



CDOT On-the-Job Training (OJT) Manual 2024

Table of Contents

Contacts	2
Resources	3
Introduction to OJT	3
Goal Setting	4
Guideline of Contract OJT Training Hours	5
Based on Contract Dollar Value	5
Training Plan Options	5
Journey-Level Worker to Trainee Ratio.....	6
Trainee Selection	6
Trainee Approval.....	7
Contractor Training and Trainee Monitoring	8
OJT Program Graduation	9
CDOT PAC-UP	9
Module Graduation (CDOT PAC-UP Program).....	9
Craft Area Graduation (CDOT PAC-UP Program).....	9
Other Approved Programs.....	10
Eligible Work Activities that Count Toward the Training Goal	10
Trainee Wages.....	11
US DOL Apprenticeship Programs.....	11
Other Approved Programs.....	12
CDOT PAC-UP Program Wage Rate Percentages	12
Contractor Reporting.....	12
Reimbursement to Contractors.....	13
OJT Good Faith Efforts.....	13
Contractor Disincentives.....	14
Contractor Dispute Process.....	14
Not Meeting the OJT Contract Goal and Not Approved for a Waiver or Amendment to the Goal.....	15
A Disincentive Has Been Applied	15
Dispute Process.....	15

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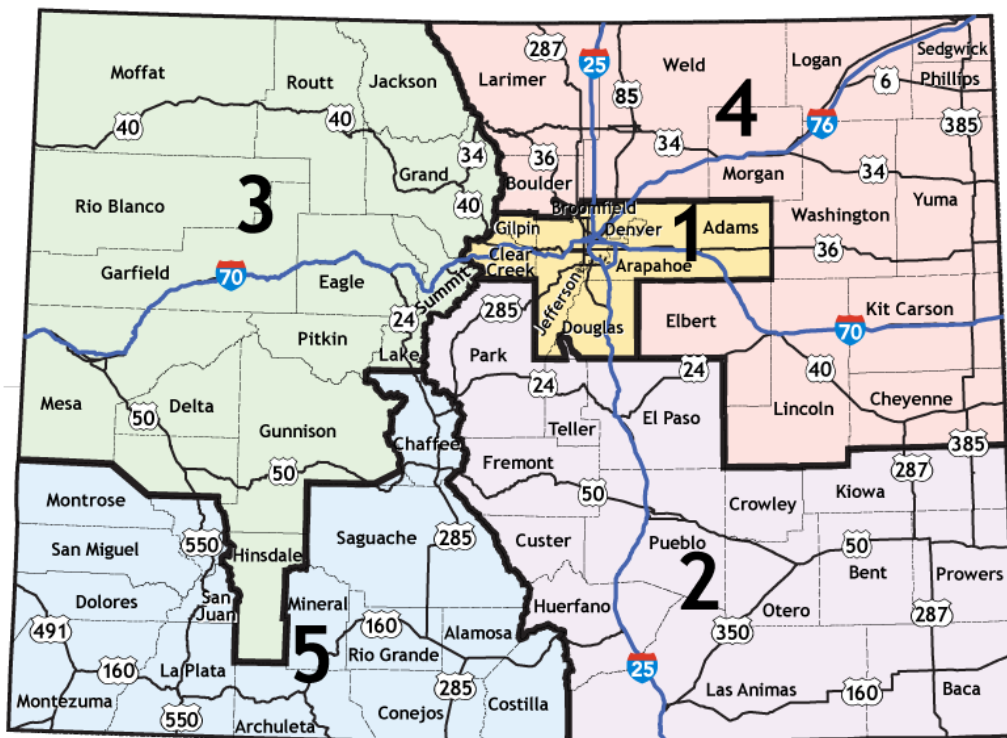
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Resources

2018 OJT Specification (Spec)

Check here:

<https://www.codot.gov/business/designsupport/cdot-construction-specifications/2023-construction-specifications/rev-ssp/rev-misc>

You will look for the “On-the-Job-Training” specification on that page.

CDOT PAC-UP Classifications

<https://www.codot.gov/business/civilrights/ojt>

Introduction to OJT

This training special provision is an implementation of 23 U.S.C. 140 (a), a federal requirement to provide equal opportunity and training on FHWA Federal-Aid construction projects. The Contractor shall meet the requirements of the FHWA 1273 for all apprentices and trainees. CDOT’s On-the-Job Training Program (OJT) seeks to train and upgrade all entry level individuals, focusing on minorities, women, and other disadvantaged persons to ensure that a competent workforce is available for construction projects. The following objectives are associated with 23 U.S.C. 140(a) and the CDOT OJT Standard Special Provision:

1. Ensure that non-discrimination and equal opportunity exist on federally assisted highway jobs;
2. Provide training to and upgrade minorities and women toward journey-level status;
3. Increase the construction labor pool.

At all times during the course of the project, the Contractor shall meet the requirements of the FHWA 1273 for all apprentices and trainees (for the purposes of this Manual, all references to “trainees” also includes apprentices). After construction work has been completed on the CDOT project, CDOT will analyze the number of approved OJT hours that have accumulated toward the contract goal. If the Contractor meets the contract goal and submits the required documentation, the Contractor will be found compliant with the OJT requirements. If the Contractor does not meet the contract goal, they may request to waive or amend the number of required hours through the use of the CDOT form 1336, which must be approved by

CDOT to avoid a financial disincentive. If the number of required hours toward the OJT goal is not met, and no modifications or waivers have been approved, CDOT may assign a disincentive to the Contractor.

Goal Setting

CDOT's Region Civil Rights Offices will evaluate every FHWA Federal-Aid CDOT construction project for On-the-Job (OJT) Training contract goals. These OJT goals will be set based on the criteria that is outlined in the 23 CFR Part 230, Appendix B to Subpart A:

1. Availability of minorities, women, and disadvantaged persons for training;
2. The potential for effective training;
3. Duration of the contract;
4. Dollar value of the contract;
5. Total normal workforce that the average bidder could be expected to use;
6. Geographic location;
7. Type of work;
8. The need for journey-level workers in the area;
9. Recognition of the state's goal;
10. A satisfactory ratio of trainees to journey-level workers is expected to be on the workforce. The contract OJT goal (with the number of required training hours) will be shown in the contract. The following chart provides guidelines based on contract value, but the required number of hours will be determined by CDOT after consideration of the aforementioned variables.

Guideline of Contract OJT Training Hours Based on Contract Dollar Value

Contract Dollar Value	Training Hours to Be Provided on the Contract
Up to \$1M	0
>\$1M - \$2M	320
>\$2M - \$4M	640
>\$4M - \$6M	1280
>\$6M - \$8M	1600
>\$8M - \$12M	1920
>\$12M - \$16M	2240
>\$16M - \$20M	2560
Each \$5M increment thereafter	1280

Training Plan Options

The following are approved training plan options to be utilized toward a contract OJT goal:

1. CDOT's Pre-Approved Classifications Utilization Program (PAC-UP);
2. An apprenticeship or training program registered from U.S. Department of Labor (DOL) or from the Colorado Department of Labor and Employment (CDLE);
3. Approved programs through other groups like Colorado Contractors Association (CCA), Western Colorado Contractors Association (WCCA), and workforce centers;

4. CDOT and FHWA-approved plans specific to the Contractor.

The minimum length and type of training for each skilled craft shall be as established in the approved training program selected by the Contractor. Contractors may choose either one or more approved plans to reach the contract goal.

When one or more approved plan(s) is/are chosen, the Contractor shall submit the OJT Contractor Commitment to Meet OJT Requirements, CDOT form 1337, at the pre- construction meeting or as soon as possible thereafter to the CDOT Project Manager. Subcontractors contributing toward a contract OJT goal must submit their own 1337 (through the prime) accordingly for that project. Additional pre-approved training programs and/or additional trainees may be utilized at any point throughout the project as long as they are approved by CDOT. The plan option(s) that the contractor chooses will be effective for the duration of the project. A form 1337 is required to be submitted and approved prior to any CDOT form 0838 approval.

Journey-Level Worker to Trainee Ratio

The OJT goal requirement shall be met through an approved trainee or apprentice working on the CDOT project under the supervision of a journey-level worker. For the CDOT Pre-Approved Training Programs (PAC-UP), the apprentice/trainee ratio to journey-level worker shall not exceed a one to one ratio, and contractors will not exceed 25% of the workforce as apprentices/trainees at any time. For all other approved programs, the apprentice/ trainee ratio shall be as outlined in the specific program. Furthermore, it is at CDOT's discretion that a stricter ratio guideline may be imposed than what is outlined in the specific training program. When apprentices/trainees are on the job without proper supervision, they shall be paid full Davis-Bacon wages.

Trainee Selection

When selecting a trainee, contractors must consider the two main goals for the OJT program overall:

1. Contractors select, recruit, train, and monitor entry-level individuals or individuals who will be working within new classifications and guide them toward

journey-level status in that specific classification. A trainee will not be approved in any classification for which they have already obtained journey-level status.

2. A primary consideration for the OJT program (as per the regulations) is for the Contractor to use minorities, women, and disadvantaged persons to fulfill the trainee roles, and as such, the Contractor will make every effort to enroll such individuals in the program by using “systematic and direct recruitment through public and private sources.”

The consideration to include women and minorities is based on the regulation; however, this consideration will not be used to systematically deny any one person or group from the opportunity to be a part of the OJT program. CDOT may reject non-minority male trainees for entry into the program if it determines that a Contractor failed to make sufficient Good Faith Efforts (GFE) to hire or utilize minorities or female trainees and/or if the Contractor failed to document or submit evidence of its GFE to do so.

As it relates to the good faith efforts of the contractor in terms of hiring and utilizing minorities and women for the OJT selection pertaining to the contract goal, the CDOT Region Civil Rights Office will consider a Contractors’ documentation of all GFE on a case-by-case basis. For more information, please see Section 11 of the OJT specification, or contact your Region Civil Rights Office.

Trainee Approval

As it relates to trainee approval for OJT goals for FHWA funded contracts, as a condition of the stated OJT program, the Prime Contractor or subcontractor will:

1. Notify all employees at the start of employment and at least once per year about the available training programs and eligibility requirements. Contractors shall document that this information was conveyed to and received by employees.
2. Provide each trainee with a copy of his or her enrollment form (if applicable) and the training program within a month of starting the chosen plan.

CDOT OJT form submittals (CDOT forms 1337, 0832, 0838) shall be filled out

completely by the Contractor, submitted to the CDOT Project Manager, and approved or rejected as applicable by the CDOT Project Manager or Region Civil Rights Office within ten business days of submission. If and when approved, the CDOT Region Civil Rights Office will upload the forms to LCPtracker and will notify the participating Contractor of the approval or rejection.

If more information is required on the 1337, 0838, or 0832 for any project, the CDOT Project Manager will request a resubmittal from the Contractor. If there is no response from the Contractor within five additional business days, the forms will be denied and sent back to the Contractor. If the forms are denied by CDOT, the Contractor may re-submit documents for approval, and it will again follow the same time frame for approval.

Before approval is granted through the CDOT form 0838, if the apprentice/trainee is working within any one of the proposed classification(s), full Davis-Bacon prevailing wages will be paid to the individual.

The Regional Civil Rights Office must approve the CDOT form 0838 prior to any of the hours counting toward the contract OJT goal. If there is a CDOT delay that is completely outside of the Contractor's responsibility for approval of the apprentices/trainees, and if approval is ultimately granted, the date utilized will be ten business days after the date that the Contractor submitted the CDOT form 0838.

If there is no OJT goal for a contract, CDOT will not require the submission of OJT- related forms. However, if contractors would like to count hours toward an apprentice's DOL approved training program on a CDOT job (that doesn't have a goal) -- one where they are paying less than prevailing wage, they must submit the current Apprenticeship Certificate from the Office of Apprenticeship Training (OAT) as well as the wage breakdown schedule and any other documents requested. Once the proper documents are submitted, an LCPtracker code will be provided to the Contractor.

Contractor Training and Trainee Monitoring

Contractors will provide the trainee with a copy of the approved OJT program requirements including graduation information as well as the individual training classifications to be followed. A Contractor's representative (supervisor, manager, or other designee) will evaluate progress monthly for the trainee using the CDOT

form 0832 which the Contractor will submit to the CDOT PE/PM or designee within 30 calendar days of the reporting month. Each trainee will be given a copy of the CDOT form 0832 (by the contractor) within 30 calendar days of the CDOT approval/denial. This evaluation should include what the trainee did well and what needs to be improved. Once the CDOT form 0832 is approved by the CDOT PE/PM or designee, the Region Civil Rights Office will upload the signed forms into the eDocuments section in LCPtracker.

For the hours to count (toward the goal) as listed on the CDOT form 0832, Contractors shall use the approved OJT apprenticeship/trainee code in LCPtracker provided by the CDOT Civil Rights specialist. If the specified codes are not used, credit toward the OJT goal will not be given.

OJT Program Graduation

CDOT Pre-approved Classifications Utilization Plan (PAC-UP)

For the CDOT PAC-UP program, a trainee can graduate from a module and/or a craft area once the outlined hours are met. Individual modules outline the classifications that comprise each craft area. The craft areas are Heavy Equipment, Structures, and Concrete. The modules included in “Other” do not fall into a specific craft area.

Module Graduation (CDOT PAC-UP Program)

The completion of each pre-approved classification is one module. For each module graduation, the Contractor will print out a copy of the hours obtained by the trainee and will present it to the trainee with a graduation certificate, obtained through CDOT’s LCPtracker system located in the “Download Document Templates” area in eDocuments. A copy of the graduation certificate must be provided to CDOT.

Craft Area Graduation (CDOT PAC-UP Program)

To graduate from a craft area, each trainee will need to meet 3100 hours using the different classifications outlined within each craft area. The Contractor will ensure that the trainee has met the requirements of the entire craft area by providing hours and certificates of the previous module graduation(s) and/or hours obtained in each module area. The Contractor will print out a copy of the hours obtained by the trainee and will present it to the trainee with a graduation certificate,

obtained through CDOT's LCPtracker system located in the "Download Document Templates" area in the eDocuments. Contractors must provide a copy of the graduation certificate to CDOT.

Other Approved Programs

For all other approved programs outside of CDOT PAC-UP, graduation will be obtained when the apprentice/trainee reaches the number of hours specifically outlined in the Contractor's selected approved OJT program. Contractors shall provide a copy of the graduation certificate to CDOT if the employee had OJT hours count toward an OJT contract goal.

Eligible Work Activities that Count Toward the Training Goal

For all FHWA federal-aid projects in which the OJT (standard and project) special provision is included, the work hours that are completed on the site of work and per the training documents for approved trainees in approved classifications and programs will apply toward the OJT contract goal. Work performed outside of the individual's approved training classification will not count toward the OJT contract goal, and the individual shall be paid full applicable prevailing wage. For more information, see [DOL Fact Sheet #66](#):

"Contractors and subcontractors must pay laborers and mechanics employed directly upon the site of the work at least the locally prevailing wages (including fringe benefits), listed in the Davis-Bacon wage determination in the contract, for the work performed."

Job shadowing can apply toward the project goal if it is written into the specific training plan. For a Contractor who is using CDOT's PAC-UP training program, job shadowing can apply toward the OJT contract goal when the approved employee is performing within the "Observation" part of the Observation and Orientation CDOT pre-approved Classifications (hours vary by classification).

For any CDOT project that does not include an OJT contract goal, US DOL apprenticeship programs can use the reduced wages; however, none of these "additional" hours may be banked or included for use as part of the required special provisions on any other project with a contract goal.

Only approved hours worked on each specific contract with an established OJT

goal will apply toward that same contract (OJT) goal. The hours worked on non-CDOT projects will not count toward the contract goal.

A Prime Contractor may count approved OJT work hours, performed by a subcontractor with an approved plan, toward the contract goal. The subcontractor's trainee or apprentice, who is enrolled in an approved OJT program and whose company follows the required processes outlined in the CDOT On-the-Job Training (OJT) Standard Special Provision, can count toward the OJT contract goal. The Prime Contractor retains the full responsibility for meeting the training requirements imposed by the OJT special provision associated with the contract.

Trainee Wages

The Contractor may pay trainee wages at a reduced rate for those trainees that are in an approved program according to the applicable program guidelines. Although DBRA standards do allow contractors to pay below the journeyman Davis-Bacon amount, federal, local, and state prevailing wage rates are obligatory to training wages and must be followed. The Colorado Department of Labor and Employment (CDLE) has established that minimum local and state prevailing wage rates shall be applied to the base rate. After that base rate application, any amount needed to meet the OJT program's reduced rate shall be entered as the remaining requirement -- fringe benefit or cash.

Additionally, fringe benefits (either in cash and/or bona-fide benefits in lieu of cash) will be paid in full and as outlined according to the collective bargaining agreement or approved OJT program agreement. If fringe benefits are not mentioned as part of the approved OJT program agreement or bargaining agreement, or if there is no collective bargaining agreement, full fringe benefits will be paid as outlined through the US DOL wage determination.

In the event that it is discovered that contractors are not following the requirements as outlined through the standard provision, the regulations, the contract stipulations, or program requirements, employee trainees/ apprentices must be paid the applicable wage rates (per the wage determination) for the work they actually performed.

US DOL Apprenticeship Programs

Rates (at a minimum) will be paid according to the scaled adjustments for registered

US DOL Apprenticeship programs. Approved US DOL apprenticeship programs can use the reduced wages for any CDOT job with approval.

If the contract does not have an OJT goal, and the contractor is seeking to pay apprenticeship rates as part of a registered US DOL Apprenticeship Program, the following documentation is required: program registration, Apprenticeship Certificate from the Office of Apprenticeship Training (OAT) as well as the wage breakdown schedule, and the collective bargaining agreement.

Other Approved Programs

For all other OJT wage reductions outside of US DOL apprenticeship programs, the reduced percentages, as outlined in the specific approved programs, are allowed for projects only when there is a contract OJT goal greater than zero. For projects with an OJT goal, if contractors choose to pay a reduced prevailing wage rate (in alignment with DBRA), the reduced percentage will be based only on the base rate of pay. If the apprentice/ trainee is working within the proposed classification before approval is granted, full prevailing wage will be paid to the trainee.

CDOT PAC-UP Program Wage Rate Percentages

Trainees in the CDOT PAC-UP program will be paid at minimum:

First half of the (module) training period -- at least 60 percent of the appropriate minimum journey-level rate.

Third quarter of the (module) training period - at least 75 percent of the appropriate minimum journey-level rate.

Last quarter of the (module) training period -- at least 90 percent of the appropriate minimum journey-level rate.

Contractor Reporting

Contractors will keep all data associated with any project with approved apprentices/trainees and OJT reduced rates for a period of at least three years from the closing date of the contract.

Reimbursement to Contractors

For the purposes of reimbursement, CDOT will determine whether a Contractor has satisfied its responsibilities within the OJT specification by fulfilling the acceptable number of training hours toward the OJT contract goal. Contractors will be reimbursed at a rate of \$10 per hour for all approved OJT hours worked, up to the contract goal. The Contractor will be reimbursed for no more than the amount outlined in the OJT Force Account budget. By the end of the project, the CDOT PE/PM shall determine what amount shall be paid to or deducted from the Contractor's pay estimate.

OJT Good Faith Efforts

CDOT recognizes two situations where Good Faith Efforts (GFE) may be analyzed in order to fulfill the OJT requirements on the contract.

1. If the Contractor has not identified minorities and women for training and upgrading toward journeyman status, the Contractor will be required to describe the efforts made to enroll minority and women apprentices/trainees to the extent that such persons are available within a reasonable area of recruitment.

If a Contractor does not meet its OJT contract goal with the inclusion of some female and/or minority trainees, the Contractor may be requested to produce documentation of adequate GFE taken to fill that position with a minority or female applicant. GFE is designed to achieve equal opportunity through positive, assertive, and continuous result-oriented measures.

2. In the event that the attempt has been made to meet the number of required contract OJT hours by using approved trainees/ apprentices, and the Contractor has not met the required number of OJT contract hours, documentation of GFE is required to be submitted (to CDOT), and ultimately approved, in order to avoid a disincentive.

If the Contractor does not meet its OJT contract goal, the Contractor may submit a CDOT form 1336 (Waiver Request for OJT Training Hours) with all applicable documentation, to the CDOT PE/ PM. Contractors will be subject to payment reductions as outlined in the Contractor Disincentives section of the OJT Standard Special Provision. This waiver request can be submitted

after good faith efforts have been made to achieve the OJT contract goal, and it is anticipated that the Contractor will not meet the goal. The timeliness of the 1336 request (including document submission) may be a consideration for approval/denial.

If a good faith effort has been denied by CDOT, the Contractor may ask for reconsideration by the Region Civil Rights Manager and the Resident Engineer for the region where work is being performed. Additionally, if requested by the Contractor, the Region Civil Rights Office and the PE/PM shall meet with the Contractor to discuss the Contractor's initial Good Faith Effort determination.

Contractor Disincentives

A failure to provide the required training without the demonstration and approval of GFE to meet the project OJT goal may result in the contracting agency (CDOT/Local Agency) assigning the following disincentive:

Total number of contract OJT hours not met multiplied by the journey worker base hourly wages plus fringe benefits [(hours not met) x (dollar per hour + fringe benefits)] = disincentive amount.

In order to obtain the disincentive amount, the journey worker wages will be figured using the classifications outlined on the CDOT form 1337. Approved classifications outlined on the 1337 for subcontractors will not be taken into account for this disincentive assignment. If a single classification is noted on the submitted CDOT form 1337, then that one wage will be used to figure the monetary amount owed. If multiple classifications are listed, then the journey worker wages of all classifications will be used to determine an average wage rate. If the Contractor does not submit any documentation toward the OJT goal, the disincentive rate will be calculated at \$30.00 per hour. CDOT will provide the Contractor a written notice at the final acceptance stage of the project informing them of the noncompliance with the OJT Standard Special Provision, which will include a calculation of the disincentive(s) to be assessed.

Contractor Dispute Process

If a Contractor does not comply with CDOT's contract compliance rules and processes and there is no resolution between parties, escalation steps may be taken, and the Contractor may exercise their rights pursuant to CDOT's Dispute Resolution process. The following are examples of situations that could require escalation:

Not Meeting the OJT Contract Goal and Not Approved for a Waiver or Amendment to the Goal

If a Contractor is not successful or is likely not going to be successful in meeting the OJT contract goal on the project, there should be immediate communication with CDOT project personnel. Every effort should be taken to meet the OJT goal, but if it cannot be met, the Contractor will utilize the process outlined in Section 11, Part B of the OJT Standard Special Provision.

A Disincentive Has Been Applied

This may be the case where a Contractor has been assigned a disincentive for not meeting the required OJT goal on the contract, and the Contractor feels that the amount has been applied unfairly.

Dispute Process

If a Contractor believes they have been treated unfairly regarding the application of the OJT Standard Special Provision, GFE, or associated disincentives, they should begin the dispute process by communicating with CDOT project personnel. Should the proposed resolution be insufficient, the Contractor may escalate to the Region Civil Rights Manager and Resident Engineer. If further escalation is needed, the Contractor may contact the Program Engineer and Region Transportation Director and include all previous communication in that escalation