

**KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, 1990 EDITION**

HIGHWAY CONSTRUCTION TRAINEES

This training Special Provision supplements the Required Contract Provision entitled "Specific Equal Employment Opportunity Contractual Requirement", dated 11-15-96, latest revision. The number of trainees to be trained under this Special Provision will be as shown on the Schedule of Prices.

BID ITEM: Trainees (Highway Construction)

A. GENERAL.

1. The primary objective of this Training Special Provision is to provide training opportunities to minorities and women in any skilled construction trade for two purposes:
 - i. To maintain a pool of qualified workers to replace those who leave the workforce.
 - ii. To correct a historical shortage of minorities and women in the construction trades.
2. The bid item for trainees specifies the total minimum number of training hours on this project. These hours can be used to train one or more minorities or women in a skilled trade.
3. The training hours started on this project can be continued on another KDOT Federal Aid project and billed back to this project.
4. Training hours continued on any other project can count toward this project's training total, but are not reimbursable.
5. A minimum of 75 percent of the training hours must occur on this project.
6. A union contractor can utilize one or more registered minorities or women apprentices in any crafts. A non-union contractor may train one or more minorities or women to fulfill the hour requirement, with the goal of graduation and retention of the trainee.

B. PRE-CONSTRUCTION CONFERENCE. Before the Contractor will be issued the Notice to Proceed by KDOT, the training must be approved by the Administrator, Bureau of Engineering Support.

1. Submit a work schedule for the contract.
2. Indicate the estimated hours available for training in each craft.
3. Submit a copy of the training program proposed to be utilized.
4. Submit a Request for Trainee Approval form for each trainee (Form 1002).

No contract work may begin until KDOT has approved the trainee schedule. The Contractor will submit revised schedules if a major change in the contract work shall occur.

C. WORK HISTORY. No individual shall be employed as a trainee in any trade and/or work classification in which such person has successfully completed a training course leading to

journeyman status or in which he or she has been previously employed as a journeyman. Detection of individuals in the above categories may be accomplished by including appropriate questions on applications, verifying personal references and checking with KDOT External EEO.

D. SUBCONTRACTING. In the event that a Contractor subcontracts a portion of the contract work he shall determine how many, if any, of the trainees are to be trained by the subcontractor. These training hours are to be shown on the prime Contractor's work schedule at the pre-construction conference. The Contractor shall retain the primary responsibility for meeting the training requirement imposed by this Special Provision and shall insure that this Training Special Provision is made applicable to such contract.

E. 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 Kansas Department of Transportation and the Federal Highway Administration. The training program, shall be approved if it is reasonably calculated to meet the equal employment opportunity obligations of the Contractor, and by the end of the training period, to qualify the average trainee for journeyman status in the classification which training is to be conducted.

Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, shall also be considered acceptable; provided it is being administered in a manner consistent with the Equal Employment obligations of Federal-Aid Highway construction contracts. Approval or acceptance of a training program shall be obtained from KDOT prior to commencing work on the project. It is the intention of these provisions that training be provided in the construction crafts rather than clerk-typists or secretarial-type 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 and provided the hours trained are paid for by the Contractor.

F. TRAINEE WAGES. Trainees will be paid at least 60 percent of the specified prevailing wage category for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing training program are enrolled as apprentices or trainees on this project. In that case, the appropriate rates approved by the Department of Labor or Transportation, in connection with the existing training program(s), shall apply to all trainees being trained in the same classification(s) and who are covered by this Training Special Provision. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the trainee program does not mention fringe benefits, trainees shall be paid the fringe benefits listed on the wage determination.

G. REIMBURSEMENT. The Contractor will be reimbursed two dollars per hour of training given an employee which is in accordance with an approved training program. Payment for the total number of training hours provided will be measured from the hours shown on the

Contractor's certified payroll and/or Kansas Department of Transportation Form No. 231. As approved by the Engineer, reimbursement will be made for training persons in excess of the number specified on the Schedules of Prices. This reimbursement will be made even though the Contractor receives additional training program funds from other sources, provided such other sources do not specifically prohibit the Contractor from receiving other reimbursement. Reimbursement for off-site training indicated above may only be made to the Contractor where he does one or more of the following:

- a. Contributes to the cost of training.
- b. Provides the instruction to the trainee.
- c. Pays the trainee's wages during the off-site training period.

Payment for Trainees (Highway Construction) may be made by the Engineer to the Contractor on intermediate estimates of actual hours trained on this contract without prior approval or a Change in Plans. No payment shall 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 the Special Provision.

H. DURATION OF TRAINING. Once a trainee is approved, that individual shall be trained in the designated trade throughout the duration of the contract, whenever such trade is in use on the contract or until the trainee has completed the approved training program. It is normally expected that a trainee will begin his training whenever the Engineer determines that the anticipated volume of work to be done in a given classification will be sufficient to justify the beginning of training and will remain on the project as long as training opportunities exist in his work classification or he has completed his training program. However, when such training opportunities are suspended or interrupted under the contract which the trainee(s) was/were designated, the Contractor may continue training under other Kansas Department of Transportation contracts regardless of their funding. A Contractor will have fulfilled his responsibilities under this Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

No minority or woman apprentice or trainee can be terminated by the contractor other than for seasonal layoff without a counseling session by the Contractor with the trainee to explain the reason for termination.

The Contractor must provide KDOT in writing the reasons for the termination and a notice that the counseling session occurred.

I. CONTRACTOR OBLIGATIONS.

1. The Contractor shall furnish the trainee a copy of the program under which training is to be provided.
2. The Contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.
3. The Contractor will maintain certified payrolls.
4. The Contractor shall submit Form No. 231 to the KDOT Field Engineer/Construction Engineer for each week that training is provided. When training is accomplished

under KDOT contracts other than the original contract, Form No. 231 will continue to be submitted to the respective KDOT field office for the original contract.

5. The Contractor shall furnish the trainee detailed data about the wages to be paid at each stage of training and notify the trainee when a phase is complete.

J. SANCTIONS. Disregard of the requirements of this training Special Provision is considered to be a failure to comply with the EEO provisions of the contract (Required Contract Provision dated 11-15-96, latest revision). As such, it will be pursued by KDOT in accordance with the procedures listed in the Required Contract Provision dated 11-15-96, latest revision.

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typographical correction 02-12-01