

OJT PROGRAM PLAN



Applicable to FHWA US DOT- Assisted Projects

ON-THE-JOB TRAINING PLAN

THE ARIZONA DEPARTMENT OF TRANSPORTATION

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I. GENERAL REQUIREMENTS

1. Applicability

The Federal Highway Administration (FHWA) as directed by 23 Code of Federal Regulation (CFR) Part 230 requires all State Transportation Agencies (STA) to establish an Equal Employment Opportunity (EEO) Contract Compliance Program that ensures contractor compliance with EEO requirements. Subpart A of 23 CFR 230 requires a STA to implement requirements for the provisions of On-the-Job Training (OJT) on federally assisted highway construction projects. This directive was derived from the legislative acts of 23 United States Code (U.S.C.) 140 (a) – Federal Highway Act of 1968 (OJT Program) and 23 U.S.C. 140 (b) – Federal-Aid Highway Act of 1970 (OJT Supportive Services Program). As a recipient of federal funds, Arizona Department of Transportation (ADOT), herein referred to as the Department, is required to administer an OJT Program in compliance with 23 CFR Part 230 Subpart A, EEO on Federal-Aid Construction Contracts.

The Department has established an OJT Program in accordance with 23 CFR Part 230, Subpart A, EEO on Federal and Federal-aid Construction Contracts. It is the policy of the Department to require full utilization of all available and approved training and skill-improvement opportunities to assure the increased participation of minority groups, disadvantaged persons, and women in all phases of the highway construction industry.

The Department's OJT program is an essential element of the Federal-aid highway program for the State of Arizona. Implementation of a successful OJT program by the Department and its subrecipients helps provide a competent workforce to meet current and future highway construction hiring needs with a focus on the recruitment and inclusion of those who have experienced historical underutilization: minorities, women, and disadvantaged individuals.

2. Nondiscrimination Statement

The Department, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall, on the grounds of race, religion, national origin, color sex, age or disability be excluded from participation in, denied the benefits of, or discriminated against concerning any Department programs or activities.

3. Definitions

Apprentice: (1) A person employed and individually registered in a bona fide apprenticeship program registered with the United States Department of Labor (U.S. DOL), Employment and Training Administration, Bureau of Apprenticeship and Training or the Arizona Apprenticeship Office, Arizona Department of Economic Security programs recognized by the Bureau

(2) A person in their first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in a program but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment.

Banking-Carryover Hours: OJT training hours completed by a trainee that exceeds the amount of required hours on a project and are eligible to be credited to a future project. Banked-Carryover hours will only be credited when the same trainee that completed the excess hours are used on a future project.

Business Engagement and Compliance Office (BECO) is responsible for oversight of the OJT program, which targets under-represented segments of the U.S. workforce, including minorities, women and disadvantaged individuals. BECO assesses OJT hour goals on contracts and monitors them to ensure that contractors achieve project training goals on construction contracts.

Contractor: Any individual, partnership, firm, corporation, or any acceptable combination thereof, or joint venture, contracting with the Department for performance of the work.

Classification/Craft: Type of occupational category, trade, or job being done by a trainee on a highway construction project.

Department: Arizona Department of Transportation or ADOT as constituted by the laws of the State of Arizona.

Disadvantaged Persons: A person who meets one of the following:

1. Receives, or is a member of a family and/or household, which receives cash payments under a Federal, State, or local income-based public assistance program;
2. Is a member of a family and/or household that receives (or has been determined within the 6-month period prior to registration for the program involved to be eligible to receive) Food Stamps/EBT card under the Food Stamp Act of 1977;
3. Is a foster child on behalf of whom State or local government payments are made;
4. Does not have a high school diploma or GED; or
5. Is from a family whose total annual household income is below the federal poverty limits

Equal Employment Opportunity (EEO): The absence of partiality or distinction in employment treatment and contractor selection, so the right of all persons to compete and perform work and to be employed and advanced on the basis of merit, ability and capability is maintained.

Equal Opportunity and Equal Employment Opportunity Requirements: A general term used throughout this manual to denote all civil rights-based contract provisions relative to nondiscrimination in selection and retention of subcontractors, materials suppliers or vendors, equal employment opportunity training, and DBE contracting opportunities.

Good Faith Effort (GFE): Affirmative action measures implemented by the contractor to meet the established intent and objectives of the OJT provisions of the contract, including documentation of efforts by the contractor designed to achieve equal opportunity through positive, proactive, and continuous result-oriented measures.

Journeyman Status: A person who is capable of performing all the duties within a given job classification or craft.

OJT Trainee: A person who is (1) A minority, woman, or disadvantaged individual enrolled in an approved training program; or (2) Any other individual enrolled in an approved training program, whose training hours are approved by the Department, and can be credited toward the OJT contract goals.

OJT Supportive Services: Services provided in connection with approved OJT programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of the actual on-the-job training.

II. OJT PROGRAM OVERVIEW

1. Mission

The mission of the Department's OJT Program is to ensure that training is accomplished on federally assisted highway construction projects in accordance with FHWA Training Special Provision and aims at moving minorities, women, disadvantaged persons and others toward journeyman positions in various types of construction trades or job classifications.

2. Objectives

The objectives of the Department OJT Program are:

1. To offer equal opportunity for the training and upgrading of minorities, women, and disadvantaged persons toward journeyman status in the highway construction trades
2. To improve the skills of the available workforce for Arizona's Federally-funded highway construction projects
3. To encourage retention of trained construction industry employees
4. To broaden the labor pool to meet the projected future labor needs in the construction industry

3. Program Summary

The Department's OJT Program fulfills its objective by ensuring that OJT programs implemented by contractors create opportunities for trainees to progress in their training toward journeyman status, while addressing construction industry constraints, through the following elements:

1. Implement a hybrid approach, a mix between the contractor and project based approach, with focus on trainee and progression in order to leverage trainee portability from project to project
2. Provide for banking of excess OJT participation hours from project to project to encourage carryover of same trainee from one project to the another
3. Encourage contractors to select individual trainees who can become members of the contractor's regular workforce upon completion of their program
4. Emphasize training in skilled-craft classifications using approved apprenticeship programs and other training programs approved by FHWA
5. Assist contractors with addressing their EEO goals through training of minorities, women, and disadvantaged individuals
6. Leverage systematic and direct recruitment of trainees for contractors through the Department's OJT Supportive Services Program to provide educational and training opportunities for women, minorities, and disadvantaged individuals to enter and advance in the construction industry
7. Partner with the industry and community-based organizations to help provide additional recruitment opportunities for contractors
8. Establish contractor reporting requirements and adherence to FHWA reporting requirements
9. Implement enforcement mechanisms and procedures to ensure contractor compliance with OJT Program requirements

An overview of the Department's OJT Program Process is depicted in Appendix A.

III. OJT GOALS

1. Agency Annual OJT Goal

The Department shall establish annually, on or about January 1, suggesting minimum training goals to be achieved by the Department during a calendar year (23 CFR 230.111(a)(b)). Subsequently, the Department will determine which Federal-aid highway construction contracts will include the OJT Special Provisions, and will determine the minimum number of trainees and hours required after giving appropriate consideration to the guidelines set forth in 23 CFR 230.111(c):

1. Availability of minorities, women, and disadvantaged for training.
2. The potential for effective training.
3. Duration of the contract.
4. Dollar value of the contract.
5. Total normal work force that the average bidder could be expected to use. (6) Geographic location.
6. Type of work.
7. The need for additional journeymen in the area.
8. Recognition of the suggested minimum goal for the State of Arizona.
9. A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

To establish the Agency Annual OJT Goal, Department staff including representatives from BECO, the Construction Group, and the Project Resource Office review projects scheduled for construction within a given calendar year. Projects with limited or no OJT opportunities are eliminated from the list. Projected trainee and hour goals are set on the remaining projects (OJT eligible list) based on guidelines for setting project specific goals and the criteria listed above. The total projected trainee and hour goals for all the "OJT eligible" projects are added together and multiplied by 75 percent based on the agency's historical OJT accomplishment, to arrive at the Agency Annual OJT training hour goal for the calendar year. The training hour goal is divided by 600 hours per Trainee, based on historical data, to arrive at the projected number of Trainees for the calendar year.

2. Project Specific OJT Goal

The Department will utilize the following guidelines in selecting projects and determining the number of trainees to be provided training, as specified in 23 CFR 230.11(c):

1. Type of work
2. Duration of the contract
3. Dollar value of the contract
4. Geographic location
5. The potential for effective training
6. Consideration of Agency Annual OJT goal

In addition to the guidelines above, the Department establishes project-specific OJT goals for each Federally-funded construction project by also considering the following criteria:

1. No OJT goals are set for projects on Tribal Lands due to Tribal Preference guidelines
2. Project must have a minimum of 120 working days
3. For projects starting at \$3 million up to \$500 million, the Department estimates a projected

number of trainees based on the project size, multiplied by 600 to arrive at the total OJT hour goal for each project. The contractor will determine the number of actual trainees to be utilized to meet the hourly goal with each trainee to complete a minimum of 600 hours.

4. For projects over \$500 million, the OJT goal will be evaluated based on the type of project

and scope and will require a minimum of 20 percent of trainees to achieve more than 2,000 hours and 10 percent of trainees will be required to graduate to journeymen level status on the project.

The OJT goal for each project will be identified in the project advertisement (even if it is a “0” goal), and will therefore be added in the OJT Special Provisions that will be included in every contract and administered through one of the following special provisions:

1. **Training Special Provision, On-the-Job Training With Goals** - Included in federal-aid Department and Certification Accepted (CA) agencies highway construction contracts with OJT opportunities (Appendix B)
2. **Training Special Provision, On-the-Job Training Without Goals** - Included in all federal aid Department and CA highway construction contracts without OJT opportunities (Appendix C)

IV. ORGANIZATION AND STAFFING SUPPORT

The OJT program is a component of the EEO Contractor Compliance Program that is required by FHWA per 23 CFR 230. The Department’s Civil Rights Office (CRO) is responsible for implementing the EEO Contractor Compliance Program, and the Department’s BECO has oversight of the OJT Program and is responsible for the operation of the Department’s OJT program. BECO has the delegated responsibility of requiring prime contractors working on FHWA-funded construction projects delivered by the Department, as well as by CA agencies, to provide training aimed at developing specific trainees toward journeyman status in various highway construction trade/job classifications. The Department’s BECO partners with CRO and other groups to streamline processes for successful implementation of the EEO Contractor Compliance Program which includes the OJT Program.

Employee and Business Development Administrator - manages BECO and is responsible for oversight of the Department’s OJT Program

BECO’s Contractor Compliance and Training Officer - manages and implements the Department’s OJT Program Plan for the Department and CA agencies.

BECO’s Field Compliance Program Manager - manages the OJT Program processes and determines contractors’ compliance with the OTJ Specifications.

BECO Compliance Technicians - establish the OJT Goal, review to approve contractors’ OJT submittals, monitor OJT Monthly reporting, conduct compliance site visits, review GFE to determine compliance with OJT goal

Field Office Staff/Resident Engineer - Review to approve contractors’ OJT commitment schedule, process for OJT reimbursement, monitor trainees hours against commitment schedule and impose sanctions as applicable.

Field Reports Office - Processes trainee progression/level-up for certified payroll purposes

BECO's Local Public Agencies/Subrecipient Program Manager - responsible for the oversight and monitoring of the CA's adherence to the Department's OJT Program Plan. The CA agencies, as directed by the Department, are responsible for adopting and implementing the Department's OJT Program Plan and to monitor and enforce contractors' compliance with the OJT Specifications on CA's FHWA-funded projects.

V. TRAINING PROGRAMS

1. Approved Training Programs

The following are approved training programs recognized under the Department's OJT Program:

1. OJT Programs approved by FHWA or Apprenticeship Programs approved by the U.S. DOL prior to the start of the trainee commencing work
2. Registered union or other approved apprenticeship programs registered with the Bureau of Apprenticeship, U.S. DOL, Employment and Training Administration, Bureau of Apprenticeship and Training or the Arizona Apprenticeship Office, Arizona Department of Economic Security programs recognized by the Bureau

2. Approval of Other Training Programs

Training programs other than those specified above for other skilled or semi-skilled crafts for use in fulfilling a contractor's OJT requirements, based on its company workforce needs, may be proposed and submitted to the Department. Approval or acceptance of a training program shall be obtained from the Department and FHWA prior to the trainee commencing work on the classification covered by the program. Training programs will be approved only if they meet the standards set forth in Subpart A, Appendix B of 23 CFR Part 230 with regard to:

1. The primary objectives of training and upgrading minority group workers, women and disadvantaged persons
2. The development of full journeymen
3. The minimum length and type of training
4. The minimum wages of trainees
5. Trainees certifications
6. Keeping records and furnishing report

Contractors intending to submit a training program for approval prior to the start of a contract must submit the program to the Department's BECO division as soon as possible after notification of contract award, as approval of a training program may take up to four weeks. BECO will review training programs in accordance with the above standards, review program's veracity against similar programs in the same classification, and will submit a recommendation to FHWA. FHWA will review the training program and will send final approval or denial to BECO. BECO will notify the contractor of FHWA's decision.

Some FHWA approved templates of training programs for specified classifications are available on the BECO OJT website, to help expedite the approval process for contractors that do not already have approved training programs.

VI.OJT PROGRAM REQUIREMENTS

1. Program Guidelines

Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. The number of trainees shall be distributed among the work classifications within a reasonable area of recruitment. The ratio of OJT trainees to journey persons shall not be greater than permitted by the terms of the approved training program being utilized. When a specific ratio is not provided, the ratio of OJT trainees to journey persons expected to be on the contractor's project workforce during normal operations is considered to fall between 1:10 and 1:4, as outlined in 23 CFR 230.111(c)(10).

No employee shall be employed as a trainee in a classification in which they have successfully completed a training course leading toward journeyman status, or in which they have been employed as a journeyman. The contractor shall satisfy this requirement by including appropriate questions in the employment application or by other suitable means. The contractor shall maintain documentation that shows the employee's work and training history.

It is the intention of 23 CFR Part 230 Appendix B of Subpart A that training is to be provided in the construction crafts rather than administrative-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the FHWA division office. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

2. Contractor Responsibilities

A contractor's responsibilities in implementing the OJT Special Provision include the following, but not limited to:

1. Designate an OJT Liaison responsible for monitoring and administering the contractor's OJT Program and monitoring the trainees' progress
2. Engage subcontractors, at its discretion, to help meet OJT goals, however, program requirements are still the responsibility of the contractor who has been assigned the goal
3. Ensure the OJT Special Provision is included in each subcontract, if applicable
4. Distribute the number of trainees among the work classifications on the basis of the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment which includes:
5. Recruitment area defined by the contractor,
6. Counties where each of the projects are located, and
7. Area where most employees currently working on contractor projects reside
8. Periodically review the training and promotion potential of minorities, women, and disadvantaged employees and encourage eligible employees to apply for such training and promotion
9. Advise employees and applicants for employment of available training programs and entrance requirements for each
10. Provide each trainee with a copy of the program curriculum, the enrollment form, and training progress
11. Promote the utilization of current trainees across multiple projects to ensure training advancement
12. Pay trainees the appropriate trainee Davis-Bacon wage rates for training

- classifications/crafts on federally-funded projects
13. Submit required information in the Department's online OJT System, known as the DBE & OJT Online Reporting System (DOORS) in accordance with timelines outlined in the OJT Special Provisions
 14. Monitor monthly for compliance with the OJT requirements in meeting the project goal
 15. Upon graduation, provide each trainee with a certificate showing the type and length of training satisfactorily completed
 16. If a trainee is terminated, make a GFE to replace the trainee; and
 17. Provide GFE when the OJT goal is not met and when trainees are other than minority, woman or disadvantaged individual

3. Projects with OJT Goals

Projects with training opportunities will be assigned an OJT goal and will be administered as follows:

A. OJT Commitment/Schedule

Contractors shall submit the completed OJT Commitment/Schedule through the Department's DOORS website at adotdoors.dbesystem.com, no later than the preconstruction conference. The OJT Commitment/Schedule shall include the project information, project training plan information, project training schedule, and the contractor's signature of acknowledgement.

The OJT Commitment/Schedule is reviewed by the Field Office as a first level of approval and subsequently, it will get reviewed by BECO as a second and final level of approval.

If the monthly training hours commitment, as shown on the OJT Commitment/Schedule changes, or is projected to change, during the progression of the project a supplemental OJT Commitment/Schedule shall be submitted in the online OJT System. The supplemental OJT Commitment/Schedule shall be submitted within 5 business days of a change.

If the OJT Commitment/Schedule or the supplemental OJT Commitment/Schedule shows less than the OJT goal for the project, the contractor shall submit to the Engineer GFE documentation, as described below in Subsection VI.3(H), that demonstrates reasons why the contractor cannot meet the OJT goal.

BECO reviews the GFE submittal and approves or rejects as applicable. BECO will confer with the Field Office staff as necessary to make the final GFE determination.

B. OJT Enrollment

OJT Enrollment information shall be submitted through the Department's DOORS website at adotdoors.dbesystem.com by the contractor at least 5 business days prior to a trainee's start date. OJT Enrollment information shall be completed and include the trainee's name and address, employment status, gender and ethnicity, training program (s), classification/craft, and whether banked hours are being requested from a previous project.

BECO will review the OJT Enrollment information within 5 business days, and if approved, hours will be retroactively credited to the date the OJT Enrollment information is received by BECO.

To receive OJT credit, an apprentice's current apprentice certificate or proof of registration from a union or approved apprenticeship program shall be uploaded into LCPtracker by the contractor, prior to the apprentice's start date, in addition to completing the OJT enrollment information in the online OJT System.

C. Progression of Training/Level-up/Change of Status

Contractors shall submit the Progression of Training-Level Up and Change of Status documentation to BECO for review through the Department's DOORS website at adotdoors.dbesystem.com each time a trainee advances, progresses to another training level or milestone in his/her training program, or has a change of job classification. Hours will be retroactively credited to the date the information is received. BECO reviews this documentation and then a notice is sent through the OJT system to Field Report for further processing.

Hours that exceed the maximum indicated in the program for a certain level will not be credited. Once a level is completed, the trainee should be moved to the next level towards journeyman status.

D. Banking-Carryover Hours

At the completion of the project, the contractor may submit a Banking- Carryover Hours request, to the Department in the OJT System, to carryover training hours for a specific trainee on the project to be used on a future project. Banked hours that are carried over to a project may lower the required number of training hours the contractor is required to complete on that project. The trainee shall be placed on a subsequent project with the intent that the trainee is progressing towards completion of a training program. Banked hours cannot be transferred to other trainees. No additional payment will be paid for banked hours carried over to other projects. BECO reviews and approves Banking-Carryover Hours requests that are submitted.

Trainee hours working on multiple projects at the same time can be accumulated and counted as banked hours to be used on a single future project by the same trainee.

E. OJT Project Completion and Banked Hours Request

Contractors shall submit OJT Completion and Banked Hours within 60 business days of completion of training through the Department's DOORS website at adotdoors.dbesystem.com. BECO reviews and approves these requests through the OJT System. Any banked hours will be visible to the contractor once approved.

F. Criteria for Contractor Fulfillment of Trainee Requirements

The following criteria will be used in determining whether or not the contractor has complied with the OJT Special Provisions as it relates to the number of trainees to be trained:

1. Credit will be allowed for each trainee that is both enrolled and satisfactorily completes the minimum training hours on a contract.
2. Credit will be allowed for each trainee that has been previously enrolled in the Department's approved training program on another contract and continues training in the same classification for a significant period and completes their training after the transfer has been processed and approved.
3. Credit will be allowed for each trainee who, due to the amount of work available in their classification, is given the greatest practical amount of training on the contract regardless of whether or not the trainee completes training. The trainee must meet the requirements regarding the proficiency demonstration.
4. Credit will be allowed for any training position indicated in the approved OJT schedule, if the contractor can demonstrate that a GFE was made to provide training in that classification.
5. No credit will be allowed for a trainee whose employment with the contractor is involuntarily terminated, unless the contractor can clearly demonstrate good cause for this

action.

6. Offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a substantial part of the overall training.

G. Subcontractor OJT Trainees

The contractor may, at its discretion, utilize approved subcontractors on the project to meet its OJT goal on the project. In the event that the contractor subcontracts a portion of the contract work, the contractor shall determine how many, if any, of the trainees are to be trained by the subcontractor. However, the contractor shall retain the primary responsibility for meeting the training requirements outlined in the OJT Special Provision. The contractor shall ensure that the OJT Special Provisions are made applicable to such subcontract.

The subcontractor's OJT trainee(s) must be employed by the subcontractor and must be enrolled in an approved training program.

H. Good Faith Effort

The contractor shall make every possible effort to provide additional trainees with training and shall see that all trainees are afforded every opportunity to participate in as much training as is practically possible. Due to turnover and attrition of trainees in one trainee slot, it is expected that continuous trainee replacement may be necessary during the contract work.

The Training schedule option chosen by the contractor is effective for the duration of the project. It is normally expected that a trainee will begin training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in the assigned work classification or until the trainee has completed the training program. It is not required that all trainees be on the project for the entire length of the contract.

Whenever a contractor utilizes trainees other than a minority, woman, or disadvantaged person for credit towards meeting the project's training goal, the contractor shall submit documented evidence of its GFEs at the end of the project as to why they were unable to find trainees related to the OJT program target population. GFEs are those efforts designed to achieve equal opportunity through positive, proactive, and continuous result-oriented measures (23 CFR 230.409(g) (4). GFE should be made as trainee hiring opportunities arise. The primary program goal is to educate and train women, minorities, and disadvantaged persons, therefore showing GFE is an essential part of demonstrated program goal accomplishments.

GFEs may include, but are not limited to:

1. Solicitation of existing employees to gain referrals for minority, women, and disadvantaged persons;
2. Upgrading minority, women, and unskilled workers into the skilled classifications when possible;
3. Accepting applications at the project site, at the contractor's office or online;
4. Review and follow up on previously received applications from minority, women, and disadvantaged persons;
5. Documentation of efforts to achieve diversity on federal-aid projects and the contractor's workforce in general;
6. Contact the Department's BECO OJT Support Services Program to inquire about potential trainee candidates from Department-sponsored Pre-Apprentice programs.
7. Contact construction recruitment organizations throughout Arizona;
8. Review of the construction-specific recruitment publications in Arizona; (9) Publish a recruitment notification in local newspapers and other sources.

I. Labor Compliance

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on a project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification. (23 CFR Part 230, Appendix B to Subpart A)

Apprentice's current apprentice certificate or proof of registration from a union or approved apprenticeship program shall be uploaded into LCPtracker by the contractor, prior to the apprentice's start date, in addition to completing the OJT enrollment information in the online OJT System.

If the Arizona Apprenticeship Office Representative's signature is missing from the apprentice certificate, the contractor shall also upload the apprentice's US Department of Labor, Office of Apprenticeship Certificate to LCPtracker. The contractor shall not receive training credit or reimbursement until the certificate is uploaded.

4. Projects without OJT Goals

Certain federally funded projects with limited or no training opportunity will not have an established training goal requirement based on the evaluation process outlined in Section III of this Plan. The contractor may, at its discretion, still decide to provide OJT aimed at moving minorities, women, disadvantaged persons, or others into journeyman positions in various types of construction trades or job classifications in accordance with 23 CFR Part 230, Part 230.111 and Part 230, Appendix B. For training reimbursement, the contractor must comply with the "OJT Special Provisions: Without Goals" as shown in Appendix C of this document. Projects without OJT goals include those on Tribal Lands. However contractors are required to follow the Tribal Employment Rights Ordinance/Office (TERO) Indian Preference requirements.

VII. RECORDS MAINTENANCE

The Department requires contractors to retain the original training records for a period of three years following completion of the contract work. Such records shall be available at reasonable times and places for inspection during regular business hours by authorized representatives of the Department and the FHWA. The Department will retain those records following the retention schedules established for all FHWA contracts.

VIII. CONTRACTOR REIMBURSEMENT

Except as otherwise noted, the contractor, upon request, will be reimbursed \$3.00 per hour upon completion of training given the trainee is an employee trained in accordance with an approved training program. Reimbursement is not allowed if either the failure to provide the required training or the failure to hire the trainee as a journeyman is caused by the contractor. Reimbursement is not allowed if the contractor evidences a lack of GFE in meeting the requirements of the OJT Special Provision, which includes submission of reports documenting program performance.

The Engineer may approve reimbursement for training hours in excess of the minimum training requirement of the project not to exceed the maximum number of training hours for the trainee's current level of training outlined in the training program.

Reimbursement is not allowed for training on projects that do not contain federal funds.

OJT hours will be measured by the hour to the nearest half hour. Measurement of hours towards the training goal will be made as the OJT trainee completes hours on the project. Hours are considered complete if the trainee performs hours on the project, is OJT enrolled, and provides required training by the program.

No measurement for payment will be made for trainee hours in which OJT enrollment information has not been received and approved by the Department.

Payment for offsite training may only be made when the contractor does one or more of the following and the trainees are concurrently employed on a federal-aid project:

1. Contributes to the cost of the training,
2. Provides instruction to the trainee,
3. Pays the trainee's wages during the offsite training period.

No additional payment will be made for banked hours utilized to meet the project goal.

IX. MONITORING PROCEDURES

Monitoring for compliance with the OJT Special Provisions will be accomplished for each project by using the web-based OJT System. The Department may evaluate any recruitment efforts, training, and hiring processes conducted by the contractor. The submittal information provided by the contractor as outlined in the OJT Special Provisions will be a primary source of information for the monitoring process, although the Department may reach out to the contractor's OJT liaison periodically to address conformance with the OJT Special Provisions.

Contractors shall report monthly trainee hours for each trainee in the online OJT System by the 15th of the month following the month of training hours completed.

The Engineer will monitor the training hours each month and discuss compliance issues with the contractor during the weekly or regularly scheduled project meetings to ensure the contractor is in compliance with the approved OJT Commitment/Schedule, or supplemental OJT Commitment/Schedule.

The Department will also conduct periodic site visits to the worksite, during working hours on the project, to review OJT Program compliance. The Department will notify the OJT liaison at least 24 hours prior to a site visit if the OJT Liaison is required to be at the site visit. The contractor's OJT Liaison shall be reasonably available to meet with Department staff as well as be available to respond to periodic emails and phone calls from the Department to check on the progress of OJT Trainees.

The reviews may be coordinated in collaboration with the Department's Contractor Compliance Reviews (conducted by the Department's Civil Rights Office) or the Department's Field Office Employee Interview visits. The site reviews may include, among other activities, interview of trainees, the contractor, and its employees. The Department will make efforts to ensure minimal disruption to the work.

X. ENFORCEMENT AND COMPLIANCE PROCEDURES

Compliance will be determined at the end of the project by the Departments evaluation of:

1. The contractor's use of trainees in conformance with the approved training program;
2. The number of trainees and hours completed on the project as reported on the OJT Project Completion in the Department's online OJT System;
3. Any GFE documentation submitted by the contractor throughout the life of the project as to why the contract OJT goal was not met;
4. Whether the trainees used in the project were a minority, woman or disadvantaged individual

As mentioned in Section 3, contractors shall submit OJT Completion and Banked Hours within 60 business days of completion of training through the Department's DOORS website at adotdoors.dbesystem.com. If the contractor has met the project's OJT goal or found to be

in compliance with approved training programs through GFE documentation, a completion cover letter will be issued to the contractor from BECO.

If at the conclusion of the project, the contractor shows evidence of a lack of GFE with the compliance requirements identified above the Department will issue a Show Cause Notice outlining any findings of non-compliance.

The contractor may submit a written response to the Department by providing any additional evidence that it made GFEs to meet the OJT goal within 30 business days of receiving a Show Cause Notice.

If the contractor fails to submit a written response to the Show Cause Notice within the specified period or the written response to the Show Cause Notice does not cause the Department to change its findings of non-compliance, the Department will issue its Final Notice of non-compliance to the contractor regarding the non-compliance.

If a Final Notice of non-compliance is issued, the Department will deduct an amount equal to twice the contract unit price (\$3) multiplied by the number of hours not completed towards the goal as shown in the equation below. The amount will be deducted from the contractor's final payment.

$$2 \times \text{Contract Unit Price } (\$3) \times (\text{OJT Hour Goal} - \text{OJT Hours Completed})$$

XI. DEPARTMENT REPORTING REQUIREMENTS

1. Federal-aid Highway Construction Summary of Employment Data (Form PR 1392) As a reporting requirement under 23 CFR 230.121, the Department requires all contractors working on Department and CA agency FHWA construction funded projects to submit the Form PR 1391 Report for each active project's last payroll period in July of each year in the Department's web-based LCPtracker system.

BECO compiles all data received in contractor's 1391 Reports and submits Form PR 1392 to FHWA by September 25th of each year.

2. Annual OJT Goal and Accomplishments Report (Matrix Report)

Annually, by January 31st, the Department will report to FHWA the total number of trainees, total training hours and number of trainees that have graduated to journey level status for the period of January to December in relation to the Department's training goal. If for any reason the Department does not achieve the annual training goal as expected, the Department will inform FHWA in writing no later than January 31. This report must include an explanation of the specific reasons the goal was not achieved, provide any supportive documentation to support this narrative and the steps to be taken by the Department to achieve goals during the next calendar year. The report will also identify the Department's Agency Annual OJT Goal for the upcoming calendar year.

XII. COMPLAINT INVESTIGATIONS

BECO makes a Complaint form available on its website that can be used by Trainees or other parties to register a complaint with the Department regarding a contractor's training program or any issues with the OJT program. BECO will investigate complaints received following the established complaint procedures. As identified in the procedures, any allegations of discrimination identified in the complaint will be submitted to the Department's CRO.

XIII. APPENDICES

1. Appendix A

OJT Workflow chart

2. Appendix B

OJT Training Special Provisions: With OJT Goals

3. Appendix C

OJT Training Special Provisions: Without OJT Goals