



Idaho Transportation Department

EQUAL EMPLOYMENT OPPORTUNITY ASSURANCES Part I

Fiscal Year 2014
October 1, 2013 – September 30, 2014

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Human Resource Services

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**Idaho Transportation Department
Equal Opportunity Assurances Update
Fiscal Year 2014**

**PART 1 – CONTRACTOR COMPLIANCE AND EXTERNAL EEO PROGRAM
INFORMATION (For the FFY period covering 10-1-13 through 9-30-14)**

A. ORGANIZATIONAL, RESOURCES AND STRUCTURE

1. Organizational

There were no changes to the organizational reporting structure of the Idaho Transportation Department (ITD) Office of Civil Rights (OCR) during the 2014 fiscal year. The External EEO programs, DBE program and Title VI program continue to report to the Chief Human Resource Officer who reports to the Director.

An overall organizational chart is available in Part II of the FFY14 EEO Assurance.

2. Resources

No federal-aid resources were used for the functions of the external EEO programs and the Title VI program. All resources for the EEO and Title VI program continue to come from state funding.

FFY14 Federal resources allocated for DBE Supportive Services were \$100,854. None of the FFY14 allocations were from previous year's allocations. The allocation for FFY15 will be \$96,758, with an additional \$32,575.28 from the MarCon Federal Fraud Case settlement, for a total of \$129,333.28.

The FFY13 OJT/SS Allocation was \$59,658, which will be used to train Native American tribal members in heavy equipment operation. The funds have not been used, but they will be in FFY15 and they will be closed out the first part of FFY15.

The summer NSTI program was allocated \$72,500. The Norwest Nazarene University "2C Camp" was allocated \$20,000 and they used all of it. Idaho State University was allocated \$52,500 for the NSTI summer camp and used \$46,133.86.

3. Structure

During FFY14 the EEO / Human Resource Specialist position was transitioned from reporting to the Civil Rights Program Manager and currently reports directly to the Chief Human Resource Officer. The Contract Compliance Officer (CCO) will continue to report to the Civil Rights Program Manager. In FFY13 the Office of Civil Rights reclassified the existing Administrative Assistant position to a Technical Records Specialist (TRS). The TRS now provides support for the CCO and DBE Coordinator (DBEC).

4. Office of Civil Rights Staff Training

- a. The Civil Rights Program Manager attended the following training sessions over the course of FFY14. Training included:
 - a. Employment Law Seminar

- b. Title VI
 - c. ADA
 - d. DBE/ACDBE Certification Training and
 - e. 10 FTA/FHWA webinars
 - f. AASHTO Civil Rights Conference (6 break-out training sessions)
- b. The EEO Contract Compliance Officer attended the following ten trainings during the FFY14 timeframe:
- a. Refugee Conference and LEP training hosted by the Agency for New Americans
 - b. ADA Service Animal Training (City of Idaho Falls and ACLU)
 - c. ADA Pedestrian Ramp Compliance Training (ACHD)
 - d. Economic Symposium at the Fort Hall Reservation (Shoshone Bannock Tribes)
 - e. Working Effectively with Tribal Government (Federal Reserve Bank)
 - f. Webinar: Working with Environmental Just Populations (EPA)
 - g. Webinar: Civil Rights (FHWA / FTA)
 - h. Webinar: 1391/1392 EEO Utilization Analysis (FHWA)
 - i. Webinar: Driving Sustainable Change (SHRM)
 - j. Webinar: Title VI Program Development (FHWA)
- c. The Human Resource Specialist (HRS) attended the following two trainings during the FFY14 timeframe before reporting to the Chief Human Resource Officer:
- a. 2013 Northwest ADA Regional Conference
 - b. Employment Law Seminar
- d. The Disadvantaged Business Enterprise Coordinator (DBEC) attended the following trainings during FFY14 timeframe.
- a. AASHTO Civil Rights Conference (6 break-out training sessions)
 - b. 10 FTA / FHWA Sponsored monthly webinars
- e. The Technical Records Specialist for the Office of Civil Rights attended a “Doing Business with the Government” workshop hosted by the DBE Coordinator.

5. Organizational Training

- a. All District EEO Safety Compliance Officers (SCO) attended SCO Annual Training and quarterly staff meetings. Training included overall duties; district contract spot checks; and formal EEO Compliance Reviews. All SCO's have either participated in, or will participate in Title VI Reviews of Federal-aid recipients during FFY 15.
- b. The DBEC provided DBE program updates to 150 ITD program managers, specialists and engineers in five district offices.
- c. The CCO provided EEO Construction Refresher training in 3 districts during the FFY14 timeframe. There were 25 participants in each district training (75 total). The CCO provided EEO and Title VI program updates to 150 ITD program managers, specialists and engineers in five district offices.

B. COMPLIANCE PROCEDURES

1. Pertinent Information

- a. Contract Compliance Plan - There were no changes to ITD's Contract Compliance Plan.
- b. DBE Plan - The ITD DBE plan was revised and resubmitted to FHWA and FTA in FFY12. The plan is pending final approval from FTA and FHWA.

2. External Training

- a. The Office of Civil Rights Program Manager conducted Title VI trainings with ITD staff in all six districts. One-on-one training was provided to several local public agencies (LPA) on ADA compliance in pedestrian rights of way.
- b. The CCO provided the following training to external customers:
 - i. Title VI, EEO, and ADA: Kootenai County; 80 attendees
 - ii. Title VI, EEO, and ADA: City of Idaho Falls; 63 attendees
 - iii. Title VI, EEO, and ADA: City of Salmon, 15
 - iv. Title VI / EEO: Idaho Association of Highway Districts; 57 attendees
 - v. Title VI / EEO: Bonner County; 35 attendees
 - vi. Title VI / EEO: City of Hayden; 30 attendees
 - vii. Title VI / EEO: Bonner County Area Transit and Transp.; 20 attendees
 - viii. Title VI / EEO: City of Mountain Home, council meeting; 20 attendees
 - ix. Title VI / EEO: Nampa Highway District #1, safety meeting; 15 attendees
 - x. Title VI / EEO: Public Transportation, "Live Newsletter"; 10 attendees
 - xi. ADA: Kootenai County; 35 attendees
 - xii. EEO: Idaho Sand and Gravel; 35 attendees
 - xiii. Individual coordinator training for: City of Rathdrum, City of Coeur D'Alene, City of Sandpoint, Idaho State University, Idaho Parks and Recreation, Boise County, Shoshone County, Benewah County, Glenn's Ferry; 18 attendees total.
- c. The DBEC provided the following training to external customers:
 - i. Doing Business with the Government, in partnership with the SBA (both Boise and Spokane District Offices), the Idaho Procurement Technical Assistance Center, and various federal agencies to include the Forest Service, Bureau of Land Management, Park Service and Mountain Home Air Force Base. 14 locations statewide; 152 attendees.
 - ii. URS Native American Supplier Diversity Day – Native American Procurement Technical Assistance Panel - held at URS HQ in Boise in October; 30 attendees.
 - iii. TERO-ITD Semi-Annual Training – DBE Presentation – held at the Shoshone-Bannock Reservation, Fort Hall in March; 15 attendees.
 - iv. ChallengeHER (Women in Federal Contracting) – held in Boise (ITD HQ) in April, facilitated/coordinated between ITD and SBA. Speakers included SBA Secretary Maria Contreras-Sweet and Idaho Senator James Risch; 79 attendees.

- v. Veterans in Federal Contracting Workshop – held in Boise (ITD HQ) in April, facilitated/coordinated between ITD and SBA; 19 attendees.
- vi. Bonding Education Program Workshop, a 2-day event held in Boise (AGC) in July, in partnership with the Northwest Small Business Transportation Resource Center; 15 attendees.

C. ACCOMPLISHMENTS

1. Contract Compliance Review Activities

Full Reviews: ITD conducted eight full reviews for FFY14. Of the eight full reviews conducted, six were in compliance and one was in compliance after implementing a voluntary corrective action plan VCAP. One contractor (Knife River) was found in compliance but sent a Show Cause Notice for not meeting the burden of proof demonstrating “Good Faith Effort” for the EEO requirements. ITD later determined Knife River to be in compliance and sent a Show Cause Notice Rescind letter. This contractor will be identified for a follow-up compliance review in FFY15

Accomplishments	2014	2013
Full Compliance Reviews Conducted	8	4
Follow-Up Reviews Conducted	0	1
Companies Reviewed	8	4
Contractors Found in compliance	6	3
Contractors Found in Compliance with VCAP	1	1
Contractors Found in Non-Compliance	0	0
Show Cause Notices Issued	1	0
Show Cause Notices Rescinded	1	0
Show Cause Actions Unresolved	0	0

Level 2 Reviews: Two Level 2 Reviews were conducted in FFY14.

Level 2 Reviews	2014	2013
No Concerns	2	2
Minor Concerns	0	1
Document Concerns	0	3
Major Concerns	0	0

Two Level 2 Reviews were conducted by the Safety Compliance Officers in FFY 14. In addition the SCO’s and CCO conducted 13 Level 3 Reviews of contractors. The Level 2 reviews continue to serve as a means of educating companies working on ITD federal-aid projects, while the Level 3 helps to identify training opportunity for federal aid contractors. The outcome of these reviews has shown minor issues, mainly with contractors not documenting meetings and orientations where EEO requirements are discussed.

2. Contract Sanctions

There were no formal contract sanctions taken during the reporting timeframe. The CCO continues to work with district personnel to follow ITD procedures that require consultation with the Office of Civil Rights prior to taking major sanctions for any Civil

Rights issues. Minor issues are addressed by the districts with CCO input when needed.

3. Complaints

There were zero formal discrimination complaints filed by contractor's personnel during the FFY14 reporting period.

4. Innovative Programs – Action Items Planned for Fiscal Year 2015

- a. The Office of Civil Rights will continue to work with those sections within ITD and the local agencies to ensure that programs are being monitored as required. This will include making sure that the EEO areas are addressed at the Pre-Construction meetings as instructed in the ITD Contract Administration Manual. In addition, the district SCO's will continue to conduct Level 2 reviews on companies working on ITD federal aid projects. This has allowed ITD to closely monitor and work with companies that do not warrant a full EEO compliance review.
- b. DBE businesses qualify for reimbursements through the DBE Business Development Grant. Qualified DBE's may receive a \$500 reimbursement for electronic tablets, \$1000 for business development, and \$750 for bonding fees or consultant overhead-rate auditing.
- c. In FFY15 the DBE Coordinator plans an ongoing overhaul of DBE Participation Tracking Database to interface with ITD Contracting, Consulting and Project Tracking databases.
- d. The DBE Plan will be revised to reflect the major rule changes announced to 49 CFR 26 in late FFY14.
- e. All workshops continue to be advertised through the DBE Newsletters (scheduling permitting), Email to the ITD Bidders List and other stakeholders forward the announcements to their clients. Workshops are also publicized through ITD webpages (EEO and the main ITD homepage), ITD's Facebook page, and through conventional press releases to regional newspapers. The DBEC hopes to expand upon existing social media to increase accessibility and visibility of training events and other DBE events. DBEC is also exploring digital media production to increase accessibility to the DBE program and DBE training with a Training DVD.

5. Contract Compliance Review Activities

- a. ITD anticipates 10 to 12 full compliance reviews to be conducted in fiscal year 2015. These reviews will include eight to ten construction companies and two consultant companies. ITD also anticipates 10 to 12 Level 2 reviews performed by the SCO's over the course of FFY15. As in the past, the location and companies to be reviewed will be determined based on projects planned for each district and using the criteria in the approved ITD Contract Compliance Plan. As mentioned earlier, the CCO will absorb the report writing function and will serve as the lead ITD representative on Level I reviews.

6. Compliance and Enforcement Actions

ITD will continue with random spot checks internally and externally with organizations involved in our federal aid projects. ITD plans to conduct training in all areas statewide during FFY15 to personnel involved in monitoring the EEO areas on federal aid contracts and/or agreements.