

# Technical Assistance Guide

for Federal Construction Contractors





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## INTRODUCTION

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The Form FHWA-1273 includes federal requirements applicable to all contractors and subcontractors (hereinafter referred to as “contractor”) that hold federal or federal-aid contracts of \$10,000 or more. Pursuant to Form FHWA-1273, contractors must not discriminate and must take affirmative action to assure equal opportunity. Form FHWA-1273 must be physically incorporated in each construction contract federally funded under United States Code, Title 23. To ensure compliance with Form FHWA-1273, the Texas Department of Transportation’s (TxDOT) Office of Civil Rights – Contract Compliance Section (OCR-CCS) conducts contract compliance reviews of contractors in accordance with 23 CFR 230 Subpart D. The OCR-CCS also provides contractors technical assistance on federal equal opportunity (EO) requirements and the contractor compliance review process.

Contractors will work with TxDOT and the Federal Highway Administration (FHWA) to ensure that every good faith effort has been made to provide EO with respect to the terms and conditions of employment.

The OCR-CCS has developed this guide as a resource to assist contractors in complying with certain provisions of Form FHWA-1273 and to help prepare for an EO contract compliance review. This guide is a framework upon which contractors may build its EO compliance program. This guide does not establish any new legal requirements beyond those contained in Form FHWA-1273, nor is it a comprehensive listing of all aspects of Form FHWA-1273 and the OCR-CCS’s compliance review process. Rather, the purposes of this guide are to familiarize contractors with the compliance review process, and to highlight some recommendations that OCR-CCS strongly encourages contractors incorporate into their EO compliance program. Following the recommendations in this guide will not ensure compliance with all aspects of Form FHWA-1273, but should both improve a contractor’s ability to comply with certain aspects of Form FHWA-1273, and facilitate the OCR-CCS’s compliance review. Note also that this guide does not cover every situation and compliance determinations are made on a case-by-case basis. For additional information or assistance, contact the OCR-CCS at (512) 416-4750.

The Office of Federal Contract Compliance Programs (OFCCP) administers and enforces equal employment opportunity requirements as referenced in Executive Order 11246 and the implementing regulations at 41 CFR Parts 60-1 through 60-50. This guide does not cover compliance requirements for the OFCCP, nor does it cover TxDOT Special Provisions 000---004 (Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)) and 000---006 (Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)).

## CONTRACT COMPLIANCE REVIEW PROCESS

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A contract compliance review is a systematic, objective, and comprehensive assessment of a contractor's employment practices in order to determine compliance with certain provisions of Form FHWA-1273. As part of the review process, contractors are required to submit all requested information and reports to assist TxDOT in determining compliance.

The contract compliance review process consists of the following major components:

### 1. Selection of Contractors

- a. TxDOT uses the criteria in 23 CFR 230.409(b) in determining which contractors to review. Because construction work forces are not constant, particular attention should be paid to the proper scheduling of equal opportunity compliance reviews. Priority in scheduling compliance reviews shall be given to reviewing those contractors:
  - i. Which hold the greatest potential for employment and promotion of minorities and women (particularly in higher skilled crafts or occupations);
  - ii. Working in areas which have significant minority and female labor forces within a reasonable recruitment area;
  - iii. Working on projects that include special training provisions; and
  - iv. Where compliance with equal opportunity requirements is questionable.
- b. In addition, the following considerations shall apply:
  - i. Reviews specifically requested by the FHWA Headquarters shall receive priority scheduling;
  - ii. Compliance Reviews in geographical areas covered by areawide plans would normally be reviewed under the Consolidated Compliance Review Procedures set forth in §230.415;
  - iii. Reviews shall be conducted prior to or during peak employment periods;
  - iv. No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by FHWA Headquarters; and
  - v. For compliance reviews based on an area work force (outside of areawide plan coverage), the Compliance Specialist shall define the applicable geographical area by considering:
    1. Union geographical boundaries;
    2. The geographical area from which the contractor recruits employees, i.e., reasonable recruitment area;
    3. Standard Metropolitan Statistical Area (SMSA) or census tracts; and
    4. The county in which the Federal or Federal-aid project(s) is located and adjacent counties.

2. Types of Reviews
  - a. TxDOT conducts two types of reviews:
    - i. Project Specific – Generally involves a review of a single major project to determine whether contractors are meeting the employment, training, and subcontracting and other requirements in their contracts. This type of review is usually best for major projects with significant employment, training, and subcontracting potential. Project reviews can include the prime and all subcontractors.
    - ii. Area Wide – A review of a particular contractor’s operations in one geographical area defined by the outer limits of a targeted city, county, or MSA. Its purpose is to obtain and consider information on the contractor’s efforts to ensure nondiscrimination and provide equal opportunity in employment, training, and contracting on all of the contractor’s projects within an area.
3. Notification
  - a. Contractors selected for a review are sent a notification letter via certified mail.
  - b. The notification letter informs the contractor of the purpose and phases of the review. The letter also requests that the contractor submit information and supporting documentation regarding its employment patterns, policies, practices, and programs.
4. Desk Audit
  - a. The compliance specialist will analyze the supporting documentation to make a preliminary determination of whether the contractor has met certain provisions of Form FHWA-1273.
  - b. The compliance specialist may request additional information or clarification of the contractor’s activities and documents.
5. On-Site Review
  - a. After the desk audit is completed, the compliance specialist will contact the EEO officer to schedule the on-site review.
  - b. The compliance specialist will send a letter notifying the contractor of the date, time, and scope of the on-site review.
  - c. The scope of the on-site review includes the following:
    - i. *Entrance conference* with the EEO Officer and representatives to explain the purpose of the on-site;
    - ii. *Review of records and EEO documents;*
    - iii. *Employee interviews;*
    - iv. *Physical tour of the project site;*
    - v. *Subcontractor reviews;* and
    - vi. *Exit conference* with the EEO Officer and representatives to discuss preliminary findings from the desk audit review and site visit.
      1. When minor deficiencies are found and not corrected immediately, a Voluntary Corrective Action Plan (VCAP) can be negotiated to correct these deficiencies.
      2. The process and time in which the contractor shall be informed of the final determination.

6. Compliance Determination
  - a. Within 15 days following the completion of the on-site review, the contractor will be notified in writing of the compliance determination.
  - b. If a contractor is found in non-compliance, efforts to bring the contractor in compliance must be initiated through a VCAP or the issuance of a show cause notice.
  
7. Corrective Action
  - a. Voluntary Corrective Action Plan
    - i. A VCAP is only appropriate to address minor deficiencies.
    - ii. A contractor can develop and submit an acceptable VCAP.
    - iii. The contractor can sign a VCAP at the exit conference. The VCAP must include:
      1. Specific actions the contractor will take;
      2. Deadline for correcting each deficiency; and
      3. The submission of an implementation report to TxDOT along with supporting documentation.
    - iv. When the contractor has corrected these deficiencies, TxDOT will issue a closure letter.
  - b. Show Cause Notice
    - i. A show cause notice is issued when major deficiencies exist.
    - ii. The contractor will be issued a show cause notice directing it to correct the major deficiencies. The show cause notice:
      1. Outlines each deficiency along with specific required actions to correct each deficiency.
      2. Directs the contractor to correct the deficiencies or to show cause within 30 days from receipt of the notice why enforcement proceedings should not be instituted.
      3. Inform the contractor that if it cannot correct the cited deficiencies within 30 days, it must submit a Corrective Action Plan (CAP).
      4. Include a conference date and time to discuss the acceptability of the proposed CAP and/or the correction of the deficiencies.
  - c. Corrective Action Plan
    - i. The CAP is the contractor's written commitment to correct the major deficiencies. The CAP must include:
      1. Actions to correct the cited deficiencies;
      2. Deadline for correcting each deficiency; and
      3. The submission of an implementation report to TxDOT along with supporting documentation.
    - ii. When an acceptable CAP is agreed upon, TxDOT will send the contractor a show cause rescission letter informing it of its compliance status contingent upon implementation of the CAP.
    - iii. After the contractor has submitted its implementation report, TxDOT will conduct a follow-up review to verify the contractor's performance of corrective actions.
      1. If the follow-up review determines the contractor has implemented its CAP, TxDOT will issue a closure letter to the contractor.
      2. If the follow-up review determines the contractor has not implemented its CAP, then TxDOT will notify FHWA and will seek appropriate remedies.

## **FORM FHWA-1273 REQUIREMENTS**

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Several Form FHWA-1273 requirements and the recommendations to comply with these requirements are detailed on the following pages. The recommendations listed should not be viewed as the only possible ways to meet these responsibilities; contractors may use different approaches.

The relevant requirements for Form FHWA-1273 are addressed as follows:

- EEO Policy
- Discrimination Complaints
- Dissemination of EEO Policy to Applicants and Employees
- Dissemination of EEO Policy to Supervisors and Personnel Office Employees
- Recruitment / Advertising
- Wage Evaluation
- Personnel Actions Review
- Training
- Project Site
- Subcontractor Compliance
- Records and Reports

## EEO POLICY

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### **Requirement:**

“The contractor will accept as its operating policy the following statement:

‘It is the policy of this company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, 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.’” (Form FHWA-1273, Section II.1.b.)

### **Recommendations:**

- The following items are recommended to be included in the EEO policy:
  - 1) Name and contact information for the company’s EEO officer
  - 2) Encourage employees to refer minority and female applicants
  - 3) Encourage employees to request information on training opportunities
  - 4) Discrimination complaint procedure
  - 5) Alternative avenues of appeal
  - 6) Company president, CEO, or owner signature
  
- On the following pages are examples of an EEO Policy in English and Spanish.

**<COMPANY NAME>**  
**Equal Employment Opportunity Policy**

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<Company Name> is an equal opportunity employer and maintains a work environment free from unlawful discrimination.

It is the policy of this company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, 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, preapprenticeship, and/or on-the-job training.

All employees are encouraged to refer minority and female recruits for employment whenever hiring opportunities are available.

All employees are encouraged to request information on available training programs and the entrance requirements for each.

Any complaint of alleged discrimination by this company, its supervisors or employees, or any person or organization acting on behalf of this company should be reported immediately by following the company's complaint guidelines. The company will promptly investigate all complaints of alleged discrimination and will attempt to resolve such complaints. If investigation shows the complaint to be well founded, prompt and effective remedial action will be taken. The company assures that the complainant shall be protected from any form of retaliatory action.

Complaints may also be filed with the following agencies:

Equal Employment Opportunity Commission (EEOC)  
(800) 669-4000

Texas Workforce Commission-Civil Rights Division (TWC-CRD)  
(888) 452-4778

\_\_\_\_\_  
EEO Officer Signature

\_\_\_\_\_  
President / CEO Signature

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**<NOMBRE DE LA EMPRESA>**

**Política para La Igualdad de Oportunidades en el Empleo**

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<Nombre de la Empresa> es una empresa que da igualdad de oportunidades en el empleo y mantiene un ambiente laboral libre de discriminación ilegal.

Es la política de esta empresa que los solicitantes de empleo y los empleados, durante su periodo de empleo, serán tratados sin considerar su raza, religión, color, origen nacional, edad, sexo, o discapacidad. Tal acción incluirá: empleo, ascenso, descenso, o traslado; reclutamiento, o anuncios de reclutamiento; despido o terminación; nivel de sueldo u otras formas de compensación; y selección para entrenamiento como aprendiz, pre-aprendiz, y/o capacitación en el puesto de trabajo.

Todos los empleados actuales están motivados a reclutar a minorías o mujeres cuando hay oportunidad de llenar un puesto.

Todos los empleados están motivados a pedir información sobre programas adicionales de capacitación laboral y los requisitos para tales programas.

Cualquier queja de discriminación alegada por parte de esta empresa, sus supervisores o empleados, o cualquier persona u organización actuando por parte de esta empresa debe estar reportada por inmediato siguiendo las pautas para reportar quejas de la empresa. La empresa investigará por inmediato todas las quejas alegadas de discriminación y hará un esfuerzo para resolver tales quejas. Si una investigación muestra que la queja es valida, acciones inmediatas, correctivas y efectivas estarán tomadas. La empresa asegura que el que reporta la queja será protegido de cualquier forma de acción de represalia.

También se pueden presentar quejas con las agencias siguientes:

La Comisión para la Igualdad de Oportunidades en el Empleo  
Equal Employment Opportunity Commission (EEOC)  
(800) 669-4000

La Comisión de la Fuerza Laboral de Texas – División de Derechos Civiles  
Texas Workforce Commission – Civil Rights Division (TWC-CRD)  
(888) 452-4778

\_\_\_\_\_  
Firma del Encargado de EEO

\_\_\_\_\_  
Firma del Presidente / Director General

Dirección: \_\_\_\_\_

Teléfono: \_\_\_\_\_

## DISCRIMINATION COMPLAINTS

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### **Requirement:**

“The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.”  
(Form FHWA-1273 Section II.5.d.)

### **Recommendations:**

- Maintain documentation of the investigation, the attempt to resolve the complaint, and the corrective action taken within a reasonable time.
- Prepare and maintain a list of any discrimination complaints filed against them with the EEOC, TWC-CRD, or other federal, state, or local agency that includes the status of the complaint.

## **DISSEMINATION OF EEO POLICY TO APPLICANTS AND EMPLOYEES**

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### **Requirements:**

“Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.” (Form FHWA-1273 Section II.3.d.)

“The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.” (Form FHWA-1273 Section II.3.e.)

### **Recommendations:**

- Examples of areas readily accessible to employees, applicants for employments, and potential employees include:
  - 1) Project bulletin board
  - 2) Project trailer
  - 3) Lobby area
- Appropriate documentation that the contractor's EEO policy and the procedures to implement such policy have been brought to the attention of employees should be maintained. Examples include:
  - 1) Agendas and sign-in sheets for meetings conducted with employees when the EEO policy and its implementation are explained.
  - 2) Include the EEO policy in the company handbook and require employees to sign an acknowledgement form indicating that they have read and understood the EEO policy and the implementation procedures.
  - 3) Include the EEO policy in employee paychecks once or twice a year.
- On the following pages are examples of an employee meeting form and an EEO policy acknowledgement receipt. The EEO Meeting for Employees form 2497 is also available online at <http://www.txdot.gov/inside-txdot/forms-publications/forms/civil-rights.html>.



## EEO Policy Employee Acknowledgment

I acknowledge that I have received, read, and understand the <Contractor's Name> EEO policy and implementation procedures provided to me. If I have questions concerning the policy and procedure, I am to contact <EEO Officer's Name>, EEO Officer, at <EEO Officer's Contact Number>.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## **DISSEMINATION OF EEO POLICY TO SUPERVISORS AND PERSONNEL OFFICE EMPLOYEES**

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### **Requirement:**

“All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

- a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.
- b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.
- c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.” (Form FHWA-1273, Section II.3.a-c.)

### **Recommendations:**

- Appropriate documentation that periodic meetings with supervisory and personnel office employees have been conducted should be maintained. Examples of documentation include agendas and sign-in sheets for the meetings conducted.
- On the following page an example of an EEO Meeting for Supervisory and Personnel Office Employees form 2498; this form is also available online at <http://www.txdot.gov/inside-txdot/forms-publications/forms/civil-rights.html>.



### **Requirement:**

“The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.” (Form FHWA-1273, Section II.4.a.)

### **Recommendations:**

- **Recruitment Strategies** – Recruit internally and externally for minority and female applicants.
  - 1) Internally
    - a. Encourage employees to refer minority group applicants and female applicants for employment. Examples include:
      - i. Employee referrals can be included in the company EEO policy or employee handbook.
      - ii. However, relying too much on employee referrals may not yield a diverse pool of applicants.
    - b. Other internal recruitment strategies that may be used include:
      - i. Fill job vacancies through internal promotions, training, and transfers.
      - ii. Job postings may be displayed on a bulletin board or announced through newsletters, memos, or payroll stuffers.
      - iii. Job postings and employee referrals can be discussed during company meetings.
  - 2) Externally
    - a. Conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority and female applicants. Examples of external recruitment sources include:
      - i. Texas Workforce Commission
      - ii. Job Corps
      - iii. Minority churches
      - iv. Job fairs
      - v. Vocational trade schools
      - vi. Welfare-to-work programs
      - vii. Construction related training programs

- b. When recruiting for employees, advertise in publications that have the potential of reaching a large readership of minority and female applicants in the project area.
  - c. Include in all employment advertisements or job announcements the notation "An Equal Opportunity Employer" or "EOE."
- **Documentation** – Maintain records documenting progress and efforts in recruiting minorities and females.
  - 1) Examples for internal recruitment:
    - a. Meeting agendas and sign-in sheets.
    - b. Company EEO policy or employee handbook.
    - c. Job postings published in newsletters, memos, or payroll stuffers.
  - 2) Examples for external recruitment:
    - a. Send recruitment letters to minority and female recruitment sources announcing employment opportunities and application procedures. Examples of information to include in the letters:
      - i. Project location
      - ii. Job openings
      - iii. Number of openings
      - iv. Job qualifications
      - v. Wage/salary range
      - vi. Contact information
      - vii. "An Equal Opportunity Employer" notation
    - b. Record the organizations' responses and referrals. Examples of records kept can include:
      - i. A recruitment log to include the contact information and follow-up efforts.
      - ii. An applicant flow log to document referrals.
    - c. Copies of the advertisements placed.
- On the following pages are examples of a recruitment letter and a recruitment log. The Personnel Action Log form 2499 is also available online at <http://www.txdot.gov/inside-txdot/forms-publications/forms/civil-rights.html>.

## Recruitment Letter

<Date>

<Contact Person>, <Title>  
<Organization/Agency>  
<Address>  
<City, STATE Zip>

Dear <Mr./Ms. Contact's Last Name>:

This letter is to notify you that <Contractor's Name> is currently seeking applicants for employment on the highway construction project located in <City, STATE>. Work is scheduled to begin <Date>. Please refer applicants you feel are qualified to our office located at <Address, City, STATE>. The available job openings are listed below:

**1. <Classification>**

- Number of openings: <#>
- <Job qualifications>
- <Wage range>

**2. <Classification>**

- Number of openings: <#>
- <Job qualifications>
- <Wage range>

As an Equal Opportunity Employer, it is our policy not to discriminate against any employee or applicant for employment because of race, religion, sex, color, national origin, age or disability. To achieve our goal of equal opportunity, we maintain an affirmative action program through which we take good faith efforts to recruit, employ, and advance qualified minorities and women.

We would appreciate your organization's assistance in our company's efforts to achieve its affirmative action and equal opportunity goals. If you need additional information or have any questions regarding this request, please do not hesitate to contact me at <Phone>.

Sincerely,

<EEO Officer's Name>  
EEO Officer



### **Requirement:**

“The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.” (Form FHWA-1273, Section II.5.b.)

### **Recommendations:**

- Within each job classification, identify the gender, race/ethnicity, rate of pay, and date of hire for each employee. Compare wages paid between minorities and non-minorities and between males and females to determine if pay differentials exist.
- Ensure pay differentials are justified. Pay differentials are justified when they are based on seniority system; merit system; a difference in the quality or quantity of work; geographic work differentials; or any factor other than gender or race/ethnicity. When pay differentials cannot be justified, corrective action must be taken.
- Maintain documentation of the wage evaluation to include a statement of finding and any corrective action taken.
- The following page shows an example of a wage evaluation. For simplicity of presentation, this example includes only two job groups, but a typical wage evaluation would be broken down into several more detailed job classifications. This example is not the only method that would demonstrate compliance. Contractors should design an evaluation using their classifications and self-customized to perform a project or companywide evaluation. Contractors should solicit advice from its human resources office or attorney to provide assistance in satisfying this requirement.

## Wage Evaluation of Employees

### Wage Evaluation:

Job Group	Name	Race/ Ethnicity	Gender	Hourly Wage	Date Hired
Semi-skilled Laborers	John Smith	W	M	\$12.00	9/2010
Semi-skilled Laborers	Jane Smith	W	F	\$10.00	11/2011
Semi-skilled Laborers	Jose Rodriguez	H	M	\$11.00	9/2010

Job Group	Name	Race/ Ethnicity	Gender	Hourly Wage	Date Hired
Unskilled Laborers	Juan Martinez	H	M	\$9.00	10/2011
Unskilled Laborers	Joe Gonzalez	H	M	\$9.50	11/2011
Unskilled Laborers	Alfredo Ramirez	H	M	\$9.75	6/2010

### Statement of Finding:

A wage evaluation was conducted for all active employees working on the project (see attached certified payroll). It was discovered that in the semi-skilled laborers job group, Jose Rodriguez (minority employee) is earning a lower wage than John Smith (non-minority employee). The pay differential could not be justified since Jose Rodriguez is performing work with the same experience and performance rating under similar working conditions at the same project site.

### Corrective Action:

Therefore, Jose Rodriguez' pay was increased to be in line with John Smith's wage rate. There were no other unjustified pay differentials found.

## PERSONNEL ACTIONS REVIEW

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### **Requirement:**

“The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.” (Form FHWA-1273, Section II.5.c.)

### **Recommendations:**

- Review the following personnel actions to ensure nondiscrimination and equal employment opportunity for all individuals without regard to their race, color, gender, religion, or national origin: hiring, upgrading, promotion, transfer, demotion, layoff, termination, and training.
- Summarize data of job offers/hires, promotions, resignations, layoffs, terminations, and training by job group and by gender and race/ethnicity. Evaluate the data to determine if there is any disparate impact on women and minorities.
- Maintain documentation of the personnel actions reviewed to include the data analysis, a statement of finding, and any corrective action taken.
- On the following pages are examples of personnel action logs and forms that can be used and are also available online at <http://www.txdot.gov/inside-txdot/forms-publications/forms/civil-rights.html>:
  - 1) Personnel Action Logs form 2499
    - a. Applicant Flow Log
    - b. Promotion Log
    - c. Termination Log
    - d. Training Log
  - 2) Personnel Actions Review Data Form 2369
  - 3) Personnel Actions and Spread of Wages Review Form 2501











## PERSONNEL ACTIONS REVIEW DATA

<Company Name>

Project: \_\_\_\_\_ CSJ: \_\_\_\_\_

Job category: OFFICIALS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
<b>Job category: SUPERVISORS</b>	<b>APPLICANTS</b>		<b>JOB OFFERS / HIRES</b>		<b>PROMOTIONS</b>		<b>TERMINATIONS</b>		<b>TRAINING</b>	
Black or African American	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
<b>Job category: FOREMEN/WOMEN</b>	<b>APPLICANTS</b>		<b>JOB OFFERS / HIRES</b>		<b>PROMOTIONS</b>		<b>TERMINATIONS</b>		<b>TRAINING</b>	
Black or African American	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										

**PERSONNEL ACTIONS REVIEW DATA**

<Company Name>

Project: CSJ:

Job category: EQUIPMENT OPERATORS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: MECHANICS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: TRUCK DRIVERS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										

**PERSONNEL ACTIONS REVIEW DATA**

<Company Name>

Project: CSJ:

Job category: IRONWORKERS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: CARPENTERS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: CEMENT MASONS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										

**PERSONNEL ACTIONS REVIEW DATA**

<Company Name>

Project: CSJ:

Job category: ELECTRICIANS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: PIPEFITTER/PLUMBERS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: PAINTERS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										

**PERSONNEL ACTIONS REVIEW DATA**

<Company Name>

Project: CSJ:

Job category: LABORERS-SEMI SKILLED	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
Job category: LABORERS-UNSKILLED	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTAL (count each person only once)										
TOTALS	APPLICANTS		JOB OFFERS / HIRES		PROMOTIONS		TERMINATIONS		TRAINING	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Black or African American										
Hispanic or Latino										
American Indian or Alaska Native										
Asian										
Native Hawaiian or Other Pacific Islander										
Two or More Races										
White										
TOTALS										



# PERSONNEL ACTIONS AND SPREAD OF WAGES REVIEW

<Company Name>

Project:

CSJ:

Actions Reviewed	
<input type="checkbox"/> Applicants and Hires	<input type="checkbox"/> Spread of Wages
<input type="checkbox"/> Promotions	<input type="checkbox"/> Other:
<input type="checkbox"/> Terminations	
<input type="checkbox"/> Training	
Statement of Findings	
Personnel Actions	
Spread of Wages	
Corrective Actions Taken	
Personnel Actions	
Spread of Wages	
Person Conducting Review	Position / Title
Signature	Date

## TRAINING

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### **Requirement:**

“The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees.” (Form FHWA-1273, Section II.6.a.)

### **Recommendations:**

- Increase the skills of minorities, women, and disadvantaged persons so they have access and opportunity to skilled trade jobs and journey level positions in highway construction classifications.
- Make full use of available training programs such as on-the-job training (OJT) and apprenticeship programs.
- Periodically review the training and promotion potential of minority and female employees and encourage eligible employees to apply for training.
- Advise employees and applicants of available training programs and the entrance requirements for each program. Training opportunities can be:
  - 1) Discussed during new employee orientation.
  - 2) Discussed during the employee’s performance evaluation.
  - 3) Publicized in company newsletters and flyers.
  - 4) Discussed at a meeting held for all employees.
  - 5) Included in the company EEO policy.
- Maintain records of efforts in locating, qualifying, training, and upgrading minority and female employees. Examples of records include:
  - 1) Notices, newsletters, and flyers announcing training opportunities and application procedures.
  - 2) Agendas and sign-in sheets for meetings conducted when training opportunities are announced.
  - 3) A training log showing the trainee’s name, gender, race/ethnicity, and the training received.
- Participate in TxDOT’s Federal OJT Program. TxDOT’s *Federal OJT Program Manual* provides guidance on training program requirements.

**Requirement:**

“The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.”  
(Form FHWA-1273, Section II.5.a.)

**Recommendations:**

- Ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees.
- Provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

## **SUBCONTRACTOR COMPLIANCE**

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### ***Requirement:***

“Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23. The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). The prime contractor shall be responsible for compliance by any subcontractor, lower tier subcontractor, or service provider.” (Form FHWA-1273, Section I.1.)

### ***Recommendation:***

- Demonstrate good faith efforts to ensure subcontractor compliance with the Form FHWA-1273 requirements. For example, discuss Form FHWA-1273 requirements with subcontractors during the pre-construction conference or other meetings.

**Requirements:**

“The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.” (Form FHWA-1273, Section II.11.)

“The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391.” (Form FHWA-1273, Section II.11.b.)

**Recommendation:**

- A copy of Form FHWA-1391 is on the following page.

## FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT

<b>1. MARK APPROPRIATE BLOCK</b> <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor	<b>2. COMPANY NAME, CITY, STATE:</b>	<b>3. PROJECT NUMBER:</b>	<b>4. DOLLAR AMOUNT OF CONTRACT:</b>	<b>5. PROJECT LOCATION:</b> (County and State)
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This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019 expiring in March, 2016.

### 6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY 20\_\_ (INSERT YEAR)

JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL/ETHNIC MINORITY		BLACK or AFRICAN AMERICAN		HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS	0	0	0	0																		
SUPERVISORS	0	0	0	0																		
FOREMEN/WOMEN	0	0	0	0																		
CLERICAL	0	0	0	0																		
EQUIPMENT OPERATORS	0	0	0	0																		
MECHANICS	0	0	0	0																		
TRUCK DRIVERS	0	0	0	0																		
IRONWORKERS	0	0	0	0																		
CARPENTERS	0	0	0	0																		
CEMENT MASONS	0	0	0	0																		
ELECTRICIANS	0	0	0	0																		
PIPEFITTER/PLUMBERS	0	0	0	0																		
PAINTERS	0	0	0	0																		
LABORERS-SEMI SKILLED	0	0	0	0																		
LABORERS-UNSKILLED	0	0	0	0																		
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**TABLE C (Table B data by racial status)**

<b>APPRENTICES</b> <b>OUT TRAINEES</b>	0   0   0   0 0   0   0   0	<b>8. PREPARED BY:</b> (Signature and Title of Contractors Representative)	<b>9. DATE</b>	<b>10. REVIEWED BY:</b> (Signature and Title of State Highway Official)	<b>11. DATE</b>
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**Texas Transportation Commission**

Ted Houghton, Chair  
Jeff Austin III, Commissioner  
Victor Vandergriff, Commissioner  
Jeff Moseley, Commissioner  
Fred Underwood, Commissioner

**Texas Department of Transportation**

LtGen J.F.Weber, USMC (Ret), Executive Director

**Office of Civil Rights**

Ron Wilson, Director

**For program information, call:**  
(512) 416-4750

**"We drew a circle that took him in!"**

From the poem "Outwitted"  
– Edwin Markham

Revised April 25, 2014