

# APPLICABLE NATIONAL GUIDELINES FOR APPRENTICESHIP STANDARDS (NGS) SPONSOR ELIGIBILITY CRITERIA

## FOR USE BY OA STAFF

*Circular 2022-02: Guidance - National Guidelines for Apprenticeship Standards*

Please attach this checklist to the following documents: (1) the sponsor's written apprenticeship program Standards that are fully compliant with 29 CFR Parts 29 and 30; and (2) the sponsor's written plan or narrative demonstrating its satisfaction of the applicable NGS eligibility criteria.

### **Preliminary Considerations on Whether NGS Certification is Appropriate:**

NGS are a template of high-quality apprenticeship program Standards submitted by a sponsoring labor union, trade or industry association, employer, workforce intermediary, education provider, or other organizations with national scope; these apprenticeship Standards may be **certified** (not registered) as a nationally recognized template by OA in instances where the sponsor's apprenticeship program Standards are:

- (1) found suitable for adoption or adaptation by State or local affiliates of the submitting organization; and
- (2) fully satisfy the regulatory requirements set forth at 29 CFR Parts 29 and 30 and any sub-regulatory guidance issued thereunder.

**Please Note:** *NGS programs that receive certification by OA may be registered subsequently on a local basis by the applicable Registration Agency (either by an OA State Office or by a State Apprenticeship Agency (SAA)) within a particular State or jurisdiction where a local program adopting the NGS Standards is situated.*

- A local affiliate or sponsoring employer that adopts a set of NGS Standards may elect to implement those program Standards without modification in registering the program on the State or local level, or it may customize the NGS Standards to meet State-specific criteria. For instance, local affiliates with NGS Standards must still adhere to specific State-mandated wage and hour provisions, applicable licensing requirements for an occupation, apprentice ratio standards that require changes to the NGS Standards to be in alignment with State laws and regulations, as well as other appropriate criteria.
- One key feature that distinguishes NGS from the National Program Standards of Apprenticeship (NPS) is that NGS is a *customizable* template for apprenticeship program Standards, which provides a nationally certified -- but locally registered -- framework for occupational standards, while also preserving programmatic flexibility to account for local needs and requirements. For example, potential apprenticeship sponsors with nationally-designed apprenticeship program Standards that cover certain occupations that are subject to extensive Federal or State licensing requirements may be more appropriately served by

obtaining NGS certification for their program, and then registering each program utilizing such Standards on a State-by-State basis; this is because the NGS model allows the template Standards developed by the sponsor to be modified to account for these additional State law requirements.

- In addition, the NGS approach may be more suitable for organizations with national scope, including labor unions as well as trade and industry associations, who wish to provide State or local affiliates of their organizations with the option to adapt a set of nationally designed apprenticeship program Standards to meet local conditions and register such programs on a State-by-State basis. Similarly, the NGS approach may be more suitable for workforce intermediary program sponsors that only intend to provide related instruction in connection with a Registered Apprenticeship program.

### **NGS Follow-Up Checklist**

OA will generally approve apprenticeship program Standards under the NGS criteria if the organization submits a written plan that demonstrates satisfaction of each of the following elements:

\_\_\_\_\_ The apprenticeship program Standards pertain to an apprenticeable occupation, including the occupational characteristics set forth in 29 CFR section 29.4, that has been approved nationally by the Administrator of OA.

\_\_\_\_\_ The applying organization has national scope or influence (and, in the case of a sponsoring employer, that the employer operates and employs workers in at least 3 States) – States listed below:

\_\_\_\_\_ There exists documented demand for the NGS Model – This can include, but is not limited to, collective bargaining agreements, a list of participating local affiliates, signed Letters of Commitment from employers to utilize the sponsor’s apprenticeship Standards, or signed employer acceptance agreements (if applicable).

\_\_\_\_\_ The organization submitting an NGS application acknowledges that OA will review the NGS program periodically for effectiveness.

### **NGS Program Certification and Federal, State, and Local Law Requirements:**

Prior to certifying a sponsor’s Standards of apprenticeship under NGS, front-line OA staff should advise a potential NGS sponsor that OA’s certification of a set of apprenticeship program Standards under the NGS criteria above 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.

### **Maintaining Status Under NGS:**

Potential program sponsors should be advised by front-line OA staff that all programs that are initially approved by OA for NGS status may be reviewed by OA at two-year intervals after the initial date of certification to ensure that they continue to meet the criteria required to maintain such national recognition status. In addition, any sponsor proposals or applications for modification(s) or change(s) to program Standards under NGS must be submitted to OA for approval in accordance with 29 CFR section 29.3(i).