

**State of Alaska
FY2004 Governor's Operating Budget**

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

BRU/Component: Equal Employment and Civil Rights

(There is only one component in this BRU. To reduce duplicate information, we did not print a separate BRU section.)

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Component Mission

The mission of the Equal Employment and Civil Rights component is to enhance the operations of the Department through the promotion, monitoring and support of Title VI Programs such as the External Equal Employment Opportunity (ExEEO) Program, the Disadvantaged Business Enterprises (DBE) Program, and the On-The-Job Training (OJT) Program in the transportation construction industry.

Component Services Provided

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

- Three affirmative action programs (DBE, ExEEO, and OJT) that provide opportunities which otherwise would not normally exist within the construction arena. These programs apply to contractors and subcontractors working on 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 which 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.

Component Goals and Strategies

Administer an effective Civil Rights program with on-going USDOT funding, in order to

- Ensure that the department is in compliance with all federal and state laws, regulations, and policies governing ExEEO, DBE and OJT on highway and airport construction projects; and ensure departmental compliance with federal non-discrimination and equal employment obligations on USDOT-assisted design and construction projects.
- Ensure sub-recipient (local governments, non-profit organizations, etc) compliance with federal non-discrimination obligations on Federal Highway Administration (FHWA)-assisted projects.
- Work closely with the Department of Labor to implement programs to increase local hire on highway and airport construction projects located in remote communities.
- Efficiently and effectively use FHWA grant funding to train and employ rural residents on highway and airport projects.
- Continue to refine changes made to the DBE program in FY2004 to ensure efficient, fair and effective administration of the program.
- Develop new and more effective ways to help DBE firms succeed on USDOT-assisted design and construction projects.

Key Component Issues for FY2003 – 2004

Work continues with the Department of Labor to encourage local hire when viable and appropriate. New policy and procedures will be developed to better address local hire on USDOT-assisted construction in rural communities. This effort has been sanctioned by FHWA and FAA and is funded by an FHWA grant. The department is also working with the Denali Commission staff to ensure that there is no duplication of efforts and so that we can build on the efforts of each other. At the same time, training 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. We are also participating in the development and implementation of an employment database. The database will facilitate employment in rural Alaska through the identification of human resource skills in a given location or village and how to contact those individuals for employment.

The new DBE program has generated increased activity in the area of administrative appeals, reconsideration of construction bids and more detailed review of financial statements. This activity will require additional financial resources to competently implement. Additional legal and training expenses may be incurred as a result of these DBE program changes.

New regulations are anticipated for airport concessionaires in FY2004 and additional departmental efforts are anticipated to implement these regulations.

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 and more will be coming that will result in increased reporting requirements, creation of a bidder's list, development of a Unified Certification Program in cooperation with other Alaska recipients of USDOT assistance, additional review of financial statements and the need for increased legal assistance.

Major Component Accomplishments in 2002

Continued an FHWA \$200,000 annual grant program, in partnership with Alaska Department of Labor and Workforce Development Denali Training Fund, the US Department of Labor (ATELS) and the Alaska Native Council on Education and Training (ANCET), to increase Alaska Native rural employment on ADOT&PF projects by these actions:

- Held 4 partnering sessions to develop innovative strategies to increase employment on ADOT&PF projects in rural Alaska;
- Successfully trained one Alaska Native from the Minto area as Project Assistant to assist ADOT&PF Project Engineers on Elliot Highway projects;
- Increased the number of trainee positions to 645 on ADOT&PF highway projects and continued trainee positions on airport projects to provide additional employment opportunities for rural residents;
- Joined cooperative efforts with the Teamsters, Operating Engineers and Laborers to provide additional apprenticeship opportunities for ADOT&PF project trainees.
- Improved the quality of DBE support services by creating and publishing a newsletter and holding educational workshops for prime contractors and subcontractors about Civil Rights programs.
- Completed framework agreement with other USDOT recipients to provide consolidated certification services for the DBE Program.
- Completed one EEO complaint investigation against a ADOT&PF contractor.

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

Key Performance Measures for FY2004

Measure:

The percentage of required compliance reviews for responsiveness to disadvantaged business enterprise and on-the-job training contract requirements completed.

Sec 141(b)(4) Ch 124 SLA 2002(HB 515)

Alaska's Target & Progress:

14 reviews were initiated and completed in FY2001. In FY2000, 13 were initiated and completed.

Benchmark Comparisons:

Equal Employment and Civil Rights is annually tasked by the Federal Highway Administration (FHWA) with completing 10 contract compliance reviews.

Background and Strategies:

The ADOT&PF required Federal Contract Provisions form 25D55 stipulates the need for prime contractors working on USDOT-assisted projects to develop, disseminate and implement equal employment opportunity provisions for the prime contractor workforce and to pass this requirement on to its subcontractors. These requirements are based on federal regulations.

Annually, the Equal Employment and Civil Rights office reviews 10 prime contractors who cumulatively have the highest dollar values of subcontractors working on USDOT-assisted projects or those who have not previously been reviewed. The review consists of reviewing employment policies and strategies of the prime contractor and its subcontractors to ensure the employees are aware of the contractor's EEO policy and where to file complaints if there is a violation of those policies. Certified payrolls are reviewed to verify prime contractor payment reports made to the Equal Employment and Civil Rights office. When this office receives discrimination complaints, these are investigated in conjunction with a compliance review.

Contract compliance also includes reviewing a prime contractor's compliance with 49 CFR Part 26, as implemented through the department's federally approved DBE Program. This is to ensure the prime contractor provides DBE firms with the opportunities it has committed to as a condition of its contract with the department.

In accordance with 32 CFR Part 230.111, OJT requirements on FHWA projects are also reviewed during a prime contractor's contract compliance review. Larger FHWA assisted projects have OJT training goals assigned to the prime contractor to meet and ensure training opportunities are made available to minority and female applicants.

Equal Employment and Civil Rights
Component Financial Summary

All dollars in thousands

	FY2002 Actuals	FY2003 Authorized	FY2004 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	451.0	590.9	600.1
72000 Travel	24.2	21.9	21.9
73000 Contractual	27.4	33.0	33.0
74000 Supplies	18.5	18.5	18.5
75000 Equipment	0.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	521.1	664.3	673.5
Funding Sources:			
1004 General Fund Receipts	302.2	296.7	267.0
1007 Inter-Agency Receipts	6.0	2.0	2.1
1061 Capital Improvement Project Receipts	212.9	365.6	404.4
Funding Totals	521.1	664.3	673.5

**Equal Employment and Civil Rights
Proposed Changes in Levels of Service for FY2004**

None

**Summary of Component Budget Changes
From FY2003 Authorized to FY2004 Governor**

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2003 Authorized	296.7	0.0	367.6	664.3
Adjustments which will continue current level of service:				
-Convert GF to CIP to continue current service levels	-29.7	0.0	29.7	0.0
-Annualize FY2003 COLA increase for General Government and Supervisory Bargaining Units	0.0	0.0	3.9	3.9
Proposed budget increases:				
-Add additional ICAP for DBE and Title IV programs	0.0	0.0	5.3	5.3
FY2004 Governor	267.0	0.0	406.5	673.5

Equal Employment and Civil Rights

Personal Services Information

	Authorized Positions		Personal Services Costs	
	<u>FY2003</u> <u>Authorized</u>	<u>FY2004</u> <u>Governor</u>		
Full-time	9	9	Annual Salaries	448,505
Part-time	1	1	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	169,187
			<i>Less 2.85% Vacancy Factor</i>	(17,592)
			Lump Sum Premium Pay	0
Totals	10	10	Total Personal Services	600,100

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	1	0	0	0	1
Engineering Assistant III	1	0	0	0	1
Equal Employ Officer II	3	0	0	0	3
Equal Employ Officer III	2	0	0	0	2
Statistical Technician II	1	0	0	0	1
Trans Planner II	1	0	0	0	1
Totals	10	0	0	0	10