

Memorandum

TO: Apprenticeship Staff

FROM: Jennifer Nolen, Apprenticeship Program Director

CC: Commissioner Davenport
BAT Director Walker

DATE: June 1, 2003

SUBJECT: Guidelines Governing Out-of-State Businesses

APPRENTICESHIP DIRECTIVE 03-5

The Virginia Apprenticeship Council unanimously revised the Guidelines Governing an Out-of-State Business Participating in Registered Apprenticeship in Virginia on March 21, 2002.

The purpose of these guidelines is to ensure that program sponsors with registered apprentices working out-of-state continue to meet the established standards of the Virginia Apprenticeship Council.

A program sponsor, (either INJ, IJ, GNJ, or GJ) who works apprentices out-of-state either directly or through a subsidiary organization or through a participating employer is responsible to ensure that, while apprentices are working out-of-state must receive appropriate compensation, training and work experience consistent with their prescribed work processes and training plans, appropriate and timely related instruction, proper supervision and instruction on the job, and safe working conditions, and all other provisions of the apprenticeship agreement. The Virginia Apprenticeship Council will hold the program sponsor accountable.

Definitions:

- a. out-of-state business: any business with its main headquarters in another state that has contracted (which includes signed contracts, required licensing, etc.) to do business in Virginia;
- b. individual non-joint apprenticeship sponsor (INJ): an individual employer having no bargaining agreement with those employees in the trade which is apprenticed;
- c. individual joint apprenticeship sponsor (IJ): an individual employer having a bargaining agreement with those employees engaged in the trade which is apprenticed;

- d. Group non-joint apprenticeship sponsor (GNJ): a registered apprenticeship 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;
- e. Group joint apprenticeship sponsors (GJ): 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;
- f. Virginia Apprenticeship Program: the program within the Virginia Department of Labor and Industry that registers apprenticeship sponsors for the Virginia Apprenticeship Council.

Guidelines:

Out-of-State businesses electing to participate in voluntary apprenticeship training in the Commonwealth of Virginia must meet the following guidelines to be eligible to participate:

1. the-out- of state business must furnish the Virginia Apprenticeship Program written evidence of participation in apprenticeship training in the state in which its main headquarters is located or in another state or provide a satisfactory explanation for non-participation;
2. the out-of-state business must provide the Virginia Apprenticeship Program with a written description of the efforts to be made to assure continued employment and training for apprentices in the event that the business discontinues operations in the Commonwealth of Virginia; and
3. the out-of-state business must maintain an established physical address within the Commonwealth of Virginia.

Once the out-of-state business's eligibility for participation in voluntary apprenticeship in the Commonwealth of Virginia has been established, it must comply with the *Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia*. The out-of-state business must apply for registration as either an Individual Non-Joint (INJ) apprenticeship sponsor or an Individual Joint (IJ) apprenticeship sponsor; or, that business may participate with a Group Non-Joint (GNJ) or a Group Joint (GJ) apprenticeship sponsor as one of the employers of the sponsoring group.

The out-of-state business electing to participate with either the Group Non-Joint (GNJ) or the Group Joint (GJ) apprenticeship sponsor may establish its' eligibility for participation in voluntary apprenticeship training in the Commonwealth of Virginia by having the registered Group Non-Joint (GNJ) or Group Joint (GJ) apprenticeship sponsor, in which the out-of-state business plans to participate, notify the Virginia Apprenticeship Program of the out-of-state

business's planned participation and verify to the Virginia Apprenticeship Program that the out-of-state business meets the above definitions and guidelines.

The Virginia Apprenticeship Program's decisions regarding the eligibility of out-of-state businesses to participate in voluntary apprenticeship training in the Commonwealth of Virginia may be appealed to the Virginia Apprenticeship Council. The Council's decision shall be final.