

23 CFR § 230.111 - Implementation of special requirements for the provision of on-the-job training.

- [CFR](#)

[prev](#) | [next](#)

§ 230.111 Implementation of special requirements for the provision of on-the-job training.

(a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the “Training Special Provisions” (appendix B) and the minimum number of [trainees](#) to be specified therein after giving appropriate consideration to the guidelines set forth in [§ 230.111\(c\)](#). The “Training Special Provisions” shall supersede section 7(b) of the Special Provisions (appendix A) entitled “Specific Equal Employment Opportunity Responsibilities.” Minor wording revisions will be required to the “Training Special Provisions” in areas having “Hometown” or “Imposed Plan” requirements.

(b) The Washington Headquarters shall establish and publish annually suggested minimum [training](#) goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of [training](#) slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the [Administrator](#) of the reasons for its inability to meet the suggested minimum number of [training](#) slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what [training](#) goals are considered to be realistic based on the information submitted by a State.

(c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of [trainees](#) to be provided [training](#) therein:

- (1) Availability of minorities, women, and disadvantaged for [training](#).
- (2) The potential for effective [training](#).
- (3) Duration of the contract.
- (4) Dollar value of the contract.
- (5) Total normal work force that the average bidder could be expected to use.

- (6) Geographic location.
- (7) Type of work.
- (8) The need for additional journeymen in the area.
- (9) Recognition of the suggested minimum goal for the State.
- (10) A satisfactory ratio of **trainees** to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).
- (d) **Training** programs which are established shall be approved only if they meet the standards set forth in appendix B with regard to:
 - (1) The primary objectives of **training** and upgrading minority group workers, women and disadvantaged persons.
 - (2) The development of full journeymen.
 - (3) The minimum length and type of **training**.
 - (4) The minimum wages of trainees.
 - (5) **Trainees** certifications.
 - (6) Keeping records and furnishing reports.
- (e)
 - (1) **Training** programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA **division Administrator** with a recommendation for approval.
 - (2) Employment pursuant to **training** programs approved by the FHWA **division Administrator** will be exempt from the minimum wage rate provisions of **section 113** of title 23 U.S.C. Approval, however, shall not be given to **training** programs which provide for employment of **trainees** at wages less than those required by the Special **Training Provisions**. (Appendix B.)
- (f)
 - (1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA **division Administrator**. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.
 - (2) Other **training** programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the **formal approval** of the State highway agency or the **division Administrator** provided:

(i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of **trainee** wage rates in lieu of prevailing wage rates.

(ii) They are reasonably calculated to qualify the average **trainees** for **journeyman** status in the classification concerned by the end of the **training** period.

(iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.

(g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on **training** to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:

(1) The number of **training** positions shall continue to be specified in the Special **Training** Provisions. Furthermore, this number should be converted into an estimated number of hours of **training** which is to be used in arriving at the total bid price for the **training** item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;

(2) A section concerning the method of payment should be included in the Special **Training** Provisions. Some offsite **training** is permissible as long as the **training** is an integral part of an approved **training** program and does not comprise a substantial part of the overall **training**. Furthermore, the **trainee** must be concurrently employed on a federally aided highway construction project subject to the Special **Training** Provisions attached to this directive. Reimbursement for offsite **training** may only be made to the contractor where he does one or more of the following: Contributes to the cost of the **training**, provides the instruction to the **trainee**, or pays the **trainee's** wages during the offsite **training** period;

(3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

(4) A State highway agency can specify **training** standards provided any prospective bidder can use them, the **training** standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

[40 FR 28053, July 3, 1975; 40 FR 57358, Dec. 9, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

Reference:

<https://www.law.cornell.edu/cfr/text/23/230.111>