

COOPERATIVE WORKING AGREEMENT

BETWEEN

*THE STATE OF VIRGINIA APPRENTICESHIP COUNCIL
VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
APPRENTICESHIP DIVISION
13 SOUTH THIRTEENTH STREET
RICHMOND, VIRGINIA 23219*

AND

*THE BUREAU OF APPRENTICESHIP AND TRAINING
U. S. DEPARTMENT OF LABOR
THE FEDERAL BUILDING, SUITE 404
400 N. 8TH STREET, P. O. BOX 10123
RICHMOND, VIRGINIA 23240*

REGISTERED APPRENTICESHIP THROUGH PARTNERSHIP

July 23, 2002

DATE

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FORWARD

It is recognized that in order to promote, develop, and maintain an effective National Apprenticeship System, it is imperative that a strong, cooperative working partnership is developed between the Bureau of Apprenticeship and Training (BAT) and the State Apprenticeship Councils/Agencies (SAC/SAA) recognized by the U.S. Secretary of Labor. Cooperation in carrying out the provisions of public laws enacted by the State and the Federal Government is essential to maintain and enhance the vital role of the State in the National Apprenticeship System.

PURPOSE OF THE AGREEMENT

The purpose of this agreement is to provide guidelines for cooperative action and support for necessary activities in administering quality registered apprenticeship and training within the State in recognition of the authority and obligations of the Virginia Apprenticeship Council. The BAT and the SAC will effectively and efficiently utilize available resources to promote and expand Virginia registered apprenticeship and training system.

LINKAGES

It is recognized that the National Apprenticeship System impacts a number of other agencies in the work training area. This document serves to outline, for the Registered Apprenticeship Community, the relationship between the State and the Federal Government in the operation of the National Apprenticeship System. It is anticipated that both entities will interact with the State Department of Education, the Workforce Investment Act State Board, the Workforce Investment Local Boards operating under the Workforce Investment Act (WIA), Community Based Organizations, individual school districts, Sex Equity Coordinators, the Women's Bureau, the Job Corps, and Agencies charged with establishing programs and any other agencies/organizations interested in registered training to ensure access and program coordination.

APPROVAL OF AGREEMENT

This agreement will remain in effect, after signing by the responsible parties below, until modified or terminated by the SAC or the BAT. Either the SAC or the BAT must give thirty (30) calendar days notice to all parties prior to termination or modification.

VIRGINIA DEPT OF LABOR & INDUSTRY

**U.S. DEPARTMENT OF LABOR,
BUREAU OF APPRENTICESHIP
& TRAINING**

**C. Ray Davenport
Commissioner of Labor & Industry**

**Joseph T. Hersh
Regional Director, Region II**

**Jennifer P. Nolen
Director, Apprenticeship Program**

**James F. Walker
Virginia BAT State Director**

***EFFECTIVE DATE OF AGREEMENT:* July 23, 2002**

SECTION I
GENERAL REGULATORY AUTHORITY

The Federal Bureau of Apprenticeship and Training operates according to laws, regulations, and policies promulgated by the U.S. Department of Labor and the Congress of the United States as follows:

- The National Apprenticeship Act (The Fitzgerald Act, Public Law 308)
- Title 29 CFR Part 29 (Labor Standards for Apprenticeship)
- Title 29 CFR Part 30 (EEO in Apprenticeship programs)
- It is further recognized that other laws and regulations, as well as Department of Labor policies contained in BAT Circulars, affect the operation of the Bureau of Apprenticeship and Training.

The State of Virginia operates according to laws, rules, regulations and policies adopted by the legislature, the State Department of Labor and Industry and the State Apprenticeship Council as follows:

- Commonwealth of Virginia Voluntary Apprenticeship Act (Code of Virginia 40.1-117 - 40.1-126)
- The Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia.

SECTION II
ROLE OF BAT TO THE STATE COUNCIL

The U.S. Secretary of Labor has recognized the Virginia State Apprenticeship Council to register apprentices and apprenticeship programs for Federal purposes. The BAT must act as consultant to the State Apprenticeship Council concerning any and all aspects of the State Apprenticeship System as it may impact or be impacted by Federal Apprenticeship Law and related laws, regulations and policies. This role is advisory in nature. The Bureau maintains federal regulatory oversight responsibility for the administration of the Apprenticeship system that has been delegated by the U.S. Secretary of Labor to the State.

The Virginia State Apprenticeship Program Director and the State Director for the Bureau of Apprenticeship and Training have agreed to the following terms and conditions:

1. The BAT State Director will attend regular meetings of the States' Apprenticeship Council and give a report on Federal activities and provide technical assistance when requested.

2. The BAT State Director will consult with the SAC Apprenticeship Program Director and/or Agency representative prior to each Council meeting to discuss proposed programs, Council actions, areas of concern, etc.
3. The BAT State Director will be a consultant to the Council and any Council sub-committee that deals with issues impacted by Federal regulations.

SECTION III **ROLE OF BAT TO STATE AGENCY**

The Virginia State Apprenticeship Council is the Registration agency recognized by the BAT. This agency is responsible for the day-to-day operation of the Virginia State Apprenticeship System.

The Virginia State Apprenticeship Program Director and the State Director for the Bureau of Apprenticeship & Training agree to the following guidelines to ensure a close working relationship:

1. The SAC Apprenticeship Program Director will notify the BAT State Director of State Council Meetings, and Council sub-committee meetings and sub-committee meetings where decisions impacted by Federal Apprenticeship regulations will be made.
2. The SAC Apprenticeship Program Director will provide statistical and periodic management reports on program activity to the BAT State Director.
3. The BAT State Director and SAC Apprenticeship Program Director will notify each other of scheduled program compliance and quality reviews.
4. The BAT State Director and SAC Apprenticeship Program Director will attend each other's training, as appropriate.
5. The BAT State Director/staff will assist in the development and registration of new apprenticeship programs under mutually agreeable arrangements.
6. BAT field staff may be assigned SAC registered accounts and will service said accounts under mutually agreeable arrangements.

SECTION IV **PROGRAM COMPLIANCE REVIEWS**

Compliance with EEO/AA statutes and regulations is designed to achieve parity among women and minorities in registered apprenticeship and training programs. To this end, BAT or SAC staff will conduct reviews of their assigned accounts to determine program sponsor's compliance with EEO/AA requirements. The BAT or the SAC must review programs with five (5) or more apprentices periodically. The BAT or SAC staff will review the program sponsor's progress toward stated EEO/AA goals and will provide technical assistance as necessary.

SECTION V
PROGRAM QUALITY REVIEWS

To assure program quality, BAT or SAC field staff will conduct, on site, program quality/maintenance reviews periodically. Quality and compliance reviews may be conducted in a single visit. Field staff of both entities will provide technical assistance to assigned program sponsors. The SAC will actively direct sponsors to implement corrective action and encourage recommended improvements offered by the staff of both agencies.

SECTION VI
OFFICIAL RECORDS

The State Apprenticeship Council will maintain official records of registered apprentices and programs. These records will include new registrations of apprentices and apprenticeship programs, completion of apprentices and cancellations of apprentices or programs. This information shall be forwarded, on an agreed upon schedule, to the BAT State Director.

The State Apprenticeship Council will issue the Certificate of Completion of Apprenticeship.

SECTION VII
CERTIFICATION OF APPRENTICES

Recognition by the U.S. Secretary of Labor authorizes the SAC to certify registration of apprentices for Federal purposes on public works, which is regulated by the Davis Bacon Act, and other Federal Acts. The SAC shall be responsible for apprentice certification of SAC registered apprentices and programs.

In carrying out this activity, the SAC and/or BAT staff will certify only those individuals and programs which meet the criteria as outlined in Title 29 CFR part 29 and applicable state apprenticeship law. The requirements for certification are contained in Title 29 CFR part 5 (Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction), the applicable provisions of the Contract Work Hours and Safety Standards Act, and the Copeland Act.

The SAC will certify only those persons who are employed as apprentices under a SAC approved apprenticeship agreement in a SAC approved apprenticeship program.

The SAC may certify a person in his or her first 90 days of probationary employment who is not individually registered, but has been determined by the SAC to be eligible for probationary employment as an apprentice. In order to make this determination, the SAC must receive immediate notification and required data on the individuals in their probationary period from the registered program sponsor.

SECTION VIII **COMMUNICATIONS/DATA EXCHANGE**

The Virginia State Apprenticeship Program Director and BAT State Director will keep each other informed on all state and national matters concerning apprenticeship and training. They will be responsible for coordinating an effective communication system between the SAC and the BAT.

Each party agrees to exchange regulatory, statutory, or policy directives issued by their respective agencies, which affect the operations of the Virginia apprenticeship system. The BAT State Director shall be notified of proposed changes in the State's laws or rules and regulations and be provided the opportunity to advise the SAC on their conformance to Title 29 CFR parts 29 and 30. Regulatory or policy directives and bulletins from the BAT National Office affecting the state's apprenticeship program or BAT staff activities in the state will be reviewed with the Virginia State Apprenticeship Program Director and discussed as soon as possible. State and Federal apprenticeship staff at all levels will communicate with each other on routine matters in the promotion and servicing of apprenticeship programs, according to established operating federal/state procedures. Staff shall seek guidance from their respective agency supervisors as needed. Technical information, publications, and other media will be exchanged between agencies on a regular basis.

The Virginia State Apprenticeship Council will participate in the Registered Apprenticeship Information System (RAIS) by providing available statistical data on state-registered programs and apprentices. The BAT State Office shall provide national apprenticeship data through available RAIS reports. Requests for information will be channeled through the SAC Apprenticeship Program Director and the BAT State Director.

SECTION IX **SAC REVIEWS FOR 29.29 & 29.30**

State Apprenticeship Councils/Agencies will be periodically reviewed for compliance with Title 29 CFR part 29 and Title 29 CFR part 30 and may include an evaluation of programs and administration within State and Federal procedural time lines. Such

reviews will be conducted at the discretion of the Bureau of Apprenticeship and Training. Reasonable notice of intent to conduct a review will be given to the SAC Apprenticeship Program Director. Not less than THIRTY (30) calendar days shall constitute reasonable notice.

SECTION X **RESOLUTION OF DIFFERENCES**

If misunderstandings occur in the course of working relationships between BAT and SAC representatives and an agreeable solution is not reached, those misunderstandings will be brought to the attention of the respective supervisors for immediate discussion and action. The BAT Regional Director will review any continuance of differences for resolution with the appropriate State Agency Head before involving the BAT National Director and ultimately the U.S. Secretary of Labor for resolution.

SECTION XI **MODIFICATIONS/REVISIONS**

Should any party to this agreement desire to make revisions, they will be submitted, in writing, to the other parties. Revisions will require the written consent of the Commissioner of Labor and Industry, the Virginia SAC Apprenticeship Program Director, the U.S. Department of Labor, Bureau Apprenticeship & Training Region II Regional Director, and the U.S. Department of Labor, Bureau of Apprenticeship & Training Virginia State Director.

SECTION XII **TERM OF AGREEMENT**

This Cooperative Working Agreement, being necessary to ensure full and efficient administration of the registered apprenticeship system at both the State and Federal level, shall be valid for a minimum period of four (4) years. This Working Agreement shall be reviewed and updated annually by the Apprenticeship Program Director for the SAC, the State Director for BAT, and other signatory parties.

SECTION XIII
JOINT STAFF TRAINING

Wherever possible, joint training programs will be held to discuss problems and work out ways and means of furthering the objectives of each agency for the betterment of registered apprenticeship and training. The State Directors will mutually agree upon agendas for joint meetings. Notice of conferences should be sent in sufficient time to ensure maximum participation.