

Transporter

Civil Rights Office Newsletter

October—November—December 2006, Volume VI, Issue 4

Does Discrimination Occur in Public Construction Contracting in Alaska?

Over the next year Alaska Department of Transportation will be reviewing anecdotal evidence, collecting data on the Alaska construction industry and meeting with various groups to determine if discrimination occurs in Alaska's construction industry and what to do if there is evidence that it does exist. This type of study, according to state officials that track demographics and labor market trends, has never been done in Alaska so the study will be a benchmark study for

the Alaska construction industry.

Other than the fact the department has been directed by US Department of Transportation (USDOT) to conduct this study

to continue to set Disadvantaged Business Enterprise (DBE) goals on projects, what other possible reasons could the department have for wanting to conduct this study? Here are some examples:



- The primary impediment to conducting a discrimination investigation by the Civil Rights Office is that we need a written complaint and cooperation of the person making the complaint. None of this has been forth-

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It is the policy of the Alaska Department of Transportation to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 26; related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, sex, age, disability or national origin.



Transporter is a publication of the Alaska Department of Transportation & Public Facilities
Civil Rights Office

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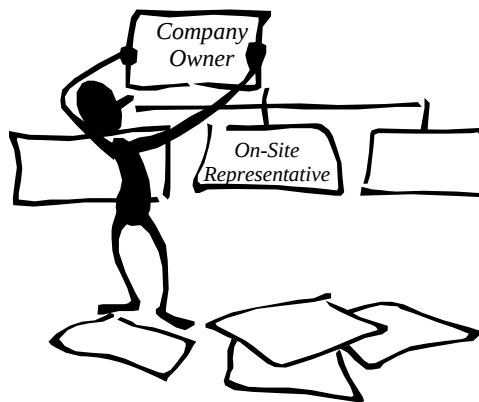
Send comments to: beckie_oliva@dot.state.ak.us



Annual Affidavits

On an annual basis, the Alaska Department of Transportation and Public Facilities, Civil Rights Office (CRO) sends out the "No Change" Affidavit and paperwork to be completed by the DBE firm and submitted to the CRO in order to remain certified as a DBE. As required by CFR 49 Part 26.83, a DBE must provide an affidavit sworn to by the firm's owner before a person who is authorized by state law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. By submitting the affidavit, the DBE owner is affirming that there has been no change in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements, except for changes about which the DBE owner has notified the Civil Rights Office. The affidavit also affirms that the business

continues to meet the Small Business Administration (SBA) business size criteria, and the overall gross receipts cap, along with submitting documentation of the DBE's size and gross receipts.



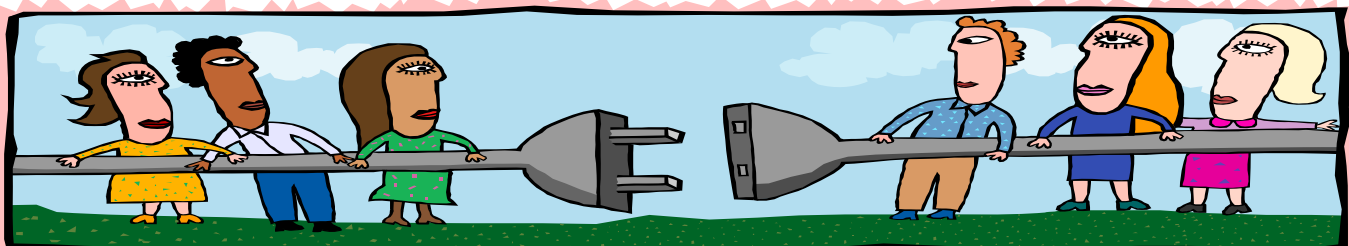
Approximately thirty days prior to the anniversary of the DBE's certification date, the CRO mails the DBE their Annual "No Change" Affidavit packet. The DBE owner must complete, and have notarized, the current Personal Net Worth form, along with submitting a current employee list, designating an on-site

representative(s) for the business, a current equipment list, and provide the CRO with the most recent personal and business taxes.

If a DBE does not turn in the required annual paperwork, they may be removed from the program for failing to cooperate under CFR 49 Part 26.109(c) and have to wait one year from the date of the denial letter to apply again, and go through the entire certification process.

If you have any questions regarding the Annual "No Change" Affidavit or the additional requested documents, as part of the annual review process, please call Linda Babb or Sharon White-Wheeler at the CRO at 907-269-0851.

*Contributed by: Linda Babb
Certification Officer, Civil Rights Office*



U.S. Department Of Transportation Guidance on Limited English Proficiency — A Summary

The US Department of Transportation (USDOT) recently issued guidance to state departments of transportation (referred to as recipients) regarding services provided to Limited English Proficiency (LEP) populations. An ultimate result of this guidance is for the recipient to develop their own guidance in providing meaningful access to LEP persons who use transportation systems.

What does being limited in English proficiency mean?

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. According to the 2000 U.S. Census, among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese and Korean. With regard to limited English speakers in Alaska, Spanish is also the most frequently spoken language. However, Yupik, Tagalog, Inupiaq and Korean rounds out the top five non-English languages spoken here. In 2003, the American Community Survey revealed that 12.6% of Alaskans spoke another language other than

English. That equates to roughly 49,756 Alaskans.

The USDOT guidance states that in certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations against national origin discrimination.



How does a recipient determine the extent of its obligation to provide LEP services?

A key component of the Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency, is known as the “four factor analysis.” This analysis is useful when determining the level of service or access the recipient is able to provide. The four factors are summarized below:

- ◆ The *number or proportion* of LEP persons served or encountered in the eligible service population. During the planning phase of a highway project, it is important for the planner(s) to determine the demographics (what languages are spoken) in the project area. Planners should not depend on using census data as their data source. They instead must obtain current information about the number of people who speak a different language within the project area.
- ◆ The *frequency* with which LEP individuals come in contact with the program, activity or service. Although there may be a large number of people identified as LEP in a project area, the number of times that they participate in any activity may be historically limited.
- ◆ The *nature and importance* of the program, activity or service provided by the program. Simply stated, the more important the activity, information,

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Howard S. Wright Construction Co. Sued for Age Discrimination

EEOC Says Company Fired Older Worker With 27 Years of Experience

OLYMPIA, Wash. - A large Seattle-based construction company with a long history in Washington state committed a age discrimination by firing a 60-year-old ironworker because he was supposedly "too old" to do the work, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

The EEOC's suit (U.S. District Court for the Western District of Washington) asserts that Howard S. Wright Construction Co. terminated Cecil Cheeka, who had 27 years of experience, after only four days working on a new construction project in Olympia. The company foreman allegedly told Cheeka that he was "too old to be put up in the air," meaning that he was too old to work on the elevated boom or basket to construct the building's higher floors. Cheeka had no opportunity to show his foreman that he was capable of working "up in the air" before he was fired. The foreman made the

decision based solely on his own ideas of what a 60-year-old man could do, the EEOC says.

"Losing my job because they thought I was too old was a shock to me," said Cheeka. "After 27 years of ironwork I'd never had a safety problem, and I had no doubt that I could continue to work safely and effectively."

Age discrimination violates the Age Discrimination in Employment Act (ADEA), which protects individuals 40 and older from employment discrimination. The EEOC filed this suit only after first attempting to reach a voluntary settlement through conciliation. The suit seeks monetary damages, training on anti-discrimination laws, posting of notices at the worksite and other injunctive relief.

According to EEOC San Francisco District Director Joan Ehrlich, "Making hiring or firing decisions based upon stereotypical notions of what older workers supposedly can or cannot do violates the ADEA, and is contrary to sound business judgment."

EEOC Regional Attorney William R. Tamayo added, "The company had no reason to fire Mr. Cheeka, an experienced ironworker. It chose to fire him simply because it believed ironwork to be a young man's job. We hope our suit is a reminder to companies that employment decisions must be made based on the employee's skill and ability."

According to the company's web site, Howard S. Wright Construction, founded in 1885, has performed work in a majority of the Western states, including Alaska and Hawaii. The company says the "backbone" of its work consists of continuing relationships with prominent Fortune 100 companies on projects from \$5,000 to \$50 million.

The EEOC is responsible for enforcing the nation's laws prohibiting employment discrimination based on race, color, gender (including sexual harassment and pregnancy), religion, national origin, age, disability and retaliation. Further information about the EEOC is available on its web site at www.eeoc.gov.

*Contributed by: Jon Dunham
Manager, Civil Rights Office*

***If you have
a Tidbit or article
You would like to contribute
please contact:
Civil Rights Office
907-269-0851 or 1-800-770-6236
Email: beckie_oliva@dot.state.ak.us***



*Does Discrimination Occur in Public
Construction Contracting in Alaska?
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coming in the past primarily because the individuals making the allegation actively work in the construction industry. They have expressed real and credible concern that they would be ostracized by other contractors for filing a complaint, and possibly having no hope of future subcontracting opportunities.

- Bonding is becoming increasing difficult for smaller contractors because the companies willing to bond small contractors are disappearing and the USDOT bonding program for DBE

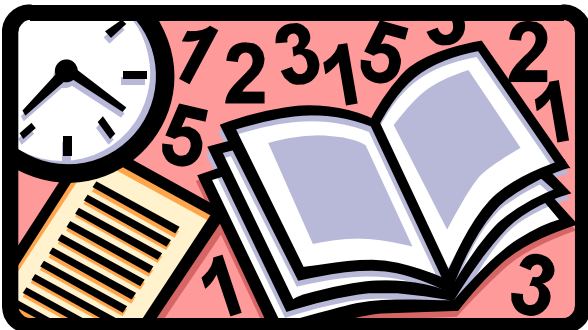
contractors has been suspended.

- The public contracting agencies further complicate the contracting programs by combining multiple projects together creating larger projects that most of our DBE firms and some of our regular prime contractors can no longer bond as a prime contractor. Without the ability to independently bond a project, DBE firms are relegated to serving as a subcontractor to another contractor.
- There have been several “unofficial” reports that some general contractor crews were rumored to have used racial and ethnic slurs to address a DBE, and in one case allegedly attempted to assault

the crew of a DBE while they were performing dangerous work. In each of these cases the alleged behavior was reported to the responsible authority with a recommendation for action.

These examples are important indicators that discrimination may not be an element of the past. It is certainly an indication that there are problems. We expect the disparity study to systematically look at discrimination on a regional basis and provide the department direction on how to effectively implement the DBE Program.

*Contributed by: Jon Dunham
Manager, Civil Rights Office*



Welcome CRO's Newest Staff Members

Certification Specialist

On August 16, 2006, Stephen Mormilo was hired as a DBE Certification Specialist. Steve is originally from New York City, New York, and after serving 24 years in the U.S. Air Force in Aircraft Maintenance and Logistics; he became a State of Alaska employee with the Department of Labor as a Disability Adjudicator Associate in 1997. His combined background and experience with the military, as a Disability Adjudicator Associate and a Supervisor, will be a great asset to the Certification section. Welcome Steve!

*Contributed by: Linda Babb
Certification Officer, Civil Rights Office*



Compliance Specialist

It is with great excitement I introduce Gracietha (Grace) Cilot. Grace comes to the Civil Rights Office from the Department of Fish and Game, where she was employed as an Administrative Assistant. She now holds the position of Contract Compliance Specialist with our office, and brings with her almost 10 years of administrative/personnel experience. Welcome Grace!

*Contributed by: Renease Bagsby
Compliance Officer, Civil Rights Office*

USDOT Guidance on LEP—A Summary (Continued from page 3)

service or program or the greater the consequences of the contact to the LEP individuals, the more likely language services are needed. When using any mode of transportation, LEP persons, for safety reasons, must be able to understand emergency signage. Providing this information in a universal format, i.e. visual versus text, is critical to safe travel

for the LEP population as well as the population at large.

- ◆ The *resources* available to the recipient and *costs*. If the cost to provide language services to LEP individuals exhausts the resources of the recipient and/or if the costs are unreasonable, the extent of the recipient's obligation is diminished.

As Alaska's LEP population continues to grow, it will

become more important to develop and maintain a process for providing meaningful access to services. At a minimum, the recipient is obligated to develop a process that establishes a needs assessment, incorporates staff training and awareness, informs the LEP population of their rights under Title VI and provides for translation of vital documents in languages other than English.

*Contributed by: Valerie Fletcher-Mitchell
Title VI Specialist, Civil Rights Office*

Tentative ADOT&PF Projects for Next Quarter

For more information on Projects visit web site at:

<http://dot.alaska.gov/procurement/index.shtml>

State Proj.#	Project Name	Est. \$ Range	Tent.Date Advertise
<i>Central Region</i>			
58247	PARKS HWY: SUSITNA RIVER BRIDGE REPAIRS	\$5-10M	Sep-06
52507	GLENN HWY: MP 92 TO 97 REHAB-HICKS CREEK	\$20-30M	Oct-06
52930	UNALASKA: SOUTH CHANNEL BRIDGE #1386 CONSTRUCTION	\$10-20M	Oct-06
54291	CHIGNIK AIRPORT ACCESS RD REHABILITATION	\$2.5-5M	Oct-06
55430	PALMER URBAN REVITALIZATION (TCSP)	\$500K-1M	Oct-06
58299	GLENN HWY LIGHTING, MP 12-16.5 (GF)-RTORA	\$1-2.5M	Oct-06
58578	GLENN HWY: WEIGH STATION SCALE REPAIR 06	\$500K-1M	Oct-06
52058	EAST ANCHORAGE SAFETY IMPROVEMENT PROJECT 2006	\$2.5-5M	Nov-06
53297	PARKS HWY: MP 41-44 CRUSEY TO LUCUS	\$5-10M	Nov-06
55729	HSIP: GROUP 1A, 1B, 2, & 3B	\$500K-1M	Nov-06
56645	HSIP: GROUP A	\$500K-1M	Nov-06
57262	HSIP: CR AVALANCHE GATE REPLACEMENT	\$500K-1M	Nov-06
57264	HSIP: LUCILLE ST AT FRED NELSON RD SAFETY IMPROVEMENTS	\$250-500K	Nov-06
57548	ILIAMNA SRE STORAGE/OFFICE BLDG	\$2.5-5M	Nov-06
58012	ANCHORAGE AREA SAFETY IMPROVEMENT PROJECT 2006	\$1-2.5M	Nov-06
58190	SEWARD HWY MP 37-43 REFURBISHMENT	\$5-10M	Nov-06
59270	KENAI PENINSULA SAFETY IMPROVEMENT PROJECT 2006	\$500K-1M	Nov-06
58168	MAT-SU: MCKENZIE RD IMP (SEC 117) AK065	\$2.5-5M	Dec-06
<i>Marine Highways</i>			
73032	M/V COLUMBIA HABITABILITY & SHIP SYSTEMS REFURBISHMENT	\$5-10M	Oct-06

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Tentative ADOT&PF Projects
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State Proj.#	Project Name	Est. \$ Range	Tent.Date Advertise
Northern Region			
61269	RICHARDSON HWY MP 350 BADGER INTERCH RAMP & INTX IMP	\$2.5-5M	Sep-06
63044	EAGLE VILLAGE DUST CONTROL	\$500K-1M	Sep-06
63059	NOR REG STOCKPILES FY2007	\$250-500K	Sep-06
66438	PARKS HWY MP 351-356 REHAB	\$5-10M	Sep-06
60337	ALAKANUK AIRPORT RELOCATION - STAGE II	\$10-20M	Oct-06
61564	MANLEY AIRPORT RELOCATION	\$5-10M	Oct-06
62634	PARKS HWY MP 285 JULIUS CREEK BRIDGE	\$1-2.5M	Oct-06
62641	EMMONAK AIRPORT REHABILITATION - STAGE II	\$5-10M	Oct-06
62860	DALTON HWY MP 175-197 REHABILITATION	\$10-20M	Oct-06
62940	NOR REG RD SURF TRTMNT:CANTWELL AREA RDS - DENALI COMM	\$250-500K	Oct-06
63237	2ND AVENUE - WILBUR WIDENING	\$2.5-5M	Oct-06
66237	MINTO AIRPORT IMPROVEMENTS	\$5-10M	Oct-06
60431	YUKON RIVER BRIDGE REHABILITATION #AK009	\$5-10M	Nov-06
61185	UNALAKLEET SANITATION ROAD	\$1-2.5M	Nov-06
62892	STEESE EXPRESSWAY MP 0-2 REPAVE	\$1-2.5M	Nov-06
62184	RICHARDSON HWY NORTH POLE INTERCHANGE (GARVEE)	\$20-30M	Dec-06
Southeast Region			
69042	KAKE & HOONAH FERRY TERMINAL DOLPHINS	\$500K-1M	Aug-06
68187	SITKA AIRPORT ACCESS IMPROVEMENTS	\$2.5-5M	Sep-06
68465	HOMER DOCK MOORING DOLPHIN	\$100-250K	Sep-06
68897	WRG AIRPORT MITIGATION - FISH LADDER IMPROVEMENTS	\$100-250K	Sep-06
69062	HOMER MULTI-PURPOSE OCEAN DOCK MODIFICATIONS	\$100-250K	Sep-06
68008	KTN LAY-UP BERTH AND MOORING STRUCTURES	\$5-10M	Oct-06
68306	KTN AIRPORT RUNWAY OVERLAY SAFETY AREA UPGRADE STAGE I	\$40-50M	Oct-06
68731	PELICAN TERMINAL MOORING IMPROVEMENTS	\$500K-1M	Oct-06
75249	HAINES MOORING IMPROVEMENTS	\$1-2.5M	Oct-06
67931	SITKA & JUNEAU AUKE BAY FERRY TERMINALS IMPROVEMENTS	\$1-2.5M	Nov-06
68231	KETCHIKAN SAXMAN TERMINAL	\$2.5-5M	Nov-06
68598	KETCHIKAN TRANSFER FACILITIES PH III	\$500K-1M	Nov-06
68879	SEA REGION SCHOOL ZONE CROSSING IMPROVEMENTS	\$1-2.5M	Nov-06
68904	KLW AIRPORT WATER & SEWARD LINES EXTENSION	\$250-500K	Nov-06
68290	KTN AIRPORT SRE, SAND & CHEMICAL STORAGE BUILDING	\$250-500K	Jan-07
68317	HAINES UNION ST REFURBISHMENT (MAIN ST TO 2ND ST)	\$1-2.5M	Jan-07
68345	YAKUTAT AREAWIDE PAVING	\$1-2.5M	Jan-07
68943	SITKA SAWMILL CREEK RD/HALIBUT PT RD ROUNDABOUT	\$1-2.5M	Jan-07
69081	HAINES SAWMILL CREEK CULVERT REPLACEMENT AK112	\$250-500K	Jan-07

For more information on Projects visit web site at: <http://dot.alaska.gov/procurement/index.shtml>



Notes & News About Certification



Newly Certified Firms

➤ **Alaska Native Technologies LLC**
Anchorage, Alaska

Line of Work:

Consultant: Business Service, Mechanical Engineer

➤ **C2 North LLC**
Anchorage, Alaska

Line of Work:

Consultant: Business Services

➤ **CND Quality Insulation**
Anchorage, Alaska

Line of Work:

Consultant: Business Services, Non-Construction Contractor

➤ **Cushman Consulting**
Chugiak, Alaska

Line of Work:

Consultant: Business Services, Graphics

➤ **Nakuuruq Solutions LLC**
Anchorage , Alaska

Line of Work:

Consultant: Business Services, Non-Construction Consultant, Non-Construction Contractor

➤ **Shredway**
Fairbanks, Alaska

Line of Work:

Consultant: Non-Construction Consultant

➤ **TKC Integration Services LLC**
Anchorage, Alaska

Line of Work:

Consultant: Non-Construction Consultant

➤ **TKC Technology Solution**
Anchorage, Alaska

Line of Work:

Consultant: Non-Construction Consultant, Non-Construction Contractor

Supplier: Telecommunications: Fiber Optics/Controls/ Electronics



Recertified Firms

➤ **Archengplot Supplies**
Anchorage, Alaska

➤ **Beluga Construction Co LLC**
Anchorage, Alaska

➤ **Bering Sea Eccotech Inc**
Anchorage, Alaska

➤ **Chucks Backhoe Inc**
Anchorage, Alaska

➤ **Coordinators Interior Design Group**
Anchorage, Alaska

➤ **Eden Builders**
Ketchikan, Alaska

➤ **Exeltech Consulting Inc**
Lacey, Washington

➤ **Garness Engineering Group Ltd**
Anchorage, Alaska

➤ **Glacier Electric Construction Inc**
Soldotna, Alaska

➤ **Gordon & Associates Inc**
Wasilla, Alaska

➤ **Greenbusch Group Inc (The)**
Seattle, Washington

➤ **Hunter Sales**
Marshall, Alaska

➤ **K & R Trucking**
Petersburg, Alaska

➤ **McClintock Land Associates Inc**
Eagle River, Alaska

➤ **Moore's Landscaping LLC**
Kenai, Alaska

➤ **Ridolfi Inc**
Seattle, Washington

➤ **Sealaska Environmental Services LLC**
Juneau, Alaska

➤ **Tatitlek Management Inc**
Anchorage, Alaska

CIVIL RIGHTS OFFICE — STAFF MEMBERS

CRO Manager—Jon Dunham

Responsible for overall Civil Rights Programs implementation and reporting to Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration for Alaska Department of Transportation and Public Facilities. Overall supervision of the Civil Rights Office Staff.

Compliance Programs—

Reneise D Bagsby Performs contract compliance reviews and enforcement of external EEO, DBE, and OJT programs. Administers the Title VI program under the Civil Rights Act of 1964. Investigates discrimination complaints. Administers department ADA Program. Directly supervises compliance program staff.

Valerie Fletcher-Mitchell Performs audits of ADOT&PF programs and sub-recipients of federal assistance funds based on Title VI of the Civil Rights Act of 1964. Reviews Environmental Documents for compliance with Title VI of the Civil Rights Act of 1964 and the Environmental Justice Executive Order. Provides technical assistance, oversight, and training of ADOT&PF personnel and Federal Highway Administration sub-recipients on Title VI requirements and compliance.

Grace Cilot Performs contract compliance reviews and enforcement of external EEO, DBE, and OJT programs.

Mary Caterinichio Maintains the Civil Rights Office database and works with contractors and Federal Highway Administration and Federal Aviation Administration on numerous aspects of reporting.

DBE Certification—

Linda K Babb Administers the DBE certification program by coordinating functions between Alaska Unified Certification Program Members, DBEs, and various agencies representing minority or women owned, small or disadvantaged businesses. Oversees certification outreach, processing of DBE applications, recertifications, and annual reviews.

Stephen J Mormilo Assists businesses with navigating the DBE certification process. Conducts outreach, validates applications and performs recertifications and annual reviews. Liaison for the Alaska Unified Certification Program.

Sharon White-Wheeler Assists businesses with navigating the DBE certification process. Conducts outreach, validates applications and performs recertifications and annual reviews.

Support Services—Beckie M Oliva

Administers the DBE and OJT Support Services programs, working with contractors bidding on Alaska Department of Transportation and Public Facilities projects.

Administrative Staff—

Hazel Johnson Assists with Civil Rights Office budget, provides office support and assists with the 75% reimbursement training program.

Anna J Kline Handles all incoming communication with the Civil Rights Office and supports the administrative functions of the Civil Rights Office staff.

Alaska Department of Transportation and Public Facilities Civil Rights Office

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