

**LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND
DEVELOPMENT**



**CONTRACT COMPLIANCE
PROGRAM MANUAL
DECEMBER 2013**

EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM

CONTRACT COMPLIANCE PROGRAM

LOUISIANA DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT

DECEMBER 2013

CONTRACT COMPLIANCE

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CHAPTER I

ORGANIZATION AND STRUCTURE

1. ORGANIZATIONAL CHARTS

- A. The chart on page 10 shows the organization of the Department of Transportation and Development (DOTD) and the location of the Compliance Programs Section within it.
- B. The chart on page 11 shows the organization of the Compliance Programs Section.

2. COMPLIANCE PROGRAMS SECTION STAFF

- A. COMPLIANCE PROGRAMS DIRECTOR. The position of Compliance Programs Director has principle responsibility for planning, developing, managing, implementing, coordinating, and monitoring all program areas of the civil rights function, including EEO/AAP. The civil rights function is centralized at DOTD Headquarters.
- B. COMPLIANCE PROGRAM SPECIALIST. At least one specialist is assigned full-time to the Contract Compliance Unit. Additional personnel may also be assigned full-time to this unit. Personnel assigned to other units assist the Contract Compliance Unit when activity and priorities in their units permit. Personnel in the Contract Compliance Unit:
 - 1) Ensure that contractors, subcontractors, and material suppliers provide equal opportunity, take affirmative action, and ensure nondiscrimination as required by the equal opportunity clauses set forth in federal aid construction contracts.
 - 2) Ensure that the Department includes specific equal employment opportunity responsibilities in all advertised specification notifications, federal-aid constructions contracts and all federal-aid construction subcontracts of \$10,000 or more.
 - 3) Establish a system to monitor equal employment opportunity obligations of contractors and subcontractors and furnish such information and reports

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regarding compliance as may be requested by the Federal highway Administration (FHWA).

- 4) Implement the Department's contract compliance obligations, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable state or federal law to assure equal employment opportunity on federal-aid construction projects and participate actively with FHWA in all investigations for enforcement actions undertaken by them.
- 5) Establish and maintain effective liaison with public and private agencies and organizations which are involved in equal opportunity programs.
- 6) Seek the cooperation of unions, contractors, appropriate state agencies and other related organizations in the establishment of skill training programs. Represent the Department in auditing records and reports of the contractors and subcontractors as are necessary to determine compliance with and the progress under each contractor's and subcontractor's equal employment opportunity program.
- 7) Develop procedures as necessary for effective implementation of the Department's Contract Compliance Program.
- 8) Prepare instructions, forms and correspondence to be issued to responsible headquarters and district personnel for the purpose of establishing effective and uniform procedures and controls throughout the state.
- 9) Review and revise annually the Department's contract compliance program and annual report.
- 10) Ensure that EEO training is provided to contractors and DOTD field personnel.

3. OTHER PERSONNEL WITH CONTRACT COMPLIANCE RESPONSIBILITIES

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A. EEO/LABOR COMPLIANCE SPECIALIST. The EEO/Labor Compliance Specialist assists the Contract Compliance Unit in monitoring the contractors' programs and maintaining liaison between the Contract Compliance Unit and the districts in the interpretation and dissemination of information. The EEO/Labor Compliance Specialist is also the manager of the Department's contract training program. Should the Department's voluntary training program have ongoing major participation, it would take approximately 40 percent of the EEO/Labor Compliance Specialist's time to implement the following responsibilities and duties:

- 1) Assist in maintaining liaison between the Compliance Programs Section, the Construction Division, and the nine districts.
- 2) Assist the project engineers in EEO discussions with contractors during pre-construction and EEO conferences.
- 3) Furnish interpretation of contract provisions to the project engineers and contractors.
- 4) Conduct periodic inspections of project site and/or contractor records to determine contractor/subcontractor compliance with the contract EEO requirements and furnish the Contract Compliance Unit with his findings.
- 5) Follow up on FHWA citations and assist in the investigation of complaints.
- 6) Review District Project/EEO files of correspondence, reports, and other records and initiate appropriate action when deficiencies are noted.
- 7) Prepare instructions, forms and correspondence to be issued to responsible field personnel for the purpose of assuring adherence to the various program procedures.
- 8) Monitor the progress and effectiveness of the training programs being utilized.
- 9) Furnish the project engineer with information on the approved training programs or programs, the number of trainees the contractor proposes to train in each selected classification, and the approximate starting time for training.

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- 10) Maintain a central office master training history of trainees, both presently and previously enrolled on federal-aid projects.
- 11) Conduct an investigation, when requested by the project engineer, to determine the contractor's compliance with the training requirements and develop a written report of findings and recommendations.
- 12) Review the contractor's training efforts at completion of a project and recommend to the Construction Estimates Engineer whether or not payment for training hours provided should be made.
- 13) Ensure that contractors and subcontractors have filed current required reports and have completed all previous required reports.
- 14) Seek the cooperation of unions, contractors, appropriate state agencies and other related organizations in the establishment of skills training programs.
- 15) Assist in monitoring the contractor's efforts to meet the DBE contract requirements and conducting audits and/or investigations to determine compliance with the regulations.

B. DISTRICT PERSONNEL

The project engineers are responsible for monitoring the contractor's program on a continuing basis and assuring compliance with the EEO requirements contained in the contract and providing information and reports to the Contract Compliance Unit. In addition to their engineering responsibilities, the project engineers have been assigned the following responsibilities and duties estimated to require three (3) percent of their time:

- 1) Discuss the EEO requirements with the contractors and subcontractors at preconstruction conferences in the absence of Compliance Programs Section personnel.
- 2) Conduct periodic inspections of the project site to determine whether the contractor and subcontractors are complying with the various equal

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employment opportunity requirements of the contract. The inspections should, as a minimum, cover those requirements listed in Item 13 of this section.

- 3) Furnish the Contract Compliance Unit with a list of contractors and subcontractors performing work on federal-aid projects during the month of July of each year and/or contractors holding a contract for which a work order has been issued and on which work had either not yet commenced or, if completed, not yet been accepted by the Department.
- 4) Notify contractors and subcontractors to submit the Annual EEO Report (Form FHWA-1391).
- 5) Verify the accuracy of employment data reported on annual Form FHWA-1391 by review of payroll from which the report was developed, if available, combined with an actual head count of employees on the project during the reporting period.
- 6) Maintain a separate file relative to the Job Training Supplemental Specifications if applicable to the project (copies of enrollments, change forms, requests for reimbursement, copies of training programs, etc.).
- 7) Monitor each trainee's progress to ascertain that each is being paid the established rate and has received the training set forth in the approved training program being utilized.
- 8) Check the contractor's request for reimbursement for training for accuracy and completeness, check the contractor's payrolls against the form and, if found to be correct, enter the amount requested in the progress estimate.
- 9) Supply contractors with needed reporting forms.
- 10) Periodically interview selected contractor supervisory and other employees to determine their awareness of the company's EEO program and the contractor's procedures to implement and promote such program and maintain a record of such interviews.

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- 11) Periodically interview trainees to determine their views on the quality of training being provided by the contractor and maintain a record of such interviews.
- 12) Provide assistance to the Contract Compliance Unit and EEO/Labor Compliance Specialist in securing pertinent information from contractors and subcontractors relative to compliance with the contract EEO requirements.
- 13) Monitor, on a continuing basis, the contractor's program to assure compliance with the EEO requirements of the contract. The project engineer will conduct periodic inspections of the project site and secure documentation when needed to determine that the contractor has taken appropriate action to meet the following requirements:
 - a. The following notices and posters are prominently displayed in areas readily accessible to employees and applicants for employment:
 - (1) Standard EEO poster.
 - (2) Company EEO policy statement.
 - (3) Notice requesting employees to refer minority group and female applicants for employment consideration.
 - (4) Notice advising employees of the name, address and telephone number of the company EEO officer.
 - (5) Information on available training programs and the entrance requirements for each.
 - b. The contractor has designated and made known to the Department the name and title of the company's EEO officer and, where applicable, the name and title of the field deputy EEO officer assigned to the project.
 - c. Periodic meetings of supervisory personnel are conducted (by the EEO officer or other knowledgeable company official) before the start of work

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and then no less often than once every six months, at which time the company's EEO policy and its implementation are reviewed and explained.

- d. All facilities, such as restrooms, washrooms, eating areas, work areas, storage areas, parking lots and drinking fountains are provided on a non-segregated basis.
 - e. Advertisements for employees include the notation "An Equal Opportunity Employer."
 - f. The contractor investigates all complaints of alleged discrimination made to him/her.
 - g. The contractor periodically evaluates the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.
 - h. The contractor periodically reviews selected personnel actions in depth to determine any evidence of discrimination in hiring, upgrading, promotion, transfer, demotion, layoff and termination.
 - i. The contractor's employees have been made aware of the company's EEO policy and the procedures to implement such policy by means of meetings, notices to employees, employee handbooks, or other appropriate means.
 - j. The contractor has submitted to the Department Form FHWA-1391 annually, and whenever requested, indicating the number of minority and nonminority group and female employees currently engaged in each work classification required by the contract work.
- 14) Assess, on a continuing basis, the efforts and progress of the contractor in fulfilling the training provisions of the contract by means of on-site inspections to observe the actual training, records review, discussions with the contractor, and by other means.
- 15) Request an investigation by the EEO/Labor Compliance Specialist (Training Program Manager) when evidence is found indicating insufficient effort is being made by the contractor to comply with the training requirements.

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- 16) Fulfill monitoring responsibilities as contained in the DOTD Disadvantaged Business Enterprise Program Manual.
- 17) Furnish Compliance Programs Section DBE personnel with information relative to DBE activity on a project to assist them in determining compliance with the regulations.

4. TRAINING OF CONTRACT COMPLIANCE PERSONNEL

A. COMPLIANCE PROGRAMS PERSONNEL

- 1) An employee assigned to the Contract Compliance Unit participates in all field trips, inspections, reviews, meetings and other operational activities of the unit, performing more difficult tasks and increasingly greater portions of the compliance activity as experience is acquired.
- 2) On-the-job training and experience is supplemented by attendance at various training sessions, workshops and seminars on civil rights administration conducted from time to time by federal and state agencies as well as by attendance at selected seminars conducted by private, commercial enterprises for which an enrollment/tuition fee is charged.

B. OTHER PERSONNEL WITH CONTRACT COMPLIANCE RESPONSIBILITIES.

Persons who have contract compliance responsibilities in addition to their principal duties and responsibilities are oriented in those aspects of civil rights which pertain to their primary function and operational area.

- 1) The EEO/Labor Compliance Specialist is afforded much of the same training in civil rights matters as are the full-time civil rights personnel, through attendance at workshops and seminars conducted by federal, state and private sources, whenever such training covers subjects pertinent to his area of compliance activity.
- 2) This employee subsequently informs project engineers and other project site personnel in civil rights compliance matters at the project level. Information

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and instructions to project site personnel are issued, when required, in the form of letters, memoranda, email, or other format.

- 3) Civil rights requirements and responsibilities at the project site are largely self-evident, inasmuch as all civil rights requirements with which the contractor must comply are contained in the project contract in the form of Required Contract Provisions, Supplemental Specifications, and/or Special Provisions.

CHAPTER II

CONTRACT COMPLIANCE PROCEDURES

1. DOTD REVIEW PROCEDURES

- A. The Federal Highway Administration's External Program Regulations 23 CFR Part 230 are followed by the Department to ensure compliance with civil rights requirements.
- B. The Federal Highway Administration's contract compliance regulations and review guidelines in 23 CFR Part 230, Subpart D are followed by the Department in conducting compliance reviews. Item 3 of this chapter contains a description of the review process.

2. NOTIFICATION OF REQUIREMENTS

A. CONTRACT COMPLIANCE PERSONNEL

- 1) Contract Compliance personnel receive all federal directives relating to EEO contract requirements and maintain a reference file of regulations, guidelines, required procedures, etc.
- 2) Contract compliance personnel have access to a copy of the formal, executed contract and refer to it continually throughout the progress of the project.
- 3) The contract contains all requirements with which the contractor must comply and to which the attention and activities of compliance personnel are at all times directed in securing compliance.

B. CONTRACTORS

- 1) The principle means of informing contractors of EEO contract requirements are by clear, written description of all such requirements being included as part of each proposal and executed contract in the form of "Required Contract Provisions," "Supplemental Specifications," and where appropriate, "Special Provisions."

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- a. By including all requirements in the project proposal, even potential bidders are put on notice that, if declared to be the successful bidder and awarded the contract, they will be obligated to fulfill all requirements specified.
 - b. In signing the contract, the contractor acknowledges that he/she is contractually committed to carrying out the requirements as specified.
- 2) The principle means of informing contractors of EEO contract requirements are by clear, written description of all such requirements being included as part of each proposal and executed contract in the form of “Required Contract Provisions,” “Supplemental Specifications,” and, where appropriate, “Special Provisions.”
- a. By including all requirements in the project proposal, even potential bidders are put on notice that, if declared to be the successful bidder and awarded the contract, they will be obligated to fulfill all requirements specified.
 - b. In signing the contract, the contractor acknowledges that he/she is contractually committed to carrying out the requirements as specified.
- 3) The requirements may be more fully explained and discussed in preconstruction conferences, site inspections, project reviews, EEO training, and/or other meetings between the contractor or his/her supervisory staff and compliance personnel of the Department or through written notification to the contractor.
- 4) Advice and clarification on EEO requirements are readily available to the contractor by contacting the project engineer, Contract Compliance Unit or any other compliance personnel.

3. CONTRACT COMPLIANCE REVIEW PROCEDURES

A. IMPLEMENTATION

- 1) The Department utilizes a project review approach when monitoring a contractor’s compliance with the EEO obligations as outlined in Federal-Aid

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contracts. The project review includes the review of only one project and can include subcontractors.

- 2) Project Reviews involve obtaining information and documentation from the contractor. The information is analyzed through a desk audit and the results of the preliminary analysis are discussed during the on-site review.

B. CONTRACTOR SELECTION

In selecting a contractor to be reviewed priority is given to contractors:

- 1) working on a significant number of contracts;
- 2) which hold the greatest potential for employment and promotion of minorities and women (particularly in higher skilled crafts or occupations);
- 3) with significant minority and female labor forces within a reasonable recruitment area;
- 4) where compliance with equal opportunity requirements is questionable based on previous EEO reports, previous compliance reviews, or complaints;
- 5) which have not previously undergone a compliance review.

C. CONTRACTOR NOTIFICATION

- 1) The Department will notify the contractor in writing of a pending compliance review within one week prior to the review. The notification is to include the referenced project number and location, mechanics of the review, and a list of required documents to be submitted to the Department prior to the review.
- 2) The contractor is to provide a meeting place on the day of the compliance review at or near the project site and advise the Department of the selected location following the contractor's receipt of the notification letter.
- 3) The contractor is to submit requested documentation prior to or during the on-site visit.

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D. PRELIMINARY ANALYSIS

Before the on-site visit, the Department personnel will analyze the employment patterns, policies, practices and programs of the contractor to determine if problems exist by:

- 1) reviewing employment data for overall minority/female representation to ensure compliance with the contract requirements;
- 2) reviewing the contractor's relationship with referral sources, e.g., minority and female organizations, etc.;
- 3) reviewing the availability of minorities and females with the required skills in a reasonable recruitment area;
- 4) reviewing the review documentation submitted by the contractor, and
- 5) reviewing existing project and compliance files.

E. ON-SITE VERIFICATION

After completing the preliminary analysis of the data submitted, Department personnel will conduct an on-site review of the project. An on-site review will consist of two phases.

- 1) The first phase consists of a construction site tour to determine if:
 - a. EEO posters are displayed in a conspicuous, accessible and legible manner;
 - b. restroom facilities are provided on a non-segregated basis;
 - c. supervisory personnel have been oriented to the contractor's EEO commitments;
 - d. The employee referral source system is being implemented;
 - e. reported employment data is accurate;
 - f. meetings have been held with employees to discuss EEO policy; and
 - g. employees are aware of their rights to file complaints of discrimination.
- 2) The second phase will consist of interviewing employees on the project site. The Contract Compliance Coordinator will interview:
 - a. at least one minority and one non-minority, including any women and trainees in each craft; and

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- b. the project superintendent, if available.

F. EXIT CONFERENCE

After completion of the on-site review, Department personnel will meet with the appropriate representative of the contractor to discuss any preliminary findings. If minor deficiencies are found, a Voluntary Corrective Action Plan (VCAP) is negotiated. If deficiencies are not corrected with the allotted timeframe or acceptable commitments for correction are not submitted, the contractor is considered to be in non-compliance. Major deficiencies of a more severe or discriminatory nature require a Corrective Action Plan (CAP), and if not corrected within the allotted timeframe or acceptable commitments for correction are not submitted, the contractor is considered to be in non-compliance.

G. COMPLIANCE DETERMINATION

- 1) The contractor will be notified in writing of the compliance determination within fifteen (15) days after the exit conference or upon receipt by the Department of an acceptable corrective action plan.
- 2) The information obtained at the compliance review shall constitute the basis for determination of contractor's compliance or non-compliance with Required Contract Provisions and the FHWA EEO Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.
- 3) A contractor will be considered in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that good faith effort has been made toward achieving this end.
- 4) A contractor will be considered in non-compliance when:
 - a) if, upon investigation, it is shown that the contractor has discriminated against applicants or employees with respect to the condition or privileges of employment, or
 - b) the contractor fails to provide evidence of every good faith effort to provide equal opportunity.

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H. SHOW CAUSE NOTICE

- 1) If a contractor is found in non-compliance, action efforts to bring the contractor into compliance will be initiated through the Show Cause Notice. The notice will advise the contractor to show cause within thirty (30) days why sanctions should not be imposed.
- 2) The Show Cause Notice should:
 - a) notify the contractor of the determination of non-compliance;
 - b) provide the basis for the determination of non-compliance;
 - c) notify the contractor of the obligation to show cause within thirty (30) days why formal proceedings should not be instituted;
 - d) provide a time, date and location for a compliance conference where the contractor will have an opportunity to submit and discuss a commitment to achieve compliance. The conference is to be held approximately fifteen (15) days from the contractor's receipt of the notice; and
 - e) advise the contractor of the availability and willingness of The Department to work with them on the time limits of the show cause notice.
- 3) The Show Cause Notice should be sent by certified mail, return receipt requested.
- 4) The date of the contractor's receipt of the notice will begin the thirty (30) day show cause period.
- 5) The Department is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts should be directed towards correcting the contractor's program deficiencies and initiating corrective action to bring the contractor in compliance.

I. CORRECTIVE ACTION PLAN

- 1) When the contractor is required to show cause and the deficiencies cannot be corrected within the 30-day show cause period, a written corrective action plan may be accepted. The written plan is to specify action proposed by the contractor and the time limits for completion.

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- 2) When a written corrective action plan is accepted, the contractor will be considered in compliance during the plan's effective implementation and submission of required progress reports.
- 3) When a written corrective action plan is not accepted and does not otherwise show cause as required, the formal hearing process will be recommended through appropriate channels immediately upon the expiration of the 30-day show cause notice.

J. COMPLIANCE REVIEW REPORT

- 1) Department personnel will be responsible for the preparation of a comprehensive review report. The report should contain information to support the findings, conclusions and recommendations as to the contractor's compliance status.
- 2) The compliance review report should also contain, but not be limited to the following information:
 - a) Complete name and address of contractor.
 - b) Project identification – project number and parish where work is being performed.
 - c) Basis for the review – project work force.
 - d) Identification of Federal-Aid contract.
 - e) Date of the review.
 - f) Employment data by job classification, race and sex.
 - g) Determination of compliance status: compliance or non-compliance.
 - h) Copy of show cause notice or compliance notification sent to contractor.
- 3) The Department is to forward one copy of the compliance review report to the Federal Highway Administration.
- 4) A compliance review file is considered to be closed upon the Department's receipt of concurrence by FHWA with the findings contained in the review report.

4. MONITORING PROCESS

A contractor's actions can be monitored by the following means:

- A. Verbal requests for information.
- B. Written requests for information.
- C. Requiring a contractor to submit employment or status reports on a periodic basis.
- D. Obtaining verbal or written information from Headquarters or District Construction Personnel.
- E. Reviewing all routine project related correspondence and information.
- F. Conducting contract compliance reviews, especially of contractors that have had deficiencies in their EEO program.
- G. Conducting formal follow up reviews on contractors that have been issued Show Cause Notices.
- H. Reviewing Annual EEO Reports (Form FHWA-1391).

5. STANDARD OPERATING PROCEDURES

A manual of operating procedures of the DOTD Contract Compliance Program was developed in July 2005 and is updated when necessary. The manual is a thorough and complete description of program activities and contains all necessary forms, documentation, and guidance for implementation of the Contract Compliance Program.

CHAPTER III

CONTRACT SANCTIONS

1. METHOD TO ENSURE CORRECTIVE ACTION

Contract compliance personnel make every effort to obtain voluntary corrective action by the contractor thus avoiding the need to impose sanctions for noncompliance. Methods used to obtain voluntary corrective action include, but are not limited to:

A. THE CLOSE-OUT CONFERENCE

Close-out conference, following a compliance review, at which time the contractor is advised of deficiencies and/or violations found and is given 15 days in which to submit a written plan of corrective action to the department.

- 1) Where deficiencies are of a minor, easily correctable nature, a letter of commitment assuring prompt correction of deficiencies is obtained.
- 2) Where the deficiencies are of a more severe nature a conciliation agreement is obtained. Such agreement sets forth specific actions and objectives together with timetables for progress and accomplishment of objectives.

B. THE SHOW CAUSE PROCEEDINGS

Show Cause proceedings in accordance with procedures contained in 23 CFR Part 230, when normal conciliatory methods have failed to obtain the contractor's compliance with contract provisions. The show cause procedures afford the contractor due process and enable him to show cause why a final determination of noncompliance should not be rendered and sanctions imposed.

2. SANCTIONS

- A. In the event of a contractor's noncompliance with the EEO or other contract provisions and the contractor's failure to carry out adequate corrective action measures, the Department may impose such sanctions as it or the funding agency determine to be appropriate, including, but not limited to:

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- 1) Withholding of payments to the contractor under the contract until the contractor complies and/or
 - 2) cancellation, termination or suspension of the contract in whole or in part.
- B. Sanctions are imposed by the DOTD Chief Engineer or officials of the Construction Division with the concurrence of the DOTD Chief Engineer.
- C. Flagrant or repeated violations may result in debarment of the contractor from future bidding and/or such further action, including legal action, as the situation warrants.

3. APPLICABLE FEDERAL AND STATE LAWS

- A. Title 23, United States Code, Section 140.
- B. Section 38, Louisiana Revised Statutes.

CHAPTER IV

DISCRIMINATION COMPLAINTS

1. FORMAL COMPLAINT PROCEDURE

Complaints filed with DOTD against its recipients shall be processed by DOTD in accordance with FHWA approved complaint procedures as required under 23 CFR 200. Complaints filed with DOTD in which DOTD is named as the respondent shall be forwarded to the FHWA Division Office. When a complaint of discrimination is received by the Department, the Title VI Manager will:

- A. Notify the appropriate federal funding agency within 10 working days of the allegation. As a minimum, the following information will be included in every notification to the Division Office:
 - 1) Name, address and phone number of the complainant.
 - 2) Name(s) and address(es) of alleged discriminating official(s).
 - 3) Basis of complaint (i.e., race, color, religion, sex, national origin, handicap, age).
 - 4) Date of alleged discriminatory act(s).
 - 5) Date complaint was received by the Department
 - 6) A statement of the complaint.
 - 7) Other agencies (state, local or federal) with which the complaint has been filed.
 - 8) An explanation of the actions the Department has taken or proposed to resolve the issues raised in the complaint.
- B. Acknowledge receipt of the allegation, inform the complainant of action taken or proposed to process the allegation and advise the complainant of other avenues of redress available within 10 working days.

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- C. Investigate the allegation and, based on the information obtained, determine whether or not discrimination occurred.
- D. Prepare a report of findings.
- E. Notify the complainant within 45 days from the allegation's receipt of the findings and the decision reached including proposed disposition of the matter. The notification will advise the complainant of avenues for appeal if dissatisfied with the decision. The proposed resolution will require action adequate to correct and prevent similar occurrences of discrimination.
- F. Provide the appropriate federal funding agency with the decision and a summary of the findings within 45 days after receipt of the allegation.
- G. Periodically inform the federal funding agency regarding the status of complaints.

2. ALTERNATIVE PROCEDURES

The formal complaint procedure does not prohibit informal attempts to resolve the matters, but such informal attempts and their results will be synopsisized in the report of findings.

3. DEPARTMENTAL RESPONSIBILITY

The fact that an allegation has been filed directly with a federal funding agency does not relieve the Department, upon being informed of the allegation, of responsibility for taking action, pursuant to its own internal procedures, to resolve the matter.

4. INTERAGENCY AGREEMENTS

The procedures outlined above do not prohibit interagency agreements between the Department and any agencies referenced in Section 706 of Executive Order 11246.

CHAPTER V

EXTERNAL TRAINING PROGRAMS

1. TRAINING PROGRAMS UTILIZED

The Department recognizes and approves the use of four categories of external training programs for on-the-job training of the contractor's employees pursuant to training supplemental specifications of the contract should a contractor train on a project. The four categories are as follows:

A. PROGRAM FOSTERED AND ADMINISTERED BY THE SECRETARY OF LABOR, USA.

- 1) The principal programs in this category are the formal apprenticeship programs administered by the joint apprenticeship committees and councils of the various labor unions and registered with the state of Louisiana.
- 2) Also in this category are various specialized training programs developed by the U.S. Department of Labor to meet specific economic needs of the nation as, for example, veterans' training programs and programs to train or retrain unemployed individuals. These specialized training programs are reviewed and evaluated to determine if the training afforded by a particular program meets the standards and objectives of the Department.

B. ESTABLISHED AND PROVEN HIGHWAY INDUSTRY TRAINING PROGRAMS.

In this category are those training programs developed by recognized trade associations whose members and affiliates are engaged in highway and heavy construction work and, therefore, understand the particular training needs of the industry.

C. PROGRAMS DEVELOPED BY PRIVATE ENTITIES.

These types of programs must meet or exceed all criteria applied to other approved training programs and be reviewed and approved by the Department and the Federal Highway Administration. This category is currently being utilized by contractors.

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D. PROGRAMS DEVELOPED BY INDIVIDUAL CONTRACTOR FOR COMPANY USE ONLY.

- 1) Such a program must meet or exceed all criteria applied to other approved training programs and be submitted in proposed form to the Department's Compliance Programs Section for review, approval and forwarding to the FHWA Division Administrator for approval prior to its use.
- 2) The submission of a company-designed training program will not serve to relieve the contractor of any training obligation during the period in which the company-designed program is being reviewed and/or pending its written approval by the Department and FHWA.

2. OJT VOLUNTARY APPROACH TRAINING PROGRAM

The Department currently has a training program which allows contractors to voluntarily train on projects. Job Training Supplemental Specifications describing the training program are included in the Construction Proposal for all projects that may support training.

3. OJT SUPPORTIVE SERVICES PROGRAM

The Department provides OJT supportive services on an informal and as requested basis to contractors who participate in the training program.

4. IMPLEMENTATION OF TRAINING REQUIREMENTS

Procedures for program implementation are contained in the Job Training Supplemental Specifications and the Job Training Special Provisions which are made a part of the contract and also included in the Department's OJT Program Manual in Chapter II.

5. MONITORING TRAINING PROGRAM IMPACT

Monitoring the impact of training on the employment of minorities and women is part of the Department's overall monitoring of the contractor's compliance with EEO contract provisions.

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- A. Contract provisions encourage the contractor to seek out persons for enrollment in training programs as a means of productive employment and progress.
- B. Compliance personnel look for a proportionate representation of minorities and women to be enrolled as trainees when assessing the contractor's work force.
- C. Most training records, as well as other records pertaining to the contractor's work force, reflect the race and sex of the individual employee.
- D. A combination of records, observation, and interview are used to assess the training program's impact on all trainees, including minorities and women.

6. DOTD OJT PROGRAM MANUAL

Additional information on the Department's OJT Program, including goals and reporting to FHWA by October 1 annually, may be obtained from the Department's ON-THE-JOB-TRAINING PROGRAM MANUAL.

CHAPTER VI

DISADVANTAGED BUSINESS ENTERPRISE

1. PROCEDURES FOR ENSURING COMPLIANCE

The DBE Contract Administration Unit of the Compliance Programs staff ensures the contractors' compliance with DBE contract provisions through systematic and ongoing monitoring and administrative control.

- A. The DBE Contract Administration Unit reviews the documentation of proposed DBE utilization submitted electronically by the apparent low bidder on a DBE goal project and, depending on the adequacy of the bidder's documentation, recommends approval or disapproval of the contract award.
- B. The DBE Contract Administration Unit reviews all subletting requests pertaining to federal-aid contracts, ensuring that the proposed subletting on DBE goal projects is in accord with commitments made by the contractor in being awarded the contract.
- C. The DBE Contract Administration Unit is assisted by other contract compliance personnel of the Department in such manner and degree necessary to ensure compliance with contract requirements.
 - 1) The project engineer is responsible for ensuring that work items committed to be sublet to DBEs are not performed by anyone but the designated DBE. Through review of Form CS-6AAA listing firms and items of work designated to meet the DB project goal and supervision of all contract work while in progress, the project engineer and his/her staff monitor activity to ensure that work is performed by the appropriate DBE. Any questionable activity is reported to the DBE Contract Administration Unit for further handling.
 - 2) Contract compliance personnel encountering any irregularity or questionable matter relating to DBE involvement report the details to the DBE Contract Administration Unit for appropriate action.
 - 3) The EEO/Labor Compliance Specialist monitors the contractor's efforts to meet the DBE contract requirements and assists the DBE Contract Administration Unit

CHAPTER VI – DISADVANTAGED BUSINESS ENTERPRISE

in conducting audits and/or investigations to determine compliance with the regulations.

2. DOTD DBE PROGRAM MANUAL

Additional information on the Department’s DBE Program may be obtained from the manual titled DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

CHAPTER VII

LIAISON

ORGANIZATIONAL LIAISON

The Department's Compliance Programs Section has established and maintains effective liaison with public and private agencies, organizations and individuals involved in equal opportunity programs, or having functions and/or information which might, in any way, assist in improving EEO procedures and furthering EEO objectives. These groups include labor unions, labor organizations, federal and state agencies, minority group and female organizations, vocational and training institutions, or any other source likely to yield applicants for entry into the highway construction field or in any other way to cooperate in the development and improvement of EEO programs.

CHAPTER VIII

INNOVATIVE PROGRAMS

1. DEPARTMENTAL POLICY

The Department is continuously alert to and willing to undertake any innovative program furthering EEO objectives, improving conditions, increasing accomplishments, etc., provided:

- A. It is not in conflict with federal and/or state laws, rules or regulations.
- B. It has the concurrence of the appropriate funding agency.
- C. It is not unduly burdensome or disruptive to ongoing processes.
- D. It is within the personnel and financial capabilities of the Department to administer, monitor and evaluate efficiently.

2. DESCRIPTION OF PROGRAMS

Any innovative program undertaken will be explained in detail together with a report of progress in the Department's annual report on contract compliance.

