



# 2026 External Civil Rights Training

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# Schedule

## DBE Program

- Amy Conklin & Bri Verkaik

## OJT Program

- Amy Conklin

## Contractor Compliance Program

- Dan Weaver

## Labor Compliance Program

- Dan Weaver

## Title VI, ADA & LEP

- Heather Christianson



# What Applies?

## Civil Rights Requirements on NDDOT projects

### Federally Funded

- Disadvantaged Business Enterprise (DBE)
- Labor Compliance (Davis Bacon)
- On-the-Job Training (OJT)
- Contractor Compliance
- Title VI, ADA & LEP

### Non-Federally Funded

- On-the-Job Training (OJT)
- Title VI, ADA & LEP

Even if the project has \$1 of federal funding, the Civil Rights Special Provisions or other documents must be included and requirements enforced.

If you are unsure of the funding of a project, please see the first page of the project proposal or contact Construction Services Division.



# Disadvantaged Business Enterprise (DBE) Program

2026 External Civil Rights Training

Presenters: Amy Conklin – DBE  
Program Administrator & Bri Verkaik  
– CRD Program Assistant

October 10, 2025

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) INTERIM FINAL RULE**

The United States Department of Transportation (USDOT) issued an Interim Final Rule (IFR) on September 30, 2025. On October 3, 2025, the IFR was published in the Federal Register. The document contains extensive changes to the overall DBE Program as well as requirements to be met during the transition period. View the IFR online at <https://tinyurl.com/yu6hpe36> or by searching it on the Federal Register website. Below is the impact this will have on NDDOT's current and future projects:

- All previously certified DBEs are no longer certified. As of October 3, 2025, all existing DBE certifications with the North Dakota Unified Certification Program are no longer valid. Therefore, any DBE firms working on or committed to existing projects bid through NDDOT are now considered regular non-DBE subcontractors/suppliers.
- DBE requirements such as Form Cs, Replacement Approval Requests, Advertising/Sign-In, and other similar items cited in the DBE Special Provisions are no longer applicable and will not be required.
- All DBE Special Provisions and goals are removed from future project proposals until further notice.
- Commercially Useful Functions are not required until further notice.
- Prompt Pay requirements still apply. All tiers of contractors are required to report subcontractor and trucking firm payments in the Certification and Compliance System (B2Gnow) on all federal aid projects. As with payments to non-DBE suppliers, payments to DBE suppliers, manufacturers, or distributors are not required to be reported.
- Preference points for utilizing DBE firms have been removed from all future consultant RFPs until further notice.

NDDOT is in the process of updating the program to be in compliance with the IFR. The DBE Program will be updated and reactivated once all IFR requirements are met. Updated requirements will be enforced in the future. Further information will be provided as it is made available. If you have any questions, contact Amy Conklin, Civil Rights Program Manager II, at 701-328-3116 or [aconklin@nd.gov](mailto:aconklin@nd.gov)



RONALD J. HENKE, PE, DIRECTOR

52/ac

c: Ramona Bernard, Civil Rights Division  
U.S. Federal Highway Administration – North Dakota Division

# IFR Overview

## 10/3/2025

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1. Pause Program
  - No DBE Requirements
  - No counting DBE Participation
2. Decertify Interstate DBEs
3. Reevaluate In-State DBEs
  - May 31, 2026 “deadline”
4. Publish Updated DBE Directory & Start Accepting New Applications
5. Program Document Updates & New Triennial Goal Setting
6. Tentative Restart of DBE Program on October 1, 2026



# DBE Interim Final Rule (IFR) – 10/3/2025

- IFR removed Race and Gender from Program
  - New terms: DBE Neutral & DBE Conscious
- Reevaluation
  - 50 ND based firms must either submit PN/PNW for reevaluation or withdraw
  - Over 150 interstate firms decertified
- DBE Program Documents & Triennial Goal to be updated
  - Remove Race/Gender, update requirements and new goal based on DBEs eligible after reevaluation
- No DBE Requirements October 3, 2025, through October 1, 2026
  - Tentative “Program Restart” date of 10/1/2026
  - No DBE requirements on projects during this time
  - Prompt Payment still applies
- Contracts bid October 1, 2026, and forward that contain DBE Special Provisions will have DBE requirements
  - Anything bid prior to that date will not include DBE requirements through the life of the project
  - For example, a project bid in the February 27, 2026, bid opening will not have DBE requirements, even if the project is still active after October 1, 2026



# What Has or Will Change with the IFR?

- Eligibility Requirements for DBEs
  - Fewer DBEs
  - Mostly ND based firms, at least initially
- Program Documents and Triennial Goal
  - Potentially DBE Neutral Program
    - Meaning DBE Participation would be voluntary, no goals would be set
- CRD Checklist – Updated with Disclaimer
- SFN 09423 Pre-Job Conference Form
- DBE Website
  - IFR Section Added
  - Some Sections Disabled
- DBE Directory
  - Disabled, but will go live June 1, 2026, for other agency use
  - Firms that were DBE eligible prior to 10/3/2025 must be registered as subcontractors with NDDOT prior to starting work
- Contracts in B2Gnow
  - All DBEs listed on past active projects and future projects are designated not to count their DBE Participation
- Sign-In & Advertisement System Disabled
- DBE Comprehensive Trucking List Disabled



# What Has NOT Changed with the IFR?

- DBE Newsletter
  - Still published monthly
  - No contractor Advertisements
  - IFR updates/information
- DBE Industry Update Meetings
  - Still held every Monday prior to regularly scheduled bid openings
  - Not bid opening focused, now used to IFR updates/information
  - Slides published to DBE website
- Federal Aid Contracts in B2Gnow for Prompt Pay Monitoring
  - Still need periodic monitoring by DOT staff
  - Discrepancies could require intervention by DOT staff if not resolved between sub/prime
- DBE Program Manual & SP's used prior to 10/3/2025
  - These documents will be updated for use 10/1/2026
  - No change orders were processed for those bid prior to 10/3/2025 to remove these items/requirements
    - Information was distributed to the industry and stakeholders that DBE requirements were no longer being enforced



# Contracts Bid for 2026 Construction Season

- Will **not** contain any DBE Special Provisions
  - No DBE requirements
  - Prompt Pay Still Applies
    - “Contract SP Mandatory Use of Online Project Payment Reporting” still in federal aid proposals
- No DBE Participation Review Packets
- No Commercially Useful Functions
- No Replacement Approval Request requirements
  - If a Prime wishes to terminate a DBE committed to a project prior to 10/3 they must inform CRD
- No 1:1 Ratio DBE Trucking Tracking
  - Was almost none in 2025 season due to only 1 firm being eligible
  - Will resume in 2027 for those eligible (listed on Roster) after reevaluation
- Pre-Job Conference Form – DBE Sections Removed
- DBEs used on projects in B2Gnow should be marked “No” for Included in Goal
  - This will be updated if applicable after program is restarted

# Prompt Payment

- 20-day requirement for contractors to pay subcontractors
  - Applies to all tiers
  - Not applicable to suppliers
- Use of B2Gnow
- System Admins –
  - Josh Jochim (interim) for non-DBE items
  - Amy Conklin for DBE items
  - Incorrect payments, sub ads, contact updates, etc.
- NDDOT Project Staff
  - Monthly monitoring
  - List of subs

## CONTRACT SPECIAL PROVISION MANDATORY USE OF ONLINE PROJECT PAYMENT REPORTING

### A. DESCRIPTION

This Special Provision (SP) replaces Section 109.04 D, “Prompt Payment”

This SP details the requirements for Contractors to document payment to all tiers of DBE subcontractors and suppliers and all non-DBE subcontractors. For the purposes of this SP, the term “payee” will be used to denote all tiers of DBE subcontractors and suppliers as well as all tiers of non-DBE subcontractors.

The Department utilizes the Certification and Compliance System (CCS) for this purpose. The direct web address to this system is <https://dotnd.diversitycompliance.com/>

### B. PROMPT PAYMENT REQUIREMENTS

Within 20 calendar days of receiving payment from the Department, pay all payees their portion of the payment less applicable retainage, not to exceed 2 percent. If the Contractor does not make prompt payment, the payee may notify the Engineer.

The Contractor may withhold payment to a payee for just cause. If withholding payment from a payee, immediately provide written notification to the payee and the Engineer with the reasons for withholding the payment. If the Engineer determines the Contractor is withholding payment with just cause, interest will not accrue.

If the Engineer determines the Contractor is withholding payment without just cause, beginning on the 21st calendar day after the Contractor’s receipt of payment from the Department interest will accrue for the payee at the rate provided by NDCC 13-01.1-02. Additionally, the Department may withhold all payments to the Contractor until the Contractor properly pays the payee and agrees to make all future payments to payees as required by the contract.

The Department will apply these prompt payment procedures to all payees, in accordance with 49 CFR 26.29.

### C. REPORTING REQUIREMENTS

#### 1. General.

Create a vendor account with CCS if one does not exist. Create a user for each employee who will use the system and identify the main user. The main user will receive communications

## Original Compliance Audit Data Reported

AMOUNT REPORTED BY PRIME	<b>\$1,639,274.56</b>	<a href="#">View Payment Lines</a>
AMOUNT REPORTED BY SUBCONTRACTOR	<b>\$1,037,533.84</b>	
PAYMENT DATE (PRIME REPORTED)	<b>12/22/2025</b>	
PAYMENT DATE (SUB REPORTED)	<b>12/2/2025</b>	
PROMPT PAYMENT? (PRIME REPORTED)	<b>Yes - paid within 20 days</b>	
PROMPT PAYMENT? (SUB REPORTED)	<b>Yes - paid within 20 days</b>	
SUBCONTRACTOR PUBLIC COMMENTS	<b>We received the following payments: check #19264 12/2/2025 \$44,972.20 check #19364 12/15/2025 \$154,479.36 check #19504 1/6/2026 \$838,082.28</b>	
SUBCONTRACTOR PRIVATE COMMENTS	<b>We received the following payments: check #19264 12/2/2025 \$44,972.20 check #19364 12/15/2025 \$154,479.36 check #19504 1/6/2026 \$838,082.28</b>	

## Discrepancy Resolution Data Reported

NEW AMOUNT REPORTED BY PRIME	<b>No response yet.</b>
NEW AMOUNT REPORTED BY SUBCONTRACTOR	<b>No response yet.</b>

# Commercially Useful Functions (CUFs)

## A Few Reminders for CUFs:

- CUFs will **NOT** be required or accepted until the DBE program is reevaluated.
- Do not use old CUF forms.
  - New CUF forms have DBE type specific questions.
  - Old CUF forms will not be accepted when the program resumes.
- CUFs must be submitted within a timely manner. We cannot address issues if a CUF is submitted too late.
- Employee names and description of equipment **MUST** be stated on the CUF.
  - It will not be accepted without this information.
- If a project does not have a goal, but a DBE is contracted, a CUF is still required. Any time a DBE is contracted, a CUF is required.

# Commercially Useful Functions

Correct CUF form should be used. CUF forms are by discipline rather than one whole document.

- This CUF is incorrect:

**DBE PERFORMANCE - COMMERCIALLY USEFUL FUNCTION CERTIFICATION**

North Dakota Department of Transportation, Civil Rights  
SFN 62120 (9-2022)

Incorrect CUF form used

**\*Any CUF submitted with a 9-2022 date will no longer be accepted.\***

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- This is the correct CUF form to use for trucking firms:

**DBE PERFORMANCE - COMMERCIALLY USEFUL FUNCTION CERTIFICATION - TRUCKING**

North Dakota Department of Transportation, Civil Rights  
SFN 62610 (3-2025)

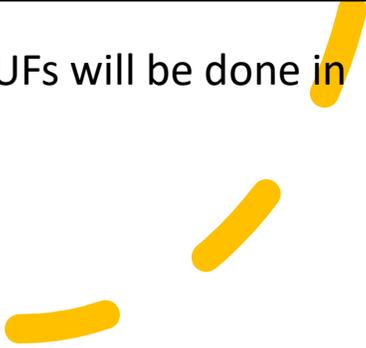
Correct SFN/CUF form used

- This is the correct CUF form to use for subcontractor firms:

**DBE PERFORMANCE - COMMERCIALLY USEFUL FUNCTION CERTIFICATION - SUBCONTRACTOR**

North Dakota Department of Transportation, Civil Rights  
SFN 62612 (3-2025)

Correct SFN/CUF form used

- Any supplier, manufacturer or distributor CUFs will be done in house by CRD staff.
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# CUFs

Equipment used by the DBE MUST be stated on the CUF. Trucking firms must have license plates and truck numbers.

- These 2 examples are unacceptable:

a. List the major self-propelled (engine) equipment used by the DBE:  
Trucks and trailer

a. List the major self-propelled (engine) equipment used by the DBE:  
Semi trucks with belly dump trailers

- This example is acceptable for a trucking firm:

a. List the trucks/trailers used by the DBE. Include license plate numbers.  
[REDACTED] 06 Freightliner White/Green [REDACTED]  
[REDACTED] 03 Freightliner White/Green [REDACTED]  
[REDACTED] 06 Freightliner White/Green [REDACTED]  
[REDACTED] 05 Freightliner White/Green [REDACTED]  
[REDACTED] 06 Freightliner White/Green [REDACTED]

- This example is acceptable for a subcontracting firm:

a. List the major self-propelled (engine) equipment used on the project by the DBE  
Bobcat 335 - Excavator, Bobcat Tractor with Sod Breaker, Dingo Bobcat MT55 - Skidsteer, Bobcat S650 - Skidsteer.

# Commercially Useful Functions (CUFs) continued

Employee names MUST be stated on every CUF. This includes both first and last names.

These 2 examples are acceptable:

a. List the name of the DBE's employees on the project site (first & last names)  
 Drew [REDACTED], Cary [REDACTED], Luke [REDACTED], Chad [REDACTED], Ben [REDACTED]

a. List the name of the DBE's employees on the project site (first & last names)  
 Rico [REDACTED]  
 Thomas [REDACTED]  
 Lenard [REDACTED]  
 Mamie [REDACTED]

Another acceptable way of reporting both employees and vehicles is to add an attached sheet at the end of the CUF like this:

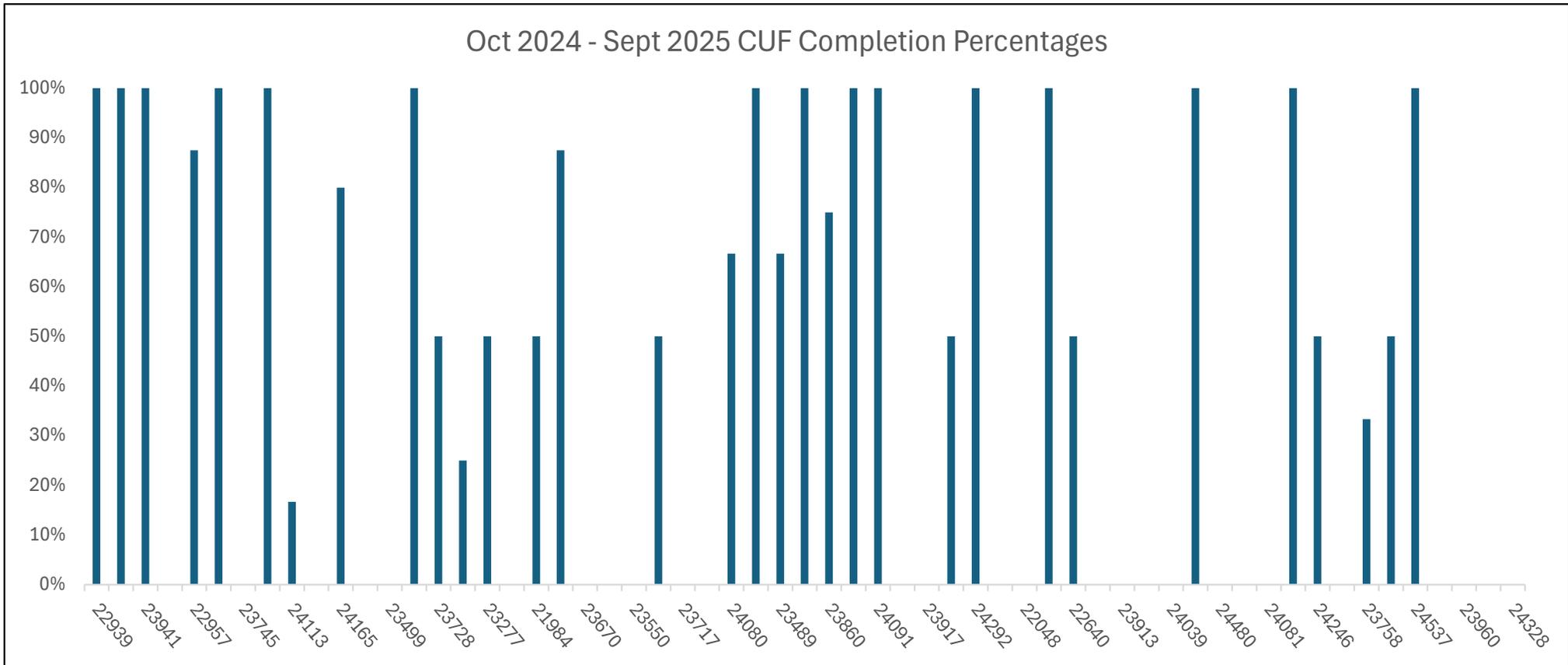
[REDACTED]  
 [REDACTED] - DBE Trucking

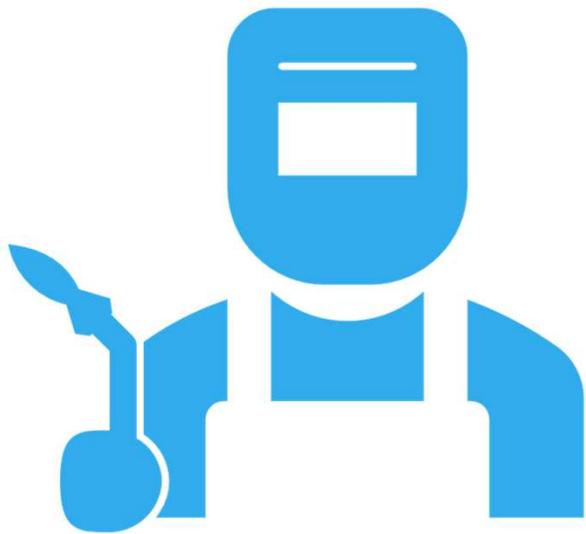
Attached document with employee names and equipment information is acceptable.

Name	Truck License	Trailer License	Truck No.	Owner
Ryne [REDACTED]	[REDACTED]	[REDACTED]	18	[REDACTED]
Jason [REDACTED]	[REDACTED]	[REDACTED]	12	[REDACTED]
William [REDACTED]	[REDACTED]	[REDACTED]	30	[REDACTED]
Lawrence [REDACTED]	[REDACTED]	[REDACTED]	1	[REDACTED]
Cameron [REDACTED]	[REDACTED]	[REDACTED]	5	[REDACTED]
Cole [REDACTED]	[REDACTED]	[REDACTED]	46	[REDACTED]
Jeremy [REDACTED]	[REDACTED]	[REDACTED]	365	[REDACTED]
Louis [REDACTED]	[REDACTED]	[REDACTED]	7	[REDACTED]
Cliff [REDACTED]	[REDACTED]	[REDACTED]	9	[REDACTED]
Emerson [REDACTED]	[REDACTED]	[REDACTED]	0	[REDACTED]

# CUF Completions – 2025 Construction Season

- 48% of Commercially Useful Functions were completed and approved during the 2025 Construction Season. This is partially due to IFR stating no CUFs can be accepted after October 3, 2025.
- Some projects had partial completion & others had zero





# On-The-Job Training (OJT) Program

2026 External Civil Rights Training

Presenters: Amy Conklin – OJT  
Program Administrator

# Resources

- OJT Program Manual
- CRD Checklist
- OJT Special Provisions
- Call or email myself or our OJT Supportive Services Consultant
  - Wold Engineering, P.C.
  - Lisa Rhodes
  - [bismarck@woldengr.com](mailto:bismarck@woldengr.com)
  - 701-258-9227

# OJT Overview

- Program Goal: Provide training for the target group in highway construction industry
- Trainees assigned based on awarded projects during April 1-March 30 of previous year
- OJTs are assigned to contractors, not projects
- Programs include PEO, Structural Carpenters, Concrete Finishers, Truck Drivers and Traffic Control Supervisor
- Program hours are 350-500
- OJTs must have a trainer assigned to them that is on the job site while training
- An OJT may already be employed with the contractor, may have trained in a subsequent OJT program or may be a new hire

# OJT & Role Of The Engineer for NDDOT Projects

- Know who the OJT is, what approved training program they are in and when they are training so you can be aware they are being trained properly
  - It is the Primes responsibility to inform NDDOT staff or Consulting Engineers if they will have an OJT training on a NDDOT project
- OJT meets with Field Monitor during 2 on-site visits
  - May also briefly meet with trainer, project staff and others
  - Make sure Field Monitor can visit with OJT in quite/safe environment
- Monitor Payrolls in LCPtracker for NDDOT federal aid projects

# 2026 OJT Goal & Contractor Assignments

- 2026 Goal is 10 Trainees
- 1 on 1 Meetings with Primes
- Primes can be assigned up to 3 trainees
- Any assignments not completed carry over to next construction season

PRIME	OJT ASSIGNMENTS FOR 2026
Border States Paving	1
Central Specialties Inc	1
Gladen Construction	1
Gowan Construction	1
Industrial Builders Inc	1
Knife River Materials	1
KPH Inc	1
Mayo Construction	1
Northern Improvement	1
Reede Construction	1
Strata Corporation	1
PCi Roads	1 Carryover position from 2025

# CONTACT INFORMATION

Amy Conklin

- DBE Program Lead & OJT Program
- [aconklin@nd.gov](mailto:aconklin@nd.gov) or 701-328-3116

Jessica Stadick-Feist

- DBE Certification & Transit
- [jstadick@nd.gov](mailto:jstadick@nd.gov) or 701-328-1898

Bri Verkaik

- DBE Program Assistant
- [briverkaik@nd.gov](mailto:briverkaik@nd.gov) or 701-328-1570

# Contractor Compliance

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- Daniel Weaver, Program Manager
- Civil Rights Division
- North Dakota Department of Transportation
- P: (701) 328-2605/email: [dweaver@nd.gov](mailto:dweaver@nd.gov)

# Training TOPICS

- Contract special provisions/notices.
- FHWA 1273.
- Compliance oversight.
- Project selection criteria for Contractor Compliance reviews.
- Project Engineer responsibilities for Contractor Compliance reviews.
- Pre-construction conference form.
- CRD checklist.
- Bulletin boards.
- Non-segregated facilities.
- Monthly EEO report.
- Title VII Internal EEO program.

# Civil rights requirements monitoring

Enforcement responsibilities are vested with NDDOT. For consultant led projects, the district is ultimately responsible for ensuring compliance.

In the case of noncompliance with any special provision, the project engineer should notify the Assistant District Engineer and in turn contact CRD for further guidance.

\*\*\*Any member of the district or consultant team that monitors civil rights requirements is required to attend the yearly Civil Rights training. This includes those who assist with payroll verification, conduct labor compliance interviews, or bulletin board reviews.\*\*\*

# Contract special provisions/notices

FHWA 1273. This form was updated including all protected classes of employees in 2023 and is being updated again due to rescinded executive orders.

EEO Affirmative action requirements being removed from all federally funded proposals due to rescinding of Executive order 11246 which is minority and female goal requirements on projects.

Certified payrolls. Labor rates that were current when the project was bid will generally stay with the project until completion.

OJT requirements.

Notices – Electrical Lineman or Bridge Painters. The electrical(Lineman) notice has been updated with more specific guidance on classifying the contractor's employees.

# Project selection for contractor compliance reviews

Projects must be federally funded, and value shall be more than \$1M.



OJT requirements. There are no DBE goals for the 2026 construction season.



Status of last review or when the last review was conducted on a specific contractor. (Labor or equal opportunity complaints or other areas that were identified on a previous review such as training or recruitment).



\*\*\*Contractor compliance review standard operating procedures is located on the Civil Rights homepage on the NDDOT website.\*\*\*

# Project Engineer requirements for a Contractor Compliance review

Ensure all payrolls submitted have been reviewed by the Project Engineer or staff.

All in depth interviews have been uploaded to LCP Tracker and reconciled.

All EEO monthly reports and bulletin board review forms are uploaded to CARS. An additional bulletin board review should be uploaded no less than 15 days prior to the exit interview.

Inspect the project for signs of potential harassment or discrimination.

# PRE-CONSTRUCTION CONFERENCE - EQUAL EMPLOYMENT OPPORTUNITY (EEO), TITLE VI, LABOR STANDARDS, AND DBE PARTICIPATION INFORMATION

North Dakota Department of Transportation, Civil Rights  
SFN 9423 (2-2026)

Contractor <input type="text"/>	Project Control Number(s) (PCN) <input type="text"/>
Project Number(s) <input type="text"/>	Location <input type="text"/>
Type of Project <input type="text"/>	Beginning Date <input type="text"/>
District <input type="text"/>	Dollar Value of Prime Contract <input type="text"/>
Project Engineer (NDDOT, City, County, or Consultant) <input type="text"/>	Contractor's EEO Officer <input type="text"/>
Contractor's DBE Officer <input type="text"/>	Date of Conference <input type="text"/>
Contractor's Staff Responsible for Entering Payment (following the receipt of progress payments) <input type="text"/>	Email Address <input type="text"/>
Contractor's Staff Responsible for Submitting Certified Payrolls <input type="text"/>	Email Address <input type="text"/>

## PRE-CONSTRUCTION CONFERENCE - NON FEDERAL AID PROJECTS

North Dakota Department of Transportation, Civil Rights  
SFN 62555 (10-2024)

Contractor	Project Control Number(s) (PCN)	Date of Conference
Project Number(s)	Location	
Type of Project	Beginning Date	
District	Dollar Value of Prime Contract	
Project Engineer (NDDOT, City, County, or Consultant)	Contractor's EEO Officer	

### READ TO CONTRACTOR:

- The following Special Provisions of this prime contract require performance of various requirements and functions and further requires the maintenance of statistical records, company reports, and related materials and information.

**Appendix A & E of the Title VI Assurances** require contractors to comply with the acts and regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (49 CFR 21). Appendix A & E **apply to and must be incorporated into all tiers of subcontracts, procurement of materials, and leases of equipment.**

Complaints **must be filed, in writing**, no later than **180 days** after the date of the alleged discrimination. NDDOT's External Complaints of Discrimination process is available online at: <http://www.dot.nd.gov/forms/sfn51795.pdf>.

**Prompt Payment Procedures and Release of Retainage** provision requires the prime contractor to pay subcontractors for any amount due, less retainage of no more than 2%, from the current progress payment. Payment must be made within 20 calendar days of receipt of payment, unless the prime contractor has just cause not to make payment. The prompt payment provision includes the release of retainage monies held within 20 days after the work is satisfactorily completed as determined by the NDDOT. The prompt payment procedures and release of retainage **apply to all tiers of subcontracts**. Refer to Section 109.04, D & E of the Standard Specifications for Road and Bridge Construction. For assistance with any prompt pay inquiries on non-federal aid projects contact Construction Services Division.

- The On-the-Job Training (OJT) Program Special Provision** provides that contractors assigned an OJT may train that trainee in their approved curriculum on any project in North Dakota, including non-federal aid, as long as the trainee is paid the appropriate DBRA pay scale for any hours training in their program. It is the Primes responsibility to inform the Project Engineer if an OJT will be training on this project. Contact the Civil Rights Division with any questions or concerns.

# Pre-Construction Conference

Discuss if there are any “gray” areas for coverage of Davis-Bacon wages regarding specific work and what craft should be used.



Emphasize the importance of following all special provisions.



Payroll submissions. Payrolls shall be submitted weekly by all contractors and reviewed by project engineers/staff weekly.



Trucking – specifically if this project will be de minimis or not.

# CRD CHECKLIST

## CIVIL RIGHTS CHECKLIST FOR ALL FEDERAL AID PROJECTS

This form is intended as a tool for District and Consulting Engineers on federally funded NDDOT highway construction projects. It should be provided to the individual(s) who will be collecting, reviewing, and uploading all Civil Rights forms and program requirements on the project. If you have any questions about any of the below information, please contact the appropriate Civil Rights Program Administrator.

All forms used should be downloaded from <https://www.dot.nd.gov/dotnet2/view/forms.aspx> to ensure you are using the most current version.

The checklist should be started at the beginning of the project, however, before the project can be closed out, all items on this checklist must be verified for completion. Further clarification, Civil Rights contact information, copies of forms, and more can be found on the Civil Rights webpage at: NDDOT - Civil Rights

**1/1/2025 Update - Due to the DBE Interim Final Rule published in October 2025, the items below in red with an asterisk (\*) are currently suspended until the DBE Program is active again. Those items will not need to be completed on federal aid projects until new DBE Special Provisions, DBE Program Manual and Triennial Goal are created and approved by FHWA. If you have any questions about this, please contact Amy Conklin at 701-328-3116 or [aconklin@nd.gov](mailto:aconklin@nd.gov)**

**\*\*1/1/2025 Update: FHWA has been working to address recent changes to legal requirements, policies, and procedures. One of those changes is that on January 21, 2025, President Trump issued Executive Order (E.O.) 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," which revoked E.O. 11246, entitled "Equal Employment Opportunity." E.O. 14173 ordered that the Office of Federal Contract Compliance Programs (OFCCP) immediately cease holding federal contractors responsible for taking affirmative action or allowing workforce balancing on certain bases. FHWA's EEO regulations at 23 CFR Part 230, Subpart A, which include FHWA's on-the-job training requirements, incorporate elements of E.O. 11246. FHWA has not yet issued guidance regarding the impact of the revocation of E.O. 11246 on its OJT regulations. At this time, we note only that EEO requirements under E.O. 11246 and OFCCP's regulations at 41 CFR Part 60 cannot be enforced. If you have any further questions, please contact Daniel Weaver at (701) 328-2695 or [dweaver@nd.gov](mailto:dweaver@nd.gov)**

PC#: \_\_\_\_\_

Project Number: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

- SFN 9423 PRE-JOB CONFERENCE, EEO, TITLE VI, LABOR STANDARDS, & DBE INFO** - Complete prior to Construction starting & upload to CARS
- SFN 9425 MONTHLY EEO PROJECT INSPECTION REPORT** - Submitted monthly, beginning the first full month following commencement of a federal-aid project and uploaded to CARS.
- SFN 60547 PROJECT BULLETIN BOARD INSPECTION** - Inspected for every federal-aid project within 15 days of work commencing on the project. It should be also completed immediately prior to an in-depth Contractor Compliance Review. Photo of bulletin board and SFN 60547 Project Bulletin Board Inspection shall be uploaded to CARS.
- \*\*LABOR COMPLIANCE & EEO CONTRACT COMPLIANCE JOB SITE INTERVIEW** - Complete electronically in the LCPTracker On-Site Module for project staff with access to mobile devices. If Project Staff do not have access to a mobile device, labor compliance interviews shall be uploaded to LCP Tracker using the edocuments feature. One minority, one nonminority, and one female, if available, should be interviewed. Ideally, five (5) interviews should be conducted.
- \*SFN 62120 DBE PERFORMANCE - COMMERCIAL USEFUL FUNCTION (CUF) CERTIFICATION** - Must be completed on ALL DBEs within 5 days of working on/providing materials for the project. If you are unsure which

DBEs are committed to working on your project, check the DBE Participation Review packet in FileNet/CARS or look up the project in CCS. The form must be uploaded to CARS. Once uploaded to CARS Civil Rights receives a notification and must review/sign the form as well and reupload it. Civil Rights will be tracking all DBEs committed to each project and documenting the CUF was completed for each. If you have outstanding CUFs due expect to receive a notice from CRD.

- CERTIFICATION AND COMPLIANCE SYSTEM (B2GNOW)** - Is required for prompt pay monitoring of DBE and non-DBE payments on federal aid projects. All tiers of subs/suppliers should be included and listed appropriately on the contract within the system. If a Discrepancy is reported project personnel may be required to review the dispute and resolve the Discrepancy if the two firms cannot come to a resolution on their own. Construction Services is the contact for any non-DBE items within the system and Civil Rights Division is the contact for any DBE related items. It is highly recommended to review your project(s) within CCS at least once a month to ensure all subs/suppliers are being reported correctly and to confirm which DBEs are committed to being used.
- \*SFN 13743a DBE PARTICIPATION REVIEW - RACE/GENDER CONSCIOUS** - This form is used prior to the project being awarded to document any DBE commitments and any Good Faith Efforts (if goal not met). Good Faith Efforts follows a Prime through the life of the project when they don't meet goal at bid. A Prime must solicit subcontractor work to DBEs prior to non-DBEs when any work is needed outside what is already documented in the Good Faith Efforts form within the packet. This form should be referenced to determine if/which DBEs will be working on the project. CCS is a more up to date version of this form and should also be referenced to confirm the DBEs working on projects.
- \*SFN 13743b DBE PARTICIPATION REVIEW - RACE/GENDER NEUTRAL** - This form is used prior to the project being awarded to document any DBE commitments. It should be referenced to determine if/which DBEs will be working on the project. CCS is a more up to date version of this form and should also be referenced to confirm the DBEs working on projects.
- \*SFN 60595 REPLACEMENT APPROVAL REQUEST** - Completed by Prime if **ANY** changes to the DBE participation committed at time of award changes (even if another DBE is used instead). This form is only required on Race Gender Conscious projects for the DBEs committed to at time of award. Any DBEs on Race Gender Neutral projects or additional DBE participation attained after award (unless by Good Faith Efforts when the goal wasn't met) do not require SFN 60595 to make changes in DBE participation. Form must be accompanied by backup documentation as to why the change is necessary and all fields must be completed. **NEW** - DBE being replaced must also review and sign the form. Work cannot be completed without final approval from CRD.
- SFN 51795 TITLE VI EXTERNAL COMPLAINTS OF DISCRIMINATION FORM** - Any time there is an external complaint this form needs to be completed and signed. This form can be sent to [civilrights@nd.gov](mailto:civilrights@nd.gov)
- SFN 60557 DAVIS BACON WAGE COMPLAINT** - forward completed and signed form to [civilrights@nd.gov](mailto:civilrights@nd.gov)
- \*SFN 60781 DBE WEEKLY TRUCKING REPORT** - Filled out by DBE trucking company **only if 1:1 DBE Trucking Ratio Match is used** (DBE has 2nd tier non-DBE sub working under them as DBE match trucks). If the DBE trucking company is only using their own trucks, the form is not required. Form is submitted to Project Engineer weekly and uploaded to CARS. **NEW** - DBE Trucking firms utilizing the 1:1 ratio must now document who they intend to subcontract to on their Form C (SFN 62120) & non-DBE match trucks must display signage visible to project staff identifying which DBE they are working under.
- PAYROLLS** - Certified payrolls should be filed electronically in LCP Tracker by all contractors working on the project and approved by the Prime Approver on a weekly basis. Payrolls should be accepted by Project Staff weekly. Non-performing payrolls are required to be submitted for weeks when contractors are not working on the project but will return later.
- CLOSING PROJECTS IN LCP TRACKER** - Once all payrolls have been submitted, approved, and accepted by Project Staff and all work is completed on a project, the project must be closed in LCP Tracker under the add/edit projects tab.
- OJT TRAINEES** - On the Job Trainees are assigned to Primes working on NDDOT projects, however, they may

have their trainees work on non-DOT projects. A Prime that has OJT assignments may not have the trainee(s) working your project. You are encouraged to ask Primes if they intend to have an OJT Trainee working on the project, so you are aware. If an OJT Trainee is working on the project our Field Monitor will make 2 visits to the project to interview the trainee, the trainer, and the Project Engineer. The Field Monitor needs access to the trainee in a quiet and secure location away from other employees.

For Civil Rights Division direct contact regarding program specific questions please go to NDDOT - Civil Rights

- Intended as a tool for both District and Consultant Engineers on federally funded highway construction projects. Due has been revised due to changes in the DBE program.
- Should be provided to the individual that will be monitoring the Civil Rights requirements on a project at the beginning of the project.
- Intended to be a working document.
- Before a project can be closed out, all items on this checklist **MUST** be verified for completion.

# Bulletin boards

Poster Board DOT 3350 1 of 4(rev. 1-2025) / 2 of 4(2-2026) / 3 of 4(2-2026) / 4 of 4(1-2025).  
The bulletin boards are being updated due to updated executive orders.

DBRA wage rate decision found in contract.

Contractor's discrimination complaint procedure.

Subcontractors and bulletin boards.

Use SFN 60547 project bulletin board review form revision date 3-2025.

\*\*\*Inspect bulletin board within 15 days of work commencing on the project. Should also be done immediately prior to an in-depth Contractor Compliance Review.\*\*\*

# EMPLOYEE RIGHTS

## FOR WORKERS WITH DISABILITIES PAID AT SUBMINIMUM WAGES

This poster must be in a place accessible to the general public in an area where workers are employed. It must be in a language that is understandable by the workers. It must be in a language that is understandable by the workers. It must be in a language that is understandable by the workers.

### WORKERS WITH DISABILITIES

Under the Americans with Disabilities Act (ADA), employers with 15 or more employees are prohibited from discriminating against qualified individuals with disabilities. Qualified individuals are those who, with or without reasonable accommodation, can perform the essential functions of the job.

### WORKER NOTIFICATION

Employers with 15 or more employees are required to post this poster in a place accessible to the general public in an area where workers are employed. It must be in a language that is understandable by the workers.

### KEY ELEMENTS OF COMMENSURATE WAGE RATES

Employers with 15 or more employees are required to pay workers with disabilities at least the same wage rate as workers without disabilities performing the same or similar work. This requirement applies to all workers, regardless of whether they are full-time, part-time, or temporary.

### WIOA

The Workforce Innovation and Opportunity Act (WIOA) requires employers with 15 or more employees to provide job training and other services to workers with disabilities. These services are designed to help workers with disabilities gain the skills and experience they need to succeed in the workforce.

### EXECUTIVE ORDER 13688

Executive Order 13688, signed by President Obama in 2013, requires federal contractors to pay workers with disabilities at least the same wage rate as workers without disabilities performing the same or similar work. This requirement applies to all workers, regardless of whether they are full-time, part-time, or temporary.

### FRINGE BENEFITS

Employers with 15 or more employees are required to provide workers with disabilities with the same fringe benefits as workers without disabilities performing the same or similar work. Fringe benefits include health insurance, dental insurance, and retirement plans.

### OVERTIME

Employers with 15 or more employees are required to pay workers with disabilities at least the same overtime rate as workers without disabilities performing the same or similar work. Overtime pay is required for all workers who work more than 40 hours per week.

### CHILD LABOR

The Fair Labor Standards Act (FLSA) prohibits employers from employing children and minors in hazardous occupations. The FLSA also sets minimum age requirements for non-hazardous work. Employers must be aware of these requirements to avoid legal liability.

### PETTAH PROCESS

The Pettah process is a dispute resolution mechanism used by the U.S. Department of Labor to resolve disputes between employers and workers. It involves a neutral third party who helps the parties reach a mutually agreeable resolution.

For more information, visit [www.dhs.gov](http://www.dhs.gov) or call 1-800-455-9895. This poster is available in multiple languages.

1-800-455-9895  
TDD: 1-877-486-2002  
[www.dhs.gov](http://www.dhs.gov)

WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

2018 1000

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act (EPPA) prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, demoting, or discriminating against an employee or prospective employer for refusing to take a test or for asserting other rights under the Act.

### EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraphs (in kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security services (armed, explosives, and guards), and of pharmaceutical manufacturers, distributors and dispensers.

### PROHIBITIONS

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

### PROHIBITIONS

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

### ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**

1-800-455-9895  
TDD: 1-877-486-2002  
[www.dhs.gov](http://www.dhs.gov)

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## Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that prohibit people from being discriminated against in the workplace. These laws apply to all workers, regardless of whether they are full-time, part-time, or temporary.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

What Employment Practices are Prohibited? Prohibited practices include hiring, firing, promotion, demotion, and discipline. Prohibited practices also include harassment and retaliation.

What are the Remedies? Remedies include back pay, reinstatement, and damages. Remedies also include civil penalties and injunctive relief.

What are the Penalties? Penalties include fines and imprisonment. Penalties also include civil penalties and injunctive relief.

What are the Enforcement Procedures? Enforcement procedures include filing a charge with the EEOC, mediation, and litigation. Enforcement procedures also include filing a lawsuit in court.

What are the Contact Information? Contact information includes the EEOC website, phone number, and address. Contact information also includes the EEOC field office information.

1-800-455-9895  
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[www.dhs.gov](http://www.dhs.gov)

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## Important Wage Rate Information Federal-Aid Highway Project

Under the Davis-Bacon Act, employers on Federal-Aid Highway projects are required to pay workers at least the minimum wage rate for the area. This requirement applies to all workers, regardless of whether they are full-time, part-time, or temporary.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

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## NOTICE

REGAL EMPLOYMENT OPPORTUNITY POLICY. It is the policy of the U.S. Department of Labor to ensure that all workers have equal employment opportunities. This policy applies to all workers, regardless of whether they are full-time, part-time, or temporary.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

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# WORKER RIGHTS

## UNDER THE DAVIS-BACON ACT

### FOR LABORERS AND MECHANICS WORKING ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

The Davis-Bacon Act requires employers to pay workers on Federal or Federally Assisted construction projects at least the minimum wage rate for the area. This requirement applies to all workers, regardless of whether they are full-time, part-time, or temporary.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

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# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) allows eligible employees to take unpaid, job-protected leave for certain family and medical reasons. FMLA leave is available to employees who have worked for the employer for at least one year and who work at least 1,250 hours during the 12-month period preceding the leave.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

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UNITED STATES DEPARTMENT OF LABOR

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# PAY TRANSPARENCY NONDISCRIMINATION PROVISION

## REGAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the U.S. Department of Labor to ensure that all workers have equal employment opportunities. This policy applies to all workers, regardless of whether they are full-time, part-time, or temporary.

Who is Protected? Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

What Types of Employment Discrimination are Prohibited? Discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information is prohibited. Discrimination based on marital status, pregnancy, and family status is also prohibited.

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## YOUR RIGHTS UNDER USERRA

### THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

**USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the United States Armed Forces. USERRA also protects employees from discriminatory practices and past and present members of the uniformed services, and applies to the individual service.**

#### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you have been laid off or your position was eliminated in your civilian job.

- You must return to your employer within a certain time frame after your period of service.
- You have the right to be reemployed in the same or a similar position as the position you held before your period of service.
- You have the right to be reemployed in a position that is at least equivalent to the position you held before your period of service.
- You have the right to be reemployed in a position that is at least equivalent to the position you held before your period of service.

#### HEALTH INSURANCE PROTECTION

If you have health insurance through your employer, you have the right to be reemployed in a position that provides health insurance that is at least equivalent to the health insurance you had before your period of service.

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- You have the right to be reemployed in a position that provides health insurance that is at least equivalent to the health insurance you had before your period of service.

#### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

You have the right to be free from discrimination and retaliation based on your military service.

- You cannot be discriminated against in hiring, promotion, or other employment opportunities because of your military service.
- You cannot be discriminated against in pay, benefits, or other employment opportunities because of your military service.
- You cannot be discriminated against in any other way because of your military service.

#### EMPLOYMENT

You have the right to be reemployed in a position that is at least equivalent to the position you held before your period of service.

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- You have the right to be reemployed in a position that is at least equivalent to the position you held before your period of service.

# NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or any State or Territory, or whoever, whether a person, association, firm or corporation, knowingly makes any false statement, false representation or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever, knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provision of the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355) as amended and supplemented,

Shall be fined under this title or imprisoned not more than five years, or both."

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

State Transportation Agency NORTH DAKOTA DEPARTMENT OF TRANSPORTATION 600 NORTH CENTRAL AVENUE BISMARCK, ND 58505	U.S. Department of Transportation Hotline for Fraud, Waste, & Abuse 1-800-424-0071	Federal Highway Administration CIVIL RIGHTS 1215 IOWA AVENUE, N.W. WASHINGTON, D.C. 20590 FEDERAL HIGHWAY ADMINISTRATION CIVIL RIGHTS DIVISION 1215 IOWA AVENUE, N.W. WASHINGTON, D.C. 20590
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## NORTH Dakota Labor and Human Rights

### ND MINIMUM WAGE & WORK CONDITIONS

(701)328-3000 1-800-580-4002 TTY: (701)328-3331 FAX: 1-800-356-6668  
e-mail: labor@nd.gov website: www.nd.gov/labor

#### MINIMUM WAGE RATE: \$7.25 per hour on 7/24/09

North Dakota does not have a Training Wage.

Effective Date: August 1, 2015

**OVERTIME** N.D. Admin. Code § 48-02-07-02(1)

- Over time is the time paid in excess of the regular rate of pay for hours worked over forty (40) hours per week.
- Over time is a premium rate of pay for hours worked over forty (40) hours per week.
- Over time is a premium rate of pay for hours worked over forty (40) hours per week.
- Over time is a premium rate of pay for hours worked over forty (40) hours per week.

**MEAL PERIODS** N.D. Admin. Code § 48-02-07-02(3)

- Employers may require an employee to eat a meal during the workday if the meal period is at least thirty (30) minutes in length.
- Employers may require an employee to eat a meal during the workday if the meal period is at least thirty (30) minutes in length.

**PAID TIME OFF** N.D. Admin. Code § 48-02-07-02(12) - Applies unless a limitation below is met

- Days off include annual leave, earned leave, unpaid leave, or other provisions providing compensation for absences.
- Days off include annual leave, earned leave, unpaid leave, or other provisions providing compensation for absences.

**LIMITATIONS ON PAID TIME OFF** N.D. Admin. Code § 48-02-07-02(12)

- Employers may require an employee to work on a day off if the employee is on a paid day off.
- Employers may require an employee to work on a day off if the employee is on a paid day off.

**PAYDAYS & RECORD KEEPING** N.D. Admin. Code § 48-02-07-02, 03 and 04

- Employers must pay employees on a regular basis.
- Employers must pay employees on a regular basis.

**DEDUCTIONS FROM PAY** N.D. Admin. Code § 48-02-07-02(1)

- Employers may deduct from an employee's pay for any amount that is authorized by the employee.
- Employers may deduct from an employee's pay for any amount that is authorized by the employee.

**EMPLOYMENT AT WILL** N.D. Admin. Code § 48-02-07-02(1)

- Employers may terminate an employee at any time for any reason without notice.
- Employers may terminate an employee at any time for any reason without notice.

**RIGHT TO WORK** N.D. Admin. Code § 48-02-07-02(1)

- Employers may not discriminate against employees based on race, sex, religion, or national origin.
- Employers may not discriminate against employees based on race, sex, religion, or national origin.

**POSTING REQUIRED**

Must be posted in a conspicuous place in a conspicuous place in which employees work.  
See REVERSE SIDE of this Poster for Additional Information.

### TO EMPLOYEES:

**THIS EMPLOYER IS SUBJECT TO THE UNEMPLOYMENT COMPENSATION LAWS OF THE STATE OF NORTH DAKOTA**

Employer Name: \_\_\_\_\_  
Account #: \_\_\_\_\_

**YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT COMPENSATION BENEFITS IF YOU MEET THE ELIGIBILITY REQUIREMENTS**

To file a claim for unemployment compensation benefits:

online: [www.jobsnd.com](http://www.jobsnd.com)  
or call: 1-701-328-4000  
or visit: [www.nd.gov/labor](http://www.nd.gov/labor)

### EMPLOYERS FROM OVER TIME

**As an employer, you must provide overtime pay to your employees who work more than 40 hours per week.**

- Employers must provide overtime pay to their employees who work more than 40 hours per week.
- Employers must provide overtime pay to their employees who work more than 40 hours per week.

**As an employer, you must provide overtime pay to your employees who work more than 40 hours per week.**

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## WORKER RIGHTS UNDER EXECUTIVE ORDER 13658

### FEDERAL MINIMUM WAGE FOR CONTRACTORS

# \$13.30 PER HOUR

EFFECTIVE JANUARY 1, 2009 - DECEMBER 31, 2025

**NOTICE:** On March 14, 2009, President Barack Obama signed Executive Order 13658, "Increasing the Minimum Wage for Federal Contractors." The minimum wage for federal contractors is now \$13.30 per hour. This increase applies to all federal contractors, including those who are not directly employed by the federal government.

**MINIMUM WAGE:** Federal contractors and subcontractors are generally required to increase wage rates under Executive Order 13658 or EO 14126.

- EO 14126 requires contractors to increase wage rates for all workers employed on or after January 30, 2009, and the contract was entered into on or after January 30, 2009. EO 13658 requires that workers be paid at least \$13.30 per hour for all time spent performing on or in connection with the contract in calendar year 2009.
- EO 13658 requires that workers be paid at least \$13.30 per hour for all time spent performing on or in connection with the contract in calendar year 2009.

**EXCLUSIONS:**

- The EO 13658 minimum wage may not apply to some workers who provide support in connection with covered federal contracts for less than 20 percent of their hours worked in a year.
- The EO 13658 minimum wage may not apply to certain other occupations and workers.

**ENFORCEMENT:**

- The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing the law. WHD can answer questions about your wage rights and enforce the law. WHD can also investigate complaints and take action to ensure that the law is followed. WHD can also investigate complaints and take action to ensure that the law is followed.

**ADDITIONAL INFORMATION:**

- Workers with flexible work schedules are protected by special provisions under the law.
- Workers with flexible work schedules are protected by special provisions under the law.

The law requires certain federal contractors to display this poster when employees can easily see it.

## Job Safety and Health IT'S THE LAW!

OSHA Occupational Safety and Health

All workers have the right to:

- Work in a safe and healthy environment.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate for your representative in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days by phone, online or by mail if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards.
- Notify OSHA within 15 hours of a workplace injury or within 24 hours of any work-related hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violation.

OSHA Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-authorized consultation programs in your state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-8627 • www.osha.gov

## NORTH Dakota Transportation

### Be Legendary.

The poster summarizes provisions contained in the ND Minimum Wage & Work Conditions Law. North Dakota Century Code (N.D.C.C.) Title 18 and N.D.C.C. Chapter 14-02.

1-800-321-OSHA (6742) • TTY 1-877-889-8627 • www.osha.gov

THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

# TO EMPLOYEES:

THIS EMPLOYER IS SUBJECT TO THE UNEMPLOYMENT  
COMPENSATION LAWS OF THE STATE OF NORTH DAKOTA

Employer Name:  Enter Employer Name

Account #:  Enter ND Unemployment Acct #

YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT  
COMPENSATION BENEFITS IF YOU MEET THE  
ELIGIBILITY REQUIREMENTS

To file a claim for unemployment compensation benefits:

online: [www.jobsnd.com](http://www.jobsnd.com)  
click on the *UI ICE* logo

or call: 1-701-328-4995

or TTY: RELAY ND 1-800-366-6888 (for hearing impaired only)

The North Dakota Unemployment Compensation Law requires subject employers to post this notice near the location(s) where worker's services are performed. Employers are prohibited from posting this notice if they are not currently liable for coverage. NDCC 52-06-35 NDAC 27-02-04-01

NORTH  
**Dakota**  
Be Legendary.™

Job Service  
Unemployment Insurance  
PO Box 5507  
Bismarck ND 58506-5507

SFN  
60547

### PROJECT BULLETIN BOARD REVIEW

North Dakota Department of Transportation, Civil Rights  
SFN 60547 (3-2025)

Review Date	Inspected by	Project Number	PCN
Project Location			
Contractor			

#### A. Bulletin Board

- Yes  No Is bulletin board accessible to all employees on a continual basis?
- Yes  No Is bulletin board located in any area where employees generally congregate?
- Yes  No Is it maintained properly and contents easy to read?

#### B. Poster Required

- Yes  No Form DOT 3350, 1 of 4 - EEO Notice Poster
- Yes  No Form DOT 3350, 2 of 4 - Wage/Hour Poster
- Yes  No Form DOT 3350, 3 of 4 - Various Other Laws Poster
- Yes  No Form DOT 3350, 4 of 4 - ND Minimum Wage and Unemployment Poster

#### C. Additional Notices Required

- Yes  No Applicable Davis Bacon Wage Rates
- Yes  No Prime Contractor EEO Policy (may be filled out on Poster 1)
- Yes  No Prime Contractor EEO and DBE Officers (may be filled out on Poster 1)
- Yes  No Emergency Phone Numbers
- Yes  No Contractor's Discrimination Complaint Procedure

Comments

Please take a photo of the bulletin board and enter as an attachment to this file.

This form should be completed and entered into CARS/FileNet within 15 days of commencement of work on any federally-assisted project. It should also be done and filed up to 15 days prior to a scheduled Contractor Compliance Review conference.

# Nonsegregated facilities

The project site must be inspected to ensure that the working conditions and employee facilities do not indicate discriminatory treatment of project personnel and that the contractor does not maintain segregated facilities.

Examples: work areas or eating areas.

# Monthly EEO project inspection report

## MONTHLY EEO PROJECT INSPECTION REPORT

North Dakota Department of Transportation, Civil Rights  
SFN 9425 (10-2024)

District	Date Filed	Project Number
Project Manager - Engineer (NDDOT or Consultant)		Title
Prime Contractor		PCN

### A. Bulletin Boards

1. Are bulletin boards current?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If not, describe corrective action requested and due date:	

### B. Trucking Operations

1. Have trucking operations and procedures been reviewed and documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If not, describe corrective action requested and due date:	

### C. Labor Compliance Interviews (SFN 9426)

1. Is the prime contractor targeted for labor compliance interviews?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If yes, and interviews have not been conducted, list target date for interviews:	
3. List subcontractors targeted for labor compliance interview and anticipated dates of interviews:	
Name	Date

Submit this form to the NDDOT Civil Rights Division by adding document in the CARS application monthly.

## Title VII internal equal employment opportunity(EEO) program

- Protects employees from discrimination and harassment in all phases of employment.
- Ensures recruitment and selection of regular and temporary employees is discrimination free and that the workplace is free of discrimination.
- Complaint and Investigation procedures.
- EEO Training for all employees.



# Civil rights division website

The screenshot shows a web browser displaying the URL [dot.nd.gov/about-nddot/civil-rights](http://dot.nd.gov/about-nddot/civil-rights). The page header includes the North Dakota Transportation logo with the tagline "Be Legendary." and a navigation menu with items: Home, Driver, Motor Vehicle, Construction & Planning, Travel & Safety, News & Events, and About. A search bar and social media icons are also present. The main content area features a breadcrumb trail: Home / About NDDOT / Civil Rights, followed by a large heading "Civil Rights". The introductory text states: "The North Dakota Department of Transportation is committed to eliminating unlawful discrimination in its state, federal, and federally assisted programs on the basis of race, color, national origin, religion, sex, age, disability, limited English proficiency, genetics, political opinion or affiliation, status with regard to marriage or public assistance, as well as 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. In addition, NDDOT ensures that all beneficiaries and potential beneficiaries of these programs are offered an equal participation opportunity. NDDOT also protects the civil rights of its employees and applicants for employment."

dot.nd.gov/about-nddot/civil-rights

An official website of the state of North Dakota. [Here's how you know](#)

Language: English

NORTH Dakota | Transportation  
Be Legendary.

Subscribe to News and Alerts

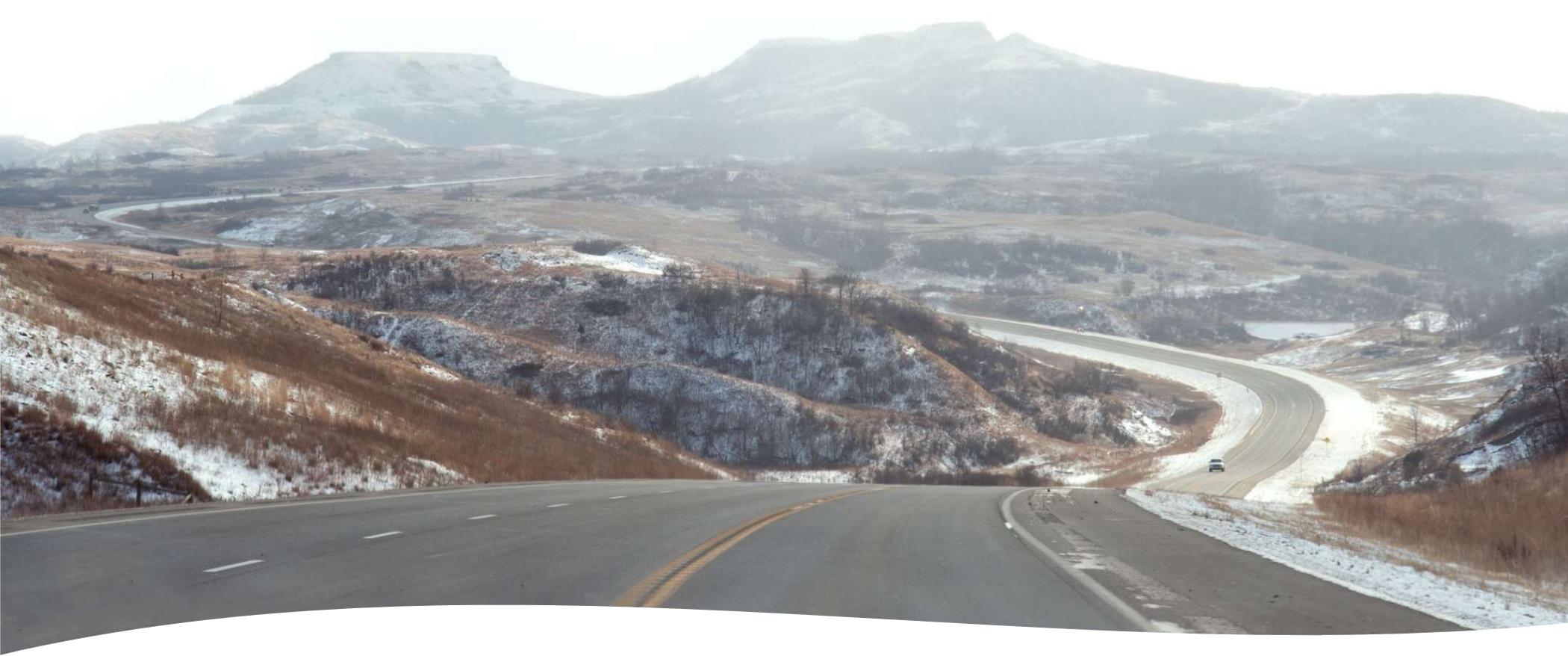
Search This Website

Home Driver Motor Vehicle Construction & Planning Travel & Safety News & Events About

Home / About NDDOT / Civil Rights

## Civil Rights

The North Dakota Department of Transportation is committed to eliminating unlawful discrimination in its state, federal, and federally assisted programs on the basis of race, color, national origin, religion, sex, age, disability, limited English proficiency, genetics, political opinion or affiliation, status with regard to marriage or public assistance, as well as 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. In addition, NDDOT ensures that all beneficiaries and potential beneficiaries of these programs are offered an equal participation opportunity. NDDOT also protects the civil rights of its employees and applicants for employment.



# LABOR COMPLIANCE

- Daniel Weaver, Program Manager
- Civil Rights Division
- North Dakota Department of Transportation
- P: (701)328-2605/email: [dweaver@nd.gov](mailto:dweaver@nd.gov)

# Labor Compliance Training Topics

- Davis-Bacon and Related Acts.
- Site of work.
- De minimis.
- Burden of proof.
- Davis Bacon and trucking.
- Owner operators and LCP Tracker.
- Business owners and LCP Tracker.
- LCP Tracker / payroll requirements.
- Project activation and assignment in LCP Tracker.
- EEO labor compliance interviews.
- Items to verify before finalizing or closing a project.
- Conformances.
- Electrical work.
- Wage decisions.
- Previous construction season issues and questions.
- Complaint procedures.
- Davis-Bacon complaint form.

# Davis-bacon and related acts

Davis-Bacon Act

Contract Work Hours and  
Safety Standards Act

Copeland Act

## Site of work definition

- NDDOT has defined the terms as any tool yard, fabrication plant, job headquarters, material or supply source such as a borrow pit, stockpile site, concrete or asphalt batch plant whose boundary is located *within one-half mile* of the closest right of way boundary to the federal-aid highway construction project. The distance is measured as one-half mile from the boundary to the tool yard, fabrication plant, job headquarters, material or supply source to the closest project boundary, *as the crow flies*, not to the middle of the project.

# De minimis

- De minimis is when an employee of a contractor is only on the site of work for 5 to 10 minutes.
- In determining whether a truck driver's time spent on the site of work is more than de minimis, the NDDOT has recognized basing the percent of time spent on the site of work(20%) versus all hours that he or she has worked in a given week.

## De minimis common examples

- A borrow pit, stockpile site, concrete or asphalt batch plant site, etc., is located beyond a half-mile from the project site boundaries but still close enough too cause the truck drivers less time in travel and more time on the site of the work waiting to be loaded and/or unloaded.
- A half-mile of project boundaries and was open and making sales to the general public within the previous twelve months of the day the project was let to contract (not awarded), thus making it a commercial borrow pit, stockpile site, concrete or asphalt batch plant site, etc., and thus causing the truck drivers less time in travel and more time on the site of the work waiting to be loaded and/or unloaded.

# Burden of proof

When NDDOT or USDOL reviews a potential complaint, the contractor must prove that they followed regulations such as the Davis bacon act in pay disputes. Examples of common complaints are incorrect Davis bacon wages, employee not classified properly, interpretation of site of work.

Contractor must keep accurate records such as payroll records or haul sheets for trucking to prove their case.

Ultimate responsibility is with the Prime Contractor and always include them in any discussion about potential complaints on a project.

# Davis Bacon and trucking

- Payrolls. If the project is a federally funded projects, payrolls are required to submitted weekly even if they are 2<sup>nd</sup> or 3<sup>rd</sup> tier. This also includes owner operators.
- Recommend encouraging standard written contracts between contractors so all requirements are understood.
- Prime Contractor is overall responsible.
- Leasing agreements are required to be verified for owner-operator.

# Davis Bacon law and trucking(Cont'd)

For davis bacon purposes, time starts the moment an employee reaches the site of work. This includes:

1. Checking in for instructions.

2. Attending weekly EEO or Safety toolbox meetings.

3. Fueling or other maintenance.

4. Cleaning any part of the equipment or trucks.

# Owner Operators and LCP Tracker

- An owner operator is a self-employed person who owns and operates their own truck or piece of equipment.
- Owner operators payrolls can be submitted in 3 ways in LCP Tracker:
- Listed under the Prime Contractors payrolls or owner operators can be listed under a subcontractor that they are working for. They can also submit their own payrolls.
- Only an owner operators time is required to be documented in LCP Tracker and no wages.

The screenshot displays the LCP Tracker software interface. At the top, there is a navigation bar with tabs for 'Projects', '1. Payroll Records', '2. Notices', '3. Certification', 'Reports', 'eDocuments', 'Set Up', 'Daily Reporter', and 'LCPcertified'. Below this is a section titled 'Select Employee To Edit' with a 'Filter Employee Selection' dropdown. The main area is titled 'Select an Employee' and shows a dropdown menu with 'OWNER OPERATO...' selected and a 'Help' button. Below this is the 'Add / Edit Employee Information' form. The form contains the following fields and options:

- First Name \***: BOB
- Last Name \***: OWNER OPERATOR
- Address 1 \***: 1234 Elm St
- Address 2**: (empty)
- City \***: Bismarck
- State \***: ND - NORTH DAKOTA
- Zip \***: 58501
- SSN \***: XXx-XX-3412
- Employee ID \***: 12
- Exemptions \***: 0
- Status**: ACTIVE
- Ethnicity \***: CAUCASIAN
- Date Hired \***: 5/1/2017
- Date Fingerprinted**: (empty)
- Phone Number \***: 999999999
- Driver's License State**: (empty)
- Driver's License**: (empty)
- Worker's Comp Code**: (empty)
- Electrician License**: (empty)
- Gender \***: Male
- Hiring Source**: (empty)
- Disadvantaged
- Owner/Operator
- I certify that this employee is 19 verified.

Notices

Week End Date: 6/8/2024

Payroll No: 1

Project: [REDACTED]

Contractor: [REDACTED]

Employee: [REDACTED]

Sub To: [REDACTED]

Contract ID:

Is Foreman  Is Owner/Operator

Gross Employee Pay This Project (Usually No Fringes)

Wages Paid in Lieu of Fringes (Total Cash Fringes)

These fields are Hourly rate fields (Usually No Fringes)

Rate in Lieu of Fringes (Cash Fringes)

0.000

0.000

Base Hourly

Overtime Hourly

Doubletime Hourly

0.000

0.000

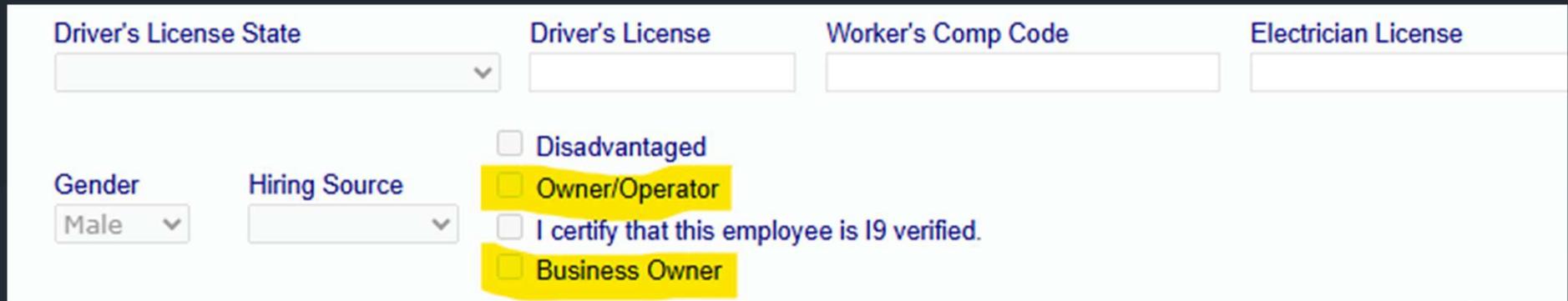
0.000

0.000

▼ Classifications

Jurisdiction	Location	Craft	Classification	Construction Type
North Dakota DOT	North Dakota Statewide	TRUCK DRIVERS	Tandem-and Tri-Axle Semi	Highway

# Business owners and LCP Tracker



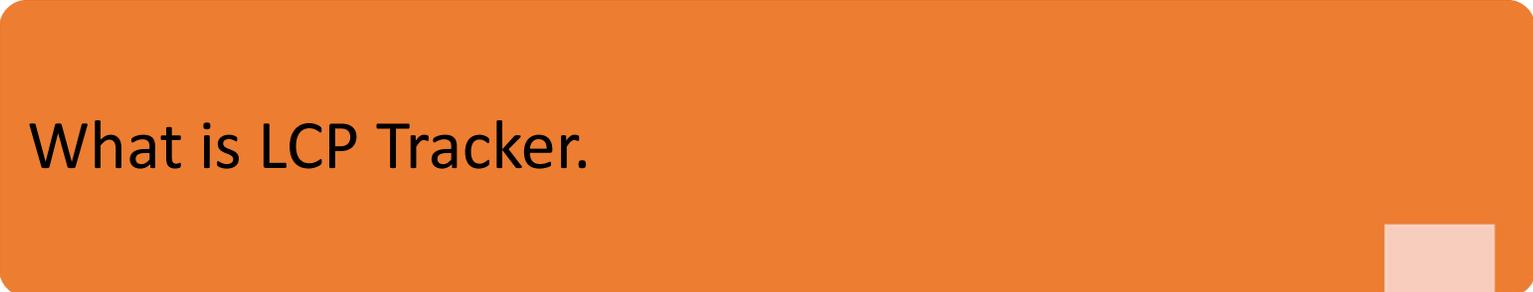
The screenshot shows a web form with the following fields and options:

- Driver's License State: [Dropdown menu]
- Driver's License: [Text input field]
- Worker's Comp Code: [Text input field]
- Electrician License: [Text input field]
- Gender: [Dropdown menu, selected 'Male']
- Hiring Source: [Dropdown menu]
- Disadvantaged
- Owner/Operator
- I certify that this employee is I9 verified.
- Business Owner

- Business owners are defined as those individuals who own at least 20 percent of the company (prime contractor or subcontractor) and who perform the work of a laborer or mechanic on a federal-aid highway construction project, or the site of the work, are not due Davis-Bacon wages.
- Only a business owners time and no wages are entered into LCP Tracker.
- Both the owner/operator and business owner box should be checked under the edit employee function for the contractor.

# LCP Tracker

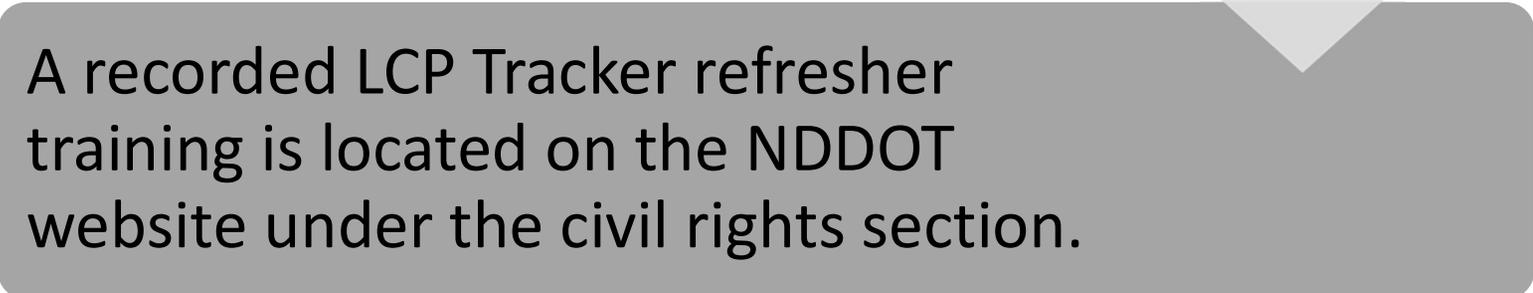
What is LCP Tracker.

An orange rounded rectangular box containing the text "What is LCP Tracker." A light orange arrow points downwards from the bottom right corner of this box to the top right corner of the next box.

How to get an account.

A brown rounded rectangular box containing the text "How to get an account." A light brown arrow points downwards from the bottom right corner of this box to the top right corner of the next box.

A recorded LCP Tracker refresher training is located on the NDDOT website under the civil rights section.

A grey rounded rectangular box containing the text "A recorded LCP Tracker refresher training is located on the NDDOT website under the civil rights section." A light grey arrow points downwards from the bottom right corner of this box to the bottom right corner of the slide.

# LCP TRACKER PAYROLL REQUIREMENTS

\*\*\*\*All payrolls must be uploaded electronically through LCP Tracker weekly by contractors and verified by project staff on a weekly basis. \*\*\*\*

The Prime Contractor has the responsibility to assign all subcontractors for projects they are assigned in LCP Tracker. If a subcontractor is not in the system, but is registered with construction services, the Prime Contractor may input the subcontractor. For assistance, please have them contact myself.

Prime Contractors are responsible for the submission of weekly certified payrolls by all tiers of subcontractors.

Items to verify are completed before finaling or closing a project in LCP Tracker

- All payrolls have been submitted by contractors and subcontractors and accepted by the Project Engineer or Staff. Recommend using the enhanced project summary query report. This report is located under the reports tab and specialty reports.
  - Labor compliance interviews have been reconciled. Interviews should be in either auto-validation pass or manual override pass. These statuses for your interviews can be found under the onsite status tab in LCP Tracker.
- 
- Monthly EEO reports and bulletin board inspection reviews are uploaded to CARS.

# EEO interviews

- Part a and b is the only requirement for those projects not part of the contractor compliance review program. If possible, conduct using the on-site application on a tablet. If a tablet is not available, upload completed interview forms to LCP Tracker using the e-documents function. Ensure that the completed interviews are reconciled properly and if interviews are done on paper, verify that the employees are being paid properly for the classification that they are working in. \*\*\*there is not an onsite application currently for cell phones.\*\*\*
- Employee selection. There is no longer a requirement to select minorities and females for labor compliance interviews.
- Interpreter services.
- Suspected discrimination during interview.

No longer complete part D of the labor compliance interview form.

**PART D - ONSITE OBSERVATIONS**

1. The following is based on visual observation only. <b>DO NOT</b> ask the individual if he or she is one of the mentioned categories.				
Minority:		Disadvantaged (disability, age, etc.)	Other (specify):	<input checked="" type="checkbox"/> Male
<input type="checkbox"/> Black	<input type="checkbox"/> Asian			<input type="checkbox"/> Female
<input type="checkbox"/> Native America	<input type="checkbox"/> Pacific Islander	White		
<input type="checkbox"/> Hispanic				
2. What type of work was actually being done by the employee when interviewed? <b>Preparing to seed.</b>				

# INTERVIEW STATUS

There are four (4) statuses you may receive when an interview is submitted.

- Auto-Validation Fail
- Auto-Validation Pass
- Submitted
- Manual Override Pass



“Auto-Validation Fail” is when the form value is different from the pay-record value. By clicking on the Auto-Validation Fail button you can see the errors i.e., pay rate on interview form was \$17.45 but the Certified Payroll Report (CPR) was \$17.50.

Field	Form Value	Payroll Value	Override Value	Comments
Additional Comments	Employee commented sometimes uses Diff Flat			
Contractor Name	Markant Builders	Markant Builders		
Employee First Name	REED	REED		
Employee Last Name	SMITH	SMITH		
Pay Rate	17.45	17.500		

“Auto-Validation Pass” is an interview that passed cross-referencing against the corresponding CPR for the corresponding week-end date. Clicking on the Auto Validation Pass button will generate a PDF of the passed interview.

“Submitted” is an interview that has been submitted and is awaiting cross-referencing against a CPR to be certified. Clicking on the Submitted button will generate a PDF view of the submitted form.

“Manual Override Pass” is when the incorrect information has been corrected and commented on. Clicking on the Manual Over-Ride Pass button will generate a PDF of the corrected interview form.

OnSite Status

Filters

Project Name (Code) = 24165-0836068-BURLEIGH CTY JCT 66 TO JCT 83 (24165)

Filter By:

Project Name (Code)

24165-0836068-BURLEIGH CTY JCT 66 TO JCT 83 (24165)

Add +

Run Filter ▼

\* Required

10

Previous 1 2 Next

Form	Project Name (Code)	Project Location	Contractor	Employee Name	Interview Date	Submitted Date	Interviewer	Status	Delete
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Asphalt Preservation Co., Inc.	[REDACTED]	08/11/2025	11/03/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Asphalt Preservation Co., Inc.	[REDACTED]	08/07/2025	08/07/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Asphalt Preservation Co., Inc.	[REDACTED]	08/07/2025	08/07/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Asphalt Preservation Co., Inc.	[REDACTED]	08/07/2025	08/07/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Asphalt Preservation Co., Inc.	[REDACTED]	08/07/2025	08/07/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Central Specialties	[REDACTED]	07/29/2025	07/29/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Central Specialties	[REDACTED]	07/29/2025	07/29/2025	[REDACTED]	Auto-Validation Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Central Specialties	[REDACTED]	07/29/2025	07/29/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Traffic Safety Services, Inc.	[REDACTED]	07/21/2025	07/22/2025	[REDACTED]	Manual Override Pass	
NDDOT Labor Interview Form V2	[REDACTED]	North Dakota Statewide	Crowell Trucking LLC	[REDACTED]	07/21/2025	07/21/2025	[REDACTED]	Manual Override Pass	

**OnSite Status**

Filters

[Redacted Filter Text]

Filter By:  Value equals \*

[Add +](#) [Run Filter ▼](#)

\* Required

10 | Previous | 1 | 2 | Next

Form	Project Name (Code)	Project Location	Contractor	Employee Name	Interview Date	Submitted Date	Interviewer	Status	Delete
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	Central Specialties	[Redacted]	09/08/2025	09/08/2025	[Redacted]	Auto-Validation Fail	
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	West River Striping-3D Specialties	[Redacted]	08/19/2025	08/20/2025	[Redacted]	Submitted	Delete
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	West River Striping-3D Specialties	[Redacted]	08/19/2025	08/20/2025	[Redacted]	Submitted	Delete
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	Keller Paving & Landscaping, Inc.	[Redacted]	08/18/2025	08/18/2025	[Redacted]	Auto-Validation Fail	
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	Keller Paving & Landscaping, Inc.	[Redacted]	08/18/2025	08/18/2025	[Redacted]	Auto-Validation Fail	
NDDOT Labor Interview Form V2	[Redacted]	North Dakota Statewide	Keller Paving & Landscaping, Inc.	[Redacted]	08/18/2025	08/18/2025	[Redacted]	Submitted	Delete

OnSite Overrides

FORM NAME: NDDOT Labor Interview Form V2

INTERVIEW DATE: 09/08/2025

INTERVIEWER: [REDACTED]

PROJECT: [REDACTED]

CONTRACTOR: Central Specialties

EMPLOYEE: [REDACTED]

Field	Form Value	Payrecord Value	Override Value	Comments
Additional Comments Part B				
Contractor Name	Central Specialties	Central Specialties		
Employee Full Name	[REDACTED]	[REDACTED]		
Pay Rate	27.00	33.250	* <input type="text"/>	* <input type="text"/>
Project Name	[REDACTED]	[REDACTED]		
Supervisors Name	[REDACTED]			

Cancel Save Save and Commit

# Unreconciled Interviews

- Unreconciled interviews in LCP Tracker are interviews that did not migrate over to the onsite status tab for cross referencing due to errors such as the following:
  - Interview was manually inputted and the employee's name was spelled incorrectly.
  - No employee by that name inputted into LCP Tracker for the contractor.
  - Software error.
- 
- I review these interviews weekly. If an interview appears under the unreconciled interviews tab I will send the interview to the person who conducted the interview and the Project Engineer.
  - The interviews can then be uploaded to the e-documents tab under the project. As a reminder, please check that the employee was being paid the correct wage by reviewing the payroll record for the corresponding week.

# Paper labor compliance interviews

The screenshot shows a web browser window with the address bar displaying `prod.lcptracker.net/EDocuments/Main`. The page header includes the North Dakota Transportation logo with the tagline "Be Legendary." and a navigation menu with buttons for "Active Insights", "Contract Compliance", "Knowledge Base", "Logout", "Live Chat", "Co-Browse", and "My Account". Below the header, the user is identified as "NORTH DAKOTA DOT - B2GNOW | Administrator - Full Admin" with a "Change Account" link. On the right side of the header, there are "Suggest a feature" and "Feedback" buttons. A secondary navigation bar contains buttons for "Projects", "Certifications", "Violations", "Reports", "Admin", "eDocuments" (which is highlighted), "Set Up", and "OnSite Status". The main content area is titled "eDocuments Main Menu" and features three primary buttons: "Upload Documents" (highlighted in green), "Download Document Templates", and "View Documents". A "Help" button is located below these. At the bottom of the main content area, there are two dropdown menus labeled "Department" and "Project", both with "Select" options. A footer note reads: "\* Req'd: N = 'No', Y = 'Yes', R = 'Required before CPR can be submitted'. \*\* Access: U = 'Upload', V = 'View'".

# Paper labor compliance interviews continued

## Upload Documents

Department \*

1 - Bismarck District

Include Closed Projects

Project Name \*

21854-1094192164-I94 GIBBS SEP 5 MI E OF W JCT

Contractor \*

Rainbow Inc

Sub To | Contract ID \*

Industrial Builders, Inc. |

Document Type \*

EEO/Labor Compliance Monthly Report

Document Date \*

01/12/2026

Expiration Date

Description

Select employee the document relates to if appropriate

-- Select Employee --

- Admin Reports
  - Apprentice Reports
  - Compliance Reports
  - Custom Reports
  - IRA Reports
  - List Reports
  - Management Reports
  - MY REPORTS
  - OnSite Reports

- Special Reports
  - CA - DB Match Report
  - CC-257 Monthly Employment Utilization CTR Report
  - CC-257 Monthly Employment Utilization PRJ Report
  - Combined Daily Report
  - Contractor Report
  - CPR Notices Report
  - CPR Status Report
  - CPR Submitted Report
  - Daily Apprentice Ratio Report
  - Daily Apprentice Ratio Report 2
  - Drivers License Report
  - eDocument Details Report
  - Employee Address History Update Status Report
  - Employee Hours & Wages By Ward/District
  - Employment By Zip Code
  - ENG3180
  - Enhanced Query Project Summary Report**
  - Hours & Wage by Craft Report
  - I9 Verified Report
  - Jobs Created and Retained - Contractor
  - Jobs Created and Retained - Detailed
  - Local Hire By Contractor Report
  - Local Hire By Craft Report
  - Local Worker Utilization Contractor Report
  - Local Worker Utilization Contractor Report 2

Projects

Certifications

Violations

Reports

Admin

eDocuments

Set Up

OnSite Status

### Enhanced Query Project Summary Report

Status  ▼

Project  ▼

Sub To  ▼

Accept Status  ▼

Performing?  ▼

Week End Date From  

Filter Date By  ▼

Department  ▼

Contractor  ▼

Include  (Select All) ▼

Process Status  3D Specialties ▼

Show Final/Non-Final?  BRAUN INTERTEC CORPORATI ▼

Week End Date To  

Dakota Staffing Solutions Inc ▼

Dallmann Services Company ▼

Dormark Construction Co. ▼

Industrial Builders Inc (B Acco ▼

21854-1094192164-I94 GIBBS SEP 5 MI E OF W JCT Start Date: Budget: \$5,321,685.65  
21854 End Date: Bid Ad Date:  
Notes:

**3D Specialties** Sub To: Industrial Builders, Inc. License: 701-293-8599

Address: 1110 25th Ave. N Email: [REDACTED] Contract ID:  
Contact: [REDACTED] Fax: Start Date: 3/27/2022  
Phone: 0000000000 Notes: End Date:

Week End Date	Date Submitted Submitted By	Date Approved Approved By	Date Accepted Accepted By	Performing?	Process Status	Accept Status	Payroll No.	Final?	Interviews
4/30/2022	5/12/2022 [REDACTED]	5/16/2022 [REDACTED]	5/25/2022 [REDACTED]	YES	Certified	ACCEPTED	1	NO	0
5/14/2022	6/2/2022 [REDACTED]	6/2/2022 [REDACTED]	6/15/2022 [REDACTED]	YES	Certified	ACCEPTED	2	NO	0
10/1/2022	10/10/2022 [REDACTED]	10/14/2022 [REDACTED]	11/10/2022 [REDACTED]	YES	Certified	ACCEPTED	3	NO	0

**Dakota Staffing Solutions Inc** Sub To: Quality Dirtworks LLC License: 7017517823

Address: 1310 E Boulevard Ave STE 6 Email: Contract ID:  
Contact: [REDACTED] Fax: 7017514023 Start Date: 5/29/2022  
Phone: 7017517823 Notes: End Date:

Week End Date	Date Submitted Submitted By	Date Approved Approved By	Date Accepted Accepted By	Performing?	Process Status	Accept Status	Payroll No.	Final?	Interviews
6/5/2022	6/8/2022 [REDACTED]	6/13/2022 [REDACTED]	6/15/2022 [REDACTED]	YES	Certified	ACCEPTED	1	NO	0
6/12/2022	6/16/2022 [REDACTED]	6/16/2022 [REDACTED]	6/22/2022 [REDACTED]	YES	Certified	ACCEPTED	2	NO	0
6/19/2022	6/29/2022 [REDACTED]	7/1/2022 [REDACTED]	7/6/2022 [REDACTED]	NO	Certified	ACCEPTED	3	NO	0
6/26/2022	6/29/2022 [REDACTED]	7/1/2022 [REDACTED]	7/6/2022 [REDACTED]	YES	Certified	ACCEPTED	4	NO	0

**Dallmann Services Company** Sub To: Industrial Builders, Inc. License: 7012535200

## Construction Automated Records System

Project: NHU-2-281(049)066

[Main Menu](#)

SubProject: 1 - CONCRETE PAVEMENT REPAIR AND ADA RAMP IMPROVEMENTS

PCN:2374

Tied Projects: [23745](#)

### Project Personnel <<

Assigned Personnel	Personnel	Project Engineer	Alternate Project Engineer	Testing Company Employee
Feldmeyer Jesse L	Y			
Hanson Kevin R	Y			
Peterson Tyler J	Y	Y		

### Assigned Testers Tech ID ⓘ

[Return](#) [Assign / Remove Personnel](#) [Assign Testers](#) [Assign Testing Companies](#)

[Main Menu](#)

[Logout](#)

User:Daniel Weaver PCN:2374

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# Project Activation and Assignment in LCP Tracker

Once all items have been submitted in B2GNOW, Amy will lock the project into the system and the project will migrate to LCP Tracker.

\*\*\* All employees working on the project will have to attend this training including those who perform labor compliance interviews or other tasks. \*\*\*

Verify CARS for assignment of Project Engineer from the district or consultant and attend ECR training.

# Conformance requests

Conformance requests are submitted when a particular craft is not included in the General Wage Decision, specifically Bridge Painters/Sand Blasters for North Dakota and I have also had some requests for the Pile Driver craft.

\*\*\*Department of Labor conformance decisions usually take about 1 month to receive once I submit them to DOL . Once I receive approved conformed crafts from DOL, I will input the craft into LCP Tracker for the project. It is important to identify early if there is a craft that will be needed on a project that is not listed in the wage decision. Recommend including this in the discussion during the pre-construction conference.\*\*\*

# LCP TRACKER WARNINGS AND NOTICES

- Alerts the contractor to potential discrepancies but does not prevent, or allows the, submission/certification of the certified payroll report (CPR). Examples include minor deductions or unexpected figures.
- Stops the process immediately. The system will not permit the user to move forward, save, or certify the payroll until the issue is addressed.

# NOTICE/ SFN-1444

## NOTICE

The Labor Rates from U.S. Department of Labor Decision No. 20210054 modification # 0, for this project do not include a job classification and wage rate for **Bridge Painters**. Therefore, the classification and wage rate must be conformed after contract award pursuant to the Code of Federal Regulations, Title 29, Part 5, Subpart A, Section 5.5(a)(1)(ii).

This means the contractor performing the work to which the **Bridge Painter** job classification applies must submit a Request for Authorization of Additional Classification and Rate (SF 1444) to this division for those individuals involved in bridge painting (available at the following link):

<http://www.gsa.gov/portal/forms/download/115906>

The requests should be submitted prior to commencement of work on the project. If the requests are submitted after work has started, the regulations require that each individual employed in the job classifications, or their representatives, **sign Block 16 of the form and check whether they agree or disagree with the proposed additional classification and rate (including any amounts designated for fringe benefits).**

For assistance or questions concerning the conformance process, contact:

Civil Rights Division  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700  
Phone: 701-328-2563      Email: [civilrights.nd.gov](mailto:civilrights.nd.gov)

Submit the completed Requests for Authorization of Additional Classification and Rate to:

Ramona Bernard, Director  
Civil Rights Division  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

The U.S. Department of Labor's policy in conforming a job classification and wage rate is:

If the proposed classification is a skilled craft, the proposed rate **cannot be less than** the lowest rate already established for a skilled job classification in the wage determination.

Exceptions to the skilled job classifications are the Power Equipment Operator, Truck Driver, and Electrician groups.

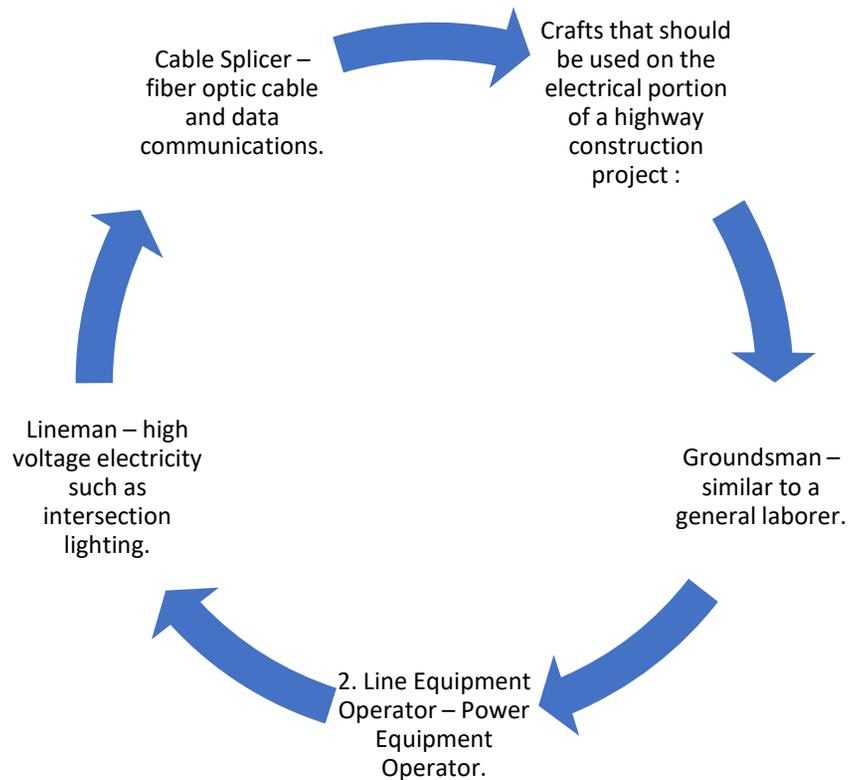
If the established rate for a skilled job classification includes a fringe benefit amount, the proposed rate does not have to specify an amount for fringe benefits. The fringe benefit amount could be added to the hourly wage. In other words, the proposed rate must be equal to or higher than the total of the established hourly rate plus the amount designated for fringe benefits.

**NOTE:** The lowest rate already established for a skilled job classification in the wage determination for highway construction in North Dakota is Carpenters and Cement Masons/Finishers at the basic hourly rate of \$30.60 plus \$7.60 in fringe benefits.

# ELECTRICAL WORK

- All employees of contractors performing electrical work outdoors as part of a highway construction project must be classified and compensated under the applicable Line Construction rates. Electrical work that is performed exclusively within a commercial building structure, such as a rest area facility, must be classified and compensated under the Electrician rates. Contractors are prohibited from classifying employees engaged in any phase of electrical work on highway construction projects as power equipment operators or laborers and should be classified and compensated in either the line construction or electrician rates.

# Electrical work crafts



- Crafts such as power equipment operator or laborer should not be used on an electrical project. The only exception would be if a subcontractor was hired to do the trenching.

# Apprentice Lineman

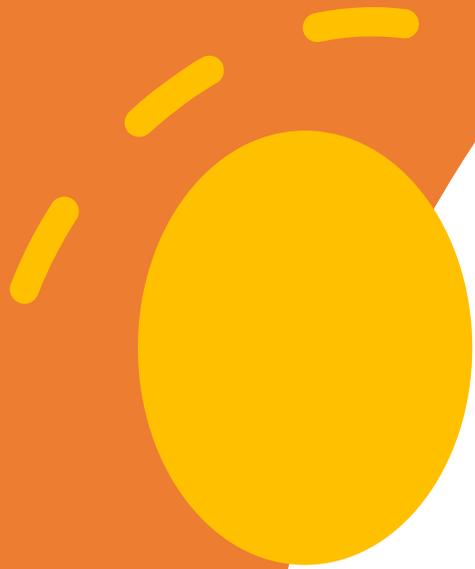
- Contractors submit apprenticeship documents thru LCP Tracker and I review/approve and enter the wages into the project. The contractors they are working for are in charge of managing their progression.
- Once I approve the requests, I have been informing both the ADE and PE for the project for awareness.
- Recommend paying attention for oversight by journeyman during the time that apprentices are performing as lineman. Labor compliance interviews are helpful to ensure they are paid correctly.

# Wage decisions

The corresponding wage decision for a project is found in the signed proposal.

The last 2 years has been challenging with updating the wage decision due to several factors: change in administration and changes in DOL regulations and leadership.

For awareness, I manually input all of the wage decisions in LCP Tracker and assign each project the corresponding wage decision.



# Previous Construction Season Issues and Questions

# PEO and Laborer Classifications

- If an employee rides on a piece of equipment, they should be classified as a Power Equipment Operator.
  - Paint Stripping. If an employee is walking behind or by the equipment should be classified as laborer. If the employee rides on the equipment, they should be classified as a Power Equipment Operator.
- 
- Concrete Saw Operator. There are 2 crafts listed in the wage decision. If the employee walks behind the machine they should be considered a laborer regardless of the size of the motor used. If they ride on the equipment, should be listed as Power Equipment Operator.
  - Skidsteer operators should be classified as Group 5 power equipment operators.

# Coring

Employees who are pulling cores should be classified as Group 2 Laborers while on the site of work.

If the lab is located on the site of work, the employees should be paid as Group 2 Laborers during this time also.

Company  
went out of  
business/or  
re-organized  
under a  
different  
name

- Although this was rare, we had a contractor who went out of business and another contractor that completed a small project but both did not submit or partially submitted payrolls.
- If this happens please notify District personnel if applicable and the Civil Rights division immediately.

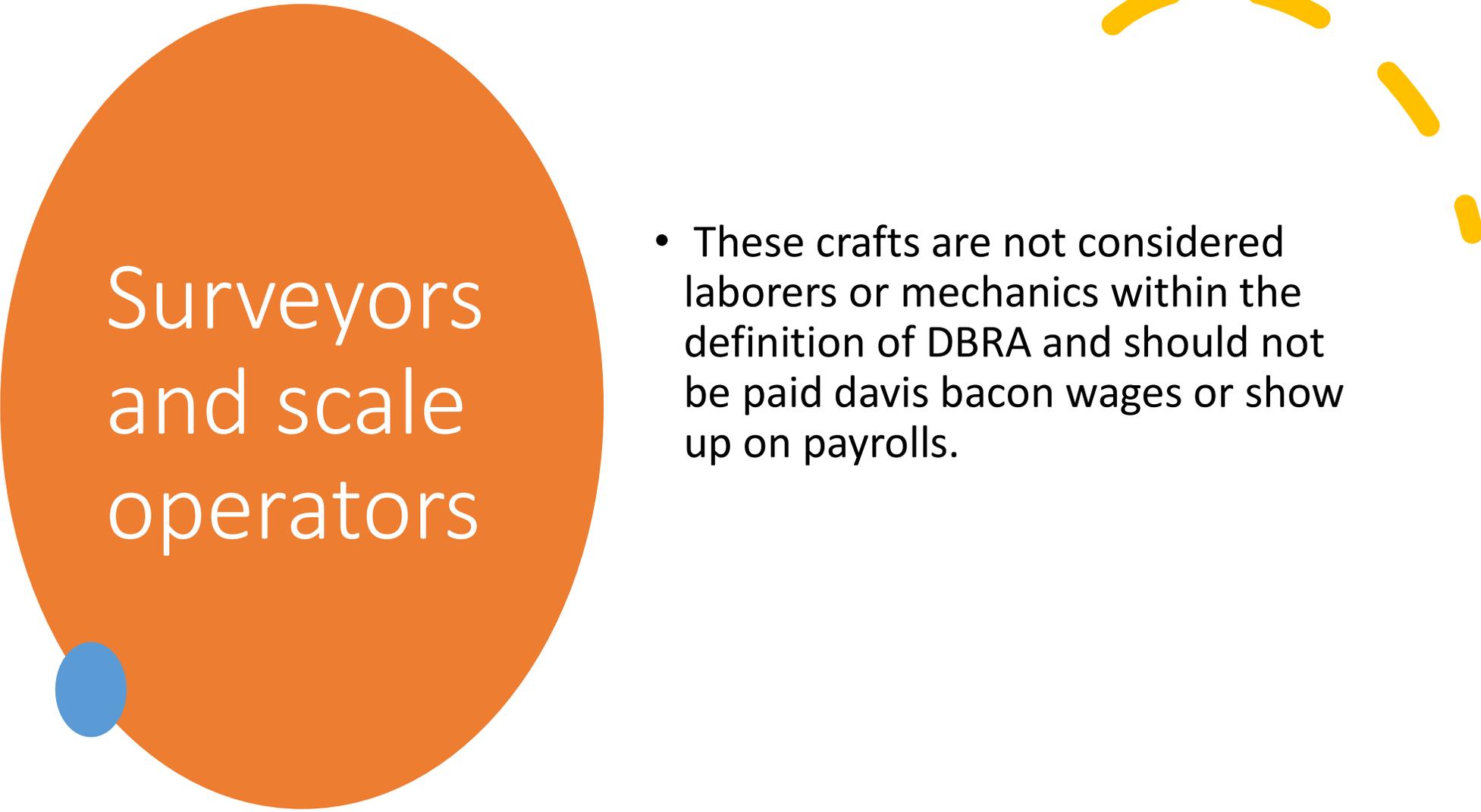
## Water truck drivers

- If the pit and water pumping station were set up strictly for the project, than the employee should be paid davis bacon wages for the entire time. If these pits/water pumping stations were used for public, than he or she should only be paid davis bacon wages while on the site of work.
- Should be classified as a tandom axle truck driver or tandom axle semi truck driver if pulling a trailer.



# Welders

- The welders rate is incidental and these employees should be classified to the craft that they are working with such as carpenter or crane operator.
- 



# Surveyors and scale operators

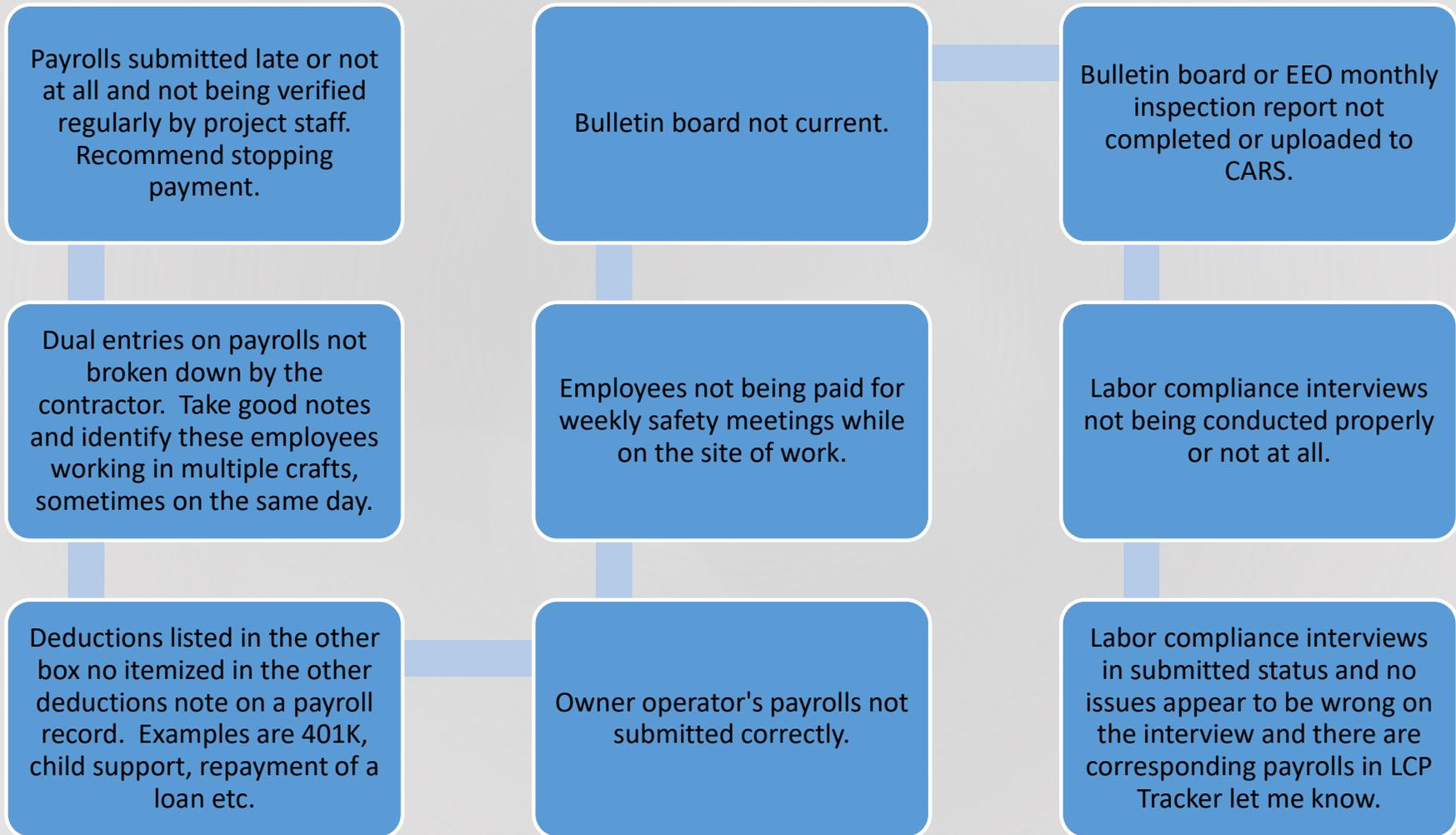
- These crafts are not considered laborers or mechanics within the definition of DBRA and should not be paid davis bacon wages or show up on payrolls.

# Railroad flagger

- Railroad flagging is similar to a highway construction project flagger. These employees should be classified as Laborer Grp 1.



# Compliance issues



▼ Paycheck - Deductions, Payments and Notes (For All Projects Worked This Week)

Single Paycheck  Multiple Paychecks

Deductions

Fed Tax	Social Security	Medicare	State Tax	Local Taxes/SDI	Other	Vac/Dues	Savings	Total Deductions
282.960	139.290	32.570	122.280	0.000	1772.770	0.000	0.000	2349.870

Payments (If included in paycheck)

Trav/Subs	Gross Pay All Projects	Paycheck Amount	Check Number *	Payment Date
0.000	4167.000	1817.130	V92600	06/06/2025 

Notes

Other Deduction Notes

401k 227.52  
Health 45.25  
HSA 1500.00

## Trucking scenario

- If a truck makes a delivery on the site of work which is deemed de minimis but then works as a PEO to move material, the employee needs to be paid for the time spent as a PEO even if it is a short time.
- A truck carrying a skid steer is operating on the site of work. For the time that they are operating the truck, he or she should be paid as a truck driver and while operating the skid steer should be paid as a power equipment operator.

# What To Do If You Have A Complaint or you Witness Harassment

If you have someone approach you with a discrimination or harassment complaint, call the Civil Rights Division. What type of form you use will depend on who the person is. An employee on a project would be treated differently than a member of the public.

If you witness behavior that concerns you, report it immediately to your respective Assistant District Engineer or directly to Civil Rights Division if this is not possible. If behavior is ever directed to you, tell your supervising engineer or Assistant District Engineer immediately.

# DAVIS-BACON WAGE COMPLAINT

## SFN -60557

SFN 60557 (2-2023)  
Page 2 of 3

### Contact Information

Name			
Address	City	State	ZIP Code
Email Address (Optional)	Home Telephone Number	Cell Phone Number	

### Project Information

Project Number (if available)	PCN	Prime Contractor	
Project Location (Highway or Street)	City	State	ZIP Code

### Employer Information

Name			
Address	City	State	ZIP Code
Are you still employed by this employer?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, last date worked	
Was your termination	<input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary		

### Wage/Work Performed

Position/Job Classification			
List Work Performed			
Tools/Equipment Used or Operated			
Date Worked on Project		Hourly Rate of Pay	
From	To	REG	OT

Note: It is important that you provide records of hours worked, through a time sheet, pay stub, etc.

### Complaint

Nature of Complaint	<input type="checkbox"/> Wage Rate <input type="checkbox"/> Overtime <input type="checkbox"/> Fringes <input type="checkbox"/> Unpaid Hours
Please Describe Complaint (Add sheets, if necessary)	
Complainant's Signature	Date

Please answer the following Supplemental Page if you are a truck driver.

SFN 60557 (2-2023)  
Page 3 of 3

### SUPPLEMENTAL DBRA TRUCK DRIVER COMPLAINT SECTION

(Answer only if you are driving/hauling materials)

#### Have you hauled materials TO the project?

Type of Materials Hauled	Name of Location of Pit(s)
Distance from Pit to Project boundary (to 1/10 mile)	Time (in minutes) to load and travel to the Project boundary
Time (in minutes) to load at the Project and leave the Project boundary	Do other parties use the Pit? (if you know) <input type="checkbox"/> Yes <input type="checkbox"/> No

#### Have you hauled materials FROM the project?

Type of Materials Hauled	Name of Location of Unload Site
Time (in minutes) to load Materials onsite and travel to Project boundary	
Distance from Project boundary to Unload Site (to 1/10 mile)	
Time (in minutes) from Project boundary to unload and return to Project boundary	
Is the unload/recycling site used by others? (if you know) <input type="checkbox"/> Yes <input type="checkbox"/> No	

#### Other Driving (other than Hauling to/from Pit or Unload/Recycling Site)

Please Describe
Are you keeping records of time on/off the Project site each day? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach copies.
It is vital that records of time on and off the project be kept each working day and provided if you wish to make a Davis Bacon claim for hours worked onsite which exceed de minimis.
Signature of Driver
Date

### DAVIS BACON WAGE COMPLAINT

North Dakota Department of Transportation, Civil Rights  
SFN 60557 (2-2023)

#### Instructions:

The North Dakota Department of Transportation enforces wage and hour laws and resolves wage disputes between employers and employees on North Dakota DOT federally funded construction projects. Every attempt should be made to resolve your claim with your employer before filing a complaint. Your claim will not be accepted if you do not provide the requested information and failure to cooperate with the investigation may result in the dismissal of your claim. The provision of false information in this claim is a crime under N.D.C.C 34-14-07.

In order to file a claim, you must acknowledge the following (initial each item):

- I am the claimant and I carry the initial burden of proof.
- I understand that the information I submit may be shared with my employer.
- I understand that the information I submit must be complete and I must provide sufficient information for the Department to pursue my claim, and that my failure to provide the requested information may result in the rejection of my claims.
- I agree to provide the Department with the contact information where I can be reached, to cooperate fully with any investigation, to promptly respond to the Department inquires and requests.
- I agree to notify the Department of any payment made directly to me by my employer within three (3) days of receipt.
- I understand the I am providing information to the Department to determine the merit of my claim and the act of submitting this information does not guarantee that a claim will be opened, or if it is, that wages will be recovered.
- Attach copies of payroll records such as pay stubs, work schedule, time cards, employment agreement etc. and any additional information regarding the claim.

Completed claims can be submitted via email attention to: Labor Compliance Officer at [civilrights@nd.gov](mailto:civilrights@nd.gov) or USPS mail:

Labor Compliance Officer  
Civil Rights Division  
North Dakota Department of Transportation  
608 E. Boulevard Ave.  
Bismarck, ND 58505-0700

Any additional questions regarding the Davis Bacon Complaint process or submission of this form please contact the Labor Compliance Officer at (701) 328-2605 or email [civilrights@nd.gov](mailto:civilrights@nd.gov).



Title VI Update  
ADA  
Limited English  
Proficiency  
and Resources

**Heather Christianson**  
[heachristianson@nd.gov](mailto:heachristianson@nd.gov)  
701-328-2978



Title VI=Nondiscrimination  
Race, Color or National  
Origin, Sex, Age, Disability,  
LEP, Income Status

# Title VI

No Changes

Annual Training

Title VI Specialists

Process Reviews

# Complaint Steps:

**1. *Listen* to complaint.**

**2. Title VI or Not?**

**3. Give to ADE or supervisor for resolution.**

**(Can file a formal complaint at any time within 180 days from the date of the event)**

# Resources

**Complaint Form**

**SFN 51795**

**External Complaints  
of Discrimination**

[https://intranetapps.nd.gov/dot/  
forms/sfn51795.pdf](https://intranetapps.nd.gov/dot/forms/sfn51795.pdf)

# SFN 51795

**EXTERNAL COMPLAINTS OF DISCRIMINATION**  
 North Dakota Department of Transportation, Civil Rights  
 SFN 51795 (1-2022)

**COMPLAINANT INFORMATION** (Complete all items below.)

Name		Telephone Number	
Address	City	State	ZIP Code
Email Address			

**CAUSE OF DISCRIMINATION** (Check all that apply.)

**Title VI of the Civil Rights Act of 1964**

Race     National Origin

Color

**Other Nondiscrimination Statutes/Executive Orders**

Sex     Disability

Age     Limited English Proficiency

Name of public entity complaint is against:

Provide an explanation of what happened and date(s) of the alleged discriminatory act and location.

**WE CANNOT ACCEPT YOUR COMPLAINT WITHOUT A SIGNATURE AND DATE.**

Complainant's Signature	Date
-------------------------	------

Any person or specific class of persons, who believes they were subjected to discrimination on the basis of race, color, national origin; or sex, age, disability, or limited English proficiency in the programs and activities of NDDOT or its sub-recipients (e.g., a city, county, Metropolitan Planning Organization, Transit Agency, etc.) may by himself/herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the Department within 180 calendar days following the date of the last instance of the alleged discriminatory action. Complainants must complete in its entirety, sign, and date NDDOT's External Complaints of Discrimination form (SFN 51795) and file by mail, in person, or e-mail. However, the complainant may call NDDOT and provide the allegations by telephone. NDDOT will transcribe the complainant's allegations into the complaint form and send the written complaint to the complainant for corrections, signature, and date.

To request accommodations, complainants may contact the Civil Rights Division, NDDOT at (701) 328-2978 or [civilrights@nd.gov](mailto:civilrights@nd.gov). TTY users may use Relay North Dakota at 711 or 1-800-366-8838.

The NDDOT Civil Rights Division Program Administrator will review the complaint, gather additional information from the complainant if necessary, and refer the complaint to the appropriate federal agency, which in most cases will be the Federal Highway Administration. It is also within your rights to file directly with the appropriate Federal agency that oversees the transportation activities, services or facilities.

SFN 51795 (1-2022)  
 Page 2 of 3

**FHWA JURISDICTION (Roads and Bridges)**

Title VI Complaints will be forwarded to the Division Office.

For Title VI complaints against sub recipients, NDDOT is required to follow the timeframes in 23 CFR 200.9(b)(3) as follows: A copy of the complaint, together with a copy of the NDDOT's report of investigation shall be forwarded to the FHWA Division Office within 90 days of receipt of the delegated complaint from FHWA.

ADA Complaints will be forwarded to the FHWA Division Office.

For a Section 504/ADA complaint against subrecipients, NDDOT shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the delegated complaint to the FHWA Division Office.

The FHWA HCR has delegated authority for dismissing and issuing letters of findings (LOFs) for Title VI, and Section 504/ADA complaints processed by FHWA. LOFs issued by the FHWA HCR are administratively final.

**FTA JURISDICTION (Public Transit)**

Complaints filed under Title VI, related statutes, and Section 504/ADA in which NDDOT is named as the respondent will be handled informally if possible. If the complaint cannot be resolved by informal means, the NDDOT may investigate the complaint as follows:

- The complaint will be reviewed within 10 business days to determine whether it contains all necessary information required for acceptance.
- If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form (SFN 60741) and the notice about Investigatory Uses of Personal Information fact sheet.

Title VI, related statutes, and Section 504/ADA complaints filed directly with NDDOT against NDDOT, its sub recipients, or contractors will be processed by NDDOT in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).

For Title VI or related statutes Complaints, NDDOT is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI - List of Investigations, Lawsuits, and Complaints (SFN 60805) and included in the Title VI/Nondiscrimination and ADA Program submitted to FTA every three years. Although, FTA regulations do not specify a time frame for the investigation of Title VI complaints, the NDDOT attempts to complete investigations within 90 days of receipt of the complaint.

For a Section 504/ADA complaint, NDDOT shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the complaint to the FTA Office of Civil Rights.

The FTA has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by NDDOT. Closure letters or LOFs issued by NDDOT under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA complaints are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to FTA within 180 days from the date of the alleged discrimination.

If NDDOT receives a complaint against its sub recipients, the sub recipient will be contacted to handle the complaint informally at the local level if possible. If the complaint cannot be resolved informally at the local level, NDDOT will use the same process above to resolve the complaint.

SFN 51795 (1-2022)  
 Page 3 of 3

**Agencies Authorized to Receive and Process Complaints**

**North Dakota Department of Transportation**  
 Civil Rights Division  
 608 E Boulevard Ave.  
 Bismarck, ND 58507-0700  
 Phone: (701) 328-2576  
 TTY: 711 or (800) 366-8838  
 E-mail: [civilrights@nd.gov](mailto:civilrights@nd.gov)

**United States Department of Transportation (USDOT)**  
 Departmental Office of Civil Rights  
 U.S. Department of Transportation  
 Office of Civil Rights  
 1200 New Jersey Ave., S.E.  
 Washington, DC 20590  
 Phone: (202) 366-4648  
 Fax: (202) 366-8575  
 TTY/Assistive Device: (202) 366-9696

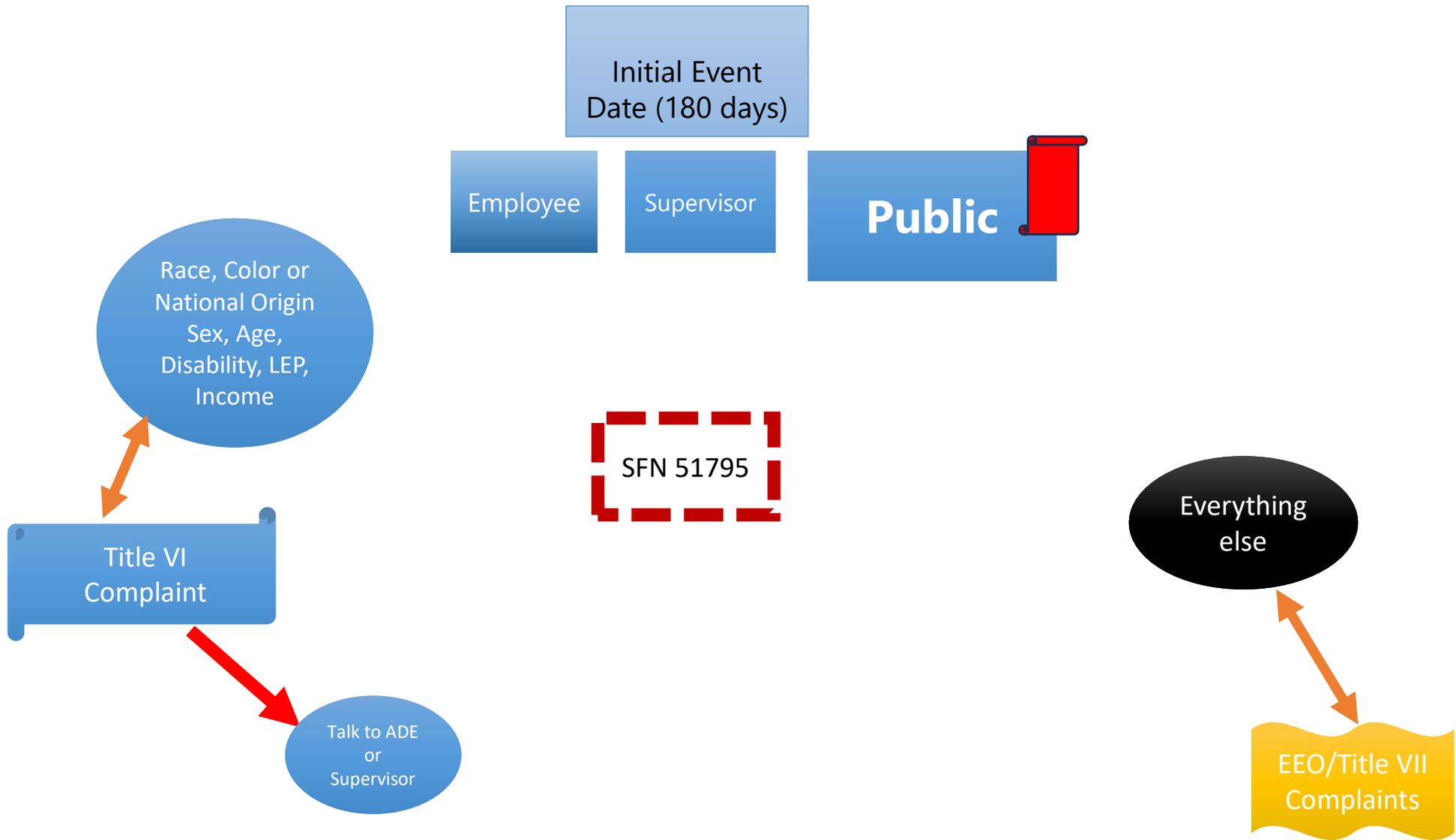
**FHWA**  
 North Dakota Division Office  
 4503 Coleman St. N., Suite 205  
 Bismarck, ND 58503  
 Phone: (701) 250-4204  
 Fax: (701) 250-4395  
 E-mail: [NorthDakota.fhwa@dot.gov](mailto:NorthDakota.fhwa@dot.gov)

**USDOT - Race, Color, National Origin Complaints**  
 Federal Coordination and Compliance Section - NWB  
 Civil Rights Division  
 U.S. Department of Justice (USDJOJ)  
 950 Pennsylvania Avenue, N.W.  
 Washington, DC 20530  
 Phone: (888) 849-5306 (English and Spanish)  
 (202) 307-2222 (voice)  
 (202) 307-2678 (TDD)

**Federal Transit Administration (FTA)**  
 Office of Civil Rights  
 Attention: Complaint Team  
 East Building, 6th Floor - TCR  
 1200 New Jersey Ave., S.E.  
 Washington, DC 20590  
 Phone: (888) 446-4511

**United States Department of Transportation (FHWA)**  
 Federal Highway Administration  
 U.S. Department of Transportation  
 Office of Civil Rights  
 1200 New Jersey Ave., S.E.  
 8th Floor E81-105  
 Washington, DC 20590  
 Phone: (202) 366-0693  
 Fax: (202) 366-1599  
 TTY: (202) 366-5132  
 E-mail: [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)

**USDOT - ADA Complaints**  
 U.S. Department of Justice (USDJOJ)  
 950 Pennsylvania Avenue, N.W.  
 Civil Rights Division  
 Disability Rights Section - 1425 NYAV  
 Washington, DC 20530  
 Fax: (202) 307-1197  
 ADA Information Line:  
 (800) 514-0301 (voice) or (800)514-0383 (TTY)  
 Main Section Telephone Number:  
 (202) 307-0663 (voice and TTY)



# Americans with Disabilities Website Accessibility

Website and documents must be compliant by April of this year.

We have a vendor to remediate documents and website help. Not SFN's or JPG's.

Look for training to attend.



# ADA Continued

**If you are a content  
developer/creator  
watch for emails  
soon.**

**Any questions,  
email me!**

---

# Title VI Assurances

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- Title VI Assurances are ESSENTIAL for EVERY contract. (In CFR)
- Must have A and E.
- Go over carefully and read it to make sure they are there, and up to date. They are found in ND DOT's Implementation Plan on Page 3.
- and look like this:

## II. TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

### III. USDOT STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES

The North Dakota Department of Transportation has signed and implemented the U.S. Department of Transportation Standard Title VI/Non-Discrimination Assurances and non-discrimination provisions according to the USDOT Order 1050.2A.

#### The United States Department of Transportation (USDOT)

#### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The North Dakota Department of Transportation ("NDDOT") (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.



# The Assurances

The assurances document includes *three* sections and Appendices A through E.

The first section, Standard and Regulatory Authorities, references the numerous legal acts, regulations, and Executive Orders that prohibit discrimination.

Some authorities prohibit discrimination based on race, color, and national origin while others prohibit discrimination based on age, sex, disability, limited English proficiency and income status.

---



# Assurances Continued

**Next is a general assurance that your agency will not engage in discriminatory practices. Specific assurances follow, which state that agency programs, facilities, and activities are free of discrimination. They state that your agency will:**

- Provide a method of administration typically contained in an implementation plan
  - Include in all solicitations for bids the affirmation that bidders will receive fair opportunity
  - Add clauses related to nondiscrimination in every contract. General clauses are contained in Appendices A and E, while clauses related to property and property rights are contained in Appendices B, C, and D.
  - Provide evidence that it is complying with these requirements.
-

Let's follow  
the fictional  
town of  
Pebble  
Creek as it  
plans its  
initial use of  
Federal  
funds to  
widen a road

- When the project is ready to submit for bid, the town's procurement department publishes an advertisement to all bidders and includes the required nondiscrimination notice.
- After all the bids are in, the town drafts a contract with the lowest bidder, Ace Construction Company. **The procurement officer makes sure to include the clauses from Appendices A and E.**

# Pebble Creek Example Continued..



Specifically, they talk about the contractor's requirements for subcontracting, as well as the records the contractor will maintain. They discuss ways in which Pebble Creek will ensure these requirements are met, along with the sanctions for noncompliance, including withholding progress payments.



During the pre-construction meeting, Pebble Creek's project manager reviews the nondiscrimination clauses with Ace Construction Company.

# Accommodations



To ensure all people have access to our services, whether an employee or member of the public, we have the request for reasonable accommodations form.

SFN 60135 <https://www.dot.nd.gov/forms/SFN60135.pdf>

# Accommodations Form



<input type="checkbox"/> Day/Time				<input type="checkbox"/> LHM				<input type="checkbox"/> VOP							
<b>Type of Event:</b>															
<input type="checkbox"/> Public Meeting/Public Hearing															
<input type="checkbox"/> Training															
<input type="checkbox"/> Other (specify) _____															
Date of Event _____				and/or				Date Needed _____				Location of Event _____			
<b>PART II: LIMITED ENGLISH PROFICIENCY (LEP)</b>															
<input type="checkbox"/> Yes <input type="checkbox"/> No Do you need language assistance for LEP?															
Language Assistance															
<input type="checkbox"/> Oral Interpretation (specify language) _____															
<input type="checkbox"/> Written Translation (specify language) _____															
Name of Documents _____															
<b>PART III: AMERICANS WITH DISABILITIES ACT (ADA)</b>															
<input type="checkbox"/> Yes <input type="checkbox"/> No Do you need an accommodation for a disability?															
Types of Accommodation															
<input type="checkbox"/> Interpreter for deaf (specify ASL, tactile, etc.) _____															
<input type="checkbox"/> Assistive Listening device (specify) _____															
<input type="checkbox"/> Physical location accessible for persons with a physical mobility impairment.															
<input type="checkbox"/> Other (specify) _____															
Nature of Disability (Medical documentation may be requested)															
<input type="checkbox"/> Physical Mobility Impairment (specify) _____															
<input type="checkbox"/> Speech Impairment (specify) _____															
<input type="checkbox"/> Visual Impairment (specify) _____															
<input type="checkbox"/> Hearing Impairment (specify) _____															
<input type="checkbox"/> Other (specify) _____															
Alternative Format (Indicate first, second, third choice if possible.)										Date Needed _____					
<input type="checkbox"/> Braille															
<input type="checkbox"/> Large Print (font point size) _____				<input type="checkbox"/> Audio Recording -MP3 _____											
<input type="checkbox"/> Other (specify) _____				<input type="checkbox"/> CD/Flash Drive _____											
Name of Documents _____															
<b>For Office Use Only</b>															
The accommodation request is:															
<input type="checkbox"/> Granted as requested				<input type="checkbox"/> Granted with change - see additional information				<input type="checkbox"/> Denied - see additional information							

SFN 60135 (7-2025)  
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## NDDOT INSTRUCTIONS

General:

1. Requests for Reasonable Accommodations can be made by completing this form. If you prefer to complete this form electronically, go to the North Dakota Department of Transportation website at <http://www.dot.nd.gov/forms/sfn60135.pdf>
2. You may submit the completed form as follows:  
Save the completed form to your computer, click on the email link and attach your completed form. Email to: [civilrights@nd.gov](mailto:civilrights@nd.gov)

Mail to: NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS DIVISION  
608 EAST BOULEVARD AVENUE  
BISMARCK ND 58505-0700

3. If you need assistance to complete the Request for Reasonable Accommodations form, please contact Heather Christianson, Civil Rights Division, NDDOT at (701-328-2978) or [civilrights@nd.gov](mailto:civilrights@nd.gov). TTY users may use Relay North Dakota at 711 or 1-800-366-6888.
4. Appropriate provisions will be considered when the Department is notified at least 10 days prior to the meeting date or 15 days prior to the date the written comments or grant applications are due.
  - Requests should be made as soon as possible
  - Converting printed material may take several weeks.
5. The Civil Rights Division will contact you to discuss your request.

## PART I

Complete all information in this section.

## PART II: Limited English Proficiency (LEP)

Check all boxes that apply to the type of language assistance that you are requesting.

## PART III: Americans with Disabilities Act (ADA)

Check all boxes that apply to the accommodation(s) that you are requesting.

## **Accommodations Scenarios:**

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A customer is having trouble reading a form because of a disability.

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A construction driver on a project needs a form in a different language.

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A customer would like the audio version of the drivers license manual.

---

A customer needs the drivers test in a different language.

# Executive Order 13166

- This order was rescinded, but services **must** remain the same.
- Why? Title VI Protections have not changed. Language is included with National Origin discrimination.
- <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>



# Language Access

Making sure everyone can communicate on the job is critical. When you receive federal funds, it's a MUST. Make sure you are comfortable using our Language Link resources.



# Language Link Resource

## [Language Link PDF](#)

- <https://www.mydot.nd.gov/sites/www/files/documents/resource-hub/civil-rights/docs/AccessToLanguageLinkInterpreterServices.pdf>

## [Divisions and Districts Language Link Access](#)

- <https://www.mydot.nd.gov/sites/www/files/documents/resource-hub/civil-rights/docs/DivisionsAndDistricts-LanguageLinkAccess.xlsx>



### How to Access Over the Phone Interpretation Services

- Step 1:** Dial 1-888-338-7394 into the toll free interpretation line;
- Step 2:** Enter Account Number 16483, followed by # sign
- Step 3:** Select whether a 3<sup>rd</sup> party call is needed
  - If a 3<sup>rd</sup> party call is selected, you will be prompted to enter and confirm the domestic phone number that will be used to reach the 3<sup>rd</sup> party.
- Step 4:** Select Language by Entering the Corresponding Number
  - If the language you need is not listed in the options, Enter "9" for all other languages
  - If you need to speak with a customer service rep. prior to being connected with the interpreter, Enter "9"
- Step 5:** Enter Department ID, followed by # sign.

#### IVR FAQs:

##### What if I do not know my Account number?

You do need this information in order to reach the interpreter directly. If you are unsure of your account number, wait and the system will direct you to a live operator who will look up your account.

##### What is a third party call?

A third party call is when you need Language Link to call the LEP client and then bridge the call together with you and the interpreter.

##### I need another language other than the ones listed. How do I get my interpreter on the line?

Press 9 for other languages and let the Customer Service Representative (CSR) know which language you require and they will connect you. If the language is unknown, you may reference the "Point to your Language" visual for help with most requested languages or ask a representative for assistance.

# Language Access Scenarios



A person calls and you can't understand a few words **well**, but they speak English.



You are talking to someone, and you can't understand **most** of what they are saying.



A person calls and you can't understand them because they have a strong accent

## Resources in Review

Complaint SFN 51795

Assurances - A&E and A  
through E

Accommodations SFN 60135

Language Resources: Language  
Link PDF/Excel Access Code

# Thank you for attending!

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Please contact us any time this year with any Civil Rights questions or issues that arise.



To receive the link to the quiz, please contact Civil Rights at [civilrights@nd.gov](mailto:civilrights@nd.gov). A passing grade of 80% or higher is required.



Upon successful completion, Supplemental Learning will be added on behalf of DOT staff. Consultants who need a Certificate of Completion, please email [civilrights@nd.gov](mailto:civilrights@nd.gov) with that request.