



CONTRACT COMPLIANCE CRASH COURSE

▶ POSTERS

Display your job site posters, including wage rates, in an outside location where they can be seen easily by employees. **Please provide copies of the wage rates to ALL of your sub contractors.** Additional copies of all posters and wage rates are available on our web site: www.aot.state.vt.us/civilrights or by calling Sonya Boisvert 802-828-2644 or email: sonya.boisvert@state.vt.us.

▶ LABOR COMPLIANCE

Updated Davis-Bacon Wage Rates

- Effective September 24, 2011 USDOL published new Davis-Bacon highway wage rates for all 14 counties in Vermont. These rates apply to all projects advertised between 9/23/11 and 3/8/2012.
- On March 8, 2012 USDOL published new wage decisions; however, the wage rates have the same rates and classifications but different dates and decision numbers. These rates would be used for projects advertised from 3/8/2012 to present.
- The 2010 wage decisions will continue to apply to all projects advertised between 3/12/10 and 9/23/11 for the duration of those projects.
- **It is the prime contractor's responsibility to remind all subcontractors of new rates!**
- **Davis-Bacon/Certified Payrolls:** It is required that all Contractors submit their payrolls, and subcontractor payrolls electronically through a secure FTP Server web site. Please contact Sonya Boisvert at 802-828-2644 or email: sonya.boisvert@state.vt.us to obtain a step by step guide to using the system.
- Payrolls should be submitted by the prime contractor electronically to the Office of Civil Rights & Labor Compliance **no later than seven days after payment to employees.** This regulation is strictly enforced and applies to all **sub contractors** on the project as well.

Any project visits by Civil Rights Staff will be coordinated with the Resident Engineer on the project.

▶ AFFIRMATIVE ACTIONS TO ENSURE EEO

The FHWA 1273 and the Executive Order (for all federally-assisted projects over \$10,000) outline actions the contractor must take to achieve and maintain a diverse workforce and a working environment free of harassment, intimidation and coercion.

1. RECRUITMENT EFFORTS:

- **Keep a list of female and minority recruitment sources.** We have one available on our web site at <http://www.aot.state.vt.us/civilrights/Documents/EmploymentResourceList.pdf> and in our OJT Manual. Contact them for referrals of women and minorities.
- Document all your recruitment efforts, including:
 - **Contact Information** of any women or minority referrals received;
 - **Copies of any letters, e-mails, and/or telephone logs** regarding recruitment and hiring that indicate responses and action taken (hired or not hired and reasons); and,
 - **Copies of any newspaper ads** your company places for recruitment on the project.
 - **Include in all advertising/documentation the notation: "An Equal Opportunity Employer."**
- Use the **Walk-In Applicant Log** provided in your poster package to track any walk-in applicants for the project. This is a document we typically ask to see during a site visit. You can download a copy of the document from our website: <http://www.aot.state.vt.us/civilrights/Documents/Walk-In%20Applicant.pdf>

2. EEO POLICY/PROGRAM: Every contractor is required to develop and implement the following affirmative action policies and procedures to ensure equal employment opportunity:

- Appoint a company AA/EEO Officer who is given responsibility and authority for ensuring compliance with all AA/EEO requirements. Ensure that all employees, sub contractors and VTrans have access to the designated AA/EEO Officer.
- Develop and disseminate a written EEO Policy/Program, including an Affirmative Action Policy, which states the legal obligations and expectations of the company's commitment to EEO, and specifies a process for addressing complaints of discrimination.
- Develop and disseminate a separate written harassment policy and complaint procedures.
- All AA/EEO policies and programs must be REVIEWED ANNUALLY with all employees who have responsibility for employment decisions and supervising personnel. Keep attendance records of these meetings. Distribute, post, and include the policy in manuals. Publicize it and include it in any advertising.
- Maintain a WORKING ENVIRONMENT FREE OF HARASSMENT AND DISCRIMINATION and make sure that all foremen/women and supervisors are aware of and carry out your obligation to maintain such a working environment with respect to all employees working on the site.
- The prime contractor is responsible for the actions of its own employees AS WELL AS the actions of any subcontractors with respect to harassment and discrimination.
- Contact Sonya Boisvert at (802) 828-2644 or email: sonya.boisvert@state.vt.us if you have questions.

▶ FORMS

- Form 1391 (Annual EEO Report): This applies to all federally-assisted projects over \$10,000. All contractors must provide the required information online, using a very simple, user-friendly web-based application. If you have not already done so, please contact Sonya Boisvert, 802-828-2644, email: sonya.boisvert@state.vt.us for your log on ID.
- Contractor Monthly Employment Utilization Report Forms: Must be submitted monthly for the prime and all subs to the CR Office through the FTP server and labeled as follows: MonthlyUtilization022811. *A sample form is included in the poster package.*

▶ DBE & PROMPT PAY

- 2012 DBE Participation Rate = 4.0% for the Agency's overall goal. The Contractor is to use its best efforts to solicit bids from and to utilize certified Disadvantaged Business Enterprise (DBE) firms. Go to: <http://www.aot.state.vt.us/civilrights/DBEDirectory.htm> to view the online DBE Directory.
- Vermont's Prompt Pay Statute requires payment from primes to ALL subs within seven days of the primes' receipt of payment. Our DBE Regulations require that VTrans monitor and enforce this by having prime contractors report all sub contractor payments to us monthly. For more information visit our web site: [W:\WWWContent\civilrights\DBEpromptpay.htm](http://www.aot.state.vt.us/civilrights/DBEpromptpay.htm) or Sonya Boisvert 802-828-2644 or email: sonya.boisvert@state.vt.us.

▶ ON-THE-JOB TRAINING HOURS (when applicable to the project)

- Training hours are assigned in increments of 520 hours (i.e., 520 hours generally equates to one OJT on a project; 1040 hours equates to two trainees; etc.). Melanie Lopez, The OJT Program Manager typically contacts the contractor prior to the conference and is available for questions.
- The OJT Program Manager HAS TO APPROVE EACH OJT PRIOR TO THE OJT'S Official START DATE. She works closely with the contractor to ensure proper assessment and evaluation of each individual, whether it is a current employee being promoted into a training position or a new employee. Contact Melanie Lopez at (802) 828-5858 or email: melanie.lopez@state.vt.us if you have questions.
- OJT Program forms and information are available on our web site: <http://www.aot.state.vt.us/civilrights/Contractorinformation.htm>
- After a two-week probationary period, the OJT Program Manager will do an on-site OJT enrollment/orientation which will be coordinated with the Resident Engineer and Contractor on-site OJT Supervisor.
- A blank weekly progress report is available on our website: <http://www.aot.state.vt.us/civilrights/documents/FillibleWPRform.pdf>. If you are using the online form, it is not necessary to distribute color copies; however you must ensure that both the trainee and supervisor have signed the forms before they are scanned and electronically submitted. We will not accept unsigned forms! Everyone must receive a copy.
If you are using the old form please refer to color chart for distribution.
- Weekly Progress Report Distribution:

Trainee
 State Resident Engineer
 VTrans Office of Civil Rights & Labor
 Contractor OFFICE Trainee File
 Contractor ON-SITE Trainee File