

2014-2018 EEO AFFIRMATIVE ACTION PLAN

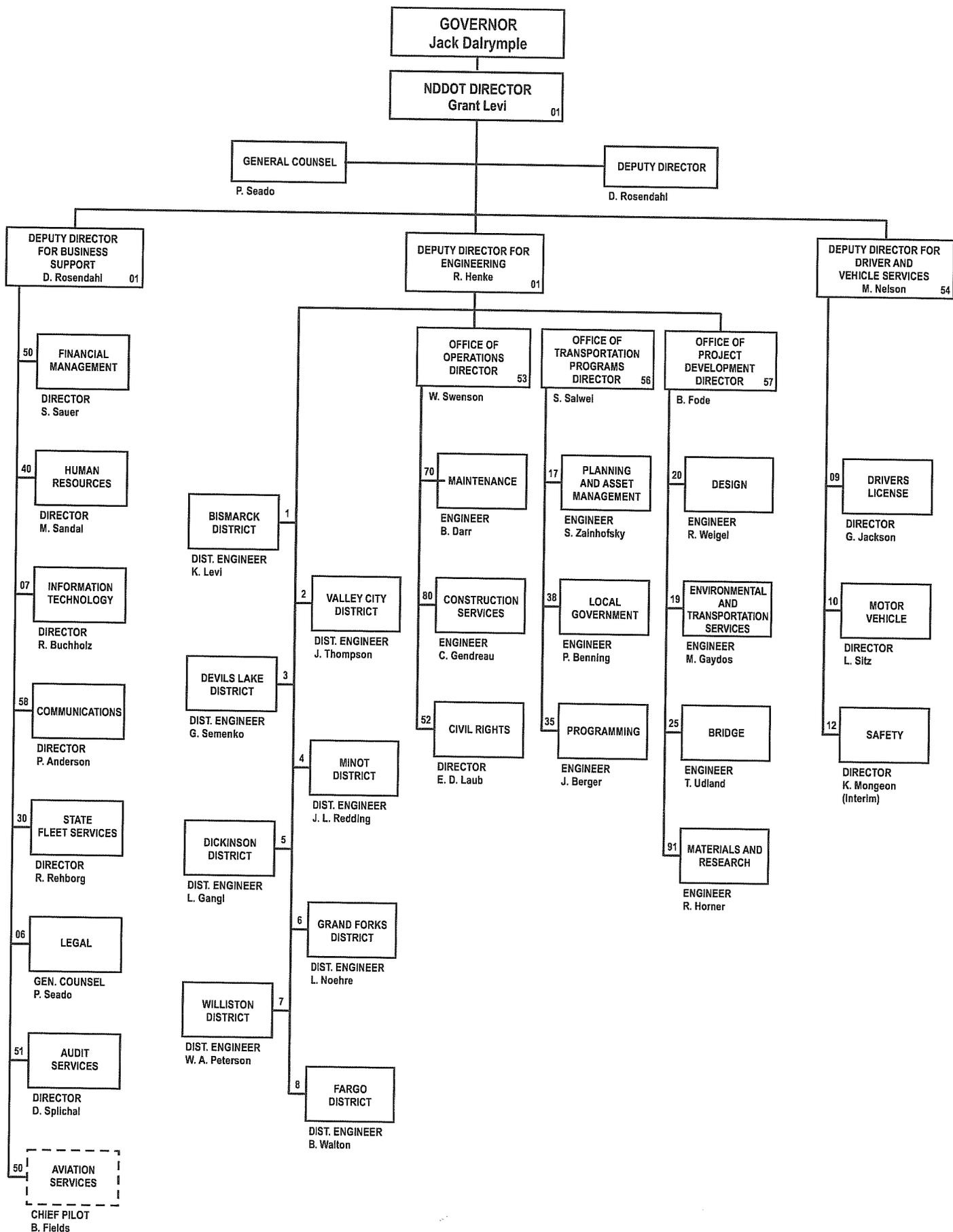
Prepared by
**NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION**
Bismarck, North Dakota
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DIRECTOR
Grant Levi, P.E.
CIVIL RIGHTS DIVISION
E. Diane Laub, Director
June 2, 2014

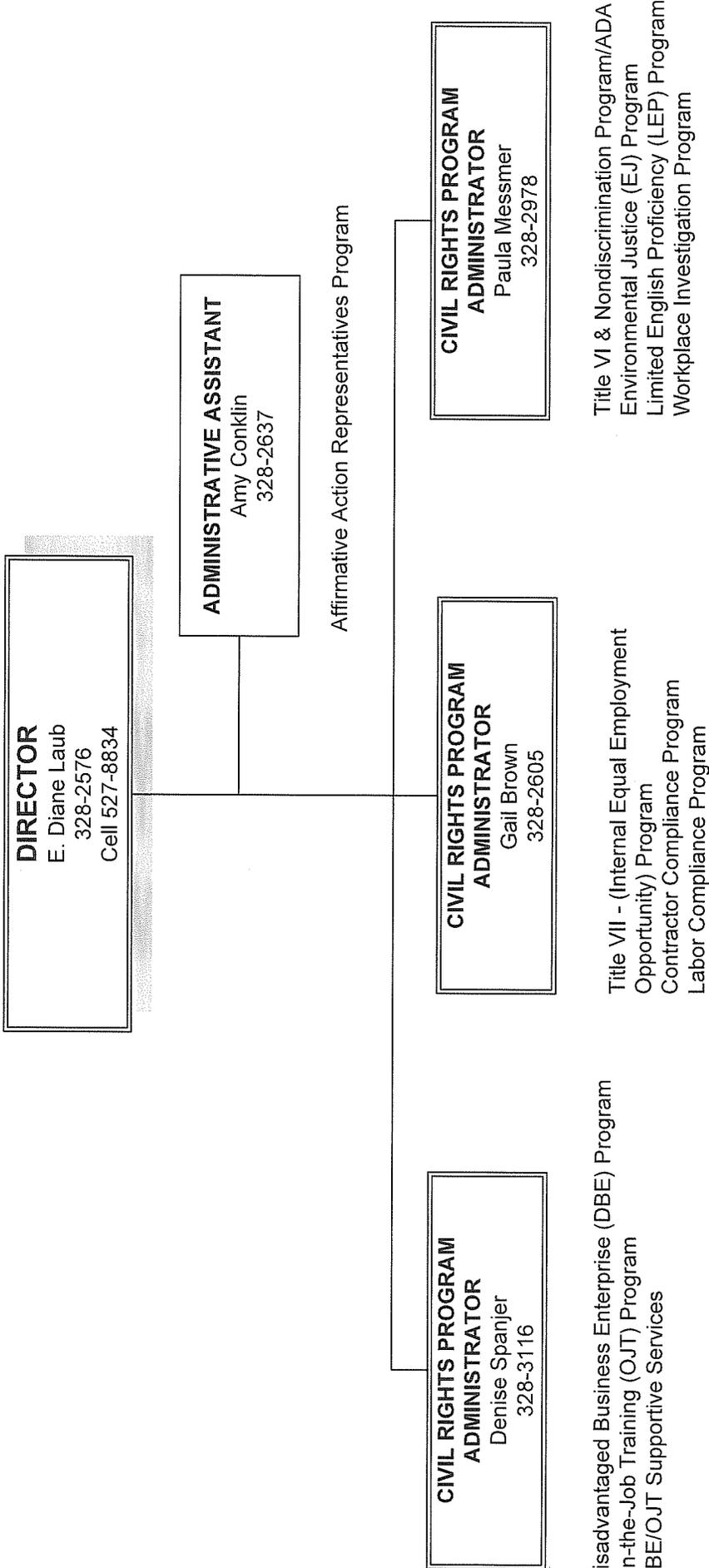
PART I

POLICIES AND CHARTS

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
ORGANIZATION CHART
April 21, 2014**



**CIVIL RIGHTS DIVISION
ORGANIZATIONAL CHART
October 2013**



Agency: North Dakota Department of Transportation
Division: Executive Office
Group: Executive Policy Manual
Category: I-Organization
Policy Number: I 2-1.7A
Title: Civil Rights Division
Original Date: 10/23/2006
Revised Date: 03/15/2014
Review By Date: 03/15/2016

PURPOSE: To establish the duties of the Civil Rights Division and grant the Civil Rights Division authority to carry out the duties assigned.

POLICY: The Civil Rights Division shall report to the Office of Operations and be responsible for performing and overseeing the following tasks:

- Administer the Disadvantaged Business Enterprise (DBE) Program
- Administer the Equal Employment Opportunity (EEO) Contractor Compliance Program
- Administer the Equal Employment Opportunity (EEO) On-the-Job Training Program (OJT)
- Administer the Labor Compliance Program
- Administer the Title VI and Nondiscrimination/ADA Program
- Administer the Title VII (Internal EEO Affirmative Action) Program
- Oversee the DBE/OJT Supportive Services Programs
- Administer Workplace Investigation Process (with Human Resources Division)

Maintain:

- Davis-Bacon Wage and Payroll Requirements Handbook
- DBE and OJT Contract Special Provisions
- DBE Directory
- DBE Program Administration Manual
- EEO Affirmative Action Plan Update

- Labor Rates from U.S. Department of Labor
- External Civil Rights Manual
- EEO/Affirmative Action Hiring Goals and Updates
- EEO/Affirmative Action Requirements Contract Provision
- On-the-Job Training Program
- Resources for Affirmative Action Representatives Manual
- Title VI and Nondiscrimination/ADA Program Plan
- Guidelines for Conducting a Workplace Investigation
- DBE Newsletter
- Affirmative Action Representative Newsletter

Grant Levi, P.E. Director

Agency: North Dakota Department of Transportation
Division: Civil Rights
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 4-1
Title: Equal Employment Opportunity
Original Date: 08/22/1985
Revised Date: 03/15/2014
Review by Date: 03/15/2016

PURPOSE: The purpose of this policy is to establish the authority of the Civil Rights Division to enact and enforce equal employment opportunity (EEO) procedures for the North Dakota Department of Transportation (NDDOT).

POLICY: The NDDOT provides EEO so that no NDDOT employee or applicant for employment will be discriminated against because of:

- race, color, religion, national origin, sex, age, or physical or mental disability
- political opinion or affiliation
- status with regard to marriage or public assistance
- participation in any lawful activity off the employer's premises during non-working hours, which is not in direct conflict with the essential business-related interests of the employer

The EEO Program applies to all employees of and applicants for positions with NDDOT, and requires that they be treated equally. The program allows no discrimination of any kind in:

- recruitment, placement, advertising or solicitations for employment
- training during employment or selection for training (including apprenticeship)
- rates of pay or other forms of compensation
- promotions, transfers, demotions, layoffs, or terminations
- recognition or awards
- any related function

NDDOT also guarantees all employees the right to work in an environment free of sexual and other harassment based on race, color, religion, sex, age, national origin, or disability. Specifically, sexual harassment is deliberate or repeated, unsolicited, and unwelcome verbal comments, gestures, graphic materials, or physical contacts of a sexual nature. Unlawful sexual harassment occurs when these actions are made a condition of employment, are used as the basis for an employment decision affecting the employee, interfere with an employee's work performance, or create an intimidating, hostile, or offensive work environment. In addition, it is unlawful harassment for any employee to engage in any conduct or activity or to display any graphic material based on an employee's race, color, religion, sex, age, national origin, and disability or is offensive or shows hostility or aversion toward an employee or the employee's relatives, friends, or associates. It is unlawful harassment to engage in any conduct that adversely affects an employee's employment opportunities, unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment. NDDOT also protects employees from sexual and other harassment by non-NDDOT employees during working hours.

Discrimination and workplace harassment are grounds for disciplinary action.

NDDOT's EEO and workplace harassment policies are **good management practice**, and all employees—but especially NDDOT managers—are expected to support them.

Anyone who believes that he or she has been discriminated against or harassed should contact either the Civil Rights Division Director at 328-2576 in Bismarck or any NDDOT Affirmative Action Representative. TTY users may call Relay North Dakota at 711 or 1-800-366-6888.

The Civil Rights Division, which is part of the Office of Operations, is responsible for administering this program.

The EEO Affirmative Action Plan and provisions for providing an environment free of sexual and other harassment must be included in the EEO Affirmative Action Program.

The Human Resources Division along with the Civil Rights Division must establish operational policies and procedures in the Personnel Manual covering the proper areas.

Each division and district must designate an Affirmative Action Representative (AAR) who may be the local contact in matters involving apparent violations of this policy. The AAR will report these matters to the Civil Rights Division.

NDDOT will maintain a Workplace Investigation Process to conduct investigations and prepare a final report and summary of findings to the Director when a discrimination complaint is filed. HR Policy Number 20.2.

Grant Levi, P.E. Director

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STATE ASSURANCE WITH REGARD TO EQUAL EMPLOYMENT OPPORTUNITY AS
REQUIRED BY THE FEDERAL-AID HIGHWAY ACT OF 1968

Pursuant to the requirements of Section 22(a) of the Federal-aid Highway Act of 1968, the State of North Dakota, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after August 23, 1968, will be provided without regard to race, color, creed, or national origin.

More specifically, and without limiting the above general assurance, the North Dakota Department of Transportation (NDDOT) hereby gives the following specific assurances:

1. NDDOT will establish an Equal Employment Opportunity Program in furtherance of the above General Assurance, which shall include a system to ascertain whether contractors and subcontractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. NDDOT will furnish such information and reports regarding contractor and subcontractor compliance as may be requested by the Federal Highway Administration.
2. The NDDOT program shall include effective procedures to assure that discrimination in employment on the grounds of race, color, creed, or national origin will not be permitted on any projects; and if discrimination exists at the time this assurance is made, it will be corrected promptly.
3. NDDOT has appointed an Equal Employment Opportunity Coordinator whose primary duty shall be to administer NDDOT's Equal Employment Opportunity Program as established pursuant to these assurances.
4. NDDOT will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable state or federal law, to achieve equal employment opportunity on federal-aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.

5. NDDOT will establish and maintain effective liaison with public and private agencies and organizations which are, or should be, involved in equal employment opportunity programs. Such agencies and organizations include, but are not limited to labor unions, contractor associations, minority group organizations, the U.S. and State Employment Service, and the U.S. and State Department of Labor.
6. NDDOT hereby agrees that it will seek the cooperation of unions, contractors, appropriate state agencies, and other related organizations in the establishment of skill training programs and will assure that all persons will have an opportunity to participate in such programs without regard to race, creed, color, or national origin.
7. NDDOT hereby agrees that its own employment policies and practices with regard to NDDOT employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, creed, or national origin.
8. NDDOT shall include in the advertised specifications notification of the specific equal employment opportunity responsibilities of the successful bidder as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the prequalification of federal-aid contractors and subcontractors to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance for implementation by December 1, 1968.
9. NDDOT will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by NDDOT with this assurance.

March 15 2014

Date



Grant Levi, P.E.
Director

PART II

CONTRACTOR COMPLIANCE

PART II- Contractor Compliance

I. Organization and structure.

A. State highway agency EEO Coordinator (External) and staff support.

1. Describe the organizational location and responsibilities of the State highway agency EEO Coordinator. (Provided organization charts of the State highway agency and of the EEO staff.)

The office of the External EEO Coordinator is located in the Civil Rights Division of the North Dakota Department of Transportation, Bismarck, Burleigh County, North Dakota. The external EEO Coordinator's duties include Contractor Compliance Reviews as well as follow-up reviews.

2. Indicate whether full or part-time; if part-time, indicate percentage of time devoted to EEO.

The position of External EEO Coordinator is full time. The position description duties included External EEO, Labor Compliance, and Contractor Compliance.

3. Indicate length of time in position, civil rights experience and training, and supervision.

The External EEO Coordinator is Gail Brown. She has functioned in the position for 11 months. Gail worked one month with the retiring coordinator (who had 40+ years working in the field), attended a basic FHWA civil rights course, and has 10 years of experience as an attorney in EEO litigation.

4. Indicate whether compliance program is centralized or decentralized.

The External EEO program is centralized.

5. Identify EEO Coordinator's staff support (full- and part-time) by job Title and indicate areas of their responsibilities.

Staff support for the position is part-time. The part-time position is titled Administrative Assistant II and is filled by Amy Conklin. Conklin is responsible for the Affirmative Action Representatives (AAR) program, Affirmative Action newsletters, and annual PR-1391 solicitation and compilation,

6. Identify any other individuals in the central office having a responsibility for the implementation of this program and describe their respective roles and training received in program area.

E. Diane Laub, Director of the Civil Rights Division, oversees both External and Internal EEO functions, including Contractor Compliance, DBE, DBE Supportive Services, OJT, OJT Supportive Services, Title VI, and ADA. Ms. Laub has a Masters of Public Administration degree and is certified as a Senior Human Resource

Professional (SPHR) and has trained extensively on EEO matters through FHWA, other training programs, and WASHTO/AASHTO conferences. Determination made by the EEO Program Coordinator must have the concurrence of the division director prior to finalization.

Responsibilities for administering Affirmative Action hiring goals are shared with the Human Resource Division. Other related programs HRD is responsible for includes the TRAC program, educational grant, and internship programs.

B. District or division personnel.

1. Describe the responsibilities and duties of any district EEO personnel. Identify to whom they report.

District construction personnel and consultant staffs are responsible for a variety of EEO activities, including provide EEO/Contractor Compliance information at Pre-job Construction Conferences, ensuring that required posters and policies are posted on the Project Bulletin Board and reviewed on a regular basis, completing EEO/LC interviews, and ensuring overall compliance with all required and special contract provisions.

The duties are generally performed by the Project Engineer, who reports to the Assistant District Engineer where the project is located. Project Engineer can be either a NDDOT employee or a Consulting Engineer employee. The Assistant District Engineers are the primary liaisons between the district staff and the Civil Rights Division.

2. Explain whether district EEO personnel are full-time or have other responsibilities such as labor compliance or engineering.

District personnel have EEO responsibilities, but are primarily engineers and engineering technicians and consultants, and work full-time in the field. The Civil Rights Division responds to emails and phone calls from the construction staff.

3. Describe training provided for personnel having EEO compliance responsibility.

The CRD produces an External Civil Rights Manual for use by construction personnel explaining all facets of Contractor Compliance, Labor Compliance, DBE, OJT, and Title VI. Each spring, the Division holds External Civil Rights training on the manual for 3 hours for all city engineers, county engineers, consultant engineers, and NDDOT staff.

The Civil Rights Division staff participated in the monthly training sessions which FHWA presented online. Denise Spanjer and Paula Messmer, Civil Rights Program Administrators II, attended the Southern Transportation Civil Rights Training Symposium in South Carolina, August 25-30, 2013.

HRD maintains a training library of books and DVDs related to Civil Rights. The expectation is for the districts and districts to use in the Internal EEO training they provide to their coworkers. In 2013, all Civil Rights material was reviewed by the Civil Rights staff to identify those which should be kept and those to be tossed.

Gail Brown:

September 10, 2013

Workforce Diversity

September 26, 2013	Dealing With Difficult People
October 7, 2013	Slide Design for Non Designers
November 26, 2013	Successful Online Meetings
<u>Amy Conklin:</u>	
February 2013	21 Indispensable Qualities of a Leader
September 10, 2013	Workforce Diversity
June 2013	Spring Safety Meeting
<u>E. Diane Laub</u>	
March 12, 2013	DBE/Goal Methodology
March 9, 2013	SIEEO Plans
May 14, 2013	Contractor Compliance
June 11, 2013	ADA Transition Plans
July 9, 2013	Title VI/Non Discrimination.
August – December, 2013	15 Laws of Growth Book Discussion
September 10, 2013	Workforce Diversity
September 22, 2013	Civil Rights and Social Justice, BSC
October-December, 2013	Sometimes You Win, Sometimes You Learn Book Discussion
<u>Paula Messmer:</u>	
May 2, 2013	The Psychology and Law of Harassment Webinar
May 6-7, 2013	Workplace Investigation New Member Training
May 8-August 14, 2013	The Five Levels of Leadership
May 10, 2013	Chick-fil-A Leadercast
August 21, 2013	ADA Resurfacing Technical Assistance
August 21 -Dec. 4, 2013	The 360 Degree Leader
August 26-29, 2013	Southern Transp. Civil Rights Symposium
October 21, 2013	Slide Design Course
November 14, 2013	Risk Management Seminar
November 26, 2013	Successful Meetings/Training Using Distance Technology
December 2, 2013	Title VI Program Sub-Recipient Monitoring- FHWA webinar
Dec. 11, 2013-June 4, 2014	21 Irrefutable Laws of Leadership

Denise Spanjer:

July 9, 2013	FHWA HQ Webinar on Title VI & Non-Discrimination Provisions
July 19, 2013	Webinar Training to Set up Electronic Meeting Rooms
August 26-30, 2013	Southern Transportation Civil Rights Training Symposium
September 17, 2013	United Way Campaign Manager Training
September 24, 2013	FHWA HQ DBE Goal Shortfall Response Webinar
December 12, 2013	FHWA HQ Good Faith Efforts Training Webinar

C. Project personnel. Describe the EEO role of project personnel.

All project personnel have the responsibility for and the duty to report known or suspected EEO abuses by contractors and subcontractors doing federal-aid highway projects. The Project Engineer has a responsibility to note any noncompliance issue in their project diary and to immediately report to the Assistant District Engineer (ADE). The ADE has a responsibility to immediately report any known EEO violation to the Civil Rights Division Director. The course of action required, which would range from informal counseling to withholding of payment or possibly reporting to the OFCCP or other agency, is decided between the ADE and the Civil Rights Division.

II. Compliance procedures.

A. Applicable directives.

DIRECTIVE	ENTITLED	COMPLIANCE
23 USC 140 (a)	Federal-Aid Highway Act 1968	FHWA / EEO Assurances
23 CFR 230 Subpart AIB	Equal Opportunity (EO) Program	Contract Compliance Supportive Services
23 CFR 230 Subpart D	Construction Contract Compliance Procedures	Contractor Compliance Reviews
23 CFR 230.311 Appendix A to Subpart C, Part 1	Organizational Structure of the External Program	NDDOT External Organization and Duties
23 CFR 230.313	STA EO Program Approval	AAP to FHWA
23 CFR 230 Appendix A to Subpart c	STA EO Program	Current Practice
23 CFR 230, Appendix A to Subpart C, Part 1, Item #VI-Complaints	EEO Complaints Against Contractors	Annual Submission Complaint Procedure
23 CFR 230.121	PR-1391/PR-1392	Yearly contractor reporting (EE0-5)
23 CFR 230 Subpart A, Appendix AIB, FHWA-1273	Required Contract Provisions	FHWA-1273 in all contracts

FHWA Order 4710.8	EEO Goal Authority / OFCCP	Utilize GFE
FHWAA Order 4710.8	Notify OFCCP	Report violation of goal attainment
23 CFR 230.121	Report Contractor Training	PR1391 and Supt. Mo. Training Report

In addition, NDDOT Director Grant Levi signed the FHWA "State Assurances" on April 15, 2014.

B. Implementation.

1. Describe process (methods) of incorporating the above FHWA directives into the NDDOT Contractor Compliance program.

FHWA Form 1273, the EEO/Affirmative Action requirements, and the Appendix A of the Title VI Assurances are physically incorporated into every federal-aid project proposal. After the bid is awarded, the federal requirements and provisions are discussed at each pre-job construction conference. Prime contractors are required to attach the above provisions to every executed subcontract. Additionally, every subcontract must contain language requiring contractor EEO compliance.

2. Describe the methods used by the State to familiarize State compliance personnel with all FHWA contract compliance directives. Indicate frequency of workshops, training sessions, etc.

The Civil Rights Division publishes and maintains the External Civil Rights manual, which is updated and published early each year. The manual is a very detailed and comprehensive guide to all required special provisions and all other laws/regulations applicable to District and project personnel in OJT, DBE, Contractor Compliance, Labor Compliance, and Title VI/ADA. The Civil Rights Division plans and presents External Civil Rights training each spring for approximately 3 hours.

3. Describe the procedure for advising the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.

The District or Consultant Project Engineer presents pertinent EEO information to the contractor and all subcontractors during the pre-job conference. NDDOT utilizes SFN 9423, Pre-Job – EEO, Title VI, Labor Standards, and DBE Participation information. In general, the form covers all Special Provisions, Labor Compliance, Contract Compliance (EEO), DBE. Contractors are required to invite all subcontractors to the Pre-Job Conference, and to send the minutes to those who didn't attend.

III. Accomplishments.

Describe accomplishments in the construction EEO compliance program during the past fiscal year.

A. *Regular project compliance review program.*

1. Number of compliance reviews conducted	10
2. Number of contractors reviewed.	10
3. Number of contractors found in compliance.	10
4. Number of contractors found in noncompliance.	0
5. Number of show cause notices issued.	0
6. Number of show cause notices rescinded.	0
7. Number of show cause actions still under conciliation and unresolved.	0
8. Number of follow-up reviews conducted.	0

B. *Consolidated compliance reviews.*

NDDOT has done no consolidated reviews.

C. *Home office reviews. If the State conducts home office reviews, describe briefly the procedures followed by State.*

NDDOT does not do home office reviews.

D. *Major problems encountered. Describe major problems encountered in connection with any review activities during the past fiscal year.*

NDDOT experienced no major problem related to Contractor Compliance during the reporting period. Contractors provided all information required, and where any incompliance was noted, promptly complied or completed Voluntary Action Plans.

A Recruitment Tool Kit was developed in the fall/winter of 2013. This lists a variety of places where contractors can post job announcements or ask for referrals for possible job placement.

IV. *Areawide plans/Hometown and Imposed (if applicable).*

Not applicable.

V. *Contract sanctions.*

A. *Describe the procedures used by the State to impose contract sanctions or institute legal proceedings.*

NDDOT uses the following process described in 23 CFR 230.409(h) to ensure contractor compliance:

Step 1 – Show Cause Notice – Within 15 days of the exit conference, a contractor found in noncompliance is sent a Show Cause Notice.

Step 2 – A contractor found in noncompliance has 30 days in which to submit an

acceptable written Corrective Action Plan (CAP). The CAP must be adequate to correct deficiencies noted.

The NDDOT and the contractor will engage in a Conciliation Conference or negotiations designed to assist the contractor in its efforts to correct deficiencies and be in compliance. If a CAP is arrived at, a follow-up review may be scheduled.

Step 3 – If the CAP is adequate, a show cause recession letter is sent finding the contractor in compliance contingent upon effective implementation of the CAP.

Step 4 – If the CAP is not adequate or cannot be agreed upon, the NDDOT will take formal action under its EEO Assurance.

Step 5 – If the Contractor fails to or refuses to comply, the NDDOT may refer the matter to the FHWA for further action.

At this point, a formal hearing request may be issued through FHWA to the OFCCP. A non-responsive declaration is issued concurrently with the formal hearing request.

NDDOT imposed no sanctions for EEO abuses. There were no administration actions taken against a contractor for failure to comply with EEO laws, regulations, or contract requirements beyond the show cause level.

B. Indicate the State or Federal laws which are applicable.

- Executive Order 11246, Part II, Subpart D.
- 23 CFR 230.409
- FHWA-1273,

C. Does the State withhold a contractor's progress payments for failure to comply with EEO requirements? If so, identify contractors involved in such actions during the past fiscal year. If not, identify other actions taken.

Under NDDOT guidelines, contract progress payments may be withheld any time a contractor has failed to adequately fulfill the contract, including ongoing EEO violations or other violations of FHWA 1273.

No such violations were noted in the reporting period and no progress payments were withheld for failure to comply with EEO.

VI. Complaints.

A. Describe the State's procedures for handling discrimination complaints against contractors.

When a complaint is received by a Project Engineer, it is noted in the project diary and referred to the Assistant District Engineer, who consults with the Civil Rights Division in terms of possible noncompliance issues and a remedial course, if necessary. In certain instances, a duty to report to the OFCCP may be present.

Every contractor is required to have the most current and post in a clearly visible area an EEO Grievance Procedure as part of the pre-job conference and initial review of the bulletin board. If the issue cannot be addressed informally through contract compliance procedures, the complaining party is encouraged to use the EEO Grievance procedure. This typically involves an internal grievance with the right to file with either the ND Department of Labor or the EEOC.

B. If complaints are referred to a State fair employment agency or similar agency, describe the referral procedure.

The complainant is advised that he or she should follow the EEO Grievance Procedures adopted by the contractor. This typically involves some type of internal process, followed by the right to file a complaint with the NDDOL or the EEOC. The complainant is provided complaint procedures by the contractor EEO Officer. Contact information for both agencies must be posted in the EEO Grievance Procedure.

C. Identify the Federal-aid highway contractors that have had discrimination complaints filed against them during the past fiscal year and provide current status.

Based on the information provided in their Contractor Compliance Review, the following was identified. One Contractor reported a charge of discrimination filed with the NDDOL in 2011, alleging discrimination and harassment. The complainant alleged discrimination and hostile work environment based on his race and retaliation for protected activity. At the time of the charge, the complainant was not working for the contractor. The NDDOL issued a decision on October 29, 2012, finding no probable cause that a violation occurred. In the NDDOL determination and Notice of Rights, Contractor admitted that racially improper nicknames and statements had been directed at the Complainant, but asserted that once it had notice of this, a thorough investigation occurred and employees engaging in improper activity were disciplined. This discipline included terminating one employee, suspending four others from 1-5 days, giving one written warning, one verbal warning, and providing additional training on harassment to all foremen. The complainant received a right to sue letter in October of 2012 and filed suit in US District Court for the District of ND in March of 2013, pro se.

In 2012, another Contractor had a complaint filed with the Minnesota Department of Human Rights for its home office location on a non-NDDOT project.

No other complaints were reported in 2012 or 2013.

VII. External training programs, including supportive services.

A. Describe the State's process for reviewing the work classifications of trainees to determine that there is a proper and reasonable distribution among appropriate craft.

NDDOT participates in the FHWA OJT pilot program which allows us to place trainees with Contractors, not with projects. NDDOT determines the distribution of work classifications of trainees utilizing many factors. These include contract complexity, contract amounts, and contractor workforce size.

The OJT assignments for the most part compose of one or more trainees per qualifying contractor. NDDOT allows the contractor to choose which classifications those trainees are best placed and where the trainee best meets the needs of the firm.

The contractor is required to submit a training plan for approval before beginning work which details the classification placement and the training hours. The submitted plan is reviewed and approved by the NDDOT OJT Program Administrator to ensure appropriateness of the classification and the training hours.

B. Describe the State's procedures for identifying the number of minorities and women who have completed training programs.

Contractors must provide NDDOT weekly status reports regarding the accumulated trainee hours of all trainees assigned. The trainee status – hours, location, and progress – is gathered through weekly phone contacts with the contractor. These reports are reviewed and monitored to determine the number of minorities and women who have completed training programs.

The State recently conducted a review of the trainee program. A summary of that review is attached.

Training Program	2011		2012		2013	
	Women	Minorities	Women	Minorities	Women	Minorities
Equipment Operators	8	5	8	4	10	7
Truck Drivers	1	1	2	2	0	2
Carpenters	1	3	1	3	1	0
Concrete Finishers	0	0	0	0	2	0
GPS Survey Technician	0	0	0	0	1	3
Totals	10	9	11	9	14	12

C. Describe the extent of participation by women in construction training programs.

NDDOT had 25 trainees in skilled craft training programs during 2013. 14 of these were female; 10 were trained as operators, 1 was trained as a Structural Carpenter, 2 were trained as a Concrete Finishers and 1 was trained as Qualified Testing Technician. NDDOT's OJT Program does not include a training program in the laborer category.

The following represents, by percentage, the history of participation by women and minorities in the training program.

	Women	Women Percentage	Minority	Minority Percentage	Annual Total Trained
2011	11	55.0%	9	45.0%	20
2012	11	57.9%	8	42.1%	19
2013	14	56.0%	11	44.0%	25

NDDOT compiles information from contractor FHWA PR-1392 reports to determine the level of female and minority participation on federal-aid highway construction projects. The contractor's reporting in these classifications has been tracked for ten years. NDDOT "benchmark" data is an average of female and minority workers in those workforce classifications over that ten year period.

For 2013, the following represents all participation of females and minorities, including trainees:

Classification	Total Workforce	Females in Workforce	2013 % of Female in Workforce	Benchmark as%	% +/- Benchmark
Operator	695	35	5%	6%	-1%
Truck Driver	664	43	7%	5%	+2%
Carpenter	40	1	3%	6%	+3%
Laborer	517	81	16%	15%	+1%
TOTALS for all Classifications	1916	160	9%	9%	+5%

The contract goal of 6.9% for women set by the OFCCP is used here as a benchmark. North Dakota Federal-aid Highway Contractors attained a female representation in their workforce of 9%. That attainment is more than the goal established by the OFCCP.

Classification	Total Workforce	Minorities in Workforce	2013 % of Minorities in Workforce	Benchmark as%	% +/- Benchmark
Operator	695	65	10%	10%	0%
Truck Driver	664	115	18%	10%	+8%
Carpenter	40	3	8%	24%	-16%
Laborer	517	256	14%	16%	-2%
TOTALS for all Classifications	1916	256	14%	13%	-10%

North Dakota's minority participation is greater than the OFCCP goal of 4.4% set in the contract special provisions. NDDOT acknowledges it has no authority to enforce OFCCP goals. They are used here only to provide a basis of comparison.

D. Describe the efforts made by the State to locate and use the services of qualified minority and female supportive service consultants. Indicate if the State's supportive service contractor is a minority or female-owned enterprise.

NDDOT uses an On the Job Supportive Services Contractor. An RFP was issued January 27, 2011 and the selected firm is a non-minority male owned consultant engineering firm. An RFP will be issued in the fall of 2014 to solicit bids for the 2015-2016 contract.

VIII. Minority Business Enterprise Program

A. Describe the method used for listing of minority contractors capable of, or interested in, highway construction contracting or subcontracting. Describe the process used to circulate names of appropriate minority firms and associations to contractors obtaining contract proposals.

NDDOT maintains a DBE Directory on our Internet site. Contractors can search the site by name of the firm, NAICS code, or work type. In addition, NDDOT produces, distributes and notifies contractors of minority firms that have been certified as DBEs through its DBE Newsletter. The Newsletter is published 10 working days prior to each Department bid opening.

Contractors bidding on federal-aid highway projects are required to communicate their intentions to subcontractors. The DBE Special Provision requires contractors to complete one of the following options:

- 1) Advertise in the NDDOT DBE Newsletter which NDDOT circulates 10 days before a bid opening to the DBE Community.
- 2) Advertise in the project location newspaper at least 7 days before the day of the bid opening when a contractor misses the deadline for the DBE Newsletter.

If the project is Race Neutral, they are encouraged to do one or the other.

B. Describe the State's procedure for insuring that all contractors take action to affirmatively solicit the interest, capability, and prices of potential minority subcontractors.

NDDOT reviews every apparent low bidder in a bid opening to determine if the contractor is making a Good Faith Effort to utilize DBE firms. If they are found to not have made a Good Faith Effort, the committee recommends to executive management that the bidder not be awarded the project.

C. Describe the State's procedure for insuring that contractors have designated liaison officers to administer the minority business enterprise program in an effective manner. Specify resource material, including contracts, which the state provides to liaison officers.

Prior to the commencement of all projects, a Pre-Job Conference is held. At each Pre-Job Conference the contractor identifies its EEO Officer and its DBE Officer. The names are included in the pre-job conference minutes which are distributed to all DBEs and non-DBE

subcontractors, suppliers, manufacturers, and any other providers of services on the project.

The DBE Special Provision is included in every plan and proposal plus is included in the actual construction contract.

D. Describe the action the State has taken to meet its goals for prequalification or licensing of minority business. Include dollar goals established for the year, and describe what criteria or formula the State has adopted for setting such goals. If it is different from the previous year, describe in detail.

NDDOT calculated the DBE achievement goal using the criteria in 49 CFR Part 26.45. The determination is based on a level of DBE participation relative to all businesses ready, willing and able to participate on Federally-assisted contracts, and reflects a level NDDOT would expect in the absence of discrimination. NDDOT's methodology is based on demonstrable evidence of local market conditions and is designed to ultimately attain a goal that is narrowly tailored to the relative availability of DBE's in the North Dakota market. The current goal is 7.4%.

NDDOT doesn't set dollar goals nor does it set goals for prequalification or licensing of minority businesses.

E. Outline the State's procedures for evaluating its prequalification and licensing requirements.

In accordance with the North Dakota Department of Transportation (NDDOT) Standard Specifications for Road and Bridge Construction, Section 102, a bidder must be pre-qualified by the Department in order to be eligible to submit bids. In addition, contractors need to meet the requirements of other agencies for conducting business in North Dakota. Information for conducting business in North Dakota can be obtained by visiting <http://www.nd.gov/businessreg/>

Bidder pre-qualification is required annually by the NDDOT. Pre-qualified contractors who wish to renew their pre-qualification must submit a complete "Contractor's Pre-qualification Statement" by July 1 of each calendar year.

A bidder is NOT required to obtain a North Dakota contractor's license prior to submitting a bid on a North Dakota Department of Transportation project. (N.D.C.C. Section 43-07-12). However, prior to the execution of a contract, a bidder MUST have obtained the appropriate North Dakota contractor's license and secured workers' compensation coverage from Workforce Safety & Insurance.

F. Identify instances where the State has waived prequalification for subcontractors on Federal-aid construction work or for prime contractors on Federal-aid contracts with an estimated dollar value lower than \$100,000.

There is no prequalification for subcontractors. There is no waiving of prequalification for prime contractors.

G. Describe the State's methods of monitoring the progress and results of its minority business enterprise efforts.

Currently NDDOT utilizes a manual system of spreadsheets. The DBE Program Administrator tracks all certified DBE's, which projects they are on and what payments they receive. In addition, during compliance reviews contractor's procedures for selecting subcontractors is reviewed to ensure that DBE's were either used or the contractor made a Good Faith Effort to secure subcontracts with DBE firms.

XI. Liaison

Describe the liaison established by the State between public (State, county and municipal) agencies and private organizations involved in EEO programs. How is the liaison maintained on a continuing basis?

The Title VI Specialist in the Local Government Division annually reviews city, county, or Municipal Planning Organizations (MPO) regarding Title VI issues. Title VI is tied into employment (and therefore EEO) if "a primary objective of the Federal financial assistance is to provide employment" (42 U.S.C. 2000d-3) or discrimination in employment leads to discrimination in services and benefits.

During the period between January 1, 2013 and December 31, 2013, Local Government Division had a total of twelve sub recipients.

Sub recipients are randomly selected for annual reviews in the year in which the project is constructed. Ten percent of the available pool or a minimum of one review will be conducted in the year the project is constructed.

The Title VI Specialist conducted two Title VI reviews. These reviews included one MPO and one county government. Findings from these reviews were reviewed and approved by the Local Government Division Director prior to release to the entities for voluntary cooperative remedial efforts.

Title VI review criteria includes personnel employed, composition and selection of commission, council, committee, and boards, recruitment, and internal and external outreach. No overt discrimination issues related to services or benefits stemming from employment discrimination have been found in any of these reviews, although it has been recommended to increase the locations for posting available positions and to remove the requested social security number from the form that is requesting the race and sex of the applicant to eliminate even a hint of discrimination. Both recommendations have been implemented.

PART III

INTERNAL EEO / TITLE VII

Part III – NDDOT Internal EEO

1. EEO/Affirmative Action Officer

The NDDOT AA Officer is E. Diane Laub, Civil Rights Division Director. As noted earlier, Ms. Laub is a full-time employee with 4 full-time staff and has an extensive background in Internal EEO and Human Resources areas. Ms. Laub is an SPHR (Senior Professional in Human Resources) and has a Master's Degree in Public Administration.

The Program Administrator is Gail Brown. She has functioned in the position for 11 months. Gail worked one month with the retiring coordinator (who had 40+ years working in the field), attended a basic FHWA civil rights course, and has 10 years of experience as an attorney in EEO litigation.

Responsibilities include:

- Ensuring that the Affirmative Action Plan (AAP) is updated annually.
- Distribute the AAP internally and externally. NDDOT plan is posted on the web. The specific hiring goal for each position is posted as part of the job announcement.
- Determine under-represented positions and set realistic hiring goals.
 - Review all hiring decisions where there is a candidate who met the hiring goal but was not hired. Make a recommendation to the agency director on whether there is rationale to support the decision.
 - Human Resources ensures the goals are on each job announcement. Human Resources also is to meet with the NDDOT director quarterly about hiring decisions.
- Handle discrimination complaints.

Managers and supervisors are responsible to implement the AAP. Each division and district has at least one Affirmative Action Representative who is responsible for Internal EEO training, assisting employees in completing a complaint, answer the annual AAR questionnaire, and meet with other AARs as a group once per year.

Managers and supervisors are responsible to ensure a workplace free of discrimination. They must immediately report any civil rights issue to the Civil Rights Division and cooperate fully throughout the investigative process.

- ### 2. Develop and implement specific programs to eliminate discriminatory barriers, achieve goals and encourage promotions

TRAC & RIDES PROGRAM

TRAC™ & RIDES, AASHTO's educational outreach programs, are designed for use in Science, Technology, Engineering, and Math (STEM) classes. The hands-on activities introduce students in grades K-12 to the work world of transportation and civil engineering and inspire them to consider careers in those fields.

The ND Department of Transportation Human Resources Division administers the TRAC program, designed to draw females and minorities to engineering and related science professions. The center of the program is TRAC PAC 2, which consists of seven self-

contained, hands-on education modules featuring professionally developed curricula that meet the national standards of learning. The NDDOT has a TRAC/RIDES coordinator, who is responsible for placing the program in the schools and for recruiting and training mentoring teams. The Department provides training to the teachers to familiarize them with the modules in the TRAC PAC. In addition, volunteers from the Department come into the class and explain how what the students have studied applies to engineering, transportation, and real life.

The NDDOT provides the program at no cost to the schools and provides grants for the modules, teacher training, and transportation costs to the National TRAC Challenge Finals. The Department has had schools from North Dakota at the finals three out of the ten years it has been in the program. The Department started this program with three schools and four teachers, and 10 years later it has grown to thirty schools and forty-seven teachers, targeting grades 7-10. The department also administers RIDES which is for grades K-8.

Of these schools, three high schools and one middle school are on Native American reservations. Additionally, several others have more concentrated minority enrollment. Goals for the TRAC and RIDES programs during the term of this Affirmative Action Plan include increasing involvement at Fort Berthold high schools, adding schools from Fort Yates, Turtle Mountain and Spirit Lake reservations and more actively monitoring the minority involvement in schools not associated with native tribes.

INFANT TO WORK

The NDDOT has adopted Policy 12.7, Infant to Work, which allows employee parents to bring an infant child, age 0-6 months to work, and to care for the infant in the employee's workspace. The program is open to both mothers and fathers equally, one father and several mothers have participated. To allow for privacy to parents of infants, the Department has set up a lounge, allowing these parents privacy during working hours. This policy has allowed many NDDOT parents to continue working after having or adopting a child, thus retaining qualified workers.

NDDOT EDUCATIONAL GRANT PROGRAM

The NDDOT offer educational grants to qualified students enrolled in undergraduate programs in ND colleges or universities that meet the Department's recruitment needs, including goals under the Affirmative Action Plan. Materials describing the Grant Program emphasize photos of women and minorities at the NDDOT and note that "women and minorities are encouraged to apply." Currently, the NDDOT has two active educational grant recipients, both nonminority female engineering students. These students are provided grants of \$1,000 per semester, which the grantee is not required to pay back provided that the grantee accepts employment with the Department following graduation.

CAREER FAIRS

The Human Resources Division visits career fairs sponsored by communities, colleges, and universities. The purpose is to target students who are graduating and also to let

underclass students know what careers NDDOT is hiring.

CAMPUS CONNECTIONS

The Human Resources Division recruiter serves on a board with the United Tribes Technical College. He is also developing relationships with ethnic groups on various campuses as well as student associations like the Society of Women Engineers.

CAREER LADDERS

There are five career ladders, where the person who successfully completes a year or two in the level, will automatically move to the next level.

Drivers' License Specialist I – II

Drivers' License Examiners I – II

Transportation Technician I – II

Transportation Technician II – III

Transportation Engineer I-II

3. Recruitment and Placement

NDDOT posts most jobs internally and externally at the same time, there is no preference for being a NDDOT employee. There are policies that govern recruitment. NDDOT has no union agreements. There are no state preferences for veterans or people with disabilities.

As stated earlier, the hiring goals are included in every applicable job announcement. Those hiring decisions in which a targeted applicant that meets the hiring goals is not selected are reviewed by the Civil Rights Director. The CRD then notifies the NDDOT Director of her recommendations.

Also attendance at the career fairs is listed above.

4. Training

NDDOT provides a variety of internal training opportunities for employees. All NDDOT employees, including managers and supervisors, are required to attend at least one hour of EEO training every year.

NDDOT also offers a variety of management related training. Most is related to a series of management books written by John Maxwell. NDDOT offers a mentoring program which matches approximately 15 employees with a manager or supervisor in another area of the agency. The group meets together for 8 hours of training four times a year and the mentoring team meets at least twice a month during the year.

NDDOT also has a rotation program for new engineers and engineering technicians with the goal of having the new employee work in at least three different divisions or districts during the program. This enables the participants to have a variety of experiences which will help prepare them for their career in the agency.

5. Progress on Action items from 2013 Update

ACTION ITEM 2013-1: ADVERSE IMPACT REPORTING

The PeopleSoft Recruiting Solutions software was delivered to state agencies in early 2014. The earliest adverse impact draft reports, using live data, will become available in July 2014.

Further Action:

This action item will be carried over as an action item for next year.

ACTION ITEM 2013-2: WORKPLACE INVESTIGATION PROCESS UPDATE

The department has a formal complaint and grievance procedure established for processing complaints related to discriminatory or unequal treatment and grievances related to work conditions, work relationships, or the interpretation of policies, rules, regulations, and/or legislation used in personnel practices. A rewrite of the procedures manual, including the duties of team members was completed in 2013. A recruitment effort to find new team members resulted in inviting five current NDDOT employees and seven retired employees to become team members. Training was held on May 6 & 7, 2013 and eleven agreed to become team members. This brings the total number of trained investigators to 22.

Further Action:

This action item is complete. No further action is required.

ACTION ITEM 2013-3: WORKFORCE DIVERSITY TRAINING

In 2013 the department sponsored mandatory training focused on this issue. Workforce Diversity training sessions were presented by Tony Richards, Continuing Education, Training, and Innovation, Bismarck State College. In the fall of 2013, Mr. Richards held the diversity training in central office and it was videotaped and made available to all employees.

Further Action:

This action item is complete. No further action is required.

6. Action Items Planned for FY 2014 (April 15, 2014 – April 14, 2015):

ACTION ITEM 2014-1: ADVERSE IMPACT REPORTING

Background Information:

North Dakota state government implemented the Recruiting Solutions module from PeopleSoft in early 2014. Prior to this personnel from CRD, HRD, and ITD; as well as HRMS of OMB met several times to determine the types of reports that need to be generated from the new PeopleSoft programs and what data had to be entered in order to generate the information required to complete the adverse impact analyses. The group agreed that PeopleSoft can produce some of the reports needed but that all reports needed some adjustment in order to produce exactly what was needed.

Problem Identified:

No reports from Recruiting Solutions have been provided using live data; therefore NDDOT is not 100% confident the system will produce what was agreed to.

Proposed Action:

Testing using live data will occur in July, 2014. The CRD, HRD, and ITD personnel will continue to work together in developing and fine-tuning the new adverse impact reporting programs using PeopleSoft.

NDDOT Human Resources was told in 2013 to make sure they were tracking the 2014 data by hand in case the system does not work in 2014 as designed.

Responsible Officials:

Civil Rights Program Administrator
Human Resources Officer
IT Division Personnel
IT Department Personnel

Target Date:

December 31, 2014

ACTION ITEM 2014-2: BULLYING AND HARASSMENT TRAINING

Background Information:

The Department has a concern that bullying and/or workplace harassment may still be occurring within the work force. More women and minorities are being hired in non-traditional jobs and the number of new employees moving from other states to North Dakota has increased. North Dakota will continue to see this based on the combination of low unemployment rate and the robust economy in the state.

Problem Identified:

NDDOT employees need to feel safe in the workplace, and know who to contact if there are problems.

Proposed Action:

The Civil Rights Director will present a 45 minute briefing on workforce harassment and bullying at the Spring 2014 Leaders meeting. Executive Management and all division directors and district engineers attend.

HRMS will be presenting a 3 ½ hour training course covering Harassment and Bullying in the Workplace as well as Respecting Differences in the Workplace.

Target Dates:

May 7, 2014 – Leaders Meeting

Winter 2014 – Employee Training

Responsible Officials:

CRD Director

HRD Training Officer

ACTION ITEM 2014-3: REVIEW AFFIRMATIVE ACTION REPRESENTATIVES (AAR) PROGRAM

Background Information:

The Department has at least one person in each division and district who serves as the AAR. The group meets together once a year to discuss issues, receive training, share concerns. Many of the people have served as AAR for many years, while others are new to NDDOT. Each of these people has full-time responsibilities in addition to their AAR duties.

The responsibilities of being an AAR include:

1. Know the law and department policy as they relate to affirmative action.
2. Act as a liaison for the affirmative action program between employees, managers, and the executive staff.
3. Provide technical assistance to employees, upon request, or act as a referral source for employees with affirmative action concerns.
4. Aid in or write the annual affirmative action report for your division.
5. Upon direction by the division engineer, coordinate affirmative action training for division staff members (a minimum of two sessions annually).
6. Other duties as may be assigned.

Problem Identified:

The duties of the AAR and how the AAR program relates to the overall Internal EEO Program haven't been reviewed in several years.

Proposed Action:

Create a review team of CR staff, current AARs, division director or district engineer, to look at the program and to recommend changes, if necessary.

Target Dates:

July 2014 – Team start reviewing the program.

September 2014 – Recommendations to CRD Director.

December 2014 – Changes effective.

Responsible Officials:

CRD Director

Civil Rights Program Administrator

Civil Rights Administrative Assistant

ACTION ITEM 2014-4: RESEARCH FHWA National Summer Transportation Institute (NTSI) Program.

The purpose of the NSTI is to promote awareness of science, technology, engineering and math (STEM) educational and career opportunities among disadvantaged and at-risk middle and high school students around the country. FHWA is the funding and governing agency for the NSTI, and formally established the program as a recognized educational initiative in 1998.

State DOT's are responsible for providing technical assistance, guidance, training and support to participating institutions host sites. Special emphasis is also placed on securing host site participation by Minority Serving Institutions (MSIs), including tribal Colleges and Universities.

Problem Identified

Women and minorities are not readily available in the ND workforce in engineering, technology, and science. Many of NDDOT stakeholders have the same concern.

Proposed Action:

Research the NTSI program to determine if it would be feasible to offer in ND, which stakeholders/colleges/universities would support the program, what level of effort is required.

Target Dates:

March 2014 – Recommendation to CRD Director.

Responsible Officials:

Civil Rights Program Administrator

Human Resources Officer

MARKET AND WORKFOCE ANALYSIS

Total State Population by Race as of 2010 (Census Bureau):

	<u>Number</u>	<u>Percent</u>
Total Population	672,591	100.00
Population by Race		
White	605,449	90.01
Black or African American	7,960	1.18
American Indian and Alaskan Native	36,591	5.44
Asian	6,909	1.02
Native Hawaiian and Other Pacific Islander	320	0.04
Other	3,509	0.52
Two or More Races	11,853	1.76
Population by Ethnicity		
Hispanic or Latino	13,467	2.00
Non-Hispanic or Latino	659,124	97.99

Total State Workforce Population by Race as of 2010 (Census Bureau):

(All occupations, 16+ years of age)

NDDOT 2013 Workforce by EEO-4 Category, Gender, Race

NDDOT WORKFORCE ANALYSIS							
Job Category	Total Work Force	MALES			FEMALES		
		Non-minority	American Indian	Other Minority	Non-minority	American Indian	Other Minority
Officials/ Administrators							
# Workforce	87	55	1	0	30	0	1
% in Category		64.3%	1.15%	0%	33.33%	0%	1.15%
% of Availability		80.05%	0.66%	0.64%	17.1%	0.85%	0.16%
% Utilization		-15.75%	+49%	-0.64%	+16.23%	-0.85%	+0.99%
Significantly Under-utilized (Y/N)		----	N	N	N	N	N
# Needed to Reach Parity		----	0	0	0	0	0
Professionals							
# Workforce	230	150	1	5	71	1	2
% In Category		65%	0.43%	2.17%	31%	0.43%	0.87%
% of Availability		73%	0.81%	2.02%	21.8%	1.66%	1.06%
% Utilization		---	-0.38%	+0.15%	+9.48%	-1.23%	-0.18%
Significantly Under-utilized (Y/N)		---	Y	N	N	Y	N
# Needed to Reach Parity		---	1	0	0	2	0
Technicians							
# Workforce	219	140	4	5	67	1	2
% in Category		63.9%	1.8%	2.3%	31%	0.46%	0.9%
% of Availability		62%	1.9%	1.3%	34%	0.12	0.3
% Utilization		---	-0.1%	+1%	-3%	+0.34	+0.6%
Significantly Under-Utilized (Y/N)		---	N	N	Y	N	N
# Needed to Reach Parity	□---	---	0	0	7	0	0
Admin. Support							
# Workforce	80	4	0	1	73	1	1
% in Category		5%	0%	1.25%	91%	1.25%	1.25%
% of Availability		6%	0.17%	0.40%	90%	1.57%	1.28%
% Utilization		---	-0.17%	+0.85%	+1%	-0.32%	-0.03%

Significantly Under-Utilized (Y/N)		---	N	N	N	N	N
Skilled Craft							
# Workforce	383	360	8	1	14	0	0
% in Category		94%	2.1%	0.26%	3.66%	0%	0%
% of Availability		95%	2.6%	0.28%	2.18%	0.06%	0.04%
% Utilization		---	-0.5%	-0.02%	+1.39%	-0.06%	-0.04%
Significantly Under-utilized (Y/N)		---	Y	N	N	N	N
# Needed to Reach Parity		---	2	0	0	0	0
Service Maintenance							
# Workforce	37	25	1	0	11	0	0
% in Category		67.5%	2.7%	0%	30%	0%	0%
% of Availability			6%	5.6%	16%	0.63%	0.65%
% Utilization			-3.3%	-5.6%	+14%	-0.63%	-0.65%
Significantly Under-Utilized (Y/N)			Y	Y	Y	N	N
#Needed to Reach Parity			1	2	0	0	0

NDDOT Utilization Analysis:

The following labor market figures were derived from the 2010 U.S. Census:

Occupational Group	Available in Labor Market %					Present in NDDOT(12-31-13) %					Over/Underutilization Rate + or -%					Needed Employment Gains (Individuals)				
	American Indian		Other Minority		White	American Indian		Other Minority		White	American Indian		Other Minority		White	American Indian		Other Minority		White
	Male	Female	Male	Female	Female	Male	Female	Male	Female	Female	Male	Female	Male	Female	Female	Male	Female	Male	Female	Female
Officials-Administrators	.66	.85	.64	.16	17.1	1.15	0.	0	1.15	33.3	+49	-.85	-.64	+.99	+16.2	0	0	0	0.	0
Professionals	.81	1.66	2.0	1.05	21.8	.43	.43	2.2	.87	31	-.38	-1.23	-.2	-.18	+9.2	1	2	0	0	0
Technicians	1.9	.12	1.38	.34	34	1.8	.46	2.28	.91	31	-.1	+34	+1.24	+.57	-3.0	0	0	0	0	7
Administrative Support	.17	1.57	.04	1.28	90	0	1.25	1.25	1.25	91	-.17	-.32	+1.21	-.03	+1	0	0	0	0	0
Skilled Craft	2.52	.06	.28	.04	3.66	2.1	0	.26	0	2.27	-.42	-.06	-.02	-.04	+1.39	2	0	0	0	0
Service-Maintenance	.6	.63	5.6	.65	16	2.7	0	0	0	30	-3.3	-.63	-5.6	-.65	+14	1	0	2	0	0

HIRING GOALS:

The Utilization Analysis was done with the 2010 US Census Data from the American Community Survey (ACS), compiled from 2006-2010. A weighted analysis of all pertinent job titles at the NDDOT was done and hiring goals were set any time this analysis showed a deficit at or near the equivalent of at least 1 worker.

A. Officials/Administrators

The NDDOT is at parity in the Officials/Administrators classification. The percentage of nonminority women employed by the NDDOT in this Classification (33.3%) far exceeds the parity figure of 17.1%. Additionally, minorities in this category overall (2.3%) are at parity figure as well (2.31%). While American Indian males and Other minority females are above parity, the remaining parity figures for American Indian females and Other minority males fall short of the equivalent of a whole worker in each category. **No underutilization is noted in the Officials/Administrators classification.**

B. Professionals

The NDDOT is at parity for nonminority females in the Professional classification. The percentage of nonminority women employed by the NDDOT in this classification (31%) far exceeds the parity figure of 21.8%. No hiring goals will be set for nonminority females. The percentage of other minority males employed at the NDDOT (2.2%) and the percentage of other minority females (.87%) is very near the parity estimate of

1.05%. No hiring goals will be set for other minority males or females. The American Indian male and female figures in the Professionals classification are short of parity. American Indian males are .43% of the NDDOT professional workforce, while parity is .81%. American Indian females are .43% of the NDDOT Professionals classification workforce, while parity is at 1.66%. **The NDDOT is underutilized by 1 American Indian male and 2 American Indian females in the Professionals classification.**

C. Technicians

The percentage of nonminority females in the NDDOT technicians workforce (31%) is below the parity figure of 34%. The NDDOT is underutilized by 7 nonminority females. The percentage of American Indian females, Other minority males and other minority females is above parity. The percentage of American Indian males in the technician classification at the NDDOT (1.8%) is slightly less than parity (1.9%), but this difference is not significant enough to result in underutilization. **The NDDOT is underutilized by 7 nonminority females in the Technicians classification.**

D. Administrative Support

The percentage of nonminority females in the NDDOT administrative support classification (91%) is above the parity figure (90%). The percentage of other minority males at the NDDOT (1.25%) is well above the parity figure (.04%). The percentage of American Indian females (1.25%) is near the parity figure (1.57%) and is not significant enough to note underutilization. Other minority females utilization (1.25%) is near parity (1.28%) and no underutilization is present. While American Indian males are underutilized 0.17%, this results in a small fraction of a whole person, and no significant underutilization is present. **The NDDOT is not underutilized in the Administrative Support classification.**

E. Skilled Craft

The percentage of nonminority females in the NDDOT skilled craft workforce (3.66%) exceeds parity (2.27%). American Indian males (2.1%) are underutilized (parity=2.52%). While the difference seems small, in a classification with 383 workers, this results in underutilization by 2 American Indian males. American Indian females, Other Minority males and Other minority females are not significantly underutilized. Minority parity overall is 2.9%, or 11 workers. The NDDOT currently has 9 minority workers in the Skilled Craft classification and needs 2 additional minority workers for parity. **The NDDOT is underutilized by 2 American Indian males in the Skilled Craft classification.**

F. Service Maintenance

The percentage of nonminority females in the NDDOT service maintenance workforce (30%) is above the parity figure (16%). American Indian female and other minority female are not significantly underutilized. American Indian males are 2.7% of the NDDOT service maintenance workforce, while parity is at 6.0%. Other minority males are 0.0% in the Service Maintenance workforce with a parity of .65%. **The NDDOT is underutilized by 1 American Indian male and 2 other minority males in the Service Maintenance classification.**

Five-year (2014-2018) Hiring Goals for Minorities and Women:

Occupational Groups	2014			2015			2016			2017			2018		
	Amer Ind	Other Min	White												
	Male	Female	Female												
Officials-Admins	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professionals	1	--	--	--	1	--	--	--	--	--	--	--	--	--	--
Technicians	--	--	2	--	--	2	--	--	--	--	--	1	--	--	--
Admin Support	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Skilled Craft	1	--	--	1	--	--	--	--	--	--	--	--	--	--	--
Service-Maintenance	1	--	1	--	1	--	--	--	--	--	--	--	--	--	--

PROGRESS ON MINORITY AND FEMALE HIRING GOALS

Occupational Group	Employment Figures 1-1-13						Employment figures 1-1-14						Gain or Loss	
	Total	American Indian		Other Minority		White	Total	American Indian		Other Minority		White	All Minorities	White Females
		Male	Female	Male	Female	Female		Male	Female	Male	Female	Female		
Officials/ Administrators	82	1	0	1	1	25	87	1	0	0	1	30	-1.3%	+4%
Professionals	226	1	0	10	2	62	230	1	1	5	2	71	-2.61%	+3.4%
Technicians	222	4	0	3	2	67	219	4	1	5	2	67	+1.43%	+0.44%
Paraprofessionals	3	0	0	0	0	3								
Administrative Support	76	0	1	1	1	70	80	0	1	1	1	73	-0.20	-0.85%
Skilled Craft	378	6	0	1	0	14	383	8	0	1	0	14	+0.5%	Even
Service-Maintenance	46	2	0	0	0	10	37	0	0	0	0	11	-4.34	+8%

(Includes new hires, promotions, reclassifications)

ADVERSE IMPACT

Adverse Impact – New Hires and Promotions – jobs posted internally and externally

Job Category: Officials

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	35	20	0	0	3	1	24
Total Hires	5	5	0	0	0	0	
Selection Rate	.14	.25			0	0	
Ratio to Highest Rate	0.56	1.00			0	0	
4/5 Rule – 80% Base	< .80	> .80			< .80	< .80	
Adverse Impact (Y/N)	Y	N			*Y	*Y	

* While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

Job Category: Professionals

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	40	54	0	1	5	1	137
Total Hires	6	12	0	1	2	0	
Selection Rate	.15	.22		**	.40	0	
Ratio to Highest Rate	.32	.55		**	1.0	0.00	
4/5 Rule – 80% Base	< .80	<.80		>.80	> .80	< .80	
Adverse Impact (Y/N)	Y	Y		N	N	Y*	

*While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

**The “American Indian Female” category was not used as a benchmark in this classification, since it is an outlying number involving a 100% selection rate based on 1 applicant and hire.

Job Category: Technicians

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	26	5	3	1	3	0	47
Total Hires	8	4	1	1	2	0	
Selection Rate	.31	.8	.33	**	.67		
Ratio to Highest Rate	.39	1.0	.41	**	.84		
4/5 Rule – 80% Base	< .80	> .80	< .80	> .80	> .80		
Adverse Impact (Y/N)	Y	N	Y*	N	N		

*While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

**The "American Indian Female" category was not used as a benchmark in this classification, since it is an outlying number involving a 100% selection rate based on 1 applicant and hire.

Job Category: Administrative Support

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	13	132	0	2	2	5	150
Total Hires	0	19	0	0	0	0	
Selection Rate	0	.14		0.00	0.00	0.00	
Ratio to Highest Rate	0	1.0		0	0	0	
4/5 Rule – 80% Base	< .80	> .80		< .80	< .80	< .80	
Adverse Impact (Y/N)	Y	N		Y*	Y*	Y	

*While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

Job Category: Skilled Craft

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	32	2	1	0	2	0	13
Total Hires	17	0	1	0	0	0	
Selection Rate	.53	0	**		0.00		
Ratio to Highest Rate	1.0	0.00	**		0.00		
4/5 Rule – 80% Base	> .80	< .80	> .80		< .80		
Adverse Impact (Y/N)	N	Y*	N		Y*		

*While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

**The “American Indian Male” category was not used as a benchmark in this classification, since it is an outlying number involving a 100% selection rate based on 1 applicant and hire.

Job Category: Service Maintenance

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	39	4	1	0	2	0	76
Total Hires	13	2	1	0	0	0	
Selection Rate	.33	.50	**		0.00		
Ratio to Highest Rate	.66	1.0	**		0.00		
4/5 Rule – 80% Base	< .80	> .80	> .80		< .80		
Adverse Impact (Y/N)	Y	N	N		Y*		

*While adverse impact is noted here, low applicant numbers, particularly where less than 5 applications were taken within a category, are not reliable as a predictor of adverse impact.

**The “American Indian Male” category was not used as a benchmark in this classification, since it is an outlying number involving a 100% selection rate based on 1 applicant and hire.

Adverse Impact – Promotions Posted Internally Only

Some time ago, the NDDOT executive team made a decision to post most of our jobs both internally and externally at the same time. Division Directors and District Engineers would receive both internal and external applicants at the same time.

In 2013, there were four positions which were posted internally only. All of these positions required experience that only could be achieved by working for the NDDOT in specific classifications. Due to the small number of applicants received, there is no reliability of adverse impact.

Two were in Officials and Administrators. A total of 10 white men applied and 2 were selected.

Two positions were in Technicians. A total of 1 white male and 3 white females applied and a white male and a white female were selected.

Adverse Impact – Promotions and New Hires

The implementation of the new automated HRIS system at the NDDOT has slowed acquisition of this data. This section will be supplemented by June 4, 2014.

Adverse Impact - Terminations

Job Category: Officials

	Total		White		Other Minority		Ameri Indian	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Workforce	52	26	54	25	1	1	1	0
Total Terminations	4	0	3	0	1	0	0	0
Number Retained	52	26	51	24	0	1	1	0
Retention Rate	92	100	94	96	0	100	100	---
Ratio To Highest Rate	.97	1.0	.98	1.0	----	-----	1.0	—
4/5 Rule – 80% Base	+80	+80	+80	+80	-80	+80	+80	—
Adverse Impact (Y/N)	N	N	N	N	Y*	N	N	—

*Adverse impact is explained in this category due to the very small size of the other minority workforce – only 1 individual.

Job Category: Professionals

Job Category: Professionals	Total		White		American Indian		Other Min	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Workforce	162	64	151	62	10	2	1	0
Total Terminations	18	5	14	5	4	0	0	0
Number Retained	144	59	137	57	6	2	1	0
Retention Rate	88.9	92.19	90.73	91.94	60	100	100	—
Ratio To Highest Rate	.97	1.0	.99	1.0	.60	1.0	1.0	—
4/5 Rule – 80% Base	+80	+80	+80	+80	-80	+80	+80	—
Adverse Impact (Y/N)	N	N	N	N	Y*	N	N	—

*The only adverse impact noted in this category is the termination of Native American males.

Job Category: Technicians

	Total		White		Other Minority		Amer Indian	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Workforce	153	69	146	67	3	2	4	0
Total Terminations	5	3	5	3	0	0	0	—
Number Retained	148	66	141	64	3	2	4	0
Retention Rate	96.71	95.66	96.58	95.53	100	100	100	—
Ratio To Highest Rate	1.0	.99	1.0	.96	1.0	1.0	1.0	—
4/5 Rule – 80% Base	+80	+80	+80	+80	+80	+80	+80	—
Adverse Impact (Y/N)	N	N	N	N	N	N	N	N

Job Category: Skilled Craft

	Total		White		Other Minority		Amer Indian	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Workforce	364	14	357	14	1	0	6	0
Total Terminations	21	0	21	0	0	0	0	0
Number Retained	342	14	336	14	1	0	6	0
Retention Rate	93	100	94	100	100	—	100	—
Ratio To Highest Rate	.99	1.0	1.0	1.0	1.0	—	1.0	—
4/5 Rule – 80% Base	+80	+80	+80	+80	+80	+80	+80	—
Adverse Impact (Y/N)	N	N	N	N	N	N	N	N

Job Category: Service Maintenance

	Total		White		American Indian		Other Min	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Workforce	36	10	34	10	0	0	2	0
Total Terminations	6	1	6	1	0	0	0	0
Number Retained	30	9	28	9	0	0	2	0
Retention Rate	83.34	90	82.86	90	—	—	100	—
Ratio To Highest Rate	.93	1.0	.92	1.0	—	—	1.0	—
4/5 Rule – 80% Base	+80	+80	+80	+80	—	—	+80	—
Adverse Impact (Y/N)	N	N	N	N	N	N	N	N

Adverse Impact - Training

The following chart indicates the percentage of available employees by race and gender along with the percentage of training occurrences. Whether or not adverse impact occurred was determined by applying the 4/5 or 80% rule. In addition, any differences of less than 4% were not addressed because of very small numbers.

(1) Officials-Administrators

Available white female	34.48%	Occurrences white female	36.65%
Available AI female	0.0%	Occurrences AI female	0.0%
Available other female	1.15%	Occurrences other female	1.42%
Available white male	63.22%	Occurrences white male	60.80%
Available AI male	1.15%	Occurrences AI male	.57%
Available other male	0.00%	Occurrences other male	.57%
There was no adverse impact in this category.			

(2) Professionals

Available white female	30.87%	Occurrences white female	32.94%
Available AI female	0.43%	Occurrences AI female	.29%
Available other female	0.87%	Occurrences other female	.68%
Available white male	65.22%	Occurrences white male	59.92%
Available AI male	0.43%	Occurrences AI male	1.27%
Available other male	2.18%	Occurrences other male	4.89%
There was no adverse impact in this category.			

(3) Technicians

Available white female	30.59%	Occurrences white female	29.41%
Available AI female	0.46%	Occurrences AI female	0.79%
Available other female	0.91%	Occurrences other female	0.34%
Available white male	63.93%	Occurrences white male	64.42%
Available AI male	1.83%	Occurrences AI male	2.13%
Available other male	2.28%	Occurrences other male	2.92%
There was no adverse impact in this category.			

(4) Administrative Support

Available white female	91.25%	Occurrences white female	89.52%
Available AI female	1.25%	Occurrences AI female	1.90%
Available other female	1.25%	Occurrences other female	0.95%
Available white male	5.00%	Occurrences white male	6.98%
Available AI male	0.00%	Occurrences AI male	0.00%
Available other male	1.25%	Occurrences other male	0.63%
There was no adverse impact in this category.			

(5) Skilled Craft

Available white female	3.66%	Occurrences white female	5.13%
Available AI female	0.00%	Occurrences AI female	0.00%
Available other female	0.00%	Occurrences other female	0.00%
Available white male	93.99%	Occurrences white male	92.50%
Available AI male	2.09%	Occurrences AI male	2.20%
Available other male	0.26%	Occurrences other male	.18%
There was no adverse impact in this category.			

(6) Service-Maintenance

Available white female	29.73%	Occurrences white female	23.39%
Available AI female	0.00%	Occurrences AI female	0.00%
Available other female	0.00%	Occurrences other female	0.00%
Available white male	67.57%	Occurrences white male	72.94%
Available AI male	2.70%	Occurrences AI male	3.21%
Available other male	0.00%	Occurrences other male	0.46%

There may have been adverse impact in this category.

This is a male-dominated job category. Included in this category are: Transportation Technician I, Auto Service Worker, and Storekeeper. Turnover in 2013 was high in this category, especially for TTIs, which is an entry level position for equipment operators. Turnover means basic training. New hires are predominantly male and required most of the training. It should be noted that any new female TTIs would have also received the same basic training.

Also, the number of training sessions for females increased from 37 in 2013 to 51 in 2014. At the same time, the number of training sessions for males decreased from 198 in 2013 to 167 in 2014. The total number of training sessions decreased from 235 in 2013 to 218 in 2014. Generally, when the workload increases, the amount of training decreases.

EEO Complaints:

There were no EEO complaints of discrimination were filed during the reporting period. Therefore, no complaint log will be forwarded.

#	Issue	Race	Gender M/F	Agency Filed With				Retaliation	Status/Comments	Investigating Entity			
				I/DDOT MM/DD/YY	HRMS/OMB MM/DD/YY	EEOC MM/DD/YY	I/DDOL MM/DD/YY						
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
ISSUE:		Selection		Promotion		Work Assignment		RACE:		W - White		AI - American Indian	
		Discipline		Removal		Job Classification				B - Black		API - Asian/Pacific Islander	
		Harassment		Other:						H - Hispanic		2+ - 2 or More	
STATUS/COMMENTS:		Position Statement Submitted to I/DDOL		Closed; No Discrimination Found		Under Conciliation							
		Position Statement Submitted to HRMS/OMB		Complainant Withdrew Complaint									
		Position Statement Submitted to EEOC		Under Investigation									
COMMENTS:													