

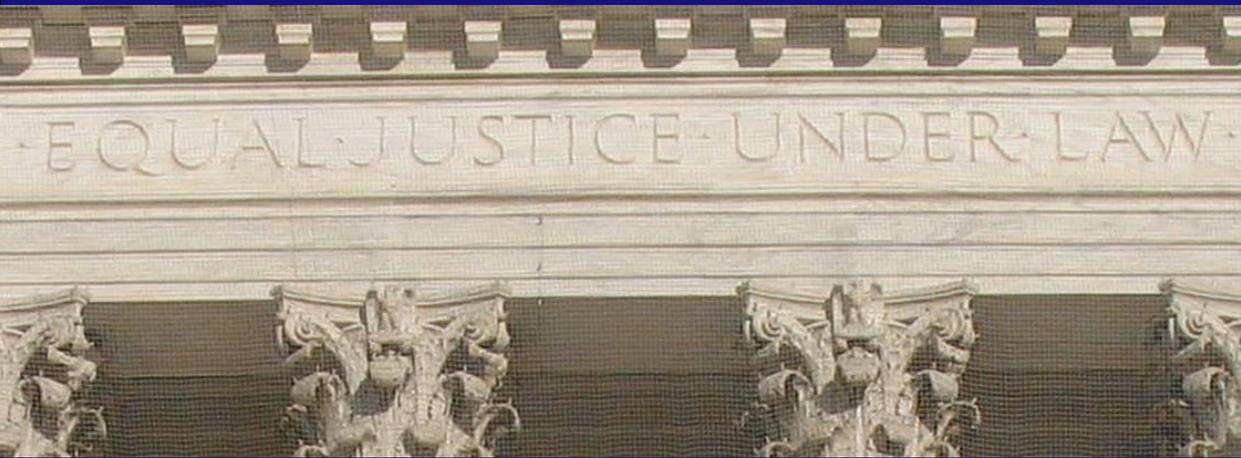


INDIANA DEPARTMENT OF TRANSPORTATION

“Driving Indiana’s Economic Growth”

# Contractor Compliance Assistance Guide

**Federal – State – Contractor:  
Sharing EEO Responsibility**



# Introduction

Federal law provides that no recipient or beneficiary of Federal aid shall discriminate against any person because of race, color, religion, sex, national origin, age, or disability. In the construction context, the nondiscrimination provisions extend to employment practices, solicitations for employment, selection of subcontractors and suppliers, and procurement of materials. Equal Employment Opportunity (EEO) requirements not to discriminate, and to take Affirmative Actions (AA) to assure EEO, are set forth by Executive Orders, laws (23 USC 140), regulations (23 CFR §§ 200, 230, 635; 28 CFR § 35; 29 CFR § 1630 and 41 CFR § 60), and agency orders. These provisions constitute the EEO/AA standards for all non-exempt Federal aid construction contracts and subcontracts in excess of \$10,000.

**EEO/AA is the law.** INDOT and Federal aid construction contractors and subcontractors must implement and monitor programs that ensure EEO/AA in all non-exempt construction activities. The Federal Highway Administration (FHWA) Regulations set forth in 23 CFR § 230 provide the basis for contractual obligations and the contract compliance programs that must be established by the State to monitor contractor compliance with those obligations. EEO/AA requirements are specifically addressed through the inclusion of INDOT Recurring Special Provision 100-C-151a (Form FHWA 1273) in all non-exempt Federal aid construction contracts.

INDOT's enforcement of EEO/AA provisions is therefore derived from many sources. INDOT is contractually obligated to enforce all applicable EEO/AA requirements through FHWA 1273. Those requirements are further set forth through various Acts, Orders, and regulations. FHWA 1273 likewise contractually obligates contractors to work with INDOT and the Federal government in carrying out EEO obligations. And because the provisions of 1273 apply to all non-exempt subcontracts pursuant to the INDOT contract, prime contractors are wholly responsible for the EEO/AA compliance of their subcontractors. Finally, the program is also enforceable by referral to appropriate agencies, including the Federal Highway Administration, the Office of Federal Contract Compliance Programs (OFCCP), and the Department of Justice (DOJ).

This Guide is designed to help construction contractors better understand and comply with their legal EEO/AA obligations and with the provisions of their INDOT contracts. It sets out not just what INDOT and FHWA expects of contractors but will also provide examples of suggested or alternative actions that may be taken to achieve compliance. It is based upon applicable laws, regulations, Executive Orders, and guidance from the FHWA and the OFCCP.

This Guide neither creates nor alters contractor legal obligations. Rather it is a **minimal** framework upon which contractors should build their EEO/AA compliance programs. INDOT therefore stresses that the information included herein is **not exclusive** and that compliance determinations are made on a case-by-case basis. Every effort has been taken to ensure that the information contained in this guide is accurate and up to date. If you have questions or desire assistance, please contact the INDOT Economic Opportunity Division.

# Index

<b>Authorities</b> .....	<b>v</b>
<b>Definitions</b> .....	<b>vii</b>
<b>Part I: EEO Review Procedures</b> .....	<b>1</b>
<b>A. Introduction</b> .....	<b>2</b>
<b>B. Contract Compliance Review Process</b> .....	<b>2</b>
<b>C. Ongoing Review Procedures</b> .....	<b>8</b>
<b>Part II: EEO Requirements</b> .....	<b>10</b>
<b>A. Introduction</b> .....	<b>11</b>
<b>B. EEO Officer</b> .....	<b>12</b>
<b>C. EEO Policy</b> .....	<b>13</b>
<b>D. Employment Practices</b> .....	<b>18</b>
<b>E. On The Job Training</b> .....	<b>26</b>
<b>F. Wage &amp; Benefits Compliance</b> .....	<b>32</b>
<b>G. Title VI Compliance</b> .....	<b>37</b>
<b>Part III: Disadvantaged Business Enterprise (DBE)</b>	
<b>Program Compliance</b> .....	<b>38</b>
<b>A. DBE Program Overview</b> .....	<b>39</b>
<b>B. DBE Goals</b> .....	<b>40</b>
<b>1. Overview</b> .....	<b>40</b>
<b>2. Contract Goal-Setting Criteria</b> .....	<b>40</b>
<b>3. Contract Goal Pre-Award Reviews</b> .....	<b>41</b>
<b>4. Good Faith Efforts Reviews</b> .....	<b>42</b>

a. Generally.....	42
b. Review Process .....	43
5. Post-Award DBE Compliance .....	44
a. Changes to Original DBE Commitments.....	44
b. Commercially Useful Function Compliance .....	45
c. DBE Prompt Payment .....	45
d. Contract Close Out Procedures.....	45
<b>Part IV: Good Faith Efforts.....</b>	<b>46</b>
<b>A. Generally.....</b>	<b>47</b>
<b>B. GFE and the “16 Steps” .....</b>	<b>47</b>
<b>C. EEO Recruitment.....</b>	<b>50</b>

**Appendices**

**A. Sample Compliance Review Materials**

<b>Onsite Compliance Review Questions.....</b>	<b>-2-</b>
<b>Required EEO Jobsite Postings.....</b>	<b>-8-</b>
<b>Desk Audit Contractor Data Sheet.....</b>	<b>-10-</b>
<b>Show Cause Notice.....</b>	<b>-12-</b>
<b>Notice of Compliance.....</b>	<b>-16-</b>
<b>Voluntary Corrective Action Plan.....</b>	<b>-17-</b>
<b>Show Cause Notice Rescission .....</b>	<b>-18-</b>
<b>OJT Program Agreement and Forms</b>	

**B. Commercially Useful Function Policy**

**C. Selected Davis-Bacon Review Materials**

**D. Workforce Analysis Materials**

**E. Selected Authorities**

# Authorities

## **Civil Rights Act of 1964, as amended**

Prohibiting discrimination based on race, religion, sex, color, national origin, age or disability.  
Also see: *Impacts of the Civil Rights Restoration Act of 1987 on FHWA Programs*, FHWA Notice N4720.6.

## **23 U.S.C. §§ 140, 324 – Federal-Aid Highway Act of 1968**

Implementing the 1964 Civil Rights act and including State EEO Assurances.

## **23 U.S.C. § 113, as amended**

Making Davis-Bacon wage rates and Copeland Act requirements applicable to "work performed on highway projects on the Federal-aid highways."

## **Executive Order 11246, as amended**

Executive Order prohibiting employment discrimination by the Federal Government and Federal contractors and subcontractors based on race, color, religion, national origin, or sex in hiring, discharge, promotion, wages, benefits, training and all other conditions of employment.

## **23 CFR § 200**

Implementing Title VI of the Civil Rights Act of 1964, which applies to all Federally-funded contracts and projects and the beneficiaries of such contracts.

## **23 CFR § 230, Subpart A, Appendix A**

EEO and Affirmative Action Special Provisions for Federal aid highway construction projects.

## **23 CFR § 230, Subpart A, Appendix B**

EEO On the Job Training Special Provisions.

## **23 CFR § 230, Subpart B**

Implementing State Supportive Services for Disadvantaged Business Enterprises.

## **23 CFR § 230, Subpart C**

State EEO Program format and internal responsibilities.

## **23 CFR § 230, Subpart D,**

Construction Contract Equal Opportunity Compliance Procedures.

## **41 CFR § 60-1**

DOL Obligations of Contractors and Subcontractors.

## **41 CFR § 60-4**

DOL Affirmative Action in Construction Goals and Standards.

**49 CFR § 21**

Title VI of the Civil Rights Act of 1964 procedures for Federally-funded contracts and projects.

**49 CFR § 26**

DBE Program Requirements, policies, and procedures.

**FHWA Order 4710.8**

DOL/FHWA authorities and responsibilities under Exec. Order No. 11246.

**Form FHWA-1273**

Required Contract Provisions for Federal-Aid construction contracts; Also found in 23 CFR § 230, Appendix A to Subpart A.

**Form FHWA-1391**

Federal-Aid Highway Construction Contractors Annual EEO Report; Also found in 23 CFR § 230, Appendix C to Subpart A.

**FHWA Contractor Compliance Desk Reference – “Equal Opportunity Contractor Compliance In The Federal-Aid Highway Program”**

**DOL Field Operations Handbook**

**DOL Davis-Bacon Resource Book**

# Definitions

23 CFR §§ 230.407, 230.409

## *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. (The Special Provisions [23 CFR part 230 A, appendix A] and areawide plans are Affirmative Action Plans.)

## *Affirmative Action(s)*

The efforts exerted towards achieving equal opportunity through positive, aggressive, and continuous result-oriented measures to correct past and present discriminatory practices and their effects on the conditions and privileges of employment. These measures include, but are not limited to: recruitment, hiring, promotion, upgrading, demotion, transfer, termination, compensation, and training.

## *Civilian Labor Force (CLF)*

Data consulted by INDOT to determine the relevant labor demographics for a particular geographic area, which is then compared to a contractor's work force. Typically, data is culled from the U.S. Census, the Department of Labor, and State Employment Agencies.

## *Commercially Useful Function (CUF)*

Relating to the requirement that a Disadvantaged Business Enterprise (DBE) can be counted toward the contract DBE goals only when it is meaningfully responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. A DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. A DBE firm's failure to perform a CUF raises questions regarding the firm's independence, ownership and control which factors may eventually lead to its decertification.

## *Compliance*

A determination made by, or in conjunction with, a Federal authority, that a contractor has fulfilled its EEO and other contractual obligations. For EEO matters, compliance is when the EEO requirements have been effectively

implemented and are emphasized as any other vital management function, or there is evidence that every Good Faith Effort has been made toward achieving this end.

*Compliance Specialist*

A Federal or State employee regularly employed and experienced in civil rights policies, practices, procedures, and equal opportunity compliance review and evaluation functions.

*Consolidated Compliance Review*

A review and evaluation of all significant construction employment in a specific geographical (target) area.

*Construction*

Shall have the meanings set forth in 41 CFR 60–1.3(e) and 23 U.S.C. 101(a). References in both definitions to expenses or functions incidental to construction shall include preliminary engineering work in project development or engineering services performed by or for a State Highway Authority (SHA).

*Contractor*

Any person, corporation, partnership, or unincorporated association that holds a FHWA direct or federally assisted construction contract or subcontract regardless of tier.

*Corrective Action Plan (CAP)*

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 the equal opportunity requirements as specified in a list of deficiencies (also called a conciliation agreement or a letter of commitment). When a contractor receives a Show Cause Notice and the deficiencies cannot be corrected within the 30–day show cause period, a written corrective action plan may be accepted. The written corrective action plan shall specify clear unequivocal action by the contractor with time limits for completion. Token actions to correct cited deficiencies will not be accepted. Once a Plan is deemed acceptable by INDOT, a contractor will receive a rescission of the Show Cause Notice and be provisionally deemed in compliance. A follow up review will be scheduled to take place within six to twelve (6-12) months.

*Days*

Shall mean calendar days.

### *Desk Audit*

A preliminary review of a contractor's EEO/AA compliance based on documentation analysis, only. Documentation is reviewed for completeness, reasonableness, accuracy, and indicators of patterns or practices that warrant further analysis. It may or may not lead to an Onsite Verification Review.

### *Discrimination*

An act or failure to act, whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, national origin, age, or disability, has been subjected to unequal treatment under any program or activity of a recipient, sub-recipient or contractor receiving Federal financial assistance.

### *Equal Employment Opportunity (EEO)*

The absence of partiality or distinction in employment treatment, so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained.

### *Equal Opportunity Compliance Review*

An evaluation and determination of a nonexempt direct Federal or Federal aid contractor's or subcontractor's compliance with equal opportunity requirements based on:

1. Project work force —employees at the physical location of the construction activity;
2. Area work force —employees at all Federal aid, Federal, and non-Federal projects in a specific geographical area as determined under §230.409 (b)(9); or
3. Home office work force —employees at the physical location of the corporate, company, or other ownership headquarters or regional managerial, offices, including “white collar” personnel (managers, professionals, technicians, and clericals) and any maintenance or service personnel connected thereto.

### *Equal Employment Opportunity Officer*

An individual formally appointed by a contractor, with the responsibility for and capability of effectively administering and promoting an active contractor

program of equal employment opportunity, and who has been assigned adequate authority and responsibility to do so.

### *Equal Employment Opportunity Policy*

A contractor's coherent, comprehensive set of EEO-related notices and procedures—both for employees to read and as part of a contractor's ongoing efforts to document compliance.

### *Equal Opportunity Requirements*

A general term used throughout this document to mean all contract provisions relative to equal employment opportunity (EEO), subcontracting, and training.

### *Good Faith Effort (GFE)*

Affirmative action measures, as defined in this section, designed to implement the established objectives of an Affirmative Action Plan.

### *Compliance*

A contractor is found "in compliance" when there is sufficient information, data and evidence obtained during the compliance review to determine that the EEO/AA requirements have been effectively implemented with respect to all terms and conditions of employment, in the provisions of subcontracting opportunities in a non-discriminatory manner on the contractor's projects, and meeting DBE, OJT, Indian Preference, or Appalachian preference goals, where appropriate.

### *Metropolitan Statistical Area (MSA)*

The geographic boundaries of a metropolitan area used by the U.S. Census Bureau.

### *Minority*

Any person who appears to belong, or is regarded in the community as belonging to generally recognized racial/ethnic minority groups in the U.S., identified as one or more of the following groups:

1. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
2. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

3. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
4. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

### *Non-Compliance*

A contractor is found “in noncompliance” when there is sufficient information, data and evidence to determine that the contractor failed to effectively implement its nondiscrimination EEO/AA requirements. Generally, a finding of noncompliance results from: overt discrimination, insufficient Good Faith Efforts, insufficient documentation, insufficient EEO procedures, or for failure to take timely action.

### *Onsite Verification Review*

A scheduled review visit by a Compliance Specialist to one or more of a contractor’s jobsites and/or home offices, that will likely entail, but is not limited to: inspection of facilities and equipment, interviews, document analysis, and conferences with responsible individuals.

### *Race/Gender-Conscious*

Measures that are focused specifically on assisting only certified DBE firms.

### *Race/Gender-Neutral*

Measures that are, or can be, used to assist all small businesses, including certified DBE firms.

### *Show Cause Notice (SCN)*

A written notification to a contractor based on the determination of the Compliance Specialist that the contractor is in noncompliance with the equal opportunity requirements of the contract. Contractors must immediately schedule a compliance conference to have an approved Corrective Action Plan within thirty (30) days of receipt of the SCN. If the contractor does not comply, through inaction or otherwise, INDOT may impose sanctions.

### *State Highway Agency (SHA)*

That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The terms “State” or “INDOT” should be considered equivalent to State highway agency. With regard to direct Federal contracts, references herein to SHA's shall be considered to refer to FHWA regional offices, as appropriate.

#### *Underutilization*

A term to describe a contractor’s work force where the percentage of minorities and/or females in a particular job classification is significantly less than that of the relevant Civilian Labor Force. The term can refer either to under-representation in: (1) numbers of individuals or (2) in the number of hours worked per employee. Where underutilization exists, a contractor must demonstrate Good Faith Efforts. If and only if a contractor evincing underutilization also lacks sufficient Good Faith Efforts, the finding may result in noncompliance.

#### *Voluntary Corrective Action Plan (VCAP)*

A written agreement reached between a contractor and INDOT similar to a CAP in form. Where deficiencies are mostly minor in nature, INDOT may accept a VCAP during the exit conference of an Onsite Review. If a VCAP is considered acceptable by INDOT, a contractor will be deemed in compliance.



INDIANA DEPARTMENT OF TRANSPORTATION

"Driving Indiana's Economic Growth"

## **Part I: EEO Review Procedures**

# A. Introduction

## 1. What are Affirmative Actions?

- Affirmative actions are results-oriented actions or processes that help bring minorities and females into the job applicant pool and onto contractor's workforces.
- Affirmative actions are outreach efforts to include groups that may have been intentionally or unintentionally previously excluded from contractor's workforces.
- Affirmative actions are not quotas. They are reasonable goals for minority and female workforce representation as compared to the Civilian Labor Force in a contractor's recruitment area.
- Affirmative actions are not preferential treatment. They represent equal consideration of all applicants and employees in employment opportunity and employment benefits.
- Affirmative action does not mean giving jobs to unqualified applicants. They entail helping ensure that all applicants/employees become qualified through experience and training.
- Affirmative actions are designed to remove all barriers to qualified applicants.

## 2. What is A Contract Compliance Review?

A Contract Compliance Review is a systematic, objective, and comprehensive review of the employment practices of INDOT contractors and subcontractors in order to determine if they are complying with their EEO/AA contractual obligations. It is a "spot check," designed to ensure compliance with EEO/AA requirements by identification and correction of deficiencies or problem areas through training, coordination, negotiation and conciliation. **And because contractors are contractually obligated to ensure compliance, cooperation with INDOT is an additional component of compliance.**

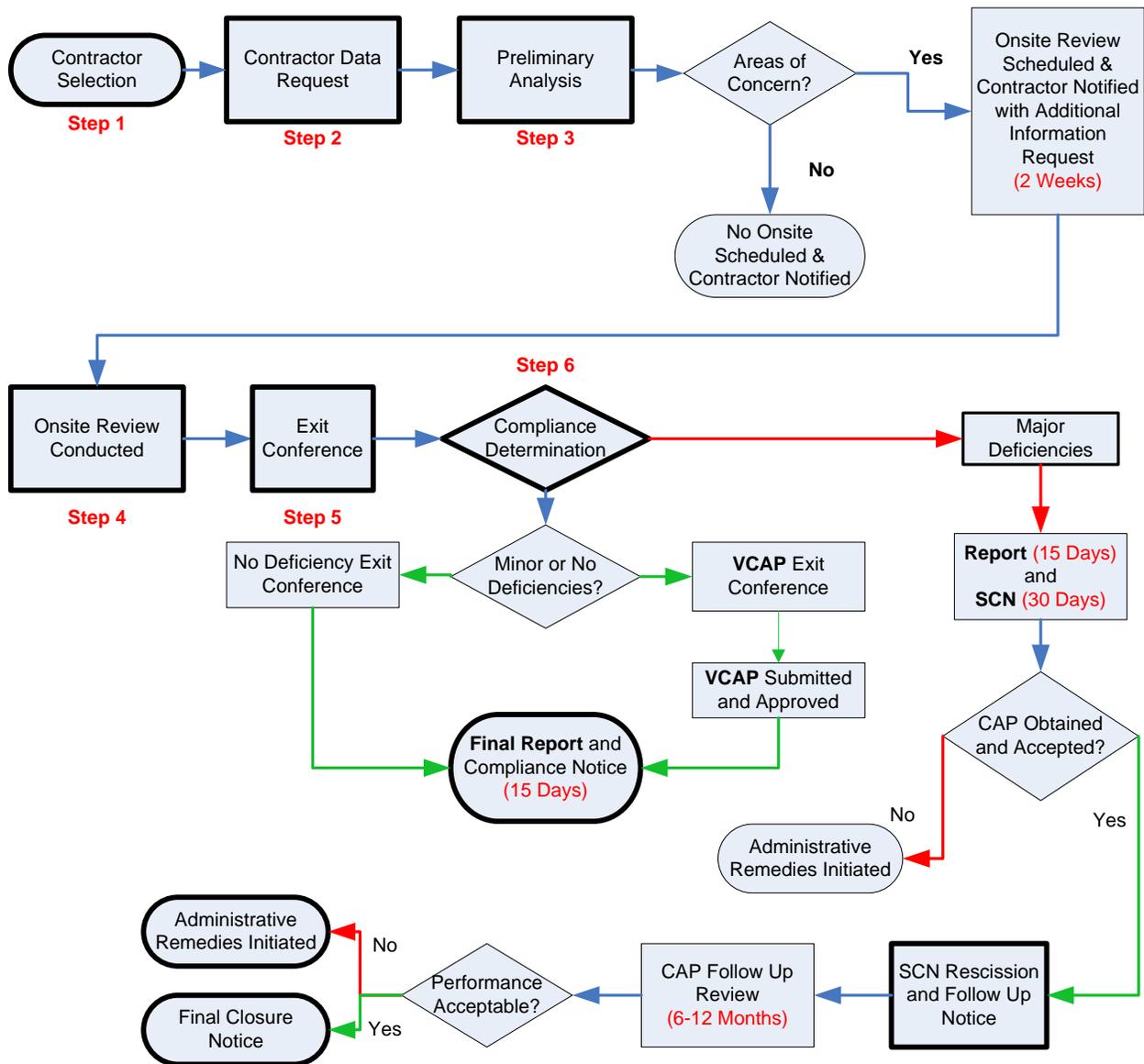
It is in the best interests of the Federal and State Government, as well as the Contractor, to ensure that EEO/AA requirements are met rather than having to initiate corrective action measures. Even where a Review results in a determination of "noncompliance," so long as a contractor continues to collaborate with INDOT and advance the aims of EEO/AA in good faith, formal sanctions need not be feared.

# B. Contract Compliance Review Process

# 1. The Steps

The basic process for compliance reviews is found in 23 CFR § 230, Subpart D. It entails six steps:

- I. Selection and Scheduling
- II. Contractor Notification
- III. Preliminary Analysis (Desk Audit)
- IV. Onsite Verification
- V. Exit/Compliance Conference
- VI. Compliance Determination



If minor or easily remedied deficiencies are discovered, a Voluntary Corrective Action Plan (VCAP) may be negotiated during the Exit Conference to achieve compliance. For more serious deficiencies or those that require more than thirty days to correct, a Show Cause Notice (SCN) requiring the contractor to submit a Corrective Action Plan (CAP) may be issued.

**Contractors have an affirmative duty to work with INDOT and FHWA both in carrying out EEO obligations and in complying with review procedures. FHWA 1273 II.1(a).**

If, at any point in the process, a contractor does not believe it can reasonably meet a deadline, then extensions of time may be granted if and only if requested within the initial deadline. Unresponsiveness is considered evidence of noncompliance.

## 2. Selection and Scheduling

INDOT conducts three basic types of reviews:

- a. **Project Specific** – Generally involves a review of a single major project to determine whether contractors are meeting the employment, training, and subcontracting and other requirements in their contracts. This type of review is usually best for major projects with significant employment, training, and subcontracting potential. Project reviews typically include the prime and all subcontractors, including joint ventures and material suppliers. Although representatives from all subcontractors are not required, a representative sampling is normally part of the review, especially DBE subcontractors.
- b. **Area Wide** – A review of a particular contractor’s operations in one geographical area circumscribed by the outer limits of a targeted city, county, MSA, or union local’s boundaries. Its purpose is to obtain and consider information on the contractor’s efforts to ensure nondiscrimination and provide equal opportunity in employment, training, and contracting on all of the contractor’s projects within an area, whether a particular contract involves Federal or Federal aid funds or not. Subcontractors are reviewed for underutilization analysis, but typically are not required to be present for in-depth reviews.
- c. **Consolidated** – A cooperative effort by multiple governmental agencies (i.e. FHWA, STA, and/or OFCCP) to review all active Federal aid contractors in a particular geographic area. Most often this type of review is conducted if it becomes known that

contractors in a certain area are experiencing similar problems in, for example, inadequate representation of minorities and females in particular crafts.

Because construction work forces are not constant, particular attention is paid to the proper scheduling of compliance reviews. Many factors influence the selection of contractors and projects. 23 CFR § 230.409 states that priority in scheduling equal opportunity compliance reviews shall be given to reviewing those contractor's work forces:

1. Which hold the greatest potential for employment and promotion of minorities and females (particularly in higher skilled crafts or occupations);
2. Working in areas which have significant minority and female labor forces within a reasonable recruitment area;
3. Working on projects that include special training provisions; and
4. Where compliance with equal opportunity requirements is questionable. (Based on previous PR-1391's (23 CFR part 230, subpart A, appendix C) Review Reports and Hometown Plan Reports).

In addition, the following considerations may apply:

- Reviews specifically requested by the Washington Headquarters shall receive priority scheduling;
- Reviews shall be conducted prior to or during peak employment periods;
- No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by Washington Headquarters; and
- For compliance reviews based on an area work force (outside of areawide plan coverage), the Compliance Specialist shall define the applicable geographical area by considering:
  1. Union geographical boundaries;
  2. The geographical area from which the contractor recruits employees, i.e. , reasonable recruitment area;
  3. Standard Metropolitan Statistical Area (SMSA) or census tracts; and

4. The county in which the Federal or Federal aid project(s) is located and adjacent counties.

### 3. Notification and Preliminary Analysis

After a contractor is selected for review, it is sent a letter via certified mail. Receipt of this letter will constitute sufficient statutory notice, and it will detail the information required by INDOT. A contractor typically has fourteen (14) calendar days to submit the requested materials. Again, extensions of time may be granted if formally requested and are reasonable.

Documentation is reviewed for completeness, reasonableness, accuracy, and indications of patterns or practices that warrant further analysis. The Desk Audit phase is documentary in nature, only. A more detailed look at the data request can be found in Appendix A and specific compliance factors follow in Section II.

### 4. Onsite Verification Review

When a Compliance Specialist identifies EEO concerns or requires verification, an Onsite Verification Review is scheduled. The contractor will receive an Onsite Notice with a proposed date for the review (normally within two weeks), along with a request for additional documents. When INDOT requires the presence of subcontractor representatives, the Notice will so state.

This Notice will typically identify preliminary areas of concern based on the desk audit. These areas will be the primary focus of the Onsite. It is therefore important for contractors to carefully review these concerns and to address them directly at the Onsite Review. Please note that where Good Faith Efforts documentation is necessary, contractors must provide it on or by the day of the Onsite Review.

The major features of the Onsite Review are:

1. *Opening Session* with contractor (and subcontractor) representatives to review objectives;
2. *Review* of pertinent records and EEO documents;
3. *A physical tour* of the work site and/or home office;
4. Employee *interviews*; and
5. *An Exit Conference* to review preliminary findings.

### 5. Onsite Exit Conference

The Exit Conference is of special importance. At the end of the Onsite visit, the Compliance Specialist will meet with contractor representatives to discuss preliminary compliance findings.

- ❖ If INDOT deems the preliminary deficiencies as minor or otherwise correctable within fifteen (15) days of the Onsite, the contractor may, at that time, negotiate the essential terms of a Voluntary Corrective Action Plan (VCAP).
- ❖ If INDOT preliminarily determines that a contractor's deficiencies are not correctable in 15 days (e.g. workforce underutilization) or are otherwise major deficiencies, INDOT shall not accept a VCAP and will find the contractor in noncompliance.
- ❖ If a contractor's VCAP is submitted to INDOT and accepted within the 15 days prior to INDOT's final compliance determination, INDOT will deem the contractor in compliance.

If a contractor's VCAP is deemed not acceptable, is not submitted within 15 days, **or** if INDOT ultimately finds that a VCAP is not appropriate due to the severity of the deficiencies, INDOT will find the contractor in noncompliance.

## 6. Compliance Determination

A Compliance Specialist is required to submit their final report to FHWA within fifteen (15) days following an Onsite Review. The report will:

1. Summarize INDOT's factual and documentary findings;
2. Make a determination of **compliance** or **noncompliance**;
3. Notify the prime contractor of the findings;
4. And request concurrence from FHWA.

Three Possible Results From An Onsite Review
<ol style="list-style-type: none"> <li>1. If a contractor has no notable deficiencies, then INDOT will find it in <b>compliance</b>.</li> <li>2. When INDOT finds minor deficiencies, a contractor may negotiate an acceptable VCAP within the fifteen (15) day period prior to the compliance determination being filed. In such a case, INDOT would then find the contractor in <b>compliance</b>.</li> <li>3. When INDOT finds major deficiencies, INDOT will find a contractor in <b>noncompliance</b>. The Onsite Review report will be accompanied by a Show Cause Notice (SCN) to the contractor.</li> </ol>

A contractor in receipt of a SCN has thirty (30) days to submit an acceptable Corrective Action Plan to INDOT. If an acceptable Plan is not timely submitted, INDOT may initiate

administrative remedies. Therefore, it is imperative that when a SCN is received, the contractor immediately schedules a compliance conference with INDOT to negotiate the Plan prior to the 30-day deadline.

## **C. Ongoing Review Procedures**

In addition to the formal, directed review process, INDOT continually monitors all contractors for compliance. Where evidence of particular deficiencies is discovered at any time, INDOT will investigate. In particular, INDOT typically engages in two specific types of unscheduled reviews: Commercially Useful Function and Davis-Bacon Act reviews.

Note that, unless otherwise stated, INDOT's procedures for unscheduled reviews will follow the same overall format and deadlines as any other review.

### **1. Commercially Useful Function**

One of the key requirements of the Disadvantaged Business Enterprise (DBE) program is that a DBE perform a commercially useful function (CUF) on a Federal aid project. A CUF concerns the role a firm plays in a particular transaction either on or off the jobsite. The phrase "commercially useful function" is defined in the Federal regulations, 49 CFR § 26.55 (c)(1), which states that "a DBE performs a commercially useful function when it is being responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved." The regulation goes on to say that "To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself."

INDOT has therefore developed CUF policies and procedures to monitor compliance, the details of which are found in Appendix B.

A CUF deficiency could result in many negative outcomes. A DBE firm's failure to perform a CUF raises questions regarding the firm's independence, ownership and control, which may eventually lead to its decertification. In addition, where a prime contractor knew or should have known that CUF violations occurred on an INDOT contract, INDOT may initiate administrative proceedings against the prime, the subcontractor, or both parties. It is therefore incumbent upon both prime and subcontractors to read and understand INDOT's CUF policies.

### **2. Wage and Labor Compliance**

The 1931 Davis-Bacon Act requires the payment of prevailing wage rates and fringe benefit equivalents to all laborers and mechanics on Federal or Federally assisted construction contracts. Davis-Bacon Act requirements are implemented in various Federal assistance programs through the "related act" provisions in each agency's implementing statutes. For the purposes of Federal

aid highway construction contracts, these provisions are implemented in 23 U.S.C. § 113, along with the Copeland “Anti-Kickback” Act as implemented in 40 U.S.C. § 276(c). The Davis-Bacon and Related Acts (DBRA) requirements are incorporated both by reference and explicitly as part of every INDOT contract.

As a guide for compliance, INDOT uses the analytical methods established by the Department of Labor and made available through their Field Operations Handbook. This document is available on the DOL website (<http://www.dol.gov/esa/whd/FOH/>); and the DBRA portion, Chapter 15, is available for download here: [http://www.dol.gov/esa/whd/FOH/FOH\\_Ch15.pdf](http://www.dol.gov/esa/whd/FOH/FOH_Ch15.pdf).

When INDOT receives evidence of potential DBRA deficiencies, it will immediately investigate. Because INDOT is charged with ensuring compliance with all applicable Federal aid contracting provisions, and because DBRA provisions are explicitly included in each INDOT contract, DBRA compliance is treated as seriously as any other compliance matter. Failure to promptly correct DBRA deficiencies can result in reference to the INDOT Prequalification Committee, to the Federal Highway Administration, and/or the Department of Labor (DOL).

### **3. On The Job Training Compliance**

The On the Job Training (OJT) Program was created by the Federal Highway Administration and the Indiana Department of Transportation to fulfill the Training Special Provisions requirements of Federal aid Construction contracts (23 CFR 230, Appendix B to Subpart A). The purpose of the provisions is to address the under-representation of minority and female workers in the construction trades. INDOT’s OJT Program fulfills these requirements by assigning each Federal aid contractor an annual training goal (see Part II, Section E on page 17 of this guide).

In addition to ongoing compliance monitoring, INDOT will perform an End of Year Audit for each contractor to verify goal attainment. INDOT will use review procedures identical to those of a routine compliance review regarding OJT compliance.

## **Part II: EEO Requirements**

# A. Introduction

This Part will set forth the minimum features of a compliant contractor EEO program. All of the information included herein is based upon contractual and regulatory requirements, in addition to direct guidance from the Federal Highway Administration and the U.S. Department of Labor. Wherever possible, citations and direct regulatory language have been used for clarification.

The compliance status of the contractor will usually be reflected by positive efforts in the following areas:

1. The contractor's equal employment opportunity (EEO) policy;
2. Dissemination of the policy and education of supervisory employees concerning their responsibilities in implementing the EEO policy;
3. The authority and responsibilities of the EEO officer;
4. The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;
5. The extent of participation and minority and female utilization in FHWA training programs;
6. The contractor's review of personnel actions to ensure equal opportunities;
7. The contractor's participation in apprenticeship or other training;
8. The contractor's relationship (if any) with unions and minority and female union membership;
9. Effective measures to assure nonsegregated facilities, as required by contract provisions;
10. The contractor's procedures for monitoring subcontractors and utilization of minority and female subcontractors and/or subcontractors with substantial minority and female employment; and
11. The adequacy of the contractor's records and reports.

23 CFR § 230.409(g)(3). EEO compliance is a set of ongoing processes that, if effectively implemented, will help ensure nondiscrimination and equal opportunity on all Federal Aid INDOT contracts. A contractor shall be considered to be in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal shall be

result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function. *Id.* § 230.409(g)(4).

Contractors are required to keep and provide to INDOT all “such records as necessary to document compliance with the EEO requirements.” FHWA 1273, II.9.

Additionally, 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 INDOT and FHWA. *Id.*

Therefore, INDOT stresses that, in order to demonstrate compliance, a contractor must concentrate its efforts on creating and maintaining. . .

**\*\*\*\*\* Documentation \*\*\*\*\***

Each requirement set forth in this section will detail both a contractor’s EEO obligations and “suggested documentation” to establish those requirements. However a contractor chooses to document their EEO efforts, such documentation must *sufficiently* do so. If a contractor does not document their efforts with the suggested methods, then it must do so in an alternately sufficient manner. So, while a contractor’s specific practices are the company’s prerogative, the duty to adequately demonstrate EEO compliance can never be abrogated.

Finally, please refer to Part III for guidance on Good Faith Efforts, generally, which are applicable to Section D: Employment Practices.

## **B. EEO Officer**

Each Federal Aid contractor shall designate an EEO Officer. FHWA 1273 § II states that this Officer shall:

1. Have the responsibility for effectively administering and promoting an active EEO program. *Id.* § II.2. The Officer must know and understand his or her duties, and employees must know and understand who the Officer is and how and when to contact them.
2. Be capable of effectively promoting an active EEO program. *Id.* § II.2. An EEO Officer may have other, primary, duties within the company, but they must nonetheless be capable of discharging all of their EEO duties as well.

3. They must be assigned adequate authority and responsibility to discharge their duties. *Id.* § II.2.
4. Thoroughly indoctrinate all new supervisory or personnel in all aspects of the contractor's EEO obligations within thirty 30 days of the supervisor's start date. *Id.* § II.3(b). Contractors must demonstrate that their EEO Officer conducts prompt and thorough training sessions.
5. Conduct the required periodic EEO meetings. *Id.* § II.3(a).
6. Instruct, monitor, and assist personnel engaged in direct recruitment regarding procedures for locating and hiring female and minority group employees. *Id.* § II.3(c).

The EEO Officer has the duty to carry out all of the contractor's EEO policies, which extend to all of the provisions noted in this Part.

Suggested Documentation – EEO Officer
<ul style="list-style-type: none"> <li>❖ Appointment letter signed by the firm's chief official or authorized agent, designating:               <ul style="list-style-type: none"> <li>○ The name and title of the Officer,</li> <li>○ The Officer's authority, essential duties, and contact information, and</li> <li>○ The term of the Officer's appointment if applicable.</li> </ul> </li> <li>❖ Notice to employees of the above,</li> <li>❖ Directives and documentation establishing that the Officer has <u>exercised</u> authority in accordance with other portions of the firm's EEO requirements.</li> </ul>

## C. EEO Policy

### 1. Policy Statement

A coherent, comprehensive EEO policy is essential for compliance. FHWA 1273 § II.1 states that contractors shall adopt as their operating policy 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, preapprenticeship, and/or on-the-job training."

In addition, the contractor's EEO *policy* for compliance purposes should comprise much more. It should include all documents and procedures pertinent to EEO compliance—both for employees to read and as part of a contractor's ongoing efforts to document their compliance for INDOT. 1273 § II.3(e). Therefore, a contractor's "policy" generally refers to all EEO-related employment practices, notices, and procedures.

Contractors must ensure and document the following with regard to the policy, generally:

1. The policy is disseminated to all employees. *Id.* § II.3.
2. The policy is brought to the attention of employees through meetings, employee handbooks, and other appropriate means. *Id.* § II.3.
3. Periodic meetings of supervisors and personnel are conducted before the start of work and then not less than once every six (6) months. During such meetings all relevant EEO policies and implementation procedures will be reviewed and discussed. *Id.* II.3(a).
4. The policy statement is placed in areas readily accessible to employees, applicants for employment, and potential employees. *Id.* § II.3(d).

## **2. Complaint Procedures**

While INDOT does not and can not interfere in a contractor's particular employment decisions, Federal aid contractors have an affirmative duty to ensure that:

1. Contractors promptly investigate all complaints of alleged discrimination;
2. Contractors undertake appropriate corrective actions in a reasonable time;
3. That all potential complainants are apprised of their avenues for appeal.

23 CFR §§ 230, Appendix A to Subpart A, 6(d); FHWA 1273 § II.5(d). In addition, these requirements are subject to the overall obligation to maintain adequate records necessary to document EEO compliance. *Id.* § 10, FHWA 1273 § II.9.

Therefore, in order to demonstrate that (1) investigations occur promptly, (2) that corrective actions are effective and occur in a reasonable time, and (3) that employees know their appeal avenues and what constitutes them, written documentation to establish these procedures is essential. A contractor, for example, can not establish that employees know their appeal options short of a written, well-distributed policy to that effect. And while it is true that each case is necessarily fact-sensitive, features such as “promptness” cannot be reasonably established short of documentation allowing for measurement.

A contractor can not fulfill its complaint procedure obligations with a blanket statement that employees should direct complaints to the EEO officer or other supervisor. A minimal “procedure” such as this does not fulfill or otherwise demonstrate any of the above required components.

### **3. EEO Meetings**

The EEO Officer must conduct periodic EEO meetings with all supervisors and personnel (1) before the start of work and (2) not less than once every six months. FHWA 1273 § II.3(a). At the meetings, the Officer will review and explain the contractor’s EEO policies and procedures.

### **4. Subcontractor EEO Policy**

Federal aid prime contractors are obligated to ensure EEO compliance with their subcontractors. FHWA 1273 § I.1. This contractual duty cannot be abrogated—it is the affirmative duty of each prime contractor. Therefore, INDOT reviews will also consider the extent to which a Federal aid prime monitors each subcontractor.

At a minimum, a contractor must make subcontractors aware that all of the provisions of FHWA 1273 apply to those subcontracts and conduct periodic workforce analyses (see Section D(2)) for each subcontractor.

### **5. Required EEO Postings**

Contractors are familiar with most EEO jobsite posting requirements, but such requirements do change over time and contractors often do not keep up with the changes. INDOT shall endeavor to update the list in this Guide often, and these requirements are found on both the FHWA and DOL contractor compliance websites:

<http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>  
<http://www.dol.gov/osbp/sbrefa/poster/matrix.htm>

Contractors must place all EEO-related postings in areas readily accessible to all employees. Additionally, contractors are reminded of the overall requirement that notices and posters setting forth the contractor's equal employment opportunity policy (which include DOL posters) will be placed in areas readily accessible applicants for employment and potential employees. FHWA 1273 § II.3(d).

### The minimum postings that each INDOT project should feature

1. EEOC-P/E-1 “Equal Opportunity is the Law”  
Required by 41 CFR § 60-1.4(b)(1) and FHWA-1273 § II(3)(d)
2. Contractor's EEO policy statement  
Required by 41 CFR § 60-741.44 and FHWA-1273 § II(1)(b)
3. Letter appointing contractor's EEO officer for project with contact information.  
Required by 41 CFR § 60-741.44 and FHWA-1273 § II(3)(d)
4. FHWA-1022 “Federal Aid Projects False statements Notice”  
Required by 18 CFR §1020 and 23 CFR § 635.119
5. FHWA-1495 Wage Rate Information (May be substituted for WH-1321 per FHWA 1273 § IV(1)(a)) (Superseded the PR-809)
6. WH-1321 “Notice to Employees Davis-Bacon wage rate”  
Required by 29 CFR §5.5(a)(1) and FHWA-1273 § IV(1)(a)
7. Actual Davis-Bacon wage rates pertinent to project  
Required by both FHWA-1495 and WH-1321
8. OSHA-2203 “Job Safety & Health Protection”  
Required by 29 CFR § 1903.2(a)(1) through FHWA-1273 §VIII(1)
9. Emergency phone numbers for safety and EEO  
Required by 29 CFR § 1926.50(f) through FHWA-1273 § VIII(1)
10. WH-1284 “Notice to Workers with Disabilities Paid at Special Minimum Wages”  
Required by 29 CFR § 525.14 (Must be posted whenever the WH-1088 is posted AND the contractor has a certificate to pay less than minimum wage to disabled workers)
11. WH-1420 “Your Rights under the Family and Medical Leave Act

of 1993”

Required by 29 CFR § 825.300(a) for employers of more than 50 people

12. WH-1462 “Notice: Employee Polygraph Protection Act”

Required by 29 CFR § 801

Note: The “5-in-1” poster from the DOL typically satisfies the following:

1. WH 1462 – Employee Polygraph Protection Act
2. WH 1088 – Fair Labor Standards Act Federal Minimum Wage
3. WH 1420 – Family Medical Leave Act
4. EEOC P/E-1 – Consolidated EEOC Poster
5. OSHA 3165 – Standard OSHA Poster

### Suggested Documentation – EEO Policy

- ❖ Employee handbook and all pertinent EEO policies and procedures, of which, INDOT suggests including:
  - The EEO policy statement, endorsed and signed by the chief company official;
  - The EEO officer’s appointment letter and contact information;
  - Documentation to establish the Complaint Procedures conform with the criteria herein;
  - Documentation to establish that the Complaint Procedure is made known to all employees;
  - Internal EEO review policies for supervisors;
  - EEO policies specific to Federal highway projects;
  - Policy to encourage female and minority referrals;
  - Evidence that the policies are at least annually reviewed, updated, and endorsed by the chief company official;
  - Other specific actions the contractor shall take to ensure EEO compliance.
- ❖ Correspondence, advertisements, and other company directives that include the EEO assurance: “An Equal Opportunity Employer.”

- ❖ Attendance lists, agendas, and minutes from each EEO meeting.
- ❖ Documentation to establish that the contractor has apprised its subcontractors of their EEO obligations and has meaningfully monitored their compliance.
- ❖ All required EEO, Labor, and safety postings.

## D. Employment Practices

### 1. Overview

Although INDOT does not and cannot interfere with a contractor's particular employment decisions, effective implementation of the EEO policy must be ensured. Therefore, a major portion of INDOT's compliance review process involves a careful analysis of the contractor's workforce and employment practices.

It is important that Federal aid contractors understand that efforts to ensure "equal employment opportunity" are predicated on the idea that a contractor must take affirmative actions as defined by the Federal regulations. Affirmative actions should be positive, aggressive, continuous, and result-oriented. 23 CFR § 230.407(c).

Good Faith Efforts are acceptable to INDOT only to the extent they are effective. Where a contractor's employment practices and affirmative actions do not produce results, the contractor must demonstrate a commitment to pursuing new and innovative EEO practices.

### 2. Workforce Analysis

#### a. Overview

INDOT reviews each contractor's workforce based on two sets of regulations: 23 CFR § 230, pertaining to transportation and 41 CFR § 60, pertaining to labor. Because of the overlapping nature of these EEO provisions, in 1999 the U.S. Department of Labor and the Federal Highway Administration issued a joint clarification Order (Order 4710.8; see Appendix D). The Order states that the DOL has exclusive authority to determine compliance regarding Title 41, and FHWA has exclusive authority to determine compliance under Title 23. If INDOT or the FHWA becomes aware of any possible violations of Title 41, each has the authority and the responsibility to notify the OFCCP. FHWA Order 4710.8. Therefore, INDOT has a legal

obligation to monitor contractors under both sets of provisions, but it may only determine compliance as it pertains to Title 23.

*This Part will focus on compliance with Title 23 for the above reasons. Although they overlap, there are differences between the sets of requirements. Please use the chart below for further reference.*

Title 23	<p><b>Criteria:</b> Contractors must ensure EEO compliance in their workforce by demonstrating a <u>reasonable representation</u> of females and minorities in each job classification. 23 CFR § 230.409(e)(6).</p> <p>A contractor’s workforce is compared to the <u>available labor market</u>: the Civilian Labor Force (CLF). <i>Equal Opportunity Contractor Compliance In The Federal-Aid Highway Program: Desk Reference</i>, FHWA.</p> <p><b>Result if Not Met:</b> Where underutilization or under-representation exists compared to the CLF and the contractor has not implemented sufficient Good Faith Efforts, INDOT may, contractually or in conjunction with FHWA, issue a notice of noncompliance. Order 4710.8.</p>
----------	--

Title 41	<p><b>Criteria:</b> Contractors must ensure EEO compliance in their workforce by meeting the female and minority hiring goals established by the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP). The goals are <u>fixed percentages</u> that apply to the contractor’s aggregate workforce in each trade on all construction work in the covered area. The appropriate fixed percentages are included as part of every Federal aid contract. 41 CFR 60.4, INDOT Recurring Special Provision § 100-C-151(d).</p> <p>A contractor’s workforce is compared to the contract goal percentages for females and minorities.</p> <p><b>Result if Not Met:</b> Where INDOT monitoring suggests that the goals are not met, INDOT may refer the contractor to the OFCCP for a compliance determination. Order 4710.8.</p>
----------	---

**b. Review Methods**

As stated above, an INDOT workforce analysis is designed to determine whether the contractor has a reasonable representation of females and minorities in each job classification. 23 CFR §§ 230.409(d)(4), 230.409(e)(6)(i). The methods for doing so are set forth in the FHWA *Equal Opportunity Contractor Compliance In The Federal-Aid Highway Program Desk Reference* (Appendix D).

## Step 1 – Contractor Workforce

INDOT first analyzes two aspects of a contractor’s workforce:

- ❖ Representation: the “head count” for each job classification, and
- ❖ Utilization: the number of hours worked for each job classification.

Thus, a contractor must demonstrate not only that it employs females and minorities, but also that such employees are used in a reasonable proportion to their numbers. A contractor is not allowed to engage in “bicycling:” moving females and minorities to INDOT-reviewed projects in order to bolster their head count.

INDOT therefore begins its analysis by asking contractors to provide a demographic breakdown of their workforce. Contractors must provide a Workforce Utilization Report, pictured below, which closely resembles a Federal PR-1391 report. One Report is completed for head count, and a second is completed for hours.

Job Category	Total Workforce		Total Minorities		African American		Hispanic American		American Indian		Asian American/ Pacific Islander		White	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Official(s)														
Supervisors														
Foreman														
Administrative														
Equipment Operator														
Mechanics/ Oilers														
Truck Drivers														
Ironworkers														
Carpenters/ Pile Drivers														
Cement Mason/ Concrete Finisher														
Electricians														
Plumbers/ Pipefitters														
Painters														

Laborers: Skilled-- Unskilled--														
TOTAL														

### Step 2 – Under-representation

INDOT next compares this data to the relevant Civilian Labor Force (CLF) to determine if females and minorities are underrepresented based on availability. The CLF is broadly defined as the labor data for an appropriate geographic region, acquired from the U.S. Census, the Department of Labor, and State Employment Agencies. INDOT primarily consults the U.S. Census, although other demographic sources are sometimes consulted according to the methods set forth in the FHWA *Desk Reference*. If females or minorities are substantially underrepresented in multiple job categories, INDOT will flag these as evidence of under-representation.

To assist contractors with workforce evaluations, INDOT provides a user-friendly map application for all major construction trades by demographic group. The map application allows users to simply click on the relevant counties for their labor market, and the map will display female and minority percentages for all major trades. In addition, the full listing for every county is also provided on the map page. To access the application, visit the map website: <http://dotmaps.indot.in.gov/apps/eeomap/>

### Step 3 – EEO Compliance Status

INDOT stresses that under-representation, in itself, is not considered an EEO deficiency. Where under-representation is identified, INDOT must determine whether the workforce representation is *reasonable*. To do this, INDOT engages in a Good Faith Efforts analysis based on all relevant compliance factors and documentation that touch on:

- ❖ Recruitment,
- ❖ Referrals,
- ❖ Outreach, and
- ❖ Hiring opportunities.

Where INDOT identifies underutilization patterns, a contractor must demonstrate evidence of sufficient Good Faith Efforts to remedy the situation. If a contractor does not demonstrate sufficient Good Faith Efforts, then the underutilization becomes an EEO **deficiency**.

An EEO Officer must therefore monitor and periodically evaluate the contractor’s workforce to avoid potential deficiencies. By using the evaluation methods and examples included in

Appendix D of this Guide, an Officer can not only identify underutilization prior to a Review, but they can also tailor their EEO recruitment and promotion efforts accordingly. INDOT Economic Opportunity staff are always available for guidance regarding this or any other EEO-related matter. Remember: a contractor must be able to produce documented Good Faith Efforts in hiring and recruiting females and minorities when there is underutilization. INDOT **strongly** advises contractors to ensure that all affirmative actions are positive, aggressive, continuous, and result-oriented.

Suggested Documentation – Workforce
<ul style="list-style-type: none"><li>❖ Workforce Utilization Reports, broken down by job category, ethnicity, and gender for:<ul style="list-style-type: none"><li>○ Hours</li><li>○ Head Count</li></ul></li><li>❖ Good Faith Efforts documentation regarding recruitment and referrals.</li></ul>

### 3. Recruitment

#### a. Generally

A contractor’s affirmative actions to achieve equal opportunity, which include recruitment, must be continuous and effective. Because recruitment is tied to many other aspects of contract compliance, Federal aid contractors must extensively document all such efforts. As a starting point, contractors must document *applicant flow*. This means that a contractor should be able to produce data to show, at a minimum:

1. The age, race, sex, and number of applicants;
2. The relative qualifications of the applicants;
3. Whether the applicants were offered employment;
4. And, if hired, the length of time the applicant remained employed by the contractor.

Additionally, contractors must conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority and female applicants. FHWA 1273 § II.4(a). The contractor is responsible for identifying sources of potential minority and female hires and applying affirmative actions designed to recruit effectively. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe those provisions to the extent they permit the contractor’s compliance with EEO obligations. Contractors must likewise encourage present employees to refer minority and female applicants for employment. *Id.* § II.4(b-c).

Finally, contractors are reminded that this data is subject to the same retention requirements as all other EEO-related data: that it is retained for a period of three (3) years following completion of the contract work. FHWA 1273, II.9.

**b. Unions**

INDOT recognizes that many of its Federal aid contractors are subject to collective bargaining agreements. Nonetheless, FHWA and Title 23 explicitly state that no such agreement shall preclude a Federal aid contractor from fulfilling its EEO obligations. FHWA 1273 § II.4. Documentation of all actions taken by the contractor and union shall be maintained by the contractor. The OFCCP has established the following criteria for determining compliance when an exclusive referral agreement is involved:

1. 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 or female employees.
2. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, as amended.
3. Contractors and subcontractors have a responsibility to provide equal opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations, these contractors must be found in noncompliance.
4. If the contractor indicates that union action or inaction is a proximate cause of the contractor's failure to provide equal opportunity, a finding of noncompliance will be made and a show cause notice issued, and:
  - a. The contractor will be formally directed to comply with the equal opportunity requirements.
  - b. Reviews of other contractors with projects within the jurisdiction of the applicable union locals shall be scheduled.
  - c. If the reviews indicate a pattern and/or practice of discrimination on the part of specific union locals, each contractor in the area shall be informed of the criteria outlined in § 230.411(e)(1). Furthermore, the FHWA Washington Headquarters, OCR, shall be provided with full documentary evidence to support the discriminatory pattern indicated.

- d. In the event the union referral practices prevent the contractor from meeting the equal opportunity requirements pursuant to the E.O. 11246, as amended, such contractor shall immediately notify the SHA.

23 CFR § 230.411(e). Contractors shall provide immediate written notification to INDOT, and to the Director of OFCCP, if a union fails to refer back a minority or female applicant referred to the union by the contractor. The contractor must document all contacts with a union to request that minority and female applicants be referred for employment vacancies.

If a union is unable to provide the contractor with a reasonable flow of minority and female referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, 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 females. FHWA 1273 § II.6(d).

INDOT **strongly** recommends that contractors exert their best efforts to assure that “off the bank” and/or “name request” provisions are in their collective bargaining agreements. “Off-the-bank” allows them to hire walk-ins and refer them to the union within a specific number of days for membership. “Name request” allows them to refer the walk-in to the union and “name request” them back from the union.

Suggested Documentation – Recruitment
<ul style="list-style-type: none"><li>❖ Applicant flow data, including all information noted above;</li><li>❖ Lists of potential and currently used recruitment sources, with an emphasis on those likely to yield minority and female applicants, and data to establish the effectiveness of each;</li><li>❖ Documentation regarding aggressive efforts to increase minority and female referrals to and from unions and <u>independent efforts in recruitment</u>;</li><li>❖ Documentation regarding internal referrals;</li><li>❖ Follow-up correspondences regarding external applicants and internal referrals;</li><li>❖ Documents to show participation in hiring fairs, advertisements (especially in minority and female-oriented publications), and other outreach avenues.</li></ul>

#### 4. Personnel Actions

A contractor's EEO Officer must evaluate all internal personnel actions for evidence of discrimination. The types of actions to evaluate include, but are not limited to: hiring, promotion, transfer, demotion, layoffs, terminations, and the spread of wages within each job classification. FHWA 1273 § II.5. INDOT suggests compiling data for each type of action, broken down by gender and ethnicity, and reviewing the rates for each category. Where an Officer identifies disparities, a contractor must assess the personnel actions and adjust its EEO policies and procedures accordingly. Where a contractor discovers discrimination, it must take corrective actions, immediately. *Id.* § II.5(c). Additionally, to ensure that the contractor's EEO policies are implemented effectively, EEO Officers must evaluate managers, supervisors, and all personnel engaged in direct recruitment and employment actions to ensure that they are implementing the contractor's EEO policies and procedures.

The EEO Officer must also conduct periodic inspections of all project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment. FHWA 1273 § II.5(a). INDOT suggests interviewing employees, especially minorities and females, during such visits.

Suggested Documentation – Personnel Actions
<ul style="list-style-type: none"><li>❖ Documents to demonstrate periodic reviews of personnel actions, including a list of promotions, including: race, national origin, sex, previous job held, job promoted into, and corresponding wage rates;</li><li>❖ Where disparities or discriminatory acts were identified, documentation to demonstrate corrective actions and assessments;</li><li>❖ Written EEO Evaluations of supervisors, managers, and other responsible individuals;</li><li>❖ Voluntary EEO-related data from job applicants;</li><li>❖ Project site inspection documentation.</li></ul>

#### 5. Annual Workforce Report

The contractors will submit an annual report to the SHA each July for the duration of the project, indicating the number of minority, female, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391 (see Appendix E).

# E. On The Job Training

## 1. Program Description

### a. Purpose

The On the Job Training (OJT) Program was created by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) to fulfill the Training Special Provisions requirements of federal aid construction contracts (23 CFR 230, Appendix B to Subpart A). The purpose of the provisions is to address the under-representation of minority and female workers in the construction trades through the assignment of OJT training goals; therefore, the training and upgrading of minorities and females toward journey level status on INDOT federal aid contracts is the primary objective of INDOT's Training Special Provisions.

### b. Program Summary

The 2009 INDOT OJT Program fulfills these objectives by: (1) fostering long-term relationships between contractors and trainees\*, (2) encouraging contractors to assist trainees in fully attaining journey level status, and (3) offering contractors abundant flexibility in fulfilling their training obligations. INDOT's Program assigns federal aid prime contractors an *annual training goal* as a set number of hours, which represents a percentage of the contractor's past performance as an INDOT prime.

Contractors may assign approved trainees *to any project* (state or federal) on which the contractor is a prime, including non-INDOT projects, as long as the majority of training hours are assigned on INDOT projects. Contractors may also assign trainees to be trained by subcontractors on INDOT projects, so long as the prime contractor retains the primary responsibility for fulfilling its federal aid training requirements.

Contractors shall make every effort to meet their OJT Program goals by enrolling minority and female trainees (i.e. by conducting systematic and direct recruitment through public and private sources likely to yield minority and female trainees) to the extent that such persons are available within a reasonable area of recruitment. Where a contractor can not meet its annual training hour goal with females and minorities, it is responsible for demonstrating the Good Faith Efforts taken in pursuance of the goal. Examples of what actions constitute Good Faith Efforts are set forth in Section II (C) below. INDOT will make compliance determinations regarding the Training Special Provisions based upon either attainment of the annual goal or Good Faith Efforts to meet it.

Taken together, the OJT Program represents an understanding between Contractors and INDOT to select projects and assign training that fulfills both the letter and the spirit of the Federal Training Special Provisions.

---

\* For clarity, the word "trainee" herein refers to persons enrolled in either a union or non-union training program.

## 2. Annual Training Goal

Each year that the Contractor has a federal aid INDOT contract (or within thirty (30) days following receipt of a Notice to Proceed for an INDOT Federal Aid contract on which the Contractor is a prime contractor), the Contractor shall commit to an annual training hour goal. INDOT will calculate that goal as follows (see Section IV below for more details):

1. INDOT shall average the Contractor's blue collar work hours while performing as a prime on INDOT state and federal projects for the past three (3) years;
2. The Contractor's annual training goal shall total five percent (5%) of that three year average.

Contractors that (1) do not have three years of INDOT prime contracting work or (2) are not yet in the Program must immediately contact the Economic Opportunity Division to schedule an OJT Conference.

## 3. Program Requirements

### a. Training and Wage Requirements

The Contractor must use OJT trainees as part of an INDOT approved training program, which shall be registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training or with a State apprenticeship agency recognized by the Bureau, and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Bureau of Apprenticeship and Training. All training programs must be administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. INDOT reserves the right to request documentation that a program fulfills these obligations. Contractors must ensure that each trainee does not exceed the maximum number of training hours required for the completion of the selected training program, as approved by the Bureau of Apprenticeship and Training (BAT) or by INDOT and FHWA. In addition, contractors must pay each approved trainee at the appropriate percentage of journeyman's wage rate based on the training program selected and consistent with the applicable Federal regulations and guidance.

### b. Trainee Requirements

Again, the primary objective of the OJT Program is the training and upgrading of females and minorities toward journey level status. Therefore, Good Faith Efforts include the following:

1. Contractors shall provide as many training hours as is feasible for each trainee accepted into the Program, even after its annual goal has been met. For example, if a contractor meets its goal in July but has enough work to support more training, the contractor shall continue to provide training. INDOT expects contractors to provide OJT Program trainees with schedules comparable to non-Program trainees.

2. Contractors shall ensure that each trainee does not exceed the maximum number of training hours required for the completion of the selected training program, as approved by INDOT.
3. As a Good Faith Effort toward increasing the number of females and minorities in the highway construction industry, contractors shall make every effort to hire graduates of the Indiana Major Opportunities pre-employment training program (see <http://www.dosomethingmajor.com/> for more information) and other such INDOT-recommended programs.

### **c. Reporting and Participation Requirements**

#### **Reporting**

Contractors must submit the following documents to INDOT's Economic Opportunity Division:

1. **Introduction and Termination/Completion Slips** – INDOT must approve the introduction of all OJT Program trainees and be notified of any terminations or completions. Contractors must therefore submit introduction and termination/completion slips, with all pertinent information. If a contractor hires a majority male trainee, or cannot replace departing trainees with females and minorities, it must also produce sufficient Good Faith Efforts documentation (See Section II (D) below).
2. **Weekly Training Reports** – Contractors must submit weekly training reports. Contractors may request approval from INDOT to submit training reports monthly, in which case the progress reports are due on the 20th day of the month following the performed work.
3. **Monthly Project Reports** –
  - a. Contractors must submit monthly project CC-257 reports describing their aggregate or total workforce to INDOT by the 20th day of the following month.
  - b. Contractors must also submit a listing of all INDOT projects (Federal, State) or private work to INDOT. These listings are due on the 20th of the following month.
4. **Quarterly Training Evaluations** – Contractors must submit signed evaluations for each approved trainee or apprentice on April 20th, July 20th, and October 20th of the current year.
5. **Annual Summary Report** – Contractors submit an Annual Summary Report by January 20th of the following calendar year. The report must give an

account of all trainee hours with a breakdown of each project and/or contract. Contractors should also note that:

- a. Weekly or monthly reports submitted after January 31st of the following year will not be accepted or considered towards goal attainment for the previous calendar year.
- b. If a contractor did not attain its annual goal, it must submit all Good Faith Efforts made to attain the goal to INDOT with the Annual Summary Report.

Contractors should only submit paperwork for individuals accepted and enrolled in the OJT Program and not for individuals participating in other training and apprenticeship programs.

### **Participation**

The Contractor's Equal Economic Opportunity Officer (EEO) shall be responsible for monitoring and administering the trainees' progress. The EEO shall serve as the point of contact for INDOT representatives regarding information, documentation, and conflict resolution. The Contractor's EEO Officer or a knowledgeable substitute shall participate in at least one INDOT OJT Program training/informational session per calendar year (as made available by INDOT). The Contractor shall furnish each trainee a copy of the Training Program. The Contractor shall further make every reasonable effort to provide training that develops skills as required by the Training Program..

#### **d. Good Faith Efforts**

Where a contractor does not or can not achieve its annual training goal with female or minority trainees, it must produce adequate Good Faith Efforts documentation. Good Faith Efforts are those designed to achieve equal opportunity through positive, aggressive, and continuous result-oriented measures. 23 CFR § 230.409(g)(4). Good Faith Efforts should be taken as trainee hiring opportunities arise. Contractors should request minorities and females from unions when minorities and females are under-represented in the contractor's workforce. Whenever a contractor requests INDOT approval of someone other than a minority or female, the contractor must submit documented evidence of its Good Faith Efforts taken to fill that position with a minority or female. When a non-minority male is accepted, however, a contractor must continue to attempt to meet its annual training goal with females and minorities.

INDOT will consider all contractors' documentation of Good Faith Efforts on a case-by-case basis, and, take into account the following:

- ❖ Availability of minorities, females, and disadvantaged persons for training;
- ❖ The potential for effective training;
- ❖ Duration of the contract;
- ❖ Dollar value of the contract;

- ❖ Total normal work force that the average bidder could be expected to use;
- ❖ Geographic location;
- ❖ Type of work;
- ❖ The need for journey level individuals in the area.

Good Faith Efforts may include, but are not limited to, documentation of efforts to:

- ❖ Communicate with unions to increase the number of minority and female trainees and apprentices;
- ❖ Contact minority and female employees to gain referrals on other minority and female applicants;
- ❖ Contact minority and female recruitment sources when hiring opportunities arise or thirty (30) days prior to the start of a union's open enrollment application periods;
- ❖ Refer specific minorities and females to the unions or other applicable outlets for trainee recruits and specifically request these trainees by name in the future;
- ❖ Assist minority and female applicants in joining the union;
- ❖ Upgrade minority and female unskilled workers into the skilled classifications when possible;
- ❖ Accept applications at the project site or at the contractor's home office;
- ❖ Review and follow up on previously received applications from minorities and females when hiring opportunities arise;
- ❖ Maintain monthly evaluations that monitor efforts made to achieve diversity on Federal projects and the contractor's workforce in general (i.e. significant numbers of minorities and females employed on a company wide basis);
- ❖ Report incidents in which unions are providing a barrier to employment for individuals, especially minorities or females that you have referred to the union and any observed pattern of under-utilization of females and minorities in a particular classification;
- ❖ Provide incentives for project management personnel or superintendents when hiring goals are met on a project (i.e. similar to performance bonuses paid when a job is completed timely and under

budget);

- ❖ Assist applicants with initiation fees;
- ❖ Allow applicants to work in the shop or as an OJT trainee for ninety (90) days prior to referring them to a union, and assist them in the enrollment process for skilled trades;
- ❖ Allow a trainee's payroll deduction to be saved to cover the initiation fees prior to referring them to the union;
- ❖ Purchase the journeyman's card for the trainee and allow that worker to prepay with payroll deductions.

**INDOT may reject non-minority male trainees for entry into the Program if it determines that a contractor failed to make sufficient Good Faith Efforts to hire minorities or female trainees and/or the contractor failed to document or submit evidence of its Good Faith Efforts to do so.** The obligation to conduct sufficient Good Faith Efforts can not be excused by the provisions of: any collective bargaining agreement, any agreement the contractor has with a joint apprenticeship and training committee, or failure by the union with whom the contractor has a collective bargaining agreement to send the contractor minorities and female trainees.

#### **e. Trainee Termination and Completion**

Contractors must submit a termination/completion slip to INDOT after each approved trainee or apprentice has completed training or after the trainee or apprentice has been terminated for just cause. The contractor may terminate a trainee at any time for just cause. Contractors need not submit a termination slip when the trainee is expected to return the following construction season. A trainee may also be laid off due to the lack of work; however, a termination slip is not necessary in such a case unless the trainee is not expected to return the following construction season. If a trainee or apprentice terminates prior to the end of the construction season, the contractor must make Good Faith Efforts to replace the trainee with another minority or female applicant.

### **4. INDOT Program Monitoring**

#### **a. Site Visits**

INDOT representatives will conduct periodic site visits to a contractor's worksite, in addition to OJT review as part of each routine Onsite Compliance Review (as entailed in 23 CFR § 230 Subpart D). INDOT will make every effort to ensure minimal disruption to a contractor's work.

#### **b. End of Year Audits**

INDOT will perform an End of Year Audit for each contractor to verify attainment of the annual OJT goal. INDOT will use review procedures identical to those of a routine compliance review.

If a contractor can demonstrate that it attained its OJT Program goal, then INDOT will determine that the contractor is in compliance with its Training Special Provision requirements.

Where a contractor has neither attained its goal nor submitted adequate Good Faith Efforts documentation, INDOT will issue a Show Cause Notice. Within thirty (30) days of receiving the Show Cause Notice, the contractor must submit a written Corrective Action Plan (CAP) outlining the steps that it will take to remedy the noncompliance. The CAP must be approved by INDOT.

If a contractor fails or refuses to submit a CAP within the specified period or does not exercise the corrective actions outlined in an approved Plan, INDOT will commence enforcement proceedings by conducting a compliance hearing with INDOT, FHWA, and/or OFCCP.

Sanctions for non-compliance may include, but are not limited to: liquidated damages, suspension of any payment in whole or in part, termination or cancellation of contracts in whole or in part, reduction in the contractor's experience rating, suspension, and debarment of the contractor.

#### Suggested Documentation – On the Job Training

- ❖ All required documents:
  - Introduction/Termination slips
  - Weekly/Monthly trainee reports
  - CC-257 or equivalent forms
  - Training evaluations
  - End of Year report
  - Certified payrolls (upon request)
  
- ❖ Where the contractor cannot meet their goal with females or minorities, documents supporting Good Faith Efforts to attain the training goal.

## F. Wage & Benefits Compliance

### 1. Applicability

All Federal aid INDOT construction contracts contain provisions (FHWA 1273 § IV) pertaining to the Davis Bacon and Related Acts (DBRA). The Davis-Bacon Act, as amended, requires that each contract over \$2,000 to which the United States or the District of Columbia is a party for the construction, alteration, or repair of public buildings or public works shall contain a clause setting forth the minimum wages to be paid to various classes of laborers and mechanics employed under the contract. Under the provisions of the Act, contractors or their subcontractors

are to pay workers employed directly upon the site of the work no less than the locally prevailing wages and fringe benefits paid on projects of a similar character. On all non-exempt projects, the principal requirement contained in the provisions noted above is that all employees in the various work classifications engaged in the work under the contract must be paid at not less than the minimum wage rate established by the U.S. Department of Labor (DOL) and listed on the Wage Rate Decision in the contract.

In addition to Davis-Bacon wage and fringe compliance, the Copeland (Anti-Kickback) Act of 1934 applies to all Federal aid construction contracts exceeding \$2,000 (subject to Federal wage standards) and protects workers from paying “kickbacks” to employers in exchange for employment, in addition to enforcing the minimum wage provisions of the Davis-Bacon Act. 29 C.F.R. § 3.1, 5. For INDOT purposes, the Acts cover all non-exempt Federal aid highway contracts such that:

Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work or building or work financed in whole or in part by loans or grants from the United States is employed and receiving wages, regardless of any contractual relationship alleged to exist between him and the real employer.

29 CFR 2.3(e). The Act includes all “laborers, mechanics, apprentices, trainees, watchmen, helpers and guards working at the site of work.” FHWA 1273.

The US Department of Transportation (USDOT), in turn, has implemented the above requirements, which are found in 23 U.S.C. § 113. Enforcement of the provisions in FHWA 1273 § IV is INDOT's responsibility. In addition to withholdings and liquidated damages, as provided for by Sections IV.7 and IV.8, the following actions may be considered for continued violations:

- ❖ Termination of the contract, or
- ❖ For more serious violations, legal prosecution and debarment (however, only the US DOL has the statutory authority to pursue a debarment for Davis-Bacon violations).

INDOT's procedures for wage and fringe benefit compliance are found in the FHWA *Labor Compliance Manual* and the DOL *Field Operations Handbook*.

## **2. EEO Requirements**

INDOT Federal aid contractors shall do the following to document their DBRA compliance:

- ❖ The wage determination shall be posted at all times (see pages 7-8 of this guide for all required postings) by the contractor and its subcontractors at the site of the work and in a prominent and

accessible place where it can be easily seen by the workers. FHWA 1273 § IV.1.

- ❖ Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of three (3) years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work. *Id.* § V.2(a).
- ❖ Each contractor/subcontractor shall furnish, each week in which any contract work is performed, to the INDOT Project Engineer a properly annotated and certified statement of the wages paid each of its employees engaged on the project during the preceding weekly payroll period. *Id.* § V.2(c).
- ❖ The payroll records shall contain the **name, social security number (see below)**, and **address** of each such employee; his or her correct **classification; hourly rates of wages** paid (including rates of contributions or costs anticipated for bona fide **fringe benefits** or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly **number of hours** worked; deductions made; and actual wages paid. *Id.* § V.2(b).
- ❖ Each payroll submitted shall be accompanied by a "Statement of Compliance," (DOL form WH-347) signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract. *Id.* § V.2(d).

### 3. Privacy

INDOT takes contractor privacy seriously and is guided by two principles regarding sensitive third-party information:

- ❖ Confidentiality and security are INDOT's primary concerns.
- ❖ Personal information submitted by contractors is requested only to the degree minimally necessary to comply with INDOT's administrative and legal needs.

Therefore, and in accordance with Title 23 and Indiana Code §§ 5-14-3-3.5(d) and 4-1-10, INDOT will not require contractors to include full Social Security Numbers on weekly certified payroll submissions or other EEO-related documents. When INDOT must verify the identity of specific employees, it may request full SSNs specific to those employees. In all other cases, however, INDOT only requires the last four digits of each employee's Social Security Number. As always, INDOT will continue to maintain and develop comprehensive security procedures to ensure confidentiality.

#### 4. Review Procedures

As noted in Part I of this guide, INDOT reviews DBRA compliance using methods approved by the FHWA and set forth in the DOL *Field Operations Handbook* and the DOL *Davis-Bacon Resource Book* (see Appendix C). Contractors should therefore consult the Handbooks for all questions regarding definitions, review methods, and interpretations.

One area of particular confusion for many contractors is the method by which INDOT calculates fringe benefit equivalents owed to employees. INDOT contractors must understand that such calculations are made based on *annualized* contributions. Davis-Bacon credit for contributions made to fringe benefit plans are allowed based on the effective annual rate of contributions for all hours worked during the year by an employee, regardless of whether or not the hours were worked on a Davis-Bacon project. Therefore, when INDOT evaluates a contractor's wage/fringe compliance in this regard, contractors must submit information based on all applicable hours worked.

#### Examples

- a. For a defined benefit pension plan, or for a defined contribution pension plan which does not provide for immediate or essentially immediate vesting, if a contractor wishes to receive \$2.00 per hour credit for a pension contribution, the contractor must contribute at this same rate for all hours worked during the year. If this is not done, the credit for Davis-Bacon purposes would have to be revised accordingly.
- b. If the firm's contribution for the pension benefit was computed to be \$2,000 a year for a particular employee, the employee worked 1,500 hours of the year on a Davis-Bacon covered project and 500 hours of the year on other jobs not covered by the Davis-Bacon provisions, only \$1,500 or \$1.00 per hour would be creditable towards meeting the firm's obligation to pay the prevailing wage on the Davis-Bacon project. (Annual contribution - \$2,000, divided by total hours worked – 1,500+500 = 2000; i.e. \$2,000/2000 hours = \$1.00 per hour.)

For contributions made to defined contribution pension plans which provide for immediate participate and immediate or essentially immediate vesting schedules (100% vesting after an employee works 500 or fewer hours), and also certain supplemental unemployment benefit plans, a contractor may take Davis-Bacon credit at the hourly rate specified by the plan. Under such plans, contributions are irrevocably made by the contractor, most, if not at all, of the workers will become fully vested in

the plan, and the higher contributions made during Davis-Bacon work result in an increase in the value of the individual employee's account. The amount of contributions to such plans should be in conformance with any limitations imposed by the Internal Revenue Code.

- a. An employee works as an electrician where the wage determination rate is \$12.00 (basic hourly rate) plus \$2.50 in fringe benefits. Where the employer provides the electrician with medical insurance in the amount of \$200 per month (\$2,400 per year), the employer would divide the total annual cost of the benefit by 2,080 hours (40 hours x 52 weeks) to arrive at the allowable fringe benefit credit. Thus:

$(\$200 \times 12 \text{ months}) \text{ divided by } 2080 \text{ hours} = \$1.15 \text{ per hour.}$

- b. If the employee in this example receives no other "bona fide" fringe benefits, then for each hour worked on a covered contract the individual is due \$12.00 (basic hourly rate) plus \$1.35 paid as cash (the difference between the \$2.50 per hour fringe benefit required under the applicable wage determination and the credit allowed for the provision of medical insurance.) Thus:

Basic hourly rate	\$12.00
Medical insurance benefit	1.15
<u>Additional cash due</u>	<u>1.35</u>
Total due per hour	\$14.50 (\$12.00 + \$2.50)

### Suggested Documentation – DBA Compliance

- ❖ Information regarding each "bona fide" fringe benefit offered to employees on Davis-Bacon contracts, including:
  - Eligibility requirements;
  - A list of employees, designating whether they participate in each benefit;
  - Premium information:
    - Total medical major premiums paid in the year;
    - Total term life premiums;
    - Total vacation dollars;
    - Total 401K payments;
    - Total Profit Sharing payments;
    - Total Davis Bacon Earning Paid in this year.

❖ Total hours worked for each employee on both DBA and non-DBA projects
---

## G. Title VI Compliance

Title 23 § 200.9 outlines INDOT's responsibilities regarding Title VI compliance, including complaint procedures. The purpose of Title VI of the Civil Rights Act of 1964 is to eliminate discrimination in federally financed programs. There are many forms of illegal discrimination based on race, color, sex, or national origin that frequently limit the opportunities of minorities to gain equal access to services. A recipient of Federal financial assistance may not, based on race, color, sex, or national origin:

- Deny services, financial aid or other benefits provided in any of its programs.
- Provide a different service, financial aid or other benefit, or provide them in a different manner from those provided to others under the program.
- Segregate or separately treat individuals in any matter related to the receipt of any service, financial aid or other benefit.

INDOT has developed procedures for prompt processing and disposition of Title VI complaints. For more information on INDOT's Title VI program and complaint procedure, visit the INDOT Title VI website: <http://www.in.gov/indot/div/legal/dbc/titlesix.htm>.

**Part III: Disadvantaged Business  
Enterprise (DBE)  
Program Compliance**

# A. DBE Program Overview

The purpose of the DBE Program is to increase opportunities for minority and women-owned small businesses to participate on contracts funded wholly or in part by the U.S. Department of Transportation.

DBE Program Objectives
<ul style="list-style-type: none"><li>❖ Ensure nondiscrimination in the award and administration of USDOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.</li><li>❖ Help remove barriers to the participation of DBEs in USDOT-assisted contracts.</li><li>❖ Assist the development of firms that can compete successfully in the marketplace outside the DBE program.</li><li>❖ Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.</li><li>❖ Ensure the Department's DBE program is narrowly tailored in accordance with applicable law.</li><li>❖ Ensure only firms that fully meet eligibility standards are permitted to participate as DBEs.</li><li>❖ Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.</li></ul>

The standards for DBE certification are found in 49 CFR Part 26, Subpart D. To qualify as a Disadvantaged Business Enterprise, a firm must be a for-profit small business that is at least 51% owned by socially and economically disadvantaged individuals who:

- Are US citizens or permanent residents.
- Possess expertise in the field.
- Control the daily business operations.
- Have a personal worth less than \$750,000 (excluding the value of their primary residence and assets of the firm applying for DBE certification).

The following groups are presumed by law to be socially and economically disadvantaged:

- Black Americans
- Hispanic Americans
- Native Americans
- Asian-Pacific Americans
- Subcontinent Asian Americans
- Women

In order to qualify as a small business, a DBE firm may not have gross receipts, averaged over a three (3) year period, that exceed the Small Business Administration (SBA) size standards associated with the specific type of firm. *See* 13 CFR Part 121. In no case may a DBE firm's gross receipts averaged over a three (3) year period exceed \$20,410,000.00.

## B. DBE Goals

### 1. Overview

INDOT is required to set an overall DBE goal<sup>1</sup> that represents a percentage of all Federal-aid highway funds it will expend in FHWA-assisted contracts in the forthcoming three (3) fiscal years. 49 CFR § 26.45(b), § 26.45(e)(1). This overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on INDOT DOT-assisted contracts. It reflects INDOT's determination of the level of DBE participation it would expect absent the effects of discrimination.

When INDOT assigns a DBE goal to an individual contract, any DBE firm a prime contractor commits to subcontract with toward achieving the goal is considered Race/Gender-Conscious participation. Conversely, Race/Gender-Neutral DBE participation includes any DBE participation, on any DOT-assisted contract, that is not used toward meeting a DBE goal. DBE participation is considered Race/Gender-Neutral:

1. When a DBE wins a prime contract through customary competitive bidding or procurement procedures;
2. When a DBE subcontractor on a contract is not used toward a DBE goal; or,
3. When the overall DBE firm commitments exceed a contract goal, the amount of DBE participation in excess of the goal.

49 CFR § 26.51(a). In order to meet its overall DBE goal, INDOT sets individual contract goals on federal aid construction and professional services contracts throughout the fiscal year. *Id.* § 26.51(e). Note that INDOT is not required to set goals on every federal aid contract. Rather, INDOT must set contract goals so that they will cumulatively result in meeting any portion of its overall goal it does not expect to meet with Race/Gender-Neutral DBE participation. *Id.*

### 2. Contract Goal-Setting Criteria

INDOT works to ensure that its Race/Gender-Conscious goals, and its overall DBE program are *narrowly tailored*, as required by U.S. Supreme Court<sup>2</sup> and federal regulations. As such, INDOT

---

<sup>1</sup> You may request a free copy of INDOT's overall goal submission to FHWA at any time. For a copy, please contact the INDOT Economic Opportunity Division.

<sup>2</sup> *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995); which held that racial classifications, including those imposed by the

must work to ensure that it maximizes the amount of its overall goal it achieves through Race/Gender-Neutral DBE participation. INDOT may set individual contract goals on DOT-assisted construction, consulting, and LPA contracts as a means of satisfying the INDOT Race/Gender-Conscious portion of its overall goal. However, INDOT maintains a narrowly tailored program by only setting DBE goals on those DOT-assisted contracts that have feasible subcontracting and subconsulting opportunities, as well as ready, willing, and able DBE firms that are certified to perform the pertinent work in the geographic area. When INDOT assesses whether a contract goal is appropriate for any DOT-assisted contract, it carefully evaluates:

1. The overall contract type;
2. The contract location;
3. The internal INDOT estimate amount;
4. The DBE firms certified to perform the contract items; and,
5. The Race/Gender-Conscious contract goal average, to date, as it relates to the overall DBE goal.

49 CFR § 26.51(e)(2). If, during the course of the year, INDOT determines that it will exceed its overall goal, then it will reduce or eliminate the use of individual contract goals for the remainder of the year to the extent necessary to ensure narrow tailoring. *Id.* § 26.51(f)(2).

### **3. Contract Goal Pre-Award Reviews**

Each bidder for a contract with a Race/Gender-Conscious goal must submit with its proposal an Affirmative Action Certification (AAC). The bidder's AAC must include the names of the DBE firms, the line items and types of work to be performed, and the dollar amounts and contract percentage commitments to DBE firms by the bidder if the bidder is awarded the contract. 49 CFR § 26.53(b)(2). On the AAC, the bidder certifies that it:

- Understands and agrees that all subcontracting or leasing in connection with the contract, whether undertaken prior to or subsequent to award of contract, will be in accordance with the requirements for the Disadvantaged Business Enterprise (DBE) Program;
- Understands and agrees that no subcontracting will be approved or commenced until INDOT has reviewed and approved the affirmative actions taken by the bidder;
- Understands that utilization of certified DBEs is in addition to all other equal employment opportunity requirements of this contract;
- Acknowledges that the AAC is to be made an integral part of the contract;
- Understands and agrees that the submission of a blank certification shall cause the bid to be rejected;

---

federal government through the DBE program, must be analyzed under a standard of "strict scrutiny," the most stringent level of review which requires that racial classifications be narrowly tailored to further compelling governmental interests.

- Has contacted the firms listed in the AAC, and that the bidder has confirmed that the firms are certified by the State of Indiana as DBEs on the official INDOT DBE List; and,
- Has obtained tentatively agreements with the listed DBE firms to perform the corresponding services as part of the contract's DBE goal if the bidder is awarded the contract.

INDOT evaluates all proposed DBE participation based on what bidders submit with their proposals at the time of letting. INDOT will not consider post-letting changes to a bidder's AAC except under exceptional circumstances. Additionally, the actions that bidders take prior to, and during, the letting are those to which INDOT will give the greatest weight.

#### 4. Good Faith Efforts Reviews

##### a. Generally

If the apparent Lowest Qualified Bidder (LQB) on a federal aid contract does not appear to have met the DBE goal, then INDOT must review the contract to a good faith efforts review. As part of the narrow tailoring requirements, contractors that do not meet a DBE goal at the time of letting are allowed to demonstrate their good faith efforts toward achieving the goal. 49 CFR § 26.53(a). Good faith efforts are actions to achieve a DBE goal, which “show that [the LQB] took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if [the LQB was] not fully successful.” 49 CFR § 26.5.

Good Faith Efforts—Recommended Documentation	
❖	All written pre-bid quotes from certified DBE firms
❖	All written (and emailed) pre-bid communications between the LQB and DBE firms
❖	Written pre-bid solicitations to DBE firms, even if unsuccessful
❖	Written pre-bid quotes from competing, non-DBE firms to establish price differentials
❖	Phone logs

If, after its review, INDOT determines that the LQB's documented good faith efforts were sufficient, INDOT will award the contract to the LQB. If INDOT determines that LQB's documented efforts were insufficient, then INDOT may award the contract to the second-lowest

bidder (if that bidder's proposal is compliant), re-let the contract, or another action the INDOT Commissioner deems appropriate.

## **b. Review Process**

### **i. Initial Determination**

When INDOT initiates a good faith efforts review, it will send the LQB a written notice that that the LQB has three (3) business days to provide INDOT with a written explanation accompanied by supporting documentation of its good faith efforts taken to achieve the goal prior to the bid letting. If the LQB provides a timely response to INDOT's request, the INDOT Economic Opportunity Division (EOD) will review the documentation and make a fair and reasonable judgment as to whether the LQB's good faith efforts are sufficient. The EOD reviews good faith efforts based on the guidance set forth in 49 CFR Part 26 Appendix A. The review process normally takes 48-72 hours to complete, once INDOT receives the LQB's documentation. If the EOD determines that the LQB's efforts are sufficient, then the EOD will recommend to the INDOT Commissioner to award the contract.

### **ii. Administrative Appeal and Informal Hearing**

If the EOD recommends that the Commissioner not award the contract to the LQB, based on insufficient good faith efforts, then the LQB may exercise its right to an administrative appeal. 49 CFR § 26.53(d). INDOT will notify the LQB in writing of the recommendation, and the LQB has five (5) days from receipt of INDOT's notice to appeal. If the LQB chooses not to appeal or does not respond within five days, then the INDOT Commissioner will proceed to award the contract to the second-lowest bidder (if that bidder's proposal is compliant), re-let the contract, or take another action the INDOT Commissioner deems appropriate. If the LQB timely exercises its right to appeal, INDOT will provide the LQB with an opportunity for an informal review of the decision before INDOT's Deputy Commissioner and Chief Counsel or his or her designee who did not participate in the EOD's decision. *Id.* § 26.53(d)(2). The sole issue before the Deputy Commissioner is whether the EOD made any material errors of law or fact in its decision, or conducted its process in a manner sufficiently arbitrary or capricious, to support a recommendation to the Commissioner of INDOT contrary to EOD's decision not to award the contract to the contractor.

At the informal hearing, the LQB may present any evidence it deems relevant, including but not limited to: affidavits, documents, and testimony of witnesses. The LQB may request INDOT staff to appear and present testimony; and, if applicable, the LQB may describe at the informal hearing any relevant information unavailable at the time of INDOT's decision that might have affected the EOD's recommendation.

After the informal review, the Deputy Commissioner will make a written finding. If the Deputy Commissioner finds in favor of the LQB, then he or she will recommend that the INDOT Commissioner award the contract to the LQB. If the Deputy Commissioner does not find in favor of the LQB, then he or she will forward the EOD's original recommendation to the

Commissioner for review. In all matters, the INDOT Commissioner has the sole authority to award, or not award, the contract.

Good Faith Efforts—Tips	
❖	Bidders are responsible for effectively using all available INDOT resources, <u>prior to the letting</u> , including, but not limited to:
○	Directly Contacting INDOT Staff for assistance
○	Using only the <u>official</u> published DBE list
○	Reading and understanding the DBE regulations and INDOT contract provisions
❖	Document all communications
❖	Ensure that all responsible staff understands how to correctly use the Bid Express software <u>or</u> seeks INDOT guidance prior to letting
❖	Produce <u>all</u> relevant written documentation timely upon receipt of INDOT’s initial “3-day” notice

## 5. Post-Award DBE Compliance

### a. Changes to Original DBE Commitments

After award, prime contractors must ensure that they honor their Race/Gender-conscious DBE commitments. Primes may not terminate or otherwise alter their original DBE commitments for convenience. 49 CFR § 26.53(f)(1). When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the prime contractor shall make good faith efforts to find another DBE subcontractor to substitute for the original DBE. *Id.* § 26.53(f)(2). These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal. *Id.* INDOT must approve all changes to any part of a prime contractor’s AAC, whether for cause or not. Primes must address all such requests, in writing, to the INDOT Economic Opportunity Division. If the EOD approves the change, it will notify the prime in writing and request an updated AAC to reflect the changes. If the EOD does not approve the change, then INDOT may find that the prime contractor is in noncompliance with the DBE provisions. In such a case, INDOT may invoke administrative and contract sanctions to effect compliance, including suspension, the reduction of prequalification limits, and prequalification revocation.

## **b. Commercially Useful Function Compliance**

It is the prime contractor's duty to ensure that each DBE used on DOT-assisted contracts performs a commercially useful function on the contract, as outlined in Part I, Section C of this Guide. INDOT aggressively works to enforce CUF compliance and will employ all appropriate administrative and contract sanctions to this end. For a detailed explanation of INDOT's CUF Policy, please see Appendix B of this Guide.

## **c. DBE Prompt Payment**

In order to ensure compliance with 49 CFR § 26.29, INDOT requires prime contractors to pay all subcontractors, DBE and non-DBE, within ten (10) business days of receipt of payment for any INDOT estimate. Primes shall make payment to all subcontractors for the value of their work performed and materials complete in place in accordance with the contract. Failure to comply with INDOT's prompt payment provisions shall constitute a material breach of the contract and may result in sanctions under the contract.

In addition, all prime contractors with DOT-assisted contracts must submit electronic payment data on all subcontractors through the Subcontractor Payment Tracking system (SPT) at the time that payment is made to subcontractors. This data helps to ensure compliance with federal prompt payment provisions as well as provide useful data on DBE compliance.

## **d. Contract Close Out Procedures**

As part of its close out process, INDOT must verify all Race/Gender-Conscious and Neutral DBE participation on DOT-assisted contracts. 49 CFR § 26.55(h). Therefore, INDOT requires all federal aid prime contractors to complete a "DBE-3" affidavit prior to contract closeout. The DBE-3 form must be signed by both the prime and the DBE subcontractor, verifying that the latter has received all payments due under the contract, as well as the final payment amount. INDOT uses the forms to ensure that the prime contractor's actual payments to the DBE meet or exceed the original DBE commitment at the time of award. If the DBE-3 form indicates that a DBE subcontractor received less than was committed to it on the Affirmative Action Certification, then INDOT shall request a written explanation from the prime contractor before final payment is released. The contractor's explanation shall be reviewed by the INDOT Economic Opportunity Division to determine if any payment shortage was a result of the prime contractor's bad faith. If the EOD determines that the discrepancy in payment was not the result of a good faith contract variance or other legitimate reason, INDOT may not make final payment to the prime contractor, and the EOD will notify the INDOT Prequalification Committee to review the prime contractor's performance in lieu of possible sanctions.

## **Part IV: Good Faith Efforts**

## A. Good Faith Efforts Generally

This section will address several factors in addition to those discussed in Part II of this guide. A contractor shall be considered to be in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that every Good Faith Effort has been made toward achieving this end. Efforts to achieve this goal shall be result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function. 23 CFR § 230.409(g)(4).

FHWA 1273 stresses that contractors and INDOT are to **work together** to ensure EEO and nondiscrimination. FHWA II.1(a). Therefore, INDOT compliance procedures are designed to avoid playing “gotcha” with contractors. Transparency and communication are INDOT’s primary objectives, and contractors should freely communicate with INDOT should any questions arise. “Good Faith” means just that—evidence of meaningful, reasonable measures meant to further Equal Employment Opportunity.

## B. Good Faith Efforts and the “16 Steps”

As noted in Part II, INDOT Federal aid construction contracts are subject to EEO requirements from two, partly overlapping, sources of law: 23 CFR § 230, pertaining to transportation and 41 CFR § 60, pertaining to labor. Part II of this Guide primarily detailed GFEs related to Title 23, but the Department of Labor provisions regarding compliance in 41 CFR § 60-4.3(a)7a-p also inform INDOT compliance reviews.

Although these broad steps do not encompass every aspect of a minimally compliant EEO program, INDOT will accept their effective implementation as some evidence of Good Faith Efforts to the extent that they overlap with those requirements found in Title 23. Remember: INDOT must ensure compliance with both Titles 23 and 41. Where a contractor is substantially noncompliant specific to Title 41’s EEO provisions, INDOT will promptly notify the OFCCP.

The Department of Labor’s “16 Steps” are listed below for reference. Note that item #1, regarding workplace harassment, is addressed expressly in Title 41 and also in Title 23 § 200.9 (regarding Title VI of the Civil Rights Act). Therefore, contractors and subcontractors should include provisions regarding workplace harassment in their EEO Policies. This includes complaint procedures, training for supervisors and subordinates, and distribution of the policies.

**U.S. Department of Labor's "16 Steps"**  
**41 CFR § 60-4.3(a)7a-p**

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, where possible, will assign two or more females to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site 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 the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.
4. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
5. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and females, 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 #2 above.

6. 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 construction work is performed.
7. 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 initiation 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.
8. 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 and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
9. 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 tests to be used in the selection process.
10. Encourage present minority and female employees to recruit other minority persons and females 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.
11. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

12. Conduct, at least annually, an inventory and evaluation at least 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.
13. 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 the Contractor's obligations under these specifications are being carried out.
14. 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.
15. 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.
16. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

## **C. EEO Recruitment**

A great deal of EEO compliance entails recruitment, and contractors must be able to demonstrate their “positive, aggressive, and continuous result-oriented” EEO recruitment measures. INDOT Economic Opportunity staff are always available to help contractors develop their recruitment strategies. Please consult the following list, compiled by INDOT, for potential EEO recruitment sources in Indiana. As this list may change periodically, please make sure that you have the latest revision of this Guide.

## Crawfordsville District

Name	Address	City	State	Zip Code	Phone Number
American Red Cross	51 W. Clinton St. Suite 106	Frankfort	IN	46041	765 659-2921
American Red Cross	51 West Clinton St. Suite 106	Frankfort	IN	46041	765 482-3100
Boone County CAAP Office	1005 S Meridian St.	Lebanon	IN	46052	765 482-7018
Boone County Employment Training Services	125 Lake Shore Dr.	Lebanon	IN	46052	765 482-0160
C.A.A.P.	307 Binford St. (PO Box 248)	Crawfordsville	IN	47933	765 362-4096
Camp Atterbury	PO Box 187	Edinburg	IN	46124	812 526-5581
Career Development	57 N. Jackson	Frankfort	IN	46041	
Chamber of Commerce	309 W. Green St.	Crawfordsville	IN	47933	765 362-6800
Chamber of Commerce	221 N. Lebanon St.	Lebanon	IN	46052	765 482-1320
Chamber of Commerce Lafayette	337 Columbia St.	Lafayette	IN	47901	765 742-4041
City of Terre Haute	17 Harding Ave. Room 208	Terre Haute	IN	47807-3437	812 232-9467
Community Action Program of Western Indiana	418 Washington St.	Covington	IN	47932	765 793-4881
Community Counseling Center	250 Alhambra Ave.	Frankfort	IN	46041	765 659-4771
Flanner House	2424 Martin Luther King Jr. St.	Indianapolis	IN	46208	317 925-4231
Hanna Community Center	1201 N. 18th St.	Lafayette	IN	47904	765 742-0191
Hispanic Center	580 Steven St.	Indianapolis	IN	46203	317 634-5022
Hyte Community Center	1101 South 13th St.	Terre Haute	IN	47802	812 462-3446
Indiana Plan for Equal Employment	445 N. Pennsylvania St., Room 610	Indianapolis	IN	46204	317 639-4661

Indiana Plan for Equal Employment	445 North Pennsylvania Street, Suite 610	Indianapolis	IN	46204	
Indiana State University African American Culture Center		Terre Haute	IN	47802	812 237-3811
Indiana Vocational Rehabilitation Services	111 North 4th Street, Suite A	Lafayette	IN	47901	765 423-2276
Indianapolis NAACP	300 East Fall Creek Pkwy North Dr.	Indianapolis	IN	46205	317 925-5127
Indianapolis Urban League	777 Indiana Ave.	Indianapolis	IN	46202	317 693-7603
Ivy Tech		Lafayette	IN	47901	765 269-5000
Ivy Tech	7999 S. Education Dr.	Terre Haute	IN	47802	812 299-1121
Ivy Tech	7377 Dixie Bee Road	Terre Haute	IN	47802	812 877-3616
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	312-972-1175
Lafayette Human Relations Council	20 N. Sixth St.	Lafayette	IN	47901	765 807-1000
Lafayette Vocational Rehabilitation	111 North 4th Street	Lafayette	IN	47901	765 423-4630
Manpower	352 S. Hoke Ave. Suite 1	Frankfort	IN	46041	765 659-4627
Mr. Mark Blade, State Senator, District 38	56 Heritage Drive	Terre Haute	IN	47803	812 235-7186
N.A.A.C.P	PO Box 522	Lafayette	IN	47902	
N.A.A.C.P Indianapolis	300 East Fall Creek Parkway North Drive	Indianapolis	IN	46205	260-744-0914 x 201
N.A.A.C.P.	1101 South 13th Street	Terre Haute	IN	47802	812 235-8555
NAACP	PO Box 441	Terre Haute	IN	47808	812 235-8555
Paul Phillippee Sr, Resource Center	401 W. Walnut St.	Frankfort	IN	46041	765 659-4060
Second Baptist Church	1208 Seminary St.	Vincennes	IN	47591	812 882-4834

Second Missionary Baptist Church	1400 Oak St.	Terre Haute	IN	47807	812 232-2898
St. Paul Baptist Church	1000 S. 15th St.	Terre Haute	IN	47807	812 232-7790
United Way	51 W. Clinton St. Suite 102	Frankfort	IN	46041	765 654-5573
Veterans Service Officer	1715 Lebanon Road	Crawfordsville	IN	47933	765 364-6364
Western Indiana Workforce Development	30 N. 8th Street	Terre Haute	IN	47807	812 234-6602
Y.M.C.A	1950 S. 18th St.	Lafayette	IN	47901	765 474-3448
Y.W.C.A	605 N. Sixth St.	Lafayette	IN	47901	765 742-0075
Y.W.C.A	951 Dresser Dr.	Terre Haute	IN	47807	812 232-3358
Y.W.C.A of Marion	615 South Adams Street	Marion	IN	46953	765 668-8995

## Fort Wayne District

Name	Address	City	State	Zip Code	Phone Number
Whitley County Work Release	351 W Plaza Dr.	Columbia City	IN	46725-1024	260-244-3517
Private Industry Council	1300 E 2nd St. Suite 202	Defiance	OH	43512-2575	419-784-3777
Partners In Employment Inc.	204 Perry St.	Defiance	OH	43512	419-784-9828
NAACP	54653 Briarwood Dr.	Elkhart	IN	46514	
NAACP	1219 Briarwood Drive	Elkhart	IN	46514	
Ebe Indiana Black Expo	315 Wagner Ave. Suite A	Elkhart	IN	46516-2581	574-295-4544
Hispanic Latino Health	326 Stocker Ct.	Elkhart	IN	46516-3812	574-522-0966
Seventh Bay Adventist Hispanic Church	2115 S 6th St.	Elkhart	IN	46517-1860	574-522-2277
Elkhart Cnty Minority Health Coalition	312 Wagner Ave.	Elkhart	IN	46516-2510	574-522-0128
C.La Casa Estates	908 S Main St.	Elkhart	IN	46516-3710	574-293-4221
Workforce Development Services Of Northern Indiana	430 Waterfall Dr.	Elkhart	IN	46516-3656	574-295-0105
Veteran's Employment Services	347 W Lusher Ave.	Elkhart	IN	46517-1825	574-293-2771
Frost Illustrated Newspaper	3121 S. Calhoun Street	Fort Wayne	IN	46802	260-745-0552
NAACP	3329 Heritage Drive	Fort Wayne	IN	46806	219-426-1255
JobWorks	201 E Rudisill Blvd.	Fort Wayne	IN	46806-1756	260-745-2000
Benito Jaurez Cultural Center	1210 Broadway	Fort Wayne	IN	46802-3304	260-422-2651
La Casa Del Nino	2106 S Calhoun St.	Fort Wayne	IN	46802-6414	260-456-4618
Minority Health Coalition of Allen Co Inc	2700 Lafayette St.	Fort Wayne	IN	46806-1100	260-456-4566

Shelter-Battered Women Ft Wayne YWCA	1610 Spyrun Ave.	Fort Wayne	IN	46805	260-4477233
Greater Progressive Baptist Church	2215 John Street	Fort Wayne	IN	46803	260-744-6235
Mt. Calvery Missionary Baptist Church	3506 Warsaw Street	Fort Wayne	IN	46806	260-456-2821
Pilgrim Baptist Church	1331 Gay Street	Fort Wayne	IN	46803	260-424-5416
St. John Missionary Baptist Church	2421 Hanna St.	Fort Wayne	IN	46803	260-456-8395
True Love Baptist Church	715 E. Wallace Street	Fort Wayne	IN	46803	260-745-4901
Dupree Memorial COGIC	1231 Hayden Street	Fort Wayne	IN	46803	260-426-4375
Fellowship Missionary Church	2536 E. Tillman Road	Fort Wayne	IN	46816	260-447-3578
Greater Mount Eria Baptist Church	2111 Edsall Ave.	Fort Wayne	IN	46803	260-424-2348
New Horizon Baptist Church	2601 Alma Ave.	Fort Wayne	IN	46807	260-478-5800
Providence Baptist Church	2317 Holton Ave.	Fort Wayne	IN	46803	260-744-2958
Shiloh Baptist Church	2200 Covington Road	Fort Wayne	IN	46804	260-432-5013
Friendship Baptist Church	451 E. Douglas Street	Fort Wayne	IN	46802	260-422-7672
New Life Church of God	1201 McKee Street	Fort Wayne	IN	46806	260-744-2756
New Covenant Worship Center	3701 S. Calhoun St.	Fort Wayne	IN	46806	260-744-0914 x 201
Fort Wayne Urban League Inc	2135 S Hanna St.	Fort Wayne	IN	46803	260-745-3100
Dupont Women's Resource Center	2512 E Dupont Rd.	Fort Wayne	IN	46825-1609	260-416-3009
Fort Wayne Hispanic Chamber Of Commerce	826 Ewing St.	Fort Wayne	IN	46802-2116	260-422-6697
Indiana and Purdue University at Fort Wayne	2101 E. Coliseum Blvd.	Fort Wayne	IN	46805-1445	260-481-6100

United Hispanic Americans	2424 Fairfield Ave.	Fort Wayne	IN	46807-1211	260-456-5000
Benito Jaurez Cultural Center	1210 Broadway	Fort Wayne	IN	46802-3304	260-422-2651
La Casa Del Nino	2106 S Calhoun St.	Fort Wayne	IN	46802-6414	260-456-4618
Victory Fellowship Church Of God	3601 Warsaw St.	Fort Wayne	IN	46806-4122	260-744-3265
Fort Wayne Women's Bureau	3521 Lake Ave.	Fort Wayne	IN	46805-5533	260-424-7977
AWS Employment Services	2826 S Calhoun	Fort Wayne	IN	46807	260-744-6145
Employment 1	1010 W Coliseum Blvd.	Fort Wayne	IN	46808-1289	260-471-4800
Minority Suppliers of Indiana Mich & Ohio	5620 Gaywood Dr.	Fort Wayne	IN	46806-5161	260-744-9351
Wellspring Interfaith Social Services	1316 Broadway	Fort Wayne	IN	46802-3306	260-422-9319
Ft Wayne Women's Bureau	2440 Bowser Ave	Fort Wayne	IN	46803-3473	260-744-9201
NAACP	Goshen College	Goshen	IN	46526	
Lacasa Of Goshen Inc	202 N Cottage Ave.	Goshen	IN	46528-3346	574-533-4450
Four County Area Vocational Cooperative	603 N Townline Rd.	Lagrange	IN	46761-1136	260-463-9916
NAACP	P.O. BOX 3276	Marion	IN	46953	765-664-3573
NAACP	P.O. BOX 755	Michigan City	IN	46360	
Opportunity Knocks Employment & Business	450 Saint John Rd.	Michigan City	IN	46360-7354	219-878-9072
AK Smith Career Center	817 Lafayette St.	Michigan City	IN	46360	219-873-2121
Seventh Day Adventist Hispanic Church	906 E Grove	Mishawaka	IN	46545	574-254-9310
Workforce Development Group	913 Main St.	Rochester	IN	46975-1739	574-223-8542

Urban League of South Bend & St. Joe Co.	1555 W Western Ave.	South Bend	IN	46619-3742	574-287-2800
NAACP	P.O. Box 1304	South Bend	IN	46624	
NAACP	University of Notre Dame	South Bend	IN	46615	
Work Release Center	2421 S Michigan St.	South Bend	IN	46614-1041	574-234-5080
Memorial Office of Minority Health	613 Monroe Cir.	South Bend	IN	46601-2721	574-251-6050
La Casa De Amisted	746 S Meade St.	South Bend	IN	46619-3235	574-233-2120
YWCA Domestic Abuse Shelter & Services	1102 Fellows St.	South Bend	IN	46601-3514	574-232-9558
St. Joseph WorkOne Center	203 S William St.	South Bend	IN	46601	574-233-6175
Workforce Development Services of Northern Indiana	401 E Colfax Ave. Ste 307	South Bend	IN	46617-2736	574-239-2380
Workforce Development Services of Northern Indiana	2015 W Western Ave.	South Bend	IN	46619-3544	574-239-2660
Workforce Development Services of Northern Indiana	203 S William St	South Bend	IN	46601	574-288-5964
Workforce Development Services	3131 E Center Street Ext	Warsaw	IN	46582-3901	574-269-3050
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	312-972-1175
Camp Atterbury	PO Box 187	Edinburg	IN	46124	812 526-5581

## Greenfield District

Name	Address	City	State	Zip Code	Phone Number
American Indian Manpower Coun.	6100 N Keystone Ave, Suite 357	Indianapolis	IN	46220	
Arlington High School	3838 North Rural St.	Indianapolis	IN	46205	317 226-2370
Arsenal Technical High School	1500 E Michigan St.	Indianapolis	IN	46201	317 693-5300
Board of School Commissioners of the City of Indpls	1500 E Michigan St.	Indianapolis	IN	46201	317 226-3961
Broad Ripple High School	1115 Broad Ripple Ave.	Indianapolis	IN	46220	317 226 4005
Camp Atterbury	PO Box 187	Edinburg	IN	46124	812 526-5581
Catholic Social Services	1440 N. Meridian Street	Indianapolis	IN	46202-2367	
Center Township Administrator	200 E Washington	Indianapolis	IN	46204	
Center Township Assessor Family Center	2420 E Riverside Dr.	Indianapolis	IN	46208	317 327-7171
Center Township Assessor Family Centers	1831 Lafayette Rd.	Indianapolis	IN	46222	317 327-7190
Central Nine Vocat/Tech School	PO Box 710	Greenfield	IN	46140	
Christamore House	502 N Tremont Ave.	Indianapolis	IN	46222	317 635-7211
Citizen's Multi-Service Center	601 E 17th St.	Indianapolis	IN	46202	
Coalition of Black Trade Unionists	1701 W 18th St.	Indianapolis	IN	46202	317 624-6604
Coalition of Labor Union Women	1701 W 18th St.	Indianapolis	IN	46202	
Community Action of Greater Indpls	2445 N Meridian St.	Indianapolis	IN	46202	317 926-1183
Community Alliance of the Far East Side	8902 E 38th St.	Indianapolis	IN	46226	317 890-3288
Community Centers of Indianapolis	615 N Alabama St.	Indianapolis	IN	46204	317 638-3360

Concord Center Association	1310 S Meridian St.	Indianapolis	IN	46225	317 637-4376
Crooked Creek Multi-Service Center	2990 West 71st Street	Indianapolis	IN	46268	317 293-2600
Dorsey & Associates	1271 Woodcreek Dr.	Greenwood	IN	46142	
Edna Martin Christian Center	1970 Caroline Ave.	Indianapolis	IN	46218	317 637-3776
Emmerich Manual High School	2405 Madison Ave.	Indianapolis	IN	46225	317 226-2230
Executive Service Corp	7435 N. Keystone Ave.	Indianapolis	IN	46240	317 574-7272
Flanner House	2424 Dr. Martin L. King St	Indianapolis	IN	46218	317 925-4231
Forest Manor Multi-Service Center	5603 E 38th St.	Indianapolis	IN	46218	317 545-1204
Girls Inc. of Indianapolis	3959 Central Ave	Indianapolis	IN	46205	317 283-3316
Government Marketing Assistance Group	One N. Capitol Ave, Suite 1275	Indianapolis	IN	46204	317 264-5600
Hancock County Employment & Training Service	836 South State Street	Greenfield	IN	46140	
Hawthorne Community Center	2440 W. Ohio Street	Indianapolis	IN	46222	317 925-2702
Hawthorne Social Service Center	2440 W Ohio St.	Indianapolis	IN	46222	317 637-4312
Henry County Employment and Training Service	1416 Broad Street, Suite B-35	New Castle	IN	47362	765 592-3010
Hispanic Education Center	580 Stevens St.	Indianapolis	IN	46203	260-744-0914 x 201
Hoosier Minority Chamber of Commerce	PO Box 441411	Indianapolis	IN	46244	
IBEDC-Black Expo	3145 North Meridian	Indianapolis	IN	46208	
Indiana Dept. of Commerce	One N. Capitol Ave, Suite 700	Indianapolis	IN	46204	
Indiana Plan for Equal Employment	445 N. Pennsylvania St., Room 610	Indianapolis	IN	46204	317 639-4661
Indiana Plan for Equal Employment	445 North Pennsylvania Street	Indianapolis	IN	46204	

Indiana State Hispanic Chamber of Commerce	2511 E. 46th St.	Indianapolis	IN	46205	317 547-0200
Indiana University East	2325 Chester Blvd.	Richmond	IN	47374	765 973-8273
Indianapolis Chamber of Commerce	320 N. Meridian St. Suite 200	Indianapolis	IN	46204	
Indianapolis Urban League	777 Indiana Ave.	Indianapolis	IN	46202	317 693-7603
Interlocal Assoc. Occ. Dev. Center	143 Green Meadows Dr. Suite 2	Greenfield	IN	46140	
IPS Area Vocational Director	120 W Walnut	Indianapolis	IN	46204	317 226-4765
J. Everett Light Career Center	1901 E 86th St.	Indianapolis	IN	46240	317 259-5265
JTV Hill Park	1806 Columbia Ave.	Indianapolis	IN	46202	317 327-7177
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	312-972-1175
Luther Martin	40 W 40th St.	Indianapolis	IN	46208	317 923-4581
Mary Rigg Neighborhood Center	1920 W. Morris St.	Indianapolis	IN	46221	317 639-6106
McKenzie Career Center	7802 N Hague Rd.	Indianapolis	IN	46256	
Minority Business Development	4755 Kingsway	Indianapolis	IN	46205	
Nesco	2236 E 10th St.	Indianapolis	IN	46201	317 633-7300
Northwest High School	5525 W 34th St.	Indianapolis	IN	46218	317 226-4001
Occupational Development Center	143 Green Meadows Dr. Suite 2	Greenfield	IN	46140	
Professional Data Dimensions	200 S Meridian St. Suite 200	Indianapolis	IN	46225	317 693-5616
Property Management Services	11123 West Bayridge Circle	Indianapolis	IN	46236	317 823-0243
Salvation Army	540 N Alabama St	Indianapolis	IN	46204	317 637-5551
Small Business Administration	429 N Pennsylvania St.	Indianapolis	IN	46204	317 226-7272

Small Business Development Center	342 N Senate	Indianapolis	IN	46204	
Southeast Community Center	901 Shelby St.	Indianapolis	IN	46203	317 236-7400
Southwest Multi-Service Center	1138 S Mickley Ave.	Indianapolis	IN	46241	
State Employment Service	17 West Market Street	Indianapolis	IN	46204	
Thomas Carr Howe High School	4900 Julian Ave.	Indianapolis	IN	46201	317 693-5590
Vets Center	3833 North Meridian Street	Indianapolis	IN	46208	317 927-6440
Walker Career Center	9651 E 21st St.	Indianapolis	IN	46229	
Wayne Township Schools Education Center	1220 S High School Rd.	Indianapolis	IN	46241	317 243-8251
Wildcat Education Cooperative	21 Elson Road	Lafayette	IN	47905	
Women and Minorities in Business - Indiana	Small Business Development Corp.	Indianapolis	IN	46004	
YWCA - Career Assistance	4460 Guion Road	Indianapolis	IN	46254	

## LaPorte District

Name	Address	City	State	Zip Code	Phone Number
Adecco Employment Services	1417 Carroll St.	East Chicago	IN	46312	219-397-5095
AK Smith Career Center	817 Lafayette St.	Michigan City	IN	46360	219-873-2121
Bethany Bible Baptist Church	261 Medical Plaza	Michigan City	IN	46360	219 872-0058
Black Contractors United	400 West 76th St. Suite 200	Chicago	IL	60620	773 483-4000
C.La Casa Estates	908 S Main St.	Elkhart	IN	46516-3710	574-293-4221
Camp Atterbury	PO Box 187	Edinburg	IN	46124	812 526-5581
Chicago Black United Communities	531 Plymouth Court #101	Chicago	IL	60605	
City of Gary	100 W. Fourth Ave.	Gary	IN	46402	219-886-1531
City of Hammond, EEO Officer	5925 S Calumet Ave.	Hammond	IN	46320-2556	219-853-6501
Commission on the Status of Women	475 Broadway	Gary	IN	46402-1204	(219) 883-4151
Core Placement Personnel Services	2857 E 21st Pl.	Gary	IN	46407	219-886-2838
Developmental Training Center	3601 Grant Street	Gary	IN	46408-1423	219-980-9034
East Chicago Human Rights Commission	1005 E. Chicago Ave.	East Chicago	IN	46312-3254	219-391-8477
Ebe Indiana Black Expo	315 Wagner Ave Ste A	Elkhart	IN	46516-2581	574-295-4544
Elkhart Cnty Minority Health Coalition	312 Wagner Ave.	Elkhart	IN	46516-2510	574-522-0128
Empowerment Zone	841 Broadway	Gary	IN	46402	219-886-9047
Four County Area Vocational Cooperative	603 N Townline Rd.	Lagrange	IN	46761-1136	260-463-9916
Gary Employment Relations Commission	504 Broadway	Gary	IN	46402-1927	219-882-6833
Gary Jet Center Inc	5401 Industrial Hwy	Gary	IN	46406	800-892-8178

Goodwill Crown Point Vocational Services	1450 E Joliet St.	Crown Point	IN	46307-4725	219-226-1934
Grant Coordinator, City of Hammond	649 Conkey St.	Hammond	IN	46320	219-853-6371
Hammond Workone	6431 S Columbia Ave.	Hammond	IN	46320-2747	219-937-0381
Hispanic American Cons. Industry	531 Plymouth Court #101	Chicago	IL	60605	
Hispanic Catholic Ministries	3800 Grand Blvd.	East Chicago	IN	46312	219-397-2125
Hispanic Latino Health	326 Stocker Ct.	Elkhart	IN	46516-3812	574-522-0966
Human Relations Center	970 Millpond Rd. Suite C	Valparaiso	IN	46385-6273	219-462-1747
Images of Hope	2131 Jackson Street	Gary	IN	46407-3053	219-883-0490
Impact Employment Solutions	502 W US Highway 20	Michigan City	IN	46360-6836	219-871-1030
Indiana Minority Business Magazine	2901 Tacoma Ave .	Indianapolis	IN	46218	317-924-5143
Indiana Plan for Equal Employment	445 N. Pennsylvania St., Room 610	Indianapolis	IN	46204	317 639-4661
International Instute Lacasa	4506 Tod Ave.	East Chicago	IN	46312-3254	219-397-7465
Kankakee Valley Job Training Program	2576 Portage Mall	Portage	IN	46368	219-762-9524
Kankakee Valley Workforce Development Services	2600 Roosevelt Rd. Ste. 200-5	Valparaiso	IN	46383-0870	260-744-0914 x 201
Kankakee Valley Workforce Development Services	102 N. Monticello St.	Winamac	IN	46996-1358	574-946-6300
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	312-972-1175
La Casa - NWI	837 W 45th Ave.	Gary	IN	46408-3801	219-884-0095
La Casa De Amisted	746 S Meade St.	South Bend	IN	46619-3235	574-233-2120
La Casa Of Goshen Inc	202 N Cottage Ave.	Goshen	IN	46528-3346	574-533-4450
Lake Co. & Jasper Co . Economic Opportunity Council	5518 Calumet Ave.	Hammond	IN	46320	

Latin American Family Education	425 W 151st St.	East Chicago	IN	46312	
Memorial Office of Minority Health	613 Monroe Cir.	South Bend	IN	46601-2721	574-251-6050
Mich City Human Rights Commission.	100 E Michigan Blvd.	Michigan City	IN	46360-3265	219-873-1429
Michiana Resources Inc	4315 E Michigan Blvd.	Michigan City	IN	46360-3151	219-874-4288
Midwest Hispanic Catholic Comm.	P.O. Box 703	Notre Dame	IN	46556	
Midwest Women's Center	828 S. Wabash Ave #200	Chicago	IL	60605	
Minority Business Opportunity Committee	504 Broadway	Gary	IN	46402	219-886-9572
Minority Health Coalition Of LaPorte County	450 Saint John Rd.	Michigan City	IN	46360-7354	219-879-1712
N.A.A.C.P	P.O. Box 3356	East Chicago	IN	46312	
N.A.A.C.P	1219 Briarwood Drive	Elkhart	IN	46514	
N.A.A.C.P	54653 Briarwood Dr.	Elkhart	IN	46514	
N.A.A.C.P	575 Broadway (P.O. Box 64843)	Gary	IN	46401-0843 (46401-0798)	219 886-2227
N.A.A.C.P	P.O. BOX 64715	Gary	IN	46401-0715	
N.A.A.C.P	Goshen College	Goshen	IN	46526	
N.A.A.C.P	P.O. Box 376	Hammond	IN	46320	219-887-7420
N.A.A.C.P	P.O. BOX 755	Michigan City	IN	46360	219-879-2182
N.A.A.C.P	914 Lincolnway W.	South Bend	IN	46616-1152	574-289-2123
N.A.A.C.P	University of Notre Dame	South Bend	IN	46615	
N.A.A.C.P.	P.O. Box 64798	Gary	IN	46402	
Opportunity Enterprises	2801 Evans Ave	Valparaiso	IN	46383-6940	219-464-9621
Opportunity Knocks Employment & Business	450 Saint John Rd.	Michigan City	IN	46360-7354	219-878-9072

Seventh Bay Adventist Hispanic Church	2115 S 6th St.	Elkhart	IN	46517-1860	574-522-2277
Seventh Day Adventist Hispanic Church	906 E Grove St.	Mishawaka	IN	46545	574-254-9310
State of Indiana Employment Services	1776 W 37th Ave.	Gary	IN	46408-2000	219-981-1520
Urban League Of Northwest Indiana	3101 Broadway	Gary	IN	46409-1006	(219) 887-9621 fax 219-887-0020
Urban League Of South Bend & St Joseph County Inc	1555 W Western Ave	South Bend	IN	46619-3742	574-287-2800
Work Release Center	2421 S Michigan St.	South Bend	IN	46614-1041	574-234-5080
Workforce Development Services	400 E Chicago Ave.	East Chicago	IN	46312-3544	219-398-2601
Workforce Development Services	310 N Michigan St	Plymouth	IN	46563-1770	574-936-8919
Workforce Development Services Inc	1166 N Main St.	Crown Point	IN	46307-2715	219-661-8985
Workforce Development Services Inc	4118 Indianapolis Blvd.	East Chicago	IN	46312-2562	219-398-2601
Workforce Development Services Inc	840 Broadway	Gary	IN	46402-2412	219-882-0033
Workforce Development Services Inc	1776 W 37th Ave.	Gary	IN	46408-2000	219-981-4100
Workforce Development Services Of Northern Indiana	430 Waterfall Dr.	Elkhart	IN	46516-3656	574-295-0105
Workforce Development Services of Northern Indiana	203 S William St.	South Bend	IN	46601	574-233-6175
Workforce Development Services of Northern Indiana	401 E Colfax Ave. Suite 307	South Bend	IN	46617-2736	574-239-2380
Workforce Development Services of Northern Indiana	2015 W Western Ave.	South Bend	IN	46619-3544	574-239-2660
Workforce Development Services of Northern Indiana	203 S William St	South Bend	IN	46601	574-288-5964
WorkOne Center	911 Main St.	Rochester	IN	46975-1739	574-223-8542
YWCA	150 West 15th Ave.	Gary	IN	46407	219 881-9922

YWCA Domestic Abuse Shelter & Services	1102 Fellows St.	South Bend	IN	46601-3514	574-232-9558
--	------------------	------------	----	------------	--------------

## Seymour District

Name	Address	City	State	Zip Code	Phone Number
Amos South	2303 California St.	Columbus	IN	47201	
Bethel AME Church	302 North Rogers St.	Bloomington	IN	47404	812 334-3216
Calvary Baptist Church	1202 Ewing Street	Seymour	IN	47274	812 522-5894
Camp Atterbury	PO Box 187	Edinburg	IN	46124	812 526-5581
City of North Vernon	275 E. Main St.	North Vernon	IN	47265	812 346-3789
Columbus Human Rights Commission	123 Washington St. Suite 5	Columbus	IN	47201	812 376-2532
Community Action Agency	1200 S. Third St.	Louisville	KY	40203	502 574-1157
Cook, Herschell	50 N.CR 240 W	North Vernon	IN	47265	812 346-3267
Country Squire Lake Community Church	3342 Country Manor Road	North Vernon	IN	47265	812 346-7841
Development Services, Inc	2920 10th Street	Columbus	IN	47201	812 376-9404
First Baptist Church	525 Hayden Pike	North Vernon	IN	47265	812 346-2069
Gannaway, Rev. Tom	515 Euphemia	Lawrenceburg	IN	47025	812 537-3735
Hoosier Valley Exon. Corp	510 W. Spring St.	Jeffersonville	IN	47130	
Indiana Avenue Baptist Church	109 E. 14th Street	Jeffersonville	IN	47130	812 282-3657
Indiana Business College	2222 Poshard Road	Columbus	IN	47203	812 379-9000
Indiana Employment Security Division	4555 Central Avenue	Columbus	IN	47203	812 376-3351
Indiana Plan for Equal Employment	445 N. Pennsylvania St., Room 610	Indianapolis	IN	46204	317 639-4661

Indiana State Employment Service	4475 Central Ave.	Columbus	IN	47203	812 376-3351
Indiana State Employment Service	110-120 Front St.	Lawrenceburg	IN	47025	812 537-1117
Indiana State Employment Service	3310 Grant Line Road	New Albany	IN	47150	812 948-6120
Indiana University Department of Afro-American Studies	Memorial Hall W.M. 15	Bloomington	IN	47401	
Indiana University Southeast	4201 Grant Line Rd.	New Albany	IN	47150	812 941-2000
Indiana Workforce Development	450 S. Landmark Ave.	Bloomington	IN	47403	812 331-6000
Indiana Workforce Development	PO Box 1287	New Albany	IN	47151-1287	812 948-9570
Indianapolis Urban League	777 Indiana Ave.	Indianapolis	IN	46202	317 693-7603
Ivy Tech College	4475 Central Ave.	Columbus	IN	47201	812 372-9925
Ivy Tech College	8204 Hwy 311	Sellersburg	IN	47172	812 246-3301
Ivy Tech College	200 Daniels Way	Bloomington	IN	47404	812 330-6061
Jennings Co. Economic Development	1865 West U.S. Highway 50	North Vernon	IN	47265	812 346-2388
Jennings Co. Homeless Shelter	201 Hoosier Street	North Vernon	IN	47265	812 346-6657
Jennings Co. Public Welfare Ext. Off.	2017 N. Crestwood Dr.	North Vernon	IN	47265	812 346-2254
Jennings Rehabilitation Industries	6780 North State Highway 7	Scipio	IN	47273	812 392-2380
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	260-744-0914 x 201
Linda Lawyer, Director, Human Services	PO Box 582	Seymour	IN	47274	812 522-8718
Louisville Urban League	1535 W. Broadway St.	Louisville	KY	40203	502 585-4622

McClusky, Leroy	811 S Tanglewood	Osgood	IN	47037	812 689-5320
Mitchell, Robert	318 Gait St	New Albany	IN	47150	812 945-0681
N.A.A.C.P (Clark County)	201 National Ave.	Jeffersonville	IN	47130	812 280-1909
N.A.A.C.P (Bartolomew County)	1531 13th St.	Columbus	IN	47201	812 314-2708
N.A.A.C.P (Floyd County)	1630 Oak Hill Drive	Madison	IN	47250	812 273-2688
N.A.A.C.P (Monroe Count)	PO Box 243	Bloomington	IN	47402-0243	812 332-1513
N.A.A.C.P (Vigo County)	1101 S. 13th St.	Terre Haute	IN	47802	812 235-8555
Office of Affirmative Action	Poplars 827 400 East Seventh Street	Bloomington	IN	47405-3024	
Office of E.E.O. for Construction	400 E. Seventh St. Room 610	Indianapolis	IN	46204	
Second Baptist Church	1208 I Street	Bedford	IN	47421	812 275-6195
Second Baptist Church	321 N. Rogers	Bloomington	IN	47401	812 336-5827
Second Baptist Church	321 North Rogers St.	Bloomington	IN	47404	812 336-5827
South Central Work Force Development	90 South Webster Street	North Vernon	IN	47265	812 346-6030
Turning Point Regional Shelter for Victims of Domestic Violence	400 7th St.	Columbus	IN	47201	812 379-9844
Urban League of Louisville	1535 West Broadway	Louisville	KY	40203	502 585-4622
Webster University	319 E. Court Ave.	Jeffersonville	IN	47130	812 283-1000

## Vincennes District

Name	Address	City	State	Zip Code	Phone Number
Bill Caldwell Employment Service	2029 Washington Ave. Suite 207	Evansville	IN	47714	812 423-8006
Black Coalition of Evansville	720 Lincoln Ave	Evansville	IN	47713	812 423-5291
Camp Atterbury	PO Box 187	Edinburg	IN	48124	812 526-5581
Chamber of Commerce	PO Box 208	Linton	IN	47441	812 847-4846
Daviess Co. Chamber of Commerce	1 Train Depot St.	Washington	IN	47501	812 254-5262
Dept. of Employment & Training	1600 A St. NE	Linton	IN	47441	812 847-4479
Dept. Of Metropolitan Development	206 Civic Center Complex	Evansville	IN	47708	812 436-7889
Evansville Area Supplier Development Council	227 Court St.	Evansville	IN	47708	
Evansville Employment Agency	1820 N. Green River Rd.	Evansville	IN	47715	812 479-9763
Faith Baptist Church	1714 Wabash Ave.	Vincennes	IN	47591	812 886-4131
Indiana American Indian Manpower	201 NW Fourth, Suite 10	Evansville	IN		800 428-6155
Indiana Department of Employment	PO Box 336	Tell City	IN	47586	
Indiana Dept. of Employment	160 S. Third St.	Evansville	IN	47708	812 428-2900
Indiana Dept. of Employment and Training		Tell City	IN	47586	812 547-3481
Indiana Employment Security Div.	RR2 Box 168 B	Jasper	IN	47546	812 482-1776
Indiana Employment Security Div.	302 N. Second St.	Vincennes	IN	47591	812 882-8770
Indiana Plan for Equal Employment, Inc.	445 N. Pennsylvania Street, Suite 610	Indianapolis	IN	46204	
Indiana State Employment Agency	1619 M. Street	Bedford	IN	47421	

Ivy Tech	3501 First St.	Evansville	IN		812 426-2865
Knox County Chamber of Commerce	102 N. Third St.	Vincennes	IN	47591	812 882-6440
Kraig Smith & Associates	1417 E. 16th St.	Indianapolis	IN	46201	312-972-1175
Liberty Missionary Baptist Church	701 Oak St.	Evansville	IN	47713	812 422-4628
Linton-Stockton Chamber of Commerce	159 1st Street Southeast	Linton	IN	47441	812 847-4846
Mt. Zion Baptist Church	1829 Purcell Avenue	Vincennes	IN	47591	812 882-4879
N.A.A.C.P.	7021 Kolb Drive	Evansville	IN	47715	812 473-2994
N.A.A.C.P.	512 East Cherry Street	Evansville	IN	47713	
New Hope Baptist Church	663 S. Elliott Ave.	Evansville	IN	47713	812 425-3498
New Hope Baptist Church	663 South Elliott St.	Evansville	IN	47713	812 425-3498
O.D.C.	800 South Prince	Princeton	IN	47670	812 386-7983
Occupational Development Center	1001 Vincennes Ave	Petersburg	IN	47567	812 354-9664
Private Industrial Council, Evansville	227 Court St.	Evansville	IN	47708	812 424-4473
Private Industrial Council, Posey County	306 S. Kimball	Mt. Vernon	IN	47620	812 897-1506
S.L.M. Marking Communications	605 S. Evan St. (PO Box 4751)	Evansville	IN	47711	260-744-0914 x 201
Second Baptist Church	1208 Seminary	Vincennes	IN	47591	812 882-4834
Sidney Taylor	2671 Effingham Dr.	Evansville	IN	47714	
University of Evansville	1800 Lincoln Ave	Evansville	IN	47713	812 479-2000
University of Southern Indiana	8600 University Blvd	Evansville	IN		812 464-1844

Vincennes University (Administration Building)	1002 N. First St.	Vincennes	IN	47591	812 885-4320
Warrick Co. Local Development Corp	301 W. Main St.	Boonville	IN	47601	
Work One	918 16th St.	Bedford	IN	47421	812 279-4400
Work One	1600 A Street Northeast	Linton	IN	47441	812 847-4479