



SECTION 3:

A CONTRACTOR'S GUIDE TO EQUAL EMPLOYMENT OPPORTUNITY

A CONTRACTOR'S GUIDE
TO
EQUAL EMPLOYMENT OPPORTUNITY

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Agency of Transportation

TO: VTrans Contractors and Subcontractors

FROM: Lori Valburn
VTrans Chief of Civil Rights and Labor Compliance

SUBJECT: EEO Technical Assistance Reference Tool

The VTrans Office of Civil Rights and Labor Compliance is pleased to provide you with this Affirmative Action/Equal Opportunity Contractor's Guide. It was designed as a practical tool to help you with your Equal Employment Opportunity and Affirmative Action Programs.

The Vermont Agency of Transportation (VTrans) is committed to meeting both the spirit and the intent of the Equal Employment Opportunity laws, executive orders and regulations. We believe use of this guide will help you establish and maintain a results-oriented program. Further, your ongoing commitment to carrying out these obligations will undoubtedly yield a more balanced workforce.

Federal and State law prohibits employment discrimination based on race, color, religion, national origin, disability, sex, and age. As a federal government contractor, you are obligated to maintain a written affirmative action employment program for minority and female recruitment, employment, retention, and promotion. Furthermore, you are obligated to make reasonable accommodations for disabled persons, including disabled veterans.

For additional assistance, contact this office at 802.828.2717 or by mail at the following address:

Vermont Agency of Transportation
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AA/EEO STEPS FOR ALL CONTRACTORS

Employment discrimination on the basis of race, color, age, religion, physical or mental disability, sex, national origin, or ancestry is illegal. See Title VI and VII of the Civil Rights Act of 1964, as amended, Executive Order 11246 of 1965, as amended, Executive Order 11141, as amended, and the Americans with Disabilities Act of 1990, for details.

These action steps will assist contractors/subcontractors, consultants/ sub-consultants, in administering fair and equitable employment policies and practices.

1. Read - the EEO Special Provision CA 26 - Standard Federal Equal Employment Opportunity Construction Contract Specifications.
2. Appoint - a company AA/EEO Officer and outline the AA/EEO Officer's job duties and responsibilities.
3. Inform - all employees at time of hire and at least annually how to contact the AA/EEO Officer and what responsibilities the individual has.
4. Develop - a written EEO Policy/Program that is signed annually and dated by the CEO. The policy must state the legal obligations and expectations of the firm's commitment to EEO. Indicate what process your firm will take to address complaints of discrimination.
5. Develop - a separate written harassment policy and complaint procedures or incorporate the company policy into the written EEO Policy/Program. Identify the process that must be followed to report a complaint and what action your company will take to correct any findings of discriminatory practices.
6. Post - on each project all required posters (See Mandatory Job Posting List).
7. Advise & Distribute - inform all employees (at time of hire and at least annually) the company's EEO Policy/Harassment Policy. Include the EEO Officer's name and contact information.
8. Recruit - protected group members (i.e., women, minorities and/or disabled persons) for employment and upgrade. Document all external and internal recruitment efforts. Recruitment is a proactive effort such as establishing linkages with special interest groups, community-based organizations, etc.
9. Encourage - employees to refer other members for employment consideration.
10. Advertise - all job announcements through internal job postings, newspapers, or through other means. Always indicate one or more of the following: Women, Disabled, Minorities, Equal Employment Opportunity Employer, Veterans are encouraged to apply.
11. Advise - at least annually all employees, suppliers, vendors, subcontractors, recruitment sources of the company's policies regarding non-discrimination.
12. Certify - at least annually, all subcontractors (in excess of \$10,000) of their AA/EEO obligations. Require at least annually, that these entities provide written copies of their EEO Policy.
13. Keep - a three-year log or record of all recruitment efforts including dates of contact and a record of any walk-ins who contact your company regarding work and any action taken.
14. Develop - a job application for the company that requires only information that is essential to performance of the job. That can include work experience, job related knowledge, education and any certifications or licenses held.

It is illegal to ask in a job application his/her marital status, total number of dependents, height, weight, sex, age, race, disability, religion, color, or ethnicity. It is also illegal to ask an applicant whether or not he/she rents or owns a home, one's political affiliation, or about physical and mental disability. You cannot require applicants to submit a photograph.
15. Contact - the Vermont Human Rights Commission, 14-16 Baldwin Street, 1st Floor, Montpelier, VT 05633-6301, Telephone 802.828.2480 with specific questions.

STEPS TO AFFIRMATIVE ACTION

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

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

send written notification to organizations such as the above, describing the openings, screening procedures and any test to be used in the selection process.

- 11) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's work force.
- 12) Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60.3.
- 13) Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- 14) Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and contractor's obligations, under these specifications, are being carried out.
- 15) Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- 16) Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
- 17) Conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's EEO policies and affirmative action obligations.
- 18) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement to refer either minorities or women, shall excuse the contractor's obligations under these specifications.
- 19) If the Company relies in whole or in part upon unions as a source of employees, it will use its best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions.
- 20) The Company will use its best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.
- 21) The Company will use its best efforts to incorporate an equal employment opportunity clause into each union agreement to the extent that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin, etc.
- 22) The Company is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the Company. The Company shall so certify to the Connecticut Department of Transportation and shall set forth what efforts have been made to obtain such information.
- 23) In the event the union is unable to provide the Company with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the Company will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex or national origin, etc. making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the Company has a collective bargaining agreement, providing for exclusive referral, failed to refer minority employees). In the event the union referral practice prevents the Company from meeting the obligations pursuant to Executive Order 11246, as amended, and these provisions, such Company shall immediately notify the Vermont Agency of Transportation.

Subcontracting

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

Records and Reports

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

ANNUAL EEO/AA CHECKLIST

GENERAL POLICIES AND TRAINING	DONE	BY WHOM	DATE
EEO/AA Officer appointed			
H/EEO/AA Policies written/revise/dated			
Complaint procedures written/revise			
H/EEO/AA policy distributed to all employees			
Disseminated EEO policy externally to other contractors/subcontractors and suppliers			
Disseminate policies to unions			
Legal job application written/revise			
Supervisory personnel training in EEO/AA at least annually - keep list of topics covered & attendees			
All employees training in SH prevention (companies over 15 employees)			
RECRUITMENT	DONE	BY WHOM	DATE
Maintain current list of minority and female recruitment and training sources/publications			
Provide written notice of job opportunities to minority and female recruitment/training sources when they occur			
Maintain written and phone records of contact and responses when job openings occur			
Maintain 3 years current file of names, addresses, telephone numbers of each minority/female referral/applicant and action taken			
Utilize female and minority applicant file when job openings occur			
Develop on-the-job training program and/or participate in community training programs for women and minorities			
Direct recruitment efforts, both oral and written to minority, female and community based organizations, schools and publications "We are a Volunteer Affirmative Action Employer"			
Use phrase: "Female and minorities encouraged to apply" in all job postings and advertisements			
Encourage all employees to recruit female and minority applicants			
DURING EMPLOYMENT	DONE	BY WHOM	DATE
At least annually evaluate all female/minority personnel			
Encourage female/minority personnel to prepare/apply for promotions			
Monitor all personnel and employment activities/ practices to ensure that EEO policy and contractor obligations are being carried out			
Ensure facilities and company activities are non-segregated			
Document and maintain a log of all DBE solicitations			
Conduct a review of all supervisors' adherence to and performance of EEO/AA obligations			

MANDATORY JOB POSTERS REQUIRED ON EACH PROJECT

The following posters are to be permanently and prominently displayed in a conspicuous place at all construction sites, in all buildings in which employees are located, and in reception areas.

These posters are available on the VTrans Office of Civil Rights and Labor Compliance website: www.aot.state.vt.us/civilrights or by calling the Office of Civil Rights at 802.828.2717.

U.S. Department of Labor (Employment Standards Administration)

- Equal Employment Opportunity is THE LAW
- Important: Wage Rate Information Federal-Aid Highway Project
- Notice: Employee Polygraph Protection Act
- Notice to All Employees Working on Federal or Federally Financed Construction Projects
- Notice to Employees Working on Government Contracts
- Your Rights Under the Family and Medical Leave Act of 1993
- Your Rights Under USERRA: The Uniformed Services Employment & Reemployment Rights Act

Vermont Department of Labor

- Safety and Health Protection on the Job

Other Required Postings

- Contractor Affirmative Action Policy
- Contractor Equal Opportunity Policy
- Contractor Sexual Harassment Policy
- Labor Wage Rate Schedule
- The Equal Employment Opportunity Program
- Emergency Phone Numbers
- Minimum Labor and Truck Rates – English/Metric
- Executive Order 11246



SECTION 3A:

**A CONTRACTOR'S GUIDE TO
EEO - SAMPLES**

**A – SAMPLE EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION POLICY**

1. As owner of _____(Company Name)_____, it is my specific intent that all employees comply with Executive Order 11246 and 11375, as amended, which provides for equal employment opportunity of all employees and applicants for employment.

2. Accordingly, _____(Company Name)_____, will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, veteran status or disability. The legal and moral obligation of _____(Company Name)_____ to not discriminate includes, but is not limited to, the following personnel actions:

**ADVERTISING, RECRUITMENT, HIRING, PLACEMENT, TRANSFER, TERMINATION,
TRAINING, UPGRADING, PAY RATES, FRINGE BENEFITS, LAYOFF AND DEMOTION**

3. _____(Company Name)_____ will not maintain segregated facilities. The term “segregated” means to separate by race, color, religion, national origin, disability, and age. Therefore, our firm will not have segregated waiting rooms, work areas, rest and wash rooms, restaurants, and other eating areas, parking lots, drinking fountains, recreation, transportation and housing facilities. Separate but and equal number of rest and wash rooms for female and male employees is acceptable provided further divisions by race, color, religion, national origin, and disability does not occur.

4. It is also the policy of _____(Company Name)_____ to comply with Section 703 or Title VII of the Civil Rights Act of 1964 as amended. Accordingly, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which are used as conditions of employment decisions or which operate to create and intimidating , hostile or offensive working environment, will not be tolerate by _____(Company Name)_____ .

5. I have appointed ____(EEO Officer’s Name)___ as my representative in these matters. As EEO Officer, _____(EEO Officer’s Name)_____ is responsible for overseeing compliance to EEO matters.

If you have any questions or concerns feel free to contact either _____(AA/EEO Officer)_____ or me at _____
(Phone Number) _____ .

Name, President/Owner, and Date

POST ON ALL SITES

B – SAMPLE EXTERNAL/INTERNAL NOTIFICATION

Notice to all Applicants for Employment, Employees, Recruiting Agencies, Suppliers, Contractors, and Subcontractors (over \$10,000.00): _____ (Company Name) _____ is an Equal Employment Opportunity Employer.

It is the policy of _____(Company Name)_____to treat all applicants and employees without regard to race, religion, national origin, sex, color, age, ancestry, prison record, disability, and veteran status in all aspects of employment. This includes upgrading; demotion; transfer; recruitment; advertising; lay-off or selection for training; including apprenticeship, pre-apprenticeship, and/or on-the-job training. Furthermore, we will:

- (1) not tolerate harassment, unwanted sexual advances, hostile or intimidating environments based on race, sex, religion, national origin, age, color, and disability;
- (2) make religious accommodations;
- (3) make reasonable accommodations for disabled persons;
- (4) treat pregnancy like any other temporary disability;
- (5) encourage protected group member employees to refer other women, minority and disabled persons for employment; and
- (6) recruit workers from employment agencies by placing "Affirmative Action Job orders".

In addition to this policy, I am pleased to announce the following general employment vacancies for this season:

Truck Drivers, Laborers, etc.

You are invited to contact me throughout the season for specific job openings. I am available at: _____(Phone Number) _____; _____(City)____, Vermont, _____(Zip)_____.

NAME, AA/EEO OFFICER

DATE

C - SAMPLE HARASSMENT POLICY

Harassment is against the law. Harassment is defined as unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct on the job, threats, offensive jokes, or basing employment decisions or practices upon submission to sexual favors. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Under Vermont State Law, _____(Company Name)_____ is liable for charges of harassment. Neither you, nor _____(Company Name)_____ can afford the personal, professional, or financial ramifications of harassment. Harassment will not be tolerated by _____(Company Name)_____ .

Applicants or employees who believe they are or have been harassed should promptly report such claims to their immediate supervisor, Project Superintendent, or Company EEO/AA Officer. ____ (Company Name)____ EEO/AA Officer is ____ (EEO Officer's Name)____ and may be reached at __ (Telephone Number)____ days or __ (Telephone Number)____ evenings.

Any complaint may also be reported to the Vermont Human Rights Commission (802.828.2480), 14-16 Baldwin Street, 1st Floor, Montpelier, VT 05633-6301.

(Signed) Chief Official/President

Date

POST ON ALL SITES

D – SAMPLE COMPLAINT PROCEDURE

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

The components of the Complaint Procedure are as follows:

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

E – SUGGESTIONS FOR AN AFFIRMATIVE ACTION JOB ANNOUNCEMENT

All job vacancy announcements intended for publication in newspapers, on radio announcements or other external sources, should contain the following:

1. The job title;
2. Brief description of job duties;
3. Where the job is located and project start date;
4. Any special skills or licenses required to perform the job;
5. How to apply for the job (telephone inquiries, in-person, or through application);
6. If the job is temporary, seasonal or permanent;
7. Is the job full or part time;
8. EEO/AA Employer, or Equal Opportunity Employer or Females and Minorities are encouraged to apply or Protected Group Persons encouraged to apply;
9. An address, telephone number and/or person to contact;
10. The pay scale (optional); and
11. The company's benefits (insurance, sick leave, holidays, car pooling) (optional);

Additional ideas to make the ad more noticeable and cost effective:

1. Make ads simple and easy to read;
2. Request good page exposure (gutter or outside page position);
3. Run ad in more than one paper or more than one page of the same issue;
4. Request ads be placed on first or last page of the advertisement section as it is more eye catching than those on the interior;
5. Avoid busy ads;
6. Invest with local papers or Statewides as they are available to target the market you wish to draw from;
7. Advertise with trade organizations or in publications likely to yield targeted populations.

F - SUGGESTED INTERVIEWING GUIDELINES

State and Federal laws prohibit interview questions which discriminate directly or indirectly in the employment opportunity of women, minorities, and/or disabled persons. A list of interview questions should be made up before the interview and must be specific to the job being interviewed for. The same interview questions should be asked of each person.

THE FOLLOWING ARE:

QUESTIONS ILLEGAL TO ASK BEFORE HIRING:

1. How old are you? When do you plan to retire?
When were you born? Date of Birth?
2. Where were you born? Are you an American Citizen? Are you a naturalized American?
3. Are you married? What is your maiden name?
What is your marital status?
4. How does your spouse feel about you working?
5. How does your spouse feel about you traveling?
6. Do you have any children? How many dependents do you have?
7. Do you have a bad back?
8. Have you ever been hurt on the job?
9. Are you French? Italian? American Indian?
(Fill in the ethnic group of your choice)
10. Have you ever been arrested?
11. Do you have a car?
12. How tall are you? How much do you weigh?
What color are your eyes and hair?
Do you have a photograph of yourself?
13. Did you graduate from High School?
14. What church or civic groups do you belong to?

QUESTIONS THAT YOU CAN ASK BEFORE HIRING:

1. Are you over 18 years of age?
2. Do you have the right to work in the United States?
3. Can you perform the job duties of this position?
4. Are you legally able to operate a vehicle/truck (whichever) in Vermont?
5. Do you have a valid Vermont Class License (Only applies if a specific job requires such a license).
6. Are you willing to work overtime, and weekends? (If a person states that they would be unable to, do not automatically disqualify. Determine the reason they cannot, for instance if it is religious, you are required to make reasonable accommodations).
7. Do you have any special skills or licenses you would like us to know about?

All hiring officials will use this guide as a basis for all interviews.

G - INTERVIEWING BASICS

Before the Interview:

1. Have available a written job description which describes and prioritizes duties, and work conditions.
2. Determine the necessary job qualifications.
3. Select an interview location and determine who will conduct the interviews. Always have an interview team which may include the EEO or Personnel Officer.
4. Develop interview questions which assure applicants will be asked the same job-related questions. Allow enough time between each interview.
5. Develop a rating sheet which evaluates each applicant.

During the Interview:

1. Attempt to put each applicant at ease. Avoid small talk which could be construed as soliciting illegal information.
2. Do not express positive or negative reactions to applicants' responses.
3. Accentuate the positive aspects of the job but do not oversell.

After the Interview:

1. Rate each applicant and evaluate each applicant's training, education and work experience.
2. Write down your reason for selection or non-selection.
3. Keep all records relative to selection for a minimum of one year.

H - SAMPLE COMPLAINT FORM

Your Name: _____

Address: _____

Project Location: _____ Site Telephone: _____

Job Title: _____ Date problem began: _____

1. Whom do you charge with discrimination?: _____

2. What is this person's relationship to you:
 Co-worker Superintendent/Foreman
 Immediate Supervisor Subcontractor/Supplier Employee
 Other; Be Specific _____

3. Type of discrimination or harassment:
 Race Sex Disability, Physical
 Color Age Disability, Mental
 Religion Ex-Offender National Origin
 Disabled Veteran Vietnam Veteran

4. Witness(es) to the incident(s): _____

5. Summarize the incident(s): _____

(Witness' Signature)

(Date)

(Witness' Signature)

(Date)

(Your Signature)

(Date)

**I - SAMPLE SUGGESTED EMPLOYEE PERFORMANCE
EVALUATION REPORT**

To: EEO/AA Officer

Date: _____

Name: _____

S.S. Number: _____

Position Title: _____

1. Quantity of work: (amount produced on schedule)

- a. seldom produces enough work to meet production deadlines.
- b. requires close supervision to complete acceptable amounts of work.
- c. usually completes assigned duties on time.
- d. consistently completes assigned duties on time.
- e. top producer, often goes beyond expectations of job.

2. Quality of work: (accuracy, dependability)

- a. work has to be redone frequently.
- b. occasionally below standard, routine duties handled satisfactorily well.
- c. completes assigned duties satisfactorily.
- d. consistently outstanding quality.

3. Use of safe operating procedures:

- a. works dangerously, ignores safety and safe work procedures.
- b. careless work habits.
- c. occasionally lax in safety.
- d. good safe work habits, applies good safety procedures.

4. Work habits with others: (gets along)

- a. refuses to cooperate or lend help, creates friction.
- b. sometimes creates friction: occasionally disrupts co-workers.
- c. seldom creates friction.
- d. works in harmony, asset to morale.
- e. extremely successful, actively promotes harmony.

5. Use of equipment/tools/machinery:

- a. requires continual observation, abuses equipment.
- b. requires frequent counseling, careless and forgetful.
- c. occasional counseling, capable of proper care, but may forget.
- d. seldom requires counseling, maintains equipment.
- e. highly skilled, fully aware, anticipates need for preventative maintenance.

6. Recommend: Rehire
 Do not rehire employee for another job.

Comments:
 Upgrade
 Do not upgrade.

I have read/had read to me and understand this evaluation.

I concur, do not concur with its findings.

(Employee Signature)

(Date)

(Rater Signature)

(Date)

cc: Employee, personnel file

J - SAMPLE SUGGESTED SUPERINTENDENT'S EEO EVALUATION

(Following each project or annually on longer projects)

Name: _____ (Superintendent's Name) _____ Date: _____

Project Name/Number: _____ Town: _____

Crew Size: _____ Females: _____ Minorities: _ _____

1. Has the Superintendent received EEO Training? ____ Yes ____ No
2. Who trained the Superintendent in EEO/AA? _____
3. What is the Superintendent's understanding of _____(Company Name)_____ EEO/AA obligations?
4. Did the Superintendent review with the crew(s) EEO Obligations, the complaint process/policy & harassment. If so, how? _____ Date? _____ Is there a record of the meeting? _____
5. Does each crew member have a copy of the company's EEO, Harassment and Complaint policies? When? _____ How did they receive these? _____
6. Did the Superintendent receive any EEO, Harassment complaints? ____ If so, how did the Superintendent respond, what action took place and what was the outcome? _____ Is there a record of the complaint, investigation and subsequent resolution? _____
7. If any disciplinary action occurred on the project did the Superintendent follow Company procedures? Explain:

Additional comments/recommendations: _____

I have read/had read to me and understand the above. I concur _____, do not concur _____ with this evaluation.

Superintendent's Signature

Date

Reviewer's Signature

Date

K - SAMPLE SUGGESTED WARNING/COUNSELING

Name: _____

Project Name/Number: _____

Date: _____

Incident: (Briefly Explain)

Disciplinary Action:

_____ None

_____ Written Warning

_____ Other, _____

_____ Suspend with Pay _____ to _____

_____ Suspend without Pay _____ to _____

_____ Dismissed

EEO/AA Officer

Date

Superintendent – CEO
(or Company Official)

Date

Employee

Date

L - DEFINITIONS

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

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

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

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

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

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

DISCRIMINATION – An act (or action) whether intentional or unintentional through which a person in the United State, solely because of race, color, religion, creed, ancestry, marital status, age, national origin, disability, or sexual orientation, has been otherwise subjected to unequal treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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