BULLETIN 2021-84 August 18, 2021

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| U.S. Department of Labor  Employment and Training Administration, Office of  Apprenticeship (OA)  Washington, D.C. 20210 | Distribution:  A-541 Headquarters  A-544 All Field Tech  A-547 SD+RD+SAA+; Lab.Com | Subject: Promoting and Ensuring Compliance with the  Equal Employment Opportunity in Apprenticeship Regulations at 29 Code of Federal Regulations (CFR) Part 30  Code: 400 |
| Symbols: DRAP/ASR | Action: Immediate |
| **PURPOSE:** To inform the staff of OA and the State Apprenticeship Agencies (SAA), Registered Apprenticeship program sponsors, Registered Apprenticeship partners, and other interested parties of OA’s commitment to promoting diversity, equity, and inclusion through equal employment opportunity in Registered Apprenticeship, and to ensuring that Registered Apprenticeship programs are operating in compliance with the regulations under 29 CFR part 29, subpart A (titled “Registered Apprenticeship Programs”) and 29 CFR part 30 (titled “Equal Employment Opportunity (EEO) in Apprenticeship”) or parallel requirements contained in a State plan for equal opportunity in apprenticeship adopted under 29 CFR part 30 and approved by the U.S. Department of Labor (Department).  **BACKGROUND:** In recent months, the Biden Administration has issued a number of policy directives to address areas of diversity, equity, and inclusion as a means to eliminating discrimination and to expanding opportunities for communities of color and other underrepresented Americans. On January 20, 2021, President Biden issued Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), which aims to advance equity, civil rights, racial justice, and equal opportunity for all individuals and communities through Federal Government programs and policies. Pursuant to this mandate, OA has undertaken a number of efforts to promote compliance and train staff with the EEO regulatory requirements at 29 CFR part 30, including the deployment of web resources and electronic tools that can facilitate the recruitment, hiring, and retention of traditionally underrepresented groups in Registered Apprenticeship programs by program sponsors. OA is committed to effectively addressing long-standing barriers that may exist in Registered Apprenticeship programs and to building a skilled and diverse workforce needed to compete in the global economy.  As OA takes affirmative steps toward advancing diversity, equity, and inclusion across the National Apprenticeship System, OA is sending this bulletin as a reminder to all program sponsors of their EEO obligations under 29 CFR part 30 or parallel requirements contained in a State plan for equal opportunity in apprenticeship adopted under 29 CFR part 30 and approved by the Department. The Department’s regulations at 29 CFR part 30 require sponsors to promote and ensure equal opportunity for participation in their apprenticeship program; and to protect apprentices and applicants for apprenticeship from discrimination on the bases of race, color, national origin, religion, sex (including sexual orientation, gender identity, and pregnancy), disability, age (40 and older), sexual orientation and genetic information. 29 CFR section 30.3.  This bulletin also serves as a reminder to program sponsors that employ five or more apprentices (and that are not otherwise exempt) that they are required to establish an Affirmative Action Program that is designed to ensure equal employment opportunity and prevent discrimination in their apprenticeship program. Under 29 CFR section 30.4, an Affirmative Action Program requires certain program sponsors to take affirmative steps to encourage and promote equal opportunity, to create an environment free from discrimination, and to address any barriers to equal opportunity in apprenticeship. An Affirmative Action Program also helps program sponsors identify and address underutilization and establish procedures to monitor and examine its employment practices and decisions with respect to apprenticeship.  **Program Reviews:** This bulletin serves to provide notice to program sponsors regarding the scheduling and conducting of comprehensive reviews of Registered Apprenticeship programs. These reviews are intended to assess the program sponsor’s compliance with the regulatory provisions at 29 CFR part 30, including the nondiscrimination obligations and other provisions that apply to all program sponsors (which are covered at Apprenticeship Program Reviews). In this connection, it should be noted that the Affirmative Action Program requirements of 29 CFR part 30 apply only to program sponsors that have five or more apprentices or are not otherwise exempt from the affirmative action requirement (which are covered at Extended Apprenticeship Program Reviews). As part of the Apprenticeship Program Review, OA staff will also assess program sponsors' compliance with the regulatory provisions at 29 CFR part 29, subpart A and conduct a quality assurance assessment as defined in 29 CFR section 29.2. For both the Apprenticeship Program Review and the Extended Apprenticeship Program Review, OA staff will provide technical assistance to program sponsors to promote compliance with the regulatory provisions at 29 CFR part 29, subpart A and 29 CFR part 30, as appropriate.  **EEO Tools and Resources:** As noted above, OA has developed and launched a suite of EEO technical assistance tools and web resources to foster a better understanding and to further compliance by program sponsors of their obligations to ensure equal opportunity and to take affirmative action in their Registered Apprenticeship programs, and to minimize any burden associated with such compliance. Both the Demographic Analysis Tool (DAT) and the Affirmative Action Plan Builder Tool may be used by program sponsors to assist them in meeting their affirmative action obligations under 29 CFR part 30. Eligible program sponsors and OA (and SAA) staff may use the DAT to assist with conducting the mathematical calculations involved in the availability and utilization analyses required by 29 CFR part 30. The DAT also may be used to facilitate the demographic analysis by comparing the program sponsor’s data concerning the racial, sex, and ethnic composition of its current apprenticeship workforce with the availability of qualified individuals in the relevant labor market. Utilizing relevant U.S. Census Bureau data, the DAT will produce a report indicating whether women, racial, or ethnic minorities in the sponsor’s workforce are or are not significantly underrepresented compared with their availability in the relevant labor market.  As part of an Affirmative Action Program, program sponsors (that have five or more apprentices or are not otherwise exempt from the affirmative action requirement) must create and maintain a written Affirmative Action Plan that memorializes and discusses the contents of the program, which includes: (1) the utilization analyses for race, sex, and ethnicity; (2) the establishment of utilization goals for race, sex, and ethnicity, if necessary; (3) the establishment of utilization analyses and goal setting for individuals with disabilities; (4) targeted outreach, recruitment, and retention, if necessary; (5) a review of personnel processes; and (6) invitations to self-identify as an individual with a disability, as described in 29 CFR sections 30.5, 30.6, 30.7, 30.8, 30.9 and 30.11, respectively. Current program sponsors, who registered their apprenticeship programs within the last two years and have 5 or more apprentices, can expect to receive an e-mail notification from OA’s Registered Apprenticeship Partners Information Data System (RAPIDS) indicating that they must develop an Affirmative Action Program, which includes conducting an initial review of personnel practices, an initial workforce analysis for race, sex, and ethnicity, and a separate workforce analysis for individuals with disabilities; begin issuing invitations to apprentices and program applicants to self-identify as individuals with disabilities; and complete an initial written Affirmative Action Plan within two years of their registration date. New program sponsors will receive the same type of e-mail notification from RAPIDS upon their apprenticeship program’s two-year registration anniversary date should they have 5 or more apprentices. While some program sponsors may opt to use the Affirmative Action Plan Boilerplate (Appendix C to the Boilerplate Standards) as a template for their Affirmative Action Plan, or create their own, program sponsors may use the Affirmative Action Plan Builder Tool to facilitate the development and maintenance of an Affirmative Action Plan. The DAT and the Affirmative Action Plan Builder Tool are accessible by program sponsors through RAPIDS.  **EEO in Registered Apprenticeship Website:** OA recently released a new EEO in Registered Apprenticeship resource at: <https://www.apprenticeship.gov/eeo>. This website is a one-stop source for information pertaining to the EEO regulations at 29 CFR part 30 and the promotion of diversity and inclusion in apprenticeship. The new website has been modernized to make it easier for program sponsors, apprentices, relevant stakeholders, and other interested parties to find and access all EEO-related information, including: (1) information about EEO responsibilities of program sponsors; (2) quick reference guides that address key EEO topics; (3) tools for expanding outreach and recruitment of diverse workers; (4) resources about protected classes in apprenticeship programs; (5) ready-to-use materials for conducting workplace harassment training; (6) information about how apprentices file discrimination complaints; and (7) forms, posters, and other resources to help program sponsors meet the EEO requirements. OA intends to add Frequently Asked Questions (FAQs) on specific EEO topics, a quick reference guide on the DAT, and a dedicated Universal Outreach Tool (UOT) webpage to the EEO website in the near future.  **ACTION:** OA and SAA staff and sponsors of Registered Apprenticeship programs should familiarize themselves with the information contained in this bulletin.  If you have any questions, please contact Andrew Ridgeway, Division of Registered Apprenticeship and Policy (DRAP) Chief, at Ridgeway.Andrew@dol.gov or (202) 693-3536.  **NOTE:** This bulletin is being sent via electronic mail. | | |