

Direct Entry Opportunities - A Report by William Macchione, Council Member and Chair of the Direct Entry Workgroup (2nd Version)

The following is an overview of apprenticeship preparation programs, direct entry programs, and staff recommendations based on the Direct Entry Workgroup outcomes and further staff research.

NYSDOL Apprenticeship Training staff held a video conference training session with the NYS Apprenticeship & Training Council on 6/13/12 to provide an overview of Apprenticeship Preparation programs and Direct Entry. The presentation included NYSDOL's past practice regarding the approval and use of Apprenticeship Preparation programs as Direct Entry providers as well as issues identified during past Direct Entry Workgroup meetings (held on 3/23/12, 2/16/12 and 10/31/11).

NYSDOL held an additional Direct Entry Workgroup meeting on 1/30/13 to review the recommendations in this report. Key discussion points and recommended changes are in tracking. Please note, one significant suggestion is to include a system of waivers to approve Direct Entry providers which do not meet the recommended standards, but can provide appropriate justification and documentation.

Difference between Apprenticeship Preparation and Direct Entry:

Apprenticeship Preparation Program:

- Broader --- does not require NYSDOL's Apprenticeship Unit approval.
- Provides individuals with skills and knowledge they wouldn't already have and opens access to various industries, including the construction industry.
- Affords candidates with a competitive edge to meet an Apprenticeship program's minimum qualifications and aids candidates to score higher on a rank list.
- Introduces candidates to a specific trade or trades.
- Addresses the physical requirements of a trade.
- Provides a fundamental education such as basic math and safety training.
- Provides for analytical and physical skills assessment.
- Can potentially yield candidates with prior credit.

Direct Entry Program:

- Requires NYSDOL's Apprenticeship Unit approval.
- Changes the entry process for apprentices by permitting successful completers to bypass the rank list in order to access an Apprenticeship program. However, candidates must still meet the program's minimum qualifications.
- Provides successful completers with a "direct opportunity" for an interview.
- Gives sponsors options to help meet Equal Employment Opportunity (EEO) goals.
- Assists sponsors to select the most qualified candidates within targeted populations.
- Provides a larger pool of candidates for sponsors who wish to participate with Direct Entry.
- Can potentially yield candidates with prior credit.

- Two levels of Direct Entry programs:
 - Work Readiness – provides employability skills.
 - Basic Skills – provides general skills for an Apprenticeship program (e.g. basic construction skills).

Direct Entry Provider Approval:

- National Direct Entry programs like Helmets to Hardhats and Job Corp are recognized by USDOL and don't require NYSDOL's Apprenticeship Unit approval.
- State and local Direct Entry providers must be approved by the Apprenticeship Unit in NYSDOL.
- In the past, providers were approved on an inconsistent ad-hoc basis with various types of approvals, including:
 - Some programs had linkages with NYS Registered Apprenticeship programs and others did not.
 - Approvals for various periods of time (e.g., Approval letters covered one year, two years or no duration was identified in approval letters.)
 - Restrictions on the number of apprentices that could be indentured (e.g., 10% or 15% of a sponsor's indentures or no restriction was identified in approval letters).

Recommendations: After reviewing the outcomes of Workgroup meetings and conducting further research, NYSDOL staff has suggested the following recommendations.

Recommended Standards for Direct Entry Providers:

- Direct Entry providers will be required to have ~~articulation~~ agreements with NYS Registered Apprenticeship programs to ensure there is a linkage and potential for real jobs.
 - The Workgroup discussed that sponsors and providers may not have a formal written articulation agreement. It was also discussed that articulation agreements may be difficult to obtain in New York City.
- Sponsors who decide to utilize Direct Entry to help reach their EEO goals will be required to revise their Affirmative Action (AA) Plans to include Direct Entry as an option. AA Plans will be reviewed and approved by the Division of Equal Opportunity Development (DEOD).
- New Apprenticeship Preparation Programs applying for Direct Entry status will not receive final approval from the Department until a revised AA Plan is received from a Registered Apprenticeship program sponsor demonstrating their articulation agreement.
- All Direct Entry providers will be initially approved for a period of three years. Providers will also undergo a recertification review subsequently every five years. This is similar to Apprenticeship program probation and recertification (which takes place every five years) and allows the Department to review the performance of these providers on a regular basis. Note, it is believed that Direct Entry providers will become self regulated, because sponsors will naturally discontinue the use of Direct Entry providers if they are seeing poor results from their candidates.
 - There was much discussion by the Workgroup with regards to recertification, the cost effectiveness of this process and the additional staffing needed to complete this. The Workgroup indicated that there are many programs that have been successfully operating for years which further questioned the need for recertification. However, to

promote accountability, it should be noted that the recertification process is necessary for Direct Entry programs.

- A due diligence review will be conducted on Direct Entry providers at time of application, recertification, and when deemed appropriate by the Department. (Due diligence ensures that Direct Entry providers are in compliance with labor laws.)
 - There was much discussion by the Workgroup with regards to due diligence, the cost effectiveness of this process and the additional staffing needed to complete this. The Workgroup indicated that there are many programs that have been successfully operating for years which further questioned the need for due diligence at recertification. However, to promote accountability, it should be noted that the due diligence is necessary for Direct Entry programs.
- The maximum allowable percentage of annual indentures from Direct Entry will be 20% per NYS Registered Apprenticeship Program. In the past, some Direct Entry providers were approved with limitations on the number of apprentices which could be indentured from their program, however, there was no means to track this information. Therefore, this limitation must be placed on NYS Registered Apprenticeship programs (as opposed to the Direct Entry providers) so that it can be tracked by the Department. It was determined that 20% was a reasonable standard for achieving EEO goals without undermining the integrity of a rank list.
 - The Workgroup discussed the proper amount of annual indentures that should be allowed via Direct Entry. Many members disagreed with the 20% maximum, citing an MOU in NYC which allows for up to 45% Direct Entry. It was recommended that the Department have a waiver for MOUs with large municipalities.
 - It was also recommended that a waiver be established for programs indenturing a small number of apprentices. (e.g. a program indenturing only 1 apprentice through Direct Entry would be at 100%, well exceeding the 20% limit.)
- The proposed minimum standard of 240 class hours per program will be established (example: 6 weeks for 8 hours per day) for new programs. This will provide an ample length of time to see that participants have work readiness skills such as the ability to show up to class on time over an extended period.
 - There was much discussion regarding an adequate length of a Direct Entry program. 240 hours was previously determined based on the following two factors:
 - The average hours of all current approved programs is 250 hours (not all of these approved programs are linked to a sponsor); and,
 - It is generally believed that it takes 6-8 weeks to acquire basic work skills. (e.g. The Work Readiness Credential)
 - The Workgroup noted that many approved Direct Entry providers currently operate programs that are less than 240 hours which provide quality candidates to apprenticeship sponsors.
- A review of the program elements of current NYS approved Direct Entry providers, as well as those of other states was completed, and it was ~~suggested~~found that ~~the~~ Direct Entry programs ~~must~~ include, but not be limited to the elements below. The Workgroup reviewed these standards and suggested they may be used as guidelines for review and approval. ~~should include a minimum number of hours for each element.~~
- Construction Industry Overview (for Direct Entry Providers targeting the Construction Industry.)

- Skills Assessment.
- Classroom Instruction.
- Physical Fitness Training (as appropriate and contingent upon the demands of the trade)
- Employability Skills.
- Safety Training.

In addition, NYSDOL staff reviewed the Training and Employment Notice (TEN) #13-12 released by USDOL which suggested similar standards.

- Current Direct Entry programs will be granted a grandfather status for their current minimum hours if they do not meet the proposed 240 hour requirement minimum hours or elements listed above as they have already demonstrated successful placements.
 - As mentioned above, the Workgroup agreed that the elements should not be required; however, they can be used as guidelines for review and approval.
- Programs will need to provide an introduction to the trades (i.e., construction trades) as opposed to teaching trade specific skills. Sponsors repeatedly voiced this at Direct Entry Workgroup meetings, noting that they wanted to train apprentices in the manner in which they do business. What they expect from Direct Entry providers are applicants who are job ready with general construction skills abilities.
- Direct Entry programs will not exempt candidates from having to meet minimum qualifications such as standardized testing. This also was a consistent theme at Direct Entry Workgroup meetings. Direct Entry is viewed as giving candidates a “direct opportunity” for an interview with a NYS Registered Apprenticeship program, but individuals must still meet the programs minimum qualifications. In addition, sponsors will not be required to hire individuals interviewed through this process.
- Apprenticeship Preparation programs which are approved for Direct Entry status must be included on NYS’s Eligible Training Provider List (ETPL). The ETPL is a comprehensive list of training programs available in NYS communities. Local Workforce Investment Boards (LWIBs) must review and approve all training providers and course offerings located within their geographical boundaries in order to include them on the ETPL.
 - The Workgroup noted concern with having to receive first level approval from LWIBs. In addition, further discussion indicated the need for a tracking mechanism for these programs, and the ETPL already has this process in place.
 - Following the meeting, NYSDOL staff has further reviewed the concerns of the Workgroup regarding the ETPL. Staff is recommending that all NYSDOL approved Direct Entry providers will be placed on the ETPL by NYSDOL (Direct Entry providers will not be required to submit to the LWIB.). Please note that waivers will not be granted for this requirement.
- Training Outlines should be developed with more detail to allow Direct Entry providers to tailor their programs to more closely meet sponsor needs. Note, Detailed Appendix A (Work Processes) and B (Related Instruction) of the NYSDOL Training Outlines training outlines are available posted on the NYSDOL Apprenticeship website to assist Direct Entry providers when developing their curriculum.

Evaluation of Direct Entry Providers:

- Statistics regarding the outcome of Direct Entry indentures will be compiled and maintained by the Department to ensure that Direct Entry does not discriminate. Additionally, these statistics will be used to calculate placement and performance numbers which will be reviewed at time of each Direct Entry providers' recertification to ensure programs are viable.

Additional Questions for Further Discussion:

- ~~If new programs will be required to provide a minimum of 240 class hours, what should be the minimum number of hours for each of the program elements?~~
 - ~~Construction Industry Overview (for Direct Entry Providers targeting the Construction Industry.)~~
 - ~~Skills Assessment.~~
 - ~~Classroom Instruction.~~
 - ~~Physical Fitness Training (as appropriate and contingent upon the demands of the trade)~~
 - ~~Employability Skills.~~
 - ~~Safety Training.~~

As mentioned above, the Workgroup agreed that the elements should not be required; however, they can be used as guidelines for review and approval.
- Should Direct Entry providers be prohibited from charging tuition? If tuition is allowed, should there be a standard regarding the maximum amount a program may charge? In addition, should these tuition-charging Direct Entry providers be required to offer some kind of financial aid to prospective participants?
 - The Workgroup indicated that Direct Entry providers, who charge tuition, should not be approved by the Department.

NYSDOL will be accepting public comments on this report through March 22, 2013. All comments will be reviewed and taken under consideration when developing further revisions to this Report.

To submit comments, your correspondence must contain the following information:

- Your name
- Your title
- Organization name
- Comments

There are two ways to submit comments:

2. E-mail ATCO@labor.ny.gov Use the subject line "Comments on Direct Entry."
3. Mail comments to:
Attention: Comments on Direct Entry
Apprenticeship Training Program Office
NYS Department of Labor
State Office Campus
Building 12, Room 459
Albany, NY 12240