



# BULLETIN BOARD RESOURCE GUIDE

Effective January 1, 2025

## Abstract

Montana Department of Transportation's bulletin board guidance and review process are provided to ensure contractors on MDT projects are complying with state and federal requirements.

These requirements apply to all contracts, including those already active.

Direct questions to the Contractor Compliance Program Manager.

Montana Department of Transportation, Office of Civil Rights

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# Bulletin Board Requirements

[23 CFR Appendix-A-to-Subpart-A-of-Part-230 4.b.\(1\)](#) requires all notices and posters be placed on all federal-aid projects in areas readily accessible to employees and potential employees.

[41 CFR 60 4.3.a.\(7\)\(f\)](#) requires that bulletin boards must be located on project sites where construction work is performed.

***Purpose:*** To convey to contractors' employees and potential employees the protections and privileges to which they are entitled.

## **Old Responsibility**

The prime contractor and all subcontractors each provided their own bulletin board for each project. MDT allowed contractors to place required notices in binders which were placed in weatherproof containers and in the contractors' vehicles.

## **New Responsibility:**

- **Prime contractors** shall be responsible for erecting a bulletin board prior to work commencing on a project. They must ensure that it is:
  - Posted in a safe location;
  - Accessible to all including those in a seated position and provided in languages understood by employees;
  - Available 24/7; and
  - Legible with a minimum 10 font, not faded or water damaged, and all posters in required sizes.
- **Subcontractors** are responsible for providing their EEO Policy Statement to the prime contractor for the bulletin board, prior to work beginning on a project.
  - Subcontractors brought in after work begins shall provide their EEO Policy Statement as soon as it is available and before they begin work.
- Both Prime contractors and Subcontractors must convey the project board location to their employees on the project.

## **Old Locations**

Bulletin board materials were allowed to be placed in sheet protectors and stored in binders, mailboxes, boxes, buckets, and inside project/tool trailers.

## **New Locations**

Boards must be located on project sites where work is performed

The prime contractor shall work with the EPM or their designee to identify the most appropriate format and location for their board given the unique aspects of the project.

Acceptable locations include:

- In staging areas; and
- Along roadways within the project. If posting along roadways, boards must be parallel to roadways.

The bulletin board location shall be documented at the preconstruction meeting.

## **Formats**

Bulletin Board materials must be physically posted and accessible. Placing required notices in binders and posting electronically do not meet this requirement. Formats acceptable to FHWA include but are not limited to weatherproof bulletin boards, printed banners, printed boards, sandwich boards, and required materials being zip tied to fences.

See [Attachment B](#) for examples of bulletin board formats which meet FHWA posting requirements.

## **Old Content**

The board contained all items outlined on the Bulletin Board Checklist and only the individual contractor's EEO Policy Statement, unless the Prime contractor elected to erect a project or shared board.

## **New Content**

The board shall contain all items outlined on the [Bulletin Board Checklist](#) and project specific items. Project specific items include:

- Contract-specific wage rates, and
- EEO Policy Statements for the prime contractor and all subcontractors who are required to have an EEO Policy Statement.

Links to the required posters are available in English and Spanish on the [Bulletin Board Materials](#) web page. Additional languages will be added as they are requested.

Failure to post required notices and posters has consequences. See [Attachment A](#) for a table outlining potential penalties.

## **Special Handling of Project Specific Documents**

Contract Specific Wage Rates and EEO Policy Statements must be posted with the board. If the required posters are printed on banners or boards, the project specific documents may be placed in weather-resistant containers such as weather-proof envelopes or 3-ring binders in buckets which are in proximity to the bulletin board and clearly marked.

## **Mobile, Geographically Large, or District-Wide Projects**

Mobile projects or those covering a large geographic area may require more than one board or contractors may relocate their board as the project progresses.

If the board is relocated, its new location must be conveyed to all employees on the project and MDT inspectors.

## **Contact the [Program Manager](#) for**

- Posters in additional languages. They will be added to the website as they are requested.
- Copies of a subcontractor's EEO Policy Statement.
- Unusual situations and creative ideas which do not clearly align with provided guidance.

# Bulletin Board Inspection Process

## Old Process

MDT staff inspected bulletin boards for the prime contractor and all subcontractors each month when not in winter shutdown. Resolution processes varied.

## New Process

### Location Approval

MDT staff must approve the bulletin board location prior to it being erected. This will ensure that the board meets requirements for safety, accessibility, availability, and legibility. It also provides the opportunity to determine the best course of action for mobile, geographically large, or district-wide projects.

See [Attachment B](#) for examples of bulletin board formats which meet FHWA posting requirements.

### Inspect the Board

MDT has the responsibility to inspect Bulletin boards periodically and has developed the following schedule:

- When the board is erected prior to the work begin date for each construction season.
- Every three (3) months thereafter when not in winter shutdown.

### Determine Compliance:

Complete the Bulletin Board Checklist Form located on the Contractor Compliance website, and follow the process to document the bulletin board inspection.

If the bulletin board does not comply with requirements, address deficiencies with applicable contractor(s) and reinspect in two (2) business days. Upon reinspection, it is acceptable to update the existing form to demonstrate compliance.

- If there is repeat non-compliance, use the resolution ladder to address issues, up to and including Appropriate Contract Sanctions. No contractor should be on a project without being represented on the project bulletin board.

### Photograph:

- **For 2025 only**, photograph the board format/location at initial inspection and save the photograph in the project folder with the Bulletin Board Checklist. This will enable us to build a collection of images demonstrating options for compliant formats and locations.
- After 2025, only photograph creative or questionable board formats/locations.

### When to Involve the [Program Manager](#):

- Contractors resistant to addressing discrepancies.
- Contractors who would benefit from EEO clarifications/training.
- Creative solutions which do not clearly align with current guidance.

### Document Bulletin Board Inspections

- Save the form in the District's share drive under folder 09A\_Civil\_Rights\Forms\Bulletin\_Board with the date in the file name (e.g. "20250405" to indicate April 5, 2025).
- AASHTOWare – Enter the date in the Contract Times/Recurring Times/Bulletin Board-Prime for the project board. If event notices are more frequent than requirements, note the date the inspection is next due and reference this memo. Bulletin board inspections will be verified for compliance at the end of each project.
- Notification – Coding is being implemented which will notify the Program Manager when the actual date on the recurrence is entered or updated, however, the coding will not be ready for January 1 implementation. Until the coding is ready, please email a copy of the completed checklist to the [Program Manager](#). Their email address and other contact information is in the upper right corner of the form. These measures will allow the Program Manager to track at a statewide level and identify contractors who may benefit from training opportunities.

# Attachment A: Example Penalties for Not Posting

The following table outlines the potential penalties for not posting required notices and posters. Dollar amounts are as of the drafting of this resource guide and are subject to change.

Unless otherwise noted, the penalties for not posting will be **Appropriate Contract Sanctions (ACS)**. Contractor may be prohibited from being on the project site. May result in cancellation, suspension, or termination of contracts and/or withholding of progress payments, debarment, and/or other sanctions. There is a potential for Liquidated Damages. Penalties may be initiated by MDT or the applicable Federal enforcement authority.

Item	Form #	Required By	Enforced By	Penalty
<b>COMPANY SPECIFIC ITEMS</b>				
<b>Company's Internal Discrimination Compliant Process &amp; Form</b>  If the company has their own process / form.	N/A	<ul style="list-style-type: none"> <li>41 CFR 60-741.44 through FHWA-1273, §II(1)(b)</li> </ul>	MDT FHWA OFCCP	
<b>Current Year EEO Policy Statement</b>	N/A	<ul style="list-style-type: none"> <li>41 CFR 60-741.44 through FHWA-1273, §II(1)(b)</li> </ul>	MDT FHWA OFCCP	
<b>PROJECT SPECIFIC ITEMS</b>				
<b>Contractor Specific Wage Rates</b>	N/A	<ul style="list-style-type: none"> <li>WH1321 (Davis-Bacon poster)</li> </ul>	MDT MTDLI USDOL WHD	
<b>MONTANA POSTERS</b>				
<b>Dual Employment</b>  <ul style="list-style-type: none"> <li>Ethical requirements for ... public employees.</li> <li>Rules of conduct for ... public employees.</li> <li>Public ... employees, and former employees not to have interest in contracts.</li> </ul>		<ul style="list-style-type: none"> <li>2-2-105, <i>Montana Code Annotated (MCA)</i></li> <li>2-2-121, <i>Montana Code Annotated (MCA)</i></li> <li>2-2-201, <i>Montana Code Annotated (MCA)</i></li> </ul>	MDT  State of Montana	
<b>Montana Discrimination is Against the Law</b>		OPTIONAL	MT Human Rights Bureau	<i>Recommended but not required.</i>
<b>FEDERAL REQUIRED POSTERS</b>				
<b>Davis-Bacon</b>	WH1321	<ul style="list-style-type: none"> <li>29 CFR 5.5(a)(1) and FHWA-1273, §IV(1)(a)</li> </ul>	MDT MTDLI USDOL WHD	

Item	Form #	Required By	Enforced By	Penalty
<b>FEDERAL REQUIRED POSTERS (CONTINUED)</b>				
<b>Employee Polygraph Protection Act</b>	WH1462	<ul style="list-style-type: none"> <li>20 CFR 801.6</li> </ul>	Secretary of Labor	The Secretary of Labor can bring court actions and assess civil penalties (up to \$25,597 as of 1/1/2025) for failing to post.
<b>Employee Rights Under the Fair Labor Standards Act (Federal Minimum Wage)</b>	WH1088	<ul style="list-style-type: none"> <li>29 U.S.C. § 203</li> </ul>	USDOL WHD	
<b>False Statements Notice</b>	FHWA 1022	<ul style="list-style-type: none"> <li>18 U.S.C. 1020, 23 CFR 635.119</li> <li>FHWA-1273, §VIII</li> </ul>	MDT FHWA USDOT	
<b>Family Medical Leave Act (FMLA)</b>  Companies with 50 or more employees, regardless of the number of employees at the job site.	WH1420	<ul style="list-style-type: none"> <li>20 CFR Part 825.300(a)(2) and 825.400</li> <li>FMLA Poster (WH1420)</li> <li>Fact Sheet #28D</li> </ul>	USDOL WHD	Willful refusal to post may result in a civil money penalty by the Wage and Hour Division not to exceed \$211 for each separate offense.
<b>Know Your Rights: Workplace Discrimination is Illegal</b>	EEOC 22-088	<ul style="list-style-type: none"> <li>Executive Order 11246, as amended</li> <li>Section 503 of the Rehabilitation Act of 1973, as amended</li> <li>38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended</li> <li>41 CFR Chapter 60-I .42</li> <li>41 CFR 60-250.4(k)</li> <li>41 CFR 60-74 1.5(a)</li> <li>FHWA-1273, §II(3)(d)</li> </ul>	OFCCP USDOJ	
<b>National Labor Relations Act</b>  <b>Must be printed as 11 x 17.</b> Does offer a format where 2 8.5x11 pages tape together to form the 11 x 17 poster.	N/A	<ul style="list-style-type: none"> <li>29 CFR Part 471</li> <li>EO 13496</li> </ul>	USDOL WHD NLRB	
<b>OSHA – Job Safety and Health: It's the Law</b>  <b>Must be printed as 8.5 x 14 or 12.75 x 17.75</b>	OSHA 3165-04R	<ul style="list-style-type: none"> <li>29 U.S.C. 657(c), 29 CFR 1903.2 through FHWA-1273, §VII(1). Enforcement through OSHA.</li> </ul>	OSHA	OSHA can assess citation and penalties (up to \$16,131 as of 2024) for failing to post.

Item	Form #	Required By	Enforced By	Penalty
<b>FEDERAL REQUIRED POSTERS (CONTINUED)</b>				
<p><b>Pay Transparency Nondiscrimination</b></p> <p>Must be available to both employees and applicants to see.</p>	N/A	<ul style="list-style-type: none"> <li>Executive Order 11246, as amended by Executive Order 13665 (April 8, 2014)</li> <li>41 CFR 60-1.35</li> <li>FHWA-1273, §II(1)(b)</li> </ul>	<p>Secretary of Labor</p> <p>OFCCP</p>	
<p><b>Your Rights Under USERRA</b></p> <p>Employers are required to inform persons covered by USERRA of their rights, benefits, and the obligations of the employer and employees under USERRA.</p>	N/A	<ul style="list-style-type: none"> <li>38 U.S.C. 4334(a) and 20 CFR 1002</li> </ul>	<p>USDOL Veterans' Employment &amp; training Service (VETS)</p>	<p>USDOL may investigate if a complaint is submitted and seek compliance or file a private enforcement action to require the employer to provide the notice to employees.</p>

## Attachment B: Examples of Bulletin Boards Meeting FHWA Requirements

Bulletin Boards which meet FHWA posting requirements include, but are not limited to, the examples below.



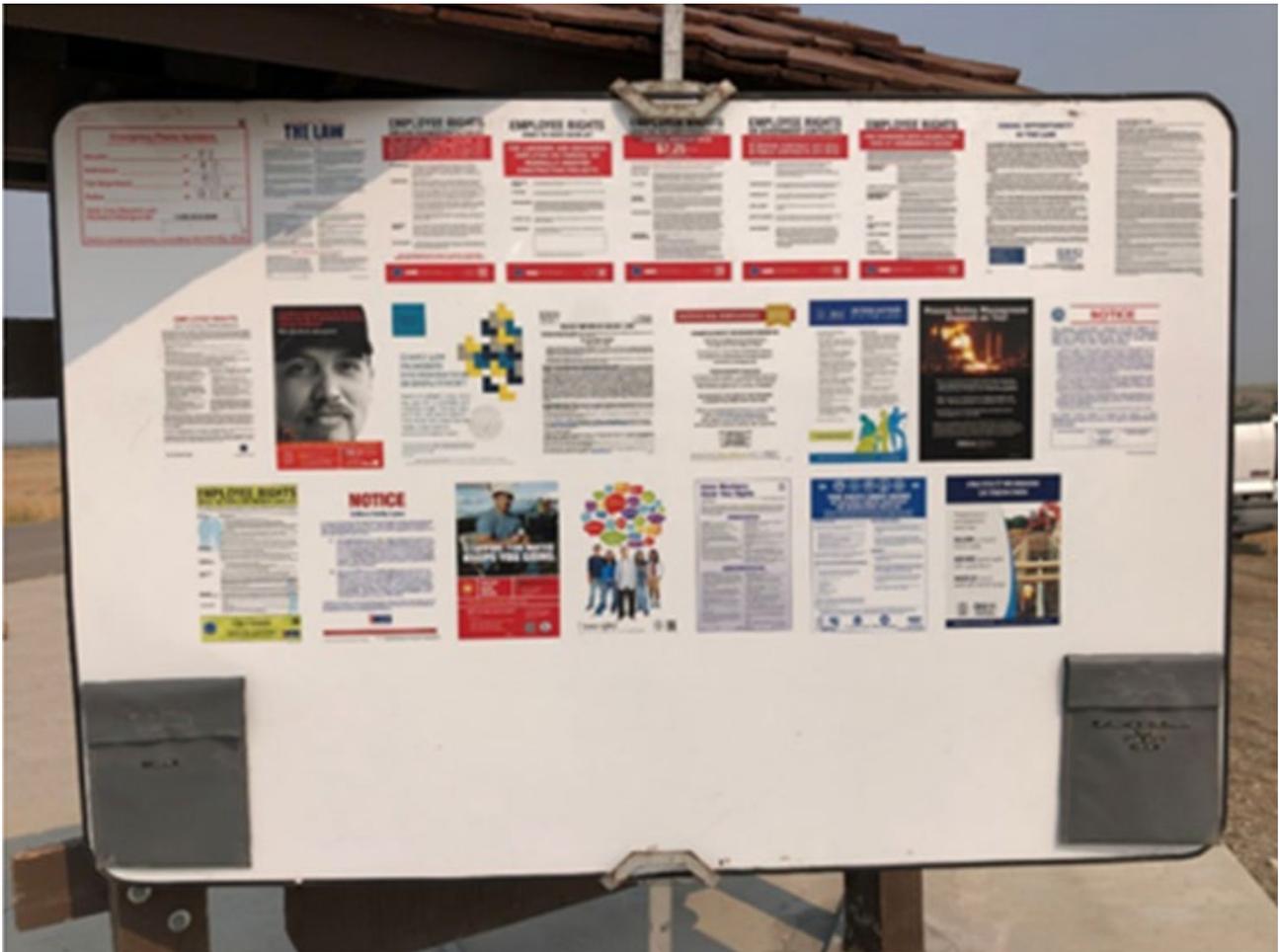
*Weatherproof bulletin boards are placed along the bottom edge of project trailer.  
Keys are in the locks making all materials accessible.*



*Required notices and posters are printed on banner material and posted to metal fence posts. Notices are provided in two languages.*



*Required notices and posters are printed on MDO which is framed and mounted on posts.*



*Required notices and posters are affixed to a white board, which is held by a wind jammer. Contract specific documents are in the weatherproof pockets.*



*Required notices and posters are laminated and affixed to a fence with zip ties.*