

# THE STATE OF VERMONT APPRENTICESHIP COUNCIL RULES

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RELATING TO LABOR STANDARDS FOR THE REGISTRATION OF  
APPRENTICESHIP PROGRAMS INCLUDING PROGRAMS OF ON-  
THE-JOB TRAINING AND EQUAL EMPLOYMENT OPPORTUNITY  
IN APPRENTICESHIP AND TRAINING

STATE OF VERMONT  
VERMONT DEPARTMENT OF LABOR  
APPRENTICESHIP RULES

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RELATING TO LABOR STANDARDS FOR THE REGISTRATION OF  
APPRENTICESHIP PROGRAMS

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§ 1. AUTHORITY

The authority for the implementation and adoption of these policies and procedures affecting the registration of the Apprenticeship and Training Program with the Department of Labor is vested under authority of 21 V.S.A. Chapter 13.

§ 2. PURPOSE AND SCOPE (29 CFR Part 29.1)

(a) 21 V.S.A. Chapter 13 directs the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to extend the application of those standards by requiring the inclusion of them in contracts of apprenticeship.

(b) The purpose of these rules is to set forth labor standards to safeguard the welfare of apprentices, promote apprenticeship opportunity, and to extend the application of these standards by prescribing rules concerning the registration of acceptable apprenticeship programs. These rules cover the registration, termination and deregistration of apprenticeship programs and of apprenticeship agreements and any matters relating to those subjects.

(c) These rules apply to a person, firm, corporation or craft only after that person, firm, corporation or craft has voluntarily elected to conform with them.

§ 3. DEFINITIONS (29 CFR Part 29.2)

“Administrator” means the Vermont Department of Labor Apprenticeship Program Director or designee.

“Apprentice” means a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation under the standards

of apprenticeship contained in these rules.

“Apprenticeship Agreement” means a written agreement, complying with the standards of apprenticeship in these rules, between an apprentice and either the apprentice’s program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s), which contains the terms and conditions of the employment and training of the apprentice.

“Apprenticeship Committee” (Committee) means those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

(a) A joint committee is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s).

(b) A non-joint committee, which may also be known as a unilateral or group non-joint (which may include employees) committee, has employer representatives but does not have a bona fide collective bargaining agent as a participant.

“Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, as required under the standards of apprenticeship section of these rules, including such matters as the requirement for a written apprenticeship agreement.

“Cancellation” means the termination of the registration or approval status of a program at the request of the sponsor, or termination of an Apprenticeship Agreement at the request of the apprentice or the sponsor.

“Certification” or “Certificate” means documentary evidence that:

(a) The Registration Agency/Department has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;

(b) The Registration Agency/Department has registered an apprenticeship program as evidenced by a Certificate of Registration or other written indicia;

(c) The Registration Agency/Department has determined that an apprentice has successfully met the requirements to receive an interim credential; or

(d) The Registration Agency/Department has determined that an individual has successfully completed apprenticeship.

“Competency” means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

“Completion rate” means the percentage of an apprenticeship cohort who receives a certificate of apprenticeship completion within 1 year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period.

“Department” means the Vermont Department of Labor.

“Electronic media” means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to: electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.

“Employer” means any person or organization employing an apprentice whether or not such person or organization is a party to an Apprenticeship Agreement with the apprentice.

“Interim credential” means a credential issued by the Registration Agency, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.

“Journeyworker” means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. In the licensed trades, it will mean an individual who holds a journey level license. In non-licensed occupations, it shall mean an individual with either a completion of apprenticeship certificate or experience equal to one and one-half times the work process hours. (Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.)

“Provisional registration” means the 1-year initial provisional approval of newly registered programs that meet the required standards for program registration, after which program approval may be made permanent, continued as provisional, or rescinded following a review by the Registration Agency.

“Quality Assurance Assessment” means a comprehensive review conducted by a Registration Agency regarding all aspects of an apprenticeship program’s performance, including but not limited to determining if apprentices are receiving on-the-job training in all phases of the apprenticeable occupation; scheduled wage increases consistent with the registered standards; related instruction through appropriate curriculum and delivery systems; and that the registration agency is receiving notification of all new registrations, cancellations, and completions as required in this part.

“Registration Agency” means the Vermont Department of Labor, which has the responsibility for registering apprenticeship programs and apprentices, providing technical assistance and conducting reviews for compliance with 29 CFR parts 29 and 30, and conducting quality assurance assessments.

“Registration of an apprenticeship agreement” means the acceptance and recording of an apprenticeship agreement by the Vermont Department of Labor as evidence of the apprentice’s participation in a particular registered apprenticeship program.

“Registration of an apprenticeship program” means the acceptance and recording of such program by the Vermont Department of Labor as meeting the basic standards and requirements of apprenticeship as defined by these rules. Approval is evidenced by a Certificate of Registration or other written indicia.

“Related instruction” means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the Registration Agency.

“Sponsor” means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

“Vermont State Apprenticeship Council” means the regulatory State Apprenticeship Council established by 21 VSA § 1101 to assist the Vermont Department of Labor/Registration Agency. The role of the VT State Apprenticeship Council is described in § 5 of these rules.

“Technical assistance” means guidance provided by Registration Agency staff in the development, revision, amendment, or processing of a potential or current program sponsor’s Standards of Apprenticeship, Apprenticeship Agreements, or advice or consultation with a program sponsor to further compliance with this part or guidance from the Office of Apprenticeship to a State Apprenticeship Agency on how to remedy nonconformity with this part.

“Transfer” means a shift of apprenticeship registration from one program to another or from one employer within a program to another employer within that same program, where there is agreement between the apprenticeship committees or program sponsors and the affected.

#### § 4. ELIGIBILITY AND PROCEDURE FOR REGISTRATION OF AN APPRENTICESHIP PROGRAM (29 CFR Part 29.3)

(a) Eligibility for registration of an apprenticeship program is conditioned upon a program’s conformity with the apprenticeship program standards published in this part. For a program to be determined as being in conformity with the standards, the program must apply for registration and be registered with the Department. A program registered under these rules is recognized for various federal purposes.

(b) Only an apprenticeship program or agreement that meets the following criteria is eligible for registration with the Department:

(1) It is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in § 6 of these rules; and

(2) It is in conformity with the requirements of the Department’s regulation on Equal Employment Opportunity in Apprenticeship and Training in compliance with 29 CFR part 30, as amended.

(c) Except as provided under paragraph (d) of the section, apprentices must be individually registered under a registered program. Such individual registration may be effected:

(1) By filing copies of each individual agreement with the Department; or

(2) Subject to prior Department approval, by filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.

(d) The names of persons in probationary employment as an apprentice under an apprenticeship program registered by the Department, if not individually registered under such program, must be submitted within 45 days of employment to the Department for certification to establish the apprentice as eligible for such probationary employment.

(e) The Department must be notified within 45 days of persons who have successfully completed apprenticeship programs; and of transfers, suspensions, and cancellations of apprenticeship

agreements and a statement of the reasons therefore.

(f) Approved and operating apprenticeship programs shall be registered with the Department. A certificate of registration will be issued to each program upon approval.

(g) Applications for new programs that the Department determines meet the required standards for program registration must be given provisional approval for a period of 1 year. The Department must review all new programs for quality and for conformity with the requirements of this part at the end of the first year after registration. At that time:

(1) A program that conforms with the requirements of this part:

(i) May be made permanent; or

(ii) May continue to be provisionally approved through the first full training cycle.

(2) A program not in operation or not conforming to the regulations during the provisional approval period must be recommended for deregistration procedures.

(h) The Department must review all programs for quality and for conformity with the requirements of this part at the end of the first full training cycle. A satisfactory review of a provisionally approved program will result in conversion of provisional approval to permanent registration. Subsequent reviews must be conducted no less frequently than every five years. Programs not in operation or not conforming to the regulations must be recommended for deregistration procedures.

(i) Any sponsor proposals or applications for modification(s) or change(s) to registered programs must be submitted to the Department. The Department must make a determination on whether to approve such submissions within 90 days from the date of receipt. If approved, the modification(s) or change(s) will be recorded and acknowledged within 90 days of approval as an amendment to such program. If not approved, the sponsor must be notified of the disapproval and the reasons therefore and provided the appropriate technical assistance.

(j) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or no objection to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association must simultaneously furnish to an existing union, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The Department must provide for receipt of union comments, if any, within 45 days before final action on the application for registration and/or approval.

(k) Where the employees to be trained have no collective bargaining agreement, an apprenticeship program may be proposed for registration by an employer or group of employers, or an employer association.

(l) Any modification or change to a registered standard shall be promptly submitted to the Department, and if approved, shall be recorded and acknowledged as a revision of the standards.

(m) If the sponsor is involved in any labor dispute such as a strike, lockout, work stoppage, or other similar condition, the application for an apprenticeship program may be withheld until that issue is resolved.

(n) If it is determined by the Department that a sponsor is in violation of any federal or state labor laws or rules and regulations affecting registration of programs, the application for an apprenticeship program may be withheld until these issues are resolved.

#### § 5. VERMONT STATE APPRENTICESHIP COUNCIL

The Vermont State Apprenticeship Council shall be comprised of 12 members, four ex officio members and eight members who shall be appointed by the Governor. Of the ex officio members, one shall be the Commissioner of Labor or designee, one shall be the Commissioner of Public Safety or designee, one shall be the Secretary of Education or designee, and one shall be the Director of the Apprenticeship Division who shall act as secretary of the Council without vote. The Council shall be composed of persons familiar with apprenticeable occupations. Of the appointed members, three shall be individuals who represent employers, three shall be individuals who represent employee organizations, and two shall be members of the public. Under the direction of the Vermont Department of Labor, the Vermont State Apprenticeship Council shall:

- (a) Review and recommend new apprenticeship programs to the Department for registration.
- (b) Review and recommend approval of prior credit requests over 50% of time in the trade.
- (c) Advise the Department on related instruction content, attendance policies and other matters related to apprenticeship classes.
- (d) Set guidelines for the ratio variance process.
- (e) Promulgate rules at the direction of the Department.
- (f) Review and recommend approval of new occupations.

In the event that the composition of the Vermont State Apprenticeship Council in 21 V.S.A. § 1101 differs from that in this Rule, the statute will be used in the case of a conflict.

#### § 6. CRITERIA FOR APPRENTICABLE OCCUPATIONS (29 CFR Part 29.4)

An apprenticeable occupation is one which is specified by industry and which must:

- (a) Involve skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;
- (b) Be clearly identified and commonly recognized throughout an industry;
- (c) Involve the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain;

(d) Require related instruction to supplement the on-the-job learning; and

(e) Be on the list of occupations approved by the US DOL Office of Apprenticeship or has been approved by the Department, in consultation with the Vermont State Apprenticeship Council. Any request for approval of a new apprenticeable occupation shall include a full work process, a related instruction outline and a statement that the apprentice will be fully instructed in safety and Vermont Occupational Safety and Health Administration requirements.

#### § 7. STANDARDS OF APPRENTICESHIP (29 CFR Part 29.5)

An apprenticeship program, to be eligible for approval and registration by a Registration Agency, must conform to the following standards:

(a) The program must have an organized, written plan (program standards) embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation, as defined in this part, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

(b) The program standards must contain provisions that address:

(1) The employment and training of the apprentice in a skilled occupation.

(2) The term of apprenticeship, which for an individual apprentice may be measured either through the completion of the industry standard for on-the-job learning (at least 2,000 hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach).

(i) The time-based approach measures skill acquisition through the individual apprentice's completion of at least 2,000 hours of on-the-job learning as described in a work process schedule;

(ii) The competency-based approach measures skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job learning component of Registered Apprenticeship. The program standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies;

(iii) The hybrid approach measures the individual apprentice's skill acquisition through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule; and

(iv) The determination of the appropriate approach for the program standards is made by the program sponsor, subject to approval by the Registration Agency of the determination as appropriate to the apprenticeable occupation for which the program standards are registered.

(3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate amount of time to be spent in each major process.

(4) Provision for organized, related instruction in technical subjects related to the occupation. A minimum of 144 hours for each year of apprenticeship is recommended. This instruction in technical subjects may be accomplished through media such as classroom, occupational or industry courses, electronic media, or other instruction approved by the Registration Agency. Every apprenticeship instructor must:

(i) Meet the State Department of Education's requirements for a vocational-technical instructor in the State of registration, or be a subject matter expert, which is an individual, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and

(ii) Have training in teaching techniques and adult learning styles, which may occur before or after the apprenticeship instructor has started to provide the related technical instruction.

(5) A progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired. The entry wage must not be less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement.

(6) Periodic review and evaluation of the apprentice's performance on the job and in related instruction; and the maintenance of appropriate progress records.

(7) A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language must be specific and clearly described as to its application to the job site, workforce, department or plant.

(8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship. The probationary period cannot exceed 25 percent of the length of the program, or 1 year, whichever is shorter.

(9) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction.

(10) The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years.

(11) The placement of an apprentice under a written Apprenticeship Agreement that meets the requirements of these rules and the State Apprenticeship law. The agreement must directly, or by reference, incorporate the standards of the program as part of the agreement.

(12) The granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted.

(13) The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on 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.

(14) Assurance of qualified training personnel and adequate supervision on the job.

(15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate issued by the Registration Agency.

(16) Program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials must clearly identify the interim credentials, demonstrate how these credentials link to the components of the apprenticeable occupation, and establish the process for assessing an individual apprentice's demonstration of competency associated with the particular interim credential. Further, interim credentials must only be issued for recognized components of an apprenticeable occupation, thereby linking interim credentials specifically to the knowledge, skills, and abilities associated with those components of the apprenticeable occupation.

(17) Identification of the Registration Agency.

(18) Provision for the registration, cancellation and deregistration of the program; and for the prompt submission of any program standard modification or amendment to the Registration Agency for approval.

(19) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the Registration Agency of persons who have successfully completed apprenticeship programs; and notice of transfers, suspensions, and cancellations of apprenticeship agreements and a statement of the reasons therefore.

(20) Authority for the cancellation of an apprenticeship agreement during the probationary period by either party without stated cause; cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate.

(21) Compliance with 29 CFR part 30, including the equal opportunity pledge prescribed in 29 CFR 30.3(b); an affirmative action plan complying with 29 CFR 30.4; and a method for the selection of apprentices authorized by 29 CFR 30.5, or compliance with parallel requirements contained in a State plan for equal opportunity in apprenticeship adopted under 29 CFR part 30 and approved by the Department. The apprenticeship standards must also include a statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR part 30, as amended, or, if applicable, an approved State plan for equal opportunity in apprenticeship. In addition to compliance with 29 CFR part 30, apprenticeship programs may not discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified disabled individual.

(22) Compliance with the Plan for Equal Employment Opportunity in Apprenticeship and Training adopted by the Vermont Department of Labor.

(23) Contact information (name, address, telephone number, and e-mail address if appropriate) for the appropriate individual with authority under the program to receive, process and make disposition of complaints.

(24) Recording and maintenance of all records concerning apprenticeship as may be required by the Registration Agency.

#### § 8. PROGRAM PERFORMANCE STANDARDS (29 CFR Part 29.6)

(a) Every registered apprenticeship program must have at least one registered apprentice, except for the following specified periods of time, which may not exceed 1 year:

(1) Between the date when a program is registered and the date of registration for its first apprentice(s); or

(2) Between the date that a program graduates an apprentice and the date of registration for the next apprentice(s) in the program.

(b) The Registration Agency must evaluate performance of registered apprenticeship programs.

(1) The tools and factors to be used must include, but are not limited to:

(i) Quality assurance assessments;

(ii) Equal Employment Opportunity (EEO) Compliance Reviews; and

(iii) Completion rates.

(2) Any additional tools and factors used by the Registration Agency in evaluating program performance will adhere to the goals and policies articulated in this part and in guidance issued by the Office of Apprenticeship.

(c) In order to evaluate completion rates, the Registration Agency must review a program's completion rates in comparison to the national average for completion rates. Based on the review, the Registration Agency must provide technical assistance to programs with completion rates lower than the national average.

(d) Cancellation of apprenticeship agreements during the probationary period will not have an adverse impact on a sponsor's completion rate.

#### § 9. APPRENTICESHIP AGREEMENT (29 CFR Part 29.7)

The apprenticeship agreement must contain, explicitly or by reference:

(a) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor.

(b) The date of birth and, on a voluntary basis, Social Security number of the apprentice.

(c) Contact information of the Program Sponsor and Registration Agency.

(d) A statement of the occupation in which the apprentice is to be trained, and the beginning date and term (duration) of apprenticeship.

(e) A statement showing:

(1) The number of hours to be spent by the apprentice in work on the job in a time-based program; or a description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of the hybrid program; and

(2) The number of hours to be spent in related instruction in technical subjects related to the occupation, which is recommended to be not less than 144 hours per year.

(f) A statement setting forth a schedule of the work processes in the occupation or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

(g) A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.

(h) Statements providing:

(1) For a specific period of probation during which the apprenticeship agreement may be cancelled by either party to the agreement upon written notice to the registration agency, without adverse impact on the sponsor.

(2) That, after the probationary period, the agreement may be:

(i) Cancelled at the request of the apprentice, or

(ii) Suspended or cancelled by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the Registration Agency of the final action taken.

(i) A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement.

(j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, genetics, or physical or mental condition.

(k) Contact information (name, address, phone, and e-mail if appropriate) of the appropriate authority designated under the program to receive, process and make disposition of complaints arising out of the apprenticeship agreement when the complaints cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions.

## § 10. RATIOS

(a) The ratio of apprentices to journey workers and masters in all apprenticeable occupations shall be 10 apprenticed to the first 10 journey workers or masters, and thereafter one apprenticed to the next three journey workers or masters. This ratio shall apply to the sponsor's workforce, except where a labor management contract specifies another ratio.

(b) The ratio shall "sunset" two years from the effective date of these rules, if 26 VSA Chapter 15, § 881 and Sections 3.1 and 3.2 of the Electrical Safety Rules have not been amended to prohibit helpers in the electrical trade.

(c) If 26 VSA Chapter 15, § 881 and Sections 3.1 and 3.2 of the Electrical Safety Rules have not been amended within two years from the effective date of these rules, effective on the first day following the two-year sunset period, the ratio shall then be four apprenticed to the first four journey workers or masters and thereafter one apprenticed to the next three journey workers or masters, except where a labor management contract specifies another ratio.

(d) A sponsor applying to the Department for a variance from the journeyman to apprentice ratio shall supply the Department with all information reasonably related to the request for a variance, including at least the following:

(1) A letter from the sponsor summarizing:

(i) Its recruitment efforts including, but not limited to, contact with the Vermont Department of Labor office;

(ii) The number of qualified journey workers and masters at the firm the number of apprentices presently registered at the firm; the number of apprentices that can be expected to complete their training within one year and the number of apprentices that can be expected to complete their training within two years;

(iii) Number of persons the sponsor wishes to register as apprentices in excess of the current journeyman to apprentice ratio;

(iv) Its safety record, including all recordable employee accidents, injuries and Vermont Occupational Safety and Health Administration citations covering the last three years; and

(v) A statement to the effect that the granting of an increased ratio variance will in no way adversely affect either the sponsor's ability to adequately train all registered apprentices or to provide appropriate on-the-job supervision consistent with the employee safety at all times.

(2) A letter from the Vermont Department of Labor Apprenticeship Field Representative stating:

(i) That adequate training and supervision have taken place in the past and can be reasonably expected to continue with the new ratio; and

(ii) The sponsor's record of completions and cancellations.

Persons who become apprentices as a result of this variance shall be registered within 90 days of the date of the variance. After this time, no new persons may be registered as apprentices in excess of the ratio of journey workers to apprentices as adopted by the Department, without a subsequent variance granted by the Department.

(e) The sponsor may replace apprentices that have completed their training or have left the employ of the firm when:

(1) The sponsor falls below the ratio of apprentices to journeymen currently approved by the Department;

(2) The apprentice terminates due to inability or unsatisfactory job performance; and

(3) The apprentice voluntarily leaves the employment of the firm.

(f) An apprentice must work under the direct supervision of a journey worker or master of the same trade. This supervision need not be constant and first hand, but the journey worker or master must be on the same job site or located in the same building or buildings or place immediately adjacent thereto.

#### § 11. DEREGISTRATION OF A REGISTERED PROGRAM (29 CFR Part 29.8)

Deregistration of a program may be effected upon the voluntary action of the sponsor by submitting a request for cancellation of the registration in accordance with paragraph (a) Of this section, or upon reasonable cause, by the Registration Agency instituting formal deregistration proceedings in accordance with paragraph (b) of this section.

(a) Deregistration at the request of the sponsor. The Registration Agency may cancel the registration of an apprenticeship program by written acknowledgment of such request stating the following:

(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 acknowledgment, the sponsor will notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program, and that all apprentices are referred to the Registration Agency for information about potential transfer to other registered apprenticeship programs.

(b) Deregistration by the Registration Agency upon reasonable cause.

(1)(i) Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions, or with the requirements of this part, including but not limited to: failure to provide on-the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices skills acquired; or persistent and significant failure to perform successfully. Deregistration proceedings for violation of equal opportunity requirements must be processed in accordance with the provisions under 29 CFR part 30.

(ii) For purposes of this section, persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of

improvement in the areas identified by the Registration Agency during a review process as requiring corrective action.

(2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the Registration Agency must notify the program sponsor in writing.

(3) The notice sent to the program sponsor's contact person must:

(i) Be sent by registered or certified mail, with return receipt requested;

(ii) State the shortcoming(s) and the remedy required; and

(iii) State that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days.

(4) Upon request by the sponsor for good cause, the 30-day term may be extended by the Commissioner for another 30 days. During the period for corrective action, the Registration Agency shall assist the sponsor to achieve conformity.

(5) If the required correction is not effected within the allotted time, the Registration Agency must send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(i) The notice is sent under this paragraph;

(ii) Certain deficiencies were called to the sponsor's attention (enumerating them and the remedial measures requested, with the dates of such occasions and letters), and that the sponsor has failed or refused to effect correction;

(iii) Based upon the stated deficiencies and failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing with the applicable Registration Agency; and

(iv) If the sponsor does not request a hearing, the entire matter will be submitted to the Administrator, Office of Apprenticeship, for a decision on the record with respect to deregistration.

(6) If the sponsor requests a hearing, the Registration Agency will transmit to the Administrator a report containing all the data listed in paragraph (b)(6) of this section, and the Administrator will refer the matter to the Office of Administrative Law Judges. An Administrative Law Judge will convene a hearing in accordance with § 29.10, and issue a decision as required in § 29.10(c).

(7) If the sponsor does not request a hearing, the Registration Agency will transmit to the Administrator a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences will include the time, date, place, and persons present. The Administrator will make a final order on the basis of the record presented.

(8) Every order of deregistration must contain a provision that the sponsor must, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program; and that all apprentices are referred to the Registration Agency for information about potential transfer to other registered apprenticeship programs.

#### § 12. REINSTATEMENT OF PROGRAM REGISTRATION (29 CFR Part 29.9)

Any apprenticeship program deregistered under § 11 may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this part. Such evidence must be presented to the Registration Agency.

#### § 13. HEARING FOR DEREGISTRATION (29 CFR Part 29.10)

(a) Within 10 days of receipt of a request for a hearing, the Director of the Apprenticeship Program must contact the U S Department of Labor's Office of Administrative Law Judges to request the designation of an Administrative Law Judge to preside over the hearing. The Administrative Law Judge shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice will include:

- (1) A reasonable time and place of hearing;
- (2) A statement of the provisions of this part pursuant to which the hearing is to be held; and
- (3) A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The procedures contained in 29 CFR part 18 will apply to the disposition of the request for hearing except that:

(1) The Administrative Law Judge will receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof will be made available by the party submitting the documentary evidence to any party to the hearing upon request.

(2) Technical rules of evidence will not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination will be applied, where reasonably necessary, by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence.

(c) The Administrative Law Judge should issue a written decision within 90 days of the close of the hearing record. The Administrative Law Judge's decision constitutes final agency action unless, within 15 days from receipt of the decision, a party dissatisfied with the decision files a petition for review with the Administrative Review Board, specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically urged is deemed to have been waived. A copy of the petition for review must be sent to the opposing party at the same time. Thereafter, the decision of the Administrative Law Judge remains final agency action unless the Administrative Review Board, within 30 days of the filing of the petition for review, notifies the

parties that it has accepted the case for review. The Administrative Review Board may set a briefing schedule or decide the matter on the record. The Administrative Review Board must decide any case it accepts for review within 180 days of the close of the record. If not so decided, the Administrative Law Judge's decision constitutes final agency action.

#### § 14. RECIPROCITY

The Department will accord reciprocal approval for Federal purposes to apprentices, apprenticeship programs and standards that are registered in other States by the Office of Apprenticeship or a Registration Agency if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval must meet the wage and hour provisions and apprentice ratio standards of the reciprocal State.

#### § 15. LIMITATIONS (29 CFR Part 29.11)

Nothing in this part or in any apprenticeship agreement will operate to invalidate:

(a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

(b) Any special provision for veterans, minority persons, or women in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive Order, or authorized regulation.

#### § 16. COMPLAINTS (29 CFR Part 29.12)

(a) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints must be submitted, processed and resolved in accordance with applicable provisions in 29 CFR part 30, or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department.

(b) Except for matters described in paragraph (a) of this section, any complaint 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 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 the 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 necessary, and the record before it. During the 90-day period, 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 an opinion is rendered, copies will be sent to all interested parties.

(e) Nothing in this section precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law.

# THE STATE OF VERMONT APPRENTICESHIP COUNCIL RULES

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RELATING TO LABOR STANDARDS FOR THE REGISTRATION OF  
APPRENTICESHIP PROGRAMS INCLUDING PROGRAMS OF ON-  
THE-JOB TRAINING AND EQUAL EMPLOYMENT OPPORTUNITY  
IN APPRENTICESHIP AND TRAINING

THE STATE OF VERMONT  
VERMONT DEPARTMENT OF LABOR  
APPRENTICESHIP RULES  
APPRENTICESHIP COUNCIL RULES

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RELATING TO LABOR STANDARDS FOR THE REGISTRATION OF  
APPRENTICESHIP PROGRAMS ~~INCLUDING PROGRAMS OF~~  
~~ON THE JOB TRAINING AND EQUAL EMPLOYMENT OPPORTUNITY~~  
~~IN APPRENTICESHIP AND TRAINING~~

**Sections** Sections:

1. Purpose and Scope
2. Authority
3. Definitions
4. Eligibility and Procedure for ~~Council~~ Registration
5. ~~Equal Employment Opportunity State Apprenticeship Council~~
6. Criteria for Apprenticeable Occupations
7. ~~Standard~~ Standards of Apprenticeship
8. ~~Apprenticeship Agreement~~ Program Performance Standards
9. ~~List of Approved Trades~~ Apprenticeship Agreement
10. ~~Ratios~~ Ratio
11. ~~Affirmative Action Plans~~
12. ~~Selection of Apprentices~~
13. ~~Existing Lists of Eligibles and Public Notice~~
14. ~~Records~~
15. ~~Compliance Reviews~~
16. ~~Non-compliance with Federal and State Equal Opportunity Requirements~~
17. ~~Complaints~~
18. ~~Complaint Procedure~~
19. ~~Adjustment in Schedule for Compliance Review of Complaint Processing~~
20. ~~11. De-registration of Council-Registered~~ Registered Program
21. ~~De-registration by Council~~
22. ~~Sanctions~~
23. ~~12. Hearings~~ Reinstatement of Program Registration
24. ~~13. Reinstatement of Program Registration Hearings~~
25. ~~14. Reciprocity~~
26. ~~Intimidatory or Retaliatory Acts~~
27. ~~Non-discrimination~~
28. ~~Exemptions~~
15. Limitations
16. Complaints

Followed by:

List of ~~On the Job Training Occupations~~



RULES  
RELATING TO LABOR STANDARDS FOR THE  
REGISTRATION OF APPRENTICESHIP PROGRAMS  
UNDER 21 V.S.A. CHAPTER 13

§ 1. AUTHORITY

The authority for the implementation and adoption of these policies and procedures affecting the registration of the Apprenticeship and Training Program with the Department of Labor is vested under authority of 21 V.S.A. Chapter 13.

§ 2. PURPOSE AND SCOPE (29 CFR Part 29.1)

- a. 21 V.S.A. Chapter 13 directs the ~~Council~~ Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to extend the application of those standards by requiring the inclusion of them in contracts of apprenticeship.
- b. The purpose of these rules is to set forth labor standards to safeguard the welfare of apprentices, promote apprenticeship opportunity, and to extend the application of these standards by prescribing rules concerning the registration of acceptable apprenticeship programs. These rules cover the registration, termination and deregistration of apprenticeship programs and of apprenticeship agreements and any matters relating to those subjects.
- c. ~~These rules also set forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the Vermont State Apprenticeship Council. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship; and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints and for deregistering non-complying apprenticeship programs. The purpose of these rules is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin or sex in apprenticeship programs by requiring affirmative action to provide equal opportunity in such apprenticeship programs and by coordinating applicable rules with other equal opportunity programs.~~
- d. These rules apply to a person, firm, corporation or craft only after that person, firm, corporation or craft has voluntarily elected to conform with them.

§ 2 — ~~AUTHORITY~~

~~The authority for the implementation and adoption of these policies and procedures affecting the registration of the Apprenticeship and Training Program with the Vermont State Apprenticeship Council is vested in the Council, under authority of 21 V.S.A. Chapter 13.~~

§ 3. DEFINITIONS (29 CFR Part 29.2)

“Administrator” means the Vermont Department of Labor Apprenticeship Program Director or designee.

“Apprentice” means a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation under the standards of apprenticeship contained in these rules.

“Apprenticeship Agreement” means a written agreement, complying with the standards of apprenticeship in these rules, between an apprentice and either the apprentice’s program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s), which contains the terms and conditions of the employment and training of the apprentice.

“Apprenticeship Committee” (Committee) means those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

(a) A joint committee is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s).

(b) A non-joint committee, which may also be known as a unilateral or group non-joint (which may include employees) committee, has employer representatives but does not have a bona fide collective bargaining agent as a participant.

“Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, as required under the standards of apprenticeship section of these rules, including such matters as the requirement for a written apprenticeship agreement.

“Cancellation” means the termination of the registration or approval status of a program at the request of the sponsor, or termination of an Apprenticeship Agreement at the request of the apprentice or the sponsor.

“Certification” or “Certificate” means documentary evidence that:

(a) The Registration Agency/Department has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;

(b) The Registration Agency/Department has registered an apprenticeship program as evidenced by a Certificate of Registration or other written indicia;

(c) The Registration Agency/Department has determined that an apprentice has successfully met the requirements to receive an interim credential; or

(d) The Registration Agency/Department has determined that an individual has successfully completed apprenticeship.

“Competency” means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

“Completion rate” means the percentage of an apprenticeship cohort who receives a certificate of apprenticeship completion within 1 year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period.

“Department” means the Vermont Department of Labor.

“Electronic media” means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to: electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.

“Employer” means any person or organization employing an apprentice whether or not such person or organization is a party to an Apprenticeship Agreement with the apprentice.

“Interim credential” means a credential issued by the Registration Agency, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.

“Journeyworker” means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. In the licensed trades, it will mean an individual who holds a journey level license. In non-licensed occupations, it shall mean an individual with either a completion of apprenticeship certificate or experience equal to one and one-half times the work process hours. (Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.)

“Provisional registration” means the 1-year initial provisional approval of newly registered programs that meet the required standards for program registration, after which program approval may be made permanent, continued as provisional, or rescinded following a review by the Registration Agency.

“Quality Assurance Assessment” means a comprehensive review conducted by a Registration Agency regarding all aspects of an apprenticeship program’s performance, including but not limited to determining if apprentices are receiving on-the-job training in all phases of the apprenticeable occupation; scheduled wage increases consistent with the registered standards; related instruction through appropriate curriculum and delivery systems; and that the registration agency is receiving notification of all new registrations, cancellations, and completions as required in this part.

“Registration Agency” means the Vermont Department of Labor, which has the responsibility for registering apprenticeship programs and apprentices, providing technical assistance and conducting reviews for compliance with 29 CFR parts 29 and 30, and conducting quality assurance assessments.

“Registration of an apprenticeship agreement” means the acceptance and recording of an apprenticeship agreement by the Vermont Department of Labor as evidence of the apprentice’s participation in a particular registered apprenticeship program.

“Registration of an apprenticeship program” means the acceptance and recording of such program by the Vermont Department of Labor as meeting the basic standards and requirements of apprenticeship as defined by these rules. Approval is evidenced by a Certificate of Registration or other written indicia.

“Related instruction” means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom, through occupational or industrial courses,

or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the Registration Agency.

“Sponsor” means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

“Vermont State Apprenticeship Council” means the regulatory State Apprenticeship Council established by 21 VSA § 1101 to assist the Vermont Department of Labor/Registration Agency. The role of the VT State Apprenticeship Council is described in § 5 of these rules.

“Technical assistance” means guidance provided by Registration Agency staff in the development, revision, amendment, or processing of a potential or current program sponsor’s Standards of Apprenticeship, Apprenticeship Agreements, or advice or consultation with a program sponsor to further compliance with this part or guidance from the Office of Apprenticeship to a State Apprenticeship Agency on how to remedy nonconformity with this part.

“Transfer” means a shift of apprenticeship registration from one program to another or from one employer within a program to another employer within that same program, where there is agreement between the apprenticeship committees or program sponsors and the affected.

#### § 4. ELIGIBILITY AND PROCEDURE FOR REGISTRATION OF AN APPRENTICESHIP PROGRAM (29 CFR Part 29.3)

(a) Eligibility for registration of an apprenticeship program is conditioned upon a program’s conformity with the apprenticeship program standards published in this part. For a program to be determined as being in conformity with the standards, the program must apply for registration and be registered with the Department. A program registered under these rules is recognized for various federal purposes.

(b) Only an apprenticeship program or agreement that meets the following criteria is eligible for registration with the Department:

(1) It is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in § 6 of these rules; and

(2) It is in conformity with the requirements of the Department’s regulation on Equal Employment Opportunity in Apprenticeship and Training in compliance with 29 CFR part 30, as amended.

(c) Except as provided under paragraph (d) of the section, apprentices must be individually registered under a registered program. Such individual registration may be effected:

(1) By filing copies of each individual agreement with the Department; or

(2) Subject to prior Department approval, by filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.

(d) The names of persons in probationary employment as an apprentice under an apprenticeship program registered by the Department, if not individually registered under such program, must be submitted within 45 days of employment to the Department for certification to establish the apprentice as eligible for such probationary employment.

(e) The Department must be notified within 45 days of persons who have successfully completed apprenticeship programs; and of transfers, suspensions, and cancellations of apprenticeship agreements and a statement of the reasons therefore.

(f) Approved and operating apprenticeship programs shall be registered with the Department. A certificate of registration will be issued to each program upon approval.

(g) Applications for new programs that the Department determines meet the required standards for program registration must be given provisional approval for a period of 1 year. The Department must review all new programs for quality and for conformity with the requirements of this part at the end of the first year after registration. At that time:

(1) A program that conforms with the requirements of this part:

(i) May be made permanent; or

(ii) May continue to be provisionally approved through the first full training cycle.

(2) A program not in operation or not conforming to the regulations during the provisional approval period must be recommended for deregistration procedures.

(h) The Department must review all programs for quality and for conformity with the requirements of this part at the end of the first full training cycle. A satisfactory review of a provisionally approved program will result in conversion of provisional approval to permanent registration. Subsequent reviews must be conducted no less frequently than every five years. Programs not in operation or not conforming to the regulations must be recommended for deregistration procedures.

(i) Any sponsor proposals or applications for modification(s) or change(s) to registered programs must be submitted to the Department. The Department must make a determination on whether to approve such submissions within 90 days from the date of receipt. If approved, the modification(s) or change(s) will be recorded and acknowledged within 90 days of approval as an amendment to such program. If not approved, the sponsor must be notified of the disapproval and the reasons therefore and provided the appropriate technical assistance.

(j) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or no objection to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association must simultaneously furnish to an existing union, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The Department must provide for receipt of union comments, if any, within 45 days before final action on the application for registration and/or approval.

(k) Where the employees to be trained have no collective bargaining agreement, an apprenticeship program may be proposed for registration by an employer or group of employers, or an employer association.

(l) Any modification or change to a registered standard shall be promptly submitted to the Department, and if approved, shall be recorded and acknowledged as a revision of the standards.

(m) If the sponsor is involved in any labor dispute such as a strike, lockout, work stoppage, or other similar condition, the application for an apprenticeship program may be withheld until that issue is resolved.

(n) If it is determined by the Department that a sponsor is in violation of any federal or state labor laws or rules and regulations affecting registration of programs, the application for an apprenticeship program may be withheld until these issues are resolved.

#### § 5. VERMONT STATE APPRENTICESHIP COUNCIL

The Vermont State Apprenticeship Council shall be comprised of 12 members, four ex officio members and eight members who shall be appointed by the Governor. Of the ex officio members, one shall be the Commissioner of Labor or designee, one shall be the Commissioner of Public Safety or designee, one shall be the Secretary of Education or designee, and one shall be the Director of the Apprenticeship Division who shall act as secretary of the Council without vote. The Council shall be composed of persons familiar with apprenticeable occupations. Of the appointed members, three shall be individuals who represent employers, three shall be individuals who represent employee organizations, and two shall be members of the public. Under the direction of the Vermont Department of Labor, the Vermont State Apprenticeship Council shall:

(a) Review and recommend new apprenticeship programs to the Department for registration.

(b) Review and recommend approval of prior credit requests over 50% of time in the trade.

(c) Advise the Department on related instruction content, attendance policies and other matters related to apprenticeship classes.

(d) Set guidelines for the ratio variance process.

(e) Promulgate rules at the direction of the Department.

(f) Review and recommend approval of new occupations.

In the event that the composition of the Vermont State Apprenticeship Council in 21 V.S.A. § 1101 differs from that in this Rule, the statute will be used in the case of a conflict.

#### § 6. CRITERIA FOR APPRENTICABLE OCCUPATIONS (29 CFR Part 29.4)

An apprenticeable occupation is one which is specified by industry and which must:

(a) Involve skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;

(b) Be clearly identified and commonly recognized throughout an industry;

(c) Involve the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain;

(d) Require related instruction to supplement the on-the-job learning; and

(e) Be on the list of occupations approved by the US DOL Office of Apprenticeship or has been approved by the Department, in consultation with the Vermont State Apprenticeship Council. Any request for approval of a new apprenticeable occupation shall include a full work process, a related instruction outline and a statement that the apprentice will be fully instructed in safety and Vermont Occupational Safety and Health Administration requirements.

#### § 7. STANDARDS OF APPRENTICESHIP (29 CFR Part 29.5)

An apprenticeship program, to be eligible for approval and registration by a Registration Agency, must conform to the following standards:

(a) The program must have an organized, written plan (program standards) embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation, as defined in this part, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

(b) The program standards must contain provisions that address:

(1) The employment and training of the apprentice in a skilled occupation.

(2) The term of apprenticeship, which for an individual apprentice may be measured either through the completion of the industry standard for on-the-job learning (at least 2,000 hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach).

(i) The time-based approach measures skill acquisition through the individual apprentice's completion of at least 2,000 hours of on-the-job learning as described in a work process schedule;

(ii) The competency-based approach measures skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job learning component of Registered Apprenticeship. The program standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies;

(iii) The hybrid approach measures the individual apprentice's skill acquisition through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule; and

(iv) The determination of the appropriate approach for the program standards is made by the program sponsor, subject to approval by the Registration Agency of the determination as appropriate to the apprenticeable occupation for which the program standards are registered.

(3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate amount of time to be spent in each major process.

(4) Provision for organized, related instruction in technical subjects related to the occupation. A minimum of 144 hours for each year of apprenticeship is recommended. This instruction in technical subjects may be accomplished through media such as classroom, occupational or industry courses, electronic media, or other instruction approved by the Registration Agency. Every apprenticeship instructor must:

(i) Meet the State Department of Education's requirements for a vocational-technical instructor in the State of registration, or be a subject matter expert, which is an individual, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and

(ii) Have training in teaching techniques and adult learning styles, which may occur before or after the apprenticeship instructor has started to provide the related technical instruction.

(5) A progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired. The entry wage must not be less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement.

(6) Periodic review and evaluation of the apprentice's performance on the job and in related instruction; and the maintenance of appropriate progress records.

(7) A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language must be specific and clearly described as to its application to the job site, workforce, department or plant.

(8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship. The probationary period cannot exceed 25 percent of the length of the program, or 1 year, whichever is shorter.

(9) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction.

(10) The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years.

(11) The placement of an apprentice under a written Apprenticeship Agreement that meets the requirements of these rules and the State Apprenticeship law. The agreement must directly, or by reference, incorporate the standards of the program as part of the agreement.

(12) The granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted.

(13) The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on 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.

(14) Assurance of qualified training personnel and adequate supervision on the job.

(15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate issued by the Registration Agency.

(16) Program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials must clearly identify the interim credentials, demonstrate how these credentials link to the components of the apprenticeable occupation, and establish the process for assessing an individual apprentice's demonstration of competency associated with the particular interim credential. Further, interim credentials must only be issued for recognized components of an apprenticeable occupation, thereby linking interim credentials specifically to the knowledge, skills, and abilities associated with those components of the apprenticeable occupation.

(17) Identification of the Registration Agency.

(18) Provision for the registration, cancellation and deregistration of the program; and for the prompt submission of any program standard modification or amendment to the Registration Agency for approval.

(19) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the Registration Agency of persons who have successfully completed apprenticeship programs; and notice of transfers, suspensions, and cancellations of apprenticeship agreements and a statement of the reasons therefore.

(20) Authority for the cancellation of an apprenticeship agreement during the probationary period by either party without stated cause; cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate.

(21) Compliance with 29 CFR part 30, including the equal opportunity pledge prescribed in 29 CFR 30.3(b); an affirmative action plan complying with 29 CFR 30.4; and a method for the selection of apprentices authorized by 29 CFR 30.5, or compliance with parallel requirements contained in a State plan for equal opportunity in apprenticeship adopted under 29 CFR part 30 and approved by the Department. The apprenticeship standards must also include a statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR part 30, as amended, or, if applicable, an approved State plan for equal opportunity in apprenticeship. In addition to compliance with 29 CFR part 30, apprenticeship programs may not discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified disabled individual.

(22) Compliance with the Plan for Equal Employment Opportunity in Apprenticeship and Training adopted by the Vermont Department of Labor.

(23) Contact information (name, address, telephone number, and e-mail address if appropriate) for the appropriate individual with authority under the program to receive, process and make disposition of complaints.

(24) Recording and maintenance of all records concerning apprenticeship as may be required by the Registration Agency.

#### § 8. PROGRAM PERFORMANCE STANDARDS (29 CFR Part 29.6)

(a) Every registered apprenticeship program must have at least one registered apprentice, except for the following specified periods of time, which may not exceed 1 year:

(1) Between the date when a program is registered and the date of registration for its first apprentice(s); or

(2) Between the date that a program graduates an apprentice and the date of registration for the next apprentice(s) in the program.

(b) The Registration Agency must evaluate performance of registered apprenticeship programs.

(1) The tools and factors to be used must include, but are not limited to:

(i) Quality assurance assessments;

(ii) Equal Employment Opportunity (EEO) Compliance Reviews; and

(iii) Completion rates.

(2) Any additional tools and factors used by the Registration Agency in evaluating program performance will adhere to the goals and policies articulated in this part and in guidance issued by the Office of Apprenticeship.

(c) In order to evaluate completion rates, the Registration Agency must review a program's completion rates in comparison to the national average for completion rates. Based on the review, the Registration Agency must provide technical assistance to programs with completion rates lower than the national average.

(d) Cancellation of apprenticeship agreements during the probationary period will not have an adverse impact on a sponsor's completion rate.

#### § 9. APPRENTICESHIP AGREEMENT (29 CFR Part 29.7)

The apprenticeship agreement must contain, explicitly or by reference:

(a) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor.

(b) The date of birth and, on a voluntary basis, Social Security number of the apprentice.

(c) Contact information of the Program Sponsor and Registration Agency.

(d) A statement of the occupation in which the apprentice is to be trained, and the beginning date and term (duration) of apprenticeship.

(e) A statement showing:

(1) The number of hours to be spent by the apprentice in work on the job in a time-based program; or a description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of hybrid program; and

(2) The number of hours to be spent in related instruction in technical subjects related to the occupation, which is recommended to be not less than 144 hours per year.

(f) A statement setting forth a schedule of the work processes in the occupation or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

(g) A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.

(h) Statements providing:

(1) For a specific period of probation during which the apprenticeship agreement may be cancelled by either party to the agreement upon written notice to the registration agency, without adverse impact on the sponsor.

(2) That, after the probationary period, the agreement may be:

(i) Cancelled at the request of the apprentice, or

(ii) Suspended or cancelled by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the Registration Agency of the final action taken.

(i) A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement.

(j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, genetics, or physical or mental condition.

(k) Contact information (name, address, phone, and e-mail if appropriate) of the appropriate authority designated under the program to receive, process and make disposition of complaints arising

out of the apprenticeship agreement when the complaints cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions.

## § 10. RATIOS

(a) The ratio of apprentices to journey workers and masters in all apprenticeable occupations shall be 10 apprenticed to the first 10 journey workers or masters, and thereafter one apprenticed to the next three journey workers or masters. This ratio shall apply to the sponsor's workforce, except where a labor management contract specifies another ratio.

(b) The ratio shall "sunset" two years from the effective date of these rules, if 26 VSA Chapter 15, § 881 and Sections 3.1 and 3.2 of the Electrical Safety Rules have not been amended to prohibit helpers in the electrical trade.

(c) If 26 VSA Chapter 15, § 881 and Sections 3.1 and 3.2 of the Electrical Safety Rules have not been amended within two years from the effective date of these rules, effective on the first day following the two-year sunset period, the ratio shall then be four apprenticed to the first four journey workers or masters and thereafter one apprenticed to the next three journey workers or masters, except where a labor management contract specifies another ratio.

(d) A sponsor applying to the Department for a variance from the journeyman to apprentice ratio shall supply the Department with all information reasonably related to the request for a variance, including at least the following:

(1) A letter from the sponsor summarizing:

(i) Its recruitment efforts including, but not limited to, contact with the Vermont Department of Labor office;

(ii) The number of qualified journey workers and masters at the firm the number of apprentices presently registered at the firm; the number of apprentices that can be expected to complete their training within one year and the number of apprentices that can be expected to complete their training within two years;

(iii) Number of persons the sponsor wishes to register as apprentices in excess of the current journeyman to apprentice ratio;

(iv) Its safety record, including all recordable employee accidents, injuries and Vermont Occupational Safety and Health Administration citations covering the last three years; and

(v) A statement to the effect that the granting of an increased ratio variance will in no way adversely affect either the sponsor's ability to adequately train all registered apprentices or to provide appropriate on-the-job supervision consistent with the employee safety at all times.

(2) A letter from the Vermont Department of Labor Apprenticeship Field Representative stating:

(i) That adequate training and supervision have taken place in the past and can be reasonably expected to continue with the new ratio; and

(ii) The sponsor's record of completions and cancellations.

Persons who become apprentices as a result of this variance shall be registered within 90 days of the date of the variance. After this time, no new persons may be registered as apprentices in excess of the ratio of journey workers to apprentices as adopted by the Department, without a subsequent variance granted by the Department.

(e) The sponsor may replace apprentices that have completed their training or have left the employ of the firm when:

(1) The sponsor falls below the ratio of apprentices to journeymen currently approved by the Department;

(2) The apprentice terminates due to inability or unsatisfactory job performance; and

(3) The apprentice voluntarily leaves the employment of the firm.

(f) An apprentice must work under the direct supervision of a journey worker or master of the same trade. This supervision need not be constant and first hand, but the journey worker or master must be on the same job site or located in the same building or buildings or place immediately adjacent thereto.

§ 11. DEREGISTRATION OF A REGISTERED PROGRAM (29 CFR Part 29.8)

Deregistration of a program may be effected upon the voluntary action of the sponsor by submitting a request for cancellation of the registration in accordance with paragraph (a) Of this section, or upon reasonable cause, by the Registration Agency instituting formal deregistration proceedings in accordance with paragraph (b) of this section.

(a) Deregistration at the request of the sponsor. The Registration Agency may cancel the registration of an apprenticeship program by written acknowledgment of such request stating the following:

(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 acknowledgment, the sponsor will notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program, and that all apprentices are referred to the Registration Agency for information about potential transfer to other registered apprenticeship programs.

(b) Deregistration by the Registration Agency upon reasonable cause.

(1)(i)Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions, or with the requirements of this part, including but not limited to: failure to provide on-the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices skills acquired; or persistent and

significant failure to perform successfully. Deregistration proceedings for violation of equal opportunity requirements must be processed in accordance with the provisions under 29 CFR part 30.

(ii) For purposes of this section, persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of improvement in the areas identified by the Registration Agency during a review process as requiring corrective action.

(2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the Registration Agency must notify the program sponsor in writing.

(3) The notice sent to the program sponsor's contact person must:

(i) Be sent by registered or certified mail, with return receipt requested;

(ii) State the shortcoming(s) and the remedy required; and

(iii) State that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days.

(4) Upon request by the sponsor for good cause, the 30-day term may be extended by the Commissioner for another 30 days. During the period for corrective action, the Registration Agency shall assist the sponsor to achieve conformity.

(5) If the required correction is not effected within the allotted time, the Registration Agency must send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(i) The notice is sent under this paragraph:

(ii) Certain deficiencies were called to the sponsor's attention (enumerating them and the remedial measures requested, with the dates of such occasions and letters), and that the sponsor has failed or refused to effect correction;

(iii) Based upon the stated deficiencies and failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing with the applicable Registration Agency; and

(iv) If the sponsor does not request a hearing, the entire matter will be submitted to the Administrator, Office of Apprenticeship, for a decision on the record with respect to deregistration.

(6) If the sponsor requests a hearing, the Registration Agency will transmit to the Administrator a report containing all the data listed in paragraph (b)(6) of this section, and the Administrator will refer the matter to the Office of Administrative Law Judges. An Administrative Law Judge will convene a hearing in accordance with § 29.10, and issue a decision as required in § 29.10(c).

(7) If the sponsor does not request a hearing, the Registration Agency will transmit to the Administrator a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences will include the time, date, place, and persons present. The Administrator will make a final order on the basis of the record presented.

(8) Every order of deregistration must contain a provision that the sponsor must, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program; and that all apprentices are referred to the Registration Agency for information about potential transfer to other registered apprenticeship programs.

#### § 12. REINSTATEMENT OF PROGRAM REGISTRATION (29 CFR Part 29.9)

Any apprenticeship program deregistered under § 11 may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this part. Such evidence must be presented to the Registration Agency.

#### § 13. HEARING FOR DEREGISTRATION (29 CFR Part 29.10)

(a) Within 10 days of receipt of a request for a hearing, the Director of the Apprenticeship Program must contact the U S Department of Labor's Office of Administrative Law Judges to request the designation of an Administrative Law Judge to preside over the hearing. The Administrative Law Judge shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice will include:

(1) A reasonable time and place of hearing;

(2) A statement of the provisions of this part pursuant to which the hearing is to be held; and

(3) A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The procedures contained in 29 CFR part 18 will apply to the disposition of the request for hearing except that:

(1) The Administrative Law Judge will receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof will be made available by the party submitting the documentary evidence to any party to the hearing upon request.

(2) Technical rules of evidence will not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination will be applied, where reasonably necessary, by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence.

(c) The Administrative Law Judge should issue a written decision within 90 days of the close of the hearing record. The Administrative Law Judge's decision constitutes final agency action unless,

within 15 days from receipt of the decision, a party dissatisfied with the decision files a petition for review with the Administrative Review Board, specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically urged is deemed to have been waived. A copy of the petition for review must be sent to the opposing party at the same time. Thereafter, the decision of the Administrative Law Judge remains final agency action unless the Administrative Review Board, within 30 days of the filing of the petition for review, notifies the parties that it has accepted the case for review. The Administrative Review Board may set a briefing schedule or decide the matter on the record. The Administrative Review Board must decide any case it accepts for review within 180 days of the close of the record. If not so decided, the Administrative Law Judge's decision constitutes final agency action.

#### § 14. RECIPROCITY

The Department will accord reciprocal approval for Federal purposes to apprentices, apprenticeship programs and standards that are registered in other States by the Office of Apprenticeship or a Registration Agency if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval must meet the wage and hour provisions and apprentice ratio standards of the reciprocal State.

#### § 15. LIMITATIONS (29 CFR Part 29.11)

Nothing in this part or in any apprenticeship agreement will operate to invalidate:

(a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

(b) Any special provision for veterans, minority persons, or women in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive Order, or authorized regulation.

#### § 16. COMPLAINTS (29 CFR Part 29.12)

(a) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints must be submitted, processed and resolved in accordance with applicable provisions in 29 CFR part 30, or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department.

(b) Except for matters described in paragraph (a) of this section, any complaint 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 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 the 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 necessary, and the record before it.

During the 90-day period, 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 an opinion is rendered, copies will be sent to all interested parties.

(e) Nothing in this section precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law.

As used in these rules:

- a. ~~“Apprentice” means a worker at least 16 years of age who enters into a written apprenticeship agreement to receive detailed related instruction in an apprenticeable occupation requiring not less than 2,000 hours of on the job work experience.~~
- b. ~~“Apprenticeship Agreement” means a written agreement which conforms to the rules established under 21 V.S.A. § 1102 and these rules and which is entered into between an apprentice and either an employer, an association of employers, an organization of employees, or a joint committee representing employers and employees.~~
- c. ~~“Apprenticeship Committee” means those persons designated by the sponsor to act for it in the administration of the program. An apprenticeship committee is joint if it is composed of an equal number of representatives of the employers and of the employees represented by a collective bargaining agent and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. And apprenticeship committee is unilateral or non joint if the program sponsor is the collective bargaining agent and is not a participant. A unilateral or non joint committee includes an individual non joint sponsor or apprenticeship program sponsored by one employer without the participation of a union and a group non joint sponsor or apprenticeship program sponsored by two or more employers with the participation of a union.~~
- d. ~~“Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including those matters as required by a written apprenticeship agreement, and registered with the Vermont Council.~~
- e. ~~“Apprenticeship Standard” means a written document which sets forth the minimum labor standards required by law for training apprentices in a specified industry, area or plant. By reference, it is a part of the apprenticeship agreement. There are two basic types of standards; one providing for joint employer union participation in the program; and the other, referred to as unilateral standards, in which the responsibility for the apprenticeship is assumed by either management or organized labor, but not both. Normally, unilateral programs are sponsored by a single employer.~~
- f. ~~“Chairman” means the Chairman of the Vermont Apprenticeship and Training Council.~~
- g. ~~“Commissioner” means the Commissioner of the Department of Labor and Industry.~~
- h. ~~“Council” means the Vermont Apprenticeship and Training Council.~~
- i. ~~“Department” means the Department of Labor and Industry.~~

- j. ~~“Employer” means a person or organization employing an apprentice whether or not the person or organization is a party to an apprenticeship agreement with the apprentice.~~
- k. ~~“Minorities,” “Minority” or “Minority groups” mean the following four major ethnic groups other than white (except women), namely Negro, American Indian, Oriental and Spanish American or Spanish surnamed American. The term Spanish American or Spanish surnamed American is deemed to include all persons of Mexican, Puerto Rican, Spanish or Cuban origin. The term shall also include women (minority and non-minority).~~
- l. ~~“Registration of an Apprenticeship Agreement” means the acceptance and recording of the agent by the Council as evidence of the participation of the apprentice in a particular registered apprenticeship program.~~
- m. ~~“Registration of an Apprenticeship Program” means the acceptance and recording of the agent by the program by the Council as meeting the basic standards and requirements of that Council for approval of the program as evidenced by a Certificate of Registration or other written document.~~
- n. ~~“Related Instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his trade.~~
- o. ~~“Secretary” or “Executive Secretary” means the Secretary of the Vermont Apprenticeship and Training Council.~~
- p. ~~“Sponsor” means a person, association, committee, or organization operating an apprenticeship program and in whose name the program is approved and registered.~~
- q. ~~“U.S. Department of Labor” means the United States Department of Labor.~~

#### § 4 ~~ELIGIBILITY AND PROCEDURE FOR COUNCIL REGISTRATION~~

- a. ~~An apprenticeship program or agreement shall not be eligible for Council registration unless it conforms with the requirements of 21 V.S.A. Chapter 13 and these rules, and the training is in an apprenticeable occupation requiring not less than 2,000 hours of on-the-job work experience and the characteristics set forth in 21 V.S.A. Chapter 13.~~
- b. ~~Apprentices shall be individually registered under a registered program. The registration shall be effected by filing copies of each apprenticeship agreement with the Council. Registration shall be reserved for those desiring to learn a trade through reasonably continuous employment. Agreements shall not be registered for a person desiring only interim work or employment on a substantially shorter work week than is prevailing in the industry. This, however, does not apply to students pursuing a course of study in the same trade or closely related to the trade for which application is being made for registration.~~
- c. ~~The Council shall be notified promptly of the termination or suspension of any apprenticeship agreement with the cause for the termination or suspension. The Council shall be notified promptly of apprenticeship completions.~~
- d. ~~Approved and operating apprenticeship programs shall be registered.~~

- e. ~~Any modification or change to a registered standard shall be promptly submitted to the Council, and if approved, shall be recorded and acknowledged as a revision of the standards.~~
- f. ~~The request for registration, together with all documents and data required under 21 V.S.A. Chapter 13 and these rules shall be submitted to the Council.~~
- g. ~~Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any matter in the operation of the substantive matters of the apprenticeship program, and the participation is exercised, written acknowledgment of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employee to be trained, a copy of its application for registration and of the apprenticeship program. The Council shall provide a reasonable time period of not less than 30 days or more than 60 days for receipt of union comments, if any, before final action on the application for registration or approval or both.~~
- h. ~~Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.~~
- i. ~~If the sponsor is involved in any abnormal labor condition such as a strike, lockout, or other similar condition, the application for an apprenticeship program may be withheld until the issue is resolved.~~
- j. ~~If it is determined by the Council that a sponsor is in violation of any federal or state labor laws or rules and regulations affecting registration of programs, the application for an apprenticeship program may be withheld until these issues are resolved.~~

~~§ 5 — EQUAL OPPORTUNITY STANDARDS~~

- a. ~~Each sponsor of an apprenticeship program shall:~~
  - 1. ~~Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and~~
  - 2. ~~Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action and all other aspects of the apprenticeship program administration by the program sponsor; and~~
  - 3. ~~Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by these rules.~~
- b. ~~Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:~~
  - ~~"The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin or sex. The sponsor 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 these rules.”

- e.—Each sponsor of a program registered with the Council shall:
  - 1.—Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph b of this section; and
  - 2.—Adopt an affirmative action plan required by § 1; and
  - 3.—Adopt a selection procedure required by § 12. A sponsor adopting a selection method under § 12 b. 1, 2, or 3 shall prepare and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under § 12 b. 4. Shall submit to the Council copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of § 12 b. 4. A. i.
- d.—A sponsor of a program seeking new registration with the Council shall submit copies of its proposed standards, affirmative action plan, selection procedures and such other information as may be required. The program shall be registered if the standards, affirmative action plan and selection procedure meet the requirements of these rules.
- e.—A sponsor shall not be required to adopt an affirmative action plan under § 11 or a selection procedure under § 12 if it submits to the Council satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV or Executive Order 11246, as amended, and its implementing regulations at Title 41 of the Code of Federal Regulations, Chapter 60 provided that programs approved, modified or renewed subsequent to the effective date of these rules will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in these programs are equal to or greater than the goals required under these rules.
- f.—A sponsor or a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under § 11 or a selection procedure under § 12, provided that such program was not adopted to circumvent the requirements of these rules.

#### § 6 — CRITERIA FOR APPRENTICEABLE OCCUPATIONS

An apprenticeable occupation is a skilled trade which possesses the following characteristics:

- a.—It is customarily learned in a practical way through a structured systematic program of on-the-job supervised training; and
- b.—It is clearly identified and commonly recognized throughout an industry; and
- c.—It involves manual, mechanical or technical skills and knowledge which require a minimum number of hours as required by law or on-the-job work experience; and

d. ~~It requires related instruction to supplement the on-the-job training.~~

§ 7 — STANDARDS OF APPRENTICESHIP

a. ~~An apprenticeship program, to be eligible for registration by the Council, shall be an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, as defined by 21 V.S.A. Chapter 13 and these rules, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.~~

b. ~~Each apprenticeship program shall contain:~~

1. ~~A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall not be less than the minimum number of hours of reasonably continuous employment; and~~

2. ~~An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process; and~~

3. ~~A statement of the number of hours to be spent in related instruction which shall not be less than the minimum number of hours per year, provided that the Council may, in the best interest of apprenticeship, reduce the hours of related instruction of which instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value or other forms of self study approved by the Council; and~~

4. ~~A statement that apprentices shall be not less than 16 years of age, with the exception of a higher age requirement which the Council has determined applicable in accordance with State and Federal Child Labor Laws, and Hazardous Orders as defined in U.S. Department of Labor Bulletin No. 101 Revised 1976 Ed.; and~~

5. ~~A statement of the progressively increasing scale of wages to be paid the apprentice consistent with the skill acquired, the entry wage to be not less than the minimum wage prescribed by the Federal Fair Labor Standards Act and Vermont Minimum Wage Law, where applicable, unless a higher wage is required by other applicable federal law, state law, respective regulations, or by a collective bargaining agreement; and~~

6. ~~A provision for a probationary period which is reasonable in relation to the full apprenticeship term, with full credit given for the period toward completion of apprenticeship; and~~

7. ~~A provision that during the period of probation, the Council is directed to terminate an apprenticeship agreement at the request in writing of any party to that agreement; and~~

8. ~~A provision that after the probationary period, the Council may terminate an apprenticeship agreement upon agreement of the parties to that agreement, or for good cause on the Council's own motion after giving all parties notice and opportunity to be heard; and~~

9. ~~A provision that the services of the Council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement and where the~~

~~differences cannot be adjusted locally, or in accordance with the established trade procedure and any such differences which cannot be amicably settled by the parties may be submitted to the Council for final decision; and~~

- ~~10. A provision for the numeric ratio of apprentice to journeymen consistent with proper supervision, training, safety and reasonable continuity of employment; and~~
- ~~11. A provision for transfer of the employer's training obligation when the employer is unable to fulfill the obligation under the apprenticeship agreement to another employer under the same program with the consent of the apprentice and apprenticeship committee or program sponsor, with full credit to the apprentice for satisfactory time and training earned; and~~
- ~~12. A provision for minimum qualifications required by a sponsor for persons entering the apprenticeship program; and~~
- ~~13. A provision for granting of an advance standing or credit for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted; and~~
- ~~14. A provision that the employer instruct the apprentice in safe and healthful work practices and ensure that the apprentice is trained in facilities and other environments that are in compliance with either the Occupational Safety and Health Standards promulgated by the United State Secretary of Labor under Public Law 91-596, or state standards that have been found to be at least as effective as the federal standards; and~~
- ~~15. A provision for the placement of an apprentice under a written apprenticeship agreement which incorporates the standards of the program as part of the agreement; and~~
- ~~16. A provision for periodic review and evaluation of the apprentice's progress in job performance and in related instruction and the maintenance of appropriate progress records; and~~
- ~~17. A provision of recognition for successful completion of apprenticeship evidenced by an appropriate certificate; and~~
- ~~18. An identification of the registration agency; and~~
- ~~19. A statement that the regular work day or work week for apprentices shall not be greater than those of the journey men; and~~
- ~~20. A provision for the registration, cancellation and deregistration of the program, and a requirement for the prompt submission of any modification or revision of the program; and~~
- ~~21. A provision for registration of apprenticeship agreements and revisions, notice to the council of persons who have successfully completed apprenticeship programs and notice of terminations and suspensions of apprenticeship agreements and causes of terminations and suspensions; and~~

- ~~22. A statement of how the committee is to be organized and a statement of the functions of the committee are required if the program sponsor is a joint apprenticeship committee; and~~
- ~~23. A statement containing the equal opportunity pledge prescribed as follows: "The recruitment, selection, employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, sex, age, religion, color, ancestry, physical handicap or marital status; and~~
- ~~24. The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and~~
- ~~25. A provision for a participating employer's agreement; and~~
- ~~26. A statement that the apprenticeship standards comply with federal laws, rules and regulations pertaining to apprenticeship.~~

~~§ 8 — APPRENTICESHIP AGREEMENT~~

~~The apprenticeship agreement shall contain explicitly or by reference:~~

- ~~a. The name and signature of the apprentice, the program sponsor or employer, and the signature of a parent or guardian if the apprentice is under the age of 18; and~~
- ~~b. The date of birth of apprentice; and~~
- ~~c. The name and address of the program sponsor and registration agency; and~~
- ~~d. A statement of the trade or craft in which the apprentice is to be trained and the beginning date and term of apprenticeship; and~~
- ~~e. A statement showing:
 
  - ~~1. The number of hours to be spent by the apprentice in work on the job; and~~
  - ~~2. The number of hours to be spent in related and supplemental instruction; and~~~~
- ~~f. A statement setting forth a schedule of the work processes in the trade in which the apprentice is to be trained and the approximate time to be spent at each process; and~~
- ~~g. A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated; and~~
- ~~h. A statement providing:
 
  - ~~1. For a specific period of probation during which the apprenticeship agreement may be terminated by either party to the agreement upon notice to the Council; and~~
  - ~~2. That, after the probationary period, the agreement may be terminated at the request of the apprentice or may be suspended or terminated by the sponsor, for a good cause, with due notice to the apprentice and a reasonable opportunity for corrective action and with written notice to the apprentice and to the Council of the final action taken; and~~~~

- i. ~~A statement that the apprentice shall be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination because of race, color, religion, ancestry, sex, age, physical handicap or marital status; and~~
  
- j. ~~The name and address of the appropriate authority, if any, designated under the program to receive, process and make disposition of controversies or differences arising out of the apprenticeship agreement and a statement that any of these controversies and differences which cannot be amicably settled by the parties may be submitted to the Council for final decision.~~

~~§ 9 — LIST OF APPROVED TRADES~~

~~The trades, with dictionary of occupations title number, training term, work processes and related instruction to be furnished the apprentice, shall be as follows within the limits of available funds:~~

§ 10 — RATIOS

- a. ~~The ratio of apprentices to journeymen and masters in all apprenticeable trades shall be three apprenticed to the first three journeymen or masters or any fraction thereof, except where a labor management contract specifies another ratio.~~
  - b. ~~Peter Hansen, sole proprietor of a plumbing business located in Bristol, Vermont, may, for the two year period beginning January 15, 1980, employ two apprentice plumbers notwithstanding the fact that the proprietorship employs only one master plumber. 1/20/80~~
  - c. ~~Vermont Heating and Ventilating of South Burlington, Vermont, a sheet metal contracting firm, may, beginning March 31, 1980, employ additional apprentice sheet metal workers at a one to one ratio up to a total of 20 journeymen. Beyond the 20 journeymen, Vermont Heating and Ventilating will be governed by the ratio of one apprentice for each three journeymen or part thereof. 3/29/80~~
  - d. ~~A firm applying to the Vermont Apprenticeship Council for a variance from the journeyman to apprentice ratio shall supply the Council with all information reasonably related to the request for a variance, including at least the following:~~
    - 1. ~~A letter from the firm summarizing:~~
      - A. ~~its recruitment efforts including, but not limited to, contact with the Vermont Job Service office;~~
      - B. ~~the number of qualified journeymen and masters at the firm, the number of apprentices presently registered at the firm, the number of apprentices that can be expected to complete their training within one year, and the number of apprentices that can be expected to complete their training within two years; and~~
      - C. ~~the number of persons the firm wishes to register as apprentices in excess of the current journeyman to apprentice ratio.~~
    - 2. ~~A letter from the apprenticeship supervisor (BAT or SAC) stating:~~
      - A. ~~that adequate training and supervision have taken place in the past and can be reasonably expected to continue with the new ratio; and~~
      - B. ~~the firm's record of completions and cancellations.~~
- ~~—Persons who become apprentices as a result of this variance shall be registered within 90 days of the date of the variance. After this time, no new person may be registered as apprentices in excess of the ratio of journeyman to apprentices as adopted by the Council, without a subsequent variance granted by the Council.~~
- ~~—The firm may replace apprentices that have completed their training or have left the employ of the firm when:~~
  - i. ~~the firm falls below the ratio of apprentices to journeymen currently approved by the Vermont Apprenticeship Council;~~
  - ii. ~~the apprentice terminates due to inability or unsatisfactory job performance; and~~

~~iii. the apprentice voluntarily leaves the employment of the firm.~~

~~e. An apprentice must work under the direct supervision of a journeyman or master craftsman of the same trade. This supervision need not be constant and firsthand, but the journeyman or master must be on the same job site or located in the same building or buildings or place immediately adjacent thereto.~~

#### ~~§ 11—AFFIRMATIVE ACTIONS PLANS~~

~~a. A sponsor's commitment to equal opportunity in recruitment, selection, employment and training of apprentices shall include the adoption of a written affirmative action plan.~~

~~b. Affirmative action is not mere passive nondiscrimination. It includes procedures, methods and programs for the identification, positive recruitment, training and motivation of present and potential minority and female (minority and non-minority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought in equal opportunity is apprenticeship for all individuals participating in or seeking entrance to the nation's labor force.~~

~~e. An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under these rules. Whenever special circumstances warrant, the Council may provide such assistance as it deems necessary to implement the requirements of this section. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the following listed areas:~~

~~1. The dissemination of information concerning the nature of the apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, the information shall be regularly disseminated but not less than semi-annually. This information shall be given to the Council, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women and shall be published in newspapers which are circulated in the minority community and among women, as well as in the general areas in which the program sponsor operates.~~

~~2. Participation in annual workshops conducted by the employment service agencies for the purpose of familiarizing schools, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.~~

- ~~3. Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.~~
- ~~4. Internal communication of the sponsor's equal opportunity policy in which a manner as to foster understanding, acceptance and support among the sponsor's various officers, supervisors, employees and members and to encourage these persons to take the necessary action to aid the sponsor in meeting its obligations under these rules.~~
- ~~5. Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, these programs shall provide for pre testing experience and training. If no programs are in existence, the sponsor shall seek to initiate these programs, or when available, to obtain necessary assistance from the Council. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.~~
- ~~6. To encourage the establishment and utilization of programs of pre apprenticeship, preparatory trade training or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete these programs are afforded full and equal opportunity for admission into the apprenticeship program.~~
- ~~7. Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.~~
- ~~8. Granting advance standing or credit on the basis of previously acquired experience, training, skills or aptitude for all applicants equally.~~
- ~~9. Admitting to apprenticeship persons whose age exceeds the maximum age for admission to the program where this action assists the sponsor in achieving its affirmative action obligations.~~
- ~~10. Other appropriate action to ensure that the recruitment, selection, employment and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin or sex (e.g., general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that employment opportunity is being granted, including reporting system, on-site reviews, briefing sessions, etc.). The affirmative action program shall set forth the specific steps the sponsor intends to take in the above areas under this sub-section c. Whenever special circumstances warrant, the Council may provide the assistance it deems necessary to implement the above requirement.~~

d. ~~Goals and timetables~~

1. ~~A sponsor adopting a selection method under § 12 b.1 or b.2 which determines on the basis of the analysis described in sub-section e. of this section that it has deficiencies in terms of underutilization of minorities and/or women (minority and non-minority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority or female (minority and non-minority) applicants or both into the eligibility pool.~~
  2. ~~A sponsor adopting a selection method under § 12 b.3 or b.4 which determines on the basis of the analysis described in paragraph e. of this section, that it has deficiencies in terms of the underutilization of minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and non-minority) applicants for the apprenticeship program.~~
  3. ~~“Underutilization” as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and non-minority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in sub-section e.1—e.5 of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need to be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.~~
  4. ~~Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submit goals and timetables which are unacceptable and the Council determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and non-minority) within the meaning of this section, the Council shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and non-minority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.~~
- e. ~~Analysis to determine if deficiencies exist.~~
- ~~The sponsor’s determination as to whether goals and timetables shall be established shall be based on an analysis of at least the following facts and this analysis shall be set forth in writing as part of the affirmative action plan:~~
1. ~~The size of the working age minority and female (minority and non-minority) population in the program sponsor’s labor market area;~~
  2. ~~The size of the minority and female (minority and non-minority) labor force in the program sponsor’s labor market area;~~
  3. ~~The percentage of minority and female (minority and non-minority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and non-minority) in the labor force in the program sponsor’s labor market area;~~
  4. ~~The percentage of minority and female (minority and non-minority) participation as journeymen employed by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and non-minority) in~~

~~the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and~~

- ~~5. The general availability of minorities and women (minority and non-minority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.~~
- ~~f. Establishment and attainment of goals and timetables.  
— The goals and timetables shall be established on the basis of the sponsor's analysis of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner. In this case, separate goals would be required; for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors and with women who are entitled to protection under the goals and timetables requirements during the first 12 months after the effective date of these rules, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women are of the workforce in the program sponsor's labor market area, and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding classes. At the end of the first 12 months after the effective date of these rules, sponsors are expected to make appropriate adjustments in goal levels.~~
- ~~g. Data and information.  
— The Council shall make available to program sponsors data and information on minority and female (minority and non-minority) labor force characteristics in the state.~~

## ~~§ 12 — SELECTION OF APPRENTICES~~

- ~~a. In addition to the development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following sub-divisions 1. through 4. of sub-section b. of this section.~~
- ~~b. The sponsor shall adopt one of the following methods for selection of apprentices:
  - ~~1. Selection on basis of rank from pool of eligible applicants.
    - ~~A. A sponsor may elect apprentices from a pool of eligible applicants created in accordance with the requirement of division (iii) of this sub-section on the basis of~~~~~~

~~the rank order of scores of applicants on one or more qualification standards where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating that relationship, the sponsor shall follow the procedures set forth in Guidelines on Employee Selection Procedures published at 41 CFR Part 60-3.~~

- ~~B. The sponsor adopting this method of selecting apprentices shall meet the requirements of sub-divisions C—G of this sub-section.~~
- ~~C. A pool of eligible shall be created from applicants who meet the qualifications of minimum legal working age and the sponsor's minimum physical requirements; or from applicants who meet qualification standards in addition to minimum legal working age and the sponsor's minimum physical requirements provided that any additional qualification standards conform with the following requirements:~~
- ~~i. The qualification standards and the procedures for determining these qualification standards shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards and the score required on any standard for admission to the pool shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score on the standards and the score required for admission to the pool and performance in the apprenticeship program. In demonstrating these relationships, the sponsor shall follow the procedures set forth in the U.S. Department of Labor's testing order of September 9, 1968. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.~~
  - ~~ii. Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests and the score required for admission to the pool and performance in the apprenticeship program. In determining these relationships, the sponsor shall follow the procedures set forth in the U.S. Department of Labor's testing order of September 9, 1968. The requirements of this paragraph shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment service agency, a private employment agency, or any other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the Council unless the test meets the requirements of this sub-section.~~
  - ~~iii. Education attainments:  
—All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating this relationship, the sponsor shall meet the requirements of the U.S. Department of Labor's testing order of September 9, 1968. School records or a passing grade on the~~

~~general education development tests recognized by the state or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.~~

~~D.—Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and before he or she is selected for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited only to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligible on the basis of an oral interview shall be given a written statement of the rejection, the reasons therefore, and the appeal rights available to the applicant.~~

~~E.—All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant who is not selected for the pool or the programs notice of his or her rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles and the appeal rights available to the applicant.~~

~~F.—The sponsor shall establish, where required by § 11d, percentage goals and timetables for the admission of minorities and women (minority and non minority) into the pool of eligibles, in accordance with the provisions of § 11d, e, and f.~~

~~G.—A sponsor shall be deemed to be in compliance with its commitments under paragraph F of this sub division if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments. All the actions of the sponsor shall be reviewed and evaluated in determining whether good faith efforts have been made.~~

~~2.—Random selection from pool of eligible applicants.~~

~~A.—A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Council. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor but not associated with the administration of the apprenticeship program. The time and place of the selection and the number of apprentices to be selected shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.~~

~~B.—The sponsor adopting this method of selecting apprentices shall meet the requirements of sub paragraphs C through E of sub division 1 of this section relating to the creation of the pool of eligibles, oral interviews, and notification of applicants.~~

~~C. The sponsor shall establish, where required by § 11d, percentage goals and timetables for the admission of minorities and women (minority and non-minority) into the pool of eligibles in accordance with the provisions of § 11d, e, and f.~~

~~D. Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of sub-division G of sub-paragraph 1 of this paragraph b.~~

~~3.—Selection from pool of current employees.~~

~~A. A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where one exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection, unless the sponsor concludes, in accordance with the provisions of § 11d, e, and f that it does not have deficiencies in terms of underutilization of minorities or women or both (minority and non-minority) in the apprenticeship of journeymen crafts represented by the program.~~

~~B. Determinations as to the sponsor's compliance with its obligations under these rules shall be in accordance with the provisions of paragraph G of sub-division 1 of this sub-section.~~

~~4.—Alternative selection methods.~~

~~A. A sponsor may select apprentices by means of any other method, including its present selection method, provided that the sponsor meets the following requirements:~~

~~i.—Within 90 days of the effective date of these rules, the sponsor shall complete development of the revised selection method it proposes to use along with the rest of its written affirmative action program, including, where required by § 11d, its percentage goals and timetables for the selection of minority or female (minority and non-minority) applicants or both for apprenticeship and its written analysis upon which the goals and timetables or lack thereof are based.~~

~~—The establishment of goals and timetables shall be in accordance with the provisions of § 11d, e, and f. The sponsor may not implement any selection method until the Council has approved the selection method as meeting the requirements of paragraph ii of this sub-division and has approved the remainder of its affirmative action program including its goals and timetables. If the Council fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor then may implement the selection method.~~

~~ii.—Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of these standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition and~~

willingness to accept direction, which are part of the total judgment. In applying any of these standards, the sponsor shall meet the requirements of the U.S. Department of Labor's testing order of September 9, 1968.

B. Determinations as to the sponsor's compliance with its obligations under these rules shall be in accordance with the provisions of sub-paragraph G of sub-division 1 of this sub-section. Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative program to the extent necessary to obtain maximum effectiveness towards the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Council, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities or women or both (minority and non-minority) for apprenticeship, the sponsor may be required to demonstrate that this qualification standard is directly related to job performance in accordance with the provisions of sub-division 1.C.i. of this section.

#### ~~§ 13 — EXISTING LISTS OF ELIGIBLES AND PUBLIC NOTICE~~

- a. A sponsor adopting a selection method under § 12.b.1 or 2 and a sponsor adopting a selection method under § 12.b.4 who determines that there are fewer minorities or women or both (minority and non-minority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in § 11.e. shall discard all existing eligibility lists upon adoption of the selection methods required by these rules. New eligibility pools shall be established and lists of eligibility pools be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than two weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program.
- b. Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of two years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by certified mail return receipt request.
- e. Applicants who have been accepted in the program shall be afforded a reasonable period of time of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining this period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. Upon request, a sponsor may restore to the list of eligibles applicants who have been removed from the list or who have failed to respond to an apprenticeship job opportunity.

#### ~~§ 14 — RECORDS~~

- a. Each sponsor shall keep adequate record including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the record pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job

~~assignment, promotion, demotion, layoff or termination, rates of pay or other forms of compensation or conditions of work and any other records pertinent to a determination of compliance with these rules as may be required. The records pertaining to individual applicants, whether selected or rejected, shall be maintained in such a manner as to permit identification of minority and female (minority and non-minority) participants.~~

- ~~b.—Each sponsor must retain a statement of its affirmative action plan required by § 11 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analysis made pursuant to the requirements of § 11. Sponsors shall periodically review their affirmative action plan and update it where necessary, including the goals and timetables.~~
- ~~c.—Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in § 12.b.~~
- ~~d.—The records required by these rules and any other information relevant to compliance with these rules shall be maintained for five years and made available upon request to the Council, the U.S. Department of Labor, or other authorized representative.~~
- ~~e.—The Council shall keep adequate records, including registration requirements, approved individual program standards, registration actions, deregistration actions, program compliance reviews and investigations, individual program ethnic count, total apprenticeship ethnic count and any other records pertinent to a determination of compliance with these rules, as may be required by the U.S. Department of Labor, and shall report to the Department in such a manner as it requires.~~

#### ~~§ 15 — COMPLIANCE REVIEWS~~

- ~~a.—The Council shall regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these rules and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to § 18.b.1.A, so warrant and take appropriate action regarding program which are not in compliance with requirements of these rules. Compliance reviews shall consist of a comprehensive analysis and evaluation of each aspect of the apprenticeship program, including on-site investigations and audits.~~
- ~~b.—Sponsors seeking re-registration shall be subject to a compliance review as described in subsection a. of this section as part of the registration process.~~
- ~~c.—Sponsors seeking new registration shall be subject to a compliance review as described in paragraph a. of this section by the Council as part of the registration process.~~
- ~~d.—Where the compliance review indicates that the sponsor is not operating in accordance with these rules, the Council shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under § 22. In the case of sponsors seeking new registration, the Council will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.~~

#### ~~§ 16 — NON-COMPLIANCE WITH FEDERAL AND STATE EQUAL OPPORTUNITY REQUIREMENTS~~

~~A pattern or practice of non-compliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on the committee) with federal or state laws or rules requiring equal opportunity, may be grounds for the imposition of sanctions in accordance with § 22 if such non-compliance is related to the equal employment opportunity of apprentices or graduates of the described apprenticeship program under these rules. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.~~

#### ~~§ 17 — COMPLAINTS~~

- ~~a. This section is not applicable to any complaint concerning discrimination or other equal opportunity matters. It involves 21 V.S.A. Chapter 13 and U.S. Department of Labor Title 29 CFR Part 29.~~
- ~~b. Any controversy or difference arising under an apprenticeship agreement which cannot be resolved by the involved parties, or which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his authorized representative to the Council for review. Matters covered by a collective bargaining agreement are not subject to that review.~~
- ~~c. The complaint, in writing, and signed by the complainant or his authorized representative, shall be submitted within 60 days of the final decision. It shall set forth the specific matter complained of, together with all relevant facts and circumstances. Copies of all pertinent document and correspondence shall accompany the complaint.~~
- ~~d. The Council shall render an opinion within 90 days after receipt of the complaint based upon an investigation of the matters submitted as may be found necessary and the record before it. During the 90-day period the Council shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where a decision is rendered, copies of the decision shall be sent to all interested parties which shall be final.~~

#### ~~§ 18 — COMPLAINT PROCEDURE~~

~~This section is concerned with U.S. Department of Labor revised Title 29 CFR Part 30 — Equal Employment Opportunity in Apprenticeship and Training.~~

- ~~a. Filing.  

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1. Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex, with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Council or, at the apprentice's or applicant's election, with a private review body established pursuant to sub-division 3 of this sub-section. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in these rules.~~

- ~~2. The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review the complaints, any referral of a complaint by the complainant to the Council must occur within the time limitation stated above or 30 days from the final decision of the review body, whichever is later. The time may be extended by the Council for good cause shown.~~
- ~~3. Sponsors are encouraged to establish fair, speedy and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join in establishing a review body to serve the needs of programs within the community.~~

~~b. Processing of complaints.~~

- ~~1. When the sponsor has designated a review body for reviewing complaints, the Council, unless the complainant has indicated otherwise, or unless the Council has determined that the review body will not effectively enforce the equal opportunity standards, shall upon receiving a complaint, refer it to the review body.~~
- ~~2. The Council shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.~~
- ~~3. When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with these rules, the Council may conduct a compliance review as is found necessary and will take all necessary steps to resolve the complaint.~~
- ~~4. Where no review body exists, the Council may conduct a compliance review as is found necessary in order to determine the facts of the complaint and obtain any other information relating to compliance with these rules as the circumstances warrant.~~
- ~~5. Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.~~

~~§ 19 — ADJUSTMENTS IN SCHEDULE FOR COMPLIANCE REVIEW OR COMPLAINT PROCESSING~~

~~If, in the judgment of the Council, a particular situation warrants either expedited or extended determination, it shall take the steps necessary to permit this determination if it finds that no person or party affected by the determination will be prejudiced by a special processing.~~

~~§ 20 — DE REGISTRATION OF COUNCIL REGISTERED PROGRAM~~

- a. ~~De registration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration of, upon reasonable cause by the Council, instituting formal deregistration proceedings in accordance with the provisions of this rule.~~
- b. ~~The Council may cancel the registration of an apprenticeship program by a written acknowledgment of that request stating that:
 
  - 1. ~~The registration is cancelled at the sponsor's request, and giving the effective date of the cancellation; and~~
  - 2. ~~Within 15 work days of the date of the acknowledgment, the sponsor must notify all apprentices of the cancellation and its effective date and that the cancellation will automatically deprive the apprentice of individual registration.~~~~

~~§ 21 DE REGISTRATION BY COUNCIL~~

- a. ~~De registration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered under the registered standards, or V.S.A. Chapter 13, or these rules.~~
- b. ~~When it appears the program is not being operated in accordance with the registered standards, or with requirements of 21 V.S.A. Chapter 13, or these rules, the Council shall so notify the program sponsor in writing. The notice shall be sent by certified mail, return receipt requested, and shall state the deficiency and remedy required and that the program will be de-registered for cause unless the corrective action is taken within 30 days. Upon request by the sponsor, the 30-day period may be extended for up to an additional 30-day period. During the period for correction, the sponsor may request the reasonable assistance of the Council.~~
- e. ~~If the required action is not taken within the allotted time, the Council shall send a notice to the sponsor by certified mail, return receipt requested, stating that:
 
  - 1. ~~The notice is sent under this sub-section; and~~
  - 2. ~~That certain deficiencies were called to the sponsor's attention and remedial actions requested; and~~
  - 3. ~~Based upon the stated cause, the program will be de-registered unless within 15 work days of receipt of this notice the sponsor requests a hearing; and~~
  - 4. ~~If a hearing is not requested by the sponsor, the program will be automatically de-registered.~~~~
- d. ~~If the sponsor requests a hearing, the Council shall convene a hearing in accordance with § 23 of these rules.~~
- e. ~~In its discretion, the Council may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Council's decision is that the apprenticeship program is not operating under 21 V.S.A. Chapter 13 and these rules, the apprenticeship program shall be de-~~

~~registered. In each case in which de-registration is ordered, the Council shall notify the sponsor.~~

## ~~§ 22 — SANCTIONS~~

- ~~a. Where the Council, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with these rules and voluntary corrective action has not been taken by the program sponsor, the Council shall institute proceedings to de-register the program, or it shall refer the matter to the Equal Employment Opportunity Commission, or to the state's attorney general with recommendations for possible court action, or to a federal authority for possible action under Title VII of the Civil Rights Act of 1964, as amended, or for other court action as authorized by law.~~
- ~~b. De-registration proceedings shall be conducted in accordance with the following procedures:
  - ~~1. The Council shall notify the sponsor, in writing, that a determination of reasonable cause has been made under sub-section a. of this section and that the apprenticeship program may be de-registered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.~~
  - ~~2. If within 15 days of the receipt of the notice provided for in sub-division 1. of this sub-section the sponsor mails a request for a hearing, the chairman shall convene a hearing in accordance with § 23 of these rules.~~
  - ~~3. The chairman shall make a final decision on the basis of the record which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to § 23, the proposed findings and recommended decision of the hearing officer. The chairman may allow the sponsor a reasonable time to achieve voluntary corrective action. If the chairman's decision is that the apprenticeship program is not operating in accordance with these rules, the apprenticeship program shall be de-registered. In each case in which de-registration is ordered, the chairman shall make public notice of the order and shall notify the sponsor and the complainant, if any.~~~~

## ~~§ 23 — HEARINGS~~

- ~~a. Within 10 days after receiving a request for a hearing the chairman shall designate a hearing officer. The hearing officer shall give reasonable notice of the hearing by certified mail, return receipt requested, to the appropriate sponsor (federal or state registered), the state apprenticeship council, or both, as the case may be. The notice shall include:
  - ~~1. A reasonable time and place of hearing;~~
  - ~~2. A statement of the provision of these rules pursuant to which the hearing is to be held; and~~
  - ~~3. A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.~~~~

~~b. The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present his or her case including cross examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the chairman upon the basis of the record before them.~~

~~§ 24 — REINSTATEMENT OF PROGRAM REGISTRATION~~

~~Any apprenticeship program de-registered under 21 V.S.A. Chapter 13 and these rules may be reinstated upon presentation of adequate evidence to the council that the apprenticeship program is operating under 21 V.S.A. Chapter 13 and these rules. The evidence shall be presented to the Council if an order of de-registration was entered pursuant to a hearing.~~

~~§ 25 — RECIPROCITY~~

~~Where there exist similar standards between the Council and other states and the federal government, reciprocity shall be exercised by the Council and recognition be given upon presentation of appropriate information.~~

~~§ 26 — INTIMIDATORY OR RETALIATORY ACTS~~

~~Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right of privilege secured by Title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, or because he or she has made a complaint, testified, assisted or participated in any manner in any investigation proceeding or hearing under these rules shall be considered non-compliance with the equal opportunity standards of these rules. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of these rules, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.~~

~~§ 27 — NON DISCRIMINATION~~

~~The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.~~

~~§ 28 — EXEMPTIONS~~

~~Request for exemption from these rules or any part thereof shall be made in writing to the chairman and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. The Council shall notify the U.S. Department of Labor of any exemptions granted affecting a substantial number of employers and the reasons therefore.~~

Effective date: \_\_\_\_\_