



# Crosswalk of Significant Changes to the Apprenticeship EEO Regulations (29 CFR part 30)

<b>Topic</b> 	<b>Previous Regulation</b> 	<b>New Regulation</b> 
<b>Terms defined in the regulation</b>	Defined only 8 terms (“Department,” “Employer,” “Apprenticeship Program,” “Sponsor,” “Secretary,” “State Apprenticeship Council,” “State apprenticeship program,” and “State program sponsor”).	<p>Adds a number of other defined terms to the regulation for greater clarity.</p> <p>Several of these new defined terms are related to the new regulation’s protection of discrimination on the basis of disability: “Direct threat,” “Disability,” “Major life activities,” “Physical or mental impairment,” “Qualified applicant or apprentice,” “Reasonable accommodation,” and “Undue hardship”. The new regulation also defines other terms related to the bases protected from discrimination, including: “Ethnicity,” “Genetic information,” and “Race”. These definitions are identical to those used under other relevant federal employment discrimination laws.</p> <p>Additionally, the new regulations include definitions for a number of terms defined under its regulations at 29 CFR part 29, for consistency throughout the Office of Apprenticeship program. These include “Administrator,” “Apprentice,” “Apprenticeship Committee,” “Electronic media,” “Journeyworker,” “Office of Apprenticeship,” “Registration Agency,” and “State Apprenticeship Agency”.</p>
<b>Protected bases for non-discrimination</b>	Prohibited discrimination on the basis of race, color, religion, national origin, or sex	Adds age, disability, sexual orientation, and genetic information as additional protected bases. These bases must be included in the sponsor’s equal opportunity pledge that is included in its Standards of Apprenticeship. Also clarifies that sex discrimination includes discrimination on the bases of pregnancy and gender identity.
<b>General obligation to take affirmative action to provide equal opportunity</b>	Included a broad obligation to “take affirmative action to provide equal opportunity,” without further guidance on how to comply.	<p>Clarifies four specific actions that sponsors must undertake to meet this obligation, many of which are taken from the previous regulation or are otherwise current practices of sponsors:</p> <ol style="list-style-type: none"><li>1. Designate an individual (or individuals) to be responsible for overseeing the sponsor’s commitment to equal opportunity;</li><li>2. Distribute the sponsor’s equal employment opportunity policy internally;</li><li>3. Engage in outreach and recruitment efforts designed to extend to all persons available for apprenticeship without regard to race, sex, ethnicity, or disability; and</li><li>4. Maintain an apprenticeship program free from harassment, intimidation, and retaliation</li></ol>

<b>Topic</b> 	<b>Previous Regulation</b> 	<b>New Regulation</b> 
<b>Outreach and recruitment obligation</b>	<p>Required outreach and positive recruitment as part of a sponsor's AAP, listing 10 activities, of which sponsors were required to undertake a "significant number."</p>	<p>Streamlines and clarifies the obligation, so that all sponsors must engage in 3 common sense, effective outreach and recruitment activities that will generate referrals across demographic groups within the relevant recruitment area:</p> <ol style="list-style-type: none"> <li>1. Develop and update a list of recruitment sources (suggested examples of which are included in the new regulation);</li> <li>2. (Identify a contact at each of these sources;</li> <li>3. (Provide recruitment sources with advance notice of apprenticeship openings (preferably 30 days) so they can notify and refer candidates.</li> </ol> <p>Additionally, for those sponsors required to maintain an affirmative action program (AAP) and who, based on their utilization analysis, are underutilized in a particular group and must set utilization goals (or otherwise find impediments to EEO for individuals with disabilities), the new regulation requires additional targeted outreach and recruitment activities, including:</p> <ol style="list-style-type: none"> <li>1. Sending information regarding apprenticeship opportunities to organizations serving the underutilized group(s) (which could include CBOs; local high schools, community colleges, and vocational, career and technical schools; and One Stop Career Centers);</li> <li>2. Advertising apprenticeship opportunities in appropriate media;</li> <li>3. (Cooperation with local school boards and vocational education systems to develop relationships with pre-apprenticeship programs targeting students from the underutilized group(s); and</li> <li>4. (Establishing agreements or partnerships with appropriate organizations to recruit additional qualified individuals for apprenticeship.</li> </ol>
<b>Anti-harassment obligations</b>	<p>Included no specific affirmative steps addressing anti-harassment, aside from the general prohibition against discrimination</p>	<p>Requires the following actions to ensure that apprentices are not harassed because of their race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability:</p> <ol style="list-style-type: none"> <li>1. Provide anti-harassment training to all individuals connected with the administration and operation of the program, including apprentices, that includes: a statement that harassing conduct will not be tolerated; a definition of harassment and types of conduct that constitute unlawful behavior; and information on how to file a complaint alleging harassment</li> <li>2. Making all facilities and apprenticeship activities available without regard to any of the protected bases; and</li> <li>3. (Establishing and implementing procedures for handling and resolving complaints</li> </ol>

<b>Topic</b> 	<b>Previous Regulation</b> 	<b>New Regulation</b> 
<b>Scope and review schedule for the AAP</b>	<p>Affirmative action plans covered race, sex, and ethnicity.</p> <p>Establishing and implementing procedures for handling and resolving complaints</p>	<p>Retains these categories and adds disability to the AAP.</p> <p>One element of the AAP under the new regulation – the review of personnel processes – must be reviewed annually. However, all other elements of the AAP have a longer time between required updates, generally scheduled to occur in conjunction with the sponsor’s compliance reviews to allow for the Registration Agency to assist the sponsor with compliance. Please refer to the Compliance Timeline (See OA EEO Webpage) for more detail on this review schedule.</p>
<b>Race/Sex/Ethnicity analyses and utilization goals required in the AAP</b>	<p>Required sponsors to:</p> <ol style="list-style-type: none"> <li>1. conduct a utilization analysis (comparing the incumbent apprenticeship workforce to the availability in the sponsor’s labor market) for minorities and women to determine if deficiencies in its program existed;</li> <li>2. set utilization goals (and timetables for meeting those goals) for increasing utilization where needed; and</li> <li>3. make good faith efforts to meet its goals and timetables (without further guidance on what specific activities constituted “good faith efforts.”)</li> </ol>	<p>Retains the same general structure of the previous regulation with regard to race, sex, and ethnicity analyses and goal-setting, with the following changes made largely to provide greater clarity to and less burden on sponsors:</p> <ol style="list-style-type: none"> <li>1. Specifying that the workforce shall be analyzed by occupation, and availability analyzed by major occupation group, using a common data source (RAPIDS/O*NET) already familiar to many sponsors;</li> <li>2. A simpler utilization analysis that must consider two factors (rather than five in the previous regulation) when analyzing availability;</li> <li>3. For purposes of determining availability, replacing the description “[individuals] with present or potential capacity for apprenticeship,” which was confusing to many sponsors, with “individuals who are eligible for enrollment in the apprenticeship program”;</li> <li>4. Requires analysis and goal-setting by individual race/ethnicity, rather than by “minorities” collectively, to better target what type of underutilization is taking place</li> <li>5. Explicit language that Registration Agencies will assist sponsors in completing their utilization analysis; and</li> <li>6. For those sponsors required to set utilization goals, a specific list of four targeted outreach, recruitment, and retention activities that must be undertaken in an effort to meet these goals (see “Outreach and recruitment obligation,” above).</li> </ol>
<b>Disability analyses and utilization goals required in the AAP</b>	<p>Disability was not included in the previous regulation.</p>	<p>Establishes an aspirational utilization goal of 7% for employment of qualified individuals with disabilities as apprentices for each major occupation group within the apprenticeship program.</p> <p>In order to ascertain whether this goal is being met, sponsors are required to invite self-identification as an individual with a disability to applicants considered for apprenticeship (“pre-offer”) and to those entering the program (“post-offer”).</p> <p>If the sponsor does not meet the utilization goal, it must take steps to determine if there are any impediments to equal employment opportunity that might explain the failure to meet the goal. If so, the sponsor must undertake action-oriented programs (including the targeted outreach, recruitment, and retention actions listed in “Outreach and recruitment obligation,” above) to eliminate these impediments.</p>

<b>Topic</b> 	<b>Previous Regulation</b> 	<b>New Regulation</b> 
<b>Selection procedures</b>	<p>Required the sponsor to use one of four proscriptive selection procedures, each of which included its own detailed set of requirements for compliance.</p>	<p>Simplifies procedures for selecting apprentices, eliminating these four proscriptive categories and providing simply that sponsors may adopt any selection procedure or procedures so long as they comply with established legal authorities (including the Uniform Guidelines on Employee Selection Procedures and the Americans with Disabilities Act, as amended), are uniformly and consistently applied, and are facially neutral in terms of the bases protected by the rule (race, color, religion, national origin, sex, age, disability, sexual orientation, genetic information).</p>
<b>Compliance reviews</b>	<p>Provided that the Department will regularly conduct compliance reviews of apprenticeship programs and that sponsors seeking reregistration or new registration will be subject to a compliance review.</p>	<p>Provides further detail regarding how compliance reviews will be conducted, including how and when sponsors will be notified of compliance review findings, to ensure greater consistency and standardization of procedures across the Registered Apprenticeship system. The new regulation also provides greater detail and clarity on what is expected of sponsors that receive a notice of non-compliance, including the timetables for responses and what a compliance action plan must include.</p>
<b>Complaints</b>	<p>Provided that apprentices or applicants for apprenticeship could file a complaint with the Department or a private review body, setting time limits for doing so. Also provided how the Department would investigate a complaint depending on with whom it was filed.</p>	<p>Deletes provisions concerning private review bodies as they appear to be obsolete; all complaints are to be filed with the pertinent Registration Agency.</p> <p>Requires that complaints must be filed within 300 days of the alleged unlawful act.</p> <p>Requires that sponsors provide written notice to all applicants for apprenticeship and apprentices of their right to file a discrimination complaint with the Registration Agency, including the procedures for doing so and required wording for the notice.</p> <p>Provides requirements for the Registration Agency to follow in their thorough investigation of the complaint, including written notification of findings to the complainant and respondent. If the findings indicate discrimination, the Registration Agency should attempt to resolve the matter quickly at the Registration Agency level whenever appropriate; if the complaint cannot be resolved to the complainant's satisfaction, or if the Registration Agency otherwise deems it appropriate, the complaint shall be referred to other Federal or State agencies with jurisdiction over the matter.</p>

<b>Topic</b> 	<b>Previous Regulation</b> 	<b>New Regulation</b> 
<b>Enforcement actions</b>	<p>Provides that when the Department has reasonable cause to believe that an apprenticeship program is not operating in accordance with part 30, the Department will initiate deregistration proceedings or refer the matter to the EEOC or the U.S. Attorney General with a recommendation to initiate a court action.</p>	<p>Provides for additional mechanisms to promote compliance before heading directly to deregistration proceedings, including:</p> <ol style="list-style-type: none"> <li>1. Offering technical assistance that will promote compliance; and</li> <li>2. Suspending, for a limited period, the sponsor's right to register new apprentices if the sponsor fails to correct specific violations noticed by the Registration Agency. If after 30 days the sponsor has not come into compliance, the Registration Agency may then institute deregistration proceedings;</li> <li>3. Referring the matter to other Federal or State agencies with jurisdiction over the matter</li> </ol> <p>Otherwise, the new rule adopts the deregistration procedures set forth in 29 CFR part 29 for consistency and simplicity, allowing State Apprenticeship Agencies to follow a single set of procedures for all matters arising from management of the National Registered Apprenticeship System.</p>
<b>State Apprenticeship Agencies (SAA)</b>	<p>Required that State Apprenticeship Councils (SACs) adopt State Plans consistent with Part 30 and provided procedures for withdrawal of recognition for failing to do so.</p>	<p>Consistent with 29 CFR part 29, the new regulation does not include SACs as entities eligible for recognition. As provided for in 29 CFR 29.13, the Department will only recognize an SAA that complies with specified requirements. The rule requires that, within 1 year of the effective date (barring an exemption for good cause granted by the Administrator of OA), an SAA seeking recognition must submit a State EEO plan that:</p> <ol style="list-style-type: none"> <li>1. Includes, at a minimum, State apprenticeship legislation corresponding to the requirements of this regulation; and</li> <li>2. (2) Requires apprenticeship programs to comply with the regulations within 180 days of approval of the State plan by the Office of Apprenticeship</li> </ol>