

On-the-Job Training (OJT) Implementation Plan Development Tool

This optional tool may be used by a recipient to develop a comprehensive OJT Program Implementation Plan that responds to the equal employment opportunity and training requirements of 23 C.F.R. §230. Recipients may revise this tool to account for differences in their OJT Programs. Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind State DOTs in any way. This document is intended only to provide information and clarity regarding existing requirements under the law or agency policies. Use of this tool is strictly voluntary. Nonconformity with or non-use of this tool will not affect rights and obligations under existing statutes and regulations.

State DOT:		Date OJT Plan was approved by FHWA:	
OJT Program Contact:		Date of current review:	
Web Link:			

Program Element	Regulatory Authority	YES NO N/A (Not applicable)	Comments
OJT Plan Purpose, Objective, and Structure			
Does the State DOT OJT Plan provide contact information for the representative responsible for OJT implementation?	23 USC 140(a)		
Does the Plan have a link to or an attached organization chart showing staff responsible for OJT monitoring?	23 CFR 230.111(a)		
Does the Plan include a statement that the primary objective of the program is training and upgrading of minorities, women, and disadvantaged persons toward journey-level status in the construction crafts? A best practice is to include in the plan a message from the State DOT CEO expressing support of workforce diversity.	23 CFR 230.111 (d)(1) & (2)		
Does the Plan include a statement that the OJT requirements are not intended to discriminate against any applicant for training or displace workers in contractor's current workforce?	23 USC 140(a)		
Does the Plan expressly prohibit contractors from discriminating in the selection of apprentices and trainees on the bases of race, color, sex, and national origin, religion, age, and disability?	Appendix A to Subpart A of 23 CFR Part 230		
The State should describe its overall approach to implementing the OJT requirements to achieve its annual goal (e.g., describe a project-based or contractor-based approach).	23 CFR 230.111		
Does the Plan briefly explain if and how OJT Supportive Services are used, and if funds are tied to the OJT Plan?	23 CFR 230.113		

The Plan should list external partners that assist with OJT program delivery. Include both traditional partners (contractor associations, DOL, etc.) and non-traditional partners (community groups, colleges and universities, etc.)	23 CFR 230.111		
Annual and Project Training Goal Implementation			
Does the Plan include a method for developing an annual OJT Program goal that is realistic and based on relevant information?	23 CFR 230.111(b)		

While FHWA no longer provides a "suggested" annual goal, consistent with the regulation, a final determination regarding the appropriateness of the goal should be made by the FHWA Division Office.	23 CFR 230.111(b)		
Does the Plan describe the process for selecting projects and determining the number of training requirements to be incorporated into the Training Special Provision for each? Or, if contractor-based, does the Plan describe the process and considerations for developing trainee goals?	23 CFR 230.111(a) and (c)		
Individual Training Programs			
Does the Plan define USDOL and State approved, bona fide and individually registered programs that may be used by contractors without approval from the State DOT or the FHWA Division Administrator?	23 CFR 230.111(f)(1); Appendix B to Subpart A of 23 CFR Part 230		
If any, does the Plan list other individual OJT programs, by job classification, approved by the State DOT and the FHWA Division Administrator?	23 CFR 230.111(d) and (e)(1); Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan describe individual training program requirements and procedures for seeking State and FHWA approval of other individual OJT programs?	23 CFR 230.111(d) and (e)(1); Appendix B to Subpart A of 23 CFR Part 230		
Wages and Contractor Payments			
The regulations allow for reduced wages during training programs, but some State DOTs nonetheless require Davis Bacon minimum prevailing wages while training (23 CFR 230.111(e)(2)). What does your State DOT require to ensure contractors are paying minimum wages at specified intervals?	23 CFR 230.111(d)(4) and (e)(2); Appendix B to Subpart A of 23 CFR Part 230		
Many State DOTs do not permit contractor reimbursement while others reimburse contractors at rates higher than 80 cents per hour. If applicable, describe how contractors receive/request reimbursement, including reimbursement for any offsite training.	23 CFR 230.111(g)(2); Appendix B to Subpart A of 23 CFR Part 230		
Procedures for Targeting Minorities, Females and Disadvantaged Persons			
Does the Plan describe use of U.S. Census or other demographic data products to determine availability of workers in highway construction classifications as compared to FHWA 1392?	23 CFR 230.111(c)(1); Appendix B to Subpart A of 23 CFR Part 230		
A best practice is to conduct underutilization analysis based on the State's construction workforce (FHWA 1392) as compared to the availability of minorities, females, and disadvantaged persons in the highway construction crafts. Nonetheless, contractors should still be required to recruit and select trainees according to their needs, availability, and in consideration of their EEO/affirmative action obligations.	23 CFR 230.111(c); Appendix B to Subpart A of 23 CFR Part 230		

State DOT's should make available tools and resources to aid contractors in fulfilling the TSP requirements with respect to workforce needs, underutilization, and the geographic location of the project. Does the Plan contain tools and resources that support contractor efforts to conduct targeted recruitment and training in job classifications where there is underrepresentation?	23 CFR 230.111(c)(1); Appendix B to Subpart A of 23 CFR Part 230		
TSP Implementation Procedures			
Does the TSP clearly state the training requirement (e.g., number of personnel to be trained, anticipated training hours to be fulfilled, training programs to be completed, or other measurable requirement) that contributes to the accomplishment of the State DOT's annual training goal?	23 CFR 230.111(a); Appendix B to Subpart A of 23 CFR Part 230		
Some State DOTs do not allow the contractor to delegate OJT responsibility to subcontractors. If so, does the Plan so state? Or if delegation is allowed, does the Plan discuss controls and contractor responsibility for training requirements delegated to subcontractors?	Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan discuss the enrollment (approval) process for each trainee?	Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan ensure training wages and incremental increases (where applicable) are set forth as part of selected training programs, through the application/enrollment process, or anytime before the start of training?	Appendix B to Subpart A of 23 CFR Part 230		
In keeping with the objective of the program and the contractor's EEO/affirmative action obligations, a best practice is to review the contractor's recruitment efforts with respect to its current/recent workforce, a current ratio of apprentices/trainees in each job classification, EEO/affirmative action	23 CFR 230.111(f)(1); Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan include a pre-construction process for contractors to submit for approval the number of trainees, selected work classifications and training programs to be used, including start times where appropriate?	Appendix B to Subpart A of Part 230		
Do trainee selection/approval procedures include a review to prevent previous OJT participants who successfully completed training or achieved journey-level status from participating as trainees in those classifications?	Appendix B to Subpart A of 23 CFR Part 230		
Does the plan include requirements and approval procedures for offsite training used to fulfill any TSP requirement?	Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan discuss the procedures for trainee terminations, replacements, and GFE regarding the same?	Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan define acceptable training and the fulfillment of the TSP requirements (e.g., start date, duration, competency/skill development, training program completion, supervision, etc.)?	Appendix B to Subpart A of 23 CFR Part 230		
Does the Plan discuss the requirements for contractors to submit periodic progress reports recording trainee progress and hours completed?	Appendix A and Appendix B to Subpart A of 23 CFR Part 230; 23 CFR 230.121		
Issuing certificates and holding graduation ceremonies is a best practice that lends credibility to the overall program and the training curriculum, and it also provides an opportunity to highlight the significance of the OJT Program in terms of providing opportunities and promoting diversity. Does the Plan discuss procedures for issuing certificates or holding graduation events upon training program completion?	23 CFR 230.111(d)		

Compliance Monitoring, Enforcement, and Reporting

Does the Plan describe procedures for monitoring contractor compliance with the TSP, including remedies and sanctions for TSP violations?	23 CFR Part 230 Subpart D		
Does the Plan describe the State DOT's process for determining a contractor's good faith efforts (GFEs) in meeting the TSP requirements of its contract (e.g., unable to locate trainee, training not completed, failure to provide sufficient training under the selected program, etc.)?	Appendix B to Subpart A of Part 230; 23 CFR 230.409 (g)(4)		

Does the Plan describe how the State DOT will monitor and verify contractor performance of the TSP requirements, the completion status of trainees (e.g., trainee interviews, payroll reviews, review of periodic reports from contractors, etc.)?	23 CFR 230.405; Appendix A and Appendix B to Subpart A of 23 CFR Part 230		
Pursuant to OJT supportive services or otherwise, does the Plan explain how the State DOT tracks trainees during work interruptions and provides follow up concerning the employment status of training graduates?	Appendix B to Subpart A of 23 CFR Part 230; 23 CFR 230.115		
The Plan should describe how FHWA is apprised of OJT program goals and accomplishments. If your program has no method of reporting to the Division or program office, consider developing a short report focusing on achievement data, e.g., 24 trainees in 10 classifications and the demographic breakdown. Does the Plan call for providing FHWA with an annual accomplishment report by January 30th, including the reasons why the annual goal was not met and action steps to be taken in the next year?	23 CFR 230.111(b) and 230.121		