

**HO'OLEHUA WATER SYSTEM IMPROVEMENTS
PACKAGE 1 – HO'OLEHUA
IFB-18-HHL-008**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION (EEOC) DOCUMENTS**

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to 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, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, 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 employers' 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 section. 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 Vietnam Era Veterans' Readjustment 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

Retaliation 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 its nondiscrimination 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, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.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 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.

La Igualdad de Oportunidades en el Empleo es **LA LEY**

Empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales

Los solicitantes de empleo y los empleados de la mayoría de los empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales están protegidos conforme a la ley federal contra la discriminación por cualquiera de los siguientes motivos:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL

El Título VII de la Ley de Derechos Civiles de 1964, y sus enmiendas, protege a los solicitantes de empleo y a los empleados contra la discriminación en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo, debido a la raza, color, religión, sexo (incluido el embarazo) u origen nacional. La discriminación religiosa incluye el no realizar los arreglos razonables para las prácticas religiosas de un empleado, cuando tales arreglos no impongan una dificultad indebida.

DISCAPACIDAD

El Título I y el Título V de la Ley de Estadounidenses con Discapacidades de 1990, y sus enmiendas, protegen a los individuos que califiquen contra la discriminación por una discapacidad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar los arreglos razonables para las limitaciones mentales o físicas conocidas de un individuo con una discapacidad quien solicite empleo o sea empleado, salvo que implique una dificultad indebida.

EDAD

La Ley Contra la Discriminación por Edad en el Empleo de 1967, y sus enmiendas, protege a los solicitantes de empleo y a los empleados que tengan 40 años de edad o más contra la discriminación por la edad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo.

SEXO (SALARIOS)

Adicionalmente a la prohibición de la discriminación por sexo estipulada en el Título VII de la Ley de Derechos Civiles, y sus enmiendas, la Ley de Igualdad Salarial de 1963, y sus enmiendas, prohíbe la discriminación por sexo en el pago de salarios a los hombres y mujeres que realicen un trabajo sustancialmente similar, en empleos que requieran iguales destrezas, esfuerzos y responsabilidades, bajo condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley contra la Discriminación por Información Genética de 2008 (GINA) protege a los solicitantes de empleo y a los empleados contra la discriminación con basada en información genética, en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. GINA también restringe la adquisición de la información genética por parte de los empleadores y limita estrictamente la divulgación de la información genética. La información genética incluye la información sobre las pruebas genéticas de los solicitantes de empleo, los empleados o sus familiares; la manifestación de enfermedades o desordenes en los familiares (historial médico familiar); y las solicitudes o recibo de servicios genéticos por los solicitantes de empleo, los empleados o sus familiares.

REPRESALIA

Todas estas leyes federales prohíben a las entidades cubiertas tomar represalias contra una persona que presente un cargo de discriminación, participe en un procedimiento de discriminación o se oponga a una práctica laboral ilegal.

QUÉ DEBE HACER SI CONSIDERA QUE HA OCURRIDO UNA DISCRIMINACIÓN

Hay límites estrictos de tiempo para presentar cargos de discriminación en el empleo. Para conservar la capacidad del EEOC de actuar en su nombre y para proteger su derecho de presentar una demanda privada, en caso de que en última instancia lo necesite, usted debe comunicarse con el EEOC de manera oportuna cuando sospeche de la discriminación:

La Comisión para la Igualdad de Oportunidades en el Empleo de los EE.UU. (EEOC), 1-800-669-4000 (número gratuito) o 1-800-669-6820 (número TTY gratuito para las personas con dificultades auditivas). La información de las oficinas de campo del EEOC está disponible en www.eeoc.gov o en la mayoría de los directorios telefónicos en la sección de Gobierno de los EE.UU. o Gobierno Federal. Puede encontrar información adicional sobre el EEOC, incluida la información sobre la presentación de cargos, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos federales

Los solicitantes de empleo y los empleados de compañías con un contrato o subcontrato gubernamental federal están protegidos conforme a las leyes federales contra la discriminación por los siguientes motivos:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL

La Orden Ejecutiva 11246, y sus enmiendas, prohíbe la discriminación en el trabajo por motivo de raza, color, religión, sexo u origen nacional, y exige la aplicación de acción afirmativa para garantizar la igualdad en las oportunidades en todos los aspectos del empleo.

INDIVIDUOS CON DISCAPACIDADES

La Sección 503 de la Ley de Rehabilitación de 1973, y sus enmiendas, protege a los individuos que califiquen contra la discriminación por una discapacidad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar los arreglos razonables para las limitaciones mentales o físicas conocidas de un individuo con una discapacidad quien solicite empleo o sea empleado, salvo que implique una dificultad indebida. La Sección 503 también exige que los contratistas federales tomen las acciones afirmativas para emplear y ascender en el empleo a individuos calificados con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS CON MEDALLAS DEL SERVICIO DE LAS FUERZAS ARMADAS Y VETERANOS DISCAPACITADOS, SEPARADOS RECIENTEMENTE Y DE OTRO ESTATUS PROTEGIDO

La Ley de Asistencia a la Readaptación de los Veteranos de Vietnam de 1974, y sus enmiendas, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige la acción afirmativa para emplear y ascender en el empleo a veteranos discapacitados, veteranos separados

del servicio recientemente (dentro de los tres años dados de baja del servicio activo), otros veteranos protegidos (quienes hayan prestado el servicio militar en una guerra o en una campaña o expedición para la cual se haya autorizado una insignia de campaña), y los veteranos con medallas del Servicio de las Fuerzas Armadas (veteranos quienes, mientras se encontraban en el servicio activo, participaron en una operación militar de EE.UU. para la cual se les otorgó una medalla del Servicio de las Fuerzas Armadas).

REPRESALIA

Se prohíben las represalias contra una persona que presente un cargo de discriminación, participe en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), o quien se oponga a la discriminación de conformidad con estas leyes federales.

Toda persona quien considere que un contratista ha incumplido sus obligaciones antidiscriminatorias o de acción afirmativa conforme a las autoridades antes indicadas, debe contactar de inmediato a:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (número gratuito) o (202) 693-1337 (número TTY). También puede contactar a la OFCCP por el correo electrónico OFCCP-Public@dol.gov, o llamando a una oficina distrital o regional de la OFCCP, la cual puede encontrar en la mayoría de los directorios telefónicos en la sección U.S. Government (Gobierno de los EE.UU.), Department of Labor (Departamento del Trabajo).

Programas o actividades que reciban asistencia financiera federal

RAZA, COLOR, ORIGEN NACIONAL, SEXO

Adicionalmente a las protecciones del Título VII de la Ley de Derechos Civiles de 1964, y sus enmiendas, el Título VI de la Ley de Derechos Civiles de 1964, y sus enmiendas, prohíbe la discriminación por raza, color u origen nacional en los programas o actividades que reciban asistencia financiera federal. La discriminación en el empleo está cubierta por el Título VI si el objetivo principal de la asistencia financiera es la provisión del empleo, o donde la discriminación laboral cause o pueda causar una discriminación en la provisión de los servicios conforme a tales programas. El Título IX de las Enmiendas en la Educación de 1972 prohíbe la discriminación en el empleo por motivo del sexo en las actividades o programas educativos que reciban asistencia financiera federal.

INDIVIDUOS CON DISCAPACIDADES

La Sección 504 de la Ley de Rehabilitación de 1973, y sus enmiendas, prohíbe la discriminación en el empleo por una discapacidad, en cualquier programa o actividad que reciba asistencia financiera federal. Se prohíbe la discriminación en todos los aspectos del empleo contra las personas con discapacidades quienes, con o sin arreglos razonables, puedan realizar las funciones esenciales del trabajo.

Si usted considera que ha sido discriminado en un programa de alguna institución que reciba asistencia financiera federal, debe contactar inmediatamente a la agencia federal que proporciona dicha asistencia.

القانون

يُلزم بتحقيق تكافؤ فرص العمل

أصحاب العمل من القطاع الخاص وحكومات الولايات والحكومات المحلية والمؤسسات التعليمية ووكالات التوظيف ومنظمات العمل

تكفل القوانين الفيدرالية للموظفين والمتقدمين للحصول على وظائف لدى معظم أصحاب العمل من القطاع الخاص وحكومات الولايات والحكومات المحلية والمؤسسات التعليمية ووكالات التوظيف ومنظمات العمل الحماية من التمييز على الأسس التالية:

العناصر الوراثية

تمنع المادة الثانية من قانون عدم التمييز على أساس معلومات العناصر الوراثية لعام 2008 التمييز ضد الموظفين والمتقدمين بطلبات للحصول على وظائف على أساس المعلومات الوراثية وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يحظر قانون عدم التمييز على أساس معلومات العناصر الوراثية (GINA) أيضاً حصول صاحب العمل على معلومات العناصر الوراثية ويمنع بشدة من الكشف عنها. تتضمن معلومات العناصر الوراثية تلك المعلومات المتعلقة بالفحوصات الوراثية للمتقدمين للحصول على وظائف أو الموظفين أو أفراد عائلاتهم؛ ظهور الأمراض أو الاضطرابات التي يعاني منها أفراد العائلة (التاريخ الطبي للعائلة)؛ وطلبات المتقدمين للحصول على وظائف أو الموظفين أو أفراد عائلاتهم للحصول على خدمات وراثية (جينية) أو الحصول عليها.

الانتقام

تحظر كافة هذه القوانين الفيدرالية على الجهات المشمولة الانتقام من أي شخص يقوم برفع شكوى تتعلق بالتمييز أو يشارك في دعوى أو إجراء قضائي له علاقة بالتمييز أو يعترض على ممارسة توظيفية غير قانونية.

الإجراءات التي ينبغي عليك إتباعها إذا شعرت بأنك تعرضت لأفعال يشوبها التمييز

هناك حدود زمنية صارمة مقررة لرفع شكوى بسبب التمييز في الوظائف أثناءها. وللحفاظ على قدرة "اللجنة الأمريكية لتكافؤ فرص العمل" للتحرك نيابة عنك وحماية حقك في رفع دعوى قضائية خاصة، إذا أصبح ذلك هو خيارك الأخير، يتعين عليك الاتصال باللجنة الأمريكية لتكافؤ فرص العمل سريعاً إذا شعرت بأنك تعرضت للتمييز:

اللجنة الأمريكية لتكافؤ فرص العمل (EEOC)، 1-800-669-4000 (الهاتف المجاني) أو 1-800-669-6820 (رقم الهاتف النصي المجاني للأفراد ذوي الإعاقة السمعية). تتوافر المعلومات الخاصة بالمكاتب الميدانية للجنة الأمريكية لتكافؤ فرص العمل في موقع الويب www.eeoc.gov أو في معظم أدلة الهواتف داخل القسم الخاص بالحكومة الأمريكية أو الحكومة الفيدرالية. تتوافر معلومات إضافية حول اللجنة الأمريكية لتكافؤ فرص العمل، بما في ذلك المعلومات المتعلقة برفع الشكاوى، في موقع الويب www.eeoc.gov

العرق واللون والدين ونوع الجنس و المواطن الاصلي

تحمي المادة السابعة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، الموظفين والمتقدمين للحصول على وظائف من التمييز على أساس العرق أو اللون أو الدين أو نوع الجنس (بما في ذلك الحمل) أو المواطن الاصلي، وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. ويتضمن التمييز على أساس الدين الإخفاق في إجراء الترتيبات الكافية لممارسات الموظفين الدينية حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة.

الإعاقة

تمنع المادتان الأولى والخامسة من قانون المعاقين الأمريكيين لعام 1990، وتعديلاته اللاحقة، التمييز ضد الأفراد المؤهلين على أساس الإعاقة وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يتضمن التمييز على أساس الإعاقة عدم إجراء الترتيبات الكافية بشكل معقول بشأن المشاكل البدنية والعقلية المعروفة للأفراد المؤهلين ذوي الإعاقة من المتقدمين للحصول على الوظائف أو الموظفين حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة.

السن

يمنع قانون التمييز في التوظيف على أساس السن لعام 1967، وتعديلاته اللاحقة، التمييز ضد المتقدمين للحصول على وظائف أو الموظفين الذين تبلغ أعمارهم 40 عاماً أو أكبر على أساس السن وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى.

نوع الجنس (الأجور)

فضلاً عن حظر التمييز على أساس نوع الجنس والذي تفرضه المادة السابعة من قانون الحقوق المدنية، وتعديلاته اللاحقة، يحظر قانون المساواة في الأجور لعام 1963، وتعديلاته اللاحقة، التمييز على أساس نوع الجنس وذلك فيما يتعلق بأجور النساء والرجال الذين يقومون بتنفيذ أعمال متساوية بصورة أساسية في الوظائف التي تتطلب مهارات وجهود ومسؤولية متساوية في ظروف العمل المماثلة داخل المنشأة الواحدة.

أصحاب العمل المبرمين لعقود فيدرالية أو عقود من الباطن

تمنع القوانين الفيدرالية الشركات الحاصلة على عقود فيدرالية أو عقود من الباطن التمييز ضد المتقدمين لها للحصول على وظائف أو الموظفين العاملين لديها وذلك على الأسس التالية:

العرق واللون والدين ونوع الجنس و الموطن الاصلي

يحظر الأمر التنفيذي رقم 11246 ، وتعديلاته اللاحقة، التمييز في الوظائف على أساس العرق أو اللون أو الدين أو نوع الجنس أو الموطن الاصلي، وبفضي بضرورة اتخاذ إجراءات إيجابية لضمان تكافؤ الفرص في آفة جوانب التوظيف.

الأفراد ذوي الإعاقة

يمنع القسم 503 من قانون إعادة التأهيل لعام 1973، وتعديلاته اللاحقة، التمييز ضد الأفراد المؤهلين على أساس الإعاقة وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يتضمن التمييز على أساس الإعاقة عدم إجراء الترتيبات الكافية بشأن المشاكل البدنية والعقلية المعروفة للأفراد المؤهلين ذوي الإعاقة من المتقدمين للحصول على الوظائف أو الموظفين حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة. ينص القسم 503 أيضاً على أن يتخذ المقاولون الفيدراليون إجراءات إيجابية لتوظيف الأفراد ذوي الإعاقة على كافة مستويات العمل، بما في ذلك المستوى التنفيذي وتحقيق تقدم في هذا الشأن.

المحاربون القدماء والمعاقون والذين تركوا الخدمة حديثاً والمشمولون الآخرون بالحماية والحاصلون على أوسمة الخدمة بالقوات المسلحة

يحظر القسم 38 U.S.C. 4212 من قانون المساعدة على إعادة التكيف لعام 1974 والخاص بالمحاربين القدماء خلال حقبة حرب فيتنام، وتعديلاته اللاحقة، التمييز في الوظائف، ويُلزم بضرورة اتخاذ إجراءات إيجابية لتوظيف

المحاربين القدماء المعاقين والمحاربين القدماء الذين تركوا الخدمة حديثاً (في غضون ثلاث سنوات من الصرف من الخدمة أو التسريح من الخدمة العسكرية)، والمحاربين القدماء الآخرين المشمولين بالحماية (المحاربين القدماء الذي خدموا خلال إحدى الحروب أو في حملة أو بعثة اعتمدت لها شارات) والمحاربين القدماء الحاصلين على أوسمة الخدمة بالقوات المسلحة (المحاربين القدماء الذين شاركوا خلال فترة خدمتهم العسكرية في عمليات عسكرية للولايات المتحدة مُنح للمشاركة فيها أوسمة الخدمة في القوات المسلحة)، وتحقيق التقدم الملموس في كل ما سبق.

الانتقام

’حظر الانتقام من أي شخص يقوم برفع شكوى تتعلق بالتمييز أو يشارك في إجراء لمكتب برامج المطابقة للعقود الفيدرالية أو يعترض بأي شكل آخر على التمييز بموجب هذه القوانين الفيدرالية.

يتعين على أي شخص يعتقد أن أحد المقاولين أو المتعهدين قد انتهك التزاماته المتعلقة بعدم التمييز أو الإجراءات الإيجابية بموجب القوانين المشار إليها أعلاه الاتصال فوراً بـ :

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (هاتف مجاني) أو (202) 693-1337 (هاتف نصي). يمكنك أيضاً الاتصال بمكتب برامج المطابقة للعقود الفيدرالية عن طريق البريد الإلكتروني على OFCCP-Public@dol.gov، أو عن طريق الاتصال الهاتفي بأحد المكاتب الإقليمية أو المحلية لمكتب برامج المطابقة للعقود الفيدرالية، وتتوافر أرقام الاتصال في معظم أدلة الهواتف في الباب المخصص للحكومة الأمريكية، وزارة العمل.

البرامج أو الأنشطة التي تحصل على دعم مالي فيدرالي

العرق واللون والموطن الاصلي ونوع الجنس

فضلاً عن أشكال الحماية التي تكفلها المادة السابعة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، تخطر المادة السادسة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، التمييز على أساس العرق أو اللون أو الموطن الاصلي في البرامج أو الأنشطة التي تقدم لها مساعدات مالية فيدرالية. ويعتبر التمييز في الوظائف مشمولاً في المادة السادسة إن أن الهدف الأساسي من المساعدة المالية هو توفير الوظائف أو إذا أن التمييز في الوظائف يمثل أو قد يمثل أي شكل من أشكال التمييز في تقديم الخدمات التي توفرها هذه البرامج. تخطر المادة التاسعة من تعديلات التعليم لعام 1972 التمييز في الوظائف على أساس نوع الجنس وذلك في البرامج أو الأنشطة التعليمية التي تقدم لها مساعدات مالية فيدرالية.

الأفراد ذوي الإعاقة

يحظر القسم 504 من قانون إعادة التأهيل لعام 1973 وتعديلاته اللاحقة التمييز في الوظائف على أساس الإعاقة وذلك في أي برنامج أو نشاط يقدم له مساعدة مالية فيدرالية. يُحظر التمييز في كافة جوانب التوظيف وذلك ضد الأشخاص ذوي الإعاقة الذين يستطيعون تأدية مهام العمل الأساسية، سواء تم الترتيب لتأديتها بالصورة المعقولة أم لا.

إذا كنت تعتقد أنك تعرضت للتمييز في برنامج أي مؤسسة تحصل على مساعدات مالية فيدرالية، يتعين عليك الاتصال فوراً بالوكالة الفيدرالية التي تقدم هذه المساعدة.

平等就業機會是 法律

私人雇主、州與地方政府、教育機構、雇傭代理與勞工團體

大多數私人雇主、州與地方政府、教育機構、雇傭代理與勞工團體的求職人及員工均受聯邦法律保護，包括下列方面的歧視：

種族、膚色、宗教、性別及族裔背景

修訂後的「1964年民權法」第七章民權法令保護求職人及員工受基於種族、膚色、宗教、性別〔包括懷孕〕或族裔背景方面的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用的歧視。宗教信仰歧視包括沒有適度地適應員工的宗教實踐，如果提供適應不是過度的艱難。

殘障

修訂後的「1990年有殘障美國人法」的第一及第七章保護有資格的個人受基於殘障方面雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用等方面的歧視。殘障歧視包括不提供合理適應給有殘障、符合資格的求職人或員工的已知的身體或心理上限制，如果提供適應不是過度的艱難。

年齡

修訂後的「1967年工作年齡歧視法」保護四十歲及四十歲以上的求職人及員工受基於年齡上的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用等方面的歧視。

性(薪酬)

除了修訂後的民權法第七章禁止性歧視外，修訂後的「1963年平等待遇法」禁止在實質上相等職業、在同一機構及相似環境需要相等技能、努力及責任工作上對女性或男性不平等薪酬的歧視。

遺傳

2008年「遺傳資料反對歧視法」第二章保護求職者及員工受基於遺傳資料的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用方面的歧視。GINA亦限制雇主取得遺傳資料並嚴格地限制遺傳資料的揭露。遺傳資料包括有關求職人及員工或他們家人的遺傳試驗資料、家人的疾病或心理疾病證明(家人的病歷)、和要求求職人、員工或他們的家人接受遺傳學服務或收到求職人、員工或他們家人所接受的遺傳學服務。。

報復

這些聯邦法律都禁止包蓋的雇主向提出歧視控告之人、參與歧視訴訟程序之人或反對一種非法的工作歧視之人的報復。

如果您認為已有歧視事件發生，您應該做什麼事情？

提出工作歧視訴訟是有嚴格的時間限制，為了保存美國平等就業機會委員會(EEOC)為您工作的能力及保護您最終需要提出私人的訴訟的權利，當您懷疑有歧視事情時您應立即聯絡EEOC：

EEOC 1-800-669-4000 (免費電話)或1-800-669-6820 (免費聾啞人電話)
EEOC 辦公室信息可以從 www.eeoc.gov 或在大多數電話簿美國政府或聯邦政府欄目找到有關EEOC的額外信息，包括提出控告的信息，可以在www.eeoc.gov找到。

持有聯邦合約或分包合約的雇主

向持有聯邦政府合約或分包合約公司的求職人及其員工
是受聯邦法律保護，包括下列的歧視：

種族、膚色、宗教、性別及族裔背景

修訂後的「總統命令11246」禁止基於種族、膚色、宗教信仰、性別及族裔背景為方面的工作歧視，並且要求有積極的行動來擔保就業各方面的平等機會。

有殘障的人

修訂後的「1973年復職法」的第503節保護有資格的人受基於殘障的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用方面的歧視。殘障歧視包括不提供合理適應給有殘障、符合資格的求職人或員工的已知的身體或心理上限制如果適應不是過度的艱難。第503節亦要求聯邦承包商採取積極行動雇用及晉升有資格的殘障人士，包括領導層的工作。

有殘障的、最近退役的、其它受保護的、及有勳章的退伍軍人

修訂後的「1974年越戰時期退伍軍人重新適應援助法」38 U.S.C. 4212，禁止工作歧視及要求合聯邦約雇主需要積極行動來雇用及晉升殘障退

伍軍人、最近退役的退伍軍人(在從現役退役三年之內)、其它受保護的退伍軍人(在戰爭或獲得經批准戰役徽章的戰役或遠征裡服役的退伍軍人)和獲得三軍服役勳章的退伍軍人(在服役時參與獲頒發三軍服役勳章的軍事行動)。

報復

在這些聯邦法律下不許向一個提出歧視投訴、參與聯邦合約承諾計劃辦公室(OFCCP)訴訟程序或其它反對歧視的人報復。

任何人認為一個承包商違犯了在上述權威的非歧視或積極行動的義務，應立即聯絡：

OFCCP, 200 Constitution Avenue, N.W. Washington D.C. 20210,
1-800-397-6251 (免費電話)或(202) 693-1337 (聾啞人士專線)。亦可以用下列電子郵件地址OFCCP-Public@dol.gov, 或打電話到列於大部份電話簿的美國政府勞工部欄目的 OFCCP 區域或地區辦公室聯繫。

接受聯邦財政援助的節目或活動

種族、膚色、族裔背景及性別

除了修訂後的1964年民權法第七章的保護外，修訂後的1964年民權法第六章禁止接受聯邦財政援助的計劃或行動從事基於種族、膚色或族裔背景方面的歧視。如果主要的財務援助目的是提供工作，或工作歧視會導致或會導致在這些計劃中提供服務的歧視，那麼工作歧視是涵蓋在第六章1972年教育修正案的第九章禁止接受聯邦財政援助的教育計劃或活動裡從事基於性別的歧視。

有殘障的人

修訂後的1973年復職法的504節禁止任何接受聯邦財政援助的教育計劃或活動裡從事基於殘障的歧視。禁止在工作任何一方面對需要或無需合理的適應、可以執行工作必要的功能有殘障人士從事歧視。

如果您認為您在任何一個接受聯邦財政援助的機構受到歧視，您應該立即與提供這種幫助的聯邦部門聯繫。



United States Department of Agriculture

AND JUSTICE FOR ALL



In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at **(202) 720-2600** (voice and TTY) or contact USDA through the Federal Relay Service at **(800) 877-8339**. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call **(866) 632-9992**. Submit your completed form or letter to USDA by:

mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax:

(202) 690-7442; or

email:

program.intake@usda.gov.

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y reprimir o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o el TARGET Center del USDA al **(202) 720-2600** (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al **(800) 877-8339**. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al **(866) 632-9992**. Envíe su formulario o carta completos al USDA por

correo:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

fax:

(202) 690-7442; o

correo electrónico:

program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

EEO POLICY STATEMENT

_____ is an equal opportunity employer and will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, or veteran status. We will take affirmative action to ensure applicants are employed and employees are treated during employment without regard to race, color, religion, sex, national origin, handicap, or veteran status. Such action will include, but not be limited to; employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

_____ has been designated as the Equal Opportunity Officer and will be available during the hours of _____ to discuss employment-related problems and to review our Affirmative Action Programs with you. He / She has the responsibility to monitor all employment related activity to ensure the Equal Opportunity Policy is being carried out, to submit reports relating to employment required by the Government, and to keep records.

(Signature of CEO)

Date

Print Name

“Equal Employment Opportunity Clause”

Title 41: Public Contracts and Property Management

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

§ 60-1.4 Equal opportunity clause.

(a) Government contracts. Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: 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. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) Federally assisted construction contracts. (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

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. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions

discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(2) [Reserved]

(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) Inclusion of the equal opportunity clause by reference. The equal opportunity clause may be included by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director of OFCCP may designate.

(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

[80 FR 54975, Sept. 11, 2015]

“Standard Federal Equal Employment Opportunity Construction Contract Specifications”

Title 41: Public Contracts and Property Management

PART 60-4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

§ 60-4.3 Equal opportunity clauses.

(a) The equal opportunity clause published at 41 CFR 60-1.4(a) of this chapter is required to be included in, and is part of, all nonexempt Federal contracts and subcontracts, including construction contracts and subcontracts. The equal opportunity clause published at 41 CFR 60-1.4(b) is required to be included in, and is a part of, all nonexempt federally assisted construction contracts and subcontracts. In addition to the clauses described above, all Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications set forth in this section in all Federal and federally assisted construction contracts in excess of \$10,000 to be performed in geographical areas designated by the Director pursuant to §60-4.6 of this part and in construction subcontracts in excess of \$10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive order.

Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

1. As used in these specifications:

a. “Covered area” means the geographical area described in the solicitation from which this contract resulted;

b. “Director” means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

c. “Employer identification number” means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.

d. “Minority” includes:

(i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered Construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if

referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated

trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(b) The notice set forth in 41 CFR 60-4.2 and the specifications set forth in 41 CFR 60-4.3 replace the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction published at 41 FR 32482 and commonly known as the Model Federal EEO Bid Conditions, and the New Form shall not be used after the regulations in 41 CFR part 60-4 become effective.

[43 FR 49254, Oct. 20, 1978; 43 FR 51401, Nov. 3, 1978, as amended at 45 FR 65978, Oct. 3, 1980; 79 FR 72995, Dec. 9, 2014]

“Notice of Requirement for Affirmative Action to ensure Equal Employment Opportunity”

Title 41: Public Contracts and Property Management

PART 60–4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

§ 60-4.1 Scope and application.

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of \$10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in on site construction including those construction employees who work on a non-Federal or non-federally assisted construction site. This part also establishes procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of Executive Order 11246, as amended.

In addition, this part applies to construction work performed by construction contractors and subcontractors for Federal non-construction contractors and subcontractors if the construction work is necessary in whole or in part to the performance of a non-construction contract or subcontract.

[43 FR 49254, Oct. 20, 1978; 43 FR 51401, Nov. 3, 1978]

§ 60-4.2 Solicitations.

a) All Federal contracting officers and all applicants shall include the notice set forth in paragraph (d) of this section and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in §60–4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to §60–4.6 of the part. Administering agencies shall require the inclusion of the notice set forth in paragraph (d) of this section and the specifications set forth in §60–4.3 of this part as a condition of any grant, contract, subcontract, loan, insurance or guarantee involving federally assisted construction covered by this part 60–4.

(b) All non-construction contractors covered by Executive Order 11246 and the implementing regulations shall include the notice in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered non-construction contract.

(c) Contracting officers, applicants and non-construction contractors shall give written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(d) The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of \$10,000 to be performed in geographical areas designated by the Director pursuant to §60–4.6 of this part (see 41 CFR 60–4.2(a)):

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity
(Executive Order 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Females

Economic Area: Nationwide
Timetable: effective until further notice (percent)

Nationwide Goal _____ 6.9%

Goals for Minorities

Economic Area: Hawaii
Timetable: effective until further notice

183 Honolulu, HI: (percent)
SMSA Counties:
3320 Honolulu, HI _____ 69.1%
HI Honolulu.
Non-SMSA Counties _____ 70.4%
HI Hawaii; HI Kauai; HI Maui; HI Kalowao

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

<https://www.dol.gov/ofccp/regs/compliance/preaward/cnstnote.htm>

The Contractor's compliance with the Executive Order and the regulations in 41 CFR part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is:

State _____

County _____

City _____

[43 FR 49254, Oct. 20, 1978; 43 FR 51401, Nov. 3, 1978, as amended at 45 FR 65977, Oct. 3, 1980]

Sample Notification of Award letter to the US Dept. of Labor

Notice: Contractors and subcontractors must notify OFCCP in writing within 10 working days of the award of any construction subcontract in excess of \$10,000 that is made under a covered Federal or federally assisted construction contract. Contractors/subcontractors may fulfill this requirement by notifying the nearest OFCCP district office. Contractor/subcontractor is responsible for ensuring that the US Dept of Labor address is accurate and current.

FROM:

TO: Office of the District Director
U.S. Department of Labor for OFCCP
90 7th Street
Suite # 18-300
San Francisco, CA 94103-1516

SUBJECT: Notification of Award

To Whom It May Concern,

Per our obligation under 41 CFR 60-4.2(c) and 60-4.2d(3), we are submitting the following information regarding our subcontractor(s) whose contract is in excess of \$10,000 on our Federal or federally assisted construction project:

Name of Project: _____

Subcontractor Name & Address: _____

Subcontractor Telephone Number: _____

Subcontractor Employer Identification Number: _____

Dollar Amount of Subcontract: _____

Estimated Start Date: _____

Estimated Completion Date: _____

Subcontract Number: _____

Place of Performance: _____

If you have any questions, please call _____ at _____.

Sincerely,