

AFFIRMATIVE ACTION PLAN

Company Name: _____

Address: _____

City/State/Zip: _____

Area Code/Phone Number: _____

Area Code/Fax Number: _____

Contact Person: _____

AFFIRMATIVE ACTION POLICY STATEMENT

It is the policy of this firm to assure that applicants are employed, and that employees are treated during employment, without regard to an individual's race, color, religion, sex, national origin or disability. Such action shall include: Employment, upgrading, demotion or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training. This policy and practice applies to all persons.

This firm will implement, monitor, enforce and achieve full compliance with this Affirmative Action Policy Statement in conjunction with the applicable Federal and State laws, regulations executive orders and the EEO contract provisions, including but not limited to those listed below:

1. Civil Rights Act of 1964, as amended
2. Title 23 U.S.C. 140
3. Title 23 CFR Part 200 and 230
4. Title 49 C.F.R. Part 21 & 26
5. Governor's Executive Orders #3 and #17
6. Connecticut Fair Employment Practices Act
7. Americans with Disabilities Act of 1990
8. Public Act No. 91-58
9. Specific Equal Employment Opportunities Responsibilities
10. Required Contract Provisions Federal Aid Construction Contracts
11. A (76) Affirmative Action Requirements
12. Training Special Provision
13. Minority Business Enterprises as Subcontractors
14. Standard Federal Equal Employment Opportunity Construction Contract Specification
16. Nondiscrimination Act

In implementing this policy and ensuring that equal opportunity is being provided to protected class members, each time a hiring opportunity occurs this firm will contact and request referrals from minority and female organizations, referral sources, and media sources. All advertising will emphasize that the firm is "An Affirmative Action/Equal Opportunity Employer."

In order to substantiate this firm's efforts and affirmative actions to provide equal opportunity, the firm will maintain and submit, as requested, documentation such as referral request correspondence, copies of advertisements utilized and follow-up documentation to substantiate that efforts were made in good faith. This firm will maintain internal EEO/affirmative action audit procedures and reporting, as record keeping systems.

It is understood by me, my Equal Employment Opportunity Officer and my supervisory and managerial personnel that failure to effectively implement, monitor and enforce this firm's affirmative action program and/or failure to adequately document the affirmative actions taken and efforts made to recruit and hire minority and female applicants, in accordance with our affirmative action program in each instance of hire, will result in this firm being to recommit itself to a modified and more stringent affirmative action program prior to receiving approval. It is recognized that an approved affirmative action program is a prerequisite for performing services for the contracting agency.

Managers and supervisors are advised of their responsibilities to ensure the success of the program. The ultimate responsibility for the Affirmative Action Program rests with the Chief Executive Officer. However, the day-to-day duties will be coordinated by _____, who has been designated the Equal Opportunity Officer of this firm. (Name / Title)

This Affirmative Action Plan has my whole-hearted support. In addition, each manager and supervisor, as well as all employees, are directed to aid in the development and implementation of the program and will be responsible for compliance to its objectives.

Signature of Chief Executive Officer

Date

ASSIGNMENT OF RESPONSIBILITIES

The contractor/consultant shall designate a responsible official to monitor all employment related activity to ensure that the firm's EEO policy is being implemented.

I hereby appoint _____ as the Equal Employment Opportunity Officer of this firm.

Equal Employment Opportunity Officer

The contracting officers and equal opportunity officer (hereinafter referred to as the EEO Officer) shall have the responsibility for and must be capable of effectively administering and promoting an active program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

All members of the Company's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the Company's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

The EEO Officer's responsibilities shall include the following:

1. Conduct periodic meetings of supervisory and personnel office employees upon hire and not less often than once every six months, at which time the equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the company EEO Officer or another knowledgeable company official.
2. All new supervisory of personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official, covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.
3. All personnel who are engaged in direct recruitment for the firm will be instructed by the EEO Officer or appropriate company official in the contractor's procedures for locating and hiring woman/minority group employees.
4. Develop, Implement and monitor progress in this firm's affirmative action plan.
5. Initiate and maintain contact with unions, recruitment sources and organizations servicing members of protected groups concerning the achievement of affirmative action requirements.
6. Place notices and posters setting forth the firms equal employment opportunity policy in areas accessible to employees, employment applicants and potential employees.
7. The equal employment opportunity policy and procedures to implement such policy will be brought to the attention of employees by meetings, employee handbooks, or other appropriate means.

8. The firm unless precluded by valid bargaining agreement will conduct systematic recruitment and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. The firm's EEO Officer will identify sources of potential; minority group employees and establish with such identified sources, procedures whereby minority group applicant may be referred to the firm for employment consideration.
9. In the event that the firm has a valid bargaining agreement providing for exclusive hiring hall referrals, you are expected to observe the provisions of that agreement to the extent that the system permits the firm's compliance with equal employment opportunity contract provisions.
10. If the firm relies in whole or in part upon unions as a source of employees, you will use your best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees.
11. The firm will periodically evaluate the spread of wages paid each classification to determine any evidence of discriminatory wage practices.
12. The firm will promptly investigate all complaints of alleged discrimination made to the firm.
13. The Company will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.
14. The Company will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the Company will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

EEO OFFICER SIGNATURE

DATE

CEO/PRESIDENT/OWNER SIGNATURE

DATE

SAMPLE MATERNITY LEAVE POLICY

The purpose of Maternity Leave is to allow a pregnant employee reasonable time off from work on the basis that she is physically incapacitated, medically disabled and unable to perform her job.

The idea than an employee can be approved for several months of paid or unpaid Maternity Leave up to the labor contract limit simply because she is pregnant or has delivered a child is a misinterpretation and simply not true. The length of time which an employee is approved for Maternity Leave depends on the length of time she is medically disabled and can document the disability via a Medical Certificate.

Public Act No. 73-647, effective October 1, 1973 modifies Section 31-126 of the General Statutes and makes it an unfair employment practice:

“(g) for an employer, by himself or his agent, (i) to terminate a woman’s employment because of her pregnancy, (ii) to refuse to grant to said employee a reasonable leave of absence for disability resulting from such pregnancy, or (iii) to deny to said employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by said employer. Upon signifying her intent to return, such employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits, unless, in the case of a private employer, the employer’s circumstances have so changed as to make it impossible or unreasonable to do so.”

In accordance with this statute, the following policy and procedure shall be adopted to cover the disability situations resulting from pregnancy:

Disability is defined as the hospital stay and any period to time prior to and subsequent to delivery certified by the attending physician as that period of time when an employee is unable to perform the requirements of her job. Obviously, the period of disability will vary with the individual. Depending upon the circumstances, this certification may be reviewed by an approved state physician.

1. During the period of disability, sick leave shall be granted under exactly the same terms and conditions as any other disability.
2. Upon expiration of sick leave, the employee may request, and shall be granted, the use of vacation, personal time and earned time.
3. Upon expiration of paid leave, the employee must request, and shall be granted a leave of absence without pay with her position held. The total period of leave of absence without pay with position being held shall not exceed _____ months following the date of delivery. A request to continue on a leave of absence beyond this _____ month period must be in writing. If granted, the position may or may not be held for this extended period subject to the appointing authority’s decision.

All requests for leave under this policy must be submitted, in writing, to the appointing authority accompanied by an acceptable medical certificate. This request shall contain the following information:

- 1) The expected date of delivery;
- 2) Anticipated use of sick leave, vacation, personal leave and earned time;
- 3) Intentions of returning to work.

The rules and regulations governing the use and submission of medical certificates shall apply, except that the doctor’s original medical certificate shall be accepted for absence due to pregnancy disability up to four weeks after delivery. (Further absences will require additional medical certificates in accordance with normal procedures).

NOTE: Nursing of a child, per se, will not be considered disability for sick leave purposes. All leaves of absence without pay in excess of five (5) consecutive working days will be subject to the approval of the Chief Administrative Officer.

SAMPLE COMPLAINT PROCEDURE

The Complaint Procedure will address discrimination complaints regarding race, color, religion, age, sex, marital status, physical disability (including, but not limited to blindness), criminal record, national origin or ancestry, mental disorder (or history thereof), from both current and prospective employees. These individuals have the right to make full utilization of this Complaint Procedure without jeopardizing in any way their current or prospective employee status.

The components of the Complaint Procedure are as follows:

- 1) The Equal Opportunity Employment Officer will receive all written complaints of discrimination. These may be direct from the employee or upon referral from a supervisor who has received a complaint from an employee.
- 2) All discrimination complaints filed under this procedure will be accepted for investigations up to and including thirty (30) days after the date of the alleged discriminatory act.
- 3) All complaints will be recorded on the "Notice of discrimination Complaint" form and signed by the complainant. At this time, the complainant will be counseled as to the other avenues of redress open to him/her; i.e., the complainant procedure of the Commission on Human Rights and Opportunities and/or the Connecticut Department of Transportation's Division of Contract Compliance.
- 4) The Division of Contract Compliance and the Transportation Commissioner will be notified of all complaints and the ultimate resolution of the complaint in future Affirmative Action Plan updates.
- 5) All complaints will be investigated and processed by _____ within thirty (30) days after their receipt.
- 6) The complainant will be notified, in writing regarding the results of the investigation and the final disposition of the complaint, including any proposed remedial action.
- 7) Should the complainant disagree with the decision, he/she can still avail him/herself of any, or all of the other avenues of redress previously explained (see #3).
- 8) In the event an employee wishes to bypass internal complaint procedure, they have the right to file directly to Federal EEOC (Equal Employment Opportunity Commission) and/or the (CHRO) Commission on Human Rights and Opportunities.
- 9) The Equal Employment Opportunity Officer will take the necessary steps to ensure the confidentiality of all Title VII complaint records and of any counseling done in the course of the complaint procedure.

SEXUAL HARASSMENT
POLICY STATEMENT

It is the established policy of (Firm's Name) to ensure equal employment opportunity and to prevent discrimination in all practices. Sexual Harassment is prohibited by the Connecticut Discriminatory Employment Practices Act (Section 46a-60(A)(8) of The Connecticut General Statutes) and Title VII of the Civil Rights Act, as amended (42 United States Code Section 2000e Et.Seq).

Sexual Harassment is defined as "Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual Harassment will **not** be tolerated by (Firm's Name) and will be grounds for disciplinary action. We are committed to enforcing the relevant laws and regulations pertaining to Sexual Harassment.

If you feel you have been discriminated against, contact:

Name/Title: _____

Address: _____

City, State: _____

Tel: _____

Signature & Date

Name of Firm: _____

CONNECTICUT DEPARTMENT OF TRANSPORTATION

Note: The Company Data Sheet should only include **current employees**.

COMPANY DATA SHEET

INCLUDE ALL EMPLOYEES FULL AND PART-TIME:

JOB CATEGORIES	Total Number of Employees		Total Number White Employees		Total Number Minority Employees		Total Number Black Employees		Total Number Hispanic Employees		Total Number Asian or Pacific Islander Employees		Total Number American Indian or Alaskan Native Employees		Date of Last New Hire Per Category	Indicate (F) Female or (M) Male under each Race category box below:				
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	Date	B	W	H	AA	AI
TOTAL NUMBER																				

B-Black H-Hispanic AA-Asian AI-American Indian

NAME OF FIRM _____

FORM E.O. 41(874)-2

1. How many employees are in your employ?
(Please include all employees and company officials)

Total Number Employed		Total White Employed		Total Minorities Employed		Total Black		Total Hispanic		Total Number American Indian or Alaskan Native Employees		Total Number Asian or Pacific Islander Employees	
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female

2. Provide the Name, Race, Sex, Employee Number or Identification, Job Classification and initial date of hire for each individual indicated in question #1 above.
(Please include all employees and company officials)

3. It is a requirement that you list a minimum of four minority and female referral sources to be used as part of your normal recruitment procedures. These sources should have a large circulation among minorities and women, and should be used in each instance of hiring opportunity. Additionally, please list any unions under which you have current agreements. For each recruitment source, indicate name, address, phone number and contact. The referral sources should be applicable to the job opportunities you are recruiting for.

The Connecticut Department of Transportation
Affirmative Action Guide
(Initial Submission)

Requesting an Affirmative Action Plan -

Any firm can request an Affirmative Action Plan if they plan to do business with the Connecticut Department of Transportation (ConnDOT). You may contact John L. Hayward in the Division of Contract Compliance to request your Affirmative Action Plan at 860-594-2164.

Upon receipt of your Initial Affirmative Action Packet please follow these steps in completing the plan:

CHECK UPON COMPLETING EACH STEP

- Step 1:** Read the **STEPS TO AFFIRMATIVE ACTION** and keep this copy for your files.
- Step 2:** Read the **AFFIRMATIVE ACTION POLICY STATEMENT** and provide your company information such as name, address, phone number and contact person. At the end of the Policy Statement, enter the name of the individual that will be the designated Equal Opportunity Officer of your firm and ensure that the Chief Executive Officer provides a Signature and Date on the policy statement.
- Step 3:** Read the **ASSIGNMENT OF RESPONSIBILITIES** and enter the name of the Affirmative Action/Equal Employment Opportunity Officer appointed to your firm. Ensure **both** EEO Officer and CEO, President or Owner provides a Signature and Date on the form.
- Step 4:** Complete the **FORM E.O. 41(874) -2**

Question #1

- Enter the Total number of Females and Males employed at your firm
- Enter the Total White Female and Males Employed at your firm
- Enter the Total Minority Female and Males Employed at your firm

Self Check -

- The Total Black/Hispanic American Indian/Asian American is EQUAL to the Total Number of Minorities Employed
- The Total White Employed plus the Total Minorities Employed EQUAL the Total Number Employees

Question #2

- Provide a listing of all of the employees within your firm, and include the Name, Race, Sex, Employee Number or Social Security Number. (*Note: It is not necessary to include the social security number provided that you include an Employee unique identifier for each of your employees*).

Step 5: Complete the Company Data Sheet

- List each Job Category within your firm under the Job Category List column. Then, enter the Total # of Employees for each Job Category following the Steps above.
- At the bottom of the Company Data Sheet add all of the Totals in each column and enter the Totals.

Self Check –

- The Totals at the bottom of the Company Data Sheet should equal the Totals listed on the E.O. 41 (874)-2.
- **Last New Hire Per Category Column** – Indicate the number of the Last New Hire for each Race Category, then enter the Date of the Last New Hire for each Race Category.

Step 6: Review the Sample Maternity Leave Policy:

The Sample Maternity Leave Policy is a guide used to either initiate or incorporate into your firms current Equal Employment Opportunity Policies. You must provide a copy of the Maternity Leave Policy for your firm.

Provide a time period(s) for Maternity Leave on Question #3.

Step 7: Review the Sample Complaint Procedure:

The Sample Complaint Procedure is a guide used to either initiate or incorporate into your firms current Equal Employment Opportunity Policies. You must provide a copy of the Complaint Procedure for your firm.

Step 8: Review the Sexual Harassment is Illegal:

The Sexual Harassment is Illegal Policy is a guide used to either initiate or incorporate into your firms current Equal Employment Opportunity Policies. You must provide a copy of the Sexual Harassment Policy for your firm.

Please be sure to enter the name of the Firms in which Sexual Harassment will not be tolerated and provide a signature and date on the policy.

Affirmative Action Plan Q&A Sheet

Q. Who is required to have a plan?

A. Any firm wishing to do business with the Connecticut Department of Transportation (ConnDOT) must have an approved Affirmative Action Plan if the contract dollar amount is \$5,000 or more on 100% State Funded projects; and \$10,000 or more on Federally Assisted projects.

Q. If you perform work for another State Agency, does ConnDOT's Affirmative Action Plan (DOT AA Plan) suffice?

A. No, the Affirmative Action Plan required by the ConnDOT is specific only to ConnDOT.

Q. Are out of state firms required to have an approved Affirmative Action Plan?

A. Yes. The requirements are the same for in-state firms and out-of-state firms.

Q. Are you required to have an approved Affirmative Action Plan prior to bidding?

A. You are required to have a plan prior to award.

Q. What is the difference between a New Hire and a Rehire?

A. An employee that is terminated or hired after a full construction season is considered a New Hire. If an employee was laid off and rehired due to a normal seasonal shutdown or lack of work is considered a Rehire.

Q. If the law prohibits firms from asking employees their race and gender, then how do we make that determination?

A. It is the firm's responsibility to obtain information necessary for affirmative action reporting. It should be clear that the information will not be used for employment decisions and will be used for affirmative action reporting purposes only.

Q. In completing the Complaint Data Sheet, what information is required?

A. Please include any discrimination complaints filed against your firm regardless of the disposition. This includes any complaints filed through your internal process or with CHRO or EEOC.

Q. When completing the Applicant Flow Data Sheet, what information is required?

A. Please include any or all applicants applying for positions in your firm.

Q. When must minority and female referral sources be used?

A. Referral Sources must be used each time your firm determines a need to hire.

STEPS TO AFFIRMATIVE ACTION

The contractor/consultant shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the contractor's/consultant's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The contractor/consultant shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

- 1) Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The contractor shall specifically ensure that all foremen, superintendents, and other onsite supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
- 2) Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
- 3) Maintain a current file of names, addresses and telephone numbers for each minority and female; off the street applicant, union referral, and recruitment source referral. Also include what action was taken with respect to each individual. If any individual was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred and not employed by the contractor, this shall be documented in the file with the reason, along with whatever additional actions the contractor may have taken.
- 4) The Company will advise employees and applicants for employment of available training programs and entrance requirements for each.
- 5) Provide immediate written notification to Connecticut Department of Transportation when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
- 6) Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the contractor's employment needs, especially those programs funded or approved by the Department of Labor. The contractor shall provide notice of these programs to the sources complied under step 2 above.
- 7) Disseminate the contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where work is performed.
- 8) Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initial start of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

- 9) Disseminate the contractor's EEO policy externally by including it in any advertising in the news media; specifically including minority and female news media, and providing written notification to discussing the firm's EEO policy with other contractors, subcontractors and subconsultants with whom the contractor does or anticipates doing business.
- 10) Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures and any test to be used in the selection process.
- 11) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's work force.
- 12) Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60.3.
- 13) Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- 14) Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and contractor's obligations, under these specifications, are being carried out.
- 15) Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- 16) Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
- 17) Conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's EEO policies and affirmative action obligations.
- 18) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement to refer either minorities or women, shall excuse the contractor's obligations under these specifications.
- 19) If the Company relies in whole or in part upon unions as a source of employees, it will use its best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions.
- 20) The Company will use its best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.
- 21) The Company will use its best efforts to incorporate an equal employment opportunity clause into each union agreement to the extent that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin, etc.

- 22) The Company is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the Company. The Company shall so certify to the Connecticut Department of Transportation and shall set forth what efforts have been made to obtain such information.
- 23) In the event the union is unable to provide the Company with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the Company will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex or national origin, etc. making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the Company has a collective bargaining agreement, providing for exclusive referral, failed to refer minority employees). In the event the union referral practice prevents the Company from meeting the obligations pursuant to Executive Order 11246, as amended, and these provisions, such Company shall immediately notify the Connecticut Department of Transportation.

Subcontracting

- 1) The Company will use its best efforts to solicit bids from and to utilize minority group subcontractors, or subcontractors with meaningful minority group and female representation among their employees. Companies shall obtain a list of applicable Disadvantaged Business Enterprise firms from the Division of Contract Compliance.
- 2) The Company will use its best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.
- 3) The General Contract Provisions entitled "Minority Business Enterprises as Subcontractors" is made part of this document by reference and its requirements are applicable to all entities proposing to do business with the Connecticut Department of Transportation.

Records and Reports

- 1) For the duration of the project, the company will maintain records as are necessary to determine compliance with the Company's equal employment opportunity obligations and Affirmative Action requirements. Additionally, the company will submit all requested reports in the manner required by the contracting agency.

DEFINITIONS

AFFIRMATIVE ACTION – Positive action, undertaken with conviction and effort, to overcome the present effects of past discriminatory practices, to achieve the full and fair participation of women and minorities in contract and employment opportunities, and to assure that qualified disadvantaged and minority business enterprises enter the economic mainstream of the state's economy. Additionally, affirmative action shall mean the responsibility of contractors to develop and implement strategies to achieve equality of contracting and employment opportunity as required by Federal and State law.

AFFIRMATIVE ACTION PLAN – A written positive management tool of a total equal opportunity program indicating the action steps for all organizational levels of a contractor to initiate and measure equal opportunity program progress and effectiveness.

AGENCY – The state or any political subdivision of the state other than a municipality.

CONTRACT – Any agreement, written or otherwise, between any person and an awarding agency for goods or services.

CONTRACTOR – A party to a contract with an awarding agency and includes a contractor's agents, successors, and any other present or future enterprise sharing one or more of the following characteristics with the contractor; (a) interlocking directorships; (b) interrelation of operations; (c) common management; (d) common control of labor relations; (e) common ownership of stock, equipment or materials; (f) common financial control of operations; or (g) any other factor evidencing such intermingling of affairs that it is unjust to recognize the separate existence of otherwise nominally independent entities. In addition to the foregoing, the word "contractor" shall include a subcontractor if the awarding agency is the State or if the contract is for a public works project.

CORRECTIVE ACTION PLAN – A contractor's unequivocal written and signed commitment outlining actions taken or proposed, with time limits and goals, where appropriate to correct, compensate for, and remedy each violation of equal opportunity as specified.

DISCRIMINATION – An act (or action) whether intentional or unintentional through which a person in the United State, solely because of race, color, religious creed, age, sex, marital status, national origin or ancestry, sexual orientation, the request or requirement for genetic background information, present or past history of mental disorder, mental retardation, learning disability or physical disability, including but not limited to, blindness, prior conviction of a crime unless provisions of Conn. Gen Statutes 46a-60(b), 46a-81(b) are controlling or there is a bona fide occupational qualification excluding individuals in any of the protected groups, has been otherwise subjected to unequal treatment.

DISCRIMINATION ON THE BASIS OF SEX – includes, but is not limited to, discrimination related to pregnancy, childbearing capacity, sterilization, fertility or related medical conditions.

EQUAL EMPLOYMENT OPPORTUNITY OFFICER – A designee who has the responsibility and capability of effectively administering and promoting an active contractor program of equal employment opportunity and who has been delegated the authority and responsibility to do so.

GOALS – Shall be significant, measurable and attainable objectives with timetables for completion.

GOOD FAITH – Degree of diligence which a reasonable person would exercise in the performance of contract obligations

GOOD FAITH EFFORTS – Means, but is not limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

GOOD FAITH DETERMINATION – Shall include, but shall not be limited to the following factors: The contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts.

LABOR ORGANIZATION – Any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

LEARNING DISABILITY – Refers to an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language spoken or written, which may manifest itself in diminished ability to listen, speak, read, write, spell or do mathematical calculations.

MINORITY – Blacks (not of Hispanic origin), Hispanics, Asian, Pacific Islanders, and American Indians or Alaskan Natives.

PUBLIC WORKS CONTRACT – Any agreement between any individual, firm or corporation and the state or any political subdivision of the state other than a municipality for construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway or other changes or improvements in real property, or which is financed in whole or in part by the state, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees.

RECOMMITMENT – A written corrective action plan submitted by the contractor, in response to a determination of the firm's failure to establish and document the objectives of the affirmative action plan.

SEXUAL HARASSMENT – Any unwelcome sexual advances or requests for sexual favors or any conduct of sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

SEXUAL ORIENTATION DISCRIMINATION – Having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952 (P.A. 91-58).

STATE – The State of Connecticut, including each agency, department, board, commission or council thereof, but not any political subdivision of the state or a municipality.

SUBCONTRACT – Any agreement subordinate to another contract, written or otherwise, between a party to the original contract and one who is not a party to that contract.

SUBCONTRACTOR – A party to a contract with a prime contractor who has agreed to provide some or all of the goods and services the original contractor is required to provide.

SUPPORT DATA – Statistical data, books and records of account, personnel files and other materials and information regarding compliance with antidiscrimination and contract compliance statutes.

TITLE VI (Civil Rights Act of 1964) – Requires assurances from states that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance.