

## SUPPLEMENTAL SPECIFICATION

### SPECIFICATION 152 - ON THE JOB TRAINING TASK

#### (TRAINING, ACCOMPLISHMENT, SUCCESS AND KNOWLEDGE)

#### 152-1 DESCRIPTION

**152-1.01 Scope and Goal** - This work shall consist of providing on-the-job training aimed at developing workers to the full journeyman level in the types of trades involved in the project and indicated in the contract documents. Journeyman as used herein means a craftsman considered capable of performing all the major duties of a particular trade. The employment and training program will consist of no less than 500 (approx. 3 months) and no more than 2,000 hours (1 year approx.) depending on contract time of the project.

#### 152-2 MATERIALS

**152-2.01** The Contractor shall provide all the materials required for the training in the trades specified. This includes all safety equipment necessary.

**152-2.02** The Contractor shall provide, for each participant, the following work clothes:

- a. two (2) pairs of jeans
- b. one (1) pair of workboots
- c. socks (package of 6 pairs).

The Authority will reimburse up to \$50.00 for the jeans, up to \$30.00 for workboots and up to \$10.00 for socks. The Contractor shall provide evidence of purchase for the clothing. Program participant must sign receipt of items given.

#### 152-3 CONSTRUCTION REQUIREMENTS

**152-3.01** Prior to commencing construction, the Contractor shall submit to the Authority (Civil Rights Office) for approval, a training utilization schedule which shall be correlated to the Contractor's construction schedule and a training program to be used for each trade. Trainees will be required to train for the number of hours specified in the proposal schedule. Approval of all training programs shall be obtained from the Authority (Civil Rights Office) prior to commencing work on the project. The Contractor will be credited for each trainee employed on the contract work who is currently enrolled or has become enrolled in an approved program and will be reimbursed for such trainee as provided hereinafter.

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**152-3.02** Training and upgrading of women toward journeyman status is the primary objective of this specification. Accordingly, the Contractor shall make every effort to enroll women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield women trainees) to the extent that such persons are available within a reasonable area of recruitment. The Contractor shall be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the Contractor is in compliance with this specification.

**152-3.03** No employee shall be employed as trainee in any classification in which he has successfully completed a training course leading to journeyman status or in which he has been employed as a journeyman. The Contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor's records should document the findings in each case.

**152-3.04** The minimum length and type of training for each classification will be as established in the training program selected by the Contractor and approved by the Authority. The Authority will approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the Contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Approval or acceptance of a training program shall be obtained from the Authority prior to commencing work on the classifications covered by the program. Some offsite 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.

**152-3.05** Except as otherwise noted below, the Contractor will be reimbursed at the unit bid price per hour of training given an employee on this contract in accordance with an approved training program. As approved by the Engineer, reimbursement will be made for training persons in excess of the number specified herein. This reimbursement will be made even though the Contractor receives additional training program funds from other sources, provided such other sources does not specifically prohibit the Contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the Contractor where he/she does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

**152-3.06** Participants (trainees) of the Program will be paid no less than **the current Federal minimum wage**. Also, all fringes that correspond to the trainees such as those for unskilled labor and/or depending on classification of work being done.

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**152-3.07** The Contractor shall furnish the trainee a copy of the program he/she will follow in providing the training. The Contractor shall provide each trainee with a certificate indicating the type and length of training satisfactorily completed.

**152-3.08** The Contractor shall assume responsibility for the success of the training program and shall enforce rules and disciplinary measures on behavior, tardiness, absences and such other action as may be required.

**152-3.09** The Contractor must take into consideration at the moment of bidding that the trainees, if eligible, will be able to join a labor union, with all the rights and privileges that these provide. The Authority nor its representatives have jurisdiction nor will mediate with the arrangement between the trainee and a labor union. The trainees are entitled to receive the same fringe benefits as the other employees of the Contractor, even though they are not members of a labor union. The trainees will be covered by all the labor laws and decrees included in the contract documents.

**152-3.10** The Contractor shall provide for the maintenance of records and furnish periodic reports documenting the trainees' performance under this specification.

**152-3.11** In the event that a Contractor subcontracts a portion of the contract work, the Contractor must determine how many, if any, hours of training and what trades trainees are to be trained by the sub-contractor. The Contractor shall retain the primary responsibility for meeting the training requirement imposed by this specification. The Contractor shall also insure that this training specification is made applicable to such subcontract.

**152-3.12** Where training is provided under a multi-phase training program it is expected that training will be provided continually through all phases to the extent that opportunity for such training exist on the project. Upon satisfactory completion of a phase of training under a multi-phase training program, when further appropriate training is not available and work in the completed phase is available, the trainee shall continue employment, and be compensated at the prevailing wage rate for such work as approved by the Authority.

#### **152-3.13 Penalty for Noncompliance -**

- a. No payment will be made to the Contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the Contractor and evidences a lack of good faith on the part of the Contractor in meeting the requirements of this specification. It is normally expected that a trainee will begin his/her training on the project as soon as feasible after start of work utilizing the skill

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involved and remain on the project as long as training opportunities exist in her work classification or until she has completed her training program. It is not required that all trainees be on board at the same time. A Contractor will have fulfilled his/her responsibilities under this if he/she has provided acceptable training to the number of trainees specified and/or utilized hours indicated. The number trained shall be determined on the basis of the total number of hours indicated in the contract.

b. If the Contractor's failure to either provide the required training or to employ and compensate a trainee at the prevailing wage rate or minimum federal wage specified for the occupation in which training was provided, following certification of satisfactory completion of such training is caused by the Contractor's failure to meet the requirements of this specification, no reimbursement will be made for any Trainee Man Hours (TMH) recorded as provided to the trainee involved. The foregoing is in addition to any other sanctions for non-compliance with required contract provisions which may be imposed.

c. In the event the Contractor fails to provide training as specified in the approved Training Program, the Authority shall withhold payment to the Contractor in an amount equal to three (3) times the wages that would have been earned by trainees had such training been provided. In the event the Contractor fails to pay wages or other compensation due to trainees, the Authority may pay such unpaid amounts directly to the applicable trainees on the Contractor's behalf and deduct as a penalty an amount equal to three (3) times such amount from the payment to the Contractor for the work.

#### **152-4 METHOD OF MEASUREMENT**

**152-4.01** The quantity to be paid for under this item will be the number of Trainee Man Hours (TMH) used and approved in accordance with this specification. Documentation of the number of Trainee Man Hours shall be made by the Contractor in a manner and form satisfactory to the Authority.

#### **152-5 BASIS OF PAYMENT**

**152-5.01** The number of Trainee Man Hours determined as provided above will be paid for at the contract unit price per TMH. Such price and payment shall constitute full compensation for providing and administering the required training including all labor,

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equipment, materials and incidentals necessary to complete this work as specified.

**152-5.02** Payment will be made under:

<u>Pay Item</u>	<u>Pay Unit</u>
Trainee Man Hours.....	Each