

*Training, Education, and Workforce Development*

## State Highway Agency Internal Equal Employment Opportunity Program

### ***Background:***

As a condition for receiving Federal funds, the Federal-aid Highway Act of 1968, Section 22(a), required each State Highway Agency to sign Equal Employment Opportunity (EEO) assurances. These signed EEO Assurances became the basis for each State Highway Agency; (hereinafter referred to as State Transportation Agency (STA)) to develop and administer an EEO program in accordance with the Federal Highway Administration (FHWA) prescribed regulations under Title 23 Code of Federal Regulations (CFR), Part 230 – Subpart C. The provisions of Subpart C, are applicable to all STAs that receive Federal financial assistance in connection with the Federal-Aid Highway Program. Appendix A to Subpart C requires the EEO program to include: Part I – Contractor Compliance, and Part II – State Highway Agency Employment. Under Part II, the development and implementation of the Affirmative Action Plan (AAP) is required. The AAP includes all elements of the Agency’s personnel management policies and practices, identification and removal of barriers to employment, collection and analysis of employment data, and a requirement that holds each executive, manager and supervisor accountable for EEO. The head of each STA is responsible for the overall administration and implementation of the Internal EEO program.

To continue receiving Federal financial assistance for “programs and projects,” the head of the STA must sign and submit an updated EEO program to FHWA for approval on an annual basis. This approval becomes the documentation that the STA’s assurances are in compliance with 23 U.S.C. §140(a):

*Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the [U.S.] Secretary [of Transportation] shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex.*

### **Purpose:**

The purpose of the STA's internal EEO program is to ensure fair and equal treatment for persons regardless of race, color, national origin, religion, sex, age, disability in all employment practices. To ensure effectiveness of the EEO program, an AAP is developed and is designed to achieve parity of minorities and women in all major job categories. The FHWA has the responsibility to assist STAs in the development and implementation of the EEO/AAP. The major elements of the EEO Program include:

- Implementation of an AAP (workforce analysis).
- EEO Policy statement.
- EEO Complaints process.
- Program Evaluation (internal reporting system to monitor progress).
- Responsibility and Accountability.

### **FHWA Stewardship/Oversight Responsibilities:**

- Ensure that all STAs have an approved EEO Program that is being implemented in accordance with regulations.
- Ensure all STAs administer a complaints process that is effective and efficient.
- Ensure STAs can demonstrate that their own employment policies and practices are nondiscriminatory and representative of the local civilian labor force.

### **STA Responsibilities:**

- Administer an EEO program and develop an affirmative action plan. Conduct an annual workforce analysis to assess progress and shortfalls. Submit an annual update to the FHWA division office for approval. An approved plan is a condition for continued receipt of Federal-aid highway funds (23 U.S.C. §140(a)).
- Head of the STA should: (1) Issue a firm statement of personal commitment, legal obligations and importance of EEO as an agency goal, and (2) assign specific responsibility and accountability to each executive, manager, and supervisor.
- The EEO Officer must be qualified with proven ability to accomplish program goals and he/she must have the responsibility and authority to implement the internal EEO program — the responsibility for carrying out these duties cannot be merely added to an existing full-time position.
- Conduct an annual program evaluation to monitor the EEO program and to assess goals and objectives and results accomplished.
- Process discrimination complaints and investigate and resolve complaints

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