

REPLACES <b>NEW</b>	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	PART <b>C</b>	SECTION <b>1</b>	PAGE <b>19-1</b>
DATED	<b>PROJECT OFFICE MANUAL</b>	DATE		
SUBJECT <b>PROCEDURES FOR HANDLING EEO COMPLAINTS BY CONTRACTOR EMPLOYEES</b>				

When PennDOT is made aware of discrimination complaints filed by employees of contractors or subcontractors (not PennDOT employees), the appropriate contractor, not the Bureau of Equal Opportunity (BEO), should be prompted by the ACE or IIC for the project to launch an investigation and keep the respective management team informed. *The person responsible to conduct the investigation is generally the contractor's EEO Officer, or their designee.* The contractor is responsible for conducting a prompt and appropriate investigation. The Contractor, as part of the investigation, must take appropriate corrective action within a reasonable period. Upon completion of the investigation, the contractor will provide the aggrieved person(s) with all Avenues for Recourse, and PennDOT with a report of the outcome of the investigation.

When (2) or more Contractors are involved in a complaint and an investigation is required, the Bureau of Equal Opportunity will escalate the matter to the Office of Chief Counsel (OCC) for guidance.

When any project field staff receives a complaint, they are responsible to relay the information to the Contract Compliance Specialist for their district as soon as possible. The Contract Compliance Specialist will be responsible to report the complaint immediately to his/her respective Section Supervisor, providing updates within 45 days regarding the progress of the contractor's investigation. The BEO Supervisor will review and assemble updates keeping the BEO Director informed.

The Contract Compliance Specialist will serve in the reviewer role to determine if appropriate and timely action is being taken by the employer (Contractor). The standards used by the Contract Compliance Specialist to conduct the review will be determined by the Contract Compliance Specialist's Section Supervisor on a case by case basis (in consultation with OCC as necessary) and will depend on the complexity of the investigation and other relevant considerations.

The rules of confidentiality between the employer and employee will apply. If a complaint is made by a contractor's employee directly to a Contract Compliance Specialist, the Contract Compliance Specialist should refer the complainant to the complainant's employer's HR office and provide contact information as well for the local Pennsylvania Human Relations Commission (PHRC) and/or the U.S. Equal Employment Opportunity Commission (EEOC) office. Unless specifically directed by the BEO Director as a special assignment, the Contract Compliance Specialist should not take on the lead role as an investigator of a contractor's employee's complaint.

If any information is received by the Contract Compliance Specialist that demonstrates a contractor's unwillingness to conduct an investigation and take appropriate action by reporting

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the matter to the BEO Contract Compliance Specialist, Supervisor or Director, BEO will immediately contact OCC to determine the next steps.

If the complaint involves conduct by a PennDOT employee, it is the responsibility of the Contract Compliance Specialist to inform the District Human Resources Officer (HRO) as soon as possible.

It should be noted that a contractor who fails to meet its contractual obligation to follow nondiscrimination policies, mandated under State and Federal laws referenced in Publication 408 Sections 107.25 and 107.30 and Designated Special Provision 10 (DSP10), or fails to fulfill its responsibility to conduct an investigation of a complaint may be sanctioned under the terms of its contract with PennDOT and under State and Federal law.

Should you have questions regarding this policy, or desire additional information, please contact the Bureau of Equal Opportunity at 717 787.5891 or toll free at 1.800.468.4201.