## 2020 Update

## ALABAMA DEPARTMENT OF TRANSPORTATION PART 1 - CONTRACTOR COMPLIANCE PLAN

January 1, 2020 - December 31, 2020



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#### I. ORGANIZATION AND STRUCTURE

The Alabama Department of Transportation's (ALDOT) Compliance Bureau is devoted to implement and monitor Federal Highway Administration (FHWA) Civil Rights Programs. The Bureau is located at 1409 Coliseum Boulevard, Room N-101, Montgomery, Alabama 36110. The primary function of the Bureau is the continuous administration of ALDOT's EEO/Affirmative Action Program. The program is designed to implement federal and state laws, as well as regulations issued by federal agencies regarding the Equal Employment Opportunity (EEO) requirements.

#### **Equal Employment Opportunity (EEO) Coordinator**

The ALDOT EEO Coordinator is a full-time position which is held by the Compliance and Business Opportunities Bureau Chief whose oversight includes the day-to-day implementation of the Contractor Compliance/On-the-Job Training Program, Affirmative Action Program, and the Title VI Nondiscrimination Program. The EEO Coordinator supervises a staff of ten (10) ALDOT employees in Compliance and Business Opportunities Office and is responsible for providing overall management of compliance activities. (SEE APPENDIX 1).

### <u>Equal Employment Opportunity (EEO) Transportation Equal Employment Unit Supervisor</u> (TEEUS)

The EEO Transportation Equal Employment Unit Supervisor (TEEUS) for the External Program Unit (EPU) works full-time to assist the EEO Coordinator in meeting responsibilities over all aspects of the day-to-day administration of the Contractor Compliance Program. The TEEUS for the EPU is responsible for providing the overall management of construction compliance activities relation to the Contractor Compliance Program. Specific activities of TEEUS for the EPU include but are not limited to the following:

- Attendance at Pre-Construction Meetings.
- Conducting Periodic Field Compliance Reviews of prime contractor and subcontractor EEO programs.
- Ensuring that required contract provisions are in all Federal-aid contracts of \$10,000 or more.
- Compiling and reporting annual accomplishments and other reports.
- Ensuring that Contract Compliance Reviews are scheduled, conducted, and prepared for submission to FHWA.
- Assists EEO Coordinator with decisions of compliance or non-compliance.

#### Equal Employment Opportunity (EEO) Contractor Compliance Coordinator

The EEO-Contractor Compliance Coordinator works to assist the EEO-TEEUS full time in the review and responsibilities over all aspects of the EEO-CCP. In particular, the EEO- Contractor Compliance Specialist has the delegated task to focus on compliance responsibilities. The specialist's duties include but are not limited to:

- Providing guidance on Contractor Compliance EEO matters and preparing required reports regarding compliance and monitoring activities
- Complying with ALDOT's procedures to conduct compliance reviews
- Conducting Contractor Compliance EEO training
- Developing technical assistance tools
- Complying with federal standards
- Providing technical assistance, tools, and resources for aiding compliance
- Assisting in investigating allegations of discrimination filed with ALDOT against contractors working on federal highway aid projects
- Submitting the Federal-aid Highway Construction Summary of Employment Data (Form PR 1392) to FHWA
- Developing the Annual State Highway Agency EEO Report Part 1 Contractor Compliance

#### Equal Employment Opportunity (EEO) On-the-Job Training (OJT) Coordinator

The EEO OJT Coordinator is responsible for implementation and administration of ALDOT's OJT and OJT Supportive Services programs. The EEO OJT Coordinator is also responsible for monitoring ALDOT projects for OJT compliance and submitting the OJT Goals and Accomplishments Report to FHWA by January 31 annually.

#### Region/Area Office Personnel

ALDOT is divided into five Regions (North, Southeast, West Central, Southwest, and East Central) that are found in various geographical locations throughout Alabama operating with full-time office staff positions. Furthermore, each Region is divided into two (2) Area Offices (North-Tuscumbia/Guntersville, East Central-Birmingham/Alexander City, West Central-Tuscaloosa/Fayette, Southeast-Montgomery/Troy and Southwest-Grove Hill/Mobile.

The **Region Engineer** directs all aspects of ALDOT responsibilities on a local level. The Region Engineer has authority to make some modifications to their respective Region's organizational structure and job responsibilities. The Region Engineer **co**ordinates all issues related to Contractor Compliance concerns, serves as a liaison between EEO Officers and the Contractor, reviews EEO reporting documentation including labor interviews, contractor certified payrolls, subcontract agreements, contractor employment data on projects, and subcontractor

payments, attends pre- construction meetings, and support compliance related issues.

The **Project Manager** is responsible for ensuring that the operations of the contractor(s) are performed in accordance with the plans, specifications and special provisions set forth in the contract. The Project Manager adheres to a set of guidelines contained within the "Construction Manual" which outlines the Project Manager's responsibilities including those that are of an EEO nature. The manual details a mandatory uniform filing system to be utilized on each project that is consistent with good business procedures. The filing system is broken down into four basic sections:

- Section 1- Contractor's Payroll Correspondence, Transcripts and Affidavits
- Section 2- EEO Correspondence, Labor Interviews, DBE/WBE Verifications and Compliance Reviews
- Section 3- Trainee Reports (all initial, monthly, and final trainee reports)
- Section 4- DBE Utilization Plan (including each verification report)

This uniform system allows for all the contractor's EEO-activity documentation, procured by the Project Manager, to be easily retrieved by anyone within the agency such as the Central Compliance Office and Region EEOs/Compliance Specialists. Along with the maintenance of the contractor's documentation, the Project Manager and staff also has the responsibility to conduct interviews of the contractor's employees, with a minimum of one interview per month per every fifteen employees. When staffing levels are larger, monthly interviews are conducted at the 1:15 ratio prescribed. It is important to note that ALDOT's Region/Area personnel and **Equal Employment Officer**/Contract Compliance Specialists conduct interviews of employees during the Contract Compliance Review and the results are included in the review reports.

The Region Transportation Equal Employment Unit Supervisor (TEEUS) investigates complaints of employees and the public to ensure a good working relationship while advising the Region Engineer, interviews/makes hiring recommendations, prepares/conducts performance appraisals, coordinates all legal requests, compiles reports such as Legal Status, Compliance Reviews and OJT training, monitor activities such as Contractor Compliance, Disadvantaged Business Enterprise (DBE), OJT Program and Youth Transportation programs. The Region TEEUS also explains to the contractor the Special Provisions that are related to EEO, Safety, OJT, DBE and Labor.

The Region Equal Employment Officer/Contract Compliance Specialist provides technical assistance to contractors and subcontractors, conducts comprehensive project specific Contract Compliance Reviews, attends pre-construction conferences and communicates OJT and DBE contract requirements and provides guidance concerning the pertinent Federal EEO and affirmative action provisions including the required Contract Provisions (FHWA Form 1273), conducts labor compliance and prevailing wage verifications; monitors DBE performance and goal attainment on projects through monthly contractor DBE-10 report submissions, monitors the performance/progress of OJT training programs, reviews and submits monthly OJT trainee reports and trainee interviews to the central office.

On July 22, 2020, several EEOs from ALDOT attended training conducted by the Federal Highway Administration Resource Center. The training included presentations/workshops on Contract Compliance, On-the-Job Training and Disadvantaged Business Enterprises (DBE).

#### II. COMPLIANCE PROCEDURES

#### **Applicable Directives**

- FHWA Contract Compliance Procedures
- EEO Special Provisions (FHWA Federal-Aid Highway Program Manual, vol. 6, chapter 4, section 1, subsection 2, Attachment 1)
- Training Special Provisions (FHWA Federal-Aid Highway Program Manual, vol. 6, chapter 4, section 1, subsection 2, Attachment 2)
- FHWA Federal-Aid Highway Program Manual, vol. 6, chapter 4, section 1, subsection 6 (Contract Procedures), and subsection 8 (Minority Business Enterprise)

#### **Implementation**

The contract compliance review incorporates FHWA directives through formatting provided in the Contractor Compliance Desk Reference; specifically, the following:

- Appendix G: Contractor Compliance Review Data Report
- Appendix I: Contractor Review Questions for Contractor for On-Site Verification and Interviews (Phase II)
- Appendix J: Sample Correspondence
  - Contractor Corrective Action Letter (Voluntary)
  - Contractor Show Cause Notice Letter
  - Notice of Compliance to Contractor from STA

ALDOT utilizes teleconferences, workshop-style meetings/training classes and symposiums to ensure that employees with EEO responsibilities are knowledgeable about EEO requirements and informed of any updates published by FHWA.

Within fifteen (15) working days of the issuance of the *Notice to Proceed*, the Region Construction Engineer arranges a Pre-Construction Conference between agency personnel, the prime contractor, subcontractors, utility company representatives and other interested parties (*If the project is federally-funded, the FHWA Area Engineer will be invited*). The purpose of the conference is to introduce everyone who would be actively associated with the project. During the conference, plans, specifications, special provisions, and unusual conditions of the specific project are discussed along with how the Prime Contractor plans to staff and construct the project. A suggested agenda format for the Pre-Construction Conferences includes, but is not limited to the following:

- Request for information in writing from the Prime Contractor (including Name of Company, Project Safety Officer, Name of company EEO Officer and Affidavits authorizing person(s) to sign labor Payroll)
- Region EEO or a designated representative would discuss and ensure the Prime Contractor
  has a clear understanding of what is expected between all parties concerning EEO
  requirements contained within the contract (including FHWA 1273, all EEO special
  provisions, bulletin board requirements, employee interviews, project DBE obligations,
  and On-the-Job Training where applicable)

Construction projects that contain the Training Special Provision (TSP) would require the involvement of EEOs from the External Programs Unit of the Compliance and Business Opportunities Bureau. The EEOs provide further emphasis on the importance of the contractor's OJT responsibilities and obligations as well as provide updates of the enhancement parts of the OJT manual. The Annual OJT report submitted to FHWA for calendar year 2020 noted a total of 44 enrollees in the OJT program and 26 OJT program graduates:

2020 OJT ENROLLMENTS						
Male Enrollees	Total	Percentage	Female Enrollees	Total	Percentage	
White	16	36.36%	White	1	0.23%	
Black	20	45.45%	Black	0	0%	
Hispanic	5	11.36%	Hispanic	0	0%	
American Indian	1	0.23%	American Indian	0	0%	
Asian/Pacific Islander	1	0.23%	Asian/Pacific Islander	0	0%	
Overall Total Males	43	97.72%	<b>Overall Total Females</b>	1	0.23%	

2020 OJT GRADUATES						
Male Enrollees	Total	Percentage	Female Enrollees	Total	Percentage	
White	12	46.15%	White	0	0%	
Black	11	42.30%	Black	0	0%	
Hispanic	1	0.38%	Hispanic	0	0%	
American Indian	0	0%	American Indian	0	0%	
Asian/Pacific Islander	1	0.38%	Asian/Pacific Islander	0	0%	
Overall Total Males	26	46.15%	Overall Total Females	0	0%	

#### III. ACCOMPLISHMENTS

#### A. Regular Project Compliance Review Program

Number of compliance reviews conducted: 10

• Number of contractors reviewed: 10

Number of contractors found in compliance: 10

Number of contractors found in non-compliance: 0

Number of show cause notices issued: 0

Number of show cause notices rescinded: 0

• Number of show cause actions still under conciliation and unresolved: 0

Number of follow-up reviews conducted: 0

B. Consolidated Compliance Reviews: None

C. Home Office Reviews: None

D. Major Problems Encountered: None

E. Major Breakthroughs: There were no major breakthroughs noted during CY2020

#### IV. AREAWIDE PLANS/HOMETOWN AND IMPOSED (IF APPLICABLE)

Currently, ALDOT does not have an Areawide Plan that takes the form of either a voluntary "Hometown" approved by Office of Federal Contract Compliance Program (OFCCP) or an OFCCP-mandated "Imposed" plan.

#### V. CONTRACT SANCTIONS

In accordance with FHWA 1273, 23 CFR Part 230, ALDOT maintains a policy that if 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, the Region Engineer may temporarily withhold monthly estimates as a means of obtaining compliance from the Contractor. If the Region/Area office or External Program Unit's monitoring efforts find evidence that the contractor is not making Good Faith Efforts (GFEs), the Region Engineer will be informed to determine the need to enforce contract sanctions.

Applicable state and federal laws are discussed within The ALDOT Standard Specifications for Highway Construction 2018 Edition 102.14 (a)(4) Laws and Ordinances, which is made available to contractors and posted on the agency's webpage. State Laws, specifically Title 23 and Title 29 of the Code of Alabama 1975, covers respectively the requirements for

Highways, Roads, Bridges & Ferries and requirements for contract administrations (bonding, bidding, letting, award and payment).

There have been no reports of "failure to comply" sanctions issued against any contractor by ALDOT who was utilized by the agency during active projects in 2020.

#### VI. COMPLAINTS

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

#### Allegations of Complaints/Grievances from Contractors' Employees

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

- Investigate promptly.
- Attempt to resolve these complaints.
- Take appropriate corrective action within a reasonable time.
- Include all persons in the correction action who have been shown by the investigation to have been discriminated against, even if they are not the original complainant.
- Inform every complainant of all of his/her avenues of appeal, once the investigation has been completed.
- Cooperate with in-depth reviews conducted by the Region EEO Officers and Contract Compliance Specialist.

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

It should be noted that most complaints received on construction projects are primarily

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

#### **Complaint of Alleged Discrimination - Contractor**

All Title VI complaints received are forwarded to FHWA HCR. Any individual, group of individuals or entity who believes that they have been subjected to discrimination or retaliation prohibited on federally funded contracts may file a complaint with ALDOT's Title VI Coordinator.

The complaint is processed as instructed in the ALDOT Title VI Plan, Nondiscrimination Complaint Procedures. Complaints against ALDOT will be forward to the FHWA Headquarters Civil Rights Division in Washington D.C. for processing. Complaints must be filed in writing within 180 days of the date of the alleged discriminatory act or when the alleged discrimination became known to the complainant. Complaint forms may be obtained from the Equal Employment Opportunity Division.

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

#### VII. EXTERNAL TRAINING PROGRAMS, INCLUDING SUPPORTIVE SERVICES

#### **On-the-Job Training**

ALDOT adheres to the outlined format contained within 23 CFR Part 230.111 for the development and establishment of its On-the-Job Training (OJT) Program. ALDOT details the procedure in the ALDOT OJT Manual, which was revised in November 2019. The steps begin with ALDOT's Office of Engineer Bureau assigning an amount of training hours to a project before the bidding process allowing contractors the ability to bid on OJT. Once the project is awarded, the contractor submits to the OJT Coordinator, the firm's OJT Plan for approval in terms of the number of trainees to be trained for each selected classification and the training programs to be utilized. The OJT Coordinator (an Equal Employment Officer within External Programs) immediately reviews the proposed OJT Plan, and if

approved using the OJT Manual as a guide, forwards the approved plan to the Region(s) and the contractor(s).

The oversight process continues with periodic visits to the project construction sites to conduct trainee interviews by the OJT Coordinator, Region and Project Office staff. A standardized questionnaire is used to gauge the trainee's experiences relating to the contractor's contractual obligations and the contractor's administration of the designated OJT program (OJT Trainee Interview Form, **SEE APPENDIX 2**). The OJT Coordinator's role provides trainee monitoring assistance to Project personnel and helps facilitate direct understanding of the program by the contractors and trainees. The OJT Coordinator also inspects the Project Office's OJT files for added oversight to ensure all necessary documentation is complete and adequate.

Since the primary objective in training programs is to train and upgrade minority and women work groups to journeyman status, the External Programs Unit requires that each Region submit a monthly report to the Unit that includes all pertinent information identifying individuals selected by the contractor(s) to participate in their contracted OJT programs. In addition to the monthly updates, each Region submits an annual report that provides data to show how many women, minority, and other individuals who have successfully completed the OJT training program. Certificates are provided by the Unit which are given to the trainees after their training. A copy of the certification is included in the contract period.

#### **Supportive Services**

ALDOT directly solicits proposals for On-the-Job Training Supportive Services (OJT/SS) from qualified sources including historically black and/or state colleges/universities and the public to ensure a competitive nature in the procurement of these supportive services. The Federal Highway Administration (FHWA) allocated \$162,684.32 to ALDOT for the FY2020 OJT/SS Program. The funds were awarded to Bishop State Community College for a Pre-Apprentice Carpentry Pilot Training Program. The program is designed to train 16 participants and is estimated to begin May 2021.

The Heavy Highway Construction Pilot Training Program implemented in November 2019 was scheduled to begin in March 2020. Due to the COVID pandemic, the start of the training program was delayed and is scheduled to begin in January 2021. The training program will address current and future workforce needs in the highway construction sector for heavy equipment operators who also possess a Commercial Driver's License.

As required by federal regulations, ALDOT ensures its OJT/SS service providers provide monthly reports that comprise enough statistical data and narrative content to enable evaluation on both progress and problems within the program. OJT/SS Contractors are also required to conduct a Follow-up Review on the employment status of each OJT Program graduate at 90-day, 180-day, and 360-day thresholds subsequent to the effective

date of their contract. (Refer to 23 CFR Part 230 Subpart A, paragraph 230.113 (f) (5) and (6).

ALDOT's primary objective in its OJT/SS Program is to increase the effectiveness of an approved OJT program while providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects. Each progress report submitted by contractors must include a monthly contact sheet and evaluation form with specific reference to minorities and women. ALDOT utilizes the reports to assess the deliverables of each program. Also, with ALDOT's OJT/SS reporting requirements, in monthly and quarterly intervals, provide ALDOT the ability to implement corrective changes and/or new ideas in such a way as to generate the most effect over the timespan of the program period.

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

The Alabama Department of Transportation maintains a directory of certified Disadvantaged Business Enterprises (DBE). Please refer to the DBE Program Plan for more information

(https://www.dot.state.al.us/programs/pdf/DBE/ProgramPlan.pdf).

#### IX. LIAISON

In January 2019, a request was made from the National Office of Federal Contract Compliance Program (OFCCP) for ALDOT to submit notifications of federal-aid contract awards in an electronic format. In May 2019, ALDOT provided OFCCP notifications of federal-aid contract awards in an electronic format for January 2018-March 2019. Currently OFCCP receives this notification in an electronic format monthly from ALDOT.

#### X. INNOVATIVE PROGRAMS

There were no innovative EEO programs or management procedures initiated by the ALDOT in 2020.



# CONTRACTOR COMPLIANCE APPENDICES

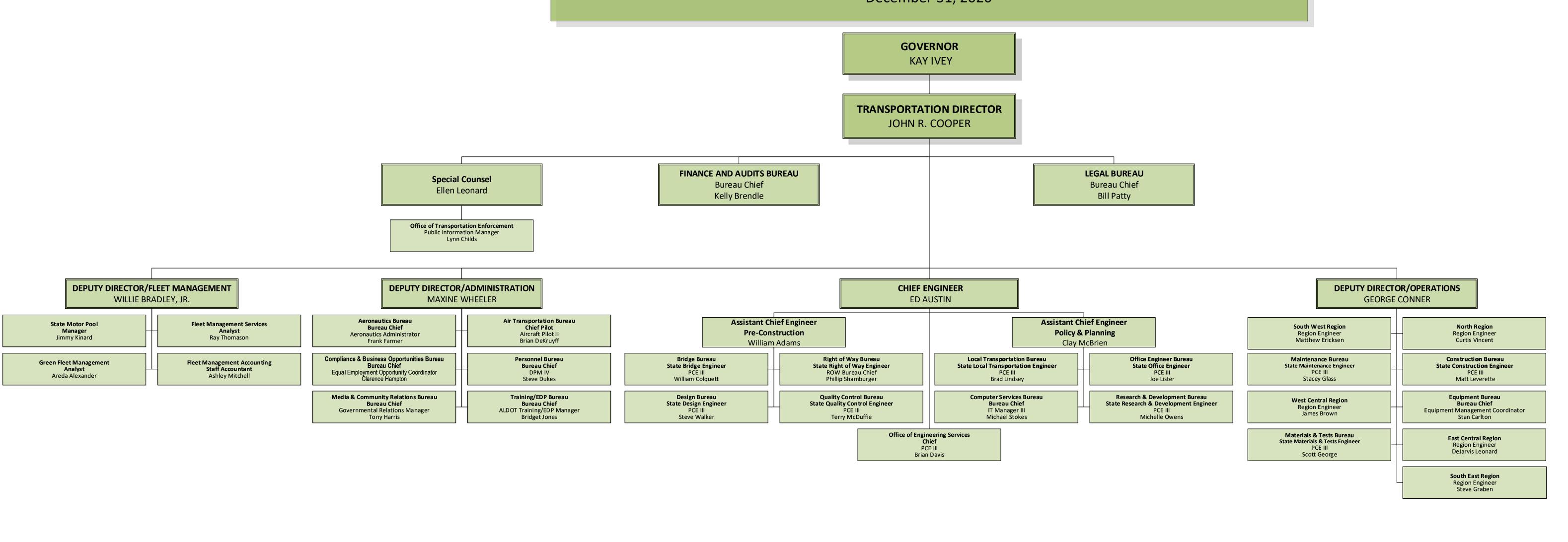
## **APPENDIX**

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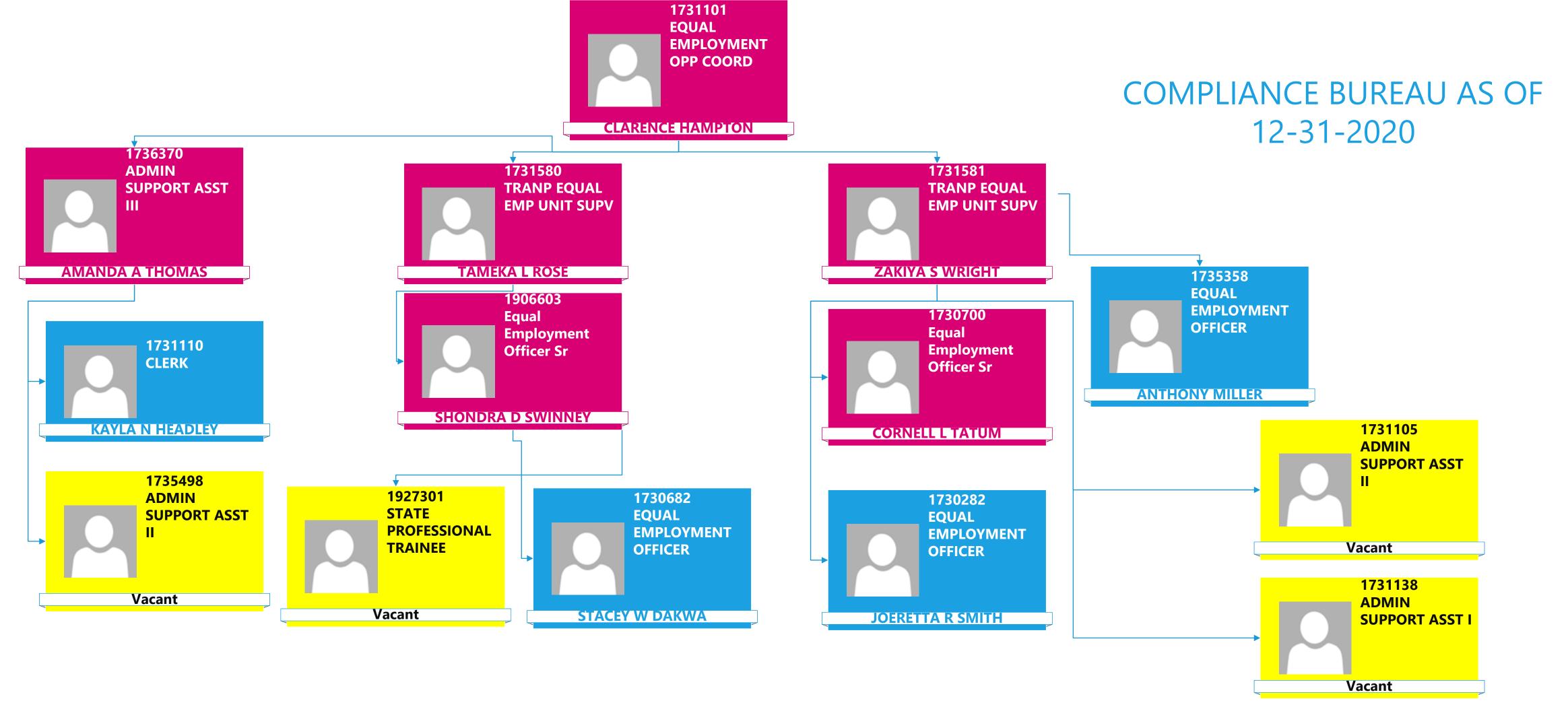
(ORGANIZATIONAL CHARTS)

## The Alabama Department of Transportation

December 31, 2020



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## **APPENDIX**

2

(OJT TRAINEE INTERVIEW FORM)

#### State of Alabama Department of Transportation Trainee Interview Form

Date:
Project Number:County:
Contractor:
Project Engineer:
Answers Provided by Trainee
Trainee Name:
Address:
Race: WhiteBlackHispanic_AsianAmerican IndianOther
Sex: MaleAge:
1. Have you previously performed work in the training classification that you are now presently enrolled?
2. How long have you worked for this contractor?
3. What was your classification when you started?
4. When did you start working on this project?
5. What is your job classification on this project?
6. Rate of pay: Has your trainee pay rate been explained to you?
7. How did you get into the training program?
New HireUpgrade
<ul><li>8. Who supervises, reviews, and approves your work?</li><li>9. What types of tools or equipment do you use during training?</li></ul>
9. What types of tools of equipment do you use during training?
10. Has the contractor's Training Program been explained to you?
When?By Whom?
11. Are you aware of the EEO Officer/complaint procedure for the company?
12. Has anyone informed you on the location of the project bulletin board?
13. Do you feel that you should be trained for another job?
Which job?Why?
14. Any complaints concerning the training that you are receiving?
Trainee Signature:
To Be Answered by the Interviewer
To be full offer by the fine file.
Indicate the job classification for this trainee as shown on <b>certified payroll</b> for this
project
Week EndingRate of Pay:
If trainee answered "NO" to questions <b>10</b> , <b>11</b> , and <b>12</b> , ask them to explain and provide comments.
if trainee answered to destions 10, 11, and 12, ask them to explain and provide comments.
Additional Comments:
ALDOT Employee Signature
Title
Send the original to the Division EEO Officer and keep a copy in the project EEO file.

Instruction Manual

On-the-Job Training

Email Form

Print Form

#### State of Alabama Department of Transportation Trainee Interview Form

Date:								
Project Number:		County:						
	)·							
Project Engineer:								
-		_						
		Respuest	tas del Estudian	nte				
Nombre del Estud	iante:							
Direccion:								
Raza: Blanco	Negro	Hispano	Asiatico	Indigeno Americano	Otro			
Sexo: Hombre	Mujer	Edad:						
1. Ha trabajado al	lguna vez en la	clasificacion de e	entrenamiento er	n la que ahora ests usted regu	ustrado?			
3. Cual fue su clas	sificacion cuand	o empezó?						
				nora como estudiante?				
7. Como entro en	a:. el programa de	te nan explica entrenamiento?	ido su paga poi i	lora como estudiante:				
Debido al Nuevo e								
8. Quien supervise	e. revisa. v apri	<u></u> beside a ana . ueba su trabaio?	101110010111					
9. Que tipo de her	ramientas or m	naquinaria usa di	ırante su entrena	amiento?				
10 Le han evolica	ado el programa	a de entrenamier	ito que le contrat	ista provee?				
				ista provee:				
11. Conoce al rep	resentante de la	a oficina EEO y e	I procedimiento d	de la compania para hacer rec	clamos?			
12. Le ha informa	do alguien del l	ugar en donde se	e haya el tablero	de anuncios del proyecto?				
13. Piensa usted o	que deberia de :	ser entrenado pa	ira otro trabajo?_					
14. Tien usted red Si asi fuese, cuale			•	esta ahora recibiendo?				
Firma Del Estudi	iante							
		To Be Answer	ed by the Inter	<u>viewer</u>				
				d payroll for this project				
If trainee answere	ed "NO" to ques	tions <b>10</b> , <b>11</b> , an	d <b>12</b> , ask them t	o explain and provide commo	ents.			
Additional Comme	ents:							
ALDOT Employe	o Sianoturo							
Title	e signature							

Send the original to the Division EEO Officer and keep a copy in the project EEO file.

On-the-Job Training Instruction Manual

Email Form

Print Form