

APPLICABLE NATIONAL PROGRAM STANDARDS (NPS) SPONSOR ELIGIBILITY CRITERIA

FOR USE BY OA STAFF

Circular 2022-01: Updated Guidance - Minimum National Program Standards for Registered Apprenticeship Programs

Please attach this checklist to the following documents: (1) the sponsor's written apprenticeship program Standards that are fully compliant with 29 CFR Part 29 and 29 CFR Part 30; and (2) the sponsor's written plan or narrative demonstrating its satisfaction of the applicable NPS eligibility criteria contained in ONE of the categories/subcategories below (*see pages 3 and 4*).

Preliminary Considerations on Whether NPS Registration is Appropriate:

- Are the potential sponsor's operations currently limited to one State or region, with no immediate plans for further business expansion or growth? If yes, advise the sponsor that **National Guidelines for Apprenticeship Standards (NGS) and/or State registration may be a more appropriate vehicle for promoting the program more broadly.**
- Is the occupation covered by the apprenticeship program one that is typically subject to Federal or State licensing requirements? If yes, advise the sponsor that **NGS and/or State registration may be a more appropriate vehicle for promoting the program more broadly** (*see page 5 for more information on such licensing requirements*).
- Is the sponsor's role in the apprenticeship program confined to providing supportive services or related instruction to apprentices, rather than providing hands-on oversight and administration of the program? If yes, advise the sponsor that **NGS and/or State registration may be a more appropriate vehicle for promoting the program more broadly.**
- Does the organization sponsoring the program (such as a national labor union or a national trade or industry association) intend for its local affiliates to modify or adapt the program's national Standards of apprenticeship to meet local standards or requirements? If yes, advise the sponsor that **NGS may be a more appropriate vehicle for promoting the program nationally.**

Approval Process for an NPS Application:

As part of the application process for national registration under the NPS framework, each NPS applicant that appears to be a suitable candidate for NPS registration (see the preliminary considerations immediately above) must submit a written plan to OA explaining how it already meets (or plans to meet) the NPS criteria outlined in in Circular 2022-01 and reiterated in the below checklist. The complete NPS package must then be submitted for preliminary approval to

the applicable OA Regional Director (RD), who will first consult with his or her fellow RDs and/or National Office staff, as appropriate, concerning the suitability of the program for NPS before making a recommendation to the OA Administrator for registration under the NPS criteria. In instances where the OA Regional office makes a recommendation for NPS, the OA Administrator will review the application and render a final determination on national registration of the program under NPS.

Note – OA Regional Offices in discussions with Federal Agencies seeking NPS registration should consult OA National Office.

Requirement for OA Staff to Review an Approved NPS Program on the Second Anniversary of its Registration to Determine if the Program Has Met its Stated Goals with Respect to Geographical Scope and the Registration of Apprentices, and its Compliance with 29 CFR Part 29 and 29 CFR Part 30:

Potential program sponsors should be advised by front-line OA staff that all programs that are initially approved by OA for NPS status will be reviewed by OA at two-year intervals after the initial date of registration to ensure that they continue to meet the criteria required to maintain such national status. In particular, by the time of the second anniversary of its registration under NPS, the program must demonstrate that it has met its goals (specified in its written plan, and also detailed in the NPS criteria below) with respect to:

- (1) the geographical reach of the program (i.e., number of States and Regions covered);
- (2) the minimum number of apprentices registered by the program (at least 20); and
- (3) adherence to the requirements of 29 CFR part 29 and 29 CFR part 30.
 - In instances where OA determines that a program previously approved for NPS registration no longer meets the minimum criteria discussed below, OA will advise the sponsor that other alternatives may be appropriate based upon the applicable facts and circumstances, including but not limited to registration of the program's Standards under the NGS criteria, program registration on a State-by-State basis, or deregistration of the program if the program is not in compliance with 29 CFR part 29 and 29 CFR part 30.

Under Which Category of NPS Might a Particular Sponsor Qualify:

- Is a single-employer applicant considering the registration of a **new** apprenticeship program under NPS, and is that potential sponsor one that already operates in at least 5 States and employs at least 300 employees? If yes to both of these questions, the sponsor *may* satisfy the criteria listed in **Category One, Subcategory A** of the follow-up checklist below.
- Has a single-employer sponsor **already registered** an apprenticeship program on the State level with OA or an SAA, and has that program successfully completed its

probationary period? If yes to both of these questions, the sponsor *may* satisfy the criteria listed in **Category One, Subcategory B** of the follow-up checklist below.

- Has the sponsoring “group” or “multi-employer” organization established a new set of national curricula, Standards, and credentials that are suitable for adoption and utilization (without any modification) on a national basis by its local affiliates or by outside participating employers (through an employer acceptance agreement)? If yes, the sponsor *may* satisfy the criteria outlined in **Category Two** of the follow-up checklist below.

NPS Follow-Up Checklist

Please Note: *Applicants that do not satisfy each element of the applicable NPS criteria below should be advised to consider either NGS and/or State registration of their programs.*

Category One – Subcategory A: Single Employer Sponsor Seeking to Register a New Apprenticeship Program Through NPS (OA will generally approve or review the registration of a program under the NPS criteria if the sponsor meets EACH of the following criteria):

_____ The sponsor’s written plan or narrative demonstrates that the sponsor is an employer with at least 300 employees.

_____ The sponsor’s written plan or narrative demonstrates that the sponsor is either a national or multi-State employer with current business operations in at least five (5) U.S. States or an international or transnational company with current business operations in at least five countries (including the United States) – States listed below:

_____ The sponsor’s written plan demonstrates that it has an *achievable strategy* for equitable program growth that is successful in registering at least twenty (20) apprentices within two years of NPS approval by OA.

Category One – Subcategory B: Single Employer Sponsor with an Existing State Registered Apprenticeship Program Seeking to Register on a National Basis Through NPS (OA will generally approve or review the registration of a program under the NPS criteria if the sponsor meets EACH of the following criteria):

_____ The employer has already registered an apprenticeship program that has successfully completed its probationary period and that currently operates in good standing in at least one U.S. State (can be either an OA or an SAA State) – State(s) listed below:

_____ The employer currently enrolls at least ten (10) apprentices in its existing Registered Apprenticeship program, and has a *written plan* that would be successful in registering at least twenty (20) apprentices within two years of NPS approval.

_____ The employer’s written plan demonstrates that it has an achievable strategy for multi-state or nationwide expansion which is implemented successfully (i.e., the program operates in at least three (3) States within two years of NPS registration, and in five (5) States within three years of NPS registration) – States listed below:

Category Two – Criteria for a Multi-Employer, “Group” Program Sponsor

Organizations that sponsor “group” or “sector” national programs for apprentices (such as national trade or industry groups or associations, umbrella organizations, educational institutions, or a consortium) typically establish national curricula, Standards, and credentials that are adopted and utilized by affiliated employers across the nation. The sponsoring organization is responsible for ensuring that all of the requirements of 29 CFR Part 29 and 29 CFR Part 30 are met and has already identified and obtained written commitments from participating employers. Typically, an employer that adopts a sponsoring organization’s “group” national program Standards of apprenticeship will utilize the mechanism of an employer acceptance agreement (EAA).

(OA will generally approve or review the registration of a program under the NPS criteria if the program sponsor meets EACH of the following criteria):

_____ The sponsor’s written plan or narrative demonstrates that it has at least three (3) employers using the sponsor’s Standards (or has written commitments from at least three (3) employers to adopt the sponsor’s Standards prior to program registration) – List of Adopting Employers below:

_____ The program demonstrates in its written plan that it has an *achievable strategy* for growth that is successful in registering at least twenty (20) apprentices (in the aggregate) within two years of approval by OA.

_____ The program demonstrates an achievable strategy in its written plan for multi-State or nationwide expansion which is implemented successfully (i.e., the program operates in at least three (3) States and in two (2) OA regions within two years of NPS registration, and in five (5) States within three years of NPS registration) – States and OA Regions listed below:

PLEASE NOTE: If an individual employer that sponsors an apprenticeship program plans to adopt *without modification* the national program Standards developed by another organization (such as a national industry organization, an umbrella organization, a workforce intermediary organization, an educational institution, or a consortium) through the vehicle of an EAA, please check here _____ and attach any applicable EAA (Appendix D of the Standards).

NPS Program Registration and Adherence to Federal, State, and Local Law Requirements:

Prior to registering a program under NPS, front-line OA staff should advise a potential NPS sponsor that OA's registration of an apprenticeship program on a nationwide basis under NPS (and the registration of individual apprentices under the same program) does not exempt the program sponsor, and/or any employer(s) participating in the program, and/or the individual apprentices registered under the program from abiding by any applicable Federal, State, and local laws or regulations relevant to the occupation covered by the program, including those pertaining to occupational licensing requirements and minimum wage and hour requirements.

The NPS program's Standards of Apprenticeship must also conform in all respects with any such applicable Federal, State, and local laws and regulations. Any failure by the program to satisfy this requirement may result in the initiation of deregistration proceedings for reasonable cause by OA under 29 CFR section 29.8.

Helpful Links on State Occupational Licensing and Other Requirements:

To assess the extent to which an occupation is licensed at the Federal or State level, both program sponsors and OA front-line staff should use the CareerOneStop License Finder tool (at: <https://www.careeronestop.org/Toolkit/Training/find-licenses.aspx>) and search for an occupation title for "All Locations" to see the number of locations that have licensing requirements. This site also provides links to specific State licensing information. An additional resource for more in-depth information on aspects for a selected set of licensed occupations is available from the National Conference of State Legislatures, <https://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx>.

With respect to the governing minimum wage requirements in the various States, program sponsors and OA staff should consult a chart maintained by DOL's Wage and Hour Division at the following web address: <https://www.dol.gov/agencies/whd/mw-consolidated>.

In addition, program sponsors with questions concerning which of the States have established apprentice-to-journeyworker ratios that are more stringent than those required by OA under 29 CFR section 29.5(b)(7) and described in Circular 2021-02 are advised to contact their OA Regional Office for further information and technical assistance.