

STATE ON-THE-JOB TRAINING PROVISIONS

SECTION 1: ON-THE-JOB TRAINING POLICY STATEMENT

It is the policy of the Oregon Department of Transportation that Contractors shall take all necessary and reasonable steps to ensure that apprentices/ trainees have the opportunity to participate on state-funded highway construction projects and to develop as journey-level workers in the type of trade employed.

SECTION 2: ASSIGNED ON-THE-JOB TRAINING POSITIONS

The number of on-the-job training positions required under these special provisions is _____. The ratio of apprentices to journey-level workers shall be in accordance with the accepted standards for the particular craft.

Whenever a portion of the contract work is subcontracted, the Contractor shall determine how many, if any, of the trainees/apprentices are to be trained by the subcontractor. The Contractor, however, shall retain the responsibility for meeting the training requirements of these special provisions and shall also ensure that these provisions apply to each subcontract to which training positions are assigned.

A Contractor's request to substitute an On-the-Job Training position from one craft to another craft must be approved by the Office of Civil Rights.

SECTION 3: TRAINING REQUIREMENTS

The intent of these provisions is to provide real and meaningful training in the construction crafts. Training is permissible in the following crafts: equipment operator, carpenter, cement mason, ironworker, truck driver, electrician and laborer. Training is also permissible in lower level management positions, such as project engineer and estimator, where training is oriented toward construction applications and approved by ODOT. Off-site training is permissible only when it is an integral part of an approved training program and does not comprise a significant part of the overall training. Training in classifications such as flagger, bookkeeper, clerk/typist or secretary is not permissible.

The Contractor must have and maintain at all times sufficient equipment and fully trained journey-level workers to train apprentices/trainees in the work processes and comply with the provisions of these special provisions. The contractor must have a valid certification as an approved training agent by an appropriate apprenticeship committee in order to meet this requirement.

Relatives of the Contractor's management or supervisory personnel shall not be approved to fill On-the-Job training positions unless the relative is registered in a BOLI-approved apprenticeship program.

Whenever trainees/apprentices are terminated, the Contractor shall indicate in the "Termination Data" section of the Apprentice/Trainee Approval Request form the reason for the termination or voluntary separation.

SECTION 4: AFFIRMATIVE ACTION

While placement of minorities and females in on-the-job training positions on State-funded highway construction projects is not a requirement of these provisions, contractors are encouraged to make systematic and direct recruitment efforts through public and private sources which are likely to yield minorities and females available for training under this contract.

SECTION 5: TRAINING/APPRENTICESHIP PROGRAMS

Training under these provisions shall be conducted in accordance with a training program submitted by the Contractor and approved by ODOT. Contractors and subcontractors on contracts of eight hundred thousand dollars and over must use apprenticeship programs approved by and registered with the Oregon Bureau of Labor and Industries to fulfill training requirements under these provisions. However, if a BOLI-approved apprenticeship program does not exist for a craft in which the Contractor proposes to provide training on this contract, the Contractor must develop and submit a training program to ODOT for approval. Open shop contractors are not required to utilize union apprenticeship programs if open shop apprenticeship programs are not available in a particular craft.

Evidence that the Contractor has been approved as a training agent by the Oregon Bureau of Labor and Industries or has submitted its application to become an approved training agent must be submitted with the Training Program.

Training Programs and Apprentice/Trainee Approval Requests shall be submitted at the preconstruction conference. ODOT will track training provided by the Contractor to apprentices/trainees working under an approved training plan. The Contractor shall maintain monthly progress reports for all apprentices/trainees working under an approved training program.

Trainees shall be paid at least 60% of the appropriate minimum journey-level rate specified in the contract for the first half of the training period, 75% for the third quarter of the training period, and 90% for the last quarter of the training period, unless apprentices/trainees are enrolled in a BOLI-registered program. In that case, the appropriate rates approved by the Department of Labor in connection with the apprenticeship program shall apply to all trainees/apprentices being trained for the same classification who are covered by this training special provision.

SECTION 6: REPORTS

The Contractor and each subcontractor providing training under these provisions shall complete and submit to ODOT the following reports:

- * Upon attending preconstruction conference, the appropriate Training Program(s) and Apprentice/Trainee Approval Request form(s).
- * On a monthly basis, an Apprentice/Trainee Monthly Progress Record for each person participating in the On-the-Job Training Program. (The Monthly Progress Record routinely sent to the appropriate apprenticeship program may be used in lieu of the ODOT Apprentice/Trainee Monthly Progress Record.)
- * At end of employment, a report of the amount and type of training completed to trainee/apprentice, BOLI and ODOT.

All required forms are provided to the Contractor in a preconstruction packet. Contractors may make additional copies of all forms as necessary.

SECTION 7: MONITORING AND COMPLIANCE

ODOT will monitor the Contractor's actions for compliance with these special provisions. Actions which will be monitored include:

- * Employment of trainees/apprentices as required for this contract.
- * Maintenance of the records and submission of the reports required by these provisions.
- * Actual training provided which is consistent with the approved training program(s).

If the Contractor does not comply with these special provisions, ODOT may withhold progress payments, suspend the work, or impose other lawful remedies.

SECTION 8: MEASUREMENT AND PAYMENT

Measurement - On-the-Job Training. The pay quantity for On-the-Job Training will be measured by the actual number of hours of training provided, measured to the nearest one-half hour.

The Contractor will be paid training provided to an employee approved by ODOT and trained in accordance with an approved training program. Payment may be made for training persons in excess of the number specified in Section 2, provided the Training Program and the Apprentice/Trainee Approval Request form have been approved by ODOT.

Payment for training under these provisions will be made even though the Contractor receives additional training program funds from other sources, provided such other sources do not specifically prohibit the Contractor from receiving other reimbursement. Reimbursement for off-site training will only be made where the Contractor does one or more of the following and the trainee/apprentice is concurrently employed on a State project:

- * Contributes to the cost of the training,
- * Provides the instruction to the trainee/apprentice, or
- * Pays the trainee/apprentice's wage during the off-site training period.

Payments made to the Contractor may be recalled if the contractor fails to provide the required training.

Payment - On-the-Job Training. The item "On-the-Job Training" will be payment in full for training provided and properly documented, in conformance with these provisions.

No payment for training will be made until all required documentation (Training Program, Apprentice/Trainee Approval Request form, and Monthly Progress Record) has been submitted by the Contractor and approved by ODOT.

The item "On-the-Job Training" is intended to cover the Contractor's additional costs associated with administering the On-the-Job Training provisions of this contract.

