

2018 EEO/ AFFIRMATIVE ACTION UPDATE

Prepared by

NORTH DAKOTA

DEPARTMENT OF TRANSPORTATION

Bismarck, North Dakota

www.dot.nd.gov

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CIVIL RIGHTS DIVISION

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INTRODUCTION

This document will serve as the 2018 Annual Update to the North Dakota Department of Transportation (NDDOT) five-year EEO/Affirmative Action Plan. The current plan is effective from 2014 through 2018. The entire five year plan can be found at:

<https://www.dot.nd.gov/divisions/civilrights/docs/titlevii/AffirmativeActionPlan.pdf>

This annual update includes data and narratives with regard to the 2017 Workforce Analysis, applicant flow, and a variety of updated statistics. It also contains goals for 2018. Some information from 2018 is included for clarity, but the Update is intended to report EEO matters from calendar year 2017.

Please Note: Only sections with updated information appear in this Annual Update, so numbering of sections may not be sequential.

Civil Rights Division

The NDDOT Civil Rights Division (CRD) is responsible for the following programs:

- Title VI/Nondiscrimination and ADA Program

- Internal EEO/Title VII Program, including AAR Program

- Workplace Investigations Program

- Disadvantaged Business Enterprise (DBE) Program,

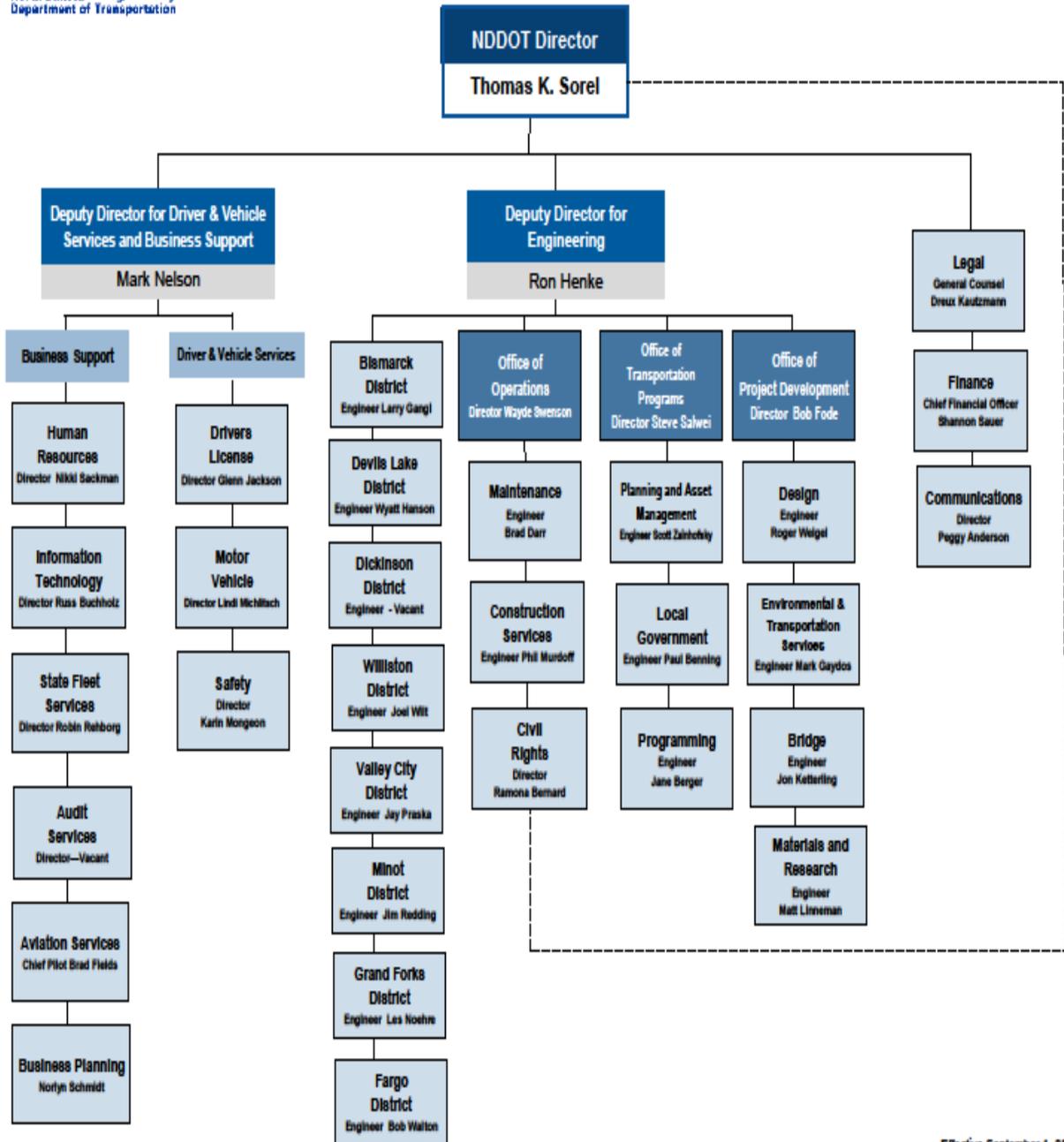
 - Including Supportive Services

- Contractor Compliance Program

- OJT Program, including Supportive Services

- Labor Compliance Program, including LCPtracker

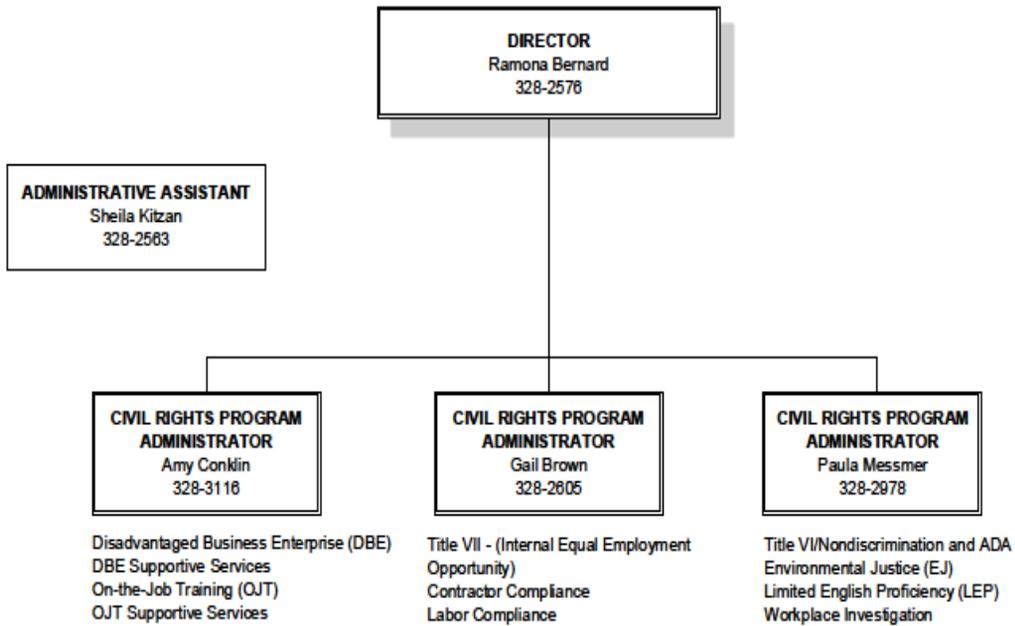
NDDOT Organizational Chart (Updated 9/1/2017)



Effective September 1, 2017

Civil Rights Division Chart (Updated 3-2017)

CIVIL RIGHTS DIVISION ORGANIZATIONAL CHART March 2017



Updated Policies

Policy 1.2 Equal Employment Opportunity (Updated 5-2017)

ND DEPARTMENT OF TRANSPORTATION POLICY NUMBER: 1.2

EQUAL EMPLOYMENT OPPORTUNITY

DIVISION	Human Resources	ORIGINAL DATE	9-01-1976
		REVISED/REVIEWED DATE	5-01-2017

SCOPE: This policy applies to all employees, applicants for employment, and all divisions, districts, and offices of the North Dakota Department of Transportation.

POLICY

The Department Director is committed to and supports Equal Employment Opportunity (EEO) so that no employee or applicant for employment will be discriminated against because of race, color, religion, sex, age, national origin, or person with disability, genetics, sexual orientation, political opinion or affiliation, status with regard to marriage or public assistance, or participation in lawful activity off the Department's premises during non-working hours which is not in direct conflict with the essential business-related interests of the Department.

The Department is committed to an Affirmative Action Program that details the efforts, goals, and timetables to overcome the effects of past discrimination of minorities and women. The Affirmative Action Program is a goal-setting program with measurement and evaluation factors similar to other major Department programs. The program assures equal opportunity in all employment practices, including, but not limited to, 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; or any related function.

The responsibility for implementing the Department's Affirmative Action Program is assigned to the Civil Rights Division Director. However, all management staff shares in this responsibility and will be assigned specific tasks to assure that compliance is achieved. The responsibility for positive affirmative action in the discharge of the Affirmative Action Program, including performance reviews of managers and supervisors in such functions, will be expected of and shared by all management staff. The performance by managers and supervisors will be evaluated by the success of the Affirmative Action Program in the same way their performance is evaluated by the success of other Department programs. The Department Director believes that successful achievement of EEO goals will provide benefits to the Department through comprehensive utilization and the development of underutilized human resources.

Employees and applicants for employment have the right to file complaints alleging discrimination with the Department. Anyone who believes that he or she has been discriminated against should contact either the Civil Rights Division Director or any Department Affirmative Action representative. The Civil Rights Division Director may be reached by calling 701-328-2576 or TTY: 711 or 1-800-366-6888.

Policy 1.1 – Title VI/Nondiscrimination and Americans with Disabilities Act (ADA)

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS DIVISION

Policy 1.1 Title VI/Nondiscrimination and
Americans with Disabilities Act (ADA)

Original Date: July 11, 2011
Revised: September 11, 2017

TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 182(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

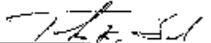
There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations. Executive Order 13158 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, as Director of the North Dakota Department of Transportation, am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NDDOT, its recipients, sub recipients, and contractors.

The NDDOT Civil Rights Division Director is appointed as the Title VI Liaison Officer and ADA Coordinator and is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Further, I sub-delegate and charge the Division Directors and District Engineers with the responsibilities to ensure compliance with Title VI/Nondiscrimination and ADA Program requirements in their respective program areas.

Anyone who believes that he or she has been discriminated against should contact Ramona Bernard, NDDOT Title VI Liaison Officer and ADA Coordinator, NDDOT, 608 E. Boulevard Ave., Bismarck, ND at 701-328-2576. TTY users may call Relay North Dakota at 711 or 1-800-368-6888 (toll-free).



Thomas K. Sorel, Director
North Dakota Department of Transportation

9-11-17

Date

Policy 2.1 – Title VII/EEO and Workplace Harassment Policy Statement (10-4-2017)

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS DIVISION

Policy 2.1 Title VI.

Original Date: July 7, 2011
Revised Date: October 4, 2017

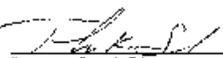
TITLE VII/EEO AND WORKPLACE HARASSMENT POLICY STATEMENT

I, as Director of the North Dakota Department of Transportation (NDDOT), am personally committed to and support Equal Employment Opportunity (EEO) for all people regardless of race, color, religion, sex, age, national origin, physical or mental disability, genetics, sexual orientation, political opinion or affiliation, status with regard to marriage or public assistance, or participation in lawful activity off NDDOT's premises during non-working hours which is not in direct conflict with the essential business-related interests of NDDOT. To this end, NDDOT has committed to undertake an affirmative action program, including goals and timetables, in order to overcome the effects of past discrimination of minorities and women. The affirmative action program is a goal-setting program with measurement and evaluation factors similar to other major NDDOT programs. The program assures equal opportunity in all employment practices, including but not limited to 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, terminations, recognition or awards or 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, sexual orientation 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 that is based on an employee's race, color, religion, sex, age, national origin, sexual orientation or disability, or when it is offensive or shows hostility or aversion toward an employee or the employee's relatives, friends, or associates, it adversely affects an employee's employment opportunities, it unreasonably interferes with an employee's work performance or it creates an intimidating, hostile, or offensive work environment. NDDOT also protects employees from sexual and other harassment by non-NDDOT employees during working hours.

The responsibility for implementing NDDOT's affirmative action program is assigned to the Civil Rights Division Director. However, all management staff share in this responsibility and will be assigned specific tasks to assure that compliance is achieved. The responsibility for positive affirmative action in the discharge of the affirmative action program, including performance reviews of managers and supervisors in such functions, will be expected of and shared by all management staff. The performance by managers and supervisors will be evaluated by the success of the affirmative action program in the same way their performance is evaluated by the success of other NDDOT programs. I believe that successful achievement of EEO goals will provide benefits to NDDOT through comprehensive utilization and development of underutilized human resources. Further, adherence to EEO policies is considered in performance evaluations of all employees of the NDDOT.

Employees and applicants for employment have the right to file complaints alleging discrimination with NDDOT. Anyone who believes that he or she has been discriminated against or harassed should contact either the Civil Rights Division Director at 701-328- 2576 in Bismarck or any NDDOT Affirmative Action Representative. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (tollfree).



Thomas Sorel, Director
North Dakota Department of Transportation

October 4, 2017

Date

Policy 3.1 Disadvantaged Business Enterprise Policy Statement (8-7-2017)

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS DIVISION

Policy 3-1 DBE

Original Date: August 1, 2014
Revision Date: August 7, 2017

DISADVANTAGED BUSINESS ENTERPRISE POLICY STATEMENT (49 CFR §26.23)

The North Dakota Department of Transportation (Department) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Parts 23 and 26. The Department receives federal financial assistance from USDOT. As a condition of receiving this assistance, the Department has signed an assurance that it complies with 49 CFR Parts 23 and 26.

The DBE requirements of 49 CFR Parts 23 and 26 and the Department's DBE program apply to all federally-aided highway construction contracts and to any assignments made to subcontractors, subconsultants or sub recipients.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

In regard to the DBE Program, the Department, its sub recipients, contractors, subcontractors, consultants, and subconsultants shall not discriminate on the basis of race, color, national origin, or sex. It is Department policy to ensure that DBEs, as defined in 49 CFR Parts 23 and 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also Department policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.

Updated Forms

SFN 51795 – External Complaints of Discrimination (10-2017)

EXTERNAL COMPLAINTS OF DISCRIMINATION

North Dakota Department of Transportation, Civil Rights
SFN 51795 (10-2017)

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone Number
Mailing Address		Email Address
City	State	ZIP Code

PART II - CAUSE OF DISCRIMINATION BASED ON

Check appropriate box(es)		
Title VI of the Civil Rights Act of 1964		Other Nondiscrimination Statutes/Executive Orders
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Limited English Proficiency
<input type="checkbox"/> Color		<input type="checkbox"/> Age <input type="checkbox"/> Income Status

PART III - THE PARTICULARS ARE

Include names, dates, places, and incidents involved in the complaint.

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PART IV - REMEDY SOUGHT

State the specific remedy sought to resolve the issue[s].

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PART V - VERIFICATION

Complainant's Signature	Date
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NDDOT Instructions

General

- Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external complaints of discrimination are responsible for all procedural requirements contained in NDDOT's External Complaints of Discrimination process.
- Under Title VI of the Civil Rights Act of 1964 or the related statutes and regulations, no person or group(s) of persons shall, on the grounds of race, color, national origin; or sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the North Dakota Department of Transportation. Any person or group(s) of persons who feel they have been discriminated against may file a complaint.
- Complainants **must** include all required information and **must** meet all timeframes as defined in NDDOT's External Complaints of Discrimination process.
- Legible copies of all available pertinent documentation should be attached to this form.
- All inquiries should be directed to the Civil Rights Division, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505-0700, Telephone (701)328-2978, TTY 711 or (800)366-6888 (toll free).

Part I

Complete all information in this section.

PART II- CONTRACTOR COMPLIANCE

I. Organization and structure

A. NDDOT EEO Coordinator (External) and staff support

Gail Brown continues to be the External EEO Officer and no changes have been made to personnel in this area since the filing of the 2017 EEO Update.

B. District or Division Personnel

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

The CRD published its yearly External Civil Rights Manual for use by construction personnel and did trainings for construction personnel on January 11, 2017. The trainings were recorded so that anyone who was unable to attend, either through video conference or in-person, could view the training later. All construction personnel are required to attend the training. Prior to the training, updated External Civil Rights Manuals were distributed electronically to all staff.

CRD Staff engaged in training **this year** as well:

CRD Director Ramona Bernard

DOT Workplace Policy	4/2017
USDOL Prevailing Wage Seminar	4/2017
Spring Safety Training	5/2017
Title VI Training – CRD	5/2017
Virtual Symposium – Respectful Workplace	5/2017
Virtual Symposium – Title VI	5/2017
Virtual Symposium – LGBTQ Issues	5/2017
Virtual Symposium – DBE/GFE	5/2017
Virtual Symposium – Interstate DBE Certification	5/2017
Virtual Symposium – The Road Before Us	5/2017
Title VI Training – CRD	5/2017
FHWA Webinar – New Title VI Process	6/2017
Phishing Awareness	8/2017
HCWP/Dislocated Worker Grant Seminar	8/2017

FHWA Civil Rights Connect – 1392	8/2017
Dakota Outright Training	9/2017
Phishing Awareness (part 2)	10/2017
Power of Positive Language	10/2017
ND Cybersecurity Awareness	10/2017
<u>Civil Rights Admin. Paula Messmer:</u>	
Identity Theft	3/2017
DOT Central Office Workspace Policy	4/2017
Records Management Training	4/2017
DOT Workplace Policy	4/2017
Spring Safety Training	5/2017
Virtual Symposium – Respectful Workplace	5/2017
Virtual Symposium – Title VI	5/2017
Title VI Training – CRD	5/2017
FHWA Webinar	6/2017
Phishing Awareness	8/2017
Dakota Outright Training	9/2017
Phishing Awareness (part 2)	10/2017
ND Cybersecurity Awareness/Refresher	10/20/18
EJ Community of Practice Webinar by Center for Environmental Excellence, AASHTO	9/2017
Title VI Annual Training, I Am A Person	5/2017
<u>Civil Rights Admin. Amy Conklin</u>	
DBE Bismarck Transit Training	1/2018
Small Business Webinar	4/2017
DOT Workplace Policy	4/2017
Spring Safety Training	5/2017

Virtual Symposium, Session 6 (DBE)	5/2017
Virtual Symposium, Session 12 (GFE)	5/2017
Title VI Training – CRD	5/2017
Phishing Awareness	8/2017
Phishing Awareness (part 2)	10/2017
ND Cybersecurity Awareness	10/2017
Bonding Workshop	11/2017

Admin. Sheila Kitzan

DOT Workplace Policy	4/2017
Spring Safety Training	5/2017
Title VI Training – CRD	5/2017

Civil Rights Admin. Gail Brown

DOT Workplace Policy	4/2017
Spring Safety Training	5/2017
Virtual Symposium, Respectful Workplace	5/2017
Virtual Symposium, LGBTQ Issues	5/2017
Virtual Symposium, Inclusive Organ.	5/2017
Title VI Training – CRD	5/2017
Phishing Awareness	8/2017
FHWA 1391 Training	7/2017
Dakota Outright Training	9/2017
Women’s Health Conference	9/2017
Harassment in the Workplace	10/2017
Phishing Awareness (part 2)	10/2017
ND Cybersecurity Awareness	10/2017

II. Compliance procedures

The Civil Rights Division has purchased and instituted use of the Certification & Compliance System (CCS), which became mandatory for contractors in October 2017.

CCS combines online tools for contract compliance reporting, payment tracking, applying for DBE Certification, and submitting electronic certified payrolls. Contractors will submit documents and information supporting their Good Faith Efforts after bid openings and will submit all required certified payroll through the system. Contractors/vendors and the Department will be able to communicate with each other easily through the system. The system is based on a partnership between B2Gnow Certification & Compliance System and LCPtracker, a certified payroll tracking firm. Both are national firms that supply business to government online data services.

In 2017, over 80% of payrolls were filed using LCPtracker, allowing the NDDOT to track most workers onsite by sex and race/ethnicity and to accurately identify percentages of female and minority workers. This allowed for more advanced Contractor Compliance Reviews in 2017 and this will be even more so in 2018, when use will be mandatory for nearly all contractors. The system will also allow for easy and efficient reporting of Form 1391. During 2017, the Division offered numerous training opportunities in LCPtracker, including seven live trainings for contractors and other live trainings for project staff and consultant engineers.

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 unresolved	0
8. Number of follow-up reviews conducted.	0

For 2017, NDDOT set a goal of 10 compliance reviews and did 10. For 2018, the NDDOT sets a goal of 10 compliance reviews.

There have been no other changes in this area since the filing of the 2014-18 Plan.

VI. Complaints

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

The NDDOT did not receive any direct complaints from employees of contractors in 2017. The Department learned that several contractors had pending complaints made against them to the EEOC or a state human rights entity, but after investigation, the Department was satisfied that the contractors in question were in compliance. The Department learned of an additional issue – the display of a confederate flag conspicuously on a NDDOT project, but the matter was handled informally when the employee in question voluntarily removed the flag. The Department continued receiving reports from a contractor placed on an ongoing Voluntary Corrective Action Plan (VCAP) following several complaints in 2016. The Department is satisfied that the contractor in question has complied with and completed the term of the VCAP. There were no other complaints or issues in 2017.

VII. External training programs, including supportive services

B. Participation by women and minorities in construction training programs.

NDDOT had 15 trainees in skilled craft training programs during 2017, of which 6 were nonminority females and 9 were minority males. Of the 6 females, 4 were trained as operators, 1 was trained as a Truck Driver, and 1 was trained as a Carpenter. Of 9 minority male trainees, 5 trained as operators, 2 were trained as Concrete Finishers and 2 were trained as Carpenters. All 9 minority trainees were male. Of 9 minority males, 2 were Native American and 7 were Hispanic.

NDDOT's OJT Program does not include a training program in the laborer category. All 15 trainees completed training.

To follow is a chart of female and minority completions in the 2017 OJT Program:

Trainees	Equipment Operators	Truck Drivers	Carpenters	Concrete Masons
Female Trainees	4	1	1	0
Minority Male Trainees	5	0	2	2
Total Trainees	9	1	3	2

For 2017, the following represents **all participation of females in the contractor workforce**, as reported on Forms 1391:

Classification	Total Workforce	Women in Workforce	2017 % of Women in Workforce	Benchmark as %	% (+) or (-) Benchmark
Officials	20	1	5%		
Supervisors	41	3	7.3%		
Foremen	55	0	0%		
Operator	330	17	5.2%	6.9%	-1.7%
Mechanic	6	0	0%	6.9%	-6.9%
Truck Driver	176	6	3.4%	6.9%	-3.5%
Ironworker	0	0	0%		-6.9%
Carpenter	33	0	0%	6.9%	-6.9%
Cement Mason	25	0	0%	6.9%	-6.9%
Electrician	14	0	0%	6.9%	-6.9%
Painters	2	0	0%	6.9%	-6.9%
Laborer	312	64	11.5%	6.9%	+4.6%
Apprentices (not OJT)	17	0	0%	6.9%	6.9%
TOTALS	1,031	91	8.8	6.9%	+1.9%

The contract goal of 6.9% for women set by the Office of Federal Contract Compliance Programs (the OFCCP) is used here as a benchmark. North Dakota federal-aid highway contractors attained a female representation in their workforce of 8.8%, meeting the benchmark goal.

For 2017, the following represents all participation of minorities in the contractor workforce, as reported on Forms 1391:

Classification	Total Workforce	Minorities in Workforce	2017 % of Minorities in Workforce	Benchmark as %	% (+) or (-) Benchmark
Officials	20	0	0%		
Supervisors	41	0	0%		
Foremen	55	1	1.8%		
Operator	330	33	10%	4.4%	+5.6%
Mechanic	6	0	0%	4.4%	-4.4%
Truck Driver	176	24	13.6%	4.4%	+9.2%
Ironworker	0	0	0%	4.4%	-4.4%
Carpenter	33	9	27%	4.4%	+22.6%
Cement Mason	25	12	48%	4.4%	+43.6%
Electrician	14	0	0%	4.4%	-4.4%
Painters	2	0	0%	4.4%	-4.4%
Laborer	312	64	20.5%	4.4%	+16.1%
Apprentices (not OJT)	17	2	11.8%	4.4%	+7.4%
TOTALS	1,031	145	14%	4.4% or lower	+9.6% or more

North Dakota's minority participation is greater than the OFCCP benchmark goal of 4.4% (or less) 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. Minority participation met the benchmark goal in most categories and met the goal overall.

VIII. Disadvantaged Business Enterprise Program (DBE)

Goal-setting for disadvantaged business enterprises (DBEs) with capabilities in the transportation industry is required by 49 Code of Federal Regulations Part 26. The following goals are applicable for the 2018 federal fiscal year (October 1, 2017 through September 30, 2018).

2018-2020 FEDERAL HIGHWAY ADMINISTRATION DBE GOAL: 4.91 Percent

This goal represents the percentage of work to be accomplished by DBE prime contractors, subcontractors, consultants, vendors, and material suppliers on federal-aid transportation projects.

NDDOT's FHWA 2018-2020 Goal Setting Methodology is posted on the Department's website at: <https://www.dot.nd.gov/divisions/civilrights/dbeprogram.htm#dbe-annual-goals-statistics>

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?

FHWA Sub Recipients

Currently, sub recipient federal-aid projects are let by NDDOT and subject to the requirements of the Contractor Compliance Review Program. When a sub recipient's prime contractor is selected for a compliance review, Civil Rights Division sends a notice of review letter to the prime contractor with a copy to NDDOT's Assistant District Engineer. A representative of the city or county is invited to participate in the process, if applicable.

Additionally, NDDOT has developed a process to conduct Title VI reviews of sub recipients (Metropolitan Planning Organizations, cities, and counties). Title VI Specialists are responsible to conduct Title VI pre-award and post-award compliance reviews of their program area sub recipients.

Pre-award compliance reviews require applicants for federal financial assistance to identify all the components necessary to develop a Title VI Plan including EEO and ADA requirements. The Title VI Specialist provides one-on-one training and assistance to the applicant to develop their Title VI Program. The Title VI Sub Recipient Information web page provides templates and information for the development of Title VI, EEO, and ADA program documents. For pre-award, the Title VI sub recipient is required to submit their signed Title VI Assurances document, signed Title VI/Nondiscrimination and ADA Policy Statement, and the sub recipient Title VI Checklist. The Title VI Specialist reviews these documents for the pre-award compliance review.

Post-award compliance reviews require ten percent of sub-recipients to be audited or a minimum of one sub recipient per division or district must be

reviewed annually. Sub recipients selected for post-award reviews are required to produce all the documentation of all the components of the sub recipient's Title VI Plan. The Title VI Specialists conduct on-site reviews for post-award compliance.

NDDOT Title VI/Nondiscrimination and ADA Program has Review Selection and Procedures that are a step-by-step guidance from pre-award through post-award compliance including corrective action within specified timeframes.

During the period between January 1, 2017 and December 31, 2017, NDDOT had one division and no districts with sub recipients.

Local Government Division had a total of four sub recipients for federal highway funds. These four sub recipients are the same every year. We have audited all of them previously so we know they have a Title VI/Nondiscrimination and ADA Program. New sub recipients or sub recipients from past years require the pre-award compliance review.

Sub recipients are randomly selected for annual reviews in the year in which the project is to be constructed or for funds used on other eligible activities. 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 one Title VI review. This review was conducted on Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO), who also receive FTA funds. Findings from this review 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 the review.

There were findings with recommendations made as follows:

Section II, Item 1 FTA Circular 4702.1B Requirements

- **FINDING:**
As part of the FTA Circular there are a number of items that MPOs must include in their Title VI plan. Namely these items are a demographic profile, mobility needs identification, demographic funding distribution maps and identification of disparate impacts. The MPO responded that these items have been completed, but they noted them as being in the EJ Manual and the IPI document. Per the Circular, these items must also be included in the MPO's Title VI plan.

RECOMMENDED CORRECTIVE ACTION:

The MPO needs to update their Title VI plan with the appropriate documentation as noted by the FTA Circular.

These recommendations have been implemented.

OTHER FINDINGS

MPO Title VI Website Information

- FINDING:
The MPO's website does not contain fully executed Title VI documentation. All of the Title VI documents on the website are currently unsigned.

RECOMMENDED CORRECTIVE ACTION:

The MPO needs to make sure all documentation related to Title VI on their website are officially signed copies of the documents.

The Title VI criteria has been modified to prevent the repeated review in subsequent years of subrecipients for which prior reviews have not revealed deficiencies. The exact wording is as follows:

1. *NDDOT sub recipients*

- a) All sub recipients will complete a pre-award Sub Recipient Audit Checklist.*
- b) Sub recipients shall be randomly selected for review 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. If a sub recipient is selected in subsequent years, provided no deficiencies were identified in the previous audit, a new sub recipient will be selected for review.*

If deficiencies are found during the review, the sub recipient shall be reviewed the following year

ADDITIONAL SUB RECIPIENT REVIEWS – FTA Reviews-Transit Agencies

FTA Circular 4702.1B Requirements

Local Government, Transit Section, is required to audit 10% or a minimum of three of Transit Providers that receive 5311 federal funds. Four transit providers were audited. These reviews were conducted on Walsh County Transportation, Nutrition United/Rolette County Transportation, Fargo Metro Area Transit, and South Central Adult Services.

There were findings with recommendations made as follows:

Nutrition United/Rolette County Transportation

- Minor modifications due 9/30/17

Fargo Metro Area Transit

- Minor modifications due 9/30/17

These recommendations have been implemented.

PART II – NDDOT INTERNAL EEO

I. ORGANIZATION AND STRUCTURE

A. EEO/Affirmative Action Officer

Civil Rights Division Director, Ramona Bernard is the Internal EEO/Affirmative Action Officer.

B. Specific programs to eliminate discriminatory barriers, achieve goals and encourage promotions

1. Educational Grant Program:

The Department had two participants in the Program graduate in 2017. One, a nonminority female, declined an offer of employment in 2016. The second, a nonminority male, declined an offer in late 2017.

2. TRAC Program

Administration of the TRAC Program was assumed by Jennifer Einreim, a Professional Engineer in the Design Division. The program is funded for \$160,000.00 for the biennium. In 2017, the program visited schools in Dickinson, Fargo, Bismarck and Edgeley. Staff did 3 teacher trainings, and had attendance from all over North Dakota. high school and middle school students. In 2017, a new pilot project (VISION 2030) was begun for students to envision, present, and propose the future city they would like to see. Ms. Einreim received the Governor's Award in recognition for her work on lifelong learning for the Vision 2030 project. (This award will be covered in the 2018 Report at length.)

3. Recruiter: The NDDOT Recruiter resigned from his position in November of 2017 and the Department hired a new Recruiter, Denise Osmond, in December 2017. While Ms. Osmond took actions in community outreach and participation of in local fairs and events, this occurred in 2018 and will be part of a report for the 2018 calendar year. The prior recruiter engaged in a pattern of participation in local fairs and outreach to local educational institutions similar to that reported in the calendar year 2016 report (filed in 2017). No other changes are noted since the previous Update.

4. Training Opportunities with Tribal Colleges: The NDDOT continues to pursue relationships with both Turtle Mountain Community College and United Tribes Technical College. Despite repeated efforts, this has not resulted in collaborative training program with the NDDOT. Further outreach efforts in the future are expected.

C. Progress on Action items from the 2014 EEO/AA Plan

Transportation Institute (NSTI) Program.

Proposed Action:

The Department will provide support to the first National Summer Transportation Institute in North Dakota in July of 2017. It is hoped that the program will be a success and that this will lead to expansion and increased funding in the years to come.

Result: The Department supported the SOW filed by the Engineering faculty at the University of North Dakota, and the Program received \$20,000.00 in federal funding from FHWA. Subsequently, the organizers reported that they were unable to secure the 15 applications to attend necessary to support the program, and intended to cancel.

Further Proposed Action: The Department will support any further applications for the National Summer Transportation Institute and will be more “hands on” in assisting in the recruitment of attendees through the TRAC program or otherwise.

II. MARKET AND WORKFORCE ANALYSIS

A. State Population

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

White Alone	605,449	90%
American Indian or Alaska Native	36,591	5.4%
Black	7,960	1.2%
Asian	6,909	1.0%
Native Hawaiian	320	<0.5%
Some Other Race	3,509	0.5%
Two or More Races	11,853	1.8%
Total Population	672,591	100%

B. NDDOT Workforce, by Race and Sex

NDDOT Workforce 12/31/2017	FEMALE			FEMALE Total	MALE			MALE Total	Grand Total
EEO-4 Category	AMIND	OTHER	WHITE		AMIND	OTHER	WHITE		
Admin Support	1	4	64	69	0	1	6	7	76
Officials/Admin			25	25			53	53	78
Professionals	3	3	81	87	2	9	146	157	244
Service/Maintenance			7	7	3	1	33	37	44
Skilled Craft			15	15	7	3	349	359	374
Technicians	1	2	51	54	2	7	121	130	184
Paraprofessionals			4	4					4
Total	5	9	247	261	14	21	708	743	1,004

Note: Where Underutilization is less than 1 whole person, no hiring goal will be set, such that a notation of

NDDOT 2016 WORKFORCE UTILIZATION							
Job Category	Total Work Force	MALES			FEMALES		
		Non minority	American Indian	Other Minority	Non minority	American Indian	Other Minority
Officials-Administrators							
# Workforce	78	53	0	0	25	0	0
% in Category		67.9%	0.00%	0.00%	32%	0.00%	0.0%
% of Availability		----	0.6%	0.56%	16.5%	0.7%	0.11%
% Utilization		----	-0.6%	-0.56%	+15.5%	-0.7%	-0.11%
Significantly Underutilized (Y/N)		----	N	N	N	N	N
# Needed to Reach Parity		----	<1	<1	0	<1	<1
Professionals							
# Workforce	244	146	2	9	81	3	3
% in Category		60%	0.8%	4%	33.0%	1.23%	1.23%
% of Availability		---	1.0%	1.5%	23.0%	1.6%	.9%
% Utilization		----	-0.2%	+2.5%	+9.0%	-0.37%	+0.3%
Significantly Underutilized (Y/N)		----	N	N	N	N	N
# Needed to Reach Parity		----	<1	0	0	<1	0
Technicians							
# Workforce	184	121	2	7	51	1	2
% in Category		65.8%	1.1%	4%	28%	0.5%	1.1%
% of Availability		---	0.4%	1.5	34%	0.1%	0.06%
% Utilization		----	+0.7%	+2.5%	-6.0%	+0.4%	+1.04%
Significantly Underutilized (Y/N)		----	N	N	Y	N	N
# Needed to Reach Parity		----	0	0	11	0	0
Administrative Support							
# Workforce	76	6	0	1	64	1	4
% in Category		7.9%	0.00%	2.6	84%	1.3%	5.3%
% of Availability		--	0.04%	0.04%	90.0%	1.6%	1.30%
-% Utilization		----	-0.04%	+2.56%	-6.0%	-0.3%	+4%
Y		----	N	N	Y	N	N
# Needed to Reach Parity		----	<1	0	1	<1	0
Skilled Craft							
# Workforce	374	349	7	3	15	0	0
% in Category		93.0%	1.9%	0.8%	4%	0.00%	0.00%
% of Availability		--	2.20%	0.3%	2.1%	0.06%	0.05%
% Utilization		----	-0.3%	+0.5%	+1.9%	-0.06%	-0.05%
Significantly Underutilized (Y/N)		----	N	N	N	N	N
# Needed to Reach Parity		----	<1	0	0	<1	<1

Service-Maintenance							
# Workforce	44	33	3	1	7	0	0
% in Category		75%	7%	2.3%	16%	0.00%	0.00%
% of Availability		---	6%	6.3%	13.7%	0.5%	0.5%
% Utilization		----	+1%	-4%	+2.3%	-0.5%	-0.5%
Significantly Underutilized (Y/N)		----	N	Y	N	N	N
# Needed to Reach Parity		----	0	1	0	<1	<1

"<1" in the above chart will not result in the setting of a hiring goal.

C. NDDOT Workforce Utilization and Analysis

NDDOT 2017 UTILIZATION SUMMARY

Occupational Group	Available in Labor Market %					Present in NDDOT(12/31/2017) %					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	.60	.70	.56	.11	16.5	0.00	0.00	0.00	0.00	31	-0.6	-0.7	-0.56	-0.11	14.5	0	0	0	0	0
Professionals	1.0	1.3	1.5	0.9	23.0	0.8	1.6	4.0	1.2	33	-0.2	-0.3	2.5	0.3	9.0	0	0	0	0	0
Technicians	0.4	0.1	1.5	0.06	34.0	1.1	0.5	4.0	1.1	28	.07	0.4	2.5	1.04	-6.0	0	0	0	0	11
Administrative Support	0.04	1.6	.004	1.3	90.0	0	1.3	2.6	5.3	84	-0.04	-0.3	2.56	4.0	-6.0	0	0	0	0	0
Skilled Craft	2.2	.06	.3	.05	2.1	1.9	0.00	0.8	0.00	4.0	-0.3	-0.06	0.5	-0.05	1.9	0	0	0	0	0
Service-Maintenance	6.0	0.5	6.3	0.5	13.7	7.0	0	2.3	0	16	1.0	-4.0	2.3	-0.5	2.3	0	0	1	0	0

III. HIRING GOALS

The Utilization Analysis was done with the 2010 US Census Data from the American Community Survey (ACS). 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 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 (31%) far exceeds the parity figure (16.5%). Underutilization figures for minorities fall short of the equivalent of a whole worker in each category. No underutilization is noted in the Officials/Administrators classification and no hiring goals will be set.

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 (33%) far exceeds the parity figure (23%). No hiring goals will be set for nonminority females. The percentage of Other Minority males employed at the NDDOT (4%) far exceeds the market estimate (1.5%). Other Minority females also exceed parity (.9%) at 1.2%. Other groups are just below parity, but less than a whole worker. No hiring goals will be set for the Professional Classification.

C. Technicians

The percentage of nonminority females in the NDDOT technician workforce (28%) is below the parity figure (34%). The NDDOT is underutilized by 11 nonminority females in the Technicians classification. This category remains the only significant underutilization in the NDDOT. The underutilization in the category centers on engineering techs, who make up 60% of the Technicians classification at the NDDOT. Despite the best efforts of management, the NDDOT has few nonminority female applicants for engineering tech positions. The data from the 2010 Census, available only for engineering techs as a whole, and not for civil engineering techs in particular, would predict that 1 in 5 (20%) applicants would be female. In fact, female applicants make up about 8% of applications. (See Note below.) The percentages of American Indian males, American Indian females, Other Minority males and Other Minority females are above parity.

The NDDOT has formed a working group to address the issue of hiring goals in the Technicians classification. This working group will include the Director of CRD, the Assist. Director of HRD, the Title VII Program Administrator, the NDDOT HR Recruiter, and a manager with Construction Services responsible for the hiring of several engineering tech positions each year. Engineering Techs within Construction Management Division. This group has met and has begun examining data to determine whether the hiring goals are legitimate and to formulate strategies to recruit more female applicants for tech positions. The recommendations of this group will be included in the 5 year AA/EEO plan to be filed in 2019. In the interim, the NDDOT continues to implement hiring goals for all open technician positions.

D. Administrative Support

The percentage of nonminority females in the NDDOT administrative support classification (84%) is mildly below parity (90%). However, this is due to the recent hiring of males and minority females in a category dominated by nonminority females. For this reason, the Department will not set a goal. The percentage of American Indian females (1.3%) is slightly below the parity figure (1.6%), but this falls below the whole person standard and is not statistically significant. Both Other Minority males and Other Minority females greatly exceed the parity figure. Native American males are .04% underutilized, but this result is not significant enough to set a hiring goal. The NDDOT is not significantly underutilized in the Administrative Support classification and no hiring goal will be set.

E. Skilled Craft

The percentage of nonminority females in the NDDOT skilled craft workforce (4%) exceeds parity (2.1%). American Indian males (1.9%) are not underutilized. Other Minority males (0.8%) exceed parity (0.3%). American Indian females and Other Minority females are not significantly underutilized. No hiring goal will be set in the Skilled Craft classification.

F. Service Maintenance

The percentage of nonminority females in the NDDOT service maintenance workforce (16%) is above the parity figure (13.7%). American Indian females and Other Minority females are not significantly underutilized. American Indian males are 7% of the NDDOT service maintenance workforce, while parity is at 6%. Other Minority males are 2.3% in the Service Maintenance workforce with a parity of 5.7%, which indicates significant underutilization. A hiring goal of 1 Other Minority male worker will be set.

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

Occupational Classifications	2014					2015					2016					2017					2018				
	Amer. Indian		Other Min		White	Amer. Indian		Other Min		White	Amer. Indian		Other Min		White	Amer. Indian		Other Min		White	Amer. Indian		Other Min		White
Sex	M	F	M	F	F	M	F	M	F	F	M	F	M	F	F	M	F	M	F	F	M	F	M	F	F
Officials-Admins	..		..	..	..	..	..	..	..	..	..	.	..		..	..	..	..	..	.	..	.	..	..	.
Professionals	1	1	..	..	..	..	2	..	..	..	..	1	..		..	..	..	..	..	.	..	.	..	..	..
Technicians	..	..	..	..	2	..	..	..	..	2	..	.	..	2	..	..	..	..	*2	..	.	..	..	*2	
Admin Support	..	..	..	..	..	..	..	..	..	..	..	.	..		..	..	..	.		.	..	.	..	..	..
Skilled Craft	1	..	..	..	..	..	..	..	..	..	..	.	..		..	..	..	..	..	.	..	.	..	..	..
Service-Maintenance	1	..	1	..	..	..	1	..	1	..	1	.	..		..	..	..	..	1	.	..	.	1	..	..

*The NDDOT will continue to conduct a review of the availability of female engineering technicians throughout 2017, since the data used to project workforce availability are very different from female applicant flow for these positions.

A. PROGRESS ON MINORITY AND FEMALE HIRING GOALS

Occupational Group	Employment Figures 1-1-17						Employment Figures 1-1-18						Gain or Loss	
	Total	American Indian		Other Minority		White	Total	American Indian		Other Minority		White	All Minorities	White Female
Officials-Administrators	77	0	0	0	0	23	78	0	0	0	0	25	0	+2
Professionals	261	2	4	13	4	81	244	2	3	9	3	81	-6	0
Technicians	192	1	1	6	1	56	184	2	1	7	2	51	+3	-5
Administrative Support	76	0	1	1	3	67	76	0	1	1	4	64	+1	-3
+++++														
	386	9	0	3	0	15	374	7	0	3	0	15	-2	0
'Skilled Craft														
Service-Maintenance	35	2	0	1	0	8	44	3	0	1	0	7	+1	-1
Paraprofessional	4	0	0	0	0	4	4	0	0	0	0	4	0	0
Net Gain or Loss												-5	-7	

Occupational Group	Minorities		Females	
	+/- % of Total Classification	+/- % Increase in # of Workers	+/- % of Total Classification	+/- % Increase in # of Workers
Officials/Administrators	0	0	+2%	+8.7%
Professionals	-1.8%	-21%	0%	0%
Technicians	+2.7%	+33%	-1.0%	-9%
Administrative Support	+1.1%	+20%	-4%	-4.5%
Skilled Craft	-0.7%	-25%	0%	0%
Service Maintenance	+0.5%	+33%	-6.9%	-12.5%
Paraprofessional	0	0	0	0%

IV. ADVERSE IMPACT

A. Adverse Impact – New Hires and Promotions – Jobs Posted Internally and Externally

Note: If use of the highest selection rate in a classification (1.0) would result in an expected hiring figure of 3 or fewer employees in any particular category, that category is deemed too small in which to make reliable adverse impact calculations. These categories are noted with (----).

Job Category: **Officials-Administrators**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	63	7	0	1	5	0	16
Total Hires	10	3	0	0	0	0	
Selection Rate	15.9%	42%	---	---	---	---	
Ratio to Highest Rate	.38	1.0	---	---	---	---	
4/5 Rule – 80% Base	<80	>80	---	---	---	---	
Adverse Impact	Y	N	N	N	N	N	

Adverse Impact is noted for white males only.

Job Category: **Professionals**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	118	94	0	1	24	3	22
Total Hires	18	11	0	0	1	0	
Selection Rate	15%	12%	---	---	4%	---	
Ratio to Highest Rate	1.0	.80	---	---	.27	---	
4/5 Rule – 80% Base	>80	80	---	---	<80	---	
Adverse Impact	N	N	N	N	Y	N	

Adverse impact is noted for other minority males.

Job Category: **Technicians**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	90	157	3	1	26	9	5
Total Hires	10	7	0	0	2	0	
Selection Rate	11.1	4.5	---	---	--	---	
Ratio to Highest Rate	1.0	.40	---	---	----	---	
4/5 Rule – 80% Base	>80	<80	--	---	----	---	
Adverse Impact	N	Y	N	N	N	N	

Adverse impact is noted for white females.

Job Category: **Administrative Support**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	36	265	0	6	3	10	0
Total Hires	2	7	0	0	0	1	
Selection Rate		2.7%					
Ratio to Highest Rate	---	1.0	---	---	---	---	
4/5 Rule – 80% Base	---	>80	---	---	---	---	
Adverse Impact	N	N	N	N	N	N	

No Adverse Impact is noted.

Category: **Skilled Craft**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	202	7	14	1	6	0	1
Total Hires	56	2	1	0	2	0	
Selection Rate	27%	28.6%	---	---	---	---	
Ratio to Highest Rate	.94	1.0	---	---	---	---	
4/5 Rule – 80% Base	>80	>80	---	---	---	---	
Adverse Impact	N	N	N	N	N	N	

No Adverse Impact is noted.

Job Category: **Service-Maintenance**

	White		American Indian		Other Minority		No Info
	Male	Female	Male	Female	Male	Female	
Job Applicants	73	5	5	0	4	0	5
Total Hires	17	0	1	0	1	0	
Selection Rate	23%	---	----	----	---	---	
Ratio to Highest Rate	1.0	----	---	---	---	---	
4/5 Rule – 80% Base	>80	----	---	---	----	---	
Adverse Impact	N	N	N	N	N	N	

No Adverse Impact is noted.

Job Category: **Paraprofessionals (4 employees – no hiring)**

No Adverse Impact is noted.

B. Adverse Impact – Promotions Posted Externally Only

Some time ago, the NDDOT executive team made a decision to post most 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.

C. Adverse Impact – Terminations

Note: If a subcategory within a classification included fewer than 5 individuals, no adverse impact computation was done in that subcategory due to inherent unreliability of such low numbers.

Job Category: **Officials-Administrators**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	53	25	0	0	0	0
Total Terminations	7	3	0	0	0	0
Number Retained	46	22	--	--	--	--
Retention Rate	87%	88%	---	---	---	---
Ratio To Highest	.99	1.0	--	--	--	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact	N	N	N	N	N	N

No Adverse Impact is noted.

Job Category: **Professionals**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	146	81	2	3	9	3
Total Terminations	9	6	0	1	4	1
Number Retained	137	75	---	---	5	---
Retention Rate	94%	93%	----	----	56%	----
Ratio To Highest	.98	1.0	---	---	.56	---
4/5 Rule – 80%	>80	>80	--	--	<80	--
Adverse Impact	N	N	N	N	Y	N

Adverse Impact is noted other minority males, which may be of limited reliability given the small size of this category.

Job Category: **Technicians**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	121	51	2	1	7	2
Total Terminations	5	10	0	0	1	0
Number Retained	116	41	---	---	6	---
Retention Rate	95%	80.3%	--	--	86%	--
Ratio To Highest	1.0	.80	--	--	.86	--
4/5 Rule – 80% Base	>80	>80	--	--	>80	--
Adverse Impact	N	N	N	N	N	N

No Adverse Impact is noted.

Job Category: **Skilled Craft**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	349	15	7	0	3	0
Total Terminations	36	1	3	0	1	0
Number Retained	313	14	4	--	--	--
Retention Rate	90%	93%	57%	---	---	---
Ratio To Highest	.90	1.0	.57			
4/5 Rule – 80% Base	>80	>80	<80	--	--	--
Adverse Impact	N	N	Y	N	N	N

Adverse Impact is noted for American Indian males, which may of limited reliability, given the small size of this category.

Job Category: **Administrative Support**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	6	64	0	1	1	4
Total Terminations	0	3	0	0	0	0
Number Retained	6	61	0	1	1	4
Retention Rate	100%	95%	--	--	--	--
Ratio To Highest	1.0	.95	--	--	--	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact	N	N	N	N	N	N

No Adverse Impact is noted.

Job Category: **Service-Maintenance**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Total Workforce	37	7	3	0	1	0
Total Terminations	7	0	1	0	1	0
Number Retained	30	7	2	0	0	0
Retention Rate	81%	100%	--	--	--	--
Ratio To Highest	.81	1.0	--	--	--	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact	N	N	N	N	N	N

No Adverse Impact is noted.

D. Adverse Impact - Training

Job Category: **Officials-Administrators**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/2017	53	25	0	0	0	0
Available Training	67.95%	32.05%	0%	0%	0%	0%
Occurrence %	58.99%	41.01%	0%	0%	0%	0%
Training Rate	.87	1.28	---	---	---	---
Ratio to Highest Rate	0.68	1.0	---	---	---	---
4/5 Rule – 80% Base	<80	>80	---	---	---	---
Adverse Impact (Y/N)	Y	N	N	N	N	N

Adverse Impact is noted for white males only.

Job Category: **Professionals**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/2017	146	81	2	3	9	3
Available Training	59.84%	33.2%	0.82%	1.23%	3.69%	1.23%
Occurrence %	57.15%	34.35%	---	---	4.6%	---
Training Rate	0.96	1.03	---	---	1.25	---
Ratio To Highest Rate	.96	1.0	--	--	---	--
4/5 Rule – 80% Base	>80	>80	--	--	---	--
Adverse Impact (Y/N)	Y	N	N	N	N	N

The figure for Other Minority males is treated as an outlier, since it is from a small sample and is very high. No Adverse Impact is noted.

Job Category: **Technicians**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/15	121	51	2	1	7	2
Available Training	65.76%	27.72%	1.09%	0.54%	3.80%	1.09%
Occurrence %	69.16%	23.71%	1.05%	0.47%	4.79%	0.82%
Training Rate	1.05	0.86	0.96	0.87	1.26	0.75
Ratio To Highest Rate	1.0	0.82	--	--	---	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact (Y/N)	N	N	N	N	N	N

The figure for Other Minority males is treated as an outlier since it is from a small sample and is very high. No Adverse Impact is noted.

Job Category: **Administrative Support**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/15	6	64	0	1	1	4
Available Training	7.89%	84.21%	0%	1.32%	1.32%	5.26%
Occurrence %	8.81%	82.12%	0%	1.04%	1.30%	6.74%
Training Rate	1.12	0.98	--	--	--	--
Ratio To Highest Rate	1.0	0.88	--	--	--	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact (Y/N)	N	N	N	N	N	N

No Adverse Impact is noted.

Job Category: **Skilled Craft**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/16	349	15	7	0	3	0
Available Training	93.32%	4.01%	1.87%	0%	0.80%	0%
Occurrence %	92.34%	5.11%	1.76%	0%	0.79%	0%
Training Rate	0.99	1.27	0.97	--	--	--
Ratio To Highest Rate	0.78	1.0	0.76	--	-	--
4/5 Rule – 80% Base	<80	>80	<80	--	--	--
Adverse Impact (Y/N)	Y	N	Y	N	N	N

Very mild Adverse Impact is noted for white males and American Indian males as compared to nonminority females. This is best explained by very high training rates for females in this classification, which skewed the numbers.

Job Category: **Service-Maintenance**

	White		American Indian		Other Minority	
	Male	Female	Male	Female	Male	Female
Employees 12/31/16	33	7	3	0	1	0
Available Training	75%	15.91%	6.82%	0%	2.27%	0%
Training Rate	0.98	0.88	----	----	----	---
Ratio To Highest Rate	1.0	0.90	--	--	--	--
4/5 Rule – 80% Base	>80	>80	--	--	--	--
Adverse Impact (Y/N)	N	N	N	N	N	N

No Adverse Impact is noted.

EEO Complaints

The Department received 3 complaints of discrimination in 2017.

EEO COMPLAINTS:

3 EEO complaints of discrimination was filed during the reporting period (calendar year 2017).

#	Issue	Race	Gender	Agency Filed With				Race	Color	Religion	Gender (Sex)	Age	National Origin	Genetics	Workplace Harassment	Physical/Mental Disabilities/Handicap	Political Opinions/Affiliations	Status re Marriage/Public Assistance	Participation in Lawful Activity Off NDDOT Premises	Retaliation	Status/Comments	Investigating Entity
				NDDOT	HRMS/OMB	EEOC	NDDOL															
				M/F	MM/DD/YY	MM/DD/YY	MM/DD/YY															
1																						
2																						
3																						
4																						
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 NDDOL				Closed; No Discrimination Found				Under Conciliation										
				Position Statement Submitted to HRMS/OMB				Complainant Withdrew Complaint														
				Position Statement Submitted to EEOC				Under Investigation														
COMMENTS: A description of these 3 complaints will be sent under separate cover																						