

DEPARTMENT OF LABOR AND EMPLOYMENT

Office of the Future of Work

COLORADO STATE APPRENTICESHIP AGENCY RULES

7 CCR 1108-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted May 10, 2023; effective June 30, 2023.

1.1 Statement of Authority.

This regulation is adopted pursuant to the authority in section C.R.S. § 8-15.7-102 and 8-15.7-108 and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. § 24-4-101 *et seq.* (the “APA”) and in conformity with regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50.

1.2 Purpose and Incorporation by Reference.

- A. The general purpose of these Colorado State Apprenticeship Agency Rules (“Rules”) is to exercise the authority of the Director of the State Apprenticeship Agency to enforce and implement rules affecting the registration, performance, and legal compliance of apprenticeship programs.
- B. Article 15.7 of C.R.S. Title 8 is hereby incorporated by reference. Earlier versions of such laws may apply to events that occurred in prior years. These statutes and regulations are available for public inspection at the Colorado Department of Labor and Employment, Office of the Future of Work, 633 17th Street, Denver CO 80202. Copies may be obtained from this Office at a reasonable charge, or can be accessed electronically from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of the statutes and regulations incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency originally issuing the statutes. All Office of the Future of Work (OFW) rules are available to the public at <https://apprenticeship.colorado.gov/about/apprenticeship-legislation-policy>. Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern so long as these are consistent with Colorado statutory and constitutional provisions and in conformity with regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50.
- C. If any part of these Rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

1.3 Definitions.

“Administrator” means the Administrator of the Office of Apprenticeship, or any person specifically designated by the Administrator.

“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 as provided in article 15.7, title 8 of the C.R.S. and 29 CFR 29.4 under standards of apprenticeship fulfilling the requirements of 29 CFR 29.5.

“Apprenticeship Agreement” means a signed written agreement, complying with 29 CFR 29.7, 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” means those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

- 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).
- 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.

“Apprenticeable Occupation” means an occupation specified by an industry that involves the progressive attainment of skills, competencies, and knowledge that are:

- clearly identified and commonly recognized throughout the relevant industry or occupation;
- customarily learned or enhanced in a practical way through a structured, systematic program of on-the-job, supervised learning and related instruction to supplement the learning; and
- offered through a time-based, competency-based, or hybrid model that the Director has determined meets the requirements of article 15.7, title 8 of the C.R.S. and 29 CFR Parts 29 and 30.

“Apprenticeship program” is a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, that meets the requirements of article 15.7, title 8 of the C.R.S. and 29 CFR Parts 29 and 30, such 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.

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

- The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as conforming to the standards of apprenticeship set forth in 29 CFR 29.5; or
- The SAA has established that an individual is eligible for the probationary period as an apprentice under a registered apprenticeship program.

“Certificate of Registration” means documentary evidence that the SAA has registered an apprenticeship program pursuant to article 15.7, title 8 of the C.R.S. and federal guidelines as evidenced by a Certificate of Registration or other written indicia.

“Certificate of Completion” means documentary evidence that the SAA has determined that an individual has successfully completed apprenticeship.

“CFR” means Code of Federal Regulations.

“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 receive 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 one (1) year time frame, except that a cohort does not include the apprentices whose Apprenticeship Agreement has been canceled during the probationary period.

“Creed” means all aspects of religious beliefs, observances or practices, as well as sincerely-held moral and ethical beliefs as to what is right and wrong, and/or addresses ultimate ideas or questions regarding the meaning of existence, as well as the beliefs or teachings of a particular religion, church, denomination or sect. A creed does not include political beliefs, association with political beliefs or political interests, or membership in a political party.

“Department” means the Colorado Department of Labor and Employment.

“Director” means the director of the SAA.

“Direct threat” means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a “direct threat” must be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. This assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

“Disability” means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.

“EEO” means equal employment opportunity.

“Effective date” means July 1, 2023, unless otherwise noted. Sponsors must comply with the terms of these Rules by the effective date.

“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.

“Ethnicity”, for purposes of recordkeeping and affirmative action, has the same meaning as under the Office of Management and Budget’s Standards for the Classification of Federal Data on Race and Ethnicity, or any successor standards. Ethnicity thus refers to the following designations:

- Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.
- Not Hispanic or Latino

“Executive Director” means the Executive Director of the Colorado Department of Labor & Employment.

“Gender expression” means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. § 24-34-301

“Gender identity” means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. § 24-34-301

“Genetic information” means information about:

- An individual’s genetic tests;
- The genetic tests of that individual's family members;
- The manifestation of disease or disorder in family members of the individual (family medical history);
- An individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or
- The genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.
- Genetic information does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test.

“Interim credential” means an optional credential issued by the SAA, 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. (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 equal to or greater than formal apprenticeship or through practical on-the-job experience and formal training.)

“Major life activities” include, but are not limited to: Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

“Office of Apprenticeship” or “OA” means the federal office designated by the Employment and Training Administration of the U.S. Department of Labor to administer the National Apprenticeship System or its successor organization.

“Physical or mental impairment” means:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- Any mental or psychological disorder, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

“Probationary period” means a period of the apprenticeship during which either the apprentice or the sponsor may cancel the apprenticeship agreement at-will, without stated cause, without an adverse impact on the sponsor’s completion rate. The probationary period may not exceed 25% of the length of the program, or 1 year, whichever is shorter. Full credit must be given for the probationary period toward completion of the apprenticeship.

“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 SAA, as provided for in the criteria described in 29 CFR 29.3(g) and (h).

“Quality assurance assessment” means a comprehensive review conducted by the SAA regarding all aspects of an apprenticeship program’s performance, including but not limited to, determining if apprentices are receiving: on-the-job learning 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 SAA is receiving notification of all new registrations, cancellations, and completions as required in this Rule.

“Qualified applicant or apprentice” is an individual who, with or without reasonable accommodation, can perform the essential functions of the registered apprenticeship program for which the individual applied or is enrolled.

“Qualified intermediary” means an entity that demonstrates expertise in connecting employers or apprenticeship program participants to registered apprenticeship programs or in convening stakeholders to develop registered apprenticeship programs and serves employers and apprenticeship program participants by:

- connecting employers to programs under the National Apprenticeship System;
- assisting in the design and implementation of registered apprenticeship programs, including curriculum development and delivery for related instruction;
- supporting entities, sponsors, or registered apprenticeship program administrators in meeting and reporting the requirements of title 8, article 15.7;
- providing professional development activities, such as training to mentors;
- supporting the recruitment, retention, and apprenticeship program completion of potential registered apprenticeship program participants, including nontraditional participants and apprenticeship populations and individuals with barriers to employment;
- developing and providing personalized apprenticeship program participant supports, including partnering with organizations to provide access to or referrals for supportive services and financial advising;
- providing services, resources, and supports for the development, delivery, expansion, or improvement of apprenticeship programs under the National Apprenticeship System; or
- serving as a registered apprenticeship program sponsor.

“Quality pre-apprenticeship program”, for state purposes, is a training model that meets, at a minimum, the federal definition of quality pre-apprenticeship, and any additional criteria established by the SAA for state recognition. Quality pre-apprenticeships are designed to assist individuals who may not currently possess the minimum requirements for selection into a registered apprenticeship program to meet the minimum selection criteria established in a program sponsor’s apprenticeship standards.

“Race”, for purposes of recordkeeping and affirmative action, has the same meaning as under the Office of Management and Budget’s Standards for the Classification of Federal Data on Race and Ethnicity, or any successor standards. Race thus refers to the following designations:

- White—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Black or African American—A person having origins in any of the black racial groups of Africa.
- Native Hawaiian or Other Pacific Islander—A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- Asian—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- American Indian or Alaska Native—A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- Per C.R.S. § 24-34-301, race includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.

“Reasonable accommodation” means:

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- Modifications or adjustments that enable a sponsor’s apprentice with a disability to enjoy equal benefits and privileges of registered apprenticeship as are enjoyed by its other similarly situated apprentices without disabilities.
- Reasonable accommodation may include but is not limited to the following based on disability, religious belief or practice, pregnancy or a condition related to pregnancy or childbirth, or speaking a first language other than English:
- Making existing facilities used by apprentices readily accessible and usable; and
- Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations.
- To determine the appropriate reasonable accommodation it may be necessary for the sponsor to initiate an informal, interactive process with the qualified individual in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

“Registration agency” means the State Apprenticeship Agency in the Colorado Department of Labor and Employment, USDOL’s Office of Apprenticeship, or another recognized State Apprenticeship Agency.

“Registration of an Apprenticeship Agreement” means the acceptance and recording of an Apprenticeship Agreement by a Registration Agency as evidence of the apprentice's participation in a particular registered apprenticeship program.

“Registered apprenticeship program” means an apprenticeship program that is registered by a Registration Agency.

“Registration of an apprenticeship program” means the acceptance and recording of such program by the Office of Apprenticeship, or registration and/or approval by the SAA or a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the OA for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.

“Related instruction” or “related technical 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 SAA.

“Secretary” means the Secretary of Labor or any person designated by the Secretary.

“Selection procedure” means any measure, combination of measures, or procedure used as a basis for any decision in registered apprenticeship. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews and unscored application forms.

“Sponsor” means any employer, association, committee, organization, education and training provider or qualified intermediary, or person operating a registered apprenticeship program and in whose name the program is (or is to be) registered or approved.

“State Apprenticeship Agency” or “SAA” means the State Apprenticeship Agency created in C.R.S. §8-15.7-102 unless otherwise noted.

“State Apprenticeship Council” or “SAC” means an entity established to provide advice and guidance to the State Apprenticeship Agency as defined in 29 CFR 29.2.

“State office” means that individual office or division of State government designated as the point of contact for the State Apprenticeship Agency. In Colorado, this is the Office of the Future of Work in the Colorado Department of Labor and Employment.

“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 Rule or guidance.

“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 apprentice and the affected apprenticeship committees or program sponsors. This agreement may include a similar related instruction provided by institutions of higher education that may have additional enrollment criteria from the original apprenticeship program.

“Undue hardship”—

1. In general. Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a sponsor, when considered in light of the factors set forth in part 2. of this definition.
2. Factors to be considered. In determining whether an accommodation would impose an undue hardship on a sponsor, factors to be considered include:
 - The nature and net cost of the accommodation needed under this plan, taking into consideration the availability of tax credits and deductions, and/or outside funding;
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
 - The overall financial resources of the sponsor, the overall size of the registered apprenticeship program with respect to the number of apprentices, and the number, type and location of its facilities;
 - The type of operation or operations of the sponsor, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the sponsor; and
 - The impact of the accommodation upon the operation of the facility, including the impact on the ability of other apprentices to perform their duties and the impact on the facility's ability to conduct business.

1.4 Duties of the Colorado State Apprenticeship Agency and the State Apprenticeship Council

- A. The State Apprenticeship Agency is the state Registration Agency and has the responsibility for registering apprenticeship programs, apprenticeship agreements, and apprentices.
- B. The State Apprenticeship Agency or SAA shall perform its duties as set forth in C.R.S. § 8-15.7-102 and this 7 CCR 1108-1 in conformity with the regulations published in 29 CFR Parts 29 and 30, specifically:
 1. Secure recognition as a Registration Agency with the OA;
 2. Establish the State Apprenticeship Council, which operates under the direction of the SAA, to provide advice and guidance;
 3. Register and oversee apprenticeship programs, apprenticeship agreements, and apprentices, including the cancellation and deregistration of apprenticeship programs and agreements;
 4. Conduct reviews of registered apprenticeship programs and quality assurance assessments for compliance with federal regulations and state policies, including equal opportunity in apprenticeship;
 5. Establish the Colorado State Apprenticeship Agency State Plan for Equal Opportunity in Apprenticeship to ensure equal opportunity for apprentices and applicants;
 6. Provide reciprocal approval to apprentices, apprenticeship programs and standards that are registered in other states by OA or another recognized Registration Agency;

- 7. Provide technical assistance to current and prospective sponsors on the development or revision of standards of apprenticeship, apprenticeship agreements, or other guidance to comply with federal regulations and state policies on registered apprenticeship; and
- 8. Maintain requirements pursuant to 29 CFR 29.13 for recognition as a Registration Agency.
- C. C.R.S. § 8-15.7-103 to 8-15.7-105 establish the membership requirements and duties of the State Apprenticeship Council (SAC) and its subcommittees to advise the SAA on the operation of the state's apprenticeship system.
- D. The SAC may convene additional Subcommittees as needed to fulfill its duties.

1.5 Standards, Criteria, and Requirements for Apprenticeship Program Registration and/or Approval

- A. Eligibility and procedure for registration of an apprenticeship program.
 - 1. Sponsor duties and submission. Any person or organization seeking to register an apprenticeship program shall submit all required documents to the SAA for consideration and approval.
 - a. A sponsor may apply to register an apprenticeship with the SAA. A sponsor is responsible for meeting the eligibility requirements outlined in this Section 1.5(A)(2).
 - b. A sponsor of a registered apprenticeship is responsible for the administration and supervision of on-the-job learning and related instruction for each apprentice in the registered apprenticeship.
 - 2. Program Eligibility. To be eligible for SAA registration, an apprenticeship program or agreement must meet all of the following:
 - a. Conform with the standards set forth in 29 CFR 29.5 and article 15.7, title 8 of the C.R.S. and the Department's regulations and applicable state employment and training laws and regulations.
 - b. Conform with the Equal Employment Opportunity in Apprenticeship and Training in 29 CFR Part 30, as amended, Colorado's State Plan for Equal Opportunity in Apprenticeship in this Rule 1.6, and applicable state laws and regulations impacting Equal Employment Opportunity.
 - c. Be in an apprenticeable occupation having the characteristics set forth in 29 CFR 29.4 and Section B. of this Rule.
 - 3. Application Components. The SAA may provide technical assistance to all potential sponsors upon their request in compiling any or all elements of their application. Each application for a registered apprenticeship program shall provide, at a minimum:
 - a. Verification of the company's existing workforce
 - b. Apprentice supervision. Each registered apprenticeship program shall identify a numeric ratio of apprentices to journeyworkers for the workforce that complies with 29 CFR 29.5(b)(7).

- c. Apprenticeable occupation. Verification of the training is in an apprenticeable occupation having the criteria and requirements set forth in Section B. of this Rule
- d. On-the-job Learning and Related Instruction. An organized plan for meeting each of the program standards required by Section C. of this Rule.
- e. Apprenticeship Agreement. A copy of the Apprenticeship Agreement defined in Rule 1.3.
- f. The SAA may, in partnership with relevant state agencies, incorporate additional elements into the application to reduce duplication of postsecondary program approval.
- g. The SAA may incorporate additional elements into the application for state purposes to align requirements to ease administrative burden or coordinate with partner programs where appropriate, as long as any additions conform with 29 CFR Parts 29 and 30.
 - i. The option to participate in the Eligible Training Provider List.
 - ii. The option to express interest in GI Bill TM Benefits for referral to the Office of Veterans Education and Training.
 - iii. The option for referral and communications with federal, state, and local partners to align registered apprenticeship related grants, funding, and related federal and state partner programs.
 - iv. The option to coordinate with appropriate state partners, institutions of higher education, local education agencies, and/or relevant qualified intermediaries regarding credit for prior learning, related instruction plans, finding additional related instruction partners, and credentialing.
 - v. The option for referral to Equal Employment Opportunity partners and/or qualified intermediaries for assistance with recruitment services.
- h. Sponsor intent to file as one of the following:
 - i. Single employer, participating in a collective bargaining agreement (joint);
 - ii. Single employer, not participating in a collective bargaining agreement (non-joint);
 - iii. Multi-employer, joint; or
 - iv. Multi-employer, non-joint.
- 4. Apprentice Registration. Apprentices must be individually registered under a registered program. Such individual registration may be triggered by:
 - a. Filing copies of each individual Apprenticeship Agreement with the SAA; or

- b. Subject to prior OA or recognized SAA approval, filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.
- 5. Probationary Period. Names of apprentices in the probationary period must be submitted within 45 days of the program start date to the SAA for certification to establish the apprentice as eligible for such probationary period.
- 6. Changes to Apprenticeship Agreements. The SAA must be notified by the sponsor within 45 days of apprentices who have successfully completed apprenticeship programs, or transfers, suspensions, and cancellations of Apprenticeship Agreements and a statement of the reasons.
- 7. Program Certification
 - a. The SAA may conduct a worksite analysis prior to any decision to approve a registered apprenticeship program. The analysis shall identify any prior or existing state or federal violations that affect workers.
 - b. Each registered apprenticeship program shall set forth in writing: a statement that the program will be conducted in compliance with Equal Employment Opportunity in Apprenticeship Training, adopted pursuant to 29 CFR Part 30; an equal opportunity pledge; and when applicable, an affirmative action program and selection method that complies with 29 CFR Part 30.
 - c. The SAA may, in partnership with relevant state agencies, incorporate additional elements into the certification process to reduce duplication of postsecondary program approval.
 - d. Group (multi-employer programs) have an additional review prior to registration:
 - i. Multi-employer programs must demonstrate an alignment between their on-the-job learning component, employer demand, and apprentice enrollment prior to registration.
 - ii. Programs participating in Collective Bargaining Agreements (Single or Multi-employer Joint Programs). 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 registered 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 SAA must provide for receipt of union comments, if any, within 45 days before final action on the application for registration and/or approval.
 - iii. Multi-employer programs without a Collective Bargaining Agreement (Non-Joint). 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.

- e. The SAA will issue certificates of registration to approved sponsors of operating (active) registered apprenticeship programs.
- 8. Provisional Approval.
 - a. All new registered apprenticeship programs shall be under provisional approval for a period of one (1) year. A quality assessment review of the program shall be conducted by the SAA after the one-year mark to determine conformity. At that time, the registration approval of the program in conformity may be made permanent or continue to be provisionally approved through the first full training cycle. A program not in operation or not conforming during the provisional approval period may be recommended for deregistration procedures.
 - b. Programs in provisional status upon the transition to the SAA will remain in provisional status and have one (1) year from the date of July 1, 2023 for a provisional review to determine conformity. At that time, the registration approval of the program in conformity may be made permanent or continue to be provisionally approved through the first full training cycle. A program not in operation or not conforming during the provisional approval period may be recommended for deregistration procedures.
 - c. The SAA may, in partnership with relevant state agencies, incorporate additional elements into the provisional quality assurance process for the purposes of reducing duplication of postsecondary program approval.
- 9. Permanent registration. The SAA must review all programs for quality and for conformity with this rule 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. Programs in permanent status upon the transition to the SAA will have two (2) years from the date of July 1, 2023 for an initial review to determine conformity. Subsequent reviews must be conducted no less frequently than every 5 years. Programs not in operation or not conforming to the regulations must be recommended for deregistration procedures.
- 10. Program Modifications.
 - a. Any sponsor proposals or applications for modification(s) or change(s) to registered programs must be submitted to the SAA.
 - b. To meet the standards for review, any modifications must meet the same standards as new programs established under this Rule and subsequent Standards set by federal and state law or guidance.
 - i. If the change is an addition of employers, the SAA may conduct a worksite analysis to identify any prior or existing state or federal violations that affect workers. If not approved, the sponsor must be notified of the disapproval and the reasons therefore and provided the appropriate technical assistance.
 - ii. If the modification impacts the related instruction, the related instruction must meet the minimum requirements for related instruction providers and instruction.

- iii. If the modifications impact interim credentials or certificate of completion, the sponsor must review the work process and related instruction to meet the competencies and/or hours to meet the requirements of the credential, and any state or federal regulations regarding registered apprenticeship credentialing.
 - iv. Wage schedule modifications.
 - I. Voluntary wage schedule modifications will not be approved if they violate federal, state, or local wage laws.
 - II. Mandatory modifications to wage schedules based on changes to state and local wage laws. The SAA is responsible for notifying sponsors of changes to federal state and local policies, initiating the wage schedule adjustment process for impacted programs, and providing technical assistance. Sponsors are required to adjust the wage schedule for new and existing employers to comply with updated standards. The SAA must follow state and local guidance on the timeline for modification of wage standards regarding impacted programs.
 - c. The SAA 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.
 - d. The state Office is responsible for coordinating internal review of functions within the Department impacting minimal Standards of Apprenticeship quality assurance, inclusive of state and federal policies regarding labor standards.
- B. Criteria for apprenticeable occupations.
- 1. An apprenticeable occupation is one specified by an industry that involves the progressive attainment of skills, competencies, and knowledge that are:
 - a. clearly identified and commonly recognized throughout the relevant industry or occupation;
 - b. customarily learned or enhanced in a practical way through a structured, systematic program of on-the-job, supervised learning and related instruction to supplement the learning; and
 - c. offered through a time-based, competency-based, or hybrid (blend of time-based and competency-based) model that the Director has determined meets the requirements of title 8, article 15.7 of the C.R.S. and 29 CFR Parts 29 and 30.
 - 2. A time-based model requires the completion of at least 2,000 hours of on-the-job learning.
- C. Colorado Standards of registered apprenticeship.

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

1. 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 and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.
2. The program standards must contain provisions that address:
 - a. The employment and training of the apprentice in a skilled occupation.
 - b. The term of registered 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.
 - iv. The determination of the appropriate approach for the program standards is made by the program sponsor, subject to approval by the SAA of the determination as appropriate to the apprenticeable occupation for which the program standards are registered.
 - c. 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.
 - d. Provision for organized, related instruction in technical subjects related to the occupation. A minimum of 144 hours for each year of registered apprenticeship is recommended. Related instruction may be delivered in a live classroom, or in a virtual or hybrid format using electronic media provided:
 - i. The delivery of related instruction to all apprentices enrolled in the program via electronic means is administratively feasible
 - ii. The use of electronic media by the program sponsor to deliver related instruction is not inconsistent with the current version of the program's Standards or its Work Process Schedule (WPS);

- e. Every apprenticeship instructor must:
 - i. Meet the Colorado Department of Education's requirements for a technical education 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 instruction.
 - iii. If applicable, the instructor must meet the instructor requirements of state recognized institutions of higher education, which may also include additional requirements through the Colorado Community College System and the Colorado Department of Education. Institutions of higher education must be authorized to operate in the state by the Colorado Department of Higher Education, and meet the institutional or program accrediting standards, as required by law. Sponsors partnering with approved programs do not need to seek additional approval of individual instructors, unless institutional partners change.
- f. 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 highest applicable minimum wage prescribed by the Fair Labor Standards Act, by Colorado or (to the extent applicable) local statutes or rules, or by collective bargaining agreement.
- g. Periodic review and evaluation of the apprentice's performance on the job and in related instruction; and the maintenance of appropriate progress records.
- h. 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.
- i. A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of registered apprenticeship. The probationary period cannot exceed 25 percent of the length of the program, or 1 year, whichever is shorter. During the probationary period, either party may cancel the Apprenticeship Agreement without stated cause, and such cancellation will not have an adverse effect on the sponsor's completion rate.
- j. Adequate and safe equipment and facilities for training and supervision, and relevant safety training for apprentices on the job and in related instruction.
- k. Each registered apprenticeship program shall provide for the placement of each apprentice under a written registered Apprenticeship Agreement that meets the requirements of this document and is approved by the SAA. The agreement must directly or by reference incorporate the standards of the program as part of the agreement.

- i. The names of persons in the probationary period as an apprentice under an apprenticeship program registered by the Office of Apprenticeship or the SAA, if not individually registered under such program, must be submitted within 45 calendar days of the program start date to the SAA for certification to establish the apprentice as eligible for such probationary period.
- ii. For programs for which the on-the-job learning occurs first, the sponsor is responsible for:
 - I. Ensuring the apprentice is under an Apprenticeship Agreement within 45 days of the start of employment.
- iii. For programs for which related instruction occurs first, the sponsor is responsible for:
 - I. Securing adequate on-the-job learning placements prior to enrolling apprentices;
 - II. Ensuring that before the time of enrollment and incurring costs associated with the program, the apprentice has a copy of the Apprenticeship Standards, information on available on-the-job learning placements, and understands any provisions related to continuing to on-the-job learning (e.g. successful completion of coursework); and
 - III. Ensuring the apprentice is under an Apprenticeship Agreement or in probationary status within 45 days of the start of related instruction.
- l. 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.
- m. The transfer of an apprentice between apprenticeship programs and within a registered 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 or, if not the same occupation, through a reasonable transcript analysis for equivalency of related instruction, interim credentials and/or on-the-job learning; and
 - iii. A new Apprenticeship Agreement must be executed when the transfer occurs between program sponsors.
- n. Assurance of qualified training personnel and adequate supervision on the job.

- o. In licensed occupations, apprentices in registered apprenticeship programs shall be employed by licensed contractors. Apprenticeships in licensed occupations must prepare the apprentice for qualifications for licensure and maintain the administrative requirements of the appropriate oversight body of that occupation. The SAA may coordinate with the appropriate agencies in the quality assurance review process to reduce employer or sponsor administrative burden and maintain worker protections.
- p. Each apprenticeship program shall provide recognition of successful completion of a registered apprenticeship to the apprentices as evidenced by the appropriate certificate issued by the SAA.
- q. Program standards that utilize the competency-based or hybrid approach for progression through a registered 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.
- r. Each registered apprenticeship program shall identify the Colorado SAA as the Registration Agency.
- s. Apprenticeship program sponsors must promptly submit and obtain the approval of the SAA for any modification or amendment to a registered program and provide for the registration, cancellation, and deregistration of the program. The SAA will make a determination on whether to approve such modifications or changes within 90 calendar days from the date of receipt. If approved, the modifications or changes will be recorded and acknowledged within 90 calendar days of approval as an amendment to the program. If not approved, the sponsor will be notified of the disapproval and the reasons and provided with the appropriate technical assistance.
- t. Providing notice to the SAA of persons who have successfully completed the registered apprenticeship program, and notice of transfers, suspensions and cancellations of Apprenticeship Agreements and a statement of the reasons.
- u. 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.
- v. Compliance with 29 CFR Part 30, including the equal opportunity pledge prescribed in 29 CFR 30.3(c); an affirmative action program complying with 29 CFR 30.4; and a method for the selection of apprentices complying with 29 CFR 30.10, or compliance with parallel requirements contained in the State plan for equal opportunity in apprenticeship adopted under 29 CFR Part 30 and approved by the OA. 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.

- w. Each registered apprenticeship program shall provide contact information (name, address, telephone number, and e-mail if appropriate) for the appropriate individual with authority under the program to receive, process and make disposition of complaints.
- x. Each registered apprenticeship program shall provide that the sponsor shall maintain all records concerning registered apprenticeship as may be required by the SAA and other applicable law, including appropriate progress records, for not less than five (5) years, and that the sponsor shall make such records available to the SAA upon request.
- y. Each registered apprenticeship program sponsor shall identify a point of contact and complete disclosure regarding information to be publicly released in the annual Apprenticeship Resource Directory required by C.R.S. 8-83-308, as amended.

D. Registered Apprenticeship Program Performance Standards.

1. 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:
 - a. Between the date when a program is registered and the date of registration for its first apprentice(s); or
 - b. Between the date that a program graduates an apprentice and the date of registration for the next apprentice(s) in the program.
2. The SAA must evaluate performance of registered apprenticeship programs.
 - a. 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.
 - b. Any additional tools and factors used by the SAA in evaluating program performance must adhere to guidance issued by the SAA and in conformity with regulations promulgated by the Secretary under the National Apprenticeship Act, 29 U.S.C. 50.
 - c. The SAC may advise the SAA on administrative policies that ensure the safety and quality of registered apprenticeship programs and address, as warranted, the related needs of Colorado's businesses, the labor workforce, and communities.
3. In order to evaluate completion rates, the SAA must review a program's completion rates in comparison to the national average for completion rates. Based on the review, the SAA must provide technical assistance to programs with completion rates lower than the national average.
4. Cancellation of Apprenticeship Agreements during the probationary period will not have an adverse impact on a sponsor's completion rate.

1.6 The Colorado SAA State Plan for Equal Opportunity in Apprenticeship

A. Purpose, applicability, and relationship to other laws

1. Purpose. The purpose of this plan is to promote equal opportunity for apprentices and applicants for apprenticeship in registered apprenticeship programs by prohibiting discrimination based on the following protected bases: race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions), and any other basis protected by federal, state, or local law. This plan also prescribes affirmative action efforts sponsors must take to ensure equal opportunity for apprentices and applicants for registered apprenticeship. This plan sets forth the equal opportunity obligations of sponsors, the contents of affirmative action programs, procedures for the filing and processing of complaints, and enforcement procedures. This plan also establishes procedures for deregistration of an apprenticeship program in the event of noncompliance with this plan.
2. Applicability. The plan applies to all sponsors of apprenticeship programs registered with the Colorado SAA.
3. Relationship to other laws. This plan does not invalidate or limit the remedies, rights, and procedures under any Federal law or the law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals based on the protected bases listed in (A)(1) than are afforded by this plan. It may be a defense to a charge of a violation of this plan that a challenged action is required or necessitated by a Federal law or regulation, or that a Federal law or regulation prohibits an action that would otherwise be required by this plan.

B. Equal opportunity standards applicable to all sponsors

1. Discrimination prohibited. It is unlawful for a sponsor of a registered apprenticeship program to discriminate against an apprentice or applicant for apprenticeship on the basis of the protected bases listed in (A)(1) with regard to:
 - a. Recruitment, outreach, and selection procedures;
 - b. Hiring and/or placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
 - c. Rotation among work processes;
 - d. Imposition of penalties or other disciplinary action;
 - e. Rates of pay or any other form of compensation and changes in compensation;
 - f. Conditions of work;
 - g. Hours of work and hours of training provided;
 - h. Job assignments;
 - i. Leaves of absence, sick leave, or any other leave; and
 - j. Any other benefit, term, condition, or privilege associated with registered apprenticeship.

-
2. Discrimination standards and defenses.
 - a. Race, color, religion, national origin, sex, or sexual orientation. In implementing this section, the SAA will look to the legal standards and defenses applied under title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 et seq, Executive Order 11246, and C.R.S. § 24-34-301 as applicable, in determining whether a sponsor has engaged in a practice prohibited under Section (B)(1) of this Rule.
 - b. Disability. With respect to discrimination based on a disability, the SAA will apply the same standards, defenses, and exceptions to the definition of disability as those set forth in title I of the Americans with Disabilities Act (ADA), 42 U.S.C. 12112 and 12113, as amended, and the implementing regulations promulgated by the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 30, which include, among other things, the standards governing reasonable accommodation, medical examinations and disability-related inquiries, qualification standards, and direct threat defense. The Interpretive Guidance on title I of the ADA set out as an appendix to part 1630 issued pursuant to title I may be relied upon for guidance in complying with the nondiscrimination requirements of this plan with respect to the treatment of individuals with disabilities.
 - c. Age. The SAA will apply the same standards and defenses for age discrimination as those set forth in the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 623, the implementing regulations promulgated by the EEOC at 29 CFR Part 1625, and in the Colorado Anti-Discrimination Act, C.R.S. § 24-34-402.
 - d. Genetic information. The SAA will apply the same standards and defenses for discrimination based on genetic information as those set forth in the Genetic Information Nondiscrimination Act (GINA), 29 U.S.C. 2000ff et seq., and the implementing regulations promulgated by the EEOC at 29 CFR Part 1635.
 - e. Creed, gender identity, gender expression, or ancestry. The SAA will apply the same standards, defenses, and exceptions for discrimination based on creed, gender identity, gender expression, or ancestry as those set forth in the Colorado Anti-Discrimination Act, C.R.S. § 24-34-402.
 - f. Pregnancy, childbirth, and related conditions. The SAA will apply the same standards, defenses, and exceptions for discrimination based on pregnancy, childbirth, and related conditions as those set forth in the Colorado Anti-Discrimination Act, C.R.S. 24-34-402.5.
 - C. General duty to engage in affirmative action. For each registered apprenticeship program, a sponsor is required to take affirmative steps to provide equal opportunity in apprenticeship. These steps must include:
 1. Assignment of responsibility. The sponsor will designate an individual or individuals with appropriate authority under the program, such as an apprenticeship coordinator, to be responsible and accountable for overseeing its commitment to equal opportunity in registered apprenticeship, including the development and implementation of an affirmative action program as required by Section (D)(2) and 29 CFR 30.4(b). The individual(s) must have the resources, support of, and access to the sponsor leadership to ensure effective implementation. The individual(s) will be responsible for:
 - a. Monitoring all registered apprenticeship activity to ensure compliance with the nondiscrimination and affirmative action obligations required by this plan;
-

- b. Maintaining records required under this plan; and
 - c. Generating and submitting reports as may be required by the SAA.
- 2. Internal dissemination of equal opportunity policy. The sponsor must inform all applicants for apprenticeship, apprentices, and individuals connected with the administration or operation of the registered apprenticeship program of its commitment to equal opportunity and its affirmative action obligations. In addition, the sponsor must require that individuals connected with the administration or operation of the registered apprenticeship program take the necessary action to aid the sponsor in meeting its nondiscrimination and affirmative action obligations under this plan. A sponsor, at a minimum, is required to:
 - a. Publish its equal opportunity pledge—set forth in Section (C)(5)(a) of this Rule—in the apprenticeship standards required under Rule 1.5(C), and in appropriate publications, such as apprentice and employee handbooks, policy manuals, newsletters, or other documents disseminated by the sponsor or that otherwise describe the nature of the sponsorship;
 - b. Post its equal opportunity pledge from (C)(5)(a) of this Rule on bulletin boards, including through electronic media, such that it is accessible to all apprentices and applicants for registered apprenticeship;
 - c. Conduct orientation and periodic information sessions for individuals connected with the administration or operation of the registered apprenticeship program, including all apprentices and journeyworkers who regularly work with apprentices, to inform and remind such individuals of the sponsor's equal employment opportunity policy with regard to registered apprenticeship, and to provide the training required by Rule 1.6(C)(4)(a); and
 - d. Maintain records necessary to demonstrate compliance with these requirements and make them available to the SAA upon request.
- 3. Universal outreach and recruitment. The sponsor will implement measures to ensure that its outreach and recruitment efforts for apprentices comply with all federal, state, and local laws as to job postings, outreach, and recruitment, and that they extend to all persons available for apprenticeship within the sponsor's relevant recruitment area without regard to race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions), and any other basis protected by federal, state, or local law. In furtherance of this requirement, the sponsor must:
 - a. Develop and update annually a list of current recruitment sources that will generate referrals from all demographic groups within the relevant recruitment area. Examples of relevant recruitment sources include: The public workforce system's workforce centers and local workforce development boards; community-based organizations; community colleges; career and technical colleges; pre-apprenticeship programs; and Federally funded, youth job training programs such as YouthBuild and Job Corps or their successors;
 - b. Identify a contact person, mailing address, telephone number, and email address for each recruitment source; and

- c. Provide recruitment sources advance notice, preferably 30 calendar days, of registered apprenticeship openings so that the recruitment sources can notify and refer candidates. Such notification must also include documentation of the sponsor's equal opportunity pledge specified in Section (C)(5)(a) of this Rule.
- 4. Maintaining apprenticeship programs free from harassment, intimidation, and retaliation. The sponsor must develop and implement procedures to ensure that its apprentices are not harassed because of the protected bases listed in (A)(1) and to ensure that its registered apprenticeship program is free from intimidation and retaliation as prohibited by C.R.S. § 24-34-402(1)(f). To promote an environment in which all apprentices feel safe, welcomed, and treated fairly, the sponsor must ensure the following steps are taken:
 - a. Providing anti-harassment training to all individuals connected with the administration or operation of the registered apprenticeship program, including all apprentices and journeyworkers who regularly work with apprentices. This training must not be a mere transmittal of information, but must include participation by trainees, such as attending a training session in person or completing an interactive training online. The training content must include, at a minimum, communication of the following:
 - i. That harassing conduct will not be tolerated;
 - ii. The definition of harassment and the types of conduct that constitute unlawful harassment on the basis of the protected bases listed in (A)(1); and
 - iii. The right to file a harassment complaint under 29 CFR 30.14.
 - b. Making all facilities and registered apprenticeship activities available without regard to the protected bases listed in (A)(1) except that if the sponsor provides restrooms or changing facilities, the sponsor must provide separate or single-user restrooms and changing facilities to assure privacy between the sexes.
 - c. Establishing and implementing procedures for handling and resolving complaints about harassment and intimidation based on the protected bases listed in (A)(1), as well as complaints about retaliation for engaging in protected activity described in 29 CFR 30.17.
 - d. Compliance with Federal and State equal employment opportunity laws. The sponsor must comply with all other applicable Federal and State laws and regulations that require equal employment opportunity without regard to the protected bases in (A)(1) and any other bases protected under limited circumstances in the Colorado Anti-Discrimination Act (C.R.S. § 24-34-402 through 402.7). Failure to comply with such laws if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such a registered apprenticeship program under this plan is grounds for deregistration or the imposition of other enforcement actions in accordance with Section O. of this Rule.
- 5. Equal opportunity pledge.
 - a. Each sponsor of a registered apprenticeship program must include in its Standards of Apprenticeship and registered apprenticeship opportunity announcements the following equal opportunity pledge:

[Name of sponsor] will not discriminate against registered apprenticeship applicants or apprentices based on race, color, religion, creed, national origin, ancestry, sex (including pregnancy and gender identity), gender expression, childbirth and related conditions, sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older. [Name of sponsor] will take affirmative action to provide equal opportunity in apprenticeship and will operate the registered apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

- b. The nondiscrimination bases listed in this pledge may be broadened to conform to consistent local requirements. Sponsors may include additional protected bases but may not exclude any of the bases protected by this Rule.

6. Compliance.

- a. Current sponsors: A sponsor that has a registered apprenticeship program as of the effective date of this Rule must comply with all obligations of this section by the effective date of this Rule.
- b. New sponsors: A sponsor registering after the effective date of this Rule shall comply with all obligations of this section upon registration.

D. Affirmative action programs.

1. Definition and purpose. As used in this plan:

- a. An affirmative action program is designed to ensure equal opportunity and prevent discrimination in registered apprenticeship programs. An affirmative action program is more than mere passive nondiscrimination. Such a program requires the sponsor to take affirmative steps to encourage and promote equal opportunity, to create an environment free from discrimination, and to address any barriers to equal opportunity in registered apprenticeship. An affirmative action program is more than a paperwork exercise. It includes those policies, practices, and procedures, including self-analyses, that the sponsor implements to ensure that all qualified applicants and apprentices are receiving an equal opportunity for recruitment, selection, advancement, retention and every other term and privilege associated with registered apprenticeship. An affirmative action program should be a part of the way the sponsor regularly conducts its registered apprenticeship program.
- b. A central premise underlying affirmative action is that, absent discrimination, over time a sponsor's registered apprenticeship program, generally, will reflect the sex, race, ethnicity, and disability profile of the labor pools from which the sponsor recruits and selects. Consistent with this premise, affirmative action programs contain a diagnostic component which includes quantitative analyses designed to evaluate the composition of the sponsor's registered apprenticeship program and compare it to the composition of the relevant labor pools. If women, individuals with disabilities, or individuals from a particular minority group, for example, are not being admitted into registered apprenticeship at a rate to be expected given their availability in the relevant labor pool, the sponsor's affirmative action program must include specific, practical steps designed to address any barriers to equal opportunity that may be contributing to this underutilization.

- c. Effective affirmative action programs include internal auditing and reporting systems as a means of measuring the sponsor's progress toward achieving a registered apprenticeship program that would be expected absent discrimination.
 - d. An affirmative action program also ensures equal opportunity in registered apprenticeship by incorporating the sponsor's commitment to equality in every aspect of the registered apprenticeship program. Therefore, as part of its affirmative action program, a sponsor must monitor and examine its employment practices, policies and decisions and evaluate the impact such practices, policies and decisions have on the recruitment, selection and advancement of apprentices. It must evaluate the impact of its employment and personnel policies on minorities, women, and persons with disabilities, and revise such policies accordingly where such policies or practices are found to create a barrier to equal opportunity.
 - e. The commitments contained in an affirmative action program are not intended and must not be used to discriminate against any qualified applicant or apprentice on the basis of the protected bases listed in (A)(1).
- 2. Adoption of affirmative action programs. Sponsors other than those exempted in (D)(4) of this section must develop and maintain an affirmative action program, setting forth that program in a written plan. The components of the written plan, as detailed in Sections E. through I. of this Rule, must be developed in accordance with the respective compliance dates and made available to the SAA any time thereafter upon request.
- 3. Contents of affirmative action programs. An affirmative action program must include the following components in addition to those required of all sponsors by Section B of this Rule:
 - a. Utilization analysis for race, sex, and ethnicity, as described in Section E. and 29 CFR 30.5;
 - b. Establishment of utilization goals for race, sex, and ethnicity, as described in Section F. and 29 CFR 30.6;
 - c. Utilization goals for individuals with disabilities, as described in Section G. and 29 CFR 30.7;
 - d. Targeted outreach, recruitment, and retention, as described in Section H. and 29 CFR 30.8;
 - e. Review of personnel processes, as described in Section I. and 29 CFR 30.9; and
 - f. Invitations to self-identify, as described in Section J. and 29 CFR 30.11
- 4. Exemptions—
 - a. Programs with fewer than five apprentices. A sponsor is exempt from the requirements of Sections (D)(2) and (D)(3) of this Rule if the sponsor's registered apprenticeship program has fewer than five apprentices registered, unless such a program was adopted to circumvent the requirements of this plan.

- b. Programs subject to approved equal employment opportunity programs. A sponsor is exempt from the requirements of Sections (D)(2) and (D)(3) of this plan if the sponsor both submits to the SAA satisfactory evidence that it is in compliance with an equal employment opportunity program providing for affirmative action in apprenticeship, including the use of goals for any underrepresented group or groups of individuals, which has been approved as meeting the requirements of either title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and agrees to extend such program to include individuals with disabilities, or if the sponsor submits to the SAA satisfactory evidence that it is in compliance with an equal employment opportunity program providing for affirmative action in apprenticeship, including the use of goals for any underrepresented group or groups of individuals, which has been approved as meeting the requirements of both Executive Order 11246, as amended, and section 503 of the Rehabilitation Act, as amended (29 U.S.C. 793), and their 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 this Rule will qualify for this exception only if the goals for any underrepresented group for the selection of apprentices provided for in such programs are likely to be equal to or greater than the goals required under this plan.
 - 5. Written affirmative action plans. Sponsors required to undertake an affirmative action program must create and update a written document memorializing and discussing the contents of the program set forth in Section (D)(3) of this plan.
 - a. Compliance—
 - i. Current sponsors. The initial written affirmative action plan for such programs must be completed within two years after the effective date of this Rule. The written affirmative action plan for such programs must be updated every time the sponsor completes workforce analyses required by Sections E. and G.
 - ii. Registered apprenticeship programs registered after the effective date of this Rule. The initial written affirmative action plan for such programs must be completed within two years of registration. The written affirmative action plan for such programs must be updated every time the sponsor completes workforce analyses required by Sections E. and G.
- E. Utilization analysis for race, sex, and ethnicity.
- 1. Purpose. The purpose of the utilization analysis is to provide sponsors with a method for assessing whether possible barriers to registered apprenticeship exist for particular groups of individuals by determining whether the race, sex, and ethnicity of apprentices in a sponsor's registered apprenticeship program is reflective of persons available for apprenticeship by race, sex, and ethnicity in the relevant recruitment area. Where significant disparity exists between availability and representation, the sponsor will be required to establish a utilization goal pursuant to Section (F)(1) and 29 CFR 30.6.
 - 2. Analysis of apprenticeship program workforce—
 - a. Process. Sponsors must analyze the race, sex, and ethnic composition of their apprentice workforce. This is a two-step process. First, each sponsor must group all apprentices in its registered apprenticeship program by occupational title. Next, for each occupation represented, the sponsor must identify the race, sex, and ethnicity of its apprentices within that occupation.

- b. Schedule of analyses. Each sponsor is required to conduct an apprenticeship program workforce analysis at each compliance review, and again if and when three years have passed without a compliance review. This updated workforce analysis should be compared to the utilization goal established at the sponsor's most recent compliance review to determine if the sponsor is underutilized, according to the process in Section (E)(2)(a) of this plan.
 - c. Compliance date.
 - i. Current sponsors: A sponsor that has a registered apprenticeship program as of the effective date of this Rule must conduct its first workforce analysis, pursuant to this section, no later than two years after the effective date of this Rule.
 - ii. New sponsors: A sponsor registering with the SAA after the effective date of this Rule must conduct its initial workforce analysis pursuant to this section no later than two years after the date of registration.
- 3. Availability analysis—
 - a. The purpose of the availability analysis is to establish a benchmark against which the demographic composition of the sponsor's registered apprenticeship program can be compared in order to determine whether barriers to equal opportunity may exist with regard to the sponsor's registered apprenticeship program.
 - b. Availability is an estimate of the number of qualified individuals available for apprenticeship by race, sex, and ethnicity expressed as a percentage of all qualified persons available for apprenticeship in the sponsor's relevant recruitment area.
 - c. In determining availability, the following factors must be considered for each major occupation group represented in the sponsor's registered apprenticeship program standards:
 - i. The percentage of individuals who are eligible for enrollment in the registered apprenticeship program within the sponsor's relevant recruitment area broken down by race, sex, and ethnicity; and
 - ii. The percentage of the sponsor's employees who are eligible for enrollment in the registered apprenticeship program, broken down by race, sex, and ethnicity.
 - d. In determining availability, the relevant recruitment area is defined as the geographical area from which the sponsor usually seeks or reasonably could seek apprentices. The sponsor must identify the relevant recruitment area in its written affirmative action plan. The sponsor may not draw its relevant recruitment area in such a way as to have the effect of excluding individuals based on race, sex, or ethnicity from consideration, and must develop a brief rationale for selection of that recruitment area.
 - e. Availability will be derived from the most current and discrete statistical information available. Examples of such information include census data, data from local job service offices, and data from colleges or other training institutions.

- f. Sponsors, working with the SAA, will conduct availability analyses at each compliance review.
 - 4. Rate of utilization. To determine the rate of utilization, the sponsor, working with the SAA, must group each occupational title in its apprenticeship workforce by major occupation group and compare the racial, sex, and ethnic representation within each major occupation group to the racial, sex, and ethnic representation available in the relevant recruitment area, as determined in Section (E)(3) of this plan. When the sponsor's utilization of women, Hispanics or Latinos, or a particular racial minority group is significantly less than would be reasonably expected given the availability of such individuals for apprenticeship, the sponsor must establish a utilization goal for the affected group in accordance with the procedures set forth in Section F. of this plan. Sponsors are not required or expected to establish goals where no significant disparity in utilization rates has been found.
- F. Establishment of utilization goals for race, sex, and ethnicity
- 1. Where, pursuant to Section (E)(4) and 29 CFR 30.5, a sponsor is required to establish a utilization goal for a particular racial, sex, or ethnic group in a major occupation group in its registered apprenticeship program, the sponsor, working with the SAA, must establish a percentage goal at least equal to the availability figure derived under 29 CFR 30.5(c) for that major occupation group.
 - 2. A sponsor's determination under 29 CFR 30.5 that a utilization goal is required constitutes neither a finding nor an admission of discrimination.
 - 3. Utilization goals serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work. Utilization goals are used to measure the effectiveness of the sponsor's outreach, recruitment, and retention efforts.
 - 4. In establishing utilization goals, the following principles apply:
 - a. Utilization goals may not be rigid and inflexible quotas, which must be met, nor are they to be considered either a ceiling or a floor for the selection of particular groups as apprentices. Quotas are expressly forbidden.
 - b. Utilization goals may not provide a sponsor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's status as an apprentice, on the basis of that person's race, sex, or ethnicity.
 - c. Utilization goals do not create set-asides for specific groups, nor are they intended to achieve proportional representation or equal results.
 - d. Utilization goals may not be used to supersede eligibility requirements for registered apprenticeship. Affirmative action programs prescribed by this Rule do not require sponsors to select a person who lacks qualifications to participate in the registered apprenticeship program successfully, or select a less-qualified person in preference to a more qualified one.

- G. Utilization goals for individuals with disabilities.
1. Utilization goal. The Administrator of OA has established a utilization goal of 7 percent for employment of qualified individuals with disabilities as apprentices for each major occupation group within which the sponsor has an apprenticeship program.
 2. Purpose. The purpose of the utilization goal established in Section (G)(1) of this plan is to establish a benchmark against which the sponsor must measure the representation of individuals with disabilities in the sponsor's apprentice workforce by major occupation group. The goal serves as an equal opportunity objective that should be attainable by complying with all of the affirmative action requirements of this Rule.
 3. Periodic review of goal. The Administrator of OA will periodically review and update, as appropriate, the utilization goal established in Section (G)(1) of this plan.
 4. Utilization analysis—
 - a. Purpose. The utilization analysis is designed to evaluate the representation of individuals with disabilities in the sponsor's apprentice workforce grouped by major occupation group. If individuals with disabilities are represented in the sponsor's apprentice workforce in any given major occupation group at a rate less than the utilization goal, the sponsor must take specific measures outlined in Section (H) of this plan.
 - b. Apprentice workforce analysis—
 - i. Process. Sponsors are required to analyze the representation of individuals with disabilities within their apprentice workforce by occupation. This is a two-step process. First, as required in 29 CFR 30.5, each sponsor must group all apprentices in its registered apprenticeship program according to the occupational titles represented in its registered apprenticeship program. Next, for each occupation represented, the sponsor must identify the number of apprentices with disabilities.
 - ii. Schedule of evaluation. The sponsor must conduct its apprentice workforce analysis at each compliance review, and again if and when three years have passed without a compliance review. This updated workforce analysis, grouped according to major occupation groups, should then be compared to the utilization goal established under Section (G)(1) of this plan.
 - iii. Compliance.
 - I. Sponsors registered as of the effective date of this Rule: A sponsor must conduct its first workforce analysis, pursuant to this section, no later than two years after the effective date of this Rule.
 - II. New sponsors: A sponsor registering after the effective date of this Rule must conduct its initial workforce analysis pursuant to this section no later than two years after the date of registration.

5. Identification of problem areas. When the sponsor, working with the SAA, determines that the percentage of individuals with disabilities in one or more major occupation groups within which a sponsor has apprentices is less than the utilization goal established in Section (G)(1) of this plan, the sponsor must take steps to determine whether and/or where impediments to equal opportunity exist. When making this determination, the sponsor must look at the results of its assessment of personnel processes required by Section I. and 29 CFR 30.9 and the effectiveness of its outreach and recruitment efforts required by Section H. and 29 CFR 30.8, if applicable.
 6. Action-oriented programs. The sponsor must undertake action-oriented programs, including targeted outreach, recruitment, and retention activities identified in 29 CFR 30.8, designed to correct any problem areas that the sponsor identified pursuant to its review of personnel processes and outreach and recruitment efforts.
 7. Utilization goal relation to discrimination. A determination that the sponsor has not attained the utilization goal established in Section (G)(1) of this plan in one or more major occupation groups does not constitute either a finding or admission of discrimination in violation of this rule.
 8. Utilization goal not a quota or ceiling. The utilization goal established in Section (G)(1) of this plan must not be used as a quota or ceiling that limits or restricts the employment of individuals with disabilities as apprentices.
- H. Targeted outreach, recruitment, and retention.
1. Minimum activities required. Where a sponsor has found underutilization and established a utilization goal for a specific group or groups pursuant to Section F. and 29 CFR 30.6 and/or where a sponsor has determined pursuant to Section (G)(5) that there are problem areas resulting in impediments to equal employment opportunity, the sponsor must undertake targeted outreach, recruitment, and retention activities that are likely to generate an increase in applications for registered apprenticeship and improve retention of apprentices from the targeted group or groups and/or from individuals with disabilities, as appropriate. In furtherance of this requirement, the sponsor must:
 - a. Set forth in its written affirmative action plan the specific targeted outreach, recruitment, and retention activities it plans to take for the upcoming program year. Such activities must include at a minimum:
 - i. Dissemination of information to organizations serving the underutilized group regarding the nature of registered apprenticeship, requirements for selection for registered apprenticeship, availability of registered apprenticeship opportunities, and the equal opportunity pledge of the sponsor. These organizations may include: Community-based organizations; local high schools; local community and technical colleges; local Career and Technical Education providers; and local workforce system partners including Colorado Workforce Centers; Human Services providers; Division of Vocational Rehabilitation (DVR) centers;
 - ii. Advertising openings for registered apprenticeship opportunities by publishing advertisements in appropriate media which have wide circulation in the relevant recruitment areas;

- iii. Cooperation with local school boards and Career and Technical Education providers to develop and/or establish relationships with pre-apprenticeship programs targeting students from the underutilized group to prepare them to meet the standards and criteria required to qualify for entry into registered apprenticeship programs; and
 - iv. Establishment of linkage agreements or partnerships enlisting the assistance and support of pre-apprenticeship programs, community-based organizations, advocacy organizations, or other appropriate organizations, in recruiting qualified individuals for registered apprenticeship.
 - b. Evaluate and document after every selection cycle for registering apprentices the overall effectiveness of such activities;
 - c. Refine its targeted outreach, recruitment, and retention activities as needed; and
 - d. Maintain records of its targeted outreach, recruitment, and retention activities and records related to its evaluation of these activities.
- 2. Other activities. In addition to the activities set forth in Section (H)(1) of this plan, as a matter of best practice, sponsors are encouraged but not required to consider other outreach, recruitment, and retention activities that may assist sponsors in addressing any barriers to equal opportunity in registered apprenticeship. Such activities include but are not limited to:
 - a. Enlisting the use of journeyworkers from the underutilized group or groups to assist in the implementation of the sponsor's affirmative action program;
 - b. Enlisting the use of journeyworkers from the underutilized group or groups to mentor apprentices and to assist with the sponsor's targeted outreach and recruitment activities; and
 - c. Conducting exit interviews of each apprentice who leaves the sponsor's registered apprenticeship program prior to receiving a certificate of completion to understand better why the apprentice is leaving the program and to help shape the sponsor's retention activities.
- I. Review of personnel processes.
 - 1. As part of its affirmative action program, the sponsor must, for each registered apprenticeship program, engage in an annual review of its personnel processes related to the administration of the apprenticeship program to ensure that the sponsor is operating an apprenticeship program free from discrimination based on the protected bases listed in (A)(1). This annual review is required regardless of whether the sponsor is underutilized as described in Section (E)(4). The review must be a careful, thorough, and systematic one and include review of all aspects of the registered apprenticeship program at the program, industry and occupation level, including, but not limited to, the qualifications for registered apprenticeship, application and selection procedures, wages, outreach and recruitment activities, advancement opportunities, promotions, work assignments, job performance, rotations among all work processes of the occupation, disciplinary actions, handling of requests for reasonable accommodations, and the program's accessibility to individuals with disabilities (including to the use of information and communication technology). The sponsor must make any necessary modifications to its program to ensure that its obligations under this Rule are met.

2. Compliance.
 - a. Current sponsors: A sponsor that has a registered apprenticeship program as of the effective date of this Rule must comply with the obligations of paragraph (1) of this section within two years of the effective date of this Rule.
 - b. New sponsors: A sponsor registering with the SAA after the effective date of this rule shall comply with the obligations of paragraph (1) of this section within two years after the date of registration.
 - c. The sponsor must include a description of its review in its written affirmative action plan and identify in the written plan any modifications made or to be made to the program as a result of its review.
- J. Selection of apprentices.
 1. A sponsor's procedures for selection of apprentices must be included in the written plan for Standards of Apprenticeship submitted to and approved by the SAA, as required under Rule 1.5(C).
 2. Sponsors may utilize any method or combination of methods for selection of apprentices, provided that the selection method(s) used meets the following requirements:
 - a. The use of the selection procedure(s) must comply with the Uniform Guidelines on Employee Selection Procedures (UGESP) (41 CFR part 60-3), including the requirements to evaluate the impact of the selection procedure on race, sex, and ethnic groups (Hispanic or Latino/non-Hispanic or Latino) and to demonstrate job-relatedness and business necessity for those procedures that result in adverse impact in accordance with the requirements of UGESP.
 - b. The selection procedure(s) must be uniformly and consistently applied to all applicants and apprentices within each selection procedure utilized.
 - c. The selection procedure(s) must comply with title I of the ADA and EEOC's implementing regulations at Part 1630. This procedure(s) must not screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the program sponsor, is shown to be job-related for the position in question and is consistent with business necessity.
 - d. The selection procedure(s) must be facially neutral in terms of the protected bases listed in Section (A)(1).
- K. Invitation to self-identify as an individual with a disability.
 1. Pre-offer.
 - a. A sponsor adopting an affirmative action program pursuant to Section D. must invite applicants for registered apprenticeship to inform the sponsor whether the applicant believes that he or she is an individual with a disability as defined in Rule 1.3. This invitation must be provided to each applicant when the applicant applies or is considered for registered apprenticeship. The invitation may be included with the application materials for registered apprenticeship, but must be separate from the application.

- b. The sponsor must invite an applicant to self-identify as required in paragraph (a) of this section using the voluntary disclosure form prescribed by the Administrator and published on the OA Web site.
- 2. Post offer.
 - a. At any time after acceptance into the registered apprenticeship program, but before the applicant begins their registered apprenticeship, the sponsor must invite the applicant to inform the sponsor whether the applicant believes that he or she is an individual with a disability as defined in Rule 1.3.
 - b. The sponsor must invite an applicant to self-identify as required in paragraph (a) of this section using the voluntary disclosure form prescribed by the Administrator and published on the OA Web site.
- 3. Apprentices.
 - a. Within the timeframe specified in paragraph (8) below, the sponsor must make a one-time invitation to each current apprentice to inform the sponsor whether he or she is an individual with a disability as defined in Rule 1.3. The sponsor must make this invitation using the voluntary disclosure form prescribed by the Administrator and published on the OA Web site.
 - b. Thereafter, the sponsor must remind apprentices at least yearly that they may voluntarily update their disability status.
- 4. Voluntary self-identification for apprentices. The sponsor may not compel or coerce an individual to self-identify as an individual with a disability.
- 5. Confidentiality. The sponsor must keep all information on self-identification confidential and must maintain it in a data analysis file (rather than the medical files of individual apprentices) as required under 29 CFR 30.12(e). The sponsor must provide self-identification information to the SAA upon request. Self-identification information may be used only in accordance with this Rule.
- 6. Affirmative action obligations. Nothing in this section may relieve the sponsor of its obligation to take affirmative action with respect to those applicants and apprentices of whose disability the sponsor has knowledge.
- 7. Nondiscrimination obligations. Nothing in this section may relieve the sponsor from liability for discrimination in violation of this Rule.
- 8. Compliance dates.
 - a. Sponsors registered as of the effective date of this Rule: A sponsor must begin inviting applicants and apprentices to identify as individuals with disabilities, pursuant to this section, no later than the effective date of this Rule. A sponsor must also invite each of its current apprentices to voluntarily inform the sponsor whether the apprentice believes that he or she is an individual with a disability, as defined in 29 CFR 30.2, no later than the effective date of this Rule.

- b. New sponsors: A sponsor registering after the effective date of this Rule must begin inviting applicants and apprentices to identify as individuals with disabilities, pursuant to this section, no later than two years after the date of registration. A sponsor covered by this subparagraph must also invite each of its current apprentices to voluntarily inform the sponsor whether the apprentice believes that he or she is an individual with a disability, as defined in Rule 1.3, no later than two years after the date of registration.

L. Recordkeeping.

1. General obligation. Each sponsor must collect such data and maintain such records as the SAA finds necessary to determine whether the sponsor has complied or is complying with the requirements of this Rule. Such records must include, but are not limited to records relating to:
 - a. Selection for registered apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained under the Uniform Guidelines on Employee Selection Procedures (UGESP) at 41 CFR part 60-3;
 - b. The invitation to self-identify as an individual with a disability;
 - c. Information relative to the operation of the registered apprenticeship program, including but not limited to job assignments in all components of the occupation as required under Rule 1.5(C)(2)(c), promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided, and any other personnel records relevant to EEO complaints filed with the SAA under Section N. or with other enforcement agencies;
 - d. Compliance with the requirements of Section B. and 29 CFR 30.3;
 - e. Requests for reasonable accommodation; and
 - f. Any other records pertinent to a determination of compliance with these regulations, as may be required by the SAA.
2. Sponsor identification of record. For any record the sponsor maintains pursuant to this Rule, the sponsor must be able to identify the race, sex, ethnicity (Hispanic or Latino/non-Hispanic or Latino), and when known, disability status of each apprentice, and where possible, the race, sex, ethnicity, and disability status of each applicant to apprenticeship and supply this information upon request to the SAA.
3. Affirmative action programs. Each sponsor required under Section D. to develop and maintain an affirmative action program must retain both the written affirmative action plan and documentation of its component elements set forth in Sections E, F, G, H, I, and J.
4. Maintenance of records. The records required by this Rule and any other information relevant to compliance with this Rule must be maintained for 5 years from the date of the making of the record or the personnel action involved, whichever occurs later, and must be made available upon request to the SAA or other authorized representative in such form as the SAA may determine is necessary to enable it to ascertain whether the sponsor has complied or is complying with this Rule. Failure to preserve complete and accurate records as required by paragraphs (a), (b), and (c) of this section constitutes noncompliance with this Rule.

5. Confidentiality and use of medical information.
 - a. Any information obtained pursuant to this Rule regarding the medical condition or history of an applicant or apprentice must be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record, except that:
 - i. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or apprentice and necessary accommodations;
 - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - iii. Government officials engaged in enforcing this Rule, the laws administered by the USDOL Office of Federal Contract Compliance Programs, or the ADA, must be provided relevant information on request.
 - b. Information obtained under this Rule regarding the medical condition or history of any applicant or apprentice may not be used for any purpose inconsistent with this Rule.
6. Access to records. Each sponsor must permit access during normal business hours to its places of business for the purpose of conducting on-site EEO compliance reviews and complaint investigations and inspecting and copying such books, accounts, and records, including electronic records, and any other material the SAA deems relevant to the matter under investigation and pertinent to compliance with this EEO plan. The sponsor must also provide the SAA access to these materials, including electronic records, off-site for purposes of conducting EEO compliance reviews and complaint investigations. Upon request, the sponsor must provide the SAA information about all format(s), including specific electronic formats, in which its records and other information are available. Information obtained in this manner will be used only in connection with the administration of this plan or other applicable EEO laws.

M. Equal employment opportunity compliance reviews.

1. Conduct of compliance reviews. The SAA will regularly conduct EEO compliance reviews to determine if the sponsor maintains compliance with this EEO plan and will also conduct EEO compliance reviews when circumstances warrant. An EEO compliance review may consist of, but is not limited to, comprehensive analyses and evaluations of each aspect of the registered apprenticeship program through off-site reviews, such as desk audits of records submitted to the SAA, and on-site reviews conducted at the sponsor's establishment that may involve examination of records required under this Rule; inspection and copying of documents related to recordkeeping requirements of this Rule; and interviews with employees, apprentices, journeyworkers, supervisors, managers, and hiring officials.
2. Notification of compliance review findings. Within 45 business days of completing an EEO compliance review, the SAA must present a written Notice of Compliance Review Findings to the sponsor's contact person through registered or certified mail, with return receipt requested. If the compliance review indicates a failure to comply with this rule, the SAA will so inform the sponsor in the Notice and will set forth in the Notice the following:
 - a. The deficiency(ies) identified;

- b. How to remedy the deficiency(ies);
 - c. The timeframe within which the deficiency(ies) must be corrected; and
 - d. Enforcement actions may be undertaken if compliance is not achieved within the required timeframe.
 - 3. Compliance.
 - a. When a sponsor receives a Notice of Compliance Review Findings that indicates a failure to comply with this Rule, the sponsor must, within 30 business days of notification, either implement a compliance action plan and notify the SAA of that plan or submit a written rebuttal to the Findings. Sponsors may also seek to extend this deadline one time by up to 30 days for good cause shown. If the SAA upholds the Notice after receiving a written response, the sponsor must implement a compliance action plan within 30 days of receiving the notice from the SAA upholding its Findings. The compliance action plan must include, but is not limited to, the following provisions:
 - i. A specific commitment, in writing, to correct or remediate identified deficiency(ies) and area(s) of noncompliance;
 - ii. The precise actions to be taken for each deficiency identified;
 - iii. The time period within which the cited deficiency(ies) will be remedied and any corrective program changes implemented; and
 - iv. The name of the individual(s) responsible for correcting each deficiency identified.
 - b. Upon the SAA's approval of the compliance action plan, the sponsor may be considered in compliance with this rule provided that the compliance action plan is implemented.
 - 4. Enforcement actions. Any sponsor that fails to implement its compliance action plan within the specified timeframes may be subject to an enforcement action under Section O.
- N. Complaints.
 - 1. Requirements for individuals filing complaints—
 - a. Who may file. Any individual who believes that they have been or are being discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions) with regard to registered apprenticeship, or who believe they have been retaliated against as described in Section Q, may, personally file a written complaint with the SAA or the Registration Agency with whom the apprenticeship program is registered.

- b. Time period for filing a complaint. Generally, a complaint must be filed within 300 days of the alleged discrimination or specified failure to follow the equal opportunity standards. However, for good cause shown, the SAA may extend the filing time. The time period for filing is for the administrative convenience of the SAA and does not create a defense for the respondent.
- c. Contents of the complaint. Each complaint must be made in writing and must contain the following information:
 - i. The complainant's name, address, email address and telephone number, or other means for contacting the complainant;
 - ii. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
 - iii. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why complainant believes the actions were discriminatory (for example, because of their race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions)); and
 - iv. The complainant's signature.
- 2. Requirements of sponsors. Sponsors must provide written notice to all applicants for registered apprenticeship and all apprentices of their right to file a discrimination complaint and the procedures for doing so. The notice must include the address, phone number, and other contact information for the SAA that will receive and investigate complaints filed under this EEO plan. The notice must be provided in the application for registered apprenticeship and must also be displayed in a prominent, publicly available location where all apprentices will see the notice. The notice must contain the following specific wording:

Your Right to Equal Opportunity

It is against the law for a sponsor of an apprenticeship program registered for Federal purposes to discriminate against an apprenticeship applicant or apprentice based on race, color, religion, creed, national origin, ancestry, sex (including pregnancy and gender identity), gender expression, childbirth and related conditions, sexual orientation, genetic information, age (40 or older), or disability. The sponsor must ensure equal opportunity with regard to all terms, conditions, and privileges associated with registered apprenticeship. If you think that you have been subjected to discrimination, you may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards with:

Colorado Department of Labor & Employment
Attention: State Apprenticeship Agency Director
Office of the Future of Work
633 17th Street, Suite 201
(720) 204-8608
apprenticeship@state.co.us

You may also be able to file complaints directly with the EEOC, or State fair employment practices agency. If those offices have jurisdiction over the sponsor/employer, their contact information is listed below.

Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202
Phone: 303-894-2997 (para español, oprima dos)
Toll Free: 800-886-7675
DORA_CCRD@state.co.us

Equal Employment Opportunity Commission (EEOC)
950 17th St, Suite 300
Denver, CO 80202
Phone: 800-669-4000
TTY: 800-669-6820
ASL Video Phone: 844-234-5122
Attention: EEOC Director
<https://publicportal.eeoc.gov>

Each complaint filed must be made in writing and include the following information:

- a. Complainant's name, address, email address and telephone number, or other means for contacting the complainant;
 - b. The identity of the respondent (i.e. the name, address, and telephone number of the individual or entity that the complainant alleges is responsible for the discrimination);
 - c. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why the complainant believes the actions were discriminatory (for example, because of their race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions));
 - d. The complainant's signature.
3. Requirements of the SAA
 - a. Conduct investigations. The investigation of a complaint filed under this Rule will be undertaken by the SAA, and will proceed as expeditiously as possible. In conducting complaint investigations, the SAA must:
 - i. Provide written notice to the complainant acknowledging receipt of the complaint;
 - ii. Contact the complainant, if the complaint form is incomplete, to obtain full information necessary to initiate an investigation;
 - iii. Initiate an investigation upon receiving a complete complaint;

- iv. Complete a thorough investigation of the allegations of the complaint and develop a complete case record that must contain, but is not limited to, the name, address, and telephone number of each person interviewed, the interview statements, copies, transcripts, or summaries (where appropriate) of pertinent documents, and a narrative report of the investigation with references to exhibits and other evidence which relate to the alleged violations; and
 - v. Provide written notification of the SAA's findings to both the respondent and the complainant.
 - b. Seek compliance. Where a report of findings from a complaint investigation indicates a violation of the nondiscrimination requirements of this EEO plan, the SAA should attempt to resolve the matter quickly at the SAA level whenever appropriate. Where a complaint of discrimination cannot be resolved at the SAA level to the satisfaction of the complainant, the SAA shall refer the complaint to other Federal, State or local EEO agencies, as appropriate.
 - c. Referrals to other EEO agencies. The SAA, at its discretion, may choose to refer a complaint immediately upon its receipt or any time thereafter to:
 - i. The EEOC;
 - ii. The United States Attorney General;
 - iii. The U.S. Department of Labor's Office of Federal Contract Compliance Programs; or
 - iv. The Colorado Civil Rights Division
- O. Enforcement actions.
 - 1. Where the SAA, as a result of a compliance review, complaint investigation, or other reason, determines that the sponsor is not operating its registered apprenticeship program in accordance with this Rule, the SAA shall notify the sponsor in writing of the specific violation(s) identified and may:
 - a. Offer the sponsor technical assistance to promote compliance with this EEO plan.
 - b. Suspend the sponsor's right to register new apprentices if the sponsor fails to implement a compliance action plan to correct the specific violation(s) identified within 30 business days from the date the sponsor is so notified of the violation(s), or, if the sponsor submits a written response to the findings of noncompliance, fails to implement a compliance action plan within 30 days of receiving the SAA's notice upholding its initial noncompliance findings. If the sponsor has not implemented a compliance action plan within 30 business days of notification of suspension, the SAA may institute proceedings to deregister the program in accordance with the deregistration proceedings set forth in 29 CFR Part 29, or if the SAA does not institute such proceedings within 45 days of the start of the suspension, the suspension is lifted.
 - c. Take any other action authorized by law. These other actions may include, but are not limited to:

- i. Referral to the EEOC;
 - ii. Referral to the Colorado Civil Rights Division; or
 - iii. Referral to the U.S. Department of Labor's Office of Federal Contract Compliance Programs.
- P. Reinstatement of program registration.
 - 1. An apprenticeship program that has been deregistered pursuant to this Rule may be reinstated by the SAA upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this Rule.
- Q. Intimidation and retaliation prohibited.
 - 1. A participant in a registered apprenticeship program may not be intimidated, threatened, coerced, retaliated against, or discriminated against because the individual has:
 - a. Filed a complaint alleging a violation of this Rule;
 - b. Opposed a practice prohibited by the provisions of this Rule or any other Federal or State equal opportunity law;
 - c. Furnished information to, or assisted or participated in any manner, in any investigation, compliance review, proceeding, or hearing under this Rule or any Federal or State equal opportunity law; or
 - d. Otherwise exercised any rights and privileges under the provisions of this Rule.
 - 2. Any sponsor that permits such intimidation or retaliation in its registered apprenticeship program, including by participating employers, and fails to take appropriate steps to prevent such activity will be subject to enforcement action under 29 CFR 30.15.
 - 3. Requests for exemption from this Rule, or any part thereof, must be made in writing to the SAA and must contain a statement of reasons supporting the request. Exemptions may be granted for good cause by the SAA upon approval by the OA Administrator to grant an exemption.

1.7 Apprenticeship Agreement Contents and Approval Process

- A. Required Individual Apprenticeship Agreements
 - 1. No apprentice shall be employed under a registered apprenticeship program unless an individual Apprenticeship Agreement for that apprentice has been registered with the SAA.
 - 2. Registration of the individual apprentice must be entered into the SAA management system by one of the following mechanisms:
 - a. direct entry of the sponsor, or their designee (preferred)
 - b. providing a .CSV of secure data elements

3. The names of persons in the probationary period as an apprentice under a registered apprenticeship program certified by the SAA if not registered individually must be submitted within 45 days of the program start date to the SAA for certification to establish the apprentice as eligible for such probationary period.

B. Individual Apprenticeship Agreements

1. Contents. 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 apprentice's date of birth.
 - c. A Social Security number, Individual Taxpayer Identification Number, or other unique identifier of the apprentice, unless a state policy or established agreement with the SAA protects the inclusion of such a field.
 - d. Contact information of the Program Sponsor and SAA:

Colorado Department of Labor and Employment
Attention: State Apprenticeship Agency Director
Office of the Future of Work
633 17th St., Suite 201
Denver, CO 80202
 - e. A statement of the occupation in which the apprentice is to be trained, and the beginning date and term (duration) of registered apprenticeship.
 - f. A statement showing:
 - i. 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
 - ii. 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.
 - g. 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.
 - h. A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.
 - i. Statements providing:
 - i. For a specific probationary period during which the Apprenticeship Agreement may be canceled by either party to the agreement upon written notice to the SAA, without adverse impact on the sponsor.

- ii. That, after the probationary period, the agreement may be:
 - a. Canceled at the request of the apprentice, or
 - b. Suspended or canceled 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 SAA of the final action taken.
 - j. A reference incorporating as part of the agreement the standards of the registered apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement.
 - k. A statement that the apprentice will be accorded equal opportunity in all phases of registered apprenticeship employment and training, without discrimination because of race, color, religion, creed, national origin, ancestry, sex (including pregnancy and gender identity), gender expression, childbirth and related conditions, sexual orientation, genetic information, age (40 or older), or disability.
 - l. Contact information (name, address, phone, and e-mail if appropriate) of the appropriate authority designated by the registered apprenticeship program to receive, process and make disposition of controversies or differences arising out of the Apprenticeship Agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions.
 - m. Option for the apprentice to disclose demographic data, including the apprentice's race, sex, and ethnicity, and disability status.
- 2. The SAA will use the USDOL Appendix B (ETA 671 or subsequent form) Apprenticeship Agreement for registering apprentices as the preferred standard agreement for all new and existing programs.
 - a. New and existing programs have the option to create a state-approved Apprenticeship Agreement that meets, at minimum, the requirements of this part, for purposes of reducing administrative burden, enhancing their program, increasing equity, or complying with industry or employer/human resources standards or regulations impacting effective and equitable apprenticeship administration.
 - i. The SAA, as part of the registration process, will require programs to indicate whether or not they will be using the ETA 671, an alternative state-approved agreement, or, in the case of multi-employer programs, a combination.
 - ii. During the approval process, the SAA will indicate to the sponsor which elements of their agreement ensure compliance with federal and state standards and the policy on apprentice agreement review.
 - b. Sponsors must notify the SAA prior to issuing new agreements if they change the method of Apprenticeship Agreements.

- i. The sponsor may make changes to the agreement that do not impact the elements required in federal and SAA requirements. If the sponsor makes adjustments that impact registered apprenticeship elements that are related to compliance, they must notify the SAA for approval of the new form prior to issuing new agreements.
 - c. Existing programs with alternative Apprenticeship Agreements on file with the USDOL will have the option to continue to use these agreements, provided they conform with this Rule.
 - i. The SAA will receive a copy of this Apprenticeship Agreement in the transition from the OA to the SAA to ease sponsor burden.
 - ii. Existing sponsors are responsible as part of quality assurance to maintain individual agreements both prior to and after the transition to the SAA, regardless of the format of the transition.
 - iii. After the transition to an SAA, the quality assurance team of the SAA will reach out to existing sponsors providing them with the opportunity to transition to the ETA 671, or conduct a review of their agreement for conformance with the requirements of this Rule. The SAA will provide technical assistance to sponsors seeking a transition to the ETA 671.
 - d. The SAA will offer training to all new programs on the ETA 671 Apprenticeship Agreement and indicate their option to generate an alternative form that at minimum, meets the standards of this part and is state-approved.
3. The SAA Director, or their designee, shall register individual Apprenticeship Agreements, which will meet the requirements of this section.

1.8 Policies Related to Reciprocal Approval for Federal purposes by the SAA to Apprentices, Apprenticeship Programs and Standards that are Registered in Other States

- A. Reciprocity of registered apprenticeship programs.
- 1. Reciprocity for programs at the request of the sponsor. Colorado may grant reciprocal approval to a registered apprenticeship program which has been registered by the Office of Apprenticeship or a recognized SAA for state and federal purposes if the below criteria are met:
 - a. Meet Colorado (including lawful local government) wage, hour, and other labor statutes and rules, and apprentice ratio standards;
 - b. The program sponsor seeking reciprocity must attest that the program and individual apprentices who will work in Colorado are properly registered with the OA or SAA; and.
 - c. If in a licensed occupation, the standards must prepare the apprentice to meet or exceed the minimum requirements of CO state or local licensure in that occupation.
- B. Reciprocity for apprentices and journeyworkers. Colorado may grant reciprocal approval to active apprentices and grant recognition of completers of registered apprenticeship in other states.

1. Reciprocity for completers of a registered apprenticeship. The occupational certificate of completion is a recognized credential in the state of Colorado for occupational proficiency. Completers of registered apprenticeship programs in licensed occupations may require additional licensure requirements in the occupation.
2. Reciprocity for active apprentices. Apprentices who have completed some portion of their registered apprenticeship program in another state are eligible for recognition in the state of Colorado. Apprentices must coordinate with the sponsor for transfer into Colorado programs. The Colorado sponsor shall ensure that any/all credit being awarded results in the apprentice receiving all education and on the job training in accordance with Colorado licensing laws and/or regulations for relevant occupations.

1.9 Policies Regulating the Cancellation and/ or Deregistration of Registered Apprenticeship Programs, and for the Temporary Suspension, Cancellation, and/or Deregistration of Apprenticeship Agreements

A. Deregistration of a registered program.

1. Deregistration at the request of the sponsor. At the sponsor's request of a registered apprenticeship program, the SAA has the authority to deregister an apprenticeship program by giving written notice to the sponsor indicating that:
 - a. The program is canceled at the sponsor's request or deregistration by the SAA upon reasonable cause and giving the effective date of such action;
 - b. Within 15 days of the date of acknowledgment, the sponsor will notify all apprentices of such cancellation and the effective date;
 - c. Such cancellation automatically deprives the apprentice of individual registration;
 - d. Deregistration of a registered program removes the apprentice from coverage for federal purposes which require the Secretary's approval of an apprenticeship program;
 - e. Deregistration of a state registered apprenticeship program removes the apprentice from coverage for state purposes which will require approval from the SAA Director; and
 - f. All apprentices are referred to the SAA for information concerning the deregistration and potential transfer to other registered apprenticeship programs.
2. Deregistration by the SAA upon reasonable cause. The SAA has the authority to deregister an apprenticeship program after a hearing pursuant to this Rule when an apprenticeship program is not conducted, operated, or administered in accordance with the programs' registered provisions or requirements of this plan, or any conditions and rules established by the SAA, including but not limited to:
 - a. Failure to provide on-the-job learning;
 - b. Failure to provide related instruction;
 - c. Failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentice's skills acquired; or
 - d. Persistent and significant failure to perform successfully.

3. Persistent and significant failure defined. As it relates to potential cause for deregistration, persistent and significant failure to perform occurs when a program sponsor:
 - a. Consistently fails to register at least one apprentice
 - b. Shows a pattern of poor-quality assessment results over a period of several years
 - c. Demonstrates an ongoing pattern of very low completion rates over a period of several years
 - d. Shows no indication of improvement in the areas identified by the SAA during a review process as requiring corrective action.
4. Where it appears the program is not being operated in accordance with the registered standards or with the requirements of this section, the SAA must notify in writing of a preliminary notice of involuntary deregistration, by registered or certified mail. The correspondence must:
 - a. State the shortcoming(s) and the corrective action required
 - b. State that a determination of reasonable cause for deregistration will be made unless corrective action is taken within thirty (30) calendar days from the date of the notice.
 - c. The SAA has the authority to extend the period for corrective action for up to thirty (30) additional calendar days for good cause and the SAA shall assist the sponsor in every reasonable way to achieve conformity.
5. If the required correction is not effected within the allotted time, the SAA must send a final written notice, by registered or certified mail, of involuntary deregistration to the sponsor, stating:
 - a. That the notice is sent under this section;
 - b. That the deficiency and the remedial action required were called to the sponsor's attention (enumerating them and the remedial measures requested with the dates of such occasions and letters);
 - c. That the sponsor has failed or refused to affect the correction; and
 - d. That 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 business days of the receipt of this notice, the sponsor requests a hearing with the SAA.
6. Every order of voluntary or involuntary deregistration must contain a provision that the sponsor must, within 30 calendar days of the effective date of the order:
 - a. notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of individual registration;

- b. that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary's approval of an apprenticeship program or removes the apprentice from coverage for State purposes which require the SAA's approval, and
 - c. that all apprentices are referred to the SAA for information about potential transfer to other registered apprenticeship programs.
 - 7. Deregistration proceedings for violation of equal employment opportunity requirements must be processed in accordance with the provisions of the State's Equal Employment Opportunity in Apprenticeship Plan pursuant to Rule 1.6.
- B. Reinstatement of apprenticeship programs.
 - 1. An apprenticeship program that has been deregistered pursuant to this Rule may be reinstated by the SAA upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this Rule.
 - a. No earlier than one (1) year after issuance of the deregistration order;
 - b. If the SAA determines that the apprenticeship program has an acceptable set of standards and is in compliance with all requirements for registered apprenticeship programs; and
 - c. If the apprenticeship program is prepared to immediately enroll one or more apprentices.
 - 2. Upon request to the SAA, a sponsor may reverse a voluntary deregistration within six months after its effective date if on that date the SAA had no current grounds to initiate involuntary deregistration proceedings.
- C. Hearings for deregistration.
 - 1. The SAA shall conduct hearings for the purpose of resolving compliance issues or deregistration issues with a registered apprenticeship program in conformity with regulations promulgated by the Secretary under the National Apprenticeship Act, 29 U.S.C. 50.
 - 2. The determination of the SAA is a final agency action that is subject to judicial review pursuant to C.R.S. section 24-4-106.
 - 3. Sponsors have the right to appeal the SAA's determination to the OA for a final determination in conformity with regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50.
- D. Limitations.
 - 1. Nothing in this subpart 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.

E. Complaints.

1. Complaints related to equal employment opportunity requirements must be submitted, processed and resolved in accordance with the provisions of the State's Equal Employment Opportunity in Apprenticeship Plan, adopted pursuant to 29 CFR Part 30.
2. The SAA Director may promulgate rules to implement grievance procedures for complaints not under the jurisdiction of the United States Equal Employment Opportunity Commission, including complaints concerning apprentices not moving through a registered apprenticeship program in a timely manner and insufficient on-the-job learning or related instruction time.
3. Except for matters related to Equal Employment Opportunity requirements, any controversy or difference 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 to the SAA which has registered and/or approved the program in which the apprentice is enrolled, for review.
4. Matters covered by a collective bargaining agreement are not subject to such review.
5. The complaint must be in writing and signed by the complainant 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.
6. The SAA 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, the SAA 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.
7. The SAA shall notify all parties of the decision, which shall be a final administrative action.
8. Nothing in this section precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law.

Editor's Notes

History

New rule eff. 06/30/2023.