# Training Special Provision (TSP) Requirements – LPA Projects

*Office of Civil Rights Programs*

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# LPA On-The-Job Training (OJT)

Some LPA Projects may have a Training Special Provision Requirement (TSP).

Training Special Provision (TSP) defined (in accordance with 23 CFR 230 – Subpart A):

- TSP is a <u>specific</u> training requirement included in <u>some</u> federal-aid contracts based on
  - Contract value
  - Type of work
  - Duration of project
  - County unemployment rate
  - Other projects within county containing TSP requirements
- Contractor is required to fill the <u>number</u> of training slots assigned, <u>not</u> the number of training hours included as part of the contract.

# Purpose of the TSP

- To assist contractors in satisfying Equal Employment Opportunity Requirements.

- To improve the skills of women, minorities, and economically disadvantaged persons in the construction industry.

- To increase the overall number of trained employees working in highway construction.

# General Overview of TSP

- LPA Annual Update Form
- LPA Initial Training Schedule
- LPA Enrollment Form
- LPA Monthly Training Status Report
- LPA Trainee Termination Form
- LPA Training Certificate
- LPA Request for Pay

# Annual Update Form

- All prime and applicable subcontractors working on federal-aid projects that include TSP requirements must complete an Annual Update Form.

- The Annual Update Form is submitted by January 1st of each year to the LPA and the LPA will forward to SCDOT.

- Submission of this form covers all projects on which the contractor is/will be training for the entire year.

- Prime contractors are responsible for ensuring that **all** subcontractors submit an annual update form.

# Initial Training Schedule (ITS)

- The ITS is a tentative plan indicating which classifications contractors will train in and the expected enrollment date for each training slot.

- LPA is responsible for submitting the ITS to SCDOT for approval prior to work beginning on the project.

- The prime contractor is responsible for submitting an ITS including which training slots will be filled by subcontractor(s) to the LPA, who will forward a copy to SCDOT for approval.

- Information must be submitted on the "Initial Training Schedule" form located in the SCDOT LPA OJT Program Manual.

- A revised ITS must be submitted for approval, if the expected classification and/or enrollment date changes.

- Once ITS is approved by SCDOT, a copy of the approved ITS will be emailed to the LPA, who will notify the prime contractor of approval.

# Selection of Trainees

- 60-70% of the trainees on each project should be either:
  - women,
  - minorities, and/or
  - economically disadvantaged individuals

- At least 50% of the trainees should be "new hires" for the company:

  - A "New Hire" is someone who has been employed by the firm for six (6) months or less.

  - An "Upgrade" is a person who has worked for the company for more than six (6) months, either in the same capacity the entire time, or in a variety of lower skilled positions.

- Temporary employees are **ineligible** to participate in the On-the-Job Training Program as a part of contractor's fulfillment of the Training Special Provision requirements.

# Enrollment Forms

- Submit forms directly to the LPA who will forward to SCDOT for approval.

- Enrollment forms must be submitted and approved before training begins.  Any training hours received prior to approval cannot be counted towards completion of the TSP requirements.

- **All** information must be completed on the Enrollment Form.

- A copy of the Enrollment Form & Training Outline must be provided to each trainee.

- A copy of the "disadvantaged" definition should be shown to an employee while completing the form.

- Contractors must ensure that the employee initials the certification box, indicating that he/she has not received previous training in the classification for which they are requesting approval.

  - A thorough assessment/evaluation should be conducted with each trainee regarding any previous work experience.

# Monthly Training Status Reports (MTSR)

- Records the number of training hours on a monthly basis that the trainee receives in their approved classification.

- Reports must include **only** the hours that trainees are engaged in training activities.

- Contractor should also maintain a separate training log, including the specific skills (based on the Training Outline) a trainee works on during a given time period.

  - Examples are available by emailing BeaglesBD@scdot.org.

- Reports must be submitted each month even if zero (0) hours of training were completed:

  - Explanation for why no training hours were received should be noted.

- Each report must include the hours from the previous months, until all columns are filled.

- Trainees **must** be given copies of the reports on a monthly basis.

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# Monthly Training Status Reports (MTSR)
### (continued)

- Prime Contractors **must** submit reports to the LPA by the 10th of the month, following the month in which training was done.

- Subcontractors **must** submit reports to the prime contractor by the 5th of the month, following the month in which training was done.

- Monthly Training Status Reports **must** include contractor's signature before submitting to the LPA.

- Only the final Monthly Training Status Report **must** be submitted to SCDOT.

# LPA Training Certificate

- The LPA Training Certificate will be given to the trainee upon successful completion of all required training hours.

- LPA must forward a copy of the trainee's final LPA Monthly Training Status Report, LPA Trainee Termination Form, and LPA Training Certificate (if applicable) to SCDOT.

# Request for Payment

- Payment **should** only be requested once the entire TSP requirement for the project is met **or** construction work on the project has been completed, whichever occurs first.

- Form is submitted directly to the LPA and then forwarded to SCDOT.

- Prime Contractor must include request for payment of training hours on behalf of all subcontractors.

- The LPA/Consultant is responsible for requesting reimbursement for OJT hours paid to the prime contractor from the SCDOT LPA Office.

- Pay rate is $.80 per training hour.  Payment is based on the total number of hours completed by each trainee (up to the total required hours for their approved classification) regardless of hours listed in contract.

- Reimbursement is not made for trainees who have completed less than ½ of the required training hours.

- An explanation for failure to complete training must accompany the Request for Payment Form, if the entire TSP requirement has not been met.

# Contractor Responsibilities

- Explain the OJT program in detail to employees.
- Submit the following to LPA :
  - LPA Annual Update Form
  - LPA Initial Training Schedule
  - LPA Enrollment Form
  - LPA Monthly Training Status Report
  - LPA Trainee Termination Form
  - LPA Training Certificate
  - LPA Request for Pay

# LPA Responsibilities

- Submit the following for SCDOT approval:
  - Initial Training Schedule (ITS)
  - Enrollment Form
  - Final Monthly Training Status Report (MTSR)
  - Annual Update Form
- Ensure Compliance with the Training Special Provisions.

- Conduct On-Site Reviews when the majority of the trainees are actively training and submit the report to SCDOT for approval.

- Review and submit to SCDOT the Request for Pay at the end of the project or when training is complete (whichever occurs first)

# Training by Subcontractor

- The prime contractor must ensure the subcontractor(s) has an updated "LPA On-the-Job Training – Annual Update Form" on file.

- The prime contractor must submit the name of any subcontractor(s) on the "LPA On-the-Job Training – Initial Training Schedule" form, to the LPA.

- The prime contractor must submit LPA Enrollment Forms to the LPA/Consultant for each contractor who will then forward to SCDOT for approval.

- The prime contractor must collect all LPA Monthly Training Status Reports for the **entire** project **each** month and submit them to the LPA/Consultant by the **10th** of the month following when the training was completed.

- The prime contractor remains responsible for ensuring all required training is properly completed.

- The prime contractor will submit the "LPA On-the-Job Training Request for Payment" form for all training completed on the project (by both the prime contractor and any applicable subcontractors).

- Payment will not be issued until the entire TSP requirements have been met **or** construction work has been completed.

# Steps to Ensure Compliance

- Reminders are sent to the contractor (Emails, and Phone Calls) – are made to ensure compliance is documented.

- Monthly and/or Final Pay Estimate can be withheld on entire project for failure to comply with TSP requirements.

- Contractor can be restricted from bidding on future projects for a specified period of time.

https://www.scdot.org/business/pdf/businessDevelop/lpa_ojt_manual.pdf