



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

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ORDER

DOT 1100.28B

3-15-83

**Subject: AFFIRMATIVE ACTION PLANS TO ASSURE EQUAL EMPLOYMENT OPPORTUNITY FOR
MINORITIES AND WOMEN IN THE DEPARTMENT OF TRANSPORTATION**

1. PURPOSE. This Order establishes requirements for the development of multi-year Equal Employment Opportunity Affirmative Action Plans for minorities and women at the various organizational levels within the Department of Transportation, in accordance with instructions issued by the Equal Employment Opportunity Commission, as amended by DOT implementing procedures. Designated "Multi-Year Affirmative Action Program Plans," these plans will extend from Fiscal Year 1982 through Fiscal Year 1986.
2. CANCELLATION. DOT 1100.28A, ACTION PLANS TO ASSURE EQUAL EMPLOYMENT OPPORTUNITY IN THE DEPARTMENT OF TRANSPORTATION, of 3/14/70.
3. REFERENCES. Information and requirements included in the program regulations and guidance listed below are to be adhered to by all DOT components required to prepare and submit multi-year affirmative action plans.
 - a. Section 717 of Title VII of the Civil Rights Act of 1964, as amended;
 - b. 29 CFR, Part 1613 of the Equal Employment Opportunity Commission regulations;
 - c. Executive Order 11478, August 8, 1969;
 - d. Public Law 93-259, April 8, 1974;
 - e. EEO Management Directive 707 (EEOC), January 23, 1981; EEO MD 707-A, August 1982, or superseding directives;
 - f. 5 USC 7201(b); 5 CFR, Part 720; and DOT Notice 3330.2, Subject: Federal Equal Opportunity Recruitment Program (FEORP).
4. BACKGROUND. Section 717 of Title VII of the Civil Rights Act of 1964 requires Federal agencies to develop, submit and implement affirmative action program plans to assure equal employment opportunity for all employees and applicants. EEO Management Directives 707 and 707-A transmit instructions for EEO affirmative action program plans for minorities and women for Fiscal Years 1982 through 1986, aimed at eliminating their underrepresentation in the Federal civil service.

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OPI:

Office of Civil Rights

5. POLICY. It is the policy of the Department of Transportation that every employee and representative shall perform all official actions affirmatively and in full accord with the spirit and letter of the Constitution and applicable laws, regulations and policies to assure equality of opportunity for all persons and to avoid even the appearance of discrimination because of race, color, religion, sex, national origin, age or physical or mental handicap. This policy calls for the achievement of a balanced workforce and the assurance of full opportunity for affected groups to participate at all levels of employment appropriate to their experience, training and ability.
6. APPLICABILITY. This Order applies to the Office of the Secretary, the Office of the Inspector General, and to the DOT operating elements. The Office of the Secretary and the Office of the Inspector General are to be considered operating elements for the purpose of this Order. Senior Executive Service (SES) positions are required to be included in all agency multi-year plans.
7. REQUIREMENTS.
 - a. Administrators, the Inspector General, and the Assistant Secretary for Administration in the Office of the Secretary are assigned responsibility for plan preparation and program implementation.
 - b. The Departmental Office of Civil Rights (DOCR) and the DOT operating elements will have primary responsibility for preparing and implementing multi-year affirmative action plans and annual updates along the lines required by MD 707 and 707-A, EEOC/DOT-approved variances, and DOT implementing instructions.
 - c. The DOCR is responsible for preparing and submitting the consolidated Departmentwide plan and annual updates to the EEOC and for providing copies upon request to other bona fide parties, including officials of the Congress. Multi-year plans and annual updates are required of all DOT operating elements, headquarters components, FHWA and FAA regions and centers, and U. S. Coast Guard districts and Headquarters units employing civilians. All DOT operating elements, including the Office of the Secretary and the Office of the Inspector General, are required to prepare and submit multi-year plans and annual updates to the DOCR for review, approval and transmittal to the EEOC. Regional and local multi-year plans and annual updates will be prepared and submitted to the respective operating element headquarters and to the appropriate EEOC field offices, as determined through negotiations at the regional level.

- d. DOT operating elements with field components are responsible for preparing and submitting consolidated Major Operating Component (MOC) plans and annual updates for review and approval by the Department and the EEOC as noted above.
- e. All Department of Transportation officials who have responsibility for any aspect of the affirmative action program, including managers and supervisors, will be evaluated on their effectiveness in carrying it out as part of their periodic performance appraisals.
- f. The Departmental Office of Civil Rights will provide technical advice and guidance to operating elements in the preparation and submission of action plans.
- g. The Departmental Director of Civil Rights and civil rights officials in the operating elements, including the Office of the Secretary and the Office of the Inspector General, have specific responsibilities for action plan preparation and implementation. Responsibility of the Departmental Director of Civil Rights, in terms of program implementation, will focus on oversight and evaluation of the effectiveness of operating element action plans through statistical data analysis, program monitoring, and on-site review.
- h. Development of Plans:
 - 1. MOC-wide plans are required of FAA, FHWA, OST, USCG, OIG, UMTA, FRA, MARAD, NHTSA, RSPA and SLSDC.
 - 2. Headquarters plans are required of FAA, FHWA, and USCG.
 - 3. Regional plans are required of FHWA and FAA regions and centers; District and Headquarters unit plans are required of USCG Districts and Headquarters units employing civilians.
 - 4. All employees in an organization must be covered by an action plan.
 - 5. Agency Federal Equal Opportunity Recruitment Program (FEORP) plans and Action Plans for the Prevention of Sexual Harassment are required attachments to the multi-year plans.

8. IMPLEMENTATION. Section 717 of Title VII of the Civil Rights Act of 1964 requires that agencies prepare annual action plans. As amended by Reorganization Plan Number one of 1978, it authorizes the Equal Employment Opportunity Commission to issue regulations and guidelines that are binding on covered federal agencies. These regulations and guidelines require that EEO affirmative action plans be implemented by October 1 of each year.
9. REPORTING AND SUBMISSION REQUIREMENTS.
- a. DOT operating element plans and annual updates and regional attachments covering the period October 1 through September 30 shall be submitted (in duplicate) to the Departmental Office of Civil Rights no later than November 15 of each year, to be incorporated into a DOT-wide plan.
 - b. Annual Fiscal Year Accomplishment Reports covering the period October 1 through September 30 shall be submitted (in duplicate) to the DOCR no later than November 15 of each year, to be incorporated into a DOT-wide report.

FOR THE SECRETARY OF TRANSPORTATION:

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Seal*

Robert L. Fairman
Assistant Secretary
for Administration