



Pennsylvania Department of Transportation

County: _____

SR, Section No: _____

Contract No: _____

Project Name: _____

Inspector- in-Charge: _____

Project ACE: _____

Prime Contractor: _____

Project Superintendent: _____

This manual must remain a part of the construction project records upon completion

The Labor & Contract Compliance Manual for Inspector-in-Charge



2018

| |
|----------------------------------|
| District # _____ Project # _____ |
| DLCCA _____ |
| Inspector-in-Charge Information |
| IIC _____ |
| Phone: _____ Fax: _____ |
| Email: _____ |

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Introduction

This manual was designed to assist the Inspector-in-Charge in maintaining project compliance with the following contract areas:

Equal Employment Opportunity

Subcontracting

Labor and Contract Requirements

Projects Safety

DBE, DB

About this manual...

The topics included are to provide the Inspector-in-Charge with a general overview of contractual requirements and should not be interpreted as a complete description of contract requirements. Always consult the appropriate sections of your contract, Pub 408 Specifications, Appendices A, B and C, The Project Office Manual (POM), or any other applicable publication for complete details.

Sections of this manual contain two different “checklists”. The first, titled “Responsibilities of the Inspector-in-Charge”, is the overview of your responsibilities. You are to ensure that all items listed have been properly completed. The second is an itemized checklist used by District personnel when reviewing your project for compliance.

Abbreviations...

Various abbreviations may be encountered throughout this book. The abbreviations and definitions are as follows:

BEO Bureau of Equal Opportunity

EEO Equal Employment Opportunity

CFR Code of Federal Regulations

FHWA Federal Highway Administration

DBE Disadvantaged Business Enterprise

IIC Inspector-in-Charge

DLCCA District Labor & Contract Compliance Agent

OSHA Occupational Safety & Health Admin.

DOL US Department of Labor

DPSO District Project Safety Officer

L&I PA Department of Labor & Industry

ACE Assistant Construction Engineer

BOMO Bureau of Maintenance and Operations

DB Diverse Business

Need Help... The DLCCA or DPSO will assist you with any problems that you cannot satisfactorily resolve, or answer any questions that you may have.

Project Bulletin Board - Section 1

Responsibilities of the Inspector-in-Charge:

The Project Bulletin Board Checklist identifies the required postings for both State and Federal funded projects. To assist contractors in complying with the required bulletin board postings, the following checklist and sample notice flyer can be utilized by all contractors. The sample notice flyer includes the required contractor's notices concerning EEO policies and procedures. This sample notice is to be distributed to all prime contractors working on Federal/Federal-Aid projects and distributed at all preconstruction meetings.

The following is FHWA's guidance on displaying notices and posters for federally funded projects:

1. Workplace notices and posters must be displayed at all times by the Prime Contractor and Subcontractors at the site of work in a prominent and accessible place where they can be easily seen by the workers.
2. Placing required workplace notices or posters inside vehicles, binders or receptacles (e.g., mailbox, literature box, etc.) does not meet the requirement to display or post in a "prominent and accessible place" that can be easily seen by workers.
3. On mobile projects with no field office, staging area or gathering area, the Prime Contractor and Subcontractors must display all notices or posters where hiring is conducted and each employee must be provided copies of all the notices or posters and sign a statement acknowledging they received and understood the content of all the notices or posters.

Assure the following:

1. The Bulletin Board is placed in an area where employees and applicants have access 24 hours a day.
2. The Bulletin Board is in place prior to the start of work.
3. That all required bulletin postings are in place, including the EEO Environment statement for each active Subcontractor. (Refer to the "*Bulletin Board Checklist*")
 - a. Wage Rates must be complete and every page displayed.
 - b. Other language versions of the posters, are required to be posted for projects in areas where different languages are commonly spoken, other than English.
4. The postings are clearly visible (placing postings in book form is not permitted).
5. The postings are to be maintained in satisfactory condition for the life of the project.

Note: Neither the prime, nor any subcontractors listed on the project are relieved of their responsibility of having a Bulletin Board, when there is no project field office.

Project Bulletin Board Checklist

(See links to both Federal and State posters below)

LOCATION:

_____ Is there a field office? (yes/no)

Notices and Posters are displayed at the following location(s):

_____ Home Office

_____ Hiring Location

_____ Project Work Location(s)

(Provide Address for applicable location, if relevant)

The following postings must be present:

SAFETY

_____ **OSHA-3165* "JOB SAFETY AND HEALTH - IT'S THE LAW" (ALL PROJECTS)

_____ CONTRACTOR/SUBCONTRACTOR'S EMERGENCY PHONE NUMBER (AFTER HOURS CONTACT PERSONNEL) (ALL PROJECTS)

_____ CONTRACTOR/SUBCONTRACTOR'S SAFETY OFFICER'S NAME AND PHONE NUMBER (ALL PROJECTS)

_____ LISTING OF HAZARDOUS MATERIALS FOUND IN THE WORKPLACE

(HAZARDOUS SUBSTANCES, SPECIAL HAZARDOUS SUBSTANCES, ENVIRONMENTAL HAZARDS)

LABOR COMPLIANCE

_____ **FHWA-1022* NOTICE FEDERAL-AID PROJECT (FEDERAL FUND)

_____ **WH-1321* EMPLOYEE RIGHTS UNDER DAVIS-BACON ACT (FEDERAL FUND)

_____ **USERRA APRIL 2017* THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (FEDERAL FUND)

_____ PREDETERMINED WAGE RATES (ALL PROJECTS WITH CONTRACT WAGE RATES)

_____ **UC-700* UNEMPLOYMENT COMPENSATION & CLAIM FACT SHEET (100% STATE FUND)

_____ **WH1088* -EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT (FLSA) (ALL PROJECTS WITH NO CONTRACT WAGE RATES)

_____ *LLC-1* FAIR LABOR STANDARDS ACT & MINIMUM WAGE LAW (ALL PROJECTS WITH NO CONTRACT WAGE RATES)

_____ **LLC-8* ABSTRACT OF EQUAL PAY LAW (100% STATE FUND)

_____ **WH-1462* EMPLOYEE POLYGRAPH PROTECTION ACT (FEDERAL FUND)

_____ *LIBC-262* PENNSYLVANIA RIGHT TO KNOW LAW (ALL PROJECTS)

_____ *LIBC-500* WORKERS' COMPENSATION INSURANCE POSTING (ALL PROJECTS)

EQUAL OPPORTUNITY

_____ **LP-744/744A* PA. HUMAN RELATIONS ACT (ALL PROJECTS)

_____ **EEOC-P/E-1* EQUAL OPPORTUNITY IS THE LAW (ALL PROJECTS)

_____ **WHD-1420* FAMILY & MEDICAL LEAVE ACT (COMPANIES WITH MORE THAN 50 EMPLOYEES) (FEDERAL FUND)

_____ **PTNP 12/16* PAY TRANSPARENCY NONDISCRIMINATION PROVISION (FEDERAL FUND)

CONTRACTOR'S (PRIME and SUBCONTRACTORS over \$10,000)

- _____ EEO OFFICER'S NAME AND PHONE NUMBER (COMPANY LETTERHEAD) (ALL PROJECTS)
- _____ MINORITY AND FEMALE REFERRAL NOTICE (COMPANY LETTERHEAD) (ALL PROJECTS)
- _____ COMPLAINT PROCEDURES (COMPANY LETTERHEAD) (ALL PROJECTS)
- _____ SEXUAL HARASSMENT POLICY (COMPANY LETTERHEAD) (ALL PROJECTS)
- _____ EEO POLICY STATEMENT (COMPANY LETTERHEAD) (ALL PROJECTS)
- _____ AVAILABLE TRAINING PROGRAM AND ENTRANCE REQUIREMENTS (FEDERAL FUND)
- _____ CERTIFICATION OF NONSEGREGATED FACILITIES (FEDERAL FUND)
- _____ UNION EEO COMMITMENTS AND RESPONSIBILITIES (UNION CONTRACTORS) (FEDERAL FUNDS)
- _____ WORK ENVIRONMENT STATEMENT (COMPANY LETTERHEAD) (FEDERAL FUND)

OTHER REQUIREMENTS:

(YES/NO/NA)

- _____ THE BULLETIN BOARD IS DISPLAYED IN A PROMINENT AND ACCESSIBLE PLACE WHERE THE WORK IS PERFORMED AND CAN BE EASILY SEEN BY WORKERS.
(INCLUDING AFTER HOURS) (ALL PROJECTS)
- _____ SUBCONTRACTORS WITH CONTRACTS OF \$10,000 OR MORE ARE REQUIRED TO ADDITIONALLY; DISPLAY EEO POLICIES AND PROCEDURES.
(SEE SAMPLE NOTICE FLYER BELOW) (FEDERAL FUND)
- _____ POSTERS AND NOTICES ARE DISPLAYED IN LANGUAGES OTHER THAN ENGLISH.
(ALL PROJECTS)
- _____ BULLETIN BOARD IS PROTECTED FROM THE WEATHER. (ALL PROJECTS)
- _____ REQUIRED NOTICES AND POSTERS ARE LEGIBLE. (ALL PROJECTS)
- _____ MSDS/SDS SHEETS ARE READILY ACCESSIBLE FOR HAZARDOUS MATERIALS. (ALL PROJECTS)

NOTE: Notices and posters may need to be posted in other languages in project areas with populations or workforces with limited ability to read, speak, write, or understand English. This is to be determined on a project-by-project basis.

Federal Posters: <https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>

State Posters: <http://www.dli.pa.gov/Pages/Mandatory-Postings.aspx>

*Denotes posters available in Spanish and other languages

PROJECT REVIEWS:

| | |
|-------------|----------------------------|
| Date: _____ | Reviewer's Initials: _____ |

Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

OSHA -3165

Seguridad y Salud en el Trabajo ¡ES LA LEY!

Todos los trabajadores tienen el derecho a:

- Un lugar de trabajo seguro.
- Decir algo a su empleador o la OSHA sobre preocupaciones de seguridad o salud, o reportar una lesión o enfermedad en el trabajo, sin sufrir represalias.
- Recibir información y entrenamiento sobre los peligros del trabajo, incluyendo sustancias tóxicas en su sitio de trabajo.
- Pedirle a la OSHA inspeccionar su lugar de trabajo si usted cree que hay condiciones peligrosas o insalubres. Su información es confidencial. Algun representante suyo puede comunicarse con OSHA a su nombre.
- Participar (o su representante puede participar) en la inspección de OSHA y hablar en privado con el inspector.
- Presentar una queja con la OSHA dentro de 30 días (por teléfono, por internet, o por correo) si usted ha sufrido represalias por ejercer sus derechos.
- Ver cualesquier citaciones de la OSHA emitidas a su empleador.
- Pedir copias de sus registros médicos, pruebas que miden los peligros en el trabajo, y registros de lesiones y enfermedades relacionadas con el trabajo.

Este cartel está disponible de la OSHA para gratis.

Llame OSHA. Podemos ayudar.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

OSHA-3167



NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or any State or Territory, or whoever, whether a person, association, firm or corporation, knowingly makes any false statement, false representation or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever, knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provision of the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355) as amended and supplemented,

Shall be fined under this title or imprisoned not more than five years, or both."

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

| | | |
|-----------------------------|--|--|
| State Transportation Agency | U.S. Department of Transportation | Federal Highway Administration Division Administrator |
| | Hotline for Fraud, Waste, & Abuse 1-800-424-9071 | |

FHWA Form-1022 (Revised May2015)

FHWA-1022



AVISO

La construcción de carreteras en este lugar es un proyecto Federal o construido con asistencia Federal y está sujeto a las leyes federales y estatales, incluyendo el Título 18, Código de Estados Unidos, Sección 1020, que dice lo siguiente:

"El que, siendo un funcionario, agente o empleado de los Estados Unidos, o de cualquier estado o territorio, o cualquier otra persona, asociación, empresa o corporación, que a sabiendas hace cualquier declaración falsa, falsa representación, o informe falso en cuanto al carácter, calidad, cantidad, o el costo de los materiales utilizados o por utilizar, o la cantidad o la calidad del trabajo realizado o por realizar, o de los costos relacionados a la presentación de planos, mapas, especificaciones, contratos, o costos de construcción de una carretera o un proyecto relacionado y presentado para la aprobación del Secretario de Transporte; o

El que a sabiendas hace una declaración falsa, falsa representación, informe falso, o reclamación falsa en cuanto al carácter, calidad, cantidad o costo de cualquier trabajo realizado o por realizar, o sobre los materiales suministrados o por suministrar, en relación con la construcción de una carretera o un proyecto relacionado aprobado por el Secretario de Transporte; o

El que a sabiendas hace cualquier declaración falsa o falsa representación sobre un hecho material en cualquier declaración, certificado o informe presentado de conformidad con las disposiciones de la Ley de Asistencia Federal de Carreteras aprobada el 11 de julio de 1916 (39 Stat. 355), según enmendada y suplementada, Será multado bajo este título o encarcelado por un término mínimo de cinco años, o ambos."

Cualquier persona que tenga razones para creer que esta ley ha sido incumplida, deberá informarlo al representante de la(s) Agencia(s) que se enumeran a continuación.

| | | |
|------------------------------------|---|--|
| Departamento Estatal de Transporte | Departamento Federal de Transporte Oficina del Inspector General | Administración Federal de Carreteras Administrador de la División |
| | Línea libre de costo 1-800-424-9071 | |

FHWA Form-1022 SPA (Revised May2015)

FHWA-1022SPA



YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Oceanic and Atmospheric Administration, USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

| | |
|---|---|
| <p>REEMPLOYMENT RIGHTS</p> <p>You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed services and:</p> <ul style="list-style-type: none"> 1) you return that your employer received advance written or verbal notice of your service. 2) you have the period or limit of cumulative service in the uniformed services within the time period specified. 3) you return to work or apply for reemployment in a timely manner after completion of service and 4) you have not been separated from service with a disqualifying discharge or under other than honorable conditions. <p>If you are eligible to be reemployed, you must be rehired to the job and benefits you would have obtained if you had not been absent due to military service or in some cases, a comparable job.</p> <p>RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION</p> <p>If you:</p> <ul style="list-style-type: none"> 1) are a past or present member of the uniformed services 2) have applied for membership in the uniformed services or 3) are obligated to serve in the uniformed services <p>then an employer may not deny you:</p> <ul style="list-style-type: none"> 1) initial employment 2) reemployment 3) promotion or employment 4) promotion or 5) any benefit of employment <p>because of this status.</p> <p>In addition, an employer may not retaliate against anyone exercising in the uniformed services of USERRA rights, including holding or making a statement in connection with or proceeding under USERRA, even if that person has not been reemployed.</p> | <p>HEALTH INSURANCE PROTECTION</p> <ul style="list-style-type: none"> 1) If you leave your job to perform military service, you have the right to elect to continue your existing employer-provided health plan coverage for you and your dependents for up to 18 months while in the military. 2) Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting period or exclusion (e.g., preexisting condition exclusion) except for non-work-related medical or injuries. <p>ENFORCEMENT</p> <ul style="list-style-type: none"> 1) The U.S. Department of Labor (Veterans' Employment and Training Service (VETS)) is authorized to investigate and initiate complaints of USERRA violations. 2) For assistance in filing a complaint or for any other information on USERRA, contact VETS at 1-888-615-4333, or visit its website at http://www.dhs.gov/vets. An interactive online USERRA helpline can be found at http://www.dhs.gov/helpline/userrahelp. 3) If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, an appellate, for representation. 4) You may also request the VETS proceed and bring a civil action against an employer for violations of USERRA. |
|---|---|

The rights listed here may vary depending on the circumstances. The use of this notice was prepared by VETS and may be found on the website at <http://www.dhs.gov/vets/program/usaerrahelp>. Civilian law requires employers to notify employees of their rights under USERRA, and employers may receive the requirements by displaying the use of this notice within their company's place notices for employees.



U.S. Department of Labor
1-866-487-2268



U.S. Department of Justice
Office of Special Counsel



1-800-338-4886
October 2011 - April 2017

USERRA Poster – April 2017

Minimum Wage Law Summary

Must be Posted in a Conspicuous Place in Every Pennsylvania Business Governed by the Minimum Wage Act

The Pennsylvania Minimum Wage Act establishes a fixed Minimum Wage and Overtime Rate for employees. It also sets forth compliance-related duties for the Department of Labor & Industry and for employers. In addition, the Minimum Wage Act provides penalties for noncompliance. This summary is for general information only and is not an official position formally adopted by the Department of Labor & Industry.

Overtime Rate:
Workers shall be paid 1½ times their regular rate of pay after 40 hours worked in a workweek (Except as Described).

Minimum Wage Rate:
\$7.25 per hour Effective July 24, 2009
(Except as Described)

Tipped Employees:
An employer may pay a minimum of \$2.83 per hour to an employee who makes \$30.00 per month in tips. The employer must make up the difference if the tips and \$2.83 do not meet the regular Pennsylvania minimum wage.

Keeping Records:
Every employer must maintain accurate records of each employee's earnings and hours worked, and provide access to Labor & Industry.

Penalties:
Failure to pay the legal minimum wage or other violations may result in payment of back wages and other civil or criminal action where warranted.

Exemptions:
Overtime applies to certain employment classifications. (see pages 2 and 3)

Special Allowances For:
Student, learner and people with disabilities, upon application only.

COMMONWEALTH OF PENNSYLVANIA
TOM WOLF | GOVERNOR

DEPARTMENT OF LABOR & INDUSTRY
KATHY M. MANDERINO | SECRETARY

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Exemptions from Both Minimum Wage and Overtime Rates

- Labor on a farm
- Domestic service in or about the private home of the employer
- Delivery of newspapers to the consumer
- Publication of weekly, semi-weekly or daily newspaper with a circulation of less than 4,000 when the major portion of circulation is in the county where published or a bordering county
- Bonus fide executive, administrative or professional capacity, (including academic administrative personnel or teacher in public schools) or in capacity of outside salesman. However, an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bonus fide executive or administrative capacity because of the number of hours in the employee's work not directly or closely related to the performance of executive, professional or administrative activities, if less than 40% of the employee's hours worked in the workweek are devoted to such activities.
- Educational, charitable, religious, or nonprofit organization where no employer-employee relationship exists and service is rendered gratuitously
- Golf caddy
- In seasonal employment, if the employee is under 18 years of age or if a student under 24 years of age is employed by a nonprofit health or welfare agency engaged in activities dealing with handicapped or exceptional children or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year
- In employment by a public amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center, if (i) it does not operate more than seven months a year or (ii) during the preceding calendar year, the average receipts for any 6 months were not more than 33% of its average receipts for the other 6 months of such year
- Switchboard operator employed by an independently-owned public telephone company which has no more than 750 stations
- Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to the officeholder, or are appointed by the officeholder to serve on a policy making level

Allowances

Wages paid to any employee may include reasonable cost of board, lodging and other facilities. This may be considered a part of the minimum wage if the employee is notified of this condition and accepts it as a usual condition of employment at the time of hire or change of classification. The wages, including food credit plus tips, must equal the current minimum wage.

Board: Food furnished in the form of meals on an established schedule.

Lodging: Housing facility available for the personal use of the employee at all hours.

Reasonable Cost: Actual cost, exclusive of profit, to the employer or to anyone affiliated with the employer.

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Exceptions from Minimum Wage Rates

- Learners and students (bonus fide high school or college), after obtaining a Special Certificate from the Bureau of Labor Law Compliance, (651 Boss Street, Room 1301, Harrisburg, PA 17121-0750) may be paid 85% of the minimum wage as follows:
Learners: 40 hours a week. Maximum eight weeks
Students: Up to 20 hours a week. Up to 40 hours a week during school vacation periods
- Individuals with a physical or mental deficiency or injury may be paid less than the applicable minimum wage if a license specifying a rate commensurate with productive capacity is obtained from the Bureau of Labor Law Compliance, (651 Boss Street, Room 1301, Harrisburg, PA 17121-0750), or a federal certificate is obtained under Section 14(c) of the Fair Labor Standards Act from the U.S. Department of Labor.

Exemptions from Overtime Rates

- A seaman
- Any salesman, partman or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft, if employed by a non-manufacturing establishment primarily engaged in the selling of such vehicles to ultimate purchasers. (Example: 51% of business is selling as opposed to 49% in servicing such vehicles)
- Taxicab driver
- Any employee of a motor carrier the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. Section 3102 (b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards)
- Announcer, news editor, chief engineer of a radio or television station, the major studio of which is located in:
 - City or town of 100,000 population or less, if it is not part of a standard metropolitan statistical area having a total population in excess of 100,000; or
 - City or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in the area
- Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup
- Employment by a motion picture theatre

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For Questions/Complaints

| Contact: | Counties Served: |
|--|--|
| Bureau of Labor Law Compliance Altoona District Office 1130 12th Avenue Suite 200 Altoona, PA 16601-3486 Phone: 814-940-6224 or 877-792-8198 | Armstrong Bedford Blair Cambria Cameron Centre Clarion Clearfield Clinton Eli Fayette Forest Fulton Huntingdon Indiana Warren Westmoreland |
| Bureau of Labor Law Compliance Harrisburg District Office 651 Boss Street, Room 1301 Harrisburg, PA 17121-0750 Phone: 717-787-4671 or 800-932-6665 | Adams Columbia Cumberland Dauphin Franklin Juniata Lancaster Lebanon Mifflin Northumberland Perry Snyder Union York |
| Bureau of Labor Law Compliance Philadelphia District Office 110 North 8th St. Suite 203 Philadelphia, PA 19107 Phone: 215-560-1858 or 877-817-9497 | Bucks Chester Delaware Montgomery Philadelphia |
| Bureau of Labor Law Compliance Pittsburgh District Office 301 5th Avenue Suite 230 Pittsburgh, PA 15222 Phone: 412-565-5300 or 877-504-8354 | Allegheny Beaver Butler Crawford Erie Greene Lawrence Mercer Venango Washington |
| Bureau of Labor Law Compliance Scranton District Office 201-B State Office Bldg. 100 Lackawanna Avenue Scranton, PA 18502 Phone: 570-963-4577 or 877-214-3962 | Berks Bradford Carbon Lackawanna Lehigh Luzerne Lycoming Monroe Northampton Pike Schuylkill Sullivan Susquehanna Tioga Wayne Wyoming |

More Information is Available Online

Additional information about the Minimum Wage Act is available online at: www.state.pa.us. PA Keyword: Minimum Wage. From the Web site you can submit a complaint form, find answers to frequently asked questions, and read more about the Minimum Wage Act.

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program

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PENNSYLVANIA UNEMPLOYMENT COMPENSATION

Under the provisions of the Pennsylvania Unemployment Compensation (UC) Law, I am registered with the Pennsylvania Department of Labor & Industry as:

NAME _____

ADDRESS _____

EMPLOYER ACCOUNT NUMBER _____

The UC Law can provide you with an income during periods when you are either partially or totally unemployed through no fault of your own.

If you become UNEMPLOYED or your HOURS ARE REDUCED due to LACK OF WORK, the company, department, agency, commission, or bureau where you worked may provide you with a completed Form UC-1609, How to Apply for Unemployment Compensation (UC) Benefits.

IMPORTANT

Your UC application will be dated effective the week in which you actually file the application for benefits. You should file a new claim or reopen an existing claim during the first week in which you are unemployed or that your hours are reduced. You may risk losing some benefit eligibility if you file after the first week you are unemployed.

NOTE: To file an application for UC benefits, you will need to provide your:

- Social Security Number
- Alien registration number (if not a U.S. citizen)
- Complete mailing and home address
- Name, address, and account number of employer(s) from Form UC-1609
- Dates of employment and reasons for leaving
- Most recent pay stub (optional but helpful)
- Personal Identification Number (PIN) (if you have one from a prior claim)

You may file your new application, reopen an existing claim or get information about the UC Program online at www.uc.pa.gov, or by calling the UC Service Center at 888-317-7284, TTY: (Hearing Impaired) at 888-334-4046.

When claiming UC benefits, you must report gross wages that you earned during any week for which you are claiming UC benefits. Computer crossmatching is used to detect the illegal receipt of UC payments resulting from unreported work and earnings, as well as unreported pensions.

REMEMBER: Whenever you have questions or any problem regarding your UC claim, contact your UC Service Center. Do not take outside advice. Outside advice may be incorrect and could adversely affect your eligibility to receive UC benefits.

A person who knowingly makes a false statement or knowingly withholds information to obtain UC benefits commits a criminal offense under section 601 of the UC Law, 43 P.S. §671, and may be subject to a fine, imprisonment, restitution and loss of future benefits.

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

UC-700 REV 09-16

UC-700 Unemployment Compensation (9/16)



COMPENSACIÓN POR DESEMPLEO DE PENNSYLVANIA

Bajo las estipulaciones de la Ley de Compensación por Desempleo (UC) de Pennsylvania, estamos inscrito con el Departamento de Labor e Industria de esta forma:

NOMBRE _____

DIRECCIÓN _____

NÚMERO DE CUENTA DEL EMPLEADOR _____

La Ley de UC podría proveerle de un ingreso durante periodos en que se encuentre parcial o totalmente desocupado sin que sea culpa.

Si se encuentra DESEMPLEADO o sus HORAS SON REDUCIDAS debido a LA FALTA DE TRABAJO, la compañía, departamento, agencia, comisión o buró donde trabajaba pudiera entregarle un completado formulario Form UC-1609, *Guíale. Cómo solicitar los beneficios de compensación por desempleo (UC)*

IMPORTANTE

A su solicitud de UC le será dada una fecha efectiva equivalente a la semana en que usted actualmente presentó su solicitud de beneficios. Usted deberá presentar una nueva solicitud o reabrir un reclamo ya existente en la primera semana en que se encuentre desocupado o en que sus horas hayan sido reducidas. Usted corre el riesgo de perder ciertos derechos a los beneficios si presenta su solicitud después de la primera semana de su desocupación.

AVISO: para presentar una solicitud de beneficios del UC, usted deberá proveer su:

- Número del seguro social
- Número de registro como extranjero (si no es ciudadano de los EE. UU.)
- Dirección postal y de domicilio completas
- Nombre, dirección y # de cuenta del empleador(es) del Form UC-1609
- Fechas de empleo y las razones por las que se fue
- Su más reciente recibo de pago (opcional, pero beneficioso)
- Número de PIN, -número de identificación personal- (si tiene uno de un reclamo anterior)

Usted puede presentar una nueva solicitud de beneficios, reabrir un reclamo de UC ya existente u obtener información en línea sobre el programa de UC en www.uc.pa.gov o puede llamar al Centro de Servicio del UC al 888-317-7284, TTY (para impedimento auditivo) al 888-334-4046.

Al solicitar los beneficios del UC, usted deberá reportar los ingresos brutos que ganó durante toda semana por la que está solicitando beneficios del UC. Comparaciones computarizadas son usadas para detectar el recibo ilegal de pagos de UC ya sea por trabajo o ingresos no declarados, así como también pensiones no reportadas.

RECUERDE: cuando sea que tenga preguntas o algún problema relacionados con su solicitud del UC, contáctese con su Centro de Servicio del UC. No siga los consejos de otros. Dichos consejos pueden estar errados y pudieran negativamente afectar su derecho a recibir los beneficios del UC.

Una persona que se sabe falsa una declaración o que se sabe oculta información para obtener beneficios del UC está cometiendo un crimen bajo la sección 601 de la Ley del UC, 43 P.S. §671, y podría estar sujeta a multa, prisión, reembolso y pérdida de futuros beneficios.

Ofertas asistenciales y servicios adicionales a las personas con discapacidades que los servicios.
Empleador/programa que acepta la igualdad de oportunidades

UC-700ESP REV 09-16

UC-700 ESP Unemployment Compensation Spanish (9/16)



ABSTRACT OF THE CHILD LABOR ACT HOURS PROVISIONS

MUST BE POSTED IN A CONSPICUOUS PLACE WHERE ANY PERSON UNDER AGE 18 IS EMPLOYED

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

Minors under 16 must have a written statement by the minor's parent or guardian acknowledging the duties and hours of employment and an employer's permission to work.

HOURS OF EMPLOYMENT—AGES 14 & 15*

| HOURS OF EMPLOYMENT | WORK TIME |
|--|--|
| During School Term: Maximum three hours on school days, eight hours on any other day, and 16 hours per school week (Monday–Friday), and only at a time that does not interfere with school attendance. Plus eight additional hours on Saturdays and Sundays. | Employment prohibited after 7 p.m. and before 7 a.m. <i>Exceptions: During school vacations, minors may be employed until 9 p.m. Minors at least age 14 may be employed in newspaper delivery from 6 a.m. to 9 p.m., except during school vacation, then until 9 p.m. Members of volunteer fire companies may participate in training and firefighting activities until 10 p.m. with written parental consent.</i> |
| Exception: Students 14 and older, whose employment is part of a recognized school work program, may be employed for hours, when combined with school hours, not exceeding eight in a day. | |
| During School Vacations: Maximum eight hours/day, 40 hours/week. | |

HOURS OF EMPLOYMENT—AGES 16 & 17**

| HOURS OF EMPLOYMENT | WORK TIME |
|---|---|
| During School Term: Maximum eight hours a day and 28 hours per school week (Monday–Friday), plus eight additional hours on Saturdays and Sundays. | Employment prohibited before 6 a.m. and after 12 a.m. <i>Exceptions: During school vacations, minors may be employed until 12 a.m. Members of volunteer fire companies may continue serving in answer to a fire call until evaced by chief.</i> |
| During School Vacations: Maximum 48 hours/week; 10 hours/day a minor may refuse any request to work greater than 44 hours/week. | |

* Minors employed as sports attendants are not subject to the Act's hours and work time restrictions.

** EXCEPT: A) Minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code are not subject to the Act's hours of employment or work time restrictions.

B) Special rules apply to young adults, 16 and 17 years of age, employed during a school vacation as a counselor by a summer resident camp operated by a religious or scout organization.

MAXIMUM EMPLOYMENT NOT MORE THAN six CONSECUTIVE DAYS (except newspaper delivery).

30 MINUTE MEAL PERIOD REQUIRED ON OR BEFORE two CONSECUTIVE HOURS OF WORK.

For further information on the Child Labor Act, please consult the Department of Labor & Industry's website at www.dli.state.pa.us and click on "Labor Law Compliance."

Address inquiries and complaints to one of the offices of the Bureau of Labor Law Compliance:

| | | |
|---|---|--|
| <p>Altoona District Office 110 12th Ave. Suite 200 Altoona, PA 16601 814-940-6234 or 877-792-0190</p> | <p>Harrisburg District Office 1301 Labor & Industry Building 651 Boas St. Harrisburg, PA 17121 717-787-4673 or 800-932-0665</p> | <p>Philadelphia District Office 110 North 8th St. Suite 203 Philadelphia, PA 19107 215-560-1838 or 877-617-9497</p> |
| <p>Pittsburgh District Office 301 5th Ave. Suite 330 Pittsburgh, PA 15222 412-963-3300 or 877-304-8334</p> | <p>Scranton District Office 201 B State Office Building 100 Lackawanna Ave. Scranton, PA 18503 570-963-4377 or 877-214-3962</p> | |

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

LLC-5 REV 01-13

LLC -5 (REV 1-13)



CHILD LABOR ACT HOURS RULES FOR PERFORMANCES BY MINORS

Child Labor Act Hours Rules for Performances by Minors

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

| Age | Max. hours (24-hour period) at place of employment (does not include hours at minors' residences) | Max. work hours (24-hour period) (including work time at minors' residences) |
|------------------|---|--|
| Infants < 6 mos. | 2 | Not Applicable |
| 6 mos.–1 year | 4 | 3 |
| 2–5 years | 6 | 3 |
| 6–8 | 8 | 4 |
| 9–13 | 9 | 5 |
| 14–17 | 10 | 6 |

- Live performances—maximum number: three/day or 10/calendar week (Sunday–Saturday)
- Meal periods of half hour—one hour are not counted toward maximum hours/non-work time at place of employment.
- Non-work time at place of employment includes education, rest and recreation.
- Work days for minors may not begin before 5 a.m., and must end by 10 p.m. on evenings preceding school days or by 12:30 a.m. on evenings preceding non-school days.
- 12 hours must elapse between time of dismissal and time of call on the following day.
- Age 14–17 may work during school hours with permission from school authorities for up to two consecutive days, but may not work in excess of eight hours in 24-hour period.
- Performance rules do not apply to minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code.

For further information on the Child Labor Act, please consult the Department of Labor & Industry's website at www.dli.state.pa.us and click on "Labor Law Compliance."

Address inquiries and complaints to one of the offices of the Bureau of Labor Law Compliance:

| | | |
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| <p>Altoona District Office 110 12th Ave. Suite 200 Altoona, PA 16601 814-940-6234 or 877-792-0190</p> | <p>Harrisburg District Office 1301 Labor & Industry Building 651 Boas St. Harrisburg, PA 17121 717-787-4673 or 800-932-0665</p> | <p>Philadelphia District Office 110 North 8th St. Suite 203 Philadelphia, PA 19107 215-560-1838 or 877-617-9497</p> |
| <p>Pittsburgh District Office 301 5th Ave. Suite 330 Pittsburgh, PA 15222 412-963-3300 or 877-304-8334</p> | <p>Scranton District Office 201 B State Office Building 100 Lackawanna Ave. Scranton, PA 18503 570-963-4377 or 877-214-3962</p> | |

Mail the Bureau of Labor Law Compliance at: PA-11-SUMR-11C00a.gov

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

LLC-5 REV 01-13

LLC -5 (ESP 1-13)

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may initiate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.




WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-6243
TTY: 1-877-888-5527
www.dol.gov/whd



WH 1088

DERECHOS DE LOS TRABAJADORES BAJO LA LEY DE NORMAS JUSTAS DE TRABAJO (FLSA - ejemplar en inglés)

SALARIO MÍNIMO FEDERAL

\$7.25 POR HORA

A PARTIR DEL 24 DE JULIO DE 2009

La ley exige que los empleadores exhiban este cartel donde sea visible por los empleados.

PAGO POR SOBRETUENDOS Por lo menos tiempo y medio (1½) de la tasa regular de pago por todas las horas trabajadas en exceso de 40 en una semana laboral.

TRABAJO DE MENORES DE EDAD El empleado tiene que tener por lo menos 16 años para trabajar en la mayoría de los trabajos no agrícolas y por lo menos 18 años para trabajar en los trabajos no agrícolas designados peligrosos por el Secretario de Trabajo. Los menores de 14 y 15 años pueden trabajar fuera del horario escolar en varias ocupaciones que no sean de manufactura, de minería, y que no sean peligrosas con ciertas restricciones al horario de trabajo. Se aplican distintos reglamentos al empleo agrícola.

CRÉDITO POR PROPIAS Los empleadores de "empleados que reciben propinas" que cumplen con ciertas condiciones, pueden reclamar un crédito de salario basado en las propinas recibidas por sus empleados. Los empleadores les tienen que pagar a los empleados que reciben propinas un salario en efectivo de por lo menos \$2.13 por hora si ellos reclaman un crédito de propinas contra su obligación de pagar el salario mínimo. Si las propinas recibidas por el empleado combinadas con el salario en efectivo de por lo menos \$2.13 por hora del empleador no equivalen al salario mínimo por hora, el empleador tiene que compensar la diferencia.

MADRES LACTANTES La FLSA exige que los empleadores les proporcionen un tiempo de descanso razonable a la empleada que sea madre lactante y que está sujeta a los requisitos de sobretiempos de la FLSA, para que la empleada se detenga brevemente para su niño lactante por un año después del nacimiento del niño, cada vez que el niño empleada tenga la necesidad de extraerse leche. A los empleadores también se les exige que proporcionen un lugar que no sea un baño, protegido de la vista de los demás y libre de la intrusión de los compañeros de trabajo y del público, el cual puede ser utilizado por la empleada para extraerse leche.

CUMPLIMIENTO El Departamento tiene la autoridad de recuperar salarios retroactivos y una cantidad igual en daños y perjuicios en casos de incumplimientos con el salario mínimo, sobretiempos y otros incumplimientos. El Departamento puede iniciar y/o recomendar un procedimiento criminal. A los empleadores se les pueden imponer sanciones pecuniarías civiles por cada incumplimiento deliberado o repetido de las disposiciones de la ley del pago del salario mínimo o de sobretiempos. También se pueden imponer sanciones pecuniarías civiles por incumplimiento con las disposiciones de la FLSA sobre el trabajo de menores de edad. Además, se pueden imponer sanciones pecuniarías civiles incrementadas por cada incumplimiento con el trabajo de menores que resulte en la muerte o una lesión seria de un empleado menor de edad, y tales sanciones pueden duplicarse cuando se determina que los incumplimientos fueron deliberados o repetidos. La ley también prohíbe tomar represalias o despedir a los trabajadores que presenten una queja o que participan en cualquier proceso bajo la FLSA.

INFORMACIÓN ADICIONAL

- Ciertas ocupaciones y ciertos establecimientos están exentos de las disposiciones del salario mínimo, y/o de las disposiciones del pago de sobretiempos.
- De algunas disposiciones especiales a trabajadores de Sierros Americanas, del Estado Libre Asociado de las Islas Marianas del Norte y del Estado Libre Asociado de Puerto Rico.
- Algunas leyes estatales proporcionan protecciones más amplias a los trabajadores, los empleadores tienen que cumplir con ambas.
- Algunos empleadores clasifican incorrectamente a sus trabajadores como "contratistas independientes" cuando en realidad son empleados según la FLSA. Es importante conocer la diferencia entre los dos porque los empleados (a menos que estén exentos) tienen derecho a las protecciones del salario mínimo y del pago de sobretiempos bajo la FLSA, y los contratistas correctamente clasificados como independientes no lo tienen.
- A ciertos estudiantes de tiempo completo, estudiantes almorzadores, y trabajadores con discapacidades se les puede pagar menos que el salario mínimo bajo certificaciones especiales expedidas por el Departamento de Trabajo.




DIVISION DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-6243
TTY: 1-877-888-5527
www.dol.gov/whd



WH 1088 SPA

PAY TRANSPARENCY NONDISCRIMINATION PROVISION

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

If you believe that you have experienced discrimination contact OFCCP
1.800.333.5429 | TTY 1.877.888.5527 | www.dhs.gov/ofccp



300 CONSTITUTION AVENUE NW | WASHINGTON, DC 20303 | TEL 1.800.333.5429 | TTY 1.877.888.5527 | www.dhs.gov/ofccp

Pay Transparency Nondiscrimination Provision 12/16

TRANSPARENCIA EN EL PAGO DISPOSICIÓN SOBRE NO DISCRIMINACIÓN

El contratista no podrá despedir ni de ninguna otra manera discriminar contra empleados o solicitantes porque han preguntado acerca de, discutido o revelado su propio salario o el salario de otro empleado o solicitante. Sin embargo, los empleados que tienen acceso a la información de compensación de otros empleados o solicitantes como parte de sus funciones de trabajo esenciales no pueden revelar el salario de otros empleados o solicitantes a las personas que de lo contrario no tienen acceso a la información de compensación, a menos que la revelación sea (a) en respuesta a una queja o acusación formal, (b) en cumplimiento de una investigación, procedimiento, audiencia o acción, incluyendo una investigación llevada a cabo por el empleador, o (c) consistente con la obligación legal del contratista para proporcionar la información. 41 CFR 60-1.35(c)

Si usted cree que ha experimentado discriminación contacte OFCCP
1.800.333.5429 | TTY 1.877.888.5527 | www.dhs.gov/ofccp



300 CONSTITUTION AVENUE NW | WASHINGTON, DC 20303 | TEL 1.800.333.5429 | TTY 1.877.888.5527 | www.dhs.gov/ofccp

Pay Transparency Nondiscrimination Provision 12/16 SPA



Department of Labor & Industry **Bureau of Labor Law Compliance**

Abstract of the Equal Pay Law

Must be Posted in a Conspicuous Place in Every Pennsylvania Business Governed by the Equal Pay Law

| | |
|---|--|
| <p>Discrimination on Basis of Sex Prohibited:</p> <p>Prohibits discrimination by any employer in any place of employment between employees on the basis of sex, by paying wages to any employee at a rate less than the rate paid to employees of the opposite sex for work under equal conditions on jobs which require equal skills. Provides that variation in payment of wages is not prohibited when based on a seniority, training or merit increase system that does not discriminate on the basis of sex.</p> <p>Administration:</p> <p>Empowers the Secretary of Labor & Industry to administer the provisions of the act, and to issue rules and regulations to make effective the provisions of the act.</p> <p>Collection of Unpaid Wages in Case of Discrimination:</p> <p>Provides for the collection of unpaid wages due under the act and in addition, an equal amount of liquidated damages and reasonable attorney's fee and costs. Authorizes the Secretary of Labor & Industry and upon an employee's request, to take assignment of such a wage claim for</p> | <p>collection. Limits the period for such action to two years from the date upon which the violation occurs.</p> <p>Records Required:</p> <p>Requires employer to keep and maintain records of wages, wage rates, job classifications and other terms and conditions of employment of the persons employed, as the Secretary of Labor & Industry shall prescribe. Requires that employers post an abstract of the law.</p> <p>Penalties:</p> <p>Provides for a fine of not less than \$50 nor more than \$200, or imprisonment of not less than 30 days nor more than 60 days, for: (1) employer who wilfully and knowingly violates provisions of the act, or discharges or otherwise discriminates against an employee who makes a complaint, institutes, or testifies at, proceedings under the act; and (2) employer who fails to keep required records, falsifies such records, hinders, delays, or otherwise interferes with the Secretary or his authorized representative in the performance of his duties in the enforcement of the act. Each day a violation continues shall constitute a separate offense.</p> |
|---|--|

More Information is Available Online

Additional information about the Equal Pay Law is available online at: www.state.pa.us, PA Key-word: labor & industry. Click on "Labor Law Compliance" under Quick Links.

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program

LLC-8 REV 2/07

LLC-8



DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF LABOR LAW COMPLIANCE

RESUMEN DE LA LEY DE IGUALDAD SALARIAL

Deberá ser colocado en un lugar claramente visible en cada comercio de Pensilvania, que se rija por la Ley de Igualdad Salarial

| | |
|---|---|
| <p>Se prohíbe la discriminación basada en el sexo:</p> <p>Prohíbe la discriminación por parte de todo empleador entre sus empleados, en todo lugar de trabajo, sobre la base del sexo, mediante el pago de salarios en un porcentaje menor al pagado a los empleados del sexo opuesto para trabajos en iguales condiciones y que requieren iguales habilidades. Establece que la variación en el pago de los salarios no está prohibida cuando se basa en un sistema de aumentos por mérito, capacitación o antigüedad que no discrimina sobre la base del sexo.</p> <p>Administración:</p> <p>Faculta a la Secretaría de Trabajo e Industria a administrar las cláusulas de la ley y a emitir leyes y reglamentaciones que harán efectivas las cláusulas de la ley.</p> <p>Cobro de salarios impagos en caso de discriminación:</p> <p>Establece el cobro de salarios adeudados impagos en el marco de la ley y, además, un monto igual por perjuicios liquidados y costos y honorarios razonables del abogado. Autoriza a la Secretaría de Trabajo e Industria, y a pedido del empleado, a hacerse cargo del cobro del reclamo</p> | <p>salarial. Para este reclamo establece un límite de dos años a partir de la fecha en que se produjo la violación de la ley.</p> <p>Registros requeridos:</p> <p>Obliga al empleador a mantener los registros de salarios, tarifas salariales, clasificaciones de puestos y otros términos y condiciones laborales de las personas empleadas. Obliga a los empleadores a publicar un resumen de la ley.</p> <p>SANCIÓNES:</p> <p>Se aplicará una multa no menor que \$50 y no mayor que \$200, o arresto no menor que 30 días y no mayor que 60 días, en los siguientes casos: (1) el empleador que intencional y deliberadamente viola las cláusulas de la ley, o despide, o por el contrario discrimina a un empleado que presenta un reclamo, entabla, o atestigua en procedimientos legales en el marco de esta ley; y (2) el empleador que no cumple con la conservación de los registros, adultera esos registros, entorpece, demora o de algún otro modo interfiere con la Secretaría o su representante autorizado, en el desarrollo de sus obligaciones de hacer cumplir la ley. Cada día que continúa una violación constituye una infracción aparte.</p> |
|---|---|

Encuentre más información en línea

Podrá obtener información adicional sobre la Ley de Igualdad Salarial disponible en línea en: www.dli.state.pa.us, haga clic en "Labor Law Compliance" (Cumplimiento de la Ley de Trabajo) en Quick Links (enlaces directos).

Ofrecemos asistencia y servicios adicionales a las personas discapacitadas que así lo soliciten. Empleador/Programa de Igualdad de Oportunidad

LLC-8 REV 05/08

LLC-8 (ESP)

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violators and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.




WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-477-289-9207
www.dhs.gov/e-verify



WH-1462

WH -1462

DERECHOS DEL EMPLEADO

LEY PARA LA PROTECCIÓN DEL EMPLEADO CONTRA LA PRUEBA DEL POLÍGRAFO

La Ley Para La Protección del Empleado contra la Prueba de Polígrafo le prohíbe a la mayoría de los empleadores del sector privado que utilice pruebas con detectores de mentiras durante el periodo de pre-empleo o durante el servicio de empleo.

PROHIBICIONES Generalmente se le prohíbe al empleador que le exija o requiera a un empleado o a un solicitante a un trabajo que se someta a una prueba con detector de mentiras, y que despidiera, disciplinara, o discriminara de ninguna forma contra un empleado o contra un aspirante a un trabajo por haberse negado a someterse a la prueba o por haberse acogido a otros derechos establecidos por la Ley.

EXENCIONES Esta Ley no afecta a los empleados de los gobiernos federal, estatales y locales. Tampoco se aplica a las pruebas que el Gobierno Federal les administra a ciertos individuos del sector privado que trabajan en actividades relacionadas con la seguridad nacional. La Ley permite la administración de pruebas de polígrafo (un tipo de detector de mentiras) en el sector privado, sujeta a ciertas restricciones, a ciertos aspirantes para empleos en compañías de seguridad (vehículos blindados, sistemas de alarma y guardias). También se les permite el uso de éstas a compañías que fabrican, distribuyen y dispensan productos farmacéuticos. La Ley también permite la administración de estas pruebas de polígrafo, sujeta a ciertas restricciones, a empleados de empresas privadas que estén bajo sospecha razonable de estar involucrados en un incidente en el sitio de empleo (tal como un robo, desfalco, etc.) que le haya ocasionado daños económicos al empleador. La Ley no substituye ninguna provisión de cualquier otra ley estatal o local ni tampoco a tratados colectivos que sean más rigurosos con respecto a las pruebas de polígrafo.

DERECHOS DE LOS EXAMINADOS En casos en que se permitan las pruebas de polígrafo, éstas deben ser administradas bajo una cantidad de normas estrictas en cuanto a su administración y duración. Los examinados tienen un número de derechos específicos, incluyendo el derecho de advertencia por escrito antes de someterse a la prueba, el derecho a negarse a someterse a la prueba o a discontinuarla, al igual que el derecho a negarse a que los resultados de la prueba estén al alcance de personas no autorizadas.

CUMPLIMIENTO El/La Secretario(a) de Trabajo puede entablar pleitos para impedir violaciones y puede imponer penas pecuniarias civiles contra los violadores. Los empleados o solicitantes a empleo también tienen derecho a entablar sus propios pleitos en los tribunales.

LA LEY EXIGE QUE LOS EMPLEADORES EXHIBAN ESTE AVISO DONDE LOS EMPLEADOS Y LOS SOLICITANTES DE EMPLEO LO PUEDAN VER FÁCILMENTE.




DIVISION DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-9243
TTY: 1-477-289-9207
www.dhs.gov/e-verify



WH-1462

WH -1462 SPA



pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF WORKERS' COMPENSATION

**EMPLOYEE WORKPLACE NOTICE
PUBLIC SECTOR
Pennsylvania Worker and Community
Right To Know Act**

The Pennsylvania Worker and Community Right to Know Act requires that information about hazardous substances in the workplace and in the environment is available to public sector employees and employees of private sector workplaces not covered by the Federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard and to all persons living or working in the state. Employee rights listed below are further defined in the Worker and Community Right to Know Act (PL 734, No. 159) and Regulations. For additional information, contact the Department of Labor & Industry, Bureau of Workers' Compensation, Health & Safety Division, 1171 S. Cameron Street, Room 324, Harrisburg, Pennsylvania 17104-2501; Phone: 717-772-1635; Fax: 717-783-6365; E-mail: RLI.LWC.SAFETY@pa.gov.

Employee Workplace Notice:
Public sector employers (including state and local government agencies and public schools and public universities) and private sector employers not covered by the OSHA Hazard Communication Standard must post this notice informing employees of their rights under the law. This notice must be posted prominently in the workplace at a location where employee notices are normally posted.

Training:
Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must provide an annual education and training program to employees exposed to hazardous substances. The training program may be presented either in written form or in training sessions.

Hazardous Substance Survey Form:
The Hazardous Substance Survey Form (HSSF) provides an inventory of the hazardous substances found in the workplace during the prior calendar year. All employers must complete a workplace HSSF annually. Public sector employer and private sector employers not covered by OSHA must post the HSSF prominently in the workplace and must provide a copy to any employee upon request.

Work Area List:
The Work Area List names the hazardous substances used or produced in a specific work area in the workplace. Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must update a Work Area List at least annually, must provide a copy to any employee of the work area upon request, and must offer a copy to any employee newly assigned to that work area.

Hazardous Safety Data Sheet/Safety Data Sheet:
The Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) provides detailed information about a hazardous substance. In public sector workplaces and private sector workplaces not covered by the OSHA Hazard Communication Standard, an MSDS/SDS must be accessible in the work area where the hazardous substance is described. In MSDS/SDS must be readily available to employees without the intervention or permission of management or supervisors, and any employee may obtain and examine an MSDS/SDS for any hazardous substance in the workplace. If an employee's request to obtain a copy of an MSDS/SDS is made to the employer

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

LBC-082 08-14



pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF WORKERS' COMPENSATION

**LA LEY DEL DERECHO A SABER
DEL TRABAJADOR Y
COMUNIDAD DE PENNSYLVANIA
AVISO PARA SER CREADO EN EL CENTRO
DE TRABAJO SECTOR PUBLICO**

La Ley del Derecho a Saber del Trabajador y la Comunidad de Pennsylvania obliga a que la información sobre sustancias peligrosas en el centro de trabajo y en el medio ambiente está disponible para los empleados del sector público y los del sector privado que no están cubiertos bajo los Estándares de OSHA (Administración Federal de Seguridad Ocupacional y Salud, por sus siglas en inglés) y para todos aquellos viviendo o trabajando en el Estado. Los derechos de los trabajadores mencionados abajo están aún más definidos en la Ley del Derecho a Saber del Trabajador y Comunidad (L. R. 734, no. 159) y en la regulaciones relacionadas. Para mayor información, contacte el Department of Labor & Industry, Bureau of Workers' Compensation, Health & Safety Division, 1171 S. Cameron Street, Room 324, Harrisburg, Pennsylvania 17104-2501; teléfono: 717-772-1635; fax: 717-783-6365; e-mail: RLI.LWC.SAFETY@pa.gov.

Aviso en el centro de trabajo:
Los empleadores del sector público (incluyendo las agencias gubernamentales locales y estatales, y las escuelas y universidades públicas) y los empleadores del sector privado que no están cubiertos por los Estándares de Comunicación de Peligros de OSHA, deben exhibir este aviso para proporcionar a los trabajadores de sus derechos bajo la ley en un lugar visible en el centro de trabajo donde los avisos son generalmente puestos.

Capacitación:
Los empleadores de los sectores público y privado que no están cubiertos por los Estándares de Comunicación de Peligros de OSHA, deben proveer un programa anual de instrucción y capacitación a los empleados expuestos a sustancias peligrosas. El programa de capacitación podría ser por escrito o al dictado de instrucción.

Hoja de datos sobre sustancias peligrosas:
El Formulario de informe de sustancias peligrosas (HSSF, en inglés) provee una lista de las sustancias peligrosas en un área específica en el año anterior. Todo empleador deberá llevar un HSSF anualmente. Los empleadores de los sectores público y privado que no están cubiertos por OSHA, deben exhibir el HSSF visiblemente en el centro de trabajo y proveer una copia de esta al empleado que lo pide.

Lista en el centro de trabajo:
Una lista manuscrita las sustancias peligrosas usadas o producidas en un área específica en el centro de trabajo. Los empleadores del sector público o privado que no están cubiertos por los Estándares de Comunicación de Peligros de OSHA, deben actualizar una lista del área de trabajo como mínimo anualmente, deberán proveer una copia de esta al empleado de esa área que la solicita, y ofrecerla a todo nuevo empleado asignado a esa área de trabajo.

Hoja de datos de seguridad (MSDS/SDS):
La Hoja de datos de seguridad de los materiales (MSDS/SDS, en inglés) provee información detallada sobre una sustancia peligrosa. En los centros de trabajo de los sectores públicos y privados que no están cubiertos por los Estándares de Comunicación de Peligros de OSHA, una MSDS/SDS deberá estar accesible en el área de trabajo donde la sustancia peligrosa nombrada está localizada. La MSDS/SDS deberá estar disponible para ser vista por los empleados sin la intervención o permiso del supervisor o gerente, y cualquier trabajador puede obtener y examinar una MSDS/SDS en cuanto a sustancias peligrosas localizadas en el centro de empleo. Si el pedido del trabajador de obtener una copia de

*Other auxiliary aids and services are available to persons with disabilities at the person's discretion and at the employer's expense.
Employer/Program of access to the equality of opportunity*

LBC-082 ESP 11-14

LBC 262 08-14

LBC 262 ESP 08-14



pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF WORKERS' COMPENSATION

**REMEMBER: IT IS IMPORTANT
TO TELL YOUR EMPLOYER
ABOUT YOUR INJURY**

The name, address and telephone number of your employer's workers' compensation insurance company, third-party administrator (TPA), or person handling workers' compensation claims for your company, are shown below.

Employer Name: _____ **Date Posted:** _____

IF INSURED: (Complete all applicable spaces) **IF SOMEONE OTHER THAN INSURER IS HANDLING CLAIMS:** (Complete all applicable spaces)

Name of Insurance Company: _____ Name of TPA (Claims administrator): _____

Address: _____ Address: _____

Telephone Number: _____ Telephone Number: _____

Insurer Code: _____

IF SELF-INSURED (Complete all applicable spaces) **IF SOMEONE OTHER THAN SELF-INSURER IS HANDLING CLAIMS:** (Complete all applicable spaces)

Name of person handling claims at the self-insured: _____ Name of TPA (Claims administrator): _____

Address: _____ Address: _____

Telephone Number: _____ Telephone Number: _____

Insurer Code: _____

Any individual filing misleading or incomplete information knowingly and with the intent to defraud is in violation of Section 1102 of the Pennsylvania Workers' Compensation Act, 77 P.S. §1032, and may also be subject to criminal and civil penalties under 18 Pa. C.S.A. §4117 (relating to insurance fraud).

| | | | |
|--|--|---|--|
| Employer Information Services toll-free inside PA: 800-482-2383 local in outside PA: 717-772-4447 | Claims Information Services toll-free inside PA TTY: 800-362-4228 local in outside PA TTY: 717-772-4991 | Hearing Impaired toll-free inside PA TTY: 800-362-4228 local in outside PA TTY: 717-772-4991 | Email rl-i-lwc-help@pa.gov |
|--|--|---|--|

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

LBC-500 REV 01-15

LBC-500 Workers' Compensation Insurance (1/15)

**COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

**EMPLOYMENT PROVISIONS OF THE
PENNSYLVANIA HUMAN RELATIONS ACT**
(Act of October 27, 1955, P.L. 744, as Amended)

PURPOSE OF PROVISIONS

The purpose of the employment provisions of the Pennsylvania Human Relations Act is to prevent and eliminate unlawful discriminatory practices in employment because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related disability, known association with a disabled individual, possession of a diploma based on passing a general education development test, or willingness or refusal to participate in abortion or sterilization.

UNLAWFUL DISCRIMINATORY PRACTICES

It is unlawful — on the basis of the facts listed above — for an employer, labor union or employment agency to:

1. Deny any person an equal opportunity to obtain employment, to be promoted and to be accorded all other rights to compensation, tenure and other terms, conditions and privileges of employment.
2. Deny membership rights and privileges in any labor organization.
3. Deny any person equal opportunity to be referred for employment.
4. Refuse to contract or otherwise discriminate in contracting with any independent contractor who is licensed by the Bureau of Professional and Occupational Affairs.

It is also unlawful for any person, employer, labor union or employment agency to retaliate against an individual because the individual has filed a complaint with the Commission, or has otherwise participated in any Commission proceeding, or for any person to aid or abet any unlawful discriminatory practice under the Human Relations Act.

PARTIES SUBJECT TO THE ACT

The employment provisions of the Pennsylvania Human Relations Act apply to: (1) Employers of 4 or more persons, including units of state and local government, (2) Labor organizations, and (3) Employment agencies.

WHO MAY FILE A COMPLAINT

Complaints may be filed within 180 days of the alleged act of discrimination by any of the following: (1) Any person who believes he or she has been discriminated against, (2) The Pennsylvania Human Relations Commission, (3) The Attorney General of Pennsylvania, or (4) An employer whose employees hinder compliance with the provisions of the Act.

PARTIES EXEMPT FROM THE ACT

The employment provisions of the Pennsylvania Human Relations Act do not apply to: (1) Any individual employed in agriculture or domestic service, (2) Any individual who, as part of his or her employment, resides in the personal residence of the employer, (3) Any individual employed by his or her parents, spouse or child.

WHO MUST POST THIS NOTICE

Every employer, labor organization and employment agency subject to the employment provisions of this Act is required by law to post this notice in a conspicuous, easily accessible and well-lighted location customarily frequented by applicants, employees or members.

WARNING: Removing, defacing, covering up or destroying this notice is a violation of the Pennsylvania Crimes Code and may subject you to fine or imprisonment.

For further information, write, phone or visit the Pennsylvania Human Relations Commission:
Central Office: 301 Chestnut Street, Suite 300 • Harrisburg, PA 17101
 (717) 787-4410 • (717) 787-4087 (TTY) or visit us at www.phrc.state.pa.us

To file a complaint, contact the Regional Office nearest you:

| | | |
|---|--|---|
| Pittsburgh 301 5th Ave., Suite 390 Platt Place Pittsburgh, PA 15222 (412) 565-5395 (412) 565-5711 (TTY) | Harrisburg Riverfront Office Center 1101-1125 S Front Street 5th Floor Harrisburg, PA 17104 (717) 787-9784 | Philadelphia 110 N. 8th Street, Suite 501 Philadelphia, PA 19107 (215) 560-2496 (215) 560-3599 (TTY) |
|---|--|---|

LP -744 Fair Employment

**ESTADO DE PENNSYLVANIA
COMISION DE RELACIONES HUMANAS**

ACTA DE RELACIONES HUMANAS DE PENNSYLVANIA
(ENMENDADA EL 27 DE OCTUBRE DE 1955, P.L. 744)

PROPOSITO DE LA LEY

El propósito de la ley empleo del Acta de Relaciones Humanas de Pennsylvania es el evitar y eliminar las prácticas de empleo que discriminan por razones de raza, color, religión, familia, edad (40 en adelante), sexo o nacionalidad e incapacidades que no tiene relación con un individuo incapacitado o lesionado, posesión de un diploma obtenido basado en el poder pasar un examen de conocimiento de educación en general, o aceptar o refusar participar en el aborto o esterilización.

PRACTICAS ILEGALES DE DISCRIMINACION

Es ilegal por las bases citadas arriba-para un patrono, sindicato, o agencia de empleo el:

1. Negar a un individuo igual oportunidad para obtener empleo, para ser ascendido, o para recibir todos los derechos de compensación, permanencia y otros condiciones y privilegios de empleo.
2. Negar derechos y privilegios para ser miembro de cualquier organización obrera.
3. Negar a cualquier persona igual oportunidad para conseguir otros empleos.
4. Negarse a contratar o discriminar en el hacer contrato con cualquier contratista independiente que tenga una licencia del Departamento de Asuntos Profesionales y Educativos.

También es ilegal para cualquier persona, patrono, sindicato o agencia de empleo que se consiga a un individuo porque el individuo ha sometido una queja con la Comisión, o por otra parte en cualquier proceder en la Comisión, o por cualquier persona que necesita ayuda con prácticas ilegales de discriminación bajo el Acta de relaciones Humanas.

QUIENES ESTAN SUJETOS A ESTA LEY

Esta ley es aplicable a: (1) Patrono que emplee cuatro o más personas, incluyendo agencias del Estado o del gobierno local, (2) Organizaciones obreras, y (3) Agencias de empleo.

QUIENES PUEDEN PRESENTAR QUEJAS

Quejas pueden ser presentadas hasta 180 días después de haberse cometido el acto de discriminación por lo siguiente: (1) Cualquier persona que crea haber sido víctima de discriminación, (2) La Comisión de Relaciones Humanas de Pennsylvania, (3) El Fiscal o Procurador General de Pennsylvania, o (4) Cualquier patrono cuyos empleados obstaculizan el cumplimiento de esta ley.

QUIENES NO ESTAN SUJETOS A ESTA LEY

Esta ley no es aplicable a (1) Personas empleadas en la agricultura o el servicio doméstico, (2) Cualquier individuo que como parte de su empleo, habite en la residencia del patrono, y (3) Cualquier persona que estuviere empleada por sus padres, esposa, esposo, hijo o hija.

QUIENES DEBEN EXHIBIR ESTE AVISO

Todos los patronos, organizaciones obreras y agencias de empleo sujetos a esta ley, están obligados a exhibir este aviso. Este aviso debe ser exhibido en un lugar de fácil acceso, con buena iluminación, y al cual van con frecuencia solicitantes de empleo, empleados o miembros.

AVISO: Remover, dañar, cubrir o destruir este aviso es una violación del Código Criminal de Pennsylvania y está sujeto a una multa o encarcelamiento.

Para obtener más información, escriba, llame por teléfono, o visite a La Comisión de Relaciones Humanas de Pennsylvania:
Oficina Central: Pennsylvania Place • 301 Chestnut Street, Suite 300 • Harrisburg, PA 17101-2702
 Teléfono: (717) 787-4410 • (voz) • (717) 783-6308 (TT) • (717) 787-4087 (TT) or visit us at www.phrc.state.pa.us

Para iniciar una querrela, llame o visite la Oficina Regional más próxima a usted:

| | | |
|---|--|--|
| Pittsburgh 301 5th Avenue, Suite 390 Platt Place Pittsburgh, PA 15222 (412) 565-5395 (412) 565-5711 (TTY) | Harrisburg Riverfront Office Center 1101-1125 South Front Street 5th Floor Harrisburg, PA 17104-2615 (717) 787-9784 (VOICE) (717) 787-9779 (TT) | Philadelphia 110 N. 8th St., Suite 501 Philadelphia, PA 19107 (215) 560-2496 (215) 560-3599 (TTY) |
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LP -744 Fair Employment Spanish

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations
 Applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employer's religious practices where the accommodation does not impose undue hardship.

DISABILITY

The 1993 Title V of the Americans with Disabilities Act of 1993, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employer's acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members, the manifestation of diseases or disorders in family members (family medical history), and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government sector. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Veterans Era Veterans Employment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliating is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated his non-discrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-367-4252 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP@Public-Web.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is the provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EEOC 9/02 and OFCCP 8/08 Version: Usable With 11/09 Supplement

EEOC/P/E (Revised 11/09)

EEOC- P/E-1 (page 1)

EEOC- P/E -1 (page 2)

La igualdad de oportunidades de empleo es LA LEY

Emploadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo
 Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGION, SEXO, PROCEDENCIA

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, prohíbe la discriminación en el empleo por motivos de raza, color, religión, sexo o procedencia en la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las prestaciones y los demás aspectos del empleo. La discriminación por motivos de raza, color, religión, sexo o procedencia incluye no hacer un acomodo razonable a las prácticas religiosas de un empleado, siempre que una dicha adaptación no imponga una dificultad económica o de otro tipo para la compañía.

DISCAPACIDAD

La Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1993, con sus modificaciones, protege a las personas físicas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, las prestaciones y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones o acomodos para las limitaciones físicas o mentales de una persona física que se niega una discapacidad o que es un postulado o un empleado, salvo que dicha adaptación imponga una dificultad económica o de otro tipo para la compañía.

EDAD

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por razones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, las prestaciones y los demás aspectos del empleo.

SEXO (SALARIOS)

Además de la prohibición en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en los Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a los empleados y los empleadas que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzos y responsabilidades, en condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las prestaciones y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciones de acceso a dicha información. La información genética incluye: los genes hereditarios de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historial médico familiar) y los resultados o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

REPRISALIAS

Todas estas leyes federales prohíben a las entidades cubiertas que impongan represalias en contra de una persona que presente una carga por discriminación, participe en un procedimiento por discriminación o que, de algún otro modo, se oponga a una práctica laboral lícita.

¿QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN?
 Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades y el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger sus derechos, incluya una demanda escrita si tiene un reclamo en el momento, debe comunicarse con la EEOC, antes de que se presente su cargo, en el caso de discriminación. Común para la Igualdad de Oportunidades y el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY) para las personas con problemas auditivos). Para obtener información sobre los procedimientos de la EEOC, en www.eeoc.gov o en la mayoría de los planes de beneficios y la sociedad. Cíbralo en Federal o Colaborar de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluya como presentar un cargo, en www.eeoc.gov.

Emploadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGION, SEXO, PROCEDENCIA

El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para promover la igualdad de oportunidades en todos los aspectos laborales.

PERSONAS CON DISCAPACIDADES

La Sección 504 de la Ley de Rehabilitación (Rehabilitation Act) de 1973, con sus modificaciones, protege a las personas físicas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las prestaciones y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones o acomodos para las limitaciones físicas o mentales de una persona física que tiene una discapacidad y que es un postulado o un empleado, salvo que dichas adaptaciones impongan una dificultad económica o de otro tipo para la compañía. La Sección 503 también exige que las compañías tomen las acciones afirmativas para emplear y avanzar en el empleo de personas físicas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS DISCAPACITADOS, RECÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS

La Ley de Asistencia a la Rehabilitación de Veteranos (Veterans' Reemployment Assistance Act) de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se tomen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados

o ex militares de los tres años posteriores a la baja o al cese del servicio activo, otros veteranos bajo protección (los veteranos que presentan servicios durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) los veteranos con medallas por servicio a las Fuerzas Armadas, excepto que durante el servicio activo, participen en una operación militar de los Estados Unidos por la cual se les reconocen con una medalla por servicio a las Fuerzas Armadas).

REPRISALIAS

Queda prohibido las represalias contra una persona que presente una demanda por discriminación, participe en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (Office of Federal Contract Compliance Programs, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que su contrato está sujeta a obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20220, teléfono 1-800-367-4252 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a OFCCP@Public-Web.gov o a OFCCP@Public-Web.gov. Asimismo, a uno de sus oficinas regionales o de distrito, cuando aparezca en la mayoría de los planes de beneficios en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

Programas o actividades que reciben asistencia financiera federal

RAZA, COLOR, PROCEDENCIA, SEXO

Además de las protecciones establecidas en el Título VI de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de la Ley de Derechos Civiles de 1964, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciben asistencia financiera federal. La discriminación por discapacidad en los programas o actividades que reciben asistencia financiera federal prohíbe la discriminación por discapacidad en los programas o actividades que reciben asistencia financiera federal. La Sección 504 de la Ley de Rehabilitación de 1973 prohíbe la discriminación laboral y exige que se tomen acciones afirmativas para emplear y avanzar en el empleo de las personas físicas con discapacidades que reciben asistencia financiera federal.

PERSONAS CON DISCAPACIDADES

La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que recibe asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones o acomodos, pueden desempeñar las funciones esenciales del trabajo.

Si cree que usted ha sido víctima de discriminación en algún programa de una institución que recibe asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

Versions actualizadas de la EEOC 9/02 y la OFCCP 8/08 con el Suplemento 11/09

EEOC/P/E (Revisado 11/09)

EEOC – P/E – 1SPA (Page 1)

EEOC – P/E – 1 SPA (Page2)

“EEO is the Law” Poster Supplement
Employers Holding Federal Contracts or Subcontracts Section Revisions

The Executive Order 11246 section is revised as follows:

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

PAY SECRECY
Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

The Individuals with Disabilities section is revised as follows:

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, being unduly hostile to the employee. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era, Special Disabled Veterans section is revised as follows:

PROTECTED VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Mandatory Supplement to EEOC P/E-1 (Revised 11/09) "EEO is the Law" Poster.

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6211 | TTY: 1-877-889-5627 | www.doi.gov

EEOC P/E-1 (9/15)

“IOE es la Ley” Cartel Suplementario
Sección revisada de empleadores que mantienen contratos o subcontratos federales

La sección del Decreto Ejecutivo 11246 está revisada de la siguiente manera:

RAZA, COLOR, RELIGIÓN, SEXO, ORIENTACIÓN SEXUAL, IDENTIDAD DE GÉNERO, NACIONALIDAD
El Decreto Ejecutivo 11246, en su forma enmendada, prohíbe la discriminación en el empleo por motivo de raza, color, religión, sexo, orientación sexual, identidad de género o nacionalidad y requiere programas de acción afirmativa para asegurar la igualdad de oportunidades en todos los aspectos de empleo.

SECRETO DE PAGO
El Decreto Ejecutivo 11246, en su forma enmendada, protege a los solicitantes y empleados de la discriminación por motivo de investigar, revelar o discutir su compensación o la compensación de otros solicitantes y empleados.

La sección de Personas con Discapacidades está revisada de la siguiente manera:

PERSONAS CON DISCAPACIDADES
La sección 503 de la Ley de Rehabilitación de 1973, en su forma enmendada, protege a personas calificadas con discapacidades de la discriminación en la contratación, promoción, despido, pago, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar una adaptación razonable a las limitaciones físicas o mentales conocidas de un individuo calificado con discapacidad, ya sea un solicitante o empleado, salvo una carga excesiva para el empleador. La sección 503 también requiere que los contratistas federales tomen acción afirmativa para contratar y ayudar a progresar a individuos calificados con discapacidades en todos los niveles de empleo, incluido el nivel ejecutivo.

La sección Veteranos con Discapacidades Especiales, de la Era de Vietnam está revisada de la siguiente manera:

VETERANOS PROTEGIDOS
La Ley de Asistencia de Reajuste de los Veteranos de la Era de Vietnam de 1974, en su forma enmendada, 38 USC 4212, prohíbe la discriminación laboral y requiere la acción afirmativa para reclutar, contratar, y progresar en el empleo, a favor de los veteranos discapacitados, veteranos recientemente separados (es decir, dentro de los tres años de la descarga o liberación del servicio activo), veteranos en servicio activo en tiempos de guerra, veteranos insignia de campaña y veteranos de las fuerzas armadas con medalla de servicio. Suplemento Obligatorio para la CIOE P/E-1 (Revisado el 11/09) "IOE es la Ley" Cartel.

Si usted cree que ha experimentado discriminación, contáctenos con la OFCCP: 1-800-397-6211 | TTY: 1-877-889-5627 | www.doi.gov

EEOC P/E-1 (9/15) SPA

Sample on Company Letterhead

| | |
|--|---|
| <p><u>Company EEO Policy Statement</u> It is the policy of this company to assure all applicants and employees are treated fairly throughout the employment process, 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, pre-apprenticeship, and/or on-the-job training.</p> | <p><u>Work Environment Statement</u> It is the policy of this company to ensure and maintain a working environment free of harassment, sexual harassment, intimidation, and coercion at all sites, and in all facilities at which our employees are assigned to work. This policy will be rigidly adhered to at all times. Any violation of this policy should be reported immediately to your supervisor or the company EEO Officer.</p> |
| <p><u>Notice encouraging employees to refer minority and female applicants for employment</u> We encourage the help of all employees in referring minority and female applicants for employment. If you know a minority and/or female who is seeking employment, please refer them to (NAME) at (TELEPHONE #).</p> | <p><u>Certification of Non-segregated Facilities</u> (CONTRACTOR) certifies that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy of the sexes</p> |
| <p><u>Notice informing employees of available training program and entrance requirements</u> We are participating in an On-the-Job Training Program for the Heavy-Highway Construction Industry. If you are interested in developing a skill in a craft, please contact (NAME) at (TELEPHONE #). He/she will explain the program to you in detail. The only requirement is that you have the desire and ability to develop a skill in the craft in which you are interested.</p> <p><u>Complaint Procedures</u> Any complaint of alleged discrimination by this company, its supervisors, or employees, or any person or organization acting on behalf of the company, should immediately be called to the attention of the company Equal Employment Opportunity Officer.</p> <p><u>Notice identifying company EEO Officer by name and contact information</u> The Equal Employment Opportunity Officer for the (CONTRACTOR) is (NAME). He/she may be contacted by writing (ADDRESS) or calling (TELEPHONE #) before 5 pm. After this time she may be reached at (TELEPHONE #).</p> | <p><u>Notice to unions disseminating EEO commitments and responsibilities and requesting their cooperation</u> (CONTRACTOR) will continue to make the company EEO policy known to the employment entities with whom we deal and in our employment opportunity announcements that employees and applicants for employment will be hired; upgraded, promoted or advanced, demoted; transferred; recruited; laid-off or terminated; compensated; and trained without regard to their race, religion, sex, color, national origin, age or disability. We will request the cooperation of the entities with whom we deal to assist our company in meeting its EEO obligations. It is also the policy of this company to provide reasonable accommodations for qualified disabled individuals.</p> |

Additional information regarding the aforementioned policies may be obtained from the Company's EEO Officer.

Signed by **(NAME)** Company Official (President, VP etc.) **(TITLE)**



A. Sexual Harassment policy (Example)

ACE Construction Company
711 Pike Drive
Anywhere, PA 18000-1234
(555)645-9876
Fax (555)645-6789

As President of ACE Construction Company, I affirm the Company's policy regarding a Harassment free work environment. Sexual harassment is a violation of state and Federal laws. Therefore, all state and federal laws relating to sexual harassment and/or sex discrimination will be enforce. Through consistent, determined application of this Policy, we will preserve the right of all persons to work in an environment free from sexual harassment and intimidation.

Sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery. To prevent sexual harassment in the workplace, all managers, supervisors, and employees must be made aware of the Company's policy, the steps to take when concerns arise.

Behavior which can constitute sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where:

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

A manager or supervisor will be subject to appropriate disciplinary action, up to and including termination of employment, if he or she fails to take corrective action when it is known, or reasonably should have been known, that an individual in the line of supervision of the manager or supervisor is, or was being subjected to, sexual harassment on the job.

Persons who believe they have been subjected to sexual harassment should contact: John Q.

Alexander, EEO Officer
ACE Construction Company 711 Pike Drive
Anywhere, PA 18000-1234

President
ACE Construction Company

Date

BEO Rev. 7/03

Subcontracting - Section 2

Responsibilities of the Inspector-in-Charge:

All subcontractors must be approved prior to starting work on the project. This includes all service providers and DBE Suppliers. Call the District DLCCA when you are in doubt about a subcontractor's status.

Assure the following:

1. The subcontractor, service provider, or DBE supplier, shall not begin work on the project until a subcontractor request has been approved by the District DLCCA.

NO EXCEPTIONS!

(Approved sub requests can be found on the ECMS Subcontractor Request Screen.)

2. Verify that a copy of the signed/executed subcontract is available on paper or through the PPCC for review, prior to any subcontractor starting work.
3. Review of the signed/executed subcontracts for all the applicable special provisions, verifying the appropriate version is attached. Then assure attachments have been documented on the "Summary of Approved Subcontractors" (refer to the *Subcontractor Checklist*).
 - a. **Note:** Incorporation by reference of the applicable provisions/attachments is permitted, except for the "DSP 8 & 12". It is imperative that you are using the proper versions. A copy of the actual special provision/attachment, must be physically attached to the executed subcontract agreement.
4. Subcontractors are to only perform work items for which they have been approved. The prime contractor may submit another Subcontractor Request as needed.
 - a. A subcontractor may perform flagging for his or her own operation.
 - b. The prime may provide flagging for all operations on the project.

IF A DBE/DB CAN NOT PERFORM THE COMMITTED WORK, THE DEPARTMENT MUST BE NOTIFIED IN WRITING BY THE PRIME AND THE SUBCONTRACTOR, BEFORE THE PRIME OR ANY OTHER APPROVED SUBCONTRACTOR MAY PERFORM THE WORK.

Subcontractor Checklist

The following is to be completed and documented on the “Summary of Approved Subcontractors” form prior to the subcontractor beginning work.

- _____ 1. The subcontractor, service provider or DBE supplier may not begin work on the project until a “Subcontractor Request” has been approved by the District DLCCA.
- _____ 2. Signed/Executed Subcontract Agreement is available on the project, or through the PPCC.
- _____ 3. Subcontractor’s Fringe Benefit Letter has been received, and verified by the field or the DLCCA through PPCC.
- _____ 4. Subcontract Agreement has been reviewed and contains the following:

(X)= Federal Aid Contract

(+)= State Contract with Wage Rates

(#)= State Contract with No Wage Rates

- [X + #] **PUB. 408/APPENDIX-C/DSP-1** - Offset Provision for Commonwealth Contract
- [X + #] **PUB. 408/APPENDIX-C/DSP-2** - Contractor Responsibility Provision
- [X + #] **PUB. 408/APPENDIX-C/DSP-3** - Provision for Commonwealth Contracts concerning the Americans with Disability Act
- [+ #] **PUB. 408/APPENDIX-C/DSP-4** - Diverse Business Requirements for State funded Projects
- [X] **PUB. 408/APPENDIX-C/DSP-7** - Disadvantaged Business Enterprise for Federally funded Projects
- [X] **PUB. 408/APPENDIX-C/DSP-8** - Required Contract Provision Federal-Aid Construction Contracts
- [X + #] **PUB. 408/APPENDIX-C/DSP-9** - Special Supplement - Anti-Pollution Measures
- [X + #] **PUB. 408/APPENDIX-C/DSP-10** - Commonwealth Non-Discrimination Clause
- [X + #] **PUB. 408/APPENDIX-C/DSP-11** - Contractor Integrity Provisions
- [X] **PUB. 408/APPENDIX-C/DSP-12** - Executive Order # 11246
- [X +] **Wage Predeterminations**
- [X+] **PUB. 408/APPENDIX-C/DSP-13** - Buy America
- [X +] **PUB. 408/APPENDIX-C/DSP-14** - Enhanced Minimum Wage Provisions
- [X] **Required Contract Provision** – Applicable to Appalachian contracts DSP & Attachment A
- [] **Other** -

Fringe Benefit Letters – Section 3

Responsibilities of the Inspector-in-Charge:

Payment of proper wage rates cannot be assured without consideration of fringe benefits. Prevailing wage rates in the contract contain two parts; the Hourly Base Rate and the Hourly Fringe Benefit Rate. An employee must be compensated the sum of both rates, whether the fringe benefits are paid all in cash, a combination of cash plus partial fringe benefits paid to an approved plan, or all the fringe benefits are paid to an approved plan. (Refer to checklist of sample fringe benefits.)

Assure the following:

1. The contractor's and each subcontractor's fringe benefit letter is to be placed in PPCC before they arrive on site.
 2. All the applicable work classifications/crafts are addressed in the fringe benefit letter.
 3. The dollar amount of provided benefits listed in their letter conforms to contract requirements, and the name of company/individual where the contributions are made is listed.
 - a. It's not enough to state "Fringe Benefits are paid *per* contract requirements". The dollar amount must be indicated.
 - b. If the amount indicated is insufficient to cover the contract requirements, the contractor makes a statement, such as, "The remainder (with dollar amount indicated) of fringe benefits will be paid in cash"
 4. Document on the "Summary of Approved Subcontractors" form subcontractor's Fringe Benefit Letter has been received and reviewed.
-

Fringe Benefit Letter Checklist

Fringe Benefit Letters are to explain how and where a contractor is paying each employee fringe benefit hourly rate as specified in the contract. The Fringe Benefit Letter is to be submitted by the contractor and used when verifying wage rates submitted on payrolls.

_____ Fringe benefits paid in cash

“All fringe benefits paid to employees are paid in cash for all hours worked.”

_____ Fringe benefits paid in combination (cash and to an approved plan)

“Provide an hourly breakdown of the cost of the benefits provided to the employee. Provide the name and address of the benefit provider. Indicate the dollar amount paid in cash to the employee.”

_____ Fringe benefits are paid to an approved provider

“Provide an hourly breakdown of the cost of the benefits provided to the employee. Provide the name and address of the benefit provider.”

Note: Fringe Benefit Letters should match the payroll certification., and “may” require a signature line: Signed by (NAME) Company Official (President, VP etc.) (TITLE).

Wage Rate Interviews – Section 4

Responsibilities of the Inspector-in-Charge:

Conduct weekly wage rate interviews of approximately **10%** of the total project work-force including both Prime and Subcontractors employees. At the time of the wage rate interview, describe the employee's trade classification and the work being performed to indicate the specific defined prevailing wage rate the employee is performing and the equipment that he/she is operating, if applicable. The "Wage Rate Interview" forms can be placed in a "Metal Prong" Report Folder, or a "Three (3) Ring Binder", specific to the project. A separate section should also be dedicated to complaints/comments received during the interview.

Layout examples of both the above stated are provided at the end of this section.

Assure the following:

1. Approximately **10%** of the total project work force is interviewed every week.
 - a. **Note:** If the total workforce is 10 or less, and the personnel remain constant, the wage rate interviews may be reduced to 10% every three (3) weeks.
2. Complete the wage rate interviews with the hourly rate reported by the employee being interviewed. If employee does not know the hourly rate he/she should be receiving, indicate the hourly rate as "unknown".
3. The employees work activity/craft is described in sufficient detail to properly classify the work being performed to the applicable contract wage rate.
 - a. The work activity/craft listed is the actual work being performed by the interviewee at the time of the interview. The work activity/craft described are specific. With 5 groups of operators and 7 groups of laborers (for example) it is **not** enough to indicate "operator" or "laborer" on the "Wage Rate Interviews" form.
 - e.g. Work activity/craft should be described as such: "running wrecker", "cutting lumber for forms", "D-6 Dozer", "shoveling dirt from trench", etc.
4. Comments/Complaints are adequately described and, if necessary, DLCCA has been notified. All follow-up actions relating to the comment/complaint must also be documented on the "Wage Rate Interviews Comments/Complaints" section of the book.
5. The employee's hourly rate identified during the Wage Rate Interview and the contract rate should be cross-referenced with the certified payroll to verify the employee is receiving the correct rate of pay.
6. Document review of cross reference check in "Wage Rate Interviews" book.
7. Make a notation in the "Wage Rate Interviews" book when no work has been completed on the project during an applicable week.

Note: Do not use separate pages/sections for prime and subcontractor. Weekly wage rates are to be completed based on the project total work force including all employees working (both prime and subcontractors). Therefore, wage rates are to be documented continuously from the beginning of the project, until it's completion in the "Wage Rate Interviews" book.

Wage Rate Interview Checklist

Wage Rate Interviews can be placed in a “Metal Prong” Report Folder, or a “Three (3) Ring Binder”, specific to the project.

Wage Rate Interviews must contain the following:

- _____ a. Employee’s name
- _____ b. Employee’s Identifying number, (no social security numbers please)
- _____ c. Employee’s work activity/craft being performed is adequately described. (**Do not** list only ‘operator’ or ‘laborer’.)
- _____ d. Wages (as reported by employee) are indicated
(If the employee does not know their pay rate, “unknown” should be indicated).
Refer employee to Bulletin Board for wage rates.
- _____ e. Name of Employer
- _____ f. Date of Interview
- _____ g. Signature of employee
- _____ h. Initials of the interviewing inspector
- _____ i. If a comment/complaint has been received:
 - 1. Recorded in detail in the “Wage Rate interviews Comments/Complaint” section.
 - 2. Notify DLCCA, if necessary.

Information required after the interview to be documented in the Wage Rate Book:

- _____ a. Record the contract rate (computed as necessary).
 - _____ b. Record the paid rate (as reported on the certified payroll).
 - _____ c. The inspector checking the payroll makes notation/initials on the payroll, at the employees’ name, verifying that check was completed.
 - _____ d. The inspector is to correct discrepancies, if inspector cannot correct the problem notify the DLCCA. (All actions must be documented in the “Wage Rate Interviews Comments/Complaints” section).
-

Wage Rate Interviews

Prime Contractor: _____

County: _____

SR/Section: _____

Contract No: _____

**** = Work Activity / Craft Must
be adequately described to
assure proper pay rate**

LABOR & CONTRACT COMPLIANCE

| | | | | | Comments/Complaints? | |
|-----------|-----------------|-----------------------|----------------|----------------------|----------------------|-----------|
| Date | Employee's Name | Work Activity / Craft | Wage Rate | Employee's Signature | | |
| Inspector | Identifying # | ** | | Employer | Yes/No | |
| | | | I: C: P: | | | |
| | | | | | PPCC ID # | Payroll # |
| | | | I: C: P: | | | |
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| | | | | | PPCC ID # | Payroll # |

* = Refer to Wage Rate Interview Comment/Complaint Section for remarks Key: (I) = Interview Rate (C) = Contract Rate (P) = Payroll Rate

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Certified Payrolls - Section 5

Responsibilities of the Inspector-in-Charge:

You have made sure that the bulletin board posted the prevailing wage rates so that employees are informed of how much they should make for their specific job duties; you've interviewed the employees to confirm that they are receiving prevailing wages; now you have to review the contractors' reporting documents. This is the area where most of the labor compliance deficiencies present themselves. While all of this may seem extreme, it really doesn't involve a lot of time (barring problem resolutions), and the results are worthwhile. Statewide, the labor compliance agenda (including payroll reviews), often recoups hundreds of thousands of dollars for employees that were short-changed by their employers, intentionally, or unintentionally.

When a worker is classified as "owner" and is performing manual task on-site, the work performed is only exempt from prevailing wage rate if he/she is performing the craft work part-time (<20% of the work week hours.) Otherwise they must appear on the payroll with their wage rate shown to be at least as much as the prevailing minimum rate.

Generally, material supply truck drivers (bringing aggregate, pipe, etc.) do not receive prevailing wage rates. However, if the truck driver is hauling on-site excavated materials to an on-site fill, etc. they should receive the prevailing wage rate. Drivers that are involved in activities that are both on-site and off-site, for example, hauling on-site excavated material to an off-site waste area, or hauling off-site borrow material to an on-site fill, the activity must be evaluated on a case-by-case basis. Again, speaking in generalities, the time spent on-site is compensated at contract rate. Time spent off-site will depend on whether the off-site location meets certain criteria, such as the proximity to the project, or if the site is dedicated to the project, etc. Contact the DLCCA for guidance on these situations.

Other than the areas of concerns already mentioned, most of your payroll reviews will prove to be straight forward. Randomly check the payroll for correctness against the below defined criteria, compare to wage rate interviews if applicable, check them off, and put them in PPCC.

Responsibilities of the Inspector-in-Charge (continued...)

Assure the following:

1. Certified Payrolls for all employees are submitted to PennDOT weekly.
2. Certified Payrolls are received (for prime & sub-contractors) through PPCC by the **7th day after each weekly payday, and the 10th day for state projects** after the employees' pay date.
3. The PPCC date stamp can be used upon receipt of the payrolls through its system. Please be sure to continue to list the 10% of employee's names you have reviewed.
4. Receipt of payrolls is logged on the 'Record of Contractor's Payroll Submission' form located in this section.
 - a. Note: 'Elapsed Days' column indicates the elapsed days from the employee pay date to your receipt of the certified payroll.
5. Each payroll must be randomly reviewed for classification, wage rate errors, and acceptance through PPCC, with the goal of reviewing every employee that has worked on the project.

To comply with this requirement, the following information must be checked by the Inspector-in-Charge:

- i. Payroll is on the correct form. See examples on the following pages.
 - ii. The date information (week beginning/week ending), the correct SR/Section, the Contract number appear on payroll. The contractor's representative's Signature must appear on the certification.
 - iii. The employee pay date appears on either the certification and/or payroll.
 - iv. Employee's full name.
 - v. Employee's identifying number, or last 4 of social security only.
 - vi. Employee's contract classification and pay rate.
 1. Work activity should be described adequately to determine proper classification.
 - a. It is not sufficient to indicate only '*Laborer*' or '*Operator*', for example. The class or group must be shown.
 - vii. Employee's daily hours worked @ straight time.
 - viii. Employee's daily hours worked @ over-time.
 1. One and one-half times the basic contract rate.
-

(continued)

- ix. Statement of compliance matches fringe benefit letter.
- x. Deductions other than state and federal taxes must be explained.
- xi. Apprentices or Trainees appearing on the payroll should be:
 - 1. Properly identified as apprentices, or trainees.
 - 2. Apprentice can only register in an approved apprenticeship program.
 - a. i.e. Letter of Indenture (provided by contractor from the unions)
 - 3. Paid proper rates as established by the approved apprenticeship program.
 - 4. The Inspector randomly reviews the certified payrolls and initials each employee checked against wage rates.
 - 5. If an error or discrepancy is found:
 - c. Document the problem and the corrective action on the “*Comments & Corrections for Unacceptable Payroll Submissions*” form.
 - i. Minor issues should be addressed by the Inspector.
 - 1. If compliance is obtained within 10 days, notification of the DLCCA will not be required.
 - 2. If the issue(s) are not resolved within 10 days or if the finding is a major violation, the DLCCA must be notified.
 - 6. Check the ‘ACCEPTABLE’ box (yes or no) on the ‘*Record of Contractor’s Payroll Submission*’ form.
 - a. DO NOT return payrolls to the contractor for corrections. Revised payrolls are to be submitted through the PPCC system for acceptance. Duplicate payrolls are not required for the District Office. All project payrolls are to be reviewed and submitted through the PPCC system.

9. Owner/Operator Notes

When performing wage rate interviews on an Owner Operator trucker; ask to see the Driver's License, Insurance card and Registration/Owners card. When all has been reviewed, the vehicle registration card could be photographed with the I-Pad for reporting purposes.

- b. A truck driver that owns and operates his/her own truck (Owner/Operator) is exempt from Federal Prevailing Wage Rates.
 - i. Owner/Operator exemptions apply to TRUCKS ONLY! This does not apply to backhoes, cranes, drill rigs, etc., these are not "services" they must have subcontractor approval.
 - ii. Contractor is to submit a list of owner/operators used each week with weekly payroll.
 - iii. If a broker is used, a certified payroll must be submitted by the broker identifying the truck drivers as Owner/Operator. If the drivers are not an Owner/Operator, they must be shown on a certified payroll as an employee being paid the appropriate wage rate as identified in the contract.
- c. The Inspector shall request a copy of the owner/operator's vehicle registration card, his/her driver license, and insurance card to be kept and filed in PPCC.
- d. The owner/operator's name and the classification "Owner/Operator" appears on the certified payroll. The hours worked and the hourly rate are not required.

Note: If the name on the driver's license does not match the name on the vehicle registration card (or if the vehicle is registered to a company), ask if the driver is leasing the truck.

- a. If yes: A copy of the Lease Agreement must be submitted to the DLCCA for review. If applicable, you will be provided with a 'Certification' form to be completed by the lessee (driver). Additionally, the DLCCA will provide a 'Certification' form to the lessor.
 - b. If no: Contact the DLCCA as soon as possible.
-

Example of Payroll Certification (All State Projects)

WEEKLY PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS

Contractor or Subcontractor (Please check one) **ALL INFORMATION MUST BE COMPLETED**

| | | | | | |
|--------------------|------------------|-----------------------|-----------|--|--|
| CONTRACTOR ADDRESS | | SUBCONTRACTOR ADDRESS | |  BUREAU OF LABOR LAW COMPLIANCE PREVAILING WAGE DIVISION 731 & FORSTER STREETS HARRISBURG, PA 17120 717-630-9126/662 | |
| PAYROLL NUMBER | WEEK ENDING DATE | PROJECT AND LOCATION | | | |
| | | PROJECT SERIAL # | PROJECT # | | |

| EMPLOYEE NAME | APPR. RATE (%) | WORK CLASSIFICATION | DAY AND DATE | | | | | | | S-TIME 0-TIME | BASE HOURLY RATE | TOTAL FRINGE BENEFITS (C=Cash) (FB=Contributions)* | TOTAL DEDUCTIONS | GROSS PAY FOR PREVAILING RATE JOB(S) | CHECK # | |
|---------------|----------------|---------------------|--------------|--|--|--|--|--|--|---------------|------------------|--|------------------|--------------------------------------|---------|--|
| | | | | | | | | | | | | | | | | |
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*SEE REVERSE SIDE PAGE NUMBER _____ OF _____

LLC-25 REV 10-03 (Page 1)

THE NOTARIZATION MUST BE COMPLETED ON FIRST AND LAST SUBMISSIONS ONLY. ALL OTHER INFORMATION MUST BE COMPLETED WEEKLY.

*FRINGE BENEFITS EXPLANATION (FB): Bonus side benefits contribution, except those required by Federal or State Law (unemployment tax, workers' compensation, income taxes, etc.)

Please specify the type of benefits provided and contributions per hour:

- 1) Medical or hospital care _____
- 2) Pension or retirement _____
- 3) Life insurance _____
- 4) Disability _____
- 5) Vacation, holiday _____
- 6) Other (please specify) _____

CERTIFIED STATEMENT OF COMPLIANCE

1. The undersigned, having executed a contract with _____ (AWARDING AGENCY, CONTRACTOR OR SUBCONTRACTOR) for the construction of the above-identified project, acknowledges that:

- (a) The prevailing wage requirements and the predetermined rates are included in the aforesaid contract.
- (b) Correction of any infractions of the aforesaid conditions is the contractor's or subcontractor's responsibility.
- (c) It is the contractor's responsibility to include the Prevailing Wage requirements and the predetermined rates in any subcontract or lower tier subcontract for this project.

2. The undersigned certifies that:

- (a) Neither he nor his firm, nor any firm, corporation or partnership in which he or his firm has an interest is debarred by the Secretary of Labor and Industry pursuant to Section 11(e) of the PA Prevailing Wage Act, Act of August 15, 1961, P.L. 987 as amended, 43 P.S. § 165-11(e).
- (b) No part of this contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation or partnership in which such subcontractor has an interest is debarred pursuant to the aforementioned statute.

3. The undersigned certifies that:

- (a) the legal name and the business address of the contractor or subcontractor are: _____
- (b) The undersigned is: a single proprietorship a corporation organized in the state of _____ a partnership other organization (describe) _____
- (c) The name, title and address of the owner, partners or officers of the contractor/subcontractor are:

| | | |
|------|-------|---------|
| NAME | TITLE | ADDRESS |
| | | |
| | | |
| | | |

The willful falsification of any of the above statements may subject the contractor to civil or criminal prosecution, provided in the PA Prevailing Wage Act of August 15, 1961, P.L. 987, as amended, August 9, 1963, 43 P.S. § 165.1 through 165.17.

(DATE) _____ (SIGNATURE) _____
 _____ (TITLE)
 Taken, sworn and subscribed before me this _____ Day
 of _____ A.D., _____

SEAL _____

LLC-25 REV 10-03 (Page 2)

Certified Payroll Checklist

Payrolls

1. **Upon receipt of payroll:**
- _____ a. Inspector-in-Charge should review payroll prior to acceptance through PPCC.
 - _____ b. Statement of Compliance (WH-347 or LLC-25)
 - _____ i. If attached with all blank fields properly completed.
 - _____ ii. If signed by the contractor's representative.
 - _____ c. Payroll/Statement of Compliance is received and submitted in the PPCC by the 7th Day for WH-347, and 10 days for LCC -25, after each payday.

All Payrolls must be placed in the PA Project Collaboration Center (PPCC)

2. **Payrolls should contain the following:**
- _____ a. Employee's Name.
 - _____ b. Employee's Identifying Number.
 - _____ c. Employee's Work Classification.
 - ii. Work activity/craft must be adequately described to determine proper rate.
 - d. Employee's Contract Rate.
 - _____ i. Straight time rate meets base rate of pay.
 - _____ ii. Over-time rate is paid at anything over 40 hours/week.
 - 1 ½ times the base rate.
 - e. Employee's daily and weekly hours worked.
 - _____ i. Straight time
 - _____ ii. Over-time
 - _____ f. Employee's week ending date appears on payroll.
 - _____ g. Employees are paid weekly.
 - _____ h. If an apprentice is listed on payroll? **Check if:**
 - _____ 1. Evidence of Apprenticeship papers.
 - _____ 2. Appropriate wage rate for apprentice paid.
 - _____ i. Owner/Operators list attached with payroll. If used by a broker owner/operators appear on certified payroll.
 - _____ j. Name and classification '**owner operator**' is all that is necessary.
 - _____ k. Findings not in compliance must either be, corrected by inspector and/or referred to the DLCCA (all actions must be documented).

Note: Payrolls are not to be returned to contractor for corrections. All corrective actions are to be submitted on an Comments/Corrections Payroll form through PPCC.

Comments/Corrections Payroll Submissions

| Contractor's Name | Payroll # | Week Ending | Revised Payroll (Rec'd Date) | Description of Payroll Problem(s) |
|--|-----------|-------------|------------------------------|-----------------------------------|
| <p>Corrective Action Steps:</p> <p style="text-align: right;">Date Resolved:</p> | | | | |
| | | | | |
| <p>Corrective Action Steps:</p> <p style="text-align: right;">Date Resolved:</p> | | | | |
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| <p>Corrective Action Steps:</p> <p style="text-align: right;">Date Resolved:</p> | | | | |
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| <p>Corrective Action Steps:</p> <p style="text-align: right;">Date Resolved:</p> | | | | |
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| <p>Corrective Action Steps:</p> <p style="text-align: right;">Date Resolved:</p> | | | | |
| | | | | |

Disadvantaged Business Enterprise (DBE)-DSP 7 & Diverse Business (DB)-DSP 4

Section 6

Responsibilities of the Inspector-in-Charge:

Assisting disadvantaged businesses, including those owned by women and minorities, is an important aspect of PennDOT's Equal Opportunity Programs. Your contract may include a DBE or DB Goal with Minimum Participation Levels (MPLs) that the contractor must strive to meet. The prime contractor must submit the Minority Participation and Commitment electronically in ECMS for all DBEs used to satisfy the DBE project goal. Eligible DBE firms can be located by utilizing the 'DBE Listing', located in ECMS. The Minority Participation and Commitment, formerly referred to as the Attachment A, is then incorporated into the executed contract.

When a prime has committed to use a DBE, or DB firm, it becomes a contractual obligation. If situations arise and the firm is unable, or unwilling to complete the committed work, the contractor must submit a request to notify, and revise their Minority Participation and Commitment. If a DBE or DB firm is to be removed or replaced, the prime must receive written approval from PennDOT before proceeding with the substitution or removal.

The prime should first submit in writing to the District via the IIC, their notice of intent along with adequate justification for the change. If the project is federally funded, then the prime must notify the DBE/SBE firm in writing via certified letter of their intent prior to their removal or replacement. As an IIC, you must assure that committed work is not performed by anyone other than the firm listed on the Minority Participation and Commitment.

DBE Goal set forth in this contract and (presented at the pre-job) is _____% (Federal)

DB Participation Level set forth in this contract and (presented at the pre-job) is _____% (State)

Assure the following:

1. You are familiar with all DBE/DB subcontractors, suppliers and services, such as trucking firms, participating on the contract including their specific items of work.
2. That all requirements listed in Section 2 '*Subcontracting*' have been satisfied.

Note: If the DBE/DB is a manufacturer or supplier, a copy of the Purchase Order, etc. is acceptable (in lieu of subcontract agreement).

3. That the DBE subcontractor has responsible personnel (e.g. superintendent) controlling operations.
-

4. That items listed on the Minority Participation and Commitment are performed exclusively by the respective DBE/DB subcontractor (all employees performing this work are listed on the respective DBE/DB's certified payrolls.)
5. That a lease agreement is on file if the DBE/DB uses another subcontractor's equipment.

Note: The prime's equipment is not permitted to be used, or leased in any way.

6. Attention is paid to Pub 408 specifications regarding mobilization payments. This must be listed on the Minority Participation and Commitment to be enforced.
 7. Required paperwork is properly completed and submitted in a timely manner.
 - a. Verify that payments to DBEs and DBs, are submitted by the prime in ECMS under 'Minority Payments' within five (5) business days after the end of the month. The IIC is responsible for reminding the prime of the importance of timely entry of payment information.
 - b. For all DBE firms performing on federally assisted projects; complete a new EO-354 Commercially Useful Function (CUF) form, at least once in a construction season, and anytime a DBE performs a new or different scope of work, and when there are issues identified with the DBE's performance. A EO-354 (CUF) form is required for a DBE regardless, if they're used to meet the project goal or not. If any supporting documentation is not yet available, complete the form to its fullest extent possible, indicating in the "Comments", any items that are still needed for review.
 - c. All CUF forms should be forwarded through PPCC immediately! If waiting for supporting documentation, don't wait past 6 months. Remember to check the proper box when the supporting documentation does come in.
 - i If before 6 months, check the "Initial" box indicating the review type.
 - ii If after 6 months, and no supporting documentation has been received, complete a new EO-354(CUF) form.
 - iii If it's been a year and the DBE has not worked on the project, since the initial time, and supporting documentation comes in, check the "Follow-Up" box; being sure to address the lateness in the comments.
 - iv If after a 1 year period, the CUF form comes through, it will not be accepted.
 8. The IIC is responsible, with the assistance of the DLCCA, for monitoring a project's DBE Goal, or DB MPL's to ensure they are ultimately met. Concerns regarding the goal or MPLs should be communicated to the prime and the DLCCA.
 9. The importance of attaining these goals cannot be over emphasized. If the prime contractor is experiencing difficulty; or if you have questions please contact the District Office ACE or DLCCA for construction. Timely identification and notification of potential issues is essential to ensuring the maximum opportunity for DBEs, DBs, to compete on transportation related projects.
 10. The EO-354 Commercially Useful Function (CUF) forms are now work-flowed through the PPCC. Please contact The Bureau of Equal Opportunity, if you have any questions.
-

EO-354 Commercially Useful Function Form CUF – Page 1

EO-354 (1-18)



**DBE COMMERCIALLY USEFUL FUNCTION REPORT
(for Federally Funded Projects Only)**

| | | | |
|--|--|----|------|
| ECMS Project Number | District | SR | Sec. |
| Prime Contractor: | | | |
| DBE Firm: | Date DBE began work: | | |
| Date CUF Review Conducted by District | Review type: <input type="checkbox"/> Initial <input type="checkbox"/> Follow-up | | |
| Work type (e.g., Earthwork -Clearing and Grubbing) | | | |

****Please note that not all questions apply to all work items. If the question is not applicable simply check 'N/A.'**

| | YES | NO | N/A |
|--|--------------------------|--------------------------|--------------------------|
| 1. Was the DBE firm that performed the work the same firm originally committed to in ECMS for this work item? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |
| 2. Were materials drop shipped? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, briefly explain _____ | | | |
| 3. Were materials delivered after hours? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, briefly explain _____ | | | |
| 4. If materials shipped to the project site by a third party, was lease agreement provided? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |
| 5. Did the DBE provide necessary paperwork (e.g., certifications, delivery tickets, permits, etc.) as required? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |
| 6. Did the DBE have a superintendent or other representative assigned to the project who was responsible for ensuring effective control of the work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |
| 7. Did you observe the DBE firm using any equipment or tools that appeared to be the property of another company (e.g., magnetic signs, stamps, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, briefly explain _____ | | | |
| 8. Was the DBE's work suspended, in whole or in part, because the firm failed to comply with specifications or with the provisions of the contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, briefly explain _____ | | | |
| 9. Did the DBE's employees appear to be knowledgeable of the necessary construction methods related to this item of work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |
| 10. Is the DBE self-performing work without assistance from the prime or another subcontractor? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, briefly explain _____ | | | |

EO-354 Commercially Useful Function Form CUF – Page 2

11. Based on your observations, did the DBE demonstrate that it was responsible for execution of the work of the contract and carried out its responsibilities by actually performing, managing, and supervising the work involved?

If no, explain in 'Comments' below:

COMMENTS (As appropriate, explain any steps taken to resolve any issue(s) identified above at the project level. Also, indicate whether resolution was achieved.)

*(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH A SEPARATE SHEET)

Inspector-in-Charge Only

Print Name Phone Number Date

1. Did any work committed to the DBE get eliminated and if so, were appropriate adjustments made to the commitment in ECMS? YES NO N/A

If no, briefly explain _____

2. If this DBE firm was a replacement, was the required documentation received?

If no, briefly explain _____

3. If a shortfall exists, describe any steps taken to avoid or minimize it.

Briefly explain _____

4. Based on your review of the above information, did the DBE demonstrate that it was responsible for execution of the work of the contract and carried out its responsibilities by actually performing, managing, and supervising the work involved?

If no, explain in 'Comments' below:

COMMENTS

ACE (or designee) Only

Print Name Phone Number Date

REG Only

Based on our review of this CUF Report:

Concur Do not concur

Comment: _____

Signature Date

Print Name Phone Number

(717) 888-9999

Page 1 of the CUF Guidance

GUIDANCE FOR COMPLETING THE CUF FORM

The guidance below is included to assist you in identifying situations that may indicate that a Disadvantaged Business Enterprise (DBE) is not performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26 (Part 26). Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is, in fact, carrying out its contractual responsibilities by performing, managing, and supervising the work. CUF is evaluated under the portion of Part 26 that indicates when DBE participation can be counted towards the project goal (that section is included as an attachment to this document). If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit.

Things to remember:

Failure of a DBE to perform a CUF is significant. Please keep in mind the following:

1. A DBE firm's activity in relation to its contractual obligations does not end with the completion of one CUF form. Accordingly, it may be necessary to review a DBE's performance multiple times and file multiple CUF forms throughout the life of a project.
2. Complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work, or if there are issues identified with the DBE's performance. Also, complete a new CUF form every time a DBE performs a new or different item of work on the project, e.g., furnish and install to supply only. A CUF form must be completed for all DBEs performing on any federally funded highway project, regardless if they are being used to meet the DBE project goal.
3. A DBE firm's performance should be reviewed in light of what it is contractually obligated to do. It is important to be familiar with the work the DBE has contractually committed to do. The identification of "red flags" during a review may not mean that a CUF issue exists. Accordingly, it is important to document what you observe for further evaluation.

A CUF form must be completed either on paper or through the PPCC. If your project has not been placed in the PPCC, please continue to maintain the completed CUF form(s) in the project field office, while also remembering to email a copy of the form to BEO for approval. As stated above, complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work. This must be done regardless if the DBE is being used to meet the project goal or not. If all supporting documentation is not yet available, complete the CUF form to the fullest extent, indicating in the "Comments Box" any items that are still needed for review.

Once a CUF form has been completed, continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. When in doubt, contact the Bureau of Equal Opportunity (BEO) at 717-787-5891 or 1-800-468-4201 or via the email resource account at: pean@dotdms.gov for additional guidance and/or assistance.

Red Flags

The following are examples of some of the more common red flag occurrences:

PERFORMANCE

- Employee(s) working for both the Prime and the DBE. (Note: This could be the result of union agreements and therefore must be examined closely.)
- Equipment used by DBE belongs to the Prime Contractor
- Equipment signs and markings cover another contractor's identity, with no formal lease agreement
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment has another contractor's name on it
- All or a portion of the DBE's work is being done by the Prime Contractor or jointly with another contractor

RECORDS/DOCUMENTS

- Certified payrolls
- Equipment ownership, rental, or lease documents (recommend District require copy along with subcontract submittal)
- Subcontract Agreement or Purchase Order

HAULING FIRMS

RED FLAGS

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with no formal lease agreement
- Truck signs and markings conceal another contractor's identity
- Trucks have another contractor's name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is not specified in the lease agreement and operator(s) is not an/are not employee(s) of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

RECORDS/DOCUMENTS

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents (recommend District require copy along with subcontract submittal)

Page 2 of the CUF Guidance

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS**RED FLAGS**

- Invoices do not indicate that DBE is the customer
- A Prime Contractor's employee is listed as the contact person on invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Drop shipped materials are addressed to the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor
- Evidence that the DBE supplier is not actually supplying material
- Evidence that the DBE manufacturer is not actually manufacturing material
- Two Party checks or joint checks sent by the Prime to the supplier or manufacturer
- DBE owner or superintendent does not come to project site to verify the adequacy of drop shipped materials (quality and quantity)

RECORDS/DOCUMENTS

- Invoices/Purchase Orders
- Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
- Bills of Lading

SUPERVISION**RED FLAGS**

- Prime Contractor or another subcontractor is completely supervising or directing the DBE's work
- The DBE's employees are being supervised or otherwise receiving a large amount of direction on the performance of their work from Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

RECORDS/DOCUMENTS

- Document communication with DBE owner or Superintendent (recommend note in field inspector's diary/PISA)
- Certified Payrolls
- Photos

DBE REGULATIONS REGARDING COMMERCIALLY USEFUL FUNCTION (CUF)

49 Code of Federal Regulations Part 26 Section 55 as edited for conformity with Pennsylvania Department of Transportation requirements

- (c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.
- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. 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. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c) (3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
- (5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.
- (d) Use the following factors in determining whether a DBE trucking company is performing a commercially useful function:
- (1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- (2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- (3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- (4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
- (5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement.
- (6) For purposes above, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

Equal Employment Opportunity – Section 7

Responsibilities of the Inspector-in-Charge:

Although the Bureau of Equal Opportunity conducts in-depth reviews of projects, you are the '*front-line*' when it comes to discrimination. In the event, that a contractor, or a subcontractor's employee feels they are being discriminated against, or harassed, it is quite possible that you will be the person they contact. It is imperative that you know what to do, and preferable that you solve these problems at the project level. However, if you are not sure how to handle a complaint in your district, please contact your District Office Construction - ACE and /or DLCCA, immediately.

Additional Complaint Procedure Guidance:

If you receive a complaint, know the following...

Complaints involving employees or applicants for employment of contractors and subcontractors regarding employment, including but not limited to hiring, recruitment, promotion and discipline are external complaints.

An employee who believes he/she has encountered employment related discrimination, may file a complaint under the contractor's complaint procedure. Alternatively, the employee may file a complaint with The Pennsylvania Human Relations Commission (**PHRC**) and The U.S. Equal Opportunity Commission (**EEOC**). Contractors are required to post notices for employees, applicants for employment and potential employees regarding the complaint process. Contractors must notify PennDOT of complaints.

If the complaint involves a trainee on a federally assisted project and relates to the complainants training program, contact The Bureau of Equal Opportunity's OJT Administrator for guidance.

Current Procedure

The contractor/subcontractor is required to investigate complaints and notify BEO of the outcome of the investigation. BEO will determine if a thorough investigation was conducted and if the contractor/subcontractor fulfilled its contractual obligations to PennDOT regarding EO/EEO. BEO will provide oversight of the process but will not conduct a separate investigation. BEO will notify FHWA regarding the outcome of the investigation.

Workhour Goals

Workhour Goals for women & minority utilization in each construction craft for this contract (federal only) (USDOL, OFCCP Executive Order 11246 presented at the Pre-Job):

Women: 6.9 %

Minority: _____ %

Assure the following:

1. All EEO postings itemized in Section 1 '*Project Bulletin Board*' are displayed on the project bulletin board, for all subcontracting firms with agreements over \$10,000, except material suppliers. Pub 408 107.30.
2. Only the DSP 8 and the DSP 12 special provisions from Section 2 '*Subcontracting*' are physically attached, all others can be referenced.
3. Attention is paid to the project workforce.
 - a. All requirements of the special provisions/attachments are enforced.
 - b. Visually monitor the workforce on a day-to-day basis. Inform the contractor of low or no target group representation.
Document your efforts.
 - c. Refer the contractor to the District DLCCA for assistance in locating appropriate target groups (i.e. women/minority).
4. If your contract has *Trainee Provisions*, or an OJT Trainee, please refer to Section 8 of this manual. If not, use below:
 - a. Explain the complaint procedure.
 - b. Explain the time frames for filing a complaint.
 - i. Pennsylvania Department of Transportation - 90 days.
 - ii. PA Human Resource Commission - 180 days
 - iii. Equal Employment Opportunity Commission - 300 days
 - c. Inform the District DLCCA of complaint ASAP.
5. Complaints can be recorded on an official OFCCP Complaint Form. See attached link below to access the form.
<https://webapps.dol.gov/ofccp-claims/english.html>

For Your Information: The contractor and applicable subcontractors are required to complete a Monthly EEO form (EO-400) by the 30th of each month.

(Please see instructions on next page)

EEO Form Examples

Instructions for Contractors to submit the EO-400 Forms



CONTRACTORS INSTRUCTIONS FOR THE COMPLETION OF THE EO-400 FORM

The EO-400 Report shall be completed by each (prime/subcontractor) holding a contract with the Pennsylvania Department of Transportation (PennDOT) in excess of \$10,000 (Federal Aid, 100% State and/or a Municipal). The Prime Contractor will report from the 'Notice to Proceed' until all physical work is completed. Subcontractors are required to report from the "Anticipated Start Date", as it appears on the contractor's approval screen in ECMS, until completion of the subcontract.

Reports must be compiled and kept for the 30th of each month, but is no longer required to be sent to BEO on a monthly basis. If the report is requested, you may still use the link on the form, (penndot400reports@state.pa.us) or, if directed, the personal email address of the Contract Compliance Specialist requesting the document.

DO NOT SUBMIT REPORTS FOR WORK YOU PERFORM FOR THE PENNSYLVANIA TURNPIKE

Please note that the EO-400 report is comprised of designated columns for males and females, and persons who are listed as minorities. The last two columns of the EO-400 report should provide the total number of all employees and total number of minority employees. Follow the completion instructions. Also, be aware that the "Total" fields are locked, they will automatically calculate for you. *Do not alter* the workbook in any way or it will be returned to you.

The Workforce Monitoring process begins when the contractor downloads a blank EO-400 report from www.dot.state.pa.us/public/PubsForms/Forms/EO-400.xls. Contractors are responsible for downloading the EO-400 report for each project in all districts in which they are working.

The following steps are used in downloading and completing the EO-400 report:

1. Download the form by utilizing the above link.
2. Enter report information into the "EO-400 form" tab, an instructions tab is also available for more information.
3. Complete all applicable fields in the form.
4. Save the form. Click "File > Save As > use the filename provided on the form and specify the location where the work book file will be saved on your computer. You must download this form to your computer, you cannot complete it in its current location, it will not save, and anything sent to us will be lost.
5. There is no need to send the form back to BEO unless specifically requested to do so. The link provided on the form is still active, and will automatically open in MS Outlook. Complete the subject line with the appropriate filename as provided on the form. If the link does not work with your email software, you will need to manually enter the email address and subject line indicated on the form, or use the personal email address of the Compliance Specialist.
6. Repeat the steps above for each PennDOT project in excess of \$10,000 (Federal Aid, 100% State and/or Municipal).

Should there be any questions at all please contact the Bureau of Equal Opportunity at 800.468.4201.

EO-400 Monthly EEO Report

EO-400 (1-18)

HIGHWAY CONSTRUCTION CONTRACTORS MONTHLY EEO REPORT



COMPLETION INSTRUCTIONS: The EO-400 report must be completed by each primesubcontractor holding a primesub contract with the Pennsylvania Department of Transportation in excess of \$10,000 (Federal Aid, 100% State and/or Municipal), complete and submit one EO-400 report for each project. Prime will report from the 'Notice To Proceed' until all physical work is completed. Subcontractors are required to report from the Anticipated Start Date, as stated on the contractor's approval screen on ECMS, until completion of the subcontract. Reports must be completed by the 30th of each month. All information must be accurate and complete. Some fields have drop down menus provided for ease of use and/or comments for instructions.

SUBMISSION INSTRUCTIONS: Once this form is completed, it must be saved, and presented if requested by the Department, the Bureau of Equal Opportunity, or FHWA. When saving the form, use the "Save As" option. The filename indicated below must be used and will appear automatically as you complete the form. If requested by BEC, please click the email link provided below to automatically open your email, fill the subject line with the proper filename. Be sure to "Save As" prior to using the email link. See the instructions tab of this workbook for more detailed information if needed.

File name to use for saving / subject of email: _____

Click link to send (form must be attached):

Perindot400reports@state.pa.us

CONTRACTOR / SUBCONTRACTOR INFORMATION

Work Performed by: _____

Company Address: _____

Federal ID#: _____

Check if applicable: DBE DB

REPORT INFORMATION

Report Month: _____

Report Year: _____

Payroll Period START Date: _____

Payroll Period END Date: _____

Reporting District: _____

PROJECT INFORMATION

| | | | | | | | | | |
|----------------------------|------|--------------------|------------------|--------|------------|-----------------|----------------------|-------|------|
| ECMS Prime Contractor Name | S.R. | Fed Project Number | ECMS/ECMS Number | County | % Complete | Active/Inactive | Next Report Due Date | Month | Year |
|----------------------------|------|--------------------|------------------|--------|------------|-----------------|----------------------|-------|------|

EMPLOYMENT INFORMATION

(Consolidate all hours worked by one individual into the classification where that individual worked the most hours; count this person only once)

| Classification | Hours of All Employees by Trade | | Black (Non-Hispanic) | | Hispanic | | Native American or Alaskan Native | | Asian or Pacific Islander | | Number of Employees by Trade | | Total Number of Minority Employees | | |
|---|---------------------------------|--------|----------------------|--------|----------|--------|-----------------------------------|--------|---------------------------|--------|------------------------------|----------------------------------|------------------------------------|--------|--|
| | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | |
| Site Officials | | | | | | | | | | | | | | | |
| Supervisors | | | | | | | | | | | | | | | |
| Foremen / Women | | | | | | | | | | | | | | | |
| Clerical | | | | | | | | | | | | | | | |
| Equip Oper / Mechanic | | | | | | | | | | | | | | | |
| Truck Driver | | | | | | | | | | | | | | | |
| Ironworker | | | | | | | | | | | | | | | |
| Carpenters | | | | | | | | | | | | | | | |
| Cement Masons | | | | | | | | | | | | | | | |
| Electricians | | | | | | | | | | | | | | | |
| Pipefitters / Plumbers | | | | | | | | | | | | | | | |
| Painters | | | | | | | | | | | | | | | |
| Laborers, Semi-Skilled | | | | | | | | | | | | | | | |
| Laborers, Un-Skilled | | | | | | | | | | | | | | | |
| SUBTOTALS: | | | | | | | | | | | | | | | |
| Total Workhours Of All Employees: _____ | | | | | | | | | | | | Total Number of Employees: _____ | | | |

PREPARED BY

(Any form that has been altered, not completed properly, or containing inaccurate information will be returned to the contractor for resubmission)

| | | | | |
|--------------|-----------|-------|--------------|------|
| Printed Name | Signature | Title | Phone Number | Date |
|--------------|-----------|-------|--------------|------|

Instructions to submit the FHWA 1391

08-20 (1-13)



Directions for 1391 Submissions for Primes & Subs

July 19, 2017

All contractors (Prime and Subs) awarded Federal-Aid Highway construction contracts in Pennsylvania more than \$10,000 are **required** to submit the **Federal-Aid Highway Construction Contractors Annual EEO Report, FHWA-1391**.

Data must reflect the workforce on the project during the **latest pay period worked in July 2017**. For clarification, any contractor who performed work during the month of July must submit a report.

The FHWA 1391 report is now web-based. All PennDOT Business Partners will submit the report online at <https://www.dot18.pa.gov/fhwa1391>. Your Engineering and Construction Management System (ECMS) login and password will be required to complete and submit the report. For assistance in gaining login credentials contact the ECMS Help Desk at (717)783-8330, Monday through Friday 8 AM to 4 PM.

Contractors must submit a report for all projects listed under "Open projects" on the Business Partner home screen.

Once you select the project, simply enter the workforce on the project by classification, gender, and ethnicity in the yellow blocks. The total numbers will be automatically calculated and will populate in the green boxes. After you have filled in the numbers, click on "Submit Annual FHWA Report". A confirmation message will appear, click on "OK" to submit and you will receive a message alerting you that your report has been submitted.

If no work was conducted on the project during the month of July 2017, simply select the project, scroll down to the bottom of the page, and click on "Submit Annual FHWA Report". A confirmation message will appear asking "Do you want to submit a NO WORKFORCE REPORT". Click "OK" to submit.

ALL supply and consultant firms who did not have a workforce in the stated classifications must submit a NO WORKFORCE REPORT.

You may review what projects have been submitted in the "1391 Submitted Projects" tab and you can also view the actual 1391 form for each project in the "Submitted 1391 Form" tab.

We suggest contractors print a copy of their submission page in case the system malfunctions and your report is not received by PennDOT. This will keep your company from receiving an out of compliance notification.

Please submit your 1391 reports no later than August 18, 2017.

Should you have any questions while completing or submitting the forms, do not hesitate to call Blaine Claiborne, Equal Opportunity Specialist, at 717-787-5891 or 1-800-468-4201.

Thank You

PR-1391 Annual EEO Report

| FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT | | | | | | | | | | | | | | | | | | | | | | |
|---|----------------|-----------------------------|------------------------------|---|---------------------------|---|-------------------------------|---|---|---|--------------------------------|---|--|---|-------------------|---|-------|---|-------------|---|--------------------|---|
| 1. MARK APPROPRIATE BLOCK Contractor | | 2. COMPANY NAME CITY, STATE | | | 3. PROJECT NUMBER: | | 4. DOLLAR AMOUNT OF CONTRACT: | | 5. PROJECT LOCATION: (County and State) | | | | | | | | | | | | | |
| Subcontractor | | | | | | | | | | | | | | | | | | | | | | |
| This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019 expiring in March, 2013. | | | | | | | | | | | | | | | | | | | | | | |
| 6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITES) DURING LAST FULL PAY PERIOD ENDING IN JULY 20__ (INSERT YEAR) | | | | | | | | | | | | | | | | | | | | | | |
| TABLE A | | | | | | | | | | | | | | | | | | | | | | |
| JOB CATEGORIES | TOTAL EMPLOYED | | TOTAL RACIAL/ETHNIC MINORITY | | BLACK or AFRICAN AMERICAN | | HISPANIC OR LATINO | | AMERICAN INDIAN OR ALASKA NATIVE | | ASIAN | | NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER | | TWO OR MORE RACES | | WHITE | | APPRENTICES | | ON THE JOB TRAINEE | |
| | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F |
| OFFICIALS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPERVISORS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FOREMEN/WOMEN | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CLERICAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT OPERATORS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MECHANICS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TRUCK DRIVERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| IRONWORKERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| IRONWORKERS (Carriers) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CARPENTERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GENERAL MASONS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ELECTRICIANS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PIPEFITTERS/LUMBERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PAINTERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LABORERS-SEMI SKILLED | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LABORERS-UNSKILLED | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TABLE B | | | | | | | | | | | | | | | | | | | | | | |
| TABLE C (Table B data by racial status) | | | | | | | | | | | | | | | | | | | | | | |
| APPRENTICES | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OUT TRAINEE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8. PREPARED BY: (Signature and Title of Contractors Representative) | | | | | | | | | | | 9. DATE | | 10. REVIEWED BY: (Signature and Title of State Highway Official) | | 11. DATE | | | | | | | |
| Form FHWA, 1391 (Rev. 06-10) | | | | | | | | | | | PREVIOUS EDITIONS ARE OBSOLETE | | | | | | | | | | | |

OJT Program - Section 8

Responsibilities of the Inspector-in-Charge:

On-the- Job Training (23 CFR Part 230) – authorization under 23 U.S.C. 140(a) requires the Department of Transportation to establish apprenticeship and training programs targeted to move women, minorities, and disadvantaged persons into journey level positions to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of members of these groups in highway construction skilled crafts.

Assure the following:

Prior to trainee beginning work on-site:

1. A copy of the approved training program(s) as well as OJT forms, enrollment and monthly reports, should be submitted and maintained through PPCC for review and acceptance.
 - a. The contractor's On-The-Job Training Program Classifications for PennDOT Approval form (EO-363) is required to be submitted to the (DLLCA's) or (the District's OJT designee; within 10 calendar days after the Notice-to-Proceed. (If the EO-363 is submitted beyond the 10 days, the contractor is required to provide a written explanation) The written explanation must be submitted with the EO-363 form. The D.E.'s OJT Designee is to review the selected classifications to verify whether or not the project work scheduled for completion would have the potential to support the completion of the required hours of training in the selected classifications. If it is determined that there is no potential, return the EO-363 to the Prime identifying that and suggest other classifications that would have potential for providing a complete effective and meaningful training prior to the project's completion.
 - b. Submit the EO-363 to BEO's OJT Program Administrator for approval, through PPCC, noting whether or not it had been returned for revision, and identifying what transpired, for the record.
 - Ensure the contractor attaches a sample copy of the completion certificate submitted with the EO-363.
 - c. Upon receipt of BEO approval, the DLCCA will forward a copy to the project if they are not including in the PPCC workflow.
 - i. If the contractor submits the training program directly to you, please forward to the DLCCA as soon as possible.
-

2. Ensure that the contractor submits a completed EO-364 "Trainee Enrollment" form original prior to the anticipated start date identified on the approved Training Program form EO-363 through the PPCC.
 - a. Verify that the information was provided accurately with signature and dates and that the proposed candidate's enrollment is in compliance with the Training Special Provisions. When apprentices are being enrolled for training, a copy of their indenture papers, or a Union referral letter identifying the apprentice's status should be included with the submission of their EO-364. If not provided, the union documentation must be requested so it can be submitted with the EO-364 for processing. In addition, a copy of the selected PennDOT approved training program outline or, an Apprenticeship Training Program Outline must be submitted with the EO-364 to include the identification of the "staff" that is scheduled to provide the training. When the documentation is received the EO-364 can be signed and dated acknowledging that conditional approval of the enrollment was granted by the IIC.
 - b. Then work flow the copy through PPCC. Paper copies can be emailed to: penndotjtreports@state.pa.us.
 - c. If the Trainee Enrollment form is *not* received prior to the anticipated start date in the approved Training Program (EO-363):
 - i. Contact the Prime contractor for the EO-364 form, or a revised start date, which can be work flowed through PPCC or emailed.

After Trainee begins work on-site:

1. You should be aware of the training program content and monitor (daily) that the trainee is receiving the prescribed training.
2. Hours that the trainee works in a craft/activity outside of the Training Program are not to be counted toward the completion of the Training Program, or paid from the Training Special Provisions bid item on the progress estimate.
3. Occasionally, conduct informal interviews with the trainee(s) to ensure that there are no problems. Document in your PSA/FID. If and/or when issues are identified, then address them with the DLCCA and/or BEO's OJT Program Administrator.
4. One copy of the 'Monthly Training Report' (EO-365) is to be received in the project field office by the 30th of each month, and is due to the District by the 5th of the following month.

DUE DATES ARE IMPORTANT!

- a. If training has not been provided during the month, a 'negative' report must be submitted. **Exception:** If the employee is laid off, and the "Anticipated Recall Date" on the EO-365 has been completed, negative reports will not be required through the lay-off period
 - b. Receipt of EO-365's are logged on the EO-365 Monitoring form.
 - c. Verify that the information was provided accurately, if so sign and date.
 - d. Work-flow through the PPCC, or email a copy to penndotojtreports@state.pa.us if your project is not in PPCC.
 - i. Ensure that the Training Special Provisions are discussed at weekly Project Progress Meetings. If a trainee demonstrates negative work habits ensure that the Prime is documenting that information on the EO-365 under "Evaluation of Trainee." Documentation of issues such as excessive absenteeism would help to demonstrate the justification for a termination, if necessary.
5. If a trainee is terminated as a result of injury, resignation, firing or accepting other employment, a replacement must be obtained as soon as possible. The OJT Administrator is to be notified as soon as possible. An EO-365 should be submitted for processing at this time, regardless of the calendar date, identifying the situation that occurred. The contractor and the District must review the scope of work remaining to determine if a meaningful training program can be completed. Contractors must supply documentation regarding their Good Faith Efforts to replace the trainee.
 6. Upon completion of the required Training Program hours, the trainee is to receive a "Certificate of Completion". A copy is to be submitted though PPCC to the OJT Program Administrator.
 7. ***Any problems regarding trainees and/or the Training Program are to be reported to the District Office and to BEO's OJT Program Administrator immediately*** (BEO telephone number: 1-800-468-4201). The Prime contractors should be instructed to access the most current version of PennDOT's On-The-Job Training Program Form from the **PennDOT Homepage** under "**Forms & Publications**" and/or from the **BEO Homepage** under "**Forms**"
-

(EO-364) Trainee Enrollment Form

EO-364 (1-11)



PennDOT OJT PROGRAM ENROLLMENT FORM

Project Information

| | | | | | |
|---------------------|---|--|-------------|---------------|-------------------------|
| ECMS Number | Federal Project Number | 100% State Funded: <input type="checkbox"/> Yes <input type="checkbox"/> No | S.R. Number | Sec. Number | PA Engineering District |
| PROJECT MANAGED BY: | <input type="checkbox"/> PennDOT _____ | Telephone/Cell Phone Number | | Email Address | |
| | <input type="checkbox"/> Consultant _____ | Telephone/Cell Phone Number | | Email Address | |

Contractor Information

| | | |
|---------------------------------------|------------------|--|
| Training Provider's Name | Telephone Number | Email Address |
| Prime Contractor's Name | | Is Training Provider Union Contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Project Office Address | City | State Zip Code |
| Project Office Contact: | Telephone Number | Email Address |
| Training Providers EEO Officer's Name | Telephone Number | Email Address |

Trainee Candidate Information

| | | | | |
|---|-------|-----------|--|---|
| First Name | M.I. | Last Name | Social Security Number | Gender <input type="checkbox"/> Male <input type="checkbox"/> Female |
| Street Address | | | Apt./Unit Number | |
| City | State | Zip Code | Telephone/Cell Phone Number | |
| Do you have any experience in the proposed training classification? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | If YES, please explain: | |
| Race/Ethnicity Select One | | | If you selected Other, please specify: | |

Training Information

| | | |
|--|--|------------------------------------|
| PennDOT-Approved Training Classification Title (Program Number) | Program Hours | Anticipated Start Date |
| This Training Position is being Filled by an: <input type="checkbox"/> OJT <input type="checkbox"/> Apprentice <input type="checkbox"/> New Union Member <input type="checkbox"/> Other | | |
| <small>If "Other" or "New Union Member" Identify Candidate's Current Status:</small> | | |
| Upgrade Current Employee? <input type="checkbox"/> Yes <input type="checkbox"/> No | Current Employee's Work Classification | |
| Apprenticeship Construction Craft Classification | | Apprentice Hours Already Completed |

LABOR & CONTRACT COMPLIANCE

Wage Rate Identification

| | | | |
|--|--|--|--|
| For Apprentices Only: Apprentice's Current Skill Level: | | Hourly Rate (Per Skill Level) | Journeyman Rate for Construction Craft: |
| For Non-Union Trainees Only: | | Hourly Rate | Wage Rate Scale for Training Classification: |
| Federally Funded Project/Davis Bacon Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No | Davis Bacon Construction Title Classification: _____ Hourly Rate: _____ Group Number: _____ | Wage Rate Scale for Training Classification: Craft Title: _____ Group Number: _____ | |
| 100% State Funded Project/L&I Prevailing Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No | Construction Craft Classification: _____ Hourly Rate: _____ Class Number: _____ | Wage Rate Scale for Training Classification Class Number: _____ | |
| New Union Member: <input type="checkbox"/> Yes <input type="checkbox"/> No | Name of Union: _____ | Union Membership Began: _____ | Journey Person Wage Rate for Union Classification: |
| Fair Market Wage Rate - Source Used to Determine Fair Market Rate: | | | |
| Non-Construction Training Classification Title: _____ | | Median Level Wage Rate: _____ | |
| Entry Level Wage Rate: _____ | | Experienced Level Wage Rate: _____ | |

Trainee Declaration

| | | |
|--|------------|-------|
| By my signature, I attest to the following: | | |
| 1. I have received, read, and understand the terms and conditions of my employment and a copy of this training program. Furthermore, I understand that the purpose of the training program and can comply with all conditions set forth in the program. | | |
| 2. I further state that my signature here indicates that I have not completed a training program in this classification, nor have I been listed as a journeyman in this classification on any contractor's payroll and/or I have not been successfully employed in the classification for which I am now being considered. | | |
| TRAINING CANDIDATE Printed Name: | Signature: | Date: |
| CONTRACTOR'S PROJECT MANAGER Printed Name: | Signature: | Date: |
| PENNDOT PROJECT MANAGER Printed Name: | Signature: | Date: |

THIS IS AN EQUAL OPPORTUNITY PROGRAM

Training Special Provisions Item 3999-9999 (ITEM1999-9999) – TRAINEES – this provision is an implementation of 23 U.S.C. 140(a).

Description - As part of the project equal employment opportunity affirmative action program, training and upgrading of minorities and women toward journeyman status is a primary objective of this Special Provision. Accordingly, make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. Accept responsibility for demonstrating that steps are taken in pursuance thereof, prior to a determination as to whether compliance is made with this Special Provision.

Do not employ a person as a trainee in any classification in which he/she has successfully completed a training program leading toward journeyman status or in which he/she has been employed as a journeyman. Candidates may be trained a maximum of three times as long as the training is not repetitious in the scope of work and is not on the same project.

Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with the State apprenticeship agency by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, will also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations or Federal-aid highway construction contracts.

It is the intent of the training special provision that training will be provided in the construction trades rather than clerical-type positions. PennDOT will consider the approval of training programs in lower-level management positions where the training is oriented toward construction-related activities such as office computer technicians, construction office managers and project administrators, timekeepers, surveyors, etc., when there are more than three trainee slots assigned to a project.

LABOR & CONTRACT COMPLIANCE

Instructions for completing the EO-364: (PLEASE PRINT OR TYPE) - The Enrollment form (EO-364) is to be completed by the Training Provider for each candidate selected for on-the-job training participation when Training Special Provisions (TSP) is included in the project's contract. A completed EO-364 containing original signature must be submitted to the PennDOT IIC for review and their Conditional Approval PRIOR to starting any candidate's training. If the candidate selected for training is unavailable to sign the EO-364, a note explaining that should be written in the item box identified for their signature, then that information should be initialed and dated by the representative providing the information. IF THERE IS A SECTION ON THIS ENROLLMENT FORM THAT IS NOT APPLICABLE, (i.e., the Union Section would not be applicable to the Non-Union Contractors) PLEASE ENTER "N/A" IN THE RESPONSE AREA.

Both Hourly & Journeyperson wage rates are applicable to ALL enrollments, so both rates must be accurately identified on the EO-364. The Journeyperson wage rate is the wage rate scale for the approved training classification. Each Project's Wage Rate information is posted on ECMS; the Davis Bacon Prevailing Wage Rates are referenced for Federally funded projects; and the L&I Prevailing Wage Rate information is referenced for 100% State funded projects. The duties identified in the training program outline should be compared to the duties as identified in the wage rate information provided by ECMS to accurately identify the appropriate wage rates.

When training Apprentices, their current Union Indenture (or Registration) papers identify the accurate wage rate scale for the apprentice's skill level. They identify the journeyperson wage rate for their construction craft classification, and it identifies the time frame it will take the apprentice to achieve Journeyperson status.

If a current employee is your candidate for training, identify their current status with your company, their current wage rate, how the completion of this training would advance their skill level and earnings potential (this documentation can be provided on a separate sheet of paper).

If the training to be provided is that of a Laborer craft classification, you must be able to demonstrate that the training provided will provide a significant and meaningful training opportunity for the candidate selected.

When the approved Training is a Non-Construction Craft Classification the Fair Market Wage Rates (Entry Level, Median Level and Experienced Level) must be identified and the Prevailing Wage Rate Source used to make that identification must be identified (Web Address can also be identified).

If there is not enough room on the EO-364 form to provide the details that demonstrate the proposed enrollment is in compliance with the Training Special Provisions, please provide that information as an Addendum page to be submitted along with the EO-364.

Ethnicity Verification

When there is a questionable ethnic claim concerning an individual submitted for participation in the OJT Program, further documentation of that claim may be necessary. Acceptable documentation for ethnicity verification includes, in order of preference:

- Birth certificate
- Naturalization papers
- Native American – Indian Tribal roll, tribal voter registration certificate, or other official document
- History of individual having held himself to be a member of the minority group or community (driver's license, school, medical, and service records)
- Recognition of applicant in a particular minority community as a minority through sworn and notarized statements from bona fide members of the community, who are clearly disinterested parties
- Proof of membership and interaction in recognized minority organizations
- If requested, the Contractor will be required to obtain this information from the employee claiming the minority status
- If an individual requesting minority status cannot provide acceptable documentation and does not manifest the visual characteristics of the ethnic group claimed, the individual cannot claim minority status for the purpose of the OJT Program
- If a person manifests the visual characteristics of an acceptable ethnic minority group, the contractor may consider the person to be a member of that group.

– OJT PROGRAM FORMS SHOULD NOT BE DUPLICATED –
THEY SHOULD BE ACCESSED AND COMPLETED ONLINE THEN DOWNLOADED

(EO-365) Monthly Training Report Form

EO-365 (9-10)



HIGHWAY CONTRACTOR'S MONTHLY TRAINING REPORT

| | | | | | |
|---------------------------|------------------------|----------|-------------|-------------|-------------------------|
| ECMS Number | Federal Project Number | District | S.R. Number | Sec. Number | PA Engineering District |
| Payroll Period Beginning: | | Ending: | | | |

INSTRUCTIONS

This report is to be completed monthly by the contractor for each trainee employed on this project under the Training Special Provisions. The EO-365 is to be submitted, for the duration of each training classification, by the 5th day following the end of the pay period prior to the 30th of the month. An original copy must be submitted to the PennDOT Construction Services Engineer in Charge (PIC).

If the contractor is experiencing any difficulties with the trainee at any time, the PIC must be notified immediately of the difficulties. The PIC shall be notified at the time of a termination or completion by filing an EO-365 report at that time regardless of the calendar date.

(Please Print Or Type)

| | | | | | |
|--|---------------------------------|----------------------------|-------------------|---|-------------------------------------|
| Trainee Name: | | Address: | | Last Four Digits of SSN: | |
| <input type="checkbox"/> Male | <input type="checkbox"/> Female | Date of Birth: | Type of Training: | <input type="checkbox"/> On-the-Job Trainee | <input type="checkbox"/> Apprentice |
| <input type="checkbox"/> Union Member | | | | | |
| Employee Status: <input type="checkbox"/> New Hire <input type="checkbox"/> Upgrade a Current Employee | | | | | |
| Ethnic Group Designation: | | | | | |
| <input type="checkbox"/> White Not of Hispanic Origin <input type="checkbox"/> Black Not Hispanic <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or other Pacific Islander <input type="checkbox"/> Two or More Races | | | | | |
| Approved Trainee Classification: | | | | | |
| Date Training Started: | | Trainee's Hourly Rate: | | | |
| Hours of Training This Month: | | Hours of Training To Date: | | Hours of Training Remaining: | |
| Date Training Completed: | | | | | |
| Summary of Specific Tasks Performed: | | | | | |
| Evaluation of Trainee: | | | | | |
| TERMINATION: (State Reason for Termination) | | | | Date of Termination: | |
| LAY-OFF: | | | Date of Lay-Off: | | Anticipated Recall Date: |
| NAME OF CONTRACTOR PROVIDING TRAINING: | | | | Telephone Number: | |
| REPORT PREPARED BY (Title of Contractor's Representative): | | | | Date: | |
| PRINTED NAME: | | SIGNATURE: | | | |
| TRAINEE CANDIDATE: | | | | Date: | |
| PRINTED NAME: | | SIGNATURE: | | | |
| REVIEWED BY: (PennDOT Project Inspector in Charge) | | | | Date: | |
| PRINTED NAME: | | SIGNATURE: | | | |

General Project Safety - Section 9

Responsibilities of the Inspector-in-Charge:

It is not the intent that project representatives function as OSHA inspectors. It is, however, necessary for the project staff to be aware of OSHA Regulations (contact your Construction - ACE or DPSO) and to be conscious of safety issues on the construction site.

The Inspector-in-Charge, as well as the inspection staff, should be aware of the Contractor's Safety Plan, and assure that the project is in compliance. This plan applies to the contractor's personnel as well as all subcontractors' personnel. Any noted violations should be corrected immediately and documented in the PSA/FID. Contact the DPSO for assistance.

Assure the following:

1. The Contractor's Safety Plan is maintained in the project files.
 - a. (See PPCC Submittal # _____)
 2. The Contractor's Hazardous Communication Plan is maintained in the project files.
 - a. (See PPCC Submittal # _____)
 3. If the Contractor's Safety Plan requires 'weekly toolbox safety meetings, you should verify that the meetings are held and document in your PSA.
 4. Assure that safety, as related to the Child Labor Law, is followed. Generally speaking, the minimum working age for hazardous positions is 18 years of age. And the majority of highway construction jobs meet the definition of 'hazardous.' The Inspector-in-Charge is to request proof of age (i.e., birth certificates, photo ID's, etc.) if a violation is suspected.
 5. Proper Maintenance & Protection of Traffic is maintained in accordance with the approved Traffic Control Plan *and/or* Publication 213 (Temporary Traffic Control Guidelines).
-

Safety Field Inspection

Contract No: _____ Contractor: _____ SR / Section: _____

Superintendent: _____

Inspector-in-Charge/ACE: _____ Reviewed by: _____ Date: _____

KEY: (S) = Satisfactory (U) = Unsatisfactory (N/A) = Not Applicable (or not reviewed)

Protection

Fire extinguishers in place and inspected: _____

General Housekeeping

Floors & Halls: _____

First Aid Kits & Supplies: _____

Stairs & Handrails: _____

Disposal of Waste: _____

-

Safety

Hi Visibility Vests: _____ Sanitary Facilities: _____

Storage of Materials: _____ Hard Hats: _____

Fall Protection Training: _____ Date: _____

Record Keeping

Fall Protection being used: _____ Safety Program on File: _____

Life Vests being used: _____ Weekly Safety Meetings Held: _____

Any Danger to the Public: _____ MSDS's On-site for Review: _____

Bulletin Board Postings & Readable: _____ Emergency Phone # Posted: _____

MPT, checked twice daily in MD: _____

Project Accidents – Section 10

Responsibilities of the Inspector-in-Charge:

Accidents happen. By paying attention to your surroundings, remembering safe working habits and practicing all that you've learned, most accidents can be prevented. Still; accidents happen. Accidents, for the sake of this Labor & Contract Compliance Manual are divided into two categories; Personal Injury and Vehicular. Just as they sound, personal accidents are those that involve injuries to people, and vehicular accidents are those that involve vehicles (or equipment). One of the problems is that legal issues are not raised until long after the project is completed. It is imperative that you collect as much information as possible, for all project accidents, to assure that the information is available when it's needed. One of your reporting requirements comes when the accident is a 'disabling accident' or one that involves fatalities:

Disabling Accident is defined for this procedure, as those that require a doctor's care at the scene of the accident or transportation to a hospital or doctor's office for treatment. Accident victims that refuse or are deferring treatment or transportation for treatment shall not be reporting as a disabling injury.

If you receive a request for accident information, the request should be forwarded to the Bureau of Highway Safety and Traffic Operation Division (BOMO), or forwarded to the District Project Safety Officer, or DPSO. DO NOT give out accident information to anyone (excluding the police).

Responsibilities of the Inspector-in-Charge (continued...)

Assure the following:

Personal Accidents:

1. All disabling injuries and fatalities that occur within the project limits are reported to the DPSO.
 2. The '**Personal Injury Report**' form located in this section is completed and maintained with the project files (or kept in this manual). **cc: DPSO**
 3. If the accident involves PENNDOT employees (including summer interns):
 - a. Notify your supervisor immediately.
 - b. The injured employee's supervisor is to follow PENNDOT's prescribed accident reporting instructions, including contacting the **District Safety Officer**:
 - c. Follow above instructions (#1 & #2).
-

Vehicular:

1. You gather initial accident information.
2. The DLCCA is contacted as soon as possible.
 - a. The DLCCA is required to notify the contractor's insurance company of all "reportable" accidents, such as one that involves injury or death to a person or damage to a vehicle that cannot mover under its own power and needing tow; within 7 days of the accident.

Your prompt reporting to the DLCCA or, your District Safety Officer (DSO) is essential!

3. You gather additional accident information as necessary.
4. The '**Construction Zone Vehicle Accident Report**' form located in this section is completed and maintained with project records (or kept on this manual).

cc: DLCCA

District Traffic Engineer

Bureau of Highway Safety and Traffic Operations Division

Inspector-in-Charge must review project for contributing factors after ALL accidents !!!

Notes:

LABOR & CONTRACT COMPLIANCE

| Type | Location Within Const. Zone | Injuries | Fatalities | Date | Time | Weather | Road Surface | Contributing Factors or Circumstance |
|------|-----------------------------|----------|------------|------|------|---------|--------------|--------------------------------------|
| | | | | | | | | |
| | | | | | | | | |
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| | | | | | | | | |

Document all changes and revisions made to the project's traffic control methods, and the date they were implemented.

Notes:

Personal Injury Report

Location: Engineering District: _____ County: _____
Municipality: _____
State Route: _____ Traffic Route: _____

Project Information:

Project No: _____
Contractor: _____
Type of construction: _____

Accident Information:

Date: _____ Time: _____
Weather: _____
Site conditions: _____

Type of accident: _____
Was equipment involved: _____
What type of equipment: _____
Witnessed by: _____

Was there a fatality? _____ Coroner Notified? _____

Name of Victim(s):

1. _____ 2. _____
3. _____ 4. _____
5. _____ 6. _____

Address(s) of Victim(s):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

LABOR & CONTRACT COMPLIANCE

Employed By:

- 1. _____ 4. _____
- 2. _____ 5. _____
- 3. _____ 6. _____

Nature of Injured:

- 1. _____ 4. _____
- 2. _____ 5. _____
- 3. _____ 6. _____

Hospital transported to:

- 1. _____ 4. _____
- 2. _____ 5. _____
- 3. _____ 6. _____

Transported by:

- 1. _____ 4. _____
- 2. _____ 5. _____
- 3. _____ 6. _____

Any violations noted:

Description and contributing factors:

Preventative Recommendations:

For District Office Use

Notes:

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intentional
left blank

Construction Zone Vehicle Accident Report

Location:

Engineering District: _____ County: _____

Municipality: _____ State Route: _____

Traffic Route: _____

Project Information:

Police Report No: _____ Project No: _____

Contractor: _____

Type of Construction: _____

Length of Work Zone: _____ Method of Traffic Control: _____

Speed Limit through Work Zone: _____

(circle one): Advisory Reduced Regulatory Normal

Accident Information:

Date: _____ Time: _____ Weather: _____

Site Conditions: _____

Road Conditions: _____

Police Department: _____ Report No. _____

Type of Accident: _____

Did accident involve a construction vehicle? _____

Type of Equipment? _____

Severity: _____ Injuries: _____

(Complete Personal Injury Report Form)

Property Damage Only: _____

Roadway Type: Two-lane, Two-way: _____

Three-lane, Two-way: _____

Four-lane, Divided or One-way: _____

Four-lane, Undivided: _____

Intersections: _____

Other:

(Continued on back)

Generic Traffic Control Sketch: (From Pub. 203 Work Zone Traffic Control, Appendix "A")

Letter: _____

Accident Lane (number in circle from sketch): _____

Location of Accident within Work Zone: _____

Contributing Factors:

Note any changes or revisions that were made to the project's traffic control method, as a result of the accident and the date they were implemented:

Date Implemented: _____

Note any damages to Department Equipment (if so, was Maintenance notified):

Maintenance employee notified: _____

Date Maintenance was notified: _____

For District Office Use

Notes:

Guidelines for Completing the Information for Police Arrest

The attached form will be used to assist police and report near misses in work zones.

Please follow these guidelines when filling out this form.

1. Note as much information as possible – details are imperative.
2. List witnesses.
3. Call the police immediately after the incident.
4. Immediately after the incident send a copy to the appropriate police jurisdiction.
cc: the PENNDOT field office and the DPSO*.
5. Violations of Section 3102 (relating to obedience to authorized persons directing traffic) and Section 3326 (relating to duty of driver in construction and maintenance areas) of the PA. Vehicle Code should also be report to the police.
6. If a citation is issued as a result of the filing of the form and you are notified that the violator has requested a hearing, please contact the **DPSO***.

* **DPSO** –District Project Safety Officer

PA. STATE POLICE BARRACKS _____

Notes:

Guidelines for Required Information for Police Arrest

Location of Incident:

County: _____ Township/Boro: _____

Local Name: _____

State Route: _____ Seg/Off: _____ Milepost: _____

Descriptive of Vehicle: (Circle one)

Travel Direction: North South East West

Car Truck Tractor Trailer Motor Home Motorcycle

Other: _____

Truck Co. Name (if applicable): _____

Color: _____ Make: _____ Model: _____

Plate No. (vehicle/trailer): _____ / _____ State: _____

Other markings: _____

Driver: Male: _____ Female: _____ (Check one)

Age: _____ Hair color: _____ Clothing: _____

Number/Description of Occupants: _____

Descriptive Statement of Incidents: (Include: Who, What, When, Where, Why, and How)

Date: _____ Time: _____ AM / PM Weather: _____

Can any witnesses identify the driver : (circle one) YES NO

Descriptive of Work Zone :

Warning signs in place: YES NO **Flaggers:** YES NO

Operation Type: Moving Stationary (Regulatory) Posted Speed : _____

Witnesses:

| NAME | ADDRESS | TELEPHONE NUMBER |
|------|---------|------------------|
| | | |
| | | |
| | | |
| | | |

Reported by: _____ Date: _____

Reported to the Police: YES: _____ NO: _____ Project phone number: _____

If yes: Police barracks: _____ Officer's name: _____

Notes:

Inspectors Safety Meetings – Section 11

Responsibilities of the Inspector-in-Charge:

Safety First! You hear this theme year after year in the Department. Going home to family and friends at the end of the day is the most important thing we do. Constant repetition of safety principles ingrains this philosophy into our psyche so that working safely becomes second nature.

Whenever an inspector is first assigned to your project, take the time to discuss project-related safety issues with him/her. Show them that we take safety seriously and expect the same from them. The IIC should gather staff and hold a Safety Meeting approximately every 2 weeks. Talk about trench safety. Talk about the dangers of working on structures. Talk about sunburn and tick protection. The most important thing is to keep talking. By holding Safety Meetings with scheduled frequencies; you help to ingrain the “Safety First” philosophy into your co-workers; helping them return home safely each, and every day.

Assure the following:

1. All inspectors receive an initial safety briefing within two days of their assignment to your project.
 2. Refresher briefings are to be held at intervals of approximately every week.
 3. Safety Meeting attendees sign the “Safety Meeting Sign-In Sheet” located in the Labor & Contract Compliance Manual.
 - a. If the inspection staff attends the contractors weekly “Toolbox Safety” meetings, they are still required to sign the ‘Safety Meeting Sign-In Sheet.’
-

Inspector's Safety Meetings

| Date | Safety Topic | Signatures of Attendees: | | | | | | | | | |
|------|--------------|--------------------------|-----|----|----|--|--|--|--|--|--|
| | | | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | | | |
| 7. | 8. | 9. | 10. | | | | | | | | |
| | | | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | | | |
| | | | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | | | |
| 7. | 8. | 9. | 10. | | | | | | | | |
| | | | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | | | |
| | | | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | | | |
| 7. | 8. | 9. | 10. | | | | | | | | |
| | | | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | | | |
| | | | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | | | |
| 7. | 8. | 9. | 10. | | | | | | | | |
| | | | | | | | | | | | |

Inspector's Safety Meetings

| | | | | | | | | | |
|------|--------------|--------------------------|-----|----|----|--|--|--|--|
| Date | Safety Topic | Signatures of Attendees: | | | | | | | |
| | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | |
| 7. | 8. | 9. | 10. | | | | | | |
| | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | |
| | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | |
| 7. | 8. | 9. | 10. | | | | | | |
| | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | |
| | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | |
| 7. | 8. | 9. | 10. | | | | | | |
| | | | | | | | | | |
| Date | Safety Topic | Signatures of Attendees: | | | | | | | |
| | | | | | | | | | |
| 3. | 4. | 1. | 2. | 5. | 6. | | | | |
| 7. | 8. | 9. | 10. | | | | | | |
| | | | | | | | | | |

Prevailing Wage - Attachment **A**

(from Contract)

Miscellaneous Forms - Attachment

B

| PART | SECTION | PAGE | DATE |
|------|---------|------|-----------------|
| B | 5 | 4-4 | October 1, 2002 |

Reproduce this form as necessary

CONSTRUCTION ZONE VEHICULAR ACCIDENT (CRASH) REPORT

I. Project Information:

Engineering District : _____ County : _____
 Municipality : _____
 State Route : _____ Traffic Route : _____
 Contract No. : _____
 Federal Project No: _____ State Project No. : _____
 Contractor: _____
 Type of Construction : _____
 Length of Work Zone : _____
 Method of Traffic Control : _____
 Speed Limit through Work Zone (advisory , reduced regulatory, normal) : _____

II. Accident (Crash) Information:

(If a copy of the Police Report is attached, skip this section and move to Section III.)

Police Report No. : _____ Type of Accident: : _____
 Did accident involve a construction vehicle? : _____
 Severity: Fatalities _____
 Injuries _____
 Property Damage _____
 Date : _____ Time : _____ Weather : _____

Road Surface : _____

III. Traffic Control Information:

Roadway Type: Two-Lane, Two-Way _____
 Intersections _____
 Three-Lane, Two-Way _____
 Four-Lane, Divided or One-Way _____
 Four-Lane, Undivided _____
 Other: _____

Figure Number of generic Traffic Control sketch from
 Publication 203, Work Zone Traffic Control, Appendix A : _____

LABOR & CONTRACT COMPLIANCE

Accident in Lane (number in circle from sketch): _____

Location of accident within work zone: _____

Contributing Factors: _____

Note any changes or revisions that were made to the project's traffic control methods as a result of the accident and the date they were implemented.

: _____

Note damage to Department property and, if any, state whether District Maintenance Unit was notified.: _____

This traffic engineering and safety study is confidential pursuant to 75 PA C.S. § 3754 and 23 U.S.C. § 409 and may not be disclosed or used in litigation without written permission from the Pennsylvania Department of Transportation.
