# EEO EXTERNAL CONTRACT COMPLIANCE PROGRAM

## PART I. CONTRACTOR COMPLIANCE REPORT - 2021

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## I. ORGANIZATION & STRUCTURE

The Puerto Rico Highway and Transportation Authority (PRHTA) is a public corporation and government instrumentality of the Commonwealth of P.R. 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 Department of Transportation and Public Works (DTPW). Five regional offices carry out the construction projects under the direction of the Construction Area: North, South, East, West and Metropolitan.

The Civil Rights Office (CRO) is within the area known as Secretariate which provides services for the DTPW and the PRHTA. It is located at PRHTA's main offices, at Roberto Sánchez Vilella Government Center (Minillas), South Building in San Juan. ***(See Attachment A)***

The Office's primary goal is to ensure equal opportunity, both within our agency in construction projects and in all programs. A civil right 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. Such treatment is guaranteed without distinction as to race, color, religion, national origin, sex (including gender identity, real or perceived sexual orientation, and pregnancy), age, genetic information, social condition, political ideologies, disability, veteran status, HIV status, domestic violence or sexual attack victims, or any other protected class. ***(See Attachment B)***

The CRO is managed by its Director, who as per the organizational chart reports to the Secretary of the DTPW. Currently, it has assigned two (2) Civil Rights Coordinators and two (2) Consultants for six (6) programs with a Deputy Director, who manages the DBE Program, and an Office Systems Administrator. ***(See Attachment C)***

The PRHTA EEO (External) Coordinator is a full-time employee who has been in such position for nine (9) years and has a M.A. in Public Affairs. Also, she has participated in several training and seminars, such as *DBE/ACDBE Certification Training (National Highway Institute* (NHI)), *Affirmative Action Program Training* (OFFCP), *Fraud Prevention and the Use of Federal Funds in Transportation Projects* (FHWA) and *1273 Compliance Training & FDOT/DTOP Knowledge Exchange* (Florida DOT).

She is in charge of monitoring prime contractors and subcontractors through Home Office or Project specific reviews to assure that they comply with the PRHTA's Contractor Compliance Program. In 2021, the Coordinator, also, started working with the DBE program in the Commercially Useful Function (CUF) reviews.

The primary duties and responsibilities include the following, but are not limited to:

- Schedule and conduct compliance reviews with the contractors in their offices to evaluate human resources procedures to ensure nondiscrimination and make recommendations.
- Visit federal-aided projects to ensure compliance with federal laws and regulations.
- Advise Highway and Transportation Authority Project managers of the program requirements.
- Investigate discrimination complaints from any of the contractor's employees.
- Attends pre-construction meetings and provides guidance concerning the pertinent federal EEO and Affirmative Action Provisions.
- Write letters and reports about visits and findings.
- Maintains files of all contractor compliance records, reports, and program correspondence, including specific records or information on which compliance determinations are based.
- Monthly, prepares and submits the DOT Construction Award to the Office of Federal Contract Compliance Programs (OFCCP), Federal Department of Labor.
- Annual distribution of the FHWA-1391 form to the Highway and Transportation Authority's Project Administrators to be completed by the contractors holding Federal-aid highway construction contracts and submitted to the Civil Rights Coordinator who will summarize the data on the FHWA-1392 form.
- Annually, prepare the FHWA-1392 form (Highway Construction Summary of Employment Data) with all the information submitted by the contractors.
- Annually prepares and submits to FHWA a Contract Compliance Program Plan.
- Offer workshops to the Project's Administrators and Contractors on the program's requirements.
- Review the contract documents to ensure that the Equal Employment Specifications are included.

**DBE Program (CUF)**

- Review the agreements between the agency and the prime contractor, and between the prime contractor and any DBE subcontractor.
- Visit federal-aided projects to check that the DBE firm is performing and managing the work. (making general observations and interviewing DBE personnel).
- Reviews project-related documents such as payroll, invoices, payments to subcontractors, etc.

***District or Division Personnel***

Such as the Office of Civil Rights, the Estimates and Bids Office and Projects Control Office are located in the headquarters of the PRHTA. The Estimates and Bids 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.

In the Projects Control Office, the labor compliance officer is responsible of, but not limited to:

- 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.
- Auditing payroll deficiencies in construction projects.
- 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.
- Applying penalties if found in non-compliance.

***Project Personnel***

The project manager and its staff are responsible for ensuring that the operations of the contractor(s) are performed in accordance with the plans, specifications and special provisions set forth in the contract. Also, they are responsible for verifying:

- Contractor's payroll
- Labor's interviews
- Certifications of payments to DBE firms.
- 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.
- Trainee's reports (each trainee's progress to ascertain that each is being paid the established rate and have received the training set forth in the approved training program being utilized).

## II. COMPLIANCE PROCEDURES

***Applicable Directives***

- FHWA Contract Compliance Procedures
- EEO Special Provisions
- Training Special Provisions
- FHWA Federal-Aid Highway Program Contract Procedures & Minority Business Enterprise

***Implementation***

Regarding 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. These are included in all construction contracts.

The contractors are advised of EEO contract requirements at Pre-construction meetings held in each regional office. The principal means of informing contractors and projects managers of EEO contract requirements is by clear, written description of all such requirements included as part of the executed contract in the form of "Required Contract Provisions," "Supplemental Specifications," and, when appropriate, "Special Provisions." The attendants to the pre-construction meetings are the following: Prime contractor, EEO External Contract Compliance Coordinator, DBE Program Coordinator, the project manager, labor compliance officer, and other staff from the Construction Office, Industrial Safety Office and others.

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 those:

  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 the contractor in writing of pending compliance review at least two weeks prior to such review. The notification includes the referenced project number, location, and a list of required documents to be sent 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, which consists of the following two phases:

  <u>1st phase: construction site tour to determine if:</u>

  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.

  <u>2nd phase: interviewing employees on the project site:</u>

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

- ***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.

## III. ACCOMPLISHMENTS

On January 1st, 2021, the program began with **99** construction projects **33** were evaluated and fulfilled the requirements of the program (efforts of good faith or recruitment of women).

***Regular project compliance reviews program.***

- Number of compliance reviews conducted. **20**
- Number of contractors reviewed. **14**
- Number of contractors found in compliance. **11**
- Number of contractors found in noncompliance. **3**
- Number of show cause notices issued. **3**
- Number of show cause notices rescinded. **2**
- Number of show cause actions still under conciliation and unresolved. **1**

It corresponds to a finding during a visit to the project and has not submitted the corrective action.

- Number of follow-up reviews conducted. **7** Last year's pending. **2**

***Other activities:***

- Desk Audits Reviews **26**
- Preconstruction meetings attended online **20**
- Audited contracts **26**

- Internal procedures of the EEO Contract Compliance program and the Award, Compliance Review, and Project Closure of the DBE program were performed.
- Monthly reports were submitted on federal contracts awarded to the Office of Federal Contract Compliance Programs (OFCCP), Federal Department of Labor.
- The FHWA-1391 reports of each project that worked during the established week were reviewed.
- The Federal-Aid Highway Construction Contractors Annual EEO Report FHWA-1392 for 2021 (information collected from each contractor/subcontractor and its active projects (FHWA-1391) was submitted and approved on Civil Rights Connect System.
- A total of **27** women were regular employees in construction projects besides the trainee.

**DBE Program**

- Number of prompt payment/retainage return reviews conducted during the year 2021. **23**
- Number of unresolved late payments. **1**

- An online presentation on ACT-360 Prompt Payment form was given to the project administrators of the five regionals.
- An active project's form was prepared with information on visits and CUF form performed.
- Modification of the CUF form to conduct compliance assessment to DBE prime contractors and subcontractors.

Participation to the following webinars and trainnings:

1. Curso de Fundamentos PMIS 101 (Bid Electronic),Eniac Corp., March 2021
2. Bid Process Overview (BP Board/Estimates and Bids/Technical Areas), Eniac Corp., March 2021
3. Webinar: Discrimen por Apariencia Física en el Empleo, March 2021
4. FTA State Management Program Training (DBE), March 2021
5. CUF Tool Roll Out Meeting for State Partners, April 2021
6. PMIS Training Portal Tech Areas Evaluation, April 2021
7. Kick-off Meeting PMIS e-Bidding Pilot Program, April 2021

## IV. AREA WIDE PLANS/HOMETOWN & IMPOSED (IF APPLICABLE)

Currently, the PRHTA does not have an Area Wide Plan that takes the form of either a voluntary "Hometown" approved by the Office of Federal Contract Compliance Programs (OFCCP) or an OFCCP-mandated "Imposed" plan.

## V. CONTRACT SANCTIONS

According to FHWA 1273, 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.

No contract sanctions were imposed on any federal aid project in 2021.

## VI. COMPLAINTS

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.pr.gov.
***(See Attachment D)***

Even though there is a fair employment unit within the Puerto Rico 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 a complainant is unsatisfied, he/she may request a hearing at the Office of the Legal Counsel of Department of Transportation and Public Works (DTPW).

During 2021, none of the Federal-aid contractors used by PRHTA have had discrimination complaints filed against them.

## VII. EXTERNAL TRAINING PROGRAMS, INCLUDING SUPPORTIVE SERVICES

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 offers; 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 Estimates and Bids 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 other companies in order 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 offer financial assistance for childcare, one of the major concerns of women. Currently, we have **16** active trainees, **11** females and **5** males, for a **69%** of female participation.

As of December 2021, **18** trainees graduated from both programs (YPP/Task), and **9** were recruited by the prime contractor for a total of **50%** recruited.

**OJT PROGRAM STATISTICS (JANUARY - DECEMBER 2021)**

| 2019 | TOTAL A + B | TASK (FEMALES) A | YOUTH (YPP) B | | HISPANIC-WHITE | HISPANIC-BLACK | HISPANIC-OTHER | NOT HISPANIC |
|---|---|---|---|---|---|---|---|---|
| | | | F | M | | | | |
| # of Training Completions | 18 | 8 | 3 | 7 | 18 | | | |
| # of Hires | 42 | 18 | 6 | 18 | 42 | | | |
| # of Current Trainees | 16 | 7 | 4 | 5 | 16 | | | |

**OJT JOB CATEGORIES:**

Carpenter's Auxiliary
Cement Mason Auxiliary
Heavy Equipment Operator's Auxiliary
Iron Worker's Auxiliary
Land Surveyor's Auxiliary
Pipefitter's Auxiliary
Project's Clerk (Only in YPP)
Roller Operator's Auxiliary
Unskilled Worker (Labor)

TASK - Program for women
YPP - Youth Partnership Program

**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 Coordinator works in the implementation of the OJT program together with 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 childcare 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. It should be noted that the contractor and trainees make easier the process of OJT implementation.

## VIII. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

**A. Describe the 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. Describe the 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 good faith efforts (Certification of DBE Utilization) on Federally assisted projects. A DBE percentage is assigned when DBE goal is needed to comply with our annual goal race conscious percentage may be assigned.

**C. Describe the 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. Describe the action 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 2021-2023 is 18.25%, which was established following the procedures and using current data and approved by FHWA. Prior period goal was 27%.

**E. Outline the 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. Identify 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.**

The PRHTA only requires prime contractors to be pre-qualified and does not waiver prequalification for prime contractors.

**G. Describe the 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 regarding 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.

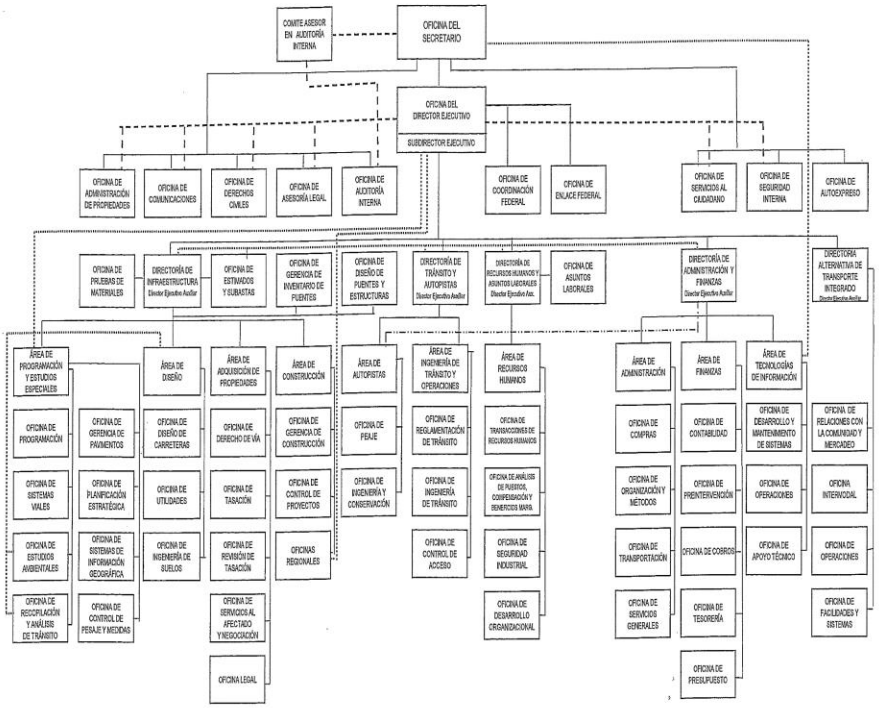
There were no innovative EEO programs or procedures initiated by PRHTA on 2021.

# ATTACHMENTS

## ATTACHMENT A

## PUERTO RICO HIGHWAY AND TRANSPORTATION AUTHORITY ORGANIZATIONAL CHART

AUTORIDAD DE CARRETERAS Y TRANSPORTACIÓN
ORGANIGRAMA ORGANIZACIONAL
Febrero 2017




RECOMENDADO POR: Luis E. Rodríguez Rosa
Subdirector Ejecutivo, Interino

APROBADO POR: Carlos M. Contreras Aponte, PE, PTOE
Secretario de Transportación y Obras Públicas
Director Ejecutivo de la ACT

NOTAS:
(1) Relación especial de Oficinas que asesoran y responden directamente al Secretario y a su vez brindan servicios y asesoramiento al Director Ejecutivo.
(2) Relación especial de asesoría y coordinación entre Amas u Oficinas.
(3) Relación especial entre la fase administrativa y financiera.

## ATTACHMENT B

**Government of Puerto Rico**
**DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS**
**AND ITS AGENCIES**

Policy Statement
**EQUAL OPPORTUNITY**

The Department of Transportation and Public Works (Department) has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, real or perceived sexual orientation, and pregnancy), age, genetic information, social condition, political ideologies, disability, veteran status, HIV status, domestic violence or sexual attack victims, or any other protected class.

The Department's Equal Employment Opportunity (EEO) Policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation.

All Department employees, or applicants have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint alleging discrimination, participates in an employment discrimination proceeding (such as an investigation on lawsuit), or otherwise engages in protected activity, is strictly prohibited, and will not be tolerated.

The Department is committed to providing reasonable accommodation to employees and applicants who need them because of a disability or to practice or observe their religion, absent undue hardship.

As Secretary of the Department of Transportation and Public Works, I will act decisively to ensure equal opportunities, both for women and for members of protected classes, by applicable state and federal laws and regulations.

To ensure the continuity of the daily administration, including the preparation of the program, as well as the monitoring and the investigation of complaints, I have appointed Ms. Yomarie Pacheco Sánchez, Esq., Director of the Civil Rights Office, whom may be contacted through the telephone number (787) 721-8787 X-1740, or through the email address derechosciviles@dtop.pr.gov, as EEO Officer for the Department. Ms. Pacheco Sánchez will report to me directly and will act with my authority before all levels of management, unions, and employees.

All Department executives, managers, and supervisory personnel, however, share in the responsibility for implementing and monitoring the Department's EEO Policy and Program within the respective areas, and will be assigned specific tasks to ensure compliance is achieved. The Department will evaluate its managers' and supervisor' performance on the successful implementation of the Department's policies and procedures, in the same way that the Department assesses their performance regarding other agency's goals.

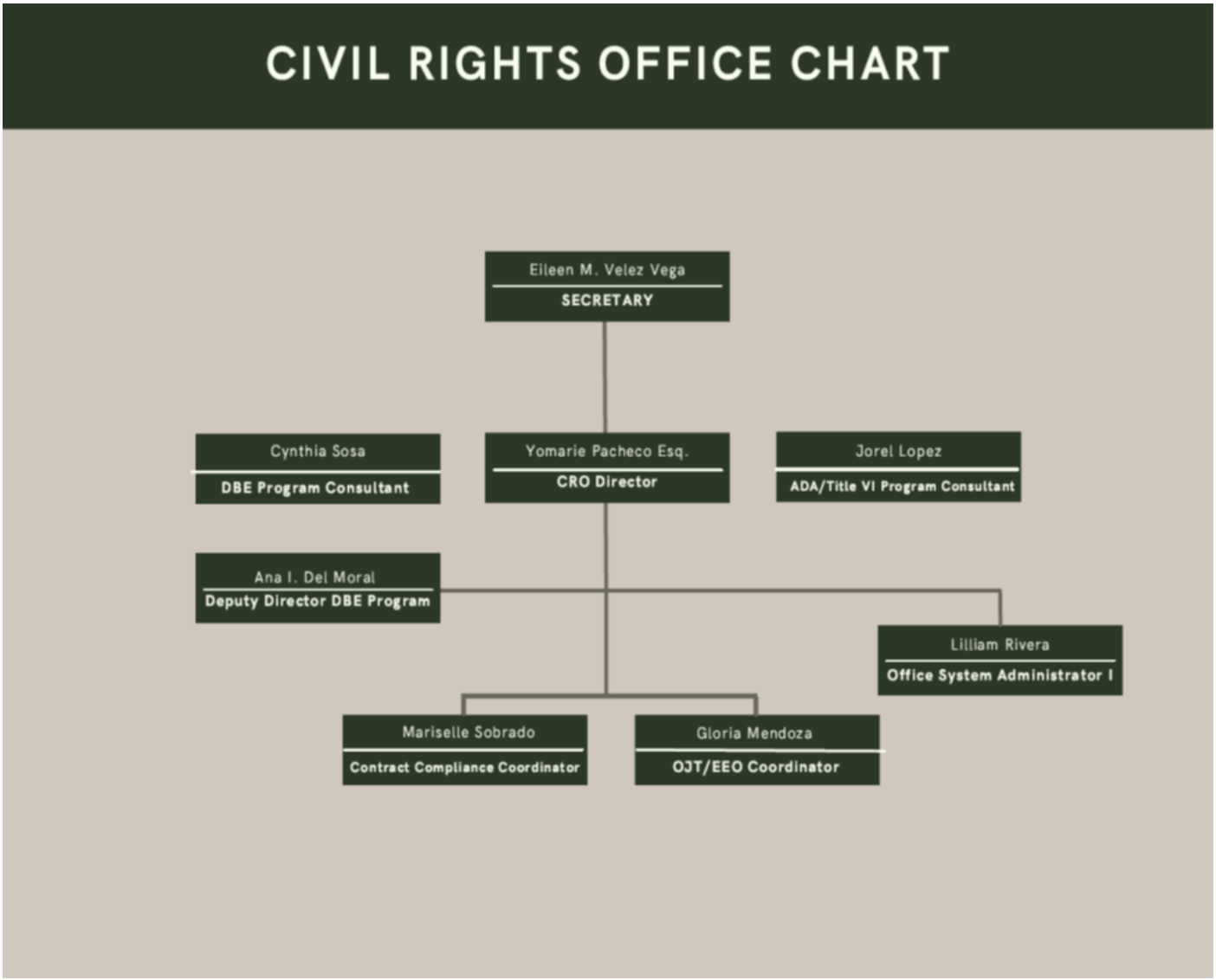
The Department of Transportation and Public Works is committed to developing and undertaking a written nondiscrimination program that sets forth the policies, practices and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request, or easily accessed through our official website https://act.dtop.pr.gov/pdf/civilrights/eeo/eeo_program.pdf.

I am personally committed to a workplace that acts upon its daily responsibility to treat all employees and applicants with dignity and respect, as well as equitability under the guidelines of our EEO Policy and Program.

Eileen M. Vélez Vega, P.E.
Secretary

(REV. 1/2021)

**ATTACHMENT C**



## ATTACHMENT D

Commonwealth of Puerto Rico
Department of Transportation and Public Works
Puerto Rico Highway and Transportation Authority
Civil Rights Office
Roberto Sánchez Vilella Government Center – South Building
Santurce, Puerto Rico

ACT-642
11/06

# COMPLAINT FOR DISCRIMINATORY PRACTICE

(Please block print or type)
File original and two copies

If the person cannot read or write, the signature of a witness is required, stating that he/she completed this form for claimant.

1. Name _____
   Last Name Mother's Maiden Name Name

2. Postal Address _____

   _____
   Zip Code Telephone

3. Residential Address _____

4. Actually employed? Yes ___ No ___

   A. If yes:

      a) Employer or place of work _____

      _____
      Telephone

      b) Name and address employer _____

      _____
      Telephone

5. Date of the alleged discriminatory practices _____

   If acts were recurrent indicate date of last occurrence _____

6. Cause of discrimination

| | | | | | |
|---|---|---|---|---|---|
| a. | Age | ☐ | g. | Social condition | ☐ |
| b. | Race | ☐ | h. | Disability | ☐ |
| c. | Color | ☐ | i. | Sexual Harassment | ☐ |
| d. | Sex | ☐ | j. | Veteran or member of the U.S. Armed Forces | ☐ |
| e. | Nacional Origin | ☐ | k. | Religious ideas | ☐ |
| f. | Political affiliation | ☐ | | | |

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**

Estado Libre Asociado de Puerto Rico
Departamento de Transportación y Obras Públicas
AUTORIDAD DE CARRETERAS Y TRANSPORTACIÓN
Oficina de Derechos Civiles
Centro Gubernamental Roberto Sánchez Vilella - Edificio Sur
Santurce, Puerto Rico

ACT-641
11/06

## QUERELLA POR ACTOS DE DISCRIMEN

(Favor de usar letra de molde o maquinilla)
Llénese en original y dos copias

Si la persona no puede leer o escribir, se requiere la firma de un testigo que indique que completó la información a nombre del (de la) querellante.

1. Nombre _____
   Apellido Paterno  Apellido Materno  Nombre

2. Dirección Postal _____

   _____
   Zip Code  Teléfono

3. Dirección Residencial _____

4. ¿Está actualmente empleado?  Sí ____  No ____

   A. En caso afirmativo indique lo siguiente:

      a) Oficina o lugar de trabajo _____

      _____
      Teléfono

      b) Nombre y dirección del patrono _____

      _____
      Teléfono

5. Fecha en que sucedió el alegado acto de discrimen _____

   Si ocurrió más de una vez, indique la última fecha _____

6. Causa del Discrimen

| | | | | | |
|---|---|---|---|---|---|
| a. | Edad | ☐ | g. | Condición Social | ☐ |
| b. | Raza | ☐ | h. | Incapacidad | ☐ |
| c. | Color | ☐ | i. | Hostigamiento Sexual | ☐ |
| d. | Sexo | ☐ | j. | Condición de Veterano o miembro de algún cuerpo de las fuerzas armadas de los Estados Unidos | ☐ |
| e. | Origen Nacional | ☐ | k. | Ideas religiosas | ☐ |
| f. | Ideas políticas | ☐ | | | |

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**