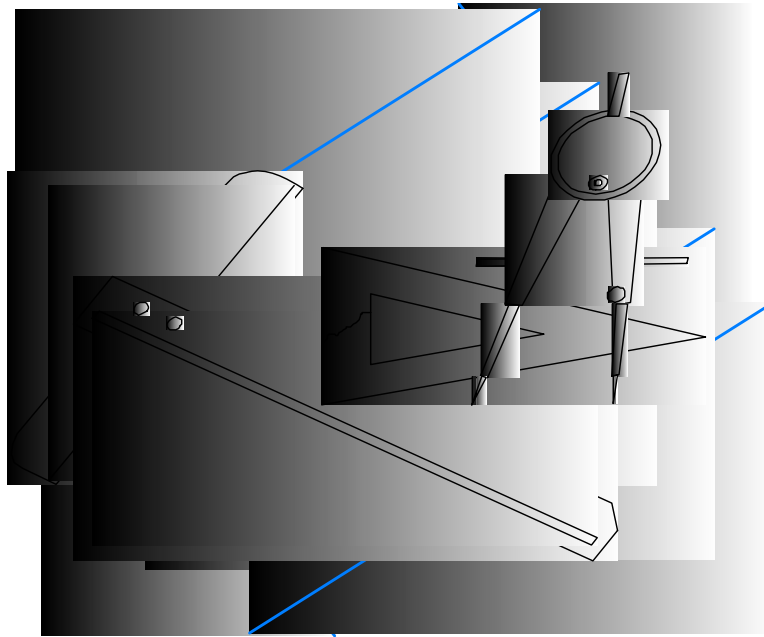


How to Develop a Registered Apprenticeship

**Best Practices Manual for Developing Apprenticeships
And Serving People with Disabilities**



Transition into Registered Apprenticeship Careers and Employment-TRACE

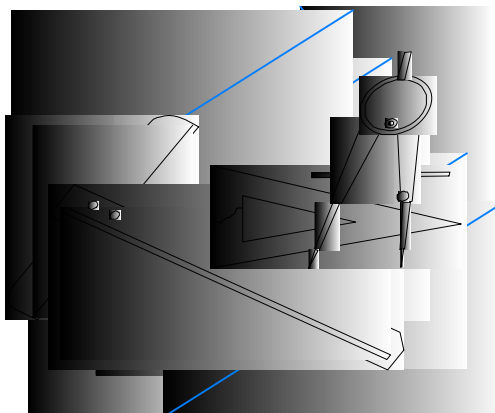
Learn While You Earn

An Employment Option for Disabled Individuals



How to Develop a Registered Apprenticeship Program

Best Practices Manual for Developing Apprenticeships And Serving People with Disabilities



Transition into Registered Apprenticeship Careers and Employment-TRACE Learn While You Earn

An Employment Option for Disabled Individuals



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All activities of the Division of Vocational Rehabilitation are conducted without regard to race, color, creed, religion, gender, age, national origin, or type of disability.

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Gary Beene, Assistant Secretary for Division of Vocational Rehabilitation

Andy Winnegar, Deputy Director, Professional Development Services

TRACE Program Staff

Carmen Taylor, Program Manager

Suzette Sandoval, Apprenticeship Placement Specialist

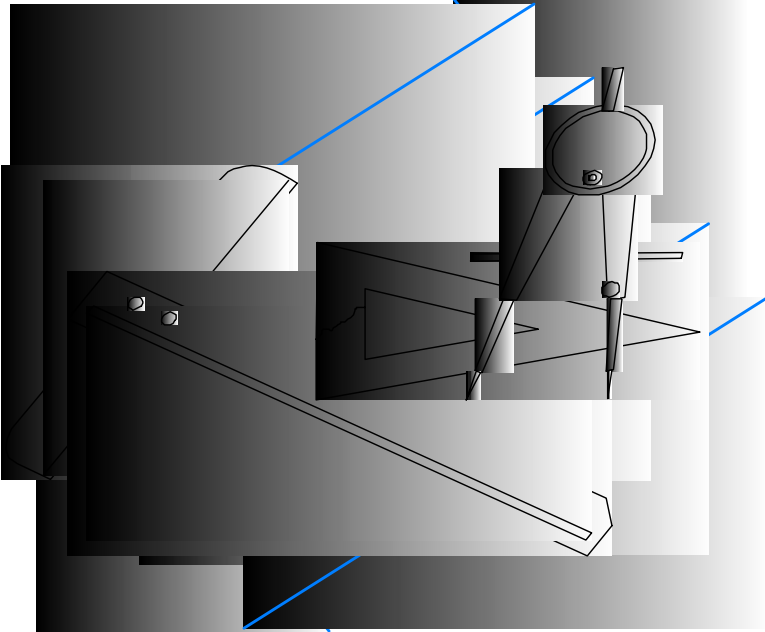
Tracy Alcaraz, Administrative Assistant

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Apprenticeship Overview



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Section I-Apprenticeship Overview

A. Introduction

This guide to apprenticeship development is designed to assist individuals interested in developing apprenticeships with information that will guide the process and identify issues to be considered. Although much of the information included in this guide can be used by anyone interested in developing apprenticeships, there is significant information included about special considerations for persons with disabilities. Most of the manual includes background information about the advantages of apprenticeship and step-by-step considerations and processes. The TRACE Experience section explains the TRACE program, a Rehabilitation Services special demonstration federally funded program and lessons learned under this dynamic grant. This manual is designed to assist employers, rehabilitation agencies, postsecondary vocational programs, one-stop operators and the general public wanting to know more about apprenticeships.

B. Historical Overview of Apprenticeship

Apprenticeship is a time honored system of training that has been around since the building of pyramids in Ancient Egypt. This one-on one training system was carried over to medieval times, and still survives as a job training system today. Historically, the concept of apprenticeship -- the teaching of skills by one generation for the benefit of the next -- goes back at least 4,000 years to the Babylonian Empire, and also was present in ancient Egypt, Rome and Greece. During the Industrial Revolution, the apprenticeship system was expanded to shipbuilding yards, iron foundries and federal arsenals.

In 1937, the Fitzgerald Act (See appendix A) created the National Apprenticeship System. Today, there are more than 38,000 sponsors in the National Apprenticeship System, 80% of who have been in the system for the last 20 years. There are more than 865 occupations with registered apprenticeships across five major industries: construction, manufacturing, utilities, service, government and more recently social services and technology. New occupations are continually being added to meet industry demands. To date, the National Registered Apprenticeship System has produced millions of skilled certified workers. In the mid 1977 there was further guidance for apprenticeship through the Code of Federal Regulations 29:29 and 29:30. The Code of Federal Regulations spelled out what apprenticeship is, key definitions, how it is to be set up in each state and logistics of the infrastructure for apprenticeship.

C. What is Apprenticeship

Registered apprenticeship programs are designed to maintain and encourage quality standards for a given industry. Apprenticeship programs are held accountable for quality training standards, a minimum number of related instruction hours weekly, regular pay increases for the apprentice, and adequate supervision and safety of the apprentice. In addition, apprenticeship programs often provide health, retirement and additional benefits. Apprenticeship Program Sponsors include individual employers, groups of employers, or partnerships between employers and organized labor. Registered apprenticeship programs are not federally-funded, but are industry-funded.

Apprenticeships are a viable option for men as well as women. There has been an increasing trend for women to enter apprenticeships, even though the majority of the apprenticeships are in construction trades. During FY 1999, there were over 431,797 U.S. apprentices receiving registered apprenticeship training in the 36,903 programs. Of these U.S. workers receiving training, 117,380 (27%) were minorities and 31,208 (7%) were women.

Apprenticeships consist of three distinctive phases: apprenticeship awareness, pre-apprenticeship training and apprenticeship. Apprenticeship awareness is defined as any program in a formal educational system creating an awareness of registered apprenticeship opportunities in available fields. Pre-apprenticeship is a formalized articulated program of study leading an individual into a registered training program. A pre-apprenticeship program meets the following criteria: It is occupation specific in nature. It requires additional math and/or science and includes job experience in an exploratory area. A registered apprenticeship program on the other hand is very specific. Apprenticeship is defined as a program of study that has at least 2000 hours of on the job training and at least one hundred forty-four hours of related instruction, typically in a given year. However this may vary when work is slow, or when there is a need to have apprentices work overtime during peak workloads.

The Bureau of Apprenticeship and Training (BAT) or the State Apprenticeship Council must approve all registered apprenticeship programs. In twenty-three states the Bureau of Apprenticeship is the approving agency. It delegates this registration authority through its Federal-State partnership with State Apprenticeship Councils/Agencies in 27 States, the District of Columbia, Puerto Rico and the Virgin Islands. In this case, a State Apprenticeship may be the approving agency. Traditionally, most apprenticeships have been in the construction trades' industries, but this varies from state to state. Many states have included apprenticeships in non-traditional areas as well. There are over 865 nationally recognized apprenticeships representing a wide range of occupations. National and State Apprenticeship Councils and Bureaus of Apprenticeship and Training may assist with development and approve new apprenticeships. The approval agencies are charged with safeguarding the safety of apprentices, ensuring the quality and equality of access to apprenticeship programs and to provide integrated employment and training information to a variety of interested employment and training entities. Both the Bureau of Apprenticeship Training Representative and the State Apprenticeship Council Executive Director assist employers with technical assistance, consultations regarding standards, work processes, and program compliance reviews.

Apprenticeship programs require a sponsor who may be a single employer, a joint employer and labor group, or an employer association, representing several employers. Apprenticeships are based on an agreement between the employer and/or the employee or employee representative. (See Sample Apprenticeship Agreement in Attachment B) Program sponsors develop a set of standards, including work processes, curriculum and competency development and an apprenticeship agreement. Employers may provide the related training through a variety of venues, including their own training centers, apprentice and journeyman classes, coursework offered through their local community colleges, or through industry training schools, which may or may not be offered locally.

D. Benefits of Apprenticeship Programs for Job Seekers

An apprenticeship program holds many benefits for a job seeker. Apprenticeships offer regular pay increases, quality training, benefits, pension plans, and supervision. Training is at the expense of the employer. The job seeker receives a national certification as a journeyman

upon completion of the apprenticeship. This certification will be recognized in any state in the nation and will allow the job seeker to start a new job at the journeyman level, once he/she has achieved that level. Apprentices are paid for their work on the job, usually at a percentage, perhaps 40-50% of what a fully qualified journeyman would make. In New Mexico, the starting range for most positions is between \$7.00 and 11.93 an hour. Many apprenticeship programs pay between \$13.00 and \$27.00 an hour at the journeyman level. This is a competitive salary that is comparable to salaries earned by people holding Bachelor's and Master's degrees. All apprenticeship programs give regular pay increases. Some pay increases are on a portion of a calendar year, while others are based on proficiency milestones. The shortest apprenticeship that is recognized requires a minimum of 2000 on the job hours and 144 hours of related instruction per year. This is roughly equivalent to one year of full time employment. Apprenticeships range from one to five years in duration. Generally, the lengthier the apprenticeship, the higher the hourly wage will be upon completion.

Advantages of apprenticeship cited by the National Bureau of Apprenticeship include:

- Participant credit toward a degree in some programs that have dual accreditation through post-secondary institutions
- Built in performance accountability
- Opportunity to "earn while you learn"
- Higher entry level wages
- Progressive wages over the term of training
- Long term/financial security
- Nationally recognized credentials upon completion
- Documented Skills that are transferable “

E. Benefits of Apprenticeship Programs for the Employer

Employers benefit from Apprenticeship programs. A registered apprenticeship program is an indicator of a work site, with industry driven standards of quality. Quality standards attract quality employees and business contracts based on meeting high standards of work performance. In addition, the employer may reap additional benefits through the following:

- Employer instills loyalty in employees by demonstrating a commitment to provide training.
- Employee trains for the specific needs of the industry, while taking related instruction.
- Employer receives a tax benefit for hiring a person from nine different populations, including persons with a disability. (Work Opportunities Tax Credits)
- Employers may choose to share resources for the benefit of the apprenticeship program.
- After one year of successful operation as a registered apprenticeship program, an employer in New Mexico can apply for funds under the Apprenticeship Assistance Act to offset training costs for related instruction. Funds must be applied for through the office that administers the Apprenticeship Assistance Act, currently the Public Education Department. These funds are allocated annually by the New Mexico State Legislature. Funds are applied for and divided based on the number of apprentices competing for that funding. Generally, it offsets the costs for the program sponsor about \$3.00 per hour, but no more than 50% of the training costs per apprentice in that program.

F. Economic Impact of Registered Apprenticeship

The economic impact of apprenticeship programs is one to be considered. In New Mexico, the wages in general in the state are low. Apprenticeships offer a viable option with starting hourly salaries at between \$7.00 and \$11.63 an hour, with regular pay increases at pre-defined intervals. The average apprenticeship program offers a pay increase every 6 months. This salary increase is usually based on completion of the number of hours of on the job training and completion of the related instruction for that time period. Sometimes, the pay increase is related to completion of the competencies and related instruction. Some programs have provisions for advancement based on prior experience and/or education and training. In addition to this most programs offer health benefits, a pension plan, and opportunities to participate in tax sheltered annuities or other investment plans.

At the national level, there are surveys to see the impact of funds offered to apprenticeship programs and the benefits that the state or federal program will reap per dollar spent. The results below are those gained from a national survey by the Bureau of Apprenticeship and Training in 1999.

Cost-Benefit Survey

A survey of the economic impact of apprenticeship and government investment was recently conducted by the BAT/SAC Liaison Committee. To date, 20 states and the Commonwealth of Puerto Rico responded. The first phase of the survey looked at the expenditure of tax dollars for registration agencies, public-funded related instruction and the taxes apprentices pay while in the program. The survey covered approximately 170,000 apprentices in service, manufacturing and construction occupations.

The information collected included:

- Average wage of apprentice in each state based on research on the top 32 apprenticeship occupations,
- Average State and Federal taxes paid by apprentices,
- Total apprentices by state as of
- Employer investment as expressed in wages to apprentices.

Results

Of the 21 states surveyed (including Puerto Rico), apprentices averaged \$ 12.25 per hour for an average annual income of \$ 24,509 and paid an average of \$ 3,755 in State and Federal taxes per year.

For the apprentices surveyed, it is estimated that the employers paid over \$ 4.2 Billion in wages. Apprentices paid over \$ 640 Million in State and Federal income taxes. Total investment by the Federal government and States was approximately \$ 31 million.

Expressed as ratios:

For every \$ 1 invested in apprenticeship by Government, apprentices pay an average of \$ 20.60 in State/Federal income taxes.

For the same \$ 1 invested by Government, employers invest over \$ 134 in wages paid to apprentices.

G. How to Start an Apprenticeship Program

It is important to understand the laws and regulations that apply to your individual state regarding apprenticeship development. At the federal level there are two areas of the Code of Federal Regulations that apply to and govern apprenticeship (CFR 29:29 and CFR29:30-See Attachment C and D). The federal regulation CFR 29:29 specifies what must be in the regulations for an apprenticeship program to be approved. In addition, there are Bureau of Apprenticeship and State Apprenticeship Council regulations and procedures. Only a few states have legislation that financially supports a portion of the related instruction. In New Mexico, it is supported by the Apprenticeship Assistance Act. It is important to understand the regulatory system that operates in your state in regard to apprenticeship. It is also important to understand the language of apprenticeship and be able to effectively use it in writing standards.

It is crucial, when developing a new apprenticeship, to verify if that occupation is one that is currently apprenticeable at the national level. This will speed up the approval process, if a similar apprenticeship has already approved nationally. If a similar apprenticeship has been approved at the national level, the apprenticeship has to go through fewer steps to become registered. However, there are still steps that must be taken to get additional approval for a new apprenticeship program.

The first step in developing an apprenticeship is to objectively evaluate whether an apprenticeship model is appropriate. Apprenticeship programs may be appropriate if the employer feels that it meets the needs of the business. Employers must be prepared to commit to regular pay increases and to provide training and supervision of the apprentices. If the business is committed to providing these and wants to meet high industry standards, then an apprenticeship is appropriate.

After a decision is made, there are a series of steps that need to be taken to get the components in place.

- Organize an Apprenticeship Advisory Committee of skilled workers and management. This may be through a single employer, several businesses who agree to collaborate, or through a union.
- Get buy-in from workers and management for the idea. Secure their cooperation to provide the apprentices with direction, supervision, and financial incentives.
- Determine the type of training to be delivered and the method of delivery of related instruction. If needed, arrange with a training agency, Community College or targeted training center to deliver related instruction or decide to conduct the training in-house through an accomplished worker in the apprenticeship area to be developed.
- Committee must agree on a set of standards for training, including occupations, length of training, selection procedure, affirmative action plan, wages, and number of apprentices to be trained. There may be additional criteria that are mandated in your state, such as the ratio of apprentices to journeypersons, the competencies or time frame used to determine wage increases.
- Appoint an apprenticeship coordinator to maintain the standards of training prescribed by the advisory group, length of training, selection procedure, affirmative action plan, wages, tests, number to be trained and any additional criteria that is specific to that occupation or to that state.
- Present the apprenticeship standards to the Bureau of Apprenticeship (BAT) for approval. This is initially done through the BAT Apprenticeship Training Representative. It is then sent on to the national BAT for approval and/or modification. If the registration agency in your state is the BAT, then registration of the standards will be with the BAT representative.

- If the Registration Agency is the State Apprenticeship Council, then the standards will have to be presented to the State Apprenticeship Council (SAC). If the Apprenticeship program is approved by the SAC, then the employer will be responsible for submitting apprenticeship agreements to the SAC as each new apprentice begins the program. The Apprenticeship Coordinator will be responsible for providing wage and hour information to the SAC as the apprentice moves up in the apprenticeship, or notifying the SAC when an apprentice leaves the program. The coordinator will also be responsible for having apprenticeship agreements on file with the SAC.

H. Incentives for an Employer to Develop Apprenticeships

The question of an incentive becomes an important question for an employer when the employer realizes the regulations, wages and commitment that he/she will have to make to the employee. Not only that, but there are additional paperwork restrictions placed on an employer to be in compliance with a registered program. However, there are some benefits to employers that will pay dividend in the end if an employer invests in training that will result in a safe, competent employee. Some employers have learned to combine their resources to provide an apprenticeship through cost sharing of trainers, facilities, and journeyman level workers.

In the traditional construction trades industries, there are financial incentives because the employer can compete for lucrative government contracts, engage in interstate contracts, and gain credibility for having qualified, trained workers on the job site.

In non-traditional occupations, where there are few trainer workers, there is a need to develop a workforce with more immediate results. In addition, the employer can tailor the training to meet the unique work requirements for that job site.

I. Incentives for State and Federal Governments

According to a survey of national apprenticeship programs done in 21 states and Puerto Rico, there are significant gains in tax revenue for each apprentice that is working as compared to the dollar invested. Results of this survey indicated that of the 21 states surveyed (including Puerto Rico), apprentices averaged \$ 12.25 per hour for an average annual income of \$ 24,509 and paid an average of \$ 3,755 in State and Federal taxes per year.

For the apprentices surveyed, it is estimated that the employers paid over \$ 4.2 Billion in wages. Apprentices paid over \$ 640 Million in State and Federal income taxes. Total investment by the Federal government and States was approximately \$ 31 million. As apprentices progress through their program, they receive an ascending schedule of wages with regular pay increases. Once apprentices become journeyman, it is not unusual for them to make double what they earned as apprentices, so the figures indicated here are doubled when an apprentice becomes a journeyman.

Expressed as ratios:

For every \$ 1 invested in apprenticeship by Government, apprentices pay an average of \$ 20.60 in State/Federal income taxes.

For the same \$ 1 invested by Government, employers invest over \$ 134 in wages paid to apprentices.

J. Nationally Registered Apprenticeship Programs

At the national level there are over 865 registered apprenticeships in a wide variety of career fields. Many of the career fields may be suitable for persons with disabilities. It is for this reason that the TRACE program will be seeking to develop new apprenticeships in partnership with business in the state. Essentially, the business must apply for the apprenticeship, but the TRACE staff will assist in the development of the apprenticeship. An apprenticeability request is sent to the Bureau of Apprenticeship and Training. A national survey of that occupation is performed to determine if the occupation is apprenticeable, in the opinion of those who perform the job requirements of this occupation. If it is found to be representative of the industry standard, then it may be accepted. If it is not acceptable, it is modified and re-submitted with changes and additional input from the industry. If this request is successful, then the standards are accepted as written or if not accepted then the standards must be modified until they are acceptable.

For a listing of all the programs that have already received national approval as a registered apprenticeship, go to the U.S. Department of Labor web site. The national web page is www.ttrc.doleta.gov/eta/research/skill.htm. In addition, there are additional web sites listed in the appendix to refer to for further information.

K. Technical Assistance

The Bureau of Apprenticeship and Training (BAT) employment representative and the State Apprenticeship Council (SAC) Executive Director can provide technical assistance. Each state has an assigned Bureau of Apprenticeship and Training employment representative, but not all states have a State Apprenticeship Council.

The BAT representative is assigned more than one state. The employment representative is responsible for providing technical assistance in the development of new programs, doing compliance reviews on existing ones and promoting apprenticeship through a variety of venues. The employment representative can assist businesses considering an apprenticeship with conceptualizing how it could be developed and the rights and responsibilities of the employer and the employee under an apprenticeship structure. The employment representative can research similar occupations, or determine that it is truly a new occupation, which stands on its own merits. In the case of a similar registered occupation, the national standards for an existing one can be modified to reflect the unique needs of that business and approved through the state's registration agency. If no similar occupation is noted, then the BAT representative can assist with an apprenticeability request.

The SAC representative and BAT representative have similar charges, but one reflects the national level and the other the state prospective. The SAC representative can assist with information required for state registration. The SAC representative assists with information needed by the employer to submit the standards to the Council for approval. When everyone is informed about the standards and process, the approval is much smoother.

Both the BAT and SAC representatives can provide technical assistance to the employers as they develop their standards. Each approving entity has their own template with the format that will be used to write the standards. Much of that template is standard language that reflects the standards required of the national or state registration agency. However, where it differs is in the specific guidelines for training, eligibility, schedule of wages, work processes, and EEOC guidelines. Employers are encouraged to have active discussions with both agencies to bring

clarity to the process and to determine if all the requirements are met prior to asking for approval.

Information about each state registration agency can be obtained through the U.S. Department of Labor, Bureau of Apprenticeship and Training website (www.doleta.gov or http://www.doleta.gov/atels_bat/), or through the National Association of State and Territorial Apprenticeship Directors (NASTAD). Their website is <http://www.nastad.net/>

In New Mexico, the contact information for the Bureau of Apprenticeship Employment Representative and the State Apprenticeship Executive Director are listed below:

NM Department of Labor Apprenticeship Section 501 Mountain Rd., NE Albuquerque, New Mexico 87102 (505) 222-4674 or (505) 222-4672 (Contact for updated list of SAC registered programs)	U.S. Department of Labor Bureau of Apprenticeship and Training 5004 th St.-Suite 401 Albuquerque, New Mexico 87102 (505)245-2155 or (505) 245-2156 National Bureau of Apprenticeship and Training 1-877-872-5627
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L. Serving People with Disabilities in Apprenticeship

New Mexico Division of Vocational Rehabilitation, Deputy Director Andy Winnegar has a vision for apprenticeships as a viable option for people with disabilities. It is for this reason, that the agency has sought and received federal grants revolving around employment and apprenticeship development to meet the need for high demand occupations. Under the Transition to Registered Apprenticeship, Careers, and Employment (TRACE), DVR Staff have assisted employers to develop new apprenticeships in the social services occupations, with the end goal that more people with disabilities would be able to receive appropriate employment and training. Registered apprenticeship programs have been developed for three employers in Job Coaching and eight employers in Certified Nurse Assistants and eight in the construction trades. TRACE program staff members were asked for assistance with development of eight construction trades for an employer who has been open to hiring Division of Vocational Rehabilitation clients.

The newest initiative is for a state government apprenticeship for a disability adjudicator under the Medicaid Buy-In program. This initiative is housed in the state's Division of Vocational Rehabilitation. This apprenticeship was researched and standards written that mirror the national adjudication training. The standards were cross-walked with the Social Security Training Manuals to assure consistency and quality of the training. Several experienced disability adjudicators reviewed the standards and made recommendations. The Medicaid Buy-In manager conducted a national survey of Medicaid Buy-In programs for additional information and to see if other states would be interested in developing such a model. The standards were written, reviewed, edited and sent to the local Bureau of Apprenticeship and Training Employment Representative. She assisted with the Apprenticeability Request that was sent to Washington. Once the Apprenticeability Request is approved, then the Division of Vocational Rehabilitation will request state registration of the standards. The apprenticeship will be operational May 1, 2006. This program design was the result of the Governor's initiative to increase employment of people with disabilities in government.

Many people do not fully understand the wide range of qualifying disabilities and abilities. Too often when we hear the word “disability”, we equate that with a stereotype of the person with visual impairment, hearing impairment, a wheelchair user or a person with loss of limb. These people only reflect a portion of those who qualify. However, the range of disabilities is far broader than that. People with disabilities may have what we call “invisible disabilities”. This means that without specific assessments, it would not be apparent that the individual has a disability. Under the Rehabilitation Act, a person with a disability is defined as “one who has a physical or mental impairment that substantially limits one or more major life activities; who has a record of such impairment; or who is regarded as having such impairment”. All people have abilities, but a good job match only makes those abilities more useable. Often, it is best to ask a job applicant what they can do, rather than concentrate on what they cannot do. Often asking a simple question about job skills and what a person can do is better than making assumptions about what they can not do.

Although apprenticeships are open to anyone interested in entering an apprenticeship program, a good job match is essential to success. A job applicant must have motivation and a reasonable chance of success in the job, with or without an accommodation. The national average for most accommodations, that are required, usually costs between \$50-\$500 dollars. Many people with learning disabilities are very successful in apprenticeship programs because the learning style accommodates one on one instruction. Additionally, people with disabilities often learn visually and through real “hands-on” experience with materials. This format may allow a person with a learning disability to be more successful.

This is not an all inclusive list. Some examples of job accommodations that have been provided through the TRACE program are:

- Readers to assist with filling out applications
- Readers to assist with reading the entry level tests required by some apprenticeship programs
- Sign language interpreters
- Spanish language interpreters
- Referrals to apprenticeship programs who have the capability to deliver instruction in Spanish
- Materials and forms written in the Spanish language
- Paying the cost for remedial instruction to bring an applicant’s math or reading skills up to a higher level
- Assistive devices for reading materials
- Referrals to short term loan bank of assistive devices
- Materials in Braille and large font
- Referrals to DVR counselors to assist in vocational assessments
- Referrals to drug treatment centers
- Referrals to specialized DVR case loads for hearing impaired clients and clients with mental health issues
- Referrals to shelters and food banks
- Referrals to social service agencies
- Assistance with interim expenses prior to receiving a paycheck
- Referrals to providers of services that can assist with hearing impairments
- Transportation to and from a job site
- Safety equipment
- Specialized clothing
- Requests for alternative scheduling to meet energy levels of clients

- Peer mentoring for clients with disabilities coming out of correctional facilities

For further information and details about serving people with disabilities, refer to The TRACE Experience manual, the Counselor's Handbook, the Accommodations manual and the Appendices at the end of this manual.

Attachment A

The Fitzgerald Act

THE NATIONAL APPRENTICESHIP ACT

(50 Stat. 664; 29 U.S.C. 50)

To enable the [U.S.] Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards.

Be it enacted by the senate and House of representatives of the United States of America in Congress assembled, That the Secretary of Labor is hereby authorized and directed to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the National Youth Administration and with the Office of Education of the Department of the Interior in accordance with the section 6 of the Act of February 23, 1917 (29 Stat. 932), as amended by the Executive Order Numbered 6166, June 10, 1933, issued pursuant to an Act of June 30, 1932 (47 Stat. 414) as amended.

SEC. 2. The Secretary of Labor may publish information relating to existing and proposed labor standards of apprenticeship, and may appoint national advisory committees to serve without compensation. Such committees shall include representatives of employers, representatives of labor, educators, and officers of other executive departments, with the consent of the head of any such department.

SEC. 3. On and after the effective date of this Act the National Youth Administration shall be relieved of direct responsibility for the promotion of labor standards of apprenticeship as heretofore conducted through the division of apprentice training and shall transfer all records and papers relating to such activities to the custody of the Department of Labor. The Secretary of Labor is authorized to appoint such employees as he may from time to time find necessary for the administration of this Act, with regard to existing laws applicable to the appointment and compensation of employees of the United States: Provided, however, That he may appoint persons now employed in division of apprentice training of the National Youth Administration upon certification by the Civil Service Commission of their qualifications after non-assembled examinations.

SEC. 4. This Act shall take effect on July 1, 1937, or as soon thereafter as it shall be approved.

Attachment B
NEW MEXICO DEPARTMENT OF LABOR
APPRENTICESHIP AGREEMENT AND REGISTRATION FORM

Program No. _____

Name of Sponsor <i>Address of Sponsor (Street, City, State, Zip Code)</i>		Name of Apprentice <i>Address of Apprentice (Street, City, State, Zip Code)</i>		
Occupation	LENGTH OF PROBATION (MONTHS/HOURS)	Date of Birth (M-D-Y)	Social Security No.	GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female
TERM OF APPRENTICESHIP (Total OJT Hours)	WORK EXPERIENCE CREDIT	VETERAN STATUS (X ONE)		
Hours	Hours	EDUCATION LEVEL (X ONLY ONE)		
RELATED INSTRUCTION (TOTAL)	RELATED INSTRUCTION CREDIT	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Hours	Hours	<input type="checkbox"/> 12 TH GRADE OR LESS		
DATE APPRENTICESHIP BEGAN (MDY)	PROJECTED COMPLETION DATE (MDY)	<input type="checkbox"/> GREATER THAN 12 TH GRADE		
WILL APPRENTICE BE PAID WHILE ATTENDING CLASS?		Race/Ethnic Group (X Only One)		
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> White (Not Hispanic) <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> African American <input type="checkbox"/> Info. Not Available <input type="checkbox"/> Hispanic <input type="checkbox"/> Other <input type="checkbox"/> American Indian or Alaska		
PROGRESSIVE WAGE SCHEDULE: THE JOURNEYPERSON HOURLY RATE ON _____ WAS \$_____ PER HOUR.				
1 ST	_____ %	2 ND	_____ %	3 RD
4 TH	_____ %	5 TH	_____ %	6 TH
7 TH	_____ %	8 TH	_____ %	9 TH
10 TH	_____ %			
TRAINING PERIOD IN WHICH APPRENTICE IS REGISTERED: _____ APPRENTICE BEGINNING WAGE RATE \$_____				

The sponsor and apprentice whose signatures appear below agree to the terms and conditions set forth in the Apprenticeship Standards currently in effect and registered with the New Mexico State Apprenticeship Council. Such Apprenticeship Standards are made a part of this agreement.

Further, the sponsor agrees that the apprentice shall be given equal opportunity in all phases of apprenticeship employment and training without discrimination because of political or religious opinion or affiliation, marital status, race, color, creed, national origin, sex or age, unless sex or age constitutes a bona fide occupation qualification or the physical or mental disability of the qualified individual with the disability in accordance with the New Mexico State Plan for Equal Employment Opportunity in Apprenticeship & Training.

The apprentice agrees to be diligent and faithful in learning the occupation in accordance with the terms and conditions set forth in the Apprenticeship Standards registered with the New Mexico State Apprenticeship Council.

This agreement may be terminated by either party without cause during the probationary period by submitting written notification of termination to the New Mexico State Apprenticeship Council. After the probationary period, this Agreement may be terminated for good cause with due notice to the apprentice and a reasonable opportunity for corrective action.

Privacy Act Statement: The information requested herein is used for apprenticeship program statistical purposes and may not be otherwise disclosed without the express permission of the undersigned apprentice. Privacy Act of 1974 (P.L. 93-579)

SPONSOR (Registered apprenticeship program authorized signature) _____ (Printed name of authorized signature) _____ (Date signed) _____	APPRENTICE (Apprentice – legal signature) _____ (Date signed) _____ (If a minor, parent or guardian signature) _____
REGISTERED WITH THE NEW MEXICO STATE APPRENTICESHIP COUNCIL <div style="text-align: right; margin-top: 20px;"> _____ DIRECTOR </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;"> _____ DATE REGISTERED </div> <div style="width: 50%;"> _____ SIGNATURE AND TITLE OF SAC OFFICIAL </div> </div>	

Attachment C

New Mexico APPRENTICESHIP ASSISTANCE ACT

SECTION:

- 21-19A-1. Short title.**
- 21-19A-2. Purpose.**
- 21-19A-3. Definitions.**
- 21-19A-4. Apprenticeship committee; duties.**
- 21-19A-5. Criteria for apprenticeship programs.**
- 21-19A-6. Rules and regulations.**
- 21-19A-7. Apprenticeship and training advisory committee.**
- 21-19A-8. Duties of advisory committee.**
- 21-19A-9. Notice of available funds.**
- 21-19A-10. Distribution of funds.**
- 21-19A-11. Audit procedures.**
- 21-19A-12. Budget; disbursement and appropriation.**
- 21-19A-13. Status of recommendations.**

21-19A-1. Short title.

This act [21-19A-1 to 21-19A-13 NMSA 1978] may be cited as the "Apprenticeship Assistance Act".

21-19A-2. Purpose.

The purpose of the Apprenticeship Assistance Act [21-19A-1 to 21-19A-13 NMSA 1978] is to assist apprenticeship programs that will develop skilled craftsmen in occupations recognized by the bureau and the council to accommodate the social and economic needs of the adult citizens of New Mexico and to enhance the economic development of the state.

21-19A-3. Definitions.

As used in the Apprenticeship Assistance Act [21-19A-1 to 21-19A-13 NMSA 1978]:

- A. "advisory committee" means the apprenticeship and training advisory committee to the division;
- B. "apprentice" means a person at least sixteen years old who is approved by the council and is covered by a written agreement with an employer, or with an association of employers or employees acting as agent for an employer, which apprentice agreement provides for reasonably continuous employment not less than two thousand hours required for any given trade for that person for his participation in an approved schedule of work experience through employment,

and for at least one hundred forty-four hours per year of related supplemental instruction;

- C. "apprenticeship committee" means the sponsoring committee of each apprenticeable craft that is responsible for that particular apprenticeship program;
- D. "apprenticeship related instruction" means skills taught off the job that are required by the particular apprenticeable craft and that the apprentice needs to complete his apprenticeship as required by the council and the bureau;
- E. "bureau" means the bureau of apprenticeship and training of the United States department of labor;
- F. "council" means the state apprenticeship council;
- G. "division" means the vocational education division of the state department of public education;
- H. "related instruction" means organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship for a particular apprenticeable trade; and
- I. "supplementary" means new or upgrading skill training for those already employed as journeymen craftsmen.

21-19A-4. Apprenticeship committee; duties.

The apprenticeship committee for each apprenticeship training program shall:

- A. establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen;
- B. establish rules governing on-the-job training and other instruction for apprentices in the program;
- C. plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;
- D. select qualified instructors for the program;
- E. monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;
- F. interview applicants and select those who meet the criteria developed by the apprenticeship committee;
- G. provide for the keeping and reporting of student, program and fiscal data as required by the United States department of education; and
- H. perform any other duties that promote the goals of individual apprentices and of the program as a whole.

21-19A-5. Criteria for apprenticeship programs.

- A. An apprenticeship program shall be registered by the council or the bureau.

- B. An apprenticeship program shall be under the direction of an apprenticeship committee and structured according to CFR 29.29. Committee members are appointed by one or more employers of apprentices, one or more employee representatives of an apprenticeable trade or a combination of the above. If an apprenticeship committee is composed of representatives of one or more employers and one or more employee representatives, the number of committee members designated by the employers shall be equal to the number of committee members designated by the employee representatives.
- C. Each apprentice participating in a program shall have signed a written apprenticeship agreement with the apprenticeship committee stating the standards and conditions of his employment and training, which standards shall conform substantially with the standards of apprenticeship as registered by the council or bureau.

21-19A-6. Rules and regulations.

The division shall make such rules and regulations as are necessary to carry out the provisions of the Apprenticeship Assistance Act [21-19A-1 to 21-19A-13 NMSA 1978].

21-19A-7. Apprenticeship and training advisory committee.

- A. The division shall appoint an apprenticeship and training advisory committee composed of ten voting members who shall be New Mexico residents. The members shall be as follows:
 - (1) two persons representing employers of members of apprenticeable trades;
 - (2) two persons representing organized labor for members of apprenticeable trades;
 - (3) two persons employed as full-time training directors or program administrators of apprenticeship committees;
 - (4) two persons employed by New Mexico educational entities who teach or immediately supervise preparatory instruction, supplementary instruction or related instruction courses;
 - (5) the director of the council, who shall serve as chairman; and
 - (6) the supervisor of trades and industry with the division.
- B. Members of the advisory committee shall serve terms of four years, except that the division shall designate one member from each of the groups referred to in Paragraphs (1) through (4) of Subsection A of this section to serve an initial term of two years. Thereafter, all members shall serve four-year terms.
- C. Vacancies shall be filled for the unexpired portion of a term vacated.
- D. Nonvoting members of the advisory committee shall include the following:
 - (1) one person designated by and representing the advisory council for vocational education;
 - (2) one person designated by and representing the New Mexico college and university system of vocational education;

- (3) one person designated by and representing the bureau; and
- (4) one person representing the general public who is familiar with the goals and needs of technical-vocational education in New Mexico, and who is not otherwise eligible for service on the advisory committee.
- E. The member of the advisory committee representing the general public shall be appointed by the division for a term of four years. All other nonvoting members of the advisory committee shall serve at the pleasure of the agency or institution each respective member represents.
- F. The advisory committee shall meet on an annual basis or at the call of the chairman.
- G. The members of the advisory committee shall be subject to such laws and practices as are applicable to the service and compensation of employees of the state. Members of the advisory committee not otherwise compensated by public funds shall be reimbursed for their official duties in accordance with the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] for attendance at not in excess of twelve meetings per year.

21-19A-8. Duties of advisory committee.

The advisory committee shall provide input into the development of a statewide plan for a comprehensive program of apprenticeship training, which shall include but not be limited to the following:

- A. formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;
- B. forms, formulas and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the update to the apprenticeship related instruction cost study required by Section 10 [21-19A-10 NMSA 1978] of the Apprenticeship Assistance Act, and the formulas shall be uniform in application to all program sponsors; and
- C. the content and method of the public notice required by the Apprenticeship Assistance Act.

21-19A-9. Notice of available funds.

In order to ensure that all citizens of New Mexico have an equal opportunity to benefit from apprenticeship training programs, the division shall provide for statewide publication, in a manner recommended by the advisory committee and intended to give actual notice to all potential program sponsors, of the amount of funds that will be available to support apprenticeship training programs during the current and following fiscal years, the qualifications required of program sponsors and apprenticeship committees and the procedures to be followed in applying for state funds. The notice may also include other information recommended by the advisory committee and approved by the division; provided that the division shall publish any information concerning available funds given to a particular program sponsor in a manner recommended by the advisory committee and intended to give actual notice to all potential program sponsors statewide.

21-19A-10. Distribution of funds.

- A. Upon recommendation of the advisory committee, the division shall adopt formulas and administrative procedures to be used in requesting appropriations of state funds as a budgetary line item for the apprenticeship system of adult vocational education.
- B. The advisory committee shall prepare an update to the apprenticeship related instruction cost study adopted by the division prior to each session of the legislature.
- C. Upon recommendation of the advisory committee, the division shall adopt forms, formulas and administrative procedures for the distribution of available funds to apprenticeship training programs. Distribution formulas shall be uniform in application to all local program sponsors.
- D. Upon recommendation of the advisory committee, the division shall reserve until March 1 of each year a percentage of the funds appropriated under the line item described in this section to be used solely for apprenticeship related instruction programs. This percentage shall be established by the formulas required by this section. Reserved funds that are not obligated on March 1 may be used for preparatory and supplementary instruction programs as well as related instruction programs.
- E. No funds shall be distributed to an apprenticeship committee until the apprenticeship committee has filed all reports required by the Apprenticeship Assistance Act [21-19A-1 to 21-19A-13 NMSA 1978] and by the division. Funds shall not be distributed to programs not in compliance with their approved standards. Programs determined to be in noncompliance with their standards will be required to refund all funds to the division for the current fiscal year.

21-19A-11. Audit procedures

- A. All projects funded shall maintain a clear audit trail of all money appropriated for the apprenticeship system of adult vocational education. For each course that is funded, the audit trail in the division shall include the following records:
 - (1) the name of the sponsoring apprenticeship committee;
 - (2) the name of the instructor;
 - (3) the number of students enrolled;
 - (4) the place and schedule of class meetings;
 - (5) fiscal accountability as per division requests; and
 - (6) certification by the apprenticeship council or the bureau for preparatory and related instruction courses that the students enrolled are registered apprentices.
- B. Funds appropriated for the apprenticeship system of adult vocational education shall not be commingled with funds appropriated for other purposes.
- C. All records, receipts, working papers and other components of the audit trail shall be public records.

21-19A-12. Budget; disbursement and appropriation.

- A. For the first two years after the effective date of the Apprenticeship Assistance Act, the division shall disburse funds for each apprenticeship committee, taking into account the number of total monthly contact hours and based on one dollar fifty cents (\$1.50) per participant contact hour of related instruction, not to exceed two hundred twenty hours per participant per year. Thereafter, funds shall be distributed in accordance with Section 10 [21-19A-10 NMSA 1978] of the Apprenticeship Assistance Act.
- B. The division shall require from the apprenticeship committees such reports as it deems necessary for the purpose of determining the number of total monthly contact hours.
- C. Funds appropriated under the Apprenticeship Assistance Act [21-19A-1 to 21-19A-13 NMSA 1978] shall be disbursed by the division, and the division shall have sole control over the disbursement of those funds; provided, however, the division shall not fund any apprenticeship committee not certified by the council or the bureau.

21-19A-13. Status of recommendations.

- A. Recommendations of the advisory committee submitted to the division shall be acted on, and either accepted or rejected.
- B. A recommendation that is rejected shall be returned immediately to the advisory committee, accompanied by written notice of the reasons for rejecting the recommendation. Upon such notice, the division and the advisory committee shall meet within fifteen days to resolve the issue, but if no resolution of the recommendation is made, then the superintendent of public instruction shall decide the matter. His decision shall be final.

21-19A-13. Status of recommendations.

- A. Recommendations of the advisory committee submitted to the division shall be acted on, and either accepted or rejected.
- B. A recommendation that is rejected shall be returned immediately to the advisory committee, accompanied by written notice of the reasons for rejecting the recommendation. Upon such notice, the division and the advisory committee shall meet within fifteen days to resolve the issue, but if no resolution of the recommendation is made, then the superintendent of public instruction shall decide the matter. His decision shall be final.

Attachment D

Code of Federal Regulations 29:29

PART 29—LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS

Section Contents

- [§ 29.1 Purpose and scope](#)
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 - [§ 29.3 Eligibility and procedure for Bureau registration of a program.](#)
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 - [§ 29.6 Apprenticeship agreement](#)
 - [§ 29.7 Deregistration of Bureau-registered program.](#)
 - [§ 29.8 Reinstatement of program registration.](#)
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 - [§ 29.10 Limitations.](#)
 - [§ 29.11 Complaints.](#)
 - [§ 29.12 Recognition of State agencies.](#)
 - [§ 29.13 Derecognition of State agencies.](#)
-

Authority: Sec. 1, 50 Stat. 664, as amended (29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301); Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (5 U.S.C. App., p. 534).

Source: 42 FR 10139, Feb. 18, 1977, unless otherwise noted.

§ 29.1 Purpose and scope.

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(a) The National Apprenticeship Act of 1937, section 1 (29 U.S.C. 50), authorizes and directs the Secretary of Labor “to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare * * *.” Section 2 of the Act authorizes the Secretary of Labor to “publish information relating to existing and proposed labor standards of apprenticeship,” and to “appoint national advisory committees * * *.” (29 U.S.C. 50a).

(b) The purpose of this part is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, or acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. These labor standards, policies and procedures cover the registration, cancellation and deregistration or apprenticeship programs and of apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

(c) For further information about this part 29, contact: Deputy Administrator, Bureau of Apprenticeship and Training, Employment and Training Administration, Room 5000, Patrick Henry Building, Washington, DC 20213, Telephone number (202) 376–6585.

§ 29.2 Definitions.

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As used in this part:

(a) *Department* shall mean the U.S. Department of Labor.

(b) *Secretary* shall mean the Secretary of Labor or any person specifically designated by him.

(c) *Bureau* shall mean the Bureau of Apprenticeship and Training, Employment and Training Administration.

(d) *Administrator* shall mean the Administrator of the Bureau of Apprenticeship and Training, or any person specifically designated by him.

(e) *Apprentice* shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in §29.4 under standards of apprenticeship fulfilling the requirements of §29.5.

(f) *Apprenticeship program* shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

(g) *Sponsor* shall mean any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

(h) *Employer* shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

(i) *Apprenticeship committee* shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be *joint*, i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be *unilateral* or *non-joint* and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

(j) *Apprenticeship agreement* shall mean a written agreement between an apprentice and either his employer, or an apprenticeship committee acting as agent for employer(s), which agreement contains the terms and conditions of the employment and training of the apprentice.

(k) *Federal purposes* includes any Federal contract, grant, agreement or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

(l) *Registration of an apprenticeship program* shall mean the acceptance and recording of such program by the Bureau of Apprenticeship and Training, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.

(m) *Registration of an apprenticeship agreement* shall mean the acceptance and recording thereof by the Bureau or a recognized State Apprenticeship Agency as evidence of the participation of the apprentice in a particular registered apprenticeship program.

(n) *Certification* shall mean written approval by the Bureau of:

(1) A set of apprenticeship standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as substantially conforming to the standards of apprenticeship set forth in §29.5; or

(2) An individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.

(o) *Recognized State Apprenticeship Agency* or *recognized State Apprenticeship Council* shall mean an organization approved by the Bureau as an agency or council which has been properly constituted under an acceptable law or Executive order, and has been approved by the Bureau as the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for Federal purposes.

(p) *State* shall mean any of the 50 States of the United States, the District of Columbia, or any territory or possession of the United States.

(q) *Related instruction* shall mean an organized and systematic form of instruction designed to provide the apprenticeship with knowledge of the theoretical and technical subjects related to his/her trade.

(r) *Cancellation* shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

(s) *Registration agency* shall mean the Bureau or a recognized State Apprenticeship Agency.

§ 29.3 Eligibility and procedure for Bureau registration of a program.

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(a) Eligibility for various Federal purposes is conditioned upon a program's conformity with apprenticeship program standards published by the Secretary of Labor in this part. For a program to be determined by the Secretary of Labor as being in conformity with these published standards the program must be registered with the Bureau or registered with and/or approved by a State Apprenticeship Agency or Council recognized by the Bureau. Such determination by the Secretary is made only by such registration.

(b) No apprenticeship program or agreement shall be eligible for Bureau registration unless (1) it is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in §29.4 herein, and (2) it is in conformity with the requirements of the Department's regulation on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR part 30, as amended.

(c) Except as provided under paragraph (d) of this section, apprentices must be individually registered under a registered program. Such registration may be affected:

(1) By filing copies of each apprenticeship agreement; or

(2) Subject to prior Bureau approval, by filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.

(d) The names of persons in their first 90 days of probationary employment as an apprentice under an apprenticeship program registered by the Bureau or a recognized State Apprenticeship Agency, if not individually registered under such program, shall be submitted immediately after employment to the Bureau or State Apprenticeship Agency for certification to establish the apprentice as eligible for such probationary employment.

(e) The appropriate registration office must be promptly notified of the cancellation, suspension, or termination of any apprenticeship agreement, with cause for same, and of apprenticeship completions.

(f) Operating apprenticeship programs when approved by the Bureau shall be accorded registration evidenced by a Certificate of Registration. Programs approved by recognized State Apprenticeship Agencies shall be accorded registration and/or approval evidenced by a similar certificate or other written indicia. When approved by the Bureau, national apprenticeship standards for policy or guideline use shall be accorded certification, evidenced by a certificate attesting to the Bureau's approval.

(g) Any modification(s) or change(s) to registered or certified programs shall be promptly submitted to the registration office and, if approved, shall be recorded and acknowledged as an amendment to such program.

(h) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or *no objection* to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The registration agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.

(i) Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.

(Approved by the Office of Management and Budget under control number 1205-0223)

[42 FR 10139, Feb. 18, 1977; 42 FR 30836, June 17, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

§ 29.4 Criteria for apprenticeable occupations.

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An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(a) It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.

(b) It is clearly identified and commonly recognized throughout an industry.

(c) It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.

(d) It requires related instruction to supplement the on-the-job training.

§ 29.5 Standards of apprenticeship.

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An apprenticeship program, to be eligible for registration/approval by a registration/approval agency, shall conform to the following standards:

(a) The program is an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, as defined in this part, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

- (b) The program standards contain the equal opportunity pledge prescribed in 29 CFR 30.3(b) and, when applicable, an affirmative action plan in accordance with 29 CFR 30.4, a selection method authorized in 29 CFR 30.5, or similar requirements expressed in a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department, and provisions concerning the following:
- (1) The employment and training of the apprentice in a skilled trade;
 - (2) A term of apprenticeship, not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice;
 - (3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;
 - (4) Provision for organized, related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours for each year of apprenticeship is recommended. Such instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value, or other forms of self-study approved by the registration/approval agency.
 - (5) A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired. The entry wage shall be not less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement;
 - (6) Periodic review and evaluation of the apprentice's progress in job performance and related instruction; and the maintenance of appropriate progress records;
 - (7) The numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant;
 - (8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship;
 - (9) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction;
 - (10) The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years;
 - (11) The placement of an apprentice under a written apprenticeship agreement as required by the State apprenticeship law and regulation, or the Bureau where no such State law or regulation exists. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;
 - (12) The granting of advanced standing or credit for previously acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;
 - (13) Transfer of employer's training obligation when the employer is unable to fulfill his obligation under the apprenticeship agreement to another employer under the same program with consent of the apprentice and apprenticeship committee or program sponsor;
 - (14) Assurance of qualified training personnel and adequate supervision on the job;
 - (15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;
 - (16) Identification of the registration agency;
 - (17) Provision for the registration, cancellation and deregistration of the program; and requirement for the prompt submission of any modification or amendment thereto;
 - (18) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the registration office of persons who have successfully completed apprenticeship programs; and notice of cancellations, suspensions and terminations of apprenticeship agreements and causes therefore;
 - (19) Authority for the termination of an apprenticeship agreement during the probationary period by either party without stated cause;
 - (20) A statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR part 30, as amended, or a State EEO in apprenticeship plan adopted pursuant to 29 CFR part 30 and approved by the Department;

- (21) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;
- (22) Recording and maintenance of all records concerning apprenticeship as may be required by the Bureau or recognized State Apprenticeship Agency and other applicable law.
- (Approved by the Office of Management and Budget under control number 1205-0223)
- [42 FR 10139, Feb. 18, 1977; 42 FR 30836, June 17, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

§ 29.6 Apprenticeship agreement.

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The apprenticeship agreement shall contain explicitly or by reference:

- (a) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor.
- (b) The date of birth of apprentice.
- (c) Name and address of the program sponsor and registration agency.
- (d) A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and term (duration) of apprenticeship.
- (e) A statement showing (1) the number of hours to be spent by the apprentice in work on the job, and (2) the number of hours to be spent in related and supplemental instruction which is recommended to be not less than 144 hours per year.
- (f) A statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.
- (g) A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated.
- (h) Statements providing:
- (1) For a specific period of probation during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the registration agency;
- (2) That, after the probationary period, the agreement may be cancelled at the request of the apprentice, or may be suspended, cancelled, or terminated by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the registration agency of the final action taken.
- (i) A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement.
- (j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, or sex.
- (k) Name and address of the appropriate authority, if any, designated under the program to receive, process and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established trade procedure or applicable collective bargaining provisions.

(Approved by the Office of Management and Budget under control number 1205-0223)

[42 FR 10139, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

§ 29.7 Deregistration of Bureau-registered program.

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Deregistration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration, or upon reasonable cause, by the Bureau instituting formal deregistration proceedings in accordance with the provisions of this part.

- (a) *Request by sponsor.* The registration officer may cancel the registration of an apprenticeship program by written acknowledgment of such request stating, but not limited to, the following matters:
- (1) The registration is canceled at sponsor's request, and effective date thereof;
- (2) That, within 15 days of the date of the acknowledgment, the sponsor shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the de-

registration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

(b) *Formal deregistration*—(1) *Reasonable cause*. Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions or the requirements of this part, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions under 29 CFR part 30, as amended;

(2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the registration officer shall so notify the program sponsor in writing;

(3) The notice shall:

(i) Be sent by registered or certified mail, with return receipt requested;

(ii) State the shortcoming(s) and the remedy required; and

(iii) State that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days;

(4) Upon request by the sponsor for good cause, the 30-day term may be extended for another 30 days. During the period for correction, the sponsor shall be assisted in every reasonable way to achieve conformity;

(5) If the required correction is not effected within the allotted time, the registration officer shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(i) The notice is sent pursuant to this subsection;

(ii) Certain deficiencies (stating them) were called to sponsor's attention and remedial measures requested, with dates of such occasions and letters; and that the sponsor has failed or refused to effect correction;

(iii) Based upon the stated deficiencies and failure of remedy, a determination of reasonable cause has been made and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing;

(iv) If a request for a hearing is not made, the entire matter will be submitted to the Administrator, BAT, for a decision on the record with respect to deregistration.

(6) If the sponsor has not requested a hearing, the registration officer shall transmit to the Administrator, BAT, a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record before him.

(7) If the sponsor requests a hearing, the registration officer shall transmit to the Secretary, through the Administrator, a report containing all the data listed in paragraph (b)(6) of this section. The Secretary shall convene a hearing in accordance with §29.9; and shall make a final decision on the basis of the record before him including the proposed findings and recommended decision of the hearing officer.

(8) At his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with the registered provisions or requirements of this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor.

(9) Every order of deregistration shall contain a provision that the sponsor shall, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice or his/her individual registration; and that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

(Approved by the Office of Management and Budget under control number 1205-0223)

[42 FR 10319, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

§ 29.8 Reinstatement of program registration.

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Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this part. Such evidence shall be presented to the Administrator, BAT, if the sponsor had not requested a hearing, or to the Secretary, if an order of deregistration was entered pursuant to a hearing.

§ 29.9 Hearings.

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(a) Within 10 days of his receipt of a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include:

- (1) A reasonable time and place of hearing,
- (2) A statement of the provisions of this part pursuant to which the hearing is to be held, and
- (3) A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his/her case, including such cross-examination as may be appropriate in the circumstances. Hearings officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

§ 29.10 Limitations.

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Nothing in this part or in any apprenticeship agreement shall operate to invalidate:

- (a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or
- (b) Any special provision for veterans, minority persons or females in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive order, or authorized regulation.

§ 29.11 Complaints.

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(a) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints shall be submitted, processed and resolved in accordance with applicable provisions in 29 CFR part 30, as amended, or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department.

(b) Except for matters described in paragraph (a) of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or his/her authorized representative, to the appropriate registration authority, either Federal or State, which has registered and/or approved the program in which the apprentice is enrolled, for review. Matters covered by a collective bargaining agreement are not subject to such review.

(c) The complaint, in writing and signed by the complainant, or authorized representative, shall be submitted within 60 days of the final local decision. It shall set forth the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.

(d) The Bureau or recognized State Apprenticeship Agency, as appropriate, shall render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it. During the 90-day period, the Bureau or State agency shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

(e) Nothing in this section shall be construed to require an apprentice to use the review procedure set forth in this section.

(f) A State Apprenticeship Agency may adopt a complaint review procedure differing in detail from that given in this section provided it is proposed and has been approved in the recognition of the State Apprenticeship Agency accorded by the Bureau.

§ 29.12 Recognition of State agencies.

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(a) The Secretary's recognition of a State Apprenticeship Agency or Council (SAC) gives the SAC the authority to determine whether an apprenticeship program conforms with the Secretary's published standards and the program is, therefore, eligible for those Federal purposes which require such a determination by the Secretary. Such recognition of a SAC shall be accorded by the Secretary upon submission and approval of the following:

- (1) An acceptable State apprenticeship law (or Executive order), and regulations adopted pursuant thereto;
- (2) Acceptable composition of the State Apprenticeship Council (SAC);

- (3) An acceptable State Plan for Equal Employment Opportunity in Apprenticeship;
 - (4) A description of the basic standards, criteria, and requirements for program registration and/or approval; and
 - (5) A description of policies and operating procedures which depart from or impose requirements in addition to those prescribed in this part.
- (b) *Basic requirements.* Generally the basic requirements under the matters covered in paragraph (a) of this section shall be in conformity with applicable requirements as set forth in this part. Acceptable State provisions shall:
- (1) Establish the apprenticeship agency in: (i) The State Department of Labor, or (ii) in that agency of State government having jurisdiction of laws and regulations governing wages, hours, and working conditions, or (iii) that State agency presently recognized by the Bureau, with a State official empowered to direct the apprenticeship operation;
 - (2) Require that the State Apprenticeship Council be composed of persons familiar with apprenticeable occupations and an equal number of representatives of employer and of employee organizations and may include public members who shall not number in excess of the number named to represent either employer or employee organizations. Each representative so named shall have one vote. Ex officio members may be added to the council but they shall have no vote except where such members have a vote according to the established practice of a presently recognized council. If the State official who directs the apprenticeship operation is a member of the council, provision may be made for the official to have a tie-breaking vote;
 - (3) Clearly delineate the respective powers and duties of the State official and of the council;
 - (4) Clearly designate the officer or body authorized to register and deregister apprenticeship programs and agreements;
 - (5) Establish policies and procedures to promote equality of opportunity in apprenticeship programs pursuant to a State Plan for Equal Employment Opportunity in Apprenticeship which adopts and implements the requirements of 29 CFR part 30, as amended, and to require apprenticeship programs to operate in conformity with such State Plan and 29 CFR part 30, as amended;
 - (6) Prescribe the contents of apprenticeship agreements;
 - (7) Limit the registration of apprenticeship programs to those providing training in *apprenticeable* occupations as defined in §29.4;
 - (8) Provide that apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of this part by any recognized State Apprenticeship Agency/Council or by the Bureau, shall be accorded registration or approval reciprocity by any other State Apprenticeship Agency/Council or office of the Bureau if such reciprocity is requested by the sponsoring entity;
 - (9) Provide for the cancellation, de- registration and/or termination of approval of programs, and for temporary suspension, cancellation, deregistration and/or termination of approval of apprenticeship agreements; and
 - (10) Provide that under a program proposed for registration by an employer or employers' association, and where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgment of union agreement or *no objection* to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The State agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.
- (c) *Application for recognition.* A State Apprenticeship Agency/Council desiring recognition shall submit to the Administrator, BAT, the documentation specified in §29.12(a) of this part. A currently recognized Agency/Council desiring continued recognition by the Bureau shall submit to the Administrator the documentation specified in §29.12(a) of this part on or before July 18, 1977. An extension of time within which to comply with the requirements of this part may be granted by the Administrator for good cause upon written request by the State agency but the Administrator shall not extend the time for submission of the documentation required by §29.12(a). The recognition of currently recognized Agencies/Councils shall continue until July 18, 1977 and during any extension period granted by the Administrator.
- (d) *Appeal from denial of recognition.* The denial by the Administrator of a State agency's application for recognition under this part shall be in writing and shall set forth the reasons for the denial. The notice of denial shall be sent to the applicant by certified mail, return receipt requested. The applicant may appeal such a denial to the Secretary by mailing or otherwise furnishing to the Administrator, within 30 days of receipt of the denial, a notice of appeal addressed to the Secretary and setting forth the following items:
- (1) A statement that the applicant appeals to the Secretary to reverse the Administrator's decision to deny its application;
 - (2) The date of the Administrator's decision and the date the applicant received the decision;

- (3) A summary of the reasons why the applicant believes that the Administrator's decision was incorrect;
- (4) A copy of the application for recognition and subsequent modifications, if any;
- (5) A copy of the Administrator's decision of denial. Within 10 days of receipt of a notice of appeal, the Secretary shall assign an Administrative Law Judge to conduct hearings and to recommend findings of fact and conclusions of law. The proceedings shall be informal, witnesses shall be sworn, and the parties shall have the right to counsel and of cross-examination.

The Administrative Law Judge shall submit the recommendations and conclusions, together with the entire record to the Secretary for final decision. The Secretary shall make his final decision in writing within 30 days of the Administrative Law Judge's submission. The Secretary may make a decision granting recognition conditional upon the performance of one or more actions by the applicant. In the event of such a conditional decision, recognition shall not be effective until the applicant has submitted to the Secretary evidence that the required actions have been performed and the Secretary has communicated to the applicant in writing that he is satisfied with the evidence submitted.

(e) *State apprenticeship programs.* (1) An apprenticeship program submitted for registration with a State Apprenticeship Agency recognized by the Bureau shall, for Federal purposes, be in conformity with the State apprenticeship law, regulations, and with the State Plan for Equal Employment Opportunity in Apprenticeship as submitted to and approved by the Bureau pursuant to 29 CFR 30.15, as amended;

(2) In the event that a State Apprenticeship Agency is not recognized by the Bureau for Federal purposes, or that such recognition has been withdrawn, or if no State Apprenticeship Agency exists, registration with the Bureau may be requested. Such registration shall be granted if the program is conducted, administered and operated in accordance with the requirements of this part and the equal opportunity regulation in 29 CFR part 30, as amended.

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[42 FR 10319, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

§ 29.13 Derecognition of State agencies.

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The recognition for Federal purposes of a State Apprenticeship Agency or State Apprenticeship Council (hereinafter designated *respondent*), may be withdrawn for the failure to fulfill, or operate in conformity with, the requirements of this part. Derecognition proceedings for reasonable cause shall be instituted in accordance with the following:

(a) Derecognition proceedings for failure to adopt or properly enforce a State Plan for Equal Employment Opportunity in Apprenticeship shall be processed in accordance with the procedures prescribed in 29 CFR 30.15.

(b) For causes other than those under paragraph (a) above, the Bureau shall notify the respondent and appropriate State sponsors in writing, by certified mail, with return receipt requested. The notice shall set forth the following:

(1) That reasonable cause exists to believe that the respondent has failed to fulfill or operate in conformity with the requirements of this part;

(2) The specific areas of nonconformity;

(3) The needed remedial measures; and

(4) That the Bureau proposes to withdraw recognition for Federal purposes unless corrective action is taken, or a hearing request mailed, within 30 days of the receipt of the notice.

(c) If, within the 30-day period, respondent:

(1) Complies with the requirements, the Bureau shall so notify the respondent and State sponsors, and the case shall be closed;

(2) Fails to comply or to request a hearing, the Bureau shall decide whether recognition should be withdrawn. If the decision is in the affirmative, the Administrator shall forward all pertinent data to the Secretary, together with the findings and recommendation. The Secretary shall make the final decision, based upon the record before him.

(3) Requests a hearing, the Administrator shall forward the request to the Secretary, and the procedures under §29.9 shall be followed, with notice thereof to the State apprenticeship sponsors.

(d) If the Secretary determines to withdraw recognition for Federal purposes, he shall notify the respondent and the State sponsors of such withdrawal and effect public notice of such withdrawal. The notice to the sponsors shall state that, 30 days after the date of the Secretary's order withdrawing recognition of the State agency, the Department shall cease to recognize, for Federal purposes, each apprenticeship program registered with the State agency unless, within that time, the State sponsor requests registration with the Bureau. The Bureau may grant the request for registration contingent upon its finding that the State apprenticeship program is operating in accordance with the requirements of this part and of 29 CFR part 30, as amended. The Bureau shall make a finding on this issue within 30 days of receipt of the request. If the finding is in the negative, the State

sponsor shall be notified in writing that the contingent Bureau registration has been revoked. If the finding is in the affirmative, the State sponsor shall be notified in writing that the contingent Bureau registration is made permanent.

(e) If the sponsor fails to request Bureau registration, or upon a finding of noncompliance pursuant to a contingent Bureau registration, the written notice to such State sponsor shall further advise the recipient that any actions or benefits applicable to recognition *for Federal purposes* are no longer available to participants in its apprenticeship program.

(f) Such notice shall also direct the State sponsor to notify, within 15 days, all its registered apprentices of the withdrawal of recognition for Federal purposes; the effective date thereof; and that such withdrawal removes the apprentice from coverage under any Federal provision applicable to his/her individual registration under a program recognized or registered by the Secretary of Labor for Federal purposes.

(g) A State Apprenticeship Agency or Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence that it has fulfilled, and is operating in accordance with, the requirements of this part.

(Approved by the Office of Management and Budget under control number 1205-0223)

[42 FR 10139, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

Attachment E

Code of Federal Regulations 29:30

PART 30—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

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Authority: Sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949–53 Comp. p. 1007.

Source: 43 FR 20760, May 12, 1978, unless otherwise noted.

§ 30.1 Scope and purpose.

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This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and in state apprenticeship programs registered with recognized state apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for continuation or withdrawal of recognition of state agencies for registering of apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

§ 30.2 Definitions.

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(a) *Department* means the U.S. Department of Labor.

(b) *Employer* means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(c) *Apprenticeship program* means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a state apprenticeship program.

(d) *Sponsor* means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(e) *Secretary* means the Secretary of Labor, the Assistant Secretary of Labor for Employment and Training, or any person specifically designated by either of them.

(f) *State Apprenticeship Council* means a state apprenticeship council or other state agency in any of the 50 states, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.

(g) *State apprenticeship program* means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.

(h) *State program sponsor* means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

§ 30.3 Equal opportunity standards.

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(a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

(1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.

(b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under title 29 of the Code of Federal Regulations, part 30.

(c) *Programs presently registered.* Each sponsor of a program registered with the Department as of the effective date of this part shall within 90 days of that effective date take the following action:

(1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section;

(2) Adopt an affirmative action plan required by §30.4; and

(3) Adopt a selection procedure required by §30.5. A sponsor adopting a selection method under §30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under §30.5(b)(4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of §30.5(b)(4)(i)(a).

(d) *Sponsors seeking new registration.* A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.

(e) *Programs subject to approved equal employment opportunity programs.* A sponsor shall not be required to adopt an affirmative action plan under §30.4 or a selection procedure under §30.5 if it submits to the Department satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in title 29 of the Code of Federal Regulations, Chapter XIV or Executive Order 11246, as amended, and its implementing regulations at title 41 of the Code of Federal Regulations, Chapter 60: *Provided*, That programs approved, modified or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in such programs are equal to or greater than the goals required under this part.

(f) *Program with fewer than five apprentices.* A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under §30.4 or a selection procedure under §30.5: *Provided*, That such program was not adopted to circumvent the requirements of this part.

(Approved by the Office of Management and Budget under control number 1205–0224)

§ 30.4 Affirmative action plans.

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(a) *Adoption of affirmative action plans.* A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(b) *Definition of affirmative action.* Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

(c) *Outreach and positive recruitment.* An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph.

(1) Dissemination of information concerning the nature of the apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semi-annually. Such information shall be given to the Department, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women, and shall be published in newspapers which are circulated in the minority community and among women, as well as in the general areas in which the program sponsor operates.

(2) Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

(5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.

(6) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(7) Utilization of journeypersons to assist in the implementation of the sponsor's affirmative action program.

(8) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(9) Admitting to apprenticeship, persons whose age exceeds the maximum age for admission to the program, where such action assists the sponsor in achieving its affirmative action obligations.

(10) Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex (e.g., general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeypersons as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that

employment opportunity is being granted, including reporting systems, on-site reviews, briefing sessions, etc.). The affirmative action program shall set forth the specific steps the sponsor intends to take, in the above areas, under this paragraph (c). Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) *Goals and timetables.* (1) A sponsor adopting a selection method under §30.5(b) (1) or (2) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool.

(2) A sponsor adopting a selection method under §30.5(b) (3) or (4) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of the underutilization of minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and nonminority) applicants for the apprenticeship program.

(3) *Underutilization* as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in paragraphs (e) (1) through (5) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and nonminority) within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and nonminority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

(e) *Analysis to determine if deficiencies exist.* The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

(1) The size of the working age minority and female (minority and nonminority) population in the program sponsor's labor market area;

(2) The size of the minority and female (minority and nonminority) labor force in the program sponsor's labor market area;

(3) The percentage of minority and female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and nonminority) in the labor force in the program sponsor's labor market area;

(4) The percentage of minority and female (minority and nonminority) participation as journeypersons employed by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and

(5) The general availability of minorities and women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

(f) *Establishment and attainment of goals and timetables.* The goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its *good faith efforts* shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See 29 CFR 30.8(b).

(g) *Data and information.* The Secretary of Labor, or a person or agency designated by the Secretary, shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each Standard Metropolitan Statistical Area and for other special areas as appropriate.

(Approved by the Office of Management and Budget under control number 1205-0224)

[43 FR 20760, May 12, 1978, as amended at 49 FR 18295, Apr. 30, 1984]

§ 30.5 Selection of apprentices.

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(a) *Obligations of sponsors.* In addition to the development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subparagraphs (1) through (4) of paragraph (b) of this section.

(b) *Selection methods.* The sponsor shall adopt one of the following methods for selecting apprentices:

(1) *Selection on basis of rank from pool of eligible applicants*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of paragraph (b)(1)(iii) of this section on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in Guidelines on Employee Selection Procedures published at 41 CFR part 60-3.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of paragraphs (b)(1)(iii) through (vii) of this section.

(iii) *Creation of pool of eligibles.* A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age; or from applicants who meet qualification standards in addition to minimum legal working age: *Provided,* That any additional qualification standards conform with the following requirements:

(A) *Qualification standards.* The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in 41 CFR part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(B) *Aptitude tests.* Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical relationships between the score on the aptitude tests required for admission to the pool, and performance in the apprenticeship program. In determining such relationship, the sponsor shall follow the procedures set forth in 41 CFR part 60-3. The requirements of this paragraph (b)(1)(iii)(B) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment agency, or any other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the Department unless such test meets the requirements of this subsection.

(C) *Educational attainments.* All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall meet the requirements of 41 CFR part 60-3. School records or a passing grade on the general education development tests recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(iv) *Oral interviews.* Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and prior to selection for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers, and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(v) *Notification of applicants.* All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant who is not selected for the pool or the program notice of his or her rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

(vi) *Goals and timetables.* The sponsor shall establish where required by §30.4(d), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles, in accordance with the provisions of §30.4 (d), (e), and (f).

(vii) *Compliance.* A sponsor shall be deemed to be in compliance with its commitments under paragraph (b)(1)(vi) of this section if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every *good faith effort* to meet its commitments (see §30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) *Random selection from pool of eligible applicants—(i) Selection.* A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of paragraphs (b)(1)(iii) through (v) of this section relating to the creation of pool of eligibles, oral interviews, and notification of applicants.

(iii) *Goals and timetables.* The sponsor shall establish, where required by §30.4(d), percentage goals and time- tables for admission of minorities and women (minority and nonminority) into the pool of eligibles in accordance with the provisions of §30.4 (d), (e), and (f).

(iv) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of paragraph (b)(1)(vii) of this section.

(3) *Selection from pool of current employees—(i) Selection.* A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of §30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journey person crafts represented by the program.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with provisions of paragraph (b)(1)(vii) of this section.

(4) *Alternative selection methods—(i) Selection.* A sponsor may select apprentices by means of any other method including its present selection method: *Provided*, That the sponsor meets the following requirements:

(A) *Selection method and goals and timetables.* Within 90 days of the effective date of this amendment, the sponsor shall complete development of the revised selection method it proposes to use along with the rest of its written affirmative action program including, where required by §30.4(d), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of §30.4 (d), (e), and (f). The sponsor may not implement any such selection method until the Department has approved the selection method as meeting the requirements of item (B) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Department fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor then may implement the selection method.

(B) *Qualification standards.* Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgement. In applying any such standards, the sponsor shall meet the requirements of 41 CFR part 60–3.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of paragraph (b)(1)(vii) of this section. Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness toward the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of paragraph (b)(1)(iii)(A) of this section.

(Approved by the Office of Management and Budget under control number 1205–0224)

§ 30.6 Existing lists of eligibles and public notice.

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A sponsor adopting a selection method under §30.5(b) (1) or (2) and a sponsor adopting a selection method under §30.5(b)(4) who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in §30.4(e) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see §30.4(c) on affirmative action with respect to dissemination of information). Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by certified mail, return receipt requested. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. Upon request, a sponsor may restore to the list of eligibles applicants who have been removed from the list or who have failed to respond to an apprenticeship job opportunity.

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[43 FR 20760, May 12, 1978, as amended at 49 FR 18295, Apr. 30, 1984]

§ 30.7 [Reserved]

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§ 30.8 Records.

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(a) *Obligations of sponsors.* Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, hours including hours of work and, separately, hours of training provided, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.

(b) *Affirmative action plans.* Each sponsor must retain a statement of its affirmative action plan required by §30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of §30.4. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.

(c) *Qualification standards.* Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in §30.5(b).

(d) *Records of State Apprenticeship Councils.* State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

(e) *Maintenance of records.* The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

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[43 FR 20760, May 12, 1978, as amended at 49 FR 18295, Apr. 30, 1984]

§ 30.9 Compliance reviews.

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(a) *Conduct of compliance reviews.* The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to §30.11(b)(1)(i), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits.

(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.

(c) *New registrations.* Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.

(d) *Voluntary compliance.* Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under §30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

§ 30.10 Noncompliance with Federal and state equal opportunity requirements.

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A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with §30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

§ 30.11 Complaint procedure.

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(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Department, or, at the apprentice's or applicant's election, with a private review body established pursuant to paragraph (a)(3) of this section. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.

(2) The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Department must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.

(3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) *Processing of complaints.* (1)(i) When the sponsor has designated a review body for reviewing complaints, the Department, unless the complainant has indicated otherwise or unless the Department has determined that the review body will not effectively enforce the equal opportunity standards, shall upon receiving a complaint refer it to the review body.

(ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

(3) Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.

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§ 30.12 Adjustments in schedule for compliance review or complaint processing.

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If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

§ 30.13 Sanctions.

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(a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with recommendations for the institution of a court action under title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court action as authorized by law.

(b) Deregistration proceedings shall be conducted in accordance with the following procedures:

(1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(2) If within 15 days of the receipt of the notice provided for in paragraph (b)(1) of this section the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with §30.16.

(3) The Secretary shall make a final decision on the basis of the record, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to §30.16, the proposed findings and recommended decision of the hearing officer. The Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

§ 30.14 Reinstatement of program registration.

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Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

§ 30.15 State Apprenticeship Councils.

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(a) *Adoption of consistent state plans.* (1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.

(2) Within 60 days of the effective date of these regulations, each State Apprenticeship Council shall complete development of a revised equal opportunity plan which shall be consistent with this part. The revised State plan shall require all state apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the revised State plan within 90 days of the effective date of these regulations. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 60 days of the effective date of these regulations a plan implementing the requirements of this part.

(3) The Department retains authority to conduct compliance reviews and complaint investigations to determine whether the state plan or any state apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.

(4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the state plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all state apprenticeship programs, in accordance with the procedures of deregistration of programs registered by the Department, or refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with a recommendation for the institution of a court action under title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court actions as authorized by law.

(5) Each State Apprenticeship Council shall notify the Department of any state apprenticeship program deregistered by it.

(6) Any state apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may, within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the state program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.

(b) *Withdrawal of recognition.* (1) Whenever the Department determines that reasonable cause exists to believe that State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate state sponsors of this determination, stating specifically wherein the state's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (b)(1) of this section the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary shall notify the State Apprenticeship Council of the withdrawal of recognition.

(3) If within 15 days of the receipt of the notice provided for in subparagraph (b)(1) of this section the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with §30.16.

(4) If a hearing is conducted in accordance with §30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(5) If the Secretary determines to withdraw recognition, for Federal purposes, from the State Apprenticeship Council, the Secretary shall notify the State Apprenticeship Council of this determination. The Secretary shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.

(6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

(Approved by the Office of Management and Budget under control number 1205-0224)

[43 FR 20760, May 12, 1978, as amended at 49 FR 18295, Apr. 30, 1984]

§ 30.16 Hearings.

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(a) Within 10 days after receiving a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by certified mail, return receipt requested, to the appropriate sponsor (Federal or state registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include: (1) A reasonable time and place of hearing, (2) a statement of the provisions of this part, pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

§ 30.17 Intimidatory or retaliatory acts.

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Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, or because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation proceeding, or hearing under this part shall be considered noncompliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

§ 30.18 Nondiscrimination.

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The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

§ 30.19 Exemptions.

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Request for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor.

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[43 FR 20760, May 12, 1978, as amended at 49 FR 18295, Apr. 30, 1984]

Attachment F

Web Based Employment and Resources

A wide of related resources are available to the disabled job seeker. We hope that these links will be useful to you in a successful job search.

For information on the New Mexico Division of Vocational Rehabilitation:

www.state.nm.us/dvr

For information on the New Mexico Department of Education—<http://www.sde.state.nm.us>

For information on Apprenticeship:

<http://www3.state.nm.us/dol/>

http://www.doleta.gov/atels_bat/

<http://www.doleta.gov/individ.asp>

<http://www.nmjatc.org>

<http://www.njatc.org/>

<http://apprenticeship.freeyellow.com/page3.html>

<http://apprenticeship.freeyellow.com/page4.html>

New Mexico Department of Labor- <http://www.dol.state.nm.us>

US Department of Labor Employment and Training--

<http://www.ttrc.doleta.gov/eta/research/skill.htm>

US Department of Labor

<http://www.doleta.gov>

DOLETA-Dept. of Labor Employment, Training and Apprenticeships

<http://www.ttrc.doleta.gov/eta/research/skill.htm>

For information on Rehabilitation Services:

Disability Site links that focus on ability—<http://ability.org.us/dis-site.html>

Untangling the Web-A comprehensive list of Disability Related sites—

<http://www.icdi.wvu.edu/others.htm>

Disability related Resources on the Web-Links to the ARC in states plus additional links to disability related information sources—<http://www.prostar.com%7Ethe.arc/dislink.htm>

Disability and Rehabilitation Internet Services NARIC's page with over 600 internet resources related to disability—<http://www.naric.com/naric/bookmark/index.html>

For information on employment and job searches:

New Mexico Department of Labor-<http://www.dol.state.nm.us/>

Albuquerque Journal-<http://www.ajb.org/nm/seeker>

A Virtual Job Fair- <http://www.careerexpo.com>

Albuquerque Journal-<http://www.adone.com/abqjournal/>

Albuquerque TV-I—<http://tvi.cc.nm.us>

America's Job Bank-<http://www.ajb.dni.us>

Bernalillo—<http://www.bernco.gov>
Boldface Jobs—<http://boldfacejobs.com/>
Career Connections—<http://career.com>
Career Resource Center—<http://www.career.org/>
Careers and Jobs—<http://www.starthere.com/jobs/>
City of Albuquerque—<http://www.cabq.gov/hrd/index.html>
Education and Career Center—<http://www.petersons.com>
E-Span—<http://www.espan.com>
Federal Jobs—<http://www.usajobs.opm.gov>
Gateway—<http://gateway.com/newmexico/choices.htm>
Hewlett Packard—<http://www.hp.com>
Intel—<http://www.intel.com/>
Interior Department—<http://www.doi.gov/avads/index.html>
Los Alamos National Lab—<http://lanl.gov/worldview/>
Medical Careers—<http://medzilla.com>
Microsoft—<http://www.microsoft.com/jobs/>
Monster Board—<http://www.monster.com>
National Business Employment—<http://www.nbew.com/>
Nation Job Network—<http://www.nationjob.com>
National Newspapers—<http://careerpath.com>
NM Education Employment—<http://www.newmexicoeducationjobs.com>
NM State Personnel Job List—<http://www.state.nm.us/spo.recruit.htm>
Sandia National Labs—<http://www.sandia.gov/>
The Riley Guide—<http://www.dbm.com.jobguide>
University of New Mexico—<http://www.unm.edu/>

Attachment G

Materials Produced by the Division of Vocational Rehabilitation TRACE Apprenticeship Program

MANUALS

How to Develop an Apprenticeship-Manual

Describes what apprenticeship is, outlines its history, provides guidelines for establishing new apprenticeships, and contains state and federal legislation that guides apprenticeship program development and maintenance.

The TRACE Experience-Manual

Describes the DVR TRACE Apprenticeship program, outlines how it was set-up, implemented, lessons learned, forms and guidelines for replicating such a program. TRACE Program staff were instrumental in overcoming the stereotypes that employers have about hiring a person with a disability. People with disabilities were placed in existing and new apprenticeships and new non-traditional apprenticeships were developed.

TRACE Counselors Manual

Describes what apprenticeship is, how rehabilitation counselors can use apprenticeship as an employment and training tool for their client, sets up guidelines for communication, forms and sample tests are included.

TRACE Accommodations Manual

Outlines disability issues, discusses the Americans with Disabilities Act and its requirements, and discusses accommodations that can be used in the workplace to assist clients with disabilities.

FLYERS AND HANDOUTS

All flyers, handouts, and forms are available in Spanish and English

Transition into Registered Apprenticeship, Careers, and Employment- A tri-fold flyer that describes Apprenticeships, the DVR TRACE Apprenticeship Program and disabled job seekers can use their services.

Employer's Guide-A tri-fold flyer that describes what the TRACE program is, how it can assist employers and job seekers

Here is What They Do-A handout designed to describe briefly what each occupation does and how much that occupation will pay at journeyman status.

What Do I Need to Know to Apply for an Apprenticeship Program-Handout that goes through the counseling process for a client including: How do I know that Apprenticeship is for me? What questions should I ask an Employer? What is the Process to Apply for an Apprenticeship? What Should I Take to a Job Interview? Tips for filling out an application

FORMS AND APPLICATIONS- All are available in English and Spanish

Client Brief Sheet
Confidentiality Release
Equipment Release

****Many of these publications are available individually; especially manuals, but flyers, handouts and forms are also included in *The TRACE Experience* and some in the *TRACE Counselor's Manual*.**