

# CONSTRUCTION CIVIL RIGHTS AND LABOR COMPLIANCE CHAPTER 10

## Introduction

The Local Agency shall monitor the Contractor's day-to-day conformity to EEO, Title VI and labor compliance contract requirements. CDOT's Region Civil Rights Manager may perform an EEO Project Compliance Review. The Region Civil Rights Manager is available to the Local Agency as a resource. The Title VI Coordinator is also available as a resource on Title VI and Environmental Justice issues.

### 10.1 Fulfill Project Bulletin Board and Preconstruction Packet Requirements

After the Local Agency has awarded the project, the Local Agency's Project Manager must contact the CDOT Project Manager, Resident Engineer or Region Civil Rights Manager to obtain the preconstruction packet. See subsection 8.2 of this *Manual* or the *CDOT Construction Manual* for information on conducting the Preconstruction Conference and for required Contractor submittals. A sample Preconstruction Agenda is included in Appendix B of this *Manual*.

The packet will include forms, a checklist of submittals required from the Contractor, and the information the Contractor must post on the project bulletin board. In accordance with FHWA Form 1273, the bulletin board must be located in an accessible and conspicuous place on the project. All employees must be informed as to the location of this information. A notebook, by itself, is not acceptable. If there is no tool yard or project field area for the project, the contractor may produce a "sandwich" type board with the appropriate posters. The board must be near the active work site.

Additional forms will be included in the packet depending on the requirements for each project. The following forms, if required, shall be submitted to the Region Civil Rights Manager (see Appendix A for copies of the forms):

1. CDOT Form 118 – Contract Wage Compliance Statement. This form is used on projects requiring Davis-Bacon wages and must be submitted with every weekly payroll from the Contractor and subcontractors.
2. CDOT Form 280 – EEO and Labor Compliance Verification. This form is used to interview Contractor/subcontractor employees on the project to monitor EEO/Labor compliance. The Project Engineer completes the form. Instructions for completion and an example of this form can be found in the Appendix B of the *CDOT Construction Manual*.
3. On-the-Job Training Program to include:
  - Form 200 – OJT Training Questionnaire.
  - Form 832 – Trainee Status and Evaluation Report,
  - Form 838 – On-the-Job Trainee/Apprentice Record, and
  - Form 1337 – Contractor Commitments to meet OJT Requirements
4. CDOT Form 1419 – DBE Participation Report – This report is used to summarize all DBE participation on the contact.
5. CDOT Form 1418 – Monthly Payment Summary – This form is used to record all payments due to subcontractors and suppliers.
6. CDOT Form 1420 – DBE Participation Plan Modification Request – This form is used to request changes to the approved DBE Participation Plan.

The Local Agency must document that the bulletin board has been checked for compliance.

## **10.2 Process CDOT Form 205 – Sublet Permit Application**

The Contractor shall complete and submit an original Form 205 to the Local Agency for each subcontractor on the project. The subcontractor may not begin work until the Form 205 has been approved by CDOT. The Local Agency will review each Form 205 for

accuracy prior to signing and forwarding the form to the Region Civil Rights Office for approval.

To expedite a subcontractor's start date, the Contractor may email a signed copy of the Form 205 to the Project Engineer for signature approval. If this method is used, the Contractor must not delay in forwarding the signed original Form 205 to the Project Engineer. Refer to the *CDOT Construction Manual* for instructions on completing and checking the Form 205.

The CDOT Region Civil Rights Manager is a resource for all questions relating to compliance with EEO, DBE, On-the-Job Training and Davis-Bacon Act. The Region Civil Rights Managers are listed in Appendix D. For Title VI, LEP and Environmental Justice questions or complaints, please contact the CDOT CRBRC. The Discrimination Complaint Form is available on the CDOT website at <https://www.codot.gov/business/civilrights/accessibility/titlevi/title-vi-assets/discrimination-complaint-form>.

### **10.3 Conduct Equal Employment Opportunity and Labor Compliance Verification Employee Interviews**

These interviews shall be conducted with Contractor and subcontractor employees on the project to monitor EEO/labor compliance. The CDOT Form 280 - Equal Employment Opportunity and Labor Compliance Verification shall be used. The Local Agency Project Engineer or designee will complete the form. The interview provides verification of compliance and knowledge with Equal Employment Opportunity requirements and confirms that the Contractor or subcontractor is paying the correct contract wage rate. The Local Agency shall compare the information received regarding wage compliance to the certified payroll upon its receipt. The interviews shall be conducted monthly throughout the life of the project; the number required monthly is based on the size of the contract. Please refer to section 107.1.3.3 of the *CDOT Construction Manual* for the number of interviews required.

Completed Form 280s shall be submitted to the CDOT Project Manager or Region Civil Rights Office. See Appendix A for a copy of the form.

#### **10.4 Monitor Disadvantaged Business Enterprise Participation to Ensure Compliance with the “Commercially Useful Function” Requirements**

A DBE is expected to perform a commercially useful function; i.e., the DBE is responsible for execution of the work of the Contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. If the Project Manager has concerns about the DBE subcontractor's performance in this or in any other area, the Project Manager is encouraged to consult with the CDOT Region Civil Rights Manager immediately for assistance.

#### **10.5 Conduct Interviews When Project Utilizes On-the-Job Trainees**

Interviews shall be conducted with registered trainees on the project to provide verification of compliance and knowledge with Equal Employment Opportunity requirements.

The contractor shall complete and submit the Form 1337 - Contractor Commitment to Meet OJT Requirements prior to starting work. The Form 1337 must also be submitted by the Local Agency to the CDOT Region Civil Rights office. The Local Agency will forward a copy of the contractor's OJT plan to the CDOT Project Manager who forwards to the CDOT Region Civil Rights office. The contractor shall complete and submit Form 838(s) - OJT Trainee / Apprentice Record to the Local Agency. An incomplete Form 838 will not be accepted. The Local Agency will forward the Form 838(s) to the CDOT Project Manager who forwards to the CDOT Region Civil Rights office for review and approval. The Region Civil Rights office will return the approved or rejected copy to the CDOT Project Manager and Local Agency. The Local Agency shall not make payment or give credit toward the OJT goal for trainee hours until an approved Form 838 has been received by the Region Civil Rights office.

The CDOT Form 200 – OJT Training Questionnaire is utilized when On-the-Job Trainees are on the project. The form shall be completed and submitted to the CDOT Project Manager or Region Civil Rights Manager. The Local Agency is responsible for verifying the trainee wage.

## **10.6 Check Certified Payrolls**

The Local Agency shall verify the Contractor's and subcontractor's compliance with Davis-Bacon Act Contract requirements. Certified payrolls are required to be checked by on-site personnel who have attended the certified payroll checking class.

Prior to the beginning of construction, the Local Agency must contact the CDOT Project Manager or Region Civil Rights Manager to schedule a meeting to obtain detailed payroll monitoring training. The Local Agency is responsible for monitoring activities throughout the course of the project. If the Contractor is not complying with the requirements, the Local Agency must take appropriate action to obtain compliance. If there is no training scheduled, the CDOT Project Manager is available to assist with payroll questions.

## **10.7 Submit FHWA Form 1391 - Federal-Aid Highway Construction Contractor's Annual EEO Report**

The Contractor and all active subcontractors must submit the completed FHWA Form 1391 to the Local Agency. The Local Agency shall forward the reports to the CDOT Project Manager by August 15 for all construction projects active during the last complete week of July.

The Form 1391 reflects only workers for the designated week that are working on site.

See Appendix A for a copy of the form.



