

CIRCULAR 95 - 03**Date: December 13, 1994**

| | | |
|--|--|---|
| 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-546 All Field Staff A-547 SD+RD+SAC Lab. Com | <u>Subject:</u> Deregistration Procedures for BAT Registered Programs <u>Code:</u> 525 |
| Symbols: NPCTG:RDM | | Action: Immediately |

PURPOSE: To familiarize BAT field staff with procedures for deregistering BAT registered apprenticeship programs.

Except violation of equal employment (EEO) opportunity. EEO violations are to be processed according to Title 29 CFR Part 30.

BACKGROUND: The primary mission of the Bureau is to protect the rights and welfare of apprentices. To accomplish this objective, BAT field staff assures that all apprenticeship programs are conducted, operated, and administered in accordance with the registration provisions of Title 29 CFR Part 29 Apprenticeship Programs - Labor Standards for Registration.

In the event there is non compliance with those labor standards, Section 29.7 of the regulation details the procedures to be followed for notifying the sponsor and registered apprentices concerning the deregistration process.

ACTION: BAT field staff should familiarize themselves with Section 29.7, Deregistration of Bureau-registered program and implement deregistration procedures accordingly. The attached instruments are provided for initiating the regulatory process. The attached sample letters will provide conformity and consistency throughout the deregistration proceeding.

The materials also include sample letters for sponsors seeking voluntary deregistration of their program and/or for sponsors that have not had any apprentices registered for two or more years.

Attachments:

- Section 29.7 Deregistration of Bureau registered programs.
- Voluntary deregistration
- Sample letters and inquiry form

APPRENTICESHIP PROGRAM REGULATION

SECTION 29.7

Deregistration of Bureau-registered program

29.7 Deregistration of Bureau-registered program.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration, or upon reasonable cause, by the Bureau instituting formal deregistration proceedings in accordance with the provisions of this part.

- (a) Request by sponsor. The registration officer may cancel the registration of an apprenticeship program by written acknowledgement of such request stating, but not limited to, the following matters:
 - (1) The registration is canceled at sponsor's request and effective date thereof;
 - (2) That, within 15 days of the date of the acknowledgement, the sponsor shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

- (b) Formal Deregistration
 - (1) Reasonable Cause. Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions or the requirements of this part, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions under 29 CFR Part 30, as amended;
 - (2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the registration officer shall so notify the program sponsor in writing;
 - (3) The notice shall
 - (i) be sent by registered or certified mail, with return receipt requested;
 - (ii) state the shortcoming(s) and the remedy required; and
 - (iii) state that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days;
 - (4) Upon request by the sponsor for good cause, the 30-day term may be extended for another 30-days. During the period for correction, the sponsor shall be assisted in every reasonable way to achieve conformity;
 - (5) If the required correction is not effected within the allotted time, the registration officer shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:
 - (i) The notice is sent pursuant to this subsection;
 - (ii) Certain deficiencies (stating them) were called to the sponsor's attention and remedial measures requested, with dates of such occasions and letters; and that

the sponsor has failed or refused to effect correction;

(iii) Based upon the stated deficiencies and failure of remedy, a determination of reasonable cause has been made and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing;

(iv) If a request for a hearing is not made, the entire matter will be submitted to the Administrator, BAT, for a decision on the record with respect to deregistration.

- (6) If the sponsor has not requested a hearing, the registration officer shall transmit to the Administrator, BAT, a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record before him.
- (7) If the sponsor requests a hearing, the registration officer shall transmit to the Secretary, through the Administrator, a report containing all the data listed in paragraph (b)(6) of this section. The Secretary shall convene a hearing in accordance with 29.9, and shall make a final decision on the basis of the record before him including the proposed findings and recommended decision of the hearing officer.
- (8) At his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with the registered provisions or requirements of this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor.
- (9) Every order of deregistration shall contain a provision that the sponsor shall, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

APPRENTICESHIP PROGRAM REGULATION

SECTION 29.7

Deregistration of Bureau-registered program

VOLUNTARY DEREGISTRATION

EXPLANATION

* **Deregistration at request of apprenticeship program sponsor.**

When an apprenticeship program sponsor requests deregistration of its apprenticeship program it shall be by letter to the registration (agency) officer on the sponsor's letterhead stating the desire for deregistration, example letter attached.

* **Seeking voluntary apprenticeship program deregistration.**

In the event an apprenticeship program sponsor has not had any activity for a period of two (2) years or more; that is, the program has had no active apprentices, no registration, cancellation or completion of apprentices, the registration officer or designated representative (ATR) shall seek voluntary deregistration from the program sponsor. If the apprenticeship program sponsor agrees to voluntary deregistration, a letter stating such shall be initiated and, if applicable, registered apprentices notified.

APPRENTICESHIP PROGRAM REGULATION

SECTION 29.7

Deregistration of Bureau-Registered Programs

SAMPLE LETTERS

Sample Letter:

Date _____

SPONSOR LETTERHEAD

To: Bureau of Apprenticeship and Training

Dear BAT Representative:

Effective as of the date of this letter, I am officially requesting that our apprenticeship program be canceled.

(Sponsors without apprentices)

Our apprenticeship program does not have any currently registered apprentices.

(Sponsors with apprentices)

I have provided the apprentices with a copy of this request. I have also made them aware that their apprenticeship registration with the U. S. Department of Labor, Bureau of Apprenticeship and Training will be terminated as of the date of this letter.

(Add if Sponsor has apprentices and is involved in Davis Bacon Work)

The currently registered apprentices have been informed how the termination of their apprenticeship registration will effect their wages on Federal projects.

Sincerely,

Program Sponsor

Letter should be put in the Sponsor file updated (Form 2000- AIMS and stored) and file stored.

Attached are letters and a form for SEEKING VOLUNTARY DEREGISTRATION of dormant sponsors that have not had any apprentice activity for two (2) or more years.

(This letter must be sent either registered or certified, with return receipt requested)

Initial Letter to Sponsor

Dear Mr./Ms _____

The Bureau of Apprenticeship and Training (BAT) is currently undertaking a review and evaluation of the Apprenticeship Standards which it has registered for your organization.

Your Apprenticeship Standards were registered for (*insert occupation(s)*) on (*insert date*), and last revised on (*insert date*). The Bureau of Apprenticeship and Training's last recorded communication with your organization was (*insert date*).

In order to assist BAT with its review and evaluation, would you kindly complete the enclosed inquiry and return it to my office within 30 days from the date of this letter. A **non-response** will be interpreted to mean that the program is dormant and should be deregistered pursuant to Title 29 CFR Part 29, section 29.7.

I hope and trust that registered apprenticeship remains a high priority within your organization. Your timely response to this inquiry is appreciated. If you have any questions or need additional information, please do not hesitate to contact my office - Telephone (*insert contact person and telephone number*). Your interest and participation in the National Apprenticeship System is appreciated.

Sincerely,

(SD - ATR)

Bureau of Apprenticeship and Training
Program Status Inquiry

(Insert Date)

Program No. _____

Sponsor Name: _____

PLEASE CHECK ONE:

_____ This program is active. Work experience schedules and related training outlines have been reviewed for current skill and knowledge requirements, and no revisions are needed.

_____ This program is active but I request meeting with BAT personnel to revise and update it.

_____ This program is currently inactive, but it should be reactivated within six (6) months.

_____ This program is inactive. We request cancellation by BAT. *(It is understood that cancellation does not prevent the program from being registered again at some future date).

Signature : _____

Name (Print) : _____

Title (Print) : _____

Phone Number : _____

Date : _____

Please return to:

SD - ATR Address Note: If you make mailing labels and put them on the reverse side, this form could be folded and mailed.

* It would be helpful if you would share with BAT the reason(s) why this program became inactive.

Letter to sponsor, if sponsor requests cancellation.

(Insert date)

Dear Mr./Ms _____:

I appreciate your prompt response to the Bureau of Apprenticeship and Training's recent inquiry concerning the status of your Apprenticeship Standards registered by the U. S. Department of Labor for *(insert Standard's Title and occupation(s).)*

However, I regret to learn that your organization's apprenticeship program is inactive and that you have requested its cancellation. Therefore, pursuant to your request, the Apprenticeship Standards, Program Number *(insert Program Number)* are hereby canceled, effective this date.

If, at some future time, you wish to reestablish your apprenticeship program, please do not hesitate to contact my office for assistance. Your past participation in the National Apprenticeship System is appreciated.

Sincerely,

SD

Letter if sponsor **does not respond** to the program status inquiry.

The deregistration is to be considered a FORMAL DEREGISTRATION LETTER. The letter must be sent certified or registered with return receipt.

(Insert date)

Dear Mr./Ms _____

The Bureau of Apprenticeship and Training did not receive a response from the recent inquiry concerning the status of your Apprenticeship Program registered by the U. S. Department of labor for *(Insert Standard's Title and Occupation(s)).*

I regret we did not receive a response to our *(insert date)* inquiry. Your non-response has been interpreted to confirm that your program has been dormant since *(insert programs last action date)* and should be deregistered.

Therefore, the Apprenticeship Standards, Program Number *(insert Program Number)* will be formally deregistered, within fifteen days of receipt of this notice, pursuant to Title 29 CFR Part 29, section 29.7, enclosed. You may request a hearing on deregistration pursuant to Title 29 CFR 29, section 29.7(b)(5)(iii).

If, at some future time, you wish to reestablish your apprenticeship program, please do not hesitate to contact my office for assistance. Your past participation in the National Apprenticeship System is appreciated. If you have any questions contacted my office at *(insert telephone number)*.

Sincerely,

SD

Enclosure: Title 29 CFR Part 29