

State of Alaska FY2009 Governor's Operating Budget

Department of Transportation/Public Facilities Equal Employment and Civil Rights Component Budget Summary

Component: Equal Employment and Civil Rights

Contribution to Department's Mission

Enhance the operations of the department through the promotion, monitoring compliance with and support of Civil Rights Programs such as department compliance with Title VI of the Civil Rights Act of 1964, External Equal Employment Opportunity (ExEEO) Program, the Disadvantaged Business Enterprises (DBE) Program, the On-The-Job Training (OJT) Program, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 in the transportation industry.

Core Services

This component is responsible for the following programs that have been developed and implemented in accordance with specific federal regulations:

- Three affirmative action programs (Disadvantaged Business Enterprises (DBE), External Equal Employment Opportunity (ExEEO), and On-The-Job Training (OJT)) that provide opportunities which otherwise would not normally exist within the construction arena. These programs apply to contractors and subcontractors working on US Department of Transportation (USDOT)-assisted projects.
- Two non-discrimination programs (Title VI of the Civil Rights Act of 1964 [Title VI] & Americans with Disabilities Act of 1990 [ADA]), which ensure equal treatment by the department with respect to its dealings with the public in all phases of operation.
- Two support services programs that provide assistance to contractors and the public in understanding and participating in the DBE and OJT Programs.
- A contract compliance program that monitors, enforces contractor compliance, and assists with construction-related affirmative action programs.

FY2009 Resources Allocated to Achieve Results

FY2009 Component Budget: \$928,200

Personnel:

Full time	10
Part time	1
Total	11

Key Component Challenges

Work continues with the Department of Labor to encourage local hire when viable and appropriate. Administrative Order 226 attempts to ensure that a skilled construction work force will be available to meet future construction project demands within the state. It provides a means to increase the number of people trained to work heavy equipment, which partially meets the goal of encouraging local hire. Additional policies and procedures will be needed to better address local hire on USDOT-assisted construction in rural communities. One of the unique challenges facing rural residents is the lack of a driver's license (because there is no local DMV) which inhibits that person's ability to obtain additional trade certification for at least a year. Another challenge in encouraging local hire is bridging the cultural divide between the construction/contracting culture and the rural subsistence culture. The department continues to work with the Denali Commission staff to ensure that there is no duplication of efforts so we can build on the efforts of each other. At the same time, training and employment opportunities in rural areas are being identified that may provide multiple benefits such as heavy equipment training that can be used for road/airport construction as well as water and sewer, tank farm development and landfill development.

The Disadvantaged Business Enterprises (DBE) program continues to generate increased activity in the area of administrative appeals and reconsideration of construction bids to ensure DBE firms are given an equal opportunity for work on these projects. This activity requires adequate financial resources to competently administer. Due to recent legal challenges in Washington state against WSDOT's DBE program implementation and the resulting US 9th Circuit Court decision (Western States Paving Decision) the department will undertake a disparity study to determine the level and extent that discrimination exists in the design and construction of federal assisted highways, airports and transit facilities. The department was given guidance by USDOT to discontinue DBE Project goals and implement a race neutral DBE program until a disparity study is completed. This study is anticipated to be complete by this time next year. The department will use the study to determine if a race neutral DBE program continues to be the method of implementing the DBE program. A significant revision of the Disadvantaged Business Enterprises (DBE) Program could occur based on the results of this study. We will continue to implement changes to our DBE support services program to improve DBE access to DOT&PF contracting opportunities

New regulations for airport concessionaires were issued in FFY2005 and additional departmental efforts will be needed to implement these regulations. Implementation is anticipated to be complete at the end of FFY2008.

The Civil Rights Office must ensure there is no disruption in service during the construction season as a result of meeting federal DBE requirements. Some changes in federal regulations have occurred that will result in increased reporting requirements. Those changes include maintenance of a bidder's list, reporting actual payments made by contractors to DBE firms, operation of the Unified Certification Program in cooperation with other Alaska recipients of USDOT assistance, additional review of complex financial statements and the need for increased legal assistance.

Continuing revision of the department's Title VI Program is required to comply with Federal Highway Administration current orders and guidance.

The department and the construction industry are struggling with finding and retaining qualified workers. In an attempt to deal with this situation, a Construction Career Day event in Central Region will be hosted this year by the department with broad based support from the construction industry. The success of this event will influence decisions to hold additional events in Northern and Southeast Regions for FY 2009.

A rigorous review of the On-The-Job Training (OJT) goal setting program and an evaluation of project selection for apprentice/trainee opportunities determined that we are not uniformly implementing this program between regions nor consistently with federal regulations 23 CFR 230.111. We will propose modifications for the OJT program goal setting process to Federal Highway Administration for their review and approval.

The Federal Transit Administration (FTA) awarded a grant to the department to implement a Limited English Proficiency (LEP) demonstration project. This project will require significant revision of the department's public outreach effort related to populations where at least 5% of the persons living in a project scoping areas have limited English language skills. We will be developing an LEP implementation plan, securing interpreter services and developing tools for our planning, preconstruction and construction staff to use to implement this plan.

Significant Changes in Results to be Delivered in FY2009

No significant changes are anticipated.

Major Component Accomplishments in 2007

- Facilitated the implementation of 8 post award conferences where local employment, training and other economic opportunities were discussed.
- Completed departmental review of the Right of Way offices under Title VI of the Civil Rights Act of 1964.
- The Civil Rights Office continues to publish a newsletter and host the Annual Unified Certification Program meeting. This fulfills our Disadvantaged Business Enterprises (DBE) supportive service obligations under our FHWA funding agreement. The annual meeting resulted in a cooperative effort to hold annual DBE goal meetings jointly, collectively reducing costs.
- Began and completed a 90 day review of all DBE program databases and corrected errors in the database for the disparity study.

Statutory and Regulatory Authority

49 CFR, Parts 21, 23 & 26

41 CFR, Part 60

23 CFR, Parts 200 & 230

29 CFR, Part 16.30

28 CFR, Part 35

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act of 1964

Civil Rights Restoration Act of 1987

Americans with Disabilities Act of 1990

Executive Orders

11246 - Equal Employment Opportunity

12898 - Environmental Justice

13166 - Limited English Proficiency

13175 - Tribal Consultation

DOT Order 5301.1 - Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes

FHWA Order 6640.23 - FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Contact Information

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Equal Employment and Civil Rights Component Financial Summary

All dollars shown in thousands

	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	698.3	810.2	861.2
72000 Travel	23.8	29.1	29.1
73000 Services	70.4	21.4	21.4
74000 Commodities	5.8	16.5	16.5
75000 Capital Outlay	0.0	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	798.3	877.2	928.2
Funding Sources:			
1004 General Fund Receipts	251.1	250.0	277.6
1007 Inter-Agency Receipts	37.0	18.0	18.6
1061 Capital Improvement Project Receipts	510.2	609.2	632.0
Funding Totals	798.3	877.2	928.2

Estimated Revenue Collections

Description	Master Revenue Account	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	37.0	18.0	18.6
Capital Improvement Project Receipts	51200	510.2	609.2	632.0
Restricted Total		547.2	627.2	650.6
Total Estimated Revenues		547.2	627.2	650.6

**Summary of Component Budget Changes
From FY2008 Management Plan to FY2009 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2008 Management Plan	250.0	0.0	627.2	877.2
Adjustments which will continue current level of service:				
-FY 09 Bargaining Unit Contract Terms: General Government Unit	10.2	0.0	25.8	36.0
-Correct Unrealizable Fund Sources for Salary Adjustments: GGU	17.4	0.0	-17.4	0.0
Proposed budget increases:				
-Increase funding to bring component within allowable vacancy factor	0.0	0.0	15.0	15.0
FY2009 Governor	277.6	0.0	650.6	928.2

Equal Employment and Civil Rights Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2008</u> <u>Management</u> <u>Plan</u>	<u>FY2009</u> <u>Governor</u>		
Full-time	10	10	Annual Salaries	534,183
Part-time	1	1	COLA	33,620
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	309,059
			<i>Less 1.79% Vacancy Factor</i>	(15,662)
			Lump Sum Premium Pay	0
Totals	11	11	Total Personal Services	861,200

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	1	0	0	0	1
Administrative Clerk II	1	0	0	0	1
Equal Employ Officer II	4	0	0	0	4
Equal Employ Officer III	3	0	0	0	3
Statistical Technician II	1	0	0	0	1
Trans Planner II	1	0	0	0	1
Totals	11	0	0	0	11