

NYS DEPARTMENT OF LABOR  
APPRENTICESHIP PROGRAMS

Draft Revisions  
PART 601

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PHASE TWO

January 28, 2010



# Federal Regulations

## 29 CFR Part 29

- Federal Regulations were Effective 12/29/08.
- Applicable to all State & Federal Apprenticeship Training programs.
- State agencies must submit proof of compliance with new Federal regulations within 2 years of the effective date.

- USDOL Office of Apprenticeship will review the state regulations for compliance with 29 CFR 29.
- USDOL recertifies States every five years.
- Recertification involves a comprehensive review of the entire state program.
- 2011 is the next such review and will be done in conjunction with USDOL's review of the revised state regulations.

- Recognition by USDOL determines whether a state can continue to conduct its own apprenticeship program, or the program is taken over by USDOL.
- Accordingly, the continuation of New York's Apprentice Training program depends upon compliance with federal requirements.

# Phase One

Completed September 29, 2009

- Two year probation period for new Programs.
- Every probationary program must have at least one apprentice at all times.
- All programs will receive complete review for **quality** and **performance** at least once every 5 years.

- All group joint and group non-joint programs must notify DOL within 90 days when an employer becomes signatory to a sponsor's program, or disassociates itself from a sponsor's program.
- Every program must have at least one apprentice during any consecutive 12 month period.

- Inactive Status.
- Use of Electronic Media.



# PHASE TWO

**CURRENT PHASE**



# Completion Rate

- Completion Rate – percentage of apprentices registered to each program who receive their Certificate of Apprenticeship Completion within one year of the projected completion date.
  - Apprentices who leave during probation (i.e. 25% of the time set for the program or one year, which ever is less) are not included in the calculations.

- Each program's completion rates will be compared to the national average for completion rates as determined by the U.S. Department of Labor.
- Programs with completion rates below the national average will be notified by the Department, and offered such technical assistance as may be required.

# Transfers

- Apprentice is moving from one employer to another in the same occupation.
  - Requires approval of apprentice & sponsor.
  - Employer/sponsor must provide up-to-date transcript of work processes completed, and related instruction completed, to the apprentice at the time of transfer.

# Eligibility and Application Procedures:

- Sponsor must have permanent facility located within NYS.
  - The plant, office or other facility will serve as a base of operations for the Program.
  - Must contain suitable records that:
    - Verify the employment of journeyworkers on every job site where a sponsored apprentice has been employed; AND

- Verify the employment, on-the-job- training, and related-and-supplemental-instruction of all the sponsor's apprentices.
- Contains office equipment that demonstrates an ongoing administrative operation.
- Contains equipment necessary to fully train apprentices for the duration of the training program in accordance with the approved work processes for the trade.

## ➤ Application Procedures:

- Group sponsors must have a union or association agreement with its employers that governs apprenticeship training.
  - Those sponsors that do not must have employer sign an agreement to abide by the conditions on the back of the AT-10.
- All new program applications containing false or misleading statements will be rejected.

- Notification of grounds for denial will be sent to applicant.
- **On the merits denials** of an application may be appealed to the Commissioner within 30 days of notification.
- Related instruction provider(s) must be identified on the AT-8 for the entire program cycle at the time of the application.

# Instructors

- Instructors providing Related and Supplemental Instruction must have training in **teaching techniques and adult learning styles**, or obtain such training within 6 months of beginning to provide such instruction.

# Program Re-instatement

- Time period before a new application can be submitted:
  - Sponsors who voluntarily deregister may re-apply at any time.
  - Sponsor who agree to be deregistered after being served with a Notice of Deregistration must wait one year -- including all signatories.
  - Sponsor who is formally deregistered must wait 3 years -- including all signatories.

# Complaints

- Must communicate status to complainant within 90 days of receipt of complaint.
- 90 days to investigate complaints by State Office of Apprentice Training.
- Time limit is stayed while complaints are investigated by other Bureaus or Departments.

END  
PHASE TWO



# PHASE THREE

## Additional Federal Requirements

*Tentatively -- December 2010*

- Reciprocity – State programs must recognize, for **Federal Purposes**, apprentices and apprenticeship programs that are registered in other States, if such reciprocity is requested by the apprenticeship program sponsor.
  - Federal Purposes – Any project that has federal money on it.

- Sponsors granted reciprocity must meet the wage & hour, and apprentice/journeyworker standards, of the reciprocal state.

# Program Completion:

- Three Types:
  - A **COMPETENCY-BASED approach**, involving successful demonstration of acquired skills and knowledge by an apprentice.
  - A **traditional, TIME-BASED approach** involving completion of at least 2,000 hours of on-the-job learning experience plus Related Instruction.
  - A **HYBRID approach** where some on-the-job training and Related instruction is competency based, and the remainder is time based.
- Program sponsors determine the most appropriate approach, subject to approval by the Registration Agency.

# Comments

- Submit comments to, by February 28<sup>th</sup>, to:

PHASE TWO Comments

NYSDOL Apprenticeship Training Office

Building 12, Room 459

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-- OR --

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