

MDOT MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

CONSTRUCTION MEMORANDUM

TO: ALL DISTRICT ENGINEERS
ALL ASSISTANT DISTRICT ENGINEERS – CONSTRUCTION
ALL ASSISTANT DISTRICT ENGINEERS – MAINTENANCE
OFFICE OF TRAFFIC AND SAFETY
OFFICE OF STRUCTURES
OFFICE OF ENVIRONMENTAL DESIGN

FROM: STEPHEN A. BUCY, P.E.
DIRECTOR, OFFICE OF CONSTRUCTION

SUBJECT: REQUIRED FHWA AND STATE JOBSITE POSTERS

DATE: JANUARY 27, 2021

**RESPONSE
REQUESTED BY:** N/A

PURPOSE OF MEMORANDUM

The purpose of this memorandum is to identify what posters are required by Federal Highway (FHWA) for Federal Aid Projects and for Maryland Department of Transportation State Highway Administration (MDOT SHA) State Aid Projects. Required posters are to be displayed on all contracts to include areawide contracts and contracts without an Engineer’s Field Office or regular contractor staging area.

SUMMARY

On all Federal Aid Projects and State Aid Projects, required posters are to be clearly visible, within project limits, protected from the weather, and able to be clearly read.

The language in Form FHWA-1273 states “Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees”. This means that the poster language must be readily visible to employees without the employee asking to see it or asking for access.

ANALYSIS

For Federal Aid Projects, FHWA maintains current listing of required job site posters at <https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>. The posters are available for download through a USDOL website link on the site above.

Both English and Spanish posters shall be included when both versions are available.

Ensure that the information is updated as personnel changes are made throughout the lifecycle of a contract (i.e. EEO Officer Name/Contact Info or Emergency Contacts and Phone Numbers).

Additional useful links include:

- US Department of Labor (DOL) Frequently asked Questions and Answers (Q&A) <https://webapps.dol.gov/dolfaq/dolfaqbytopic.asp?topicID=17>
- US DOL Poster Overview <https://www.dol.gov/agencies/whd/posters>
- FHWA Jobsite Posters Q&A https://www.fhwa.dot.gov/programadmin/contracts/posterq_a.pdf
- Federal-Aid Essentials, Jobs Site Posters Compliance <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=30>

For State Aid Projects, the following posters are required:

- Workers Compensation Law
- Discrimination in Public Accommodation
- Unemployment Benefit Law

Notebooks or 3-ring binders containing all required posters and placed in vehicles for viewing on area wide projects with no Engineer Field Office are no longer permitted. Contractors must be made aware that they are still required to display the posters within the project limits for review by any employee or any other interested persons at any time.

Area wide project possibilities for poster display may include mobile bulletin boards that can be transferred from site to site, bulletin boards permanently mounted to the side of a vehicle such as a stake body truck that are regularly on site, laminated posters that are staked in an area with which can be viewed whenever necessary, etc. These are merely some ideas and contractors may decide to use other methods in which to have the proper material displayed. Contractors who fail to meet the requirements of on-site bulletin board documentation shall be found to be non-compliant in accordance with the contract documents and 23 CFR and 29 CFR.

In the event of contractor non-compliance under 23 CFR, MDOT SHA shall impose such contract sanctions as it may determine to be appropriate, including but not limited to, a) withholding of payments

to the contractor under the contract until the contractor complies and/or b) cancellation, termination or suspension of the contract in whole or in part.

Any employer failing to comply with the provisions of 29 CFR shall be subject to citation and penalty in accordance with the provisions of section 17 of the Act.

ATTACHMENTS

- 23 CFR
- 29 CFR



Victor L. Grafton
Deputy Director / Field Operations

APPROVED:



Stephen A. Bucy, P.E.
Director, Office of Construction