJT training program. At the end of the year, each region submits an annual report that provides data to show how many women, minorities, and others that have successfully completed the OJT training program. Certificates are provided by this department and given to the trainees at the conclusion of their training. A copy of this certificate is provided by the region personnel to become part of the contract record.

C. Describe the extent of participation by women in construction training programs.

For the 2015 calendar year the OJT Program overall enrollment was 52 enrollees; the number of women enrolled was zero (0) or 0%. The overall OJT graduates was 56; the number of women graduated was three (3) or 5%.

D. Describe the efforts made by the State to locate and use the services of qualified minority and female supportive service consultants. Indicate if the State’s supportive service contractor is a minority or female owned enterprise.

The ALDOT directly solicits proposals for OJT supportive services from qualified sources such as; Historically Black Colleges and Universities (HBCU), Alabama colleges and universities and the general public to ensure a competitive nature of the procurement of these services. For the 2015 calendar year, the ALDOT didn’t receive any bid submissions for the Request for Proposal (RFP) from HBCUs and received one (1) from a colleges and universities for the Highway/Heavy Construction Training Program III and has selected a service provider to administer the FY15 OJT supportive services program.
E. Describe the extent to which reports from the supportive contractors provide sufficient data to evaluate the status of training programs with particular reference to minorities and women.

In accordance with 23 CFR, Part 230, Subpart A, paragraph 230.113 (f) (5) & (6) Supportive Service Contractors are required to provide monthly and quarterly reports to the State Agency that comprise sufficient statistical data and narrative content to enable evaluation on both progress and problems within the program. Supportive Service Contractors are also required to conduct a follow up review on the employment status of on-the-job training program graduates at ninety, one hundred-eighty and three hundred and sixty-five days subsequent to the effective date of their contract.

The ALDOT Supportive Services program’s primary purpose is designed to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women and the disadvantaged on Federal-aid highway projects. ALDOT uses the data contained in the monthly and quarterly reports to identify and correct areas of concern within a prompt timeframe and to insert new ideas into the implementation of the ALDOT Supportive Service Program.

ALDOT will continue to utilize the monthly and quarterly progress reports submitted by the contractors to evaluate the status of training programs, with particular reference to minorities and women. Each report consists of a monthly contact sheet and evaluation form.

VIII. Disadvantage Business Enterprise (DBE) Program

FHPM 6-4-1-8 sets forth the FHWA policy regarding the minority business enterprise program. The implementation of this program should be explained by responding to the following:

A. Describe the method used for the listing of minority contractors capable of, or interested in, highway construction contracting or subcontracting. Describe the process used to circulate names of appropriate minority firms and associates to contractors obtaining contract proposals.

In accordance with 49 Code of Federal Regulations (CFR), Part 26 the ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program.

B. Describe the State’s procedure for insuring that contractors take action to affirmatively solicit the interest, capability, and prices of potential minority subcontractors.

In accordance with 49 Code of Federal Regulations (CFR), Part 26 the ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program.

C. Describe the State’s procedure for insuring that contractors have designated liaison officers to administer the minority business enterprise program in an effective manner. Specify resource material, including contracts, which the State provides to liaison officers.

In accordance with 49 Code of Federal Regulations (CFR), Part 26 the ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program.
D. Describe the action the State has taken to meet its goals for prequalification or licensing of minority business. Include dollar goals established for the year, and describe what criteria or formula the State has adopted for setting such goals. If it is different from the previous year, describe in detail.

In accordance with 49 Code of Federal Regulations (CFR), Part 26 the ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program.

E. Outline the State’s procedure for evaluating its prequalification/licensing requirements.

The ALDOT only prequalifies prime contractors.

F. Identify instances where the State has waived prequalification for subcontractors on Federal-aid construction work or for prime contractors on Federal-aid contracts with an estimated dollar value lower than $100,000.

The ALDOT only requires prime contractors to be pre-qualified and does not waive prequalification for prime contractors.

G. Describe the State’s methods of monitoring the progress and results of its minority business enterprise efforts.

In accordance with 49 Code of Federal Regulations (CFR), Part 26 the ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program.

IX. Liaison

Describe the liaison established by the State between public (State, county and municipal) agencies and private organizations involved in EEO programs. How is the liaison maintained on a continuous basis?

None.

X. Innovative Programs.

Identify any innovative EEO program or management procedure initiated by the State and not previously covered.

A committee of ALDOT personnel from the Central Office and Regions comprised a committee to explore the feasibility of implementing an electronic submission process for the FHWA Annual EEO Report, FHWA 1392. This committee conducted surveys of numerous States processes, contacted Alabama highway construction organizations and requested feedbacks from individuals within ALDOT with direct responsibilities for this report. The consensus of the committee was to implement existing functions within the Microsoft Excel program which would enable personnel to compute all FHWA 1391s into a single FHWA 1392. The implementation of this process will greatly reduce the processing time and ensure a more accurate FHWA 1392 as opposed to the current manual computation of this report.
PART 1
CONTRACTOR
COMPLIANCE
EXHIBITS
EXHIBIT C

The Alabama Department of Transportation

Title VI Discrimination Complaint Procedures

General
The Title VI discrimination complaint procedure is intended to provide aggrieved individuals a process to bring forth complaints of discrimination regarding federal financial assisted programs, activities and/or services administered by ALDOT or its sub-recipients, consultants and contractors. Title VI of the Civil Rights Act of 1964 states that: “No person in the United State shall, on the grounds of race, color, national origin, disability, age or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Purpose
The purpose is to describe the procedure used by ALDOT for processing complaints of discrimination under the Title VI of the 1964 Civil Rights Act as amended, while ensuring due process for complaints. This process does not preclude ALDOT from attempting to informally resolve complaints. This process does not deny the right of a complainant to file formal complaints with other federal agencies or seek private counsel for complaints alleging discrimination.

Authorities
Title VI and Title VII of the Civil Rights Act of 1964, State EEO and Nondiscrimination Assurances required by the Federal –Aid Highway Act of 1968, Section 22; the Civil Rights Act of 1987; the Age Discrimination Act of 1975; 23 U.S.C. 140, 23 CFR Part 230; 23 CFR 635.117(d) and (e); FHWA 1273; FHWA Orders 4710.8 and FHWA Notice 4720.7(g) and the Americans with Disabilities Act (ADA) of 1990.

Investigation of Complaints
ALDOT’s Title VI staff will investigate Title VI complaints filed against sub-recipients, consultants, and contractors. The Personnel and Compliance Bureau Chief will designate an investigator to evaluate the complaint.

Complaints, in which ALDOT is named as the respondent, shall be forwarded to FHWA. Complainants may also file a complaint with the Headquarters Civil Rights Office (HCRO); Department of Justice (DOJ); or United States Department of Transportation (USDOT). The final decision of a violation or not is a Federal decision that cannot be delegated.

Complaints that do not constitute discrimination (i.e., based on race, color, national origin, sex, age, or disability) or violation of environmental justice issues will be dismissed.

(Revised 2009)
Procedures
A. Allegations of discrimination must be based on race, color, religion, national origin, sex, age, or disability. Any persons who feel that they have been retaliated against for participating in a discrimination complaint process may also file a complaint.

B. The complaint may be filed by the complainant or representative and must be submitted in writing no later than one-hundred eighty (180) days after the date of alleged act of discrimination; or knowledge of alleged discrimination; or where there has been a continuing course of conduct, or the date on which that conduct was discontinued or the latest instance of the conduct.

C. Title VI complaints must be submitted in writing and signed by the aggrieved person or representative. The complaint should include the complainant name, address and telephone number, basis of the complaint, the sub-recipient, consultant or contractor involved and location. Complaints may be submitted by mail, fax, or e-mail.

Mailing Address: Alabama Department of Transportation Personnel and Compliance Bureau 1409 Coliseum Boulevard, Room N-101 Montgomery, AL 36110

Fax Number: 334-263-7586

E-mail: hamptonc@dot.state.al.us

D. Within ten days (10) of the receipt of the complaint, ALDOT will acknowledge the receipt of the complaint by certified mail to the complainant. The notice will include the name of the investigator and advise the person of their rights under any related statues.

E. Within sixty days (60) of receiving the complaint, ALDOT will complete the investigation and forward a copy of the complaint, the investigative report, and ALDOT’s decision to FHWA. If additional time is needed for the investigation, ALDOT can request for such time from FHWA.

F. Upon completion of the investigation by the assigned investigator, the Personnel and Compliance Bureau Chief will review the finding(s) of the report and make other requests for information if necessary. The Personnel and Compliance Bureau Chief will prepare an investigation summary and present it to the Director of ALDOT. The Director of ALDOT will prepare a statement reflecting ALDOT’s recommended finding(s). The Director will forward copies of its proposed disposition to FHWA for Final Agency Decision.

Dismissals
ALDOT will recommend, in writing, to FHWA the dismissal of complaints for the following reasons:

(1) The complaint is untimely filed;
(2) The complaint does not allege a basis covered by the statutory authorities;

(Revised 2009)
(3) The complaint does not allege any harm with regard to covered programs or statutes;
(4) The complainant requests the withdrawal of the complaint;
(5) The complainant fails to respond to repeated requests for additional information needed to process the complaint;
(6) The complainant cannot be located after reasonable attempts;
(7) The complainant has failed to accept a reasonable resolution. Note: FHWA or other appropriate federal agency determine reasonable;
(8) The complainant has filed legal action in Federal District Court with the same basis and issue involved in the complaint;
(9) The same complaint allegation has been filed with another Federal, State, or local agency.

If additional information is needed, please feel free to call 334-242-6659.

John R. Cooper
Transportation Director

09/13/12
Date

(Revised 2009)
EXHIBIT D
CONTRACT COMPLIANCE PROCEDURE FOR PROCESSING EXTERNAL COMPLAINTS OF DISCRIMINATION

I. GENERAL

The Alabama Department of Transportation (ALDOT) is committed to the goal of treating all contractor employees equally without regard to race, age, gender, religion, national origin, disability, or any other statutorily-protected right. ALDOT will not tolerate acts of harassment or discrimination, and these procedures establish the departmental methods for preventing and/or addressing harassment and discrimination in the workplace.

II. POLICY

A. Prohibits any form of harassment, whether based on race, age, gender, religion, national origin, disability or any other statutorily-protected right.

B. Prohibits any form of discrimination in hiring, promotion, termination, pay, and other aspects of contract employment on the basis of race, age, gender, religion, national origin, disability or any other statutorily-protected right.

C. Prohibits any form of reprisal or retaliation against complainants under this policy. It is also a violation of this policy for anyone knowingly or recklessly, either to make a false complaint, or to provide false information, regarding a complaint.

III. DEFINITIONS

A. Harassment: Any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, skin color, religion, gender, national origin, age, or disability. Harassment does one or more of the following:

   • has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
   • has the purpose or effect of unreasonably interfering with an individual's work performance.
   • otherwise adversely affects an individual's employment opportunities.

B. Sexual Harassment: Any unwelcome conduct of a sexual nature, including advances, requests for favors, remarks, sounds, gestures, physical contact and display or circulation of material that is offensive.

C. Racial Harassment: Any offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual because of his/her race.

D. Verbal Harassment: Making statements or threats which contain derogatory descriptions or stereotypes based on race, age, gender, religion, national origin, disability or any other statutorily-protected right.

E. Physical Harassment: Pushing, shoving, touching, or other intentional acts committed in whole, or in part, because of the employee's race, age, gender, religion, national origin, disability or any other statutorily protected right and, the displaying of signs, pictures, cartoons, written statements or other materials that belittle or discriminate against any employee based on one's race, age, gender, religion, national origin, disability or any other statutorily-protected right.
F. Discrimination: Adverse treatment or consideration based on class or category such as one's race, age, gender, religion, national origin, disability or any other statutorily-protected right rather than individual merit.

G. Individual: An employee of an ALDOT contractor, and other such as vendors or visitor associated with an ALDOT contractor.

H. Reprisal Retaliation: Any materially adverse treatment of an individual filing a complaint under this policy.

IV. RESPONSIBILITIES

A. The contractor, or sub-contractor, is responsible for ensuring compliance with this policy and ensuring that employees are educated regarding this policy.

B. Contractor employees and other individuals are responsible for reporting incidents of harassment and discrimination as prescribed in the procedures below.

V. PROCEDURES

A. Any individual who believes he/she has been harassed, or has witnessed harassment, or believes that adverse decisions concerning his/her employment with an ALDOT contractor were based on unlawful discrimination shall:

1. Within ten (10) days of its occurrence, report it to the contractor's human resources department or designated contractor employee.

2. The contractor will investigate the complaint and attempt to correct and/or resolve the matter.

3. Within thirty (30) days of receipt of the complaint, the contractor will notify the complainant in writing of the results of the investigation and the disposition of the complaint.

B. If the complaint is not resolved to the complainant's satisfaction, he/she may file a formal complaint with ALDOT, within ten (10) days of receipt of the contractor's response, as follows:

1. The complaint will be submitted on the Alabama Department of Transportation External Discrimination Complaint Form to the Bureau Chief of the ALDOT Compliance and Business Opportunities Bureau, N-101 at 1409 Coliseum Boulevard, Montgomery, AL 36110, phone number (334) 242-6659, fax number (334) 263-7586 website: www.dot.state.al.us.

2. An ALDOT investigator will be assigned to investigate the complaint, and provide a written report within thirty (30) days of receipt of the complaint.

3. After a review of the investigation, the Transportation Director, of his designee, shall inform the complainant and the contractor of the results of the investigation and, if warranted, of the corrective actions taken and/or recommended.

C. An individual may also file a complaint with the Equal Employment Opportunity Commission (EEOC) or the Office of Federal Contract Compliance Programs (OFCCP) at any time during the above mentioned process or afterward, according to the time frames specified by those agencies.

D. Should a contractor fail to cooperate with ALDOT during an investigation, or fail to take corrective actions recommended by ALDOT, the state highway department (ALDOT) will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve equal employment opportunity on Federal-Aid highway projects. In addition, the matter will be referred to the Federal Highway Administration (FHWA) for further handling if necessary or appropriate.
Alabama Department of Transportation External Complaint Form

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Type of Discrimination Race, Color, National Origin, Age, Religion, Disability, Sex/Gender

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<tr>
<th>Race of Complainant Black, White, Hispanic, Asian American, American Indian, Alaska, Native Pacific Islander, Other</th>
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How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.

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Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination. Name the project number and the location.

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Name(s) of individual(s) responsible for the discriminatory action(s). Name of contractor project number and location.

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary). Name Address Telephone.
1. 
2. 
3. 
4. 
5. 

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable. Action Date
Filed with the Federal Highway Administration
Filed with the U.S. Department of Transportation
Filed with another Federal agency
Filed in Federal Court
Other action

Please provide any additional information you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature Date

For Official Use Only Date Complaint Received:.................................................. Referred to:.................................................. Date Referred: