LPA Civil Rights Requirements

Maintaining a high standard of equality through advocacy, education, and diversity awareness.
What are the Title VI Assurances?

• The written commitment to comply with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The LPA assures that no person shall on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity or service.
• 1052.A FHWA Title VI Assurances

Why is Title VI Required?

• To receive Federal financial assistance, any Federal dollars that are assigned to the LPA to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty, assurances must be in place prohibiting discrimination.
Good News:

- We have created a Title VI template that is approved by FHWA for fulfillment of the regulations.
- Template is very user friendly and assures that the correct information is being identified.

EEO Officer Identification

- Every local agency must identify an EEO Officer
- The EEO officer is responsible for dealing with Title VI (discriminatory) issues that may arise within the agency receiving the funds.
Limited English Proficiency (LEP), and Environmental Justice (EJ).

- LEP is required if and when information is requested.

- Environmental Justice is a requirement of executive order 12898. Meaningful involvement of all people regardless of race, color, national origin, or income with respect to development within a community.

Prevailing Wage - Davis Bacon

- Prevailing wage determinations are attached to each contract.

- Pay-Rolls must be submitted weekly. (No two week pay periods)

- Overtime is calculated as 1.5 base rate and fringe benefits are added back into calculation (No OT on fringe)
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Prevailing Wage Requirements

- Employees must be paid the prevailing wage listed in the contract.
- Updated Annually
- Strongly encourage firms to take part in survey
Employee Job Site Interviews

- Interviews should be conducted on 100% of workforce
- If issues are discovered, the contractor should be notified promptly
- LEP Wage determination and interview questions

ADA- American’s With Disabilities Act

- ADA Projects need to be verified as compliant once completed
- Guidance for ADA is ADAGG and PROWAG
- DOT tracks completion of ADA Projects
- Entities should have ADA Transition Plans in place
Policy Reviews

- The Civil Rights Office will conduct compliance reviews annually.

- Ensuring non-discrimination throughout organization policies and procedures.

Example of compliant policy statement:

LPA is ensuring that no person shall on the grounds of race, color, national origin, sex, age or disability as provided by the Civil Rights act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. WYDOT further assures every effort will be made to ensure nondiscrimination in all of it’s programs and activities, whether those programs and activities are federally funded or not. (continues)
Disadvantaged Business Enterprise

- The DBE program is intended to ensure nondiscrimination in the award and administration of DOT-assisted contracts

- Program objectives include:
  - Create a level playing field
  - Remove barriers
  - Provide promotion, development and opportunities

DBE Requirements

- DBEs must be solicited for all subcontracting opportunities
  - Documented solicitation (E-91-LPA)
  - Firm availability/directory

http://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html

- DBE firms cannot be removed from a project after award for pro-forma reason
  - Notification/Intent to Subcontract
DBE Requirements

- Commercially useful function (CUF) verification
- Prompt payment
- Final attainment
- Annual Goal - 4.55%
Questions?

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Comments?

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