

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS PROGRAM

Contract Special Provision for Training

GENERAL INSTRUCTIONS – REVIEW COMPLETELY AND CAREFULLY

1. Please review the On-the-Job Training (OJT) Manual (2016 Edition) for program requirements and general information.
2. Training must be provided base on an approved OJT program – the only such program currently approved by South Dakota Department of Transportation (SDDOT) and Federal Highway Administration (FHWA) is the On-the-Job Training Manual (2016 Edition). It is possible, under certain circumstances, to use alternate programs, i.e. another state or union apprenticeship, but these alternates must have the prior approval of the Department Civil Rights Program and the FHWA.
3. It is important to develop a plan for complying with the training requirement prior to the preconstruction meeting.
4. The goal of the training program is to provide training opportunities for individuals in the target group. It is a requirement to make a good faith effort to enroll a member of the target group to fulfill the training requirement. Reminder the target group includes minorities, females and economically disadvantages individuals. The South Dakota Department of Labor criteria are used to determine if an individual is economically disadvantaged.
5. The registration form should be submitted before the trainee begins the training program and must be submitted to SDDOT within 2 weeks of the trainee being hired. If the contractor fills the required slots on a project, the contractor has the option to register additional trainees if the contractor has training needs. Delays in filing registration form or monthly training reports may result in withholding a portion of training reimbursement. SDDOT staff will complete the bottom portion of the registration form and return two copies to the contractor – one copy for your files and one for the trainee.
6. The original OJT registration must be submitted to the SDDOT Civil Rights Program. Electronic versions or copies are not accepted. In the event there is only a copy available – please contact the Civil Rights Program.
7. It is important that the Monthly Trainee Status Reports be filed promptly with the Department Civil Rights office following the last full pay period of the month. Monthly status reports must be submitted monthly within 30 days following the end of the month. In the cases of voluntary or involuntary trainee termination or when the trainee completes the hours specified for the program, file the form as possible (rather than waiting until the end of the pay period). Failure to file the monthly status report in a timely manner may result in deductions of eligible reimbursement for the training hours for that month.
8. Monthly Status Reports may be submitted either by US Mail, Fax or electronically. If submitting a copy or electronically, the original must be kept on file for three years.
9. The Department will be monitoring this requirement to insure that the intended training is being provided in accordance with the program outline and that adequate records are being kept. It is acceptable if project superintendents/foremen maintain the training record in their project diaries but the record must be sufficiently detailed, showing dates, type of training, journeyman/instructor assigned, etc. so that a determination can be made as to the extent to which the training is being met.
10. A copy of the specific training classification to be used should be made from the training manual and furnished to the trainee for his/her information. Copy of the OJT Manual (2016 Edition) can be found at: <https://dot.sd.gov/programs-services/civil-rights/on-the-job-training-ojt> or by contacting the Civil Rights Office. Also all the necessary forms can be found at the same web address.

11. The contractor must maintain documentation of the efforts to recruit and place an individual from the target group as a trainee. The contractor must also have the records to show that the trainee has been advised of all the particulars of the training program including hours needed, wage levels, company expectations, etc. Failure to maintain this documentation may result in deductions of some or all of the payment due under the training bid item. It is important that the Civil Rights office be contacted (605-773-3540) if the contractor experiences problems such as unsatisfactory trainee attendance or performance. SDDOT will work with the contractor to resolve the issues and maintain a successful training program.
12. The number of training hours specified in the proposal (500) has been predetermined by the Department for bid purposes. This means that trainee registrations and start dates should be as early in the project as possible so that, if for some reason, the original trainee is unable to complete the hours, there may be sufficient time remaining to enroll an alternate. **Failure to enroll a trainee in a timely fashion may result in suspension of progress payments.**
13. If work is completed on a project before a trainee completes the hours specified, the contractor may transfer the trainee to another project and continue the training as “off-site” training. The hours on such an off-site projects plus the hours on this original project, will be credited toward trainee graduation and for contractor reimbursement, **PROVIDED** that you make a written notification to the Civil Rights office of the trainee transfer showing the total trainee hours on the current project and the project number and location of the off-site project. There will be no reimbursement for out-of-state off-site training, but those hours will count towards graduation. Reimbursement will be for all approved training hours on the project for which the trainee was originally registered plus any approved in-state off-site hours. Reimbursement for off-site hours is limited to no more than 100 hours. All payments will be made on the original project and a final CCO will be used to adjust the training hours quantity to reflect actual hours provided.
14. A contractor can hire a trainee to fill a slot on multiple projects concurrently. If the trainee is going to be working on multiple projects throughout the summer and not simply completing one project and moving to the next, then the trainee should be registered on all the projects and the hours documented by project on the monthly status report. The trainee may move back and forth between projects, but must indicate this on Monthly Status Reports and on their Registration Form.
15. A trainee may be transferred from one project to another in order to complete the OJT Program. If transfers are made, the Civil Rights Compliance Officer must be notified either by filling out the transfer registration form or via writing (e-mail, US mail, etc.) which provides the trainee’s name, effective date of transfer, and project that the trainee shall be transferred to. These training hours will count towards overall OJT Program completion.
16. It is not necessary to have actual trainee names at the pre-construction meeting. **PLEASE NOTE** – on projects with more than one trainee slot, it is permissible for the prime to sub out one or more of the slots. This should be mutually agreed upon between the prime and sub and included in the subcontract. The prime contractor is still responsible for ensuring that registrations, trainee reports, etc. are filed as required. If a subcontractor will be fulfilling part of the trainee requirements, the prime should provide them with copies of all the materials, including these general instructions, training manual and forms. The Area Office should be advised at the pre-construction meeting of this trainee subcontracting. The prime contractor should also notify the Civil Rights Program.

PLEASE CONTACT THE CIVIL RIGHTS OFFICE FOR ANY ASSISTANCE OR TO OBTAIN ADDITIONAL FORMS, MANUALS, ETC. CONTACT JUNE HANSEN AT:

Mailing Address:

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Civil Rights Program
700 E. Broadway Ave.
Pierre, SD 57501-2586

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Phone Number: 605-773-3540

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Website: <https://dot.sd.gov/programs-services/civil-rights/on-the-job-training-ojt>