

**SHIMMICK FCC IMPREGILO JOINT VENTURE**  
**EEO OFFICER CONTRACT COMPLIANCE CHECKLIST**

Subcontractor Name: \_\_\_\_\_

Contract/Project No.: \_\_\_\_\_ Contract/Project Location: \_\_\_\_\_

Subcontract Start Date: \_\_\_\_\_ Subcontract Proposed Completion Date: \_\_\_\_\_

Subcontract Award Amount: \$ \_\_\_\_\_

**NONDISCRIMINATION (Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)** The EEO contract/subcontract review is directed as a condition of federal regulations as noted below.

\_\_\_\_\_ The contract is a Federal aid construction contract.

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requires not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as prescribed in the contract special provisions and imposed pursuant to 23 U.S.C. 140. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated in federal-aid construction contracts.

\_\_\_\_\_ The Company EEO policy includes the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

\_\_\_\_\_ EEO Policy is signed by highest ranking individual in the Company.

2. **EEO Officer:** The EEO Officer has the responsibility for and capable of effectively administering and promoting an active EEO Program and is assigned adequate authority and responsibility to do so.
3. The name and contact information for the EEO Officer is: \_\_\_\_\_

4. **Dissemination of Policy:**

\_\_\_\_\_ The EEO Policy has been disseminated to all employees.

- a. \_\_\_\_\_ Periodic meetings of supervisory and personnel office employees have been conducted before the start of work and then not less often than once every six (6) months, at which time the EEO policy and its implementation are reviewed and explained. The meetings are given a thorough indoctrination by the EEO Officer, covering all major aspects of the EEO obligations within thirty (30) days following their reporting for duty.
- b. \_\_\_\_\_ All personnel who are engaged in direct recruitment for the project are instructed by the EEO Officer in the procedures for locating and hiring minority group employees towards the employment goals.
- c. \_\_\_\_\_ Notices and posters setting forth the EEO policy are placed in areas readily accessible to employees, applicants for employment and potential employees.
- d. \_\_\_\_\_ The EEO policy and the procedures to implement such policy are brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. **Recruitment:** When advertising for employees, all advertisements for employees have the notation: "An Equal Opportunity Employer." All such advertisements have been placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
  - a. \_\_\_\_ The job vacancy advertisement and the required notation appear on the advertisement.
  - b. \_\_\_\_ A systematic and direct recruitment was conducted through public and private employee referral sources likely to yield qualified minority group applicants.
  - c. \_\_\_\_ Sources of potential minority groups was established and used to seek minority group applicants and referrals for employment consideration.
  - d. \_\_\_\_ In the event there is a valid bargaining agreement providing for exclusive hiring hall referrals, it is expected that the provisions of the bargaining agreement to the extent that the system permits, complies with EEO contract provisions. *(The DOL has held that where implementation of such agreements has the effect of discriminating against minorities or women, or obligates the Contractor to do the same, such implementation violates Executive Order 11246, as amended.)*
  - e. \_\_\_\_ A system exists to encourage present employees to refer minority group applicants for employment.
  
6. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures were reviewed:
  - a. \_\_\_\_ Periodic inspections of project sites have taken place to insure that working conditions and employee facilities do not indicate discriminatory treatment.
  - b. \_\_\_\_ Periodic evaluations have taken place on the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.
  - c. \_\_\_\_ Periodic reviews of selected personnel actions have taken place to determine whether there is evidence of discrimination. Where evidence is found, prompt corrective action was taken.
  - d. \_\_\_\_ All complaints alleging discrimination were promptly investigated and attempt was made to resolve such complaints, and appropriate corrective action was taken within a reasonable time. Upon completion of each investigation, the complainant was provided all avenues of appeal.
  
7. **Training and Promotion:** Make every effort to enroll minority and women apprentices or trainees, such as conducting systematic and direct recruitment through public and private sources likely to yield minority and women apprentices or trainees, to the extent they are available within a reasonable recruitment area. In making these efforts, do not discriminate against any applicant for training. Training will be offered to employees and entered into the employee's personnel record. Promotional considerations will be announced to qualified personnel.
  - a. \_\_\_\_ Assistance is given in locating, qualifying, and increasing the skills of minority group and women employees through training courses.
  - b. \_\_\_\_ Assistance is given in locating training courses for applicants for employment.
  - c. \_\_\_\_ Consistent with the work force requirements and as permissible under Federal and State regulations, employees are advised of the full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation were in their first year of apprenticeship or training.
  - d. \_\_\_\_ Employees and applicants for employment were advised of available training programs and entrance requirements for each.
  - e. \_\_\_\_ The EEO Officer periodically reviewed the training and promotion potential of minority group and women employees and encouraged eligible employees to apply for such training and promotion.
  
8. **Unions:** If Unions are relied on in whole or in part as a source of employees, best efforts were made to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions either directly or through a contractor's association acting as agent will include the procedures set forth below:
  - a. \_\_\_\_ Best efforts were made 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.

- b. \_\_\_\_\_ Best efforts were made to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.
  - c. \_\_\_\_\_ Best efforts were made to obtain information as to the referral practices and policies of the labor unions.
  - d. \_\_\_\_\_ In the event the union is unable to provide a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, efforts were made to go through independent recruitment efforts to fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these specifications, such contractor shall immediately notify the Contract Owner.
9. **Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** There shall not be any basis to discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.
- a. \_\_\_\_\_ All subcontractors and supplier were notified of their EEO obligations under this contract.
  - b. \_\_\_\_\_ The contract has a Disadvantaged business enterprises (DBE) goal and best efforts were made to meet the goal or to demonstrate good faith efforts were made to meet the goal with meaningful DBE, minority group and woman business representation.
  - c. \_\_\_\_\_ Best efforts were made to monitor subcontractor compliance with their EEO obligations.
10. **Records and Reports:** Records and reports are necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three (3) years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the Contract Owner and or the FHWA.
- a. The records kept shall document the following:
    - 1. The number of minority and non-minority group members and women employed in each work classification on the project;
    - 2. The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;
    - 3. The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and
    - 4. The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.
  - b. \_\_\_\_\_ By August 15 of each year, the annual Form FHWA 1391 report was submitted to the Contract Owner for the reporting period of each July for the duration of the project. The FHWA 1391 report contains the number of minority, women, and non-minority group employees engaged in each work classification required by the contract work. If on-the-job training is being required by special provision, the report includes the training data. **(Refer to Minority and Female Goal Section for the information on the appropriate goal to be included in the FHWA 1391 Form)**
  - c. \_\_\_\_\_ By September 30 of each year, the annual EEO-1 Report was filed with the U.S. Equal Employment Commission's EEO-1-Joint Reporting Committee. Employment figures from any pay period in July through September of the current survey year may be used. (Applicable to subcontractors who have 50 or more employees and have a contract, subcontract, or purchase order amounting to \$50,000 or more. **(Refer to Section 709(c), Title VII, Civil Rights Act of 1969, and as amended by the Equal Employment Opportunity Act of 1972—EEO-1 Form [http://www.eeoc.gov/eo1survey] Refer to the Minority and Female Goal Section for information on the appropriate goal to be included in the EEO-1 Report.)**)

**NONSEGREGATED FACILITIES** (Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

As used in this review, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time-clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

- a. \_\_\_\_\_ A review was completed to determine that the company does not maintain or provide any segregated facilities at any of its establishments, and that the company does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained.
- b. \_\_\_\_\_ The EEO Officer certifies that no employee is denied access to adequate facilities on the basis of sex or disability.
- c. \_\_\_\_\_ The Subcontractors agree that it will comply with the nonsegregated facilities policy.

**FEMALE AND MINORITY EMPLOYMENT GOALS**

To comply with the "Nondiscrimination," of "Required Contract Provisions Federal-Aid Construction Contracts," the contract includes Section 7-1.50C, "Female and Minority Goals," female and minority utilization goals for Federal-aid construction contracts and subcontracts that exceed \$10,000.

The nationwide goal for female utilization is 6.9 percent. The goals for minority utilization [45 Fed Reg 65984 (10/3/1980)] are based on the project location/Economic Area as follows:

**Minority Utilization Goals**

Economic Area		Goal (Percent)
174	Redding Non-SMSA Counties: Lassen; Modoc; Plumas; Shasta; Siskiyou; Tehama	6.8
175	Eureka, Non-SMSA Counties: Del Norte; Humboldt; Trinity	6.6
176	San Francisco-Oakland-San Jose, SMSA Counties: 7120 Salinas-Seaside-Monterey, CA Monterey	28.9
	7360 San Francisco-Oakland CA Alameda; CA Contra Costa; CA Marin; CA San Francisco; CA San Mateo	25.6
	7400 San Jose, CA CA Santa Clara, CA	19.6
	7485 Santa Cruz, CA CA Santa Cruz	14.9
	7500 Santa Rosa CA Sonoma	9.1
	8720 Vallejo-Fairfield-Napa, CA CA Napa; CA Solano	17.1
	Non-SMSA Counties: CA Lake; CA Mendocino; CA San Benito	23.2
177	Sacramento, CA: SMSA Counties: 6920 Sacramento, CA CA Placer; CA Sacramento; CA Yolo	16.1
	Non-SMSA Counties CA Butte; CA Colusa; CA El Dorado; CA Glenn; CA Nevada; CA Sierra; CA Sutter; CA Yuba	14.3

178	Stockton-Modesto, CA: SMSA Counties: 5170 Modesto, CA CA Stanislaus 8120 Stockton, CA CA San Joaquin Non-SMSA Counties CA Alpine; CA Amador; CA Calaveras; CA Mariposa; CA Merced; CA Toulumne	12.3 24.3 19.8
179	Fresno-Bakersfield, CA SMSA Counties: 0680 Bakersfield, CA CA Kern 2840 Fresno, CA CA Fresno Non-SMSA Counties: CA Kings; CA Madera; CA Tulare	19.1 26.1 23.6
180	Los Angeles, CA: SMSA Counties: 0360 Anaheim-Santa Ana-Garden Grove, CA CA Orange 4480 Los Angeles-Long Beach, CA CA Los Angeles 6000 Oxnard-Simi Valley-Ventura, CA CA Ventura 6780 Riverside-San Bernardino-Ontario, CA	11.9 28.3 21.5 19.0
180	7480 Santa Barbara-Santa Maria-Lompoc, CA Santa Barbara Non-SMSA Counties CA Inyo; CA Mono; CA San Luis Obispo	19.7 24.6
181	San Diego, CA: SMSA Counties 7320 San Diego, CA CA San Diego Non-SMSA Counties CA Imperial	16.9 18.2

Review Completed by: \_\_\_\_\_  
Print Name
Signature

Date: \_\_\_\_\_

Submit a copy of the check list to:

Wendy Bonnell  
Shimmick EEO Officer  
8201 Edgewater Drive, Suite 202  
Oakland, CA 94621

With a copy to:  
Daniel Trembly  
SFI JV EEO Officer  
11 Golden Shore, Suite 330  
Long Beach, CA 90802