

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

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 District Project Manager ACE or IIC for the project to launch an investigation and keep the respective Project Manager management team informed. The person responsible to conduct the investigation is generally the Prime 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 two(2) or more prime contractors Contractors are involved in thea complaint and an investigation is required, the Bureau of Equal Opportunity will escalate through channelthe matter to the Office of Chief Counsel (OCC) for guidance. Note that the PennDOT consultant inspection/management work force is considered a Prime Contractor, in the Table below.

Person filing complaint (Complainant)	Person accused of discrimination	Person responsible to conduct investigation
Subcontractor employee	Prime Contractor employee	Prime Contractor
Prime Contractor employee	Subcontractor employee	Prime Contractor
Prime Contractor A employee	Prime Contractor B employee	Contact OCC for guidance
Prime Contractor A employee	Prime Contractor A employee	Prime Contractor A
Subcontractor A employee	Subcontractor B employee	Prime Contractor
Subcontractor A employee	Subcontractor A employee	Subcontractor A, but Prime should monitor it to assure compliance with its contract with PennDOT.

The Project Manager, Inspector in Charge or When any PennDOT project field staff that is made aware of receives a complaint is, they are responsible to informrelay the BEO Field Agent information to the Contract Compliance Specialist for their district as soon as he/she is made aware of the complaint, possible. The BEO Field Agent Contract Compliance Specialist will be responsible to report the complaint immediately report the complaint to his/her respective BEO Section Chief in Central Office and provide weekly Supervisor, providing updates within 45 days regarding the progress of the contractor's contractor' s investigation. The BEO Section Chiefs Supervisor will review and assemble updates keeping the BEO Director informed.

The BEO Field Agent The Contract Compliance Specialist will serve in the reviewer role to determine if appropriate and timely action is being taken by the contractor employer (Contractor). The standards used by the Field Agent Contract Compliance Specialist to conduct

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the review will be determined by the BEO Field Agent's 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~~contractor's employee directly to a ~~BEO Field Agent, the agent~~Contract Compliance Specialist, the Contract Compliance Specialist should refer the complainant to the ~~complainant's employer's~~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, ~~a BEO Field Agent~~the Contract Compliance Specialist should not take on the lead role as an investigator of a ~~contractor's employee's~~contractor's employee's complaint.

If any information is received by the BEO Field Agent Contract Compliance Specialist that demonstrates a ~~contractor's~~contractor's unwillingness to conduct an investigation, and take appropriate action, ~~or report findings will be escalated by reporting the matter~~ to the BEO Contract Compliance Specialist, Supervisor or Director ~~for coordination with the,~~ 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 ~~BEO Field Agent~~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.