



From the Desk of the Director

April 2016



Happy Spring! This edition of our newsletter follows up on topics from previous Council meetings and provides information on items that I often receive questions about, including training approaches (Time-Based, Competency-Based and Hybrid), job site monitoring, organizing, and our collaboration with the New York State Education Department (NYSED). I hope you will find this helpful and, as always, if there are questions that remain please let us know and we will get answers to you as quickly as possible. Our contact information is listed below.

Jane Thompson

Training Approaches

There are three training approaches for Registered Apprenticeship programs: Time-Based Approach, Competency-Based Approach and Hybrid Approach. Each approach uses a different method to determine how apprentices progress through the program and sponsors decide which approach to use, subject to Department approval. Programs use only one approach at a time and cannot change approaches while on probation.

The Time-Based Approach requires a minimum of 2,000 hours of on-the-job training (OJT) per year along with a minimum of 144 hours of Related Instruction (RI). To complete an apprenticeship, apprentices must work in the program for a minimum of 2,000 hours of OJT even if they were granted previous credit upon enrollment. Sponsors may not add additional requirements to training outlines. Once an apprentice completes a program, they must be paid journeyworker wages as indicated on the Program Registration Agreement (AT 10 form).

With the Competency-Based Approach, all apprentices, including those granted previous credit, must work in the program for a minimum of 1,000 hours of OJT. Apprentices in these programs must be registered for at least 144 hours of RI, but may test out sooner. Apprentices participate in OJT

and RI until they demonstrate competency for each skill in the training outline. This is accomplished through both written and hands-on testing. To grant previous credit to an apprentice, testing must occur prior to participation in the program.

The Hybrid Approach involves the testing components of the Competency-Based Approach, but it also requires a minimum number of hours of OJT for each skill prior to testing. The training outline must indicate these minimum thresholds.

Testing requirements for Competency-Based and Hybrid programs include: a nationally industry recognized means of testing and evaluation by a third-party provider; a written proficiency measurement test and a hands-on test; a controlled learning environment where tests will be administered; a third-party expert who conducts the hands-on testing and his/her qualifications; and a third-party proctor who administers the written exams and his/her qualifications. Sponsors are responsible for costs associated with testing.

Documentation is required for apprentices to complete a Registered Apprenticeship program and varies based on the training approach. For Time-Based programs, a Blue Book or approved alternative is used to record task rotation for each

work process in the training outline (Appendix A). The Blue Book also provides an area for monthly apprentice evaluations, helping sponsors to meet requirements in the Part 601 Regulations for periodic apprentice evaluations and the provision on the AT 10 form for evaluations at least every six months. Additionally, it is used to demonstrate the apprentice has engaged in at least 2,000 hours of OJT. To document RI for Time-Based programs, transcripts of classes are needed. Designated Local Education Agencies (DLEAs) may also require attendance records, class instruction outlines and copies of tests covering RI (Appendix B).

For Competency-Based programs, documentation is necessary to demonstrate the apprentice has engaged in at least 1,000 hours of OJT and results of both written and hands-on testing are required. Hybrid programs require the same documentation as Competency-Based programs, but also require a Blue Book or approved alternative to show the minimum number of hours of OJT were attained prior to testing in each skill area, as well as RI attendance records.

Job Site Monitoring

A Policy Directive was previously issued in April 2013 indicating that some monitoring visits would be conducted at job sites in addition to those currently conducted at the sponsor's permanent facility and at its RI site(s). Under this Policy Directive, Apprentice Training Representatives (ATRs) were visiting apprentices at job sites during at least one monitoring visit out of four monitoring rounds (over a two year period). After having this policy in place for over two years, the New York State Department of Labor (NYSDOL) determined it was not always resulting in better information from apprentices. In some cases, it was difficult for ATRs to get onto worksites and a large number of sponsors were requesting exemptions from job site monitoring. Overall, the policy, as it was written, proved not to be as valuable a tool as we had anticipated. Going forward, job site monitoring is no longer

mandatory; however, ATRs may continue to use it as a tool when they find it useful as part of their regular monitoring.

Organizing

The Equal Employment Opportunity in Apprenticeship Training Regulations (Part 600) outlines approvable methods to recruit and enroll new apprentices using a rank list. To ensure that recruitment and selection is an open and transparent process, we have been more careful with checking new apprentice enrollments against rank lists. There are some acceptable alternative methods to enroll apprentices, including transfers, exemptions, Direct Entry, re-instatements and organizing. Organizing occurs when an employer voluntarily signs onto a Collective Bargaining Agreement (CBA) or when a labor organization seeks to hold a representation election in a nonunion employer's workforce. Sponsors cannot organize individuals without an organizing effort; it has to be tied to an election, whether successful or not. Indenturing one or two apprentices here and there is not considered organizing and is not an accepted method of registering apprentices. Our Regulations and policy do not support that type of recruiting.

When candidates are enrolled as a result of organizing, sponsors must keep in mind the following:

- Candidates must be non-journeyworkers and meet the minimum qualifications of the program;
- When Apprenticeship Agreements (AT 401s) are submitted where an employer did not voluntarily sign onto a CBA as a signatory, documentation describing the organizing effort and authorization cards must also be submitted; and
- AT 401s must be received by the NYSDOL within 30 calendar days of the date of an event (e.g., date the signatory employer signed onto a CBA or date of an unsuccessful union election). If more than 30 days has elapsed, apprentices will need to be enrolled through the normal recruitment process/rank list.

NYSED and DLEAs

As many of you know, we have had some struggles with the approval of new RI Provider applications. We have also had a backlog of the approval of AT 401s for apprentices in the NYC region who have completed their RI requirements. However, we are happy to announce that Claudia Dean from the New York State Education Department (NYSED) has been working closely with the NYSDOL Apprenticeship Office on both of these issues. In addition, Joan Mosely and Gloria Williams-Nandan, from the NYC Department of Education, have also played a big part in helping to address these issues.

Claudia Dean spoke at the NYS Apprenticeship & Training Council Meeting held on September 29, 2015. Claudia mentioned that her father was a proud union member for many years and she is happy to be on board working as a partner with the NYSDOL Apprenticeship Office. She has been working directly with NYSDOL staff on addressing the backlog and is looking at how to streamline processes to avoid a backlog in the future. Claudia encouraged everyone to keep in mind that Designated Local Education Agencies (DLEA) are agencies (not individuals) that have been appointed by the NYSED. If any sponsors and/or NYSDOL Field staff find they are having issues with their DLEA, Claudia asks that you contact her immediately at Claudia.dean@nysed.gov so she can resolve the issue with the appropriate agency. In addition, if you have any questions, always feel free to contact NYSDOL so we can better assist in promoting the relationship between NYSDOL, NYSED, DLEAs and sponsors.

With the new staff on board at the NYSED and the NYC DLEA, we have already seen changes for the positive. AT 401s for apprentices who have completed their program are being signed and apprentices are receiving their Certificates of Completion. Just a reminder for sponsors in the NYC area, the DLEA requires that transcripts are included along with AT 401s for apprentices who have completed their RI requirements. This allows the NYC DLEA to see that all the required

classroom training has been completed. (This may be a requirement in other regions as well, so please verify with your DLEA.) In addition to the AT 401s being signed, applications for new RI providers are also being reviewed and approved. Claudia asks that applications need to be sure to include all components of the Training Outline Appendix B. Some items that are commonly left out include: type of asbestos training, sexual harassment training, and simple math. Another area that needs to be included is information regarding the instructors: what modules they will be teaching, and their experience (a resume or list of what and where they have taught).

LEAN

LEAN is a management philosophy used by companies to make operations run more efficiently and quickly. Now that we have been through one full Recertification cycle, the NYSDOL Apprenticeship Office is using LEAN methods to streamline the Recertification process. As part of this evaluation, a survey was sent to sponsors who have gone through a Recertification review. In addition, a team of Apprenticeship staff worked with LEAN experts to evaluate and review all aspects of the Recertification process from start to finish. Some of the key components/changes that resulted from this evaluation review are:

- A new Sponsor Information Sheet (AT 9 form) and Instruction Sheet which we hope to have finalized in the next few months.
- The collection of forms associated with Recertification may not necessarily coincide with a monitoring visit. Forms may be sent to sponsors in advance of the visit.
- A pilot project will be rolled out in May for the Program Year 2 (7/1/2016 – 6/30/2017).
 - a. Programs due for Recertification will receive a letter to notify the sponsor their program is due for Recertification review.
 - b. A new AT 9 form and Instruction Sheet will be included with the letter.
(Note: some sponsors may need to submit multiple copies of the AT 9 form depending

on the type of program. Specific information is included on the Instruction Sheet.)

- c. Each AT 9 and required documentation is due to your ATR within 60 days from the date of the letter.
- d. Program year Recertification reviews will be collected in two rounds, July - December and January - June.

Also, just a reminder, now that all sponsors have submitted their signatory lists in the first round of Recertification, they only need to notify their ATR of any new or removed signatories within 90 days of a change. Sponsors should not submit the entire signatory list at the next recertification. We encourage sponsors to use the Group Program Signatory List Template (AT 702 form), found at: <http://www.labor.state.ny.us/apprenticeship/apprenticeship-forms-and-publications.shtm>.

Contact Information:

For additional information, please contact your ATR or e-mail the Apprenticeship Training Central Office at: ATCO@labor.ny.gov. ATR contact information can be found on the Apprenticeship website at: <https://labor.ny.gov/apprenticeship/contactus.shtm>.