



Iowa Department of Transportation

September 1, 2009

FWHA 1273 requires when advertising for employees, the contractor must include in all advertisements the notation: "An Equal Opportunity Employer." The federal regulations require that all such advertisements be placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived. Also the contractor, unless precluded by a valid bargaining agreement, must conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

There have been many changes in contractor recruiting methods since the federal regulations were written. The Iowa DOT recognizes that the use of the Internet has replaced newspaper advertisements as the primary method finding jobs for many individuals seeking employment. The Iowa DOT believes the AGCI's Career Board is an excellent tool in attracting applicants from many ethnic backgrounds, and from both genders. Additionally the statistical data on applicants that is being tracked by the Career Board can provide good documentation on the diversity of the applicant flow that contractors are being provide and can hire from.

The Iowa DOT believes a commonly used website for locating highway construction employment in Iowa is a great benefit for individuals looking for employment. The Iowa DOT does not require contractor to have certain percentages of female or minority employees in their workforce. Using traditional recruiting methods and referrals from other employees has the potential of only getting employees similar to the employees in the contractor's current workforce. Our expectation is each contractor makes good faith effort to attempt to include females and minorities in their applicant pool. The diversity and the ability to hire qualified employees will increase as this website becomes the norm for individuals looking for employment in the highway construction industry.

So what is the bottom line? The Iowa DOT has agreed that we will consider a contractor in compliance with the federal regulations for recruiting if the contractor is using the AGCI's Career Board for all openings of non-managerial field staff. The Iowa DOT will rely on the AGCI's Career Board statistics to document that the Career Board is providing an adequate flow of females and minorities.

However compliance does not end with recruiting. Contractors have a responsibility to use Equal Employment Opportunity in the hiring decision. This means hiring the most qualified applicant without regard to race, religion, sex color, national origin, age, disability or other protected class under Federal, state or local law. Contractors with reasonable numbers of female and minority applicants, yet who predominately hire white males will likely have their practices reviewed more thoroughly by the Department, including home office visits from the EEO staff.

Specifications governing employment practices include the following.

- Article 1102.19 of the Standard Specifications, Equal Employment Opportunity and Affirmative Action Requirements.
- FHWA-1273 Required Contract Provisions – Federal Aid Construction Contracts