

# **RHODE ISLAND DEPARTMENT OF TRANSPORTATION**



## **ON THE JOB TRAINING PROGRAM MANUAL**

## **Introduction and Background**

The Federal Aid Highway Act of 1968 includes a special section devoted to promoting and insuring Equal Employment Opportunity (hereinafter referred to as OJT) in the field of Federal-Aid highway construction. This Act passed by Congress outlined how the incorporation of equal opportunity legislation and regulations would be accomplished and reiterated that inclusion of these provisions reflected the congressional commitment to the development of an effective equal employment opportunity program.

Under the Federal Aid Highway Act of 1968, the inclusion of an approved affirmative action plan became an important element in the pre-qualification of contractors for federal aid projects. The On-the-Job (OJT) Program was identified as one specific area of Equal Employment Opportunity.

This OJT Guidelines Manual will provide contractors who are involved in the Rhode Island Department of Transportation (herein referred to as RIDOT) federally assisted construction projects and charged with implementing and monitoring of the OJT Program with a user friendly guidebook. The OJT Program is a tool to ensure non-discrimination in hiring, employment and training, and to meet the goals of training and retaining women, minorities and disadvantaged persons in the highway construction industry.

The training programs and procedures contained in this guidebook have been developed for use by firms doing business with RIDOT. Firms participating in the OJT program do so at no cost. Firms may develop or submit their own programs but must submit them to RIDOT for approval. All OJT Programs approved for use will embody the objectives of fairness and equity as required by the Code of Federal Regulations 23 CFR Chapter 1, Subpart C, and Section 230.307 which states:

***“Every employee and representative of State Highway Agencies shall perform all official equal employment actions in an affirmative action manner and in accord with the applicable statutes, executive orders regulations and policies enunciated there under, to assure the equality of employment opportunity, without regard to race, color, religion, sex, or national origin both in its own workforce and in the workforces of contractors, subcontractors and material suppliers engaged in the performance of federal-aid highway construction contracts.”***

## **Program Goals**

The goals of the Rhode Island Department of Transportation On-the-Job Training Program (RIDOT OJT Program) are as follows:

- a.** The primary objective of the OJT Program is to train minorities, females and disadvantaged persons in highway construction classifications.
- b.** To provide a training program that contractors may utilize for meeting their requirements for an approved, active training program that is administered in an equal opportunity manner, as described in FHWA 1273 “Supplemental Provisions—Required Contract Provisions Federal Aid Construction Contracts.”
- c.** To be used as the structured program for meeting the federal requirements for training on Federal-Aid Highway Construction Projects, as described in 23 CFR Part 230 and as outlined in the “Specific Equal Employment Opportunity Responsibilities and the Training Special Provision” (TSP) within the contracts. Hereafter, the abbreviation “TSP” will be used when referring to the Training Special Provision training slots.

The following guidelines for the training program are necessary to assure the accomplishment of these goals.

If RIDOT makes any changes to this training program, RIDOT will notify the contractor of the changes and of the time schedule for the implementation of those changes.

## **The On-the-Job-Training Program**

The primary objective of RIDOT’s OJT Program is to provide training opportunities for women, minorities, and disadvantaged persons, which will increase their participation in every job classification in the highway construction industry. Established by the U.S Congress as a special section of the Federal Aid Highway Act of 1968, after congressional hearing documented the absence of women, minorities and disadvantaged persons in the highway industry, the training goals were set by the Federal Highway Administration for states and are translated as specific training positions on construction projects. RIDOT makes the assignment of training positions on federal-aid projects. *This training requirement is a binding contract specification and contractors are obligated to meet trainee assignment(s). It is expected that the contractor will graduate the number of trainees specified in the OJT Training Plan and subsequent contract with the Rhode Island Department of Transportation. These assignments are based upon the following considerations:*

- Location of the project.
- Duration of the project.

- Total workforce expected to be used.
- Availability of targeted workers in the area.
- Dollar anticipation
- Work types available for the life of the project.

The Rhode Island Department of Transportation On-the-Job-Training Program assignments will be reviewed and approved on a project-by-project basis. All On-the-Job Training programs must include a list of job classifications covered with the training format for each job classification. If a contractor is using an approved, recognized apprenticeship-training program, a copy of the curriculum outline for the training must be submitted.

If a non-recognized training program is submitted, RIDOT must review it in accordance with the criteria on page 8 of this document.

The Rhode Department of Labor and Training administers apprenticeship programs in compliance with federal regulations that have been issued by the U.S. Department of Labor. Apprenticeship programs will vary in duration depending on position. The contractor provides Training and supervision of trainees properly enrolled in an approved training program.

All employee compensation during training is governed by the Davis/Bacon Act and the project special provisions of the contract.

## CONTRACTOR'S REQUIREMENTS

- A. Before beginning any federal aid project, the Contractor must have his or her ***Affirmative Action Plan*** in place and on file with the Department of Administration/EEO Office. This plan should also include who has responsibilities within the business for maintaining the company's EEO/AA status, orienting employees on concerns and organizing and administering the company's On-the-Job Training Program.
- B. Prior to any award, the Contractor must submit ***the OJT Acknowledgement and Statement of Intent form*** and a ***RIDOT Training Plan*** to the RIDOT Office of Business and Community Resources' (OBCR) OJT Compliance Officer for review and approval. The Training Plan must include a list of job classifications covered with a training hour format for each job classification. If a Contractor is using a *recognized apprenticeship-training program*, a copy of the curriculum outline for the training should be submitted.

When a *non-recognized training program* is submitted, RIDOT must review it and follow the criteria listed below:

### General criteria

- The training plan must be in writing and, at a minimum, must contain or meet the following criteria:

- C. Proposed OJT trainees are to be listed on the *trainee registration enrollment form* and submitted to OBCR's OJT Compliance Officer for approval. Trainees may not begin training until the approved by RIDOT.
- D. The Contractor orients the training foreman, superintendent and the OJT trainee(s) to their respective responsibilities in the program and provides copies of the training guidelines for the training job classification being used.
- E. The Contractor shall provide a *certified payroll weekly* to the Resident Engineer. This payroll should distinguish clearly the trainee's training hours from regular hours worked for each OJT trainee.
- F. The Contractor will monitor and *submit monthly reports* for all trainees in the program, for progress, any problems or training issues to the OJT Compliance Officer.
- G. The Contractor *must* notify the Resident Engineer and the OJT Compliance Officer verbally within 5 working days of any trainee *termination or trainee resignations*. The Contractor must also submit termination forms/documentation to the Resident Engineer and the OJT Compliance Officer within 10 working days after the termination. The OJT Compliance Officer will make a determination as to whether this training position needs to be filled.
- H. Contractors who assign training position(s) to subcontractors must be sure the subcontractor has an approved On-The-Job Training Plan on file with the OBCR. The Prime Contractor shall retain the responsibility for full compliance with OJT training requirements of the project.
- I. 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 *certificate* showing the type and length of training satisfactorily completed.

## **Recruitment**

The recruitment of workers who are members of the targeted population for On-the-Job Training trainees is a vital element in the Contractor's successful completion of their OJT Affirmative Action requirements. When the traditional hiring methods do not bring a sufficient number of women, minorities and disadvantaged persons into the highway construction industry, the Contractor has the responsibility to expand the scope of their recruitment activities to increase participation by women, minorities and disadvantaged persons.

It should be noted the selection of a trainee for the OJT Program need not be a new hire. Contractors are encouraged to look within their existing workforce for any potential employees that may be selected for an upgrade from their current position. In today's challenging times, contractors may find it difficult to increase staffing levels.

Contractor's exploring upgrading opportunities within their workforce may find this method of trainee selection more helpful in maintaining a compliant OJT Program.

In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race color, religion, sex, national origin, age or disability; making full efforts to obtain qualified minority and female individuals. **The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral fails to refer minority/female employees.** In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and the special provision, such contractor shall immediately notify RIDOT.

Recruitment efforts should address the following barriers for hiring minorities, women:

- Outreach: Women, minorities, and disadvantaged persons lack awareness of employment opportunities in the construction industry
- Education: Women, minorities, and disadvantaged persons lack familiarity with construction hiring practices
- Outreach / Education / Information: Women, minorities, and disadvantaged persons may view employment in the construction industry as a "temporary" job
- Education / Information: Apprehension about the construction site environment (fear of being unwanted on the job site)
- Outreach: Seek women, minority, and disadvantaged candidates that have knowledge, skills, ability and experiences that may not be directly comparable qualifying experiences for training in construction job classifications (transferable knowledge, skills and abilities).
- Structural Title VII discrimination practices by hiring personnel (Prejudices and biases)

### **Pro-active Recruitment Approaches**

- The first element in a successful recruitment effort is to make a job description specific, concise, and complete. A clear job description helps to address and overcome several of the barriers noted above. The job description serves to tell people about the highway construction industry. It "demystifies" the skills and aptitude needed, encourages the applicant, and instructs them on how to apply. Since these are training positions, companies should stress transferable skills or aptitudes in comparable qualifying experiences or craft areas that are needed or

"desirable" in applicants rather than merely indicating the kinds of work to be done or equipment to be used.

- The second element to a successful recruitment effort is the widespread distribution of any vacancy announcement and a general versus targeted outreach effort into the female, minority, and disadvantaged communities. The following are recommended recruiting approaches: Place job advertisement announcements in newspapers, newsletter and in other publications that serve the female, minority, and disadvantaged communities.
- Mail job announcements to organizations that serve the women, minority, and disadvantaged communities, such as the Urban League, SER Jobs for Progress, Progresso Latino, Goodwill Industries, RI Dept of Labor and Training, CCAP, BVCAP, Tri-Town, Vocational and Trade Schools.
- Establish a working rapport with community-based agencies that serve the women, minority, and disadvantaged communities. Conduct educational and informational workshops on the construction industry at the site of the community based agency.
- Advertise job announcements on radio and television with high women, minority, and disadvantaged person ratings, and utilize government access television channels and leased access cable television programs that reach the female, minority, and disadvantaged communities.
- Visit high schools, community colleges, colleges, university, and other technical institutions. Attend career fairs where there are significant female, minority, and disadvantaged populations.

Through the implementation of a recruitment approach that is pro-active the RIDOT and Contractors will increase their chances of successfully achieving their female, minority, and disadvantaged person hiring goals for federal aid projects.

### **Retention**

The ultimate goal of RIDOT's On-the-Job Training Program is to increase the number of Women, minorities, and disadvantaged persons in every skill category in the highway construction industry. For this reason, the retention of trainees upon their completion of the training program and graduation is a primary goal for RIDOT's On-the-Job Training Program. Termination of Women, minorities, and disadvantaged persons by a contractor immediately after completion of training is an issue of concern for RIDOT and USDOT. Although the highway construction industry requires a very fluid or mobile workforce, the goal of the On-the-Job Training Program is to place Women, minorities, and disadvantaged persons with companies on a permanent basis. Every effort should be made by contractors to encourage the graduation of On-the-Job Training participants and

to place and retain them permanently in the highway construction industry as part of their workforce.

## **Criteria for Approval of non-US DOL Recognized Training Programs to Fulfill OJT Requirements**

### General criteria

- The training plan must be in writing and, at a minimum, must contain or meet the following criteria:
  - **Training classification and trainee selection**
    1. The classification of work must be commonly recognized.
    2. Trainees shall not have more than 2000 hours of prior experience in related work, or have previously participated in more than two (2) training programs pursuant to fulfilling the TSP requirements on a RI DOT contract.
    3. The selected training classification and race/gender of the OJT candidate should serve to achieve the workforce utilization goals in the construction crafts, as stated in the contract's OJT Special Provision. By exception, contractors may be permitted to employ individuals and training classifications (i.e. assistant project managers, estimators, etc.) to fulfill training requirements where there is evidence that all efforts to recruit minorities and females in the construction crafts have been exhausted.
    4. Existing employees can be enrolled provided there is evidence that the proposed wages and completion of training serve to advance the individual's employment status **and an increase in wages**.
    5. A detailed job description will be provided that lists tasks and processes pertinent to the position for which training will be provided.
  - **Supervision**- The contractor shall give assurance and designate an experienced first-line supervisor to administer all phases of training.
  - **Wages**—for work on-site, the training classification must be listed on the approved wage decision covering the project or submitted for approval through the US DOL Conformance Process (via SF- 1444). For classifications of work not performed on the project site, the approving RI DOT official will determine whether the proposed wages are commensurate with industry practice.
  - A schedule for the payment of wages meeting the following standards shall be included: At least 60% of the approved minimum wage (incl. fringes) must be paid for the first half of training; at least 75% shall be paid in the third quarter, and at least 90% in the last quarter.
  - Period of training—the term of training shall be no less than 2,000 hours and shall not exceed 4,000 for non-apprenticeship positions. Hours for apprenticeship positions may exceed 4000 hours when they are predetermined and approved by the DOL.