



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

D. Alan Reed, P.E.
State Highway Engineer

Jimmy Wriston, P. E.
Secretary of Transportation
Commissioner of Highways

October 05, 2021

Dear Contractor:

The Special Provision for On-The-Job Training (OJT), which is physically included in your contract, is vital in carrying out your responsibility to the West Virginia Division of Highways (WVDOH) with regard to equal employment and OJT.

We strongly recommend that you carefully review this provision, as you are required to implement a comprehensive OJT program as an additional component to your existing equal employment program.

The attached information packet simplifies your responsibility relative to this subject. It is imperative that you adhere to these requirements in order to be in compliance.

Your company's Training Proposal Form must be submitted to the WVDOH OJT Program Manager as soon as possible, but no later than three (3) business days prior to the Pre-Construction Conference. Failure to do so will result in work on the project not being permitted to begin until the proposal is submitted.

Respectfully,

A handwritten signature in blue ink, appearing to read "W. Hartwell".

**William M. Hartwell, Director
Civil Rights Compliance Division**

WMH:B

Attachment



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CIVIL RIGHTS COMPLIANCE DIVISION**

**ON-THE-JOB TRAINING PROGRAM
CONTRACTOR'S GUIDE**

A handwritten signature in blue ink, appearing to read "William Hartwell", is written over a horizontal line.

William Hartwell, Division Director

March 10, 2021

Effective Date

FORWARD

This guide is intended to serve as a general reference to assist Contractors in the administration of the On-the-Job Training (OJT) Program. All referenced documents and forms are attached and should be referred to as they are encountered. All inquiries and documents must be directed to the WVDOH OJT Program Manager as follows:

By US Mail: David Ballard, Assistant Division Director
West Virginia Division of Highways
Civil Rights Compliance Division
State Capitol Complex – Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

By e-mail: David.K.Ballard@wv.gov

By telephone: 304-414-6880

I. ON-THE-JOB TRAINING PROGRAM OVERVIEW

Training and advancement of women, minorities, and disadvantaged individuals to full journey-level status in under-represented trades is the primary objective of the OJT Program. The OJT Program is a mechanism for contractors to address under-representation issues within their workforce. If the timing and intensity of a contractor's efforts to recruit and place women, minorities, or disadvantaged persons were appropriate, but unsuccessful, non-minority and non-disadvantaged trainees may be accepted for the OJT Program.

Only federally funded projects are eligible for OJT inclusion and must be over \$2,000,000 in estimated cost and be at least twelve (12) months in estimated construction duration. Projects designated as resurfacing, restoration, and rehabilitation are not eligible for OJT inclusion. OJT hours are assigned on a per project basis and is determined by the OJT Program Manager.

OJT hours are set at a standard of one thousand (1,000) hours per one (1) trainee. Therefore, the number of OJT hours assigned correlates to the number of trainees required. Example: 1,000 OJT hours equals 1 trainee, 2,000 OJT hours equals 2 trainees, and so on.

II. CONTROLLING DOCUMENTS

The primary document which Contractors should be familiar with is:

- WVDOH Special Provision for On-The-Job Training

III. CONTRACTOR'S TRAINING PROPOSAL

Upon notice that a project with OJT hours included has been awarded, the OJT Program Manager will contact the contractor's EEO Officer and will request that WVDOH Form CRCD-151 "Contractor's Training Proposal" be completed and submitted to the OJT Program Manager as soon as possible, but no later than three (3) business days prior to the project Pre-Construction Conference. Contractors shall not commence work on a project until the Contractor's Training Proposal Form is received by the OJT Program Manager.

As the Laborer classification is not as under-represented as other classifications, if requesting to provide training in the Laborer classification, the following documentation must also be submitted with the Training Proposal Form:

- A letter on the contractor's letterhead justifying the Laborer selection/proposal.
- A completed WVDOH Form CRCD-150 summarizing all active federal-aid projects.
- A list of all trainees trained in the past twelve (12) months denoting the trainee's name, last 4 SSN, classification, status, and training period.

Upon receipt of the Contractor's Training Proposal, the OJT Program Manager will scrutinize the proposal to assure that real and substantial training will occur. OJT may be provided through a Union Apprenticeship Program or through a Contractor's Program. If requesting to utilize their own program, the contractor must also submit the company's training program for each proposed classification.

If the Contractor's Training Proposal is acceptable, the OJT Program Manager will send an approval letter to the contractor's EEO Officer with copies to the Federal Highway Administration (FHWA), WVDOT District Construction Engineer, and WVDOT Project Engineer. If the proposal is not acceptable, it will be returned to the contractor's EEO Officer for correction.

IV. TRAINEE ENROLLMENTS

When a contractor locates a proposed trainee, the contractor's Project Superintendent will complete WVDOT Form CRCD-152 "On-The-Job Training Enrollment". After completion, the contractor's Project Superintendent will review the form with the proposed trainee and secure their signature and date on the form. The contractor's Project Superintendent will then sign and date the form and forward it to the Project Engineer. If the proposed trainee is also enrolled in a Union Apprenticeship Program, the proposed trainee's USDOL certification of registration as an apprentice must be included with the enrollment form. The contractor obtains these certifications from the proposed trainee's Union. **Proposed trainees are not to begin working until approval had been given by the OJT Program Manager.**

Upon receipt of an enrollment form, the Project Engineer will review the form, ensure the form is complete, and ensure the proposed trainee's USDOL apprenticeship certification is included. If everything is in order, the Project Engineer will sign and date the enrollment form and forward it electronically to the OJT Program Manager for action.

When an enrollment form is received from a Project Engineer, the OJT Program Manager will review the form for accuracy, ensure the proposed trainee's USDOL apprenticeship certification is included (if applicable), and ensure all signatures are in place. If everything is in order, the OJT Program Manager will approve the enrollment form and return it electronically to the Project Engineer and contractor's Project Superintendent. The approved trainee may begin working upon approval being given by the OJT Program Manager.

If the enrollment form is rejected by the OJT Program Manager, it shall be returned electronically to the Project Engineer and contractor's Project Superintendent with the reason(s) for the rejection noted. The contractor must then find a new proposed trainee.

Trainees are to be placed only in the classification(s) specified in the Contractor's Training Proposal. It is possible that exceptions will be made, and consideration will be given to requests to amend the Training Proposal. If requesting an amendment to the Training Proposal, it will be necessary for the contractor's EEO Officer to submit a letter of justification and a new Contractor's Training Proposal Form.

V. REPORTING REQUIREMENTS

Once a trainee begins work on a project, the contractor's Project Superintendent/designee will submit daily to the Project Engineer WVDOT Form CRCD-153 "Contractor's Daily Certification of Training Hours", denoting how many hours a trainee has worked for that day. In order for a trainee to receive training credit, their hours worked must have been in direct connection with their approved training classification.

The contractor will maintain files on each trainee at the project site. Copies of all general training documentation, training proposal(s), and training program(s) will be kept in the file. In addition to this information, the contractor will have documentation of all efforts made to obtain trainees from women, minority, and disadvantaged individual groups and the results of such efforts.

The contractor's EEO Officer should designate an individual at the project site to be responsible for the overall supervision of the trainee(s).

VI. TRAINEE STATUS CHANGES

If a trainee is laid off, terminated, or voluntarily quits before completion of the indicated number of hours per training program, or a maximum of 1,000 hours, the contractor's Project Superintendent will immediately notify the Project Engineer and give reason in writing for such action utilizing WVDOT Form CRCD-155 "Trainee Status Change".

It is in the best interest of the contractor to have adequate documentation regarding layoffs, terminations, and resignations.

The contractor is required to start a new trainee who will be eligible for up to 1,000 hours of training in the original classification unless the OJT Program Manager directs otherwise.

Regarding layoffs, the contractor should bear in mind that this could result in the loss of the trainee. This could in turn result in the contractor not fulfilling their contractual obligation.

VII. TRAINEE COMPLETIONS

Once a trainee attains 1,000 OJT hours, they are considered as successfully completing the OJT program. The contractor's EEO Officer will issue a Certificate of Training to the trainee and either retain the trainee for employment and elevate them to full journey-level status or release the trainee from employment. The contractor's Project Superintendent will submit a copy of the Certificate of Training, along with an OJT Trainee Status Change Form, to the Project Engineer.

VIII. ATTACHMENTS

- WVDOT Special Provision for On-The-Job Training
- WVDOT Form CRCD-151 "Contractor's Training Proposal"
- WVDOT Form CRCD-150 "Contractor's Manpower Utilization Report"
- WVDOT Form CRCD-152 "On-The-Job Training Enrollment"
- Example of USDOL Apprenticeship Certification
- WVDOT Form CRCD-153 "Contractor's Daily Certification of Training Hours"
- WVDOT Form CRCD-155 "Trainee Status Change"
- Example of Certificate of Training

July 30, 1975

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SPECIAL PROVISION

FOR

STATE PROJECT NUMBER: _____

FEDERAL PROJECT NUMBER: _____

FOR

**SECTION 699
ON JOB TRAINING**

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities," 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 job training aimed at developing full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under this contract will be _____.

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 Department of Transportation, Division of Highways, for approval (1) the number of trainees to be trained in each selected classification and (2) the Training Program for such trainees. 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 journeyman 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 finds 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 Department of Transportation, Division of Highways, and the Federal Highway Administration. The Department of Transportation, Division of Highways, 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 source 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. The 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.

BASIS OF PAYMENT:

Monthly progress payments will be made for On Job Training on the basis of \$0.80 per hour per trainee for each hour of training under the conditions set forth herein.

PAY ITEM:

ITEM	DESCRIPTION	UNIT
699001-*	ON JOB TRAINING	PER HOUR

Total Cost = Number of Trainees x Estimated Trainee Hours x \$0.80 per hour.



West Virginia Division of Highways Contractor's Training Proposal

*This proposal **must** be submitted to the WVDOH OJT Program Manager no later than three (3) business days prior to the project Pre-Construction Conference.*

Date Training Proposal Submitted: _____

Initial Proposal: _____ Amended Proposal: _____ Amendment Number: _____

Name of Contractor: _____

Contract ID Number: _____ Federal Project Number: _____

Project Name: _____ County: _____

The Special Provision for On-the-Job Training included in the contract for this project requires:

Number of Trainees: _____ Number of Training Hours: _____

It is the intent of this company to provide this training as follows through (mark as applicable):

Union Apprenticeship Program: _____ Contractor's Independent Program (Attached): _____

(If subcontracting any training hours, attach letter on subcontractor's letterhead confirming their agreement to provide training and, if applicable, their Independent Program.)

Classification*	Subcontracted		Number of Trainees	Training Hours to be Provided in this Classification	Enter Pay Rate or "Apprentice Rate" if Union	Projected Trainee Start Date
	Yes	No				
Total Hours:						

**Classification(s) must be distributed among all crafts. The Laborer classification is not as under-represented as other classifications; therefore, if submitting for Laborer training, the contractor will also be required to submit the following documentation with this proposal:*

1. A letter on the contractor's letterhead justifying the Laborer selection/proposal
2. A completed WVDOH Form CRCD-150 summarizing all active federal-aid projects
3. A list of all trainees trained in the past 12 months by name, last 4 SSN, classification, status, training period.

Proposal Submitted By: _____

Name of Contractor's EEO Officer: _____

Signature: _____

Date: _____



West Virginia Division of Highways Contractor's Manpower Utilization Report

This form is to be submitted upon request for all Federal Aid Highway Construction Projects in West Virginia. It is imperative that contractors on these projects make a Good Faith Effort to address underutilization of women and minorities throughout the job classifications.

E-Mail Completed Form to the WVDOH Civil Rights Compliance Division at dot.eeo@wv.gov

Contractor: _____ Federal Project Number: _____ County: _____

Reporting Month:	Total Employees		Mark if applicable No Work Performed This Month:					Final:	
	Male	Female	Total Minorities	Black/African American	Hispanic	American Indian/Alaska Native	Asian/Pacific Islander	Trainees	Apprentices
Job Classifications									
Officials/Supervisors/Foremen									
Clerical									
Equipment Operators									
Mechanics									
Truck Drivers									
Ironworkers									
Carpenters									
Cement Masons									
Electricians									
Pipefitters/Plumbers									
Painters									
Piledrivers									
Laborers, Semi-Skilled									
Laborers, Unskilled									

List all new hires for the month by name, last 4 SSN, race, sex, & job classification:

List all women, minorities, trainees, & apprentices by name, last 4 SSN, race, sex, & job classification:



West Virginia Division of Highways On-the-Job Training Enrollment

This form must be submitted for each proposed enrollee prior to their start date. The Prime Contractor is also required to submit this form for approval for its subcontractor's enrollees prior to their start date.

Prime Contractor: _____ Subcontractor (if applicable): _____

Contract ID Number: _____ Federal Project Number: _____

Project Name: _____ County: _____

Approval is Requested to Provide Training for the Following Trainee:

Trainee's Name: _____ Last Four of SSN: _____

Trainee's Address: _____

Trainee's Telephone Number: _____ Gender: _____ Male
_____ Female

Ethnicity: _____ Asian/Pacific Islander _____ American Indian/Alaska Native
_____ Black _____ Hispanic
_____ White _____ Other: _____

Proposed Classification: _____ Proposed Start Date: _____

Trainee Starting Rate: _____ Percent of Journey-level Rate: _____

Journey-level Rate: _____ Full Fringe Benefit Rate: _____

Type of On-the-Job Training to be Provided: _____ Through Union Apprenticeship Program
_____ Through Contractor's Approved Program

If Through Union Apprenticeship Program, Trainee's Status in Program: _____ 1st Year
_____ 2nd Year
_____ 3rd Year

Does Trainee have previous experience in the proposed classification: _____ Yes _____ No

If Yes, explain: _____

From what source or organization was this trainee recruited: _____

By my signature, I attest that I have read the terms and have received a copy of the training program. I understand the intent and purpose of the training program and I can comply with all the conditions set forth in the program. I further state that I have not completed, nor am I enrolled in, any training program leading toward Journey-level status in this classification (other than approved apprenticeship program), nor have I been employed as a Journey-level employee in the classification for which I am being considered.

Trainee's Signature: _____ Date: _____

Contractor's Project Superintendent Name: _____

Signature: _____ Date: _____

WVDOH Project Engineer Name: _____

Signature: _____ Date: _____

***** WVDOH OJT PROGRAM MANAGER USE ONLY *****

Decision: _____ Approved _____ Rejected (reason): _____

Comments: _____

Signature: _____ Date: _____

**U.S. DEPARTMENT OF LABOR - OFFICE OF APPRENTICESHIP
APPRENTICESHIP CERTIFICATION**

CONSTRUCTION

The following individuals are apprentices registered with the U.S. Department of Labor, Office of Apprenticeship, under the sponsorship of program WV001950002 - West Virginia Laborers JATC:

West Virginia Laborers JATC
P.O. BOX 6
MINERALWELLS , WV 26150

Apprentice ID	SSN	Apprentice Name	Occupation	Date Apprenticeship Began	Date Cancelled	Date Completed
WV2018000648			CONSTRUCTION CRAFT LABORER (0661 V1) Time-Based	4/27/2018		



Certified by the U.S. Department of Labor

Date Issued: 6/26/2018

******VOID 90 DAYS FROM ISSUE DATE******



West Virginia Division of Highways Contractor's Daily Certification of Training Hours

*This report is to be submitted **daily** to the WVDOH Project Engineer.*

Report Date: _____

Contract ID Number: _____ Federal Project Number: _____

Project Name: _____ County: _____

Name of Contractor: _____

Name of Trainee	Last Four of SSN	Classification	Total Training Hours Today

Report Submitted By:

Name of Project Superintendent: _____

Signature: _____ Date: _____

Report Reviewed & Accepted By:

Name of WVDOH Project Engineer: _____

Signature: _____ Date: _____

Original: WVDOH Project Engineer
Copy: Each Trainee Listed
Contractor's Training File



West Virginia Division of Highways Trainee Status Change

Contract ID Number: _____ Federal Project Number: _____

Project Name: _____ County: _____

Contractor: _____

Trainee's Name: _____ Last Four of SSN: _____

Trainee's Address: _____

Trainee's Telephone Number: _____

Gender: _____ Male
_____ Female

Ethnicity: _____ Asian/Pacific Islander _____ American Indian/Alaska Native
_____ Black _____ Hispanic
_____ White _____ Other: _____

Classification: _____

Training Start Date: _____ Training End Date: _____

Status Change Date: _____ Total Hours Trained: _____

Reason for Change of Status:

- | | |
|---|---------------------------------|
| _____ Completed Program & Retained for Employment | _____ Death |
| _____ Completed Program & Released from Employment | _____ Military Duty |
| _____ Quit to Work for Another Company | _____ Construction Interruption |
| _____ Quit – No Reason Given | _____ Seasonal Layoff |
| _____ Lack of Transportation and/or Travel Distance | _____ Project/Phase Completed |
| _____ Medical Issues or Health Problems | _____ Relocated |
| _____ Job Abandonment | _____ Strike/Work Stoppage |
| _____ Terminated from Employment – Explain Below | _____ Other – Explain Below |

Comments:

Project Superintendent:
Name: _____ Date Submitted: _____

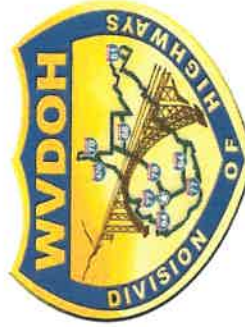
Signature: _____

CERTIFICATE OF TRAINING

THIS CERTIFIES THAT

_____ has successfully completed _____ hours of on-the-job training for the _____ classification and that the training was provided in accordance with all current orders and requirements of the United States Department of Transportation – Federal Highway Administration through the approved training program of _____

The above training program was monitored by the West Virginia Department of Transportation – Division of Highways. Training was completed this _____ day of _____ 20_____.



Contractor's EEO Officer

Contractor's Project Superintendent

Equal Opportunity Employer

State OJT Program Manager