



DISTRICT OF COLUMBIA  
DEPARTMENT OF EMPLOYMENT SERVICES

D.C. OFFICE OF APPRENTICESHIP, INFORMATION AND  
TRAINING

*RULES and REGULATIONS for  
APPRENTICESHIP PROGRAMS*

GOVERNMENT OF DISTRICT OF COLUMBIA

MURIEL BOWER, MAYOR



DEPARTMENT OF EMPLOYMENT SERVICES

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## DEPARTMENT OF EMPLOYMENT SERVICES

### NOTICE OF PROPOSED RULEMAKING

The Director, District of Columbia Department of Employment Services, pursuant to the authority set forth in the District of Columbia Apprenticeship Act of 1946 (Act), effective May 21, 1946 (60 Stat. 204, ch. 267, § 1; D.C. Official Code §§ 32-1401 *et seq.* (2012 Repl.)), hereby gives notice to amend Chapter 11 (Apprenticeships) of Title 7 (Employment Benefits) of the **District of Columbia Municipal Regulations** (“DCMR”) D.C. Code § 32-1404 authorizes the Apprenticeship Agency to “issue such rules and regulations as may be necessary to carry out the intent and purpose of this subchapter...” D.C. Code § 32-1405 authorizes the DOES Director, “under the supervision of the Secretary of Labor and with the advice and guidance of the Apprenticeship Council, to perform such other duties as are necessary to carry out the intent of this subchapter.”

The rulemaking is necessary to conform with Title 29 CFR parts 29 and 30. The purpose of the Act is to set forth labor standards necessary to safeguard the welfare of apprentices and establish policies and procedures relative to the registration of apprenticeship programs and agreements and the resolution of disputes.

#### TITLE 7 OF DCMR

#### CHAPTER 11 APPRENTICESHIPS

##### **1100 PURPOSE AND SCOPE**

1100.1 The purpose of these rules is to set forth labor standards necessary to safeguard the welfare of apprentices and establish, policies and procedures relative to the registration and deregistration of apprenticeship programs, the registration of apprenticeship agreements and the resolution of disputes thereunder by the Registration Agency and the Director.

1100.2 The authority for the adoption of these standards, policies, and procedures affecting the apprenticeship programs and agreements is the District of Columbia Apprenticeship Act of 1946, as amended, D.C. Official Code Title 32, § 1401 *et seq.*

##### **1101 MANDATORY REGISTRATION OF APPRENTICESHIP PROGRAMS**

1101.1 All prime contractors, subcontractors and tier subcontractors, who contract with the District of Columbia government to perform construction, renovation work or information technology work with a single contract, or

cumulative contracts, of at least \$500,000, let within a twelve (12) month period, shall be required to register an apprenticeship program with the D.C. State Apprenticeship Agency. Thirty-five percent (35%) of all apprenticeship hours performed on any D.C. government assisted project shall be performed by District of Columbia residents. Sixty percent (60%) of all apprenticeship hours shall be performed by District residents on any D.C. government assisted construction project that is \$5,000,000.00 or more. These requirements shall apply to construction projects that receive funds or resources from the District of Columbia, or funds or resources which, in accordance with a federal grant or otherwise, the District of Columbia government administers, including contracts, grants, loans, tax abatements or exemptions, land transfers, land disposition and development agreements, tax increment financing, or any combination thereof.

1101.2 No person or organization shall apply to register an individual apprenticeship agreement with the Director, unless such person or organization has registered an apprenticeship program with the Registration Agency before applying to register the agreement.

**1102 ELIGIBILITY AND PROCEDURE FOR REGISTRATION OF AN APPRENTICESHIP PROGRAM**

1102.1 Any person or organization seeking to register an apprenticeship program shall submit all required documents to the Registration Agency for consideration, and approval. Eligibility for registration of the program for District of Columbia purposes and recognition by the United States Secretary of Labor for Federal purposes is conditioned upon the program's conformity with the apprenticeship program standards published in this Chapter and the District of Columbia State Plan for Equal Opportunity adopted pursuant to 29 CFR Part 30.

1102.2 Each application shall provide verification of the company's existing workforce; that the training is in an apprenticeable occupation having the characteristics set forth in section 1103; an organized plan for meeting each of the program standards required by section 1104; a copy of the apprenticeship agreement required by section 1108; and the applicant's commitment to operate the apprenticeship program as registered by the Registration Agency.

1102.3 Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or no objection to the registration is required.

- 1102.4 If no such union participation is provided for, the application shall include evidence that the applicant has by certified mail furnished to any union local that is recognized as the collective bargaining agent for employees in those positions for which apprentices are to be trained, a complete copy of the application for registration together with a notice that the Registration Agency will accept union comments for forty-five (45) calendar days after the date of the application before final action is taken.
- 1102.5 If employees in the positions for which apprentices are to be trained have no collective bargaining agent the application shall so state. An apprenticeship program may be proposed for registration by an employer or group of employers or an employer association.
- 1102.6 The Registration Agency shall conduct a worksite analysis before registering any apprenticeship program and the results of such analysis shall be reported to the Registration Agency prior to any decision to approve a plan. The analysis shall identify any prior or existing state or federal violations that affect workers.
- 1102.7 The Registration Agency shall register an apprenticeship program if the application for registration meets the requirements of this Chapter. The registration of a program by the Registration Agency shall be evidenced by a certificate of registration or by other written indicia.
- 1102.8 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 Registration Agency after the one year period to determine conformity with the requirements of this Chapter. At that time, the registration approval of the program in conformity with this Chapter may be made permanent or continue to be provisionally approved through the first full training cycle. A program not in operation or not conforming to the regulations during the provisional approval period will be recommended for deregistration procedures.
- 1102.9 The Registration Agency will review all programs for quality and for conformity with this Chapter at the end of the first full training cycle. A satisfactory review of a provisionally approved program will result in conversion of provisional approval to permanent registration. Subsequent reviews will be conducted no less frequently than every five years. A program not in operation or not conforming to the regulations will be recommended for deregistration procedures.
- 1102.10 Each registration shall state that the apprenticeship program for any occupation is subject to deregistration by the Registration Agency if, as certified by the Director, no active on-the-job learning of apprentices has occurred within a period of one (1) year from the date of the last such active training.

1103

**CRITERIA FOR APPRENTICEABLE OCCUPATIONS**

An apprenticeable occupation is one which must:

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

1104

**APPRENTICESHIP STANDARDS NECESSARY FOR CONSIDERATION AND APPROVAL BY THE D.C. STATE APPRENTICESHIP AGENCY**

The apprenticeship program standards must be in the form of an organized and written plan, 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.

1104.1

Training shall be offered in one or more skilled occupations that are approved as apprenticeable, as defined by these rules.

1104.2

The term of apprenticeship shall be not less than two thousand (2,000) hours per year of on-the-job learning (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach) consistent with training requirements as established by industry practice.

1104.3

The term of apprenticeship training approved for competency based and hybrid programs shall include on-the-job learning along with other required measured skill acquisitions that must be acquired by the apprentices. The on-the-job learning and measured skill acquisitions shall consist of:

- (a) 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.
- (b) The competency-based approach must measure 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. Sponsors must

address in the program standards how on-the-job-learning will be integrated into the program, describe all competencies and identify appropriate means of testing and evaluation for the competencies.

(c) The hybrid approach must measure the individual apprentice's skill acquisition through a combination of specific minimum number of hours of on-the-job learning and the successful demonstration of competency as described in the work process schedule.

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

- 1104.4 Each apprenticeship program shall set forth in writing: a statement that the program will be conducted in compliance with the District of Columbia State Plan for Equal Employment Opportunity in Apprenticeship Training, adopted pursuant to 29 CFR Part 30; an equal opportunity pledge; and, when applicable, an affirmative action plan and selection method.
- 1104.5 Each apprenticeship program shall describe the work processes in which apprentices will receive supervised work experience and learning on-the-job and the allocation of the approximate time to be spent in each major learning process.
- 1104.6 Each apprenticeship program shall provide organized, related, and supplemental instruction in technical subjects related to the occupation, for which the sponsor shall bear the cost of tuition, books, and materials. A minimum of 144 hours for each year of apprenticeship is recommended. This instruction in technical subjects may be accomplished through media such as classroom, occupational or industry courses, electronic media, or other instruction approved by the Registration Agency.
- 1104.7 An apprenticeship program may use electronic media as a tool in the delivery of related instruction where necessary to support industry styles, which must be approved by the DC Registration Agency. An instructor for apprenticeship related instruction shall:
- (a) Meet the requirement(s) for vocational-technical instructor under the District of Columbia State Education Office or any accredited education institution, 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.
- (b) Have training in teaching techniques and adult learning styles which may occur before or after the apprenticeship instructor has started to provide related instruction.
- 1104.8 Each apprenticeship program shall contain a progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired, to include:

(a) An entry wage not less than the minimum wage prescribed by the District of Columbia Minimum Wage Law, appropriate Wage Order, or by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal or state laws, respective regulations, or by collective bargaining agreement.

(b) A minimum hourly apprentice wage rate paid during the last period of apprenticeship shall be: (a) not less than ninety (90%) percent of the established journeyworker's wage rate or, (b) a rate not less than \$20.00 per hour.

- 1104.9 The apprenticeship program shall provide for periodic reviews and evaluations of the apprentice's progress in job performance and related instruction and the maintenance of appropriate progress records.
- 1104.10 Each apprenticeship program shall identify a numeric ratio of apprentices to journeyworkers for the entire workforce. Such ratio shall be consistent within the given occupation and shall be consistent with proper supervision, training, safety, and continuity of employment as determined by the Registration Agency or applicable provisions in collective bargaining agreements, except when such ratios are expressly prohibited by a collective bargaining agreement. The ratio language must be specific and clearly described as to its application to the job site, workforce, department or plant.
- 1104.11 The minimum numerical ratio required shall be one (1) apprentice to one (1) journeyworker employed in the occupation area(s) for any service and retail industry. For residential, commercial and industrial construction (new and renovation work) industry, the minimum numerical ratio required shall be one (1) apprentice to every three (3) journeyworkers employed on any job site. However, the first apprentice may be employed when one (1) journeyworker is employed. Apprentices shall be utilized on all District government assisted projects subject to D.C. Official Code § 32-1431 during the project period utilizing the required numerical ratio.
- 1104.12 Each apprenticeship program shall provide a probationary period not to exceed twenty-five percent (25%) of the length of the program term or one (1) year, whichever is shorter with full credit for such period counting towards completion of the full apprenticeship term. During the probationary period either party may cancel the apprenticeship agreement without stated cause and such cancellation will not have an adverse affect on the sponsor's completion rate.
- 1104.13 The sponsor shall provide adequate and safe equipment and facilities for on-the-job learning, adequate supervision to promote safe working conditions, and safety training for apprentices both on-the-job and in related instruction.

- 1104.14 Each apprenticeship program shall state minimum qualifications for persons entering an apprenticeship program with an eligible starting age not less than 16 years.
- 1104.15 Each apprenticeship program shall provide for the placement of each apprentice under a registered apprenticeship agreement that meets the requirements of Section 1109 of this Chapter and approved by the Registration Agency. The agreement must directly or by reference incorporate the standards of the program as part of the agreement. The names of persons in probationary employment as an apprentice under an apprenticeship program registered by the Office of Apprenticeship or a recognized State Apprenticeship Agency, if not individually registered under such program, must be submitted within 45 days of employment to the Office of Apprenticeship or State Apprenticeship Agency for certification to establish the apprentice as eligible for such probationary employment.
- 1104.16 Each apprenticeship program shall provide that advanced credit or standing of up to one-fourth (1/4) of the apprenticeship term shall be granted to all applicants equally, for demonstrated competency, acquired experience, training or skills with commensurate wages paid according to the advanced standing granted.
- 1104.17 Each apprenticeship program shall require advance approval by the Director of any award of advanced standing or credit greater than 25% or one fourth (1/4) of the prescribed term of apprenticeship training.
- 1104.18 Each apprenticeship program shall allow for transfer of apprentices between apprenticeship programs and within an apprenticeship program and must be based on agreement between the apprentice and the affected apprenticeship committees and program sponsors. Apprentice transfers must occur without adverse impact on the apprentice, the apprenticeship committee or the program sponsor, and comply with the following requirements:
- (a) The transferring apprentice must be provided a transcript of related training and on-the-job learning by the committee or program sponsor;
  - (b) Transfer must be within the same occupation; and
  - (c) A new apprenticeship agreement must be executed when the transfer occurs between program sponsors.
- 1104.19 Each apprenticeship program shall require the use of qualified training personnel approved by the Registration Agency and adequate supervision on the job.
- 1104.20 Each apprenticeship program shall provide recognition of apprentices for successful completion of apprenticeship as evidenced by the appropriate certificate issued by the Registration Agency.

- 1104.21 Each apprenticeship program shall require the sponsor to promptly submit and obtain the approval of the Registration Agency for any modification or amendment to a registered program and provide for the registration, cancellation and deregistration of the program. The Registration Agency will make a determination on whether to approve such modifications or changes within 90 days from the date of receipt. If approved the modifications or changes will be recorded and acknowledged within 90 days of approval as an amendment to the program. If not approved, the sponsor will be notified of the disapproval and the reasons therefore and provided with the appropriate technical assistance.
- 1104.22 Each apprenticeship program shall provide for registration of apprenticeship agreements, modifications and amendment, notice to the Registration Agency of completions, transfers, suspensions and cancellations of apprenticeship agreements and a statement of the reasons therefore.
- 1104.23 Each apprenticeship program shall require not less than two (2) weeks written notice of any proposed adverse action including detailed specifications of the cause with written notice indicating the opportunity for corrective action during the two week period, unless such a requirement is in conflict with a collective bargaining agreement and a lesser requirement is approved by the Registration Agency.
- 1104.24 Upon the request of the sponsor of any multi-state apprenticeship program in any industry, including the building and construction industry, the Registration Agency shall accord reciprocal approval for Federal purposes to apprentices, apprenticeship programs and standards that are registered in other States by the State Registration Agency or Office of Apprenticeship if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval must meet the wage and hour provisions and the apprentice ratio requirements of the District of Columbia.
- 1104.25 Program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials shall:
- (a) Clearly identify the interim credentials and demonstrate how they link to the components of the apprenticeable occupation.
  - (b) Establish a process for assessing an individual apprentice's demonstration of competency associated with the particular interim credential.
  - (c) Issue interim credentials only 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.

1104.26 Each apprenticeship program shall identify the DC Office of Apprenticeship, Information and Training as the Registration Agency and 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.

1104.27 Each apprenticeship sponsor, except for reciprocal approval request for federal projects, shall maintain a District of Columbia resident agent for the purpose of having records of apprentices maintained and shall make such records available for review. Sponsors seeking on-going recognition request for reciprocal approval may be required to comply with this part.

1104.28 Each apprenticeship program shall provide that the sponsor shall maintain all records, including appropriate progress records, for not less than five (5) years, and that the sponsor shall make such records available to the Registration Agency upon request.

## **1105 PROGRAM PERFORMANCE STANDARDS**

1105.1 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:

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

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

1105.2 The Registration Agency will evaluate the performance of registered apprenticeship programs with tools and factors that include but are not limited to:

(a) Quality assurance assessments;

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

(c) Completion rates.

1105.3 Any additional tools and factors used by the Registration Agency in evaluating program performance will adhere to the goals and policies of the Department articulated in this part and in guidance issued by the U.S Department of Labor, Office of Apprenticeship.

1105.4 In order to evaluate completion rates, the Registration Agency will review a program's completion rates in comparison to the national average for completion rates. Based on the review, the Registration Agency will

provide technical assistance to programs with completion rates lower than the national average.

1105.5 Cancellation of apprenticeship agreements during the probationary period will not have an adverse impact on a sponsor's completion rate.

**1106 DEREGISTRATION OF APPRENTICESHIP PROGRAMS**

1106.1 At the sponsor's request, the Registration Agency may deregister an apprenticeship program by giving written notice to the sponsor indicating that:

(a) The program is cancelled at the sponsor's request or deregistration by the Registration Agency upon reasonable cause and giving the effective date of such action;

(b) Within 15 working days of the date of acknowledgement, 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 the program removes the apprentice from coverage for federal purposes which require the Secretary of Labor's approval of an apprenticeship program,; and

(e) All apprentices are referred to the Registration Agency for information concerning the deregistration and potential transfer to other registered apprenticeship programs.

1106.2 The Registration Agency may begin deregistration proceedings when an apprenticeship program is not conducted, operated, or administered in accordance with the programs' registered provisions or requirements of these rules, 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 apprentices skills acquired; or

(d) Persistent and significant failure to perform successfully.

Deregistration proceedings for violation of equal opportunity requirements will be processed in accordance with the provisions of the District's Equal Employment Opportunity in Apprenticeship Plan.

For purposes of this section, persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register

at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of improvement in the areas identified by the Registration Agency during a review process as requiring corrective action.

1106.3 Where it appears the program is not being operated in accordance with the registered standards or with the requirements of this Chapter, the Director of the Registration Agency or the Associate Director designated by the Director, shall notify the sponsor's contact person in writing of a preliminary notice of involuntary deregistration, by registered or certified mail, return receipt requested, stating the shortcoming(s) and the corrective action required, and stating that the program will be deregistered for cause unless corrective action is taken within thirty (30) days from the date of the notice. The Associate Director may upon written request extend the period for corrective action for up to thirty (30) additional days for good cause and shall assist the sponsor in every reasonable way to achieve conformity.

1106.4 If the required correction is not effected within the allotted time, the Associate Director shall send a final notice of involuntary deregistration to the sponsor by registered or certified mail, return receipt requested, 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 effect 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 days of the receipt of this notice, the sponsor requests a hearing with the Registration Agency.

1106.5 If the sponsor does not request a hearing, the Registration Agency will have the authority to make the final decision on the record with respect to deregistration.

1106.6 If the sponsor requests a hearing, the Registration Agency will transmit a report containing all the data listed in section 1106.2 to the Administrator, U.S. Department of Labor, Office of Apprenticeship and the Administrator will refer the matter to the Office of Administrative Law Judges. An

Administrative Law Judge will convene a hearing in accordance with 29 CFR part § 29.10 for a decision as required part §29.10(c).

1106.7 Every order of voluntary or involuntary deregistration must contain a provision that the sponsor must, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program; and that all apprentices are referred to the Registration Agency for information about potential transfer to other registered apprenticeship programs.

1106.8 The Registration Agency shall promptly notify all District and Federal authorities of the deregistration of any apprenticeship program and the effective date of the deregistration.

1106.9 Deregistration procedures for apprenticeship programs registered to meet requirements of District government mandatory law and not subject to federal purposes shall be the same as required in subsections 1106.1 through 1106.5 if the sponsor does not request a hearing.

If a sponsor who has registered a program to meet District requirements but not subject to federal purposes requests a hearing, the Chairperson of the D.C. Apprenticeship Council shall convene the Council, which shall hold a hearing and make a determination on the basis of the preponderance of evidence in the hearing record.

1106.10 At any such hearing, the Apprenticeship Council shall offer the sponsor the opportunity to appear with counsel, present documentary evidence and witnesses, and confront any other documentary evidence or witnesses. The Apprenticeship Council shall record any such hearing and make a copy or transcript of the record available at cost to the sponsor on request.

1106.11 Every order of voluntary or involuntary deregistration issued by the Apprenticeship Council shall provide that the sponsor shall, within fifteen (15) working days of the effective date of the order, notify all registered apprentices of the deregistration of the program, the effective date, and that such action automatically terminates the apprentice's individual registration.

## **1107 REINSTATEMENT OF APPRENTICESHIP PROGRAMS**

1107.1 Any apprenticeship program deregistered under this Chapter may be reinstated upon presentation of adequate evidence to the Registration

Agency that the apprenticeship program is operating in accordance with this part. Such evidence must be presented to the Registration Agency.

**1108 REGISTRATION OF INDIVIDUAL APPRENTICESHIP AGREEMENTS REQUIRED**

- 1108.1 No apprentice shall be employed under a registered apprenticeship program unless an individual apprenticeship agreement for that apprentice has been registered with the Registration Agency.
- 1108.2 Registration of the individual apprentice may be affected by filing copies of each individual apprenticeship agreement with the Registration Agency or, subject to prior approval, by filing a master copy of such agreement followed by a listing of the name and other required data of each individual when apprenticed.
- 1108.3 The names of persons in probationary employment as an apprentice under an apprenticeship program registered by the Registration Agency if not registered individually must be submitted within 45 days of employment to the Registration Agency for certification to establish the apprentice as eligible for such probationary employment.

**1109 INDIVIDUAL APPRENTICESHIP AGREEMENTS FOR REGISTERING APPRENTICES**

- 1109.1 The Associate Director shall register individual apprenticeship agreements which meet the requirements of this section.
- 1109.2 Each Apprenticeship Agreement shall contain the names, addresses, and signatures of the contracting parties, the apprentice, the program sponsor or the employer, and the signature of a parent or guardian if the apprentice is a minor.
- 1109.3 Each Apprenticeship Agreement shall state the date of birth and, on a voluntary basis, Social Security number of the apprentice.
- 1109.4 Each Apprenticeship Agreement for registering an apprentice shall provide that the sponsor shall notify the Registration Agency in writing within forty-five (45) days of any transfers, modification, cancellation, suspension, or termination of the agreement, with cause for same, and of completion of the apprenticeship.
- 1109.5 Each Apprenticeship Agreement shall state the occupation in which the apprentice is to be trained, and the beginning date and term (duration) of the apprenticeship; a schedule of work processes in the occupation in which the apprentice is to be trained and the approximate time to be spent at each process; the total number of hours to be spent by the apprentice in work on the job; and the total number of hours to be spent in related and supplemental instruction.

- 1109.6 Each Apprenticeship Agreement shall state the period of probation during which the apprenticeship agreement may be canceled by either party to the agreement upon written request to the registration agency without adverse impact on the sponsor.
- 1109.7 Each Apprenticeship Agreement shall provide that after the probationary period the agreement may be cancelled at the request of the apprentice, suspended, or canceled by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action. Written notice shall be provided to the apprentice and to the Registration Agency of the final action taken and of the right of the apprentice to appeal the decision to the Registration Agency.
- 1109.8 Each Apprenticeship Agreement shall incorporate by reference the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement. Such evidence must be presented to the Registration Agency.
- 1109.9 Each Apprenticeship Agreement shall contain a statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.
- 1109.10 Each Apprenticeship Agreement shall provide that the apprentice shall be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination because of race, color, religion, national origin, or sex, and notice of a right to appeal under provisions of the District of Columbia State Plan for Equal Opportunity in Apprenticeship Training, adopted pursuant to 29 CFR Part 30.
- 1109.11 Each Apprenticeship Agreement shall state that if a sponsor is unable to fulfill the obligation to the apprentice, the agreement may, with consent of the apprentice and the joint committee if one exists or of the Associate Director if there is no joint committee, be transferred to another sponsor under a registered program and with full credit to the apprentice for satisfactory time and training earned.
- 1109.12 Each Apprenticeship Agreement shall provide the contact information (name, address, phone and e-mail if appropriate) of the Registration Agency which will receive, process and make disposition of all controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted by conference between the apprentice and the sponsor or resolved in accordance with the established procedure or applicable collective bargaining agreement.

**1110 COMPLAINTS UNDER INDIVIDUAL APPRENTICESHIP AGREEMENTS**

- 1110.1 This section is not applicable to any complaint concerning discrimination or other equal opportunity matters. All such complaints must be submitted, processed and resolved in accordance with applicable provisions in 29 CFR part 30, or applicable provisions of the DC State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department of Labor, Office of Apprenticeship.
- 1110.2 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 or the apprentice's authorized representative to either the Federal or State Registration Agency which has registered and/or approved the program in which the apprentice is enrolled, for review.
- 1110.3 All matters covered by a collective bargaining agreement are not subject to such review.
- 1110.4 The complaint must be in writing, and signed by the complainant, or authorized representative, and must be submitted within sixty (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 all pertinent documents and correspondence must accompany the complaint.
- 1110.5 The Associate Director shall make every effort to informally resolve the complaint.
- 1110.6 The Associate Director shall report all unresolved complaints with recommendations for resolution to the Agency within sixty (60) days.
- 1110.7 The Registration Agency shall investigate the matters submitted as may be found necessary, on the record before it and make reasonable efforts to resolve the complaint between the parties involved. If so resolved, the parties will be notified that the case is closed. If necessary to resolve disputed questions of material fact, the Registration Agency will hold a hearing. Otherwise, the Agency shall make a decision based upon the investigation and pertinent facts of the matter within (10) days.
- 1110.8 The Registration Agency shall notify all parties of the decision which shall be a final administrative action. Nothing in this section precludes an apprentice from pursuing any other remedy authorized under federal or District of Columbia law.

## 1111

### LIMITATIONS

#### 1111.1

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

- (a) Any Apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or
- (b) Any special provision for veterans, minority persons, or women in the standards, apprentice qualifications or operation of the program; or in the apprenticeship agreement which is not otherwise prohibited by law, Executive Order or authorized rules and regulations.

## 1199

### DEFINITIONS

The definitions contained in the Act (D.C. Code § 32-1401 *et seq*) shall apply to this Chapter. In addition, the following terms shall have the meaning ascribed:

**Administrator** – means the Administrator of the Office of Apprenticeship, United States Department of Labor, 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 section 1103 under standards of apprenticeship fulfilling the requirements of section 1104 of this Chapter.

**Apprenticeship Agreement** – means a written agreement 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 in conformance with section 1109 of this Chapter.

**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) A joint committee is composed of an equal number of representatives of the employees represented by a bona fide collective bargaining agent(s) and employers.
- (b) A non-joint committee, which may also be known as a unilateral or group non-joint (which may include employees) committee which has employer representatives but does not have a bona fide collective bargaining agent as a participant.

**Apprenticeship Program** – means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and

training of apprentices, as required under 29 CFR parts 29 and 30, and DC Apprenticeship Agency Rules and Regulations and DC State Plan, including such matters as the requirement for a written apprenticeship agreement.

**Cancellation** – means the termination of the registration or approval status of an apprenticeship program at the request of the sponsor, or termination of an Apprenticeship Agreement at the request of the apprentice.

**Certification or certificate** – means the written approval by the District of Columbia Apprenticeship Agency of a set of apprenticeship standards or of an individual for employment as an apprentice or probationary apprentice in a registered apprenticeship program or has successfully met the requirements to receive an interim credential or that an apprentice has successfully completed the apprenticeship.

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

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

**D.C. Apprenticeship Act** – means the District of Columbia Apprenticeship Act of 1946, as amended, D.C. Official Code Title 32, Section 1401-1413-1431

**Department** – means the U.S. Department of Labor

**Deregistration of Programs** – means the termination of the registration or approval status of an apprenticeship program upon written request of the sponsor or upon cause by the Apprenticeship Agency instituting formal deregistration proceedings in accordance with the provisions of this Chapter.

**Director** – means the Director of the District of Columbia Department of Employment Services or any person designated by the Director to supervise the administration of the provisions of the Act.

**District of Columbia State Plan for Equal Opportunity in Apprenticeship Training** – means a plan outlining policies and

procedures for promoting equality of opportunity in the recruiting and selection of apprentices and in all conditions of employment and training during the term of apprenticeship, adopted in accordance with 29 CFR Part 30.

**Electronic Media** - means media that utilize electronics or electromechanical energy for the end user (audience) to access the content. It 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.

**Federal purposes** - includes any federal contract, grant, agreement or arrangement dealing with apprenticeship. It includes any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

**Interim Credential** – means a credential issued by the Registration Agency, upon the 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 through formal apprenticeship or through practical on-the-job experience and formal training),

**Office of Apprenticeship** – means the office designated by the U.S. Department of Labor, Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

**Provisional Registration** – means the one year initial provisional approval of newly registered programs that meet the required standards for program registration, after which program approval may be made permanent, continued as provisional, or rescinded following a review by the Registration Agency, as provided for in the criteria described in section 1102 of this Chapter.

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

**Registration Agency** - means the District of Columbia Office of Apprenticeship, Information and Training within the Department of Employment Services that has responsibility for registering apprenticeship programs and apprentices, providing technical assistance,, conducting review for compliance with D.C. Rules and Regulations and the DC State Plan for equal employment opportunities, and section 1100 of this part.

**Registration of an apprenticeship agreement** – means the acceptance and recording of an apprenticeship agreement by the Registration Agency as evidence of the apprentice’s participation in a particular registered apprenticeship program.

**Registration of an apprenticeship program** - means the acceptance and recording of such program by the Registration Agency and/or the approval by the Office of Apprenticeship, U.S. Department of Labor, or another recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the District of Columbia Registration Agency for approval of such program for federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.

**Related Instruction** – means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the Registration Agency. The sponsor shall be responsible for the administration and supervision of related and supplemental instruction for apprentices and coordination of the instruction with job experience.

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

**State** –means any of the 50 States of the United States, District of Columbia, or any Territory or possession of the United States.

**State Office** – means for the purpose of referencing federal regulations on apprenticeship, the District of Columbia, Office of Apprenticeship, Information and Training of the Department of Employment Services which shall be the point of contact for the District’s Registration Agency.

**State Apprenticeship Agency** – means the Registration Agency (District of Columbia Office of Apprenticeship, Information and Training within the Department of Employment Services) which shall have the responsibility and accountability for apprenticeship within the District and is recognized by the U.S. Department of Labor, Office of Apprenticeship with the authority to register and oversee apprenticeship programs and agreements for federal purposes.

**State Apprenticeship Council** – means the D.C. Apprenticeship Council, which is a regulatory entity consisting of eleven members, who are appointed by the Mayor of the District of Columbia and confirmed by the Council of the District of Columbia. Apprenticeship Council members include equal representation of employer, employee and public representatives, and two (2) government representatives. The D.C. Apprenticeship Council shall have the authority to approve apprenticeship programs subject to the District government mandatory apprenticeship law, for projects that receive funds or resources from the District of Columbia, or funds or resources which, in accordance with a federal grant or otherwise, the District of Columbia government administers, including contracts, grants, loans, tax abatements or exemptions, land transfers, land disposition and development agreements, tax increment financing, or any combination thereof.

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

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

All persons wishing to comment on these proposed rules shall submit written comments no later than thirty (30) days after the publication of this notice in the *D.C. Register* to Tonya Sapp, General Counsel, Department of Employment Services, 4058 Minnesota Ave, N.E., Suite 5800, Washington, D.C. 20019. Copies of the proposed ruled may be

obtained from the same address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays.