On-The-Job Training Program

Civil Rights Division
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The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

2016 Manual

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1.1 Definitions

a. **Alternative Training Program** means any program approved under 23 CFR §230.111(f)(1) and (f)(2). Programs approved by the U.S. Department of Labor as of the date of proposed use by a federal-aid highway contractor need not be formally approved by the State highway agency or the Federal Highway Administration (FHWA). Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity (EEO) obligations of the contractor. Other training programs developed by the contractor must be submitted to the State highway agency and FHWA for approval.

b. **Contractor-Based Training Program** means one in which trainees are assigned to a contractor, rather than a contract. The trainee works on a federal, state, or private project and the intent is for the contractor to graduate the trainee within a specific period of time. The contractor is eligible for reimbursement when the trainee is working on a Federal-aid highway project.

c. **Department** means the Oklahoma Department of Transportation.

d. **DOT** means the U.S. Department of Transportation, including the Office of the Secretary, the FHWA, the Federal Transit Administration, and the Federal Aviation Administration.

e. **Federal-aid contract** is any contract between the Department and a contractor that is paid for in whole or in part with DOT assistance.

f. **Craftsman** (Journeyman) means a person who is capable of performing all the duties within a given job classification or craft, or who has successfully completed a training course leading to Craftsman status.

g. **Program Sponsor** is that entity which shall be responsible for providing the necessary reports to the State to insure compliance with the Davis Bacon Act and other standards as outlined in the Department's On-the-Job Training Program Manual and the On-the-Job Training Program Special Provision.

h. **Supportive Services** means those services provided to increase the overall effectiveness of approved on-the-job training programs for highway construction workers and highway contractors through the performance of various functions necessary to the program but which are not considered to be part of the actual on-the-job craft training.

i. **Trainee** means a person who is receiving on-the-job training through any program approved by the FHWA or the U.S. Department of Labor.

1.2 Policy Statement

The Oklahoma Department of Transportation (hereinafter designated Department) has established an On-the-Job Training (OJT) Program in accordance with regulations of the U.S. Department of Transportation at 23 CFR Part 230, Subpart A, Equal Employment Opportunity on Federal and Federal-aid Construction Contracts. It is the policy of the Department to require full utilization of all available

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 federal OJT program is administered through a construction contract special provision. A copy of this special provision is located in Appendix A of this document.

1.3 Nondiscrimination in Programs and Activities

Title VI of the Civil Rights Act (1964)
Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal finance assistance. Title VI states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VII of the Civil Rights Act (1964)
Title VII of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color, sex, age, national origin, disability/handicap, or income and was passed to bring equality in hiring, transfers, promotions, compensation, access to training, and other employment related decisions.

FHWA-1273 – Section II, Nondiscrimination
A contractor's minimum EEO requirements are set forth in the contract provisions referenced in the form FHWA-1273 as "Section II, Nondiscrimination." These include acceptance of a general operating policy that prohibits discrimination based on race, color, religion, sex, national origin, age, or disability.

Contract provisions also require nondiscrimination in selection and retention of subcontractors, material suppliers, and vendors; maintenance of non-segregated facilities; on-the-job training/training special provisions; and adherence to employment preference in Appalachian contracts, where applicable.

Title 49, Code of Federal Regulations, Part 21
Title 49, Code of Federal Regulations (CFR), Part 21 of the DOT Regulations of the implementation of Title VI require assurances from states that no person, on grounds of race, color, or national origin is excluded from participation, denied the benefits of, or in any way subjected to discrimination under any program or activity for which the recipient receives assistance from the DOT, including the FHWA.

Title 23 CFR 230
The provisions of 23 CFR Part 230 are applicable to all state transportation agencies that receive federal financial assistance in connection with the Federal-aid Highway Program. Subpart A requires the establishment of the on-the-job training program and on-the-job training supportive services program.

Department Policy – Nondiscrimination Statement
The Department, a recipient of federal financial assistance under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion, color, national origin, sex, age, and disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

1.4 Program Objectives

The federal OJT program targets disadvantaged individuals, minority groups, and women for entry into journey level positions to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of members of these groups in highway construction skilled crafts.

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the Department and the FHWA. Approval or acceptance of a training program shall be obtained from the Department prior to commencing work on the classification covered by the program. It is the intention of this program that training is to be provided in the construction crafts rather than clerk-typists or secretarial-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 Civil Rights Division and FHWA. 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.

The program goal is to:

- Provide flexibility for contractors in selecting the projects they can place trainees on by removing project specific based goals;
- Assist contractors in emphasizing on the recruitment of trainees who are likely to become members of a contractor's regular workforce upon completion of the program;
- Emphasize on training in skilled craft classifications; and
- Assisting contractors in meeting their Equal Employment Opportunity (EEO) goals through the training of women, minorities, and disadvantaged individuals.

1.5 Program Areas

The federal OJT Program has been designed to ensure that the trainee consistently receives the level and quality of training necessary to perform as a Craftsman in their respective skilled trade classification. Skilled trade classifications may include equipment operator, carpenter, concrete paver, form setter, etc.. (See Appendix A)

A contractor participating in the OJT Program may use an alternate training curriculum or develop training programs of their own; however it must be submitted to the Department and the FHWA Division Administrator for review and approval prior to its use.

1.6 Annual Goal Methodology

Each year, the Civil Rights Division sets an overall agency goal on the number of trainees to be enrolled for the calendar year (January to December). The goal is based on the contract volume of work awarded to a contractor by the Department during the three previous state fiscal years.

a. The Civil Rights Division notifies contractors of their individual company's goal by November 1st.

b. The number of trainees assigned to a contractor for their annual goal will be based on the three (3) year average of their value of contracts awarded during the previous three state fiscal years.

c. Contractors may enroll more than the trainees required to meet their annual goal even if the contractor has no minimum goal.

d. In order for a trainee to be credited toward their annual goal and be eligible for reimbursement the contractor must enroll, report and track trainees.

ANNUAL GOAL BASED ON THREE (3) YEAR AVERAGE CONTRACT (STATE & FEDERALLY FUNDED) VALUE WITH DEPARTMENT

	Contract Value			**Trainees Required Annually**
Over	$50,000,000	>		3
	$30,000,000	To	$50,000,000	2
	$15,000,000	To	$30,000,000	1

1.7 Trainee Requirements

It is required that no individual be employed as a trainee in any classification in which they have successfully completed a training course leading to Craftsman status, or in which they have been employed as a Craftsman.

An individual may complete more than one job classification in an approved training program, however not simultaneously.

1.8 Trainee Selection Procedures

The contractor shall make every effort to enroll minority trainees, disadvantaged individuals, and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with the training special provision. Steps taken should include documentation on recruitment sources used, company postings, or any other form of recruitment.

This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

a. The prospective trainee must express interest in entering the OJT Program, as well as exhibit sufficient commitment to complete the training. These criteria are captured on the OJT Program Enrollment Request Form.

b. The individual must be 18 years of age or older to be employed on a federal-aid project.

c. The contractor must be consistent with the trainee selection process and is required to show documentation on how the trainees were selected at the time the application is submitted for approval.

1.9 Trainee Wage Rates

The trainee will be paid the appropriate Davis-Bacon wage rates for training crafts on Department federal-aid projects in accordance with the following:

a. The contractor shall compensate the trainee at least 60 percent of the appropriate minimum Craftsman's rate specified in the contract for the first half of the training period;

b. 75 percent for the third quarter; and

c. 90 percent for the last quarter, respectively.

Contractors using alternate training programs as defined in the manual must compensate the trainee in accordance with the approved Davis-Bacon wage rates in the contract.

1.10 Trainee Goal Credit

Credit will be allowed toward the contractor's annual goal for the year in which the trainee entered training.

Credit will be allowed for each trainee employed by the contractor, pending official enrollment and approval by the Civil Rights Division.

Credit will not be allowed when the contractor fails to provide acceptable training or evidences a lack of good faith effort in meeting the requirements of this program.

1.11 Contractor Reimbursement

The contractor will, upon the request and submittal of a trainee summary of hours to the Civil Rights Division, be reimbursed $0.80 per hour upon the successful completion of training given to an employee in accordance with an approved training program. Upon the review and approval of such request, the Civil Rights Division will forward the approved number of reimbursable hours to the Resident Engineer to facilitate the reimbursement on the federally funded project that included the most training time to the trainee. Training hours can only be reimbursable up to the number of training hours needed to complete the training program. Anything over the required training hours are not reimbursable. Training hours spent on non-federally funded projects are not eligible for reimbursement.

1.12 Contractor Enrollments

Within 60 days of the annual notification or no later than January 15 whichever is latest, one or more of the trainees must begin their training on a project. Should the contractor not have any individuals enrolled and undergoing training by that time, the following information must be provided to the Civil Rights Division:

a. The contractor's action plan utilizing the Department's Contractor OJT Plan form.

b. A listing of recruitment sources used for minority, women, and disadvantaged individuals, such as community organizations, associations, newspapers, and flyers.

c. A copy of the applicant log that shows name of the applicant, gender, race, ethnic data, and date of application.

d. The Metropolitan Statistical Area(s) used for outreach and recruitment where each of the contractor's projects are located.

1.13 Contractor Responsibilities

Contractor responsibilities in implementing the training special provision include the following:

a. Training **must** start on a federal-aid highway construction project which also must contain the OJT special provision;

b. Training may occur on non-federally funded construction projects; training hours may be counted toward graduation if properly reported to the Department by the Contractor. However, any training hours on non-federally funded projects will not be eligible for federal reimbursement;

c. The number of trainees shall be distributed among the work classifications based on the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment;

d. The contractor will periodically review the training and promotion potential of minorities, women, and disadvantaged employees and will encourage eligible employees to apply for such training and promotion;

e. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each;

f. The contractor is required to furnish each trainee with a copy of a training schedule and with monthly reports reflecting the total training hours accumulated;

g. Upon graduation, the contractor will provide each trainee with a certificate showing the type and length of training satisfactorily completed; and

h. If a trainee vacates the program or is terminated, the contractor is required to make a good faith effort to replace the trainee within 30 calendar days of the termination. A trainee may be terminated for cause by the Contractor at any time. Termination can include but not limited to insubordination, drug or alcohol at work, failing drug test, falsifying company records, poor performance, theft, or violating company policy.

1.14 Contractor Reporting Requirements

a. The contractor is required to submit the OJT Program Enrollment Form to the Civil Rights Division within seven business days of its intent to assign trainees to a project and the training classification to be utilized.

b. The contractor will report on the previous month's OJT activity by submitting the training hours for each trainee on the Association of Oklahoma General Contractors' (AOGC) website by the 10th of each month. The website can be found at www.webuildoklahoma.com. The OJT link on the website will take you to the login screen. Any questions on the website and entering training hours can be directed to Casey Davison at cdavison@webuildoklahoma.com or 405-763-5230. If the trainee did not perform training during the reporting month, the contractor will notify the Civil Rights Division as to why there was no training performed. If requested, reimbursement will be made under the federal-aid contract that the trainee spent more training hours on.

c. The certified payroll must reflect the trainee's training classification, that the employee is a trainee, and the actual number of hours trained for that payroll period.

d. Upon graduation or if the trainee is terminated for cause, the contractor will notify the Civil Rights Division and submit the information on AOGC's website within seven business days of graduation or termination.

e. The contractor will utilize the appropriate forms as described herein to notify the Department of the termination of the trainee and the enrollment of the replacement trainee. The replacement trainee need not be enrolled in the same training classification code as the terminated trainee.

1.15 Contractor Compliance

The contractor has a fundamental role and responsibility to take all reasonable and necessary steps to ensure that the terms and conditions of its contract are fully met. This includes, but is not limited to, its employment policy. The contractor is responsible for having in place and implementing an EEO policy that ensures equal access to employment and training.

Under 23 CFR and 23 USC 140, the Department has the authority to conduct contractor compliance reviews of contractors to ensure compliance with the equal employment opportunity contract special provisions and the implementation of special requirements for the provision of on-the-job training (23 CFR 230.111).

1.16 Department Responsibilities

a. Upon receipt of the OJT Program Enrollment Form, the Civil Rights Division will either approve or deny the request and notify the contractor of the decision in writing. If the request is approved, the Civil Rights Division will notify the AOGC and the Resident Engineer responsible for the project on which the trainee will begin their training.

b. Each month, the contractor will submit the training hours on AOGC's website, which will contain sufficient data and narrative content to enable evaluation of both progress and problems encountered. The Civil Rights Division will verify the training hours indicated on the website against the certified payroll.

c. The Civil Rights Division will conduct interviews with the trainees. The division should conduct at least one interview per contractor during the training period to verify the trainee's status and/or progress toward completing the training program.

d. To ensure that the contractors' trainee goals are complied with, the Department will monitor the contractor's recruitment efforts, training, and hiring. This will be accomplished by a review of the OJT Program reporting forms.

e. The Civil Rights Division will continually monitor the contractor's OJT progress through an OJT database developed and maintained by the Department. The database will include the information obtained from the contractors' reporting.

1.17 Alternate Training Programs

Approval or acceptance of a training program shall be obtained from the Department and the FHWA Division Administrator prior to commencing work on the classification covered by the program. 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 clerk-typists or secretarial type positions. 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.

The contractor may propose another skilled or semi-skilled craft training program for use in fulfilling its OJT requirements, based on its company workforce needs, by submitting a written request detailing the reason for the proposed training program. The contractor's proposed craft training program must be approved by the FHWA and the Department, or by the U.S. DOL.

Such a request should be forwarded to the Civil Rights Division. A copy of the contractor's proposed training program must accompany the contractor's written request.

Appendix

-A-

OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION
FOR
ON-THE JOB TRAINING PROGRAM

1. Purpose. The purpose of the On-The-Job Training (OJT) Program is to provide training for minority, female, and socially and economically disadvantaged individuals, in order that they may develop marketable skills and gain journeyman status in the skilled classifications in which they are being trained.

A copy of the OJT Training Program may be obtained from the Oklahoma Department of Transportation Civil Rights Division, or the Association of Oklahoma General Contractors (AOGC). It is the Contractor's responsibility to familiarize themselves with the OJT Program requirements to ensure compliance with the program when assigned an annual goal.

2. Description. The training of minorities, women, and socially and economically disadvantaged individuals toward journeymen status is a primary objective of this OJT Program. Accordingly, the Contractor shall make every effort to enroll eligible Trainees to the extent that such persons are available within a reasonable area of recruitment. The Contractor is responsible for demonstrating the steps taken in pursuance thereof prior to a determination of compliance with this Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether the applicant is a member of a minority group or not. The prospective Trainee must express interest in entering the OJT Program, as well as exhibit sufficient commitment to completing the training.

3. Trainee Assignment. Training assignments are determined based on a three year average of the Contract volume of State and Federally funded work awarded to a Contractor by the Oklahoma Department of Transportation during the three previous state fiscal years (July 1st to June 30th). The Oklahoma Department of Transportation Civil Rights Division will notify Contractors meeting the selection criteria of their annual training goal assignment prior to January 1st.

ANNUAL GOAL BASED ON THREE (3) YEAR AVERAGE CONTRACT (STATE & FEDERALLY FUNDED) VALUE WITH THE DEPARTMENT

Contract Amount	Minimum Trainees Required Annually
> $50,000,000	3
$30,000,000 to $50,000,000	2
$15,000,000 to $30,000,000	1

No employee of the Contractor shall be employed as a Trainee in any classification in which they have successfully completed a training course leading to journeyman status, or in which they have been employed as a journeyman. The Contractor should satisfy this requirement by including appropriate questions in the employee application, or by other suitable means. Regardless of the method used, the Contractor's records should document the findings in each case.

4. Program Requirements. Fulfill all of the requirements of the OJT Program including the maintenance of records and submittal of monthly reports documenting program performance. Trainees shall be paid at least sixty percent (60%) of the appropriate minimum journeyman's rate specified in the Contract for the first half of the training period, seventy-five percent (75%) for the third quarter, and ninety percent (90%) for the last quarter. Contractors will be reimbursed for each training hour in accordance with the OJT Program Manual.

Furnish the Trainee with a copy of the program that will be followed during the training. Maintain Trainee performance records, and furnish periodic reports which document the Trainee's performance in accordance with the OJT Program Manual. Upon completion of the training, provide each Trainee with a certification showing the type and length of training completed.

5. Compliance. Fulfillment of contractual responsibilities is achieved by having provided acceptable training to the number of Trainees required by the annual goal assignment within the calendar year (January 1st to December 31st).

When the annual training goal cannot be achieved with female or minority Trainees, the Contractor must produce adequate documentation of a Good Faith Effort to the Oklahoma Department of Transportation Civil Rights Division. Good faith efforts are those efforts designed to achieve equal opportunity through positive, aggressive, and continuous resulted measures (23 CFR 230.409(g)(4)). Good faith efforts should be taken as Trainee hiring opportunities arise.

Noncompliance with this Special Provision or the OJT Program may be cause for corrective measures in accordance with the ODOT Standard Specifications Subsection 102.04, "Refusal of Proposals," and Subsection 108.10, "Default of Contract."

Appendix

-B-

The training programs are as follows:

Training Program	Hours in Program (Up to)
Asphalt Paving Equipment Operator - Screed	1,000
Asphalt Paving Machine Operator	1,040
Asphalt Raker	520
Backhoe / Trackhoe Operator	1,040
Bulldozer Operator	720
Carpenter	1,040
Cement Mason / Concrete Finisher	1,000
Concrete Paving Machine Operator	1,040
Crane or Any Machine Power Swing Equipment	1,200
Front End Loader	520
Motor Grader Operator	1,040
Ironworker (Structural) / Reinforcing Steel Setter	720
Mechanic	1,440
Oiler	1,040
Pipe Layer	520
Roller Operator (Asphalt / Finish Operator)	1,000
Roller Operator (Soil / Subbase Compaction)	520
Scraper Operator	600
Tractor / Box Blade Operator	520
Trenching Machine Operator	1,000
Truck Driver	1,040

Asphalt Paving Equipment Operator – Screed

Approximate training time: **1,000 hours**

I. Orientation and Observation

A. Safety Procedures……**5 hours**

B. Observation of machine in operation……**35 hours**

C. Starting and manipulating levers for moving equipment and attachments……**30 hours**

II. Care and Maintenance

A. Safety procedures……**5 hours**

B. Routine fueling, lubrication and servicing ……**150 hours**

III. Actual Operation of Equipment

A. Safe operating procedures……**5 hours**

B. Screed regulation indoctrination and operation……**100 hours**

C. Operation of machine……**670 hours**

Asphalt Paving Machine Operator

Approximate training time: **1,040 hours**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation of machine in operations……..**35 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**30 hours**

II. Care and Maintenance
   A. Safety procedures……**5 hours**
   B. Routine fueling, lubricating and servicing……**150 hours**

III. Actual Operation of Equipment
   A. Safety operating procedures……**5 hours**
   B. Observation of machine in operations……**120 hours**
   C. Operating of machine……**690 hours**

Asphalt Raker

Approximate training time: **520 hours**

I. Orientation and Observation
   A. Safety Procedures…….**5 hours**
   B. Observation of placement of materials……..**5 hours**
   C. Perform duties of asphalt shoveler…….**35 hours**

II. Care and Maintenance
   A. Safety procedures……..**5 hours**
   B. Routine fueling, lubricating and servicing……**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**5 hours**
   B. Adjustment of screed to regulate width and depth of material……**35 hours**
   C. Distribution of material……**395 hours**

Backhoe/Trackhoe Operator

Approximate training time: **1,040 hours**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation of machine in operation……**50 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**45 hours**

II. Care and Maintenance
   A. Safety procedures……**5 hours**
   B. Routine fueling, lubricating and servicing……**295 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**5 hours**
   B. Trenching operations (for Pipe laying, etc.)……**300 hours**
   C. Excavation (for structures, footings, etc.)……**300 hours**
   D. Special applications and functions……**35 hours**

Bulldozer Operator

Approximate training time: **720**

I. Orientation and Operation
   A. Safety procedures……..**5 hours**
   B. Observation of machine in operation……**35 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**30 hours**

II. Care and Maintenance
   A. Safety procedures……..**5 hours**
   B. Routine fueling, lubricating and servicing……..**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**5 hours**
   B. Movement and stockpiling of material…….**150 hours**
   C. Pushing and rough grading……**125 hours**
   D. Clearing and grubbing……**125 hours**
   E. Finish grading……**175 hours**
   F. Special applications……**30 hours**

Carpenter

Approximate training time: **1,040**

I. Orientation and Safe Use of Tools of the Trade
   A. Power and hand tools……**20 hours**
   B. Materials selection……**20 hours**

II. Applied Techniques of Highway Construction Carpentry
   A. Safety procedures……**5 hours**
   B. Pier, pile and cap formwork……**145 hours**
   C. Decking formwork……**150 hours**
   D. Parapet and hand railing formwork……**150 hours**
   E. Endwall formwork……**150 hours**
   F. Box culverts, inlets and headwall formwork……**150 hours**

III. Blueprint or Construction Plans Reading and Application……**50 hours**

IV. Basic Form Design Familiarity……**95 hours**
   A. Safety procedures……**5 hours**

V. Stripping and Salvage of Forms for Re-use……**95 hours**
   A. Safety procedures……**5 hours**

Cement Mason / Concrete Finisher

Approximate training time: **1,000 hours**

I. Orientation and Observation
   A. Safety procedures…….**5 hours**
   B. Observation of use of straight edges and steel trowels……**25 hours**
   C. Observation of forming and finishing of edges and joints……..**25 hours**

II. Care and Maintenance
   A. Safety procedures……**5 hours**
   B. Routine cleaning work area and materials; holding materials, tools, and handling canvas belting or burlap strips……**235 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**5 hours**
   B. Basic operation of tools……..**200 hours**
   C. Use of straight edges and steel trowels……..**200 hours**
   D. Forming and finishing edges, joints, curbs, and gutters……..**300 hours**

Concrete Paving Machine Operator

Approximate training time: 1,040

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation of machine in operation……**35 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**30 hours**

II. Care and Maintenance
   A. Safety Procedures……**5 hours**
   B. Routine fueling, lubricating and servicing……**150 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**5 hours**
   B. Screed regulation indoctrination and operation……**120 hours**
   C. Operation of machine……**690 hours**

Crane or Any Machine Power Swing Equipment

Approximate training time: **1,200 hours**

I. Orientation and observation
   A. Safety procedures……..**10 hours**
   B. Observation (as a passenger) of machine in operation……**50 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**45 hours**

II. Care and Maintenance
   A. Safety procedures……**10 hours**
   B. Routine fueling, lubricating and servicing……**375 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**10 hours**
   B. Excavation for footings and removal of unsuitable materials……**200 hours**
   C. Loading and unloading materials……..**125 hours**
   D. Trenching for pipe, etc……..**150 hours**
   E. Hoisting materials……**75 hours**
   F. Placement of beams, pipe, girders, piles, etc……..**75 hours**
   G. Charge hoppers with materials on asphalt and concrete plants……..**75 hours**

Front End Loader

Approximate training time: **520 hours**

I. Orientation and Observation
   A. Safety procedures…….**5 hours**
   B. Observation of machine in operation……..…**20 hours**
   C. Starting and manipulating levers for moving equipment and attachment……..**15 hours**

II. Care and Maintenance
   A. Safety Procedures……..**5 hours**
   B. Routine fueling, lubricating and servicing……..**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**5 hours**
   B. Loading materials……..**250 hours**
   C. Excavation……**150 hours**
   D. Special applications……..**35 hours**

Motor Grader/Blade Operator

Approximate training time: **1,040**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation of machine in operation……..**100 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**95 hours**

II. Care and Maintenance
   A. Safety procedures……..**5 hours**
   B. Routine fueling, lubricating and servicing……..**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**5 hours**
   B. Scraping and leveling dirt on roadway……..**180 hours**
   C. Spreading and mixing materials on roadway……**170 hours**
   D. Shaping and blading subgrades……**150 hours**
   E. Balancing and rough shaping base course materials……**150 hours**
   F. Fine grading and dressing of shoulders and slopes……**145 hours**

Ironworker (Structural) / Reinforcing Steel Setter

Approximate training time: **720**

I. Orientation and Observation
   A. Safety procedures……..**5 hours**
   B. Observation of steel being set and welding of rods……**15 hours**

II. Care and Maintenance
   A. Safety procedures……..**5 hours**
   B. Steel bar placement……**50 hours**

III. Actual Steel Setting
   A. Rod fastening……**80 hours**
   B. Rod cutting……**80 hours**
   C. Rod welding……**80 hours**
   D. Rod placement……**255 hours**
   E. Fabrication of reinforcement assembly……**150 hours**

Mechanic

Approximate training time: **1,440 hours**

I. Orientation and Observations
   A. Safety procedures…….**15 hours**
   B. Cleaning, disassembling and inspection of engine parts……..**40 hours**
   C. Installation and adjustment of minor parts……..**50 hours**

II. Care and Maintenance
   A. Safety procedures……..**15 hours**
   B. Engine reconditioning ……..**200 hours**
   C. Clutch installation……**50 hours**
   D. Transmission reconditioning……**100 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**20 hours**
   B. Electrical systems……**200 hours**
   C. Hydraulic systems……**200 hours**
   D. Final drive and track assemblies……**150 hours**
   E. Welding and fabrication……**100 hours**
   F. General field maintenance……**300 hours**

Oiler

Approximate training time: **1,040 hours**

I. Orientation and Safe Use of Tools of the Trade
   A. Lubrication and requirements of mechanical equipment……**20 hours**
   B. Materials selection……..**20 hours**

II. Applied Techniques of the Oiler
   A. Safety procedures……**5 hours**
   B. Equipment characteristics and lubrication points……..**145 hours**
   C. Oil changes, filter changes, grease guns, hard packing of grease, greasing bearings……**450 hours**
   D. Minor adjustments to drive chains and clutches……**150 hours**

III. Shop and Field Practices……**50 hours**

IV. Equipment Operation and Operation of Oil, Grease and Fuel Service Truck……**190 hours**
   A. Safety procedures……..**10 hours**

Pipe Layer

Approximate training time: **520**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation of spade operation and laying of pipe……**20 hours**
   C. Study of various types of pipe and related materials……**5 hours**

II. Care and Maintenance
   A. Safety procedures……**5 hours**
   B. Ditch preparation, handling of materials and tools……**20 hours**

III. Actual Handling of Pipe and Spade
   A. Ditch grading with compressed air driven or hand spade……..**50 hours**
   B. Handle materials, assist in lowering pipe……**50 hours**
   C. Work with pipe later in laying all types of pipe and duct. Adjust pipe to elevation insert spigot end of pipe into bell end of last laid pipe……**365 hours**

Roller Operator (Asphalt / Finish Operator)

Approximate training time: **1,000**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation……**35 hours**

II. Care and Maintenance
   A. Safety procedures…….**5 hours**
   B. Routine fueling, lubricating and servicing……**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures…….**5 hours**
   B. Roll base course to desired compaction……..**425 hours**
   C. Roll asphalt, surfaces to desired compaction and smoothness and assure proper sealing of joints……**490 hours**

Roller Operator (Soil / Subbase Compaction)

Approximate training time: **520**

IV. Orientation and Observation

A. Safety procedures……**5 hours**

B. Observation……**35 hours**

V. Care and Maintenance

C. Safety procedures…….**5 hours**

D. Routine fueling, lubricating and servicing……**35 hours**

VI. Actual Operation of Equipment

E. Safe operating procedures…….**5 hours**

F. Compacting Operations……**360 hours**

G. Special Applications and Functions……..**75 hours**

Scraper Operator

Approximate training time: **600**

I. Orientation and Observation
   A. Safety procedures……**5 hours**
   B. Observation (as passenger) of machine in operation……**40 hours**

II. Care and Maintenance
   A. Safety procedures……...**5 hours**
   B. Routing fueling, lubricating and servicing……**40 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**10 hours**
   B. Loading……...**170 hours**
   C. Spreading material……..**170 hours**
   D. Rough roadway grading……..**90 hours**
   E. Compaction of embankment……**70 hours**

Tractor / Box Blade Operator

Approximate training time: **520 hours**

I. Orientation and Observation
   A. Safety procedures…….**5 hours**
   B. Observation of machine in operation……**30 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**25 hours**

II. Care and Maintenance
   A. Safety procedures……..**5 hours**
   B. Routine fueling, lubricating and servicing……**35 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**5 hours**
   B. Pulling compaction implements……**150 hours**
   C. Pull graders for dressing operations……..**150 hours**
   D. Ground clearing assistance……**115 hours**

Trenching Machine Operator

Approximate training time: **1,000**

I. Orientation and Observation
   A. Safety procedures……**10 hours**
   B. Observation (as a passenger) of machine in operation……..**50 hours**
   C. Starting and manipulating levers for moving equipment and attachments……**40 hours**

II. Care and Maintenance
   A. Safety procedures……...**10 hours**
   B. Routine fueling, lubricating and servicing……..**340 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……..**10 hours**
   B. Excavating for footings and removal of unsuitable materials……..**200 hours**
   C. Loading and unloading equipment……..**200 hours**
   D. Trenching for pipe, etc……..**140 hours**

Truck Driver

Approximate training time: **1,040**

I. Orientation and Observation
   A. Safety procedures…….**10 hours**
   B. Observation (as a passenger) of vehicle in operation……**50 hours**
   C. Starting and manipulating vehicle……..**40 hours**

II. Care and Maintenance
   A. Safety procedures……**10 hours**
   B. Routine fueling, lubricating and servicing……**340 hours**

III. Actual Operation of Equipment
   A. Safe operating procedures……**10 hours**
   B. Loading and unloading materials and operation of vehicle……**580 hours**

Appendix

-C-

FEDERAL ON-THE-JOB TRAINING PROGRAM ENROLLMENT FORM

Date

TRAINEE INFORMATION

Last Name: First Name: MI:

Address: Employee ID:

City: State: Zip Code: Phone:

Please check the following:

Gender ☐ Male ☐ Female

Race: ☐ Native American ☐ African American ☐ Asian or Pacific Islander ☐ Hispanic ☐ American Indian or Alaskan Native

☐ White If other, please specify:

☐ New Hire OR ☐ Upgrade If upgrade, previous job classification: Previous Wage

The candidate expressed interested in the OJT Program? ☐ Yes OR ☐ No

TRAINING INFORMATION

Proposed trainee job classification: Training start wage:

Planned training start date: Starting Federal-aid project:

Is the OJT Special Provision included in the contract?: ☐ Yes OR ☐ No

Resident Engineer: Division:

CONTRACTOR INFORMATION

Contractor:

Contact Person: Phone:

Address: City, State, Zip:

Email:

Trainee Signature Print Name

Contractor Signature Print Name

Civil Rights SIgnature Print Name

Submit this form to ODOT's Civil Rights Division (CRD) by mail to 200 NE 21st St, Room 1-C1, Oklahoma City, OK 73105, by fax 405-522-2316, or email to mwhittington@odot.org. A signed copy must also be maintained in the project files. Upon receipt of this form and if appropriate, CRD will furnish an enrollment confirmation letter to the contractor, and the applicable Resident Engineer.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

OKLAHOMA DEPARTMENT OF TRANSPORTATION
FEDERAL OJT PROGRAM ANNUAL REPORT FORM

Reporting Date: _____
Number of contractors selected for OJT: ____
Number of contractors providing OJT: ____
OJT trainee goal for the year: ____
Number of OJT participants: ____

Enrollments			
Race/Ethnicity	Male	Female	Total
White			
Black			
Hispanic			
Asian or Pacific Islander			
American Indian			
Other			
Totals:			

Active			
Race/Ethnicity	Male	Female	Total
White			
Black			
Hispanic			
Asian or Pacific Islander			
American Indian			
Other			
Totals:			

Graduations			
Race/Ethnicity	Male	Female	Total
White			
Black			
Hispanic			
Asian or Pacific Islander			
American Indian			
Other			
Totals:			

Terminations			
Race/Ethnicity	Male	Female	Total
White			
Black			
Hispanic			
Asian or Pacific Islander			
American Indian			
Other			
Totals:			

Appendix

-D-

AUTHENTICATED
U.S. GOVERNMENT
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§230.111 Implementation of special requirements for the provision of on-the-job training.

(a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the "Training Special Provisions" (appendix B) and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in §230.111(c). The "Training Special Provisions" shall supersede section 7(b) of the Special Provisions (appendix A) entitled "Specific Equal Employment Opportunity Responsibilities." Minor wording revisions will be required to the "Training Special Provisions" in areas having "Hometown" or "Imposed Plan" requirements.

(b) The Washington Headquarters shall establish and publish annually suggested minimum training goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of training slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the Administrator of the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what training goals are considered to be realistic based on the information submitted by a State.

(c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of trainees to be provided training therein:

(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.

(7) Type of work.

(8) The need for additional journeymen in the area.

(9) Recognition of the suggested minimum goal for the State.

(10) 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).

(d) Training programs which are established shall be approved only if they meet the standards set forth in appendix B 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 reports.

(e)(1) Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division Administrator with a recommendation for approval.

(2) Employment pursuant to training programs approved by the FHWA division Administrator will be exempt from the minimum wage rate provisions of section 113 of title 23 U.S.C. Approval, however, shall not be given to training programs which provide for employment of trainees at wages less than those required by the Special Training Provisions. (Appendix B.)

(f)(1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA division Administrator. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered

in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.

(2) Other training programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the formal approval of the State highway agency or the division Administrator provided:

(i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of trainee wage rates in lieu of prevailing wage rates.

(ii) They are reasonably calculated to qualify the average trainees for journeyman status in the classification concerned by the end of the training period.

(iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.

(g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on training to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:

(1) The number of training positions shall continue to be specified in the Special Training Provisions. Furthermore, this number should be converted into an estimated number of hours of training which is to be used in arriving at the total bid price for the training item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;

(2) A section concerning the method of payment should be included in the Special Training Provisions. Some 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. Furthermore, the trainee must be concurrently employed on a federally aided highway construction project subject to the Special Training Provisions attached to this directive. Reimbursement for offsite training may only be made to the contractor where he does one or more of the following: Contributes to the cost of the training, provides the instruction to the trainee, or pays the trainee's wages during the offsite training period;

(3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

(4) A State highway agency can specify training standards provided any prospective bidder can use them, the training standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

[40 FR 28053, July 3, 1975; 40 FR 57358, Dec. 9, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§ 230.113 Implementation of supportive services.

(a) The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C. 140(b), for the provision of supportive services in support of training programs approved under this directive. Funds made available to implement this paragraph shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this section.

(b) In determining the types of supportive services to be provided which will increase the effectiveness of approved training programs. State highway agencies shall give preference to the following types of services in the order listed:

(1) Services related to recruiting, counseling, transportation, physical examinations, remedial training, with special emphasis upon increasing training opportunities for members of minority groups and women;

(2) Services in connection with the administration of on-the-job training programs being sponsored by individual or groups of contractors and/or minority groups and women's groups;

(3) Services designed to develop the capabilities of prospective trainees for undertaking on-the-job training;

(4) Services in connection with providing a continuation of training during periods of seasonal shutdown;

(5) Followup services to ascertain outcome of training being provided.

(c) State highway agencies which desire to provide or obtain supportive services other than those listed above shall submit their proposals to the Federal Highway Administration for approval. The proposal, together with recommendations of the division and regional offices shall be submitted to the Administrator for appropriate action.

(d) When the State highway agency provides supportive services by contract, formal advertising is not required by the FHWA, however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with contractors, unions (if appropriate), minority and women groups, minority and women trainees, and other persons or organizations whose cooperation and assistance will contribute to the successful performance of the contract work.

(e) In the selection of contractors to provide supportive services, State highway agencies shall make conscientious efforts to search out and utilize the services of qualified minority or women organizations, or minority or women business enterprises.

(f) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:

(1) A statement that a primary purpose of the supportive services is to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects;

(2) A clear and complete statement of the services to be provided under the contract, such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment and transportation, followup procedures, etc.;

(3) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in FHWA Form PR–1273, and a statement of nondiscrimination in employment because of race, color, religion, national origin or sex;

(4) The establishment of a definite perriod of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;

(5) Reporting requirements pursuant to which the State highway agency will receive monthly or quarterly reports containing sufficient statistical data and narrative content to enable evaluation of both progress and problems;

(6) A requirement that the contractor keep track of trainees receiving training on Federal-aid highway construction projects for up to 6 months during periods when their training is interrupted. Such contracts shall also require the contractor to conduct a 6 month followup review of the employment status of each graduate who completes an on-the-job training program on a Federal-aid highway construction project subsequent to the effective date of the contract for supportive services.

(7) The basis of payment;

(8) An estimated schedule for expenditures;

(9) The right of access to contractor and subcontractor records and the right to audit shall be granted to authorize State highway agency and FHWA officials;

(10) Noncollusion certification;

(11) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract;

(12) A termination clause.

(g) The State highway agency is to furnish copies of the reports received under paragraph (b)(5) of this section, to the division office.

[40 FR 28053, July 3, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§230.115 Special contract requirements for "Hometown" or "Imposed" Plan areas.

Direct Federal and Federal-aid contracts to be performed in "Hometown"

or "Imposed" Plan areas will incorporate the special provision set forth in appendix G.

§ 230.117 Reimbursement procedures (Federal-aid highway construction projects only).

(a) *On-the-job special training provisions.* State highway agencies will be reimbursed on the same pro-rata basis as the construction costs of the Federal-aid project.

(b) *Supportive services.* (1) The State highway agency must keep a separate account of supportive services funds since they cannot be interchanged with regular Federal-aid funds. In addition, these funds may not be expended in a manner that would provide for duplicate payment of Federal or Federal-aid funds for the same service.

(2) Where a State highway agency does not obligate all its funds within the time specified in the particular year's allocation directive, the funds shall revert to the FHWA Headquarters Office to be made available for use by other State highway agencies, taking into consideration each State's need for and ability to use such funds.

§ 230.119 Monitoring of supportive services.

Supportive services procured by a State highway agency shall be monitored by both the State highway agency and the division office.

§ 230.121 Reports.

(a) Employment reports on Federal-aid highway construction contracts not subject to "Hometown" or "Imposed" plan requirements.

(1) Paragraph 10c of the special provisions (appendix A) sets forth specific reporting requirements. FHWA Form PR–1391, Federal-Aid Highway Construction Contractors Annual EEO Report, (appendix C) and FHWA Form PR 1392, Federal-Aid Highway Construction Summary of Employment Data (including minority breakdown) for all Federal-Aid Highway Projects for month ending July 31st, 19—, (appendix D) are to be used to fulfill these reporting requirements.

(2) Form PR 1391 is to be completed by each contractor and each subcontractor subject to this part for every month of July during which work is performed, and submitted to the State highway agency. A separate report is to be completed for each covered contract or subcontract. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month. The State highway agency is to forward a single copy of each report to the FHWA division office.

(3) Form PR 1392 is to be completed by the State highway agencies, summarizing the reports on PR 1391 for the month of July received from all active contractors and subcontractors. Three (3) copies of completed Forms PR 1392 are to be forwarded to the division office.

(b) Employment reports on direct Federal highway construction contracts not subject to "Hometown" or "Imposed" plan requirements. Forms PR 1391 (appendix C) and PR 1392 (appendix D) shall be used for reporting purposes as prescribed in § 230.121(a).

(c) Employment reports on direct Federal and Federal-aid highway construction contracts subject to "Hometown" or "Imposed" plan requirements.

(1) Reporting requirements for direct Federal and Federal-aid highway construction projects located in areas where "Hometown" or "Imposed" plans are in effect shall be in accordance with those issued by the U.S. Department of Labor, Office of Federal Contract Compliance.

(2) In order that we may comply with the U.S. Senate Committee on Public Works' request that the Federal Highway Administration submit a report annually on the status of the equal employment opportunity program, Form PR 1391 is to be completed annually by each contractor and each subcontractor holding contracts or subcontracts exceeding $10,000 except as otherwise provided for under 23 U.S.C. 117. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month of July.

(d) [Reserved]

(e) Reports on supportive services contracts. The State highway agency is

to furnish copies of the reports received from supportive services contractors to the FHWA division office which will furnish a copy to the regional office.

[40 FR 28053, July 3, 1975, as amended at 43 FR 19386, May 5, 1978; 61 FR 14616, Apr. 3, 1996]

APPENDIX A TO SUBPART A OF PART 230—SPECIAL PROVISIONS

SPECIFIC EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES

1. *General.* a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required Contract, Provisions (Form PR-1273 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to section 140 of title 23 U.S.C., as established by section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.

b. The contractor will work with the State highway agencies and the Federal Government in carrying out equal employment opportunity obligations and in their review of his/her activities under the contract.

c. The contractor and all his/her subcontractors holding subcontracts not including material suppliers, of $10,000 or more, will comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in volume 6, chapter 4, section 1, subsection 1 of the Federal-Aid Highway Program Manual, are applicable to material suppliers as well as contractors and subcontractors.) The contractor will include these requirements in every subcontract of $10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. *Equal Employment Opportunity Policy.* The contractor will accept as his operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. 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, preapprenticeship, and/or on-the-job training.

3. *Equal Employment Opportunity Officer.* The contractor will designate and make known to the State highway agency contracting officers and equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

4. *Dissemination of Policy.* a. All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

(1) Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

(2) All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official, covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.

(3) All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer or appropriate company official in the contractor's procedures for locating and hiring minority group employees.

b. In order to make the contractor's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, *i.e.*, schools, employment agencies, labor unions (where appropriate), college placement officers, etc., the contractor will take the following actions:

(1) Notices and posters setting forth the contractor's equal employment opportunity

policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

(2) The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. Recruitment. a. When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

b. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

6. *Personnel Actions.* Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor 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.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

7. *Training and Promotion.* a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, *i.e.*, apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event the Training Special Provision is provided under this contract, this subparagraph will be superseded as indicated in Attachment 2.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

8. *Unions.* If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the State highway department and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the State highway agency.

9. *Subcontracting.* a. The contractor will use his best efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of minority-owned construction firms from State highway agency personnel.

b. The contractor will use his best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. *Records and Reports.* a. The contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

(1) The number of minority and nonminority group members and women employed in each work classification on the project.

(2) The progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their work force),

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees, and

(4) The progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. All such records must 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 highway agency and the Federal Highway Administration.

c. The contractors will submit an annual report to the State highway agency each July for the duration of the 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 is to be reported on Form PR 1391. If on-the-job training is being required by "Training Special Provision", the contractor will be required to furnish Form FHWA 1409.

[40 FR 28053, July 3, 1975, as amended at 43 FR 19386, May 5, 1978. Correctly redesignated at 46 FR 21156, Apr. 9, 1981]

APPENDIX B TO SUBPART A OF PART 230—TRAINING SPECIAL PROVISIONS

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities," (Attachment 1), and is in implementation of 23 U.S.C. 140(a).

As part of the contractor's equal employment opportunity affirmative action program training shall be provided as follows:

The contractor shall provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under the special provisions will be _____ (amount to be filled in by State highway department).

In the event that a contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, that the contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The contractor shall also insure that this training

special provision is made applicable to such subcontract. 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 on the basis of the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the contractor shall submit to the State highway agency for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the contractor shall specify the starting time for training in each of the classifications. The contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

Training and upgrading of minorities and women toward journeymen status is a primary objective of this Training Special Provision. Accordingly, the contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journeyman status or in which he has been employed as a journeyman. The contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used the contractor's records should document the findings in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the State highway agency and the Federal Highway Administration. The State highway agency and the Federal Highway Administration shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the State prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-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 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.

Except as otherwise noted below, the contractor will be reimbursed 80 cents per hour of training given an employee on this contract in accordance with an approved training program. As approved by the engineer, reimbursement will be made for training persons in excess of the number specified herein. This reimbursement will be made even though the contractor receives additional training program funds from other sources, provided such other does not specifically prohibit the contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the contractor where he does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

No payment shall be made to the contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this Training Special Provision. It is normally expected that a trainee will begin his 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 his work classification or until he has completed his training program. It is not required that all trainees be on board for the entire length

of the contract. A contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

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 this 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 who are covered by this Training Special Provision.

The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.

The contractor will provide for the maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

[40 FR 28053, July 3, 1975. Correctly redesignated at 46 FR 21156, Apr. 9, 1981]