

SECTION 645

TRAINING PROGRAM

645-1.01 DESCRIPTION. This Training Special Provision implements 23 CFR 230, Subpart A, Appendix B.

As part of the Equal Employment Opportunity Affirmative Action Program, the Contractor shall provide on-the-job training aimed at developing full journey status through Registered Apprenticeship in the type of trade or job classification involved. The number of individuals to be trained and the number of hours of training to be provided under this contract will be as shown on the bid schedule.

645-2.01 OBJECTIVE. Training and upgrading of minorities and women toward journey status is the primary objective of this program. The Contractor shall enroll minorities and/or women, where possible, and document good faith efforts prior to the hire of non-minority males in order to demonstrate compliance with this Training Special Provision. Specific good faith efforts required under this Section for the recruitment and employment of minorities and women are found in the Federal EEO Bid Conditions, Form 25A-301, items 7.b, 7.c, 7.d, 7.e, 7.i, 7.j and 7.l.

645-3.01 GENERAL. The Contractor shall determine the distribution of the required number of registered apprentices and the required number of hours of training among the various work classifications based upon the type of work to be performed, the size of the workforce in each trade or job classification, and the shortage of minority and female journey workers within a reasonable area of recruitment.

Where feasible, 25 percent of apprentices in each occupation shall be in their first year of apprenticeship.

Prior to award of the contract, the Contractor shall submit Form 25A-311, Training Utilization Report, indicating the training program to be used, the number of apprentices to be trained in each selected classification, the number of hours of training to be provided (with a minimum of 250 hours for each apprentice position), and the anticipated starting time for training in each of the classifications.

Contractors may use any registered apprenticeship training program approved by the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA).

It is expected that each apprentice 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 or until training has been completed. It is not required that apprentices be continuously employed for the duration of the contract. No employee shall be employed for credit as an apprentice in a classification in which that employee has previously worked at journey status or has previously completed an OA approved training course leading to journey status.

The Contractor shall periodically review the training and promotion potential of minority and women employees and shall encourage eligible employees to apply for such training and promotion opportunities.

The Contractor must submit Form 25A-312 to the Engineer for each apprentice being trained under this section.

The Contractor must submit Form 25A-313 to the Engineer and the Civil Rights Office by the 15th of each month showing creditable hours worked by the apprentice during the previous month. These hours must be supported by certified payroll.

645-3.02 WAGES. Apprentices shall be paid in accordance with their approved program. Beginning wages of each apprentice enrolled in a Section 645 Training Program on the project shall be identified on Form 25A-312.

645-3.03 SUBCONTRACTS. In the event the Contractor subcontracts a portion of the work, he shall determine how many apprentices are to be trained by the subcontractor. Any such subcontracts shall include

this Section 645 and Form 25A-311. The subcontractor is required to use registered apprenticeship as a means to meet the intent of this provision. However, the responsibility for meeting these training requirements remains with the Contractor. Compliance or non-compliance with these provisions rests with the Contractor and sanctions and/or damages, if any, shall be applied to the Contractor in accordance with subsection 645-5.01, Basis of Payment.

645-4.01 METHOD OF MEASUREMENT. The Contractor will be credited for each approved apprentice employed on the project and reimbursed on the basis of hours worked, as listed in the certified payrolls. There shall be no credit for training provided under this section prior to the Contractor's submittal and the approval by the Department of Form 25A-312 for each apprentice trained under this Section.

645-5.01 BASIS OF PAYMENT. Payment will be made at the contract unit price for each hour of training credited. Where an apprentice graduates and is employed as a journey worker the individual training position will be considered complete. The Contractor will receive payment only for those hours of training actually provided.

This payment will be made regardless of any other training program funds the Contractor may receive, unless such other funding sources specifically prohibit the Contractor from receiving other reimbursement.

Payment for training in excess of the number of hours specified on the approved Form 25A-311, may be made when approved by the Engineer.

Non-compliance with these specifications shall result in the withholding of progress payments until good faith efforts documentation has been submitted and acceptable remedial action has been taken.

Payment will only be made following the completion of all training requirements approved for the project. No payment or partial payment will be made to the Contractor if he fails to do any of the following and where such failure indicates a lack of good faith in meeting these requirements:

1. provide the required hours of training (as shown on the approved Form 25A-311),
2. train the required number of apprentices in each training position (as shown on the approved Form 25A-311), or
3. hire the apprentice as a journey worker in that classification upon completion of the OA training program for as long as work in that area remains.

Failure to provide the required training damages the effectiveness and integrity of this affirmative action program and thwarts the Department's federal mandate to bring women and minorities into the construction industry. Although precise damages to the program are impractical to calculate, they are at a minimum, equivalent to the loss to the individuals who were the intended beneficiaries of the program. Therefore, where the Contractor has failed, by the end of the project, to provide the required number of hours of training, or to train the required number of apprentices; and has failed to submit acceptable good faith efforts documentation which establishes why he was unable to do so, the Contractor will be assessed an amount equal to the following damages to be deducted from the final progress payment:

Number of hours of training not provided, times the journey worker hourly scale plus benefits. The journey worker scale is that for the classification identified in the approved programs.

Payment will be made under:

Pay Item	Pay Unit
645(1) Training Program, ___ Apprentices	Labor Hour