

State of Alaska FY2002 Governor's Operating Budget

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

Component: Equal Employment and Civil Rights

Contact: Mark O'Brien, Chief Contracts Officer

Tel: (907) 465-6990 **Fax:** (907) 586-8365 **E-mail:** Mark_OBrien@dot.state.ak.us

Component Mission

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

Component Services Provided

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

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

Component Goals and Strategies

To preserve funding from USDOT by administering an effective Civil Rights program. This includes:

- Ensure that the department is in compliance with all federal and state laws, regulations, and policies governing ExEEO, DBE and OJT on highway and airport construction projects;
- Ensure Departmental compliance with federal non-discrimination and equal employment obligations on USDOT-assisted design and construction projects.
- Ensure sub-recipient (local governments, non-profit organizations, etc) compliance with federal non-discrimination obligations on Federal Highway Administration (FHWA)-assisted projects.
- Work closely with the Department of Labor to implement programs to increase local hire on highway and airport construction located in remote communities.
- Efficiently and effectively use FHWA grant funding to train and employ rural residents on highway and airport projects.
- Refine changes made to the DBE program in FY2001 to ensure efficient, fair and effective administration of the program.
- Develop new and more effective ways to help DBE firms succeed in USDOT-assisted design and construction projects.

Key Component Issues for FY2001 – 2002

- Continue work with the Department of Labor to encourage local hire when viable and appropriate. New policy and procedures will need to be developed to better address local hire on USDOT-assisted construction in rural communities.
- The new DBE program may generate increased activity in the area of administrative appeals, reconsideration of construction bids and more detailed review of financial statements, which will require additional financial resources to competently implement. Additional legal and training expenses may be incurred as a result of these DBE program changes.

- New regulations are anticipated for airport concessionaires in the 3rd quarter of FY2001 and additional Departmental efforts are anticipated to implement these regulations.
- Due to continued minimal staffing, Civil Rights office must be closely monitored to ensure no disruption in service during the construction season. Changes in federal regulations will result in increased reporting, creation of a bidder's list, development of a Unified Certification Program in cooperation with other Alaska recipients of USDOT assistance, additional review of financial statements and the need for increased legal assistance.

Major Component Accomplishments for FY2000

Completed major revisions to and received federal approval of the Alaska DBE program as mandated by USDOT which included:

- Implemented the newly approved DBE program on a statewide basis.
- Established FFY 2001 DBE goals based on DBEs ready, willing and able to work.
- Monitored areas of over-concentration by DBEs to ensure non-DBEs are not adversely impacted.
- Coordinated with other USDOT funding recipients in the State of Alaska to develop a federally mandated Uniform Certification Program.
- Implemented a new appeals procedure to provide due process opportunities to DBE that may no longer qualify for the DBE program.

The Civil Rights Office applied for a \$200,000 annual grant to improve training and employment efforts in rural areas of Alaska on highway and airport projects.

Statutory and Regulatory Authority

- 49 CFR, Parts 21, 23 & 26
- 41 CFR, Part 60
- 23 CFR, Parts 200 & 230
- 29 CFR, Part 16.30
- 28 CFR, Part 35
- Section 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990

Key Performance Measures for FY2002

Measure: Percentage completion of required contract compliance reviews for responsiveness to ExEEO, DBE and OJT contract requirements.

(Developed jointly with Legislature in FY2001.)

Current Status:

13 reviews have been initiated of which 10 have been completed. The remaining three reviews should be completed by the end of November 2000.

Benchmark:

The Civil Rights Office is annually tasked by FHWA with completing 10 contract compliance reviews.

Background and Strategies:

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

Annually, the Civil Rights Office reviews 10 prime contractors whose cumulatively have the highest dollar values of contractors working on USDOT-assisted projects. The review consist of reviewing the employment policies and

strategies of the prime contractor and its subcontractors to ensure the employees are aware of the contractor's EEO policy and where to file complaints if there is a violation of those policies. Certified payrolls are reviewed to verify prime contractors payment reports made to the Civil Right Office. When the Civil Rights Office receives discrimination complaints, these are investigated in conjunction with a compliance review.

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

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

Status of FY2001 Performance Measures

	<i>Achieved</i>	<i>On track</i>	<i>Too soon to tell</i>	<i>Not likely to achieve</i>	<i>Needs modification</i>
<ul style="list-style-type: none"> The required compliance reviews for responsiveness to disadvantaged business enterprise and on-the-job training contract requirements completed. 		X			

Equal Employment and Civil Rights

Component Financial Summary

All dollars in thousands

	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	397.4	511.5	520.5
72000 Travel	10.2	4.4	21.9
73000 Contractual	42.7	41.9	41.9
74000 Supplies	9.3	6.0	18.5
75000 Equipment	0.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	459.6	563.8	602.8
Funding Sources:			
1004 General Fund Receipts	285.7	306.5	307.2
1007 Inter-Agency Receipts	16.3	2.0	2.0
1061 Capital Improvement Project Receipts	157.6	255.3	293.6
Funding Totals	459.6	563.8	602.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2000 Actuals	FY2001 Authorized	FY2001 Cash Estimate	FY2002 Governor	FY2003 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	16.3	2.0	2.0	2.0	2.0
Capital Improvement Project Receipts	51200	157.6	255.3	255.3	293.6	293.6
Restricted Total		173.9	257.3	257.3	295.6	295.6
Total Estimated Revenues		173.9	257.3	257.3	295.6	295.6

Equal Employment and Civil Rights

Proposed Changes in Levels of Service for FY2002

Change in service planned for FY2002 is limited to transferring DBE and OJT Support Services from Fairbanks to Anchorage to more efficiently provide service to DBEs and prime contractors.

Expansion of the State's federal highway transportation program and difficulties in recruitment and retention of engineers prompted a review of engineers' salary levels in FY2000. As a result, effective July 1, 2000, the Department of Administration (DOA) approved the upgrade of one to two salary ranges for each engineering position. DOA's approval is contingent upon continued review of the salary increases effect on recruitment and retention efforts and how the salary levels compete nationally.

Summary of Component Budget Changes

From FY2001 Authorized to FY2002 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	306.5	0.0	257.3	563.8
Adjustments which get you to start of year:				
-Add \$30.0 CIP to Implement Phase 2 of Indirect Cost Allocation Plan to comply with OMB Circular A-87	0.0	0.0	30.0	30.0
Adjustments which will continue current level of service:				
-Year 2 Labor Costs - Net Change from FY2001	0.7	0.0	-2.8	-2.1
Proposed budget increases:				
-Add \$11.1CIP to fund increases in Engineers' pay that resulted from a class study across departments	0.0	0.0	11.1	11.1
FY2002 Governor	307.2	0.0	295.6	602.8

Equal Employment and Civil Rights**Personal Services Information**

Authorized Positions			Personal Services Costs	
	FY2001 Authorized	FY2002 Governor		
Full-time	8	9	Annual Salaries	385,381
Part-time	1	0	COLA	5,317
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	142,885
			<i>Less 2.45% Vacancy Factor</i>	(13,083)
			Lump Sum Premium Pay	0
Totals	9	9	Total Personal Services	520,500

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	1	0	0	0	1
Administrative Clerk II	1	0	0	0	1
Engineering Assistant II	1	0	0	0	1
Engineering Assistant III	1	0	0	0	1
Equal Employ Officer II	1	0	0	0	1
Equal Employ Officer III	2	0	0	0	2
Statistical Technician II	1	0	0	0	1
Trans Planner II	1	0	0	0	1
Totals	9	0	0	0	9