

Advisory Committee on Apprenticeship's Recommendations to the U.S. Department of Labor
Proposed Revisions to Title 29 CFR Part 29

OSAC Comments

Revisions: 2nd DRAFT January 9, 2008

29 CFR 29.1
Purpose and Scope

OSAC Comments:

No change In language

29 CFR 29.1 - Purpose and scope.

Section Number: 29.1

Section Name: Purpose and scope.

§ **29.1 – Purpose**

The NPRM carries forward the ACA recommendations and clarifies that one of the purposes of part 29 is to “promote apprenticeship opportunity”. The proposed rule deletes the contact information for the individuals requesting further contact information about part 29, as the Department has determined that this information should not be codified.

29 CFR 29.2
Definitions

OSAC suggested changes to the following definitions only:

29 CFR 29.2 - Definitions.

Section Number: 29.2

Section Name: Definitions.

§ **29.2 – Definitions**

The NPRM arranges definitions alphabetically, as opposed to the current rule, which does not have a particular order for the definitions.

The NPRM carries forward several of the ACA's proposed changes to definitions.

- ◆ “...*occupation*...” (Everywhere the term *trade* or *craft* appears was changed to the term *occupation*.)
- ◆ **Related instruction or related technical instruction** (Such instruction may be given in a classroom through occupational or industrial courses, or by correspondence courses of equivalent value, or electronic media, or forms of self-study approved by the registration/approval agency.)
- ◆ **Supplemental Instruction** (instruction in non-core related requirements, i.e., job site management, leadership, communications, first-aid/cpr, field trips, new technologies/processes.)

The NPRM makes minor changes to ACA's proposed new definitions in the NPRM.

- ◆ **Apprenticeship Committee (Committee)** The NPRM clarifies that an apprenticeship

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Apprenticeship Committee

Remove the sentence "A committee may be either joint or non-joint as follows."

Remove the words "joint and non-joint"

Remove word "may" and insert the word "shall"

(2) A committee which may also be known as unilateral or group, which shall include equal numbers of representatives from employer(s) and employees.

Interim Certificate

Committee asked "who" issues certificate.

agreement is between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as an agent for the program sponsor.

- NPRM: Those persons designated by the sponsor to act as an agent for the sponsor in the administration of the program. A committee may be either joint or non-joint, as follows:
 - (1) A joint committee 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).
 - (2) A non-joint committee which may also be known as a unilateral or group non-joint (may include workers) committee has employer representatives but does not have a bona fide collective bargaining agent as a participant.

- ◆ **Competency:** Revision makes the definition quantifiable and aligns with regulatory language requirements.
 - NPRM: Competency means the attainment of manual or technical skills and knowledge, as specified by an occupational standard.
- ◆ **Electronic Media:** Slight revision to the definition to align more with regulatory language requirements.
 - NPRM: Electronic media means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-ups lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.
- ◆ **Interim Credential:** The NPRM makes a slight change to the definition to clarify that the competency is attained by an apprentice.
- ◆ **Interim Certification:** The NPRM does not use this term; rather it is encompassed into the definition for certification that further clarifies definition.
 - NPRM: *Certification* or Certificate means documentary evidence that:
 - (1) The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as conforming to

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Comments on a specified length of time should be given (2)

Journeyworker
Add word "abilities" and change competency to competencies
Sentence to read...who has attained a level of skill, abilities and competencies...

Transfer
Remove word "apprentice"
Sentence to read...Transfer can be initiated by Sponsor.

May want to define possible reasons for transfer. Language on how to handle "State to State" Transfers.

the standards of apprenticeship set forth in § 29.5

- (2) A Registration Agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;
 - (3) A Registration Agency has registered an apprenticeship program as evidenced by a Certificate of Registration or other written indicia;
 - (4) A Registration Agency has determined that an apprentice has successfully met the requirements to receive an interim credential; or
 - (5) A Registration Agency has determined that an individual has successfully completed apprenticeship.
- ◆ **Journeyworker:** Slight editorial changes were made to clarify and streamline the definition.
 - **NPRM:** Journeyworker means a worker who has attained a level of skill and competency recognized within an industry as having mastered the skills and competencies required for the occupation. (Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience, and formal training).
 - ◆ **Provisional registration:** Slight editorial changes were made to clarify the definition.
 - **NPRM:** Provisional registration means the one-year provisional approval of newly registered programs after which program approval may be made permanent, continued as provisional or rescinded following a review by the Registration Agency.
 - ◆ **Transfer:** Changes were made to clarify that transfer can occur within a program.
 - **NPRM:** Transfer means a shift of apprenticeship registration from one program to another or from one employer within a program to another employer within that same program. Transfer may be initiated by the employer, the sponsor or the apprentice.

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The NPRM proposes new definitions or modification to current definitions to address proposed revisions to the governance sections.

- ◆ **Office of Apprenticeship:** Means the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor.
- ◆ **State Office:** Means the office or division of State government designated as the point of contact for the State Apprenticeship Agency.
- ◆ **Technical assistance:** Means guidance provided by Registration Agency staff in the development, revision, amendment, or processing of a potential or current program sponsor's Standards of Apprenticeship, Apprenticeship Agreements, or advice or consultation with a program sponsor to further compliance with this part or guidance from the Office of Apprenticeship to a State Apprenticeship Agency on how to remedy nonconformity with this part.
- ◆ **Registration Agency:** Means the Office of Apprenticeship or recognized State Apprenticeship Agency that has responsibility for registering apprenticeship programs and apprentices; providing technical assistance; conducting reviews for compliance with 29 CFR 29 and 30 and quality assurance assessments.
- ◆ **State Apprenticeship Agency:** Means an agency of a state government that has responsibility and accountability for apprenticeship within the state. Only a State Apprenticeship Agency may seek recognition by the Office of Apprenticeship as an agency which has been properly constituted under an acceptable law or Executive order, and authorized by the Office of Apprenticeship to register and oversee apprenticeship programs and agreements for Federal purposes.
- ◆ **State Apprenticeship Council:** is an entity established to assist the State Apprenticeship Agency. A State Apprenticeship Council is ineligible for recognition as the State's Registration Agency. A regulatory State Apprenticeship Council may promulgate apprenticeship law at the direction of the State Apprenticeship Agency. An advisory State Apprenticeship Council provides advice and guidance to the State Apprenticeship Agency on the operation of the State Apprenticeship system.

State Office
Unclear definition

State Apprenticeship Agency
As written, would have the ability to take away the powers of the Council.

State Apprenticeship Council
Council questioned whether the Council would only be an advisory rather than a regulating entity.

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29 CFR 29.3
Eligibility and procedure for Office of
Apprenticeship registration of a program

OSAC Comments:

Provisional Registration

Add words “all new programs will be contacted annually for conformity, those with 5 or more apprentices

Sentence to read...All new programs will be contacted annually for conformity, those with 5 or more apprentices must be reviewed for quality and conformity...

Comments on the feasibility of this in a competency based apprenticeship
Comments of the effects of this “provisional registration”, with the VA programs.

Reviews at the end of Training Cycles

Add words to change sentence “Programs with 5 or more apprentices

Sentence to read...Programs with 5 or more apprentices will have subsequent reviews on a five (5 year) cycle.

Change from “full training cycle” to “1/2 the first training cycle”

Comment: Doesn't work with competency based apprenticeship

29 CFR 29.3 - Eligibility and procedure for Office of Apprenticeship registration of a program.

Section Number: 29.3

Section Name: Eligibility and procedure for Office of Apprenticeship registration of a program.

29.3 – Eligibility and procedure for Office of Apprenticeship registration of a program.

The NPRM carries forward most of the ACA's proposed changes with slight modifications to further clarify OA's intent.

- ◆ **Time Frames:** The NPRM carries forward the 45 day time frame everywhere a timeframe was specified such as 90 days (specific) or promptly (non-specific).
- ◆ **Provisional registration:** The NPRM makes slight editorial changes.
- ◆ **NPRM:** Applications for the new programs that the Registration Agency preliminarily determines comply with this part must be given provisional approval for a period of one (1) year. **All new programs must be reviewed for quality and for conformity** with the requirements of this part at the end of the first year and the findings must be filed with the Registration Agency. Programs not in operation or not conforming to regulations during the provisional approval period, must be recommended to the Registration Agency for deregistration procedure. After the initial review, all programs not recommended for deregistration will continue to be provisionally approved and must be reviewed for quality and for conformity with the requirements of this part at the completion of the first full training cycle.
- ◆ **Reviews at the end of training cycle:** The NPRM strengthens the proposed provision by adding possibility of deregistration.
 - **NPRM:** A satisfactory review at the end of the **first full training cycle** will result in the removal of provisional approval. Subsequent reviews will be normally completed on a five (5) year cycle. Programs not in operation or not conforming to regulations during the first **full training cycle** must be recommended to the Registration Agency for deregistration procedures.

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29 CFR 29.4
Criteria for apprenticeable occupations

29 CFR 29.4 - Criteria for apprenticeable occupations.

Section Number: 29.4

Section Name: Criteria for apprenticeable occupations.

OSAC Comments:

Add words “and a minimum of 144 hours of related training per year
Sentence to read...requires the completion of at least 2,000 hours of on-the-job work experience and a minimum of 144 hours of related training per year

Comments included that adding the 144 hours may not be appropriate when using competencies based training

§ 29.4 – Criteria for Apprenticeable occupations

- ◆ The NPRM carries forward the substance of ACA recommendations for paragraphs a, b, and c, and makes slight editorial revisions.
- ◆ The NPRM clarifies the ACA’s intent for the progression in an apprenticeship program in paragraph c by adding the phrase “progressive attainment”, and by using the term “industry standards”, rather than “occupational standards”. The proposed rule also revises the current language regarding hours of on-the-job work experience from “a minimum of 2,000 hours” to “at least 2,000 hours...”
 - **NPRM**: An apprenticeable occupation is one which is specified by industry and which must:
 - (a) Involve skills that are customarily learned in a physical way through a structured, systematic program of on-the-job supervised training.
 - (b) Be clearly identified and commonly recognized throughout an industry.
 - (c) Involve the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, requires the completion of at least 2,000 hours on on-the-job experience to attain.
 - (d) Require related instruction to supplement the on-the-job training/learning.

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29 CFR 29.5
Standards of apprenticeship

OSAC Comments:

Term
Change word “competency” to
competencies throughout document
Sentence to read...the attainment of
competencies (competency-based
approach) or a blend...

29 CFR 29.5 - Standards of apprenticeship.

Section Number: 29.5

Section Name: Standards of apprenticeship.

§ 29.5 – Standards of Apprenticeship

- ◆ **Term of Apprenticeship:** The NPRM moves the ACA’s recommendations for ways to accelerate through an apprenticeship program (which ACA proposed in § 29.4 as direct entry, previous experience, demonstration of acquired competencies (skill and knowledge) as verified by the sponsor) to this section. The concepts are more appropriate under “term of apprenticeship”.

The proposed rule also clarifies the ACA’s proposed language as to the three ways to progress through an apprenticeship. The NPRM does not carry forward the ACA’s recommended term “generally” in the discussion of the number of hours of work experience because it is not sufficiently specific for regulatory language.

Each of the three ways that the ACA proposed is included in the NPRM, but not explicitly described as such in this section. Direct entry will continue to be an approved alternative selection procedure to accelerate an individual’s progress through an apprenticeship program, as provided in 29 CFR 30.5(b)(4). Previous experience and demonstration of acquired competencies are automatically folded into three approaches for progression proposed in the NPRM – time-based, competency-based, and hybrid. The use of these three terms is consistent with current OA practices.

All changes were made with intent to use terms and language that can be understood by members of the general public, regardless of their level of experience and knowledge of the Registered Apprenticeship.

- **NPRM:** The term of apprenticeship, which for an individual apprentice may be measured either through the completion of the industry standard for on-the-job work experience (at least 2,000 hours) (time-based approach), the attainment of

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(ii)
Add the word “abilities” to skills and knowledge.
Add the words “using nationally recognized industry standards”

(iii)
Change to “competencies”

Change to “competencies”

Related Technical Instruction
Questioned how to monitor techniques of adult learning styles? What qualifies as appropriate training?

Add the words “and or Board of Regents”

Suggested that a review of the training that instructors receive, are reviewed during compliance reviews

competency (competency-based approach), or a blend of the time-based and competency-based approached (hybrid approach).

(i) The time-based approach measures skill acquisition through the individual apprentice’s completion of at least 2,000 hours of on-the-job experience as described in work process schedule.

(ii) The competency-based approach measures skill acquisition through the individual apprentice’s successful demonstration of acquired skills and knowledge, as verified by the program sponsor.

(iii) The hybrid approach measures the individual apprentice’s skill acquisition through a combination of specified minimum number of hours of on-the-job work experience and the successful demonstration of competency as described in a work process schedule.

- ◆ **Advanced credit or standing:** The NPRM carries forward the intent as expressed by the ACA and clarifies the language regarding “advanced credit or standing”. Again, the discussion of the three ways to progress through apprenticeship has been moved to the more appropriate paragraph, “term of apprenticeship”.
 - **NPRM:** The granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted.
 - **Related Technical Instruction:** The NPRM makes slight modifications to clarify the intent of instructor requirements in teaching techniques and adult learning styles.
 - **NPRM:** This instruction in technical subjects may be accomplished through such media as: classroom, occupational or industry courses, electronic media, or other instruction approved by the administering Registration Agency. All apprenticeship instructors must meet the State Department of Education’s requirements for vocational-technical instructor in the State of registration and/or be recognized as a subject matter expert, for example, a journey worker for portion of the related instruction. All instructors must have training in teaching techniques and adult learning styles.

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Remove “ whether at the initiative of the apprentice or the initiative employer or the program sponsor”

29 CFR 29.6
Program performance standards

OSAC Comments:

One Registered Apprentice

Add sentence “Programs who do not have an active apprentice will keep in an inactive provisional status for up to 1 year”

Comment: Reference the fact that there are “school to apprenticeship programs, which do not always maintain 1 apprentice

Sentence(s) to read...Every registered apprenticeship program must have at least one registered apprentice. Programs who do not have an active apprentice will keep in an inactive provisional status for up to 1 year.

Factors for evaluation

Sentence to read...(3) Completion rates which must compare to industry standards which lead to meaningful employment and or a career.

- ◆ **Transfer:** The NPRM makes slight modification to clarify intent that transfers can occur within a program, not just between program sponsors.
 - NPRM: The transfer of an apprentice between apprenticeship programs and within an apprenticeship program, whether at the initiative of the apprentice or the initiative of the employer or the program sponsor. Transfers must occur without adverse impact on the apprentice, the employer, or the program, and must comply with the following requirements...

29 CFR 29.6 – Program performance standards.

Section Number: 29.6

Section Name: Program performance standards.

§ 29.6 – Program performance standards

- ◆ The NPRM proposes modifications to clarify the intent and strengthen the language of the requirements for at least on registered apprentice and factors for evaluation. There were no changes to the discussion on completion rates.
 - One apprentice:
 - **NPRM:** Every registered apprenticeship program must have at least one registered apprentice.
 - Factors for evaluation:
 - **NPRM:** In order to evaluate performance of a registered apprenticeship program, the tools and factors to be considered must include, but are not limited to:
 - (1) “Quality assurance assessments;”
 - (2) “Equal Employment Opportunity (EEO) Compliance Reviews; and”
 - (3) “Completion Rates”
- ◆ The NPRM adds provision that there will be no adverse impact on program sponsors for cancellation of apprenticeship agreements.

NPRM: Cancellation of apprenticeship agreements during the probationary period will not have an adverse impact on a sponsor’s completion rate.

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**Section 29.7
Apprenticeship agreement**

OSAC Comments:

On-the-job Training
Add word "shall" take out word "which"
Sentence to read...related to the occupation, is recommended that it shall not be less than 144 hours per year.

Section 29.7 Apprenticeship agreement.

Section Number: 29.7

Section Name: Apprenticeship agreement.

§ **29.7 – Apprenticeship Agreement**

- ◆ **Social Security Numbers:** The NPRM adds a provision for apprentices to voluntarily provide their Social Security Number, which are necessary for a performance management system based on OMB's Common Measures. The ACA recommendations did not include any reference to Social Security numbers.
- ◆ **On-The-Job Training (OJT) and Related Technical Instruction (RTI) Hours:** The NPRM clarifies the description of hours for OJT and RTI to be consistent with the three ways to progress through apprenticeship, as discussed in Section 29.5, Standards of Apprenticeship: (competency-based, time-based, and hybrid).
 - **NPRM:** A statement showing:
 - (1) The number of hours to be spent by the apprentice in work on the job in a time-based program, or description of the skill sets to be attained by completion of a competency-based program; or the minimum number of hours to be spent by the apprentice and a description of the skills set to be attained by completion of hybrid program; and
 - (2) The number of hours to be spent in related and supplemental instruction in technical subjects related to the occupation, **which is recommended to** be not less than 144 hours per year.
- ◆ **Contact Information:** The ACA proposed "contact information" in place of the current rule's requirement for name and address. The NPRM clarifies the type of contact information to include name, address, telephone, and email if appropriate

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29 CFR 29.8
Deregistration of Office of
Apprenticeship-registered program

OSAC Comments:

Language vague, needs clarification

Comments on if this applies to State
Approved Programs

29 CFR 29.8 - Deregistration of Office of Apprenticeship-registered program.

Section Number: 29.8

Section Name: Deregistration of Office of Apprenticeship-registered program.

§ 29.8 – 29.12

The ACA recommendations for § 29.8 through §29.12, pertained to gender neutral language and name change for the Office of Apprenticeship, all of which were carried forward.

In addition, the NPRM proposes considerable changes to procedures for deregistration, which are similar to the changes proposed for de-recognition procedures in § 29.14. All changes to these sections were proposed to further align the National Apprenticeship System with current Departmental guidance and procedures for Administrative Review.

§ 29.8 – Deregistration of Registered Program

- ◆ The NPRM modifies the title of this section to clarify that deregistration applies to all registered apprenticeship programs, not just those registered by the Office of Apprenticeship. The ACA's proposed title was "Deregistration of an Office of Apprenticeship Program".
- ◆ The NPRM includes other editorial changes to streamline and simplify the procedures for deregistration.
 - Use of the term Registration Agency, rather than Office of Apprenticeship because Registration Agency would apply to programs registered by OA or by a State Apprenticeship Agency.
 - If a sponsor requests a hearing, rather than the Secretary issuing the final decision, as provided for in the current regulation, which the ACA retained, the NPRM shifts Departmental decision making and action to the OA Administrator, the Administrative Law Judge (ALI), and the Department's Administrative Review Board (ARB). Having the ARB issue the final decision is consistent with Secretary's Order 1-2002.
 - The NPRM provides that, if a program is deregistered, the sponsor's notification to registered apprentices must refer apprentices to Registration Agency for

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information about potential transfer to other registered apprenticeship programs.

29 CFR 29.9
Reinstatement of program registration

OSAC Comments:

Hearings for de-registration, does this apply to State Approved Programs?

29 CFR 29.9 - Reinstatement of program registration.

Section Number: 29.9

Section Name: Reinstatement of program registration.

§ 29.9 – Reinstatement of program registration

The NPRM incorporates minor editorial changes consistent with current regulatory language.

29 CFR 29.10
Hearings for deregistration and reinstatement

OSAC Comments:

No changes to language

29 CFR 29.10 – Hearings for deregistration and reinstatement.

Section Number: 29.10

Section Name: Hearings.

§ 29.10 – Hearings for deregistration

- ◆ The title of the section is slightly revised from the current title, Hearing for Deregistration and reinstatement.
- ◆ The NPRM institutes a new procedure for appeals of deregistration decisions by shifting decision making and action from Secretary to the Administrator, an ALJ, and the ARB. Requests for hearing will be sent to the Administrator who will forward them to the Office of Administrative Law Judges (OALJ). The OALJ will assign an ALJ to hear the case. The ALJ will issue a notice of hearing. The ALJ would generally govern the hearing under the OALJ's rules of procedure in 29 CFR Part 18. Discretionary appeals to the ARB would be available to any party dissatisfied with the ALJ's decision. The request for appeals must be filed within 15 days and must specify the parts of the decision to which exception is taken. The ARB must decide whether to accept the appeal within 30 days and must issue its decision within 180 days after the close of the record.

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**29 CFR 29.11
Limitations**

**29 CFR 29.12
Complaints**

**OSAC Comments:
No Comments on 29.11 & 29.12**

29 CFR 29.11 – Limitations and §29.12 - Complaints

Section Number: 29.11
Section Name: Limitations.

§ 29.11 – Limitations and § 29.12 – Complaints

All modifications in these sections are changes to language that simply harmonize these sections with provisions and language updates discussed in other sections.

**Part II: Sections 29.13 (Recognition of State Apprenticeship Agencies) and
29.14 (Derecognition of State Apprenticeship Agencies)**

**29 CFR 29.13
Recognition of State apprenticeship
agencies**

OSAC Comments:

**Non-exclusive authority
Council wants clarification on intent**

29 CFR 29.13-Derecognition of State apprenticeship agencies

Section Number: 29.14
Section Name: Derecognition

§ 29.13- Recognition of State apprenticeship agencies

- ◆ **Limits recognition to a State government agency:** Proposed § 29.13 (1) differs significantly from the existing regulation (§29.12 (a)), in that it does not include State

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Roles of State Apprenticeship Council
Would need funding in order to abide by
the law "Reference 29.13 (b) (2)"

Apprenticeship Councils as entities eligible for recognition. Proposed §29.13 (a) provides that the Department will "recognize" a State Apprenticeship Agency which complies with the specified requirements, granting that agency authority to register apprenticeship programs and apprentices for Federal purposes.

- ◆ **Non-Exclusive Authority:** Proposed § 29.13 (a) provides that the Department's recognition of State Apprenticeship Agency confers "non-exclusive authority" and directly relates to proposed §29.13 (j).
- ◆ **Roles of State Apprenticeship Councils and State Apprenticeship Agencies:** Proposed § 29.13 (a) (2) specifies that a State Apprenticeship Agency must establish and utilize a State Apprenticeship Council, and delineate the powers and duties of the State Apprenticeship Agency. The NPRM carries forward and consolidates provisions for acceptable composition of a State Apprenticeship Council, but deletes requirements for voting procedures.
- ◆ **Continuing requirements:** The NPRM carries forward the existing requirements for State Apprenticeship Agencies to provide for cancellation of programs, submit a State Plan for Equal Employment Opportunity in Apprenticeship that complies with 29 CFR part 30, describe the basic standards, criteria and requirements for program registration and/or approval, describe any policies or procedures which depart from or impose requirements in addition to 20 CFR part 29, and to describe the contents of an apprenticeship agreement.
- ◆ **Location of a State Apprenticeship Agency:** The NPRM deletes existing § 29.13 (b) (1) language that prescribes the location of a State Apprenticeship Agency and subsumes existing §29.12 (b) (4), which requires the State To designate the entity responsible for registration and deregistration.
- ◆ **Increased Integration with the Workforce System:** Proposed § 29.13 (a) (6) establishes a new requirement for the State Apprenticeship Agency to demonstrate linkages and coordination with the State's economic development strategies and public workforce investment system.
- ◆ **Resources:** Proposed § 29.13 (b) (2) requires that State Apprenticeship Agency provide sufficient budget and staff to carry out the functions of a Registration Agency.
- ◆ **State Office:** Proposed §29.13 (b) (3) includes a new requirement to delineate powers and duties of the State Apprenticeship Agency, in addition to those of the State office and State Apprenticeship Council.

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29 CFR 29.13

Reciprocity

Add language to modify this section: Sentence to read...

This change would enable apprentices registered in one State to work as registered apprentices in other States providing sponsor can demonstrate there standards meet the requirements and standards of the reciprocal State.

Approval

Remove word "approval, prior to implementation", Sentence to read...

...State's apprenticeship legislation, regulations, policies and/or operational procedure for Departmental review.

Council felt that it is unreasonable to withhold approval particularly for those that already have existing programs.

Application for Recognition

Already approved Sac states should only be required to renew there status not reapply

Period of Recognition

Change word "recognition" to renewal.

Sentence to read...establish a 5-year period for renewal of a State Apprenticeship...

- ◆ **High Growth Occupations:** Proposed § 29.13 (b) (6) revises the existing provisions in § 29.12 (b) (7) for registration of apprenticeship programs to emphasize occupations in high growth and high demand occupations.
- ◆ **Reciprocity:** Proposed § 20.13 (b) (7) expands the provisions of existing § 29.12 (b) (8), which currently provide for reciprocal recognition for programs and standards other than in the building and construction trades. The NPRM removes this exclusion and clarifies that reciprocity is for Federal purposes. This change would enable apprentices registered in one State to work as registered apprentices in other States, if their apprenticeship programs sponsor requests reciprocal recognition for Federal purposes from the Registration Agency.
- ◆ **Approval for Modifications to Legislation, Regulations, Policies and Procedures:** Proposed § 29.13 (b),(9) is a new provision that has been added to clarify requirements for State Apprenticeship Agencies to submit proposed modifications in the State's apprenticeship legislation, regulations, policies, and/or operational procedure for Departmental review and approval prior to implementation.
- ◆ **Application for recognition:** Proposed § 29.13 (c) which is based on existing § 29.12 (c) addresses the process by which State Apprenticeship Agencies apply for recognition from the Department. State Apprenticeship Agencies recognized by the Department under current regulations would be required to reapply for recognition within one year from the effective date of the final rule.
- ◆ **Period of Recognition and Process for Renewal:** Proposed § 29.13 (d) would establish a 5-year period for recognition of a State Apprenticeship Agency by the Department and provides a process for renewal and maintenance of recognition. This proposal aligns with OA's current practice of State Apprenticeship Agency reviews.
- ◆ **Departmental Review and Monitoring:** Proposed §29.13 (e) would provide for Departmental review and monitoring of Registration Agencies for compliance and include on-site review; self-assessment and monitoring of the State's apprenticeship law and procedures.

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Non-conformity

Change "45" days to "90" days.

Sentence to read... conditional recognition for a period of 90 days during which the State...

Due to the amount of time that might be required to change state law. The 45 days period is unrealistic to become compliant.

Retention

Council Strongly objects to paragraph, the Council proposes to eliminate paragraph. This language does not take into consideration the Sac States that have more stringent codified state laws governing apprenticeship. Thus, allowing programs to registered that do not meet state law requirements.

- ◆ **Non-conformity:** Proposed §29.13 (f) sets forth consequences for non-conformity, including receipt of technical assistance in an effort to remedy the non-conformity activity and placement on "Conditional Recognition" for a period of 45 days during which the State Apprenticeship Agency must submit a corrective action plan to remedy the non-conforming activity.
- ◆ **Denial of Recognition:** Proposed § 2913. (g) which is based on existing § 29.12 (d) simplifies and clarifies the process for determining whether to deny a State Apprenticeship Agency recognition and provides the procedures for appeal of that decision. The proposed new procedure provides for a direct appeal by the State Apprenticeship Agency to the Office of Administrative Law Judge, for a hearing before an Administrative Law Judge which will result in a recommendation decision, with a final decision by the ARB.
- ◆ **Voluntary Relinquishment of Authority:** Proposed § 29.13 (i) establishes a process and procedure for a State to voluntarily relinquish its authority to administer registered apprenticeship for Federal purposes. The purpose is to provide a seamless transition and maintain continuity of operations for apprentices and program sponsors located in a "State Apprenticeship Agency" states that no longer wish to have responsibility for registered apprenticeship for Federal purposes.
- ◆ **Process if OA proposes Derecognition:** The proposed § 29.13 (i) (2) and (3) carry forward current requirements for transition when the Department has withdrawn recognition.
- ◆ **Retention of Full Authority:** Proposed § 29.13 (j) provides that the Department retains full authority to register apprenticeship programs and apprentices, for Federal purposes in all States and Territories where the Office of Apprenticeship determines that such action is necessary to further the interests of the National Apprenticeship System.

29 CFR 29.14-Derecognition of State apprenticeship agencies

Section Number: 29.14

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29 CFR 29.14
Derecognition of State Apprenticeship Agencies

No Comment

Section Name: Derecognition

§ 29.14 – Derecognition of State apprenticeship agencies

- ◆ Most of proposed § 29.14 carries forward the current requirements for the process the Department will use if the Office of Apprenticeship proposes to withdraw recognition of a State Apprenticeship Agency for Federal purpose and reorganizes them into a more user-friendly format. For example, the Department would consider proposing derecognition if a State Apprenticeship Agency implements legislation, regulations, policies, or procedures, that unjustifiably limits, rather than promotes apprenticeship opportunity.
- ◆ **Departmental Procedures based on State Apprenticeship Agency Response:** Proposed § 29.14 (c) clarifies how the Department will proceed with derecognition, depending on how the State Apprenticeship Agency responds to the notice of derecognition.
- ◆ Proposed paragraph (c) (1) provides for suspension of the derecognition process, if the Office of Apprenticeship determines that the State Apprenticeship Agency has sufficiently specified proposed remedial actions and committed the State to remedying identified deficiencies. Proposed paragraph (c) (1) (i) provides for termination of derecognition proceedings, if the Officer of Apprenticeship determines that the State's corrective action has addressed the identified concerns. Proposed paragraph (c) (1) (ii) provides the Administrator must issue a notice proposing derecognition and offering the opportunity for a hearing if the Administrator finds that the corrective action has failed to remedy the identified concerns.
- ◆ Proposed paragraph (c) (2) provides that, where the State Apprenticeship Agency fails to either comply with the notice or request a hearing, the Administrator must take the steps described in § 29.14 (d), (e), (f) and (g) to assume control of registration to Federal registration.
- ◆ Proposed paragraph (c) (3), adopts the hearing and appeal procedures of § 29.13 (g) to govern the hearing, leading to a final decision by the Administrative Review

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Board (ARB). In particular, this paragraph specifies the use of an ALJ to develop proposed findings and a recommended decision that would be referred to the ARB for final decision.

- ◆ **Transfer of Registration:** Proposed § 29.14 (d) and (e) carries forward the procedures for transferring the registration of apprenticeship programs from State to Federal registration under existing §29.143 (d). Proposed paragraphs (d) (1) (2) present the notice requirements with which the Office Apprenticeship must comply. Proposed paragraph (e) carries forward the existing provisions that enable apprenticeship program sponsors impacted by the State Apprenticeship Agency derecognition to request registration with the Office of Apprenticeship.
- ◆ **Sponsor Fails to Request Recognition:** Proposed § 29.14 (f) carries forward existing provisions that address the situation where a sponsor fails to request registration with the Office of Apprenticeship.
- ◆ **Requirements on Sponsors:** Proposed § 29.14 (g) carries forward existing provisions that require sponsor to notify apprentice of the impact of derecognition for Federal purposes, and imposed a new requirement on sponsors to refer all apprentices to the Office of Apprenticeship for information about potential transfer to other registered apprenticeship programs.
- ◆ **Cooperation and provision of documents:** Proposed § 29.14 (h) would establish requirements for a State Apprenticeship Agency whose recognition has been withdrawn for Federal purposes to provide all documents relating to the State's apprenticeship programs to the Department and to cooperate fully during the transition period.
- ◆ **Regaining Recognition:** Proposed § 29.14 (i) carries forward the existing § 29.13 (g) provisions that address the circumstances in which a derecognized State Apprenticeship Agency may regain recognition. The State Apprenticeship Agency would have to establish to the satisfaction of the Office of Apprenticeship, that the State Apprenticeship Agency has remedied the non-conformity that led to derecognition, has cooperated with the Office of Apprenticeship in the transfer process, and is otherwise operating in compliance with part 29.

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