

RESEARCH. ENGAGEMENT. SOLUTIONS.



Equal Employment Opportunity / Affirmative Action Plan Compliance (First Week) Tab C

Provided by: Southeast Michigan Community Alliance (SEMCA)
Workforce Intelligence Network (WIN)

Created by: Attorneys of SEMCA WIN

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SECTION I – STANDARDS OF APPRENTICESHIP 29 CFR § 29.5

A. Responsibilities of the sponsor: The Southeast Michigan Community Alliance, Inc., through its Workforce Intelligence Network business unit (otherwise sometimes known as the SEMCA/WIN Workforce Intelligence Network for Southeast Michigan)(“SEMCA/WIN”) (*Sponsor*) must conduct, operate, and administer this program in accordance with all applicable provisions of Title 29 Code of Federal Regulations (CFR) part 29, subpart A and part 30, and all relevant guidance issued by the Office of Apprenticeship (OA). The sponsor must fully comply with the requirements and responsibilities listed below and with the requirements outlined in the document “Requirements for Apprenticeship Sponsors Reference Guide.”

Sponsors shall:

- Ensure adequate and safe equipment and facilities for training and supervision and provide safety training for apprentices on-the-job and in related instruction.
- Ensure there are qualified training personnel and adequate supervision on the job.
- Ensure that all apprentices are under written apprenticeship agreements incorporating, directly or by reference, these standards and the document “Requirements for Apprenticeship Sponsors,” and that meets the requirements of 29 CFR § 29.7. Form ETA 671 may be used for this purpose and is available upon logging into RAPIDS.
- Register all apprenticeship standards with the U.S. Department of Labor, including local variations, if applicable.
- Submit apprenticeship agreements within 45 days of enrollment of apprentices.
- Arrange for periodic evaluation of apprentices’ progress in skills and technical knowledge and maintain appropriate progress records.
- Notify the U.S. Department of Labor within 45 days of all suspensions for any reason, reinstatements, extensions, transfers, completions and cancellations with explanation of causes. Notification may be made in RAPIDS or using the contact information in Section K.
- Provide each apprentice with a copy of these standards, Requirements for Apprenticeship Sponsors Reference Guide, and Appendix A, any applicable written



rules and policies, and require apprentices to sign an acknowledgment of their receipt. If the sponsor alters these standards or any Appendices to reflect changes it has made to the apprenticeship program, the sponsor will obtain approval of all modifications from the Registration Agency, then provide apprentices a copy of the updated standards and Appendices and obtain another acknowledgment of their receipt from each apprentice.

B. Minimum Qualifications - 29 CFR §29.5(b)(10)

An apprentice must be at least (16) years (Enter an age of at least 16 years) of age, except where a higher age is required by law, and must be employed to learn an apprenticeable occupation. Employers participating under Sponsors Standards are required to provide Sponsor with documentation of their qualifications and selection procedures. Sponsor will maintain these records and ensure Employers follow their outlined processes. Please include any additional qualification requirements as appropriate (optional):

- ☒ There is an educational requirement of A high school diploma, General Educational Development (GED) equivalency or other high school equivalency credential is required. Applicant must provide an official transcript(s) for high school and any post-high school education. Applicant must submit the GED certificate or other high school equivalency credential if applicable.
- ☒ There is a physical requirement of Applicants will be physically capable of performing the essential functions of the apprenticeship program, with or without a reasonable accommodation, and without posing a direct threat to the health and safety of the individual or others. Sponsor does not require Applicants will pass a physical agility test, fitness test on acceptance into the program and prior to being employed; however, employers participating under sponsors standards may require a physical agility test, fitness test.
- ☒ The following aptitude test(s) will be administered The Sponsor does not require an aptitude test as a requirement for apprenticeship; however, employers participating under sponsors standards may require an aptitude test.
- ☐ A valid driver's license is required.
- ☒ Other The Sponsor does not require a drug test as a requirement for apprenticeship; however, employers participating under sponsors standards may require a drug test.

(List all other requirements)

C. Apprenticeship Approach and Term - 29 CFR § 29.5(b)(2)

The apprenticeship program(s) will select an apprenticeship training approach. See **Appendix A** to select approach.

D. Work Process Schedule and Related Instruction Outline - 29 CFR § 29.5(b)(4)

Every apprentice is required to participate in related instruction in technical subjects related to the occupation. Apprentices ☐ **will** ☒ **will not** (*choose one*) be paid for hours spent attending related instruction classes. Insert Work Process Schedule and Related Instruction Outline at Appendix A.



E. Credit for Previous Experience - 29 CFR § 29.5(b)(12)

Apprentice applicants seeking credit for previous experience gained outside the apprenticeship program must furnish such transcripts, records, affidavits, etc. that may be appropriate to substantiate the claim. SEMCA/WIN (*Sponsor*) will evaluate the request for credit and make a determination during the apprentice's probationary period.

F. Probationary Period - 29 CFR § 29.5(b)(8) and (20)

Every applicant selected for apprenticeship will serve a probationary period which may not exceed 25 percent of the length of the program or 1 year whichever is shorter. Insert probationary period at **Appendix A**.

G. Ratio of Apprentices to Journeyworkers - 29 CFR § 29.5(b)(7)

Every apprenticeship program is required to provide an apprenticeship ratio of apprentices to journeyworkers for adequate supervision. Insert ratio at **Appendix A**.

H. Apprentice Wage Schedule - 29 CFR § 29.5(b)(5)

Apprentices must be paid a progressively increasing schedule of wages based on either a percentage or a dollar amount of the current hourly journeyworker wage rate. Insert the progressive wage schedule at **Appendix A**.

I. Equal Employment Opportunity and Affirmative Action

1. Equal Opportunity Pledge - 29 CFR §§ 29.5(b)(21) and 30.3(c)(1)

SEMCA/WIN will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40-years old or older.

SEMCA/WIN 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.

2. Affirmative Action Program - 29 CFR §§ 29.5(b)(21), 30.4-30.9

SEMCA/WIN acknowledges that it will adopt an affirmative action plan in accordance with 29 CFR § 30.4-30.9 (required for sponsors with five or more registered apprentices by two years from the date of the sponsor's registration or by two years from the date of registration of the program's fifth (5th) apprentice). Information and technical assistance materials relating to the creation and maintenance of an affirmative action plan will be made available on the Office of Apprenticeship's website.



3. Selection Procedures - 29 CFR § 30.10

Every sponsor will adopt selection procedures for their apprenticeship programs, consistent with the requirements set forth in 29 CFR § 30.10(b). See **Appendix A** to enter your selection procedures for each occupation for which the sponsor intends to train apprentices.

J. Complaint Procedures - 29 CFR §§ 29.5(b)(22), 29.7(k), 29.12, and 29 CFR § 30.14

If an applicant or an apprentice believes an issue exists that adversely affects the apprentice's participation in the apprenticeship program or violates the provisions of the apprenticeship agreement or standards, the applicant or apprentice may seek relief. Nothing in these complaint procedures precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law. Below are the methods by which apprentices may send a complaint:

1. **Complaints regarding discrimination.** Complaints must contain the complainant's name, address, telephone number, and signature, the identity of the respondent, and a short description of the actions believed to be discriminatory, including the time and place. Generally, a complaint must be filed within 300 days of the alleged discrimination. Complaints of discrimination should be directed to the following contact:

U.S. Department of Labor, Office of Apprenticeship

200 Constitution Ave. NW, Washington, DC 20210

Telephone Number: (202) 693-2796

Email Address: ApprenticeshipEEOcomplaints@dol.gov

Point of Contact: Director, Division of Registered Apprenticeship and Policy

Attn: Apprenticeship EEO Complaints

You may also be able to file complaints directly with the EEOC, or State fair employment practices agency.

2. **Other General Complaints.** The sponsor will hear and attempt to resolve the matter locally if written notification from the apprentice is received within 15 days of the alleged violation(s). The sponsor will make such rulings as it deems necessary in each individual case within 30 days of receiving the written notification (*To be completed by Sponsor*):

Name: Michele Economou Ureste

Address: 25363 Eureka Rd, Taylor, MI 48180, Taylor, MI. 48180

Telephone Number: (313) 495-5958

Email Address: michele.ureste@winintelligence.org



Any complaint described above that cannot be resolved by the program sponsor to the satisfaction of all parties may be submitted to the Registration Agency provided below in Section K.

K. Registration Agency General Contact Information 29 CFR § 29.5(b)(17)

The Registration Agency is the United States Department of Labor's Office of Apprenticeship. General inquiries, notifications and requests for technical assistance may be submitted to the Registration Agency using the contact information below *(To be completed by the Registration Agency)*:

Name: **Marybeth Koski**

Address: **985 Michigan Avenue, Suite 409, Detroit, MI. 48226**

Telephone Number: **313-226-6208**

Email Address: **Koski.Marybeth@dol.gov**

L. Reciprocity of Apprenticeship Programs 29 CFR § 29.13(b)(7)

States must accord reciprocal approval for Federal purposes to apprentices, apprenticeship programs and standards that are registered in other States by the Office of Apprenticeship or a Registration Agency if such reciprocity is requested by the apprenticeship program sponsor.

Program sponsors seeking reciprocal approval must meet the wage and hour provisions and apprentice ratio standards of the reciprocal State.

SECTION II - APPENDICES AND ATTACHMENTS

- ☒ **Appendix A** – *Work Process Schedule, Related Instruction Outline, Apprentice Wage Schedule, Ratio of Apprentices to Journeyworkers, Type of Occupation, Term of Apprenticeship, Selection Procedures, and Probationary Period*
- ☒ **Appendix B** – *ETA 671 - Apprenticeship Agreement and Application for Certification of Completion of Apprenticeship (To be completed after registration)*
- ☐ **Appendix C** – *Affirmative Action Plan (Required within two years of registration unless otherwise exempt per 29 CFR §30.4(d))*
- ☒ **Appendix D** – *Employer Acceptance Agreement (For programs with multiple-employers only)*



SECTION III - VETERANS' EDUCATIONAL ASSISTANCE AS MANDATED BY PUBLIC LAW 116-134 (134 STAT. 276)

Pursuant to section 2(b)(1) of the Support for Veterans in Effective Apprenticeships Act of 2019 (Pub. L. 116-134, 134 Stat. 276), by signing these program standards, the program sponsor official whose name is subscribed below assures and acknowledges to the U.S. Department of Labor's Office of Apprenticeship the following regarding certain G.I. Bill and other VA-administered educational assistance referenced below (and described in greater detail at the VA's website at: <https://www.va.gov/education/eligibility>) for which current apprentices and/or apprenticeship program candidates may be eligible:

- (1) The program sponsor is aware of the availability of educational assistance for a veteran or other eligible individual under chapters 30 through 36 of title 38, United States Code, for use in connection with a registered apprenticeship program;
- (2) The program sponsor will make a good faith effort to obtain approval for educational assistance described in paragraph (1) above for, at a minimum, each program location that employs or recruits a veteran or other eligible individual for educational assistance under chapters 30 through 36 of title 38, United States Code; and
- (3) The program sponsor will not deny the application of a qualified candidate who is a veteran or other individual eligible for educational assistance described in paragraph (1) above for the purpose of avoiding making a good faith effort to obtain approval as described in paragraph (2) above.

NOTE: The aforementioned requirements of Public Law 116-134 shall apply to "any program applying to become a registered apprenticeship program on or after the date that is 180 days after the date of enactment of this Act" (i.e., September 22, 2020). Accordingly, apprenticeship programs that were registered by a Registration Agency before September 22, 2020, are not subject to these requirements.



SECTION IV - SIGNATURES

OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS

The undersigned sponsor hereby subscribes to the provisions of the foregoing Apprenticeship Standards formulated and registered by SEMCA/WIN (*Sponsor*), on this _____ day of (*Month Year*).

The signatories acknowledge that they have read and understand the document titled “Requirements for Apprenticeship Sponsors Reference Guide” and that the provisions of that document are incorporated into this agreement by reference unless otherwise noted.

Signature of Sponsor (designee)

Signature of Sponsor (designee)

Michele Economou Ureste
Printed Name

Printed Name

SECTION V - DISCLOSURE AGREEMENT (*Optional*)

I, Michele Economou Ureste (*Sponsor Representative*), acting on behalf of SEMCA/WIN (*Sponsor*) authorize OA to share the Work Process Schedule and Related Instruction Outline in Appendix A with other potential apprenticeship sponsors.

Signature

Date

Michele Economou Ureste
Printed Name

Equal Opportunity and Discrimination/Harassment Prevention Policy

[Insert Employer legal name] (the “Company”) is committed to providing equal employment opportunity to all persons regardless of age, citizenship, color, disability/handicap, gender identity, genetic information, height, marital status, national origin, race, religion, sex (including pregnancy), sexual orientation, veteran status, weight, or any other status or condition protected in accordance with the requirements of applicable law. The Company 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. The Company also provides reasonable accommodation for individuals with disabilities in accordance with applicable law. This policy applies to all terms and conditions of employment including, but not limited to, recruiting, hiring, job assignment, training, transfer, promotion, compensation, benefits, layoff, recall, discipline, and termination.

The Company is also ABSOLUTELY committed to providing a work environment that is free of ALL forms of unlawful harassment. We will not tolerate the harassment of our employees by anyone including, but not limited to, supervisors/managers, co-workers, customers, vendors/suppliers, guests, or visitors. All employees have the right to work in an environment free from intimidation and harassment. In other words, the Company is committed to a policy of zero tolerance for discrimination and unlawful harassment. Further, we are committed to having a professional work environment where everyone can comfortably and productively work in all areas.

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if:

- Submission to the conduct is in any way made a term or condition of employment *(for example, a supervisor tells an employee to commit a sexual act in exchange for a pay raise)*;
- Submission to or rejection of such conduct by an employee is used as the basis for any employment-related decision affecting such employee *(for example, a supervisor demotes an employee because the employee refused to engage in sexual behavior)*; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment *(for example, an employee is subject to repeated and unwelcome sexual or derogatory jokes or unwelcome obscene or pornographic material or other forms of harassing conduct)*.

This means no:

- Sex-oriented “kidding” or abuse, sexual or sexist language, jokes or innuendo;
- Nude, sexual, profane, or obscene cartoons, posters, drawings, photos or magazines;

- Whistling or catcalling;
- Staring or leering;
- Pinching, patting, inappropriate touching such as brushing against another's body, unwelcome hugging or kissing;
- Texting, e-mailing or otherwise communicating inappropriate sexual messages;
- Accessing pornographic or other inappropriate websites; or
- Any other conduct that might create or contribute to a hostile or offensive working atmosphere.

Dating/Sexual Relationships with Co-workers

Management and supervisory employees in particular must avoid placing themselves in situations where even the appearance of harassment or improper conduct is a possibility. To avoid potential conflicts and misunderstanding in the workplace and to minimize the risk of violating any laws, all employees with supervisory authority are strictly prohibited from dating or otherwise engaging in any dating, romantic or sexual relationship with any employee they are responsible for supervising in any way.

In the event such a dating, romantic or sexual relationship does develop between a manager or supervisor and a subordinate employee, it must be immediately reported to the Human Resources Department who will take appropriate action including: (1) requiring written confirmation from both involved parties of the consensual nature of the relationship; and (2) taking any action deemed necessary to prevent the appearance or occurrence of conflicts of interest, favoritism, or sexual harassment, which action may include, but is not limited to reassignment, demotion, or termination of employment.

While the Company does not prohibit co-workers from dating other co-workers, the Company strongly discourages such relationships given the workplace problems that can result from such relationships.

In addition, the Company absolutely prohibits its employees from dating or having any kind of romantic or sexual relationship with any Company customer or vendor/supplier, since relationships of this nature may also result in serious workplace and operational problems.

Other Forms of Unlawful/Prohibited Harassment

We want to maintain a working environment free from all forms of harassment, whether based upon age, citizenship, color, disability/handicap, gender identity, genetic information, height, marital status, national origin, race, religion, sex (including pregnancy), sexual orientation,

veteran status, weight, or any other status or condition protected in accordance with the requirements of applicable law. By way of further example only, this means no:

- Racial or ethnic jokes;
- Religious slurs;
- Use of offensive "slang" or derogatory terms or slurs denoting race, ethnicity, age, national origin, disability, etc.;
- Mimicking one's speech, accent or disability;
- Derogatory comments regarding any legally protected status or characteristic; or
- Any other conduct that might create or contribute to a hostile or offensive working atmosphere.

Moreover, the use of profane, foul, obscene, insulting, abusive or crude language, and the like, even if spoken or written in non-standard English or a foreign language, bullying, or the making of threats is considered disrespectful, demeaning, and abusive behavior and will not be tolerated.

Reporting Discrimination/Harassment/Retaliation

Any employee who believes this policy has been violated must immediately report all concerns to the Human Resources Manager at [insert phone number] or [insert position and phone number]. If the concern involves a supervisor or manager's conduct, it must be reported directly to the [insert position and phone number] or [insert position and phone number]. Company management must be made aware of the situation so that it can conduct a prompt and impartial investigation and take appropriate action to address the situation. Additionally, if the employee feels comfortable, he or she may immediately inform the perpetrator to the conduct that is unwelcome and needs to stop. It is helpful, but not required, to prove a written record of the date, time and nature of the incident(s) and the names of any witnesses.

Any employee who witnesses or suspects any violation of this policy must also immediately report the matter as described above. It is the duty of all employees to cooperate in the enforcement of this policy.

The Company is committed to taking prompt and decisive measures concerning complaints. When investigation confirms a violation of this policy, appropriate corrective action will be taken, up to and including termination of employment for any employee violating this policy, and appropriate action for any non-employee violating this policy. The Company will endeavor to treat complaints confidentially, and release information only to individuals

who need to know, although enforcement of this policy will be the paramount consideration.

The Company will not tolerate any retaliation against any individual who brings a good faith complaint to our attention; even if the investigation shows that no discrimination, harassment, or retaliation occurred. Further, the Company will not tolerate any relation against any individual who has properly participated in an investigation. Any employee who believes retaliation has occurred must immediately report the conduct through the identified reporting mechanisms described above.

[Following to be included in the handout version only]

Acknowledgement

I acknowledge receipt and agree to read and abide by the conditions of this Equal Opportunity and Harassment Prevention policy. If there is any part of this policy that I do not understand or have any question about, I will seek clarification from the Human Resources Department or [insert name or title].

Employee's Printed Name

Employee's Signature

Date

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Mandatory Discrimination/Harassment Prevention Training for Apprentices, Employees, and Journey people

Required by 29 C.F.R. Part 30.3(b)(2)(iii) and (b)(4)(i)

Presented by the Southeast Michigan Community Alliance Inc. through its Workforce Intelligence
Network business unit and by its attorneys

March 2021 Edition

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Training Objectives

This training is presented by the Southeast Michigan Community Alliance, Inc. through its Workforce Intelligence Network business unit (“SEMCA/WIN”).

SEMCA/WIN is the sponsor of your Employer’s apprenticeship program.

By the end of this session:

- You will better understand your right to a workplace that is free of unlawful discrimination and harassment.
- You will know how to file a complaint if you believe harassment has occurred.
- You will better understand anti-discrimination and anti-harassment laws so you can identify and avoid risky behaviors.

29 CFR Part 30.3(b)(2), (b)(4)

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At-Will Employment

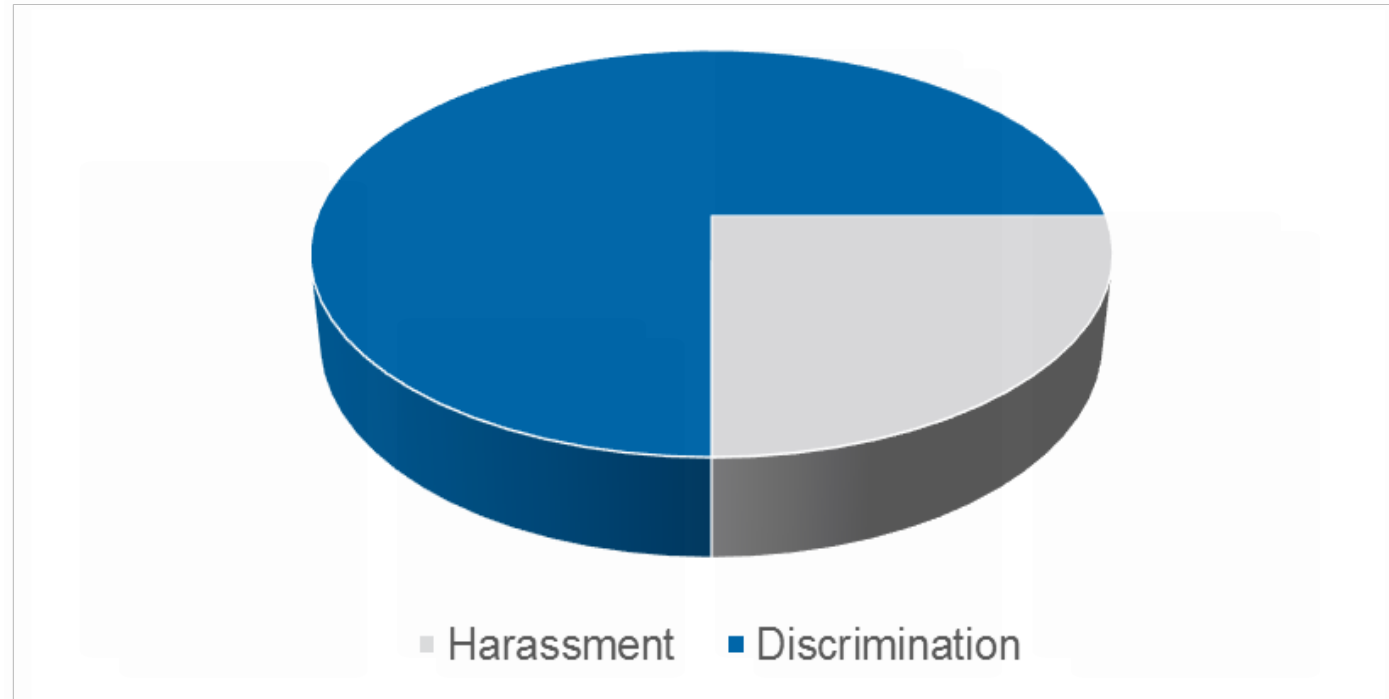
Most employees and apprentices in a non-union setting are employed on an **at-will** basis. This means either you or your Employer can terminate the employment relationship at any time, for any lawful reason, with or without cause, with or without notice.

Even in at-will employment, an employer cannot demote, terminate, or otherwise discriminate against an apprentice or employee based on **protected traits** including race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability.

29 CFR Part 30.3(b)(4), (b)(4)(i)(B)

Discrimination and Harassment – What Are They?

- Discrimination is treating someone differently based on a protected trait.
- Harassment is **one form** of discrimination.



Harassment – One Form of Discrimination

In general terms, harassment is unwelcome words, actions, or both toward an individual (or group) due to a protected trait that:

- Creates an intimidating, hostile, or offensive work environment, or
- Unreasonably interferes with an individual's work; and
- Otherwise interferes with an individual's employment opportunities.

Why it Matters

Federal and state law requires employers to maintain a workplace free from unlawful harassment for all employees and apprentices.

Not just Sexual Harassment (Protected Traits)

Your Employer may not discriminate against apprentices or employees based on any of the following characteristics:

- **Age**
- **Citizenship or protected immigration status**
- **Color**
- **Disability/Handicap**
 - **Physical**
 - **Mental**
- **Gender Identity**
- **Genetic Information**
- **Height**
- **Marital Status**
- **National Origin**
- **Race**
- **Religion**
- **Sex, including Pregnancy**
- **Sexual Orientation**
- **Transgender Status**
- **Veteran's Status**
- **Weight**
- **Any other status or characteristic protected by applicable law**

Harassment – Some Examples

- Vulgar talk
- Words and/or actions that are demeaning, insulting, undermining, disrespectful, unfair
- All communication, even in languages other than English, that is degrading, harassing, or threatening
 - This includes verbal, non-verbal, and written communication in all contexts (photos, documents, notes, cartoons, e-mails, texts, social media, etc.).

Harassment – Some Examples

- Sexual suggestions
- Inappropriate touching
- Other inappropriate conduct of any nature



By whom?

- Other co-workers, even temporaries
- Supervisors and Managers
- Customers
- Vendors/Suppliers
- Guests
- Visitors



Where?

Any place on work time
or at work events



Harassment Prevention Policy

Your Employer prohibits discrimination and harassment in the workplace. As stated in your Employer's Equal Opportunity and Harassment Prevention Policy:

The Company is ABSOLUTELY committed to providing a work environment that is free of ALL forms of unlawful harassment. We will not tolerate the harassment of our employees by anyone including, but not limited to, supervisors/managers, co-workers, customers, vendors/suppliers, guests or visitors. All employees have the right to work in an environment free from intimidation and harassment. In other words, the Company is committed to a policy of zero tolerance for discrimination and unlawful harassment. Further, we are committed to having a professional work environment in all areas where everyone can comfortably and productively work.

Liability

If an investigation finds that harassment or inappropriate conduct has occurred, your Employer will take it very seriously.

Your Employer could be liable (held responsible) for the harassment.



Harassment Prevention Requires Teamwork

- While your Employer will demonstrate leadership on harassment prevention, there must also be teamwork.
- All apprentices and employees must be committed to eliminating harassment.
- All apprentices and employees must be committed to reporting incidents of harassment.

Harassment - Practical Pointers I

- Follow your Employer's anti-harassment policy (it might be called a Harassment Prevention Policy or something similar).
- If you are ever accused of harassment, immediately involve your supervisor and the person responsible for Human Resources. Never attempt to handle it yourself.
- Always refer to other apprentices and employees by their name, not even any “nice” nicknames like sweetie, babe, honey, etc.
- Never refer to other apprentices or employees by derogatory names like old man, old fart, camel jockey, Spic, fag, Bible thumper, fatso, shorty, etc.

Harassment - Practical Pointers II

- Always conduct yourself in a professional manner with other apprentices and employees, and all those you interact with, and
- Encourage all other apprentices and employees to do the same.
- If you ever observe any co-worker being harassed, immediately report it to your supervisor or the person responsible for Human Resources.
- Fully cooperate in any investigation concerning alleged harassment.

Quick Quiz

- I am protected from harassment in the workplace based on protected traits including my sex, race, and disability. **True or False**
- My Employer can be liable for harassment even when the apprentice or employee that the comments are directed toward does not complain. **True or False**
- My Employer might have to pay damages if I engage in unlawful harassment toward another apprentice or employee. **True or False**
- If I am ever accused of harassment or believe that I have been harassed in the workplace, the best way to handle it is to keep my mouth shut and not report it to anyone. **True or False**

Answers to Quick Quiz

- I am protected from harassment in the workplace based on protected traits including my sex, race, and disability. **True**
- My Employer can be liable for sexual harassment even when the apprentice or employee that the comments are directed toward does not complain. **True**
- My Employer might have to pay damages if I engage in unlawful harassment toward another apprentice or employee. **True**
- If I am ever accused of harassment or believe that I have been harassed in the workplace, the best way to handle it is to keep my mouth shut and not report it to anyone. **False**

Harassment Prevention

You must consider your email and text messages:

- Sent at work, using work devices
- Sent at work, from personal devices
- Sent outside of work from personal or work devices; as well as
- Posts on social media about co-workers



Harassment Prevention

The key is to never come close to the line.



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Harassment Prevention – Dating Co-Workers

It is best not to date or become romantically involved with another apprentice or employee in the workplace, and preferably not with any customer or vendor/supplier with whom you interact.

Harassment Prevention – Dating Co-Workers

- Consensual relationships can quickly become non-consensual relationships for one person.
- When this happens, all kinds of unexpected workplace strife can occur.
- Sometimes, discipline, reassignment, or even termination can be the end result for one or both people.

Equal Opportunity in Apprenticeships

Your Employer may not and will not discriminate against:

- Applicants, employees, or apprentices
- Based on their age, citizenship, color, disability/handicap, gender identity, genetic information, height, marital status, national origin, race, religion, sex (including pregnancy), sexual orientation, veteran status, weight, or any other status or condition or trait protected under the law.

Equal Opportunity in Apprenticeships

This means your Employer will not discriminate in:

- (i) Recruitment, outreach, selection of apprentices;
- (ii) Hiring, placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, rehiring;
- (iii) Rotation among work processes;
- (iv) Penalties or disciplinary action;
- (v) Pay rates, other forms of compensation, changes in pay;
- (vi) Conditions of work;
- (vii) Hours of work and hours of training provided;
- (viii) Job assignments;
- (ix) Leaves of absence, sick leave, any other leave; or
- (x) Any other benefit, term, condition, or privilege associated with apprenticeship.

Why This Matters to You

- Your Employer cannot discriminate against (treat differently) apprentices or employees **at any stage of the employment relationship:**
 - Job assignments
 - Required Hours
 - Performance Reviews
 - Job promotions
 - Wage/pay adjustments
 - Vacation scheduling
 - Discipline and discharge
 - Etc.

Your Right to File a Discrimination Complaint

- Your Employer must ensure equal opportunity with regard to all terms, conditions, and privileges of apprenticeship.
- If you are an apprentice and think that you have been subjected to discrimination, you may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards at:

**Attn. Apprenticeship EEO Complaints,
U.S. Department of Labor, Office of Apprenticeship
200 Constitution Ave. NW, Washington D.C., 20210
or ApprenticeshipEEOcomplaints@dol.gov.**

- Your complaint filed must be made in writing and include the following:

Discrimination Complaints - Apprentices

- (i) Your name, address and telephone number, or other means for contacting you;
- (ii) The name, address, and telephone number of the individual or company that you allege is responsible for the discrimination;
- (iii) A short description of the events that you believe were discriminatory, including but not limited to when the events took place, what occurred, and why you believe the actions were discriminatory (for example, because of race, color, religion, sex, sexual orientation, national origin, age (40 or older), genetic information, and/or disability); and
- (iv) Your signature, or the signature of your authorized representative.

Quick Quiz

- Employers in Michigan are required by law to not discriminate against their apprentices and employees on the basis of any protected trait like race, color, religion, national origin, sex, sexual orientation, age, genetic information, and/or disability? **True or False**
- Which of the following is not presently a protected trait based on applicable law to employers in Michigan? **Age, disability, hair color, marital status?**
- It is important as an apprentice or employee that I follow employment laws that forbid harassment and other discrimination?
True or False

Answers to Quick Quiz

- Employers in Michigan are required by law to not discriminate against their apprentices and employees on the basis of any protected trait like race, color, religion, national origin, sex, sexual orientation, age, genetic information, and/or disability? **True**
- Which of the following is not presently a protected trait based on Michigan employment laws? **Hair color**
- It is important as an apprentice or employee that I follow employment laws that forbid harassment and other discrimination? **True**

Equal Opportunity for Apprentices With Disabilities

- As part of its commitment to equal opportunity in apprenticeships, your Employer must invite all apprentices to self-identify as an individual with a disability on a one-page form at certain times during the apprenticeship.
- Your response is completely voluntary will be kept strictly confidential.
- Your response will not in any way result in discriminatory or harmful treatment against you.
- Your employer will provide reasonable accommodations for individuals with disabilities in certain circumstances.

The Americans With Disabilities Act (“ADA”)

Your apprenticeship program and the ADA prohibit your Employer from discriminating against individuals based on disability. The ADA also requires employers to provide apprentices and employees with disabilities with reasonable accommodation up to the point of undue hardship.

Under the ADA, most medical information must be kept confidential.



The ADA and Apprenticeship Rules

What is a
“disability”?

- “Substantially limited” in a *major life activity*
- Can be temporary impairment (but generally six months or more in duration)
- *Perceived* as disabled

The ADA and Apprenticeship Rules

- Employers are restricted on **what** medical information they can request from applicants, apprentices, and employees and **when** they can request it.
- For example, an employer cannot request any medical information from an applicant until after the employer has made a conditional offer of employment.
- During apprenticeship or employment, the employer can only require medical or fitness for duty examinations under certain circumstances.
- Your Employer can only provide medical information concerning any applicant, apprentice, or employee to others who have a "need to know."

The ADA and Apprenticeship Rules

- An employer has a duty to make **reasonable accommodations** for an apprentice or employee up to the point of an undue hardship.
- An employer is not required to create a job or make work for an apprentice or employee. However, reasonable accommodations may include, for example, job modifications and/or scheduling changes.
- An employer may be required to give non-essential job duties to another apprentice or employee.

Practical Pointers – ADA & Apprenticeship Rules

Some conditions
are covered that
may not be not
obvious

- Hypertension
- Diabetes
- Migraine headaches
- Mental conditions including anxiety, PTSD, other

Reasonable
accommodations

- Must be considered
- Even for employees with minor restrictions if they have a disability under legal definitions
- Participate in the “Interactive Process” with your Employer

Practical Pointers – ADA & Apprenticeship Rules

- If you have a medical condition that you believe is a disability and you need accommodation, immediately contact the person in charge of Human Resources.
- Your Employer must determine whether you have a disability and may request medical records or a medical exam.
- Cooperate in the in this interactive process with Human Resources.
- Never refer to a co-worker with a disability in any derogatory manner, e.g., “cripple,” “imbecile”

Last Quick Quiz

If I believe I have been harassed or discriminated against at work, I can file a complaint. **True or False**

Last Quick Quiz Answer

If I believe I have been harassed or discriminated against at work, I can file a complaint. **True. See the information on filing a complaint that was provided earlier in this training.**

Questions? Ask Human Resources!



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Mandatory Discrimination/Harassment Prevention Training for Managers and Supervisors of Apprentices

Required by 29 C.F.R. Part 30.3(b)(2)(iii) and (b)(4)(i) – (iii)

Presented by the Workforce Intelligence Network, part of the
Southeast Michigan Community Alliance Inc., by its attorneys

March 2021 Edition

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Required Training

This mandatory training is presented by the Southeast Michigan Community Alliance, Inc., through its Workforce Intelligence Network business unit (“SEMCA/WIN”).

SEMCA/WIN is the sponsor of your apprenticeship program.

Federal regulations require this training for all managers, supervisors, mentors, and journeymen who work with apprentices in your workplace.

29 CFR Part 30.3(b)(2)(iii), (b)(4)(i)

Training Objectives

By the end of this session:

- You will better understand rules that prohibit unlawful discrimination and harassment at all stages of the apprentice-employer relationship and in the workplace.
- You will know how and why to take complaints of harassment seriously.
- You will better understand how to identify and avoid risky behaviors toward all individuals in the workplace.

29 CFR Part 30.3(b)(2), (b)(4)

At-Will Employment

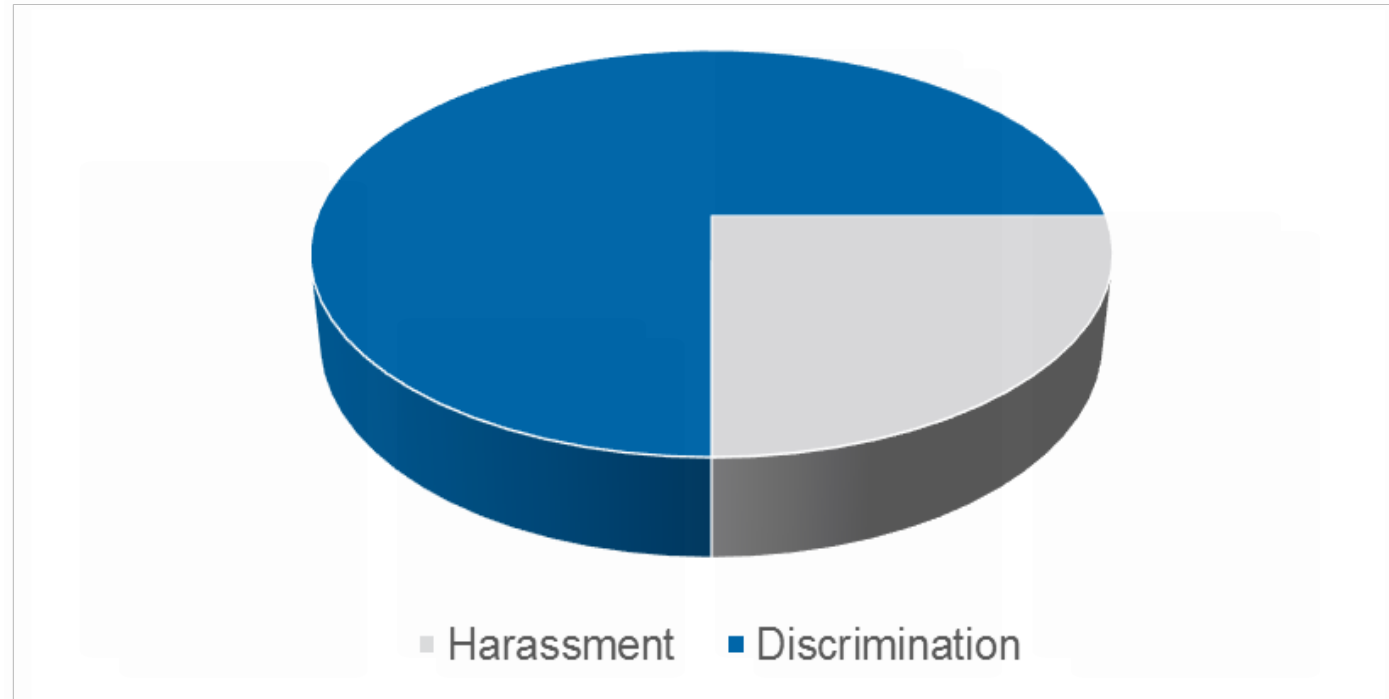
As you may know, most apprentices and employees in a non-union setting are employed on an **at-will** basis. This means either your company or the employee can terminate the employment relationship at any time, for any lawful reason, with or without cause, with or without notice.

Even in at-will employment, an employer cannot demote, terminate, or otherwise discriminate against an apprentice or employee based on **protected traits** including race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability.

29 CFR Part 30.3(b)(4), (b)(4)(i)(B)

Discrimination and Harassment – What Are They?

- Discrimination is treating someone differently based on a protected trait.
- Harassment is **one form** of discrimination.



Harassment – One Form of Discrimination

In general terms, harassment is unwelcome words, actions, or both toward an individual (or group) based on a **protected trait** that:

- Creates an intimidating, hostile or offensive work environment, or
- Unreasonably interferes with an individual's work, and
- Otherwise interferes with an individual's employment opportunities.

Why it Matters

- **The Dep't of Labor prohibits harassment and discrimination in apprenticeship programs;**
- **Your company could be liable (held responsible) for the harassment; and**
- **Managers and supervisors play a key role in preventing harassment and discrimination.**

Not just Sexual Harassment – Protected Traits

An employer may not discriminate against apprentices or employees based on any of the following characteristics:

- **Age**
- **Citizenship or protected immigration status**
- **Color**
- **Disability/Handicap**
 - **Physical**
 - **Mental**
- **Gender Identity**
- **Genetic Information**
- **Height**
- **Marital Status**
- **National Origin**
- **Race**
- **Religion**
- **Sex, including Pregnancy**
- **Sexual Orientation**
- **Transgender Status**
- **Veteran's Status**
- **Weight**
- **Any other status or characteristic protected by applicable law**

Harassment – Some Examples

- Vulgar talk
- Words and/or actions that are demeaning, insulting, undermining, disrespectful, unfair
- All communication, even in languages other than English, that is degrading, harassing, or threatening
 - This includes verbal, non-verbal, and written communication in all contexts (photos, documents, notes, cartoons, e-mails, texts, social media, etc.).

Harassment – Some Examples

- Sexual suggestions
- Inappropriate touching
- Other inappropriate conduct of any nature



By whom?

- Co-workers, even temporaries
- Supervisors and Managers
- Customers
- Vendors/Suppliers
- Guests
- Visitors



Where?

Any place on work time
or at work events



Harassment Prevention Policy

Your company is required to prohibit discrimination and harassment in the workplace. Your company will have a policy something like the following:

The company is ABSOLUTELY committed to providing a work environment that is free of ALL forms of unlawful harassment. We will not tolerate the harassment of our employees by anyone including, but not limited to, supervisors/managers, co-workers, customers, vendors/suppliers, guests or visitors. All employees have the right to work in an environment free from intimidation and harassment. In other words, the company is committed to a policy of zero tolerance for discrimination and unlawful harassment. Further, we are committed to having a professional work environment in all areas where everyone can comfortably and productively work.

Why It Matters – Liability

If an apprentice or employee makes an allegation of harassment or discrimination, take it very seriously, because:

- **The Dep't of Labor prohibits harassment and discrimination in apprenticeship programs; and**
- **Your company could be liable (held responsible) for the harassment.**

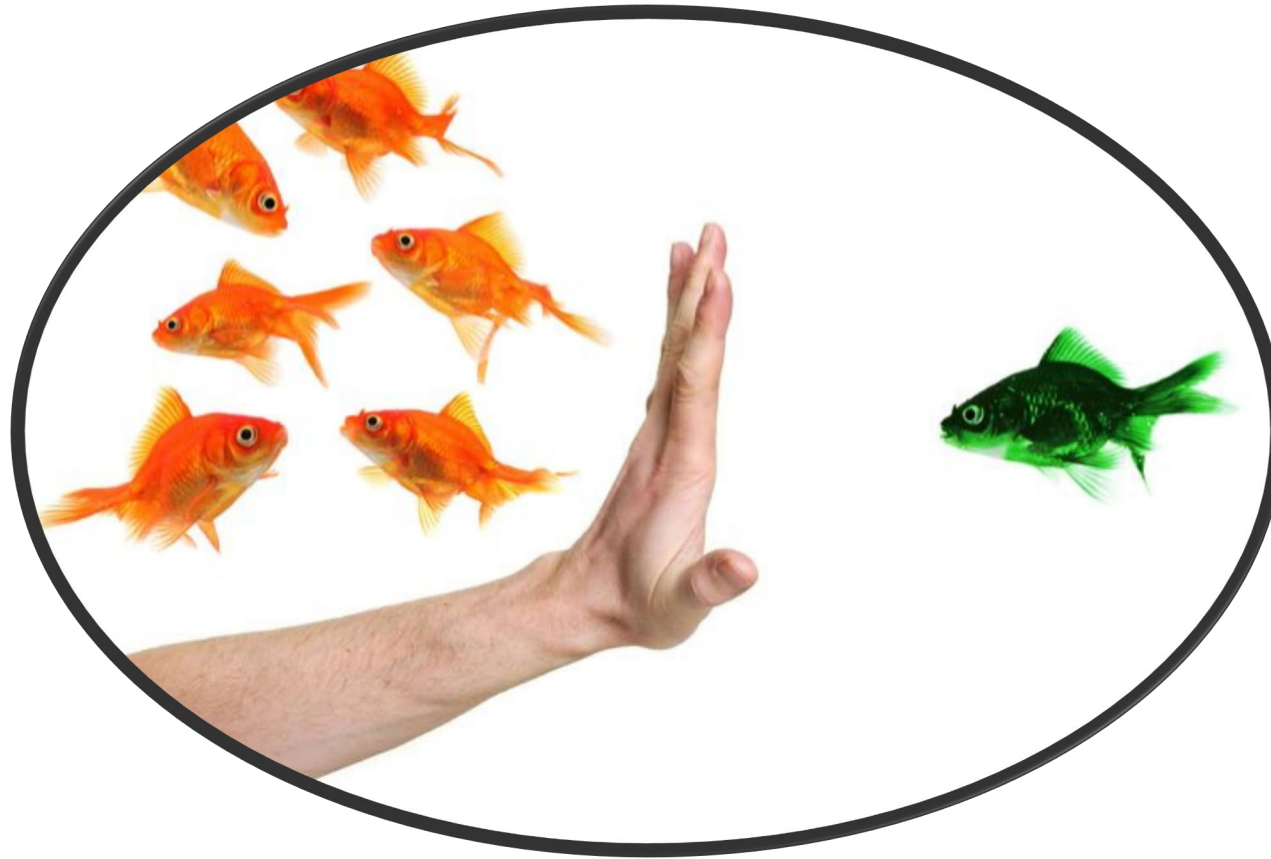
Why It Matters – Liability

- In addition, an apprentice, employee, or former employee may sue you, as a supervisor or manager, along with your company.
- Managers and supervisors can be personally liable for harassment, discrimination, or retaliation.



Harassment Prevention Requires Leadership

- As a manager or supervisor, you are expected to lead in this area.
- It is not acceptable to leave this to someone else.



Harassment Prevention

- Treat employees fairly and with respect.
- Strive for a professional work environment where any apprentice or employee would feel comfortable working and can work in a productive manner.
- Human Resources should always be involved and lead with any claim or assertion of discrimination, harassment, or retaliation.

Harassment Prevention Requires Teamwork

- As managers and supervisors, you should demonstrate clear leadership on harassment prevention.
- Also remind apprentices and employees that there must be **teamwork**:
 - All apprentices and employees must be committed to eliminating harassment.
 - All apprentices and employees must be committed to reporting incidents of harassment.

Harassment - Practical Pointers I

- Post and follow the **Department of Labor Anti-Discrimination Pledge** provided by SEMCA/WIN and your company's anti-harassment policy.
- If you are accused of harassment, immediately involve your supervisor and the person responsible for Human Resources. Do not attempt to handle it yourself.
- Always refer to apprentices and employees by their name only and require all apprentices and employees to do the same. Avoid even “nice” nicknames like sweetie, babe, honey, etc.
- Never refer to an apprentice or employee by a derogatory name like old man, old fart, camel jockey, Spic, fag, Bible thumper, fatso, shorty, etc.

Harassment - Practical Pointers II

- Always conduct yourself in a professional manner with colleagues, apprentices, employees, and all those you interact with.
- Encourage colleagues, apprentices, and employees to do the same.
- If you observe harassment in the workplace, immediately report it to the person responsible for Human Resources.
- Fully cooperate in any investigation concerning alleged harassment.

Quick Quiz

- Apprentices and employees are protected from harassment in the workplace based on protected traits including their sex, race, and disability. **True or False**
- My company can be liable for harassment even when the apprentice or employee that the comments are directed toward does not complain. **True or False**
- My company might have to pay damages if I engage in unlawful harassment toward an apprentice or employee. **True or False**
- If I am ever accused of harassment or believe that I have been harassed in the workplace, the best way to handle it is to keep my mouth shut and not report it to anyone. **True or False**

Answers to Quick Quiz

- Apprentices and employees are protected from harassment in the workplace based on protected traits including their sex, race, and disability. **True**
- My company can be liable for sexual harassment even when the apprentice or employee that the comments are directed toward does not complain. **True**
- My company might have to pay damages if I engage in unlawful harassment toward an apprentice or employee. **True**
- If I am ever accused of harassment or believe that I have been harassed in the workplace, the best way to handle it is to keep my mouth shut and not report it to anyone. **False**

Harassment Prevention

You must consider your email and text messages:

- Sent at work, using work devices
- Sent at work, from personal devices
- Sent outside of work from personal or work devices; as well as
- Posts on social media about co-workers



Harassment Prevention

The key is to never come close to the line.



Harassment Prevention – Dating

- **Do not** date or become romantically involved with an apprentice or employee.
- And preferably do not become romantically involved with any customer or vendor/supplier with whom you interact.

Harassment Prevention – Dating

- Consensual relationships can quickly become non-consensual for one person.
- When this happens, your company could be held liable for a manager's or supervisor's relationship with an apprentice or employee.
- Sometimes discipline, reassignment, or even termination can be the end result for one or both people.

Equal Opportunity in Apprenticeships

As a manager or supervisor, you have a heightened duty to ensure that your company and those you supervise do not discriminate against:

- Applicants, employees, or apprentices
- Based on their age, citizenship, color, disability/handicap, gender identity, genetic information, height, marital status, national origin, race, religion, sex (including pregnancy), sexual orientation, veteran status, weight, or any other status or condition or trait protected under the law.

Equal Opportunity in Apprenticeships

This means your company must not discriminate in:

- (i) Recruitment, outreach, selection of apprentices;
- (ii) Hiring, placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, rehiring;
- (iii) Rotation among work processes;
- (iv) Penalties or disciplinary action;
- (v) Pay rates, other forms of compensation, changes in pay;
- (vi) Conditions of work;
- (vii) Hours of work and hours of training provided;
- (viii) Job assignments;
- (ix) Leaves of absence, sick leave, any other leave; or
- (x) Any other benefit, term, condition, or privilege associated with apprenticeship.

Why This Matters to You

- You must help to ensure that your company does not discriminate against (treat differently) apprentices or employees **at any stage of the employment relationship:**
 - Job assignments
 - Required Hours
 - Performance Reviews
 - Job promotions
 - Wage/pay adjustments
 - Vacation scheduling
 - Discipline and discharge
 - Etc.

Equal Opportunity Employer in Apprenticeships

Because your apprenticeship sponsor SEMCA/WIN is registered with the U.S. Dep't of Labor Office of Apprenticeship, your company must:

- Take affirmative steps to provide equal opportunity in apprenticeship;
- Operate the apprenticeship program as required under Title 29 of the code of Federal Regulations, Part 30;
- Provide reasonable accommodation for apprentices with disabilities in accordance with applicable law;

29 CFR Part 30.3(c)

Equal Opportunity Employer in Apprenticeships, cont'd.

- Make all facilities and apprenticeship activities available regardless of race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability (separate or single-used restrooms are ok); and

29 CFR Part 30.3(b)(2)(iii), (b)(4)(ii)

Equal Opportunity Employer in Apprenticeships, cont'd.

- Implement procedures for handling and resolving **complaints** about:
 - Harassment or intimidation based on race color, religion, national origin, sex, sexual orientation, age, genetic information, or disability; and
 - Retaliation for engaging in “protected activity” in the workplace (filing a complaint under these rules, opposing unlawful harassment or discrimination, participating in an investigation of equal opportunity practices in the workplace, or exercising other rights).

29 CFR Part 30.3(b)(2)(iii), (b)(4)(ii); Part 30.17

Apprentices' Right to File a Discrimination Complaint

- Under U.S. Dep't. of Labor Rules, your company must **inform all apprentices** of the following:
- Any apprentice who believes that they have been subjected to discrimination may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards at:

**Attn. Apprenticeship EEO Complaints,
U.S. Department of Labor, Office of Apprenticeship
200 Constitution Ave. NW, Washington D.C., 20210
or ApprenticeshipEEOcomplaints@dol.gov.**

- The complaint filed must be made in writing and include the following:

Apprentices' Right to File a Discrimination Complaint

- (i) The apprentice's name, address and telephone number, or other means for contacting them;
- (ii) The name, address, and telephone number of the individual or company that they allege is responsible for the discrimination;
- (iii) A short description of the events that they believe were discriminatory, including but not limited to when the events took place, what occurred, and why they believe the actions were discriminatory (for example, because of race, color, religion, sex, sexual orientation, national origin, age (40 or older), genetic information, or disability); and
- (iv) The apprentice's signature, or the signature of their authorized representative.

Quick Quiz

- Participants in the U.S. Dep't. of Labor Apprenticeship Program like your company are required by law to not discriminate against their apprentices or employees on the basis of any protected trait like race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability? **True or False**
- Which of the following is not presently a protected characteristic based on applicable law? **Age, disability, hair color, marital status?**
- It is important that as a manager or supervisor I lead on and follow employment laws that forbid harassment and other discrimination?
True or False

Answers to Quick Quiz

- Participants in the U.S. Dep't. of Labor Apprenticeship Program like your company are required by law to not discriminate against their employees on the basis of any protected trait like race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability? **True**
- Which of the following is not presently a protected characteristic based on Michigan employment laws? **Hair color**
- It is important that as a manager or supervisor I lead on and follow employment laws that forbid harassment and other discrimination? **True**

Equal Opportunity for Apprentices With Disabilities

As part of its commitment to equal opportunity in apprenticeships, your company must invite all apprentices to self-identify as an individual with a disability at the following times:

- Pre-Offer: When applicant applies or is considered;
- Post-Offer: Any time after their acceptance and before they start work; and
- Once every year after that.
- Use the DOL **Form ‘Voluntary Identification of Disability’** (provided by SEMCA/WIN).

Equal Opportunity for Apprentices With Disabilities

- Your company must keep apprentices' responses on each Voluntary Identification of Disability Form strictly confidential and in your DOL Apprenticeship Compliance File.
- An apprentice's response must not result in any discriminatory or harmful treatment toward them.
- Under certain circumstances, your company must provide reasonable accommodations for individuals with disabilities.

The Americans With Disabilities Act (“ADA”)

- Both the Apprenticeship Program **and** the ADA prohibit your company from discriminating against individuals based on disability.
- Under the ADA, your company must keep most medical information confidential.



The ADA and Apprenticeship Rules

What is a
“disability”?

- “Substantially limited” in a *major life activity*
- Can be temporary impairment (but generally six months or more in duration)
- *Perceived* as disabled

The ADA and Apprenticeship Rules

- Employers are restricted on **what** medical information they can request from applicants, employees, and apprentices and **when** they can request it.
- For example, an employer cannot request any medical information from an applicant until after the employer has made a conditional offer of employment.
- During employment, the employer can only require medical or fitness for duty examinations under certain circumstances.
- Your company can only provide medical information concerning any applicant, apprentice, or employee to those individuals who have a "need to know."

The ADA and Apprenticeship Rules

- An employer has a duty to make **reasonable accommodations** for an apprentice or employee up to the point of an undue hardship.
- An employer is not required to create a job or make work for an apprentice or employee. However, reasonable accommodations may include, for example, job modifications and/or scheduling changes.
- An employer may be required to give non-essential job duties to another apprentice or employee.

Practical Pointers – ADA & Apprenticeship Rules

Some conditions
are covered that
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- Mental conditions including anxiety, PTSD, other

Reasonable
accommodations

- Must be considered
- Even for apprentices/employees with minor restrictions if they have a disability under legal definitions
- Participate in the “Interactive Process” with the apprentice/employee

Practical Pointers – ADA & Apprenticeship Rules

- Your company must invite all apprenticeship applicants and hired apprentices to self-identify as an individual with a disability using the Voluntary Identification of Disability Form provided by SEMCA/WIN.
- Your company must determine whether an apprentice or employee has a disability and may request medical records or a medical exam to do so.
- Never refer to a colleague, apprentice, or employee with a disability in any derogatory manner, e.g., “cripple,” “imbecile.”

Last Quick Quiz

If an apprentice believes they have been harassed or discriminated against at work, they can file a complaint with the U.S. Department of Labor, Office of Apprenticeship, 200 Constitution Ave. NW, Washington D.C., 20210 or at ApprenticeshipEEOcomplaints@dol.gov.

True or False

Last Quick Quiz Answer

If an apprentice believes they have been harassed or discriminated against at work, they can file a complaint with the U.S. U.S. Department of Labor, Office of Apprenticeship, 200 Constitution Ave. NW, Washington D.C., 20210 or at ApprenticeshipEEOcomplaints@dol.gov.

True.

Questions? Ask Human Resources!





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