



On-the-Job Training Program Plan

*West Virginia Department of Transportation
Division of Highways*

Applicable to Federally Funded Highway Construction Contracts

Updated: September 01, 2023





WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • (304) 558-0444

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

MESSAGE FROM THE SECRETARY OF TRANSPORTATION

Dear Contractor:

The West Virginia Department of Transportation (WVDOT) recognizes and supports the need for efforts to attract, retain, and empower diverse, qualified workers to build and maintain our transportation system. To help achieve this goal, WVDOT implemented the On-the-Job Training (OJT) Program. Objectives of the program include establishing training programs targeted to move minorities, women, and disadvantaged individuals into journey-level positions, ensuring a competent workforce is available to meet highway construction hiring needs, and addressing the historical under-representation of these groups in highway construction skilled crafts.

A diverse workforce stimulates innovation and offers fresh perspectives in helping us solve our State's complex transportation challenges. We must strive to create an environment where all individuals can prosper and advance in their careers. WVDOT is committed to attracting and retaining a diverse workforce from our State's exceptional talent pool. We must foster a culture of inclusion and create and maintain a work environment welcoming individuals of all races, ethnicities, genders, cultures, abilities, skills, and disciplines. Diversity within the workforce enhances the relevance and substance of our work. We all have a role in helping to create an inclusive work environment where individual differences, unique perspectives, and talents are respected, appreciated, and valued.

Certain federally funded highway construction projects include the West Virginia Division of Highways (WVDOH) Special Provision for Section 699 On Job Training (OJT Special Provision), wherein WVDOT sets a project-specific OJT goal. The OJT Special Provision is vital in carrying out your responsibility to the WVDOH concerning equal employment and OJT. Please carefully review this provision, as you must implement a comprehensive OJT program as an additional component to your existing equal employment program.

As a convenience for contractors, WVDOT developed this plan to assist you with fulfilling the OJT Special Provision requirements on applicable projects. All contractors awarded projects within West Virginia are strongly encouraged to utilize this plan when fulfilling OJT Special Provision requirements. It is imperative that you adhere to these requirements to remain in compliance.

Thank you for working with WVDOT to enhance the transportation system in West Virginia.

Sincerely,

A handwritten signature in blue ink that reads "Jimmy Wriston, P.E.".

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



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
ON-THE-JOB TRAINING PROGRAM PLAN**

I. GENERAL REQUIREMENTS

A. Applicability

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

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

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

This plan is intended to assist contractors and project supervisors in the administration of the 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 WVDOT Civil Rights Compliance Division as follows:

By US Mail: David Ballard, Assistant Division Director
 West Virginia Department of Transportation
 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

B. Non-Discrimination Statement of Policy

The WVDOT is committed to full compliance with Title VI of the Civil Rights Act of 1964 and all related regulations, laws, executive orders, and directives. WVDOT assures that no person on the grounds of race, color, or national origin will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any WVDOT service, program, or activity.



C. Definitions

Apprentice: A person who meets one (1) of the following criteria:

1. Is employed and registered in a bona fide apprenticeship program registered with the United States Department of Labor (USDOL), Bureau of Apprenticeship and Training.
2. Is in their first ninety (90) days of probationary employment as an apprentice, who is not yet registered in a program but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment.

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

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

Disadvantaged Persons: A person who meets one (1) of the following criteria:

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

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

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

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

Journey-level Status: A person who can perform all the duties within a given job classification or craft.

OJT Trainee: A person who is a minority, woman, or disadvantaged person enrolled in an approved training program or any other individual enrolled in an approved training program, whose training hours are approved by the WVDOT, and can be credited toward the OJT contract goals.

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



II. OJT PROGRAM OVERVIEW

A. Mission

The mission of the WVDOT OJT Program is to ensure that training is accomplished on federally funded highway construction projects in accordance with the West Virginia Division of Highways (WVDOH) Special Provision for Section 699 On Job Training (OJT Special Provision) and aims at moving minorities, women, disadvantaged persons, and others toward journey-level positions in various types of construction trades or job classifications.

B. Objectives

Equal opportunity for the training and advancement of minorities, women, and disadvantaged persons to full journey-level status in under-represented highway construction trades is the primary objective of the WVDOT OJT Program.

The OJT Program is a mechanism for contractors to address under-representation issues within their workforce. Additional objectives of the OJT Program are:

1. To improve the skills of the available workforce for WVDOT federally funded highway construction projects.
2. To encourage retention of trained construction industry employees.
3. To broaden the labor pool to meet the projected future labor needs in the construction industry.

If the timing and intensity of a contractor's efforts to recruit and place minorities, women, or disadvantaged persons were appropriate, but unsuccessful, non-minority and non-disadvantaged trainees may be accepted for the OJT Program.

C. Program Summary

The WVDOT OJT Program fulfills its objectives by ensuring that OJT programs implemented by contractors create opportunities for trainees to progress in their training toward journey-level status, while addressing construction industry constraints, through the following elements:

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



III. OJT GOALS

A. WVDOT Annual OJT Goal

The WVDOT shall establish annually, on or about October 1, suggested minimum training goals to be achieved by the WVDOT during a federal fiscal year (23 CFR 230.111(a)(b)).

Subsequently, the WVDOT will determine which federally funded highway construction contracts will include the OJT Special Provision, and will determine the minimum number of trainees and hours required after considering the guidelines set forth in 23 CFR 230.111(c):

1. Availability of minorities, women, and disadvantaged persons for training.
2. The potential for effective training.
3. Construction 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 journey-level in the area.
9. Recognition of the suggested minimum goal for the State of West Virginia.
10. A satisfactory ratio of trainees to journey-level expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

The proposed goal is based upon a review of future projects from the WVDOT. Projects with limited or no OJT opportunities are eliminated from the list. Projected trainee and hour goals are set on the remaining projects based on guidelines for setting project specific goals and the criteria listed above.

B. OJT Goal Inclusion

Only federally funded highway construction projects are eligible for OJT inclusion. These projects must meet an initial requirement of being \$2,000,000 or more in estimated cost and at least twelve (12) months in estimated construction duration. Projects designated as resurfacing, restoration, and rehabilitation are not eligible for OJT inclusion.

If the initial OJT requirement thresholds are met, OJT goals may be assigned on a per project basis as determined by the WVDOT OJT Program Manager based on the additional factors identified below.

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

1. Type of work.
2. Construction duration of the contract.
3. Dollar value of the contract.
4. Geographic location.
5. The potential for effective training.
6. Consideration of the WVDOT Annual OJT Goal.

The OJT goal for each project will be identified in the project proposal through the OJT Special Provision that is included in federally funded highway construction contracts with OJT requirements. 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.



IV. ORGANIZATION AND STAFFING SUPPORT

The WVDOT OJT Program is a component of the EEO Contractor Compliance Program that is required by FHWA per 23 CFR 230. The WVDOT Civil Rights Compliance Division (CRCD) is responsible for implementing the EEO Contractor Compliance Program, has oversight of the OJT Program, and is responsible for the operation of the OJT Program. The CRCD has the delegated responsibility of requiring prime contractors working on federally funded highway construction projects to provide training aimed at developing specific trainees toward journey-level status in various highway construction trades/job classifications.

CRCD Assistant Director – manages and is responsible for oversight of the OJT Program, processes and makes the final determination on contractors' compliance with the OJT Special Provision, and imposes sanctions as applicable.

CRCD Labor Compliance Program Manager (WVDOT OJT Program Manager) – establishes OJT goals, reviews and approves contractors' OJT proposals/submittals, monitors OJT monthly reporting, conducts compliance site visits, and reviews good faith efforts to determine compliance with OJT goals.

CRCD Civil Rights Compliance Specialist – assists OJT Program Manager in OJT monitoring, conducts compliance site visits, and field interviews of trainees.

WVDOH Project Supervisor – reviews and approves contractors' OJT daily hours, processes progression payments for OJT reimbursements, monitors trainees' hours against training plans.

V. TRAINING PROGRAMS

A. Approved Training Programs

The following are approved training programs recognized under the WVDOT OJT Program:

1. Registered Union or other approved Apprenticeship Programs registered with the USDOL Bureau of Apprenticeship and Training.
2. Independent Training Programs approved by FHWA, or Apprenticeship Programs approved by the USDOL prior to the start of the trainee commencing work.

B. Approval of Independent Training Programs

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

1. The primary objectives of training and upgrading minorities, 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.



Contractors intending to submit an independent training program for approval prior to the start of a contract must submit the program to the OJT Program Manager as soon as possible after notification of contract award, as approval of an independent training program may take up to two (2) weeks.

The OJT Program Manager will review independent training programs in accordance with the above standards, review a program's veracity against similar programs in the same classification, and will submit a recommendation to FHWA. FHWA will review the independent training program and will send final approval or denial to the OJT Program Manager. The OJT Program Manager will notify the contractor of FHWA's decision.

FHWA approved examples of independent training programs for specified classifications are available from the OJT Program Manager upon request, to help expedite the approval process for contractors that do not already have approved training programs.

VI. OJT PROGRAM REQUIREMENTS

A. Program Guidelines

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

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

It is the intention of 23 CFR 230 Appendix B of Subpart A that training is to be provided in the construction crafts rather than administrative-type positions. Training is permissible in lower-level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the FHWA. 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.

B. Contractor Responsibilities

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

1. Designate an OJT liaison, normally the company EEO Officer, responsible for monitoring and administering the contractor's OJT Program and monitoring the trainees' progress.
2. Engage subcontractors, at its discretion, to help meet OJT goals; however, program requirements are still the responsibility of the contractor who has been assigned the goal.
3. Ensure the OJT Special Provision is included in each subcontract, if applicable.
4. Distribute the number of trainees among the work classifications based on the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment which includes:



- Recruitment area defined by the contractor.
 - Counties where each of the projects are located.
 - Area where most employees currently working on contractor projects reside.
5. Periodically review the training and promotion potential of minorities, women, and disadvantaged employees and encourage eligible employees to apply for such training and promotion.
 6. Advise employees and applicants for employment of available training programs and entrance requirements for each.
 7. Provide each trainee with a copy of the program curriculum, the enrollment form, and training progress.
 8. Promote the utilization of current trainees across multiple projects to ensure training advancement.
 9. Pay trainees the appropriate trainee prevailing wage (Davis-Bacon) rates for training classifications/crafts on federally funded highway construction projects.
 10. Submit required information to the WVDOT CRCD in accordance with timelines outlined in the OJT Special Provision.
 11. Monitor monthly for compliance with the OJT requirements in meeting the project goal.
 12. Upon completion, provide each trainee with a certificate showing the type and length of training satisfactorily completed.
 13. If a trainee is terminated, make good faith efforts to replace the trainee.
 14. Provide good faith efforts when the OJT goal is not met and when trainees are other than a minority, woman, or disadvantaged person.

C. OJT Program Administration

Projects with training goals will be administered as follows:

1. Contractor's Training Proposal

Upon notice that a project with OJT hours included has been awarded, the WVDOT 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.

The contractor may, at its discretion, utilize approved subcontractors on the project to meet its OJT goal on the project. If the contractor subcontracts a portion of the contract work, the contractor shall determine how many, if any, of the trainees are to be trained by the subcontractor. However, the contractor shall retain the primary responsibility for meeting the training requirements outlined in the OJT Special Provision. The contractor shall ensure that the OJT Special Provision is made applicable to such subcontract. The subcontractor's trainee(s) must be employed by the subcontractor and must be enrolled in an approved training program.

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 Contractor's Training Proposal:

- A letter on the contractor's letterhead justifying the Laborer selection/proposal.
- A completed WVDOH Form CRCD-150 "Contractor's Manpower Utilization Report" 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 Independent Training 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 FHWA and WVDOH District Construction Engineer. If the proposal is not acceptable, it will be returned to the contractor's EEO Officer for correction.

2. OJT Enrollments

When a contractor locates a proposed trainee, the contractor's Project Superintendent will complete WVDOH 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 WVDOH Project Supervisor. 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 approved by the OJT Program Manager.

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

Upon receipt of an enrollment form, the WVDOH Project Supervisor 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 WVDOH Project Supervisor 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 WVDOH Project Supervisor, 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 WVDOH Project Supervisor and contractor's Project Superintendent. The approved trainee may begin working upon approval from the OJT Program Manager.

If the enrollment form is rejected by the OJT Program Manager, it shall be returned electronically to the WVDOH Project Supervisor 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.

3. Reporting Requirements

Once a trainee begins work on a project, the contractor's Project Superintendent should designate an individual at the project site to be responsible for the overall supervision of the trainee(s). The Project Superintendent/designee will also submit daily to the WVDOH Project Supervisor WVDOH Form CRCD-153 "Contractor's Daily Certification of Training Hours", denoting how many hours a trainee has worked for that day.

For a trainee to receive training credit, their hours worked must have been in direct connection with their approved training classification. Upon receipt of the form, the WVDOH Project Supervisor will review the form for accuracy and enter it into the WVDOT ProjectWise database. These forms are not to be submitted to the OJT Program Manager.

Every month, the WVDOH Project Supervisor will submit electronically to the OJT Program Manager WVDOH Form CRCD-154 "Monthly Training Report". This form must be submitted by the fifth (5th) of every month, covering the previous month. The WVDOH Project Supervisor will also enter this form into the WVDOT ProjectWise database.

4. 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 WVDOH Project Supervisor and give reason in writing for such action utilizing WVDOH Form CRCD-155 "Trainee Status Change".

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.

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

5. Trainee Completions

Once a trainee attains 1,000 OJT hours, they are considered as successfully completing the OJT program. The OJT Program Manager will issue a Certificate of Training to the contractor's EEO Officer for appropriate signatures. Once signed, the certificate will be given to the trainee and the contractor will either retain the trainee for employment and elevate them to full journey-level status (if applicable) or release the trainee from employment. The contractor's EEO Officer will submit a copy of the signed Certificate of Training, along with a Trainee Status Change form, to the OJT Program Manager. The OJT Program Manager will forward these documents electronically to the WVDOH Project Supervisor for entry into the WVDOT ProjectWise database.



D. Good Faith Efforts

The contractor shall make every possible effort to provide trainees with training and shall see that all trainees are afforded every opportunity to participate in as much training as is practically possible. Due to turnover and attrition of trainees in one (1) trainee slot, it is expected that continuous trainee replacement may be necessary during the contract work.

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

Before a contractor is approved to utilize trainees other than a minority, woman, or disadvantaged person, the contractor shall submit documented evidence of its good faith efforts as to why they were unable to find trainees related to the OJT program target population. Good faith efforts are those efforts designed to achieve equal opportunity through positive, proactive, and continuous result-oriented measures (23 CFR 230.409(g) (4). Good faith efforts should be made as trainee hiring opportunities arise.

The primary program goal is to educate and train women, minorities, and disadvantaged persons; therefore, showing good faith efforts is an essential part of demonstrated program goal accomplishments.

Good faith efforts may include, but are not limited to:

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

VII. RECORDS MAINTENANCE

Contractors 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, contractors will have documentation of all good faith efforts made to obtain trainees from minority, women, and disadvantaged person groups and the results of such efforts.

The WVDOT requires contractors to retain the original training records for a period of three (3) years following completion of the contract work. Such records shall be available at reasonable times and places for inspection during regular business hours by authorized representatives of the WVDOT and the FHWA. The WVDOT will retain those records following the retention schedules established for all FHWA contracts.



VIII. CONTRACTOR REIMBURSEMENT

Except as otherwise noted, the contractor, will be reimbursed \$0.80 per hour upon completion of training, provided the trainee is trained in accordance with an approved training program.

Reimbursement is not allowed if either the failure to provide the required training or the failure to hire the trainee as a journey-level is caused by the contractor or if the contractor evidences a lack of good faith efforts in meeting the requirements of the OJT Special Provision, which includes submittal of reports documenting program performance.

The WVDOT Project Supervisor may approve reimbursement for training hours exceeding the minimum training requirement of the project in cases of multiple trainees being utilized to fulfil the OJT goal.

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

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

Payment for offsite training may only be made when the contractor does one or more of the following and the trainees are concurrently employed on a federally funded highway construction project:

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

IX. MONITORING PROCEDURES

Monitoring for compliance with the OJT Special Provision will be accomplished for each project by electronic and on-site methods. The WVDOT may evaluate any recruitment efforts, training, and hiring processes conducted by the contractor. The proposal/submittal information provided by the contractor as outlined in the OJT Special Provision will be a primary source of information for the monitoring process, although the WVDOT may reach out to the contractor's OJT liaison periodically to address conformance with the OJT Special Provision.

Project Supervisors will monitor the training hours each month and discuss compliance issues with the contractor during weekly or regularly scheduled project meetings to ensure the contractor is in compliance with the approved or amended Contractor's Training Proposal. Project Supervisors will also monitor trainees through on-site interviews documented within the appropriate section of the AASHTOWare Project™ Civil Rights and Labor Module.

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

Reviews may be coordinated in collaboration with Equal Opportunity Compliance Reviews (conducted by the WVDOT CRCD) or random project site reviews. The site reviews may include, among other activities, interviews of trainees, the contractor, and its employees. The WVDOT will make efforts to ensure minimal disruption to the work.



X. ENFORCEMENT AND COMPLIANCE PROECDURES

Compliance will be determined at the end of the project by the WVDOT CRCD through evaluation of:

1. The contractor's use of trainees in conformance with the most recently approved Training Proposal.
2. The number of trainees and hours completed on the project as reported to the OJT Program Manager (the number trained shall be determined based on the total number enrolled on the contract in each specific craft for a significant period).
3. Whether the contractor provided acceptable training to the number of trainees specified by craft in their most recently approved Training Proposal.
4. Any good faith efforts documentation submitted by the contractor throughout the life of the project as to why the contract OJT goal was not met.
5. Whether the trainees used in the project were a minority, woman, or disadvantaged person.

As part of the Contractor's Performance Rating process, an OJT performance score will be given to the contractor based on the above criteria and the degree in which it met, or did not meet, OJT requirements.

If the contractor has successfully completed and met the project's OJT goal or found to be in compliance with the OJT Program through good faith efforts documentation, a letter of successful goal completion or a letter of good faith efforts will be issued to the contractor from the WVDOT CRCD, with copies to FHWA and the WVDOH District Construction Engineer.

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

The contractor may submit a written response to the WVDOT CRCD by providing any additional evidence that it made good faith efforts to meet the OJT goal within thirty (30) business days of receiving a Show Cause Notice.

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

XI. WVDOT REPORTING REQUIREMENTS

A. Federal-Aid Highway Construction Contractors Annual EEO Report

As a reporting requirement under 23 CFR 230.121, the WVDOT requires all contractors working on WVDOH federally funded highway construction projects to submit a Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) for each active project's last payroll period in July of each year.

The WVDOT CRCD compiles all data received in contractor's FHWA-1391 reports and submits a Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1392) to FHWA by September 30 of each year.

B. Annual OJT Goals and Accomplishments Report

Annually, by January 31, the WVDOT CRCD will report to FHWA, through the FHWA Civil Rights Connect online reporting system, required OJT Program data and related information for the period of October 1 to September 30.



Among other specific program information, WVDOT reports OJT goals and accomplishments related to the number of trainees expected to complete training programs, the number of training hours to be completed, the number of trainees to be employed, demographic data pertaining to WVDOT implementation of training requirements, job classifications reflecting under-utilization of minorities and women in the highway construction workforce, how WVDOT addresses any under-utilization, and information related to any non-compliance by contractors.

If the WVDOT Annual OJT Goal was not met, WVDOT will provide an analysis of the reasons why the goal was not met and action steps WVDOT will take to prevent a shortfall due to similar reasons in the future.

XII. ATTACHMENTS

1. WVDOT Special Provision for On-The-Job Training
2. WVDOT Form CRCD-151 "Contractor's Training Proposal"
3. WVDOT Form CRCD-150 "Contractor's Manpower Utilization Report"
4. WVDOT Form CRCD-152 "On-The-Job Training Enrollment"
5. Example of USDOL Apprenticeship Certification
6. WVDOT Form CRCD-153 "Contractor's Daily Certification of Training Hours"
7. WVDOT Form CRCD-154 "Monthly Training Report"
8. WVDOT Form CRCD-155 "Trainee Status Change"
9. 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**

Carpenters JATC
652 Ridge Road
Pittsburgh , PA 15205

The following individuals are apprentices registered with the U.S. Department of Labor, Office of Apprenticeship, under the sponsorship of program **PA003660001 - KML Carpenters' Apprenticeship & Training Fund:**

KML Carpenters' Apprenticeship & Training Fund
652 Ridge Road
PITTSBURGH , PA 15205

Apprentice ID	SSN	Apprentice Name	Occupation	Date Apprenticeship Began	Date Cancelled	Date Completed
PA15N058777	***- **- XXX	XXXXXXXX, XXXXXX	CARPENTER, PILED RIVER (1009 V1) Time-Based	7/1/2015		



Certified by the U.S. Department of Labor

Date Issued: 10/30/2018

****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 Monthly Training Report

This report **must** be e-mailed to the WVDOH OJT Program Manager by the 5th of the succeeding month. A copy **must** also be posted in ProjectWise, in the Labor Compliance folder.

Month Ending: _____

Contract ID Number: _____ Federal Project Number: _____

Project Name: _____ County: _____

Name of Contractor: _____

Field Office/Project Address: _____

Field Office/Project Telephone Number: _____

Name of Trainee: _____ Last Four of SSN: _____

Gender: _____ Male
 _____ Female

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

Classification: _____

Training Start Date: _____ Training End Date: _____
(if applicable, and submit with Form CRCD-155 from Contractor)

Number of hours this month that can be credited as training hours: _____
(Those hours that were spent in direct connection with the trainee's classification)

Total number of training hours received as of this report: _____

Percentage of Training Completed: _____

Report Prepared By:

Name of Project Engineer: _____

Signature: _____ Date: _____



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:

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

Comments:

Project Superintendent:

Name: _____ Date Submitted: _____

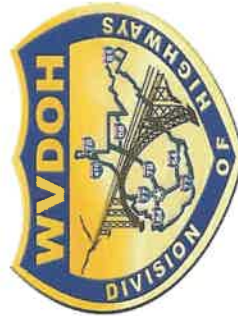
Signature: _____

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 Supervisor

Equal Opportunity Employer

State OJT Program Manager