

INDIANA DEPARTMENT OF TRANSPORTATION



ON-THE-JOB TRAINING PROGRAM & PARTNERSHIP AGREEMENT

Table of Contents

1.1	Definitions	1
1.2	Policy Statement	1
1.3	Nondiscrimination in Programs and Activities	2
1.4	Program Objective	3
1.5	Program Summary	3
1.6	Goal Methodology	3
1.7	Trainee Eligibility	4
1.8	Trainee Selection Procedures	4
1.9	Trainee Wage Rates	4
1.10	Training Goal Credit	4
1.11	Contractor Responsibilities	4
1.12	Good Faith Efforts	5
1.13	Program Monitoring and Sanctions for Noncompliance	5
1.14	Contractor Reporting Requirements	6
1.15	Records	6
1.16	Annual Training Goal Calculation and Partnership Agreement	7

1.1 Definitions

Contractor means “prime” contractor.

Disadvantaged Person means an individual or family that meets the Department of Health and Human Services poverty guidelines. These guidelines are updated at least annually and will be utilized as the eligibility criterion for the On-the-Job Training (OJT) Program.

Division Administrator means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State.

DOT means the U.S. Department of Transportation, including FHWA.

Federal-Aid Contract is any contract between the Indiana Department of Transportation (INDOT) and a contractor that is paid for in whole or in part with DOT assistance.

Journeyman means a person who is capable of performing all the duties within a given job classification or craft.

Minorities mean the following categories for reporting data on race and ethnicity: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander.

Supportive Services means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of various functions necessary to the program, but which are not generally considered part of the actual on-the-job training.

Trainee means a person who received on-the-job training through an approved on-the-job training program.

Training Program means any training or apprentice program that meets the standards set forth in 23 CFR 230 and has been approved by either the FHWA Division Administrator or U.S. Department of Labor.

1.2 Policy Statement

It is the policy of INDOT to require full utilization of all available training and skill-improvement opportunities to assure the increased participation of minorities, women, and disadvantaged persons in all phases of the highway construction industry.

1.3 Nondiscrimination in Programs and Activities

Title VI of the Civil Rights Act of 1964 - Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in programs or activities which receive federal financial assistance.

Title VII of the Civil Rights Act of 1964 - Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment and was passed to bring equality in hiring, transfers, promotions, compensation, access to training, and other employment-related decisions.

Form FHWA 1273 - Section II (Nondiscrimination) of Form FHWA-1273 sets forth a contractor's minimum Equal Employment Opportunity requirements. These include acceptance of a general operating policy that prohibits discrimination based on race, color, religion, sex, national origin, age, or disability.

23 CFR 230 - The provisions of 23 CFR 230 are applicable to all state highway agencies that receive federal financial assistance in connection with highway construction projects.

1.4 Program Objective

The primary objective of the OJT Program is to offer equal opportunity for the training and upgrading of minorities, women, and disadvantaged persons toward journeymen status in the highway construction trades. The OJT Program has been developed in accordance with 23 CFR 230, Appendix B to Subpart A (Training Special Provisions) and is administered by INDOT's Economic Opportunity Division.

1.5 Program Summary

INDOT's OJT Program fulfills its objective by implementing a program that is dynamic and addresses constraints through the following elements:

- The program is contractor-based and affords each contractor flexibility in selecting which projects trainees can be utilized.
- Encourages contractors to select individual trainees who can become members of the contractor's regular workforce upon completion of their program.
- Emphasizes training in skilled-craft classifications using approved apprenticeship programs and other training programs approved by FHWA.
- Monitors the quality of training each individual receives.
- Assists contractors with addressing their EEO goals through training of minorities, women, and disadvantaged individuals.
- Partners with the industry and community-based organizations capable of providing OJT supportive services to trainees.
- Encourages systematic and direct recruitment of trainees through a variety of referral sources.

1.6 Goal Methodology

INDOT will establish an annual training goal each year in which the contractor is working on a federal-aid contract in the State of Indiana. This annual training commitment will be calculated by multiplying the current three-year average number of hours worked in the highway construction trades on federal-aid contracts in the State of Indiana (as a prime or subcontractor) by five percent (5%). If a contractor does not have a current 3-year history, INDOT will establish the annual training goal at the time the contractor is awarded its first contract for that year.

1.7 Trainee Eligibility

No individual will be employed as a trainee in any classification in which he/she has successfully completed a training program or in which he/she has been employed as a journeyman.

1.8 Trainee Selection Procedures

The contractor shall make every effort to enroll minorities, women, and disadvantaged persons into their training programs by conducting systematic and direct recruitment through public and private sources (e.g., partnerships with trade groups, minority and women organizations, community-based organizations, and employment agencies) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with the Training Special Provisions. 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.

1.9 Trainee Wage Rates

Trainees will be paid at the appropriate percentage of the journeyman's rate specified in the federal-aid contract for the job classification involved.

1.10 Training Goal Credit

INDOT strongly encourages contractors to utilize trainees on all of their projects. Training credit will be allowed for each eligible trainee employed on any project (i.e., federal-aid, state, and private). Training may be provided by a subcontractor, provided the contractor retains the primary responsibility for meeting the training requirements.

1.11 Contractor Responsibilities

Contractor responsibilities in implementing the Training Special Provisions include the following:

- 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.
- The ratio of trainees to journeymen shall not be greater than permitted by the terms of the approved training program.
- The contractor will periodically review the training and promotional opportunities for minorities, women, and disadvantaged employees and will encourage eligible employees to apply for such opportunities.
- The contractor will advise employees and applicants for employment of available training programs and entrance requirements.
- The contractor shall furnish each trainee with a copy of the training program he/she is enrolled.

- If a trainee is terminated, the contractor is required to make good faith efforts to replace the trainee.
- Contractors are required to have an approved training program prior to working on a federal-aid contract.

1.12 Good Faith Efforts

If a contractor does not or cannot achieve its annual training goal, it must provide adequate Good Faith Efforts documentation. Good Faith Efforts are those efforts designed to achieve equal opportunity through positive, aggressive, and continuous result-oriented measures. Good Faith Efforts should be taken as new trainee opportunities become available.

INDOT will consider all contractors' documentation of Good Faith Efforts on a case-by-case basis. Consideration will be given to the following:

- Availability of minorities, females, and disadvantaged persons for training opportunities.
- The potential for effective training.
- Dollar value and length of contract.
- Total workforce that the average bidder could be expected to use.
- Geographic location.
- Type of work.
- The need for journey-level individuals in the area.

Good Faith Efforts may include, but are not limited to:

- Contact minority and female employees to gain referrals on other minority and female applicants.
- Contact minority and female recruitment sources when hiring opportunities arise.
- Upgrade minority and female unskilled workers into the skilled classifications when possible.
- Review and follow up on previously received applications from minorities and females when hiring opportunities arise.
- Maintain documentation of efforts made to achieve diversity in the workforce.

1.13 Program Monitoring and Sanctions for Noncompliance

INDOT will continuously monitor contractor compliance with the goal and objectives outlined in the OJT Program. If a contractor can demonstrate that it achieved its annual training goal or that it made adequate Good Faith Efforts to do so, then INDOT will make the determination that the contractor is in compliance with the OJT program.

Where a contractor has neither achieved its training goal nor submitted adequate Good Faith Efforts documentation, INDOT will issue a Show Cause Notice for noncompliance and require the contractor to explain the deficiency and/or submit a written Corrective Action Plan outlining the actions it will undertake to prevent future recurrence. If a contractor fails or refuses to submit a Corrective Action Plan within 30 calendar days of receiving the Show Cause Notice, INDOT may impose administrative sanctions. Administrative sanctions for noncompliance may include: liquidated damages, withholding of progress payments, termination or cancellation of contracts, and removal of prequalification status or inability to bid on future contracting opportunities.

1.14 Contractor Reporting Requirements

OJT Trainee Introduction Form – must be submitted to INDOT at time of hire for approval into OJT Program.

OJT Trainee Termination/Completion Form – must be submitted to INDOT whenever a trainee is terminated or successfully completes their training program.

Monthly OJT Trainee Report – reflects the number of training hours acquired by the trainee for a given month. The report must be submitted to INDOT by the 2nd week of each month following the month being reported. For example, March reports are due by the end of the second week of April.

Monthly Project Report – provides a monthly listing of all projects (i.e., federal-aid, state, and private) the contractor is employed. The report must be provided to INDOT by the 2nd week of each month following the month being reported. For example, March reports are due by the end of the second week of April.

Quarterly OJT Trainee Evaluation Form – provides a quarterly assessment of the trainee. The report must be submitted to INDOT by the 2nd week of the month following the quarter. For example, first quarter (January-March) reports are due by the second week of April.

Annual OJT Training Report – provides an annual summary of the contractors OJT performance. The report must be submitted to INDOT within 2 weeks after year-end.

REPORTS ARE DUE AS INDICATED ABOVE REGARDLESS OF ACTIVITY.

1.15 Records

The contractor shall retain all training and reporting records relating to its annual training commitment for a period of three years. Such records shall be available at reasonable times and places for inspection by authorized representatives of INDOT and FHWA.

1.16 Annual Training Goal Calculation and Partnership Agreement

Step 1: Determine the total number of hours worked in the highway construction trades on **federal-aid** contracts in the State of Indiana (as a prime or subcontractor) during the past three years. Do NOT include hours worked on state-funded and private work.

CLASSIFICATION	2013 HOURS	2014 HOURS	2015 HOURS
Carpenters			
Cement Masons			
Electricians			
Equipment Operators			
Iron Workers			
Laborers			
Mechanics			
Millwrights			
Painters			
Pipefitters/Plumbers			
Truck Drivers			
TOTAL			

Step 2: Add the total number of hours from each year and divide by three (3):

	+		+		=		÷ 3 =	
2013		2014		2015				Average Hours

Step 3: Multiply the “Average Hours” by five percent (5%):

	X	.05	=	
Average Hours				2016 Training Goal

I hereby agree to all of the terms and conditions contained herein and affirm under penalty and perjury that the information stated above is true and accurate.

FOR CONTRACTOR USE		FOR INDOT USE	
Company Name		Authorized Signature	Date
Authorized Signature	Date	Printed Name and Title	
Printed Name and Title			
Telephone Number	Email Address		

Please detach Section 1.16 and return to INDOT c/o Kristin Stone at krstone@indot.in.gov

FOR MORE INFORMATION CONTACT

Indiana Department of Transportation
Economic Opportunity Division
100 North Senate Avenue
N-750
Indianapolis, IN 46204

Kristin Stone
Contract Compliance Specialist / On-the-Job Training Program Lead
317-232-0628
krstone@indot.in.gov

David Alyea
Contract Compliance Manager
317-234-7843
dalyea@indot.in.gov