

**Flysheet Y**  
**STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY**  
**CONSTRUCTION CONTRACT SPECIFICATIONS**  
**(Executive Order 11246)**

- A. As used in these specifications:
1. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
  2. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
  3. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
  4. "Minority" includes:
    - i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
    - ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
    - iii) Asian and Pacific Islanders (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
    - iv) American Indians or Alaskan Native (all persons having origins in any of the original peoples of North America and maintain identifiable tribal affiliations through membership and participation or community identification).
- B. Whenever Builder, or any subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provision of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
- C. If Builder is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Builders must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Builder or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause and to make a good faith effort to achieve each goal under the plan in each trade in which it has employees. The overall good faith performance by other Builders or Subcontractors toward a goal in an approved Plan does not excuse any covered Builder's or subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

- D. Builder shall implement the specific affirmative action standards provided in paragraphs G.1. through 16. of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization Builder should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any office of Federal Contract Compliance Programs or from Federal procurement contracting officers. Builder is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.
- E. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom Builder has a collective bargaining agreement, to refer either minorities or women shall excuse Builder's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
- F. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by Builder during the training period and Builder must have a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
- G. Builder shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of Builder's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. Builder shall document these efforts fully and shall implement affirmative action steps at least as extensive as the following:
1. Ensure and maintain a working environment free of harassment, intimidation and coercion at all sites and in all facilities at which the Builder's employees are assigned to work. Builder, where possible, will assign two or more women to each construction project. Builder shall specifically ensure that all foremen, superintendents and other on-site supervisory personnel are aware of and carry out Builder'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 Builder 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 and 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 Builder, this shall be documented in the file with the reason therefor, along with whatever additional actions Builder may have taken.

4. Provide immediate written notification to the Director when the union or unions with which Builder has a collective bargaining agreement has not referred to Builder a minority person or woman sent by Builder, or when Builder has other information that the union referral process has impeded Builder'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 women, including upgrading programs and apprenticeship and training programs relevant to Builder's employment needs, especially those programs funded or approved by the Department of Labor. Builder shall provide notice of these programs to the sources compiled under G.2. above.
6. Disseminate Builder's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting Builder 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 on-site supervisory personnel such as Superintendents, General Foreman, 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 Builder's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media and providing written notifications to and discussing Builder's EEO policy with other contractors and subcontractors with whom Builder 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 Builder'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, Builder 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 women and where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of Builder's workforce.
11. Validate all tests and other selections 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 activity to ensure that the EEO policy and Builder'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 Builder's EEO policies and affirmative action obligations.
- H. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (G.1. through 16.). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which Builder is a member and participant, may be asserted as fulfilling any one or more of its obligations under G.1. through 16. of these Specifications provided that Builder actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in Builder's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of Builder. The obligation to comply, however, is Builder's and failure of such a group to fulfill an obligation shall not be a defense for Builder's noncompliance.
- I. A single goal for minorities and a separate single goal for women have been established. Builder, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, Builder may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though Builder has achieved its goals for women generally, Builder may be in violation of the Executive Order if a specific minority group of women is underutilized).
- J. Builder shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
- K. Builder shall not enter into a subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

- L. Builder shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Failure to carry out such sanctions and penalties shall be a violation of these specifications and executive Order 11246, as amended.
- M. Builder, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph G. of these specifications, so as to achieve opportunity. If Builder fails to comply with the requirements of the Executive Order, the implementing regulations, or the specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
- N. Builder shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Builder shall not be required to maintain separate records.
- O. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).