

2/26/09

4/09/09

Revised: 6/27/11

FHWA-1273 Supplement

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## ARKANSAS DEPARTMENT OF TRANSPORTATION

### SPECIAL PROVISION

#### JOB

#### TRAINING PROGRAM

This Special Provision supersedes subparagraph 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities" and implements 23 USC 140(a).

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

The number of training slots to be trained under the special provision will be \_\_\_\_\_. A training slot will consist of 520 to 1040 hours.

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

Training and upgrading of minorities, females and disadvantaged individuals toward journey level status is the primary objective of this Special Provision. A "disadvantaged individual" is an individual that meets the criteria established by the Department of Health and Human Services Poverty Guidelines. Training in classifications such as clerk-typist, secretary, bookkeeper, fire fighter, office engineer, estimator, timekeeper, laborer, or flag person **shall not** be approved for participation under this Special Provision.

The goals for minority and female participation established in accordance with 41 CFR 60-4 and listed elsewhere in this contract in the FHWA-1273 Supplement titled "Equal Employment Opportunity Goals and Timetables" subtitled "Notice of Requirement for Affirmative Action to Ensure Equal Opportunity (Executive Order 11246)" apply to all training performed by the contractor in the covered area.

In the event that the contractor subcontracts a portion of the contract work, the contractor may not further assign a portion of the training requirements established herein without the consent of the subcontractor(s). Any assignment of these training requirements by the contractor shall be submitted in writing to the Department and an appropriately amended commitment form shall be 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 contractor shall submit to the Department's Resident Engineer at the preconstruction conference a completed Training Commitment Form (TCF). Refer to Page four of four. The TCF should specify the training program, number of trainees, training classification, estimated starting date and training hours required per training classification to be used to fulfill the training requirement of this Special Provision. The Department must approve this form within 20 working days after the preconstruction conference. The contractor may enroll additional individuals in the training program based on approval of the Resident Engineer and there is sufficient time on the project or subsequent projects to complete the training.

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If the contractor fails to submit the TCF at the preconstruction conference, work will not be allowed to start on the project until the TCF is submitted to the Resident Engineer.

Only training programs approved by the Department with FHWA concurrence, the Department of Labor, its agencies, or by a State Apprenticeship Agency or Council recognized by the U.S. Department of Labor may be used to fulfill training requirements under this Special Provision.

The contractor, upon the start of training under the contract, shall provide the Resident Engineer the following information for each trainee:

Name

Address

Telephone Number

Social Security Number

Race/Ethnic Origin

Gender

Training Classification

Training Starting Date

Classification(s) previously trained and date training was completed (if applicable)

The contractor shall furnish to the Resident Engineer the number of training hours the trainee has accumulated each month. A Trainee Termination Form shall be completed when a trainee terminates from the training program. The Resident Engineer shall receive a copy.

The contractor, prior to the start of training, shall provide written notice to each individual to be trained under this Special Provision of that individual's designation as a trainee, the training program and classification under which training will be provided, the length of the training program, and the hourly wage rate to be paid to the trainee. Each month, while enrolled in the training program, the contractor shall inform the trainee of the number of hours accumulated in the training program. Upon graduation, each trainee shall be issued a permanent certification designating the bearer as a graduate journey person of the appropriate training program.

No employee shall be employed as a trainee in any classification in which the employee has successfully completed a training course leading to journey level status or in which the employee has been employed at the journey level. Individuals may be trained a maximum of three times as long as the training is for the purpose of upgrading that individual. If the trainee is enrolled more than once on this project, the trainee will only count as one in satisfying the number that is required to be enrolled in this contract. The contractor shall satisfy this requirement by including appropriate questions in the employee application or by other suitable means. The contractor's findings in each case shall be documented.

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Except as otherwise noted below, the contractor will be paid \$2.00 per hour of training provided to minorities, women and disadvantaged individuals on this contract under an approved training program. As approved by the Department, payment will be made to the contractor for training persons in excess of the number of hours specified herein. This payment may 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 payment. Payment for off-site training may be made only if the approved training program being used by the contractor includes provisions for off-site training, the trainees are concurrently employed on a Federal-aid project, and the contractor contributes to the cost of the training, provides the instruction to the trainee, or pays the trainee's wage during the off-site training.

No payment will be made due to failure to provide the training required as stated in the approved training program and a good faith effort has not been made to retain the trainee upon completion of the training program, if work continues to be available in that classification. 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 work classification or until the trainee has completed the training program. It is desired that all trainees be on board for the entire length of the contract. Responsibilities will have been fulfilled under this Special Provision if acceptable training has been provided on the basis of the total number enrolled on the contract for a significant period or the contractor has made a good faith effort to fulfill its obligations.

Trainees will be paid at least 60 percent of the appropriate minimum journey level rate specified in the contract or no less than the common laborer rate 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 Special Provision.

**ARKANSAS DEPARTMENT OF TRANSPORTATION**

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**JOB**

**TRAINING PROGRAM**

**TRAINING COMMITMENT FORM**

In accordance with this Training Special Provision, the undersigned bidder will provide training in the following crafts and in the amount of hours indicated below.

Training Program \_\_\_\_\_

<u>Number of Trainees</u>	<u>Training Classification</u>	<u>Estimated Starting Date</u>	<u>Minimum Number of Training Hours Required Per Trainee</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date