CIRCULAR 2020-04 September 17, 2020

|  |  |  |
| --- | --- | --- |
| U.S. Department of LaborEmployment and Training Administration, Office of Apprenticeship (OA) Washington, D.C. 20210 | Distribution:A-541 HdqtrsA-544 All Field TechA-547 SD+RD+SAA+;Lab.Com | Subject: Guidance for theImplementation of Section2(b)(2) of the Support forVeterans in EffectiveApprenticeships Act of 2019(Public Law 116-134, 134Stat. 277)Code: 400.1  |
| Symbols: DRAP/HCM | Action: Immediate |
| **PURPOSE:** To inform the staff of OA and the State Apprenticeship Agencies (SAAs), Registered Apprenticeship program sponsors, Registered Apprenticeship partners, providers of related instruction (RI), and other interested parties with specific guidance and strategies for implementing the requirements of Section 2(b)(2) of Public Law 116-134 that pertain to the provision of progressive wages and the granting of advanced standing and credit to veterans or other eligible individuals by Registered Apprenticeship program sponsors. **BACKGROUND:** Apprenticeship is a proven strategy for providing workers of all backgrounds with the technical and workplace skills they need to succeed and thrive in a competitive job market. Apprenticeships can be particularly beneficial to both transitioning service members and veterans and to those employers who are having difficulty locating and hiring a skilled workforce. Employers with Registered Apprenticeship programs have often seen higher retention rates from veterans and report that their veteran employees demonstrate proven leadership, an ability to work well under pressure, and a strong work ethic – all valuable skills in an apprentice. Veterans make up a high-value pool of potential employees for companies, and numerous military occupational specialties directly correspond to in-demand occupations for which approved apprenticeable occupational models by the U.S. Department of Labor (USDOL or Department) are already available. The value of properly structured apprenticeship programs in facilitating the transition of individuals from the Armed Services to the civilian workforce is well-recognized by the federal government. For example, the United Services Military Apprenticeship Program (USMAP) is a formal military training program that provides active duty U.S. Army, Navy, Air Force, Marines, and Coast Guard members as well as members of the Reserves, National Guard, and Air National Guard the opportunity to improve their job skills and to complete their civilian apprenticeship requirements while performing in the capacity of their Uniformed Service duties. The USDOL provides the nationally and industry recognized "Certificate of Completion of Apprenticeship" upon completion of the USMAP. A separate, but similar federal program, the U.S. Department of Defense’s SkillBridge initiative, allows transitioning service members, within six months of separation, the ability to participate in civilian job and employment training, including internships, which prepares them for future employment after transition.  The training must offer a high probability of employment and be provided to the service member at little or no cost.  SkillBridge programs can also be the precursor to a Registered Apprenticeship, which is an option often explored by the employer and veteran. If a SkillBridge program is tied to a Registered Apprenticeship, the service member must be separated or retired from the military before starting that phase of the training.The Support for Veterans in Effective Apprenticeships Act of 2019 (the Act), which was signed by President Donald J. Trump on March 26, 2020, is intended to increase access by veterans or other eligible individuals to certain educational assistance (i.e., G.I. Bill benefits and other VA-administered educational benefits) in connection with apprenticeship programs registered pursuant to the National Apprenticeship Act of 1937 (29 U.S.C. section 50) and its implementing regulations at 29 CFR part 29, subpart A. It is important to note that, under existing law, veterans or other individuals eligible for educational benefits under Chapters 30 through 36 of Title 38 and who also participate in a Registered Apprenticeship program that has been approved by the Department of Veterans Affairs (VA) are permitted to apply these benefits towards apprenticeship-related tuition and fee payments, a monthly housing allowance, and/or a books and supplies stipend. As noted above, the provisions of the Act apply only to veterans or other eligible individuals who are participants in Registered Apprenticeship programs. For an apprenticeship program to be considered eligible for registration by either OA or an SAA under 29 CFR part 29, subpart A, that program must adopt a written set of standards containing, among other requirements, a “progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired” (see 29 CFR §29.5(b)(5)) and “the granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted” (see 29 CFR §29.5(b)(12)). In accordance with the regulatory provisions at 29 CFR §§29.5(b)(5) and 29.5(b)(12), section 2(b)(2) of the Act further requires the sponsors of Registered Apprenticeship programs, to the extent practicable, to provide standards that grant advanced standing or credit, and provide increased wages commensurate to such standing or credit, for any veteran or other individual eligible for educational assistance under chapters 30 through 36 of Title 38 provided that such an eligible individual: (1) is enrolled in the Registered Apprenticeship program; and (2) has a demonstrated competence applicable to the apprenticeship occupation, or has acquired experience, training, or skills through military service that is applicable to the apprenticeship occupation. The Department notes that 29 CFR §§29.5(b)(5) and (b)(12), governing the provision of progressive wages and the granting of advanced standing and credit, apply to all qualified apprentices and apprenticeship candidates – irrespective of whether such individuals are veterans or other individuals eligible for Title 38 educational benefits. Nevertheless, in implementing the requirements of section 2(b)(2) of the Act, the Department reaffirms and emphasizes that the specialized experience, skills, and training acquired by veterans or other individuals eligible for Title 38 educational benefits must be given appropriate consideration and weight by Registered Apprenticeship program sponsors in determining the granting of advanced standing or credit and increased wages to such persons.  **GUIDANCE ON IMPLEMENTING SECTION 2(b)(2) OF THE ACT:** In implementing section 2(b)(2) of the Act, the Department encourages program sponsors and RI providers to develop and adopt flexible and inclusive standards of apprenticeship that facilitate the recognition and translation of relevant service-acquired skills, training, and specialized experiences previously attained by veterans (or by other individuals eligible for Title 38 educational benefits) into advanced program standing, academic credit, and higher wage increments. Numerous military occupational specialties directly correspond to in-demand occupations for which USDOL-approved apprenticeable occupational models are already available. For example, electrician, combat medic, and motor transport operator are common military occupations that readily translate to the civilian occupation equivalent of electrician, EMT/paramedic, and CDL truck driver (a comprehensive illustration of the translation of a veteran’s military experience and training to appropriate civilian occupations can be found on DD Form 2586, Verification of Military Experience and Training (VMET). A copy of the VMET is available at:<https://milconnect.dmdc.osd.mil/milconnect/public/faq/Training-VMET>).By mapping military occupational specialties and related credentials to the list of apprenticeable occupations approved by OA, program sponsors can more readily translate a veteran’s related experience, skills, competencies, and industry-aligned certifications or credentials into time credit toward his or her required on-the-job learning hours (for a time-based or hybrid apprenticeship program) or required RI for experience or education earned during service, thereby accelerating that individual’s apprenticeship program completion.To facilitate this mapping process, both apprenticeship program sponsors and RI providers should consider utilizing translation or equivalence tools. Learning assessment tools can be adapted to evaluate the compatibility of a military occupational specialty or credential for advanced standing and course credit. Program sponsors and RI providers can use translation tools such as the American Council on Education (ACE) Military Guide (<https://www.acenet.edu/Programs-Services/Pages/Credit-Transcripts/Military-Guide-Online.aspx>) to award veterans participating in a Registered Apprenticeship program with academic credit for prior learning based on their military occupational specialty or credential. The granting of academic credit for prior learning and skills acquired in the Armed Services by community colleges and four-year degree-granting postsecondary institutions should also be encouraged. The Joint Services Transcript (JST) provides a description and college credit recommendations approved by the ACE of a service member’s military education and occupational and training experience in civilian language. The JST can be accessed at the following website: [https://jst.doded.mil/jst/](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fjst.doded.mil%2Fjst%2F&data=02%7C01%7CMclean.Hughes.C%40dol.gov%7C386dd14d59d04d48452a08d81473ba7c%7C75a6305472044e0c9126adab971d4aca%7C0%7C0%7C637281834560701993&sdata=d6n6NdjhFlxo64%2FdQjK7rZ3uxF2E86mln2XasXjzkYM%3D&reserved=0). **RESOURCES:** The resources listed below can provide apprenticeship program sponsors and employers with a good starting point for proactive strategic planning and tactical implementation in connection with the hiring and retention of veterans or other individuals eligible for Title 38 educational benefits. The guide and occupational crosswalks are suggested tools and can be used in conjunction with other tools and resources. 1. **Employer’s Guide to Hiring Veterans**

The Employer’s Guide to Hiring Veterans is a publication by USDOL Veterans’ Employment and Training Service’s Office of Strategic Outreach. This guide provides accurate information about service member and veteran demographics; shares federal, state and other resources so employers can facilitate veteran hiring; and makes recommendations on how to attract, train, and retain veterans. This guide is not intended to offer a comprehensive list of resources at the state level, but it provides information that will assist employers with hiring and retaining veterans. <https://www.dol.gov/sites/dolgov/files/VETS/files/Employer-Guide-to-Hiring-Veterans.pdf>1. **O\*NET OnLine**

O\*NET OnLine is a career information resource that provides a crosswalk from military occupations to extensive information on the tasks of related civilian occupations that can aid an employer in getting a better understanding of the scope of duties that a veteran performed during their career in the Armed Services. <https://www.onetonline.org/> 1. **My Next Move For Veterans**

My Next Move For Veterans also provides a crosswalk that facilitates military to civilian career translation. By entering the name or code of the Military Occupational Specialty (commonly found on DD Form 214, Certificate of Release or Discharge from Active Duty), the user will receive an occupation or list of occupations that are civilian equivalent. Additional information on the degree of relatedness is provided for the 68 MOS with the largest numbers of service members across each of the four Department of Defense (DoD) service branches.<https://www.mynextmove.org/vets/> 1. **Credentialing Opportunities OnLine (COOL)**

These DoD sites are the result of extensive inter-Service collaboration to facilitate credentialing of Service members. All Services recognize the important role that occupational credentials can play in enhancing the Service member’s ability to transition to the civilian workforce upon completion of military service. The Army, Navy, Air Force, Marine Corps and Coast Guard each have their own Service-specific COOL programs designed to match military occupations to civilian credentials (occupational certifications, licenses, and apprenticeships) and provide resources to help Soldiers, Sailors, Airmen, Marines and Coast Guardsmen attain these credentials. <https://www.cool.osd.mil/>**SCOPE OF THIS CIRCULAR:** As noted in the “Purpose” section above, the scope of the guidance in this circular is limited to implementing the requirements of Section 2(b)(2) of the Act that pertain to the provision of progressive wages and the granting of advanced standing and credit to veterans or other eligible individuals by Registered Apprenticeship program sponsors. However, as outlined in the paragraphs immediately below, the Department intends to implement the other substantive provisions of the Act (located at sections 2(b)(1) and 2(b)(3)) by means other than the issuance of a circular. Section 2(b)(1) of the Act requires Registered Apprenticeship program sponsors to provide written assurance that the sponsor: (1) is aware of the availability of Title 38 educational assistance for veterans or other eligible individuals; (2) makes 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) does 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.  The Department intends to implement the requirements contained in section 2(b)(1) of the Act by revising ETA Form 671 (Program Registration and Apprenticeship Agreement) to include a formal sponsor attestation that will serve as a written assurance that the sponsor will comply with the foregoing statutory requirement, and by updating its “boilerplate” standards of apprenticeship templates for program sponsors so that they include the same written assurance.     Section 2(b)(3) of the Act also requires that, when a Registered Apprenticeship Program is approved by OA or an SAA, a copy of the program’s certificate of registration must be provided to the State Approving Agency (i.e., the agency that has a signed Cooperative Agreement with the VA) in the state where the program is located. The Department intends to address section 2(b)(3) of the Act by developing an internal Standard Operating Procedure that will outline a regular process for OA’s transmittal of such certificates of registration directly to the appropriate State Approving Agency, with an additional copy of the certificate sent to the VA.   **ACTION:** OA and SAA staff, Registered Apprenticeship Program sponsors, Registered Apprenticeship partners, RI providers, and other interested parties should familiarize themselves with the information and guidance contained in this Circular. **EFFECTIVE DATE:** As the Act’s requirements must be implemented within 180 days after the date of enactment, this Circular shall be effective as of September 22, 2020 or the date of this Circular, whichever is earlier. **FOR MORE INFORMATION CONTACT:** Mr. Hughes C. McLean, Apprenticeship and Training Representative, at (202) 693-3026. |