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| <b>EMPLOYMENT AND TRAINING ADMINISTRATION<br/>ADVISORY SYSTEM<br/>U.S. DEPARTMENT OF LABOR<br/>Washington, D.C. 20210</b> | <b>CLASSIFICATION</b><br>Registered Apprenticeship |
|   | <b>CORRESPONDENCE SYMBOL</b><br>OA                 |
|   | <b>DATE</b><br>February 16, 2022                   |

**ADVISORY: OFFICE OF APPRENTICESHIP CIRCULAR NO. 2022-02**

**TO:** NATIONAL APPRENTICESHIP SYSTEM STAKEHOLDERS  
OFFICE OF APPRENTICESHIP STAFF  
STATE APPRENTICESHIP AGENCIES

**FROM:** JOHN V. LADD /s/  
Administrator, Office of Apprenticeship

**SUBJECT:** Guidance – National Guidelines for Apprenticeship Standards

### 1. Purpose

This circular, which supersedes and replaces those provisions of OA Bulletin 2012-07 that established criteria for the OA certification of a set of National Guidelines for Apprenticeship Standards (NGS) submitted by an applicant, provides the updated criteria that will be considered to determine whether the apprenticeship standards submitted by an applicant are suitable for OA certification as NGS.

### 2. Action Requested

The U.S. Department of Labor's (DOL) Employment and Training Administration's (ETA) Office of Apprenticeship (OA) requests Registered Apprenticeship stakeholders to familiarize themselves with this guidance. This circular is being sent via electronic mail, and the information in this circular supersedes and replaces the policy guidance provided in OA Bulletin 2012-07.

### 3. Summary and Background

- a. **Summary.** This guidance is meant to clarify the criteria that OA will consider in determining whether a set of apprenticeship program standards should receive NGS certification. NGS have been effectively employed for many years by a variety of national organizations seeking to establish apprenticeship program guidelines and templates for use by their local affiliates, and it has had a proven track record of success in a wide range of industries within the National Apprenticeship System. NGS can provide qualified sponsors with a nationally-certified standards template that can be tailored to fit the specific objectives of the program within various local jurisdictions. This flexible apprenticeship model allows qualified organizations to obtain national recognition and certification of their apprenticeship program standards template, while providing a pathway for expedited State/local registration of the sponsoring

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organization's local programs, as well as localized technical assistance and many other tangible benefits of local apprenticeship stakeholder partnerships.

*Note: For purposes of this Circular, the term "State" means any of the 50 States of the United States, the District of Columbia, or any Territory or possession of the United States (see the definition of "State" at 29 CFR section 29.2).*

- b. **Background.** In January 2021, President Biden issued Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), which emphasized the Federal Government's commitment to programs and policies that promote the goals of diversity, equity, inclusion, and increased access (DEIA). As part of this mandate, OA is also redoubling its efforts to ensure compliance with the equal employment opportunity (EEO) regulatory requirements for Registered Apprenticeship programs at 29 CFR Part 30. In keeping with these goals and requirements, and given the national scope and influence of NGS programs, OA will require any apprenticeship programs wishing to obtain NGS certification to demonstrate in their NGS submissions compliance with 29 CFR Part 30 and strongly encourages programs to include a robust commitment to the DEIA principles embodied in EO 13985.

#### 4. NGS Guidance

- a. **NGS Overview.** NGS are a template of high-quality apprenticeship program standards submitted by a labor union, trade or industry association, employer, workforce intermediary, education provider, or other organizations with national scope; these apprenticeship standards may be certified by OA in instances where they 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. NGS 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 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.

- b. **When to Consider Utilizing NGS.** It is important to note that there are two types of OA recognition of a quality apprenticeship framework with national applicability: NGS, described herein, and the National Program Standards of Apprenticeship (NPS). While there has been interest expressed by some sponsors in adopting the NPS model, it is

important to emphasize that not all apprenticeship programs are suitable for nationwide registration under the NPS criteria (see OA Circular 2022-01 for the NPS criteria). The NGS model is suitable for any occupation that is national in scope and recognized by OA as apprenticeable under 29 CFR section 29.4.

One key feature that distinguishes NGS from 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 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 organizations 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.

**Table 1: Comparison of NGS vs. NPS**

| <u>Elements</u>   | <u>National<br/>Guideline<br/>Standards</u> | <u>National Program<br/>Standards</u> |
|---|---|---------------------------------------|
| Program certified nationally by OA and registered locally by the Registration Agency                    | ✓   |                                       |
| Registered nationally by OA   |   | ✓                                     |
| Program standards may be modified or adapted to meet state or local requirements                        | ✓   |                                       |
| Must follow Equal Employment Opportunity (EEO) requirements at 29 CFR Part 30 upon program registration | ✓   | ✓                                     |

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| Requires development of Affirmative Action Program for programs with 5 or more apprentices within 2 years of program registration | ✓ | ✓ |
| Suitable for employer sponsors with national scope and reach  | ✓ | ✓ |
| More suitable for Federal, State, or locally licensed occupations   | ✓ |   |
| More suitable for local affiliates of national labor organizations and national trade industry groups                             | ✓ |   |
| More suitable for Related Instruction sponsors  | ✓ |   |
| General Program Information (Name of sponsor, occupation, address, contact) is shared publicly on Apprenticeship.gov              | ✓ | ✓ |
| All Program Registration documentation is shared publicly for local adaptation  | ✓ |   |
| Used in defining minimum national program standards for purpose of the VALOR Act  |   | ✓ |

c. **Criteria for NGS Programs.** OA will generally approve apprenticeship program standards under the NGS criteria if the organization submits a written plan demonstrating that:

- **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);**
- **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); and**
- **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** -- The Office of Apprenticeship’s certification of a set of apprenticeship program standards under the NGS criteria (and the registration of

individual apprentices by program sponsors utilizing the certified NGS standards) 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.

- d. **NGS Application and Approval Process.** Prospective sponsors seeking approval of apprenticeship program standards under the NGS criteria must contact staff from OA to request consideration for approval of their standards. For existing registered programs seeking NGS consideration, please contact your current program Registration Agency representative. For new programs seeking an NGS consideration, please visit: <https://www.apprenticeship.gov/employers/express-interest-instructions> to be connected to an appropriate Registration Agency staff contact; additionally, state contacts can be accessed through <https://www.apprenticeship.gov/about-us/state-offices>. Upon receiving such a request, OA staff will evaluate the proposed standards under the criteria described above, the sponsor's adherence to the Labor Standards for Registration in 29 CFR Part 29, and the sponsor's adherence to the applicable Equal Employment Opportunity and Affirmative Action provisions and activities of 29 CFR Part 30. OA staff may recommend consideration of NGS to the OA National Office for final determinations. If OA's National Office does not certify the apprenticeship program standards as NGS, OA staff will notify the sponsor of the disapproval of the requested NGS certification and the reasons therefore, and will provide with appropriate technical assistance. However, in instances where a sponsor's NGS standards are certified by OA's National Office, such approved standards may then be presented by the sponsor to Registration Agencies as part of the program registration process for individual programs in various State and local jurisdictions.
- e. **Maintaining Status Under NGS.** Registered Apprenticeship programs that are approved 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 outlined above for such national recognition status. Also, pursuant to 29 CFR section 29.3(i), any sponsor proposals or applications for modification(s) or change(s) to program standards under NGS must be submitted to OA for approval. If not approved, the sponsor will be informed by OA of the disapproval of the proposed amendment to the standards and the reasons therefore, and will be provided with appropriate technical assistance.
- f. **Disclosure of Program Information by NGS Applicants and Sponsors.**

OA routinely makes public *general information* relating to Registered Apprenticeship programs. Such general information includes the name and contact information of the sponsor, the location of the program, and the occupation(s) offered. **OA also routinely releases to the public the other contents of an applicant's NGS application for subsequent registration on a local basis (e.g. Standards of Apprenticeship, Appendix A, and Appendix D (as applicable)).**

## 5. Inquiries

If you have any questions, please contact Andrew Ridgeway, Division Director, Division of Registered Apprenticeship and Policy, at (202) 693-3536.

## 6. References

- National Apprenticeship Act, 29 U.S.C. 50
- 29 CFR section 29.3(i)

## 7. Attachment



NGS Checklist