



Office of Apprenticeship

# Manual for Registered Apprenticeship Program Reviews

Apprenticeship Program  
Reviews (APR) and Extended  
Apprenticeship Program  
Reviews (EAPR)

---

Version 1.1 - Effective October 2022



## *Foreword*

---

This Manual captures best practices that Office of Apprenticeship (OA) field staff from the six regions developed for reviewing Registered Apprenticeship Programs' (RAPs) compliance with the U.S. Department of Labor (DOL) regulations at Title 29 of the Code of Federal Regulations (CFR), part 29 and part 30. Because we envision that its primary users will be Field Representatives, this is an instructional Manual and directly addresses Field Representatives throughout.

**Background/Purpose:** Prior to the 2016 revisions to 29 CFR part 30, OA conducted two types of reviews: Quality Assurance Assessments (QAAs), which assessed program quality and completion rates; and Equal Employment Opportunity (EEO) Compliance Reviews, which assessed compliance with 29 CFR part 30. The former QAA and parts of the former EEO Compliance Review are combined into this single Apprenticeship Program Review (APR), to be conducted on all sponsors. OA is adding the Extended Apprenticeship Program Review (EAPR) to review compliance with those provisions of 29 CFR part 30 that require sponsors to develop Affirmative Action Programs (AAPs); it will conduct EAPRs only of those sponsors that are required to develop AAPs.



---

## *Table of Contents*

---

<b>Table of Acronyms</b> .....	<b>3</b>
<b>Authorities and Requirements</b> .....	<b>5</b>
A. Law .....	5
B. Regulations .....	5
C. Circulars and Bulletins .....	5
<b>Definitions</b> .....	<b>6</b>
<b>Chapter 1 – Introduction</b> .....	<b>17</b>
A. Purpose of Program Reviews .....	17
B. Timing of Scheduled Program Reviews .....	18
C. Types of Program Reviews .....	18
<b>Chapter 2 – Programs for Reviews</b> .....	<b>22</b>
A. Factors to Consider in Reviews:.....	22
B. Selecting the Programs That Will Receive EAPRs .....	22
C. Selecting the Programs for Reviews That May Be Conducted Remotely .....	22
D. Administrative Findings Program Reviews Outside the Planned Review Schedule.....	23
<b>Chapter 3 – Planning and Scheduling Program Reviews</b> .....	<b>26</b>
A. Planning.....	26
B. Scheduling the Appointment .....	27
<b>Chapter 4 – Desk Audit and Preparing for the In-Person Audit</b> .....	<b>29</b>
A. Reviewing the Information in the Sponsor’s RAPIDS Account and Your Folder(s) on the Sponsor.....	29
B. Preparing Interview Questions .....	29
C. Readyng the Documents for the In-Person Audit.....	29
D. Pre-filling the APR Tool and, if Applicable, the EAPR Tool .....	30
<b>Chapter 5 – Preparing and Completing the APR and EAPR Tools</b> .....	<b>31</b>
A. Pre-filling the APR and EAPR Tools .....	31
B. APR and EAPR Tools – General Instructions for Completion .....	31
C. APR Tool – Specific Instructions for Completion .....	32
D. EAPR Tool – Specific Instructions for Completion .....	44
<b>Chapter 6 – Conducting the In-Person Audit (On-Site or Remote)</b> .....	<b>48</b>
A. Meeting with the Sponsor’s Representative .....	48
B. Interviews .....	50
C. Visual Inspections .....	50
<b>Chapter 7 – Write-Up, Submission, and Follow-Up</b> .....	<b>52</b>
A. Findings and Review Narrative .....	52
B. Development of Recommendations .....	52
C. Notice to Sponsor .....	52
D. Entry into RAPIDS and Updating Files .....	53
E. Submission of Recommendation and Discussion with Supervisor; Notice to Sponsor .....	53
F. Sponsor Response to Findings of Deficiencies .....	53
G. Closing of Review .....	54
H. Follow-up .....	55

---

## *Table of Acronyms*

---



**Registered Apprenticeship Programs Review Manual**  
**Office of Apprenticeship**

---

AAP	Affirmative Action Program	NO	National Office of the Office of Apprenticeship, U.S. Department of Labor
ADA	Americans with Disabilities Act	OA	Office of Apprenticeship, U.S. Department of Labor
AER	Apprentice Electronic Registration	OFCCP	Office of Federal Contract Compliance Programs, U.S. Department of Labor
APR	Apprenticeship Program Review	OJL	On-The-Job Learning
ATR	Apprenticeship and Training Representative	OMB	Office of Management and Budget
CBA	Collective Bargaining Agreement	O*NET	Occupational Information Network
CFR	Code of Federal Regulations	QAA	Quality Assurance Assessment
DLMS	U.S. Department of Labor Manual Series	RAPIDS	Registered Apprenticeship Partners Information Data System
DOL	U.S. Department of Labor	RD	Regional Director
EAPR	Extended Apprenticeship Program Review	RI	Related Instruction
EEO	Equal Employment Opportunity	SAA	State Apprenticeship Agency
EEOC	U.S. Equal Employment Opportunity Commission	SD	State Director
EEO-CR	Equal Employment Opportunity Compliance Review	SOC	Standard Occupational Classification
FEPA	Fair Employment Practices Agency	SOL	Office of the Solicitor, U.S. Department of Labor
FY	Fiscal Year	SOP	Standard Operating Procedure
GED	General Equivalency Diploma	TA	Technical Assistance
IWD	Individual with Disabilities	UGESP	Uniform Guidelines on Employee Selection Procedures



## ***Authorities and Requirements***

---

*The authority for the Office of Apprenticeship, U.S. Department of Labor to conduct the compliance reviews outlined in this Manual is derived from the governing authorities listed below:*

### **A. Law**

National Apprenticeship Act (Fitzgerald Act), 29 USC 50

### **B. Regulations**

Title 29 CFR part 29 (Registered Apprenticeship Programs)

Title 29 CFR part 30 (Equal Employment Opportunity in Apprenticeship)

### **C. Circulars and Bulletins**

This Manual also incorporates by reference all active circulars and bulletins posted on OA's website at: <https://www.dol.gov/agencies/eta/apprenticeship/bulletins>.



## Definitions

**Administrator:** The Administrator of the Office of Apprenticeship, or any person specifically designated by the Administrator. (29 CFR §§ 29.2 and 30.2.)

**Affirmative Action Plan:** The written document created as part of a sponsor's Affirmative Action Program. Sponsors may use the AAP Boilerplate (Appendix C to the Boilerplate Standards) as a template for their Affirmative Action Plan, or they may create their own.

This Manual uses the term "AAP Boilerplate" to refer to Appendix C of OA's Boilerplate Standards.

**Affirmative Action Program (AAP):** A program that is designed to ensure equal opportunity and prevent discrimination in apprenticeship programs. An AAP includes those policies, practices, and procedures, including self-analyses, that the sponsor implements to ensure that all qualified applicants and apprentices are receiving an equal opportunity for recruitment, selection, advancement, retention, and every other term and privilege associated with apprenticeship. (29 CFR § 30.4(a)(1).)

An AAP must include the following components in addition to those required of all sponsors by §30.3(a):

- (1) Utilization analysis for race, sex, and ethnicity, as described in § 30.5;
- (2) Establishment of utilization goals for race, sex, and ethnicity, as described in § 30.6;
- (3) Utilization goals for individuals with disabilities, as described in § 30.7;
- (4) Targeted outreach, recruitment, and retention, as described in § 30.8;
- (5) Review of Personnel Processes, as described in § 30.9; and
- (6) Invitations to self-identify, as described in § 30.11.

(29 CFR § 30.4(c).)

**Apprentice:** A worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation as provided in [29 CFR § 29.4](#) under Standards of Apprenticeship fulfilling the requirements of [29 CFR § 29.5](#). (29 CFR §§ 29.2 and 30.2.)

**Apprenticeship Agreement:** A written agreement, complying with 29 CFR § 29.7, between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s), which contains the terms and conditions of the employment and training of the apprentice. (29 CFR § 29.2.)

**Apprenticeship Committee (Committee):** Those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

- (1) A joint committee is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s).
- (2) A non-joint committee, which may also be known as a unilateral or group non-joint (which may include employees) committee, has employer representatives but does not have a bona fide collective bargaining agent as a participant.

(29 CFR §§ 29.2 and 30.2.)



**Apprenticeship Program:** A plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, as required under 29 CFR part 29, and part 30, including such matters as the requirement for a written apprenticeship agreement. (29 CFR §§ 29.2 and 30.2.)

**Apprenticeship Program Review (APR):** A comprehensive review used for all sponsors. The APR generally consists of:

- (1) A desk audit;
- (2) An in-person audit (which may be performed on-site or remotely); and
- (3) Review, analysis, and write-up of the documents provided.

An APR combines the former Quality Assurance Assessment (QAA) and parts of the Equal Employment Opportunity (EEO) Compliance Review formerly conducted by OA. It covers all aspects of an apprenticeship program's performance, including but not limited to determining if apprentices are receiving:

- On-the-job training in all phases of the apprenticeable occupation;
- Scheduled wage increases consistent with the registered Standards;
- Related instruction through appropriate curriculum and delivery systems; and
- Equal opportunity in all aspects of the apprenticeship program, in accordance with 29 CFR part 30.

The APR also ascertains whether OA is receiving notification of all new registrations, cancellations, and completions as required in 29 CFR part 29.

During an APR, OA reviews all sponsors for compliance with 29 CFR part 29, and with those provisions of 29 CFR part 30 that apply to all sponsors.

Reviews of sponsors' AAPs are performed in Extended Apprenticeship Program Reviews (EAPRs).

**Availability Analysis:** A part of the demographic analysis that sponsors must conduct, in conjunction with OA, as part of an AAP. Availability is an estimate of the number of qualified individuals available for apprenticeship by race, sex, and ethnicity expressed as a percentage of all qualified persons available for apprenticeship in the sponsor's relevant recruitment area. (29 CFR § 30.5(c)(2).)

**Cancellation:** The termination of the registration or approval status of a program at the request of the sponsor, or termination of an Apprenticeship Agreement at the request of the apprentice. (29 CFR § 29.2.)

**Cancellation Rate:** The percentage of an apprenticeship cohort that did not complete the program, for whatever reason, and exited after the probationary period.

**Certificate of Completion of Apprenticeship:** The credential issued by OA to those Registered Apprentices certified and documented as having successfully completed the apprentice training requirements outlined in the Standards of Apprenticeship.

**Collective Bargaining Agreement (CBA):** The negotiated agreement between the signatory union and signatory employer(s) that sets forth the terms and conditions of employment.



**Competency:** The attainment of manual, mechanical, or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement. (29 CFR § 29.2.)

**Competency-Based (CB) Occupation:** An occupation using an apprenticeship approach that measures skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job learning component of Registered Apprenticeship. The program Standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies. (29 CFR § 29.5(b)(2)(ii).)

**Completion Rate:** The percentage of an apprenticeship cohort who receive a certificate of apprenticeship completion within one (1) year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a one (1) year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period. (29 CFR § 29.2.)

**Compliance Date:** The date by which sponsors that are required to develop an AAP must do so and begin inviting apprentices and applicants to self-identify as individuals with disabilities. For sponsors registered with OA, the compliance date is two (2) years after their registration date.

**Deficiency:** A sponsor's failure to:

- a) Comply with any of the provisions of 29 CFR part 29 or part 30; or
- b) Conduct, operate, or administer its program in accordance with its registered Standards.

**Demographic Analysis:** The sequential completion of the "Workforce Analysis" and the "Utilization Analysis" (see definitions below).

**Desk Audit:** The portion of APRs and EAPRs that Field Representatives conduct, separate from the in-person on-premises review of the program. During the desk audit, the Field Representative reviews the program records on file with the office, the sponsor's RAPIDS account, and any other documents; fills in the APR Tool and, if applicable, the EAPR Tool with information they have through those records; prepares for interviews with apprentices and others; and readies any documents they want to have during the in-person audit. Chapter 4 provides detail on what is to be accomplished in the Desk Audit.

**Department:** The U.S. Department of Labor. (29 CFR §§ 29.2 and 30.2.)

**Disability:** With respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment.

(29 CFR § 30.2.) This definition is taken directly from, and should be interpreted consistent with, the Americans with Disabilities Act (ADA), as amended, and from the Equal Employment Opportunity





Commission's (EEOC) regulations implementing the ADA at 29 CFR part 1630, to the extent that the ADA, as amended, did not provide a definition.

**Electronic Media:** Media that utilizes electronics or electromechanical energy for the end user (audience) to access the content. This includes, but is not limited to, electronic storage media, transmission media, the Internet, extranets, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning. (29 CFR §§ 29.2 and 30.2.)

**Employer:** Any person or organization employing an apprentice whether or not such person or organization is a party to an Apprenticeship Agreement with the apprentice. (29 CFR §§ 29.2 and 30.2.)

**Ethnicity:** For purposes of recordkeeping and affirmative action, has the same meaning as under the Office of Management and Budget's Standards for the Classification of Federal Data on Race and Ethnicity, or any successor Standards. Ethnicity thus refers to the following designations:

- (1) Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- (2) Not Hispanic or Latino.

(29 CFR § 30.2.)

**Extended Apprenticeship Program Review (EAPR):** Formerly referred to as an EEO Compliance Review (EEO-CR), the program review conducted of programs required to develop an AAP under 29 CFR § 30.4 (i.e., programs with five or more apprentices that are not otherwise exempt from these requirements). An EAPR assesses compliance with those sections of 29 CFR part 30 that apply only to such programs.

**Fair Employment Practices Agency (FEPA):** A state or local (county, city, town) agency that enforces state or local law(s) against employment discrimination, which usually are similar to those that EEOC enforces.

**Federal Purposes:** Includes any Federal contract, grant, agreement, or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference, or right pertaining to apprenticeship. (29 CFR § 29.2.)

**Field Representative/Apprenticeship Training Representative (ATR):** A person designated by OA to service one or more registered apprenticeship programs.

**Genetic Information:**

- (1) Information about:
  - a) An individual's genetic tests;
  - b) The genetic tests of that individual's family members;
  - c) The manifestation of disease or disorder in family members of the individual (family medical history);
  - d) An individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or



- e) The genetic information of a fetus carried by an individual or by a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.
- (2) Genetic information does not include information about the sex or age of the individual, the sex, or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test.

(29 CFR § 30.2.) This definition is based on, and should be interpreted consistently with, the Genetic Information Non-discrimination Act of 2008 and the EEOC's implementing regulations at 29 CFR § 1635.3(c).

**Hybrid Occupation (HY):** An occupation using an apprenticeship approach that measures the individual apprentice's skill acquisition through a combination of a specified minimum number of hours of on-the-job learning and the successful demonstration of competency, as described in a Work Process Schedule (see definition below). (29 CFR § 29.5(b)(2)(iii).)

**In-person Audit:** The portion of APRs and EAPRs that consists of in-person interviews with the sponsor's representative and at least one apprentice and other personnel, as well as a visual inspection of the physical site(s) of the program. The in-person audit can occur physically on-site, remotely, or a combination of the two.

**Interim Credential:** A credential issued by the Registration Agency, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice. (29 CFR § 29.2.)

**Journeyworker:** A worker who has attained a level of skill, abilities, and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. (Use of the term may also refer to a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.) (29 CFR §§ 29.2 and 30.2.)

**Major Life Activities:** Include, but are not limited to: Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs, and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. (29 CFR § 30.2.)

**Major Occupation Group:** The highest-level classification in the Standard Occupational Classification (SOC), which combines related occupations into major occupation groups. These Major Occupation Groups are designated by the two-digit SOC code and the two-digit prefix of the O\*NET code. *For more information, refer to the AAP Boilerplate.*

**National Origin Discrimination:** For purposes of discrimination law, national origin discrimination involves treating individuals differently because they are from a particular country or part of the world or because they are or appear to be of a certain ethnic background. In other words, national origin discrimination includes, but is not limited to, discrimination based on "ethnicity" as defined by the Office of Management and Budget (OMB).



**Occupation and Occupational Title:** A specific occupation that has been assigned a six-digit “detailed occupation” code in the U.S. Bureau of Labor Statistics’ Standard Occupational Classification (SOC) and Coding Structure, (<https://www.bls.gov/soc/>), and a corresponding eight-digit code in the Occupational Information Network (O\*NET), (<https://www.onetonline.org/>). Detailed occupations are defined so that each includes workers who perform similar job tasks based on work performed and, in some cases, on the skills, education, and/or training needed to perform the work. *For more information, refer to the AAP Boilerplate.*

**O\*NET-SOC Code:** The Occupational Information Network (O\*NET) codes and titles based on the Standard Occupational Classification (SOC) system mandated by OMB for use in collecting statistical information on occupations. The O\*NET classification uses an eight-digit O\*NET-SOC code. Use of the SOC classification as a basis for the O\*NET codes ensures that O\*NET information can be readily linked to labor market information such as occupational employment and wage data at the national, state, and local levels.

The major occupation groups under the SOC system and their codes are available at: [https://www.bls.gov/soc/2018/major\\_groups.htm](https://www.bls.gov/soc/2018/major_groups.htm).

**On-The-Job Learning (OJL):** Structured, supervised work experience through which an apprentice learns, on-the-job, the tasks in which the apprentice must become proficient before a completion certificate can be awarded.

**Office of Apprenticeship:** The office designated by the Employment and Training Administration (ETA) of the DOL to administer the National Apprenticeship System or its successor organization. (29 CFR §§ 29.2 and 30.2.)

**Physical or Mental Impairment:**

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (2) Any mental or psychological disorder, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(29 CFR § 30.2.)

**Provisional Registration:** The one-year initial approval of newly registered programs that meet the required standards for program registration, after which program approval may be made permanent, continued as provisional, or rescinded following a review by the Registration Agency, as provided for in 29 CFR § 29.3(g) and (h). (29 CFR § 29.2.)

**Provisional Review:** The review of all new programs for quality and for conformity with the requirements of 29 CFR part 29 that OA is required to conduct at the end of the first year after registration. (29 CFR § 29.3(g))



**Qualified Applicant or Apprentice:** An individual who, with or without reasonable accommodation, can perform the essential functions of the apprenticeship program for which the individual applied or is enrolled. (29 CFR § 30.2.)

**Race:** For purposes of recordkeeping and affirmative action, has the same meaning as under OMB's Standards for the Classification of Federal Data on Race and Ethnicity, or any successor Standards. Race thus refers to the following designations:

- (1) White—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- (2) Black or African American—A person having origins in any of the Black racial groups of Africa.
- (3) Native Hawaiian or Other Pacific Islander—A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- (4) Asian—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (5) American Indian or Alaska Native—A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

(29 CFR § 30.2.)

**Ratio:** A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language in the Standard must be specific and clearly described as to its application to the job site, workforce, department or plant. (29 CFR § 29.5(b)(7).)

**Reasonable Accommodation:**

- (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- (3) Modifications or adjustments that enable a sponsor's apprentice with a disability to enjoy equal benefits and privileges of apprenticeship as are enjoyed by its other similarly situated apprentices without disabilities.

Reasonable accommodation may include but is not limited to:

- (1) Making existing facilities used by apprentices readily accessible to and usable by individuals with disabilities; and
- (2) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.



To determine the appropriate reasonable accommodation, it may be necessary for the sponsor to initiate an informal, interactive process with the qualified individual in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

(29 CFR § 30.2.)

**Recruitment Area or Relevant Recruitment Area:** The geographical area from which the sponsor usually seeks or reasonably could seek apprentices. (29 CFR § 30.5(c)(4).)

**Registered Apprenticeship Partners Information Data System (RAPIDS):** OA's Apprentice Electronic Registration (AER) system, which provides for the automated collection, retention, updating, retrieval, and summarization of information related to apprentices and apprenticeship programs. In this Manual, references to RAPIDS mean DOL's Registered Apprenticeship Partners Information Data System, which is the data system utilized in 2018, or any successor AER system.

All OA-registered apprenticeship programs participate in RAPIDS; State Apprenticeship Agencies have the option of doing so.

**Registration Agency:** OA or a recognized State Apprenticeship Agency that has responsibility for registering apprenticeship programs and apprentices, providing technical assistance, and conducting reviews for compliance with 29 CFR part 29 and part 30 and quality assurance assessments. (29 CFR §§ 29.2 and 30.2.)

**Registration of an Apprenticeship Agreement:** The acceptance and recording of an apprenticeship agreement by OA or a recognized State Apprenticeship Agency as evidence of the apprentice's participation in a particular Registered Apprenticeship Program (RAP). (29 CFR § 29.2.)

**Registration of an Apprenticeship Program:** The acceptance and recording of such program by OA, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia. (29 CFR § 29.2.)

**Related Instruction (RI):** An organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the Registration Agency. (29 CFR § 29.2.)

**Retention Rate:** The percentage of an apprenticeship cohort that did not complete the program, for whatever reason, during the program's Expected Completion Date (ECD) plus one full year and are still active participants.

**Secretary:** The U.S. Secretary of Labor or any person designated by the Secretary. (29 CFR § 29.2.)

**Selection Procedure:** Any measure, combination of measures, or procedure used as a basis for any decision in apprenticeship. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and



physical, educational, and work experience requirements through informal or casual interviews and unscored application forms. (29 CFR § 30.2.)

**Sex Discrimination:** Under OA's EEO regulations and Title VII, sex discrimination includes discrimination based on pregnancy, childbirth, and related medical conditions and based on gender identity and sexual orientation.

**Sexual Orientation:** An individual's physical, romantic, and/or emotional attraction to people of the same and/or different gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay, and bisexual.

**Sponsor:** Any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved. (29 CFR §§ 29.2 and 30.2.)

**Standards of Apprenticeship (Standards):** An organized, written plan (program Standards) embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation, as defined in 29 CFR part 29, , and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. (29 CFR § 29.5(a).)

In this Manual, the terms **Standards**, **registration Standards**, and **registered Standards** refer to **Standards of Apprenticeship**.

**State:** Any of the 50 States of the United States, the District of Columbia, or any Territory or possession of the United States. (29 CFR § 29.2.)

**State Apprenticeship Agency (SAA):** An agency of a State government that has responsibility and accountability for apprenticeship within the State. OA will only recognize as a State Apprenticeship Agency an agency which has been properly constituted under an acceptable law or Executive Order and authorized by OA to register and oversee apprenticeship programs and agreements for Federal purposes. (29 CFR §§ 29.2 and 30.2.)

**State Apprenticeship Council (SAC):** An entity established to assist the State Apprenticeship Agency. A State Apprenticeship Council is ineligible for recognition as the State's Registration Agency. A regulatory State Apprenticeship Council may promulgate apprenticeship law at the direction of the State Apprenticeship Agency. An advisory State Apprenticeship Council provides advice and guidance to the State Apprenticeship Agency on the operation of the State's apprenticeship system. (29 CFR § 29.2.)

**State Office:** An individual office or division of State government designated as the point of contact for the State Apprenticeship Agency. (29 CFR § 29.2.)

**Supervisor of Apprentice(s):** An individual designated by the program sponsor to supervise or have charge and direction of an apprentice.

**Technical Assistance (TA):** Guidance provided by Registration Agency staff in the development, revision, amendment, or processing of a potential or current program sponsor's Standards of Apprenticeship, Apprenticeship Agreements, or advice or consultation with a program sponsor, to further compliance with 29 CFR part 29 and part 30, or guidance from OA to a State Apprenticeship Agency on how to remedy nonconformity with these parts. (29 CFR § 29.2.)



**Time-Based (TB) Occupation:** An occupation using an apprenticeship approach that measures skill acquisition through the individual apprentice's completion of at least 2,000 hours of on-the-job learning as described in a sponsor's Work Process Schedule (see definition below). (29 CFR § 29.5(b)(2)(i).)

**Transfer:** A shift of apprenticeship registration from one program to another or from one employer within a program to another employer within that same program, where there is agreement between the apprentice and the affected apprenticeship committees or program sponsors. (29 CFR § 29.2.)

**Uniform Guidelines on Employee Selection Procedures (UGESP) (41 CFR part 60-3):** The single, uniform set of principles designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate on grounds of race, color, religion, sex, and national origin. The U.S. Department of Labor, U.S. Equal Employment Opportunity Commission, U.S. Civil Service Commission (now the Office of Personnel Management), and U.S. Department of Justice jointly adopted these guidelines in 1978. The guidelines provide a framework for determining the proper use of tests and other selection procedures.

**Undue Hardship:**

- (1) In general, with respect to the provision of an accommodation, significant difficulty or expense incurred by a sponsor, when considered in light of the factors set forth in paragraph (2) of this definition.
- (2) Factors to be considered. In determining whether an accommodation would impose an undue hardship on a sponsor, factors to be considered include:
  - a) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;
  - b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
  - c) The overall financial resources of the sponsor, the overall size of the RAP with respect to the number of apprentices, and the number, type, and location of its facilities;
  - d) The type of operation(s) of the sponsor, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the sponsor; and
  - e) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other apprentices to perform their duties and the impact on the facility's ability to conduct business.

(29 CFR § 30.2.)

**Union:** The signatory union and any of its affiliated local unions that are party to a labor agreement with the signatory employer(s) of the Standards.

**Utilization Analysis:** The process by which sponsors determine whether the race, sex, ethnicity, and disability status of apprentices in a sponsor's program (found via the workforce analysis) is reflective of persons available for apprenticeship by race, sex, and ethnicity in the relevant recruitment area (found via



the availability analysis) or is equal to the aspirational seven percent utilization goal for individuals with disabilities.

**Wage Schedule:** A progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired. The entry wage must not be less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement. (29 CFR § 29.5(b)(5).)

**Work Process Schedule:** An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate amount of time to be spent in each major process. (29 CFR § 29.5(b)(3).)

**Workforce Analysis:** The first step of the demographic analysis that sponsors must conduct as part of an AAP to determine the demographic composition of its apprentice workforce, by race, sex, ethnicity, and disability status, of each occupation in an occupational title or major occupation group.





---

## ***Chapter 1 – Introduction***

---

Part 29 and part 30 of the Code of Federal Regulations (CFR) charge the Federal Office of Apprenticeship (OA) with regularly conducting program reviews of Registered Apprenticeship Programs (RAPs). The purpose of these reviews is to ensure that RAP sponsors comply with DOL’s regulations and to assist them in doing so, with the ultimate purpose of fulfilling the promise of the National Apprenticeship Act: to “safeguard the welfare of apprentices.”

29 CFR § 29.6(b) requires Registration Agencies to evaluate the performance of RAPs using three tools:

- (i) Quality assurance assessments;
- (ii) Equal Employment Opportunity (EEO) Compliance Reviews; and
- (iii) Completion rates.

29 CFR § 30.13 also requires Registration Agencies to conduct EEO Compliance Reviews.

OA conducts these evaluations through program reviews as described in 29 CFR §§ 29.3(g) and (h). This Manual provides Field Representatives and other staff with the knowledge necessary to conduct such program reviews.

### **A. Purpose of Program Reviews**

OA conducts program reviews to assess the overall condition of a sponsor’s program and compliance with its registered Standards and the relevant regulations at 29 CFR part 29 and part 30. Program reviews include (but are not limited to) determining if apprentices are receiving:

- On-the-job training in all phases of the apprenticeable occupation;
- Scheduled wage increases consistent with the registered Standards;
- Related instruction through appropriate curriculum and delivery systems; and
- Equal opportunity in apprentices’ selection, placement, evaluation, advancement, training opportunities, completion, and other conditions of the program. Discrimination on the following bases is prohibited: race, color, national origin, religion, sex, sexual orientation, disability, age, and genetic information.

In addition, extended apprenticeship program reviews are conducted for sponsors subject to the affirmative action requirements to assess their compliance with those requirements.

Program reviews are one of OA’s primary ways of providing technical assistance (TA) to sponsors about meeting the obligations of RAPs and operating high-quality programs. The TA that OA Field Representatives provide to sponsors during Apprenticeship Program Reviews (APRs) plays an essential role in assisting sponsors’ compliance and improving program quality. For example, such guidance can help sponsors avoid practices that may cause discrimination and result in program deregistration. Discriminatory conduct can also give rise to other potential consequences pursuant to other civil rights laws, such as having to pay monetary damages and loss of a federal contract or subcontract (if so determined by courts or other agencies).<sup>1</sup>

---

<sup>1</sup> Review of these other possible legal liabilities and the remedies available pursuant to laws other than 29 CFR part 29 and part 30 is outside the scope of this Manual.



The key tools that Field Representatives use to guide them through APRs and Extended Apprenticeship Program Review (EAPRs) are the APR Tool and the EAPR Tool. Instructions on how and when to fill out these tools are provided in Chapter 5 of the Manual.

## **B. Timing of Scheduled Program Reviews**

OA schedules and conducts program reviews:

- At the end of the first year of program registration,
- At the end of the first full training cycle, and
- Subsequently, on a cyclical basis, at least once within every five-year span.<sup>2</sup>

Responsibility for conducting these cyclical evaluations is delegated equitably to each state in the regions and finally to Field Representatives.

In addition, on occasion, circumstances (e.g., complaint filed) require that a program be reviewed outside of the usual cycle. These circumstances are covered in Chapter 2.

## **C. Types of Program Reviews**

### **1. The Apprenticeship Program Review (APR)**

The APR is a comprehensive review of apprenticeship programs' performance with regard to the elements set out in 29 CFR part 29 and those provisions of part 30 that apply to all programs. This review is conducted on all sponsors (with an exception relating to selection procedures, described in subsection a. below).

During an APR, you confirm that OA is receiving timely notification of all new registrations, cancellations, and completions of apprentices, and assess the sponsor's completion rate.

An APR consists of:

- (1) A desk audit of program records;
- (2) An in-person audit (conducted either on-site at the sponsor's location, participating employers' worksites, and/or related-instruction venues; or remotely); and
- (3) Review, analysis, and write-up of the documents provided and results of the in-person audit.

You conduct desk audits, using records that sponsors have already provided to OA via RAPIDS or otherwise.

In-person audits generally begin with a meeting with the sponsor's representative during which you clarify, verify, or fill gaps in the information that the sponsor has provided. In-person audits include one or more interview(s) with an apprentice and may also involve interview(s) with journeyworkers, other employees, supervisors, managers, and hiring officials. These interviews, are also used to clarify, verify, or fill gaps in the information that the sponsor has provided. On-site, in-person audits allow you to conduct visual inspections of

---

<sup>2</sup> 29 CFR §§ 29.3(g) and (h) require the Registration Agency to review all programs for quality and conformity at the end of their first year after registration, at the end of the first full training cycle after registration, and no less frequently than every five years. 29 CFR § 30.13(a) commits the Registration Agency to reviewing programs to determine if the sponsor maintains compliance with 29 CFR part 30 regularly, and when circumstances warrant.



the adequacy and appropriateness of the program's records and facilities. (Remote reviews, which are permissible in some circumstances, are covered in Chapter 2.)

## 2. The Extended Apprenticeship Program Review (EAPR)

The EAPR assesses a sponsor's compliance with those aspects of 29 CFR part 30 that cover only sponsors that are required to develop an Affirmative Action Program under 29 CFR § 30.4. While all sponsors receive an APR, the EAPR is added only for sponsors required to develop an AAP. A sponsor is required to develop an AAP if it meets these criteria:

- (1) The program has five (5) or more active apprentices. (**Note:** For programs that had less than five apprentices at the time the program was registered, the sponsor will need to develop its AAP within two years of registering their fifth apprentice if the sponsor has continued to have five or more apprentices registered since that point).
- (2) The program does not have an EEOC- or OFCCP-approved AAP that meets the requirements of 29 CFR § 30.4(d)(2).

The EAPR is conducted at the sponsor's first review since its two-year compliance date. The sponsor's AAP implementation, including the development of the written Affirmative Action Plan, the Annual Review of Personnel Processes, invitations to self-identify as Individuals with Disabilities (IWDs), and first workforce analyses (showing the demographics of apprentices in each occupation by race, sex, ethnicity, and disability), are reviewed. (These are described in subsection a. below.)

In addition, at that first EAPR, you and the sponsor's representative jointly conduct availability analyses for race, sex, and ethnicity during your meeting. You will work with the sponsor to compare their workforce analysis to this availability analysis, as well as to the seven percent utilization goal for individuals with disabilities. These analyses are used to determine whether any significant disparities exist, if goals need to be established, and if the sponsor needs to identify any problem areas and/or engage in any targeted outreach, recruitment, and retention activities. Work with the sponsor to update these analyses at each subsequent review.

At all subsequent EAPRs, evaluate the affirmative action steps the sponsor has taken and review its workforce analyses and Annual Review of Personnel Practices.

During every EAPR, provide any additional TA that the sponsor may need to comply with 29 CFR § 30.4 (and related provisions applicable to sponsors that are required to develop AAPs).

The items to be covered during an EAPR, including the procedures to follow to help the sponsor perform its first demographic analyses, are provided in Chapter 5.

### a. Timing of AAP Implementation

The obligations to create or update different parts of the AAP have different time deadlines. Some only have to be done at a sponsor's EAPR, with TA from OA; some have to be done by the sponsor whether or not OA is assisting. For convenience, what has to be done, when and by whom, is summarized in this subsection. This information is also provided in the EAPR Tool itself, in the instructions for the relevant sections.



- *Two years after date of registration (or becoming subject to the AAP requirements), sponsors must accomplish the three tasks listed below. They must do so without waiting for an EAPR by OA.*
  - Create their first written Affirmative Action Plan, containing:
    - Their first workforce analyses, showing utilization in each occupation by race, sex, ethnicity, and disability<sup>3</sup>; and
    - A description of the results of their Annual Review of Personnel Processes.
  - Conduct an initial Annual Review of the Personnel Processes related to the administration of their apprenticeship programs to ensure that they are operating their programs free from discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability.
  - Begin inviting all applicants and apprentices to self-identify whether they have a disability, enabling them to conduct disability workforce analyses as part of their AAPs. The information on the Voluntary Disability Disclosure Forms that the sponsor has received as of the date of this initial AAP is the primary source of the information that sponsors use to prepare their disability workforce analyses (see next bullet).
- *After their two-year compliance date, sponsors must accomplish the two tasks listed below annually. They must do so without waiting for a program review by their Registration Agency.*
  - Remind apprentices that they may voluntarily update their disability status.
  - Conduct an Annual Review of their Personnel Processes to ensure non-discrimination.
- *As a part of the first EAPR after their two-year compliance date, sponsors must accomplish the tasks listed below, with the assistance of OA:*
  - Conduct race/sex/ethnicity availability analyses for each major occupation group, update their workforce analyses, and compare the results of these analyses for each of their major occupation groups.
  - If necessary, establish aspirational utilization goals for race, sex, or ethnicity.
  - Update disability workforce analyses for each of their major occupation groups.
  - If the representation of individuals with disabilities in a major occupation group is less than seven percent, identify any impediments to equal opportunity for apprentices with disabilities.
  - If they are underutilized for women, Hispanics, or an individual racial group in a major occupation group, plan the targeted outreach and recruitment steps they will undertake, and record those steps in their written Affirmative Action Plan.
  - If they have identified impediments to equal opportunity for apprentices with disabilities, plan the targeted outreach and recruitment steps they will undertake for individuals with disabilities, and record those steps in their written Affirmative Action Plan.
- *At each subsequent EAPR, sponsors must:*

---

<sup>3</sup> If the sponsor did not receive completed Voluntary Disability Disclosure Forms before its two-year compliance date, the sponsor must include this information in its next workforce analysis.



- Update their sex/race/ethnicity demographic analyses, including their workforce and availability analyses and their goals (if necessary), their written Affirmative Action Plans, and their targeted outreach and recruitment plans.
- Update their disability demographic analyses and, if their utilization of IWDs is below seven percent, update their analysis of EEO impediments for IWDs and their targeted outreach and recruitment plans.
- *If three years have passed without an EAPR, sponsors must:*
  - Update their workforce sex/race/ethnicity and disability analyses and their written Affirmative Action Plans (including to reflect the results of their Annual Reviews of Personnel Processes).
  - If necessary, undertake targeted outreach and recruitment or take other steps to increase equal opportunity identified in their Annual Reviews of Personnel Processes.

### 3. The Provisional Review

Once OA determines that a program meets the required standards for program registration, the program is given provisional approval for a period of one year. At the end of the first year after registration, OA must review all new programs for quality and for conformity with the requirements of 29 CFR part 29, including part 30 (29 CFR § 29.3(g)). If OA finds that the program conforms with those requirements and the program's first full training cycle has been completed, the registration is made permanent. If OA finds that the program does not conform with those requirements, or if the program's first full training cycle has not been completed, the program continues to be provisionally approved through its first full training cycle. In addition, OA reviews all programs at the end of the first full training cycle (29 CFR § 29.3(h)).

Thus, provisional reviews are conducted at every program's one-year registration anniversary. For programs that are provisionally reviewed and continued on a provisional status through their first full training cycle, an additional provisional review should be conducted at the conclusion of that cycle. All provisional reviews include an APR.



---

## Chapter 2 – Programs for Reviews

---

OA must review every program at the end of the first year of program registration and, at the end of the first full training cycle, and subsequently, on a cyclical basis, at least once every five years.

Program reviews can be categorized as:

- Generally, the provisional review should occur within 455 days of the program registration date (within 90 days of the first anniversary date), consistent with 29 CFR 29.3(g)
- Subsequent Program Reviews
- Administrative Findings Program Reviews (conducted outside of the planned review schedule)

### A. Factors to Consider in Reviews:

- Length of time since last program review.
- A change of coordinators or training representatives since last review.
- Signs of inconsistency in registering or completing apprentices.
- Significant change in number of participating employers or members of a Joint Apprenticeship Committee or employer association.
- Limited or no program activity, or excessive program activity.

In addition, any applicable agency travel guidance will affect which programs you can select for review on-site (versus remotely).

### B. Selecting the Programs That Will Receive EAPRs

You need to make a preliminary determination of which of the programs on your list will receive an EAPR. To be subject to an EAPR, a program must be required to develop an AAP under 29 CFR § 30.4(d) and applicable OA guidance (see Chapter 1).

To determine whether the sponsors on your list will receive EAPRs, follow these steps for each sponsor:

- (1) Check the RAPIDS report you ran previously to see if the program has five or more active apprentices.
- (2) Review the determination you made previously (if applicable) whether the sponsor has an EEOC- or OFCCP-approved AAP.

If you do not have enough information to make a determination whether a program qualifies for an EAPR at this point, your decision whether the review will (or will not) include an EAPR can only be preliminary or tentative. During the review, consult with the sponsor to confirm or get additional information.

Note that for the most part, provisional reviews will not include EAPRs (since by definition, provisional reviews occur after only one year of program registration). But any provisional review that occurs *after* a program's two-year compliance date should also include an EAPR if the program qualifies for one.

### C. Selecting the Programs for Reviews That May Be Conducted Remotely

The final step is determining which reviews will be conducted entirely remotely—that is, without physically visiting the sponsor's office. Although it is not held on-site, *an in-person meeting is still conducted during a remote review* via real-time direct contact such as a conference call, or video chat.



(This does **not** include fax, email, or regular mail.) Where possible, interviews by video chat are preferred.

Remote reviews may be conducted for **any** review with supervisory approval.

#### **D. Administrative Findings Program Reviews Outside the Planned Review Schedule**

As discussed in Chapter 1, program reviews are scheduled and planned at the end of the first year of program registration, at the end of the first full training cycle, and subsequently, on a cyclical basis, at least once every five years. Sometimes program reviews are scheduled outside of this schedule, due to circumstances that arise during the year. These circumstances may include:

- (1) Receipt of credible information that a sponsor has not conformed to its Standards or to the regulations at 29 CFR part 29 and part 30.
- (2) Receipt of a written complaint of a sponsor's failure to conform to its Standards or to the regulations.

Note that administrative findings program reviews done outside the planned review schedule are not required to be full scale reviews, and therefore, may not require the full completion of the APR and EAPR Tools. Rather, they should be limited to investigating whatever alleged violation has occurred.

##### **1. Credible Information That a Sponsor Has Not Conformed to Its Standards or to the Regulations**

There are a variety of ways in which, in the ordinary course of business, OA staff may become aware of credible information that a sponsor has not conformed to its Standards or to the regulations at 29 CFR part 29 and part 30. These ways include conversations with third parties in the field; conversations with apprentices or applicants, regular communications with a program sponsor, and media coverage.

When you become aware of information that a sponsor has allegedly not conformed to its Standards or to the regulations:

- (a) Review the information with your supervisor to decide whether it is credible.
- (b) If it is credible and the sponsor in question is serviced by your office, the supervisor assigns a Field Representative to conduct a program review; otherwise, refer the information to the appropriate OA office.
- (c) If the information is not credible, the supervisor advises whether and how to respond or to refer the information to an appropriate DOL staff unit or staff person for follow-up.
- (d) If you are assigned to conduct an inquiry or an investigation based on the information, determine the scope of the review in consultation with your supervisor, based on the nature of the information or allegations and taking into account planned reviews and available agency resources.
- (e) If in the course of investigating the information you communicate with an apprentice or applicant, inform the apprentice or applicant of their right to file a written complaint.
  - For potential violations of 29 CFR part 29, explain that the reasons for filing a written complaint are that there is a 90-day maximum time period for the investigation; that OA has an obligation to attempt to resolve the matter within that time period; and that they would receive a written opinion at the end of the investigation (if no resolution is reached). (29 CFR § 29.12(d).)



- For potential violations of 29 CFR part 30, refer the apprentice or applicant to DOL's website for procedures on filing a written complaint: <https://www.apprenticeship.gov/eo/apprentices-and-applicants/complaints>.
- Additionally, an apprentice may also file directly with the EEOC at their webpage "Filing a Charge," <https://www.eeoc.gov/employees/charge.cfm>, and/or call EEOC at 1-800-669-4000.

Remember that you may not give legal advice. Merely explain to the apprentice or applicant that they may file a complaint and the avenues that are available to do so.

## 2. A Written Complaint of a Sponsor's Failure to Conform to Its Standards or to the Regulations

Apprentices, applicants, or their representatives can file a written complaint with OA. Such complaints are authorized by 29 CFR § 29.12 and § 30.14.

When the apprenticeship program is not covered by a collective bargaining agreement, **Section 29.12** allows an apprentice or their authorized representative to submit to OA or SAA a complaint describing a violation of part 29 or a deviation from the Apprenticeship Agreement or the program's Standards. This alleged violation must not be something that can be adjusted locally, meaning that it is a matter that the apprenticeship program sponsor cannot or will not address. These complaints must be in writing, be signed by the complainant or authorized representative, set forth the specific matter(s) complained of and the relevant facts and circumstances, and be accompanied by pertinent documentation and correspondence. Complaints must be submitted within 60 days of the final local decision.

**Section 30.14** allows an apprentice, applicant for apprenticeship, or their authorized representative to submit a complaint of discrimination on any of the bases prohibited by 29 CFR part 30, including retaliation, to the Registration Agency. The form to use (ETA Form 9039) and instructions for filing such a complaint are available at: <https://www.apprenticeship.gov/eo/apprentices-and-applicants/complaints>. Field Representatives should familiarize themselves with this process and the form.

The protocol for handling written complaints depends on whether they are filed pursuant to 29 CFR § 29.12 or § 30.14.

### a. 29 CFR § 29.12 Complaints

- (1) The OA office that receives any complaint filed under 29 CFR § 29.12 forwards it to the office that services the sponsor whose actions are the subject of the complaint.
- (2) The servicing office reviews and processes the complaint according to OA's standard operating procedures (SOP).
- (3) If upon review, it is determined that a program review should be conducted of the sponsor, the appropriate supervisor assigns a Field Representative to conduct an APR.
- (4) For the period up to 90 days after receipt of the complaint, OA makes reasonable efforts to resolve the matter.
- (5) OA renders a written opinion within 90 days after receipt of the complaint and sends copies of any opinion rendered to all interested parties.





**b. 29 CFR § 30.14 Complaints**

- (1) The OA office that receives any complaint filed under 29 CFR § 30.14 should adhere to the SOP for the processing and disposition of complaints alleging discrimination or retaliation in violation of part 30. This SOP is available on OA's SharePoint at:

<https://usdol.sharepoint.com/:b:/r/sites/ETA/OA/Resources/SOP/SOP-EEO%20Complaints%20Process%20Final.pdf?csf=1&web=1&e=S2fAv0>.

Once you have taken all scheduling criteria into account, you have a preliminary list of programs to review during the coming fiscal year (FY). Categorize the programs that will be reviewed according to provisional program reviews, subsequent program reviews, and EAPRs.

During the FY, Field Representatives may need to amend the list of programs to review to add reviews that arise outside the planned review cycle.



---

## Chapter 3 – Planning and Scheduling Program Reviews

---

Planning is the essential first step of every evaluation.

### A. Planning

For each meeting with the sponsor, whether conducted on-site or remotely, plan how long you expect the meeting to take. In-person audits ordinarily last anywhere from two to eight hours. However, they can be longer, especially for reviews of large programs, reviews where you conduct multiple interviews or visit multiple sites, and reviews that include EAPRs.

To determine the expected length of the in-person audit, here are the primary factors to consider:

- (1) How many documents need to be reviewed with the sponsor’s representative. This depends mostly on the size of the sponsor’s program: how many registered occupations it has, how many apprentices are in its program, how many openings there are annually, and how many applicants they have for their openings.
- (2) Whether the review is likely to include an APR only or also include an EAPR. Following the procedures in the previous chapter, “Selecting the Programs That Will Receive EAPRs,” you have already determined whether the sponsor is likely to be subject to an EAPR.
- (3) Whether inspection of one or more worksites is required, and the time required for travel between the sponsor’s administrative office (where the main on-site visit will take place) and the worksite(s) will be inspected. In every non-remote APR, you must conduct at least one worksite inspection unless you have discussed an exception with your supervisor, have justification for not doing an inspection, and document your justification and discussions in the file.
- (4) Whether inspection of the facility where apprentices receive related instruction and the time required for travel between the sponsor’s administrative office and that facility (if they are not co-located) is required.
- (5) Who will be interviewed: apprentices, journeyworkers, supervisors, managers, hiring officials, instructors, others; how many in each category (if any); and what you want to gather from each interview. In every APR, you must conduct at least one interview of an apprentice unless you have discussed an exception to the requirement with your supervisor, have justification for not doing an interview, and document your justification and discussions in the file. The number of interviews conducted should be appropriate to the size of the program.
- (6) Whether this is the first time the sponsor is being reviewed or the first time the sponsor has had to produce an AAP (in which cases, the review will likely take longer).

To determine whether worksite inspections and interviews should be conducted in any given review, you must review sponsor files and consult RAPIDS records. Information about the size of the program should be readily available from your files and RAPIDS. You should review the findings and corrective action plans from past reviews of the program and other relevant information in the files prior to meeting with sponsors.

Other sources of relevant information might be discrimination complaints against the sponsor or one of its participating employers that apprentices previously filed with OA. For example, a worksite inspection would be warranted if there were complaints about a hostile work environment involving racist graffiti at the worksite. Additionally, OA staff are encouraged to review [DOL’s enforcement database](#) for records of



closed complaints and compliance investigations across DOL agencies. See Chapter 4, “Desk Audit and Preparing for the In-Person Audit,” for more suggestions about relevant information to look for in the files to help determine whether and which worksite inspections and interviews should be conducted in a review.

## B. Scheduling the Appointment

After planning the assessment, scheduling the meeting with the sponsor is the next step.

### 1. Identify the Sponsor’s Designated Representative

The sponsor’s representative is the person whom the sponsor designates as the primary person providing documents and answering questions during the meeting. This person is likely to be the person responsible for the administration of the program, e.g., the sponsor’s apprenticeship coordinator or training director. A designated representative for the sponsor should be identified in RAPIDS. Alternatively, a “Sponsor Contact/Coordinator” should be identified in Form 671, Section I, Part B. This person may also be responsible for managing EEO.

- (a) Contact the sponsor’s designated representative to schedule a review at least 14 days in advance of when you anticipate to conduct the review.
- (b) Confirm the name and contact information of the person whom the sponsor is designating as the official contact with OA for purposes of program reviews.
- (c) Convey the following information:
  - Under the regulations, OA is required to conduct a review of the program.
  - Whether the review is provisional or part of the regular review cycle.
  - The review will include an in-person meeting with the sponsor’s representative; interview(s) of apprentices and, if applicable, other personnel (e.g., journeyworkers, supervisors, managers, hiring officials); and a visual inspection of the apprentices’ worksite(s) and, if applicable, sites where applicants apply and where apprentices receive related instruction.
  - The representative of the sponsor with whom you will meet must have authority to speak for the program and be able to speak to all its aspects, and that because the review includes the sponsor’s practices under 29 CFR part 29 and part 30, the sponsor should consider including the person with EEO oversight authority<sup>4</sup> present or available during the meeting.
  - Whether the meeting will be on-site or remote. For remote reviews, explain what a remote review meeting will entail and confirm that the representative has the necessary technology for meeting remotely.
  - The sponsor will be provided with prior written notice of OA’s intent to schedule a review. Provide the sponsor with a RAPIDS-generated Active Apprentices List for them to compare to their own records.
- (d) Confirm with the sponsor’s representative the information found in RAPIDS and in the program files relevant to whether a sponsor is subject to an EAPR (refer to Chapter 2). If the relevant information in the files is not present or definitive, ask the sponsor’s representative to fill in any gaps, including if they have information that

---

<sup>4</sup> 29 CFR § 30.3(b)(1) requires the sponsor to designate an individual or individuals with appropriate authority in the program to be responsible for overseeing EEO.



supports a sponsor's exemption from the requirement of developing an AAP under 29 CFR § 30.4(d)(2).

- (e) Ask for any information needed to decide exactly whom to interview and which physical worksite(s) to visit (if apprentices work at more than one location). For example:
  - More information about the physical locations of the sites you want to visit and how much travel time needed to get from one to another.
  - If the apprentices work at several locations, the preference is to inspect a worksite where there are fewer apprentices overall, but at least one apprentice in each of several occupations for which the sponsor is providing training, rather than a larger worksite where there is only one occupation. Confirm ability to access the sites as well.
- (f) Determine which personnel (apprentices, journeymen, supervisors, managers, hiring officials) will be interviewed.
- (g) Determine the specific visual inspections that will be conducted and inform the sponsor's representative about them.
- (h) Inform the sponsor's representative the expected length of the in-person audit, including the meeting itself and any interviews and site visits.
- (i) Schedule the in-person audit for a date and time when all necessary personnel can be present, interviewees will be available, and the visual inspections will be feasible. The various visual inspections might require multiple visits or visits over several consecutive days.
- (j) Request that the sponsor's representative arrange for these interviews during the in-person audit. Alternatively, if the Apprenticeship Training Representative (ATR) sets up the interviews, request the information needed to directly contact the individuals to be interviewed.

## 2. Transmitting Notice of Review and Appropriate Attachments

When the appointment date and time have been set, prepare a notice of your review, including an Active Apprentices List, and transmit them to the sponsor. You may send these documents via electronic mail (email), read receipt requested or via certified mail, return receipt requested. Ensure to send the notice of review and any related documents in sufficient time to allow the sponsor the opportunity to prepare for the visit.

- (a) The Active Apprentices List. Generate the Active Apprentices List—the list of current, active apprentices—from RAPIDS concurrently with preparing the Scheduling List. Be sure that the list is labeled with the date you generated it. Send this list to the sponsor so that the sponsor can compare it with its current records to ensure that the sponsor has kept the records in its RAPIDS account current. Note whether the number of apprentices on this list has remained unchanged over the last several reviews, which could indicate that system or sponsor records may not be current.



---

## ***Chapter 4 – Desk Audit and Preparing for the In-Person Audit***

---

With the review planned and the appointment scheduled, it is now time to conduct the desk audit and prepare for the in-person audit. It is imperative to start the desk audit several days before the scheduled date of the meeting so there is enough time to prepare. To prepare adequately, the following tasks should be completed prior to the in-person audit:

- Review the program records on file with OA, review the sponsor’s RAPIDS account, and review any other appropriate documents;
- Prepare for interviews with apprentices and others;
- Ready the appropriate documents for the in-person audit; and
- Pre-fill the APR Tool and, if applicable, pre-fill the EAPR Tool with applicable information.

This chapter covers the first three activities. The fourth activity, pre-filling the APR and EAPR Tools, is covered in Chapter 5 as part of the instructions for completing those documents.

### **A. Reviewing the Information in the Sponsor’s RAPIDS Account and Your Folder(s) on the Sponsor**

- (1) Review the sponsor’s current registered Standards to ensure they are aligned with the requirements contained in 29 CFR part 29 and part 30.
- (2) Review the sponsor’s EEO pledge (including where it is posted), the approved Affirmative Action Plan (if applicable), and any prior workforce analyses, availability analyses, and utilization goals (if applicable).
- (3) Check to ensure that OA’s copies of all necessary apprenticeship documents provided by the sponsor have been posted appropriately to the file/folder(s), and file additional documents received.
- (4) Inspect the files and documents to identify aspects such as frequency of actions, actions pending, pending correspondence to the sponsor, selection procedures used, qualification requirements, etc. Gain an understanding of the sponsor’s program and its selection methods, starting with when a potential apprentice first expresses interest in applying for the program, continuing through to an apprentice’s acceptance into the program, in addition to reviewing the procedures and criteria for progressing and completing apprentices.

### **B. Preparing Interview Questions**

In addition to the main interview of the review (the meeting with the sponsor’s representative), interview at least one apprentice and possibly one or more journeyworker, supervisor, manager, hiring official, instructor, or other individual associated with the administration of the sponsor’s program. Prepare questions for each planned interview to obtain appropriate information from the interviewee.

### **C. Readyng the Documents for the In-Person Audit**

#### **1. Print the Current Active Apprentices List and Apprentice Status and History Report for the Meeting**

Complete this task the day before the appointment to ensure the sponsor has had enough time to update any information in its RAPIDS account. (A list of the program’s active apprentices should have been sent to the sponsor’s representative with the notice of review requesting the sponsor compare the provided Active Apprentice List with the sponsor’s Active Apprentice List. If there are discrepancies, request appropriate changes to ensure the RAPIDS list



conforms to the sponsor's most up-to-date and correct information.) Take the most recent version of the Active Apprentice list to the meeting.

**2. Assemble the Materials to Bring to the In-Person Meeting (As Needed)**

- Program folder
- Program's EAPR folder (if applicable)
- Any administrative documents that may apply to the review process
- APR and, if applicable, EAPR Tools, pre-filled with the information noted above (depending on access to reliable Internet service during the in-person audit, either print the annotated documents and bring them or utilize them electronically during the audit)
- Active Apprentices List, printed from RAPIDS
- Apprentice Status and History Report showing completion, cancellation, and retention rates, printed from RAPIDS

**D. Pre-filling the APR Tool and, if Applicable, the EAPR Tool**

Pre-filling the APR Tool and, if applicable, the EAPR Tool, is covered in Chapter 5 as part of the instructions for completing those documents.



---

## ***Chapter 5 – Preparing and Completing the APR and EAPR Tools***

---

The APR and EAPR Tools are the primary instruments used to record information identified during the APR and EAPR. For those sponsors that must develop AAPs, assist the sponsor in this development. Utilize these tools to obtain the appropriate information from the documents reviewed at the desk audit, the sponsor’s RAPIDS account, and the interviews and visual inspections from the in-person audit.

The instructions in this chapter apply to the processes of pre-filling the APR and EAPR tools and entering information during (or after) the in-person audit.

### **A. Pre-filling the APR and EAPR Tools**

As described in Chapter 4, begin to complete the APR Tool and, if applicable, the EAPR Tool as part of the desk audit. Having these tools “pre-filled” in this way enables the tools to be utilized as notepad/worksheets and reference guides while conducting the in-person audit. They are great resources to ensure all of the critical areas have been covered, and all necessary questions have been asked.

Using the information available in RAPIDS, your files on the program, and any other relevant documents, you may be able to complete many of the items in the Checklists in the APR and EAPR Tools. Do not be concerned if these sources do not contain the information you need or the information is less than definitive. In those situations, ask the sponsor’s representative, the apprentice(s), or others you may interview to clarify or verify the information and fill in any gaps at your meeting. You will also supplement these sources with your own observations during the visual inspection(s). As you prepare the tools, note any information you cannot find or that needs to be clarified or confirmed.

### **B. APR and EAPR Tools – General Instructions for Completion**

#### **1. When to Complete the Checklists and the Sources of Information to Use to Do So**

In general, the Checklists in the APR and EAPR Tools are completed in multiple stages throughout the program review. First, the APR and EAPR Tools are pre-filled at the desk audit. Then, the APR and/or EAPR Tools are reviewed with the sponsor’s representative during the meeting.

In addition to discussions with the sponsor’s representative and information previously provided by the sponsor, there are two sources of information utilized when completing every Checklist in the APR Tool: (1) the sponsor’s Standards; and (2) discussions with the sponsor’s representative, as well as any interviews conducted or any other observations made during the review. If completing the EAPR Tool, the sponsor’s Affirmative Action Plan will be utilized as well.

In addition, at the beginning of each Checklist, there is a list of likely sources for obtaining the information needed to complete that particular Checklist (labeled “Information sources/documents related to this Checklist”). Because they are relevant to so many items, the sponsor’s Standards, Affirmative Action Plan, and information obtained from discussions are not separately listed for each individual Checklist.

Note that the same documents may be relevant to several different items in the Checklists. For example, when reviewing apprentice files to ascertain if apprentices are receiving reasonably continuous employment, keep in mind that this same document can be used for



evaluating whether protected groups of apprentices are getting as many employment opportunities as apprentices who are not in protected groups.

## 2. Record Findings on the Tools and Make Notes as Needed

Most of the items in the Checklists are statements that require a “yes” or “no” response. While working through the Checklists, make note of any information that requires additional verification. Discuss any questions with the sponsor’s representative or otherwise clarify the issues at the in-person audit.

Record the information obtained from the sources only. As findings of fact, yes/no responses must be based on the evidence that is contained in the documents and information obtained at the in-person audit. As appropriate, be sure to:

- Thoroughly address the facts regarding all possible deficiencies (as defined in the Definitions Section).
- Take note of any corrective actions the sponsor should take to address possible deficiencies; incorporate these ideas into recommendations for corrective actions when meeting with the representative and/or writing up the review.
- Record best practices found.
- If there is insufficient space on the Tools themselves, use extra sheets and identify the items being supplemented by Checklist number and Checklist item designations.
- Add rows to any tables in the Checklists as needed.

## 3. Select Reasonable Samples of Documents That Are Too Numerous to Review

Some sources of information may include too many documents to review. Examples are the apprentices’ files and applications to the program. In such cases, select a reasonable sample of files.

Specifically for apprentice files:

- If the program has 10 or fewer active apprentices, then review all apprentice files.
- If there are more than 10 active apprentices, then select a reasonable number of files (a minimum of 10) on a random basis to review.

## 4. Do Not Complete Shaded Cells on the Forms

## 5. Confidentiality

The APR and EAPR Tools are internal government documents and should not be shared with the sponsor’s representative or anyone else outside the agency without supervisory approval.

### C. APR Tool – Specific Instructions for Completion

The APR Tool consists of the following seven Checklists:

- (1) IDENTIFYING INFORMATION
- (2) PRIOR DEFICIENCIES AND CORRECTIONS
- (3) ON-THE-JOB LEARNING (OJL)
- (4) RELATED INSTRUCTION
- (5) PROGRAM OPERATION – 29 CFR PART 29
- (6) PROGRAM OPERATION – 29 CFR PART 30





## (7) SELECTION PROCEDURES

This section of the Manual provides instructions specific to completing the Checklists on the APR Tool.

**Unless otherwise indicated, each item on the APR Tool refers to the period from the date of the sponsor’s registration or the sponsor’s most recent APR, whichever was later, to the present.**

### 1. CHECKLIST 1: IDENTIFYING INFORMATION

The Sponsor Identification Information Checklist is self-explanatory.

### 2. CHECKLIST 2: PRIOR DEFICIENCIES AND CORRECTIONS

The Prior Deficiencies and Corrections Checklist is self-explanatory.

### 3. CHECKLIST 3: ON-THE-JOB LEARNING (OJL)

The On-the-Job Learning Checklist is self-explanatory.

### 4. CHECKLIST 4: RELATED INSTRUCTION

The Related Instruction Checklist is self-explanatory.

### 5. CHECKLIST 5: PROGRAM OPERATION – 29 CFR PART 29

*Item 1.* Record-keeping.

*Item 1(a).* Active Apprentices List. “[S]ignificant discrepancies (in apprentices, completions, etc.) between the RAPIDS-generated Active Apprentices List and the sponsor’s data.”

Significant discrepancies between the RAPIDS-generated Active Apprentices List and the sponsor’s data reveal a failure to keep RAPIDS records current and thus a failure to comply with the record-keeping regulation (29 CFR § 29.5(b)(23)). It also suggests that the sponsor has not complied with the requirement of notifying OA of completions, cancellations, and other apprentice actions within 45 days (29 CFR § 29.3(e)). If a disparity is found, address this issue in the corrective action plan, and provide technical assistance about how the sponsor can keep the RAPIDS account current in the future. Knowing the nature of and reasons for such disparities will assist the sponsor with correcting the problem.

*Item 1(b).* “The program sponsor has maintained all required records.”

*Item 1(c).* “The Standards that the sponsor is following in the program are the same as the Standards on file with OA.”

It is a regulatory requirement that the sponsor keep the Standards on file with OA up-to-date (29 CFR § 29.3(i)). The sponsor is required to propose modifications to the Standards to OA and may not make the proposed modifications to its program until OA has approved them.

If there are differences, address this issue in the corrective action plan by requiring the sponsor to provide updated versions to all apprentices and to put procedures in place to ensure that it requests and receives OA approval for revisions to its



Standards prior to instituting them. Also, provide technical assistance to the sponsor so that it has procedures in place to ensure that the Standards that it is using are the correct ones, and that it submits proposed revisions to OA prior to instituting them, as required by 29 CFR § 29.3(i).

*Item 2. Responsible staff.*

*Item 2(a). Individual with authority to process complaints.*

Sponsors provide this contact in RAPIDS (in the Program & Occupation sub-tab of the Apprentices tab, under “Name and Address of Sponsor Designee to Receive Complaints”). (If they do not, the default program contact is used in this field.)

Confirm from the documents, or discussions with the sponsor’s representative, that the contact shown is the current designee. If not, enter the current designee in the space provided in item 3(a) in the APR Tool and in the RAPIDS account.

*Item 2(b). Periods when there was no designated individual with complaint-processing authority and how the sponsor addressed the situation. Self-explanatory.*

*Item 2(c). Procedures to address vacancies whenever they occur.*

If there has been a period when there was no designee with complaint-processing authority, it is a deficiency. An appropriate corrective action for this deficiency would be for the sponsor to put procedures in place to address vacancies in this role whenever they occur. In this case, consider including establishment of such procedures as a possible corrective action in the Notice of Review Findings draft submitted to the supervisor (see Chapter 7).

If there has not been a deficiency but the program does not have procedures to fill vacancies when they occur in place, consider suggesting to the sponsor that it is a best practice for the sponsor to establish them.

*Item 3. Completion rates.*

Integral to a program’s quality is its completion rate. Completion rates are calculated by *occupation*; staff evaluate them by comparing each program sponsor’s completion rate by occupation to the prior fiscal year’s national average completion rate for each occupation. (Note this functionality is available in the RAPIDS Retention Rate Report).

Calculation of completion rates and comparison to national average.

To calculate the program sponsor’s completion rates for each occupation in its Registered Apprenticeship Program for the most recent FY, you should use the Retention Rate Report in RAPIDS, as appropriate. Record the sponsor’s registered occupations (in the first column), the completion rate computed for each occupation (second column), and the national average completion rate (third column) for the *previous* full fiscal year.

*Item 3(a). Lower-than-average completion rates.*

If a completion rate is lower than the national average, record how the sponsor addressed it or why it was not addressed. While not a deficiency, a lower-than-



average completion rate may be an indicator of other issues with the quality of the program and might shed some light on areas that need improvement. Review any lower-than-average completion rates with the sponsor's representative and provide technical assistance targeted to address the low rates and improve the overall program quality.

*Item 4. Cancellation rates.*

Title 29 CFR part 29 does not require staff to calculate cancellation rates, and a higher-than-average cancellation rate is not a deficiency. But because these rates are relevant to program quality, OA utilizes them in reviews to ensure a program's quality and to provide technical assistance to the sponsor. This information is also included in the RAPIDS Retention Rate Report.

Complete the table in item 4 with the sponsor's registered occupations (in the first column) and the cancellation rate for each (second column). Enter the national average cancellation rate (third column) for the *previous* full fiscal year.

While not a deficiency, a higher-than-average cancellation rate may be an indicator of the reasons for a low completion rate or other issues with the quality of the program and might shed some light on areas that need improvement. Review any higher-than-average cancellation rates with the sponsor's representative and provide technical assistance targeted to reduce cancellation rates, improve completion rates, and improve overall program quality.

*Item 5. Retention rates.*

Similarly, 29 CFR part 29 does not require staff to calculate retention rates. But because these rates are relevant to program quality, OA utilizes them in reviews to ensure a program's quality and to provide technical assistance to the sponsor. This information is also included in the RAPIDS Retention Rate Report.

Complete the table in item 5 with the sponsor's registered occupations (in the first column) and the retention rates for each (second column). Enter the national average retention rate (third column) for the *previous* full fiscal year.

As with cancellation rates, a lower-than-average retention rate may indicate reasons for low program quality. Review any lower-than-average retention rates with the sponsor's representative and provide technical assistance targeted to improve completion rates and overall program quality.

**6. CHECKLIST 6: PROGRAM OPERATION – 29 CFR PART 30**

**Unless otherwise indicated, the items in this section of the APR Tool cover the period since the date of sponsor's registration or sponsor's most recent APR (whichever was later) to the present.**

*Item 1. Individual with EEO responsibility.*

*Item 1(a). Designated individual with authority. Self-explanatory.*



*Item 1(b).* Periods when there was no designated individual with EEO responsibility and how the sponsor addressed the situation. Self-explanatory.

*Item 1(c).* Procedures to address vacancies whenever they occur.

If there has been a period when there was no designee with EEO authority, it is a deficiency. One appropriate corrective action for this deficiency may be for the sponsor to put procedures in place to address vacancies in this role whenever they occur. In this case, consider including establishment of such procedures as a possible corrective action in the Notice of Review Findings draft submitted to the supervisor (see Chapter 7).

If there has not been a deficiency but the program does not have procedures to fill vacancies when they occur in place, consider suggesting to the sponsor that it is a best practice for the sponsor to establish them.

*Item 2.* Complaints about harassment.

*Item 2(a).* Anti-harassment training. Self-explanatory.

*Item 2(b).* “Anti-harassment training has been provided to all apprentices.”

**Frequency of anti-harassment training.** To allow sponsors some flexibility, OA has not prescribed the exact frequency of the anti-harassment training. For example, the sponsor may choose to provide anti-harassment training at orientation or periodic information sessions. However, the training should be provided periodically, and frequently enough to ensure that all apprentices, journeyworkers, and other personnel connected with the administration or operation of the apprenticeship program receive it.

**Method of providing anti-harassment training.** Similarly, OA has not prescribed the exact *nature* of the anti-harassment training. Some options are provided on OA’s Anti-Harassment Resources webpage, <https://www.apprenticeship.gov/eo/sponsors/prevent-harassment>, which contains a downloadable sample Training Program, including a web-based, self-directed anti-harassment training module. When using online training, sponsors must develop a mechanism to document and verify that the apprentices actually completed the training and, if necessary, coordinate with participating employers to develop a mechanism as well.

*Item 2(c).* “Anti-harassment training has been provided to all the individuals connected with the administration or operation of the apprenticeship program, including supervisors, journeyworkers, and individuals who regularly work with apprentices.”

Where participating employers train apprentices, it may be challenging for sponsors to provide anti-harassment training to the journeyworkers and others who regularly work with apprentices (and who are not the sponsor’s employees). If the sponsor raises this as a barrier, find out what efforts the sponsor made to coordinate with the participating employers to ensure their employees receive the required training. For example, a sponsor could work with participating employers to develop reasonable procedures for ensuring their employees receive this training; these procedures could



be captured in the employer acceptance agreements into which the sponsor enters with the employers.

Sponsors may find the anti-harassment training module on OA's website especially useful for training individuals who are not their employees. As with training apprentices, when using online training, sponsors need to develop a mechanism to verify that the individuals actually completed the training, and coordinate with participating employers to develop a mechanism as well.

Whatever sponsors do to implement the anti-harassment training and to ensure participation by all required personnel, they must do so in good faith. Consider the way in which the sponsor provided the anti-harassment training when assessing the sponsor's implementation of its commitment to EEO.

*Item 2(d).* Format of the anti-harassment training. Self-explanatory.

*Item 2(e).* Content of the anti-harassment training. Self-explanatory.

*Item 3.* Equal Opportunity Pledge and EEO Complaints Information Notice.

*Item 3(a).* Display of the EEO Pledge and EEO Complaints Information Notice.

The EEO Pledge and EEO Complaints Information Notice must be posted both physically and electronically (such as on the sponsor's public website and/or Intranet site).

**Physical postings.** When conducting a remote review, ask the sponsor's representative for photographs and/or other documentation reflecting the Pledge and Complaints Notice posting, and ask the apprentice(s) being interviewed if they have seen the Pledge and Complaints Notice posted.

If the sponsor has not posted the Pledge and Complaints Notice, direct it to correct the deficiency by downloading, customizing, printing, and displaying the online poster that OA has prepared for this purpose. The poster is available at <https://www.apprenticeship.gov/eo/apprentices-and-applicants/eo-pledge-and-complaints-information-poster>. The webpage includes instructions for customizing the poster to the sponsor's circumstances.

If the Pledge and Complaints Notice are physically posted but the location is not one where applicants and apprentices will see it, include in the recommended corrective actions that they be posted in a location that is sufficiently prominent and publicly available.

In situations where apprentices do not often (or ever) go to the sponsor's premises, it is a best practice for the sponsor to arrange for the participating employers and providers of related instruction to post the Pledge and Complaints Notice physically on their premises, in locations where apprentices will see them. One way to do this would be to capture these procedures in the employer acceptance agreements into which the sponsor enters with the employers. Where the situation calls for it, suggest this best practice as technical assistance.



**Electronic postings.** Checking the electronic postings is important when conducting a remote review and in situations where apprentices do not often (or ever) go to the sponsor's premises.

*Item 3(b).* Pledge publication in handbooks and similar documents. Self-explanatory.

*Item 3(c).* Pledge inclusion in apprenticeship announcements. Self-explanatory.

*Item 3(d).* Pledge inclusion in Standards made available to apprentices. Self-explanatory.

*Item 3(e).* Complaints Notice inclusion in all applications for openings in the program. Self-explanatory.

*Item 3(f).* Regulatory language contained in Pledge and Complaints Notice.

The required language explains that the sponsor “will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older,” and that the sponsor “will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under” 29 CFR part 30. If the sponsor's representative asks questions about the meaning of these terms, OA's online resources on the characteristics protected from discrimination, available at <https://www.apprenticeship.gov/eo/protected-characteristics>, may provide the information they need.

- Consult supervisor for assistance as needed.
- The regulations analyze pregnancy, as well as sexual orientation and gender identity discrimination as forms of sex discrimination. Pregnancy and gender identity are specifically included in the parenthetical in the Pledge because it is the language that is incorporated into Registered Apprenticeship Standards and apprenticeship opportunity announcements and thus are visible to those the rule protects. The Supreme Court recently held that “sex discrimination” also includes discrimination on the basis of sexual orientation, and OA will issue conforming guidance in the future. These terms are interpreted as applying wherever sex discrimination is discussed in the regulation. OA will look to the applicable legal standards and defenses in determining whether a sponsor has engaged in sex discrimination. *Always consult with supervisor regarding any questions or issues that arise about discrimination.*

*Item 4.* Information Sessions on EEO.

*Item 4(a).* Section 30.3(b)(2)(iii) requires EEO “[o]rientation and periodic information sessions for individuals connected with the administration or operation of the apprenticeship program, including all apprentices and journeyworkers who regularly work with apprentices.”

**Frequency of information sessions.** To allow sponsors some flexibility depending on their circumstances, OA has not prescribed the exact frequency of the EEO



information sessions. However, the sessions should be provided periodically, and frequently enough to ensure that all apprentices, journeyworkers, and other personnel connected with the administration or operation of the apprenticeship program participate in it.

As is true with anti-harassment training (see item 2 in Checklist 6), where participating employers train apprentices, it may be challenging for sponsors to conduct information sessions for journeyworkers and others who regularly work with apprentices (and who are not the sponsors' employees). If the sponsor raises this as a barrier, find out what efforts the sponsor made to coordinate with the participating employers to ensure the required information about EEO policies is conveyed. For example, a sponsor could work with participating employers to develop reasonable procedures for ensuring their employees participate in these sessions; these procedures could be captured in the employer acceptance agreements into which the sponsor enters with the employers.

Whatever sponsors choose to do to ensure participation in these sessions by all required personnel, OA expects them to do so in good faith. Consider the way in which the sponsor communicated its EEO policies in the assessment of the sponsor's implementation of its commitment to EEO.

*Item 5. Universal outreach.*

*Item 5(a). "Current list of recruitment sources."*

If the sponsor has not developed its universal recruitment-source list, or needs to update it, refer the representative to OA's Outreach and Recruitment webpage, <https://www.apprenticeship.gov/eo/sponsors/recruit-and-hire>, which contains an online **Universal Outreach Tool** to use to identify recruitment sources that will generate referrals from all demographic groups.

*Item 5(b). Definition of recruitment area.*

The recruitment area that the sponsor defines for purposes of developing its list of universal recruitment sources to satisfy § 30.3(b)(3) should be the same as the recruitment area that the sponsor defines for purposes of conducting the demographic analyses required as part of their AAP (if they must develop an AAP).

A relevant recruitment area is defined as the geographical area from which the sponsor usually seeks or could reasonably seek apprentices. The sponsor must identify the relevant recruitment area in its Affirmative Action Plan (if applicable); may not draw its recruitment area in such a way as to have the effect of excluding individuals based on race, sex, or ethnicity from consideration; and must develop a brief rationale for selection of that recruitment area (29 CFR § 30.5(c)(4)).

*Item 5(c). Annual update of recruitment-source list. Self-explanatory.*

*Item 6. Provision of advance notice of openings to recruitment sources.*

In reviewing the sponsor's implementation of this provision, it is not necessary to check that every available person was reached. Instead, evaluate the range of recruitment



sources to which the sponsor sent advance notice as a factor informing the assessment of whether the sponsor made good faith efforts in this regard.

Similarly, OA does not hold sponsors accountable if the recruitment and referral sources do not refer qualified applicants, despite the sponsor's good faith efforts. In these circumstances, in assessing the sponsor's good faith efforts, consider how actively engaged it was in recruiting from diverse populations. For example, upon realizing that the sources it was using did not refer qualified applicants as expected, did the sponsor seek alternative or additional sources? Merely implementing universal outreach as a simple "check the box" requirement is not good faith implementation.

*Item 6(a).* Advance notice [for sponsors with discrete enrollment/application periods]. Self-explanatory.

*Item 6(b).* Advance notice [for sponsors with continuous enrollment periods ("open enrollment")]. Position postings to be sent to recruitment sources "regularly, as well as whenever there [is] any change to the posting."

Generally speaking, OA deems this requirement satisfied if the sponsor has sent out the posting quarterly (and any time the posting changed). When evaluating the sponsor's compliance with this requirement, consider circumstances in which sending quarterly notices might not be cost-effective (e.g., for a very small program where there are hardly any openings) or might not be sufficient (e.g., for a program that has a very large number of openings every month).

*Item 7.* Reasonable accommodations. Self-explanatory.

*Item 8.* External findings or allegations of unlawful discrimination.

**This item applies to the period since the date of sponsor's registration or sponsor's most recent APR (whichever was later) to the present.**

*Item 8(a).* During the review, identify external discrimination findings or allegations from documents in your files or produced by the sponsor, through your interviews with the sponsor's representative or others, or other sources of information. Findings could appear in an order or opinion from a court, administrative agency, arbitrator, or other adjudicative body, or in a settlement of a case before any of these. Allegations could appear in complaints or charges filed with courts or administrative agencies or in settlements. Consult supervisor if there is uncertainty as to whether a document or information falls into the category of a finding or allegation of discrimination.

*For purposes of the review, "external" means external to OA. Thus, it would include (though not be limited to) other agencies of DOL (such as OFCCP); other federal agencies (such as EEOC); state and local agencies (such as a state labor department or FEPA); State Apprenticeship Councils; and union arbitrators. See these webpages for examples: <https://www.dol.gov/agencies/ofccp/manual/fccm/1b-pre-desk-audit-actions/1b05-contacting-eeoc-vets-and-other-agencies> and <https://www.dol.gov/agencies/ofccp/manual/fccm/letters-1-1-1-41/letter-1-2-sample-inquiry-letter-requesting-complaint>.*





If the response to item 8(a) is “yes”—external findings or allegations that the sponsor or others connected with the administration or operation of the program have engaged in unlawful discrimination in the employment and training of apprentices or applicants for the apprenticeship during the relevant time period—then complete items 8(b) and 8(c). The purpose of this line of inquiry is to determine if there are any remaining issues of discrimination that would violate 29 CFR part 30, and thus deficiencies that need to be addressed in the review. When reviewing the documents to complete items 8(b) and (c), consult supervisor as necessary.

*Item 8(b).* List of external discrimination findings or allegations.

For each finding or allegation, provide, if possible, the specified information about each: the court or agency with which it was filed, the date filed, the name of the complaining party, the name(s) of the parties that were charged with discrimination, the type of discrimination involved (race, color, national origin, religion, sex, sexual orientation, disability, age, and/or genetic information), and the employment practices involved. Examples of employment practices are selection, testing, progression through program, work environment, and completion. Consult supervisor for assistance as needed.

Be on the lookout for any order or settlement that appears to require a sponsor or other entity connected with the administration or operation of the apprenticeship program to take specified actions regarding its apprentice employment practices, including developing an AAP. If such a requirement is found, alert your supervisor who may need to consult the SOL.

*Item 8(c).* How discrimination findings or allegations have been or are being addressed.

Record any information about how the discrimination findings or allegations have been or are being addressed. If the documents do not sufficiently communicate this information, this information should be obtained in the meeting with the sponsor’s representative.

During the in-person audit, discuss any discrimination findings and allegations that have not been finally resolved with the sponsor’s representative. For those findings and allegations that are in the process of being addressed, review the sponsor’s progress and plans for resolving them completely and for ensuring that any discrimination does not recur. If there are any findings that have been neither resolved nor addressed, find out why and what the sponsor’s plans to address them may be. Prior to the in-person meeting, consult supervisor as needed to craft questions for this follow-up with the sponsor’s representative.

## **7. CHECKLIST 7: SELECTION PROCEDURES**



**BACKGROUND:** Selection procedures include initial selection for enrollment into an apprenticeship program. They also include the procedures and criteria for progressions through and completion of the program, because these decisions, too, involve selections.<sup>5</sup>

Under 29 CFR § 30.10, sponsors may utilize any method for selecting apprentices that meets all four of the following requirements:

- (1) It complies with the Uniform Guidelines on Employee Selection Procedures (UGESP) (41 CFR part 60-3).
- (2) It is uniformly and consistently applied.
- (3) It complies with Title I of the Americans with Disabilities Act and implementing regulations.
- (4) It is facially neutral in terms of race, color, religion, national origin, sex, sexual orientation, age, genetic information, and disability.

To review compliance with these requirements, utilize this Checklist.

**Unless otherwise indicated, the items in this Checklist apply to the selection methods for each occupation that the sponsor has used since the date of the sponsor’s registration, or sponsor’s most recent APR (whichever was later) to the present.**

**This Checklist applies to all sponsors (not just those that are required to develop AAPs).**

*Item 1. Conformance with Standards.*

If the response to either item 1(a) or 1(b) is “no”—that is, if the selection procedures used do not match the written ones—advise the sponsor’s representative that if they wish to continue using a selection method not in the Standards, then the Standards must be amended to reflect actual practice. Also, include a requirement in the recommendations for corrective action that the sponsor put standard operating procedures in place to ensure that the selection criteria and procedures it is using are reflected in its Standards.

*Item 2. “Selection procedures have been facially neutral”—on the basis of:*

*Item 2(a). Race and color. Self-explanatory.*

*Item 2(b). National origin.*

See the definition of national origin discrimination in the Definitions Section of the Manual.

*Item 2(c). Religion.*

There is an exception for religious institutions that only hire people of their own religion and in certain other circumstances. Consult supervisor if a sponsor that is a

---

<sup>5</sup> These guidelines apply to tests and other selection procedures which are used as a basis for any employment decision. Employment decisions include but are not limited to hiring, promotion, demotion, membership (e.g., in a labor organization), referral, retention, and licensing and certification, to the extent that licensing and certification may be covered by Federal EEO law. Other selection decisions, such as selection for training or transfer, may also be considered employment decisions if they lead to any of the decisions listed above. (41 CFR § 60-3.2B.)



religious institution includes criteria in its selection procedures that are not facially neutral.

*Item 2(d). Sex.*

See the definition of sex discrimination in the Definitions Section of the Manual.

*Item 2(e). Sexual orientation.*

See the definition of sexual orientation in the Definitions Section of the Manual.

*Item 2(f). Age (40 or older).*

Age limits that exclude (or otherwise discriminate against) people age 40 or older are unlawful. But, under part 30, there is no prohibition of discrimination in favor of individuals who are 40 or over. So, a program that only hired people age 40 and older may not be unlawful, while a program that only hired people age 39 and under may not be lawful.

*Item 2(g). Disability.*

See the definition of disability in the Definitions Section of the Manual.

A selection procedure that singles out a particular disability (e.g., epilepsy) is not facially neutral, even if it does not cover all disabilities.

*Item 2(h). Genetic information.*

See the definition of genetic information in the Definitions Section of the Manual.

*Item 3. Uniform and consistent application of sponsor's initial selection methods and criteria.*

While a sponsor's initial selection methods and criteria may, on paper, appear to be facially neutral in terms of the bases protected under part 30, determining if those methods and criteria were *applied* uniformly is a different matter. To do so, review all applicable files (or a reasonable sample of the applicable files for large pools) and then confirm how the criteria were applied in the interviews, not only with the sponsor's representative, but also with one or more apprentices and/or applicants. If the initial review of relevant documentation raises questions about uniform application, then interview the sponsor's official(s) responsible for hiring and selection as well.

*Item 3(a). Consistent use of application forms for all applicants.*

*An example of application forms not being used consistently is where applications from some group(s)—for example, African Americans—are specially marked to indicate that they should be set aside and ignored.*

*Item 3(b). Use of same qualification requirements for all applicants. Self-explanatory.*

*Item 3(c). Use of same test and standardized scoring mechanisms for all applicants. Self-explanatory.*

*Item 3(d). Uniform use of scoring sheets. Self-explanatory.*



*Item 3(e).* Uniform use of oral interviews. Self-explanatory.

*Item 3(f).* Inclusion of all applicants on applicant logs.

While not required, applicant logs indicate consistency in process and can be helpful when reviewing the applications, selection processes, and selection dispositions. Logs with missing applicants may suggest that the missing applicants were treated differently; in that case, inquire further into their status.

*Item 3(g).* Questions that are discriminatory “on their face.”

Questions that are discriminatory “on their face” directly reference an applicant’s race, color, religion, sex, national origin, age, sexual orientation, disability status, and gender identity; whether an applicant is pregnant; and any genetic information.

Exceptions:

- Sponsors are permitted, for demographic purposes, to ask applicants their race, national origin, and sex on their application forms.
- Sponsors that must develop an AAP are also permitted (and, as of their two-year compliance date, are required) to invite applicants to self-identify as an individual with a disability. The invitation to self-identify as having a disability must be made using the Voluntary Disability Disclosure form at: <https://www.apprenticeship.gov/eo/protected-characteristics/disability>. (Sponsors may not ask applicants or apprentices to identify which disability they have during the selection process. Sponsors that are not required to develop an AAP may not ask individuals disability information at all in the selection process.)
- In some circumstances, sponsors that qualify as religious institutions are allowed to ask applicants’ religion.
- Sponsors may ask if an applicant is at least 16 years old.

*Always* consult supervisor when an application form or interview includes a question about religion.

*Item 4.* Uniform and consistent application of sponsor’s methods and criteria for selecting apprentices as they progress through and complete the program.

While a sponsor’s selection methods and criteria through the program may, on paper, appear to be facially neutral in terms of the bases protected under part 30, determining if those methods and criteria were *applied* uniformly is a different matter. To do so, review all applicable files (or a reasonable sample of the applicable files for large pools) and then confirm how the criteria were applied in the interviews, not only with the sponsor’s representative, but also with one or more apprentices. If the initial review of the document sample, or something learned in one of the interviews, raises questions about uniform application, interview the sponsor’s official(s) responsible for progression and completion decisions as well.

#### **D. EAPR Tool – Specific Instructions for Completion**

*Complete the EAPR Tool only for sponsors that have to develop an AAP.*



When conducting an EAPR, Field Representatives have two different but complementary roles. One role is to review compliance with 29 CFR part 30 (those aspects that apply to apprenticeship programs that are required to develop AAPs). The second is to assist programs to develop or update certain sections of their AAP. Use the EAPR Tool for the former, and the AAP Boilerplate, the Affirmative Action Plan Builder in RAPIDS, or a sponsor-specific AAP document for the latter.

Completing the EAPR Tool is fulfillment of the former role (the compliance role). Since TA is needed to help sponsors complete their demographic analyses and plan their targeted outreach, recruitment, and retention activities (if necessary) during the sponsor meeting, instructions for performing the second role (the TA role) are provided in the part of Chapter 6 that outlines how to conduct that meeting. (Also see Reference Guide to Appendix C and the AAP Builder in RAPIDS.)

The EAPR Tool consists of the five Checklists listed below. (They are numbered beginning with 8 to distinguish them from the Checklists in the APR Tool.)

- (8) SPONSOR'S ANNUAL REVIEWS OF PERSONNEL PROCESSES
- (9) INVITATIONS TO SELF-IDENTIFY AS AN INDIVIDUAL WITH A DISABILITY
- (10) WORKFORCE ANALYSIS FOR RACE, SEX, AND ETHNICITY
- (11) WORKFORCE ANALYSIS FOR DISABILITY
- (12) TARGETED OUTREACH, RECRUITMENT, AND RETENTION ACTIVITIES (IF REQUIRED)

**Unless stated otherwise, all items in the EAPR Tool apply to the period from sponsor's two-year compliance date or sponsor's most recent EAPR (whichever was later) to the present.**

#### **8. CHECKLIST 8: SPONSOR'S ANNUAL REVIEWS OF PERSONNEL PROCESSES**

*Sponsors must conduct their Annual Reviews of Personnel Processes on their own, without waiting for a program review by OA. The first such Annual Review of Personnel Processes must be completed by their two-year compliance date.*

*All sponsors required to develop an AAP must conduct this Annual Review of Personnel Processes.*

*Item 1. Frequency of Annual Reviews of Personnel Processes. Self-explanatory.*

*Item 2. Thoroughness of Annual Reviews of Personnel Processes.*

Examine the sponsor's consideration of the impact of each of the aspects of its program listed in items 2(a)-(j). Review how carefully, thoroughly, thoughtfully, and systematically it considered that aspect. For example, when considering its outreach and recruitment efforts, did the sponsor review whether these efforts might unnecessarily have excluded applicants from communities where a particular race or ethnic group tend to live?

This evaluation is relevant to the ultimate assessment of whether the sponsor implemented its AAP in good faith.

*Item 3. Sponsor's response to its evaluation of its program. Self-explanatory.*

*Item 4. Incorporation into Affirmative Action Plan and Standards. Self-explanatory.*



**9. CHECKLIST 9: INVITATIONS TO SELF-IDENTIFY AS AN INDIVIDUAL WITH A DISABILITY**

The Invitations to Self-Identify Checklist is self-explanatory.

**10. CHECKLIST 10: WORKFORCE ANALYSIS FOR RACE, SEX, AND ETHNICITY**

The Checklist for Workforce Analyses for Race, Sex, and Ethnicity is self-explanatory.

**11. CHECKLIST 11: WORKFORCE ANALYSIS FOR DISABILITY**

The Checklist for Workforce Analysis for Disability is self-explanatory.

**12. CHECKLIST 12: TARGETED OUTREACH, RECRUITMENT, AND RETENTION ACTIVITIES (IF REQUIRED)**

*Item 1. Goals met or exceeded.*

For each of the sponsor's major occupation groups, where a sponsor has found underutilization, record the utilization goals that were established at the sponsor's *previous* EAPR and the proportions of apprentices in that major occupation group as identified at the sponsor's most recent workforce analysis. (Generally, the most recent workforce analysis is the one you and the sponsor will have conducted during the *current* EAPR.) Indicate whether the current apprentice workforce representation of each demographic group met (or exceeded) the previous goal for that group.

For individuals with disabilities, if the impediments to equal opportunity were identified in the previous EAPR, enter "7%" as the goal (in the "Previous Goal Set" column). Otherwise, enter "N/A."

*As you discuss this item with the sponsor's representative, be sure to make it clear that failure to meet a goal will not, by itself, lead to a finding of a deficiency. OA understands that there may be good reasons why goals might not be met. Emphasize that the goals are aspirational, and that OA will determine the sponsor's compliance based on its good faith efforts to make its entire AAP work, not based on whether the sponsor has met its goals. This comparison of the sponsor's current demographics to the goals is a first step in evaluating those good faith efforts.*

*Item 2. Reasons given for not meeting goals.*

As you discuss this item with the sponsor's representative, remind them that you are assessing their good faith efforts, and that is why you have asked for their input about why any goals were not attained.

If appropriate, ask other follow-up questions to assess the reasons that the sponsor gave for not meeting the goals and whether they suggest that the sponsor made a good faith effort to achieve the goal. If the sponsor was prevented from taking some actions for reasons beyond its control, that would not take away from a finding of good faith. But if the sponsor could have taken actions that it did not take, that might indicate less than good faith.

*Item 3. Number of new apprentices registered since previous EAPR. Self-explanatory.*



A reason a sponsor may not meet its goals may be that, since it adopted the goals, it had no or very few openings for new apprentices in its program. If that is one of the reasons the sponsor gives for not meeting a goal, find out the number of apprentices that the sponsor registered since the goals were adopted; this will be a factor in the assessment of whether the sponsor was making good faith efforts to meet the goal.

*Item 4.* Additional observations and assessment of good faith. Self-explanatory.

*Items 5 through 10.* Required targeted outreach, recruitment, and retention activities during those instances where underutilization has been identified by the sponsor. Self-explanatory. (See the AAP Boilerplate/AAP Builder in RAPIDS and Reference Guide to Appendix C if additional information is needed.)



---

## Chapter 6 – Conducting the In-Person Audit (On-Site or Remote)

---

The in-person audit generally consists of the following three components:

- An interview with the sponsor’s representative;
- Interviews with one or more apprentices and other personnel (e.g., journeyworkers, supervisors, managers, hiring officials); and
- Visual inspection(s) of at least one site where apprentices work and, if applicable, sites where applicants apply and where apprentices receive related instruction.

### A. Meeting with the Sponsor’s Representative

The in-person meeting with the sponsor’s representative—and reviewing the checklists in the APR and EAPR Tools with them—is the heart of the program review. The goals of the meeting are to ensure that the program sponsor is operating according to its approved Standards and current regulations, and, if necessary, to provide TA to help the sponsor do so. While an in-person meeting can be held either on-site or remotely, an on-site meeting affords you the opportunity for physical inspections of facilities and worksites.

Consult the supervisor about conducting an on-site meeting at one (or more) of the following: the location where the sponsor maintains the administrative and operational records for the program, the location where related instruction is provided, or a worksite where apprentices work.

As you proceed through the items covered on the applicable Tools with the sponsor’s representative, you will also have the opportunity to provide TA to be sure that they understand and know how to implement the requirements. Do this especially where the desk audit indicates that the sponsor may not have properly followed the regulations.

You will also help programs that have not previously done so to develop their AAP, if applicable.

Take notes during any in-person meeting, interview, or inspection that is part of a program review. It is possible that you may conduct multiple reviews during a short time frame, or it may be a few days before you have the opportunity to write up your reports.

#### 1. What to Look For

- (a) **Confirmation of adherence to registered Standards.** The purpose of the review is to ensure that the sponsor adheres to its Standards. A sponsor’s failure to operate its program in accordance with the program’s registered provisions is defined in the regulations as reasonable cause for deregistration (29 CFR § 29.8(b)(1)(i)). A sponsor cannot amend its Standards without OA’s approval. Use the sponsor meeting to confirm that the sponsor has not changed its program without amending its Standards and getting OA approval and that the sponsor’s actual practices conform to its registered Standards. The Field Representative *must* discuss any discrepancies between the registered and current Standards with the sponsor’s representative, and note them in the APR Tool.
- (b) **Treatment of apprentices without regard to their race, color, national origin, religion, sex, sexual orientation, age (40 and over), disability, or genetic information, not only in initial selection, but also in progression through and completion of the program.** In particular, as topics related to discrimination findings or allegations come up in the progression through the Tools, discuss what the sponsor has done to ensure that





any discriminatory practices do not occur. When there are questions or concerns about possible unlawful discrimination in the program, consult supervisor, who may in turn seek assistance from SOL. There are extensive resources about EEO in apprenticeship online at: <https://www.apprenticeship.gov/eo>.

- (c) **Support for proposed findings of deficiencies.** Use the meeting to establish or verify specific facts regarding any findings of deficiencies to be proposed to the supervisor.
- (d) **Best practices.** The meeting is an excellent opportunity both to identify what the sponsor does to ensure a quality program and to make suggestions about best practices that could help the sponsor improve its program.
- (e) **Technical assistance.** As noted above, the meeting is also the best opportunity to provide face-to-face TA and is an integral part of the overall program review.

## 2. Review the APR Tool and EAPR Tool with the Program Representative

There are many instances where conversations will yield more valuable information than can be gathered from documents alone. All reviews should include **discussions** with the sponsor's representative.

In the meeting with the sponsor's representative (as well as with apprentice(s) and other interviewees), go through the APR and EAPR Tools to clarify or verify the pre-filled information and fill in any gaps, consulting relevant documents as needed. Provide TA to be sure they understand the requirements and how to comply with them. Relying on reference documents alone is insufficient.

After going through the APR/EAPR Tool(s), continue discussions with the sponsor's representative on items that raise questions or concerns and next steps (if appropriate).

## 3. Review the Demographic Analyses in the Sponsor's Affirmative Action Plan (For EAPRs)

- **During the first EAPR after the sponsor's two-year compliance date,** work with the sponsor's representative during the meeting with them to review the sections of the sponsor's Affirmative Action Plan that require OA involvement.
- **During subsequent EAPRs,** work with the sponsor's representative during the meeting with them to update the portions of the sponsor's Affirmative Action Plan that require OA involvement.

By the first EAPR after its two-year compliance date, the sponsor should have completed the relevant parts of the Affirmative Action Plan on their own, and at least once every three years if a program review has not taken place.

During the sponsor meeting, go over the sponsor's Affirmative Action Plan with them, using the EAPR Tool as a guide for providing TA as needed to confirm information. Follow the instructions in the EAPR Tool and in Chapter 5.

Consult the Reference Guide to Appendix C for definitions and explanations as needed.

## 4. Completion of the In-Person Meeting

- (a) Review the narrative areas on the APR or EAPR Tool and supporting documents to ensure that they contain sufficient information to explain proposed findings, areas of concern, and best practices in any of the categories. Notify the sponsor that findings of



discrimination, if any, may be reported to the appropriate agency. Ask the sponsor's representative if clarification or additional information is needed.

- (b) Review and complete the overall APR/EAPR Tool to ensure all areas have been addressed during the meeting.
- (c) Answer any additional questions or comments and provide feedback concerning this review, highlighting any positive areas and providing appropriate constructive comments. Explain that any areas of concern or possible deficiencies will be reviewed in conjunction with the supervisor, and the sponsor will be sent a notice of review findings after the review is complete. Specific guidance about the next steps will be included in the notice.
- (d) If sought, provide reasonable TA to help the sponsor resolve any issues, but do not commit as to whether OA might pursue deregistration against the sponsor, given that there are additional steps left in the review process.

After concluding the meeting with the sponsor's representative, move on to the remaining components of the in-person audit: conducting interviews (see Section B of this chapter) and the worksite walk-through (see Section C of this chapter).

## **B. Interviews**

Interviews are used as a follow-up to further investigate certain responses to questionnaires or to other interviews. As stated in Chapter 3, Section A, OA's expectation is that in every APR/EAPR, at least one interview of an apprentice is conducted unless an exemption has been discussed with the supervisor, have justification for not doing an interview, and document this in the file. This expectation applies to reviews that are conducted remotely as well; interviews with apprentices should be conducted via video chat (preferred) or phone call. The number of interviews conducted should be proportional to the size of the program.

Interviews with apprentices must be conducted separately from the interview with the sponsor's representative. Generally, interviews with apprentices are to be conducted individually, but may be done in groups with supervisory approval.

## **C. Visual Inspections**

Physical worksite inspections, like interviews, are used for getting the story behind a participant's experiences, gaining further understanding of jobs and tasks, and observing whether the culture of the workplace is inclusive.

As discussed in Chapter 3, Section A, OA's expectation is that in every non-remote APR/EAPR, at least one worksite will be inspected unless an exemption has been discussed with a supervisor, have justification for not doing an inspection, and document this in the file. Wherever feasible, this should be a job site where apprentices from traditionally underrepresented demographic groups are working. In addition, wherever feasible, inspect the related-instruction site.

If such inspections are not feasible, or if a remote review is being conducted, ask the sponsor's representative to provide photographs of these areas. Also, ask the apprentice(s) being interviewed about the physical conditions of their worksites and related-instruction sites and the other items listed below.

### **1. Things to Look and Listen For**

- The concerns of workers and supervisors



- Ratios of apprentices to mentors/journeyworkers is sufficient to ensure adequate safety and supervision of the apprentice(s) (Consult any applicable policy guidance on ratios, as appropriate)
- Accessibility/reasonable accommodations are met, as needed
- Safety in the workplace (including appropriate referrals to OSHA as necessary)
  - Safety equipment
  - Hazards, such as housekeeping and tripping dangers
  - Lighting/heating/cooling (to the extent possible)
- Visual indications of unwelcoming, intimidating, or harassing conduct in the workplace (including common areas, bathrooms, and breakrooms)
- Placement of posters (EEO Pledge/EEO Complaints Information)
- Ready access to appropriate and sanitary restrooms and changing facilities
  - For example, if a sponsor maintains unsanitary bathrooms for one sex or a policy that effectively prevents bathroom breaks, courts have found that to be actionable discrimination under sex discrimination laws. Such a practice can result in serious medical complications.*
- Restrooms or changing facilities, whether separate or single-user restrooms are available to assure privacy among the sexes
  - If a question or concern is received about whether a sponsor's arrangements for bathroom availability are discriminatory on the basis of sex, consult supervisor.*
- Classroom space and conditions support learning
- Working conditions of apprentices from traditionally underrepresented demographic groups, such as physical surrounding and facilities, are not inferior to those of other apprentices



---

## Chapter 7 – Write-Up, Submission, and Follow-Up

---

### A. Findings and Review Narrative

After completing the in-person meeting, the next step in the process is to determine findings and assessments of deficiencies and record them in the narrative sections of the APR Tool and, if applicable, the EAPR Tool. Review and supplement annotations on the APR/EAPR Tool and formulate preliminary conclusions about any requirement(s) with which the sponsor may not be in compliance.

Compile the information into a Review Narrative. The purpose of the Review Narrative is to record and summarize the findings from the desk audit, in-person meeting with the sponsor, interview(s), and worksite inspection(s).

The Findings and Review Narrative is an official government document, and other governmental agencies (EEOC, OFCCP, the courts, etc.) may utilize it to assess compliance or in litigation. Therefore, ensure all comments are professional, justified, impartial, and can be substantiated. Include comments and observations both pro and con; however, do not base Findings and Narrative on opinion or conjecture. Instead, base them on the facts, law, regulations, and guidance.

### B. Development of Recommendations

Once analyses and assessments are completed, develop the recommendations that will be submitted to supervisor for the compliance and registration statuses of the program going forward. Recommendations will include any findings of deficiencies, the actions necessary for the sponsor to correct the deficiencies, the deadline for correcting the deficiencies, and how the deficiencies relate to the recommendation as to the status of the program. As with the Narrative, base recommendations as to the outcome of the review on the facts, law, regulations, and guidance, not on opinion or conjecture.

Part of a program review is identifying any deficiencies in the sponsor's operation of its program. As used in this Manual, a deficiency is simply a sponsor's failure to comply with any of the provisions of 29 CFR part 29 or part 30 or to conduct, operate, or administer its program in accordance with its Standards. This means, among other things, that there is no deficiency unless there is a violation of a specific provision in the regulations or the program's Standards.

On the other hand, not every deficiency warrants deregistration or even a finding that the program is out of compliance, and *simply identifying a deficiency in a review does not mean that such a consequence will be recommended*. Depending on the deficiency and other circumstances, the recommendation to the supervisor may be that the sponsor be required to correct the deficiency and to prevent its recurrence, and provide TA about how to do so. Staff should submit this analysis and assessment to the supervisor within 10 business days of the completion of review, and ultimately should receive final approval by the supervisor within 30 days of this receipt.

The final decision of the consequences of deficiency findings will be made by the supervisor.

### C. Notice to Sponsor

If deficiencies are found under 29 CFR part 29, OA must notify the program sponsor in writing. The notice must state the shortcoming(s) and the remedy required.

Under 29 CFR part 30, OA must send a Notice of Review Findings providing the results of the review to the sponsor's contact person within 45 business days of the completion date of the review as to the nature



of any deficiencies from an audit or visit. If the review finds a failure to comply with 29 CFR part 30, OA must inform the sponsor in the Notice, and include the following:

- (1) The deficiency(ies) identified;
- (2) How to remedy the deficiency(ies);
- (3) The timeframe within which the deficiency(ies) must be corrected; and
- (4) A description of the potential enforcement actions that may be undertaken if compliance is not achieved within the required timeframe.

#### **D. Entry into RAPIDS and Updating Files**

Once the written review is completed, create a Program Review Report in RAPIDS.

Once the Program Review Report is created, forward the documentation of the Program Review documents to the supervisor. In addition, because these are official government documents, they must be maintained in accordance with U.S. Department of Labor Manual Series (DLMS) -1, Chapter 400.

#### **E. Submission of Recommendation and Discussion with Supervisor; Notice to Sponsor**

As noted above, final decisions about findings of deficiencies and remedies and consequences for them will be made by the supervisor, taking the recommendations into account. When the supervisor receives the Program Review packet, they will assist with finalizing the packet.

Findings of all deficiencies under 29 CFR part 29 by National Programs; findings of significant deficiencies under 29 CFR part 30 by National Programs; and all recommendations of deregistration must be approved by both the Regional Director and the National Office of OA.

. When the Review Packet is approved, the supervisor will direct the Field Representative to communicate the Notice of Review Findings to the sponsor (such as, certified mail, electronic mail, etc.). Registration Agency staff should store a record of the Notice of Review Findings in RAPIDS.

#### **F. Sponsor Response to Findings of Deficiencies**

##### **1. Under 29 CFR Part 29**

When deficiencies are found under 29 CFR part 29, the sponsor must effect corrective action within 30 calendar days. Sponsors may seek to extend this deadline for another 30 days for good cause. If this occurs, review the reasons given for the extension with your supervisor; if they are sufficient, the supervisor will approve the extension.

During the corrective-action period, assist the sponsor in every reasonable way to comply with the Standards and regulations. If the sponsor does not make the required correction within the allotted time, work with your supervisor to determine if there is reasonable cause to deregister the program. All such determinations must be approved by both the RD and NO. If such a determination is approved, send a notice to the sponsor enumerating the deficiencies and remedial measures identified in the previous notice, and explaining (among other things) that based upon the stated deficiencies and failure to remedy them, a deficiency if left uncorrected could ultimately result in a reasonable cause to deregister the program.

The sponsor has 15 days from receipt of the notice to request a hearing with OA. If the sponsor does not request a hearing, the matter is submitted to the Administrator for a decision on the record with respect to deregistration. If the sponsor does request a hearing, the Administrator refers the matter to DOL's Office of Administrative Law Judges. An



Administrative Law Judge then convenes a hearing in accordance with 29 CFR § 29.10, and issues a decision as required in 29 CFR § 29.10(c).

## 2. Under 29 CFR Part 30

When a sponsor receives a Notice of Review Findings that includes findings of deficiency, it must, within 30 business days of notification, either submit a compliance action plan and notify OA of that plan or submit a written rebuttal to the Findings. Sponsors may seek to extend this deadline one time by up to 30 business days for good cause shown. If this occurs, review the reasons given for the extension with your supervisor; if they are sufficient, supervisor will approve the extension.

If the sponsor concurs with the deficiency (ies) noted and provides a compliance action plan, review the plan to be sure it includes, but is not limited to, the following provisions:

- (a) A specific commitment, in writing, to correct or remediate identified deficiency(ies) and area(s) of noncompliance;
- (b) The precise actions to be taken for each deficiency identified;
- (c) The time period within which the cited deficiency(ies) will be remedied and any corrective program changes implemented; and
- (d) The name of the individual(s) responsible for correcting each deficiency identified.

Upon approval of the compliance action plan by the supervisor or the NO, the sponsor is considered in compliance if the compliance action plan is implemented.

Instead of providing a compliance action plan, the sponsor may submit a written rebuttal. A rebuttal has three possible outcomes:

- (1) OA agrees with all items rebutted; OA amends the recommendation and issues a new Notice of Findings to the sponsor, with no findings of deficiency.
- (2) OA agrees to only certain items rebutted; OA amends the recommendation and issues an amended Notice of Findings for the areas identified. The sponsor submits its compliance action plan based on the amended Notice of Findings.
- (3) OA chooses to uphold its original Notice of Findings with no changes; OA responds in writing, upholding its findings, and advises the sponsor that they must submit a compliance action plan within 30 business days of receiving the upheld Findings Notice from OA.

Review the rebuttal with your supervisor to determine OA's response. Per the supervisor's directions, prepare a new Notice of Findings (in the case of response 1), an amended Notice of Findings (in the case of response 2), or a notice upholding OA's original Findings (in the case of response 3).

If OA's revised notice again advises the sponsor that it must submit a compliance action plan (in the cases of responses 2 and 3), but the sponsor again refuses to submit or implement a compliance action plan within the specified timeframes, the sponsor may be subject to an enforcement action under 29 CFR § 30.15. Should this occur, elevate the matter to the RD to decide whether to initiate an enforcement action or to resolve the matter otherwise.

## G. Closing of Review



To close the review, the supervisor accesses RAPIDS, indicates the compliance review is complete, and finishes the approval process.

#### **H. Follow-up**

Follow up with the sponsor to ensure its compliance action plan is implemented. Keep track of the deadlines for the sponsor taking each corrective action outlined in its compliance action plan, and check with the sponsor within 30 days of the deadlines to confirm that that action was accomplished on time.

If the sponsor accomplished the corrective action(s), get supervisor's approval to restore the sponsor's registration status (provisional or permanent, whichever it was prior to having been found out of compliance) and/or its ability to register new apprentices.

If the sponsor did not accomplish the corrective action(s), consult a supervisor to determine whether to extend the deadline, recommend decertification of the program, or take another action.