

UNION CONCRETE AND CONSTRUCTION CORPORATION

A Plan for Equal Employment Opportunity and Affirmative Action

Statement of Policy.

To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and non-discrimination provisions, it is the policy of this Company to assure that applicants are employed, and employees are treated during employment, without regard to race, color, creed, religion, sex, sexual orientation, gender identity, marital status, familial status, citizenship status, national origin, age, disability or military or veteran status, genetic predisposition or carrier status, domestic violence victim status, or any other State or Federally protected class. Such action shall include employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship and on-the-job training.

Responsibility for the Program.

Erika Mellick, the Company's Equal Employment Opportunity Officer (hereinafter referred to as the EEO Officer) will personally oversee and carry out the program. The EEO Officer is hereby given full authority to promote, administer and carry out the program and is given the responsibility and authority to:

- Develop policy statements and internal and external communication procedures.
- Assist line management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals. Such programs shall include specific remedies to eliminate any discriminatory practices discovered in the employment system.
- Design, implement and monitor internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed and, if necessary, to assure that such action is taken.
- Serve as liaison between the company, government regulatory agencies, minority and women's organizations and other community groups.
- Assure that current legal information affecting affirmative action is disseminated to responsible officials.

Dissemination of Policy.

INTERNAL DISSEMINATION OF POLICY. In order to disseminate the EEO Policy to all members of the Company staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, the Company will take the following steps:

- Conducting special meetings, not less often than once every six months, with executive, management, and supervisory personnel to explain the intent of the policy and review individual responsibility for effective implementation, making clear the chief executive officer's attitude with respect to affirmative action obligations;
- Scheduling special meetings with all other employees to discuss policy and explain individual employee responsibilities;
- Discussing the policy thoroughly in both employee orientation and management training programs. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the Company's EEO obligations within thirty days following their reporting for duty with the Company;
- Posting notices and posters setting forth the Company's EEO policy in areas readily accessible to employees, applicants for employment and potential employees, including on the company bulletin boards;
- Informing employees of the existence of the Company's EEO and affirmative action policy and enabling employees to avail themselves of its benefits using tool box talks with sign-in sheets or other appropriate means.
- Maintaining a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which Company employees are assigned to work. The Company shall specifically ensure that all foremen, superintendents, and other onsite supervisory personnel are aware of and carry out the Company's obligation to maintain such a working environment, with specific attention to minorities or women working at such sites or in such facilities.

EXTERNAL DISSEMINATION OF POLICY.

In order to make the company's Equal Employment Opportunity Policy known to all employees, prospective employees, and potential sources of employees, such as schools, employment agencies, and college placement offices, the company will take the following actions:

- Informing all recruitment sources verbally and in writing of the Company policy, stipulating that these sources actively recruit and refer minorities and women for all positions listed;
- Incorporating the equal opportunity clause in all purchase orders, leases, and contracts covered by FHWA 1273, as amended, and its implementing regulations;

- Notifying minority and women's organizations, community agencies, community leaders, secondary schools, and colleges of the Company policy, preferably in writing;
- Informing prospective employees of the existence of the Company's EEO and affirmative action policy and enabling such prospective employees to avail themselves of its benefits;
- Sending written notification of the Company EEO policies to all subcontractors, vendors, and suppliers, with requests for appropriate action on their parts.

Utilization of Minorities and Females.

The company will make a good faith effort to meet the designated goals set forth by the Office of Federal Contract Compliance Programs for utilizing minorities and females in the various crafts on all construction jobs during the time this contractor has a federally-assisted construction contract.

When subcontracting work, the Company will solicit, by letter and/or personal contact, bids from minority/female subcontractors and subcontractors with minority group representation among their employees. Information to help identify such subcontractors will be obtained from minority group organizations, contractor organizations, the Small Business Administration, and other Federal or State agencies.

The Company will, where such minority group contractors are available, offer to counsel and otherwise offer assistance to help them to be competitive.

Recruitment.

When advertising for employees, the company will include in all advertisements for employees the notation: "An Equal Opportunity Employer." The Company will insert advertisements in newspapers or other publications having a large circulation among minority and female groups in the area from which the company's workforce would normally be derived.

The Company will conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority and female applicants, including, but not limited to, state employment agencies, schools, colleges and minority group organizations. To meet these requirements, the Company will, through the EEO Officer, identify sources of potential minority and female group employees and establish procedures whereby minority and women applicants may be referred to the Company for employment consideration.

The Company will encourage its present employees to refer minorities and women as applicants for employment by, among other things, posting appropriate notices or bulletins in areas accessible to all such employees. The minority and female referral notice containing information and procedures with regard to referring such applicants, is posted on all company bulletin boards, included in new employee orientation packets and is discussed in tool box meetings with sign-in sheets.

Personnel Actions.

Wages, working conditions, and employee benefits shall be established and administered, and personnel action of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination will be taken without regard to race, color, creed, religion, sex, sexual orientation, gender identity, marital status, familial status, citizenship status, national origin, age, disability or veteran status, genetic predisposition or carrier status, or status as a victim of domestic violence. The following procedures will be followed:

- Periodic inspections of project sites will be conducted to ensure that working conditions and employee facilities do not allow discriminatory treatment of project site personnel.
- The spread of wages paid within each classification will be periodically evaluated to determine any evidence of discriminatory wage practices.
- The Company will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the Company will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.
- The Company will, within a reasonable period of time, investigate all complaints of alleged discrimination in connection with its obligations under its contracts, will attempt to resolve such complaints, and will take appropriate corrective action. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other affected persons. Upon completion of each investigation, the Company will inform every complainant of all avenues of appeal.
- The Company will not tolerate retaliation of any kind, and will fully investigate all complaints of retaliation and take appropriate corrective action. Upon completion of each investigation, the Company will inform every complainant of all avenues of appeal.

Training and Promotion.

The Company will assist in locating, qualifying and increasing the skills of minority and female employees and applicants for employment.

Consistent with the Company's work force requirements and as permissible under Federal and State regulations, the Company will make full use of training programs, such as apprenticeship, or on-the-job training programs, for the geographical area of contract performance. In the event a special provision for training is provided under a contract, this subparagraph will be superseded as indicated in the special provision.

The Company will advise employees and applicants for employment of available training programs and entrance requirements for such programs.

The Company will periodically review the training and promotion potential of minority and female employees and will encourage eligible employees to apply for such training and promotion.

Union Actions.

The Company shall coordinate their efforts with and request the cooperation of the unions representing their employees as an aid to increasing handicapped individuals, Vietnam era veterans, minority group and female representation within the unions and affecting a greater number of such persons referred from the unions. The Company shall meet regularly with the various union representatives to discuss and seek ways of increasing the number of handicapped, minority group and female journey workers and apprentices within the unions, the training programs and the referral systems. The Company will, when participating in the negotiations of collective bargaining agreements with the unions, seek to include language that will be conducive to the improvement of referral and employment of minorities, females, handicapped persons, and Vietnam era veterans. The Company shall advise the unions in writing of its Equal Employment Opportunity Policy and request that the policy is posted in the union's office. In the event the union is unable to provide minority and referrals, the company shall take actions necessary to remedy underutilization.

Disabilities.

The Company complies with the requirements of the Americans with Disabilities Act and all rules and regulations established thereunder. The Company will provide reasonable accommodations in all employment activities unless to do so would cause an undue hardship. Requests for accommodations should be sent to the Company's Chief Compliance Officer.

Subcontracting.

In the selection and retention of subcontractors, procurement of materials and leasing of equipment, the Company will not discriminate on the grounds of race, color, creed, sex, religion, gender identity, national origin, age, or disability. The Company shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of its contracts. The Company agrees that neither it nor its subcontractors shall discriminate against or intimidate any applicant or hired employee by reason of race, creed, color, disability, sex, or national origin.

The Company will notify all potential subcontractors, suppliers and lessors of their EEO obligations.

The Company will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

The Company will ensure disadvantage business enterprises ("DBEs"), as defined in 49 CFR 26, shall have equal opportunity to compete for and perform subcontracts which the Company enters into pursuant to a federally assisted contract. The Company will use its best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. The Company maintains a list of DBE construction firms obtained from the New York State UCP website.

Records and Reports.

The Company will keep such records as are necessary to determine compliance with its equal EEO obligations. The records kept by the Company will be designed to indicate:

- The number of minority, non-minority and female group member employees in each work classification.
- The progress and efforts being made to increase employment opportunities for minorities and women.
- The progress and efforts being made in locating, hiring, training, qualifying and upgrading minorities and women..
- The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

The Company will submit an annual report to the contracting agency each July for the duration of any project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information will be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the Company will collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the State and Federal governments. The Company reserves the right to require these representatives to show proper credentials.

The Company will submit all reports required by Executive Order 11246 and FHWA 1273 and appropriate state and federal agencies, and will permit access to its books, records, and accounts by the appropriate governmental agencies and the Secretary of Labor for purposes of investigation to ascertain compliance with the rules, regulations and orders of the Secretary of Labor promulgated pursuant to Executive Order 11246 and FHWA 1273.

Other Work.

The Company agrees that it will be bound by the Equal Opportunity Clause required by Executive Order 11246 and FHWA 1273 with respect to its own employment practices when it participates in nonfederal construction work during which time it also has a federally-assisted or direct federal contract.

Assistance in Compliance.

The Company agrees it will assist and cooperate actively with the appropriate governmental agencies and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity Clause and the rules, regulations, and relevant orders of the Secretary of Labor. The Company will furnish such information as may be required for the supervision of such compliance.

Non-Segregated Facilities.

The Company certifies it does not maintain or provide for its employees any segregated facilities at any of its establishments. The Company does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The Company agrees that a breach of this certification is a violation of the EEO provisions of the contract. The Company further certifies that no employee will be denied access to adequate facilities on the basis of gender or disability.

As used in this certification, the term "segregated facilities" means any waiting rooms, work area, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, creed, religion, sexual orientation, marital status, citizenship status, gender, national origin, age, disability or veteran status, genetic predisposition or carrier status, or status as a victim of domestic violence, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

The Company agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000.00 or more and that it will retain such certifications in its files.

Post-Award Compliance.

It is understood that the contracting agency, the New York State Department of Transportation, the FHWA or the US Department of Labor may review the Company's employment practices as well as those of any subcontractors the Company has employed during the performance of a federally-assisted or direct federal contract. If the goals for the employment of minorities and females set by the contract are not being met, the Company shall still be given an opportunity to demonstrate that it has made every good faith effort to meet its commitment.

For the purpose of this policy statement, the term "minority" means African American, Hispanic, Native American, and Asian-Pacific and Subcontinent Asian Americans.

For the purpose of this policy statement, a bona fide Disadvantage Business Enterprise is a business, firm, or corporation which is at least fifty-one percent (51%) owned and operated by a

disadvantaged person or persons, which business received certification from the state through the Uniform Certification Program.

The purpose of the Company's commitment to specific goals for the utilization of the minority and/or female employees is to meet the affirmative action obligations under Equal Opportunity Clause of a direct federal or federally-assisted contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee.

Refusal to Deal with Debarred or Ineligible Contractors or Subcontractors.

The Company agrees that it will refrain from entering into any contract or contract modifications subject to Executive Order 11246 and FHWA 1273 with a contractor or subcontractor who is suspended, debarred, ineligible or voluntarily excluded from participation in direct federal or federally-assisted construction contracts pursuant to Executive Order 11246 and FHWA 1273.



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Union Concrete and Construction Corp.