

ON-THE-JOB TRAINING PILOT PROGRAM GUIDELINES & PROCEDURES



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**ARIZONA DEPARTMENT OF TRANSPORTATION
ON-THE-JOB TRAINING PILOT PROGRAM**

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ARIZONA DEPARTMENT OF TRANSPORTATION ON-THE-JOB TRAINING PILOT PROGRAM

I. PROGRAM DESCRIPTION

A. Purpose

The Arizona Department of Transportation (ADOT) created its On the Job Training Program (OJT Program) and Special Provision to fulfill the Training Special Provision requirements of federal-aid highway construction contracts included in 23 CFR 230, Appendix B to Subpart A. The purpose of the OJT Program is to address the underrepresentation of minority, female, veteran and economically disadvantaged individuals in the highway construction trades through the assignment of OJT goals. The primary objective of the OJT Program is the training and upgrading of minorities, women, veteran and disadvantaged individuals via completion of a required number of levels and hours of training within a year and/or achieves journey-level status on ADOT federal-aid contracts. In meeting its objectives, the OJT program shall not be used to discriminate against any applicant for training, whether a member of a minority group or not. ADOT's Business Engagement & Compliance Office (BECO) is responsible for administering the OJT Program.

In the past, ADOT implemented a Project-Based OJT program that set OJT training hour goals and number of OJT Trainees on project valued at greater than \$2,000,000 and lasting more than 120 days. Evaluation of the program revealed that the current project-based program model might not produce the desired result of helping OJT Trainees to reach journey-level status.

B. Advisory Committee

An OJT Task Force has been established to assist ADOT in the development and implementation of procedures to transition from a Project-Based to a Contractor-Based OJT Program. The OJT Task Force is responsible for:

- Making recommendations to improve the program
- Identifying job classifications for the OJT Compliance Program
- Developing standardized training hours for each classification
- Providing input into the development of program procedures
- Marketing and promoting the program among Contractors
- Providing guidance and technical assistance during the pilot program and project implementation; and
- Providing guidance in how to help effectively coordinate the OJT Compliance and OJT Supportive Services programs

BECO Manager and a designee of the Arizona Chapter of the Association of General Contractors chaired the OJT Task Force. Members of the committee include representative from ADOT's Construction and Contracts & Specifications Groups, Contractors, FHWA Arizona Division, Apprenticeship organizations, highway construction industry organizations, industry union representatives, community-based organizations and other related organizations.

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C. Definitions

“OJT Trainee” herein refers to (a) a minority, female, veteran or economically disadvantaged individual enrolled in either a State of Arizona registered Apprenticeship Program or the ADOT OJT program and (b) any other individual ADOT approved for enrollment in such an apprenticeship or OJT program and for credit toward the OJT Goals.

“Program Completion” herein refers to the point in time when a trainee in the ADOT OJT Program has completed the required number of levels and hours of training within a calendar year for a designated craft classification or a registered Apprenticeship program, or has achieved journey-level status.

“Journey-Level Status” applies to a person who has completed a registered apprenticeship program or is an experienced worker, not a trainee, and is fully qualified and able to perform all of the duties of a specific trade without supervision.

“Economically Disadvantaged Persons” applies to a person who:

- 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
- Is a member of a family and/or household that receives (or has been determined within the 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
- Is a foster child on behalf of whom State or local government payments are made
- Does not have a high school diploma or GED
- Is from a family whose total annual household income is below the limits listed in Appendix A

D. Program Summary

The ADOT OJT Program fulfills its objective by: (1) fostering long-term relationships between Contractors and OJT Trainees, (2) encouraging Contractors to assist OJT Trainees in fully attaining Journey-level status, and (3) offering Contractors maximum flexibility in fulfilling their training obligations.

The Contractor shall designate an OJT Program Liaison to communicate with ADOT and complete required tasks that will be discussed in later sections of the document. ADOT BECO staff will be the ADOT contact for the OJT program.

The ADOT OJT Program assigns Contractors an annual training goal based on the average of federal contract dollars awarded to the Contractor in the previous federal fiscal year and projected contract awards for the upcoming federal fiscal year. Contractors may assign eligible OJT Trainees that are enrolled in a registered Apprenticeship or ADOT OJT program, as outlined in Section II A, to any construction project on which the Contractor is a prime, including non-ADOT projects. Contractors may assign approved OJT Trainees to any federal-aid projects. This includes non-ADOT projects, as long as more than 40% of training hours are completed on ADOT federally funded projects. ADOT will not reimburse the Contractor for trainee hours on non-ADOT federally funded projects. Contractors may also assign OJT Trainees to be trained by subcontractors on any project with ADOT approval. However, the contractor will only receive credit towards its annual goal for hours earned by its own OJT Trainees. The contractor’s OJT Trainees must

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be employed by the contractor and be enrolled in an approved training program as described in subsection A, Use of Approved Training Program of the Program Requirements.

Hours earned by a subcontractor's OJT Trainees on a project will be credited to that subcontractor's annual training goal and the contractor shall reimburse the subcontractor in accordance with subsection F of the Program Requirements.

Contractors shall make every effort to meet their OJT Program goals by enrolling minority, female, veteran and economically disadvantaged OJT Trainees (i.e. by conducting systematic and direct recruitment through public and private sources likely to yield minority, female, veteran and economically disadvantaged individuals) to the extent that such persons are available within a reasonable area of recruitment. When a Contractor cannot meet its annual training goal with minorities and female, veterans, it is responsible for demonstrating its Good Faith Efforts taken to meet the goal. Examples of what actions constitute Good Faith Efforts are set forth in Section III of this document. ADOT will make compliance determinations regarding the OJT Program based upon either attainment of the annual goal or the Good Faith Efforts to meet it.

No employee shall be employed as an apprentice or trainee in any classification in which he or she has successfully completed a training course leading to journey-level status or in which he or she has been employed as a journeyperson. The Contractor shall satisfy this requirement by including appropriate questions in the employment application or by other suitable means. Regardless of the method used, the Contractor's records shall document the findings in each case. Such records shall be available for inspection by authorized representatives of ADOT and the Federal Highway Administration (FHWA).

The trainees shall be distributed among the work classifications on the basis of the contractor's needs and the availability of journey-level status individuals in the various classifications. The ratio of apprentices and OJT Trainees to journeyperson 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 apprentices and OJT Trainees to journeyperson expected to be on the Contractor's work force during normal operations shall fall between 1:10 and 1:4, pursuant to 23 CFR 230.111(c)(10).

E. Annual Training Goal

Contractors will propose to ADOT BECO an annual trainee goal of the number of OJT Trainees that will complete the program for approval by November 1st of each year for the upcoming calendar year in which they will participate. Timeline for OJT training hours will begin on January 1st and end on December 31st of each year. Contractors will be approved for an annual training goal based on the average dollars awarded by ADOT on all federal highway projects from the previous federal fiscal year (October 1-September 30) and the anticipated dollars they project they will be awarded in the upcoming calendar year (January 1 through December 31).

The number of trainee positions will be based on the following:

\$ 2,000,000 - \$25,000,000 = 1 OJT Trainee
\$25,000,001 - \$50,000,000 = 2 OJT Trainees
\$50,000,001 - \$75,000,000 = 3 OJT Trainees

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\$75,000,001 - \$100,000,000 = 4 OJT Trainees
\$100,000,001 - \$200,000,000 = 5 OJT Trainees
\$200,000,001 - \$400,000,000 = 6 OJT Trainees
\$400,000,001 - \$500,000,000 = 7 OJT Trainees
\$500,000,001 - \$600,000,000 = 8 OJT Trainees
\$600,000,001 - \$700,000,000 = 9 OJT Trainees
\$700,000,001 - \$1 Billion = 10 OJT Trainees
\$1 Billion or more = 15+ Trainees

For example: Federal Award FY14: \$50,000,000 + Projected Calendar Year 2015: \$40,000,000 = \$90,000,000. $\$90,000,000/2 = \$45,500,000 = 2$ OJT Trainees

Note:

During the Pilot Program, participating contractors are requested to train at least one (1) OJT Trainees to complete at least one level (1,000 hours) of training each during the 12-month pilot period (details in Section F below)

Every federal-funded contract that a Contractor has with ADOT within a given calendar year shall incorporate the Contractor's annual OJT Trainee goal commitment for that year and an assurance that the Contractor will adhere to the OJT program specifications, standards and procedures.

Since not every OJT Trainee that enroll in the program will complete the program, Contractors are encouraged to enroll sufficient numbers of OJT Trainees (well beyond the number of their annual training goal) to help ensure that they will meet their annual OJT goal if some OJT Trainees drop out of the program during the year.

Contractors may request or be approved for additional OJT Trainees from the target population beyond their annual assignment. OJT Trainees that have not completed their required hours within a calendar year may be "rolled-over" to the next calendar year for purposes of meeting the annual goal pursuant to guidelines outlined in Section V of these procedures.

New Contractors that did not have an annual training goal approved by ADOT for the calendar year must contact the ADOT BECO to propose and have a goal approved prior to working on an ADOT Project.

If a Contractor disagrees with an annual trainee goal determination made by ADOT, the Contractor may make an appeal in writing to the ADOT BECO Manager outlining the reasons they disagree and must provide evidence to support the appeal. The decision of the BECO Manager is final.

While ADOT strongly encourages Contractors to independently provide on the job training on their projects, only those Contractors who have reached the above-mentioned threshold are required to participate in and are bound by the provisions of this OJT Program. When a Contractor is not assigned an annual training goal, but still utilizes OJT Trainees/apprentices on a federal-aid project, the Contractor will be reimbursed for training hours under the OJT pay item. The Contractor may pay the OJT Trainees/Apprentices the wages allowed in the approved training program, which may be less than the minimum pay rate for the classification. The Contractor is still required to use a registered Apprenticeship Program or ADOT's

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program, register its OJT Trainees in the program, pay OJT Trainees according to the program, and show OJT Trainees on its payrolls as required by FHWA-1273, Sections IV and V.

ADOT BECO must approve all OJT Trainees in order for the contractor to receive credit for the OJT Trainee.

ADOT will continue to assess OJT goals on contracts for budget purposes using the same criteria of 500 hours per trainee for every \$2M and 120 days of work. These hours will be used as a guideline for the maximum contractor incentive reimbursement allowed on an ADOT contract. Contractors will not be penalized for not meeting goals on individual contracts, but must meet goal for assigned number of OJT Trainees at the end of the calendar year.

F. Pilot Program Goals and Schedule

Contractors that were awarded more than \$2,000,000 by ADOT for federal highway projects for the previous federal fiscal year (October 1, 2013-September 30, 2014) will be required to participate in the OJT Pilot Program. Each Contractor will be required to train at least one (1) OJT Trainee during the 12-month pilot program from July 1, 2015 to June 30, 2016. During the pilot period, Contractors are permitted to enroll several OJT Trainees with the goal of at least one (1) OJT Trainees completing the program requirements within the 12-month pilot period.

Tentative Pilot Program Schedule

- Complete Pilot Program Procedures and Standardized Training Programs – December 2014
- Contractor Informational Session – February 5, 2015
- Contractor Outreach/Education about Pilot Program – February– May 2015
- Orientation and Training of Contractors participating in the Pilot Program – March-May 2015
- OJT Contractor-Based Pilot Program Begins – July 2015
- Mid-Year Pilot Program Review Meeting – January 2015
- Conclude Pilot OJT Program – July 2016
- Final Program Revisions – September 2016
- Official OJT Contractor-Based Program Kickoff with Contractors Submission of Annual Trainee Goal-October 2016
- OJT Contractor-Based Program Begins with Contractors Reporting Calendar Year 17 Trainee Hours – January 1, 2017

II. PROGRAM REQUIREMENTS

A. Use of Approved Training Program

Upon implementation of this program, ADOT will only recognize two types of Contractor-based training programs. Those programs are:

1. ADOT's OJT Program as approved by FHWA

or

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2. Registered Apprenticeship and OJT programs registered with the Bureau of Apprenticeship, U.S. Department of Labor and/or the State of Arizona, provided OJT Trainees or apprentices are minority, female, veteran or economically disadvantaged.

Contractors must use one or both of these programs. The contractor shall indicate which OJT program it is using for each trainee on his/her Trainee Enrollment form. It is the intention of the program that training be provided in the construction crafts rather than for office support positions. Some off-site 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.

Timeline for training hours will begin on January 1st of each year unless otherwise approved by ADOT BECO. All training programs must be administered in a manner consistent with the equal employment obligations of federal-aid highway construction contracts. ADOT reserves the right to request documentation that a program fulfills these obligations. Contractors must ensure that each trainee does not exceed the maximum number of training hours required for the completion of the selected training program unless prior approval is received from ADOT.

B. Wage Requirements

The trainee will be paid the appropriate trainee Davis-Bacon wage rates for training classifications/crafts on federally-funded projects. The contractor shall compensate OJT Trainees according to pay levels and percentages outlined in the ADOT Training Program Manual.

C. Recruitment, Selection, Orientation, Retention and Termination of OJT Trainees

Recruitment of OJT Trainees:

1. Since not every OJT Trainee that enrolls in the program will complete the program, the Contractor is encouraged to enroll sufficient numbers of OJT Trainees (well beyond the number of its annual training goal) to help ensure that it will meet its annual OJT goal if some OJT Trainees drop out of the program during the year.
2. Contractors shall place information, notices, posters, flyers, brochures, etc., setting forth that the Contractor is an Equal Employment Opportunity employer and advertisements for the OJT program must be placed in locations that are readily accessible to employees, applicants for employment and other potential employees.
3. Contractors shall recruit members of the target group (minority, female, veteran and economically disadvantaged individuals) for all OJT trainee positions in accordance with 23 CFR 230, Appendix B to Subpart A.
4. Contractors shall conduct systemic and direct recruitment through public and private referral sources.
5. Contractors may screen their current employees that match the target group for upgrading. No employee shall be employed as an apprentice or trainee in any classification in which he or she has successfully completed a training course or has been employed as a journeyperson.

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6. Contractors are also encouraged to contact ADOT BECO to recruit minority, female, veteran and economically disadvantaged individuals from ADOT-sponsored Pre-Apprenticeship programs.

Selection of OJT Trainees:

1. Contractors shall employ members of the target group (minority, female, veteran and economically disadvantaged individuals) for all OJT trainee positions in accordance with 23 CFR 230, Appendix B to Subpart A.
2. Contractors shall make every effort to effectively and fairly screen applicants that have a good likelihood of persisting through the program to completion. ADOT OJT Supportive Services Program might be able to provide some assistance such as child care and transportation assistance for OJT Trainees.
3. Contractors must secure and provide ADOT with documented proof of the disadvantaged status for any non-minority male trainee proposed for the OJT Program, such as documentation that substantiates any of the criteria listed in the definition of Disadvantaged Persons (see Appendix A). Non-minority male OJT Trainees may be approved by ADOT on a case-by-case basis based on documentation provided by the Contractor. Contractor must submit Good Faith Efforts documentation that it tried to secure minority, female, veteran and economically disadvantaged OJT Trainees and none were available.
4. Employment of OJT Trainees must be in accordance with the workforce needs and requirements of the Contractor.
5. Contractors may not employ an individual as a trainee in a job classification in which that individual has successfully completed a training course leading to journey-level status or in which the individual has been previously employed as a journeyperson.

Orientation of OJT Trainees

Prior to the start of training, the Contractor shall provide all OJT Trainees with an orientation to the program and the company. At a minimum, the orientation shall include:

1. Company policies and procedures
2. OJT program requirements
3. Seasonality of construction work
4. Adverse weather conditions under which work may occur
5. Desired work ethics
6. Promotional opportunities and how they occur
7. Company dress code such as steel toe boots, foul weather gear, etc.
8. Safety issues, including OSHA 10
9. Name and contract information of trainee's Supervisor, Training Coordinator and Company's OJT Liaison

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10. Method and frequency of wages paid for both on and off-site training
11. Company Contractor EEO/Nondiscrimination, Sexual Harassment, Disciplinary, Termination, Layoff and other relevant policies
12. Name and contact information for company OJT Liaison and ADOT BECO OJT Workforce Development Program Manager

Retention of OJT Trainees:

1. Contractors are expected to make reasonable effort to help retain OJT Trainees in the program.
2. Contractors shall assign its designated OJT Liaison or his/her designee to maintain regular contact, at least monthly, and follow-up with each trainee to provide support and identify and help resolve issues that will reduce the likelihood of trainee dropout or termination. Contact ADOT BECO office for assistance, as needed.
3. Contractors are expected to work with ADOT BECO staff to help coordinate OJT Supportive Services to help retain OJT Trainees.

Termination of OJT Trainees:

1. Contractors may terminate a trainee for just cause.
2. Contractors must submit a Trainee Termination/Completion Form to ADOT BECO after each approved OJT trainee has completed the required levels and hours of training and/or after the OJT trainee has been terminated for just cause.
3. Contractors shall also submit a Trainee Termination/Completion form to ADOT BECO if the trainee is laid off due to lack of work. Contractors must indicate on the form whether the trainee is expected to return the following construction season.
4. If a trainee terminated voluntarily or is terminated by the Contractor for just cause prior to the end of the federal fiscal year, the Contractor must make Good Faith Efforts to replace the trainee with another minority, female, veteran and economically disadvantaged applicant within 30 days of the termination. The replacement trainee does not have to be the same classification as the terminated trainee and must start with anew with his/her own hours.
5. Contractors shall ensure that each trainee does not exceed the maximum number of training hours required for the completion of the selected training program without prior consent from ADOT.

D. Reporting/Submittals Requirements

1. Contractors must complete and submit the following documents to ADOT BECO:

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- a. *OJT Annual Goal Request* form by November 1st of each year to request the annual OJT Program Trainee goal (not during the Pilot Program)
- b. *OJT Program Trainee Enrollment* form for approval for each proposed minority, female, veteran and economically disadvantage, and other OJT Trainee throughout the year as each individual is hired. Form must be submitted within the first week of hire, if working on an ADOT project.
- c. Contractors shall enter trainee hours worked on ADOT construction projects on a weekly basis into the web-based Labor Compliance System, LCPtracker. Trainee hours not entered into LCPtracker by the 15th of each month for the preceding month will be considered delinquent. Trainee hours on non-ADOT contracts shall be entered into LCPtracker on a monthly basis.
- d. *OJT Monthly Progress Report* form shall be submitted for each month by the 15th of the following month reporting all training activity for all trainees.
- e. *OJT Monthly Trainee Progress Report* Form shall be submitted for each trainee for each month by the 15th of the following month reporting training activity for each trainee.
- f. *OJT Trainee Termination/Completion* form for each approved OJT trainee who completed the required levels and hours of training and/or after the OJT trainee has been terminated for just cause.
- g. *OJT Annual Summary Report* form by January 15th of each year for the previous calendar year. The report must give an accurate account of all trainee hours; identifying each trainee by name, ethnicity, and gender and identifying each project and/or contract and the trainee hours attributed thereto and any requested OJT Trainees to be carried over into the next calendar year.

Contractors should also note that:

- a. December's monthly reports and uploads into LCPtracker submitted after January 31st will not be accepted or considered towards goal attainment for the previous federal fiscal year.
- b. If a Contractor did not attain its annual goal, it must submit, with its OJT Program Annual Summary Report and documentation of its Good Faith Efforts to attain the goal (see Section III below).

Standard OJT requirements associated with individual projects will no longer be applied at the project level for new projects. OJT requirements will be applicable on an annual basis for each contractor performing work on ADOT projects. Contractors should only submit paperwork for individuals accepted and enrolled in an approved training program as outlined in Section II A, and not for individuals participating in other training and/or apprenticeship programs.

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E. Contractor Participation

The Contractor's designated OJT Liaison shall be responsible for monitoring and administering the OJT Trainees' progress. The OJT Liaison shall serve as the point of contact for ADOT representatives regarding information, documentation, and conflict resolution. The Contractor shall furnish each trainee a copy of the Training Program, monthly reports that reflect their training hours accumulated to date and other documentation related to the training program. The Contractor shall further make every reasonable effort to provide training that develops skills as required by the training program. The Contractor shall furnish to each trainee, upon successful completion of their training program, a certificate showing the type and length of training satisfactorily completed.

F. Contractor Reimbursement

ADOT will reimburse the Contractor \$3.00 per hour of training provided to a trainee on an ADOT Federal-aid project in accordance with the maximum number of hours approved for reimbursement on the project during the Pilot Program. Reimbursement will not be made for a trainee's hours that exceed the maximum number of training hours required for the completion of his/her training program. In addition, the contractor will not be reimbursed for hours in excess of the maximum training hours shown on the project bid schedule unless written approval is received in advance from ADOT.

The maximum number of hours approved for reimbursement on each ADOT federal-aid contract will be calculated by the Department, based on the engineer's estimate for the project and the contract time.

Contractors shall reimburse subcontractors for the subcontractor's trainees on ADOT federally funded projects at least 75-percent of the amount paid to the contractor by the Department per training hour.

G. Trainee Wage Rates

The trainee will be paid the appropriate Davis-Bacon wage rates or the prevailing wage rate for training classifications/crafts on federally-funded projects. The contractor shall compensate OJT Trainees according to pay levels and percentages outlined in Appendix B.

III. Good Faith Efforts

If a Contractor does not or cannot achieve its annual training goal with minority, female, veteran and economically disadvantaged OJT Trainees, it must produce documentation of adequate Good Faith Efforts by completing and submitting the Good Faith Effort form and supporting documentation to ADOT BECO. 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 taken as trainee hiring opportunities arise. Whenever a Contractor requests ADOT approval of someone other than a minority, female, veteran and economically disadvantaged individuals for credit towards its annual training goal, the Contractor must submit documented evidence of its good faith efforts to fill that position with a minority, female, veteran and economically disadvantaged individual.

ADOT will consider all Contractors' documentation of good faith efforts on a case-by-case

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basis, and take into account the following:

- Availability of minorities, female, veterans or disadvantaged individuals for training;
- The potential for effective training;
- Duration of contracts;
- Dollar value of contracts;
- Total normal work force that the average contractor could be expected to use;
- Geographic location;
- Type of work; and
- The need for journey-level individuals in the area.

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

- Solicit minority, female, veteran and economically disadvantaged employees to gain referrals for other minority, female, veteran and economically disadvantaged applicants;
- Upgrade minority, female, veteran and economically disadvantaged unskilled workers into the skilled classifications when possible;
- Accept applications at the project site, at the Contractor's office or online;
- Review and follow up on previously received applications from minority, female, veteran and economically disadvantaged individuals when hiring opportunities arise;
- Maintain evaluations that monitor efforts made to achieve diversity on federal-aid projects and the Contractor's workforce in general (i.e. significant numbers of minority, female, veteran and economically disadvantaged individuals employed on a company wide basis); and
- Contact the ADOT BECO OJT/Workforce Development Program Manager to inquire about potential trainee candidates from ADOT-sponsored Pre-Apprentice Programs.

IV. ADOT PROGRAM MONITORING

A. Training Hours

1. Credit will be allowed towards the Contractor's annual goal for the year in which the trainee entered training.
2. Credit will be allowed for each trainee employed on a project, pending official enrollment for all documented hours completed.
3. Credit will be allowed for a terminated trainee if the Contractor demonstrated good faith efforts and the trainee completed more than 90% of the training hours for the year.
4. Credit will not be allowed when the Contractor fails to provide the required training or does not make satisfactory good faith efforts to meet the requirements of the program.

B. ADOT Program Oversight

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1. The ADOT BECO will review and approve all *OJT Annual Goal Request* submitted by Contractors.
2. The ADOT BECO will review and approve all OJT Trainees submitted by Contractors on the *OJT Program Trainee Enrollment Form* for enrollment towards meeting the annual OJT goal.
3. ADOT BECO shall review the *OJT Monthly Progress Report* forms submitted by Contractors for all trainees and reach out to Contractors and/or OJT Trainees to inquire about lack of progress towards training goals, resolve any issues and to provide technical assistance as needed.
4. ADOT BECO shall review the *OJT Monthly Trainee Progress Report* form submitted by Contractors for each trainee and reach out to Contractors and/or OJT Trainees to inquire about lack of progress towards training goals, resolve any issues and to provide technical assistance as needed.
5. BECO may conduct periodic site visits to a contractor's worksite to review OJT Program compliance, as part of a FHWA required Contractor Compliance Program Review process. The site reviews may include, among other activities, interview of trainees, the contractor, and its employees. The contractor shall cooperate in the review and make its employees available. The contractor's OJT Liaison shall be available to meet with BECO staff as well as be available to respond to periodic emails and phone calls from BECO to check on the progress of OJT Trainees. BECO will make every effort to ensure minimal disruption to a contractor's work
6. BECO may also reach out to OJT Trainees to provide supportive services as needed.
7. BECO shall review and process *The OJT Trainee Termination/Completion* form and notify contractors once the submittal is approved. BECO will notify the contractor if more information is needed for approval.
8. The contractor will issue and provide a Training Certificate of Completion to its trainees upon approval from BECO.
9. BECO shall review the *OJT Annual Summary Report*, Good Faith Effort documentation and any requests to carryover OJT Trainees into the next calendar year and communicate decisions to Contractors. Contractors will have 10 business days from the date of the decision letter to appeal decisions to the BECO Manager. The BECO Manager shall review all appeals and make final determinations. The decision of the BECO Manager shall be final.

C. Program Completion

A trainee will be considered to have completed the program once the trainee completes the required number of levels and hours of training for the same craft or classification within a year, completes a registered apprenticeship program, or achieves journey-level status as determined by the contractor. Once a trainee completes a specific training level for a classification, the contractor will not be permitted to resubmit that trainee for enrollment or reimbursed at that same level, unless approved in advance by ADOT.

Upon completion of the program, the Contractor shall submit to ADOT BECO the *OJT Trainee Termination/Completion* form. BECO will review the OJT Trainee Termination/Completion form and either approve or deny the request. If denied, BECO will send a response to the contractor explaining the reason for the denial. Upon BECO approval, the Contractor will issue a Training Certificate of Completion to the trainee showing the type and length of training satisfactorily completed.

Procedures to award Certificates of Completion are as follows:

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- Requests for OJT completion approval shall be sent to the ADOT BECO using the OJT Program Termination/Completion form.
- ADOT BECO shall make all final determination as to whether a trainee has satisfactorily completed all of his/her training toward journey-level status.
- Upon approval from BECO, the Contractor will send the trainee a Certificate of Completion. The Contractor will keep a copy of the certificate for their records.
- BECO may mail congratulation letters and exit interview forms directly to OJT Trainees or contact trainee by phone to evaluate their experience in the program.

D. End of Year Audits and Sanctions for Non-Compliance

ADOT will perform a semi-annual and fiscal year end audit of each Contractor to verify attainment of the annual OJT goal. If a Contractor, through its Annual Summary Report, can demonstrate that it attained its annual OJT Program goal or made adequate Good Faith Efforts to do so, then ADOT will determine that the Contractor is in compliance with the OJT Program requirements.

When a Contractor has neither attained its goal nor submitted adequate Good Faith Efforts documentation, ADOT will issue a Show Cause Notice outlining its findings of non-compliance and providing its determination of sanctions attributed thereto. Within thirty (30) days of receiving the Show Cause Notice, the Contractor may submit a written response to the Show Cause Notice providing argument and evidence in opposition to the ADOT findings of non-compliance and/or its determination of sanctions

If a 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 ADOT to change its findings of non-compliance and/or its determination of sanctions, ADOT will issue its Final Notice to the Contractor regarding the non-compliance and assess sanctions.

E. Sanctions

No sanctions will be in place during the duration of the OJT Pilot Program.

V. UNFULFILLED/CARRYOVER TRAINEE POSITIONS

For a variety of reasons, a Contractor may be unable to fulfill the assigned number of trainee positions during the fiscal year. Any Contractor that has not completed the assigned number of trainee positions must contact ADOT BECO by December 15th of the current year and provide documentation as to why the assigned trainee positions were not fulfilled.

The Contractor may carry a trainee position over into the next fiscal year for credit with previous approval by ADOT BECO. OJT Trainees carried over from a previous fiscal year will be in addition to the number of OJT Trainees assigned for the new fiscal year goals.

Carryover trainee positions should be among the first positions filled at the start of the fiscal year. Contractors must notify ADOT BECO of the trainee's continuation by including them on the OJT Trainee Enrollment Form for the new fiscal year and checking the "Carryover Trainee" box on the form.

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VI. TRAINING RECORDS

The Contractor shall retain the training records for all OJT Trainees for a period of five years following the completion of work on contracts. Such records shall be available at reasonable times and places for inspection or review by authorized representatives of ADOT and the Federal Highway Administration.

VII. OJT SUPPORTIVE SERVICES PROGRAM (Pursuant to 23 CFR Part 230.113(f)(1)(2))

ADOT has partnered with a number of organizations to recruit, and provide training to introduce minority, female, veteran and economically disadvantaged individuals to careers in the construction industry. ADOT BECO also implements a Construction Academy Pre-Apprenticeship Program for the same purpose, as well as to provide these individuals with pre-employment counseling and technical assistance to help these succeed in construction careers.

These programs are designed to:

- Provide Contractors with a means to demonstrate good faith efforts in meeting OJT and EEO objectives by participating in the program
- Assist Contractors in filling positions in under-represented classifications
- Recruit and prepare individuals from the target population for Contractor employment consideration
- Provide participants with resume writing, pre and post-employment career counseling and assistance
- Provide participants with transportation and childcare assistance
- Host job fairs or networking events where Contractors and potential employees can be introduced

Contractors are strongly encouraged to contact the BECO OJT Supportive Services Office to help with their efforts to recruit minority, female, veteran and economically disadvantaged individuals for their projects. For more information about the OJT Supportive Services Program, contact the BECO OJT Workforce Development Program at (602) 712-7761.

VIII. ONLINE FORMS AND RESOURCES

OJT Program online resources can be found at www.azdot/bec/ojt. The website will provide information about the program and forms such as:

- Contractor Annual OJT Goal Request Form
- OJT Program Trainee Enrollment Form
- OJT Monthly Progress Report Form
- OJT Monthly Trainee Progress Report form
- OJT Trainee Termination/Completion Form
- OJT Annual Summary Report Form

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The following resource materials are also available on the website:

- OJT Program Manual and Overview of Training Programs
- OJT Special Provisions
- 23 CFR Part 230

IX. APPENDICIES

Appendix A

DEFINITION OF A DISADVANTAGED PERSON

DEFINITION OF A DISADVANTAGED PERSON

For the purposes of the ADOT OJT Training program, A “DISADVANTAGED PERSON” is a person who meets at least one of the following requirements.

- A person who 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.
- A person who is a member of a family and/or household that receives (or has been determined within the 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.
- A person who is a foster child on behalf of whom State or local government payments are made.
- A person who does not have a high school diploma.
- A person from a family whose total annual household income is below the limits listed below:

Persons in Family/Household	Poverty Guidelines
1	\$11,490
2	\$15,510
3	\$19,530
4	\$23,550
5	\$27,570
6	\$31,590
7	\$35,610
8	\$39,630

For families/households with more than 8 persons, add \$4,020 for each additional person

- A person with a disability whose personal income meets the established income criteria above, even if the individual’s family does not meet the income eligibility criteria.
- A person who qualifies as a homeless individual, as defined in the Steward B. McKinney Homeless Assistance Act.

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Sec. 11302. General definition of homeless individual

- (a) In general . . . the term “homeless” or “homeless individual or homeless person” includes--
- a. An individual who lacks a fixed, regular, and adequate nighttime residence; and
 - b. An individual who has a primary nighttime residence that is
 - i. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - ii. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - iii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- (b) Exclusion . . . the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.
(The poverty guidelines updated periodically in the *Federal Register* by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). *Federal Register*, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183.

(The poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). Federal Register, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183.