

# Apprenticeship Regulations Summary

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# Code of Federal Regulations (CFR)

## *CFR Title 29, Part 29: Labor Standards for the Registration of Apprenticeship Programs*

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## CFR 29 29: Purpose and Scope

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- National Apprenticeship Act of 1937 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...”
- Purpose of this part: “to set forth labor **standards** to safeguard the welfare of apprentices, promote apprenticeship opportunity, and to extend the application of such standards by **prescribing policies and procedures** concerning the **registration ... of acceptable apprenticeship programs** with the U.S. DOL ETA Office of Apprenticeship”
- ... Dictates what we see in the boilerplate standards and Appendices

## CFR 29 29: Definitions

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- **Apprentice** means a worker at least **16** years of age ... who is employed to learn an apprenticeable occupation ... under standards of apprenticeship ...
- **Competency** means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard
- **Employer** means any person or organization employing an apprentice whether or not have an Apprenticeship Agreement with the apprentice
- **Journeyworker** means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation ... through formal apprenticeship **or** through practical experience and formal training.
- **Sponsor** means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved

## CFR 29 29: Eligibility and procedure for registration of an apprenticeship program.

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- Program must follow regs, be in an **apprenticeable occupation**, and comply with DOL regs on EEO
- **Provisional approval**: new programs are given provisional approval for one year, then DOL conducts Provisional Quality Audit (PQA), resulting in
  - Program is made permanent
  - Continue to be provisionally approved through first full training cycle
  - Recommended for deregistration procedures
- Subsequent reviews conducted no less frequently than every five years
- Any sponsor proposals for modification(s) to programs or Apprenticeship Standards must be submitted to DOL, approve/deny within 90 days

## CFR 29 29: Eligibility and procedure for registration of an apprenticeship program.

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- PQA includes review of sponsor's program files, e.g.
  - Apprenticeship agreement for each apprentice (Signed 671)
  - Record of work process hours including totals by category to date
  - Verification of adherence to wage scale
  - RTI hours to date for each apprentice
  - Actions like apprentice cancellations, completions, etc.

## CFR 29 29: Eligibility and procedure for registration of an apprenticeship program.

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- For a program proposed for registration by an employer ... where there is participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, 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 must simultaneously furnish to an existing union, which is the collective bargaining agent **of the employees to be trained**, a copy of its application for registration and of the apprenticeship program.
- Where the employees to be trained have **no collective bargaining agreement**, an apprenticeship program may be proposed for registration by an employer.

## CFR 29 29: Standards of apprenticeship.

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- Standards must identify the term of the apprenticeship:
  - Length of at least 2,000 hours if time-based
  - Describe competencies, and identify an appropriate means of testing and evaluation for such competencies, if CB
  - Hybrid approach measures apprentice skill acquisition through a combination of specified **minimum number of hours** of on-the-job learning **and** the successful demonstration of competency

### \* Appendix A

## CFR 29 29: Standards of apprenticeship.

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- Standards must document:
  - Provision for organized, RTI in subjects related to the occupation. Minimum of 144 hours for each year is **recommended**.
  - RTI may be given in a classroom, occupational or industrial courses, or by correspondence courses, electronic media, or other forms of self-study approved by the DOL OA.
  - Apprenticeship instructors must:
    - Meet the State DOE requirements for a voc-technical instructor, **or be a SME**, which is an individual who is recognized within an industry as having expertise in a specific occupation; and
    - Have training in teaching techniques and adult learning styles
  - A progressively increasing schedule of wages
  - A numeric ratio of apprentices to journeymen

### \* Appendix A

## CFR 29 29: Standards of apprenticeship.

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- Sponsors must grant advanced standing for demonstrated competency, acquired experience, training, or skills for all applicants equally
  - Incl. advanced wages in accordance with wage scale
  - **Advanced standing granted at employers' discretion**
- The transfer of an apprentice between apprenticeship programs:
  - The apprentice must be provided a transcript of RTI/OJT
  - Transfer must be to the same occupation; and
  - A new apprenticeship agreement must be executed

## CFR 29 29: Standards of apprenticeship.

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- Cancellation of an apprenticeship during probationary period by either party **without stated cause**
- An affirmative action program complying with 29 CFR 30.4 (more later)

## CFR 29 29: Program performance standards.

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- Every registered apprenticeship program must have at least 1 apprentice, except the following times, which may not exceed 1 year:
  - (1) Between the date when a program is registered and the date of registration for its first apprentice(s);
  - (2) Between the date that a program graduates an apprentice and the date of registration for the next apprentice(s) in the program.
- Performance of programs may be evaluated based upon:
  - (i) Quality assurance assessments (more later);
  - (ii) EEO Compliance Reviews (more later); and
  - (iii) Completion rates.

## CFR 29 29: Apprenticeship agreement.

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- Apprenticeship agreement = Form 671
  - Sponsor is responsible for obtaining and keeping on file
  - Generated in RAPIDS
- SSN is optional on the 671 form

## CFR 29 29: Deregistration of a registered program.

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- Sponsor can request to deregister their program **voluntarily** at any time
- Sponsor must notify their apprentices within 15 days of deregistration
- DOL may deregister a program if standards aren't followed, including:
  - failure to provide on-the-job learning, RTI, or wage increases
  - persistent and significant failure to perform successfully, i.e.
    - consistently fails to register at least one apprentice
    - pattern of poor quality assessment results over several years
    - pattern of very low completion rates over several years
    - shows no improvement in PQA issue areas
- Sponsor will be notified in writing and has 30 days to fix issues, can be extended another 30 days

## CFR 29 29: Deregistration of a registered program.

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- DOL must try to help sponsor fix issues “in every reasonable way”
- Sponsor may request a hearing within 15 days of notice from DOL of final determination

## CFR 29 29: Reinstatement of program registration.

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- Deregistered programs may be reinstated if sponsor provides adequate evidence to DOL OA that the program is operating in accordance with CFR

## Not addressed in CFR 29 29

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- RTI hours required if time-based or hybrid
  - For CB, based on the analogous TB occupation
    - CB example: [Mechatronics Technician](#)
  - For HY, based on high end of the range
    - Hybrid example: [Millwright](#)
- Granting credit for previous experience – how much is allowed?
  - Typical answer: 50% work process hours (for TB programs)
    - More at request of sponsor, with justification
  - For CB programs, there is no “credit” granted
    - Assessments will show competency progress
    - Apprentices must be registered for  $\geq 6$  months

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# Code of Federal Regulations (CFR)

## *CFR Title 29, Part 30: Equal Employment Opportunity in Apprenticeship*

<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=c9b5cf046ef99ea345fd5c5e800c70b5&ty=HTML&h=L&mc=true&r=PART&n=pt29.1.30>

## CFR 29 30: Purpose and Scope

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- Purpose: to promote equal opportunity for **apprentices and applicants** for apprenticeship in registered apprenticeship programs by prohibiting discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability
- Also prescribes affirmative action efforts **sponsors** must take to ensure equal opportunity
- Does not invalidate or limit the remedies, rights, and procedures under any Federal law or the law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection

## CFR 29 30: Equal opportunity standards applicable to all sponsors.

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- Discrimination prohibited with regard to:
  - (i) Recruitment, outreach, and selection procedures;
  - (ii) Hiring and/or placement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
  - (iii) Rotation among work processes;
  - (iv) Imposition of penalties or other disciplinary action;
  - (v) Rates of pay/compensation and changes in compensation;
  - (vi) Conditions of work;
  - (vii) Hours of work and hours of training provided;
  - (viii) Job assignments;
  - (ix) Leaves of absence, sick leave, or any other leave; and
  - (x) Any other benefit/privilege associated with apprenticeship.

## CFR 29 30: Equal opportunity standards applicable to all sponsors.

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- **General duty to engage in affirmative action.** A sponsor is required to take affirmative steps to provide equal opportunity in apprenticeship.
- Sponsor will **designate individual(s) to be responsible** and accountable for overseeing its commitment to EEO in registered apprenticeship. The individual(s) must have the resources, support of, and access to the sponsor leadership to ensure effective implementation.
- **Internal dissemination of equal opportunity policy.** Sponsor must inform all applicants for apprenticeship, apprentices, and others involved with the program of its commitment to EEO and its affirmative action obligations

## CFR 29 30: Equal opportunity standards applicable to all sponsors.

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- **Universal outreach and recruitment.** Sponsor will implement measures to ensure outreach/recruitment efforts extend to all persons available for apprenticeship within the sponsor's relevant recruitment area
  - Develop and update annually a list of current recruitment sources (e.g. MWAs, colleges, online job boards)
- Compliance with **Federal and State equal employment opportunity laws.**
- **Equal opportunity pledge.** Included in Standards.

## CFR 29 30: Affirmative action programs.

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- Definition and purpose:
  - An affirmative action program is designed to ensure EEO and prevent discrimination in apprenticeship programs
  - Central premise: absent discrimination, over time a sponsor's apprenticeship program, generally, will **reflect the labor pools** from which the sponsor recruits and selects.
  - Affirmative action programs contain a quantitative analysis designed to evaluate the composition of the sponsor's apprenticeship program and compare it to the composition of the relevant labor pools
  - Discrepancies? AA program must include specific, practical steps address barriers to EO that may be contributing

## CFR 29 30: Affirmative action programs.

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- Programs with fewer than five apprentices are exempt from AA program requirements, **unless** such program was adopted to circumvent the requirements of this section
- Programs registered **after January 18, 2017**: initial written affirmative action plan must be completed **within two years of registration**.
  - Needs to be developed/maintained by sponsor
  - Coordinators not responsible for anything related to CFR 29 30!
- The written affirmative action plan must be **updated** every time the sponsor completes workforce analyses (more later)

## CFR 29 30: Utilization analysis for race, sex, and ethnicity.

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- Goal is to see whether program participants are reflective of labor pool available to determine whether barriers or discrimination are at play
- Sponsors registered as of January 18, 2017: must conduct its first workforce analysis, no later than **two years after January 18, 2017**
- New sponsors, no later than **two years after registration**
- Sponsor may be asked to define utilization goals as a result (doesn't mean that discrimination has taken place)

## CFR 29 30: Targeted outreach, recruitment, and retention.

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- If sponsor finds underutilization and establishes a utilization goal, they must undertake **targeted** outreach, recruitment, and retention activities that are likely to increase applications/retention of apprentices from targeted group(s)
- Must be described in their affirmative action plan

## CFR 29 30: Recordkeeping.

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- Sponsor must maintain records to demonstrate compliance with the requirements of this part, must include:
  - Applications, tests and test results, interview notes, bases for selection or rejection
  - The invitation to self-identify as an individual with a disability;
  - Requests for reasonable accommodation
- Records must be maintained for 5 years from last action (registration, completion, cancellation, etc.)