



New York State Department of Labor

David A. Paterson, *Governor*

Colleen C. Gardner, *Commissioner*

Apprenticeship Training Policy Directive

#01-10 Issued August 5, 2010

Apprentice Probationary Period

Purpose:

This notice will provide sponsors of Apprenticeship Training Programs with clarification regarding the usage of months versus hours when determining an Apprentice's Probationary Period.

Policy:

Due to changes in the Federal Apprenticeship Regulations, the Apprentice Probationary Period must be documented on the Apprentice Training Program Registration Agreement (AT 10) and the Apprenticeship Agreement/Documentation Form (AT 401) in months, rather than hours. This is necessary in order for the New York State Department of Labor (Department) to calculate completion rates for cohorts as required by the new Federal Apprenticeship Regulations.

As indicated in the Federal Apprenticeship Regulations, in Section 29.5 (b)(8), and further defined in the Department's draft Apprenticeship Regulations Part 601, the Apprentice Probationary Period is defined to mean the number of months following the execution of an Apprenticeship Agreement, during which time the apprenticeship may be canceled by either party upon written notice to the Department without any adverse impact to the program's performance outcome. The Apprentice Probationary Period shall not exceed 25% of the length of the program or one year, whichever is shorter.

Any other type of employment probationary period as determined by a sponsor is to be used solely by the sponsor for its own purposes. The Department's Apprentice Probationary Period is for performance calculation purposes only and does not affect the sponsor's employment probationary period. However, please note, the cancellation of an AT 401, beyond the Department's designated Apprentice Probationary Period will negatively impact the completion rate for the program.

Action:

Effective immediately, Apprentice Training Representatives (ATRs) will need to review all AT 10 Forms at the time of the next monitoring visit or at the time of the next program revision, and as necessary, assist sponsors with the completion of a new AT 10 to bring the program into compliance. Please note that it is not necessary to update each individual AT 401 on file, as for this purpose, the completion of new AT 10s will supersede the current AT 401s in regard to the Apprentice Probationary Period. Additionally, as new apprentices are indentured or other changes are made to an AT 401, the Apprentice Probationary Period must be documented using months.

If you have any questions regarding this Policy Directive, please contact your local Apprentice Training Representative.
