

NATIONAL APPRENTICESHIP ACT REVISED REGULATIONS

TITLE 29, C.F.R. PART 29
OCTOBER 30, 2008



EMPLOYMENT AND TRAINING ADMINISTRATION
UNITED STATES DEPARTMENT OF LABOR



VIRTUAL CLASSROOM LAYOUT

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AGENDA

- Overview
- Regulations-at-a-Glance
- Next Steps



PRESENTERS

- **John Ladd**, Administrator,
Office of Apprenticeship, DOL
- **Dana Daugherty**, Deputy Administrator,
Office of Apprenticeship, DOL

Moderator

- **Karin Brown**, Executive Assistant,
Office of Apprenticeship, DOL



Administrator, Office of Apprenticeship

John Ladd



John has extensive experience in the workforce system having worked in a number of leadership roles for a wide variety of ETA's program and regional offices.

John first entered ETA as a Presidential Management Fellow in 1993. He was later selected for the ETA's inaugural Excellence in Leadership Program and has received numerous departmental leadership awards.

John was appointed as the Administrator of the Office of Apprenticeship in January 2008.

John received his Master of Public Policy degree from the John F. Kennedy School of Government at Harvard University.



OVERVIEW



OVERVIEW

History

- Publication of these regulations is a very significant development in the long and proud history of the National Apprenticeship System (est. 1937)
- Last regulations governing the National Apprenticeship System were published in 1977
- Major economic and social changes since 1977:
 - technological changes,
 - the evolving worldwide marketplace,
 - shifting workforce demographics, and
 - the very nature of work
- Regulations seek to provide a modernized regulatory framework to advance Registered Apprenticeship into the 21st century



OVERVIEW

Opportunity for Registered Apprenticeship

- The revised regulations increase opportunities:
 - To advance the registered apprenticeship model as a critical talent development strategy for the 21st century
 - To align the National Apprenticeship System with the needs of a new generation of workers by providing additional options such as interim credentials and technology based learning
 - To meet the needs of a broad range of employers by providing flexibility in which apprenticeship programs deliver instruction including competency and hybrid models of apprenticeship
 - To expand linkages and partnerships with the workforce investment and education systems



Goals of Revised Regulations

- Advance the National Apprenticeship System by providing new options and increased flexibility
- Promote Apprenticeship as a critical talent development strategy for today's regional economies
- Strengthen the National Apprenticeship System by providing consistency and continuity across the system
- Establish a consistent framework to promote improved performance outcomes and quality



Background

- To develop NPRM:
 - Collaborated extensively with Secretary's Advisory Committee on Apprenticeship and other stakeholders
- Since the release of the NPRM:
 - Reviewed, considered and implemented many commenter suggestions from NPRM
- Since release of the revised regulations:
 - Met with leadership from employer associations, unions, State Apprenticeship Agencies and OA staff
- Will continue to dialogue and collaborate as we move toward implementation



Background & Process

DOL collaboration with **ACA**

The Secretary of Labor's Advisory Committee on Apprenticeship (ACA) developed recommendations to revise the National Apprenticeship System regulations Title, 29 C.F.R. part 29. The ACA submitted the recommendations to DOL.



DOL engages the **Apprenticeship Community**

Using the ACA's recommendations, DOL developed and published a Notice of Proposed Rule Making, (NPRM) to solicit comments from the public on proposed changes.



Apprenticeship Community comments to DOL

DOL received 2,660 comments about the proposed changes. All comments were reviewed, discussed and resulted in several changes.



DOL publishes final rule for **Apprenticeship Community**

DOL issued the final rule to update the regulations that implement the National Apprenticeship Act of 1937.



Apprenticeship Community receives final rule from DOL

Apprenticeship Community – Employer Associations, Labor Unions, Apprentices, State Apprenticeship Agency

ACA – Advisory Committee on Apprenticeship



REGULATIONS-AT-A-GLANCE



REGULATIONS-AT-A-GLANCE

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REGULATIONS-AT-A-GLANCE

Preamble

- It serves as the **persuasive authority** and is similar to the **legislative history** of the rule making process.
- If there is a dispute about what the regulation means, the preamble is the **first source** for the intent of the regulation when drafted.



REGULATIONS-AT-A-GLANCE

Purpose & Scope § 29.1

- Promote Apprenticeship Opportunity

*The purpose of this part is to set forth labor standards to **safeguard the welfare of apprentices, promote apprenticeship opportunity** and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship.*



REGULATIONS-AT-A-GLANCE

Definitions § 29.2 - Changes

Definition Revisions

- Committee
- Registration Agency
- Competency
- Journeyworker
- Provisional Registration
- Related Instruction
- Transfer

New Definitions

- Completion Rate
- Quality Assurance Assessment



REGULATIONS-AT-A-GLANCE

Definitions § 29.2 - Changes

- Completion Rate
 - Means **the percentage of an apprenticeship cohort who receive a certificate of apprenticeship completion within 1 year of the projected completion date.** An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period.



REGULATIONS-AT-A-GLANCE

Definitions § 29.2 - Changes

- Quality Assurance Assessment
 - Means a **comprehensive review conducted by a Registration Agency regarding all aspects of an apprenticeship program's performance**, including but not limited to, determining if apprentices are receiving: on-the-job training in all phases of the apprenticeable occupation; scheduled wage increases consistent with the registered standards; related instruction through appropriate curriculum and delivery systems; and that the Registration Agency is receiving notification of all new registrations, cancellations and completions as required in this part.



REGULATIONS-AT-A-GLANCE

Eligibility and Procedure for Registration of an Apprenticeship Program, § 29.3 - Summary

- Carries forward many of the major provisions of the original regulation
- Major New Elements include:
 - Provisional registration
 - Time frames



REGULATIONS-AT-A-GLANCE

Eligibility and Procedure for Registration of an Apprenticeship Program, § 29.3

- Provisional Registration
 - Programs that meet standards for registration must be given **provisional approval for 1 year** and must be reviewed for quality and conformity at the **end of the 1st year**. At that time, programs:
 - receive full recognition,
 - continue provisional registration through the first training cycle, or
 - if not in operation or not conforming to the regulations, be recommended for derecognition.



REGULATIONS-AT-A-GLANCE

Eligibility and Procedure for Registration of an Apprenticeship Program, § 29.3

- Set **time frames** for responses for proposals & modifications
 - **90-day time frame** to coincide with quarterly SAC meetings



REGULATIONS-AT-A-GLANCE

Eligibility and Procedure for Registration of an Apprenticeship Program, § 29.3

- Common Question
 - What were the major changes from the NPRM?



QUESTION & ANSWER



REGULATIONS-AT-A-GLANCE

Criteria for Apprenticeable Occupations § 29.4

- Carries forward many of the major provisions of the original regulation
- Major new elements include:
 - Replaced **“on-the-job training”** and **“work experience”** with **“on-the-job-learning”**



REGULATIONS-AT-A-GLANCE

Criteria for Apprenticeable Occupations § 29.4

- Common Questions:
 - What are the key changes from the NPRM?
 - Why was the term “skilled trade” deleted when describing an apprenticeable occupation?
 - Why was there a change from on-the-job-training and work experience to on-the-job learning?



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship §29.5 - Summary

- Five major components of this section:
 - Terms of apprenticeship § 29.5(b)(2)
 - Provision for related technical instruction § 29.5(b)(4)
 - Probationary period § 29.5(b)(8)
 - Transfer § 29.5(b)(13)
 - Interim credentials § 29.5(b)(16)



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5 - Summary

- Terms of Apprenticeship
 - **Time-based**
 - **Competency-based** – Revised
 - Requires an on-the-job learning component
 - Must address how on-the-job learning will be integrated into the program
 - Must describe competencies
 - Must identify appropriate means of testing and evaluation
 - **Hybrid**
 - Choice is made by the program sponsor, subject to Registration Agency approval.



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5

- Related Technical Instruction
 - Option to utilize **electronic media** in program instruction
 - **Journeyworkers are subject matter experts** and exempt from state Department of Education requirements
 - Instructors must have training in and an understanding of teaching techniques and adult learning styles
 - May occur **before or after instructor begins teaching**



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5

- Probationary Period
 - A probationary period **cannot exceed 25 percent** of the length of the program; **not to exceed one year.**



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5

- Transfer
 - Transfer must be based **on an agreement** between the apprentice and the affected apprenticeship committees or program sponsors
 - Must **provide transcript** of related instruction and on-the-job learning
 - Must be to the **same occupation**
 - OA will work with State Apprenticeship Agencies & program sponsors to **develop policy guidance** around transfer



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5

■ Interim Credentials

- Further defined criteria for developing interim credentials:
 - Must **clearly identify** the interim credential
 - Demonstrate **how** these **credentials link** to the components of the apprenticeable occupation
 - **Establish the process** for assessing an individual apprentice's demonstration of competency
 - Can only be issued for **recognized components** of an apprenticeable occupation
 - Must **link** specifically to the **knowledge, skills and abilities** associated with the **apprenticeable occupation**



REGULATIONS-AT-A-GLANCE

Standards of Apprenticeship § 29.5

- Common Questions
 - What are the key changes from the NPRM?
 - How will Registration Agencies work with program sponsors to develop a competency-based or hybrid apprenticeship program?
 - Why does the rule put a time limit on the probationary period?
 - Do program sponsors have to accept transfer apprentices?



QUESTION & ANSWER



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6 - Summary

- New Section - focuses on the **quality and performance** of registered apprenticeship programs
- Components:
 - One Registered Apprentice
 - Evaluation of Program Performance
 - Completion Rate
 - Cancellation of Apprenticeship Agreements during Probationary Period



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6

- Every program must have at least one registered apprentice
 - Identifies **exceptions** which may not exceed 1 year:
 - Program registration and the date of first apprentice
 - Program graduates an apprentice and the date of registering the next apprentice



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6

- Evaluate Program Performance:
 - Tools and factors for evaluation:
 - **Quality Assurance Assessment Review**
 - **Equal Employment Opportunity Compliance Review**
 - **Completion Rates**
 - Additional tools and factors must adhere to the goals and policies of the Department



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6

- Completion Rates – refer to definition in § 29.2
 - Based on **national average** of completion rates
 - **Technical assistance** will be provided to programs with low completion rates



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6

- Cancellation of apprenticeship agreements during a probationary period
 - **Will not have an adverse impact** on sponsors' **completion rates**



REGULATIONS-AT-A-GLANCE

Program Performance Standards, § 29.6

- Common Questions
 - What are the key changes from the NPRM?
 - Why did the final rule change to use a national average?
 - Are other factors beyond completion rates taken into consideration?



REGULATIONS-AT-A-GLANCE

Apprenticeship Agreement, § 29.7

- Carries forward existing requirements for an apprenticeship agreement
 - Allows on a **voluntary** basis, the inclusion of an apprentice's **Social Security Number**
 - Revised to add statement showing the need to **include the on-the-job learning** component for programs using the **competency-based training** approach



REGULATIONS-AT-A-GLANCE

Deregistration of a Registered Program § 29.8

- Carries over most of the language from original rule
 - Additional language was added to **provide examples** of factors that could contribute to program deregistration, such as:
 - Failure to provide on-the-job-learning
 - Failure to provide related instruction
 - Failure to pay apprentice appropriate wages
 - Pattern of poor quality assessment results
 - Pattern of low completion rates over several years



REGULATIONS-AT-A-GLANCE

Sections - § 29.9 – § 29.12 & § 29.14

- Administrative Changes (same as NPRM)
 - Reinstatement of program registration § 29.9
 - Hearings for deregistration § 29.10
 - Limitations § 29.11
 - Complaints § 29.12
 - Derecognition § 29.14



QUESTION & ANSWER



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13 - Summary

- Recognition of a State Apprenticeship Agency
- Linkages with state economic development strategies & the publicly funded workforce system
- Reciprocal approval
- Proposed modifications in legislation, regulations, policies and/or operational procedures



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13

- Recognition of State Apprenticeship Agencies
 - Only recognize state government agencies
 - Carries forward the requirement to establish a State Apprenticeship Council
 - Advisory or regulatory
 - Removes the requirement for SAAs to be located in the state Department of Labor
 - Sufficient resources to support a Registration Agency
 - Language was revised to delete “sufficient staff and budget” and insert “**sufficient resources**”



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13

- **Linkages** with state **economic development strategies** & the publicly funded **workforce system**
 - Aligns with efforts to **expand apprenticeship into high-growth, high-demand occupations.**
 - Deleted as a separate section – § 29.13(a)(6) merged with § 29.13(a)(4); requires submissions to include other requirements for recognition



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13

- Reciprocal approval
 - Removes the exemption for the building and construction industry for Federal purposes
 - Programs seeking reciprocity must **meet the wage and hour provisions** and **apprentice ratio standards** of the host state



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13

- Proposed modifications in legislation, regulations, policies and/or operational procedures
 - A state must submit all proposed modifications in apprenticeship legislation, regulations, policies and/or operational procedures for Office of Apprenticeship review and **concurrence**, rather than **approval**.



REGULATIONS-AT-A-GLANCE

Recognition of SAAs, § 29.13

- Common Questions
 - What are the key changes from the NPRM?
 - What is the transition period for SAAs to comply with the final rule?
 - What's the value to linking to economic and workforce development entities?



QUESTION & ANSWER



REGULATIONS-AT-A-GLANCE

Key Changes Summary

- Provisional registration
- Three approaches to apprenticeship
- Electronic media
- Interim credentials
- Program performance standards (including the addition of completion rates)
- Reciprocal approval
- Recognition of SAAs



REGULATIONS-AT-A-GLANCE

Key Changes & Opportunities

- New options and additional flexibility provide opportunities to grow and advance the National Apprenticeship System.
- Invite new industries to utilize apprenticeship model as a key talent development strategy
- Provide consistency across the System to reflect realities of today's businesses operating regionally and competing globally
- Address the needs of today's apprentices by adding flexible pathways to advance in their careers



NEXT STEPS



NEXT STEPS

A Comprehensive Engagement Strategy I

- Policy Guidance will be developed
 - Performance standards – accountability, completion rates, EEO and quality reviews - * specified in preamble
 - Electronic media/related instruction
 - Interim credentials
 - Provisional registration
 - Competency-based apprenticeship
 - Submission of materials necessary for recognition and continued recognition (with SAAs)



NEXT STEPS

A Comprehensive Engagement Strategy II

- Engage all stakeholders moving forward
 - This webinar is a first example--open to the entire apprenticeship community.
 - Planning a series of webinars to assist with specific areas--such as competency-based programs.
 - Archive of webinars and information available on OA Web page and Workforce3One
 - Implemented an opt-in electronic newsletter; to register visit: <http://devdti.haverstick.biz/apprenticeship/>
 - Updated information at OA Web site: <http://www.doleta.gov/oa/regulations.cfm>



NEXT STEPS

A Comprehensive Engagement Strategy III

- Specific e-mail address to serve as the central point for questions, inquiries and concerns:
Regs.Apprenticeship@dol.gov.
 - We will monitor this account closely and use the questions & inquires to develop resources and training to help implement the regulations.
- SGA to be issued shortly to engage national stakeholders in developing national guideline standards that incorporate new elements and to provide technical assistance to membership.



NEXT STEPS

A Comprehensive Engagement Strategy IV

- Hosting a series of **Action Clinics** to support integration between Registered Apprenticeship and the workforce system
- Will provide an opportunity to present the new regulatory framework to a broad range of potential new partners
- Will conduct face-to-face training and regional dialogues on key issues in conjunction with these action clinics
- First Clinic: December 9-11, Chicago, IL
- Other Clinics: Dallas, Oakland and Atlanta
- Contact your Apprenticeship SD for more information



QUESTION & ANSWER



THE END

Regs.Apprenticeship@dol.gov

