



MaineDOT

**A CONTRACTOR'S GUIDE
TO
EQUAL EMPLOYMENT
OPPORTUNITY**

Prepared by

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STATE OF MAINE

DEPARTMENT OF TRANSPORTATION

TO: Users

FROM: Theresa Savoy, Director
Civil Rights Office

SUBJECT: Contractor's Guide to EEO Reference Tool

The Civil Rights Office is pleased to provide you with this Equal Employment Opportunity & Affirmative Action Guidebook.

This guidebook was designed as a practical useful tool to assist you with your equal employment opportunity and affirmative action programs.

The Maine Department of Transportation is committed to meeting both the spirit and intent of the equal employment opportunity laws, executive orders and regulations. We believe use of this manual will help you establish and maintain a result oriented program. Further, your ongoing commitment to carrying out these obligations will undoubtedly yield a more balanced workforce representative of Maine's citizenry.

Federal and State law prohibits employment discrimination based on race, color, sexual orientation, religion, national origin, disability, sex, and age. As a federal government contractor you are obligated to maintain a written affirmative action employment program for minority and female recruitment, employment, retention and promotion. Furthermore, you are obligated to make reasonable accommodations for disabled persons, including disabled veterans.

For additional assistance contact this office at (207) 624-3036 or by mail at the following address:

Maine Department of Transportation
Civil Rights Office
#16 State House Station
Augusta, Maine 04333-0016

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I.

OVERVIEW

A - MAINEDOT AA/EEO STEPS FOR ALL CONTRACTORS

Employment discrimination on the basis of race, color, age, religion, physical or mental disability, sex, national origin, sexual orientation or ancestry is illegal. See Title VI and VII of the Civil Rights Act of 1964, as amended. Executive Order 11246 of 1965, as amended, Executive Order 11141, as amended, and the Americans with Disabilities Act of 1990, for details and the Maine Human Rights Act, Title 5 §4572

These action steps will assist contractors/subcontractors, consultants/sub-consultants, in administering fair and equitable employment policies and practices.

1. **Read** - the EEO Special Provision, and the Harassment Special Provision found in each MaineDOT General Conditions Book, the Maine Human Rights Act and Title 5 MRSA § 4551 as amended.
2. **Appoint** - a company AA/EEO Officer, and outline the AA/EEO Officer's job duties and responsibilities.
3. **Inform** - all employees at time of hire, then at least annually, how to contact the AA/EEO Officer, and what responsibilities the individual has.
4. **Develop** - a written EEO Policy/Program that is signed, annually dated by the CEO. The policy must state the legal obligations and expectations of the firm's commitment to EEO. Indicate what process your firm will take to address complaints of discrimination.
5. **Develop** - a separate written harassment policy and complaint procedures or incorporate the company policy into the written EEO Policy/Program. Identify the process that must be followed to report a complaint and what action you and what action your company will take to correct any findings of discriminatory practices.
6. **Post** - all required posters (See section 5 Job Posting List) on each project site.
7. **Advise & Distribute** - by Maine law inform all employees, (at time of hire and at least annually) the company's EEO Policy/Harassment Policy. Include EEO Officer's name and contact information.
8. **Recruit** - protected group members (i.e., females, minorities and/or disadvantaged persons) for employment and promotion. Document all external and internal recruitment efforts. Recruitment is a proactive effort such as establishing linkages with special interest groups, community based organizations, etc.

9. **Encourage** - employees to refer other members for employment consideration.
10. **Advertise** - all job announcements through internal job postings, newspapers, internet or through other means. Always indicate one of the following: Females, Disadvantaged, Minorities, Equal Employment Opportunity Employer, M/V/D/F (Minorities, Veteran, Disadvantaged, Female) are encouraged to apply.
11. **Advise** - at least annually all employees, suppliers, vendors, subcontractors, recruitment sources of the company's policies regarding non-discrimination.
12. **Certify** - at least annually, all subcontractors (in excess of \$10,000) of their AA/EEO obligations. Require at least annually, that these entities provide written copies of their EEO Policy.
13. **Keep** - a three year log or record of all recruitment efforts including dates of contact and any walk-ins who contact your company regarding work and any action taken.
14. **Develop** - a job application for the company that requires only information that is essential to performance of the job. That can include work experience, job related knowledge, education and any certifications or licenses held.

It is illegal to ask in a job application of a person's marital status, total number of dependents, height, weight, sex, age, race, disability, religion, color, or ethnicity. It is also illegal to require an applicant to answer if they rent or own a home, one's political affiliation, or physical and mental disability. You can not require applicants to submit a photograph.

15. **Contact** - the Maine Human Rights Commission, #51 State House Station, Augusta, Maine 04333-0051, Telephone (207) 624-6050 with specific questions.

B- 16 AFFIRMATIVE ACTION STEPS
TAKEN FROM TITLE 41 - PUBLIC CONTRACT AND PROPERTY
MANAGEMENT CHAPTER 60-4 CONSTRUCTION
CONTRACTOR AA REQUIREMENTS

- 60-4.3-7(a).** Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which a contractor's or sub-contractor's employees are assigned to work. The contractor, where possible, will assign two or more females to each construction project. (The contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
- (b).** Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community based organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organization's responses.
- (c).** Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community based organization, and what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the contractor may have taken.
- (d).** Provide immediate written notification to MaineDOT when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority person or woman sent by the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
- (e).** Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and females, including promotion programs and apprenticeships and trainee programs relevant to the contractor's employment needs, especially those programs

funded or approved by the Department of Labor. The contractor shall provide notice of these programs to the sources compiled under (b) above.

- (f). Disseminate the contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newsletter, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least annually; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.**
- (g). Review, sign and date annually, the company's EEO policy and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, general foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.**
- (h). Disseminate the contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the contractor's EEO policy with other contractors and subcontractors with whom the contractor does or anticipates doing business.**
- (i). Directs recruitment efforts, both oral and written, to minority, female and community based organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.**
- (j). Encourage present minority and female employees to recruit females and other minority persons, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's workforce.**
- (k). Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR 60-3.**

- (l). Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage employees to seek or to prepare for promotional opportunities through appropriate training, etc.**

- (m). Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the contractor's obligations under these specifications are being carried out.**

- (n). Ensure that all facilities and company activities are non-segregated except that separate toilet and necessary changing facilities shall be provided to assure privacy between the sexes.**

- (o). Document and maintain a record of all solicitations to subcontractors from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.**

- (p). Conduct a review, at least annually, of all Superintendents' adherence to and performance under the contractors EEO policies and affirmative action obligations.**

ANNUAL EEO/AA CHECKLIST

GENERAL POLICIES AND TRAINING	DONE	BY WHOM	DATE
EEO/AA Officer appointed			
H/EEO/AA Policies written/revised/signed/dated annually			
Complaint procedures written/revised			
H/EEO/AA policy distributed to all employees			
Disseminated EEO policy externally to other contractors/subcontractors and suppliers			
Disseminate policies to unions			
Legal job application written/revised			
Supervisory personnel training in EEO/AA at least annually - keep list of topics covered & attendees			
All employees trained in Harassment prevention (companies over 15 employees)			
RECRUITMENT			
Maintain current list of minority and female recruitment and training sources/publications			
Provide written notice of job opportunities to minority and female recruitment/training sources when they occur			
Maintain written and phone records of contact and responses when job openings occur			
Maintain 3 years current file of names, addresses, telephone numbers of each minority/female referral/applicant and action taken			
Utilize female and minority applicant file when job openings occur			
Develop on-the-job training program and/or participate in community training programs for females, minorities and the disadvantaged.			
Direct recruitment efforts, both oral and written to minority, female and community based organizations, schools and publications "We are a Volunteer Affirmative Action Employer"			
Use phrase: "Female and Minorities encouraged to apply" in all job postings and advertisements			
Encourage all employees to recruit female and minority applicants			
During Employment			
At least annually evaluate all female/minority personnel			
Encourage female/minority personnel to prepare/apply for promotions			
Monitor all personnel and employment activities/ practices to ensure that EEO policy and contractor/subcontractor obligations are being carried out			
Ensure facilities and company activities are non-segregated			
Document and maintain a log of all DBE solicitations			
Conduct a review of all supervisors' adherence to and performance of EEO/AA obligations			

Required Job Site Poster Checklist
State of Maine Required Posters

- 1. Minimum Wage
- 2. Whistleblower's Protection Act
- 3. Workers' Compensation (WCB-90)
- 4. Occupational Safety & Health Regulations
- 5. Child Labor Laws
- 6. Regulations of Employment
- 7. Sexual Harassment Poster
- 8. Maine Equal Pay Law
- 9. Maine Employment Security Act
- 10. Domestic Violence in the Workplace Poster (Optional)
- State Wage Determination (on State Funded Projects Only)

Federal Government Required Posters

- 11. Equal Employment Opportunity It's the Law (OFCCP 1420)
- 12. Fair Labor Standards Act – Federal Minimum Wage (WHD-1088)
- 13. Employee Rights on Government Contracts (WHD-1313)
- 14. Family and Medical Leave Act (WH-1420)
- 15. Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284)
- 16. Employee Polygraph Protection Act (WH1462)
- 17. Uniformed Services Employment and Reemployment Rights Act (USERRA)
- 18. Notice to Employees - Davis Bacon (WH-1321)
- 19. NOTICE – Federal Aid Projects (FHWA-1022)
- 20. Job Safety and Health - It's the Law (OSHA 3165) Replaces OSHA-2203
- 21. Wage Rate Information on Federal-Aid Highway Project (FHWA-1495)
- Federal Wage Decision & Additional Project Specific Rates
- Contractor's EEO Policy Statement with EEO Officer's name and contact information

ARRA Projects Only

- 22. Know Your Rights Under The Recovery Act!
- 23. Whistleblowers Know Your Rights (ARRA)

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D - SAMPLE: HARASSMENT PREVENTION

Management must recognize that harassment raises costly legal issues and interferes with productivity. Companies can do much to prevent the likelihood of harassment, particularly sexual harassment, by training all management and employees to be aware that harassment occurs. Management and employees must feel comfortable in reporting instances of harassment in order that a harassment-free work environment may exist. Under Maine Law, each new employee must be informed about company policies and the ramifications, which may occur in harassment or other forms of discrimination are documented.

The following steps should guide your company's efforts to identify and overcome harassment:

1. **Determine whether you have a problem** - don't assume because no one has complained or that your employees are simply nice people and would not, or do not treat each other that way, harassment does not exist. Remember that many people do not formally complain due to intimidation, humiliation, fear of escalation or repercussion, or fear of job loss.
2. **Establish top management awareness and support** - by briefings for owners, corporation officers, upper and mid-managers, and other management personnel. Stress the importance of costs in production and in real dollars as well as the magnitude and the consequences resulting from harassment, in particular sexual harassment.
3. **Publish a policy statement** - policies must be specific and clearly demonstrate your company's commitment to identifying and eliminating harassment. The policy should contain, a purpose, legal and behavioral definitions of harassment and other problems, and outline of the steps management will take to handle problems, and a list of possible disciplinary actions the company will take to rectify situations of harassment. At least annually, notify your employees of the company policy.
4. **Always** - document any training activity. Name, date and general subject covered. Maintain a file for at least one year. Maine's Harassment Law requires businesses with 15 or more employees, to inform all new employees and supervisors, and at least annually provide workers with the company harassment policy statement, signed/dated by the company president.

5. **Establish a complaint procedure** - that provides a means for bringing incidents out into the open and to the attention of those who can solve them. Encourage employees to communicate problems, in writing or verbally. Employees should feel that complaints and questions are welcomed and not discouraged. Most complaint procedures have the immediate supervisor as the first link in the process; however, if the problem is the supervisor, employees need to know of other designated individuals that they can report a charge to, the Project Superintendent, and always to the EEO Officer.

6. **Train both managers and employees in awareness prevention** - training should be in three phases: (1) top management/executives; (2) foreman/supervisors, and (3) all new employees and at least an annual reminder. Emphasize job-related behaviors, attitude changes, and increase supervisory personnel awareness to complaint recognition and resolution.

7. **Remember** - nude or semi-nude calendars, pictures, posters or visual material of either sex can be defined as harassment if displayed in the workplace. Off-color jokes, visual materials of explicit nature are questionable and therefore do not belong in the workplace. These questionable matters should be discouraged from the workplace.

A general rule of thumb that works well is, if you'd likely not have it posted on your home refrigerator than its best not kept in the workplace.

II

SAMPLE POLICY STATEMENT

**A - SAMPLE: EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION POLICY**

1. As owner of _____(Company Name)_____, it is my specific intent that all employees comply with Executive Order 11246 and 11375, as amended, which provides for equal employment opportunity of all employees and applicants for employment.

2. Accordingly, _____(Company Name)_____, will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, veteran status, sexual orientation or disability. The legal and moral obligation of _____(Company Name)_____ to not discriminate includes, but is not limited to, the following personnel actions:

**ADVERTISING, RECRUITMENT, HIRING, PLACEMENT,
TRANSFER, TERMINATION, TRAINING, PROMOTIONS, PAY
RATES, FRINGE BENEFITS, LAYOFF AND DEMOTION**

3. _____(Company Name)_____ will not maintain segregated facilities. The term “segregated” means to separate by race, color, religion, national origin, disability, and age. Therefore, our firm will not have segregated waiting rooms, work areas, rest and wash rooms, restaurants, and other eating areas, parking lots, drinking fountains, recreation, transportation and housing facilities. Separate but and equal number of rest and wash rooms for female and male employees is acceptable provided further divisions by race, color, religion, national origin, sexual orientation and disability does not occur.

4. It is also the policy of _____(Company Name)_____ to comply with Section 703 or Title VII of the Civil Rights Act of 1964 as amended, and MSRA Titles 5 and 26 as amended by Maine Public Law 1991, Chapter 474. Accordingly, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which are used as conditions of employment decisions or which operate to create and intimidating , hostile or offensive working environment, will not be tolerate by _____(Company Name)_____ .

5. I have appointed ____(EEO Officer’s Name)___ as my representative in these matters. As EEO Officer, ____(EEO Officer’s Name)___ , is responsible for overseeing compliance to EEO matters.

If you have any questions or concerns feel free to contact either

_____ or me at _____.
(AA/EEO Officer)

Name, President/Owner, and Date

POST ON ALL SITES

B - SAMPLE: EXTERNAL/INTERNAL NOTIFICATION

Notice to all Applicants for Employment, Employees, Recruiting Agencies, Suppliers, Contractors, and Subcontractors (over \$10,000.00) (Company Name) is an Equal Employment Opportunity Employer.

It is the policy of _____(Company Name)_____ to treat all applicants and employees without regard to race, religion, national origin, sex, color, age, ancestry, prison record, sexual orientation, disability, and veteran status in all aspects of employment. This includes promotion; demotion; transfer; recruitment; advertising; lay-off or selection for training; including apprenticeship, pre-apprenticeship, and/or on-the-job training. Furthermore, we will: (1) not tolerate harassment, unwanted sexual advances, hostile or intimidating environments based on race, sex, religion, national origin, age, color, sexual orientation and disability; (2) make religious accommodations; (3) make reasonable accommodations for disabled persons; (4) treat pregnancy like any other temporary disability; (5) encourage protected group member employees to refer other female, minority and disabled persons for employment; and (6) recruit workers from employment agencies by placing “Affirmative Action Job orders”.

In addition to this policy, I am please to announce the following general employment vacancies for this season: Truck Drivers, Laborers, etc.

You are invited to contact me throughout the season for specific job openings. I am available at: _____(City)____, Maine ____(Zip)____.

C- SAMPLE: SUGGESTED HARASSMENT POLICY

Harassment is against the law. Harassment is not a joke. Harassment is defined as unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct on the job, threats, offensive jokes, or basing employment decisions or practices upon submission to sexual favors. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 and MSRA Titles 5 and 26 as amended by Maine Public Law 1991, Chapter 474 when; 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Under Maine State Law, _____(Company Name)_____ is liable for charges of harassment. Neither you, nor _____(Company Name)_____ can afford the personal, professional and financial ramifications of harassment. Harassment will not be tolerated by _____(Company Name)_____ .

Applicants or employees who believe they are or have been harassed should promptly report such claims to their immediate supervisor, Project Superintendent, or Company EEO/AA Officer. _____(Company Name)_____ EEO/AA Officer is _____(EEO Officer's Name)_____ and may be reached at _____(Telephone Number)_____ days or _____(Telephone Number)_____ evenings. Any complaint may also be reported to the Maine Human Rights Commission (207) 624-6050 at #51 State House Station, Augusta, Maine 04333-0051.

Date

(Signed) Chief Official/President

POST ON ALL SITES

III

RECRUITMENT & INTERVIEWING

A- RECRUITMENT/EMPLOYMENT LETTER

Dear _____,

This is a job action request for our ___ (PIN#) ___ project located in ___ (Town) ___, Maine. The jobs nature is ___ (Job Title) ___, and we anticipate ___ (#) ___ new hires between ___ (Month) ___, 20___ and ___ (Month) ___, 20___.

We specifically have employment need for journeyed workers in the following craft areas:

___ (Job Title) ___

___ (Job Title) ___

We additionally have ___ (#) ___ On-the-Job Training opportunities in the following areas:

___ (Job Title) ___

___ (Job Title) ___

Enclosed find copies of our job application. While these jobs are project specific, they may extend onto other jobs and for more than one season. Generally our work day is ___ (hours) ___; however, employees may be required to work overtime including some Saturdays or evenings until the job tasks are completed.

Rates of pay are established for each skilled job classification. These rates are established for only journeyed or skilled workers, while on-the-job trainees are paid a good wage but during this training they may not receive the skilled craft pay level.

Persons interested in applying for these or other jobs we may have available should complete one of our applications as soon as possible, forwarding it to my attention. Applicants may furnish a resume and include copies of certificates, licenses or other helpful information.

If I can be of additional assistance, please contact me directly at ___ (telephone #) ___.

FEMALES AND MINORITIES ENCOURAGED TO APPLY

Sincerely,

(Name & Title)

Enclosures

cc: EEO/AA File

B- AFFIRMATIVE ACTION JOB ANNOUNCEMENT

All job vacancy announcements intended for publication to newspapers, radio or internet, should contain the following:

1. The job title;
2. Brief description of job duties;
3. Where the job is located and project start date;
4. Any special skills or licenses required to perform the job;
5. How to apply for the job (telephone inquiries, in-person, or through application);
6. If the job is temporary, seasonal or permanent;
7. Is the job full or part time;
8. EEO/AA Employer, or Equal Opportunity Employer or Females and Minorities are encouraged to apply.
9. An address, telephone number and/or person to contact;
10. The pay scale (optional); and
11. The company's benefits (insurance, sick leave, holidays, car pooling) (optional);
12. Make ads simple and easy to read;
13. Request good page exposure (gutter or outside page position);
14. Run ad in more than one paper or more than one page of the same issue;
15. Request an ad be placed on first or last page of the advertisement section as it is more eye catching than those on the interior;
16. Invest with local papers as they are available to target the market you wish to draw from;
17. Advertise with trade organizations or in publications likely to yield targeted populations.

C- SUGGESTED ETHNIC PUBLICATIONS

Women Unlimited

Attn: OJT Monitor
103 Winthrop Street, Suite A
Augusta, Maine 04330
Tele: (207) 623-7576
Fax: (207) 623-7299
Toll free: 800- 281-5259
www.womenunlimited.org

Aroostook Band of Micmac Indians

P O Box 772
Presque Isle, Maine 04769
(207) 764-1972
Fax: (207) 764-7667

Bureau of Rehabilitation Services Department of Health & Human Services

2 Anthony Avenue
Augusta, Maine 04333-0150
(207) 624-5950
(800) 698-4440
Fax: (207) 624-5980
TTY: (888) 755-0023
Website: www.state.me.us/rehab/

Houlton Band of Maliseet Indians

RR #3, Box 450
Houlton, Maine 04730
(207) 532-4273
Fax (207) 532-2660

NAACP-Portland Branch

P.O. Box 3631
Portland, Maine 04104
(207) 253-5074
(866) 252- 5074
Fax: (207) 253-5079
Website: www.naacpportland.org/

Penobscot Tribal Council Indian Island

6 River Road
Old Town, Maine 04468
(207) 827-7776
Fax: (207) 827-6042
Website: www.penobscotnation.org/

Pleasant Point Passamaquoddy Tribal NCIL

P. O. Box 343
Perry, Maine 04667
(207) 853-2600
Fax (207) 853-6039
Website: www.wabanaki.com/

Maine Community Colleges:

Central Maine Community College

1250 Turner Street
Auburn, Maine 04210
(207) 755-5100
1-800-891-2002 (Admissions)
Fax (207) 755-5498
www.cmcc.edu

Eastern Maine Community college

354 Hogan Road
Bangor, Maine 04401
(207) 974-4600
1-800-286-9357
Fax (207) 974-4608
www.emcc.edu

Kennebec Valley Community College

92 Western Avenue
Fairfield, Maine 04937
(207) 453-5000
1 800-528-5882
Fax (207) 453-5010
www.kvcc.edu

Southern Maine Community College

2 Fort Road
South Portland, Maine 04106
(207) 741-5500
1-877-282-2182
Fax (207) 767-9671
www.smccMe.edu

Washington County Community college

One College Drive
Calais, Maine 04619
(207) 454-1000
1-800-210-6932
Fax (207) 454-8470
www.wccc.me.edu

York County Community College

112 College Drive
Wells, Maine 04090
(207) 646-9282
1-800-580-3820
Fax (207) 646-9675
www.yccc.edu

D- SUGGESTED INTERVIEWING GUIDELINES

State and Federal laws prohibit interview questions which discriminate directly or indirectly in the employment opportunity of females, minorities, and/or disabled persons. A list of interview questions should be made up before the interview and must be specific to the job being interviewed for. The same interview questions should be asked of each person.

THE FOLLOWING ARE:

QUESTIONS ILLEGAL TO ASK BEFORE HIRING:

1. How old are you? When do you plan to retire?
When were you born? Date of Birth?
2. Where were you born? Are you an American
Citizen? Are you a naturalized American?
3. Are you married? What is your maiden name?
What is your marital status?
4. How does your spouse feel about you working?
5. How does your spouse feel about you traveling?
6. Do you have any children? How many
dependents do you have?
7. Do you have a bad back?
8. Have you ever been hurt on the job?
9. Are you French? Italian? American Indian?
(Fill in the ethnic group of your choice)
10. Have you ever been arrested?
11. Do you have a car?
12. How tall are you? How much do you weigh?
What color are your eyes and hair?
Do you have a photograph of yourself?
13. Did you graduate from High School?
14. What church or civic groups do you belong to?

QUESTIONS THAT YOU CAN ASK BEFORE HIRING:

1. Are you over 18 years of age?
2. Do you have the right to work in the
United States?
3. Can you perform the job duties of this position?
4. Are you legally able to operate a vehicle/truck
(which ever) in Maine?
5. Do you have a valid Maine Class License (Only
applies if a specific job requires such a license).
6. Are you willing to work overtime, and on
weekends? (If a person states that they would
be unable to, do not automatically disqualify.
Determine the reason they can not, for instance
if it is religious, you are required to make
reasonable accommodations).
7. Do you have any special skills or licenses
you would like us to know about?

All hiring officials will use this guide as a basis for all interviews.

E- INTERVIEWING BASICS

Before the Interview:

1. Have available a written job description which describes and prioritizes duties, and work conditions.
2. Determine the necessary job qualifications.
3. Select an interview location and determine who will conduct the interviews. Always have an interview team which may include the EEO or Personnel Officer.
4. Develop interview questions which assure applicants will be asked the **same** job related questions. Allow enough time between each interview.
5. Develop a rating sheet which evaluates each applicant.

During the Interview:

1. Attempt to put each applicant at ease. Avoid small talk which could be construed as soliciting illegal information.
2. Do not express positive or negative reactions to applicant responses.
3. Accentuate the positive aspects of the job but do not oversell.

After the Interview:

1. Rate each applicant and evaluate applicant's training, education and work experience.
2. Write down your reason for selection or non-selection.
3. Keep all records relative to selection for a minimum of one year.

F- APPLICATION FOR EMPLOYMENT

I. General

Name: _____ SS Number: _____

Street: _____ Town: _____

Telephone: _____ Zip Code: _____

Home Telephone: _____ E-mail Address: _____

Are you at least 18 years of age? ___ Yes ___ No

How did you hear about this job? _____

Can you perform the duties of this position that you have applied for with or without reasonable accommodations? If accommodations are needed, describe: _____

Were you ever employed by this Company? ___ Yes ___ No (Position: _____)

What position(s) are you applying for? _____

Can you travel, if required? ___ Yes ___ No (Radius: _____)

If applying for truck driving position, do you have a valid CDL? ___ Yes ___ No

II. Military

If you were in the U.S. Armed Forces describe your job duties as they relate to the position(s) you are applying for: _____.

III. Education and Training

Highest Grade Completed	1	2	3	4	GED
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Trade School					
College/University	1	2	3	4	

Do you have a current Maine Driver's License? ___ Yes ___ No Class: _____

Other licenses/certifications or OSHA credentials - Type: _____

IV. Employment History

Current Employer: _____

From: _____ Position held: _____

Duties: _____

Employer 2: _____

From: _____ Position held: _____

Duties: _____

Reason for leaving; _____

Employer 3: _____

From: _____ Position held: _____

Duties: _____

Reason for leaving: _____

Include any other information such as volunteer or unpaid work experience that relates directly to your qualifications for the job applied for [equipment, tools, hobbies].

V. Agreement (Please read the following statements carefully)

I hereby affirm that the information provided on this application is true and complete to the best of my knowledge. I agree that falsified information or significant omissions may disqualify me from further consideration for employment and may be considered justification for dismissal if discovered at a later date.

I authorize persons, schools, current employer (if applicable) and previous employers named in the application to provide you with any relevant information that may be required to arrive at an employment decision.

Received by:

Signature:

FEMALES AND MINORITIES ENCOURAGED TO APPLY

Interview ___ Yes ___ No	COMPANY USE ONLY
Hired ___ Yes ___ No	Protected Group Member: _____
Why: _____	Other: _____
Date of Hire: _____	

IV

EMPLOYEE RELATIONS

A- DISCRIMINATION COMPLAINT FORM

Complainant's Name:

Address: _____

Project Location: _____ Telephone: _____

Job Title: _____ Date problem began: _____

1. Whom do you charge with discrimination? _____

2. What is this person's relationship to you?

Co- worker

Superintendent/foreman

Supervisor

Sub-contractor/supplier employee

Other, be specific _____

3. Type of discrimination or harassment:

Race

Sex

Sexual orientation

Color

Age

Veteran

Religion

Disability

Ex-Offender

National Origin

4. Witness(es) to the incident(s):

5. Summarize the incident(s): _____

6. _____

(Witness)

(Date)

7. _____

(Complainant's Signature)

(Date)

B -SAMPLE: EMPLOYEE PERFORMANCE EVALUATION REPORT

To: EEO/AA Officer

Date: _____

Name: _____

Position Title: _____

1. **Quantity of work: (amount produced on schedule)**

- _____ a. Seldom produces enough work to meet production deadlines.
- _____ b. Requires close supervision to complete acceptable amounts of work.
- _____ c. Usually completes assigned duties on time.
- _____ d. Consistently completes assigned duties on time.
- _____ e. Top producer, often goes beyond expectations of job.

2. **Quality of work: (accuracy, dependability)**

- _____ a. Work has to be redone frequently.
- _____ b. Occasionally below standard, routine duties handled satisfactorily well.
- _____ c. Completes assigned duties satisfactorily.
- _____ d. Consistently outstanding quality.

3. **Use of safe operating procedures:**

- _____ a. Works dangerously, ignores safety and safe work procedures.
- _____ b. Careless work habits.
- _____ c. Occasionally lax in safety.
- _____ d. Good safe work habits, applies good safety procedures.

4. **Work habits with others: (gets along)**

- _____ a. Refuses to cooperate or lend help, creates friction.
- _____ b. Sometimes creates friction: occasionally disrupts co-workers.
- _____ c. Seldom creates friction.
- _____ d. Works in harmony, asset to morale.
- _____ e. Extremely successful, actively promotes harmony.

5. **Use of equipment/tools/machinery:**

- _____ a. Requires continual observation, abuses equipment.
- _____ b. Requires frequent counseling, careless and forgetful.
- _____ c. Occasional counseling, capable of proper care, but may forget.
- _____ d. Seldom requires counseling, maintains equipment.
- _____ e. Highly skilled, fully aware, anticipates need for preventative maintenance.

6. Recommend: ____ rehire, ____ do not rehire employee for another job.

Comments:

Promote _____, _____ Do not promote.

I have read/had read to me and understand this evaluation.

I ____ concur, ____ do not concur with its findings.

(Employee Signature)

(Date)

(Rater Signature)

(Date)

cc: Employee, personnel file

C- SAMPLE: SUPERINTENDENT'S EEO EVALUATION

(Following each project or annually on longer projects)

Name: ____ (Superintendent's Name) ____ Date: _____

Project Number: _____ Town: _____

Crew Size: _____ Females: _____ Minorities: _____

1. Has the Superintendent received EEO Training? ____ Yes ____ No

2. Who trained the Superintendent in EEO/AA? _____

3. What is the Superintendent's understanding of _____ (Company Name) _____
EEO/AA obligations?

4. Did the Superintendent review with the crew(s) EEO Obligations, the complaint
process/policy & harassment policy. If so, how? Date? Is there a record of the
meeting?

5. Does each crew member have a copy of the company's EEO, Harassment and
Complaint policies? When? How did they receive these?

6. Did the Superintendent receive any EEO, Harassment complaints? If so, how did
the Superintendent respond, what action took place and what was the outcome? Is
there a record of the complaint, investigation and subsequent resolution?

7. If any disciplinary action occurred on the project did the Superintendent follow
Company procedures? Explain:

Additional comments/recommendations: _____

I have read/had read to me and understand the above. I concur ____, do not
concur ____ with this evaluation.

Superintendent's Signature Date

Reviewer's Signature Date

D - SAMPLE: WARNING/COUNSELING

Name: _____

Project: _____ Town: _____

Date: _____

Incident: (Briefly Explain)

Disciplinary Action:

_____ None

_____ Written Warning

_____ Other, _____

_____ Suspend with Pay _____ to _____

_____ Suspend without Pay _____ to _____

_____ Dismissed

EEO/AA Officer Date

Superintendent – CEO Date
(or Company Official)

Employee Date