

CIVIL RIGHTS

*An overview of
ODOT's Office of
Civil Rights
programs and
women and
minority
participation on
ODOT contracts.*



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What is ODOT's Office of Civil Rights?

We are committed to provide fair and equitable access to economic opportunities, programs and services.

ODOT established an Office of Civil Rights in the mid 1980s to build positive and enduring relationships with internal and external stakeholders through education, customer service, partnerships, outreach, innovation, sustainable programs and compliance.

What has emerged from that is an office housing federal and state programs, all committed to ensuring Oregonians have fair and equitable access to ODOT economic opportunities, programs and services.

Our mission is to build positive, all inclusive, and enduring relationships with internal and external stakeholders through:

- Education
- Customer Service
- Partnerships
- Outreach
- Innovation
- Sustainable Programs
- Compliance

Our vision is to be a leader in the development of programs that increase opportunities for our workforce and small business stakeholders.

Continuum Strategy

The goal of our “Continuum Strategy” is to educate youth about construction so they enter apprenticeship, graduate journey level, work in construction, then establish a small business, and eventually become a prime contractor.

The “Continuum Strategy” focuses on creating an environment where “young” small firms are identified early on in their business life, and offered training that will provide growth into future years that could culminate in contracts on ODOT projects.



Outreach to high schools



Participation in trades



Development of small businesses

Investing in People

Workforce Development
Program

Pre-apprenticeship
Training

On-the-Job and
Apprenticeship Training

Supportive Services

Equal Employment
Opportunity Program

Workforce Development Program

ODOT is committed to expanding diversity throughout the state

Our Workforce Development Program outlines how to start a construction career with construction industry apprentice programs

Finding, training and employing a diverse, skilled workforce, prepared to meet upcoming construction demands was ODOT's goal in creating the agency's Workforce Development Program.

The program is designed to expand diversity in employment, increase apprenticeship participation, and increase training resources and opportunities for highway construction jobs throughout the state.

It is ODOT's policy that all necessary and reasonable steps are taken to ensure that apprentices have the opportunity to participate on highway construction projects and to develop as journey-level workers in the given trade or job classification.

The Workforce Development Program includes pre-apprenticeship training and supportive services as well as Equal Employment Opportunity, On-the-Job and Apprenticeship training.



Pre-apprenticeship Training

ODOT is working to increase awareness of careers in the highway construction trades among women, minorities and school aged youth by providing effective outreach and orientation activities for work in highway construction. ODOT has developed and supports systems that provide screening, assessment and preparation for training and career opportunities in the highway construction trades to a diverse population.

Classes to prepare for a high skill, high wage career in construction

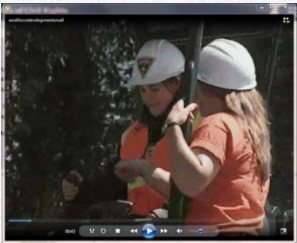
Highly trained journey workers are sought by industry for well-paying jobs



On-the-Job Training and Apprenticeship

Training the future highway construction workers

Watch our video! Start Building Your Future Today: Welcome to the Construction Industry Apprentice Programs



ODOT is committed to training the future highway construction workers that will be needed to fill vacancies left by retirement and normal attrition.

The On-the-Job (OJT) training and apprenticeship program objectives are:

- Training minorities and women in highway construction trades.
- OJT may be used as an affirmative action tool to assist contractors in meeting their Equal Employment Opportunity obligations.
- OJT is intended to lead workers into the apprenticeship system and result in journey level status and a career in highway construction.

As with every program, ODOT's policy is not to discriminate on the basis of race, color, sex and/or national origin.

EMPLOYEEES benefit by having an opportunity to learn and gain experience in the construction trades in order to prepare for a career - not just a job. Trainees who go on to complete standardized apprenticeship training can make a living anywhere, and may eventually become construction business owners themselves.

EMPLOYERS benefit by developing a highly skilled workforce to meet the demands of the future and by the opportunity to diversify their workforce. Employers may pay registered apprentices a reduced hourly wage during training. In-house OJT trainees are paid full prevailing wage for the type of work performed.

THE PUBLIC benefits from family wage jobs that add to the economic health of the community while making improvements to Oregon's roads.

Supportive Services

Removing barriers for apprentices to advance to journey status

Many journey workers advance to become supervisors, superintendents, and with additional years of advanced studies, technicians and engineers

Oregon law (ORS 184.866) requires ODOT to expend one-half of one percent up to an amount of \$2.1 million of the federal funds received each biennium by the department pursuant to 23 U.S.C. 140(b), to increase diversity in the highway construction workforce and prepare those interested in entering the highway construction workforce.

ODOT's Workforce Development Program was designed to help build a diverse, skilled construction workforce to meet the needs of the Oregon heavy-highway construction industry now and in the future. The program provides support to individuals who are either preparing to enter or have entered a trade associated with highway construction. Both basic needs support and training-related services are available, with a goal of covering each of the supportive services described in ORS 184.866:

- a) Pre-apprenticeship programs;
- b) Pre-employment counseling;
- c) Orientations on the highway construction industry;
- d) Basic skills improvement classes;
- e) Career counseling;
- f) Remedial training;
- g) Entry requirements for training programs;
- h) Supportive services and assistance with transportation;
- i) Child care and other special needs; and
- j) Job site mentoring and retention services.

Equal Employment Opportunity Program

Prohibits specific types of job discrimination

The Equal Employment Opportunity Program is a federally required affirmative action program that must be implemented by contractors and subcontractors with contracts and subcontracts of \$10,000 and more on all federal-aid construction projects.

Under the program, all affected contractors are required to provide equal employment opportunities to presumed socially and economically disadvantaged groups.

The program also sets forth goals for minority and female participation, which are expressed in terms of the contractor's aggregate workforce in each trade on all construction work in a covered area.

EMPLOYEEES benefit by working in an environment which is free from discrimination and harassment. Applicants and employees have equal access to jobs, training and other development opportunities. Fair processes exist to deal with work-related issues, complaints and grievances.

EMPLOYERS benefit by having cooperative workplace relations, reduced workplace conflict; increased employee job satisfaction and morale; and increased productivity and the ability to meet business goals.

THE PUBLIC benefits from services and products that are responsive to the needs of a diverse community.

Investing in Apprentices

Development of the
ODOT Apprenticeship
Program

Encouraging use of
apprentices

Apprenticeship hours as
percent of total workforce
hours

Trade percent of total
apprentice hours

Women apprentice
workforce

Minority apprentice
workforce

Vanessa Enos: Laborer
Apprentice

Development of the ODOT Apprenticeship Program

Through its Workforce Development Plan, ODOT and its partners strived to reduce the burden on contractors to produce a skilled labor pool that would meet industry standards.

In response to legislative direction, ODOT structured the delivery of the OTIA III State Bridge Delivery Program, which began in 2003, to stimulate the economy and benefit the state overall, including building a skilled, diverse workforce and creating meaningful opportunities for small businesses.

The bridge program developed a federally approved diversity program to increase involvement of Oregon construction firms and workers.

The apprenticeship program was specifically designed to address an anticipated shortage (predicted in 2005 by the Oregon Bureau of Labor and Industries) in skilled workers during the decade of construction on the bridge program and to create opportunities for apprentices to graduate to journey level, thereby building a sustainable workforce.

The bridge program identified and built a pool of prequalified potential workers that contractors could select from when hiring new apprentices or turn to when seeking to train pre-apprentices. ODOT's partners,

such as BOLI and Oregon's community colleges, supplemented contractor mentoring and on-the-job training efforts with related necessary programs and services.

On contracts greater than \$300,000, the number of on-the-job or apprenticeship training positions required by the Workforce Development Plan were the equivalent of 10 percent of the measured and tracked hours per craft measured to the nearest half-hour, in accordance with the accepted apprenticeship standards for the particular craft.

In 2007, ODOT started apprenticeship targets at 5 percent for new projects, looking for opportunities to increase over time. Responding to changing economic conditions after the 2008 recession, in 2011 ODOT moved the program from apprenticeship by trade to a reimbursable apprenticeship program, achieving a 10 percent apprenticeship goal.

Encouraging use of apprentices

In developing the ODOT apprenticeship program, the ODOT diversity team pursued an aggressive recruitment campaign to attract participants throughout the state. Outreach efforts included information nights at high schools; presentations by the Joint Apprenticeship Training Committees to promote construction trades careers; working with tribes, statewide minority organizations and workforce providers; and establishing a recruiting link with Oregon Job Corps Training Centers.

Taking advantage of programs already in place with partner organizations, the diversity team supported apprentices with case managers who could help place them in an apprenticeship-training program and refer them to longer term supplemental and basic skills training.

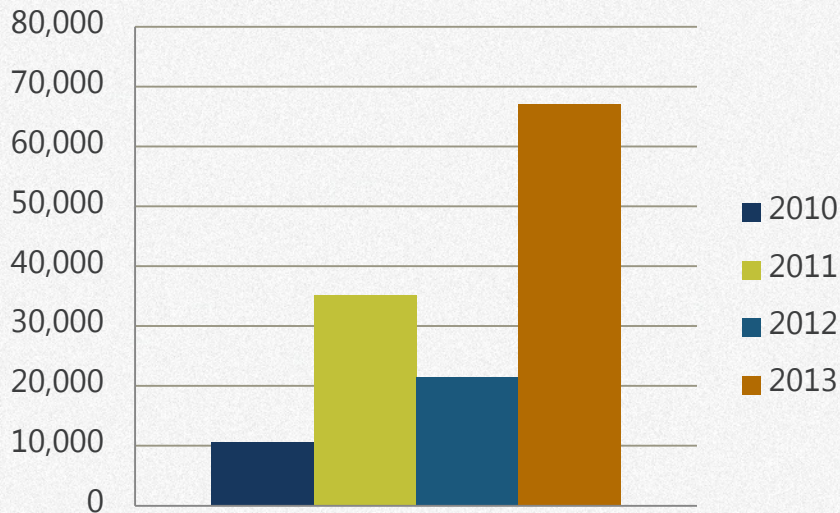
The current reimbursable apprenticeship program works today by establishing a required number of apprenticeship hours for a project. This target is estimate at 10% of the labor force required for the project.

An average apprentice wage is applied to the target and a bid line item is added to the contractor's bid. The contractor charges to the bid line item throughout the course of the project to reflect the use of apprentices.

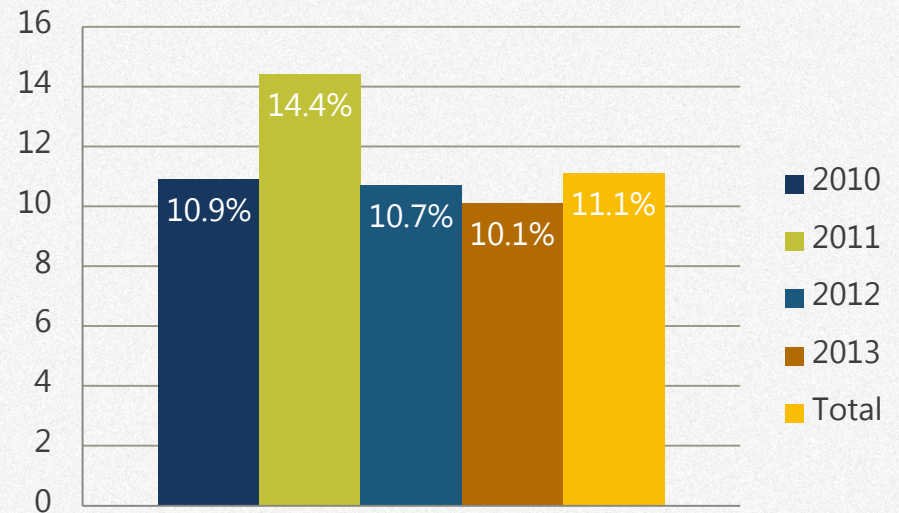
To encourage use of apprentices the contract may charge up to 150% of the bid line item quantity. Failure of the contractor to use apprentices effectively on a project results in forfeiture of the unused bid line item.

Periodically, labor force estimates for project types as well as the average apprentice wage rate are reviewed with industry.

Reimbursable Training Program 2007-2013



Apprenticeship Hours



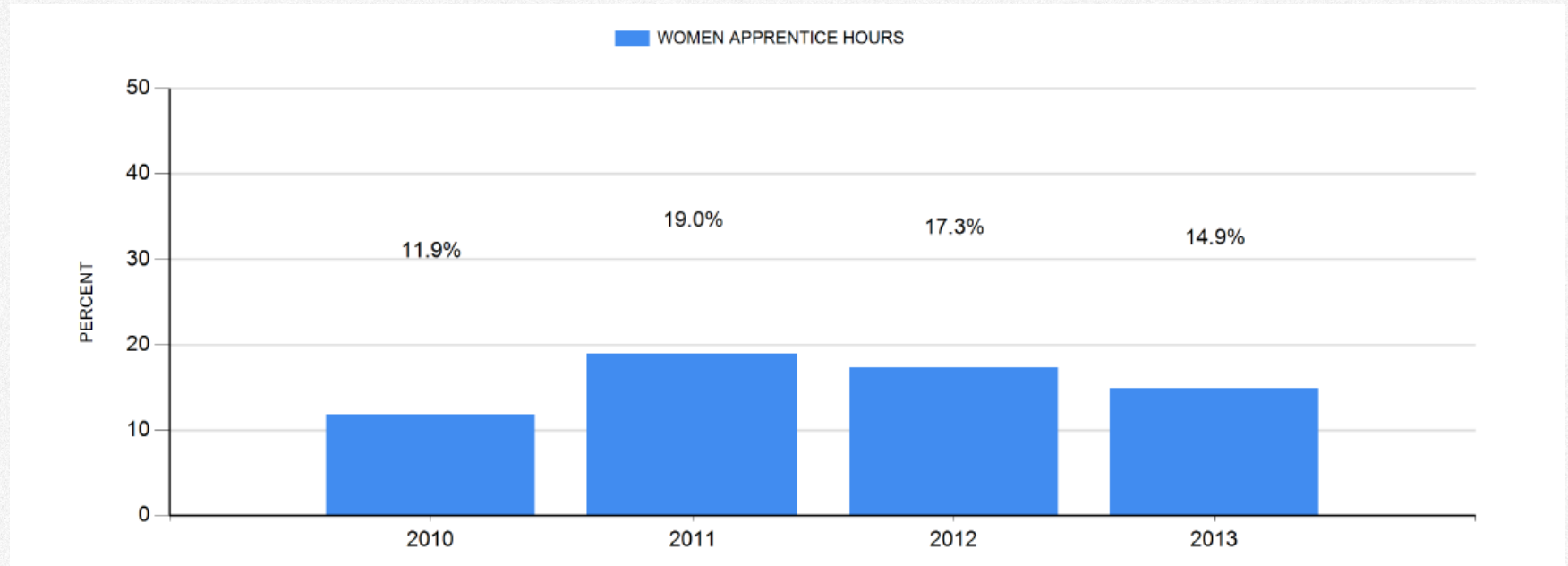
Apprenticeship Percent

YEAR	TOTAL WORKFORCE HOURS	GOAL HOURS	APPRENTICE HOURS	APPRENTICE PERCENT
2010	97,782	9,930	10,678	10.9%
2011	243,437	22,754	35,171	14.4%
2012	200,855	21,451	21,451	10.7%
2013	666,753	51,714	67,028	10.1%
TOTAL	1,208,828	105,849	134,328	11.1%

Women Apprentice Workforce

Percent of women apprentice hours on highway construction projects by Calendar Year

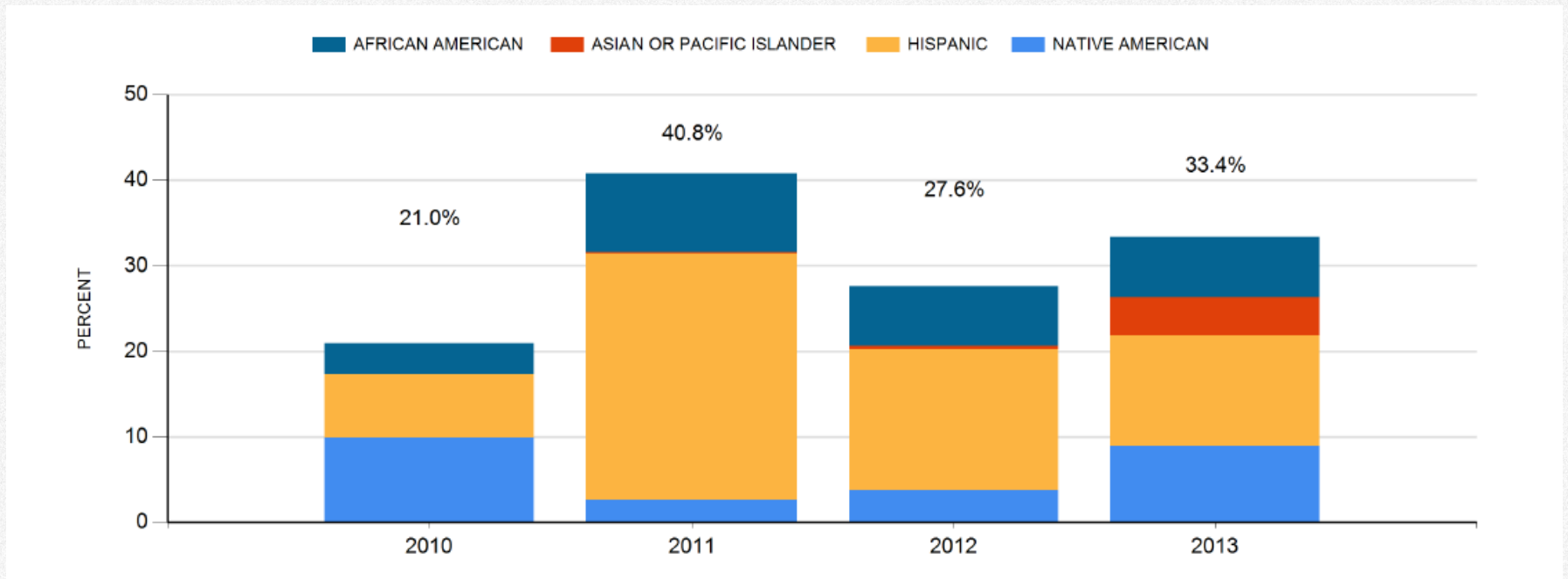
YEAR	WOMEN APPRENTICE HOURS	TOTAL APPRENTICE HOURS	TOTAL WORKFORCE HOURS
2010	1,270	10,678	97,782
2011	6,674	35,171	243,437
2012	3,720	21,451	200,855
2013	9,989	67,028	666,753
TOTAL	21,653	134,328	1,208,828



Minority Apprentice Workforce

Percent of minority apprentice hours on highway construction project by Calendar Year

YEAR	AFRICAN AMERICAN HOURS	ASIAN OR PACIFIC ISLANDER HOURS	HISPANIC HOURS	NATIVE AMERICAN HOURS	TOTAL APPRENTICE	TOTAL WORKFORCE HOURS
2010	394	0	785	1,061	10,678	97,782
2011	3,231	70	10,169	880	35,171	243,437
2012	1,495	95	3,533	805	21,451	200,855
2013	4,696	3,010	8,641	6,015	67,028	666,753
TOTAL	9,815	3,175	23,129	8,761	134,328	1,208,828



Vanessa Enos: Laborer Apprentice

"I got tired of wanting and decided that I deserved to have success and make a good living."

Vanessa Enos is currently in the first year of her laborer apprenticeship. She is also a Northern Cheyenne tribal member who was raised between Lame Deer in southeastern Montana and the Umatilla Indian Reservation in Pendleton, Ore. After serving four years as a wildland firefighter, teaching native youth in a tribal head start program and making art, Vanessa found her way into apprenticeship.

In May 2014, Vanessa graduated from the Oregon Tradeswomen's seven week Pathways to Success Pre-apprenticeship Program, which helps women prepare for a high skill, high wage career in the trades.

"This program gave me courage and self-esteem and helped open up a door to the Laborers Union right after graduation."

When asked about ODOT's Workforce Development Program, Vanessa said through supportive services her union came in and supplied her right away with protective gear and tools including a tool belt, boots, tin snips, pliers and

gloves. "These are all high quality items and it makes me feel like I have people backing me up and who believe in me and want me to succeed. I have good quality equipment and that is exactly how I want my work to be – quality."

The tools and gear Vanessa received were a huge relief financially just starting out in apprenticeship. "Just knowing I have all the tools I need to be successful in my apprenticeship makes me want to give my all for each and every project I work on," Vanessa said.



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Disparity Study

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Update](#)

Disparity Study History & Purpose

ODOT's studies are available online at:

http://www.oregon.gov/ODOT/CS/CI/VILRIGHTS/Pages/dbe_disp_avail_stud.aspx

In May 2005, the U.S. Ninth Circuit Court ruled that a state department of transportation could not establish a race- and gender-conscious disadvantaged business program without evidence showing that discrimination and inequity in contracting opportunities in that state's transportation industry had occurred. The case resulted in the need for an analysis of contracting inequities by race and gender group. Nine states are affected by this ruling: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.

ODOT, per guidance from the Federal Highway Administration (FHWA), suspended its hard goals in 2006 and retained MGT of America, Inc. to perform a comprehensive availability and disparity study in 2007 to find out whether statistical and anecdotal evidence showed inequities had occurred in ODOT contracting and subcontracting in Oregon, and if so, for which groups.

The purpose of a disparity study is to determine if there has been or there currently is evidence of discrimination in the transportation contracting industry within Oregon. To make this determination the study identifies current relative availability, utilization and capacity of minority- and women-owned firms that are ready, willing, and able to work within the industry. It also assesses ODOT's policies, practices and procedures to identify whether ODOT actively or passively participates in creating barriers to equitable participation in ODOT contracting.

A valid disparity study provides a strong basis in evidence allowing ODOT to implement a narrowly tailored Disadvantaged Business Enterprise Program according to Ninth Circuit case law including setting race- and gender- conscious contract goals as appropriate.

2016 Disparity Study Update

More detailed information on the outreach and schedule is posted online at: www.ODOTDBEstudy.org or from the project hot-line at 503-660-8865.

Conducting disparity studies in Oregon is still a fairly young process. While we don't have a consistent schedule yet, we are moving toward conducting updates every three to six years. The first disparity study was conducted in 2007 and previous updates occurred in 2011 (availability and utilization) and 2013 (availability only). We are currently in the process of conducting another availability and utilization study that we expect to publish in spring 2016.

ODOT contracted with Keen Independent Research LLC (Keen) to conduct our current disparity study to determine relative availability and use of minority- and women-owned firms on ODOT's FHWA-assisted contracts.

Keen kicked-off the project in early December 2014. In the interest of continually improving its processes, ODOT has engaged Portland State University (PSU) to provide independent, third party quality review services for all phases of the study. PSU will review, evaluate, and make recommendations to ODOT

regarding the disparity study consultant's quality assurance/quality control, data collection and communication and outreach plans.

Public involvement will include multiple meetings throughout the state. Data collection will include not just contracting data from ODOT, but will also include consultant surveys and in depth interviews with stakeholders. In March 2015 we expect Keen to begin collecting qualitative data from stakeholders over several months. We anticipate a draft report in fall 2015 and will notify stakeholders of the availability of the draft publications and will conduct multiple public meetings throughout the state to solicit public input on the draft. We anticipate a final report publication in spring 2016. There will be numerous opportunities for stakeholders to be involved and provide input throughout the study and ODOT encourages everyone to get involved and get engaged.

Investing in Business

*Disadvantages Business
Enterprise*

Emerging Small Business

*Supportive Services
Programs for Small
Business*

Minority Prime Contracts

Minority Sub-contracts

*Minority Prime and Sub-
contracts*

Disadvantaged Business Enterprise Program

Ensuring DBE's can compete fairly for federally funded contracts.

The U.S. Department of Transportation regulates the DBE Program and establishes criteria for certification, which applies to DBE-eligible firms seeking contracts funded with federal transportation-related money.

A DBE includes small businesses that are at least 51% owned by:

- Women
- Minorities: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans and Subcontinent Asian Americans
- Or other individuals on a case-by-case basis

Firms are required to be a certified DBE to participate in the Disadvantaged Business Enterprise Program. Only firms certified in Oregon by the Office of Minority, Women and Emerging Small Business are eligible to participate as a DBE on ODOT projects.

Benefits of participating in the program include supportive services including training and outreach opportunities. In general, all DBE firms that are awarded contracts (prime- and sub-) are counted toward meeting the agency's overall annual DBE goal. Prime contractors are required to entertain bids or proposals from all types of potential subcontractors, including DBE firms, on a non-discriminatory basis. For contracts with an assigned DBE goal, eligible DBE firms may be hired to meet the assigned goals, providing contracting opportunities for eligible DBE firms.

Emerging Small Business Program

Opportunities for qualified small businesses.

Our ESB Program is designed to stimulate the Oregon economy by growing small businesses.

The Oregon Department of Transportation strongly encourages, and is committed to, the participation of Emerging Small Businesses in contracting opportunities. The mission of the Emerging Small Business Program is to create new and innovative contracting opportunities for Oregon's small business community. It's also a goal of the program to assist emerging small businesses in overcoming barriers to participating in the state's extensive public contracting procurement programs.

As with every program, ODOT's policy is not to discriminate on the basis of race, color, sex and/or national origin when awarding and administering those contracts.

From July 2011 to June 2013, some 170 ODOT contracts valued at nearly \$8 million were awarded to ESB firms. As of April 2013, there were 1,857 small Oregon companies certified as ESBs. Additionally:

- 496 also qualified as Disadvantaged Business Enterprises;
- 687 also qualified as Minority-owned Business Enterprises; and
- 1,117 also qualified as Women-owned Business Enterprises.

Firms may qualify for certification in more than one category.

The current statute allows a firm to participate in the program a maximum of 12 years.

Supportive Services Programs for Small Businesses

ODOT funds and participates in developing and delivering each of these trainings, workshops, classes, and mentoring programs. The Small Business Development Center (SBDC) network includes 19 centers across the state to reach a broad spectrum of businesses seeking opportunities to work with public agencies, such as ODOT.

ODOT's Mentor-Protégé Program is a joint effort with representatives from the prime contractor and consultant community, ODOT, and the business facilitators at the SBDC to help build businesses that are actively engaged in subcontracts on ODOT funded contracts. Over 20 business have been enrolled in the program since 2012.

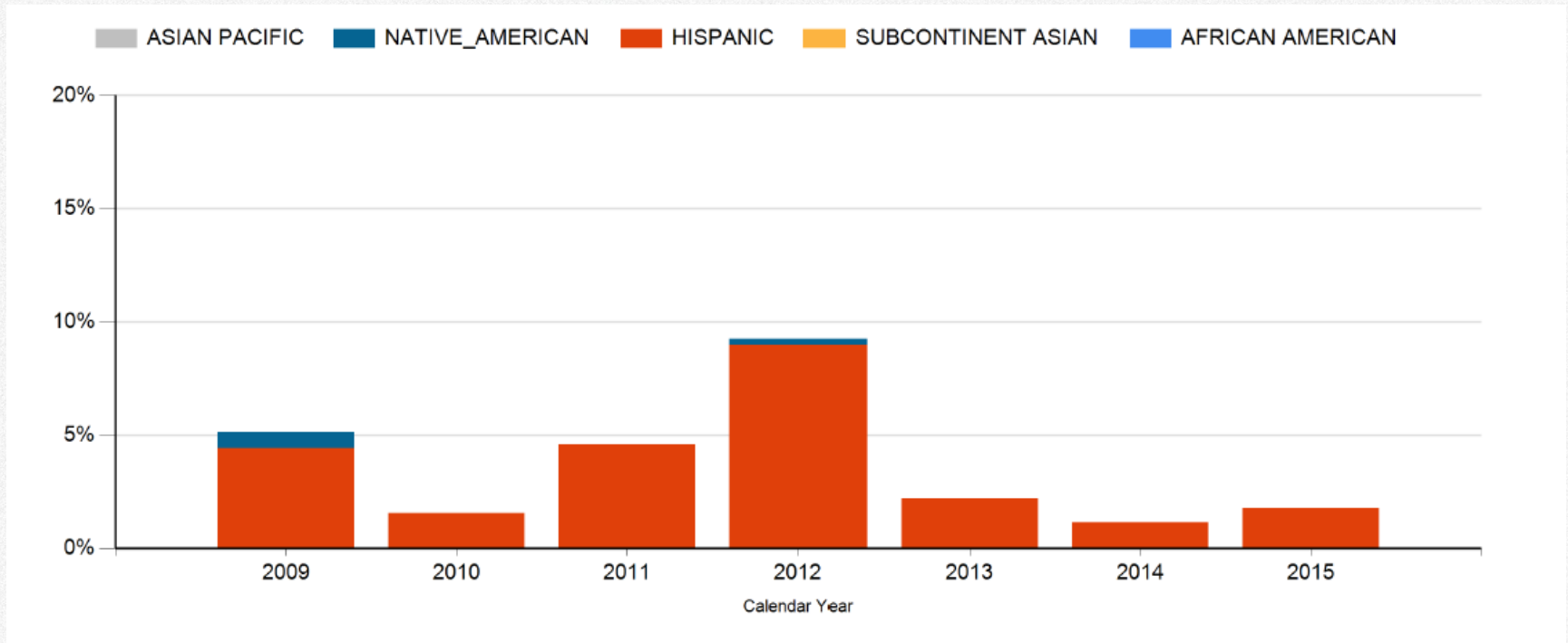
Supportive services include:

- Supplemental online business marketing-to-government courses
- Regional meetings and workshops
- DBE boot camp business management classes
- Top contractor online small business management classes
- Online business assessment tools
- In-person small business management classes
- Mentor-Protégé Program



Minority Prime Contracts

Minority Participation (Contract %)

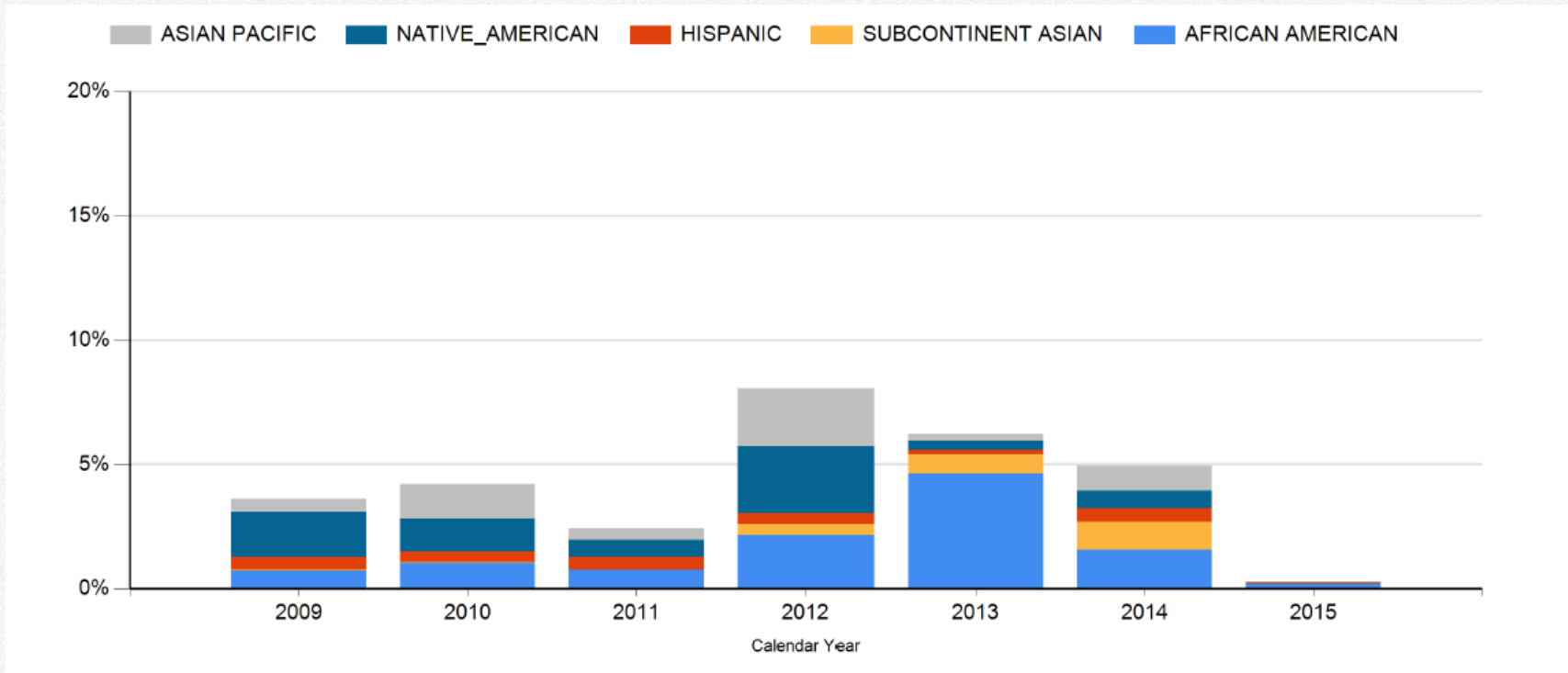


	2009			2010			2011			2012			2013			2014		
	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%
Contract	\$25.67	\$501.03	5.12%	\$5.72	\$368.54	1.55%	\$16.99	\$371.08	4.58%	\$27.09	\$293.11	9.24%	\$10.00	\$453.60	2.20%	\$5.12	\$448.68	1.14%
Payment	\$27.63	\$519.31	5.32%	\$7.04	\$387.17	1.82%	\$17.75	\$235.74	7.53%	\$24.79	\$297.79	8.32%	\$8.88	\$351.12	2.53%	\$2.27	\$153.25	1.48%

Source: ODOT Office of Civil Rights , Dollar values are in millions. Contracts were awarded within each of the calendar years and payments are on those contracts. Projects may be active. Data from ODOT's Civil Rights Compliance Tracking system as of 02/17/2015

Minority Sub-contracts

Minority Participation (Contract %)

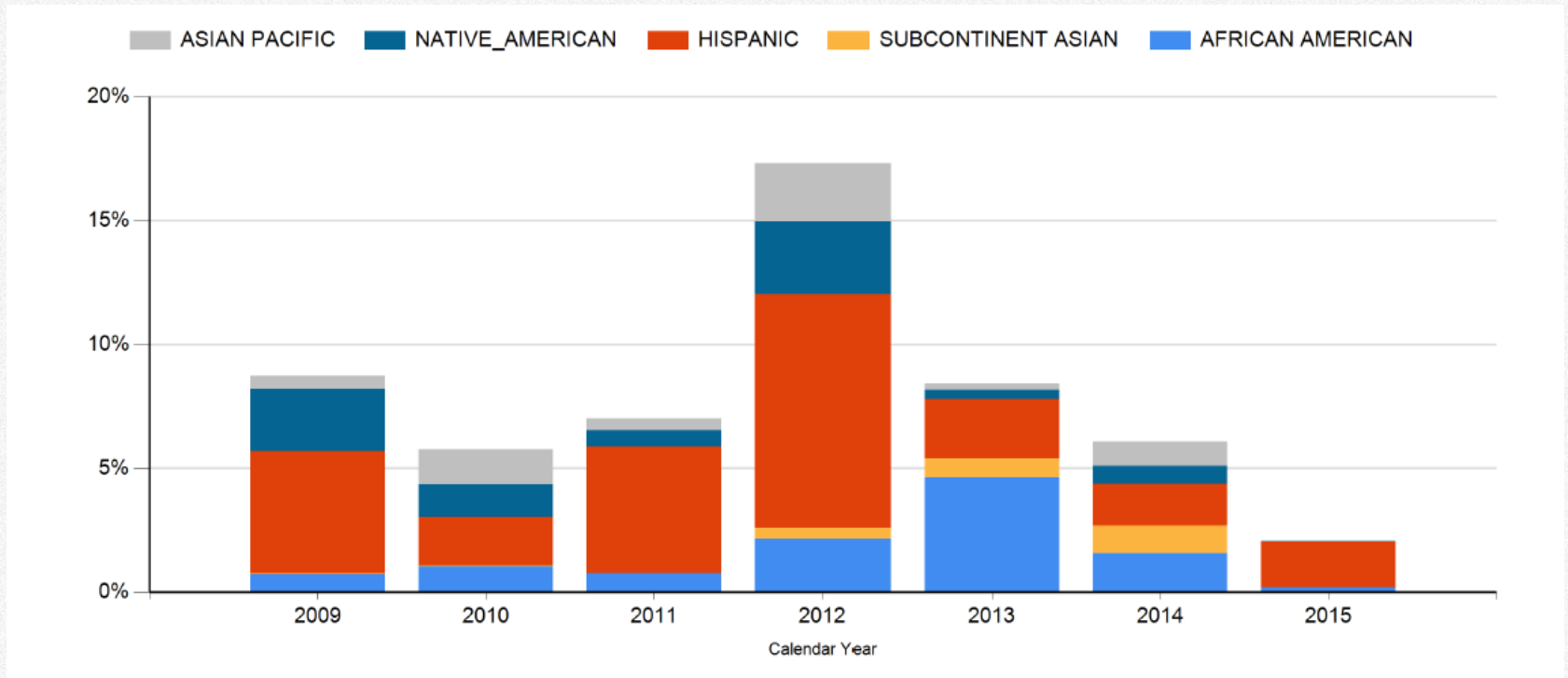


	2009			2010			2011			2012			2013			2014		
	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%
Contract	\$18.10	\$501.03	3.61%	\$15.52	\$368.54	4.21%	\$9.04	\$371.08	2.44%	\$23.64	\$293.11	8.07%	\$28.28	\$453.60	6.23%	\$22.16	\$448.68	4.94%
Payment	\$17.94	\$519.31	3.45%	\$15.09	\$387.17	3.90%	\$7.86	\$235.74	3.33%	\$18.71	\$297.79	6.28%	\$14.12	\$351.12	4.02%	\$8.30	\$153.25	5.41%

Source: ODOT Office of Civil Rights, Dollar values are in millions. Contracts were awarded within each of the calendar years and payments are on those contracts. Projects may be active. Data from ODOTs Civil Rights Compliance Tracking system as of 02/17/2015

Minority Prime and Sub-contracts

Minority Participation (Contract %)



	2009			2010			2011			2012			2013			2014		
	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%	Minority \$	Project \$	%
Contract	\$43.76	\$501.03	8.73%	\$21.24	\$368.54	5.76%	\$26.03	\$371.08	7.01%	\$50.73	\$293.11	17.31%	\$38.27	\$453.60	8.44%	\$27.28	\$448.68	6.08%
Payment	\$45.56	\$519.31	8.77%	\$22.13	\$387.17	5.72%	\$25.60	\$235.74	10.86%	\$43.50	\$297.79	14.61%	\$23.00	\$351.12	6.55%	\$10.57	\$448.68	6.90%

Source: ODOT Office of Civil Rights, Dollar values are in millions. Contracts were awarded within each of the calendar years and payments are on those contracts. Projects may be active. Data from ODOTs Civil Rights Compliance Tracking system as of 10/30/2014

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Initiative](#)

Our Partners



Oregon Bureau of Labor and Industries



Business Oregon



Oregon Association of Minority Entrepreneurs



Associated General Contractors



Oregon Tradeswomen, Inc



Oregon Building Congress

Oregon Small Business Initiative

Created to improve the capability and capacity of all contractors working on ODOT projects.

ODOT, the Oregon Association of Minority Entrepreneurs, and the Oregon-Columbia Chapter of the Associated General Contractors have joined forces to create the Oregon Small Business Initiative.

Today's infrastructure projects are more difficult and technical than ever before. The initiative was created to improve the capability and capacity all contractors working on ODOT projects, including primes, subcontractors, and minority, women, and emerging small businesses (MWESB).

The initiative will accomplish this through several means: training for MWESB contractors on general business subjects, such as estimating and bidding, certified payroll, and cash flow management, with additional ODOT-specific information that could include training with specific prime contractors; training for prime contractors that could include diversity, mentoring, and small business issues; and facilitating networking between MWESB and prime contractors.

More information on this program is available on AGC's website at:

<http://www.agc-oregon.org/education-and-training/oregon-small-business-initiative/>