

[NOTE - The Reimbursable Federal On-The-Job and Apprenticeship Training Provisions are now a "behind the scene" insert and will no longer need to be included in the PS&E submittal. Remove this special provision from your projects and your files.

When the Office of Civil Rights calls for OJT and Apprenticeship Training, be sure to include the bid item "Training" along with the quantity and the bid price of \$20.00.]

~~SP ROJT RAPP (09-23-10)~~

~~(Use this special provision on projects when required. Obtain information on quantities from the Office of Civil Rights. Be sure that the page number in the footer below begins at "Page 1." When this special provision is used, be sure to include the "Training" bid item. Enter both the quantity (from the Office of Civil Rights) AND the price \$20.00.)~~

~~REIMBURSABLE FEDERAL ON-THE-JOB and APPRENTICESHIP TRAINING~~

~~This Section for Reimbursable Federal On-the-Job Training and Apprenticeship Training supersedes subparagraph B(7-e) of the "On-Site Workforce Affirmative Action Requirements for Women and Minorities on Federal Aid Contracts," and is in implementation of 23 U.S.C. 140(a). All other provisions apply.~~

~~SECTION 1: Abbreviations and Definitions~~

~~**BOLI** – Bureau of Labor and Industries for the State of Oregon~~

~~**OJT** – On-the-Job Training~~

~~**Apprenticeship Training Program:** A specific apprenticeship training program, approved by BOLI, which provides a combination of field and classroom trade specific experience under the supervision of journey level workers. For this Contract, this is a Race and Gender Neutral program.~~

~~**OJT Program:** A specific on-the-job training program developed by the Contractor, approved by the Agency and FHWA (also includes previously developed standardized training programs already approved by the Agency and FHWA), which provides a combination of field, and limited classroom, trade specific experience under the supervision of journey level workers. This is an Affirmative Action program and targets otherwise disadvantaged woman and minorities.~~

~~**Qualified Hours:** Specific On-Site hours (may include some classroom hours) performed by a properly registered and enrolled trainee consistent with their OJT Program or an apprentice consistent with their Apprenticeship Training Program, and reported by the Contractor to the Agency for the OJT Program and to BOLI for the Apprenticeship Training Program.~~

~~**Race and Gender Neutral:** Employment and contracting practices where the ethnicity and the sex of a person are not considered in the evaluation of candidates for employment or bids for the Contract.~~

~~**SECTION 2: OJT Program and Apprenticeship Training Program Policy Statement**~~

~~In order to increase the number of trained and skilled workers in highway construction the Agency will set a training goal for the Project.~~

~~It is the policy of the Agency that the Contractor shall take all necessary and reasonable steps, to ensure that trainees and apprentices have the opportunity to participate on highway construction projects and to develop as journey-level workers in the given trade or job classification employed, and to meet this training goal.~~

~~Training and upgrading minorities and women in highway construction trades is a primary objective of the Agency. Accordingly, the Contractor shall make every effort to enroll minority and women trainees in OJT Programs by conducting systematic and direct, meaningful recruitment through public and private sources likely to yield minority and women trainees within a reasonable area of recruitment. Although Apprenticeship Training Programs are Race and Gender Neutral, the Contractor shall ensure that, without discrimination, minorities and women have an equal employment opportunity to compete for and participate as apprentices and to support a diverse workforce that is representative of the population.~~

~~**SECTION 3: Affirmative Action Requirement**~~

~~Whenever minorities or women are not placed in OJT positions, the Contractor shall provide documented evidence of Affirmative Action recruitment efforts. The Agency will review the documents of the Contractor's systematic and direct, meaningful recruitment efforts to determine whether the Contractor has complied with the criteria in "Required Contract Provisions Federal-Aid Construction Contracts" (FHWA Form 1273), Section II Nondiscrimination.~~

~~When filling OJT positions and apprenticeship positions, the Contractor and the Subcontractors are encouraged to hire previously approved apprentices who have not yet completed their training.~~

~~Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, nor any agreement the Contractor has with a joint apprenticeship and training committee, shall excuse the Contractor's obligations under these provisions. Nor shall these sources exclude qualified minorities and women available for training for Work under this Contract.~~

~~The training goal is not intended, and shall not be used, to discriminate against any applicant for training, whether members of a minority group or not.~~

~~**SECTION 4: Assigned Training Goal Disincentive**~~

~~The Agency will insert an hourly price and quantity for the Pay Item "Training". This hourly price will be fixed.~~

~~For purposes of determining the Contractor's total Qualified Hours, any combination of Qualified Hours for OJT and Apprenticeship Training may be aggregated and summed toward the training goal.~~

~~If the total number of Qualified Hours earned by the Contractor fails to meet the training goal, this program contains a no payment clause (disincentive) according to Section 8 below.~~

Section 5: Training Requirements

~~The intent of these provisions is to provide real and meaningful training in the construction crafts. 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. In addition:~~

- ~~• The Contractor, not registered as a training agent, may choose to adopt a standardized OJT Program.~~
- ~~• For non-standardized or new OJT Programs proposed by the Contractor, obtain approvals prior to beginning On-Site Work with employees in the classifications covered by the OJT Program.~~
- ~~• OJT Programs may include carpenter trainee, cement mason trainee, ironworker trainee, utility trainee, and construction assistant or others when training is oriented toward construction vocations.~~
- ~~• OJT Programs for laborers may be allowed if the Programs provide significant and meaningful training.~~
- ~~• OJT Programs in classifications such as flagger, bookkeeper, clerk/typist or secretary are prohibited.~~
- ~~• OJT Programs shall always maintain the approved ratio of trainees to journey level workers On-Site.~~
- ~~• OJT Programs shall always maintain the approved types and numbers of equipment On-Site.~~
- ~~• Where feasible, 25 percent of trainees shall be in the first year of an OJT Program for each classification.~~
- ~~• No employee shall be registered as a trainee in any classification they have completed leading to journey level status, or for any classification they have been employed as a journey level worker. The Contractor shall keep records, and provide to the Agency, if requested, documents on each trainee.~~
- ~~• Trainees shall be pre-approved, registered, enrolled and working On-Site.~~

~~OJT Program trainees shall be paid the journey level rate specified in the contract for the type of work performed. Apprenticeship Program trainees shall be paid the appropriate rates approved in connection with their stage in the Apprenticeship Training Program.~~

~~A valid certification by an appropriate apprenticeship committee that the Contractor is an approved training agent shall be prima facia proof of compliance.~~

~~SECTION 6: Reports~~

~~The Contractor and each Subcontractor with an OJT Program or Apprenticeship Training Program shall complete and submit the following reports to the Project Manager:~~

- ~~• At the pre-construction conference, the Contractor shall submit a training program forecast on the "Training Program Form" (Form 731-0335).~~
- ~~• For both trainees and apprentices, submit an "Apprentice/Trainee Approval Request" (Form 731-0294) to the Agency prior to the trainee or apprentice beginning work. Attach a copy of Form 731-0335, to Form 731-0294. The Contractor shall provide certification to the trainee upon completion of the OJT Program and submit a copy to the Agency Office of Civil Rights. Upon completion of the Contract, a certification shall be given to each trainee and to the Agency to document the number of hours and training completed by the individual.~~
- ~~• By the tenth of each month, the Contractor shall submit to the Agency an "ODOT Apprentice/Trainee Monthly Progress Record" (Form 731-0332) for each trainee. Use Form 731-0332 to report Qualified Hours for both trainees and apprentices. This will be the source document for estimated monthly progress payments to the Contractor.~~
- ~~• Contractor shall submit a "Monthly Employment Utilization Report" MEUR (Form 731-0394) by the fifth of each month. This report is required of the Contractor and Subcontractors on Subcontracts valued \$10,000 and above, regardless of their participation in the apprenticeship or OJT Program.~~

~~Forms are published on the Office of Civil Rights website at:~~

~~<http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/forms.shtml>~~

~~Forms may also be obtained from the Office of Civil Rights by calling 503-986-4350.~~

~~SECTION 7: Monitoring and Compliance~~

~~The Contractor has the primary responsibility to monitor compliance levels throughout the Contract and to ensure the training goal is met. If the Contractor decides any of the training hours are to be provided by a Subcontractor, the Contractor shall ensure that the Subcontract contains the appropriate training clauses that obligate the Subcontractor. This shall not relieve the Contractor of the Contractor's primary responsibility.~~

~~Meet with the Agency monthly to review the progress records or apprenticeship records. The Agency, through the monthly meetings and progress records or apprenticeship records provided by the Contractor, will provide the Contractor with informational compliance and reimbursement data including:~~

- ~~The Contractor's training forecasts compared with the actual Qualified Hours achieved.~~
- ~~Total Qualified Hours and payment reimbursement summary.~~
- ~~For information purposes only, the monthly summary reports by OJT trainee craft and apprenticeship craft.~~

~~The Agency will track training activities provided by Contractor to the OJT trainees and apprentice trainees.~~

~~SECTION 8: Measurement/Payment~~

- ~~1. The Agency will establish the total Reimbursable OJT Program and Apprenticeship Training Program goal for the Project.~~
- ~~2. The Contractor shall utilize all of the training hours on this Project. Check the training goal and the unit price in the Schedule of Items.~~
- ~~3. If the Contractor achieves at least 100% of the goal, up to a maximum of 150% of the goal, the Agency will reimburse the Contractor for the Qualified Hours times the Pay Item price.~~

~~Example: Agency goal = 1,000 hours; Pay Item = \$20.00/hr; Contractor achieves an actual 1,525 Qualified Hours: therefore 1,500 hours x \$20.00/hr = pay of \$30,000.~~

- ~~4. According to 00195, the Agency will pay for measured Pay Item quantities for "Training" performed according to this Contract.~~
- ~~5. After the Second Notification, the Agency will review the final reports required in Section 6 and make adjustments. Any additional reimbursements will be paid on the Final Estimate.~~
- ~~6. If, at the Second Notification, the Contractor has not achieved the training goal there will be no payment (disincentive) to the Contractor and no Qualified Hours as follows:~~

~~Regardless of all prior partial payments for the Pay Item "Training", a correction equal to 100% of the Pay Item goal times the Pay Item price will be subtracted from the final payment due the Contractor on the Final Payment voucher.~~

~~Example: Agency goal = 1,000 hours; Pay Item = \$20.00/hr; Contractor achieves an actual 500 Qualified Hours (failed to meet the goal): therefore 1,000 hours x \$20.00/hr = line item deduction of \$20,000 will show on the Final Payment voucher. If, as a result of this line item deduction, a net amount is due the Agency, the Contractor shall pay the Agency within 45 Calendar Days of notice of such deficiency.~~