



COMMONWEALTH OF
PUERTO RICO
Puerto Rico Highway and
Transportation Authority

EEO CONTRACT COMPLIANCE PROGRAM



2016
Civil Rights Office

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CONTRACTOR COMPLIANCE PROGRAM

The Puerto Rico Highway and Transportation Authority's Contractor Compliance Program consists of the monitoring of prime contractors and subcontractors holding construction contracts of \$10,000 or more in Federal-aid funds to ensure compliance with the EEO Provisions of Title 23 Subpart D and Federal Highway Administration (FHWA) Required Contract Form FHWA-1273. These provisions require contractors to employ and advance individuals without regard to race, sex, color, religion or national origin.

I. ORGANIZATION AND STRUCTURE

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

1. *Organizational location and responsibilities of the State highway agency EEO Coordinator.*

Effective January 2, 1973, as authorized by Plan Number 6 for the reorganization of the Executive Branch of the Commonwealth of Puerto Rico, the Department of Public Works was reorganized and re-designated as Department of Transportation and Public Works (DTPW). This Department is the central government agency in charge of the transportation programs of the Commonwealth of Puerto Rico. By this Reorganization Plan, The Highway Authority, the Ports Authority (later disengaged through subsequent legislation), and the Metropolitan Bus Authority were attached to the DTPW. The authorities ascribed to the DTPW operate as public corporations with fiscal autonomy over matters for which they are responsible. However, the authorities discharge their functions under policies formulated and adopted by the Secretary of Transportation and Public Works.

The Puerto Rico Highway and Transportation Authority (PRHTA) is a public corporation and government instrumentality of the Commonwealth. It was created to provide people with the best means of transportation, and to expedite the movement of vehicles and individuals, to relieve in every possible way the hazards and inconveniences caused by congestion on the roads of the Commonwealth. The Agency fulfills its obligations through an Executive Director, who responds to a Board of Directors presided by the Secretary of the DTPW. Five regional offices carry out the construction projects under the direction of the Construction Area: North, South, East, West and Metropolitan.

Civil Right Office

The Civil Rights Office is an office within the Area known as Secretariate which provides services for the DTPW and the PRHTA. This Office is located in the Highway and Transportation Authority's main offices, at Roberto Sánchez Vilella Government Center (Minillas), South Building in San Juan.

This Office has as primary goal ensuring equality of opportunity both within our agency and in its construction projects. "Civil rights" is the common name given to those rights guaranteed to all citizens by the Constitution of the Commonwealth of Puerto Rico and the United States and other legislation, guaranteeing equal treatment before the law. Such treatment is guaranteed without distinction as to race, color, religion, gender (including equal pay for equal work) or gender identity, pregnancy, actual or perceived sexual orientation, national origin, age, social status, political ideas, serological status, veteran status, being a victim or perceived victim of domestic violence, sexual assault or disabilities irrelevant to the requirements of an occupation.

The functions assigned to this Office have been subdivided by specific areas, all aimed at ensuring equal opportunities. This Office is managed by its Director, who as per the organizational chart (**see Attachment A**) reports to both the Secretary of the PRDTPW and the Executive Director of the PRHTA. Currently, it has assigned two (2) Civil Rights Coordinators for five (5) programs with a Deputy Director who manages the DBE Program, a Director Assistant, an Office Systems Administrator, and one (1) administrative official who assist one of the coordinators. The Internal Equal Employment Opportunity (EEO) Program and its tasks are now covered by the Director and one of the Coordinators. Title VI and ADA programs currently don't have an assigned Coordinator; some of the duties are performed by another Coordinator. For the composition of the Office see **Attachment B**.

Under the Office of Civil Rights, *the Contract Compliance Coordinator* is in charge of monitoring the contractors and subcontractors through an Areawide or Project Specific Review to assure that they are in compliance with the PRHTA's Contractor Compliance Program.

The primary duties and responsibilities of the Contract Compliance Coordinator include the following, but are not limited to:

- Analyze and evaluate contractor's Affirmative Action Plan, Policy Statements, Discrimination Complaints Procedure and other documents and offer recommendations.
- Schedule and conduct compliance reviews in the contractor's central offices to evaluate the contractor's human resources procedures (recruitment, promotions, transfers, salary, etc.) to ensure nondiscrimination procedures and to make recommendations if necessary.

- Visit federal and state projects to ensure they comply with the legislation and to advise and ensure that they publish the Agency's Equal Opportunity¹, Equal Employment for Youth, and Against Sexual Harassment Policy Statements.²
- Advise contractors of the Equal Employment Opportunity Program and the Equal Employment Opportunity Program State and Federal legislations.
- Advise Highway and Transportation Authority Project Administrators of the program requirements.
- Investigate discrimination complaints from any of the contractor's employees.
- Verify the Contractor's payroll to ensure minorities are paid the salary and fringe benefits established in the contract.
- Write letters and reports in reference of the visits and findings.
- Maintain all contractor's required documentation on file.
- Annual distribution of the FHWA-1391 form to the Highway and Transportation Authority's Project Administrators to be completed by the contractors holding Federal and Federal-aid highway construction contracts and submitted to the Civil Rights Coordinator who will summarize the data on FHWA-1392 form.
- Annually prepare the FHWA-1392 form (Highway Construction Summary of Employment Data) with all the information submitted by the contractors.
- Offer workshops to the Project's Administrators and Contractors of the program's requirements.
- Review the contract documents to ensure that the Equal Employment Specifications are included.

2. Time devoted to EEO.

The Contract Compliance Coordinator position is full-time and is dedicated primarily to external EEO. Also, offers support to other civil rights programs due to lack of personnel.

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

The Contract Compliance Coordinator has been in the position for four (4) years. No formal training was provided, except for reference to manual.

4. Centralized compliance program

The Program is within the Civil Rights Office which is the central office for all civil rights issues in PRHTA.

¹ Said Policy also covers TVI. See Attachment C

² See Attachments D - E

5. EEO Coordinator's staff supports areas of their responsibilities.

The Coordinator has no staff. She's supported on her tasks by other coordinator and the Office Director.

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

1) Estimates and Bids Office

This office has the responsibility of including the Required Contract Provisions of Federal-Aid Construction Contracts (Form FHWA-1273) and the EEO Special Provisions as required by Title 23, Subpart D in prime contracts. Also, it is responsible for the notifications of contractor's EEO responsibilities as it relates to Federal-aid projects.

It is the responsibility of the prime contractor to ensure that the Required Contract Provisions are incorporated to any subcontract or purchase order agreement. The prime contractor will also be responsible for ensuring compliance of the Required Contract Provisions by subcontractor or lower tier subcontractor.

2) Labor Compliance Officer (Projects Control Office)

The labor compliance officers are responsible of, but not limited to:

- 1) Verifying that the Agency and contractors comply with laws and federal and state labor regulations in effect from the agencies that proven funds for construction and reconstruction of roads.
- 2) Audit payroll deficiencies in construction projects.
- 3) Making recommendations on deficiencies found in interventions and insure they are corrected in order to maintain contractors right to continue to participate in bids of the Agency.
- 4) Applying penalties if found in non-compliance.

B. District or division personnel.

1. Responsibilities and duties of any district EEO personnel.

N/A

2. District EEO personnel.

N/A

3. Training provided for personnel having EEO compliance responsibility.

No training was provided. Project administrators were given a presentation on Civil Rights Programs.

C. Project personnel. EEO's role of project personnel.

The project managers are responsible of, but not limited to:

- 1) Submitting EEO and nondiscrimination policy statement posters and discuss the EEO requirements with the contractors and subcontractors at preconstruction conferences in the absence of contract compliance personnel.
- 2) Verifying the accuracy of employment data reported on annual form FHWA -1391 by review of payroll from which the report was developed, if available, combined with an actual head count of employees on the project during the reporting period.
- 3) Monitor each trainee's progress to ascertain that each is being paid the established rate and has received the training set forth in the approved training program being utilized.

Project staff monitor compliance through project inspections which include a review of:

- a. Equal Employment Opportunity, for example, displayed information of public policy
- b. Procedures to file a complaint
- c. Displayed information regarding recipients Title VI Program

II. COMPLIANCE PROCEDURES

A. *Applicable Directives*

- FHWA Contract Compliance Procedures.
- EEO Special Provisions
- Training Special Provisions
- FHWA Federal-Aid Highway Program Manual

(The Federal Highway Administration's External Program Regulations 23 CFR Part 230 is followed by the PRHTA to ensure compliance with civil rights requirements.)

(The Federal Highway Administration's contract compliance regulations and review guidelines in 23 CFR Part 230, Subpart D are followed by the PRHTA in conducting compliance reviews.)

With regards to the above applicable directives it is important to refer to the 2009 FHWA-issued Contractor Compliance Desk Reference. The Desk Reference is intended to provide guidance and direction in the development and implementation of an equal opportunity Contractor Compliance program (EOCCP) by State Transportation Agencies (STAs) that meets the current executive and legislative requirements as well as Federal Highway Administration's (FHWA) regulations under 23 CFR 230.

B. *Implementation*

1. **Process (methods) of incorporating the above FHWA directives into the SHA compliance program.**

The PRHTA is guided by the FHWA Desk Reference directions, interpretations, regulatory references as well as examples of various formats to incorporate the directives in its Contractor Compliance Program.

- ***Pre-Construction Conference*** -The EEO contract requirements may be more fully explained and discussed in preconstruction conferences. The principal means of informing contractors of EEO contract requirements are by clear, written description of all such requirements being included as part of executed contract in the form of "Required Contract Provisions," "Supplemental Specifications," and, when appropriate, "Special Provisions."

Compliance Review Procedures:

During the compliance review process the following have been incorporated and utilized:

- ***Contractor Selection*** - In selecting a contractor to be reviewed priority is given to contractors:
 - 1) working on a significant number of contracts;
 - 2) which hold the greatest potential for employment and promotion for women;
 - and 3) which have not had a compliance review during the previous year.

- **Contractor Notification** - The Contract Compliance Coordinator will notify contractor in writing of pending compliance review at least one month prior to the review. The notification is to include the referenced project number and location, a list of required documents to be sent to the contract compliance coordinator prior to the review.
- **Desk Review** - Before the on-site verification, the contract compliance coordinator will analyze the employment patterns, policies, practices and programs of the contractor to determine if problems exist by: 1) reviewing employment data for overall female representation to ensure compliance with the employment goals outlined in 41 CFR 60-4; 2) the contractor's relationship with referral sources, minority and female organizations, etc.; 3) reviewing the availability of females with the required skills in a reasonable recruitment area; and 4) reviewing any pending EEOC or Department of Justice discrimination cases.
- **On-Site Verification** – After completing the preliminary analysis of the data submitted, the Contract Compliance Coordinator will conduct an on-site review of the projects. An on-site review will consist of two phases.

1st phase: construction site tour to determine if:

- a. EEO posters are displayed in a conspicuous, accessible and legible manner;
- b. restroom facilities are provided on a non-segregated basis;
- c. supervisory personnel have been advised of the contractor's EEO commitments;
- d. the employee referral source system is being implemented;
- e. meetings have been held with employees to discuss EEO, sexual harassment policy; and
- f. employees are aware of their rights to file complaints of discrimination.

2nd phase: interviewing employees on the project site:

- a. At least three employees in the project workforce including any women and trainees.
- b. Project manager.

- **Exit Conference** – After completion of the on-site review the contract compliance coordinator will meet with the contractor's representative or will notify the contractor in writing any minor or major deficiencies. If deficiencies are not corrected within fifteen (15) days after the exit conference or upon receipt by the Office of Civil Rights, the contractor is considered to be in non-compliance.
- **Compliance Determinations** – The information obtained at the compliance review shall constitute the basis for determination of contractor's compliance or non-compliance with Required Contract Provisions and the FHWA EEO Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.

A contractor will be considered in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that good faith effort has been made toward achieving this end.

A contractor will be considered in non-compliance when if, upon investigation, it is shown that the contractor has discriminated against applicants or employees with respect to the condition or privileges of employment, or the contractor fails to provide evidence of every good faith effort to provide equal opportunity.

- **Show Cause Notice** – The notice will advise the contractor to show cause within thirty (30) days why sanctions should not be imposed.
- **Follow-up Review** – Follow-up review is an extension of the initial contract compliance review process to verify the contractor's performance of corrective action and to validate progress report information. Therefore, follow-up reviews shall only be conducted to those contractors where the initial review resulted in a finding of noncompliance and/or a show cause notice was issued.

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

- The Office of Civil Rights offered training on EEO requirements and others to projects managers and contractor's personnel in the five regional offices.
- The Office of Civil Rights provides written information about Programs in the Pre-construction meetings.

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

The purpose of the preconstruction conferences is to discuss the project description, plans and specifications pertinent to program compliance. The primary responsibility for reviewing EEO/OJT/DBE requirements during preconstruction conferences shall be shared between the regional director and the project manager. In it, there are employees of other offices such as, labor compliance and management of construction, among others. The EEO Coordinator sends a written statement informing of Civil Rights Program requirements, which is read at the conference.

The following posters will be provided to the contractor and the project manager:

- EEO Policy Statement
- Against Sexual Harassment Policy Statement
- Title VI of Civil Rights Act

III. ACCOMPLISHMENTS

A. *Regular project compliance reviews program.*

1. Number of compliance reviews conducted. 18
 2. Number of contractors (companies) reviewed. 3
 3. Number of contractors found in compliance. 8
 4. Number of contractors found in noncompliance. 10
 5. Number of show cause notices issued. 10
 6. Number of show cause notices rescinded. 10
 7. Number of show cause actions still under conciliation and unresolved. 0
 8. Number of follow-up reviews conducted. 10
- *Follow-up reviews necessary to verify the completion of CAPs.

Other activities: Desk Audits Reviews- 26
Pre-Construction Conferences- 30

B. *Consolidated compliance reviews:*

N/A

2. **Any significant impact or effect of this program on contractor compliance.**

N/A

C. *Home office reviews.*

N/A

D. *Major problems encountered. During the past fiscal year.*

1. Lack of good faith efforts in the recruitment of women.
2. EEO Officers not administering an effective EEO program.

E. *Major breakthroughs. Comment briefly on any breakthrough or other accomplishment significant to the compliance review program.*

- In September, 2016 the CRO's staff participated in the seminar: "*Fraud Prevention and the Use of Federal Funds in Transportation Projects*" (FHWA)
- In April, 2016 the EEO Contract Compliance Coordinator participated in the training: Law # 22 – 2013 "*Prohibición de Discrimen en el Empleo por Razón de Orientación Sexual o Identidad de Género*".
- The Deputy Director and the EEO Contract Compliance Coordinator collaborated with Mr. Roberto Escalera (FHWA) and Ferdinand Ortiz (FHWA) in the audit of "Sub-Contractors Prompt Payment Act Review".

IV. AREA WIDE PLANS/HOMETOWN AND IMPOSED (if applicable)**A. Overall analysis of the effectiveness of each area wide plan in the State.**

Not applicable

B. Number of State personnel involved in the collection, consolidation, preparation, copying, reviewing, analysis, and transmittal of area plan reports (Contracting Activity and Post Contract Implementation).

Not applicable

C. Office of Federal contract Compliance Programs (OFCCP) area plan audits or compliance checks in which State personnel participated during the last fiscal year.

Not applicable

D. Working relationship of State EEO compliance personnel with representatives of plan administrative committee(s).

Not applicable

E. Recommendations for improving the area wide plan program and the reporting system.

Not applicable

V. CONTRACT SANCTIONS

No contract sanctions were imposed on any federal aid project in FFY 2016.

According to CFR 23, Part 230, if the Contractor fails to comply with the EEO requirements, of the "Contract Compliance Program", PRHTA can take the following actions:

1. Cancellation, termination or suspension of the federal-aid project agreement (contract) in whole or in part.
2. Disqualify the company (temporarily or permanently) to participate in federally funded construction projects bids.
3. Where needed, refer the file case to the "Federal Highway Administration" (FHWA) with all the details with the recommendation that the corresponding legal procedure is applied.

VI. COMPLAINTS

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

Any person, who believes that he or she individually, or as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint at the PRDTPW/PRHTA Civil Rights Office. A formal complaint must be filed within one year of the alleged occurrence or when the alleged discrimination became known to the complainant. If the complainant wishes to file with the federal government he/she must do so within 180 calendar days. The complaint filed at the Civil Rights Office must meet the following requirements:

1. Complaint must be in writing and signed by the complainant(s) or by the complainant(s) representative(s);
2. Include the complainant's name, address, and telephone number;
3. Include the basis of the complaint (type of discrimination);
4. Include the respondent's name, address, and telephone number;
5. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination or the latest instance of the conduct).
6. Provide a detailed description of the facts that led the complainant(s) to believe that discrimination has occurred, including names and job titles of those individuals perceived as parties in the complained-of incident.

The Agency provides complaint forms in English and Spanish on its website at <http://www.dtop.gov.pr>. (See Attachment F)

B. Referral procedure.

Even though there is a fair employment unit within the PR Department of Labor, complaints are not referred. Complainants are advised that they can file a complaint in said unit if they wish to do so, but a complaint is handled entirely in PRHTA. If complainant is unsatisfied, he/she may request a hearing at the Office of the Legal Counsel of PRDTPW.

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

None

VII. EXTERNAL TRAINING PROGRAMS

On-The-Job (OJT) Training Program provides training opportunities to females, minorities and disadvantaged individuals. Some of the considerations for assignment of trainees to a project are:

- Location of project
- Duration of the project
- Work force expected to be used to build the project
- Types of training opportunities that will be available on the project
- Project Cost
- Availability of minorities and females in the project area

Training programs have been designed for construction craft positions and require at least 500 hours with a maximum of 2,000 for developing, depending upon calendar days and estimated construction contract amount.

Partnership

We have a partnership with the Department of the Family to provide participants for the Federal and State funded OJT Program (TANF & ADSEF participants). Our Office designed and offered training to TANF's personnel (Island wide) about the requirements and supportive services of the Program. The contractors use the Department of the Family, Department of Labor, community-based organizations, workforce advocates, government agencies and municipalities' offices to collaborate in the recruitment process.

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

The Construction Office evaluates the tasks to be performed in each project and determines which classifications are appropriate to include in the project agreement and which will be developed under the OJT Program. When the Civil Rights Coordinator visits the construction projects, she verifies the activities performed by the trainee to make sure they correspond to the job classification.

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

The Civil Rights Office has a mechanized system for all trainees where you identify people who complete the training and those who continue working with the contractor after completing the OJT Program. Our Office prepares a list of candidates trained in different classifications and if contractors request females or others companies in need to comply with the 6.9% of females in projects, we refer candidates.

C. Participation by women in construction training programs.

We have a specific program (TASK) to train females in federal aid construction projects. We have good participation of females in the training programs and we offered financial assistance for child care, one of the major concerns of women. Currently, we have 30 active trainees, 25 females and 5 males, for an 83% of female participation.

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

Our OJT Program is developed and implemented in-house; we do not use qualified supportive service consultants to work with the training program. The Civil Rights Coordinator works in the implementation of the OJT program together with an Administrative Assistant and the Project Administrator.

E. Extent to which reports from the supportive service contractors provide sufficient data to evaluate the status of training programs, with particular reference to minorities and women.

Our OJT Program/SS is developed and implemented in-house. When the OJT Civil Rights Coordinator makes an inspection he/she assures that the environment is free of sexual harassment and makes a review of payrolls to assure that the contractors pay all the work hours and the trainee performs the duties of the classification of the training program specified in the instructions to bidders. More accurate records will be kept, to ensure that no project is left behind. We have a mechanized program to enter the trainee's information after the recruitment and prepare the request for payment for transportation allotment, equipment and child care services (supportive services). Monthly, the PRHTA inspection office submits to our Office the attendance for each trainee and a report of the trainee's performance. Normally, the OJT Coordinator visits approximately 2 projects monthly, and keeps record and constant communication with the PRHTA inspection office, contractor and trainees makes easier the process of OJT implementation.

VIII. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

The purpose of the program is to implement the provisions of 49 CFR Part 26, other pertinent regulations, and source legislation. These objectives are:

- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts in the USDOT's highway, transit, and airport financial assistance programs;
- To create a level playing field on which DBEs can compete fairly for USDOT- assisted contracts;
- To ensure that USDOT's DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in USDOT-assisted contract;
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and,
- To provide appropriate flexibility to recipient of federal financial assistance in establishing and providing opportunities for DBEs.

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

Contracting opportunity for disadvantaged business enterprise contractors is specified in Bid notices, which indicates that proponents must comply with DBE Program requirements. Also, the Agency has a DBE Directory available on its website. On pre-bid meetings, prospective bidders are advised of the Program's existence.

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

PRHTA requires all bidders that aren't DBEs to submit a Certification of DBE Utilization on Federally assisted projects. In some cases a DBE percentage is assigned.

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

PRHTA doesn't require contractors to designate a liaison officer for DBE matters. However, notices of bids state that contractors must comply with the DBE Program. Furthermore, all contracts contain specific DBE contract provisions. Said provisions state the annual goal, good faith efforts, prompt

payment requirements, substitution of firms and penalties. PRHTA's and contractors project administrators are notified of the firms included in the Certification of DBE Utilization (CDBEU) in the Pre-Construction meeting.

D. Actions the State has taken to meet its goals for prequalification or licensing of minority business, including dollar goals established for the year, and criteria or formula the State has adopted for setting such goals.

PRHTA does not pre-qualify or license minority businesses- it provides a certification as such. Goals for DBE participation are established following procedures in 49 CFR 26.45. Current goal for years 2015-2017 is 22%, which was established following the procedures and using current data, and approved by FHWA. Prior period goal was 34%.

E. State's procedure for evaluating its prequalification/licensing requirements.

As previously stated there are no licensing requirements for DBEs. Interested firms are provided with the standard Uniform Certification Application and each case is evaluated on a first-come/first-serve basis, following the aforementioned procedures. Once the firm is evaluated by the Civil Rights Office, if found eligible a certification letter is prepared for the Executive Director's signature and such firm is included in the Directory. If not eligible, the firm is informed of its right to appeal.

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

N/A

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

As stated previously, we notify project administrators of the DBE firms included in the CDBEU. Periodically, we visit projects at random, in order to ascertain that the DBEs are performing the work previously committed. The Project control office sends us a quarterly report indicating the percentage in dollars paid to DBEs for federally-funded projects.

IX. LIAISON

The Contract Compliance Coordinator serves as a liaison for the Agency in the dissemination of information pertaining the agency's policy and procedures to ensure contractors compliance with the EEO provisions of its federal aid contract. Also, in groups like labor unions, federal and state agencies, or any other source likely to yield applicants for entry into the highway construction field or in any other way to cooperate in the development and improvement of EEO programs.

X. INNOVATIVE PROGRAMS

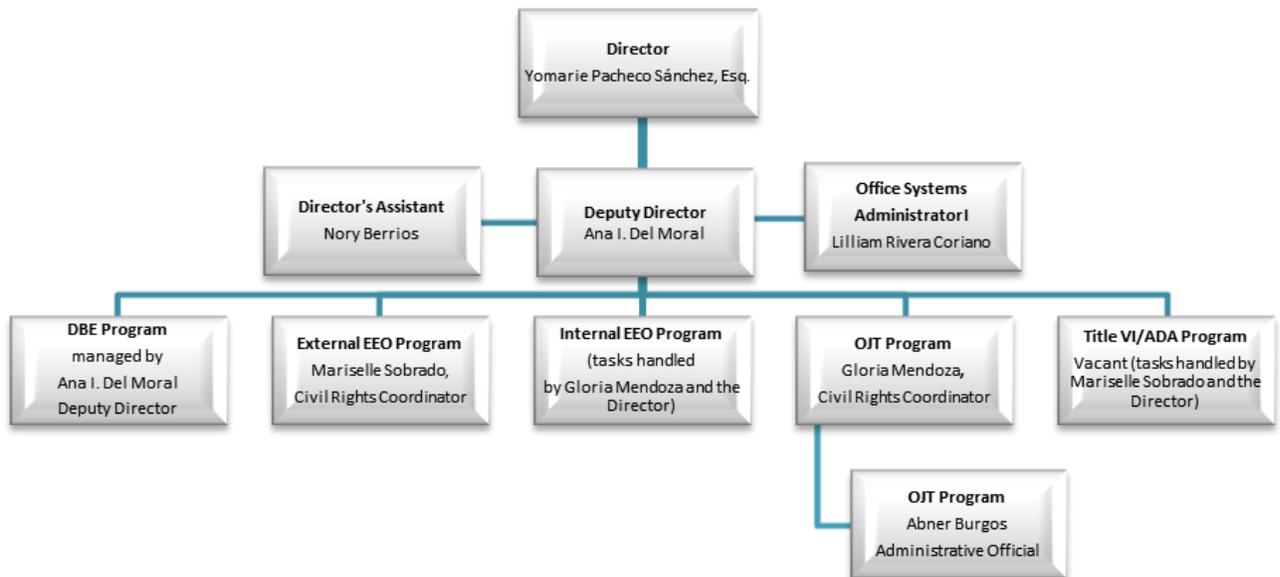
The Civil Rights Office has established regular orientations for employees and supervisors, in which we disseminate information through a power point presentation. The information is divulged throughout the five regions and is also available on the web page. Also, we prepared a manual for supervisors, on how to perform an investigation when an employee alleges discrimination, since employees aren't always inclined to file a complaint and therefore such situations may remain ignored in the absence of a complaint

In the DBE Program, we notify the DBEs included in the CDBEU, so that they are aware of the main contractor's commitments. Thus, they can monitor themselves contractor's compliance with said commitment.

ATTACHMENTS

ATTACHMENT B

OFFICE OF CIVIL RIGHTS ORGANIZATIONAL CHART



ATTACHMENT C

Commonwealth of Puerto Rico
**DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS (DTPW)
 AND ITS ASCRIBED AGENCIES**

Policy Statement
EQUAL OPPORTUNITY

I, Miguel A. Torres Díaz, Secretary of Transportation and Public Works, hereby reiterate that the policy of this Department, in conforming with the public policy of the Commonwealth of Puerto Rico, is to provide equal opportunity to individuals regardless of race, color, religion, gender, gender identity, pregnancy, national origin, age, real or perceived sexual orientation, social conditions, political ideologies, veteran, handicapped, HIV status, domestic violence or sexual attacks victims.

Our Affirmative Action Plan will guarantee that the scope of this policy includes the eradication of discrimination for whatever reason expressed beforehand. The design and execution of the requirements needed to establish this policy takes into account the homogeneous characteristics of our people, its cultural background and as well as the nature of operations in this Department. Therefore, the non-detrimental protection we offer will warranty non-discrimination for the reasons stated. We will particularly bear in mind the traditional disadvantages women have had to face in the construction industry, and believe that the successful achievement of EEO goals will develop these human resources to its full capacity to benefit this Department.

We recognize and accept our responsibility in all government transactions and official employment practices (but not limited to) the recruitment, personnel selection and evaluation, employment, transfers, promotions, training, concessions of marginal benefits, salary increments and lay-offs.

I will, therefore, strive to insure the entry and growth of women as well as those groups protected by federal and local laws in our workforce. In order to achieve ultimate effectiveness in this matter, our efforts toward equal opportunity in our Department will be channeled through the goals and timetables in our Affirmative Action Program as a result of the workforce analysis conducted by this Department.

Said program is in accordance with the principles and practices contained in the following Federal mandates: the Civil Rights Act of 1964, (Title VI, Title VII, as amended); Executive Order 11246, as amended by Executive Order 11375; DOT - FHPM 2-2-2; Circular UMTA C 4704.1- July 26, 1988 (EEO Circular); Rehabilitation Act 1973, Sect. 503; 38 US Code 2012 (Vietnam Era Veterans Readjustment Assistance Act); State mandates comprise the following: Human Resources Administration System of the Commonwealth of PR (Law No. 184 – August 3, 2004); Law No. 13 enacted October 2, 1980 (Puerto Rican Veteran Decree); Law No. 100 enacted June 30, 1959 (Prohibition of Employment discrimination); Law No. 69 enacted July 6, 1985 (Prohibition of Employment discrimination due to gender); Executive Order No. 5066 enacted March 8, 1988 (Affirmative Action Plan to guarantee equal employment opportunity for women and Law No. 17 enacted April 22, 1988 (Prohibits Sexual Harassment in the Workplace, Executive Order No. 2008-57 enacted November 14) and Law 22 enacted May 29, 2013 that establishes the anti-discrimination policy regarding gender identity and sexual orientation. This Department complies with local and federal laws and regulations which prohibit discrimination.

The visitors, applicants and employees may write, call or visit the Department's Civil Rights Office and request information with the appropriate official, pertaining to their rights to file a complaint under Regulation 01-004 approved December 18, 2008 and Personnel Regulation Art. 18.4 MBA alleging discrimination.

The Civil Rights Officer of the Department, under the supervision of the Secretary of Transportation and Public Works, is responsible for the general management of the Affirmative Action Program and sees to the compliance of this policy. This designation signifies that among other duties and responsibilities related to the Civil Rights Program, the Civil Rights Officer is invested with the authority to coordinate with the administrators and officials (Area Directors and Heads of Offices) that constitute the Department, those activities established in the Affirmative Action Plan designed to promote Equal Employment Opportunity in this Department.

The officials and directors of this Department are responsible to oversee strict adherence to this policy. Non-compliance, non-cooperation or obstruction of said program will convey penalties.

For further information concerning this policy, contact the DTPW Civil Rights Office; Roberto Sánchez Vilella Government Center, South Building, 12th Floor, Suite 1203, Santurce, Puerto Rico / PO Box 42007, San Juan, Puerto Rico 00940-2007 / Phone (787) 729-1562, (787) 721-8787 Exts. 1203 or 1204, Fax (787) 721-2621.



Miguel A. Torres Díaz, P.E.
 Secretary

(Rev. 12/13)

ATTACHMENT D

Estado Libre Asociado de Puerto Rico
DEPARTAMENTO DE TRANSPORTACIÓN Y OBRAS PÚBLICAS (DTOP)
Y SUS AGENCIAS ADSCRITAS

Política Administrativa
IGUALDAD DE OPORTUNIDAD DE EMPLEO PARA JÓVENES

Yo, Miguel A. Torres Díaz, Secretario de Transportación y Obras Públicas, por la presente reitero que es política del DTOP proveer igualdad de oportunidad de empleo a los jóvenes que ocupan o aspiran ocupar puestos en las agencias que componen el DTOP (Autoridad de Carreteras y Transportación, Autoridad Metropolitana de Autobuses y Autoridad de Transporte Marítimo). Así también, promover este principio entre las firmas que tengan contratos o subcontratos con cualesquiera de nuestras dependencias.

Para canalizar y asegurar la realización de dicho principio se implantarán programas de acción afirmativa en todas las agencias que componen el DTOP y se requerirá también en los documentos que rigen relaciones contractuales entre este Departamento y sus contratistas o subcontratistas, conforme a lo establecido en los Artículos 101, 102 y 105 de la Orden Ejecutiva 4385, firmada por el Gobernador de Puerto Rico el 3 de enero de 1985.

En las agencias donde la administración de personal está regida por convenios colectivos se invita a los(as) dirigentes o representantes del sector laboral para que apoyen y cooperen con las gestiones encaminadas a cumplir con esta Orden Ejecutiva. De igual manera en las que es aplicable la Ley para la Administración de los Recursos Humanos en el Servicio Público del ELA, (Ley Núm. 184 de 2004) se realizarán las gestiones necesarias para que con arreglos a las disposiciones de ésta, podamos cumplir también con dicha Orden.

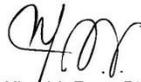
Los programas y medidas propuestas irán más allá de la difusión de esta política pública. Reconocemos y aceptamos nuestra responsabilidad en todas las gestiones y transacciones relacionadas con el empleo, incluyendo, pero sin limitaciones, el reclutamiento, traslados, ascensos, adiestramientos, aumentos de sueldo, terminación de empleo y otras transacciones de personal relacionadas.

El(la) Oficial de Derechos Civiles del DTOP, es responsable al Secretario de Transportación y Obras Públicas por la coordinación que requiera la administración e implantación de los programas de acción afirmativa que se establezcan en las dependencias de este Departamento, de acuerdo a lo dispuesto en la Orden Ejecutiva 4385.

Conforme a tal designación dicho(a) Oficial tiene la autoridad para coordinar con las personas responsables por este programa en las agencias del DTOP, el requerimiento de información relacionada con el diseño, implantación, supervisión de una auditoría y un sistema de informes para medir la efectividad del programa, a fin de determinar dónde se ha logrado progreso y dónde se necesita mayor acción.

Todos(as) los(as) oficiales y gerentes del DTOP y sus agencias adscritas, así como los(as) administradores(as), supervisores(as) y demás personal gerencial en todos los niveles están comprometidos con las metas del Programa de Acción Afirmativa, por lo que son responsables de realizar aquellas actividades que se requieran para su realización. La falta de cooperación u obstrucción al Programa conllevará penalidades.

Para información adicional sobre esta política, debe dirigirse a la Oficina de Derechos Civiles; Centro Gubernamental Roberto Sánchez Vilella, Edificio Sur, Oficina 1203, Santurce, Puerto Rico / PO Box 42007, San Juan, Puerto Rico 00940-2007 / Tels. (787) 729-1562 ó 721-8787 Exts. 1203 ó 1204, Fax (787) 721-2621.



Ing. Miguel A. Torres Díaz
 Secretario

ATTACHMENT E

Estado Libre Asociado de Puerto Rico
DEPARTAMENTO DE TRANSPORTACIÓN Y OBRAS PÚBLICAS (DTOP)
Y SUS AGENCIAS ADSCRITAS

Política Administrativa
CONTRA EL HOSTIGAMIENTO SEXUAL

La Ley Núm. 17 del 22 de abril de 1988 prohíbe el hostigamiento sexual en el empleo.

El DTOP y sus agencias adscritas prohíben terminantemente el hostigamiento sexual, como parte de su política administrativa sobre igualdad de oportunidad en el empleo.

Por hostigamiento sexual en el empleo se entiende cualquier tipo de acercamiento sexual no deseado, requerimiento no deseado de favores sexuales y cualquier otra conducta no deseada de naturaleza sexual, ya sea verbal o física, o que sea reproducida utilizando cualquier medio de comunicación incluyendo, pero sin limitarse, al uso de herramientas de multimedios a través de la red cibernética o por cualquier medio electrónico, cuando se da una o más de las siguientes circunstancias:

el someterse a dicha conducta se convierte en forma implícita o explícita en un término o condición de empleo de una persona;

el sometimiento o rechazo a dicha conducta por parte de la persona se convierte en fundamento para la toma de decisiones en el empleo que afecta a esa persona;

esa conducta tiene el efecto o propósito de interferir de manera irrazonable con el desempeño del trabajo de esa persona, o cuando crea un ambiente de trabajo intimidante, hostil u ofensivo.

Yo, como Secretario del DTOP, exigiré que se dé cumplimiento estricto a esta política. Actuaré enérgicamente con la aplicación de las medidas correctivas que correspondan a cualquier miembro de la gerencia, supervisor(a), empleado(a) o terceras personas; incluyendo visitantes, que en su proceder o conducta incurran en violación a esta política administrativa.

El hostigamiento sexual es incompatible con un adecuado ambiente de trabajo, toda vez que crea unas condiciones de trabajo intolerables, lo que afecta adversamente la moral y productividad de los empleados. Es obvio que este tipo de conducta puede afectar significativamente la capacidad de esta Agencia para llevar a cabo su función.

Estamos firmemente comprometidos en mantener un lugar de trabajo libre de hostigamiento sexual. Esperamos pues, con la participación de todos, darle fiel cumplimiento a esta política y erradicar así el hostigamiento sexual en el DTOP y sus agencias adscritas.

Para cualquier comunicación sobre este asunto puede dirigirse a la Oficina de Derechos Civiles, localizada en el Centro Gubernamental Roberto Sánchez Vilella, Edificio Sur, Oficina 1203, Santurce, Puerto Rico / PO Box 42007, San Juan, Puerto Rico 00940-2007 / Tels. (787) 729-1562 ó 721-8787, Exts. 1203 ó 1204, Fax (787)721-2621.


Miguel A. Torres Díaz, P.E.
Secretario

(Rev. 12/13)

7. Person(s) who discriminated against you

Name _____

Address _____

_____ Telephone

8. Relationship with you (supervisor, employee, co-worker, consultant, other)

9. Name all people present at time of alleged discriminatory practice (If necessary use additional sheet)

a. Name _____

Address _____

Telephone _____ Place of employment _____

_____ Relationship with you

b. Name _____

Address _____

Telephone _____ Place of employment _____

_____ Relationship with you

10. Have you spoken to anyone about this? ___ yes ___ no If yes, with whom?

Name _____

Address _____

Telephone _____ Employer: _____

_____ Relationship with you

11. Result of this conversation: _____

12. Have you filed a complaint in another Office, Agency, Court or Group?

Yes _____ No _____

If the answer is yes, please include the corresponding information:

Name of Agency or Office: _____

Address _____

Telephone _____ Case number: (if any) _____

Status _____

13. Briefly describe the unjust acts committed against you and how such acts differ from treatment to others in similar condition (use additional sheet if necessary)

14. I attest to having read this information and believe it to be true to the best of my knowledge, information and belief.

Claimant's signature or sign*

Date

❖ Needs witness certification

7. Indique quién o quiénes discriminan en su contra

Nombre _____

Dirección _____

_____ Teléfono

8. Indicar la relación de esa persona con respecto a usted (supervisor (a) , supervisado (a), compañero (a), de trabajo, consultor (a), candidato u otro.

9. Indique nombre o nombres de personas que estaban presentes cuando se cometió el alegado acto de discrimen (De ser necesario utilice hoja adicional).

a. Nombre _____

Dirección _____

Teléfono _____ Lugar de Empleo _____

_____ Relación con usted

b. Nombre _____

Dirección _____

Teléfono _____ Lugar de Empleo _____

_____ Relación con usted

10. ¿ Ha hablado usted con alguna persona en torno a este asunto? sí no

De ser en la afirmativa, con quién?

Nombre _____

Dirección _____

Teléfono _____ Para quién trabaja: _____

_____ Relación con usted

11. Resultado de esta comunicación:

12. ¿Ha radicado esta queja en alguna otra Oficina, Agencia, Grupo, o Tribunal?

Sí _____ No _____

En caso afirmativo, favor de incluir la información correspondiente:

Nombre de la Oficina, Agencia, u Oficina _____

Dirección _____

Teléfono _____ Número de caso: (si lo tiene) _____

Status _____

13. Explique en breves palabras la acción injusta cometida en su contra y la forma en que el trato recibido por usted difiere del trato recibido por otros en condiciones similares (utilice hoja adicional de ser necesario).

14. Yo afirmo que he leído la información contenida en este documento y que son verídicos según mi mejor saber, entender, información y creencia. Estoy consciente que ofrecer información falsa constituye un acto ilegal.

Firma o marca * del (la) querellante

Fecha

❖ Requiere Certificación de Testigo en caso de que la persona no pueda leer o escribir