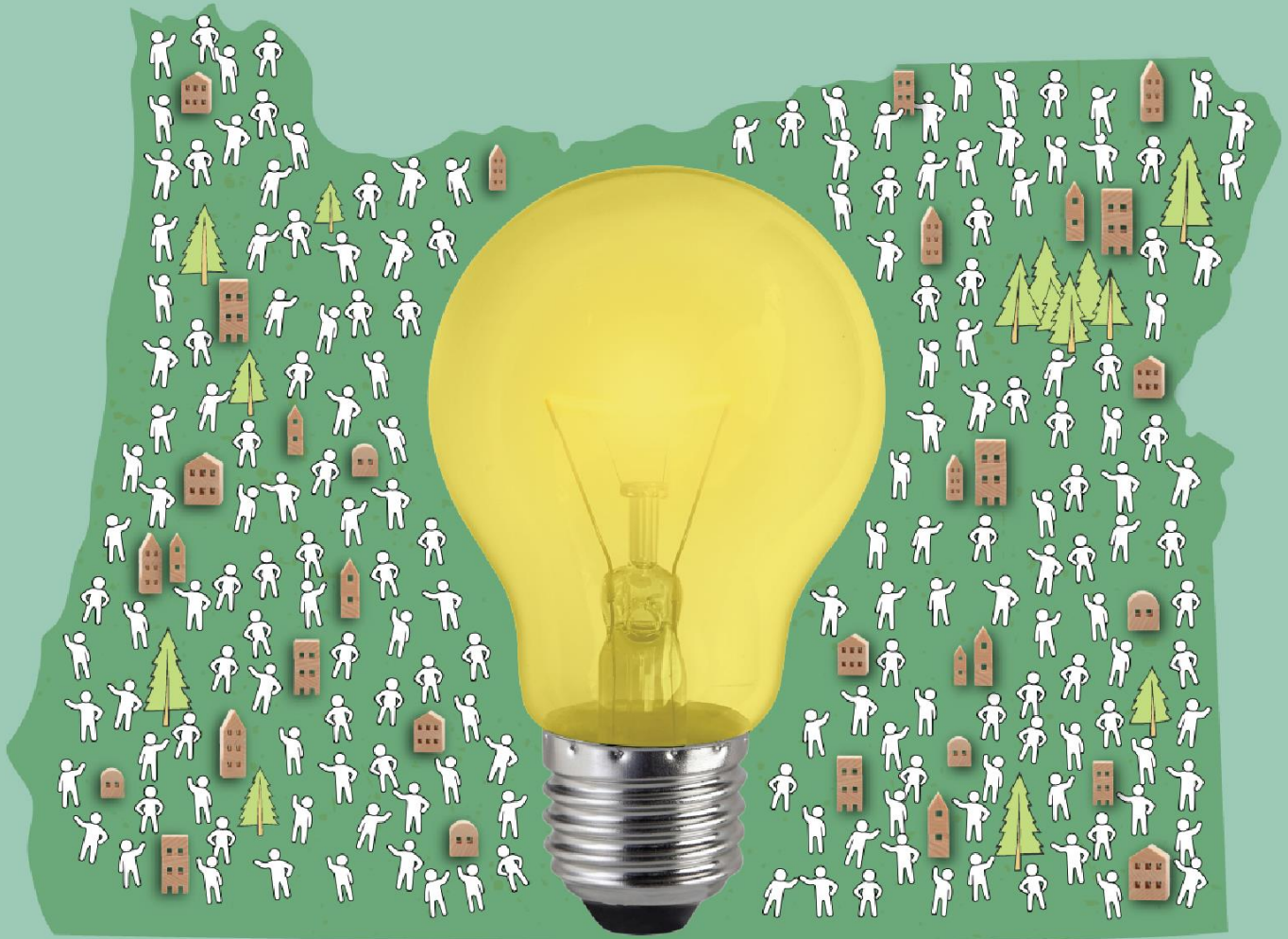


MAINTAIN AN APPRENTICESHIP PROGRAM IN OREGON



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Oregon Bureau of Labor and Industries, 2020

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About this Guide

After registering an apprenticeship program, it is important to maintain the program and keep up with administrative requirements. Although there is no one required approach to designing a program, there are a number of Federal and State Statutes and Policies that govern the official maintenance and oversight of apprenticeship in Oregon. This guide is designed to assist teams of partners that have already registered their programs and who would like guidance on requirements and oversight in reference to specific laws, rules, and regulations. Its content reflects the knowledge and effective practices of the most experienced apprenticeship professionals in the State of Oregon—employers, training providers, and government professionals.

This guide contains an **Overview of the Oregon Apprenticeship System**, information on I) **Program Standards and Management**, II) **Committee Membership and Meetings**, III) **Apprentice Management**, IV) **Training Agent Management**, V) **Equal Employment Opportunity and Affirmative Action**, and VI) **Compliance Reviews and Investigations**.

While this guide and its companions, the *New Committee Toolkit* and the guide, [Start an Apprenticeship Program in Oregon](#), are meant to assist teams of partners interested in building registered apprenticeship programs, the assistance of Oregon Bureau of Labor and Industries staff is critical to running a successful program. Oregon Bureau of Labor and Industries staff are available to support teams through the entire process by answering questions and providing guidance.

This is not a journey you need to take alone. We are here to help! Contact us at generalatd@state.or.us or 971-673-0760.

Overview of the Oregon Registered Apprenticeship System

Oregon is home to over 155 apprenticeship programs in sectors that range from construction to transportation to healthcare to advanced manufacturing. These programs are overseen by the Oregon Bureau of Labor and Industries (BOLI) and the Oregon State Apprenticeship and Training Council (OSATC), which is governed by Oregon Revised Statutes (ORS) Chapter 660, Oregon Administrative Rules (OAR) 839 Division 11, and the Code of Federal Regulations (CFR), Title 29, Parts 29 and 30.

Oregon Bureau of Labor and Industries (BOLI)

The Oregon Bureau of Labor and Industries oversees Registered Apprenticeship in Oregon and protects employment rights, advances employment opportunities, and ensures access to housing and public accommodations free from discrimination.

Oregon State Apprenticeship and Training Council (OSATC)

OSATC has statutory authority to oversee apprenticeship programs, Committees, and Policies, and to approve apprenticeship Committee members.

As a Registered Apprenticeship program in Oregon, you will engage with OSATC during the registration of your program, when you submit materials to OSATC, when you revise your Standards of Apprenticeship, and when you start new Occupational Standards within your Committee. You will also interact with OSATC if you are cited to appear for Compliance Review findings.

OSATC meets publicly at least four times per year. Local apprenticeship programs are not required to attend these meetings, but many like to do so because it is an opportunity to network with other apprenticeship programs around Oregon. The agenda for OSATC includes oversight of all Affirmative Action Goals & Timetables, Compliance Reviews, new and revised Standards of Apprenticeship, and new apprenticeship and pre-apprenticeship programs.

See [Start an Apprenticeship Program in Oregon](#) for more information on OSATC.

I. Program Standards and Management

This part of the guide covers the Policies and Standards that a Registered Apprenticeship program in Oregon must establish and meet, including Minimum Guideline Standards, Policies and Procedures, Program Management Evaluation, and Committee Status Checklists.

Standards of Apprenticeship

As covered in [Start an Apprenticeship Program in Oregon](#), a Registered Apprenticeship program must have complete Standards of Apprenticeship that provide the terms and conditions of employment, training, and supervision of apprentices in an apprenticeable occupation. The Standards must also list a Committee that will carry out the apprentice training program.

Revising Standards of Apprenticeship

Your Local Committee, or Committee, is the body that oversees your Registered Apprenticeship program. If your Committee wants to make any programmatic changes that impact its Standards (e.g., adjust the geographic jurisdiction or update Selection Procedures), you must revise the relevant Standard and submit it to OSATC for approval. Your Committee should work with BOLI-ATD to revise that Standard so they can inform you of any adverse impacts the revision may have and ensure that the revision will likely receive OSATC approval.

Minimum Guideline Standards

In addition to approving new programs and changes to existing programs, OSATC may establish Minimum Guideline Standards (MGS) for any apprenticeable area. These minimum standards are industry/trade benchmarks developed by an approved State committee (the MGS Committee) and approved by OSATC. Each Committee with

Any changes to the following require a revision to the Standards of Apprenticeship and OSATC approval:

- Minimum Entry Qualifications
- Minimum Hours of Employment
- Maximum Probationary Period
- Maximum Ratio of Apprentices to Journey Workers and Required Supervision
- Minimum Work Processes and Approximate Hours
- Expected Competencies
- Minimum Related/Supplemental Instruction

These guidelines can be found at

<https://www.oregon.gov/boli/apprenticeship/pages/default.aspx>

✓ **Tip: It is easier to change a Committee's Policies and Procedures than to update the Standards. Changes to Committee Policies and Procedures do not require OSATC approval.**

standards in a particular occupation can nominate members to serve on the State’s MGS Committee.

When there are two or more Committees in Oregon under the same occupation, a common standard must be followed for uniformity. Establishing minimum guidelines for apprenticeship programs means that employers, training agents, and apprentices can expect a consistent level of quality in their training and portable skills. The minimum guidelines identify the fundamental requirements necessary for entry into and completion of specific OSATC-approved apprenticeship or training programs.

Program Management

Contents of Policies and Procedures

All Committees must develop and administer operating Policies and Procedures to govern program operations as directed by OSATC. These Policies and Procedures will be approved by the Committee and recorded in the Meeting Minutes. The required Policies are listed in the callout box ‘Policies Required of All Program.’

- ✓ **Tip: Look at your Policies and Procedures throughout the year, at least on a semi-annual basis.**

Policies Required of All Programs

- Anti-Harassment Policy
- Removal of Committee Members
- Evaluating Previous Experience/Prior Credit for New Apprentices
- Discipline and Investigation Procedures (for apprentices and Training Agents)

Updating Policies and Procedures

When adopted or revised, you should submit your Policies and Procedures to BOLI-ATD staff (generalATD@boli.state.or.us), who will review and approve them to ensure they conform to apprenticeship laws and Rules as well as OSATC guidelines.

Program Management Evaluation

During an Investigation into allegations of any violations, the Apprenticeship and Training Division will make recommendations to OSATC as to whether the Committee followed its relevant Policies and Procedures for discipline. (See Chapter VI on Compliance Reviews and Investigations for more on this.)

Committee Status Checklists

A Committee Status Checklist is a tool you can use to ensure you are operating in compliance with federal and state statutes, rules, and regulations. A sample checklist is included as an appendix to this manual.

Voluntary Dissolution

If your Committee would like to do so, it can voluntarily dissolve. This could be for reasons that include planned operations, such as building a new facility, or due to unexpected changes in the industry. If your Committee dissolves for less than 2 years, it can automatically be reinstated through administrative approval. If it has been more than 2 years, your Committee will need to resubmit the necessary paperwork and go before OSATC.

II. Committee Membership and Meetings

This section covers Committee meetings and membership, including adding and subtracting members, membership composition and term of membership, voting rights, the role of alternates, Meeting Minutes and documentation, reporting requirements, and deadlines.

Committee Types

Committees are responsible for all oversight of the apprenticeship training program. There are two types of Committees: Joint Apprenticeship and Training Committees (JATCs) and Trade Apprenticeship and Training Committees (TATCs). JATCs are responsible for overseeing and administering all aspects of apprenticeship training for a specific occupation or interrelated occupations. TATCs cover areas for which it is not practical to establish a JATC, such as various separate occupational programs. These various occupations may have no relationship to one another, with the separate industries coming together to administer training for them. A significant difference between TATCs and JATCs is in how members can vote. In a TATC, when there is a recommendation to modify or amend a program's Standard, only representatives of that occupation and specific Standard may vote.

You are obligated to keep the Apprenticeship and Training Division updated on any changes to your Committee. This requires that the action (e.g. addition, removal, or movement of members into a Chair or Secretary position) is recorded in the Meeting Minutes, which show a motion/second/carry (denoted as "m/s/c") or motion/second/fail (denoted as "m/s/f") for these actions.

Note: BOLI-ATD staff reviews Meeting Minutes for changes in Committee membership and submits these changes for review by the Council at the next OSATC meeting.

Related Resources and Authority: Oregon Administrative Rules 839-011-0082

When is a representative an employee versus an employer?

Common factors the Apprenticeship and Training Division takes into account when considering if a representative is an employee (E) or an employer (R) include:

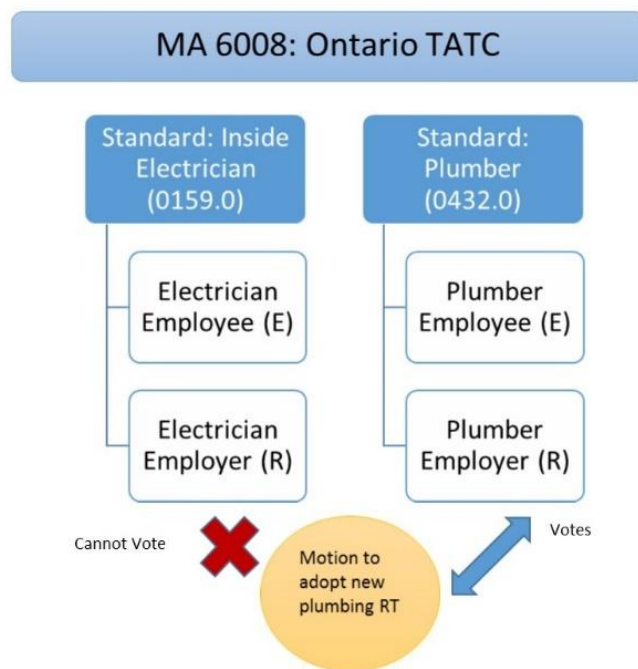
- Whether they currently employ an apprentice (R)
- Whether they have hiring/firing authority (R)
- Whether journey workers are skilled in the trade but do not have hiring/firing authority (E)
- Whether journey workers are skilled in the trade and are represented by a collective bargaining unit where one exists (E)

Committee Membership and Voting

Oregon law requires that each Committee include the following:

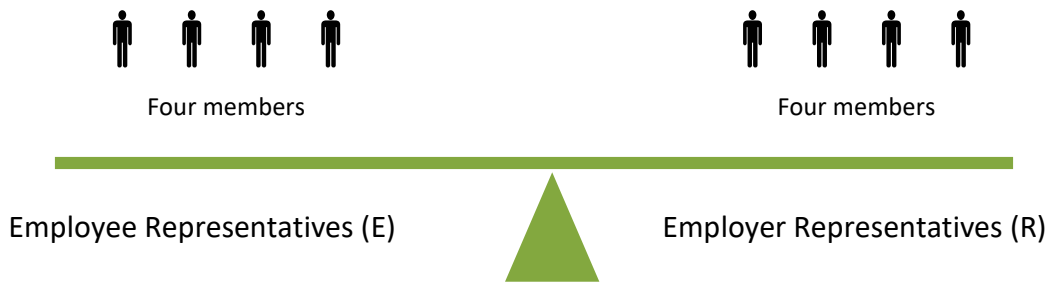
- An equal number of employee representatives and employer representatives as principal members
- No fewer than four principal Committee members
- No more than eight principal Committee members
- A Chair and Secretary, one of whom must be an employee and the other of whom must be an employer

In a Committee meeting, only *principal* members may vote. When there is a recommendation to modify or amend a program’s Standard, only representatives of that Standard may vote. For example, as displayed in the figure below, in an official meeting of MA 6008: Ontario TATC, there is a recommendation to adopt new curriculum for the plumbers’ (0432.0) Related Training (RT). It would not make sense—nor would it be appropriate—for Committee members representing the inside electricians to have any say about what the best curriculum is for a plumber apprentice. Thus, only the plumber employee and employer representatives may vote.



Your Committee will administer all functions of a training program, including disciplining both apprentices and training agents. Thus, Committee balance is important; it is essentially a balance of power among stakeholders—employee representatives and employers.

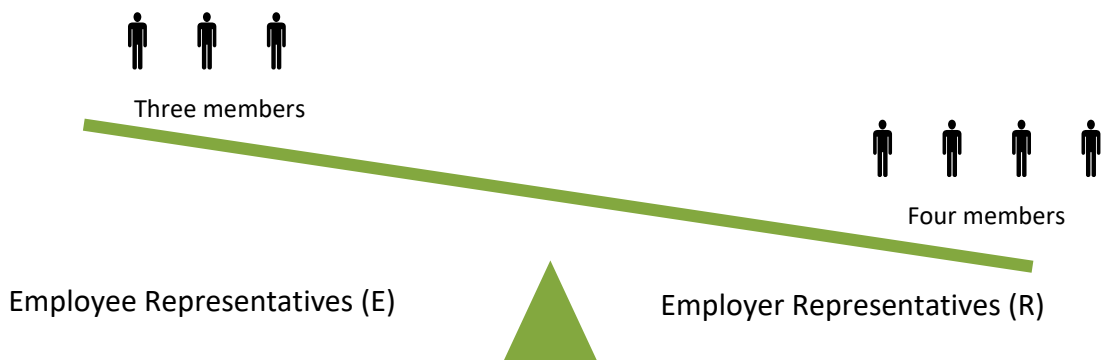
Balanced Committee



Below shows an out-of-balance Committee.

Alternates

Out-of-Balance Committee



Your Committee may include alternate members, but this is not required. An alternate must represent a specific member. Thus, a Committee can have up to eight alternates if they are an eight-member Committee. While alternates can participate in a Committee’s decision-making discussions, they cannot vote unless they are standing in for an absent principal member.

TATCs generally comprise different, sometimes unrelated Standards. TATCs are required to have one employee representative and one employer representative from each occupation on the Committee. Note that the Committee can still only have a maximum of eight members. TATCs must also be balanced.

Term of Membership

Officers (the chair and the secretary) serve for no less than 1 year and no more than 2 years without an election unless the Committee has adopted its own Policies and Procedures establishing a different duration of officers' terms.

Adding and Subtracting Members

If there is a vacancy, the respective employer or employee members elect a replacement from their representation to serve the unfilled term of office.

Meeting Minutes and Documentation

Apprenticeship business is conducted by Committees during scheduled meetings. Oregon law requires that Committees meet in real time, a minimum of two times a year, to conduct business. In addition, all Committees must follow Robert's Rules of Order for their proceedings. This means that any action or decision made by your Committee must be recorded in the Meeting Minutes as having received a motion, a second, and the results of the vote (most often "carried," denoted as "m/s/c").

Items to add to the agenda can be submitted to the Chair or Program Administrator at least one weekday prior to the meeting. You can use meetings to discuss registering, disciplining, and canceling training agents and apprentices as well as movement of apprentices into and out of a geographic jurisdiction or between training agents. Your Committee will have existing Policies and Procedures that describe the processes for registering, disciplining, and canceling training agents.

All disciplinary actions require a physical meeting. Physical meetings take place in real time and allow the Committee to hold discussions. Virtual meetings are permitted to be considered as physical meetings, but electronic polling is not permitted to be considered as in-person polling.

Why Are Meeting Minutes Important?

Meeting Minutes are important for documentation. Moreover, the entire flow of an apprentice's training is discussed and administered in meetings, and it is important to have a written record of this progress.

Meeting Minutes that are submitted to ATD are also subject to public records requests and should only contain pertinent information that should be viewed by the public.

Minutes and Reporting to the Division

Your Committee must submit your Meeting Minutes to the Apprenticeship and Training Division within 10 working days after the date of the meeting. Minutes must be uploaded to the Oregon Apprentice Tracking System (OATS): <https://oatsportal.boli.oregon.gov/auth/login>.

Effective Dates of Actions

You should note the effective date used for actions in your Meeting Minutes.

III. **Apprentice Management**

This section covers apprentice management—including evaluations, tracking apprentice progress, accounting for prior experience, the probationary period, termination types, and Disciplinary Procedures—as well as wages and licensing.

Apprentice Management

Apprentice Movement/Progress

Oregon law requires that a Committee evaluate an apprentice’s progress toward program completion twice annually. Based on the review, the Committee must determine whether the apprentice has met the requirements and then advance and complete those who are done.

You must report apprentice progress to the Division. The mechanism for doing so is by reporting the item as approved (moved, seconded, and carried (“m/s/c”)) in your Committee’s Meeting Minutes. The Minutes must use Division-approved action codes (<https://www.oregon.gov/boli/apprenticeship/Documents/action-codes.pdf>). In cases where actions do not advance an apprentice, a reason code must also be included.

Credit for Prior Experience

A new, transfer, or re-entering apprentice can gain credit for prior experience if that experience is considered applicable to the work processes in the Standards of Apprenticeship and has been legally obtained, or if the apprentice demonstrates competency in their program’s work processes. Your Committee must specify the criteria for evaluating credit for prior experience in your Policies and Procedures.

Probationary Period

The initial probationary period for apprentices is specified by the Standards of Apprenticeship and can be a maximum of the first 25% of on-the-job training (OJT) hours or 1 year of apprenticeship, whichever is shorter.

Termination Types

Termination of an apprentice may be voluntary or involuntary:

- Voluntary termination is non-disciplinary.
- Involuntary termination is disciplinary.
 - For post-probationary apprentices, a reason is required.

Best Practices

- Ensure complete and valid Monthly Progress Reports (MPR).
- Suggest that employers permit each apprentice 3 **paid** minutes at the end of each day to complete the MPR for that day.

- For probationary apprentices, no reason is required.

Apprentices must be informed of their termination by mail to their certified address.

Disciplinary Procedures

If an apprentice faces disciplinary action, Committee records must show that the apprentice has been informed of the discipline and has been directed to correct the behavior within a reasonable time but has failed to do so. It is especially important to make detailed notes about the issue at hand, including how the apprentice was notified of the issue. Examples of reasons that an apprentice might face disciplinary action include the following:

- The apprentice has failed to report to work.
- The apprentice has repeatedly not attended related classroom instruction.
- The apprentice has repeatedly failed to submit work progress reports and/or respond to Committee citations.
- The apprentice has violated reasonable Committee rules.
- The apprentice will likely be unable to complete the program requirements.
- The apprentice inhibits the program, its training agents, and/or other apprentices from meeting reasonable performance goals.

As with termination, apprentices must be informed of their disciplinary actions by mail to their certified address.

Disciplinary Action

Disciplinary action is a process designed to help apprentices conform with the expectations of apprenticeship training and to document the steps a Committee has taken to address performance, behavior, and other actions that are not acceptable in the training program. Apprentices need to have a reasonable period of time to address areas identified in disciplinary proceedings. Procedures for disciplinary action must be clearly articulated in your program's Policies and Procedures and must conform with Oregon Statutes and Rules.

Every apprentice is entitled to due process, or the right to comment on or respond to disciplinary action. Thus, all disciplinary action requires a real-time meeting (in person or by teleconference). Below are details on corrective actions, the discipline process, and the process for appealing disciplinary and termination decisions.

Corrective Actions

- *Notice to Appear*—This requires the apprentice to come before the Committee and address disciplinary issues.
 - The Committee must notify the apprentice of the date, time, appearance method (in person or via teleconference) with reasonable notice for the apprentice to make arrangements to attend.
- *Disciplinary Hold*—An apprentice is held at their current period until they have resolved some issue of concern; a Non-Disciplinary Hold depends only on the apprentice having completed the necessary hours of OJT and Related Training.
- *Disciplinary Probation*—An apprentice is placed on probation for a specified period of time and provided with a corrective action plan that outlines expectations that must be met for the apprentice to return to good standing with the program; some programs may also use a “last chance agreement.”
- *Proposed Cancellation/Termination*—This is formal notification to an apprentice that they are in jeopardy of being removed from the training program; it can be issued in conjunction with Disciplinary Probation. Proposed cancellation notices must be issued at least 22 calendar days before the meeting where final action is considered.
- *Cancellation/Termination*—If the apprentice is unable or unwilling to address performance, behavior, or other issues that have been the subject of disciplinary action, the program may terminate/cancel the apprenticeship agreement. Apprentices have appeal rights (see below).

All disciplinary actions, up to and including termination, must appear in the Committee’s Meeting Minutes with an “m/s/c” next to the Committee’s decision.

Discipline Process

Committees must follow the disciplinary process outlined below, unless they have submitted a different process that has been approved by OSATC:

- Twenty-two (22) calendar days before a disciplinary action is taken, the Committee must notify the apprentice in writing of the alleged reason for a proposed disciplinary action and what will happen if the allegation turns out to be accurate. This must be sent by certified mail.
- disciplinary actions are effective immediately at the time the Committee votes to implement the disciplinary process.
- The Committee confirms disciplinary decisions by registered or certified mail, and the letter must include the apprentice’s appeal rights.

Appealing Disciplinary and Termination Decisions

Apprentices who are no longer in the probationary period of their training have the right to appeal disciplinary decisions made by the Committee (probationary apprentices have only limited appeal rights based on civil rights protections), including the decision to terminate the apprenticeship agreement. The steps for appealing Disciplinary Actions are as follows:

Step One: Request for Reconsideration—The apprentice must first ask the Committee to reassess their decision.

- The apprentice must appeal the decision within 30 days of receiving notice of Disciplinary Action.
- The appeal must be made in writing and must include the reason the apprentice believes the Committee should reconsider its decision.
- The Committee has 30 days to issue a final decision.

Step Two: Appeal to the Director of the Apprenticeship and Training Division—If the apprentice disagrees with the Committee’s final decision, they may appeal to the Director of the Division.

- The apprentice must appeal the decision within 30 days of receiving notice of the Committee’s final decision.
- The appeal must be made in writing, and a copy must be given to the Committee.
- The appeal must include a description of the controversy and back-up information that supports the argument that the Committee’s decision should be overturned.
- The Director has 60 days to issue a non-binding written decision resolving the controversy.

Step Three: Appeal to OSATC—If an apprentice or the Committee disputes the Director’s decision they may appeal to OSATC.

- The apprentice or Committee must submit a request for a hearing with OSATC within 30 days of receiving notice from the Director.
- The request must be made in writing and include specific reasons that support the request for a hearing.
- The written request must be provided to all parties.
- The OSATC Rules and Policy Subcommittee will conduct a hearing within 45 days of receiving the request.
- The Subcommittee will report its findings to the next regular quarterly meeting of OSATC, where the Council will issue a decision based on this report.
- Within 30 days of the OSATC meeting, the Secretary of OSATC will inform all parties of the OSATC finding in writing.
- This decision will be final unless the issue is taken to court.

Wage Surveys

Your Committee must determine a base wage annually. The base wage is what is used to calculate the apprentice wages using a percentage associated with each step in the wage progression. A Committee that is subject to a Collective Bargaining Agreement (CBA) will report the wage that has been determined by the collective bargaining process, i.e. the journey wage in the CBA will be the base wage. A program that does not belong to a CBA must survey every active training agent registered to the program to determine the base wage. All training agents must respond to the wage survey (see box on the next page). A program can determine the base wage using an accepted mathematical calculation that is most appropriate for their situation (e.g., simple average, median, weighted average), as long as they explain this method in the submission to BOLI-ATD staff.

When apprentices begin, they receive a minimum hourly wage that is based on a percentage of the skilled wage (base rate) for the trade or occupation. Where there is a CBA, this is the bargained rate; where there is no CBA, it is the average wage based on the annual survey of training agents. For work subject to the Prevailing Wage Rate, a percentage of that rate will apply if it is higher.

The percentages steadily increase throughout the apprenticeship, with reviews by the Committee at least twice per year (approximately every 6 months). The increases must reflect the skill level acquired by the apprentice throughout the term of the apprenticeship program.

Wage Surveys and Training Agents

A program that is not governed by a CBA must survey every active training agent to find out what they are paying their journey level workers. Oregon law requires that all training agents respond to wage surveys. This process can take time, so it is recommended that you begin the survey process 2–3 months prior to when the new wage is due.

When the wage has received Division approval, your Committee must notify all training agents of the new amount for each step in the wage progression scale and the date the wages go into effect.

What if a training agent does not respond?

Oregon law requires all active training agents to respond to the wage survey sent out by the Committees they are registered to. Any Training Agent who fails to respond to the annual wage survey will be terminated. Programs should ensure that they are following the Disciplinary Procedures outlined in their Policies and Procedures.

Reporting Wages in Minutes

All wage determinations are reported to the Apprenticeship and Training Division in your program's Meeting Minutes and must include the following:

1. An "m/s/c" to accept the annual wage.

2. The date the wage goes into effect.
3. A description of the method for determining the wage—for example, “Wage was determined by Collective Bargaining Agreement” or “Wage was determined by simple average.”

BOLI-ATD staff will review the Meeting Minutes and submit the wage to the Director for approval. Upon approval, the Division will email your program with new Standards of Apprenticeship, which include the updated wage.

Related Resources and Authority: ORS 660.137(6)

Licensing

In Oregon, the Building Codes Division (BCD), which is part of the Oregon Department of Consumer and Business Services (DCBS), administers licensing exams and issues licenses for plumbing or electrical trades. For the licensed trades of plumber or electrician, the State of Oregon requires that applicants for the licensing examination have completed a Registered Apprenticeship program or obtained the necessary OJT and RT established by Oregon Administrative Rules to be eligible to sit for the examination. BCD is the ultimate authority as to whether an individual is eligible to sit for a licensing examination. The Division does not have the authority to waive or modify any State licensing requirements.

Exam Referral

Apprentices must have Committee approval to take the license exam, and all license requirements must be satisfied prior to referral (see Sections VIII and IX of the Standards of Apprenticeship for specific information).

- Upon verification of license requirements, the Committee will approve the apprentice for referral to the exam and note the action in its Meeting Minutes. The Division will then generate and submit the exam referral letter to the Oregon BCD.
- Upon receipt of the referral letter, BCD will mail an application packet to the apprentice, who will select a test location and date from the list provided and return the application to BCD.

(Note: Programs approved for direct referral may submit exam referral letters directly to BCD.)

Exam Timelines and Results

Apprentices are expected to take the license exam within 1 year of the exam referral. They must provide a copy of the exam results to the Committee.

- *Pass*—Apprentices who pass the exam will be completed from the program at the next Committee meeting.
- *Fail*—Apprentices who fail the exam must meet with the Committee to determine an appropriate course of action. This may include additional OJT and/or related instruction prior to retesting. Failure to appear or to complete this course of action will result in a designation of Completion Without Benefit of License.

Apprentices waiting to retake the exam must continue to comply with all Committee requirements. Failure to do so will result in Completion Without Benefit of License.

An apprentice who has been referred for an exam has 1 year to pass the exam (some Committees have Policies that are less than a year). If an apprentice does not take and pass the exam within the allotted time, this is considered Completion Without Benefit of License. This means that they cannot practice the licensed trade in Oregon under the apprentice license. OSATC completes the final action of Completion Without Benefit of License at their quarterly Subcommittee meeting.

IV. Training Agent Management

This section covers training agent management, including supervision, qualification, ratios, and discipline.

Supervision

Apprentices must be supervised by training agents who are registered to the same program in which they are training.

Your Committee is responsible for ensuring that training agents follow all Rules and Standards for both ratio and supervision. The Committee and industry stakeholders should establish what constitutes proper supervision for their specific working conditions. See “Supervision Guide” in the Appendix.

Qualifications

Your Committee and industry stakeholders should establish the qualifications for an employer to become a registered training agent. Considerations should include:

- Does the employer train in all work processes outlined in the Standards of Apprenticeship?
- Does the employer have sufficient staff to stay within ratio requirements?
- Will the employer guarantee that apprentices will be able to attend required related training?

The Committee should periodically review training agents to ensure that there is adequate supervision on the job, adequate and safe equipment and facilities for training and supervision, and safety training for apprentices, both on the job and in related instruction.

When a training agent has a principal place of business that is outside of your program’s geographical jurisdiction, they must register as a traveling training agent with your Committee for work performed within your program’s geographical area. Traveling training agent forms are available on the BOLI website: <https://www.oregon.gov/boli/apprenticeship/Pages/committee-resources.aspx>.

Related Resources and Authority: Oregon Administrative Rules 839-011-0084

Journey Worker to Apprentice Ratio

Your program is responsible for ensuring that training agents adhere to the ratio of journey workers to apprentices that is outlined in the Standards of Apprenticeship. Ratio is always in effect.

- A lack of available qualified workers does not excuse a program from following the ratio.
- A journey worker must be a subject-matter expert in the occupation that the apprentice is training in.
- A journey worker must be employed by the same training agent as the apprentice.
- In licensed trades, an apprentice must be supervised by a journey worker in the same or higher license classification than the apprentice.
- In licensed trades, apprentices approved for phased or indirect supervision still count towards the ratio.

Related Resources and Authority: Oregon Administrative Rules 839-011-0143

Disciplinary Procedures for Apprentices and Training Agents

Disciplinary Procedures for training agents and apprentices are the same. If an apprentice or a training agent takes certain actions, it may be cause for disciplinary action, and they may be put on probation. Actions that could prompt disciplinary action include:

- Violation of Committee Policies and Procedures
- Refusal to sign required paperwork
- Late or missing Monthly Progress Reports
- Absenteeism or tardiness in class or on the job
- Unsatisfactory job performance reports from employers or termination for cause
- Unsatisfactory progress in related classroom and self-study instruction
- Irresponsible acts, falsification, cheating, or severe attitude problems
- Use of alcohol or controlled substances in class or on the jobsite

If an apprentice or a training agent is put on Disciplinary Probation, it needs to happen in an official Committee meeting and needs to be documented. Your Committee and the apprentice or the training agent will establish an action plan to correct the problem(s), with appropriate timelines. If this action plan does not succeed, the apprentice's or the training agent's agreement can be terminated or cancelled. All notices to appear for cancellation of apprenticeship or training agent agreements must be sent certified mail, return receipt, addressed to the apprentice or training agent, and postmarked at least 22 calendar days in advance of the appearance date for the consideration of the cancellation.

See Chapter VI on Compliance Reviews and Investigations for more on discipline of training agents.

V. Equal Employment Opportunity and Affirmative Action

Equal Employment Opportunity (EEO) laws are built on the understanding that, historically, certain groups of people have not had the same access to opportunities as others, especially people from protected classes based on factors such as race, disability, sex, sexual orientation, and so on. These laws are based on the premise that everyone should have the opportunity to make the most of their lives and talents and that no one should have their opportunities restricted because of where they were born, where they come from, what they believe, or whether they have a disability. Title 29 of the Code of Federal Regulations, Chapter 30, is the specific Federal Regulation that applies to creating equal opportunities in accessing apprenticeship training.

This section covers affirmative action as it relates to maintaining a Registered Apprenticeship program in Oregon, including developing goals; developing, submitting, and evaluating an annual plan; and recruiting and retaining people of color and women.

Developing Goals

Affirmative Action Goals & Timetables (AAGTs) are the first step in planning your EEO strategy. AAGTs are exactly what the name implies: They are aspirational goals and a timeline to attain those goals. Because it can take a while for the impact of work plans and strategies to show up, AAGTs project over a 3-year period so that the results of planning have the chance to emerge.

The AAGT Template is provided in the resources part of this manual. AAGTs are developed from data derived from the following questions:

- What are the current demographics of your program in terms of race/ethnicity, gender, and self-disclosed disability?
- What are the demographics of the occupation across the State (e.g., how many registered pipefitter apprentices in Oregon are female)?
- What do the communities you operate in look like? For example, what is the demographic breakdown of the population in Coos County, if that is where your program operates?
- Based on all of the above and the steps you outline in your Affirmative Action Work Plan (described below), what are realistic goals to aim for every year for the next 3 years?

You will submit the AAGT to the Apprenticeship and Training Division website or through OATS with the minutes approving the goals and timetables. It will then be reviewed by the Division and sent to OSATC for final approval at their next scheduled regular quarterly meeting. You will receive a copy of your final, approved AAGT with the date of Council approval attached.

Developing an Affirmative Action Work Plan (AAWP)

The Affirmative Action Work Plan (AAWP) describes the concrete steps you plan to take to reach the goals you set forth in the AAGT. The plan will be submitted to the Apprenticeship and Training Division annually, where it will be reviewed by an internal Affirmative Action Committee. A plan can be accepted or returned to you for further development. An AAWP requires you to take both active and passive steps to promote equal opportunity, to create an environment free from discrimination, and to address any barriers to equal opportunity in apprenticeship.

All AAWPs require three activity areas that programs must develop plans for: outreach, recruitment, and retention. Within these activity areas, your Committee must clearly articulate specific steps you will take over the next year to increase diversity in your program. A high-quality work plan includes activities that you can demonstrate have been effective in recruiting and retaining underrepresented populations.

Your Committee should develop your annual AAWP based on evaluation of the successes and challenges of the previous year's plan, your program's approved AAGT, and an assessment of what your applicant data from the annual Apprentice Selection Worksheet shows about where there may be adverse impact in your program's application process.

The AAWP is due annually for Committees and Industrial training agents that have five or more apprentices. You should begin preparing your annual AAWP approximately 2 months before it is due so that there is time to revise it based on feedback from an AR or the Apprenticeship and Training Division's internal review team. The Division will work closely with your Committee to ensure that you are drafting a plan that makes sense for your specific program and contains activities that are both passive and active (such as engaging in internal communication about the importance of equal opportunity efforts in the program).

Best Practice

A program should continually evaluate its AAWP, including documenting the efficacy of steps as they occur.

Submitting the Plan

When you are ready to submit your annual AAWP, you must email the following items to the Apprenticeship and Training Division (generalatd@state.or.us):

- The proposed AAWP
- The completed AAWP from the previous year, with a thoroughly filled out "Comments" section
- The Apprentice Selection Worksheet for the previous year

- A set of Committee Meeting Minutes approving the proposed AAWP

The Division will review all submitted materials and evaluate the current year's plan based on the comments and results of the previous year's plan, statistical analysis of your program's registration and completion rates (over the past year and historically), and how the current plan incorporates active steps to engage diverse communities.

Recruiting and Retaining People of Color, People with Disabilities, and Women

- Have strategies to recruit diverse applicants through word of mouth. Remember that this begins with having successful and satisfied diverse journey workers and apprentices, so do not neglect retention.
- Develop new pre-apprenticeship opportunities with existing community-based organizations, educational institutions, and other advocacy organizations that have an interest in workforce training and development.
- Develop linkages to referral networks, such as career and technical education programs for the trades, school counselors, job counselors, temporary agencies working in the trades, community college placement counselors, vocational rehabilitation counselors, Department of Human Services job placement folks, veterans' advocates, and so on.

Evaluating the Plan

As part of its affirmative action program, a sponsor must monitor and examine its employment policies, practices, and decisions as well as evaluate the impact that all three have on the recruitment, selection, and advancement of apprentices. The sponsor must evaluate the impact of its employment and personnel policies on minorities, women, and persons with disabilities, and implement revisions where they are found to create a barrier to equal opportunity.

An EEO Compliance Review may include analyses and evaluations of each aspect of the apprenticeship program through desk audits and site visits related to recordkeeping requirements and interviews with employees, apprentices, journey workers, supervisors, managers, and hiring officials.

VI. Compliance Reviews and Investigations

This section covers Compliance Reviews and Investigations, including the types of Compliance Reviews, how frequently they are conducted, and the outcomes, as well as what will prompt an Investigation.

Compliance Reviews

There are two types of Compliance Reviews: Program Operations Reviews and Affirmative Action Reviews. These reviews will help your Committee evaluate the delivery of administrative processes, including affirmative action, apprentice development, and training agent management. These reviews also enable the Apprenticeship and Training Division to determine whether your program is in compliance with State Statutes and Rules, Federal Regulations, and Division Policy.

Program Operations Reviews occur annually for the first 3 years after initial program approval. If a Committee remains in compliance, reviews then take place every 3 years, or as required by the Director of Apprenticeship. Affirmative Action Reviews are conducted annually on programs subject to additional affirmative action Regulations.

Compliance Reviews often include onsite visits to administrative offices and may also include onsite visits to related training classes. The Division may also interview apprentices and training agents to gather information about your program.

Upon initiation of a review, a Committee has 35 calendar days to provide requested documents and information. Items reviewed include but are not limited to:

- Apprentice Files (including all documentation related to the apprentice except for HIPAA-related information)
- Meeting Minutes
- Policies and Procedures
- Standards of Apprenticeship
- Related Training Curricula, Instructor Qualifications, Class Outlines, Grading Procedures, and Completion Criteria
- Affirmative Action Goals & Timetables, Affirmative Action Workplans, and Selection Procedures, as well as statistical information related to affirmative action, including the Apprentice Selection Worksheet

Submitting Apprentice Selection Data

Selection data include demographic information on apprentices and how they were selected. You must submit selection data annually in the Apprentice Selection Worksheet, along with your Affirmative Action Workplan, via email to generalatd@state.or.us.

Conclusion of a Compliance Review

Upon conclusion of a Compliance Review, the Apprenticeship and Training Division will determine the level of compliance:

- *Compliance*—Normal or better operational control.
- *Good Faith Compliance*—Minimal changes required with no untoward impact on program participants.
- *Out of Compliance*—Substantial changes required to correct negative impact on program participants.

Appropriate corrective actions will be determined if the program is not being administered or maintained properly. Specific strategies or procedures will be identified to improve the operation of the apprenticeship program and a final report will be made to the Council.

In rare circumstances where there is significant and consistent failure to perform, OSATC may exercise its right to deregister a program. Our mutual goal is for successful apprenticeship programs.

Related Resources and Authority: [Oregon Revised Statutes Chapter 660](#), [Oregon Administrative Rules Chapter 839 Division 11](#), and the United States Department of Labor's Regulation [Title 29 CFR Part 29](#) and [Part 30](#).

Investigations

Investigations are conducted in accordance with [Oregon Revised Statutes Chapter 660](#), [Oregon Administrative Rules Chapter 839, Division 11](#). The most common ways the Apprenticeship and Training Division receives requests for Investigations is from substantial findings from the Prevailing Wage Rate section of the Oregon Bureau of Labor and Industries Wage & Hour Division or from findings of Oregon's BCD. The Division can also receive direct requests for Investigations from individuals.

The Division will initiate an Investigation based on a Complaint only when all of the following parameters are met:

- The Division receives a Complaint in writing (emails are accepted).

- The Complaint must include the first and last name of the complainant and at least one type of contact information (phone number, email address, or mailing address). The Division does not accept Complaints made anonymously.
- The Complaint presents a case in which a person connected to an Oregon Registered Apprenticeship program was potentially harmed and the harm is within the Division’s jurisdiction (a Statute, Regulation, Rule, or Policy has been violated).

Examples of Complaint subject matter include:

- *Unlawful Discrimination*—Any apprentice, applicant, or training agent for apprenticeship who believes they have been discriminated on the basis of the race, color, religion, sex, sexual orientation, national origin, marital status, age (18 or older), or unlawful retaliation for engaging in protected activities.
- *Program Operations*—Ratio, wages and rates, terminations, suspensions and disciplinary matters not connected to a protected class or protected activity.

Related Resources and Authority: ORS 659A.030; ORS 659A.820, OAR 839-011-0092; OAR 839-011-0093. For a list of protected classes and protected activities, click here: <https://www.oregon.gov/boli/employers/pages/default.aspx>.

A Committee can investigate the Complaint directly, or the Apprenticeship and Training Division can investigate the Complaint if the Committee’s Investigation is not sufficient. If there is a disagreement, appeals can be made to OSATC within 30 days of the final action. While appeals are reviewed and investigated by the Division, OSATC must approve the Division’s findings.

Appendix: Glossary, Key Terms, and Acronyms

Apprentice

a worker who is at least 16 years of age who is employed to learn an apprenticeable occupation under Standards of Apprenticeship approved by the Oregon State Apprenticeship and Training Council and under an apprenticeship agreement recognized by the Council.

Apprenticeable occupation

a skilled trade that is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training; is clearly identified and commonly recognized throughout an industry; involves manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of on-the-job supervised training; and requires related instruction to supplement the on-the-job training.

Apprenticeship agreement

a written agreement between an apprentice and either the apprentice's program sponsor or the Committee acting as the agent for the program sponsor that contains the minimum terms and conditions of the employment and training of the apprentice.

BOLI-ATD Staff

an employee within BOLI who can assist with all elements of the apprenticeship registration and maintenance process

Apprenticeship Standards (see Standards of Apprenticeship)

BOLI

Bureau of Labor and Industries, the agency that oversees Registered Apprenticeship in Oregon.

Division

the Apprenticeship and Training Division of Oregon's Bureau of Labor and Industries.

Employee

any person employed or active in an applicable trade.

Employer

any person employing the services of an apprentice, regardless of whether the person is a party to an apprenticeship agreement with the apprentice.

JATC

Joint Apprenticeship and Training Committee

Journey worker

a worker who has attained a level of skill, abilities, and competencies recognized within an industry as mastery, as required for the occupation.

Local Committee

any registered joint or trades apprenticeship or training committee approved by the Oregon State Apprenticeship and Training Council.

Minimum Guideline Standards (MGS)

industry/trade benchmarks developed and approved by a State Committee formed by the Oregon State Apprenticeship and Training Council. The benchmarks represent the fundamental requirements necessary for entry into and completion of specific Council-approved apprenticeship or training programs.

m/s/c

the mechanism for reporting items in Meeting Minutes as moved, seconded, and carried (m/s/c).

OJT

on-the-job training

OSATC

Oregon State Apprenticeship Training Council. OSATC has statutory authority to oversee apprenticeship Committees, programs, and Policies and to approve apprenticeship Committee members.

Registered Apprenticeship program

the total system of apprenticeship as operated by a Local Committee, including the Committee's registered Standards of Apprenticeship and all other terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices in an occupation as approved by the Oregon State Apprenticeship and Training Council.

Registration of an apprenticeship agreement

the acceptance and recording of an apprentice or trainee agreement by the Apprenticeship and Training Division of Oregon's Bureau of Labor and Industries on behalf of the Oregon State Apprenticeship and Training Council. Registration is evidence of the participation of the apprentice or trainee in a registered program.

Registration of an apprenticeship program

the acceptance and recording of a program by the Office of Apprenticeship, or registration and/or approval by BOLI.

Related Training (RT)

related instruction and training (classroom and online learning) that supplements the apprentice's on-the-job training.

Standards of Apprenticeship

a written agreement submitted by a Local Committee and approved by the Oregon State Apprenticeship and Training Council that sets forth a plan containing all terms and conditions for the qualification, employment, and training of apprentices or trainees.

TATC

| *Trade Apprenticeship and Training Committee*

Toolkit

| *The Bureau of Labor and Industries' [New Committee Toolkit](#)*

Training Agent

| *an employer that is registered with a Local Committee and the Apprenticeship and Training Division of the Bureau of Labor and Industries.*