

U.S Department Of Labor Employment And Training Administration Office of Apprenticeship Training, Employer and Labor Services (OATELS) Washington D.C. 20210	<u>Distribution</u> A-541 Headquarters A-544 All Field Tech A-547 SD+RD+SAC+ Lab. Com	<u>Subject:</u> BAT Review of State Apprenticeship Councils
<hr/> Symbols: TA/NAK		<u>Code:</u> 700.1
		<hr/> Action:

PURPOSE: To transmit to Bureau of Apprenticeship and Training (BAT) Regional and State Directors revised procedures for the review of State Apprenticeship Council (SAC) operations.

BACKGROUND: Current procedures on the above subject have been in place since July 1, 1985. They were partially superceded in March, 1992, to provide for separate 29/29 and 29/30 reviews with invited participation by OFCCP in the 29/30 reviews. As a result of BAT's reinvention efforts, suggestions from BAT associates, and recommendations from the Staff Policy Team, the procedures have been revised to further empower employees, lower decision making and generally increase the efficiency of the process. In general, review authority has been delegated to the State Directors. Oversight and communication with the State Commissioner/Secretary is the responsibility of the Regional Directors.

ACTION: All BAT State Directors in SAC States will continually monitor apprenticeship activities of their SACs (with oversight by the Regional Directors) for conformance with Title 29 CFR Part 29 and Part 30 requirements and shall conduct, no less than annually (unless otherwise directed by the National Director), a comprehensive review of such activities following the attached procedures and utilizing the attached materials. State Directors will coordinate invitation and participation of OFCCP personnel in 29/30 portion of the review with the Regional Directors.

CANCELLATION: This Circular cancels Circular 85-19, July 1, 1985 and Circular 92-04, March 23, 1992.

- Attachments:** Procedures for Reviews
- Letter to SAC Director
 - 29/29 SAC Review Checklist
 - 29/30 SAC Review Checklist
 - Management Review

Procedures for BAT State Director's
Review of State Apprenticeship Council Operations

In order to ensure that State apprenticeship agencies/councils (SACs), as recognized by the Secretary of Labor, consistently operate in conformity with the requirements of Title 29 CFR Parts 29 and 30, it is the responsibility of the State Directors of the Bureau of Apprenticeship and Training (BAT) (with oversight by the Regional Directors) to continually monitor apprenticeship activities of the SACs. State Directors are to conduct, no less than annually (unless otherwise directed by the National Director), a comprehensive review of SAC activities and to submit a report of findings and recommendations to the Regional Director.

The review of SAC activities shall be conducted in a uniform and consistent manner personally by BAT State Directors and shall include completion of the attached SAC Review Checklist and Management Review of SAC Operations and preparation of a comprehensive narrative report.

1. BAT State Directors will determine a review date convenient with appropriate SAC officials and will officially inform by letter the State Director of Apprenticeship, or individual of similar responsibility, that a BAT review of State apprenticeship activities will be made, the dates of the review, and the individuals to be contacted. The letter should indicate that the nature of the review is not intended to be one of fault finding but one of a positive nature with the objective of seeking uniform and consistent policies and procedures for the most efficient and effective National Apprenticeship Program. A copy of this letter will be sent to the Regional Director. (See sample attached.)

2. BAT State Directors will personally visit the SAC office and conduct an on-site review utilizing the SAC Review Checklist and Management Review of SAC operations, interviewing appropriate personnel, reviewing apprenticeship program files and records for completeness and currency and reviewing on a random selection basis individual programs, as appropriate, to determine the quality of programs and currency of information. The general format of the SAC Review Checklist and Management Review of SAC Operations (see attached) should be utilized with answers and explanations provided under each specific item (see sample format below). A comprehensive narrative report will be prepared that will include a list of all individuals interviewed and information as to the completeness and currency of program files and the quality of programs.

3. Copies of the completed checklist, management review, and comprehensive narrative report will be sent to the Regional Director within ten working days after completion of the review. These materials are to be transmitted by a memorandum from the State Director that will include references to BAT regulations that the SACs seemingly are failing to follow, if any, and recommendations for corrective action and/or improvements when appropriate. The report should include copies of correspondence to SAC Directors, etc., related to the review. This report is considered confidential and should not be shared with anyone prior to the Regional Director's communication with the proper authorities.

4. The Regional Director will send a letter to the Commissioner of Labor, or similar appropriate authority, regarding findings of the review, recommendations, and follow-up actions as appropriate.

SAMPLE FORMAT

SAC REVIEW CHECKLIST

3. Is there an acceptable State Plan for EEO in apprenticeship?

Yes The State did adopt an EEO regulation that was approved by Administrator Murphy of October 18, 1978, and appears to parallel Title 29 CFR Part 30 (see attached). In addition, there are some general references to EEO in the MRS Chapter 610 (610.020).

4. Is there a description of the basic standards criteria, and requirements for program registration and/or approval?

No I was unable to find a specific reference in either the NRS Chapter 610 or Rules and Regulations related to apprenticeship that identify the criteria for program registration and/or approval. There are references to a minimum of 2000 hours of training and that related instruction is required but section of 29.4(a)(b) - (part of c) are not addressed. (See NRS Chapter 610.610.010.)

MANAGEMENT REVIEW OF SAC OPERATIONS

B. How often does the Council meet and when was the last meeting?

The Council meets quarterly and the last meeting was February 14, 1985, in Las Vegas, Nevada.



SAMPLE

Dear Director _____:

The (STATE) State Apprenticeship Council (agency) is recognized by the U. S. Department of Labor's Bureau of Apprenticeship and Training (BAT) to determine whether apprenticeship programs conform to the Secretary's published standards and are therefore eligible for Federal purposes.

Federal regulations Title 29 CFR Part 29, Labor Standards for Registration of Apprenticeship Programs, and Part 30, Equal Employment Opportunity in Apprenticeship and Training, provide certain requirements for the administration and operation of apprenticeship programs and the BAT has responsibility for ensuring uniform and consistent fulfillment and conformity with these regulations.

In order to meet these responsibilities I plan to conduct a review of the SAC activities and would like to meet with you at (Time) on (Date).

I want to emphasize that this review is not intended to be one of fault-finding but should be viewed as a positive opportunity to objectively assess the consistency and uniformity of policies and procedures with the goal of improving the efficiency and effectiveness of the National Apprenticeship System.

Sincerely,

State Director, BAT

cc: Regional Director

29/29 SAC REVIEW CHECKLIST

The first five items in this Checklist are the general items that States must submit to the Secretary for recognition. The remainder of the Checklist items are primarily the basic requirements for acceptable State provisions. Review must include consideration of any changes made subsequent to recognition approval by the Secretary.

<u>YES</u>	<u>NO</u>		<u>Reference</u> <u>Title 29 CFR Part</u>
___	___	1. Is there an acceptable State apprenticeship law (or Executive Order) and regulations adopted pursuant thereto?	29.12(a)(1)
___	___	2. Is the composition of the SAC acceptable?	29.12(a)(2)
___	___	3. Is there an acceptable State Plan for EEO in apprenticeship?	29.12(a)(3)
___	___	4. Is there a description of the basic standards criteria, and requirements for program registration and/or approval?	29.12(a)(4)
___	___	5. Is there a description of policies and operating procedures which depart from or impose requirements in addition to those prescribed in Title 29 CFR Part 29?	29.12(a)(5)
___	___	6. Is the apprenticeship agency established in the State Department of Labor, or the State agency having jurisdiction of laws and regulations governing wages, hours, and working conditions, or that State agency recognized by the Bureau in February, 1977, with a State official empowered to direct the apprenticeship operation?	29.12(b)(1)
___	___	7. Is the State Apprenticeship Council composed of persons familiar with apprenticeable occupations and an equal number of representatives of employer and of employee organizations?	29.12(b)(2)
___	___	8. Is there a clear delineation of the respective powers and duties of the State official and the Council?	29.12(b)(3)
___	___	9. Is there a clear designation of an officer or body authorized to register or deregister apprenticeship program and agreements?	29.12(b)(4)
___	___	10. Are there policies and procedures established to promote equality of opportunity in apprenticeship pursuant to a State Plan for EEO in Apprenticeship which adopts and implements requirements of Title 29 CFR Part 30 and requires apprenticeship programs to operate in conformity with such State Plan?	29.12(b)(5)

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|-----|-----|-----|--|--------------|
| ___ | ___ | 11. | Are the contents of apprenticeship agreements prescribed? | 29.12(b)(6) |
| ___ | ___ | 12. | Is the registration of apprenticeship programs limited to those providing training in "apprenticeable" occupations as defined in Title 29 CFR Part 29.4? | 29.12(b)(7) |
| ___ | ___ | 13. | Is registration or approval reciprocity, granted, if requested, to apprenticeship programs and standards of employers and unions which jointly form a sponsoring entity on a multistate basis in other than the building and construction industry? | 29.12(b)(8) |
| ___ | ___ | 14. | Is there provision for cancellation, deregistration, and/or termination of approval of programs, and for temporary suspension, cancellation, deregistration and/or termination of approval of apprenticeship agreements? | 29.12(b)(9) |
| ___ | ___ | 15. | Is there provision for written acknowledgement of union agreement or "no objection" to registration when a program is proposed for registration by an employer or employer's association and where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program and such participation is exercised? | 29.12(b)(10) |
| ___ | ___ | 16. | Under the conditions indicated in 15 above where no such participation is evidenced and practiced is the union if any, which is the collective bargaining agent, furnished a copy of the application for registration and of the apprenticeship program? | 29.12(b)(10) |
| ___ | ___ | 17. | Under the conditions of 15 and 16 above does the State agency provide a period of not less than 30 days nor more than 60 days for receipt of union comments before final action on the application? | 29.12(b)(10) |
| ___ | ___ | 18. | Does the SAC require for approval/registration that apprenticeship programs conform to each of the Standards of Apprenticeship as provided in Title 29 CFR Part 29.5? | 29.12(a)(4) |

All items checked "NO" should be thoroughly addressed in the accompanying narrative report submitted to the BAT Regional Director.

29/30 SAC REVIEW CHECKLIST

YES NO

<u>YES</u>	<u>NO</u>		Reference
---	---	1. Is there an acceptable State EEO plan consistent with Title 29 CFR Part 30?	29/30.15(a)(2)
---	---	2. Does the SAC assure, where appropriate, that sponsors are determining the necessity for goals and timetables based upon proper analysis?	29/30.4(e)
---	---	3. Does the SAC assure that, where appropriate, sponsors establish goals and timetables on the basis of analysis of underutilization of minorities and women and its entire affirmative action program and "good faith efforts" is judged by whether it is following its affirmative action plan and attempting to make it work, including evaluation and changes in its program where necessary to obtain maximum effectiveness toward attainment of its goals?	29/30.4(f)
---	---	4. Does the SAC conduct timely EEO compliance reviews of State registered programs including determination if a sponsor has met its goals within its timetables, or whether it has made good faith efforts? How many reviews has the SAC conducted during the last twelve-month period?	29/30.4(f)
----- (NO.)			
---	---	5. Does the SAC deregister programs for non-compliance with EEO in apprenticeship requirements and notify BAT of such actions?	29/30.15(a)(5)
---	---	6. Have any programs been deregistered for EEO reasons since the last SAC review? (List programs and reasons on attached sheet.)	29/30.15(a)(5)
---	---	7. Does the SAC maintain adequate records?	29/30.8(d)
---	---	8. Does the SAC provide records and documents to BAT pertinent to Title 29 CFR Part 30 when requested?	29/30.8(d)&(e)
---/---	9.	How many EEO complaints has the SAC received (Nos.) since the last SAC review/how many resolved?	
---	---	10. Does the SAC have a written procedure for investigating complaints pertaining to EEO? (Provide status of EEO complaints received on attached sheet.)	

11. Provide the following most available statistical data:

<u>Total</u> <u>Apps.</u>	<u>Total</u> <u>Minor.</u> <u>%</u> <u>Apps.</u>	<u>Total</u> <u>Women</u> <u>%</u> <u>Apps.</u>
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Construction:

Non-constr. :

Total:

Date of data: _____

Management Review of SAC Operations

I. ADMINISTRATIVE

- A. List current Council members, their affiliation, and the areas they represent (labor, management, public).
- B. How often does the Council meet and when was the last meeting?
- C. Briefly describe the duties of the Council.
- D. What is the role of the council, advisory or regulatory?
- E. Give the name and title of the administrative head of the operating staff of the State apprenticeship agency.
- F. Briefly describe the duties of the State operating staff.
- G. Provide the number and type of State positions devoted to apprenticeship. Indicate the percentage of time devoted to apprenticeship if positions have other responsibilities.
- H. What is the dollar amount of the State apprenticeship budget?
- I. Describe the operating workload division between the SAC and BAT, e.g., geographically, by industry or trade.
- J. Indicate the type of work done by SAC staff and the type done by BAT staff, e.g., do both BAT and SAC developed, service, and make EEO reviews?
- K. Is there a current written cooperative operational policy between BAT/SAC?
- L. Describe partnerships with related educational, employer, employee groups, which advance the mission of apprenticeship and improve the skills of the workforce.

II. DATA COLLECTION

(This information need not be collected during the on-site review if it is known by BAT personnel but it is to be included in the report submitted to the Regional Director)

- A. What is the total number of active programs and apprentices registered by the State? (per period/date)
- B. Is the State's data collection system automated? If so, does it feed into AIMS?
- C. Indicate the number of programs and apprentices in the workload of the SAC staff and in the workload of the BAT staff. (per period/date)
- D. How many new programs were registered by the State in the last 12 months?
- E. How many programs were deregistered in the last 12 months?
- F. How many programs were considered for registration during the last 12 months that were denied registration?

III. POLICY

- A. For those programs deregistered in the last 12 months what were the specific reasons for deregistration in each case?
- B. For those programs considered for registration during the last 12 months that were denied registration what were the specific reasons for denial in each case?
- C. What occupations, if any, are recognized by the State as apprenticeable which BAT does not recognize?
- D. Has the State refused to recognize any occupations recognized by BAT as apprenticeable? If so, name them and give the reasons for refusal.
- E. Does the State recognize programs registered in other States?
- F. Does the State have a little Davis-Bacon Act?
- G. Have any significant changes been made in State apprenticeship policies or procedures subsequent to recognition approval by the Secretary? If so, what were they and were they submitted to BAT for review and comments?
- H. Are there any State policies or procedures that limit the accessibility of any potential sponsors to the apprenticeship system? If so, explain.