

# Appendix A

## FHWA Affirmative Employment Program for Minorities and Women

### Multi-Year Affirmative Employment Program Plan

Policy Statements	Statement of Adequate Monitoring/Evaluation
Delegation of Authority	Program Analysis
Organizational Chart	Problems/Barrier Information
Certification of Qualifications	Report of Objectives and Action Items
Plan for the Prevention of Sexual Harassment	

**Name and Address of Organization:**

Federal Highway Administration  
 400 7th Street, S.W.  
 Washington, D.C. 20590

**Organizational Level:**

<input checked="" type="checkbox"/> Agency	<input type="checkbox"/> MOC	<input type="checkbox"/> Region
<input type="checkbox"/> Command	<input type="checkbox"/> Installation	<input type="checkbox"/> Headquarters

**Number of Employees Covered by Plan (FY 1997 figures): Total 3,565**

Professional <u>1,446</u>	Administrative <u>1,325</u>	Technical <u>498</u>
Clerical <u>257</u>	Other <u>28</u>	Blue Collar <u>11</u>

<b>Name of Contact Person Preparing Form</b>	<b>Phone</b>
Jim Daves	303-969-6730

<b>Name and Title of Principal EEO Official</b>	<b>Phone</b>
Edward W. Morris, Jr., Director, Office of Civil Rights	202-366-0693

**Signature of Principal EEO Official**  
 Certifies that this plan is in compliance with EEO-MD-714 Date 5/26/00  
*George A. Ruffey for Edward W. Morris Jr.*

**Name and Title of Head of Organization or Designated Official**  
 Kenneth R. Wykle, Federal Highway Administrator

**Signature of Head of Organization or Designated Official**  
 Certifies that this plan is in compliance with EEO-MD-714 Date 5-30-00  
*Kenneth R. Wykle*



## DIVERSITY POLICY STATEMENT

As Federal Highway Administrator, I am fully committed to creating and maintaining a highly competent, diverse work force that meets America's transportation needs into the 21st century. A work force that is representative of the people of this country, in terms of culture and skills mix, has made and will continue to make FHWA a better organization. As an Agency, we have taken great strides toward our goal of creating an all-inclusive, respectful work environment that encourages building quality relationships, and that displays acceptance and understanding across all levels of the organization. Though our goal is closer at hand, we are not there yet. We need to do more. We will do more.

Every employee is entitled to a work environment that provides the opportunity to perform and fosters continued learning and growth. Each of us also has the responsibility to ensure that our work environment allows all employees to maximize their potential.

The FHWA is not creating diversity. Our society is already diverse — composed of men and women from an array of cultures and belief systems and possessing many talents and perspectives that will enhance the way we do business. We must, as an Agency, create and maintain a work environment that welcomes our blending of cultures, skills, and ideas that will lead to new and better ways of serving our country. The organization that serves America best is one which truly represents its very fabric and embraces the ideals of liberty and equality for all.

Our Agency can lead the way in demonstrating that there is value and an understanding of the importance of diversity in meeting America's highway needs. We will continue to actively support and initiate new efforts associated with diversity. The progress has been good, and we must remain vigilant if we are to reach our goal.

A handwritten signature in black ink that reads "Kenneth R. Wykle".

Kenneth R. Wykle  
Federal Highway Administrator



## POLICY STATEMENT AGAINST SEXUAL HARASSMENT

Sexual harassment is prohibited by Title VII of the Civil Rights Act of 1964. As the Federal Highway Administrator, I am committed to creating a positive work environment which promotes productivity and nurtures individual growth.

Sexual harassment includes unwelcome acts or conduct of a sexual nature. It could, for example, be deliberate physical contact, repeated unsolicited comments or gestures, pressure for sexual favors, or even putting an offensive picture on the wall of your office. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to this conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of this conduct by an individual is used as the basis for employment decisions affecting that individual, or (3) this conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It does not matter that the person responsible does not think that the behavior is unwelcome or of a sexual nature. It is how it is perceived by the recipient or by others who feel affected by it.

Whether subtle or overt, sexual harassment is an offensive and unlawful form of behavior which cannot be tolerated. Where it is known or found to exist, actions must be taken to rid our agency of this disruptive and distasteful practice. Alleged violations of this policy may be addressed through the discrimination complaint procedures. Any employee who feels he or she has been victimized by some form of sexual harassment should promptly notify appropriate management officials or seek assistance from an Equal Employment Opportunity counselor. All allegations will be processed immediately and appropriate corrective action will be taken. Persons who violate this sexual harassment policy will receive appropriate disciplinary action, including dismissal, for misconduct or failing to act effectively depending upon the seriousness and frequency of the offenses.

I expect all employees to be able to distinguish between appropriate and inappropriate behavior and to conduct themselves in a proper manner. Each manager and supervisor has the responsibility to enforce standards of conduct that prevent sexual harassment and act promptly to eliminate such behavior if it occurs.

I am confident that the Federal Highway Administration employees will demonstrate the behavior which reflects positively on the agency.

A handwritten signature in black ink that reads "Kenneth R. Wykle". The signature is written in a cursive style.

Kenneth R. Wykle  
Federal Highway Administrator

December 2, 1998

# Internal Equal Employment Opportunity Policy Statement

The Federal Highway Administration's (FHWA) leadership position in the transportation industry challenges us to provide safety, mobility, and inclusion. We have gained this position of leadership through the combined efforts, enthusiasm, creativity, and teamwork of our employees—people widely diverse in race, color, gender, age, religion, national origin, skills, and abilities. Successful accomplishment of our mission as we enter the 21st century is more than ever dependent on the contributions of all our employees. As Federal Highway Administrator, I am fully committed to equal opportunity and will not tolerate any form of discrimination in our shared working environment.

The President and Secretary Slater both clearly advocate and practice the ideals of equity and equal employment opportunity. They promote a Federal workplace that looks like America in all its kaleidoscopic variety and energy. As we enter the new millennium and test our strengths in a restructured and revitalized Federal Highway Administration, I challenge each manager, supervisor, team leader, and team member to ensure nondiscrimination on the basis of race, color, religion, sex, age, disability, national origin, or sexual orientation in all personnel practices. This applies to every aspect of our employment policy, procedures, and decisions: recruitment, hiring, training, developmental assignments, and promotion. Fairness promotes competence, creativity, confidence, enthusiasm, quality, and the will to do one's best.

I hereby reaffirm FHWA's continuing commitment to providing all individuals who have the necessary qualifications an equal opportunity to compete for employment and advancement within the Agency. I am counting on each manager and supervisor to create an inclusive work environment, encouraging full participation by all employees and taking appropriate steps to attract members of minority groups, women, and people with disabilities to seek employment and advancement with the Agency. Further, I will hold each one responsible for maintaining equal employment opportunity and the continued absence of discrimination throughout FHWA.

I am fully committed to vigorous implementation and enforcement of this policy.

Date  
*March 24, 1999*

Kenneth R. Wykle  
*Federal Highway Administrator*

## DELEGATION OF AUTHORITY AND ORGANIZATION CHART

This section of the report explains the responsibilities of Equal Employment Opportunity (EEO) Program officials. An organizational chart of FHWA is included at the end of this section.

The Federal Highway Administrator has the ultimate responsibility for all EEO programs within FHWA. The Director of Civil Rights (CR) serves as the principal staff advisor to the Administrator on equal opportunity matters and ensures full and affirmative implementation of equal opportunity precepts within FHWA and recipient organizations.

The Federal Highway Administrator is responsible for the following:

- 1) Ensuring compliance with affirmative employment program instructions issued by the Equal Employment Opportunity Commission (EEOC).
- 2) Establishing Agency-wide objectives.
- 3) Submitting an Agency-wide Multi-Year Affirmative Employment Program (MYAEP) Plan, accomplishment reports, and plan updates.
- 4) Providing current direction for the development of the program plan.
- 5) Approving systems for the evaluation of program effectiveness.
- 6) Ensuring that all Agency managers are held accountable for the achievement of affirmative employment objectives and the fulfillment of EEO requirements and objectives established by the Agency.

The Director of CR serves as the FHWA EEO Officer and is responsible for the following:

- 1) Developing the Agency's MYAEP and annual accomplishment reports, as well as developing proposed affirmative employment program (AEP) policies, standards, procedures, and guidance.
- 2) Communicating with executives and managers concerning the implementation of policies affecting equal employment opportunity and affirmative employment for minorities and women.
- 3) Coordinating with the Director of Administration to ensure that adequate record keeping and information systems are established and in operation throughout the Agency for monitoring and evaluating EEO and AEPs.
- 4) Ensuring adherence to EEO and AEP reporting instructions pursuant to current EEOC directives and internal Departmental and Agency guidance.
- 5) Monitoring and evaluating EEO and AEPs throughout the Agency to ensure implementation of program objectives.
- 6) Ensuring that all persons with EEO and AEP responsibilities are knowledgeable and adequately trained and that executives, managers, and supervisors are aware of the rights of all employees, Departmental and Agency EEO policy, and relevant Departmental and Agency guidance.
- 7) Assisting and advising Agency management regarding the identification of equal opportunity problem areas and options for remedying those problem areas.
- 8) Publicizing EEO and AEP policy, including the names of the Director of CR and EEO counselors, in all FHWA offices.
- 9) Notifying all managers and supervisors of the roles and responsibilities of the EEO counselors and the importance of cooperating with them as they attempt informal resolution of potential EEO complaints by employees and applicants for employment.

- 10) Attempting to informally resolve and dispose of allegations of discrimination before they are formally filed as complaints.
- 11) Providing EEO staff support and assistance, as required, to the Eastern Federal Lands Highway Division located in Sterling, Virginia, as well as to the Core Business Units (CBUs) and Service Business Units (SBUs).
- 12) Reporting periodically to the Administrator and Deputy Administrator on the status of EEO and AEPs throughout the Agency.
- 4) Monitoring EEO and AEPs throughout the Resource Center to assure implementation of program objectives.
- 5) Reporting periodically to the Director on the status of EEO and AEPs throughout the Resource Center.
- 6) Ensuring that all persons with EEO and AEP responsibilities are knowledgeable and adequately trained and that managers and supervisors are aware of the rights of all employees, Departmental and Agency EEO policies, and relevant Departmental guidance.

The Director of Human Resources (HR) is responsible for the following:

- 1) Directing personnel activities and working in conjunction with the Director of CR to develop, issue, and monitor the annual FHWA Federal Equal Opportunity Recruitment Program (FEORP), which conveys to Agency managers the overall recruitment activities necessary to accomplish the objectives of the AEP.
- 2) Providing technical assistance and program resources to assist Agency managers and supervisors in fostering the employment and advancement of minorities and women.
- 3) Ensuring the accuracy of workforce data submitted to the Office of Personnel Management's (OPM) Central Personnel Data File.

Resource Center Civil Rights Specialists are responsible for the following:

- 1) Communicating with executives and managers concerning the implementation of policies affecting EEO and affirmative employment for minorities and women.
- 2) Ensuring that adequate record keeping and information systems are established and in operation throughout the Resource Center for monitoring and evaluating EEO and affirmative employment programs.
- 3) Ensuring adherence to equal employment opportunity and affirmative employment program reporting instructions pursuant to current EEOC directives and internal Departmental and Agency guidance.

7) Advising the Director on all matters affecting the implementation of the Department's and Agency's EEO policy and program under their jurisdiction.

- 8) Monitoring and reporting on implementation of national employment objectives and action items.
- 9) Publicizing EEO and AEP policy, including the names of the CR Director and the EEO counselors, to all Resource Center employees and applicants for employment.
- 10) Notifying all managers and supervisors in the Resource Center and Divisions of the responsibilities and objectives of the EEO counselors and the importance of cooperating with the counselors as they attempt informal resolution of allegations of discrimination by employees and applicants for employment.

11) Providing training, guidance, and assistance upon request to the EEO counselors.

- 12) Providing process advice to EEO counselors upon request and input to the CR Director and Division Administrators on personnel being considered for vacancies as counselors, Collateral Duty Civil Rights Assistants, and Division Civil Rights Specialist.

Managers and Supervisors are responsible for the following:

- 1) Managing the AEP down throughout the subordinate organizational units and developing a plan of action in support of the Agency-wide plan.

- 2) Ensuring that all subordinate supervisors are taking appropriate action in support of FHWA's objectives to achieve a fully-integrated workforce at all levels.
- 3) Reviewing the selection actions when filling positions and considering workforce diversity goals when making selections for positions in series and/or grades in which underrepresentation exists.
- 4) Maintaining a work environment free from conditions that may result in disparate or unequal treatment among coworkers.
- c) Reviewing the Agency's plans and programs to ensure that they do not impact negatively on the employment of women.
- d) Providing technical advice and assistance to unit managers and supervisors, field FWPMs, Division FWP representatives, and the Federal Lands Highway Division on the implementation of the FWP.
- e) Participating in the development and implementation of affirmative action plans to ensure that these plans address the underrepresentation and underutilization of women.

The Executive Officers of the three Federal Lands Highway Divisions are responsible for AEP implementation and monitoring activities similar to responsibilities (1) through (11) of the Resource Center Civil Rights Specialist. The Executive Officers are also responsible for advising Division Engineers of significant developments regarding the status of and options to resolve formal discrimination complaints.

The civil rights staff at all levels are responsible for assisting and advising management, administrative personnel, and complainants on the informal counseling and formal complaint processes.

The EEO counselors are responsible for counseling any employee or applicant for employment who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, disability, sexual orientation, or as some form of retaliation.

The Special Emphasis Program Managers are responsible for the following:

- 1) Federal Women's Program Manager (FWPM). The FWPM is responsible for the following:
  - a) Serving as the principal resource person and staff advisor to the CR Director on Federal regulations pertaining to the unique concerns/problems related to equal opportunity and affirmative action for women.
  - b) Developing a Federal Women's Program (FWP) plan for the Agency that includes, but is not limited to, program direction, guidelines, technical assistance, and evaluation.

2) Hispanic Employment Program Manager (HEPM). The HEPM's responsibilities are similar to the FWPM's responsibilities, with the following exceptions:

- a) Establishing and maintaining outreach efforts and relationships with organizations and groups representing the Hispanic community.
- b) Identifying recruitment sources and participating in activities that will increase the effectiveness of the Hispanic Employment Program (HEP).
- c) Evaluating HEP results to determine the program's effectiveness in reducing the underrepresentation of Hispanics in the workforce.
- d) Communicating with employees and organizations to assess and strengthen their understanding, cooperation, and program support.

Unit Managers, as well as all other managers and supervisors, are expected to provide EEO leadership and direction within their respective organizational units by implementing their responsibilities in a manner that prevents discrimination, provides equal opportunity for training and development, and ensures fair treatment in all terms and conditions of employment in compliance with the Department's and Agency's objectives and obligation in the EEO area. The accomplishment of EEO objectives will be evaluated along with other program objectives during the performance evaluation process.

**FEDERAL HIGHWAY ADMINISTRATION**

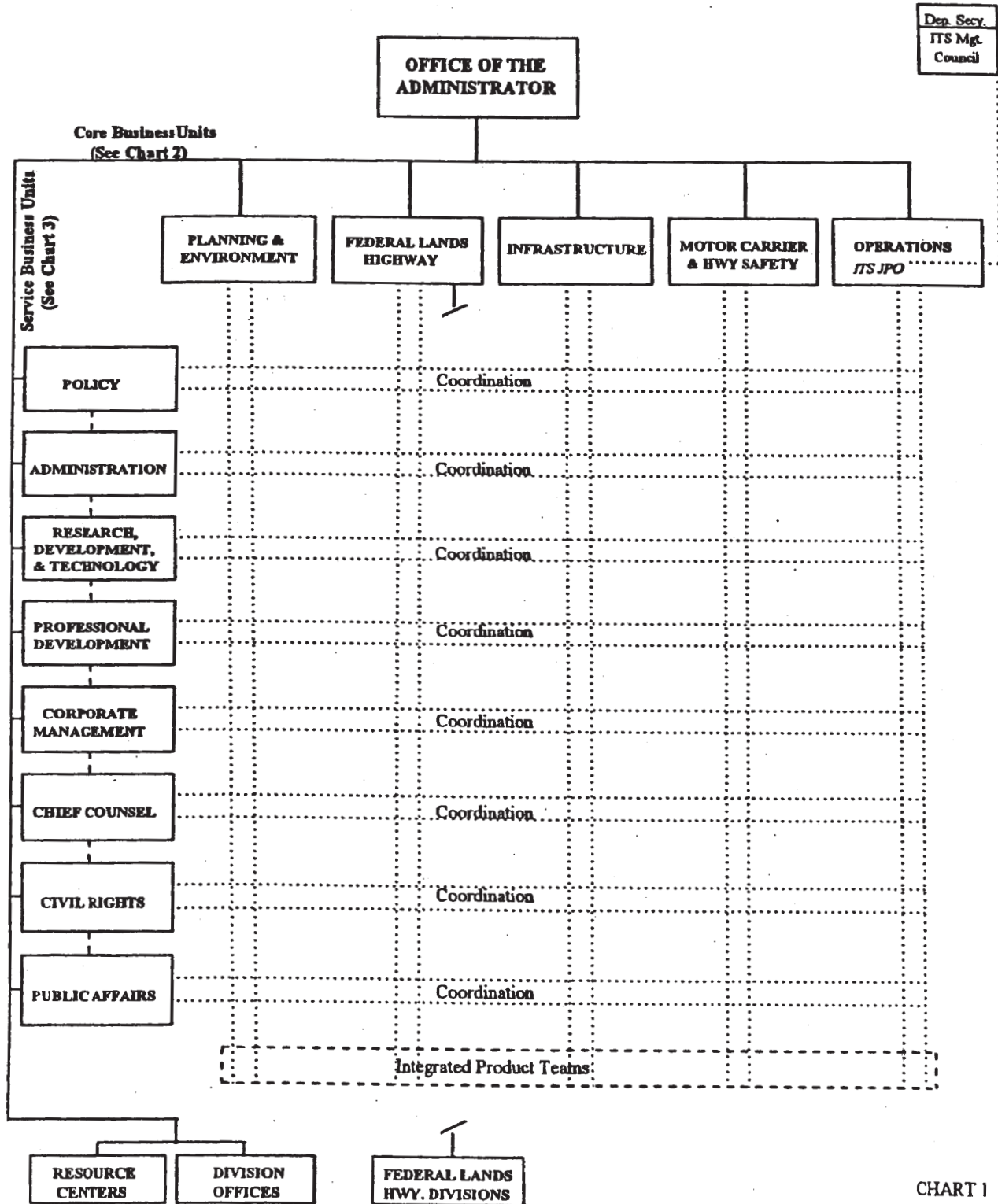
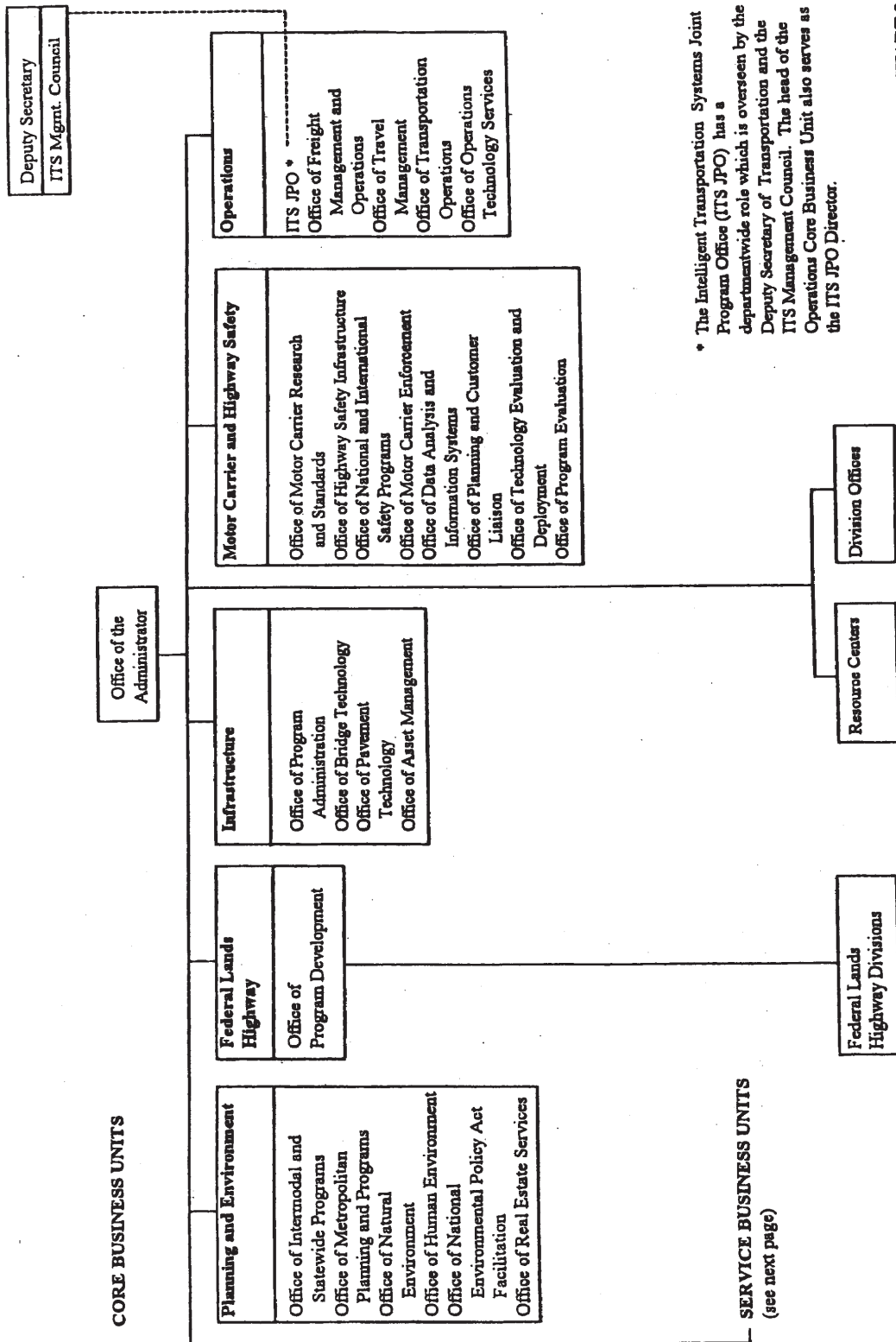


CHART 1



**FEDERAL HIGHWAY ADMINISTRATION**

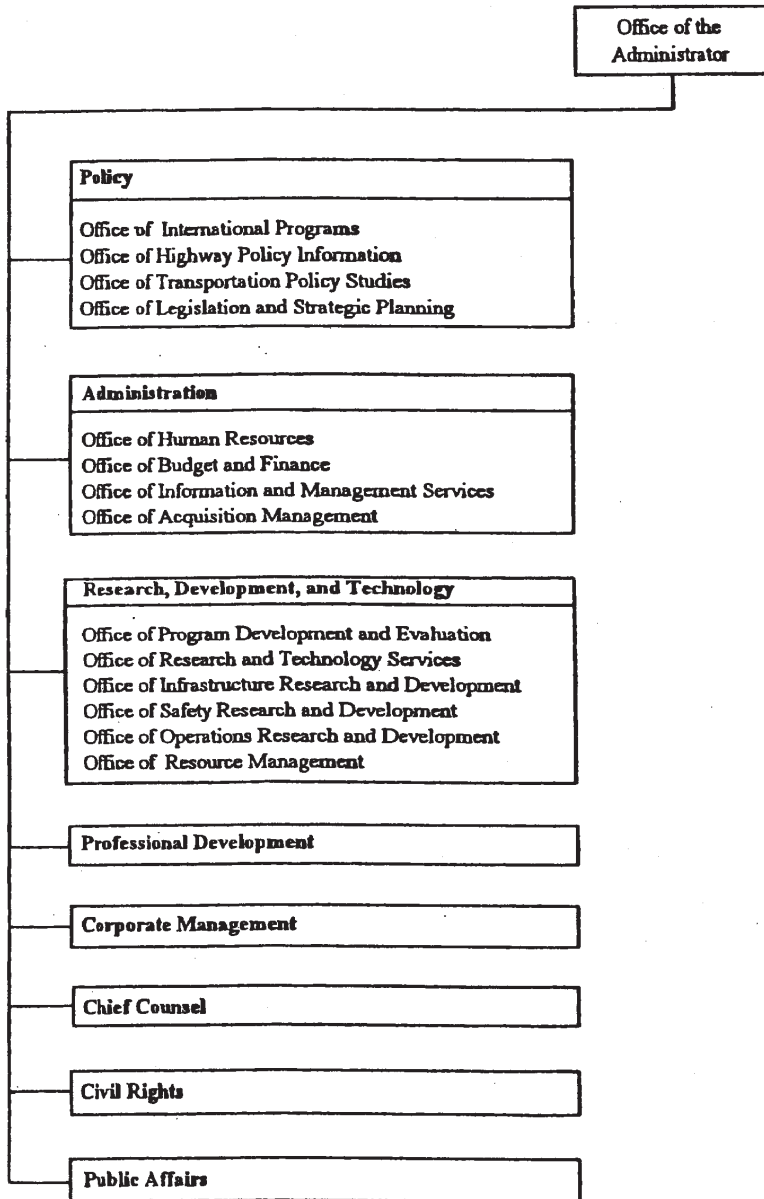


\* The Intelligent Transportation Systems Joint Program Office (ITS JPO) has a departmentwide role which is overseen by the Deputy Secretary of Transportation and the ITS Management Council. The head of the Operations Core Business Unit also serves as the ITS JPO Director.

**CHART 2**

**FEDERAL HIGHWAY ADMINISTRATION**

**SERVICE BUSINESS UNITS**





**CHART 3**

### CERTIFICATION OF QUALIFICATIONS OF EEO OFFICIALS

As the Director of the Office of Human Resources and Director, Civil Rights Service Business Unit for the Federal Highway Administration, we certify that the qualifications of the Washington Headquarters and Field offices' (i.e. Resource Centers and Division offices) Equal Opportunity Officers meet the standards outlined in Qualifications Standards for General Schedule Positions -- Equal Opportunity Compliance GS-360.

The Headquarters and Field personnel are classified in the 360 series because the majority of their duties involve external nondiscrimination, equal opportunity, and equal employment opportunity programs (i.e. Title VI and related nondiscrimination programs, Environmental justice, external complaints, Disadvantaged Business Enterprises, On -the-Job Training, OJT and DBE Supportive Services, Contractor compliance, Americans with Disabilities Act and special emphasis programs such as Women in Highway Construction, Welfare-to-Work, Indian Employment on and near reservations, and Summer Transportation Institutes).

  
SIGNATURE      8/27/99  
DATE

  
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DATE

# Plan for the Prevention of Sexual Harrassment

This section describes the policy regarding sexual harassment and the actions taken to prevent sexual harassment in the workplace.

## Issuance of Policy Statement

The FHWA is committed to providing a work environment free of sexual harassment. An official statement of the Agency's policy regarding sexual harassment was issued on December 2, 1998. It is the intention of the Agency to discourage employee misconduct that undermines the integrity of the employment relationship and the principle of good personnel management. At the same time, it is not the intention of the Agency to regulate the social interaction or relationships freely entered into by Department employees.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as amended, and is a prohibited personnel practice. Complaint channels include the Administrative and Negotiated Grievance Systems; the Discrimination Complaint Process; the DOT's Inspector General; the Criminal Complaint Process; and informal challenges, supervisory intervention, and preventative measures.

## Other Issuances

A sexual harassment statement is included in the Agency's Employee Handbook, Chapter VII, B, "Conduct During Working Hours."

## Training Managers/Supervisors/Employees

Awareness of sexual harassment is an integral part of mandatory supervisory and managerial training of Headquarters and field staff. Five videos on recognition and prevention of sexual harassment have been purchased and

are available to WH and field offices through the FHWA Video Library. The titles of the videos are as follows:

Sexual Harassment: Intent vs. Impact  
Sexual Harassment in the Workplace  
Handling the Sexual Harassment Complaint  
Subtle Sexual Harassment  
Sexual Harassment: Is It or Isn't It?

The FHWA continues to seek relevant, up-to-date videos on sexual harassment issues for inclusion in its library. Concepts and discussions concerning sexual harassment are included in supervisory training courses to apprise supervisors of their duties and responsibilities.

## Other Actions

- 1) During FY 94, FHWA hired a consulting firm specializing in sexual harassment to present training that provided basic information to all employees and supervisors. It included the legal definition and behavioral aspects of sexual harassment; the responsibilities of the Agency, the supervisor, and the employee for preventing sexual harassment; some suggested practices for dealing with alleged sexual harassment; and an exploration of some workplace issues that relate to sexual harassment. Periodic sexual harassment prevention efforts are conducted at the local level by Resource Center and Headquarter's Civil Rights personnel.
- 2) The FHWA New Employee Orientation Program manual includes a chapter on EEO/Sexual Harassment. Each new employee receives a copy of the manual, which contains the Agency's Sexual Harassment Policy Statement and a brief overview concerning sexual harassment in the workplace. New employees also receive a copy of "Preventing Sexual Harassment—A Fact Sheet for Employees," published by The Bureau of National Affairs, Inc.

## Statement of Adequate Monitoring/ Evaluation of Systems

Within the first quarter of each fiscal year, the Agency should conduct an internal evaluation covering accomplishments during the previous fiscal year in EEO and affirmative employment. The Civil Rights and Human Resources SBUs will have overall responsibility for conducting the review and determining how to utilize personnel and EEO staff. In addition to covering the topics and data required for reporting annually to the EEOC, as set forth in the Management Directive, the review system will take into account information from the following:

- 1) An automated information system will be used to provide data, on not less than an annual (fiscal year) basis, showing representation of minorities and women in each major occupational category as of the end of the review period.
- 2) The evaluation report will summarize in narrative form the trends reflected in the data, apparent reasons for gains and losses, and recommendations for addressing lingering problems of underrepresentation and the conspicuous absence of minorities and women.
- 3) An assessment will be made of the extent to which identified barriers to employment are relevant and within the Agency's control. The effectiveness of innovative staffing techniques and revisions to Agency selection procedures, as they relate to such barriers, will also be addressed.
- 4) An assessment will be made of the effectiveness of joint planning for affirmative employment on the part of CR and HR staff and other management staff.
- 5) The Executive Director, or designees, will review proposed selections for key positions in which there is underrepresentation and discuss with the selection officials, personnel office staff, and other management officials any apparent failure to give full consideration to affirmative employment objectives. To eliminate underrepresentation in jobs that lead to leadership positions, Unit Managers will review proposed selections for positions in which there is underrepresentation and discuss affirmative employment considerations with the selecting official.