

COMMONWEALTH OF VIRGINIA
REGISTERED APPRENTICESHIP

FIELD OPERATION MANUAL

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PREFACE

The passage of the National Apprenticeship Act on August 16, 1937, (The Fitzgerald Act, Public Law 308, marked the formal entrance of the Federal government into nationwide apprenticeship promotion in industry. It charged the Secretary of the U.S. Department of Labor with formulating and promoting the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the states in the promotion of such standards. The Commonwealth of Virginia adopted the Voluntary Apprenticeship Act on April 1, 1938.

VOLUNTARY APPRENTICESHIP ACT

Code of Virginia
40.1-117 – 40.1-216

Enacted 1938
Amended 1960, 1968, 1970,
1974, 1978, 1980, 1981, 1987,
1990, 1992, 1996

§40.1-117 Apprenticeship Council; membership and terms of office; meeting and duties –

A. The Governor shall appoint an Apprenticeship Council, composed of four representatives each from employer and employee organizations respectively, and all of whom shall be familiar with apprenticeable occupations. The Commissioner of the Virginia Employment Commission, the Chancellor of the Virginia Community College System, or their designated representatives, and a local superintendent from a school division that provides apprenticeship-related instruction, shall be members, ex officio, of the Council. At the beginning of each year the Governor shall designate one member to serve as chairman. Each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term. All members, including ex officio members, shall have voting privileges.

B. The Apprenticeship Council shall meet at the call of the chairman of the Council and shall formulate policies for the effective administration of this chapter.

C. The Apprenticeship Council shall establish standards for apprentice agreements which shall not be lower than those prescribed by this chapter and those established pursuant to Article 3 (54.1-1128 et seq.) of Chapter 11 of Title 54.1, and shall perform such other functions as may be necessary to carry out the intent and purposes of this chapter. Not less than once a year the Council shall make a report of its activities and findings to the General Assembly and to the public.

§40.1-118 Authority of Council –

The Council may:

- (1) Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this chapter;
- (2) Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;
- (3) Approve, if in their opinion approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established under this chapter;

- (4) Terminate or cancel any apprentice agreement in accordance with the provision of such agreement;
- (5) Keep a record of apprentice agreements and their disposition;
- (6) Issue certificates of journeyworkership upon the completion of the apprenticeship;
- (7) Perform such other duties as are necessary to carry out the intent of this chapter;
- (8) Review decisions of local and state joint apprenticeship committees adjusting apprenticeship disputes pursuant to 40.1-119c3;
- (9) Initiate deregistration proceedings when the apprenticeship program is not conducted, operated and administered in accordance with the registered provisions except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provision of the Virginia State Plan for Equal Employment opportunity in Apprenticeship; and
- (10) Advise the State Board for Community Colleges on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

§40.1-119 Local and State Joint apprenticeship committees –

A. A local joint apprenticeship committee may be appointed in any occupation or group of occupations in a city or occupation area, by the Apprenticeship Council, whenever the apprentice training needs of such occupation or group of occupations justify such establishment. Sponsors not signatory to a bargaining agreement may operate an individual apprenticeship program or, at the option and under the guidelines prescribed by a joint committee, participate in an apprenticeship program operated by a joint apprenticeship committee.

B. When two or more local joint apprenticeship committees have been established in the state for a occupation or group of occupations or at the request of any occupation or group of occupations, the Apprenticeship Council may appoint a state apprenticeship committee for such occupation or group of occupations. Such local and state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such occupation or group of occupations. In an occupation or group of occupations in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.

C. The functions of a local joint apprenticeship committee shall be:

1. To cooperate with school authorities in regard to the education of apprentices;
2. In accordance with standards established by the Apprenticeship Council, to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices, and the number of apprentices which shall be employed locally in the occupation; and
3. To adjust apprenticeship disputes.

D. The functions of a State occupation apprenticeship committee shall be to assist in an advisory capacity in the development of statewide standards of apprenticeship and in the development of local standards and local committees.

§40.1-120 Definitions –

As used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

“Apprenticeable occupation” means a skilled occupation having the following characteristics:

1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;
2. It is clearly identifiable and recognized throughout an industry;
3. It involves manual, mechanical or technical skills which require a minimum of 2000 hours of on-the-job work experience of new apprenticeable occupations not otherwise established; and
4. It requires related instruction to supplement the on-the-job work experience.

“Apprentice” means a person at least sixteen years of age who is covered by a written agreement with an employer and approved by the Apprenticeship Council. The agreement shall provide for not less than 2000 hours of reasonably continuous employment in new apprenticeable occupations not otherwise established for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the craft or occupation.

“Employer” means any person or organization employing a registered apprentice who is party to an apprenticeship agreement with a sponsor.

“Joint Apprenticeship Committee” means a group equally representative of management and labor representatives which works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

“Sponsor” means either an individual employer, a group of employees or an association or organization operating an apprenticeship program, and in whose name the program is registered.

§40.1-121 Requisites of apprentice agreement –

Every apprentice agreement entered into under this chapter shall contain:

1. The names, signatures, and addresses of the contracting parties;
2. The date of birth of the apprentice;
3. A statement of the occupation, craft or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end;
4. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;
5. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;
6. A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

7. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Council at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Council by mutual agreement of all parties thereto, or cancelled by the Council for good and sufficient reason.

8. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with the approval of the Council transfer such contract to any other employer if (i) the apprentice consents (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within thirty days of the transfer, and

9. Such additional terms and conditions as may be prescribed or approved by the Council not inconsistent with the provisions of this chapter.

§40.1-122 Approval of agreement by Council; signing –

No apprentice agreement under this chapter shall be effective until approved by the Council. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in 40.1-124, and by the apprentice and, if the apprentice is a minor, by the minor's father or mother, provided, that if both father and mother be dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§40.1-123 Agreement binding after apprentice's majority –

When a minor enters into an apprentice agreement under this chapter for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

§40.1-124 Agreement signed by organization of employers or employees –

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may in the discretion of the Council be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the Council, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in 40.1-122, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§40.1-125 Commissioner to administer chapter –

The Commissioner, with the advice and guidance of the Council, shall be responsible for administering the provisions of this chapter.

§40.1-126 Operation and application of chapter –

Nothing in this chapter or in any apprentice agreement approved under this chapter shall invalidate any apprenticeship provision in any collective agreement between employers and employees establishing higher apprenticeship standards regarding ratios of apprentices to journeyworker, probationary periods, or length of the program. But none of the terms or provisions of this chapter shall apply to any person, firm, corporation or craft unless, until and only so long as such person, firm corporation or craft voluntarily elects that the terms and provisions of this chapter shall apply.

REGULATIONS GOVERNING THE ADMINISTRATION OF APPRENTICESHIP PROGRAM IN THE COMMONWEALTH OF VIRGINIA

16 VAC 20-20-10 et seq.
(Virginia Administrative Code)

Adopted May 26, 1978
Last Revision July 1992

16 VAC 20-20-10 Purpose of Regulation

This chapter established procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with Chapter 6, Title 40.1 of the Code of Virginia. This chapter is intended to insure that apprenticeship training programs developed and registered with the Virginia Apprenticeship Council are of the highest possible quality in all aspects of on-the-job training and related instruction and that all apprenticeship programs provide meaningful employment and relevant training for all apprentices.

16 VAC 20-20-20 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- "Apprentice" means a person as defined by §40.1-120 of the Code of Virginia.
- "Apprenticeable occupation" means an occupation as defined by §40.1-120 of the Code of Virginia.
- "Apprenticeship agreement" means a written agreement between an apprentice and a program sponsor, which agreement shall meet the criteria outlined in 16 VAC 20-20-50.
- "Apprenticeship Council" or "Council" means the Virginia Apprenticeship Council established pursuant to §40.1-117 of the Code of Virginia.
- "Apprenticeship program" means a written plan conducted or sponsored by an employer, an association of employers, a joint apprenticeship committee or an organization of employees, which contains all terms and conditions as outlined in this chapter.
- "Commissioner" means the Commissioner of the Virginia Department of Labor and Industry.
- "Sponsor" means an employer, an association of employers, a joint apprenticeship committee or an organization of employees that has an approved apprenticeship program registered with the Council.
- "Supervisor of apprentices" means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.

16 VAC 20-20-30 Eligibility for registration of programs and agreements

- A. Proposed apprenticeship programs conforming to 16 VAC 20-20-40 may be submitted to the Council for approval and registration by any of the following potential program sponsors:
1. A joint apprenticeship committee (Commonwealth, area or in-plant).
 2. An individual employer having no bargaining agreement with those of his employees engaged in the occupation to which the standards apply.
 3. An association of employers whose members participating under the standards have no bargaining agreement with their employees.
 4. An individual employer or an association of employers where there is a collective bargaining agreement or other instrument that provides for union participation in any manner in the proposed program, and such participating is exercised. The sponsor shall obtain from the collective bargaining agent written acknowledgment of the union agreement or a statement of no objection to the registration of the proposed program.

(NOTE: Where no such participation is evidenced and practices, the employer or association of employers shall simultaneously furnish to the union, which is the collective bargaining agent of the employees to be trained, a copy of the apprenticeship program. The Council will allow 60 days for receipt of union comments, if any, before final action is taken on the application for approval and registration.)
 5. An organization of employees when the employer or employer association waives participation in the standards.
 6. Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis are registered, pursuant to all requirements of Title 29, Part 29 of the Code of Federal Regulations, by any recognized State Apprenticeship Agency/Council or the Bureau of Apprenticeship and Training, US Department of Labor, shall be accorded registration upon request by the sponsoring entity.
- B. Apprentices shall be individually registered under a registered program. Such registration may be affected:
1. By program sponsors filing copies of each apprenticeship agreement; or
 2. By program sponsors filing a master copy of such agreement followed by a listing of the name and other required data of each individual when apprenticed.
- C. The Council may refuse to accept a program proposed for registration if, in its judgment, the program, the sponsor or any participants are unable to conduct the program in accordance with this chapter.
- D. Approved apprenticeship programs shall be accorded registration, evidenced by written notification of registration.

16 VAC 20-20-40 Standards for apprenticeship programs

An apprenticeship program to be eligible for registration with the Virginia Apprenticeship Council shall conform to the following standards:

- A. The program has an organized written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.
- B. The program standards contain the equal opportunity pledge and, when applicable conform with all other requirements in accordance with the Virginia State Plan for Equal Employment Opportunity in Apprenticeship and provisions concerning the follow:
 1. The employment and training of the apprentice in an apprenticeable occupation.
 2. A statement that on or after the date the standards of apprenticeship are duly executed, it shall be the policy of the sponsor that all apprentices employed in the occupation covered herein shall be governed by the terms and conditions of the standards of apprenticeship, a copy of which will be provided for the sponsor who will make it available to the apprentice for review, upon request.
 3. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years.
 4. A provision for the granting of advanced standing or credit on the term of apprenticeship for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted. Credit will be granted only after the record of the apprentice has been reviewed by the sponsor's supervisor of apprentices.
 5. The placement of an apprentice under a written apprenticeship agreement, which agreements shall conform to the standards for apprenticeship agreements as stated in 16 VAC 20-20-50.
 6. A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice and a statement that overtime hours worked by the apprentice will or will not be credited to the term of apprenticeship.
 7. Provisions for an initial probationary period of not less than 500 clock hours and no more than 2,000 clock hours of employment and training, during which time termination of the apprenticeship agreement may be effected by the Council upon written notification from either party. Full credit will be given for the initial probationary period toward completion of the apprenticeship program.
 8. The designation of the supervisor of apprentices whose duties shall include:
 - a. Maintaining adequate records of the progress of each apprentice;
 - b. Assurance of qualified training personnel and adequate supervision on the job;
 - c. Making reports as required at specified intervals regarding the aptitude, skill and progress of each apprentice;
 - d. Assurance the apprentice is given instruction in safe working methods in each operation as it is encountered throughout the term of apprenticeship;

- e. Making arrangements with the local vocational education authorities for the required related instruction;
 - f. Such other duties as may be necessary in developing and maintaining an effective apprenticeship program.
9. An outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process.
 10. Provision for organized, related and supplemental instruction in technical subjects related to the occupation. Such instruction may be given in a classroom through occupation industrial courses or correspondence courses of equivalent value, or other forms of self-study. A minimum of 144 hours is recommended for each year of apprenticeship.
 11. Provision for a periodic evaluation of each apprentice's progress in job performance and related instruction prior to the expiration of each wage period. Should such a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period of time to determine improvement or failure. At the end of the probationary period, if the apprentice has now shown acceptable improvement, the apprentice agreement may be suspended or revoked. The sponsor will provide written notice of the final action taken to the apprentice and the Virginia Apprenticeship Council.
 12. A statement that hours of work for apprentices shall be the same as for other employees in the occupation and whether time spent at related instruction will or will not be considered as hours of work.
 13. A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and established in accordance with federal and state wage laws.
 14. Provisions concerning the ratio of apprentices to journeyworker:
 - a. The minimum numeric ratio of apprentices to journeyworker shall be 1:1 except as noted in subdivision B 14 b of this section. Individual program sponsors shall propose, as part of their apprenticeship standards, a ratio of apprentices to journeyworker consistent with proper supervision, training, safety and continuity of employment, applicable provisions in collective bargaining agreements, and applicable requirements of recognized licensing boards or authorities.

The Department of Labor and Industry, Division of Apprenticeship Training, will review and approve all ratio proposals based on the explanation and justification provided by each program sponsor. Consideration will be given, but not limited to, the following factors:

- (1) Evidence of ability to assure proper supervision, training, safety, and continuity of employment under the proposed ratio;

(2) The specific nature of the industry and occupation involved;

(3) Proposed hiring or upgrading of minorities, females, older workers, dislocated workers, ex-offenders, the handicapped, and veterans;

(4) Evidence of ability to train under the proposed ratio.

If a ratio proposal is disapproved by the division, the sponsor may appeal, in writing, the decision to the Commissioner. If the Commissioner upholds the decision of the Apprenticeship Training Division, the sponsor may appeal to the State Apprenticeship Council. The decision of the Council shall be final.

b. Apprenticeship ratio on Davis-Bacon work sites. Effective July 1, 1993, the minimum numeric ratio of apprentices to journeyworker for individual program sponsors and for individual contractors signatory to joint and nonjoint apprenticeship programs performing work under the Davis-Bacon and related federal prevailing wage laws shall be worksite-specific and shall be as follows:

One apprentice to the first journeyworker;

Two apprentices to the first two journeyworkers;

Two apprentices to the first three journeyworkers;

Two apprentices to the first four journeyworkers; and

One additional apprentice for each two journeyworkers thereafter.

The ratio for service trucks on Davis-Bacon work sites shall be one apprentice to one journeyworker.

Bids submitted for Davis-Bacon work on or after July 1, 1993, must observe these minimum ratio requirements.

These ratio provisions shall apply until either the Congress of the United States or the US Department of Labor mandate different or uniform ratios for Davis-Bacon work.

c. Other requirements related to Davis-Bacon work sites: Sponsors shall notify the Virginia Apprenticeship Council within 30 days of receipt of a citation alleging a violation of the Davis-Bacon Act affecting an apprentice. The notice must be in a form specified by the policies of the Apprenticeship Council. Failure to report citations shall be an omission for which Council may consider requiring a remedial action plan or deregistration of the sponsor's program.

The Apprenticeship Council may deregister sponsors who receive final orders of the US Department of Labor or the courts confirming willful or repeated violations of the Davis-Bacon Act affecting registered apprentices.

The effectiveness of the numeric ratio approved for individual program sponsors will be examined every two years during the program sponsor evaluation process.

15. A procedure for lay-off, suspension, cancellation and reinstatement of apprentices. Apprentices may be laid off in the commensurate ratio of apprentices to journeyworkers. Provided, however, any apprentice laid off shall be offered reinstatement in the seniority standing before any new apprentices shall be registered. Where there is a collective bargaining agreement providing for lay-off procedures for apprentices, it shall prevail over the above stated procedures. The Council will be notified in writing of all lay-offs, suspensions, cancellations and reinstatements. The notice will state the reason for the specific action.
16. A statement that if and when the sponsor is no longer able to fulfill his obligations for the training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor.
17. A statement that the sponsor will notify the Council of persons who have successfully completed the apprenticeship program and request the Council to prepare a Certificate of Completion for issuance to each person.
18. A statement that the sponsor shall instruct the apprentice in safety and healthful work practices and shall ensure that the apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and Construction Industry developed pursuant to the Federal Occupational Safety and Health Act.
19. A statement that in the event a difference of opinion should arise as to any provision of the apprenticeship agreement, either party to the apprenticeship agreement may consult with the Council for clarification of the matter in question.
20. The sponsor's assurance that any modification or amendment of the apprenticeship program will be promptly submitted to the Council. Any such modification shall be approved by the Council and such modification shall not alter or affect apprenticeship agreements in effect without the consent of all parties affected.
21. A statement that the sponsor may have the program cancelled by submitting a written request to the Council.
22. A statement that the apprenticeship program may be cancelled by the Council if the program is not conducted in accordance with this chapter.
23. A statement identifying the Virginia Apprenticeship Council as the registration agency which agency is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor.
24. A statement identifying the apprentice's responsibilities as an employee.

16 VAC 20-20-50 Standards for apprenticeship agreements

The apprenticeship agreement shall contain explicitly or by reference:

1. Names and signatures of the contracting parties (apprentice and sponsor) and the signature of a parent or guardian if the apprentice is a minor.
2. The date of birth, sex, race, social security number and veteran status of the apprentice.
3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.
4. The occupation or craft in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.
5. The number of hours to be spent by the apprentice in work on the job and the number of hours to be spent in related or supplemental instruction.
6. A schedule of the work processes in the occupation or industry divisions in which the apprentice is to be trained and approximate time to be spent at each process.
7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance and whether or not the apprentice will be paid for attendance at related or supplemental instruction.
8. Statements providing:
 - a. For a specific initial probationary period conforming to subdivision B 7 of 16 VAC 20-20-40;
 - b. That after the initial probationary period, the apprenticeship agreement may be cancelled or suspended in accordance with subdivision B 11 of 16 VAC 20-20-40.
9. A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement as it may be amended or modified during the period of the agreement.
10. A statement that the employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, sex or physical handicap which is unrelated to the person's qualification and ability to perform the job.
11. The educational level of the apprentice.
12. Credit for previous experience granted the apprentice.

13. A provision that a sponsor who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the apprentice agreement.

16 VAC 20-20-60 Deregistration procedure

Deregistration of a program may be effected upon the voluntary action of the sponsor by a written request for cancellation of the registration or by the Council instituting formal deregistration proceedings in accordance with the provisions of this section.

A. Voluntary deregistration

The Council may cancel the registration of an apprenticeship program by a written acknowledgement of a request stating, but not limited to, the following matters:

1. The registration is cancelled at the sponsor's request, and the effective date thereof.
2. That within 15 days of the date of the acknowledgement, the sponsor shall:
 - a. Notify all apprentices of such cancellation and the effective date;
 - b. Inform each apprentice that such cancellation automatically deprives the apprentice of individual registration; and
 - c. That the cancellation of the program removes the apprentice from coverage for federal and state purposes which require approval of an apprenticeship program.

B. Involuntary deregistration

Deregistration proceedings may be undertaken by the Council when an apprenticeship program is not conducted, operated and administered in accordance with this chapter, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

1. Council will notify the sponsor in writing of deregistration for one year after receiving substantial evidence in the record of either:
 - a. Exposing an apprentice to imminent danger in violation of state occupational safety and health standards;
 - b. Failure to provide supervision that is adequate for the period of training and the type of work being performed, sufficient to achieve the level of skill training of the craft, and sufficient to reasonably protect the apprentice from serious occupational injury or illness; or
 - c. Failure to train an apprentice in accordance with approved apprenticeship program standards and knowingly or fraudulently certifying completion of training.

In lieu of deregistration, Council may impose on the program sponsor a remedial action plan designed to bring the program sponsor into compliance with this chapter.

In cases where an employer or employers who are signatory to a joint or nonjoint apprenticeship agreement act in such a manner that the program is not conducted, operated or administered in accordance with this chapter, Council may impose on the joint or nonjoint apprenticeship program a remedial action plan designed to bring the individual member employer(s) into compliance with this chapter.

Prior to any vote by Council to deregister an apprenticeship program, or to impose a formal remedial action plan, the program sponsor shall be:

- a. Notified by registered mail that Council intends to take such action, with the alleged infraction(s) indicated; and
- b. Afforded the opportunity to present information to council which bears on the decision to deregister or impose a remedial action plan, either in writing or by personal appearance, within 30 days of receipt of notification by Council.

The program sponsor shall be informed in writing of Council's decision regarding deregistration or remedial action.

2. Implementation of involuntary deregistration. Council may delay the deregistration for six months to afford presently registered apprentices the opportunity to complete their training. No additional apprentices will be registered during this period.

Council may also award credit to apprentices in deregistered programs sufficient to complete their apprenticeship program.

In cases where apprentices choose to change employers, because deregistration will prevent them from completing their apprenticeship, the Council, through the Department of Labor and Industry, will use all appropriate means to assist them in securing employment with a registered apprenticeship sponsor.

16 VAC 20-20-70 Reinstatement of Program Registration

Any apprenticeship program deregistered pursuant to this chapter may be reinstated upon presentation of adequate evidence that the program is operating in accordance with this chapter. Such evidence shall be presented to the Council.

16 VAC 20-20-80 Hearings

All hearings will be held in accordance with the provisions of the Administrative Process Act, Chapter 1.1:1, 9-6.14:11 of Title 9, of the Code of Virginia.

16 VAC 20-20-90 Limitations

Nothing in this chapter or in any apprenticeship agreement shall operate to invalidate:

1. Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or
2. Any special provisions for veterans, minority persons or females in the standard apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by state or federal law, executive order or other regulation pursuant thereto.

16 VAC 20-20-100 Complaints

- A. This section is not applicable to any complaint concerning discrimination or equal opportunity matters; all such complaints will be processed in accordance with the provisions in the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.
- B. Except for matters described in subsection A of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his authorized representative within 60 days after the local decision to the Council for review. Matters covered by collective bargaining agreement are not subject to review.
- C. The complaint must be in writing and signed by the complainant or his authorized representative. It shall state the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.
- D. The Council shall render an opinion within 90 days after receipt of the complaint. During such 90 day period, the Council shall make reasonable efforts to affect a satisfactory resolution between the parties involved.
- E. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

16 VAC 20-20-110 Program Sponsor Evaluation Procedure

Program sponsors will be evaluated once every two years to determine adequate compliance with the goal of training apprentices under proper supervision, in a safe environment, in such a manner as to acquire the skills of the occupation, with fair compensation based on individual progress consistent with average like compensation of similar industries in the area. Such evaluations will be conducted by the Apprenticeship Division staff pursuant to procedures and criteria established by the Virginia Apprenticeship Council. The Council may cancel apprenticeship programs where preexisting criteria are not met.

THE FITZGERALD ACT THE NATIONAL APPRENTICESHIP ACT

(50 Stat. 664; 29 U.S.C. 50)

To enable the [U.S.] Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards.

Be it enacted by the senate and House of representatives of the United States of America in Congress assembled, That the Secretary of Labor is hereby authorized and directed to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the National Youth Administration and with the Office of Education of the Department of the Interior in accordance with the section 6 of the Act of February 23, 1917 (29 Stat. 932), as amended by the Executive Order Numbered 6166, June 10, 1933, issued pursuant to an Act of June 30, 1932 (47 Stat. 414) as amended.

SEC. 2. The Secretary of Labor may publish information relating to existing and proposed labor standards of apprenticeship, and may appoint national advisory committees to serve without compensation. Such committees shall include representatives of employers, representatives of labor, educators, and officers of other executive departments, with the consent of the head of any such department.

SEC. 3. On and after the effective date of this Act the National Youth Administration shall be relieved of direct responsibility for the promotion of labor standards of apprenticeship as heretofore conducted through the division of apprentice training and shall transfer all records and papers relating to such activities to the custody of the Department of Labor. The Secretary of Labor is authorized to appoint such employees as he may from time to time find necessary for the administration of this Act, with regard to existing laws applicable to the appointment and compensation of employees of the United States: Provided, however, That he may appoint persons now employed in division of apprentice training of the National Youth Administration upon certification by the Civil Service Commission of their qualifications after nonassembled examinations.

SEC. 4. This Act shall take effect on July 1, 1937, or as soon thereafter as it shall be approved.

**THE FOLLOWING INFORMATION
AND FORMS ARE
USED REGARDING THE
DAVIS BACON ACT**

DAVIS BACON ACT

The Secretary of Labor, through the Solicitor's Office, pre-determines prevailing wages for laborers and mechanics employed on Federal and federally assisted construction projects in excess of \$2,000.

If the employment of apprentices is contemplated, the apprentices and the apprenticeship program under which they are employed must be registered with a State apprenticeship agency recognized by the Office of Apprenticeship and, U.S. Department of Labor; or, if no such recognized agency exists, directly with the Office of Apprenticeship and Training. The employer or contractor must furnish written evidence of registration of the apprenticeship program and of the apprentices to the contracting agency. The employer must also furnish to the contracting agency written evidence of his established apprentice-journeyworker ratios and applicable wage rates in the project area.

This proof of registration may be a written statement from the joint apprenticeship and training committee under whose program the contractor is participating; or a true copy of the apprenticeship agreement if the contractor has his own registered program.

The allowable ratio of apprentices to journeymen in any craft classification cannot be greater than the ratio allowed the contractor for his entire work force under the registered program.

An employee listed on the contractor's payroll at an apprentice wage rate but not properly registered, must be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performs.

Program sponsors should not defer registering apprentices until satisfactory completion of the probationary period. Local committees and contractors should register apprentices immediately on employment to comply with provisions of Wage Determination Regulations, Part 5.

NOTE: Check US DOL website for latest updates and the following memo dated June 5, 2012, from the Director of Registered Apprenticeship.

Memorandum

To: Apprenticeship Staff

From: Bev Donati, Director, Division of Registered Apprenticeship

Date: June 5, 2012

Subject: Request for Certification of Registered Apprenticeship Program for Davis-Bacon Act Purposes and /or Certification of Registered Apprentices for Davis-Bacon Act Purposes

Effective immediately is the procedure to follow for certification requests:

1. Direct sponsor to send certification request in writing to you either by email or USPS.
2. Within three (3) working days from receipt of the request prepare the certification and email as an attachment to the Division Director along with the original request from the sponsor. Ensure the email contains the company name, address and name of person certification will be mailed to.
3. Division Director will review the certification, sign and mail with cover letter to the requesting sponsor. A copy will be forwarded to the representative for file purposes.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY
600 EAST MAIN STREET, SUITE 207
RICHMOND, VIRGINIA 23219**

PART I - CERTIFICATION OF REGISTERED APPRENTICES FOR DAVIS-BACON ACT PURPOSES

This is to certify that the following apprentice(s) are duly registered with the Virginia Apprenticeship Council, meets all requirements set forth in the Virginia Apprenticeship Act, and are recognized by the Office of Apprenticeship, U.S. Department of Labor (USDOL). All apprentices are being trained in the occupation of _____ by _____ (organization name).

Job site location/address: _____

<u>Apprentice Name</u>	<u>Start Date</u>	<u>Prior Credit Granted</u>	<u>Estimated Completion Date</u>
------------------------	-------------------	-----------------------------	----------------------------------

This certification shall remain in effect for **six months** from the issue date, after which shall be void. This certification may be revoked any time if the apprentice or sponsor fails to comply with the Minimum Standards of Apprenticeship.

Issue Date: _____ Void After: _____

Signature (Director, Registered Apprenticeship, VA Dept. of Labor & Industry) _____

PART II: DAVIS-BACON WORKSITE REQUIREMENTS

The following conditions are required on Davis-Bacon worksites, by statutory authority of the Code of Virginia, Section 40.1-118; and, as documented in the Regulations Governing the Administration of Apprenticeship Programs in Virginia, Section 16 VAC 20-20-40 items B.14.b and B.14.c.

1. The minimum numeric ratio of apprentices to journeyworkers for individual program sponsors and for individual contractors signatory to joint and non-joint apprenticeship programs performing work under the Davis-Bacon and related federal prevailing wage laws shall be worksite-specific, and shall be as follows:
 - One apprentice to the first journeyworker
 - Two apprentices to the first two, three or four journeyworkers
 - One additional apprentice for each two journeyworkers, after the first four journeyworkers
2. The ratio for service trucks on Davis-Bacon worksites shall be one apprentice to one journeyworker.
3. Bids submitted for Davis-Bacon work must observe the minimum ratio provisions in items 1 and 2 above.
4. The ratio provisions in items 1 and 2 above shall apply until the Commonwealth of Virginia mandates different or uniform ratios for Davis-Bacon work.
5. Sponsors must notify the Virginia Apprenticeship Council (VAC) within 30 days of receipt of a citation alleging a violation of the Davis-Bacon Act affecting an apprentice. The notice must be in writing. Failure to report citations shall be an omission for which council may consider requiring a remedial action plan, or deregistration of the sponsor's program.
6. Sponsors may be deregistered who receive final orders of the USDOL or the courts, confirming willful or repeated violations of the Davis-Bacon Act affecting registered apprentices.
7. The effectiveness of the numeric ratio approved for individual program sponsors will be examined as required by Regulations Governing Apprenticeship in Virginia during the periodic Program Sponsor Quality Assurance Assessment.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY
600 EAST MAIN STREET, SUITE 207
RICHMOND, VIRGINIA 23219**

PART I - CERTIFICATION OF REGISTERED APPRENTICESHIP PROGRAM FOR DAVIS-BACON ACT PURPOSES

This is to certify that the following organization is either a: (Check one below and complete all information)

_____ Sponsoring Firm (Name) _____ or,
_____ Participating Firm (Name) _____ under a Joint
Apprenticeship Committee (Name) _____

which is duly registered with the Virginia Apprenticeship Council, meets all requirements set forth in the Virginia Apprenticeship Act, and is recognized by the Office of Apprenticeship, U.S. Department of Labor (USDOL).

Job site location/address: _____

Apprentice wage rates, shown as a percentage of journeyworker rates are:

_____ % 1 st 6 months	_____ % 4 th 6 months	_____ % 7 th 6 months	_____ % 10 th 6 months
_____ % 2 nd 6 months	_____ % 5 th 6 months	_____ % 8 th 6 months	
_____ % 3 rd 6 months	_____ % 6 th 6 months	_____ % 9 th 6 months	

This certification shall remain in effect for **one year** from the issue date, after which shall be void. This certification may be revoked any time if the sponsor fails to comply with the Minimum Standards of Apprenticeship.

Issue Date: _____ Void After: _____

Signature (Director, Registered Apprenticeship, VA Dept. of Labor & Industry) _____

PART II: DAVIS-BACON WORKSITE REQUIREMENTS

The following conditions are required on Davis-Bacon worksites, by statutory authority of the Code of Virginia, Section 40.1-118; and, as documented in the Regulations Governing the Administration of Apprenticeship Programs in Virginia, Section 16 VAC 20-20-40 items B.14.b and B.14.c.

1. The minimum numeric ratio of apprentices to journeyworkers for individual program sponsors and for individual contractors signatory to joint and non-joint apprenticeship programs performing work under the Davis-Bacon and related federal prevailing wage laws shall be worksite-specific, and shall be as follows:
 - One apprentice to the first journeyworker
 - Two apprentices to the first two, three or four journeyworkers
 - One additional apprentice for each two journeyworkers, after the first four journeyworkers
2. The ratio for service trucks on Davis-Bacon worksites shall be one apprentice to one journeyworker.
3. Bids submitted for Davis-Bacon work must observe the minimum ratio provisions in items 1 and 2 above.
4. The ratio provisions in items 1 and 2 above shall apply until the Commonwealth of Virginia mandates different or uniform ratios for Davis-Bacon work.
5. Sponsors must notify the Virginia Apprenticeship Council (VAC) within 30 days of receipt of a citation alleging a violation of the Davis-Bacon Act affecting an apprentice. The notice must be in writing. Failure to report citations shall be an omission for which council may consider requiring a remedial action plan, or deregistration of the sponsor's program.
6. Sponsors may be deregistered who receive final orders of the USDOL or the courts, confirming willful or repeated violations of the Davis-Bacon Act affecting registered apprentices.
7. The effectiveness of the numeric ratio approved for individual program sponsors will be examined as required by Regulations Governing Apprenticeship in Virginia during the periodic Program Sponsor Quality Assurance Assessment.

**THE FOLLOWING INFORMATION
AND FORMS ARE USED FOR
CONDUCTING EEO REVIEWS**

EEO EXEMPTION SAMPLE LETTER

PLACE ON COMPANY LETTERHEAD

Ms. Beverley Donati, Director
Division of Registered Apprenticeship
Virginia Department of Labor and Industry
600 East Main Street, Suite 207
Richmond, VA 23219

Dear Ms. Donati:

(FIRM NAME) is requesting exemption from a formal compliance review by our local Apprenticeship Representative under Section 17 of the Virginia State Plan due to the fact that our company is subject to a review from the Office of Federal Contracts Compliance Programs (OFCCP).

This request is made with the understanding that it is our responsibility to provide the latest letter from OFCCP detailing their review and with the understanding that the local Apprenticeship Representative will be contacting our office to ascertain if our exemption status is still current.

Sincerely,

SAMPLE AFFIRMATIVE ACTION PLAN

PLACE ON COMPANY LETTERHEAD

A. STATEMENT OF POLICY

(FIRM NAME) has adopted equal employment opportunity as a basic policy. The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex. It will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, and the Virginia State Plan.

B. AFFIRMATIVE ACTION PLAN

1. RECRUITMENT

(FIRM NAME) will seek minority group applicants for training and employment by the dissemination of information concerning the nature of apprenticeship, apprenticeship opportunities, sources of applications, and its equal opportunity policy through contacts with federal and state agencies, schools, local minority group organizations and by advertising the same through local news media. Such public notice shall be instigated when there is a need to fill existing vacancies or a need to increase our work force.

2. NOTIFICATION OF APPRENTICESHIP OPPORTUNITIES

Information on apprenticeship openings will be disseminated within the company and posted on company bulletin board at least thirty (30) days in advance of the earliest date for application for admission to the apprenticeship program and there shall be a period of not less than two weeks for accepting applications for admission to said program

The most current data and information on minority population and labor force for the _____ area is attached to and made part of this plan. It will be a policy of (FIRM NAME) to update this data and to perform an analysis (as more current information becomes available) to determine if deficiencies exist in the number of minority group persons in our training and employment. A current Data Summary for determining deficiencies is attached and made a part of this plan.

3. PREAPPRENTICESHIP PROGRAMS

(FIRM NAME) will cooperate with local school boards, vocational education systems and community colleges in the development of preapprenticeship programs for preparing students to qualify for entry into apprenticeship programs.

4. QUALIFICATIONS FOR APPRENTICESHIP TRAINING

To qualify for the apprenticeship training program the applicant must:

- a. Be at least _____ years of age.
- b. Be judged physically fit by observation.
- c. Be employed a minimum of (501) Hours.

5. SELECTION OF APPRENTICES (METHOD #3)

SELECTION PROCEDURE

1. _____ **EDUCATION**

- _____ Meets minimum requirements of education
- _____ Will evaluate school transcript for applicable subjects
- _____ Credit for vocational or occupation school
- _____ Other

2. _____ **WORK EXPERIENCE**

- _____ Quantity in occupation objective
- _____ Quality in occupation objective
- _____ Quality and quantity in non-related occupation

3. _____ **SPECIFIC TEST**

- _____ Minimum score all required _____ Rank on basis of score
- _____ Name of test _____

4. _____ **PHYSICAL FITNESS**

- _____ As evident by observation as related to the occupation
- _____ As evident by physician's certificate
- _____ Other

5. _____ **REFERENCES**

- _____ Previous employers
- _____ Acquaintances
- _____ Schools
- _____ Other

6. _____ **ORAL INTERVIEW**

(When the oral interview is used adequate records shall be kept including a brief summary of each interview and the conclusion of each of the specific factors)

7. _____ **OTHER FACTORS** _____

_____ **TOTAL POINTS**

**VIRGINIA STATE PLAN EEO
FIELD COMPLIANCE REVIEW REPORT**

Field Rep Last Name _____

1. Sponsor _____ Program no. _____
2. Address _____ City _____ VA _____ Zip _____
Telephone number () _____ Fax Number () _____ E-mail address _____
3. Conducted Compliance Review with _____ on _____
4. Period Covered From _____ To _____
5. Selection method (check one) #1 #2 #3 #4
6. Goals to recruit select and place in training _____ % Minority _____ % Female
7. Percentage of currently registered apprentices _____ % Minority _____ % Female
8. Statistical Area _____
9. **Sponsor Statistics – Applicant activity during review period (Table1)**

Number of applications taken	Minority		Female		Other
Applicants meeting requirements	Minority		Female		Other
Applicants selected	Minority		Female		Other

10. Sponsor Statistics – Apprentice activity during review period (Table1)

Beginning of Period	white males		minority males		white females		minority females
Added/Registered	white males		minority males		white females		minority females
Completed	white males		minority males		white females		minority females
Cancelled	white males		minority males		white females		minority females
End of Period	white males		minority males		white females		minority females

11. Status of Program

- | | |
|--|---|
| <p>A. <input type="checkbox"/> In Compliance</p> <p>1. <input type="checkbox"/> No deficiencies a. <input type="checkbox"/> Minority b. <input type="checkbox"/> Female</p> <p>2. <input type="checkbox"/> Met goals during period a. <input type="checkbox"/> Minority b. <input type="checkbox"/> Female</p> <p>3. <input type="checkbox"/> Good faith effort a. <input type="checkbox"/> Minority b. <input type="checkbox"/> Female</p> <p>4. <input type="checkbox"/> Other*</p> <p>5. <input type="checkbox"/> Recommendations*</p> | <p>B. <input type="checkbox"/> Non-Compliance</p> <p>1. <input type="checkbox"/> AAP/SP not followed</p> <p>2. <input type="checkbox"/> Inadequate records</p> <p>3. <input type="checkbox"/> Inequality in operation of program</p> <p>4. <input type="checkbox"/> Other*</p> <p>5. <input type="checkbox"/> Corrective action recommended*</p> |
|--|---|

12. Sponsor, in my opinion, is is not in compliance

** Recommendation for compliance/non-compliance, justification in narrative section on reverse*

13. Documentation of Affirmative Action Plan/recruitment sources and reviewed items are initialed by Apprenticeship staff.

Radio/television ads		Private employment agency ads	
Internet		Notices are place on local bulletin boards, i.e. company, grocery stores, libraries, VEC office	
Newspaper ads.		High school/college ads, advisory boards, presentations, etc.	
Job fairs/career days (mall/school)		Technical/vocational schools, skill centers, advisory boards, i.e. on-site, letters, etc.	
Job Corps		Reviewed last 5 years applications on file	
Job announcements		Examination of sponsor's affirmative action plan	
Dept. of Social Services/ Rehabilitative Services		Women & Minority training organizations	
Walk-ins		Other methods of outreach during the year	
Hiring halls		State employment services (VEC, Workforce Center – One Stops)	
Write additional comments/information, if needed.			

RECOMMENDATIONS AND JUSTIFICATION FOR COMPLIANCE/NON-COMPLIANCE NARRATIVE:

SIGNATURES

Sponsor Approval: Signature _____ Date _____

DOLI Apprenticeship Representative: Signature _____ # _____ Date _____

DOLI Apprenticeship Director's review: Signature _____ Date _____

USDOL BAT Representative: Signature _____ Date _____

**ANNUAL WORK FORCE ANALYSIS
FOR APPRENTICESHIP TRAINING**
In Accordance with the Virginia EEO State Plan

Sponsor _____ Telephone () _____

Address _____

Statistical Area Used for Labor Force Data _____

STATISTICAL AREA LABOR FORCE ANALYSIS

Total Work Force _____	Minority Workers are _____ %	of Total Work Force.
_____	Female Workers are _____ %	of Total Work Force.
_____	Minority Female Workers are _____ %	of Total Work Force.

SPONSORS STATISTICS

Total: Journeyperson _____	Minority _____	Females _____	Minority Females _____
Total: Apprentice _____	Minority _____	Females _____	Minority Females _____
TOTALS: _____	Minority _____	Females _____	Minority Females _____

Based upon the above data, minorities represent _____% of our skilled work force, females _____%, and minority females _____%. Therefore, the following has been determined:

Minority Underutilization	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Female Underutilization	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Minority Female Underutilization	YES <input type="checkbox"/>	NO <input type="checkbox"/>

During the year _____, we expect to select and place in training _____ new apprentices.

Of the _____ new apprentices, and in accordance with our adopted Affirmative Action Plan, we will make an effort to recruit, select and place in training _____% minorities, _____% females, and _____% minority females.

_____ Apprenticeship Representative's Signature	_____ Date
_____ Sponsor's Signature	_____ Approved By
_____ Title	_____ Virginia Apprenticeship Council
_____ Date	_____ Date

FAIR LABOR STANDARDS ACT

This Act established the national minimum wage, maximum hours of work per week before payment of one and a half (1 ½) times the regular rate, equal pay for equal work, and child labor standards.

Title 29, CFR, Part 521, covers regulations relating to the employment of apprentices. Apprentices may be employed at wages below the minimum under special certificates issued by the Department of Labor's Wage and Hour and Public Contracts Divisions, provided:

The apprentice is employed under an apprenticeship program registered with the Office of Apprenticeship, U.S. Department of Labor or with a recognized State Apprenticeship Agency; and a true copy of the registered apprenticeship agreement is filed with the nearest regional office of the Wage and Hour Division within 90 days from the beginning date of employment.

Interpretative Bulletin, Part 785, explains working time for all classes of employees. Attendance at lectures, meetings and training programs is not considered working time if it is outside regular working hours; voluntary; not directly related to the job; and no productive work is performed during such attendance.

Time spent by apprentices in an organized program of related instruction after regular working hours may be excluded from working time if the apprentice is employed under an apprenticeship agreement or program which substantially meets the fundamental standards of the Bureau of Apprenticeship and Training, and such time does not involve productive work or performance of regular duties.

Unless the written apprenticeship agreement or program specifically provides that related instruction time is considered hours worked, such time is not counted as hours worked. This does not preclude the employer from paying for attending related instruction after regular working hours, if he so desires.

Interpretative Bulletin, Part 4 – Subpart G, explains the child labor provisions of the Fair Labor Standards Act. Among those specifically exempted from the child labor provisions of the Act are minors employed in apprenticeable occupations included in Hazardous Occupations Orders which exempt apprentices.

To safeguard young workers in occupations particularly hazardous, Hazardous Occupations Orders cover such occupations. The effect of the Orders is to raise the minimum employable age of eighteen years and includes apprentices, except where the Order exempts them.

Exemptions for apprentices and other trainees are listed in Orders No. 5, 8, 12, and 14. In some instances Order No. 2 applies to apprentices.

EQUAL PAY FOR WOMEN

The Fair Labor Standards Act, as amended includes the Equal Pay Act of 1963, as amended to prohibit employers from discriminating on basis of sex in the payment of wages for equal work.

No employer subject to the provisions of the Fair Labor Standards Act can pay employees of one sex at rates lower than he pays employees of the opposite sex, in the same establishment, for doing equal work on jobs requiring equal skill, effort, and responsibility performed under similar working conditions.

An exception can be made only where it is shown that the wage differential is based on seniority, merit, measuring earnings by quality or quantity of production, or on any other factor other than sex.

While designed primarily to protect women from discriminatory pay practices, it affords the same protection to men.

ENTRY WAGE RATES

Programs of apprenticeship must include a progressive schedule of wages for apprentices, preferably in percentages and on a six-month basis of increment. Wages paid an apprentice must average at least 50% of the journeyworker rate during the entire apprenticeship term.

If program sponsors are uncertain as to their coverage under the Act, they should check with their attorney, or with the nearest regional office of the Wage and Hour and Public Contracts Divisions. The Registered Apprenticeship Representative must not make any interpretation or determination in respect to the Act.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Effective May 8, 1996, the Equal Employment Opportunity Commission determined that a rule covering apprenticeship programs will better advance the Age Discrimination in Employment Act's objectives of promoting the employment of older persons based on their ability rather than age and prohibiting arbitrary age discrimination in employment.

Section 1625.21 deals specifically with Apprenticeship Programs and is as follows:

All apprenticeship programs, including those apprenticeship programs created or maintained by joint labor-management organizations, are subject to the prohibitions of sec. 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.623. Age limitations in apprenticeship programs are valid only if excepted under sec. 4(f)(1) of the Act, 29 U.S.C. 623(f)(1), or exempted by the Commission under sec. 9 of the Act, 29 U.S.C. 628, in accordance with the procedures set forth in 29 CFR 1627.15.

Pages 54-A thru 54-J details the Commission's study and final ruling.

NOTE: Check US DOL website for latest updates www.dol.gov

STUDENT APPRENTICESHIP

OVERVIEW

The objective of student apprenticeship is to expand the state's skilled workforce by providing young people with career opportunities while completing their education. Full-time or part-time student apprenticeship is available to high school and community college students, where programs have been established in accordance with agreements between the community college and local public school division.

Student status must be maintained; and the apprenticeship must not delay the graduation date. If a student leaves school prior to graduating, the student apprenticeship will be cancelled. After graduation, the former student may continue the apprenticeship, but as a registered adult apprenticeship, with agreement from the sponsor.

Statutory authority for student apprenticeship programs can be found in the Code of Virginia, Chapter 5 (Child Labor) Sections 40.1-78 through 40.1-116 and Chapter 6 (Voluntary Apprenticeship) Sections 40.1-117 through 40.1-127.

In general, all apprenticeship requirements and restrictions described in the Minimum Standards shall also apply to student apprentices. Additional requirements and restrictions may be added in the areas of work hours, related instruction requirements and wages. In addition, student apprentices are restricted in types of occupations and job activities they can and cannot perform.

REQUIREMENTS AND RESTRICTIONS

1. Student apprenticeships must be in apprenticeable occupations which is defined as:
 - a. learned in a practical way;
 - b. clearly identifiable and recognized;
 - c. involves manual, mechanical or technical skills which require at least 2000 hours of on the job learning;
 - d. requires related instruction.
2. Student apprenticeships are subject to the same ratios of supervision which govern adult registered apprenticeship.
3. Student apprentices must be employed in occupations not considered hazardous or occupations considered hazardous which contain a regulatory exception for apprentices and student learners. Student apprentices are restricted in terms of both type and specific work activities.
4. Wages must be based on a progressive wage schedule. The following special rules apply to student apprenticeship:
 - a. Apprentices are exempt from the state minimum wage;
 - b. The U.S. Department of Labor may issue a special certificate, which approves payment of less than federal minimum wage for certain full-time students, student learners, apprentices and workers with disabilities. Sponsors should contact the U.S. Department of Labor for further details.

5. The following applies to both high school and community college apprentices:
 - a. The minimum age is 16;
 - b. Apprenticeship may be full or part-time;
 - c. Upon graduation, apprentices may continue as full-time adult apprentices, subject to all standard on-the-job and related instruction requirements, if they and their employer agree;
 - d. Students must be working toward completion of the requirements for a high school diploma or GED or be enrolled in a Virginia Community College. They must be in good standing with their educational institution and must maintain passing grades and have satisfactory attendance;
 - e. Student apprenticeship will be cancelled if the student leaves school;
 - f. Student apprenticeship requires the Apprenticeship Agreement and registration requirements as standard apprenticeship.

6. The following applies to high school student apprenticeship only:
 - a. Students may be enrolled in any general, vocational, college preparatory, or GED educational program;
 - b. Students do not need to enroll in apprenticeship related instruction. However, if they continue as standard apprentices after graduation, all related instruction requirements must be met in order to complete the apprenticeship program;
 - c. Students may not participate in a cosmetology, barber or nail technician apprenticeship program. If a Department of Labor and Industry representative believes that an exception to this rule is needed, the representative should contact the Apprenticeship Director.
 - d. Students must have written approval from the school principal or counselor, prior to registration;
 - e. Student apprenticeship certificates, which recognize participation in an apprenticeship program, are prepared and presented to students at their high school graduation exercises. Apprenticeship Representative must request the Certificate of Completion from Headquarters.

7. The following applies to community college student apprenticeship only:
 - a. Students must be enrolled in a diploma, certificate or degree program related to their chosen occupation;
 - b. Related instruction must be included as part of the student's course work, and must begin no later than the second semester after registration;
 - c. Upon graduation, if apprentice continues as a full-time standard apprentice, some college course work may count toward completion of related instruction requirements.

HAZARDOUS OCCUPATIONS

1. Apprentices, age 16 and 17, regardless of whether they are student or standard apprentices, are not permitted to participate in the following occupations:
 - a. Manufacturing or storage occupations involving explosives;
 - b. Motor vehicle occupations;
 - c. Logging and sawmilling occupations;
 - d. Occupations involving exposure to radioactive substances and to ionizing radiation;
 - e. Power-driven hoisting apparatus occupations;

- f. Occupations in connection with any mining operation;
 - g. Power-driven bakery machine occupations;
 - h. Occupations involved in the manufacture of brick, tile, and kindred products;
 - i. Occupations involved in wrecking, demolition, and shipbreaking operations;
 - j. Firefighting
2. There are some occupations recognized as hazardous that student apprentices are permitted to participate in before they reach the age of 18. Section 40.1-100 A.9 of the Code of Virginia permits persons 16 and 17 who are registered apprentices to participate in the following occupations because of an exemption provided by the regulations. Below is the list of hazardous occupations that contain the exemption allowing persons 16 and 17 to participate. The citation in parentheses is the regulation that governs the particular occupation.
- a. Power-driven woodworking machine occupations (16VAC15-30-60);
 - b. Power-driven metal forming, punching, and shearing machine occupations (16VAC15-30-90);
 - c. Occupations involving slaughtering, meat-packing or processing or rendering (16VAC15-30-110);
 - d. Power-driven paper products machine occupations (16VAC15-30-130);
 - e. Occupations involved in the operation of power-driven circular saws, band saws and guillotine shears (16VAC15-30-150);
 - f. Occupations in roofing operations (16VAC15-30-170).

Note: *Any questions contact the Division Director*

Memorandum

TO: Apprenticeship Staff

FROM: Jennifer Nolen, Apprenticeship Program Director

CC: Commissioner Davenport
BAT Director Walker
Beverley Donati, Assistant Program Director

DATE: July 15, 2003

SUBJECT: Student Apprenticeship

APPRENTICESHIP DIRECTIVE 2003-11

To the extent possible and where appropriate each field representative should work with local employers, school divisions, students, and parents/legal guardians to establish student apprenticeships throughout the Commonwealth.

Background

The student apprenticeship concept was established in 1989 with the intention of expanding the skilled workforce of the Commonwealth by providing your Virginians with career opportunities in apprenticeable opportunities while completing their high school education or the GED.

DOLI Field Representative Responsibilities

- Develop student apprenticeship agreements with employers, school personnel, students, and parents/legal guardians (all parties).
- Ensure that participating students are at least sixteen years of age.
- Ensure that students are employed in an approved occupation for minors according to the child labor laws (Code of Virginia, Title 40.1, Chapter 5).
- Ensure the sponsor representative, parent/legal guardian have reviewed and signed the **Apprentice Action Form (AAF)**. The “student” box should be checked on the **AAF** and either a high school or community college code should be entered.
- Ensure that the sponsor has reviewed and signed the **Apprenticeship Minimum Standards** and plans to adhere to the Training Program Outline Wage scale.

- Inform all parties that students who discontinue their courses for high school graduation or GED completion will automatically void their student apprenticeship agreements.
- Ensure that hours worked by a student on weekends and during summer months will be applied to the term of apprenticeship.
- Convert hours worked to months of credit when the student apprentice graduates or completes the GED requirements.
- Ensure that the student's status is changed appropriately when high school or GED is completed. Submit **AAF**.
- Ensure that programs for student apprentices are registered only where appropriate related instruction can be obtained as outlined in the student apprentice agreement.
- Periodically evaluate the student's progress on the job and share this evaluation with the related instruction coordinator or designated contact person assigned to the student(s).

Sponsor Requirements

- Have an apprenticeship-training program registered with the Virginia Apprenticeship Council (VAC).
- Be willing to abide by the laws and regulations promulgated by the Commonwealth of Virginia related to training of apprentices and to work with the representatives of the Virginia Apprenticeship Program and the local school system in the development of on-the-job training and related classroom instruction.
- Provide on-the-job training experiences for the student apprentices under the supervision of experienced and qualified persons and in a safe environment.
- Notify DOLI and local school staff if difficulties arise, changes are necessary, or a lay-off or termination of employment seems likely to occur.

Local School Division Requirements

- Provide a letter from the school principal granting approval for the student to work part-time as an apprentice during any part of the school day, evenings, or on weekends.
- Identify and recommend qualified students who are employed in an apprenticeable occupation and have demonstrated that involvement in the program will benefit both the students and the employers.
- Provide appropriate high school or GED courses leading to the attainment of a high school diploma or GED certificate.
- Designate an individual(s) who will be responsible for periodically evaluating the students' progress on the job where that activity is considered to be an extension of their school training for the purpose of granting credit and coordinate other services including counseling, supervision, visitation, placement, attendance, and record keeping.

Apprentice Requirements

- Be enrolled in general, technical, college preparatory, or GED educational programs. Both high school and college students are eligible to register as student apprentices, either full or part-time.
- Be at least sixteen years of age and committed to pursuing a career in an apprenticeable trade while working toward completing high school or college classes.
- Be selected by an employer who will sponsor him/her as an apprentice.
- Be registered with the VAC and have an approved apprenticeship agreement that is satisfactory to the student apprentice, the parents or legal guardian, the school, the employer (sponsor), and the VAC.
- Attend and pass appropriate related instruction. Related instruction requirements should be met at all times during the period of apprenticeship.
- Understand that discontinuing courses needed for high school graduation or the GED will automatically cancel the student apprenticeship agreement.
- Maintain the absence of any disciplinary infractions of a serious nature.

Parent/Legal Guardian Requirements

- Work cooperatively with DOLI staff, the employer, and the local school staff to provide guidance and support for the student in all school and work experiences.
- Work cooperatively in arranging with the student a means of transportation to his/her job site.
- Sign the appropriate forms. Form required by DOLI is the AAF; the related instruction provider may require additional forms.

PLEASE REFER TO “DIRECTIVES” ON THE P: DRIVE TO VIEW ALL DIRECTIVES PERTAINING TO APPRENTICESHIP

**THE FOLLOWING INFORMATION
AND FORMS MUST BE USED
WHEN REGISTERING NEW
SPONSORS / APPRENTICES**

THE FORMS USED IN THE REGISTRATION PROCESS FOR A NEW SPONSOR AND AREAS OF THE FORMS NEEDING CLARIFICATION ARE INCLUDED IN THIS SECTION.

THE FORMS INCLUDED ARE:

- 1. Training Program Outline (TPO)**
- 2. Master Agreement (MA)**
- 3. Standards – Sample of all standards can be found on the P: Drive**
 - a. “Standards Review Form for Sponsor Developed Standards”**
- 4. Apprentice Action Form (AAF)**
- 5. Sponsor Opt Out Form with Sponsor Letter**
- 6. Certification Card for Apprentice**

Note: Certification card must be provided to the sponsor within ten days after receiving from headquarters. If mailing the sponsor must be contacted by phone prior to mailing.

- 7. Recordkeeping Book for Apprentice**

TRAINING PROGRAM OUTLINE (TPO)

The Training Program Outline (TPO) is used to process all necessary registration data for new sponsors and any changes for sponsors already participating in registered apprenticeship.

The items listed below reflect the necessary information needed by the apprenticeship representative to register a new sponsor and any revisions made to a participating sponsor's program.

Item 1 Check if a new program.

Item 2 Check registration if new.

Item 3 Check if sponsor is registering an apprentice who may be eligible for educational benefits earned as a veteran. A copy of the TPO signed by the Commissioner of Labor & Industry with the works process included will be submitted to the Department of Veteran Services, State Approving Agency, 900 East Main Street, Sixth Floor, West Wing, Richmond, VA 23219. Phone # 804-840-7903. A representative from the Department of Veteran Services will contact the sponsor to make sure everything is in order to train veterans using his/her educational benefits.

Item 4 Mark if revision is being made to existing sponsor's program. Fill in what the revision(s) are.

Item 5 Mark if cancellation of an existing sponsor.

Item 6 Fill in the date representative made contact with the sponsor.

Item 7 Fill in last name of representative plus the 4-digit apprenticeship representative's number. Representative number is assigned by Central Office.

Item 8 Number assigned by CAAS if a new program. In any revision to program, the same program number is used on TPO and is put on the form at the office of origin by assigned representative.

Item 9 Original Registration date is entered upon approval of program when signed by the Commissioner of Labor & Industry. In any future changes to program, this date is filled in by the representative.

Item 10 Date is entered by Central Office or Regional Office. (Revision)

Item 11 Date is entered by Central Office or Regional Office when program sponsor is cancelled.

Item 12 Self Explanatory – make sure the name of the sponsor (firm) is the same on all documents used for registration.

Item 13 Self Explanatory.

Item 14 Self Explanatory.

Item 15 Self Explanatory.

- Item 16 Self Explanatory.
- Item 17 Information requested from Sponsor on number of locations in Virginia.
- Item 18 To be answered with “**None**” if no bargaining agency is involved. If bargaining agency is involved, the name of the participating union must be entered. If either “**Group Waiver**” or “**Individual Waiver**” is marked on TPO that indicates that one party (management or labor) opted not to actively participate in the program. Notification of non-participation should be in writing to the other party and a copy provided to the representative. ***a, b, c, d, e, and f defines type of program. Definition of each is located under Types of Programs.
- Note:** List defining the different sponsor program types follows this document.
- Item 19 Information requested from Sponsor.
- Item 20 Standard Industrial Classification – determined by principal products or services the sponsor provides to customers. The major portion of what sponsor provides determines the SIC.
- Item 21 Information requested from Sponsor.
- Item 22 The lowest ratio which can be used by employer/sponsor is one (1) to one (1) and is covered under the Rules and Regulations Governing Apprenticeship. Ratios are also determined by bargaining agreements and boards covering specific occupations. Ratios determine the number of apprentices who can be registered based on the number of journeyworkers employed by the sponsor. As stated, bargaining agreements and boards set specific ratios. Davis Bacon ratios are **jobsite** specific.
- Item 23 The person selected by the Sponsor to be the Supervisor of Apprentices and whose duties are outline in the Minimum Standards – Section 8.
- Item 24 Occupational title(s) – Make sure title is the same on all forms submitted.
- Item 25 9-digit code(s) from the Dictionary of Occupational Titles or from O’NET which defines major job duties of each occupation with Specific Vocation Preparation designated which determines the degree of difficulty in learning a specific occupation.
- Item 26 The length of the occupation registered – Minimum Standards – Section 6.
- Item 27 The number of journeyworkers employed by sponsor in a specific occupation.
- Item 28 The number of apprentices who can be registered in an occupation based on the number of journeyworkers employed in compliance with ratio allowed.
- Item 29 Self Explanatory – Rate paid a journeyworker.....does not need to reflect the highest paid; however, does need to be an amount on Sponsor’s payroll paid to a journeyworker which the apprentice rate is based on. Item 33 will reflect this rate as well.
- Item 30 (a) Beginning percentage of apprentice rate which is determined by dividing the journeyworker’s rate into the beginning apprentice rate.

(b) Ending percentage of apprentice rate which is determined by dividing the journeyworker's rate into the ending apprentice rate.

(c) Average rate paid the apprentice which is determined by adding the beginning and ending rate and dividing by 2.

Item 31 Item must be marked by the representative one way or the other based on Sponsor's decision.

Item 32 Must be filled in based on Sponsor's decision. The lowest probationary period allowed is 501 hours. The highest probationary period allowed is 2000 hours. Minimum Standards – Section 12

Item 33 Self Explanatory – tied in with Item 29.

Item 34 Progressive wage rate paid to apprentices. ***Note:** If apprentice is granted credit by the sponsor, the wage rate paid to the apprentice should be the amount shown in pay increment to which the credit would have advanced the apprentice.

Item 35 Self Explanatory – normal work week is 37 to 40 hours. Under extenuating circumstances, this may be less if requested and approved by the Virginia Apprenticeship Council and would be less for a student apprentice.

Item 36 On original registration of program the date signed by Sponsor. On revisions to program, the date would be the date that any revision was made to program (i.e. wages, adding new occupation, etc.).

Item 37 Signature of individual representing the sponsoring firm.

Item 38 Signature of the Commissioner of Labor and Industry. Affixed by Richmond Headquarters

Item 39 Structured works processes set up for the participating apprentices to be trained under. The process outlines a step-by-step procedure based on hands-on skills needed by an individual to obtain journeyworker status in a specific occupation. Each process should have a suggested number of on-the-job hours to be attained to become proficient in each aspect of the occupation. The total number of hours should equate to actual length of the occupation. The works processes should be such that flexibility could be utilized when necessary. Works processes for barbers, cosmetologists, nail technicians and opticians are set by the respective Boards and are a part of each Board's Standards.

SPONSOR PROGRAM TYPES

There are six types of sponsors and therefore, program types. The number and type of organizations, associations, unions, etc., determine the correct type for a particular sponsor. Apprenticeship Representatives will need to obtain certain information to determine which type the sponsor is registered as.

The six types are included and explained below:

1. **INJ – Individual Non Joint:** Individual firm where there is no labor organization. This is the simplest of the six types. However, in the absence of “joint” participation, special consideration must be taken to obtain journeyworker input when developing programs to assure well-rounded training experiences.
2. **GNJ – Group Non Joint:** Group of employers where there is no labor organization. This may be an organized occupation association of employers or a group of employers not formally grouped into an association. Special consideration must be taken to develop a team approach and team functioning among all employers when they develop the program and conduct apprenticeship training. Each employer should sign the standards.
3. **IJ – Individual Joint:** Individual firm where there is a labor organization. Special preliminary contacts and planning are needed to assure that conditions are right. It is extremely important that both the firm’s top management as well as union officers or representatives are convinced of the value of the program and willing to cooperate. NOTE: Important for the representative to make sure representation from both management and labor are involved in any meetings to discuss program.
4. **GJ – Group Joint:** Group of employers where there is a labor organization also called area joint. The same considerations listed above in “Individual Joint” also apply to Group Joint types of programs.
5. **IW – Individual Waiver:** Individual firm where management or labor has voluntarily waived participation in an apprenticeship program. While participation from both management and labor is recommended, it is possible to develop and register apprenticeship programs with the participation of one or the other. The party that does not wish to participate must notify the other party in writing. IW programs may be developed and operated the same as INJ programs; however, special care must be taken to ensure that nothing in the program requirements or operating procedures would be in conflict with the current bargaining agreements. Fostering of good working relationships between all parties involved is recommended (management, labor and DOLI representative).
6. **GW – Group Waiver:** A group of employers where either the employer group or labor organization has voluntarily waived participation in an apprenticeship program. The same considerations listed below (in Individual Waiver) also apply to Group Waiver program types; however, GW programs should be developed and operated the same as GNJ programs and special care must be taken to ensure there are no conflicts with current bargaining agreements.

SAMPLES ON CORRECT ENTRY OF SPONSOR NAMES AND APPRENTICE NAMES FOR ALL PAPERWORK AND CAAS

Sponsor Names

1. Spell out the company name in full unless the company itself uses abbreviations in its official name.
 - Examples of company names written in full:
 - Pacific Mutual Life Insurance Company
 - Richter and Sons
 - Watson Corporation

2. **Inc.** and **Ltd.** Usually appear in abbreviated form:
 - Examples of company name containing an abbreviation:
 - Consolidated Factors, Ltd. (add comma before Ltd.)
 - Lyons Investment Group Inc. (no comma before Inc.)
 - International Computer Corp. (no comma before Corp.)
 - McKnight, Fisher & Donovan Co. (no comma before Corp.)

3. The official name of a company may be determined from its printed letterhead.

Apprentice Names

1. Abbreviate and capitalize personal titles such as Jr. and Sr.
 - Examples of personal titles include:
 - John A. Wrigley Jr. (no comma before Jr.)
 - Thomas Smith Sr. (no comma before Sr.)
 - Robert J. Brown III (no comma before III, IV, etc.)

TRAINING PROGRAM OUTLINE

[1] New [4] Revision of _____ Date of Contact: 6
 [2] Registration [5] Cancellation _____ Field Representative: 7
 [3] Veterans Administration Approved _____ Program No.: 8

ORIGINAL REGISTRATION Date: 9 **REVISION** Date: 10 **CANCELLATION** Date: 11

Sponsor: 12 Fax No.: 13 Phone No.: 14
 Address: _____
 Street City County State Zip

EMAIL: 16 Bargaining Agency: 18
17 (No. of Establishments) [a] Group Joint [d] Individual Joint
19 (Total No. of Employees) [b] Group Waiver [e] Individual Waiver
 [c] Group Not Joint [f] Individual Not Joint

SIC Code: 20 Principal Products or Services: 21

Ratio of Journeyworker to Apprentices: 22 to 22 Supervision of Apprentices: 23

Occupational Title As Given in Standards	DOT Code	Term (Hrs)	Journeyworker Employed	Apprentices Who Can be Employed	Journeyworker Hourly Rate	Apprentice Wages		
						Beg. %	End %	Avg. %
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>

The sponsor agrees to provide for employment and training of apprentices as set forth below with a graduated pay scale and in conformity with the terms and conditions set forth in the apprenticeship standards currently in effect and made a part hereof. Changes in pay scale will be submitted to the registration agency as they occur by the sponsor. Apprentice wages are expressed in percentage and are based on journeyworker rate. Changes in apprentice wages become effective through revision of the TRAINING PROGRAM OUTLINE. The apprentice agrees to complete required related instruction and will/will 31 not be paid for attendance. The agreement may be terminated by either party by written notification to the approving agency, stating reason for termination if submitted after completion of the probationary period of 32 hours.

Employment and training of apprentices shall be without discrimination because of Race, Color, Religion, National Origin, or Sex.

Graduated Pay Scale _____ Normal work week shall consist of 35 Hours.
 Journeyworker Rate: 33

- | | | |
|--------------|----------|-----------|
| 1. <u>34</u> | 5. _____ | 9. _____ |
| 2. _____ | 6. _____ | 10. _____ |
| 3. _____ | 7. _____ | 11. _____ |
| 4. _____ | 8. _____ | 12. _____ |

The Sponsor agrees to instruct apprentices in safety and health work practices and shall insure that apprentices are trained in facilities and other environments that meet Virginia Occupational Safety and Health Standards for General Industry and Construction Industry developed pursuant to the Federal Occupational Safety and Health Act.

36 _____ 37 _____ 38 _____
 Effective Date Signature of Sponsor's Representative Virginia Apprenticeship Council

39 – Works Process Printed On Reverse Side Of This Form

Revised 6/2004

MASTER AGREEMENT (MA)

This form is used to register the occupations requested by the Sponsor. One Master Agreement per occupation. To be used on initial registration of occupations registered by program sponsors and on any future registrations of new occupations to existing sponsors.

- Item 1 Field Representative Last Name and 4-digit number
- Item 2 If original registration of new program sponsor, number is created by CAAS. If adding new occupation to existing sponsor's program, number to be inserted at office of origin.
- Item 3 a, b, c – Self Explanatory – Day sponsor registered program occupations. If adding an occupation to an existing sponsor, the date entered would be the date the occupation was added.
- Item 4 Name of Sponsor. Should be the same as it appears on TPO, Minimum Standards and AAF.
- Item 5 Occupational title. NOTE: The occupational title should be as it will be written on completion certificate. (Example: Electrician, not Electricity, Plumber, not Plumbing, Cosmetologist, not Cosmetology)
- Item 6 9-digit numerical code from the Dictionary of Occupational Titles or the O*NET Code. Should be the same on all forms submitted for the same occupation.
- Item 7 Length of occupation. Should be the same on all forms submitted for the same occupation.
- Item 8 Probationary Period – Should be the same on all forms submitted for the same sponsor.
- Item 9 Signature of the person designated by the Sponsor (Employer) to oversee the program.
- Item 10 a, b, c – Address of Sponsor. Should be the same on all forms.
- Item 11 Self Explanatory – Sponsoring Employer or Apprenticeship Committee
- Item 12 a, b – Signature of individual designated to sign for Sponsoring Employer or Apprenticeship Committee and date signed.
- Item 13 Signature of the Commissioner of Labor and Industry and date signed. Affixed by Richmond Headquarters

MASTER AGREEMENT

APPRENTICESHIP AGREEMENT
Virginia Apprenticeship Council

THIS AGREEMENT, is entered into this (3a) _____ day of (3b) _____, (3c) _____,
by (4) _____

hereinafter referred to as the **SPONSOR**, and registered with the Virginia Apprenticeship Council.

That the SPONSOR shall provide for employment and training of **APPRENTICES** (Name and signature provided on Apprentice Action Form) in the occupation or craft of (5) _____, D.O.T. Code (6) _____, a (7) _____ hour program in conformity with the terms and conditions set forth in the apprenticeship standards currently in effect and made a part hereof;

APPRENTICES shall perform diligently and faithfully the work of the occupation or craft during the period of apprenticeship, in conformity with the terms and conditions set forth and made a part hereof:

When applicable, the **GUARDIAN** promises that the **APPRENTICE** will duly perform all obligations undertaken herein.

That this agreement is subject to approval by the Virginia Apprenticeship Council;

APPRENTICES or the **SPONSOR** may terminate the agreement by submitting written notification of termination to the approving agency; but, if such notification is submitted after completion of the probationary period of (8) _____ hours, the reason for termination shall be given. Termination following the initial probationary period shall be in accordance with the provisions for periodic evaluation set forth in the apprenticeship standards currently in effect and made a part hereof;

APPRENTICES or the **SPONSOR** may at any time consult with the approving agency concerning the interpretation of any part of this agreement over which there is a difference.

IN WITNESS WHEREOF the **SPONSOR** hereunto sets its hand and seal:

(9) _____
(Signature of Sponsor Representative)

Name of Sponsor: (10a)

Street Address: (10b)

City/State/Zip: (10c)

Approved on behalf of the (11) _____
(Name of Employer or Apprenticeship Committee)

By (12a) _____ on (12b) _____

Registered with Virginia Apprenticeship Council

By (13a) _____ on (13b) _____
Secretary Date

TERMS AND CONDITIONS

SAFETY AND HEALTH TRAINING: SAFETY IS 1ST PRIORITY IN ALL PROGRAMS. IT MUST BE TAUGHT/PRACTICED CONTINUOUSLY IN ALL WORK PROCESSES.

1. Major Work Processes which the Apprentice is to receive Instruction and Experience in are stated on the Training Program Outline.
2. Graduated Scale of Wages to be paid the Apprentice based on satisfactory performance are as stated on the current Training Program Outline.
3. Employment and training of apprentices during their apprenticeship shall be without discrimination because of Race, Color, Religion, National Origin and Sex.
4. The educational level of the apprentice is provided on the Apprentice Action Form.
5. Credit for previous experience granted the apprentice is referenced on the Apprentice Action Form.
6. The sponsor who is unable to fulfill his obligation under the Master Agreement may, with the approval of the Council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the Master Agreement.

NOTE: Apprentice wages expressed in percentages are based on the journeyman rate is as indicated in article "Apprentice Wages" of the Apprenticeship Standards. Changes in apprentice wages become effective through the revisions of the Training Program Outline.

7. Normal work week shall consist of hours as stated in Training Program Outline.
8. The Apprentice agrees to enroll in and make every effort to progress satisfactorily in the prescribed amount of related instruction required in the craft or occupation, and the Sponsor agrees to cooperate in meeting the related instruction requirements.
9. Special Provisions – Revisions of Standards shall be a part of this agreement as if expressly written herein and as provided for under article "Modifications" in the Apprenticeship Standards.

MINIMUM STANDARDS FOR APPRENTICESHIP

Please refer to the P: Drive to review the following Standards:

1. [Minimum Standards for Apprenticeship \(Blue Standards\)](#)
2. [State Apprenticeship Standards for Cosmetology, Barbering and Nail Technology](#)
3. [Virginia Surveyor Apprenticeship Program Standards](#)
4. [The Virginia Board for Opticians and the Virginia Apprenticeship Council Approved Addendum to the Minimum Standards for Apprenticeship](#)

APPRENTICE ACTION FORM (AAF)

The Apprentice Action Form is used for the following purposes:

1. Registration of apprentice
2. Superseding Agreement – Used whenever there are any changes made to an initial Apprentice Action Form for an individual apprentice such as change in occupation, granting additional credit, etc.
3. Reinstatement – Re-registration of an apprentice with the same sponsor in the same occupation if he/she was previously cancelled.
4. Completion of apprentice when all requirements of the program have been satisfactorily completed. (Signed by Sponsor Representative and Related Instruction Coordinator).
5. Cancellation of apprentice (voluntary or involuntary)

The following items are listed and where needed a brief description is given.

Item 1 Self Explanatory

Item 2 If a new apprentice is registered with a new sponsor at the same time, the sponsor number is assigned by CAAS and is the same as the program number. If a new apprentice is registered to an existing Program Sponsor, the Representative places the program number that has been assigned by CAAS to the form.

Item 3 through Item 8 Self Explanatory

Item 9 Self Explanatory – Optional - covered under the Privacy Protection Act

Item 10 Occupation should be the same as listed on TPO and Master Agreement

Item 11 Self Explanatory

Item 12 Self Explanatory – Optional - covered under the Privacy Protection Act although if applying for VA benefits the apprentice must indicate they are a veteran.

Item 13 9-digit code from the Dictionary of Occupational Titles or O*NET Code, should be the same as listed on all program forms.

Item 14 Self Explanatory – Optional - covered under the Privacy Protective Act (Use Drop Down Menu to see selections)

- Item 15 The sponsor is the grantor of credit. Each apprentice must serve $\frac{1}{4}$ of the apprentice term of their occupation. For example: Maximum credit allowed an apprentice registered in an 8000 hour program would be 6000 hours; however, if an apprentice was cancelled prior to completion and re-entered the same occupation, credit could be allowed for the time served previously in meeting the $\frac{1}{4}$ of the term.
- Item 16 Self Explanatory – should be the same as listed on TPO and Master Agreement
- Item 17 Probation hours should be the same as listed on the TPO
- Item 18 Self Explanatory (Use Drop Down Menu to see selections)
- Item 19 Date the apprentice starts as a registered apprentice....in registration of new program sponsor, the start date of apprentice cannot be prior to registration of Sponsor. For Davis Bacon purposes this date cannot be backdated more than 90 days. Apprentice Action Forms for cosmetologist, barber and nail technician may not be backdated.
- Item 20 Estimated Completion Date is determined by Start Date minus Credit Granted by Sponsor. **NOTE:** There are occasions when the apprentice is unable to complete either his/her on-the-job training or related instruction within the estimated completion time. To extend this date an **Extension of Apprenticeship Term** is prepared indicating the reason for extension and a date is given extending his/her time. The extension form can be found on the P: Drive. Sample also follows at the end of this document.
- Item 21 Self Explanatory – Leave blank if no credit granted by Sponsor
- Item 22 If answer is “Yes”, the Sponsor where apprentice was previously registered should be filled in
- Item 23 List location where Related Instruction will be covered through. (Use Drop Down Menu to see selections)
- Item 24 through Item 27 Self Explanatory
- Item 28 If apprentice is under the age of 18, the parent or guardian must sign form
- Item 29 Self Explanatory
- Item 30 Name of Company/Sponsor....should be the same as it appears on all registration forms of the Sponsor
- Item 31 through Item 46 Self Explanatory
- Item 47 through Item 48 Signature of the Commissioner of Labor and Industry and date signed. Affixed by Richmond Headquarters
- Item 49 Credit granted by sponsor when full credit not granted on initial registration and apprentice has satisfied the $\frac{1}{4}$ term on-the-job registration requirement. If 2,000 hours or more a letter is required from Sponsor.
- Item 50 through Item 52 Self Explanatory

Item 53 through Item 54 Self Explanatory If the apprentice has an A-average on completion of related classroom portion, the Related Instruction Coordinator can put Honors beside his/her signature.

Item 55 through Item 58 Self Explanatory If reason given is "laid off due to lack of work", the sponsor must give the laid off apprentice the opportunity to re-enter the program before registration of a new apprentice.

APPRENTICESHIP ACTION FORM

COMMONWEALTH OF VIRGINIA
 APPRENTICESHIP PROGRAM
 DEPARTMENT OF LABOR AND INDUSTRY
 600 EAST MAIN STREET, SUITE 207
 RICHMOND, VIRGINIA 23219

FIELD REP LAST NAME/# (1) _____

SPONSOR No (2) _____

In accordance with the Privacy Protection Act of 1973, Sections 2.1-377-386 of the Code of Virginia, you are not legally required to complete this request for information concerning your race or sex or veteran status. This information is used by the Virginia Department of Labor and Industry and the U.S. Department of Labor for statistical analysis to determine the percentage of minorities, women, and veterans that participate in apprenticeship training. However, if you are applying for Veterans Administration (VA) benefits, you must indicate that you are a veteran.

The program sponsor and apprentice agree to the terms of the Apprenticeship Standards incorporated as part of this Agreement. The sponsor will not discriminate in the selection and training of the apprentice in accordance with the Equal Opportunity Standards in Title 29 CFR Part 30.3 and Executive Order 11246. This agreement may be terminated by either of the parties, citing cause(s), with notification to the registration agency, in compliance with Title 29, CFR, Part 29.6

Apprentice Name: (Type or print name as it should appear on completion certificate)

(3) _____
 First Name Middle Initial Last Name

Address (4) _____ City (5) _____ VA Zip Code (6) _____ Phone (7) _____

SSN (8) _____ Sex (9) _____ Occupation (10) _____

Date of Birth (11) _____ Veteran (12) _____ DOT/O*NET Code (13) _____

Race (14) _____ Credit (15) _____ Length of Program (16) _____ Hours - Probation (17) _____ Hours

Education Level (18) _____ Starting Date (19) _____ Estimated Completion Date (20) _____

Name & Location Where Attained (If Credit Given) (21) _____

Previously Registered as an apprentice with the State of Virginia only? Yes No Name of company/sponsor? (22) _____

Related Instruction will be covered through (23) _____

Related Instruction (Number Hours Per Year) (24)	Apprentice Wages For Related Instruction <input type="checkbox"/> Will Be Paid <input type="checkbox"/> Will Not Be Paid (25)	<input type="checkbox"/> Competency <input checked="" type="checkbox"/> Time Based <input type="checkbox"/> Hybrid
--	--	--

Signature of Apprentice (26)	Date (27)	Signature of Parent/Guardian (if minor) (28)	Date (29)
------------------------------	-----------	--	-----------

Sponsor (30) _____ Name of Sponsor Representative (31) _____

Address (32) _____ City/County (33) _____ FIPS (34) _____ State (35) _____ Zip Code (36) _____

Phone (37) _____ Fax (38) _____ Email (39) _____

PLEASE CHECK IF THIS IS A (40) REGISTRATION SUPERSEDING AGREEMENT REINSTATEMENT
 STUDENT (H.S. CODE) COMMUNITY COLLEGE CODE

Journeyworker's Hourly Wage \$ (41) _____ Apprentice's Entry Hourly Wage \$ (42) _____

WAGES										
Term (Hrs)	Period 1	2	3	4	5	6	7	8	9	10
Wage Rate (Mark One) % <input type="checkbox"/> \$ <input type="checkbox"/>	(43)									

(44) _____ (45) _____ (46) _____
 Signature of Sponsor's Representative Date Signed Name and Address of Sponsor Designee to Receive Complaints (if applicable)

Registered with the Virginia Department of Labor and Industry _____ (47) _____ (48) _____
 Commissioner Date

COMPLETION Additional Credit Hours at time of Completion (49) _____ (2,000 hours or more a letter is required)
 (50) _____ (51) _____ (52) _____

Signature of Sponsor's Representative _____ Title _____ Date _____
 (53) _____ (54) _____

Signature of Related Instruction Coordinator _____ Date _____

CANCELLATION EFFECTIVE DATE (55) _____ Reason (56) _____
 (57) _____ (58) _____
 Signature of Sponsor's Representative Date

**UPON COMPLETION OF THE ON-THE-JOB LEARNING AND RELATED INSTRUCTION
OF A REGISTERED APPRENTICE**

THE APPRENTICESHIP REPRESENTATIVE SHOULD FOLLOW THESE STEPS

1. Obtain sponsor signature of completion of On-The-Job Learning (OJL).
2. Obtain Related Instruction Coordinator's (RIC) signature for the completion of RI.
3. Stamp the Apprentice Action Form (AAF) with completion stamp.
4. Make sure to highlight the word "**Honors**" on the AAF if the RIC made the notation.
5. Send AAF to Richmond Headquarters for the issuing of the State Certificate of Completion.
6. Certificate of Completion, AAF, and the Journeyworker card should arrive to your office within a month.
7. Make a copy of the Certificate of Completion, AAF, and the Journeyworker card for your records and make a copy for the sponsor.
8. Deliver the Certificate of Completion, the stamped AAF, and the Journeyworker card to the sponsor or apprentice. Make sure you add to the folder a "Congratulations On Completing Your Apprenticeship" letter. *****See sample below:**

Congratulations on Completing your Apprenticeship!

What you need to know when you have completed an Apprenticeship Program that requires a License.

To apply for your Virginia license, please contact the Commonwealth of Virginia, Department of Professional and Occupational Regulation at www.dpor.virginia.gov .

Directions to retrieve applications from www.dpor.virginia.gov

1. Click on Forms & Application
2. Click your occupation (Barber, Cosmetologist, Electrician, HVAC, Land Surveyor, Nail Technicians, Opticians, and Plumbers etc.)
3. Click on Exam and License Application
4. Cosmetologists, Barbers, and Nail Technicians will need to visit www.pschg.com to download the Examination Site Agreement and PCS Waiver Form from the Candidate section)

As you prepare to mail in your application, **please make sure you are sending in your Approved Apprentice Action Form which has a RED STAMP with your application.** DPOR and other testing sites such as Professional Credential Services look for this **Red Stamped Action Form** when processing your application for your specific occupational exam.

Reminders:

1. Your specific application along with the **RED STAMPED Approved Apprentice Action Form** and your method of payment **should not** be mailed to the Virginia Department of Labor but to the testing agent per your occupational application.
2. Remember if you are applying for a cosmetologist, barber, or nail technician license, you need to ask for a **temporary license**. The licensed cosmetologist, barber, or nail technician you work with must sign this portion on your application and provide their Virginia license number to receive your temporary license.
3. Cosmetologists, Barbers, and Nail Technicians visit www.nictesting.org and read the pre-examination instructions and print the sample test questions and information for the practical exams. Please pay close attention to the information about blood borne pathogens.
4. **For those apprentices in the OPTICIAN DISPENSING** program, your Apprenticeship Representative has to sign your Optician application

ADDITIONAL CREDIT UPON COMPLETION SAMPLE LETTER

ON COMPANY LETTERHEAD

DATE

TO WHOM IT MAY CONCERN:

I would like to grant _____(hours) additional credit to _____(Apprentice Name).
They have been employed in the occupation _____(years) and have extensive experience in
all work processes.

Sincerely,

Name
Title

Memorandum

TO: Apprenticeship Staff

FROM: Jennifer Nolen, Apprenticeship Program Director

CC: Commissioner Davenport
BAT Director Walker

DATE: June 1, 2003

SUBJECT: Granting Credit for Previous Experience

APPRENTICESHIP DIRECTIVE 81-4

The Virginia Apprenticeship Council adopted the following procedure to become effective May 21, 1981.

Apprentices registered in Virginia must serve a minimum of six (6) months or one-fourth (1/4) of the term of apprenticeship with one or more state registered sponsors in order to receive a Certificate of Completion. The six months terms does not have to be with the same sponsor or be served consecutively.

The exception to this will be when an apprentice has been registered with another state in the same trade with standards recognized by the B.A.T. These apprentices may be granted full credit accrued when documentation is presented.

PLEASE REFER TO "DIRECTIVES" ON THE P: DRIVE TO VIEW ALL DIRECTIVES PERTAINING TO APPRENTICESHIP

Virginia Apprenticeship Program

Sponsor Opt-Out Form

* Sponsor Name: _____

* Sponsor Contact Name: _____

* Sponsor Contact Phone Number: _____

*** Please print or type**

- By checking this box, I request that my organization's name NOT appear on a list of query-able registered Apprenticeship sponsors available to the public through the Virginia Department of Labor and Industry website.

Signature: _____

Date: _____

Return this form to:

Division of Registered Apprenticeship
Department of Labor and Industry
600 East Main Street, Suite 207
Richmond, VA 23219

SAMPLE LETTER:

Dear Apprenticeship Sponsor:

In an effort to enhance the manner in which the Virginia Department of Labor and Industry (DOLI) provides information to its customers, a list of registered apprenticeship sponsors was made available to the public via the DOLI website (www.doli.virginia.gov) on July 15, 2002.

The sponsor list includes individual sponsor name, address, and apprenticeable occupation(s). A sponsor's information may be found by searching under a specific geographic location, a specific occupation, or a combination thereof.

As a new sponsor, you may opt-out of listing on the website. Please use the enclosed form to notify the Apprenticeship Program staff if you **DO NOT** wish to have your organization's name and detail available to the public through the DOLI website. The response should be returned to DOLI at the address listed on the form as soon as possible.

If you should have questions, please contact me at (804)225-4362.

Sincerely,

Beverley G. Donati
Director

Apprenticeship Sponsor Quality Assurance Assessment (QAA)

The QAA form can be found on the P: Drive or you can use the caasp2qa form found in CAAS

- 1) Name of sponsor _____ and Sponsor # _____
- 2) Sponsor mailing address _____
- 3) Name of contact Person for Assessment _____
- 4) Select- Individual Not- Joint, Individual Joint, Group Not Joint, or Group joint.
- 5) Fill in Dates for evaluation period _____ to _____
- 6) Check each box (Yes) or (NO) per Sponsor Response.
- 7) Select OJT evaluation methods used by this employer/supervisor for this evaluation.
- 8) Check all methods for delivery of RI.

Where is RI conducted? Total RI hours per year: _____

Does sponsor pay for related instruction? If Yes - provide details, etc.

*******Example:** Sponsor pays tuition and books

- 9) Program Operation Section:
Name, Phone, Email

Under this section please check the appropriate box (Yes) or (No) that applies to this program. Please add Occupation Complete rate (use date 10 year prior current date – attach CAAS report- CAASPR12).

***** Where to find CAASPR12 - go to CAASMAIN – Main Menu
Click #2 – Sponsor/Program Reports
Click #12 – Sponsor Completion History Report
Enter From/To Dates (Example 4-Jul-2003 to 4-Jul-2013)
Enter Sponsor ID
Click “Commit”

Also Attach copy of CAASP02

***** Where to find CAASP02 – go to CAASMAIN – Main Menu
Click #1 – Apprentice/Sponsor Information
Click #2 – Maintain Sponsor Demographics
Click “Query” – Enter Sponsor Number, Press F8

- 10) List all of apprentices NOT Advanced to next wage level
- 11) Name of apprentice extended.
- 12) Name of all layoffs/reinstatements /transfers/cancellations

13) Please add all audit recommendations/comments

Add sponsor status - Provisional _____ or Permanent _____

*****NOTE: Permanent only after successful completion of one apprentice from program or representative decision.

NOTE: Please have sponsor sign, DOLI Rep sign, and date - Next review date will be given by CAAS when data is entered.

Apprenticeship Sponsor Quality Assurance Assessment

- 1st Year Anniversary
 End of Term
 5 Year
 Other (Describe) _____
- Sponsor Registration Date _____

1. Sponsor _____ Sponsor # _____

2. Complete mailing address _____

3. Sponsor Representative/Coordinator Email (Contact Person) _____

4. Type of Program INJ IJ GNJ GJ

5. Evaluation period dates include _____ to _____

6. Quality Assurance Assessment On-the-Job Learning (OJL) Section

- Apprentice receives OJL in all phases of occupation Yes No
OJL is coordinated with RI Yes No
Is reasonably continuous employment available? Yes No
Is work process current for industry? Yes No
Is ratio per standards? Yes No

7. On-the-Job Progress Section

The employer/supervisor is to make regular evaluations of the apprentices' on-the-job progress. Please check all methods that describe how this sponsor conducts this evaluation.

- Reviews Grades RI attendance Reviews log book Supervisor observes task being performed
Formal performance evaluation Daily direct supervision other

8. Quality Assurance Assessment - Related Instruction (RI) Section

Check all methods of delivery of RI:

Electronic media classroom correspondence sponsor site other _____

Where is RI conducted: _____ RI hours per year: _____

- Are all apprentices currently attending RI classes? Yes No
If not, provide details

Does the sponsor pay for related instruction? Yes No

Criteria/details of payment _____

9. Program Operation Section

Full name, phone number and email of supervisor of apprenticeship. (this contact provides prompt notification of all new registrations, cancellations and completions.

Name _____ Phone # _____ Email _____

Prompt notification of apprentice or program transactions provided to DOLI rep? Yes No
Did each apprentice receive a copy of? (Check all that apply)

Minimum Standards of Apprenticeship Apprenticeship Action Form/with Work Process
Additional Industry Standards Company Policies
Safety Rules & Regs. Other _____

Selection/employment/training records maintained? Yes No
Does the sponsor representative communicate revisions promptly? Yes No
Is the Complaint Procedure identified for all apprentices? Yes No
Occupation Completion Rate _____ (Use date 10 years prior to current date - Attach CAAS report)

10. Wage - Credits - Term Section

List names of apprentices **NOT** advanced to next wage level and provide reason.

Current journeyworker's wage rate _____
Wage increases done by Training Program Outline Standards? Yes No
Wage increases based on completion of RI in addition to OJL? Yes No
Attach copy of CAASP02- Active Count Programs Yes No

11. Extensions

Names of apprentices extended-provide reasons.

12. Names of layoffs/reinstatements/transfers/cancellations

13. DOLI recommendations/comments

This sponsor's status is Provisional Permanent

Sponsor Representative DOLI Apprenticeship Representative Date

14. Next review date _____

Revised Date February 01, 2011

SPONSOR'S FILE

Each sponsor file must be labeled with the sponsor's name, address, and sponsor's number

Left side

Sponsor Summary Sheet

Apprentice Action Forms (AAF)

Right Side

Training Program Outline (TPO)

Master Agreement (MA)

Occupation standards, if there is one.

Sponsor Opt Out Form

Minimum Standards for Apprenticeship

Quality Assurance Assessment (QAA)

ACRONYMS AND DEFINITIONS

The following acronyms related to Registered Apprenticeship:

- AAF** Apprentice Action Form – Form is a multi-purpose form used to register, complete, cancel, reinstate, and use as a superseding agreement when changes are made to change some part of an existing agreement.
- AAP** Affirmative Action Plan – When a sponsor has 5 apprentices registered in their program, the sponsor has 90 days in which to submit an Affirmative Action Plan and Selection Procedure – Required by State Plan.
- OA** Office of Apprenticeship – National administrative agency in the U.S. Department of Labor which carries out the objectives of the Fitzgerald Act of 1937.
- DOLI** Department of Labor & Industry – State agency that provides a broad range of services to employers and their workers. These services cover Registered Apprenticeship, Workplace Safety and Health, Boiler Safety and Labor and Employment Law.
- DOT** Dictionary of Occupational Titles – A listing of job titles with numerical designations which are grouped according to their similarities and defines the structure and content of all listed occupations in the United States.
- DPOR** Department of Professional and Occupational Regulation – The agency which regulates the licensure of professional occupations and is comprised of Boards for those occupations.
- DSS** Department of Social Services – The state agency which is responsible for a number of programs such as Emergency Assistance; Women, Infant and Children Supplemental Food, Medicaid Health Check-UP, Family Services, etc.
- EEO** Equal Employment Opportunity – Promotes equality of opportunity for training in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex by requiring affirmative action. Covered under the State Plan Governing Apprenticeship.
- FIPS** Federal Information Processing Standards – Codes used to identify areas such as counties.
- GED** General Equivalency Diploma – The equivalency of a high school diploma.
- GJ** Group Joint apprenticeship sponsor - Refers to a Registered Apprenticeship sponsor which is a group and/or an association of employers whose members participating under the standards of apprenticeship have a bargaining agreement with their employees.
- GNJ** Group Non Joint apprenticeship sponsor – Refers to a registered sponsor which is a group and/or an association of employers whose members participating under the standards of apprenticeship have no bargaining agreement with their employees.
- HVAC** Heating, Ventilation, and Air Conditioning is a licensed occupation governed by DPOR.

- INJ** Individual Non Joint apprenticeship sponsor – Refers to an individual employer having no bargaining agreement with employees in the occupation in which they are registered.
- IJ** Individual Joint apprenticeship – Refers to an individual employer having a bargaining agreement with employees in the occupation in which they are registered.
- JAC** Joint Apprenticeship Committee is set up by employer/s with a labor agreement to administer the apprenticeship program.
- MA** Master Agreement is the form used to register the occupations.
- OJT** On-the-job training provided by the sponsor’s journeyworker/s in a specific occupation.
- O*NET** The O*NET program is the nation’s primary source of occupational information. Central to the project is the O*NET database, containing information on hundreds of standardized and occupation-specific descriptors. The database, which is available to the public at no cost, is continually updated by surveying a broad range of workers from each occupation. Information from this database forms the heart of O*NET Online, an interactive application for exploring and searching occupations. The database also provides the basis for our Career Exploration Tools, a set of valuable assessment instruments for workers and students looking to find or change careers. Look at www.onetonline.org for the most current O*NET information.
- OSHA** Occupational Safety and Health Administration – A federal agency created in 1970 to ensure safe and healthful working conditions for working men and women. Federal OSHA has given the State of Virginia the authority to administer the OSHA program within Virginia (VOSH).
- QAA** Quality Assurance Assessment used for sponsor reviews.
- RI** Related Instruction is the coursework required for any occupation registered and is coordinated through the Virginia Community College System.
- RML** Reasoning, Mathematical, and Language Development related to the aspects of education (formal and informal) which are required of the worker for satisfactory job performance. Can be found in the DOT.
- SIC** Standard Industrial Classification is the statistical classification standard underlying all establishment-based Federal economic statistics classified by industry. It is used to designate the principal product or service provided by the sponsor. SIC codes can be obtained from the VOSH library or by use of a SIC Manual.
- SVP** Specific Vocational Preparation is defined as the amount of time required to learn the techniques, acquire information and develop the facility needed for average performance in a specific job-worker situation.
- TPO** Training Program Outline is used for sponsor registration, sponsor demographics and occupation demographics.

RECOGNITION OF APPRENTICESHIP SPONSORS

The Virginia Apprenticeship Council at the regular quarterly meeting on December 5, 1996, voted to recognize participating Apprenticeship Sponsors with a certificate specifying the number of years of service in maintaining an Apprenticeship Program.

NOTE: Certificate will be printed by Headquarters office and the certificate will be delivered by the sponsor and this visit should be used for TPO revisions, etc. and update in CAAS.

WEBSITES

1. **VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY**
www.doli.virginia.gov
2. **DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**
www.dpor.virginia.gov
3. **O*NET ONLINE**
www.onetonline.org
4. **DICTIONARY OF OCCUPATIONAL TITLES**
www.oalj.dol.gov/libdot.htm
5. **U.S. DEPARTMENT OF LABOR**
www.dol.gov/dol/topic/training/apprenticeship.htm
6. **U.S. DOL BUSINESS INCENTIVES**
www.doleta.gov/business/Incentives
7. **COSMETOLOGISTS, BARBERS, AND NAIL TECHNICIANS INFORMATION**
www.nicesting.org
www.psych.com
8. **TIME, ATTENDANCE AND LEAVE (TAL)**
<https://edirect.virginia.gov>

BEST PRACTICES,
NEED TO KNOW INFORMATION
AND
FREQUENTLY ASKED QUESTIONS

EMAILS FROM DIVISION DIRECTOR TO ALL STAFF MEMBERS:

1. 01/05/2011 – Upon arrival at your work station, a “Reporting for Work” email is to be sent to Division Director and Administrative Assistant. If you have been approved for teleworking, your schedule must be sent prior to the teleworking day. If there is a reason such as an early appointment/meeting that information must be sent prior stating name and address of the appointment/meeting. If there is an unexpected emergency or sickness, either email as directed above or telephone Administrative Assistant prior to your scheduled arrival time.
2. 05/04/2010 – It is the policy of this division that staff members with any concerns regarding the operations of any agency or issues of any employment nature, contact the Director to discuss the topic and to seek assistance in determining a solution. It is imperative that all understand the proper chain of command when addressing workplace issues, concerns or conflicts.
3. **Time, Attendance and Leave (TAL)** as of July 25, 2013 all staff members should use TAL System to submit timesheets and leave requests. <https://edirect.virginia.gov>
4. **Weekly Activity Report** – 08/14/2009 Guidance and Definitions – Guidance for using the legend of the weekly report.

MIP = In person meeting with a sponsor. This includes signing up a new sponsor, new program, new apprentice either for the first time, or subsequent registrations. Includes delivering certificates or certification cards; problem-solving, educating, etc. You may be doing no paperwork, but are consulting with them as a matter of customer service and troubleshooting.

MBT = Initiating or responding to a need for service in any of the above areas, but done by telephone, email, fax. Think of it as Maintenance Visit by Technology.

D = Not a cold call, but a 2nd, 3rd, or 10th visit with a sponsor that you are trying to sign up. All of these are D visits, UNTIL they say YES, sign me up. Maintenance infers that they are now a sponsor.

CC = Cold Call is your initial attempt starting the development process. Informal, in person. You might have a previous phone conversation to get you in the door, but your first CC visit is still cold.

P = Presentation, self-explanatory but PLEASE include the number of people you reach each time. When you visit a class, include number of students you spoke to.

RI = Visits/meetings either by phone or in person with RI personnel regarding Registered Apprenticeship issues.

O = Catch all for anything that does not fit. Not all "Others" get counted as visits however.

There are many things that we do that are just a course of doing the job. We need to accurately count and report our interactions with sponsors.

DO NOT COUNT *the following as a Visit:*

Returning a simple call/email inquiry about the program;

Answering routine questions for sponsors is part of business; not a visit;

Hour long conference calls explaining Apprenticeship;

Calls making future appointments;

Homework for the Division;

Phone meetings with Director;

Research that you do – List it as "Other", but it's not a counted "visit".

For your purposes of tracking your efforts, list whatever you need to, but be careful about counting things as visits.

Use the Comments section to record anything that seems different or interesting; like "received 18 calls from unemployed people this week looking for placement" (but these calls are not visits).

***Remember to record your weekly mileage at the top of your report.

PLEASE DO NOT SUBSTITUTE YOUR OWN ABBREVIATIONS

NOTE: Report due every Friday before Noon to Division Director. This is important due to the fact that the Division's report is forwarded to the Commissioner and then to the Secretary of Commerce with strict deadlines.

5. **Quarterly reports** – use the Excel document to record your quarterly activity.

NOTE: Report is due by the 10th of the following month to Division Director. This is important due to the fact that the Division's report is forwarded to the Commissioner and then to the Secretary of Commerce with strict deadlines.

INFORMATION FROM DIFFERENT MANAGEMENT OFFICES:

1. Review EWP periodically. Necessary EEOs must be submitted to the Division Office by September 10th to be counted.
2. Contact RI Coordinators to schedule a time to speak with apprentice classes preferably no later than September 24th of each year.
3. Proper procedure in explaining program registration to a new or existing program sponsor is to make sure you discuss the work processes to ensure the sponsor can do ALL of the processes required. The Rules and Regulations Governing Apprentices, 16 VAC 20-20-40 (9), states that an outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process is part of the registration process. Also, 16 VAC 20-20-50 (6), further discusses the work processes as does VAC 20-20-60 (1c) under Involuntary Deregistration.

It is mandatory that if all processes are not offered to the public by personal service sponsors and they cannot give a detailed plan to assure training of an apprentice in those areas now offered (i.e. barber shops, cosmetology and nail tech salons) they **should not be registered.**

If registered, a detailed plan **must be submitted** on company letterhead attesting to how the processes will be introduced and performed by the apprentice. In this instance it will be mandatory for the record book to be kept up to date by the apprentice and monitored by the field representative for the sponsor location.

Any deviations to the above should be approved by the Division Director.

4. The Virginia Roofing Contractors Association requested that apprentices enrolled by the roofing industry complete in 4000 hours rather than the original 6000 hours required. This is allowed by the Office of Apprenticeship. Effective date: 12/08/2008
5. **Bulletin 2010-17** – U. S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA).

Subject: OA's position on Leasing Agencies and Leased Employees

Purpose: To inform OA and State Apprenticeship Agency (SAA) staff of the U.S. Department of Labor's position on employee leasing agencies and leased employees participation in Registered Apprenticeship.

Background: The U.S. Department of Labor has received inquiries from SAA's and OA field staff regarding requests from leasing agencies on whether leasing firms and leased employees may be accepted into the Registered Apprenticeship System.

OA questioned whether the apprenticeship requirements would be met when a third party, the leasing agent, has control over only limited aspects of an apprentice's employment and training during the apprenticeship. In particular, concerns were raised over several issues, including wage progressions, continuity of employment, technical instructions, supervision, safety, and equal employment opportunity.

To assure that Registration Agency approval of an operating apprenticeship program will be given only when the registrant is able to satisfy federal apprenticeship standards and requirements OA issued Circular 72-22 which states, "It is the policy of the Bureau of Apprenticeship and Training to identify on the Certificate of Registration and to accord registration to the actual entity having full authority to exercise all apprenticeship functions to which Title 29, Code of Federal Regulations (CFR) Part 30 as amended, is addressed and for all other applicable federal standards and Bureau requirements."

OA's Position: The Authorizing statute and implementing regulations of the National Apprenticeship Act do not contain provisions for leasing firms (i.e. leasing agent and/or its client company(s) to jointly or severally), participation in a Registered Apprenticeship Program. Therefore, OA issues the following instructions:

Action: In consideration of the above determination, OA field staff is advised of the following guidance:

Apprenticeship programs proposed for registration with OA by leasing agencies or entities providing leased employees as apprentices, do not meet the provisions of Title 29, CFR Part 29 or Title 29, CFR Part 30, as qualifying program sponsors, and therefore are not eligible for participation in the Registered Apprenticeship System.

The National Apprenticeship Act mandates...."to safeguard the welfare of apprentices"...and the implementing regulations at Title 29, CFR Part 29 and 30, do not provide for "leasing agencies or "leased employees" participation in the Registered Apprenticeship System. Effective date: 06/09/2010

6. If there is a need for the Related Instruction Coordinator (RIC) to contact a sponsor representative concerning apprentice attendance, the RIC will contact the apprenticeship representative directly for the name and contact information of the sponsor representative. It is DOLI's responsibility to have current/correct information. When this information is requested, it will be our procedure to supply the information immediately and to make a note in the sponsor's file for follow-up with the RIC. This information will also be made a part of the QAA. Effective date: 01/5/2011.
7. Division forms can be found on the P: Drive to include the Apprentice Action Form (AAF) and the Quality Assurance Assessment (QAA). The folder is called Apprenticeship and the Form Folder is called Forms. Please be sure to use the most current Apprentice Action Form at all times. It is mandatory that all sponsor's current email addresses be entered in CAAS. Note: not all sponsors

have an email address. Remember provisionally registered sponsors over the past 12 months must be conducted as required by 29 CFR 29 along with End-Of-Term and 5 year reviews.

8. Sponsors will be cancelled after three years of inactivity. Cancel sponsor in CAAS.
9. Should a Sponsor have a complaint refer them to 16 VAC 20-20-120. A letter must be submitted on letterhead to the Division Director's office.

16 VAC 20-20-120. Complaints

- A. This section is not applicable to any complaint concerning discrimination or other equal employment opportunity matters; all such complaints must be submitted, processed, and resolved in accordance with the applicable provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.
 - B. Except for matters described in paragraph A of this section, any controversy, difference, or discrepancy arising under an apprenticeship agreement which cannot be adjusted, abated, or otherwise resolved locally by the parties and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or the apprentice's authorized representative, to the Department for review. Matters covered by a collective bargaining agreement are not subject to such review.
 - C. The complaint must be in writing and signed by the complainant, or authorized representative, and must be submitted within 60 days of any final local decision. It must set forth the specific matter(s) complained of, together with relevant facts and circumstances. Copies of pertinent documents and correspondence must accompany the complaint.
 - D. The Department will render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found to be necessary, and the record before it. During the 90 day period, the Department will make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties will be notified that the case is closed. Where Departmental efforts yield no resolution, an opinion is rendered and disseminated to all interested parties.
 - E. A party dissatisfied with the opinion of the Department may file a petition for review with the Office of Apprenticeship, USDOL specifically identifying the controversy, difference, discrepancy, or decision which is at issue. A copy of the petition for review must be concurrently sent to the Department.
 - F. Nothing in this section precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law.
10. Memo to Division Director, Registered Apprenticeship from Bill Mercer, Director, ARI, Virginia Community College System – effective 04/21/2003

As of this date (April 21, 2003) it is the opinion of the Virginia Community College System, Apprenticeship Related Instruction unit that any decision to offer apprenticeship related instruction to Virginia registered apprentices in a location other than Virginia is a decision rightfully made by the Virginia Department of Labor and Industry and the Virginia Apprenticeship Council.

However, the Virginia Community College System, Apprenticeship Related Instruction unit requests notification and justification of any such action.

11. DPOR will refer all requests for documentation from cosmetology, barbers and nail technicians to Division Director's office. If a call is received from an apprentice seeking documentation for the licensing examination, print the CAAS screen and forward to the apprentice. If the request is for a re-make of the Certificate of Completion, verify on CAAS, request the correct mailing address, and fax the request to Division Director's office.
12. The licensing examination for opticians is given twice yearly. All reps will submit a list by email by March 1 annually to DPOR stating the name, sponsor and estimated date of completion for all apprentices scheduled to complete during the next 12 months and copy your Division Director.
13. Please see Bulletin 2010-18 on pages 80-81.

U.S. Department of Labor Employment and Training Administration Office of Apprenticeship (OA) Washington, D.C. 20210	Distribution: A-541 Hdqtrs A-544 All Field Tech A-547 SD+RD+SAA+; Lab.Com	Subject: Transfer of An Apprentice Code: 400
Symbols: DSNIP/FDK		Action: Immediate

PURPOSE. To inform Office of Apprenticeship (OA), State Apprenticeship Agency (SAA) staff, Registered Apprenticeship Program Sponsors and other Registered Apprenticeship Partners of the procedure for transfer of an Apprentice between apprenticeship programs and within an apprenticeship program, as provided in § 29.5 of revised Title 29, Code of Federal Regulations (CFR) Part 29, Labor Standards for Registration of Apprenticeship Programs.

BACKGROUND: The U.S. Department of Labor's Employment and Training Administration issued a final rule that updates Title 29, CFR Part 29 on October 29, 2008. The rule became effective on December 29, 2008.

Section 29.5(b)(13), Transfer of Training Obligations, was revised to provide increased flexibility for an apprentice to continue his or her apprenticeship.

Revised 29 CFR § 29.5(b)(13) states:

The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on an agreement between the apprentice and the affected apprenticeship committees or program sponsors, and must comply with the following requirements:

- (i) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committee or program sponsor;
- (ii) Transfer must be to the same occupation; and
- (iii) A new apprenticeship agreement must be executed when the transfer occurs between program sponsors.

An apprentice may be transferred to provide continuous employment and to assure the apprentice more complete on-the-job learning experience in all aspects of the occupation. Transfers can occur from state to state.

Once all three parties are in agreement:

- The sponsor will ensure that each transferred apprentice is issued a transcript of training.
- The sponsor will send a copy of the transcript to the Registered Apprenticeship Field Staff and the receiving sponsor and the apprentice.
- The transcript will contain the accomplishments, credits and hours of training received under the program (see attached example).

A transferred apprentice must be evaluated and given full credit for previous experience.

A registered apprentice who has completed the probationary period set by the apprenticeship program and who is subsequently transferred from one employer within the same program cannot be required to undergo a new probationary period. If an apprentice has not completed the probationary period then he/she will only need to complete the probationary hours that are left. For example, if the probationary period is six (6) months and the apprentice has only completed four (4) months before being transferred then he/she will only need to complete the two (2) months that are left.

However, where the apprentice is entering into a new apprenticeship agreement and is dealing with a new committee or program sponsor, an additional probationary period could be required. Apprentices should not be transferred repeatedly between programs and subjected to additional probationary periods, such that the apprentices are unjustifiably hindered in their progression to journeyworker certification. OA will monitor and rectify any use of probation that does not safeguard the welfare of an apprentice.

If you have any questions please contact Franchella Kendall, Chief of the Division of Standards and National Industry Promotion (DSNIP), at 202-693-3813.

ACTION: OA and SAA staff should familiarize themselves with the attached bulletin and all attachments.

NOTE: This bulletin is being sent via electronic mail.

Bulletin 2010-18 Attachment – OJL – [\(PDF\)](#)

Bulletin 2010-18 Attachment – Transcript – [\(PDF\)](#)

****To View Attachments Go To www.doleta.gov/OA/oa_bulletin.cfm

FREQUENTLY ASKED QUESTIONS:

1. Once a high school student completes a cosmetology program but does not sit immediately for the licensing exam, how long does he/she have to qualify to sit for the exam?

The exam can be taken anytime. We can never take anybody's knowledge away. The potential applicant would need proof of the completion which could include a transcript. Any additional information will be supplied by the staff at DPOR.

2. How much credit is a high school student allowed if the student did not complete the DOE program?

Cosmetology Standards states: Applicant who was formerly enrolled in the Industrial Cooperative Training Program while in high school **may** be allowed credit for that portion of time spent on the job.

DOE has oversight over high school programs. Cosmetology schools (priority schools) are approved by SCHEV. Please note that the word "may" is very important in the granting of credit. The documented credit is granted by the sponsor. A rep's responsibility is that of advisory and explanation of the standards.