

# EQUAL OPPORTUNITY CONTRACTOR COMPLIANCE REVIEW PROCESS GUIDE

UPDATED FOR 2021

VERMONT AGENCY OF TRANSPORTATION  
OFFICE OF CIVIL RIGHTS & LABOR COMPLIANCE



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## INTRODUCTION AND PURPOSE

Greetings! The purpose of this guide is to help contractors working on Federal-aid projects understand the Equal Opportunity Contractor Compliance Review process. It provides information about each step of the review, copies of the form templates that we use, and the regulation language that guides the reviews.

The Federal Highway Administration (FHWA) requires contractors on Federal-aid projects to take affirmative action to ensure that applicants and employees are not discriminated against because of their race, color, religion, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

Contractors are also required to conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. While the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has sole authority to determine compliance with the minority and female participation goals established by their office, Vermont Agency of Transportation (VTrans) has adopted OFCCP's goals for our state - 6.9% females and .9% minorities per craft per trade on all Federal-aid projects – and we use them as one measure to evaluate compliance and progress.

This guide is a companion resource document to the *Equal Opportunity Toolkit for Contractors* and the *On the Job Training Program Manual*. All of the contractor compliance resources can be found on our website at: <https://vtrans.vermont.gov/civil-rights/doing-business/contractors-center/compliance>.

Please do not hesitate to contact us if you need assistance:

Office of Civil Rights & Labor Compliance  
<https://vtrans.vermont.gov/civil-rights>

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# CONTRACTOR COMPLIANCE REVIEW PROCESS OVERVIEW

The primary purpose of an Equal Opportunity (EO) Contract Compliance Review is to determine whether a construction firm working as a prime contractor or subcontractor on a Federal-aid project is compliant with its contractual nondiscrimination and affirmative action requirements. More information about these requirements can be found in the *EO Toolkit for Contractors*.

An EO Contract Compliance Review consists of the following components:

- Review Scheduling
- Contractor Notification and Documentation Request
- Preliminary Analysis
- Onsite Verification and Interviews
- Compliance Determination and Report
- (If a noncompliance determination is rendered) Show Cause and Corrective Action Commitment

We suggest you refer to the flow chart found on page 7 while you read through this overview to gain a visual understanding of how the process works.

## **Review Scheduling**

VTrans Civil Rights staff determine which projects to conduct compliance reviews on using the scheduling priorities outlined in 23 C.F.R. § 230.409(b) and data collected through labor compliance reviews and annual EEO reports. Priorities include:

- Projects which hold the greatest potential for employment and promotion of minorities and women;
- Projects in areas which have significant minority and female labor forces within a reasonable recruitment area;
- Projects that include training hours (634.10);
- Projects/contractors where compliance with equal opportunity requirements is questionable; and
- Projects that are specifically requested by the Federal Highway Administration (FHWA).

Once the projects are selected, the list is submitted to the Vermont FHWA Civil Rights Specialist for approval.

## **Contractor Notification and Documentation Request**

Contractors will be notified in writing (see page 9) that a project of theirs has been selected for review at least two weeks prior to the on-site verification. The notification will include a list of documents that the contractor is required to submit for the Preliminary Analysis (see page 10). These documents provide us evidence that contractors are meeting EO contract obligations, so the more documentation provided, the better. If there is no documentation available for a certain requirement, then it is best for contractors to write us a note to let us know why. This will help us understand gaps in what is submitted. Contractors do not have much time to pull this documentation together, so establishing a system for collecting and saving it, is highly recommended. Please see the *EO Toolkit for Contractors* for many affirmative action documentation examples.

## **Preliminary Analysis**

Once the VTrans Office of Civil Rights receives the required documentation from the contractor, we review it to determine if the contractor is meeting EO requirements, using the Documentation Review for Preliminary Analysis Form (see pages 12-16). If we find that documentation is missing and no explanation is provided, then we will reach out to the EEO Officer to make a second request.

During this phase of the review, we also examine workforce demographic data submitted in the annual FHWA-1391 reports and, if applicable, speak with the OJT Program Manager about how the contractor is doing with their training hour requirement.

## **Onsite Verification and Interviews**

The contractor is responsible for arranging for a space at or near the project site (a field office trailer is sufficient) for the onsite verification and interviews. It will need to hold at least five people and we will need to have access to it during the entire review, which typically lasts between 4-5 hours. We prefer to interview personnel in an office or other private space, rather than on the work site around loud equipment, but can be flexible if this causes challenges.

- **Entrance Interview:** At the beginning of the onsite verification, one or two Civil Rights staff will hold a short meeting with the contractor's EEO Officer, Project Superintendent, and VTrans Resident Engineer to go over the plan for the day and discuss preliminary findings.
- **Meeting with EEO Officer:** Civil Rights staff will either meet with the EEO officer next or after employee interviews, depending on what works best for the project schedule. We meet with the EEO Officer to discuss issues uncovered during the preliminary analysis and ask additional questions, using the Onsite Review Form (see pages 19-21).
- **Employee Interviews:** Civil Rights staff will hold interviews with a variety of employees, including the project superintendent, OJT trainees, equipment operators and skilled and unskilled laborers. We may also talk with subcontractor employees if they are available. See pages 22-23 for templates of the interview forms we use.
- **Facility Walk-Through & Review of Findings:** After meeting with the EEO Officer and conducting the interviews, the Civil Rights staff will confirm that project site facilities are de-segregated and the poster board is accessible and includes all of the required posters. We will also spend time reviewing the day's findings and discussing next steps. If we identify discrepancies that can be fixed quickly, then we will draft a Voluntary Corrective Action Plan that will be finalized and signed at the Exit Conference.
- **Exit Conference:** The Civil Rights staff will meet with the EEO Officer to discuss our overall findings to date and finalize the Voluntary Corrective Action Plan, if needed. The contractor will have less than two weeks to make the corrections listed in the plan.

## **Compliance Determination and Report**

Once all of the data and documentation, including what is provided through the Onsite Verification and Voluntary Corrective Action Plan, is analyzed, Civil Rights staff will determine the contractor's compliance status:

- In Compliance:

A contractor will be considered in compliance when the EO requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving compliance. Efforts to achieve equal opportunity shall be results-oriented, initiated and maintained in good faith, and emphasized as any other vital management function. It will be reflected by positive efforts made in the following areas:

- The contractor's EEO policy;
- Dissemination of the policy and education of supervisory employees concerning their responsibilities in implementing the EEO policy;
- The authority and responsibilities of the EEO Officer;
- The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;
- The extent of participation and minority and female utilization in FHWA training programs;
- The contractor's review of personnel actions to ensure equal opportunities;
- The contractor's participation in apprenticeship or other training;
- The contractor's relationship (if any) with unions and minority and female union membership;
- Effective measures to assure non-segregated facilities as required by contract provisions;
- The contractor's procedures for monitoring subcontractors and utilization of minority and female subcontractors and/or subcontractors with substantial minority and female employment; and
- The adequacy of the contractor's records and reports.

- In Noncompliance:

A contractor will be considered in noncompliance when:

- The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment, or
- The contractor fails to provide evidence of every good faith effort to provide equal opportunity.

Once the compliance status is determined, the Civil Rights staff will complete the Contractor Compliance Report (see pages 25-29) and send it to the contractor within 15-days of the onsite verification. If the contractor is found in compliance, then they have completed the compliance review process. If the contractor is found in noncompliance, then the report will be sent with a Show Cause Notice (see pages 31-32).

### **Show Cause and Corrective Action Commitment**

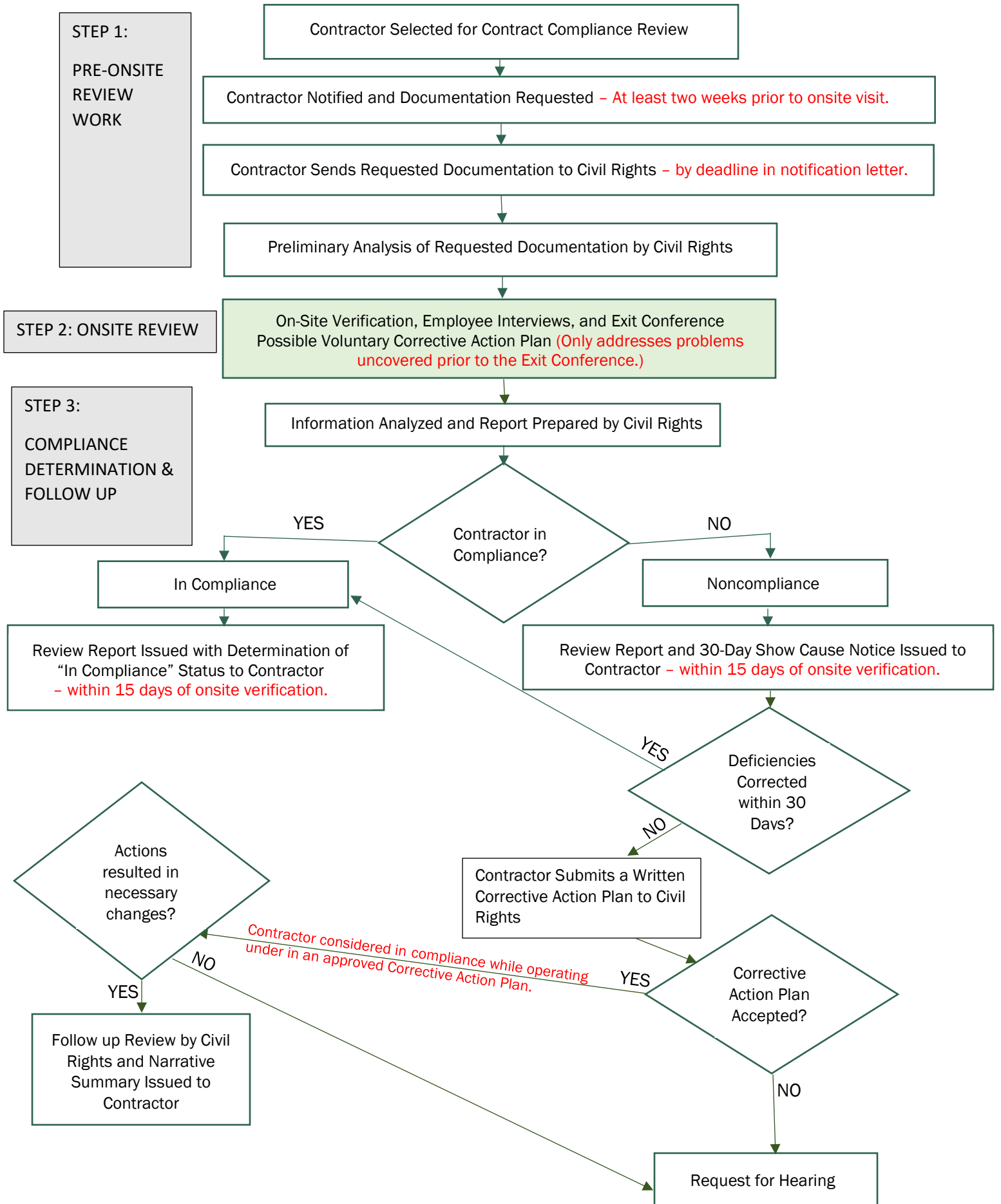
The Show Cause Notice will provide the basis for our determination of noncompliance and instructions for what the contractor needs to do in order to show that they are committed to taking the necessary steps to be in compliance. The contractor must draft a Corrective Action Plan (CAP) and attend a Corrective Action Conference within 15-days of receiving the notice. The contractor's written CAP must include:

- The specific action(s) they propose to take to correct each deficiency;
- The name of the person responsible for each action;

- The type of documentation they will provide as evidence of completion of each action;
- The date each action will be completed (the time period allotted shall be no longer than the minimum period necessary to make the necessary correction); and
- The commitment to submit monthly progress reports to the Office of Civil Rights, including a current list of female and minority employees working on Federal-aid projects.

The final draft of the CAP and a commitment statement from a company official must be submitted within 30-days from receiving the notice. Civil Rights staff will review the CAP, provide feedback and negotiate changes, if needed. After the CAP is accepted by the VTrans Office of Civil Rights, the Show Cause Notice is rescinded (see page 33) and the contractor will be considered to be in compliance. Should the contractor fail to effectively implement the corrective action plan or submit required documentation, sanctions may be imposed. A follow-up review is conducted on any contractor issued a Show Cause Notice. The follow-up review may be in the form of a telephone conference call or another on-site review.

# EQUAL OPPORTUNITY COMPLIANCE REVIEW PROCESS FLOW CHART





## **NOTIFICATION TEMPLATES**



**State of Vermont**  
**Office of Civil Rights & Labor Compliance**  
 219 North Main Street  
 Barre, VT 05641  
**vtrans.vermont.gov**

*Agency of Transportation*

[fax] 802-476-5506  
 [ttd] 800-253-0191

[Date]

[Company Name]  
 [Company Address]

Dear [Company Official],

The Federal-Aid contract you entered into with VTrans contains certain civil rights provisions (FHWA 1273). These provisions require the contractor to implement a program of Equal Employment Opportunity (EEO). Federal regulations (23 CFR 230 Subpart D) further require VTrans to monitor contractor compliance to ensure that these obligations are being met. Enclosed is a flow chart outlining the contractor compliance process for your reference.

The VTrans Office of Civil Rights & Labor Compliance will be conducting a project specific compliance review of the [project name and number] project located in [Town], Vermont on **[Date of on-site review] starting at [time]**. We will conduct this review on the basis of federal and state law referenced in the contract specifications for Equal Employment Opportunity.

When we visit the project, we will verify what we learned from the preliminary analysis and discuss initial findings. We will also be discussing your efforts to fill OJT positions, if applicable, and to incorporate disadvantaged businesses (DBEs) on the project. Please do the following to prepare for the visit:

- Arrange for your company's EEO Officer and the project's superintendent to attend the on-site verification meeting(s)
- Make sure there is a meeting space available at the project site (a field office trailer will be sufficient). We will use it for an initial meeting at the beginning of the site visit and the exit conference at the end of the visit. We may also need space to review additional documentation if necessary.
- Arrange for a tour of the project site
- Make sure there is adequate time and privacy for employee interviews. We will talk with employees in all classifications, including supervisors.

Enclosed is a checklist of the required documents we need for the preliminary analysis. In order to complete this analysis before the site visit, we need the required documents by close of business on **[date]**. Please send the documentation to me at the address listed above.

The *Equal Opportunity Toolkit for Contractors* resource can be found on our website at [vtrans.vermont.gov/civil-rights/doing-business/contractors-center/compliance](http://vtrans.vermont.gov/civil-rights/doing-business/contractors-center/compliance). You may find it useful as you are preparing for this review.

Please feel free to contact me if you have any questions.

Sincerely,

[Lead CR staff]  
 [Title]  
 [phone number]  
 [email address]

cc: [company EEO Officer]  
 [VTrans Resident Engineer]



## CONTRACTOR COMPLIANCE REQUIRED DOCUMENTS FOR PRELIMINARY ANALYSIS

Before we come out to the project for a site visit, we will spend time reviewing documents related to the EEO requirements found in Section II of the Required Contract Provisions (FHWA-1273). The following documents must be sent to our office two weeks prior to the site visit date. Please label the documents with the numbers listed below. If a document meets more than one requirement (I.e. employee manual), submit it once and make a note that refers us to that document in subsequent section(s). **PLEASE NOTE: If you can't provide the documentation for which we are asking, please submit a written statement explaining your process or why you don't have the documentation.** We encourage you to refer to the *Equal Opportunity Toolkit for Contractors* found on our website for additional guidance: <https://vtrans.vermont.gov/civil-rights/doing-business/contractors-center/compliance>

### Equal Employment Opportunity – Toolkit, part 1

- 1.1 The company's EEO policy, sexual harassment policy, complaint procedures and affirmative action plan;
- 1.2 A blank job application;

### EEO Officer – Toolkit, part 2

- 2.1 EEO Officer job description or description of duties/activities;

### Dissemination of Policy – Toolkit, part 3

- 3.1 Documentation related to EEO policy dissemination, including a copy of your employee handbook (if you have one);
- 3.2 Documentation related to the education of supervisory employees concerning their responsibilities in implementing the EEO policy;
- 3.3 Documentation of EEO orientation with new employees;
- 3.4 Documentation of EEO education of returning/current non-supervisory employees;

### Recruitment – Toolkit, part 4

- 4.1 A list of recruitment sources available and utilized;
- 4.2 Copies of recruitment ads;
- 4.3 Minority and female recruitment and referral procedures;

### Personnel Actions – Toolkit, part 5

- 5.1 A list of promotions made in the last six months that includes race, and sex of the employees, previous job held, job promoted into, and corresponding wage rates;
- 5.2 An annotated payroll to show job classification, race, and sex for the following weeks: a) first week of the project, b) the week of peak employment (to date) and, c) the most current payroll;
- 5.3 Documentation of internal review of personnel actions to ensure equal opportunities;

### Training and Promotion – Toolkit, part 6

- 6.1 Description of workforce training/apprenticeship offered to employees;
- 6.2 Documentation of ads or other communications mentioning training opportunities;

### Unions – Toolkit, part 7

- 7.1 Copies of current bargaining agreements (if applicable);

### Reasonable Accommodation for Applicants/Employees with Disabilities – Toolkit, part 8

- 8.1 Copy of reasonable accommodation procedures or a description of how you work with applicants/employees when they request an accommodation;

### Assurance Required by 49 CFR 26.13(b) – Toolkit, part 10

- 10.1 A list of Disadvantaged Businesses (DBEs) contacted as possible subcontractors, vendors, material suppliers, etc. and documented evidence of such correspondence;

### Miscellaneous

- A. Copies one purchase order and one fully executed subcontract for the project being reviewed; and
- B. A statement of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC) or Office of the Vermont Attorney General (if applicable).

**PRELIMINARY ANALYSIS TEMPLATES**

**CONTRACTOR COMPLIANCE REVIEW  
DOCUMENTATION REVIEW FOR PRELIMINARY ANALYSIS**

Project Name/Number: \_\_\_\_\_ Date of Preliminary Review: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_ Date of Onsite Review: \_\_\_\_\_

CR Reviewers: \_\_\_\_\_

<b>EQUAL EMPLOYMENT OPPORTUNITY – TOOLKIT PART 1</b>			
<input type="checkbox"/> EEO POLICY	<input type="checkbox"/> AFFIRMATIVE ACTION PLAN	<b>YES</b>	<b>NO</b>
<input type="checkbox"/> SEXUAL HARASSMENT POLICY	<input type="checkbox"/> BLANK JOB APPLICATION		
<input type="checkbox"/> COMPLAINT PROCEDURE			
Does the company EEO Policy include the language used in Required Contract Provisions (FHWA-1273)?			
Is there additional language we would recommend?			
Does the company EEO Policy include the name and contact information of the EEO Officer? <i>(Recommended)</i>			
Is the EEO Policy signed and dated? <i>(Recommended)</i>			
Does the company have a Sexual Harassment Policy?			
Does the company have an Affirmative Action Plan?			
Does the company have a Complaint Procedure and or Complaint Form?			
Is the company job application non-discriminatory, avoiding illegal questions or wording?			
Does the company job application include the EEO clause? <i>(Recommended)</i>			

<b>EEO OFFICER – TOOLKIT PART 2</b>			
<input type="checkbox"/> EEO OFFICER JOB DESCRIPTION OR DESCRIPTION OF DUTIES/ACTIVITIES		<b>YES</b>	<b>NO</b>
Does the company have an appointed EEO Officer with adequate authority to implement the company EEO Policy?			
Is the EEO Officer job description sufficient?			
Do we have any recommendations for additional language?			

<b>DISSEMINATION OF POLICY – TOOLKIT PART 3</b>		
<p>_____ DOCUMENTATION RELATED TO EEO POLICY DISSEMINATION, INCLUDING A COPY OF THE EMPLOYEE HANDBOOK (IF THE COMPANY HAS ONE)</p> <p>_____ DOCUMENTATION RELATED TO THE EDUCATION OF SUPERVISORY EMPLOYEES CONCERNING THEIR RESPONSIBILITIES IN IMPLEMENTING THE EEO POLICY</p> <p>_____ DOCUMENTATION OF EEO ORIENTATION WITH NEW EMPLOYEES</p> <p>_____ DOCUMENTATION OF EEO EDUCATION OF RETURNING/CURRENT NON-SUPERVISORY EMPLOYEES</p>	YES	NO
Does the company's Employee Handbook, if provided, contain the EEO Policy/Program, Sexual Harassment Policy, and Complaint Policy and procedures?		
Has the EEO Policy/Program been discussed with supervisors within the last six months? Does the submitted documentation confirm this?		
Is the company's EEO Policy reviewed with all employees on an annual basis?		
Is the company's EEO policy included as part of new employee orientation?		

<b>RECRUITMENT – TOOLKIT PART 4</b>		
<p>_____ A LIST OF RECRUITMENT SOURCES AVAILABLE AND UTILIZED</p> <p>_____ COPIES OF RECRUITMENT ADS</p> <p>_____ MINORITY AND FEMALE RECRUITMENT AND REFERRAL PROCEDURES</p>	YES	NO
Does the contractor maintain a list of recruitment sources utilized?		
Are recruitment sources likely to yield qualified minority group applicants?		
Is the notation: "Equal Opportunity Employer" included in all advertisements for employment?		
Is it evident that the company reviews employee demographic data as part of their process for recruiting new employees?		
Does documentation show systematic and direct recruitment through referral sources?		
Is there reasonable representation and utilization of minorities and women in each classification?		
Has the company made good faith efforts to hire women and minority males?		
Are present employees encouraged to refer minority group applicants for employment?		
Are personnel who are recruiting for the project informed of the contractor's procedures for locating and hiring minority group employees?		

<b>PERSONNEL ACTIONS - TOOLKIT PART 5</b>		
<p>_____ A LIST OF PROMOTIONS MADE IN THE LAST SIX MONTHS THAT INCLUDES RACE, NATIONAL ORIGIN, AND SEX OF THE EMPLOYEES, PREVIOUS JOB HELD, JOB PROMOTED INTO, AND CORRESPONDING WAGE RATES</p> <p>_____ AN ANNOTATED PAYROLL TO SHOW JOB CLASSIFICATION, RACE, NATIONAL ORIGIN AND SEX FOR THE FOLLOWING WEEKS: A) FIRST WEEK OF THE PROJECT, B) THE WEEK OF PEAK EMPLOYMENT (TO DATE) AND C) THE MOST CURRENT PAYROLL</p> <p>_____ DOCUMENTATION OF INTERNAL REVIEW OF PERSONNEL ACTIONS TO ENSURE EQUAL OPPORTUNITIES</p>	YES	No
Does a comparison and analysis of information and documents verify accuracy of and non-discrimination in wages?		
Is the contractor promoting employees in an equitable manner?		
Are personnel actions periodically reviewed in depth for evidence of discrimination?		
Is there any evidence of discriminatory treatment in employment data (past or present legal claims, promotions, discharges, pay rate, etc.)?		

<b>TRAINING AND PROMOTION – TOOLKIT PART 6</b>		
<p>_____ DESCRIPTION OF WORKFORCE TRAINING/APPRENTICESHIP OFFERED TO EMPLOYEES</p> <p>_____ DOCUMENTATION OF ADS OR OTHER COMMUNICATIONS MENTIONING TRAINING OPPORTUNITIES</p>	YES	No
Are training/apprenticeship opportunities offered equitably to all employees?		
Does the contractor advise employees and applicants for employment of available training programs and entrance requirements for each?		
Are reviews conducted at least annually of the training and promotion potential of minority group and women employees?		
Are eligible women and minority employees encouraged to apply for training and promotion?		
Does the contractor make full use of training (OJT) programs?		

<b>UNIONS – TOOLKIT PART 7</b>		
<b>_____ COPIES OF CURRENT BARGAINING AGREEMENTS (IF APPLICABLE)</b>	<b>YES</b>	<b>No</b>
Does the contractor develop, in cooperation with the unions, training programs aimed toward qualifying minority group members and women for membership in the unions?		
Is an EEO clause incorporated into each union agreement?		
Is there progress and are efforts being made in cooperation with unions, when applicable, to increase employment opportunities for women and minorities?		
Has the contractor obtained or attempted to obtain information as to the referral practices and policies of the labor union?		

<b>REASONABLE ACCOMMODATION – TOOLKIT PART 8</b>		
<b>_____ COPY OF REASONABLE ACCOMMODATION PROCEDURES OR A DESCRIPTION OF HOW THE COMPANY WORKS WITH APPLICANTS/EMPLOYEES WHEN THEY REQUEST AN ACCOMMODATION</b>	<b>YES</b>	<b>No</b>
Does the contractor have a sufficient Reasonable Accommodation procedure or description of such that is adequately communicated to employees?		





<b>MISCELLANEOUS</b>		
	<b>YES</b>	<b>NO</b>
<p>_____ COPIES OF PURCHASE ORDERS AND SUBCONTRACTS CONTAINING THE EEO CLAUSE FOR THE PROJECT BEING REVIEWED</p> <p>_____ A STATEMENT OF ANY ACTION PERTAINING TO EMPLOYMENT PRACTICES TAKEN BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) OR OFFICE OF THE VERMONT ATTORNEY GENERAL (IF APPLICABLE)</p>		
Are procedures established to ensure subcontractors' compliance with EEO obligations?		
Are all potential subcontractors and suppliers notified of their EEO obligations?		
Do purchase orders and other public correspondence for this project include the "Equal Opportunity Employer" clause?		
Has there been any action pertaining to employment practices taken by the EEOC or the Office of the Vermont Attorney General?		

**ADDITIONAL COMMENTS:**

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**ON-SITE VERIFICATION TEMPLATES**

**CONTRACTOR COMPLIANCE  
ON-SITE REVIEW**



<b>DATE:</b>	
<b>PROJECT NAME &amp; NUMBER:</b>	
<b>RESIDENT ENGINEER:</b>	
<b>COMPLIANCE SPECIALIST(S):</b>	
<b>PRIME CONTRACTOR:</b>	
<b>COMPANY EEO OFFICER:</b>	
<b>OTHERS PRESENT FOR THE REVIEW</b>	
<b>COMPANY/TITLE</b>	<b>NAME</b>

**ENTRANCE INTERVIEW**

Begin the entrance interview with introductions and an explanation for why we are conducting this review and an overview of what they can expect.

**PRELIMINARY ANALYSIS FOLLOW-UP QUESTIONS**

Provide a summary of the preliminary analysis review and ask follow-up questions.

1.	Response:
2.	Response:
3.	Response:
4.	Response:
5.	Response:
6.	Response:
7.	Response:
8.	Response:
9.	Response:
10.	Response:

## **COMPLIANCE REVIEW QUESTIONS NOT COVERED IN PRELIMINARY ANALYSIS**

Ask the following questions at the end of the entrance interview.

1. How do you determine who works on what job site? How do you ensure equal opportunity in this process?	Response:
2. How are base rates determined for new employees? Who approves these decisions?	Response:
3. Who is responsible for making the decisions regarding which employees receive internal training to further their career advancement? How is it documented? Where is it kept?	Response:
4. Who is responsible for making promotional decisions?	Response:
5. Does the EEO Officer have a role in the termination process? If so, please explain.	Response:
6. Does the EEO Officer have the authority to make EEO-related decisions, evaluate/propose changes to official company policies, and provide training on EEO requirements? Please explain.	Response:
7. What background or training does the EEO Officer have in investigation complaints of discrimination?	Response:
8. Are there regularly scheduled meetings to discuss project problems and where employees can ask questions regarding EEO and other company policies?	Response:
9. If there are training hours on the project – how did you do outreach and recruitment for the OJT position?	Response:
10. Is there anything else you want to tell us about how your company is meeting its equal opportunity responsibilities?	Response:
11. Do you have any questions for us?	Response:

## CHECKLIST FOR SITE INSPECTION & INTERVIEWS

Make sure the following is complete.

- ARE ALL REQUIRED EEO AND LABOR POSTERS DISPLAYED IN A CONSPICUOUS PLACE IN LEGIBLE FASHION?  
 YES       NO

COMMENTS:

- ARE FACILITIES PROVIDED ON A NON-SEGREGATED BASIS?  
 YES       NO

COMMENTS:

- DID YOU INTERVIEW AT LEAST ONE MINORITY, ONE NON-MINORITY, AND ONE WOMAN IN EACH CLASSIFICATION?  
 YES       NO

COMMENTS:

- ARE THE CONTRACTOR'S EMPLOYEES MEMBERS OF A UNION(S)?  
 YES       NO

IF YES, WHICH UNION(S)?:

- DID YOU INTERVIEW THE PROJECT SUPERINTENDENT?  
 YES       NO

COMMENTS:

Once the on-site inspection is complete, the compliance specialist(s) should prepare for the exit interview by drafting a Voluntary Corrective Action plan that will be discussed and signed at the exit conference

### EXIT CONFERENCE CHECKLIST

- GO OVER SOME OF THE EO REQUIREMENTS WHERE THE CONTRACTOR IS MEETING OR SUCCEEDING COMPLIANCE.
- IF NOT ALREADY DONE SO, DISCUSS FINDINGS FROM 1391 AND WAGE ANALYSIS.
- REVIEW, FINALIZE AND SIGN THE VOLUNTARY CORRECTIVE ACTION PLAN.
- DISCUSS NEXT STEPS AND ANSWER REMAINING QUESTIONS.

**CONTRACTOR COMPLIANCE  
ON-SITE REVIEW  
SUPERINTENDENT INTERVIEW FORM**



PROJECT NAME AND NUMBER:			
PRIME CONTRACTOR:			
INTERVIEWER(S):			
CONTRACTOR EEO OFFICER:			
SUPERINTENDENT NAME:		SUPERVISOR:	

HOW LONG HAVE YOU BEEN EMPLOYED BY THIS CONTRACTOR?

IF NEW, HOW DID YOU HEAR ABOUT THIS JOB?

IF NOT NEW, WHEN DID YOU COME BACK FROM LAYOFF THIS YEAR?	HOW LONG WAS YOUR LAYOFF?
---	---------------------------

WERE YOU WORKING FOR YOUR EMPLOYER IN A DIFFERENT CAPACITY BEFORE YOU BECAME SUPERINTENDENT?:

DO YOU HAVE THE AUTHORITY TO HIRE AND FIRE PEOPLE?  YES  NO. IF SO, EXPLAIN HOW YOU MAKE THOSE DECISIONS.

ARE YOU A MEMBER OF A UNION?  YES  NO. IF YES, WHICH ONE?

ARE YOU AWARE OF YOUR EMPLOYER'S EEO & SEXUAL HARASSMENT & DISCRIMINATION POLICIES?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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WHEN WAS THE LAST TIME YOUR EMPLOYER REVIEWED THESE POLICIES WITH YOU? HAS IT BEEN DISCUSSED ON SITE?	DATE:	
	<input type="checkbox"/> YES	<input type="checkbox"/> NO

DO YOU KNOW WHO YOUR EMPLOYER'S EEO OFFICER IS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
---	------------------------------	-----------------------------

HAVE YOU EVER SEEN HER/HIM ON THE JOB SITE?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
---	------------------------------	-----------------------------

HAS YOUR EMPLOYER EVER ENCOURAGED YOU TO RECRUIT MINORITIES AND WOMEN TO FILL JOB OPENINGS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
---	------------------------------	-----------------------------

HAS YOUR EMPLOYER OFFERED YOU TRAINING PROGRAMS TO UPGRADE YOUR SKILLS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
---	------------------------------	-----------------------------

DO THEY OFFER REGULAR SUPERVISOR TRAINING?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
IF YES, ARE EEO ISSUES DISCUSSED?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

HAS AN EMPLOYEE EVER COME TO YOU WITH A COMPLAINT OF DISCRIMINATION OR HARASSMENT?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
IF YES, WAS ANY ACTION TAKEN?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

ARE YOU AWARE OF YOUR RIGHT TO FILE A COMPLAINT OF DISCRIMINATION?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
--	------------------------------	-----------------------------

DO YOU KNOW HOW/WHERE TO DO THIS IF YOU NEED TO?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
--	------------------------------	-----------------------------

WHAT IS YOUR CURRENT HOURLY WAGE RATE/OR SALARY? \$	HAVE YOU EVER RECEIVED A PAY INCREASE? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, HOW OFTEN AND HOW MUCH?
---	--

DO YOU RECEIVE FRINGE BENEFITS?  
 NONE  PAID HOLIDAYS  MEDICAL INSURANCE  DENTAL  RETIREMENT/401K  PAID VACATIONS/SICK LEAVE  
 OTHER:

COMMENTS/QUESTIONS/CONCERNS (USE BACK OF FORM IF NEEDED):

**CONTRACTOR COMPLIANCE  
ON-SITE REVIEW  
EMPLOYEE INTERVIEW FORM**



PROJECT NAME AND NUMBER:			
PRIME CONTRACTOR:			
SUBCONTRACTOR:			
INTERVIEWER(S):		SUPERINTENDENT/ SUPERVISOR:	
CONTRACTOR EEO OFFICER:			
EMPLOYEE NAME:		CLASSIFICATION(S):	

HOW LONG HAVE YOU BEEN EMPLOYED BY THIS CONTRACTOR?		
IF NEW, HOW DID YOU HEAR ABOUT THIS JOB?		
IF NOT NEW, WHEN DID YOU COME BACK FROM LAYOFF THIS YEAR?	HOW LONG WAS YOUR LAYOFF?	
HOW LONG HAVE YOU BEEN AT THIS PROJECT?	WHO MAKES DECISIONS ABOUT WHERE PEOPLE WORK?	
ARE YOU A MEMBER OF A UNION? <input type="checkbox"/> YES <input type="checkbox"/> NO. IF YES, WHICH ONE?		
DO YOU KNOW WHERE THE POSTER BOARD IS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
ARE YOU AWARE OF YOUR EMPLOYER'S EEO & SEXUAL HARASSMENT & DISCRIMINATION POLICIES?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WHEN WAS THE LAST TIME YOUR EMPLOYER REVIEWED THESE POLICIES WITH YOU?	DATE:	
HAS IT BEEN DISCUSSED ON SITE?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
DO YOU KNOW WHO YOUR EMPLOYER'S EEO OFFICER IS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HAVE YOU EVER SEEN HER/HIM ON THE JOB SITE?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HAS YOUR EMPLOYER EVER ENCOURAGED YOU TO RECRUIT MINORITIES AND WOMEN TO FILL JOB OPENINGS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HAS YOUR EMPLOYER OFFERED YOU TRAINING PROGRAMS TO UPGRADE YOUR SKILLS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HAS YOUR EMPLOYER EVER OFFERED YOU A PROMOTION OR ADVANCEMENT OF SOME KIND?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HAVE YOU EVER WITNESSED OR EXPERIENCED DISCRIMINATION OR HARASSMENT WHILE WORKING FOR THIS EMPLOYER?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
IF YES, WAS ANY ACTION TAKEN?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
ARE YOU AWARE OF YOUR RIGHT TO FILE A COMPLAINT OF DISCRIMINATION?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
DO YOU KNOW HOW/WHERE TO DO THIS IF YOU NEED TO?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WHAT IS YOUR CURRENT HOURLY WAGE RATE? \$	HAVE YOU EVER RECEIVED A PAY INCREASE? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, HOW OFTEN AND HOW MUCH?	
DO YOU RECEIVE FRINGE BENEFITS? <input type="checkbox"/> NONE <input type="checkbox"/> PAID HOLIDAYS <input type="checkbox"/> MEDICAL INSURANCE <input type="checkbox"/> DENTAL <input type="checkbox"/> RETIREMENT/401K <input type="checkbox"/> PAID VACATIONS/SICK LEAVE <input type="checkbox"/> OTHER:		
COMMENTS/QUESTIONS/CONCERNS (USE BACK OF FORM IF NEEDED):		



## FINAL REPORT TEMPLATE

VERMONT AGENCY OF TRANSPORTATION  
 OFFICE OF CIVIL RIGHTS AND LABOR COMPLIANCE  
 CONTRACTOR COMPLIANCE REPORT



<b>STATE:</b>	Vermont	
<b>TYPE OF REVIEW:</b>	Project-Specific	
<b>DATES OF REVIEW:</b>	<b>Notification:</b>	
	<b>Preliminary Analysis:</b>	
	<b>On-Site Review:</b>	
	<b>Report:</b>	
<b>PROJECT NAME &amp; NUMBER:</b>		
<b>CONTRACT AWARD DATE:</b>		
<b>ESTIMATED PROJECT COMPLETION DATE:</b>		
<b>PRIME CONTRACTOR:</b>		
<b>ADDRESS:</b>		
<b>EEO OFFICER:</b>		
<b>DBE/SUBCONTRACTOR CONTACT:</b>		
<b>PROJECT SUPERINTENDENT:</b>		
<b>UNION AFFILIATION:</b>	<input type="checkbox"/> Union - Name of Union(s): <input type="checkbox"/> Non-Union	

<b>COMPLIANCE DETERMINATION:</b>	<input type="checkbox"/> COMPLIANT	<input type="checkbox"/> NOT COMPLIANT
----------------------------------	------------------------------------	--

	<u>Name and Title</u>	<u>Contact information</u>
<b>VTRANS COMPLIANCE SPECIALIST(S):</b>		

## COMPLIANCE REVIEW SUMMARY

The following areas were reviewed for evidence that the contractor is taking good faith, affirmative action to comply with the Equal Opportunity requirements found in the required contract provisions (FHWA-1273).

1. EEO POLICY:  GOOD FAITH EFFORTS  NOT COMPLIANT

- Findings:  
➤
- Recommendations for corrective action:  
➤
- Recommendations for further EO program improvements:  
➤

2. EEO OFFICER:  GOOD FAITH EFFORTS  NOT COMPLIANT

- Findings:  
➤
- Recommendations for corrective action:  
➤
- Recommendations for further EO program improvements:  
➤

3. DISSEMINATION OF POLICY:  GOOD FAITH EFFORTS  NOT COMPLIANT

- Findings:  
➤
- Recommendations for corrective action:  
➤
- Recommendations for further EO program improvements:  
➤

4. RECRUITMENT:  GOOD FAITH EFFORTS  NOT COMPLIANT

- Findings:  
➤
- Recommendations for corrective action:  
➤
- Recommendations for further EO program improvements:  
➤

5. PERSONNEL ACTIONS:  GOOD FAITH EFFORTS  NOT COMPLIANT

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



6. TRAINING AND PROMOTIONS:       GOOD FAITH EFFORTS       NOT COMPLIANT

- Findings:



- Are the OJT contract obligations (634.10) being met?  Yes  No  Not Applicable

Comments:

- Recommendations for corrective action:



- Recommendations for further EO program improvements:



7. UNIONS:       GOOD FAITH EFFORTS       NOT COMPLIANT       NOT APPLICABLE

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



8. REASONABLE ACCOMMODATION:       GOOD FAITH EFFORTS       NOT COMPLIANT

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



9. SUBCONTRACTORS/DBE:       GOOD FAITH EFFORTS       NOT COMPLIANT

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



10. REPORTS/RECORDS:

GOOD FAITH EFFORTS

NOT COMPLIANT

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



11. NON-SEGREGATED FACILITIES:

GOOD FAITH EFFORTS

NOT COMPLIANT

- Findings:



- Recommendations for corrective action:



- Recommendations for further EO program improvements:



EMPLOYMENT DATA ANALYSIS SUMMARY:

VOLUNTARY CORRECTIVE ACTION PLAN (VCAP):

- Was a VCAP negotiated at the exit conference?  Yes  No
- If yes, did the contractor fulfill their agreement?  Yes  No
- Comments:

**[INCLUDE IF IN COMPLIANCE] CONCLUSION**

We encourage you to strive for continuous improvement in your EO/AA program. Our office is available and happy to assist you in these endeavors. We recommend that you refer to our *Equal Opportunity Toolkit for Contractors* from time to time, as we will update it on an annual basis. You can find the toolkit on our website here:

<https://vtrans.vermont.gov/sites/aot/files/civilrights/documents/ContractorCompliance/EOToolkit22019.pdf>. We also encourage you to refer to the resources that the EEOC offers to employers. You can find those on their website here: <https://www.eeoc.gov/employers/smallbusiness/index.cfm>.

**[INCLUDE IF OUT OF COMPLIANCE] CORRECTIVE ACTION**

It has been determined that your company is not in compliance with the Equal Opportunity requirements found in the FWA-1273 because of the deficiencies noted in the previous sections of this report. [23 CFR 230.409](#) requires

that you make a commitment in writing to correct deficiencies before you may be found in compliance. The commitment must include the specific action you propose to take to correct each deficiency and indicate the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to make the correction. Please see the Show Cause Notification letter accompanying this report for more information about this and other requirements.

Our office is available and willing to assist your company in meeting its federal-aid Equal Employment Opportunity and Affirmative Action contractual obligations. We strongly recommend that you refer to our *Equal Opportunity Toolkit for Contractors* as you develop your corrective action plan. You can find the toolkit here: <https://vtrans.vermont.gov/sites/aot/files/civilrights/documents/ContractorCompliance/EOToolkit22019.pdf>.

Please feel free to contact us should you need additional, resources, information or assistance.

_____ Lori Valburn, Civil Rights Chief	_____ [Lead CR Staff], [Title]
_____ Date	_____ Date

- cc: Tina Hooper, FHWA Civil Rights Program Specialist and Regional Team Leader
- Wayne Gammell, Director, VTrans Finance and Administration
- Wayne Symonds, Chief Engineer, VTrans Highway Division
- Ann Gammell, Deputy Chief Engineer, VTrans Highway Division

## **SHOW CAUSE TEMPLATES**

**State of Vermont**  
**Office of Civil Rights & Labor Compliance**  
219 North Main Street  
Barre, VT 05641  
**vtrans.vermont.gov**

*Agency of Transportation*

[fax] 802-476-5506  
[ttd] 800-253-0191

Certified Mail  
Return Receipt Requested

[Date]

[Company Official Name]  
[Company Name]  
[Address]  
[City, State, Zip Code]

Dear [Company Official]:

As a result of the contract compliance review of your [Project Name/Number] project located in [Project Location] conducted on [Date] by the VTrans Office of Civil Rights & Labor Compliance, it is our determination that your company is not in compliance with your equal opportunity requirements and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

- 1.
- 2.
- 3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semi-skilled and skilled categories of employees.

The U.S. Department of Transportation regulations 23 CFR 230, Subparts A and D are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form PR-1273, and Clause 11). 23 CFR 230.409 requires that you make a commitment **in writing** to correct such deficiencies before you may be found in compliance. The commitment must include: A) the specific action(s) you propose to take to correct each deficiency, B) the name of the person responsible for each action, C) the type of documentation you will provide as evidence of completion of each action and D) the date each action will be completed. The time period allotted shall be no longer than the minimum period necessary to make the necessary correction. Please see the recommended corrective actions listed under each deficiency in the attached report for guidance.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at [Address] at [Time] on [Date] for you to submit and discuss your written commitment. Please contact [lead CR staff name] at [email address] as soon as possible if this day/time does not work for you. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration and may be disapproved if your written commitment is not considered sufficient to achieve compliance.





**State of Vermont**  
**Office of Civil Rights & Labor Compliance**  
219 North Main Street  
Barre, VT 05641  
**vtrans.vermont.gov**

*Agency of Transportation*

[fax] 802-476-5506  
[ttd] 800-253-0191

Certified Mail  
Return Receipt Requested

[Date]

[Company Official Name]  
[Company Name]  
[Address]  
[City, State, Zip Code]

Dear [Company Official]:

On [Notice Date], you received a 30-day show cause notice from this office for failing to implement the required contract requirements pertaining to equal employment opportunity.

Your corrective action plan, submitted on [Submission Date], has been reviewed and determined to be acceptable. Your implementation of your corrective action plan shows that you are now taking the required affirmative action and can be considered in compliance with Executive Order 11246, as amended. If it should later be determined that your corrective action plan is not sufficient to achieve compliance, this Rescission shall not preclude a subsequent finding of noncompliance.

In view of the above, this letter is to inform you that the 30-day show cause notice of [Notice Date], is hereby rescinded. You are further advised that if it is found that you have failed to comply with the provisions of your corrective action plan, formal sanction proceedings will be instituted immediately.

Civil Rights staff is available for technical assistance should you need it at any point as you execute your corrective action plan. They may be reached as follows: [lead CR staff name] at [email address and phone number] and [2<sup>nd</sup> CR staff name] at [email address and phone number]

Please do not hesitate to contact me if you have any questions.

Sincerely,

Lori Valburn  
Chief, Civil Rights and Labor Compliance

cc: Tina Hooper, FHWA Civil Rights Program Specialist and Regional Team Leader  
Wayne Gammell, Director, VTrans Finance and Administration Division  
Wayne Symonds, Chief Engineer, VTrans Highway Division  
Ann Gammell, Deputy Chief Engineer, VTrans Highway Division

## LEGAL REFERENCES

- 23 U.S.C. 140, 324: Nondiscrimination - <https://www.law.cornell.edu/uscode/text/23/140>
- 23 U.S.C. 324: Prohibition of discrimination on the basis of sex - <https://www.law.cornell.edu/uscode/text/23/324>
- 23 CFR 1.9: Limitation on Federal participation - [https://ecfr.io/Title-23/se23.1.1\\_19](https://ecfr.io/Title-23/se23.1.1_19)
- 23 CFR 200: Title VI and related statutes - <https://ecfr.io/Title-23/pt23.1.200>
- 23 CFR 230: External programs (see Part D for the Construction Contract Equal Opportunity Compliance Procedures) - <https://ecfr.io/Title-23/pt23.1.230>
- 23 CFR 635.117(d) and (e): Labor and employment - [https://ecfr.io/Title-23/se23.1.635\\_1117](https://ecfr.io/Title-23/se23.1.635_1117)
- FHWA Form 1273: Required contract provisions - <https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>
- FHWA Orders 4710.8: Clarification of FHWA and State responsibilities under EO 11246 and USDOL Regulations in 41 CFR Chapter 60 - <https://www.fhwa.dot.gov/legsregs/directives/orders/47108.cfm>
- FHWA Notice 4720.7: Indian preference in employment on Federal-aid highway projects on and near Indian reservations - <https://www.fhwa.dot.gov/legsregs/directives/notices/n4720-7.cfm>