



*Montana Annual Equal Employment Opportunity (EEO) Policy Statement Submission
Valid January 1, 2020 – December 31, 2020*

Riverside Contracting, Inc., hereafter referred to as ‘the Company’ or ‘this Company’ has adopted this policy statement and procedure.

EEO Policy Statement

The Montana EEO Policy Statement is required because Montana has an extended list of protected classes greater than the federally identified protected classes. The Montana EEO Policy Statement will not replace any EEO Policy this company already has in place. It is a statement that provides assurances that this Company will not discriminate against any employee or applicant based on his or her membership in any protected class recognized federally or in the state of Montana.

This policy statement pertains, as far as the responsibility of this Company is concerned, to any arrangement under which applicants, employees, and trainees, are selected for work on Federal-Aid Highway Projects in Montana.

The Montana EEO Policy Statement assures that this Company will fully comply and cooperate with all applicable regulations of the Equal Employment Opportunity Provisions of the:

- **Title VI of the Civil Rights Act** of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; which also includes FMCSA-only programs or activities (49 CFR Part 303);
- **Federal-Aid Highway Act** of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The **Age Discrimination Act** of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- **Airport and Airways Improvement Act** of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- Titles II and III of the **Americans with Disabilities Act**, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;



Montana Department of Transportation

Office of Civil Rights

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- The **Federal Aviation Administration’s Non-Discrimination statute** (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- **Title IX of the Education Amendments** of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. § 1681 et seq.).
- Executive Order 12898, Federal Actions to Address **Environmental Justice** in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with **Limited English Proficiency**, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, companies must take reasonable steps to ensure that LEP persons have meaningful access to their programs (70 Fed. Reg. at 74087 to 74100);
- Executive Order 13672 extends protection against discrimination in hiring and employment in the civilian federal workforce by federal contractors on the basis of both sexual orientation and gender identity.
- Montana Code Annotated (MCA) § 49-3-205 Governmental services;
- Montana Code Annotated (MCA) § 49-3-206 Distribution of governmental funds;
- Montana Code Annotated (MCA) § 49-3-207 Nondiscrimination provision in all public contracts.

The Non-Discrimination and Equal Employment Opportunity (EEO) Program ensures MDT and its contractors conduct business in an environment free of discrimination, harassment, and retaliation based on protected classes established both by the federal government and the State of MT. Montana Department of Transportation (MDT) is committed to conducting all of its business in an environment free of discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination on the basis of protected classes by its employees or anyone with whom MDT chooses to do business.

The federal and state protected classes include:

Federal and State Protected Classes

- | | |
|--|--|
| <ul style="list-style-type: none"> • Race • Color • National Origin • Age • Sex | <ul style="list-style-type: none"> • Sexual Orientation • Gender Identity • Disability • Low-Income • Limited English Proficiency |
|--|--|



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State of Montana Only Protected Classes

- Sexual Harassment
- Sexual Orientation
- Political Belief
- Genetic Materials
- Veteran Status
- Physical Disability
- Mental Disability
- Marital Status
- Religion / Creed
- Pregnancy
- Culture / Social Origin / Ancestry
- Hostile Work Environment
- Retaliation

It is the policy of this Company not to discriminate against any employee or applicant for employment because of his or her membership in any of the above listed protected classes.

This Company will take affirmative action to assure equal employment opportunity to all qualified persons, and that all employees are treated equally during employment without regard to their membership in any protected class. Such action shall include but not be limited to:

1. Employment, upgrading, demotion, or transfer
2. Recruitment and recruitment advertising
3. Layoff or termination
4. Rate of pay or other forms of compensation
5. Selection for training, including apprenticeship, pre-apprenticeship and/or on-the-job training

EEO Officer Duties

It is the policy of this Company to continuously maintain the appointment of an Equal Employment Opportunity Officer (EEO Officer). The name and contact information for the EEO Officer will be communicated along with this policy. The EEO Officer has responsibility for effectively administering and promoting an active program of equal employment opportunity. The EEO Officer will coordinate the EEO efforts of superintendents, supervisors, foremen and all others with authority to hire, advance, demote, or discipline personnel.

This Company's EEO Officer has the responsibility for effectively administering and promoting an active program of equal employment opportunity within the Company. The EEO Officer will make recommendations, where appropriate, to correct any deficiencies found in the Company's program. The EEO Officer will ensure that this policy and procedure are being carried out.

EEO Procedure

It is the policy of this Company that there not be any discrimination by virtue of protected classes, in the functions of hiring, placement, up-grading, transfer or demotion. In addition, there shall not be any discriminatory practices in recruitment, advertising, or solicitation for employment, rates of pay or other forms of compensation, selection for training including apprenticeship, layoff or termination, or



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treatment during employment. ***The Company has affirmative action obligations in the hiring of minorities, females, disabled and veteran's applicants.***

We will not use goals, timetables, or affirmative action standards to discriminate against any person because of his or her membership in a protected class.

This Company shall take specific affirmative actions to ensure equal opportunity. Our compliance with this policy and procedure shall be based upon our efforts to achieve maximum results from our actions, and we shall document our efforts fully. This Company will implement specific affirmative action steps, at least as extensive as the following actions to ensure equal employment opportunity:

1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all times and in all facilities at which our employees are assigned to work. This Company shall specifically ensure that all foremen, superintendents and other on-site supervisory personnel are aware of and carry out our obligations to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
2. Establish and maintain a current list of minority and female recruitment sources, at least as extensive as that provided by MDT. This Company shall provide written notification to minority and female recruitment sources and to community organizations when we have employment opportunities available. Additionally, this Company will maintain a record of the organization's responses.
3. Maintain a current file of the names, addresses, and telephone numbers of each minority and female that applied off-the-street or is received as a referral from a union, a recruitment source, or community organization. It will be recorded 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 company by the union or, if referred, not employed by the Company, this shall be documented in the file with the reason why the applicant was not selected by the Company. And additionally, any actions the company may have taken to employ the candidate will also be noted.
4. When applicable, provide immediate written notification to the Contractor Compliance Specialist when the union or unions with which the Company has a collective bargaining agreement have not referred a minority person or woman sent by the Company, or when the Company has information that the union referral process has impeded the Company's efforts to meet the Company's EEO obligations.
5. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, when awarded work on a Montana Federal-Aid Highway Project. This includes upgrading programs and Apprenticeship and Training programs relevant to the company's employment needs, especially those programs funded or approved by the Department of Labor. The Company shall provide notice of these programs to the sources identified under number 2 above.



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7. Disseminate the Company EEO Policy notice by:
 - providing notice to the unions and other training programs and requesting their cooperation in assisting this Company in meeting our EEO obligations;
 - including the EEO Policy in any policy manual and collective bargaining agreement;
 - publicizing it in the company newspaper, annual report, etc.;
 - specific review of the policy with all management personnel and with all minority and female employees working on Montana Federal-Aid Highway Projects at least once a year; and
 - posting the Company MDT approved EEO Policy on bulletin boards accessible to all employees at each Montana Federal-Aid Highway Project location where construction related work is performed.
8. Review, at least annually, the Company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility with Montana Federal-Aid Highway Projects for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc. prior to the initiation of construction work at any Montana Federal-Aid Highway 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.
9. Disseminate the MDT Approved Company EEO policy externally by including it in any advertising in the news media for all Montana Federal-Aid Highway Project employment opportunities, specifically including minority and female news media and providing written notification to and discussing the company EEO policy with other contractors and subcontractors with whom this company does or anticipates doing business.
10. Direct recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to female recruitment and training organizations serving our recruitment area and this Company's 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, this Company shall send written notification to\ organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
11. This Company will encourage all employees to recruit other minority persons and women.
12. Validate all test and other selection requirements meet the requirements of 41 CFR Part 60-300.
13. Conduct at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to prepare for, through appropriate training, etc., such opportunities.
14. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory affect by continually monitoring all personnel and employment related activities to ensure that the MDT approved EEO policy and our obligations under these specifications are being carried out.



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15. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilets and necessary changing facilities shall be provided to assure privacy between the sexes.
16. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
17. Conduct a review, at least annually, of all supervisors' adherence to and performance under the company MDT approved EEO policies and affirmative action obligations.

Records

This Company will keep records to monitor all employment related activity for employees working on Montana Federal-Aid Projects to ensure that the company's MDT approved EEO policy statement is being carried out. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, employee identification number, unique identification number, or last four digits of social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates and changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed.

Reporting of Complaints

If at any time anyone feels he or she has been illegally discriminated against because of his or her membership in any protected class or believes he or she has witnessed illegal discrimination against others because of their membership in any protected class, he or she should report this matter to the company EEO Officer whose name and contact information is identified in this policy. An individual believing he or she has experienced illegal discrimination or has witnessed others being illegally discriminated against has 180 days to file a complaint with their company EEO Officer, or any member of the Company's management team. Filing a complaint with the company does not exclude an individual from also filing a complaint of illegal discrimination with the Montana Human Rights Bureau and The Equal Employment Opportunity Commission (EEOC), and the Montana Department of Transportation Office of Civil Rights.

- The Montana Human Rights Bureau and the EEOC both require complaints of illegal discrimination to be filed within 180 days of the last negative employment action. Extensions are provided up to 300 days for a complainant if he or she first filed an internal complaint with the company and believes the issues have not been resolved.
- The complainant has the right to file a complaint with the Montana Department of Transportation Office of Civil Rights within 180 days of the alleged illegal discriminatory action.



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The EEO Officer will investigate all complaints of alleged discrimination made to the company in connection with its contractual obligations. The EEO Officer will attempt to resolve such complaints, suggest corrective actions to be taken, and will then follow up on actions taken and their effect. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective actions shall include all affected persons. Upon completion of each investigation, the EEO Officer will inform every complainant of all of their avenues of appeal.

The following are the addresses for avenues for appeals.

Company EEO Officer
Mary Jo Jackson, EEO Officer
Riverside Contracting, Inc.
5571 Alloy South
Missoula, MT 59808
406-721-9267
mjjackson@riversidecontracting.com

Montana Human Rights Bureau
PO Box 1728
Helena, MT 59624-1728
(406) 444-2884
(800) 524-0807 toll free
(406) 444-9696 TDD

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**U.S. Equal Employment Opportunity
Commission (EEOC)**
Seattle Field Office – Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(800) 669-4000 phone
(206) 220-6911 fax
(800) 669-6820 TTY

Riverside Contracting, Inc. has made this designation in accordance with the Montana EEO Policy Statement and Procedure.

Date: **5/12/2020 2:38:28 PM**

By: **Dwayne K. Rehbein, President**

Reference Number: eeoinfo_15251857767911



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Employee Discrimination Claim Form

Table with 4 columns: Company Name, Address, City, State, Zip, Phone. Contains information for Riverside Contracting, Inc.

Employee Information:

Form fields for Employee Information: Name, Address, City, State, Zip, Phone.

The person/employer whom I believe has discriminated against me is:

Form fields for Discriminator Information: Name, Address, City, State, Zip, Phone.

Approximate Dates, location and/or project number of construction site where I believe the discrimination took place:

Discrimination type category: List of checkboxes for various categories like Age, Race, National Origin, etc.



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Employee Discrimination Claim Form (continued)

Use this space to briefly write the details of what happened. Be specific regarding names and approximate dates. You may add additional pages if needed.

By my signature/typewritten name below: I certify that all information on this submission form is true, correct, and complete to the best of my knowledge and contains no willful falsifications or misrepresentations.

Signature of Complainant

Date