



## State of New Jersey

DEPARTMENT OF TRANSPORTATION  
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*Governor*

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*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

July 2018

**ATTENTION: ALL NJDOT CONSTRUCTION CONTRACTORS, SUBCONTRACTORS & PROFESSIONAL SERVICE FIRMS**

**SUBJECT: ANNUAL EEO AND DBE AFFIRMATIVE ACTION PLANS**

The New Jersey Department of Transportation ("Department") requires prime contractors, subcontractors, professional service firms & others working on NJDOT projects, or projects funded through NJDOT, to submit an annual **Equal Employment Opportunity (EEO) Affirmative Action Plan** for review and approval by New Jersey Department of Transportation's Division of Civil Rights/Affirmative Action. Upon approval of this plan, you will receive a letter from the New Jersey Department of Transportation, Division of Civil Rights/Affirmative Action, indicating the time frame for which your plan has been approved. Your plan must be approved on an annual basis. You are only required to submit the plan approval letter to each RE on every project you are performing work, prior to beginning your firm's work on the project.

The Department requires that prime contractors also submit and receive approval of an annual **Disadvantaged Business Enterprise (DBE) Affirmative Action Plan**. If you choose to combine these two plans into one, you must present your EEO and DBE efforts in separate sections (i.e., your DBE Affirmative Action efforts must be clearly defined, separate, and apart from your EEO Affirmative Action efforts.)

The Department has developed guidelines for use in developing these plans. However firms are strongly encouraged to consult with and seek guidance from an attorney regarding the development, implementation and distribution of their plans. Copies of these guidelines are available by contacting the Division of Civil Rights/Affirmative Action.

If you have any questions or need further clarification on the above required plans, please contact Mr. Jeffrey Overton, Manager of Contractor Compliance at 609-530-3888.

Sincerely,

Handwritten signature of Linda Legge in cursive.

Linda, Legge, Executive Director  
Division of Civil Rights and Affirmative Action

Revised 12/2017



## NEW JERSEY DEPARTMENT OF TRANSPORTATION

### GUIDELINE FOR CONTRACTOR'S EEO AFFIRMATIVE ACTION PLAN

Affirmative action plans are outlines for actions to be taken by individual contractors to address deficiencies that exist within their own company. Each affirmative action plan must, therefore, be especially designed to meet the needs of the authoring company.

This guide is meant only to highlight some of the most critical information that needs to be included each plan. The particular characteristics and deficiencies of a company will always dictate the need for a plan to have more emphasis on affirmative action in those particular deficient areas.

#### CONTENT ANALYSIS

Each submittal must contain the following elements in order to be accepted for review:

- Current workforce analysis
- Projected workforce analysis

#### THE AFFIRMATIVE ACTION PLAN

1. The cover page must include name and address of company, the specific contract number to which the plan applies, and the signature of the Chief Executive and EEO Officer.

2. Written Equal Employment Policy Statement and Affirmative Action Commitment, which must be signed by the Chief Executive and EEO Officer. It should include the essence of Executive Order 11246, VEVRRA (41 C.F.R. section 60-250.4) and ADA (41 C.F.R. section 60-741.54). It must state that the company will ensure and maintain a working environment free of harassment, intimidation and coercion.

3. Name of company officer who is the designated EEO/AA Liaison/Officer and a full description of that officers' duties/responsibilities in these areas.

4. Statement of the program goals:

- Minority participation – varies (Contractors aggregate work force in each trade);
- Female participation – 6.9% (Contractors aggregate work force in each trade).

5. A detailed assessment on the company's current EEO situation which includes the findings of the submitted Current Work Force Profile and the expected results of the Projected Work Force on NJDOT projects awarded to the firm. This must include identification of those areas where the Projected Work Force fails to achieve the female and minority goals.

6. The inclusion of goals and timetables to improve the utilization of minorities and females in those areas where underutilization has been identified. The plan must set specific, measurable, attainable hiring and promotion goals with target dates in each area of underutilization. The goal should be realistic and attainable. All such timetables must take into account the actual length of the contract and be completed prior to the completion of the contract. Contractor must include

a summary of its prior year affirmative action program result chart. Any goals that were not attained by job group the Contractor must address in its new plan.

7. Statement that every manager and supervisor is accountable and responsible for helping to meet the goals and reaffirmation of the contractors EEO policy in all personnel action.
8. Policy/procedure needs to address each of the following specific areas:
  - Utilization of training programs;
  - Recruitment & hiring, Applicant flow;
  - Transfers, promotion & retentions;
  - Training and testing;
  - Layoff and recall procedures;
  - Leave policies;
  - Termination and grievance procedures;
  - Sexual harassment.
9. The grievance procedure must be stated, step by step, with reference to outside agencies that can be contacted for further assistance should the employee not be satisfied by the internal remedy of the company.
10. Reaffirmation of the contractors EEO policy in all personnel actions.
11. Detail of formal internal and external dissemination of contractors policy.
12. Establishment of responsibilities by position title for implementation of each aspect of contractors' affirmative action plan.
13. Development of execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives.
14. Describe the design and implementation of internal audit and reporting systems to measure the effectiveness of the total program.
15. The affirmative action plan must indicate that it will be reviewed annually by the company EEO Officer and Chief Executive.
16. Compliance of personnel policies and practices with Sexual Discrimination Guidelines.
17. Notification to unions of obligation and intent to recruit if they fail to provide workers to meet program goals.
18. Establish a list of minority and female recruitment sources and provide sources and community organization with information when employment opportunities are available. Maintain a record of responses from these organizations.
19. Maintain an up to date file of the names, addresses and phone numbers of minority and female applicants, the recruitment source and the action taken.

20. Immediately notify the Director, Office of Federal Contract Compliance Programs when the union that the contractor has a collective bargaining agreement with has not referred minorities or females.

21. Develop and/or participate in on-the-job training opportunities, upgrading and/or apprenticeship programs in the area; specifically for minorities and females.

22. Include in affirmative action plan provisions to disseminate EEO policy by:

- Writing letters requesting assistance from unions and training programs;
- By reviewing policy with all management personnel and minority and female employees at the start of their work on the contract and at least once a year;
- Post of AA Plan and EEO Policy on Bulletin Boards.

- MANDATORY REQUIREMENTS FOR FEDERAL CONTRACTORS**
23. Include the standard Executive Order 11246 EEO Clause in every subcontract or purchase order unless exempted.
24. Invite disabled and covered veteran employees and applicants to identify themselves and encourage them to take advantage of the affirmative action program. Consider and provide reasonable job accommodation(s) to disabled applicants and employees.
25. Review all personnel procedures to ensure that they provide for proper consideration of a worker's qualification, and do not screen out qualified disabled persons or covered veterans.
26. Review all mental and physical job requirements to be sure that they do not screen out qualified disabled persons or covered veterans.
27. Make reasonable job accommodations to the mental and physical limitations of workers. Keep detailed records of all such accommodations.
28. Review employment practices to determine whether they provide the required affirmative action for people covered under the Acts.
29. List job openings with the Veteran's Representative at your local Employment Service and submit the annual VETS-100 report. Attempt to select veteran and disabled candidates and report the results to OFCCP.
30. Firms must prepare a formal written affirmative action program if they have a contract or subcontract.