

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF CIVIL RIGHTS AND AFFIRMATIVE ACTION**

**TO:** Contractor and RE

**SUBJECT: Instructions For Implementing the Training Special Provisions – February 2024**

The Contractor and RE are required to comply with these requirements in implementing training programs on Federally-Funded projects:

**SUBMISSION/APPROVAL OF INITIAL AND REVISED TRAINING PROGRAMS**

The Initial and/or Revised Training Program submitted by the Contractor to the RE must contain six (6) specific items under these headings:

1. Training Positions (at least 50% should be Skilled)
2. Standard Program Hours
3. Minimum Available Hours
4. Estimated Start Dates for all positions
5. Training Guidelines for all positions
6. Which positions will be trained by the Contractor and which by subcontractors

The Contractor shall submit a guideline copy signed by the contractor simultaneously with the submission of the Initial Training Program or Revised Training Program.

The RE will review the Contractor's proposed training program to ascertain if it is realistic and consistent with actual project work. The RE will forward the program, with written concurrence or objections, to DCR/AA for review and approval. The DCR/AA will advise both the RE and Contractor in writing, of the training program approval or disapproval.

Contractors are not permitted to make changes in their approved training programs without first requesting in writing and receiving written approval from DCR/AA via the RE, who will concur or disagree with the Contractor's revision plan in writing.

Training guidelines for each proposed position must be signed by the Contractor or subcontractor and submitted with each Revised Training Program.

**CANDIDATE RECRUITMENT**

Contractors must make good faith efforts to obtain minorities and females for training and be prepared to submit documented evidence of such efforts. The term "Minority" applies to Blacks, Hispanics, Asians/Pacific Islanders and Native Americans (Indians)/Alaskan Natives. Caucasians

and Portuguese who were born in Portugal or the US are **NOT** considered in the “Minority” designation. Note: Consult “16 Affirmative Action Steps” about recruitment process.

### **MAXIMUM AVAILABLE TRAINING**

Maximum Available Training, defined as bringing each apprentice or trainee onto the project when work first becomes available in his/her craft and providing all available training, is the primary criterion used to determine Contractor compliance with the Training Special Provisions. The DCR/AA will make Maximum Available Training determinations based on Contractors’ requests & REs’ concurrence that Maximum Available Training be credited to incomplete training positions.

### **SELECTION AND APPROVAL OF APPRENTICES AND TRAINEES**

Contractors will NOT receive credit for starting an apprentice or trainee until the candidate has been approved by DCR/AA via the RE. Prior to an apprentice or trainee candidate starting work on the project, Contractors shall complete Items 1-17 on the Apprentice/Trainee Approval Memorandum (Form CR-1), with the candidate signing Item #16. The Contractor should submit the CR-1 and a guideline copy signed by the apprentice or trainee simultaneously with the submission of the Apprentice/Trainee Approval Memorandum (Form CR-1) to the RE.

If the candidate listed on the CR-1 is not a minority or female, the Contractor must submit documented evidence of good faith efforts to recruit a minority or female for the position and submit copies of such documentation with the CR-1.

The RE or their designee will review for completeness. If complete, immediately email or fax the complete Form CR-1 - Apprentice/Trainee Approval Memorandum to DCR/AA for written DCR/AA Approval or Disapproval. If the CR-1 is not complete, return it to the Contractor to complete and resubmit.

For Clerical Trainee candidates, Contractors are required to submit a resume and/or Employment Application and documentation of EEO/AA Recruitment, Advertising and Outreach efforts simultaneously with the Apprentice/Trainee Approval Memorandum Form CR-1.

### **DCR/AA NOTIFICATION PRIOR TO APPRENTICE TRAINEE TERMINATION**

The Contractor will provide prompt notification (by telephone, followed by written confirmation) to the RE and DCR/AA of any apprentice or trainee experiencing problems in the training program. The Contractor’s efforts to provide ongoing assistance and counseling are to be thoroughly documented. Copies of documentation must be sent to the RE and DCR/AA.

The Contractor and RE are encouraged to utilize the services of the DCR/AA which provides assistance to Contractors, apprentices and trainees in recruitment, pre-job and on-going counseling, on-site monitoring and other training areas. Contractors will **NOT** arbitrarily terminate an apprentice or trainee without first having requested in writing the DCR/AA to

review and investigate problems, infractions, etc. Please contact the DCR/AA –Contract Compliance Unit at (609) 963-2047 or (609) 530-4030 (Fax).

### **TRAINING HOURS**

Hours are **NOT** combined among different apprentices or trainees in the same craft to complete a training position. Each apprentice’s or trainee’s hours are examined individually without comparison to the hours given in that craft to other apprentices or trainees.

Should additional training beyond the Minimum-approved hours for a particular position become available, Contractors are required to provide all additional training up to the Standard Program hours.

Credit for partial training toward completion of an approved training position will be permitted under the following conditions:

- A. Past accumulated training hours must have been obtained or provided on NJDOT federal-aid projects only.
- B. An apprentice or trainee is permitted to receive training on 2 or more federal-aid projects (not simultaneously) to complete a previously incomplete position. (Example: Finisher trainee Mary Jones received 900 hours of a 1,000-hour program on Project A. She may complete the 1,000-hour program by obtaining the remaining 100 hours on Project B.)
- C. In the above situation, the Project B contractor will receive credit for one completed position. It is the Training Program’s intent that the Contractor retain the apprentice or trainee for all remaining work in the completed position.

### **PAYMENT FOR THE TRAINING ITEM**

Contractors will receive training credit and reimbursement only for actual hours of training provided in each approved training guideline. Although trainees may perform non-training related work, such hours are **NOT** to be credited toward training.

Contractors are required to maintain separate records of actual training provided to each apprentice or trainee. They are required to submit Biweekly Training Reports (Form CR-2), signed by the apprentice or trainee, to the RE. For the Semi-Skilled/Laborer Upgrade positions, these reports must show the number of actual training hours provided in each Training Guideline category.

Contractors are required to maintain and submit upon request the source documents (foreman reports, etc.) used to prepare Biweekly Training Reports Form CR-2.

REs or their designee are required to utilize a Daily Work Report to monitor the type of training provided to each apprentice or trainee. At a minimum, a Daily Work Report will be made daily for each apprentice or trainee indicating the type of training each apprentice or trainee was

observed receiving and the hours worked. The Daily Work Report will be the basis for reimbursing Contractors for training.

REs or their designee will crosscheck Contractors' Biweekly Training Reports Form CR-2 with their Daily Work Reports to determine the "reasonableness" of the Contractors' Biweekly Reports (Form CR-2) prior to paying for the training item. They should check Block #10 on the Biweekly to verify that this crosscheck was performed.

### **DOCUMENTATION REQUIRED TO BE PROVIDED TO APPRENTICES AND TRAINEES**

Contractor's 1409 Quarterly Training Reports (Form CR-1409) are due to apprentices/trainees and the RE by January 10, April 10, July 10 and October 10.

### **NOTE: ATTACH COPIES OF LAST BIWEEKLY and the TRAINING CERTIFICATE TO FINAL CR-1409.**

Contractors, at the start of training, are to provide each apprentice or trainee with an applicable Training Guideline on the apprentice's or trainee's start date.

The Contractor shall submit a guideline copy signed by the apprentice or trainee simultaneously with the submission of the Apprentice/Trainee Approval Memorandum (Form CR-1).

Contractors will also provide each apprentice or trainee, at the conclusion of training, a Training Certificate for Reporting Hours to NJDOT (Form CR-2) showing hours of training satisfactorily completed.

The RE will forward a copy of each Training Certificate for Reporting Hours to NJDOT (Form CR-2) to the DCR/AA Training Coordinator. Contractors will give apprentices or trainees copies of Biweekly Training Reports (Form CR-2), which the latter are required to sign, before submission of same to the RE.

### **ENFORCEMENT**

The RE will actively monitor the Contractor's timely and effective implementation of the Contract training requirement. The RE will notify the Contractor in writing, in a timely manner, concerning training program deficiencies with a request for immediate corrective action.

The RE will take appropriate action, including withholding pay estimates as specified in the Civil Rights Special Provisions, specifically the EEO Special Provisions, to enforce timely compliance. The EEO Special Provisions states "Noncompliance by the Contractor with the requirements of the Affirmative Action Program for Equal Employment Opportunity may be cause for delaying or withholding monthly and final payments pending corrective and appropriate measures by the Contractor to the satisfaction of the Department."

If assistance is required on training-related matters, Contractors and REs may contact the DCR/AA Contract Compliance Unit at (609) 530-3009 (Telephone) or (609) 530-4030 (Fax).