BULLETIN 2022-17 November 19, 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: Modifications to the Boilerplate Standards of Apprenticeship    Code: 400.1 |
| 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 recent updates to the boilerplate Standards of apprenticeship (Standards).  **BACKGROUND:** In an effort to facilitate the process for the registration of apprenticeship programs, OA developed and released a new set of streamlined boilerplates and the Requirements for Apprenticeship Sponsors Reference Guide (Requirements Reference Guide) to accompany and supplement the boilerplates on May 2, 2019. The new boilerplates consist of the Standards and the appendices to the boilerplate Standards, which include: (1) Appendix A: Work Process Schedule and Related Instruction Outline; (2) Appendix B: ETA-671 Apprenticeship Agreement and U.S. Department of Labor, Office of Apprenticeship Application for Certification for Completion of Apprenticeship; (3) Appendix C: Affirmative Action Plan; and (4) Appendix D: Employer Acceptance Agreement. The Appendix C boilerplate (Affirmative Action Plan) and the Appendix C Reference Guide, which program sponsors (that have five or more apprentices registered and are not otherwise exempt from the affirmative action requirement) may use to assist them in developing a written affirmative action plan, were developed and released by OA on June 9, 2020.  The new boilerplates have simplified the application process by providing one uniform set of Standards that all program sponsors may use as technical assistance (TA) tools in this process, where previously there were four different sets of Standards. The new boilerplates have streamlined the registration process for program sponsors, and will continue to promote a modernized and expanded Registered Apprenticeship system. In addition, these TA tools can be utilized by program sponsors for programs covered or not covered by a collective bargaining agreement as well as in the development of National Program Standards, National Guidelines for Apprenticeship Standards, or Local Apprenticeship Standards. As a general matter, the content contained in the streamlined boilerplates is consistent with the registration requirements set forth in 29 CFR part 29, subpart A (titled “Registered Apprenticeship Programs”) and 29 CFR part 30 (titled “Equal Employment Opportunity in Apprenticeship”).  On March 26, 2020, the Support for Veterans in Effective Apprenticeships Act of 2019 (the Act) was enacted “to enable registered apprenticeship programs to better service veterans” by facilitating their awareness of, and access to, certain educational assistance benefits provided under Title 38 of the U.S. Code (e.g., post-9/11 G.I. educational benefits). The U.S. Department of Labor was charged with implementing the substantive provisions of the Act no later than September 22, 2020. Specifically, section 2(b)(1) of the Act required Registered Apprenticeship program sponsors to provide written assurances that the sponsor: (1) is aware of the availability of Title 38 educational assistance for veterans or other eligible individuals for use in connection with a Registered Apprenticeship program; (2) will make a good faith effort to obtain approval for such educational assistance for each program location that recruits or employs a veteran or other eligible individual; and (3) will not deny the application of a qualified apprenticeship applicant who is a veteran or other individual qualified for Title 38 educational benefits for the purpose of avoiding making a good faith effort to obtain approval for such benefits. On September 21, 2020, OA implemented the requirements contained in section 2(b)(1) of the Act by adjusting and releasing an updated version of the boilerplate Standards and the requirements reference guide to include the required written assurances from program sponsors. The boilerplate Standards and the requirements reference guide were also updated to include technical corrections reflecting that Registered Apprenticeship programs are now governed by 29 CFR part 29, subpart A and other minor/formatting adjustments to enhance clarity. In addition, OA developed and issued a one-page addendum, which contain the assurances required by section 2(b)(1) of the Act. Program sponsors that elect not to model their Standards using the boilerplates are required to attach this one-page addendum to their signed, customized program Standards.  Recently, OA made additional adjustments to the boilerplates and requirements reference guide to ensure compliance with the regulatory requirements at 29 CFR part 29, subpart A and 29 CFR part 30, a presidential directive (i.e., Executive Order (E.O.) 13988, titled “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation”), and current OA policies and practices. In addition, minor/formatting adjustments were made to these documents and the Appendix C reference guide for more precision. Below is a list of the noteworthy adjustments made to the boilerplates and the requirements reference guide:  **Standards** **–**   * a modification to reflect the Supreme Court’s recent decision in *Bostock v. Clayton County* that discrimination on the basis of sex also includes discrimination on the basis of sexual orientation (in addition to the bases of gender identity and pregnancy that were already included within sex discrimination under 29 CFR part 30), in accordance with the mandate contained in E.O. 13988 * newly-added text reflecting that program sponsors, participating employers, and apprentices registered in a program must abide by Federal, State, and local law requirements relevant to the occupation covered by the Standards (including those pertaining to occupational licensing requirements and minimum wage and hour requirements) * an adjustment to the disclosure agreement to clarify that only program sponsors submitting National Program Standards or Local Standards may request that OA not share publicly the contents of their application for registration. This optional provision excludes general information such as the name and contact information of the sponsor, the location of the program, and the occupation(s) offered, which OA routinely releases to the public once a program is registered.   **Appendix B:** **ETA-671 Apprenticeship Agreement and U.S. Department of Labor, Office of Apprenticeship Application for Certification for Completion of Apprenticeship –**   * a recently-approved ETA Form 671, Section II (Apprentice Agreement and Registration) and ETA Form 671, Section II (“Tear-Off” Voluntary Disability Disclosure) by the Office of Management and Budget (OMB), bearing an expiration date of June 30, 2024   **Appendix C:** **Affirmative Action Plan –**   * a modification to reflect the Supreme Court’s recent decision in *Bostock v. Clayton County* that discrimination on the basis of sex also includes discrimination on the basis of sexual orientation (in addition to the bases of gender identity and pregnancy that were already included within sex discrimination under 29 CFR part 30), in accordance with the mandate contained in E.O. 13988      * an update to reflect the availability of an electronic Demographic Analysis Tool that program sponsors may use on their own without assistance from the Registration Agency   **Appendix D:** **Employer Acceptance Agreement –**   * an adjustment to reflect that a program sponsor must be permitted access to an employer’s records to ensure compliance with the Standards and the regulatory requirements at 29 CFR part 29, subpart A and 29 CFR part 30   **Requirements Reference Guide** **–**   * a modification to reflect the Supreme Court’s recent decision in *Bostock v. Clayton County* that discrimination on the basis of sex also includes discrimination on the basis of sexual orientation (in addition to the bases of gender identity and pregnancy that were already included within sex discrimination under 29 CFR part 30), in accordance with the mandate contained in E.O. 13988 * a discussion of the Federal, State, and local law requirements that have been added to the Standards * a discussion of the reciprocity requirement that is reflected in the Standards * an update to the discussion on the disclosure agreement to align with the adjustments that have been made to this section in the Standards   **NOTE:** The revised boilerplates, reference guides, and the one-page addendum, which contains the assurances required by section 2(b)(1) of the Act, are attached for your viewing. In addition, the revised boilerplate Standards and Appendix A boilerplate will be integrated in Standards Builder (at: <https://www.apprenticeship.gov/employers/registered-apprenticeship-program/register/standards-builder>), and the revised Appendix C boilerplate will be integrated in the Affirmative Action Plan Builder Tool in OA’s Registered Apprenticeship Partners Information Data System (RAPIDS) in the coming weeks for your convenience.  **ACTION:** OA staff should familiarize themselves with the information contained in this bulletin. OA staff may begin using the attached documents below to assist sponsors in the development of a Registered Apprenticeship Program and should discontinue using prior versions of these documents.  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.  Attachments  Registered Apprenticeship Standards    Registered Apprenticeship Standards for Programs with Collective Bargaining Agreements    Appendix A: Work Process Schedule and Related Instruction Outline    Appendix B: ETA-671 Apprenticeship Agreement and U.S. Department of Labor, Office of Apprenticeship Application for Certification for Completion of Apprenticeship    Appendix C: Affirmative Action Plan    Appendix C Reference Guide    Appendix D: Employer Acceptance Agreement    Requirements Reference Guide    Addendum to Boilerplate Standards for Sponsors Who Elect Not to Adopt the Boilerplate Standards | | |