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# Notice of Proposed Rulemaking (NPRM) Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations



## FACT SHEET

The U.S. Department of Labor (DOL) is proposing to amend the regulations implementing the National Apprenticeship Act. The original regulations were promulgated in 1977, and, in the past 30 years, the American economy and workforce have changed significantly. The NPRM would provide for several changes to the National Apprenticeship System.

### **For Apprentices and Program Sponsors, the proposed rule:**

- **Incorporates technology-based learning** – Electronic media would be included in the definition of Related Technical Instruction (RTI). Therefore, the regulations would support technology-based and distance learning.
- **Provides additional pathways to certification** – The revisions would expand from one to three ways that apprentices can progress through an apprenticeship program:
  - Competency-based approach, which requires the apprentice to demonstrate competency in the defined subject areas and does not require any specific hours of On-the-Job Training (OJT) or RTI;
  - Traditional, time-based approach, which requires the apprentice to complete a specific number of OJT and RTI hours; and
  - Hybrid approach, which requires the apprentice to complete a minimum number of OJT and RTI hours and demonstrate competency in the defined subject areas.

Current regulations expressly address only time-based apprenticeship.

- **Introduces interim credentials** – The proposed changes provide for interim credentials, issued in the form of certificates, which would enable apprentices to demonstrate proficiency in particular required skills and competencies.

Currently, apprentices can only earn an apprenticeship credential by completing an entire apprenticeship program. Offering official recognition of accomplishments through interim credentials would provide a portfolio of skills and incentives for apprentices to continue their career preparation.

- **Improves program registration and review process** – Revisions would establish 45-day timeframes for processing sponsor requests for registering and modifying program standards as well as for notifying Registration Agencies regarding other employment and apprenticeship agreement changes. Current regulations either do not or only vaguely address timeframes for action.

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### For State Apprenticeship Agencies, the proposed rule:

- **Increases linkages with the workforce investment system** – State Apprenticeship Agencies (SAAs) seeking DOL recognition would need to demonstrate linkages and coordination with the state’s economic development strategies and public workforce investment system.
- **Increases flexibility for location of an SAA** – Proposed regulations no longer require that an SAA must be located in a state Department of Labor. Current regulations require that an SAA be located in a “State Department of Labor or in an agency of State government having jurisdiction over . . . wages, hours, and working conditions.”

### For the U.S. Department of Labor, the proposed rule:

- **Updates processes for program deregistration and reinstatements** – Under the current regulations, the Secretary is the official named as responsible for these processes. The revised regulations would effectively implement Secretary’s Order 1-2002, which calls for the “Delegation of Authority and Assignment of Responsibility to the Administrative Review Board.”
- **Updates appeals process for SAAs** – When the Office of Apprenticeship denies or moves to withdraw recognition, the proposed rule provides for direct appeal by an SAA to the Office of Administrative Law Judges (OALJ) for a hearing before an Administrative Law Judge, thereby clarifying that the Secretary of Labor is not in the “hearings business.”
- **Reaffirms non-exclusive authority** – The revised regulation specifies that the Department retains full authority to register programs and apprentices in all states and territories for Federal purposes only.
- **Enhances program accountability** – The revisions establish a new section on program performance standards that further supports DOL’s efforts to demonstrate results. Programs will be reviewed based on quality assurance assessments, Equal Employment Opportunity compliance reviews, and completion rates.

